

Amended date 02.08.23

**West Lancashire Borough Council**

**Procurement Practice Note No. 17: Exemption to Contracts Procedure Rules to be granted by Chief Operating Officer**

The attached document should be completed by the officer seeking the exemption.

The document should then be signed by the officer seeking the exemption and presented to the Procurement and Contracts Manager who should then complete the relevant section of the document either endorsing the request for an exemption to Contracts Procedure Rules or detailing why it may not be wise to grant the exemption requested.

The Procurement and Contracts Manager should then present the request document to the Chief Operating Officer for signature.

Any queries about the completion and/or submission of the attached pro forma should be made to the Procurement and Contracts Manager, the Procurement Officer, or the Finance and Audit Manager.

**Request for Exemption from Contract Procedure Rules**  
**to be granted by the Chief Operating Officer**

**To: Chief Operating Officer**

**From:** Chris Twomey

**Service:** Wellbeing and Leisure

**Title of proposed Contract:** Interim Leisure Senior Management Support

**What will be purchased under the Contract:**

- A) Providing interim senior management support for the Council's leisure service; and
- B) Conducting a service review of the Council's leisure services, which was insourced from 1<sup>st</sup> October 2023
- C) RIBA 4 Business Plan and Affordability Review

Full details for appointments are annexed to this exemption letter to Chris Twomey dated 19<sup>th</sup> September 2023 and 1<sup>st</sup> October 2023.

**Estimate value of Contract:**

£ 75,600 (this estimate is based on up to 4 days support for a period up to 31<sup>st</sup> March 2024).

**Contracts Procedure Rule to which exemption is sought:**

7. Where the estimated value or amount of a proposed contract exceeds £50,000, and in any other case where an authorised body determine or where required by legislation tenders shall be invited in accordance with either Rule 9, 10, 11 or 12 and shall be the subject of a contract signed by both contracting parties. (Notes 2, 3, 11 & 16)

8 (i) Where the estimated value or amount of a proposed contract lies between £50,000 and the relevant EU tendering threshold (Note 1) a public notice shall appear in Contracts Finder (Note 4), and tender or pre-qualification documents shall be made available for downloading from the Council's website or from the Council's e-tendering portal (Note 4).

12. (i) This Rule shall apply where an authorised body has decided that tenders for a contract are to be obtained by open competition. (Note 3) (ii) A public notice inviting tenders or applications for tenders shall be issued in accordance with Rule 8.

**It is not practicable to approach Cabinet (or another appropriate body of Members) to request an exemption to the above Contracts Procedure Rule because** time constraints based on the urgency that the support is required.

N15. (i) Rule 4 relates to the waiver of Contract Procedure Rules under special circumstances. Such special circumstances would include

- only one company makes the product which the Council wishes to purchase and no other product is a reasonable substitute
- a recent tender exercise has shown that one supplier/contractor provides significantly better value than anyone else for the product/work in question
- urgency, resulting from circumstances beyond the Council's control, means that there is insufficient time to obtain tenders in accordance with the procedures set out in Contracts Procedure Rules.

**Reason that compliance with Contract Procedure Rules is not practicable:** time constraints based on the urgency that the support is required.

**Insert details of any competitive prices which have been obtained or benchmarking exercises carried out:** none

**If Contracts Procedure Rules are exempted how can the Council be sure that the procurement process will be fair and transparent and that value for money will be obtained?** The Council have a clear set of deliverables from the proposed consultants and the contract will be managed to ensure the deliverables are realised. The daily charge quoted is competitive with other daily rates quoted for same level management via agencies.

**Additional Information:**

This exemption is being sought due to the sudden and serious illness [REDACTED] [REDACTED] at a critical point of the imminent insourcing, review of Leisure Services and progression of RIBA 4 new build appraisal. This exposes the Council to an immediate and unacceptable level of financial and reputational risk. The Council therefore requires immediate specialist support and capacity at a senior level to support the existing team with the insourcing and review whilst also providing clarity on the future financial position.

**If an exemption to Contract Procedure Rules is granted by the Chief Operating Officer you will need to produce, for your Head of Service's sign-off, an appropriate article for publication in the next "Members Update"; state here the issue number of the Members Update in which the article will appear:** *insert number which can be obtained from Member Services*

**Request for Exemption**

I hereby request an exemption to the Contract Procedure Rule stated above for the reasons explained



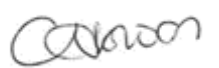
Signed by officer seeking exemption: .....

Request signed and authorised by HOS ...N/A.....

Date: .....4<sup>th</sup> October 2023.....

**Comments from Procurement**

- (i) Having considered this request for an exemption to Contracts Procedure Rules it is my opinion that there are no factors which would prevent the Chief Executive from granting the exception if she is so minded to do.

Signed .....  ..... Procurement and Contracts Manager

Date .....04/10/23.....

**Grant of Exemption**

Having considered the above I hereby exercise my delegated authority and grant the exemption to the Contract Procedure Rule(s) sought.

Signed .....  ..... Director of Transformation and Resources

Date .....4/10/23.....

Signed ...  .... Chief Operating Officer

Date ...4/10/2023.....

Once this document has been signed by the Chief Operating Officer it should be returned to the officer seeking the exemption; the Chief Operating Officer may wish to keep a copy for record purposes