

## Regulatory and Audit Committee 27 June 2013

### To Follow Documents for Agenda Item 8

Agenda Item	Page No
8 <b>SUMMARY OF EXEMPTIONS SOUGHT TO CONTRACTS STANDING ORDERS (EVERY SIX MONTHS)</b> Rose Younger, Commercial Manager, Procurement	1 - 10



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# Regulatory & Audit Committee

<b>Title:</b>	<b>Standing Orders relating to Contracts – Exemptions Report</b>
<b>Date:</b>	21 <sup>st</sup> January 2013
<b>Author:</b>	Rose Younger, Commercial Manager
<b>Contact officer:</b>	Caroline Wood, Procurement Manager ext. 3657
<b>Local members affected:</b>	N/A

## Summary

This report provides a summary as to compliance with the Council's Standing Orders relating to Contracts. The reporting period covers 1<sup>st</sup> October to December 2012.

## Recommendation

Members are asked to note this report.

## Summary

### 1. Exemptions

Standing Orders relating to Contracts stipulate that a register of all exemptions applied for by Service Areas be maintained by Commercial Services on behalf of the s151 Officer.

For the three month period 1<sup>st</sup> October to 31<sup>st</sup> December 2012 16 exemptions were registered (compared to 53 for the six month period 1<sup>st</sup> April to 30<sup>th</sup> September 2013).

Of the 16 exemptions registered:

Total no. of exemptions registered	16
Total no. of exemptions cancelled during process	0
Total no. of exemptions recommended on behalf of S151 Officer	14
Total value of exemptions recommended on behalf of S151 Officer	£1,716,454



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Total no. of exemptions not recommended on behalf of S151 Officer	0
Total value of exemptions not recommended on behalf of S151 Officer	£ -

Total no. of exemptions that are currently under review	2
Total value of exemptions that are currently under review	£819,500

Lowest value exemption	£4,115
Highest value exemption	£819,500

Total no. of exemptions raised retrospectively	2
Total value of retrospective exemptions	£ 867,893

**Conclusion:**

12.5% (2) of exemptions were sought on the basis of extending an existing contract to allow future service provisions to be fully considered post March 2013.

25% (4) of exemptions were sought on the basis of it would not be appropriate use of public money to launch a full tender. In most instances the rationale has been made on the basis that the activity represents value for money or builds on work already undertaken.

50% (8) of exemptions were sought on the basis that there was no viable alternative. Rationale includes the activity represents value for money and that a particular provider has either the expertise or opportunity to deliver the requirement quickly and without BCC incurring additional costs.

12.5% (2) of exemptions were sought on the basis of specialist expertise. In one instance the Service did attempt to get quotes but unfortunately only received one proposal. In the other instance the activity could not be performed by Ringway Jacobs which resulted in BCC commissioning the services directly.

Please see **Appendix 1** for further information about exemptions registered during the reporting period.

By working with Service Areas Commercial Services is actively working to reduce the volume and necessity for exemptions. We are also revisiting the procedure regarding exemptions to ensure that the process is lean and efficient.

**2. Use of eSourcing**

There has been a small increase in the volume of activity through the corporate eSourcing portal, particularly in the area of quotes up to £50k.

As the volume of activity is lower than expected and following the Committee meeting in November, all Service Directors were asked to provide a statement of compliance in respect of using the portal for sourcing and to provide a copy of their contracts registers so that assumptions could be tested. Returns have been received from all Service Directors except three – John Lamb, Rachel Rothero, Sarah Ashmead. An assessment of the returns is underway but is proving more difficult than anticipated due to how spend data is configured and due to the

completeness of contract registers. An update will be provided to the Committee in due course.

Increasing the use the portal continues to be a priority for Commercial Services.

Please see **Appendix 2** for further information about eSourcing use during the reporting period.



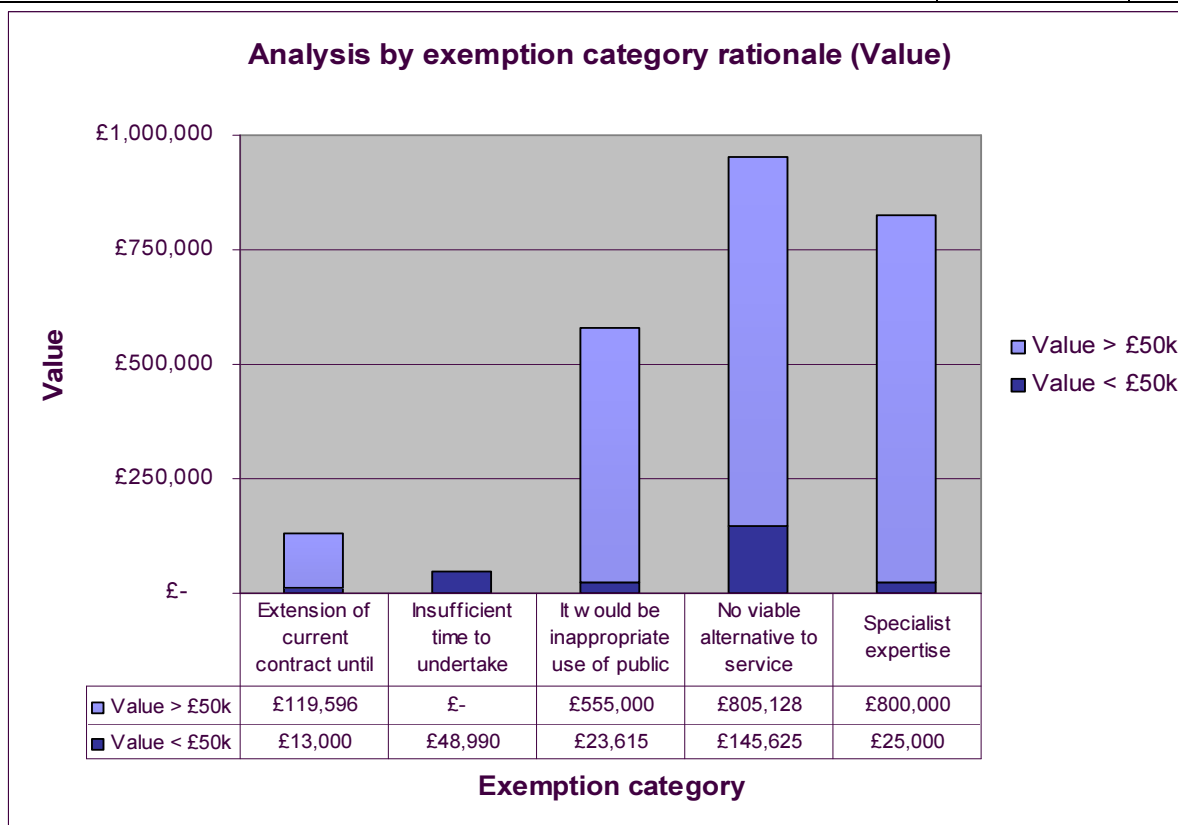
Commercial Services

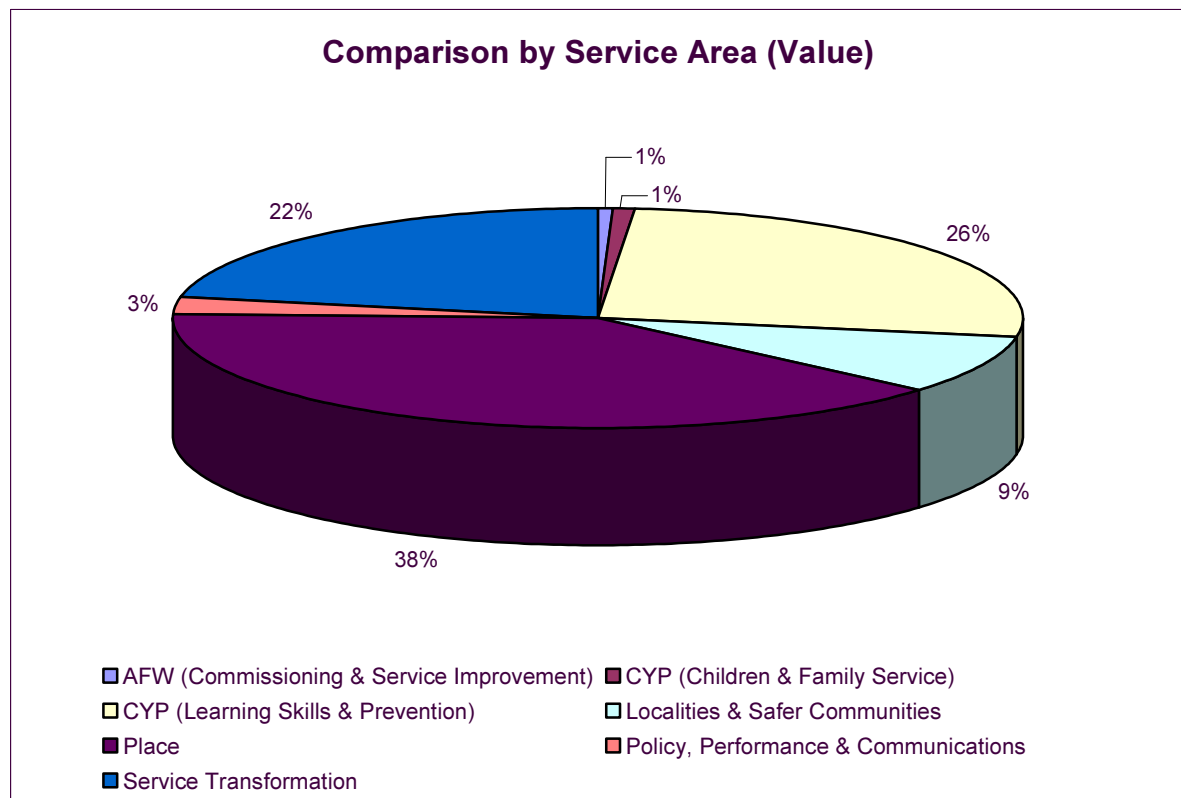
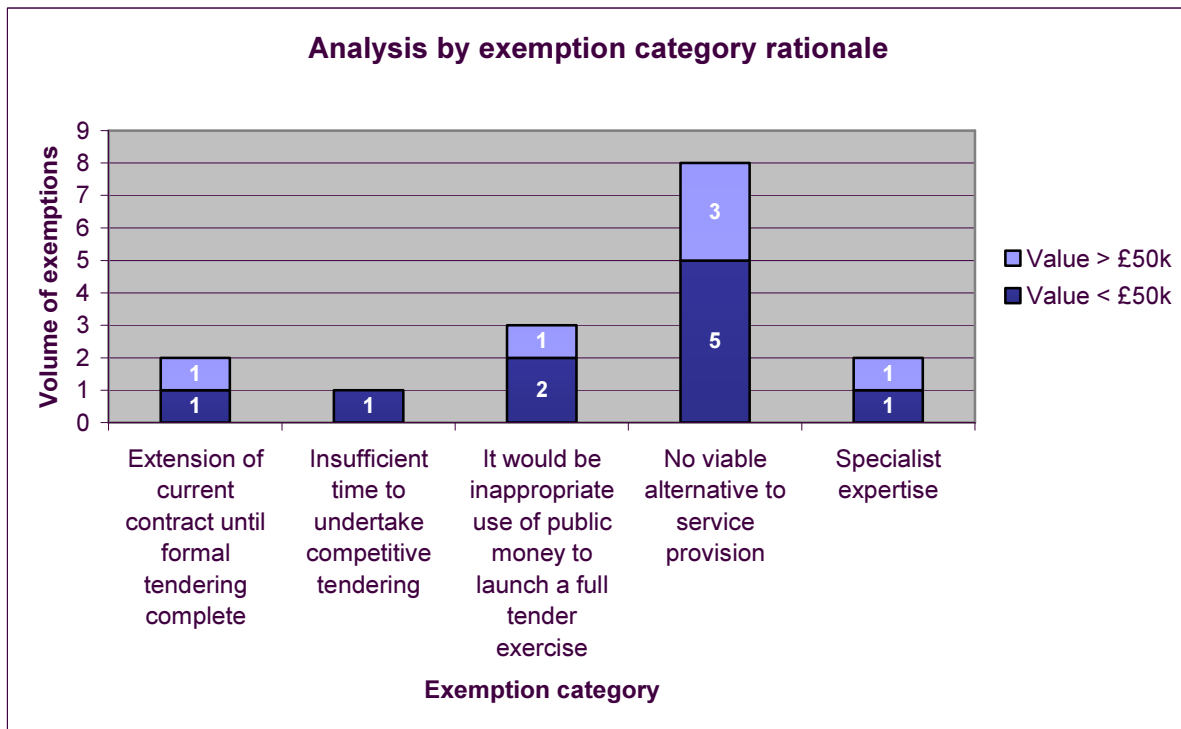
Performance Enhancement

**Six month analysis of exemptions applied for under Standing Orders relating to Contracts  
Fiscal Year 2012/13 – Quarter 3**

**Summary**

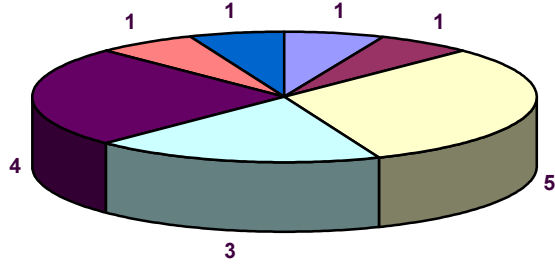
	Qtr3	YTD
Total no. of exemptions registered	16	69
Total no. of exemptions cancelled during process	0	7
Total no. of exemptions recommended on behalf of S151 Officer	14	58
Total value of exemptions recommended on behalf of S151 Officer	£1,716,454	£17,020,164
Total no. of exemptions not recommended on behalf of S151 Officer	0	1
Total value of exemptions not recommended on behalf of S151 Officer	£ -	£50,000
Total no. of exemptions that are under review	2	3
Total value of exemptions that are under review	£819,500	£959,500
Total no. of exemptions raised retrospectively	2	13
Total value of retrospective exemptions	£ 867,893	£2,999,420







Comparison by Service Area (Volume)



- AFW (Commissioning & Service Improvement)
- CYP (Children & Family Service)
- CYP (Learning Skills & Prevention)
- Localities & Safer Communities
- Place
- Policy, Performance & Communications
- Service Transformation (ICT)

**Exemptions not recommended by delegated S151 Officer role**

None to report for period.

**Exemptions received and registered retrospectively**

Ref	Date	Status	Title	Value	Service Area	Reason for Exemption	Consent Granted by Commercial Services?
12/13 96	04/10/12	In Progress	Eton Dorney Official Look	£67,893	Policy, Performance & Communications	No viable alternatives to the service provision at this time	Yes
12/13 109	19/12/12	In Progress	Oxford Gardens Footbridge Lorry Collision Damage	£800,000	Place Services	Specialist Expertise	Pending

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## Commercial Services

### Performance Enhancement

#### Appendix 2 - ProContract Stats YTD April – Dec 2012

<b>Tenders &gt; £100k</b>	<b>Apr – Dec 12</b>	<b>Est. Value</b>
Finance & Commercial Services	17	21,211,839
Place (Transportation)	2	400,000
	<b>19</b>	<b>21,611,839</b>

<b>Tenders £50k up to £100k</b>	<b>Apr – Dec 12</b>	<b>Est. Value</b>
AFW	1	90,000
Finance & Commercial Services	1	86,000
	<b>2</b>	<b>176,000</b>

<b>Quick Quotes £10k up to £50k</b>	<b>Apr – Dec 12</b>	<b>Est. Value</b>
CYP	2	25,600
Policy, Performance & Comms	2	60,000
Place (Country Parks, Waste, Transp)	9	214,500
Localities	2	80,000
Finance & Commercial Services	1	45,000
Service Transformation	1	48,000
	<b>17</b>	<b>473,100</b>

No. of Suppliers Registered as at 30/9/12	2,659
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*77 new suppliers registered in Qtr*

6

