

Article Eighteen: Contract Procedure Rules

Appendix A – Exemption From Procurement Procedures

Guidance Notes

- The following form must be completed whenever a request is made to seek an exemption from Nottingham City Council's Financial Regulations and
- Before seeking an exemption from the requirements to obtain tenders and quotations the Head of Contracting and Procurement must be consulted.

Instructions on Completing the Form

- The officer requesting the exemption should complete the attached form with all relevant information in order for a decision to be properly reached.
- The form **must** be signed by the originator and the appropriate Head of Service (or above) before forwarding to the Head of Contracting and Procurement.
- The Procurement Team will record the exemption for reporting and monitoring purposes.
- The Head of Contracting and Procurement and the Section 151 Officer will consider the request and, where justified, will authorise it.
- Notification of rejection/approval of any request will be sent to the originator via the Head of Contracting and Procurement.
- A copy of the completed and authorised form/s must be kept by the originator on the relevant project file.
- Retrospective Exemption Requests will be rejected without further consideration.
- Exemptions that exceed the UK Procurement Threshold will be rejected without further consideration

Exemption from Procurement Procedures
Request for a exemption from complying with Procurement Procedures

Section 1: Request Originator

Name:	Mark Collins
Signature:	
Department:	Development & Growth
Date:	06/12/2021

Section 2: Exception Type

Please enter 'X' against whichever box applies and provide relevant supporting information under Section 5	
Exemptions; Please select the relevant exemption being relied on in this request	
The works to be executed or the goods or materials to be supplied consist of repairs to, or parts for, existing proprietary machinery, where such repairs or parts are specific to that machinery or upgrades to existing software packages.	
Works, supplies or services are urgently needed for the immediate protection of life or property, or to maintain the immediate functioning of a public service for which the Council is responsible. In such cases the contract must only last as long as is reasonably necessary to deal with the specific emergency.	
The Corporate Director, in consultation with the Head of Contracting and Procurement, decides that special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited and that best value for the Council can be achieved by not tendering.	X

Section 3: Subject

Description of Goods, Works or Services: (please provide a full description including any written proposals that have been received)	<p>Nottingham City Council are a permitting Authority and this therefore, requires all works promoters either wishing to work or occupy the public highway to apply to operate on the public highway. In order to manage the data and coordination of works, Nottingham city Council procured a Street Works System provider in 2015. The street works System is provided by Symology.</p> <p>The Symology system not only collates and coordinates information between works promoters and local authorities, it also refreshes information being displayed on national databases such as One.net, Street Manager and google maps.</p> <p>Nottingham City Council processes approximately 20,000 permits per year.</p> <p>Symology also plots approximately 3000 highway licences each year for events, hoarding, scaffolds, café licences and all licences that require occupation of the public highway.</p>
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	<p>In order to manage and coordinate all this information an annual licence is required to use and manage the cloud based server called Insight.</p> <p>The benefit of using a cloud based system is that Nottingham City Council does not require an in house server and the attached cost of managing, housing and protecting this storage device.</p> <p>The procurement of this licence enables Nottingham City Council to continue issuing permits and licences with knowledge that the works promoters are informed and aware of all conditions and time frames specified in the permits. The Symology system allows data to be shared securely and with up to date live information.</p>
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Section 4: Data Protection	
Do the Goods, Works or Services involve processing of personal data on behalf of the Council (i.e. processing is anything that may be done with personal data – service user, employee data etc)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
IF YES, have you liaised with the Information Compliance Team or submitted a Data Protection Impact Assessment(DPIA) for the provision of these, Goods, Works, Services or does a DPIA already exist (e.g. if this is recommission of an existing service)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
IF YES please provide details	
If NO, please seek the advice of the Information Compliance Team No compliance required	
Section 5: Proposed Provider & Contract Details	
Proposed Provider:	Symology
Contract Value:	£173016 over four years. Yr1 £58448, Yr2 £48448, Yr3 33060, Yr4 £33060.
Proposed Contract Start Date:	28/02/2022
Proposed Contract End Date / Duration:	27/02/2026
<p>How or why has the proposed provider been selected? The licence is to ensure continued use of Symology, to process Street Works permits, and street Licences (statutory duties). Symology was procured in 2015 to enable Nottingham City Council become a Permitting Authority. Insight is the licence to utilise Symology’s cloud based data. The licence is required annually to ensure data and data management is carried out to inform and coordinate all utility works on the public highway. Nottingham City Council process around 20,000 permits per year. Symology are the only company that can issue an Insight Licence.</p>	
<p>How does this proposal demonstrate Best Value? Procuring directly from Symology instead of procuring through the G-Cloud framework (where the pricing is fixed and cannot be negotiated) over the proposed four-year agreement Nottingham City Council would save £30,937.00 over four years with an average annual saving of £7734.</p> <p>The value of the contract via CCS G-cloud 12 is £203,953 and an annual average £50,988.</p>	

Do you have sufficient funds to cover this expenditure? Nottingham City Councils Permit Scheme is a ring fenced, self-funding project. Fees imposed on works promoters for permits are to be only used for staff, hardware and software required to operate a permit system. Any cost can be received through fees for permits and the use of any penalty notices issued.

Section 6: Background & Justification

Provide an overview and explain why an exemption request is necessary? The exemption for procurement processes is being requested due to their only being one supplier for the licence and the financial savings a direct order would generate.

State when the need for this requirement arose? In November 2021, when the existing licence was due for renewal. (1st December 2021)

Explain why it is not appropriate to seek alternative quotes/tenders? There are no other suppliers of the licence required, Insight.

What other options have been explored? To procure a whole new system for street works. This would require change in hardware, software and training costs it would also take approximately three to six months to build and create. It would also require a fee to migrate all of NCC's street works information from one system to another.

What would the impact be if this request wasn't approved? There would be no way of works promoters to submit and seek approval for street works. This would result in permit applications deeming and works promoter's turning up and digging up roads without any coordination or restrictions placed on them by the Highway Authority. This in turn could cause serious delays and even financial impact on the city with transport and deliveries being delayed. It would also have a knock on effect on stake holders such as the emergency services, Highways England and Notts County Council.

Section 7: Forward Planning

Will there be an ongoing requirement beyond the expiry date of this request, if it is approved? There is an ongoing requirement for a Street Works system to permit and plan utilities companies to undertake work on the Highway. A procurement process will be undertaken to set up a new contract following the expiry of the Symology contract in 2024 (+ possible extension of two periods of 12 months).

Section 8: Head of Service Agreement

Head of Service (or above):

Name: Mark Jenkins


Signature:

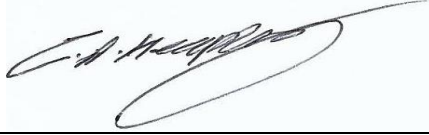


Date: 24th December 2021

Section 9: Procurement Comments

Head of Contracting and Procurement

Name:	Steve Oakley
Signature:	
Date:	19/01/2022
Comments:	Below threshold and alternative solution had been explored but would cost £60k more for the same supplier
Recommendation:	Approve

Section 10: Section 151 Officer & Approval / Rejection	
Section 151 Officer	
Name:	Clive Heaphy
Signature:	
Reasons for decision:	
Subject to the following conditions.	
Date:	20.01.22

If approval is given, please complete the following form to enable Procurement to complete its obligation of issuing a Contract Award Notice.

Exemption from Direct Award Information Request

Under regulations 106, 108, 110 and 112 of the Public Contract Regulations 2015 Nottingham City Council is required to publish spend with a value of £25,000 and above on the government website [Contracts Finder](#). Following your recently approved Delegated Decision to dispense from the Councils Financial Regulations and directly award a contract, please confirm the information requested in the table below to enable the Procurement Team to fulfil the Councils legal duties. Some of this information will be captured in the Procurement Information Management System (PIMS) for internal reporting purposes only.

DDM Reference (Internal)	
Procurement Reference	CPU
Subject	
Contract Type	Service, Supply or Works
Procedure Type	Single tender action or 'Direct Award'
Description	
Contract Award Date	
Contract Start Date	
Initial Contract End Date (Internal)	
Contract Extensions (Internal)	
Maximum End Date	
Total Value	£
Supplier Name	
Supplier Postcode	
Is the supplier an SME¹?	
Is the supplier a VCSE²?	
Cashable Savings (Internal)	£
Income Generated (Internal)	£
Social Value³ (Internal)	

¹ Small to Medium Enterprise

² Voluntary, Community and Social Enterprise

³ Social, economic or environmental benefits achieved by this contract