

# 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 an exemption from complying with Procurement Procedures**

Section 1: Request Originator	
<b>Name:</b>	Mark Garlick
<b>Signature:</b>	
<b>Department:</b>	Growth and City Development
<b>Date:</b>	13 April 2022


Section 2: Exception Type	
<b>Please enter 'X' against whichever box applies and provide relevant supporting information under Section 5</b>	
<b>Exemptions; Please select the relevant exemption being relied on in this request</b>	
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	
<b>Description of Goods, Works or Services: (please provide a full description including any written proposals that have been received)</b>	<p>Emergency provision of an alternative to bus services 22 and 23 in Silverdale Estate and Wilford Village until 31 October 2022. These services are commercial withdrawals from April 2022, and will mean that citizens do not have access to a public transport service which is contrary to the Council Plan commitment to provide a comprehensive network. Longer term alternatives to provide this service will be investigated while the emergency service is in operation. An external funding source for the longer term provision of this service should also become available in that time – the Council has been awarded an indicative £11m from the Bus Service Improvement Plan (BSIP) for the years 2022/23 – 2024/25 but the funding is expected to be confirmed in late summer.</p> <p>It is expected that a tender procurement exercise will follow, to replace the service from 1 November 2022.</p>


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 type="checkbox"/>
IF YES please provide details	
If NO, please seek the advice of the Information Compliance Team	
Section 5: Proposed Provider & Contract Details	
Proposed Provider:	CT4N Ltd
Contract Value:	£60,000
Proposed Contract Start Date:	1 May 2022
Proposed Contract End Date / Duration:	31 October 2022
<b>How or why has the proposed provider been selected?</b> Existing operator of the commercial service. Allow them to continue with unchanged operation until an alternative operation can be investigated, funded and procured.	
<b>How does this proposal demonstrate Best Value?</b> Existing provider has best knowledge of costs, and with minimum short-term disruption to the travelling public.	
<b>Do you have sufficient funds to cover this expenditure?</b> Yes – Public Transport budgets will include Local Transport Fund (Covid service recovery) funding until 31 October 2022.	

Section 6: Background & Justification
<b>Provide an overview and explain why an exemption request is necessary?</b> To provide a service into areas that are more than 400m away from an alternative service. These areas in Wilford and Silverdale will be left without any service unless the service is replaced on an emergency basis. This would go against the Council Plan commitment to provide a comprehensive public transport network.
<b>State when the need for this requirement arose?</b> Upon notification in March that the service would be withdrawn at the end of April 2022. Bus companies are required to give six weeks notice of a service withdrawal.
<b>Explain why it is not appropriate to seek alternative quotes/tenders?</b> A full procurement exercise is expected to take place before November 2022.
<b>What other options have been explored?</b> There is insufficient time to procure an alternative service, and no funding certainty for a long term contract until BSIP announcements are made.
<b>What would the impact be if this request wasn't approved?</b> The Silverdale and Wilford Village areas would have no bus service, until such time as a full procurement exercise could be completed.

Section 7: Forward Planning
<b>Will there be an ongoing requirement beyond the expiry date of this request, if it is approved?</b> No. The service will be replaced from 1 November by a tendered replacement bus service (subject to funding), which will follow procurement requirements.

Section 8: Head of Service Agreement	
Head of Service (or above):	
Name:	Steve Tough
Signature:	
Date:	13 April 2022

Section 9: Procurement Comments	
Head of Contracting and Procurement	
Name:	Steve Oakley
Signature:	
Date:	5/5/2022
Comments:	This is required due to the proposed withdrawal of the commercial company running the routes. This will keep the company involved until a plan can be put in place and routes tendered
Recommendation:	Approve with proposal for tender to be completed ASAP

Section 10: Section 151 Officer & Approval / Rejection	
Section 151 Officer	
Name:	Clive Heaphy
Signature:	
Reasons for decision:	
Subject to the following conditions.	Tender to be undertaken asap
Date:	05.05.2022

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.

<b>DDM Reference</b> (Internal)	
<b>Procurement Reference</b>	CPU
<b>Subject</b>	
<b>Contract Type</b>	Service, Supply or Works
<b>Procedure Type</b>	Single tender action or 'Direct Award'
<b>Description</b>	
<b>Contract Award Date</b>	
<b>Contract Start Date</b>	
<b>Initial Contract End Date</b> (Internal)	
<b>Contract Extensions</b> (Internal)	
<b>Maximum End Date</b>	
<b>Total Value</b>	£
<b>Supplier Name</b>	
<b>Supplier Postcode</b>	
<b>Is the supplier an SME<sup>1</sup>?</b>	
<b>Is the supplier a VCSE<sup>2</sup>?</b>	
<b>Cashable Savings</b> (Internal)	£
<b>Income Generated</b> (Internal)	£
<b>Social Value</b> <sup>3</sup> (Internal)	

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<sup>1</sup> Small to Medium Enterprise

<sup>2</sup> Voluntary, Community and Social Enterprise

<sup>3</sup> Social, economic or environmental benefits achieved by this contract