

# Article Eighteen: Contract Procedure Rules

## Appendix A – Exemption From Procurement Procedures

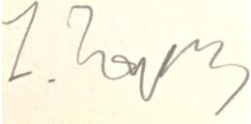
### Guidance Notes

- 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	
<b>Name:</b>	Lisa Lopez
<b>Signature:</b>	
<b>Department:</b>	Commissioning and Procurement, Finance and Resources
<b>Date:</b>	13/10/22

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.	<b>x</b>

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>Use of a recruitment agency outside of existing Nottingham City Council frameworks to secure additional capacity in NCC's commissioning team. These officers will carry out urgent work to</p> <ul style="list-style-type: none"> <li>• Ensure our young people in care are in the most appropriate placements, and to make the best use of the resources we have available, by undertaking a focused plan of profiling cohorts of young people, identifying where current block contracting arrangements could better support their needs at lower cost, and source new support via the current mechanisms available.</li> <li>• Work on the Early Years and Early Help agendas to support children/young people in mainstream and specialist provision.</li> </ul> <p>This work cannot be carried out by existing Nottingham City Council staff, as there is no-one with both the capacity and the relevant knowledge and skillset to deliver this work. Therefore this report is seeking approval to employ skilled consultants to carry out the</p>

	<p>work. The consultant will have appropriate skills, knowledge and understanding to enable them to work at pace from an early stage. Commencing the work as soon as possible is vital in order to achieve positive impacts in this financial year.</p> <p>This proposal is for two consultants to work full time for 26 weeks, plus an agency fee (£149,999 total). Market research with other recruitment agencies confirms that this is a reasonable market rate for consultants with specialised commissioning skills and experience. The consultants will be subject to a robust interview process to identify suitable skills before recruitment.</p> <p>This work is expected to be cost-saving as savings will be released by ensuring young people are in the best placements for them, ensuring best value for money as well as best outcomes for the young people.</p> <p>It has not been possible to recruit these consultants from existing Nottingham City Council frameworks – no suitable staff were available and the agencies on our framework do not specialise in the type of work we require. Therefore it is proposed to recruit via Vivid Public Sector, an arm of Vivid Resourcing which specialises in, and are experienced in, public sector recruitment.</p>
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<b>Section 4: Data Protection</b>					
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)	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right;">Yes <input checked="" type="checkbox"/></td> </tr> <tr> <td></td> <td style="text-align: right;">No <input type="checkbox"/></td> </tr> </table>		Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
	Yes <input checked="" type="checkbox"/>				
	No <input 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)?	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right;">Yes <input checked="" type="checkbox"/></td> </tr> <tr> <td></td> <td style="text-align: right;">No <input type="checkbox"/></td> </tr> </table>		Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
	Yes <input checked="" type="checkbox"/>				
	No <input type="checkbox"/>				
IF YES please provide details	<p>A DPIA covering the use of consultants is currently being agreed by Information Compliance colleagues. The use of these consultants has been added to this DPIA, so they will be covered by it.</p> <p>The consultants will be required to undertake NCC Data Protection training.</p>				
If NO, please seek the advice of the Information Compliance Team					
<b>Section 5: Proposed Provider &amp; Contract Details</b>					
<b>Proposed Provider:</b>	Vivid Public Sector				
<b>Contract Value:</b>	<b>£149,999</b>				
<b>Proposed Contract Start Date:</b>	<b>1/11/2022</b>				
<b>Proposed Contract End Date / Duration:</b>	<b>30/04/2023</b>				
<b>How or why has the proposed provider been selected?</b> Vivid Public Sector are experienced in, and specialise in, Public Sector recruitment. They have been able to offer a choice of skilled candidates at very short notice.					
<b>How does this proposal demonstrate Best Value?</b> This proposal is for two consultants to work full time for 26 weeks, plus an agency fee (£156,000 total). Market research with other recruitment agencies confirms that this is a reasonable market rate for consultants with specialised commissioning skills and experience.					

This work is expected to be cost-saving as savings will be released by ensuring young people are in the best placements for them, ensuring best value for money as well as best outcomes for the young people.

Example of potential savings –

- Supported accommodation 16+ (not at capacity) – costs £750 per week compared to average for the same cohort £1,459 from Nottingham City Council’s accredited providers list = approx. £36,868 saving per placement per year.
- Barnardos Supported Lodging scheme (not at capacity) - costs £200 per week (Barnardos pay for the scheme management, we pay placement costs) = £65,468 saving per placement per year.
- Step-down from external residential placements to Independent Foster Carers – creating a supportive family home for each child, with individualised wraparound support where needed. Average external residential placement costs £4,509 per week, average external foster care placement costs £878 per week plus wraparound care.

Based on these examples it would appear that even one young person placed in Supported Lodgings rather than through Nottingham City Council’s accredited providers list would release sufficient savings to more than pay for the use of the consultant, and that significant savings can be made in-year if this work can be commenced promptly.

**Do you have sufficient funds to cover this expenditure?** Yes

## **Section 6: Background & Justification**

### **Provide an overview and explain why an exemption request is necessary?**

Nottingham City Council currently has over 100 looked after children in external residential care placements, at a cost of approx. £20m per year in total. 18 of these young people are under 13 years old, and as such, many would be likely to benefit from being placed in a family home with appropriate wraparound support.

In order to ensure our young people are in the most appropriate placements, and to make the best use of the resources we have available, urgent work is needed to undertake a focused plan of profiling cohorts of young people, identifying where alternative placement arrangements could better support their needs at lower cost, and source new support via the current mechanisms available. Work is also needed on the Early Years and Early Help agendas to support children/young people in mainstream and specialist provision.

This work needs to take place as soon as possible in order to maximise opportunities for savings – children in care placements are paid on a weekly basis and with residential placement costs in the thousands, weeks and months spent on procurement and recruitment processes can make a significant difference.

### **State when the need for this requirement arose**

Capacity in the Commissioning team has been a cause of concern for some time. Work is underway to agree a new structure for the team, and significantly bolster capacity. However, this work is likely to take some time to come to fruition – if the new structure is agreed it is unlikely that new commissioning officers will be in place within the current financial year.

However, the urgent requirement for this work to take place has been escalated by –

- The need to realise significant savings across all of Nottingham City Council, including Childrens Placements (this is a substantial area of spend for Nottingham City Council).
- The resignation of NCC’s Interim Commissioning Lead for Children. This officer is due to start a new post in November, and although there is to be an agreed handover period, this will significantly reduce capacity in the Commissioning team, and specifically in a key area where work is needed.

**Explain why it is not appropriate to seek alternative quotes/tenders?**

**What other options have been explored? Use of a framework**

- 1) To do nothing: this option was rejected as there are challenges across the whole Children’s placements market, and without addressing these then we cannot avoid escalating costs and increasing overspend in the Children’s placements budget year on year.
- 2) To employ officers through an agency on Nottingham City Council’s framework: this option was rejected as the agencies on the framework have not been able to offer candidates with suitable skills, who are able to commence work expediently and at pace.
- 3) To employ officers through Nottingham City Council’s regular recruitment process: this option is our longer-term intention. However this option was rejected as an urgent response, as it is likely to take at least several months to identify and employ appropriately skilled staff via standard recruitment procedures. Placements are paid for on a weekly basis, so commencing the work to identify young people who would benefit from moving to more suitable placements as soon as possible is important if we are to maximise in-year savings. Delaying appointment by even a month could significantly reduce savings in this financial year.

**What would the impact be if this request wasn’t approved?**

NCC commissioning team would be unable to carry out the work required to realise savings across Children’s Placements, and would be unable to carry out necessary work on the Early Years and Early Help agendas to support children/young people in mainstream and specialist provision.

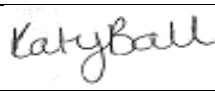
**Section 7: Forward Planning**


**Will there be an ongoing requirement beyond the expiry date of this request, if it is approved?**


No, this is one-off time-focussed piece of work.

**Section 8: Head of Service Agreement**

**Head of Service (or above):**

<b>Name:</b>	Katy Ball
<b>Signature:</b>	
<b>Date:</b>	13/10 2022

<b>Section 9: Procurement Comments</b>	
<b>Head of Contracting and Procurement</b>	
<b>Name:</b>	Steve Oakley
<b>Signature:</b>	
<b>Date:</b>	13/10/2022
<b>Comments:</b>	It is challenging to identify interims for Commissioning resource this company has been identified as the only one able to provide suitably qualified staff in time. This is below threshold and companies have been approached and only Vivid have found suitable resource
<b>Recommendation:</b>	Approve

<b>Section 10: Section 151 Officer &amp; Approval / Rejection</b>	
<b>Section 151 Officer</b>	
<b>Name:</b>	Clive Heaphy
<b>Signature:</b>	
<b>Reasons for decision:</b>	
<b>Subject to the following conditions.</b>	
<b>Date:</b>	19/10/2022

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