

Report to **Resources & Performance Committee**
 Date **9 April 2013**
 By **Director of Corporate Services**
 Title of Report **Contract Standing Orders; Digest of Waivers 2012-2013**
 Purpose of Report **To provide the Resources and Performance Committee with a digest of all waivers to Contract Standing Orders issued during the financial year 2012/2013.**

Recommendation: The Committee is recommended to:

1) note the contract standing order waivers issued during 2012/13

1. Introduction

- 1.1 The report on Waivers to Standing Orders provides the Committee with a view on the Waivers issued during the financial year 2012/13.

2. Background

- 2.1 Contract Standing Order (CSO) 17.4 requires the Finance and Procurement Manager to compile a digest of all waivers granted under CSO 17.1, 17.2 and 17.3 and submit this annually to the Resources and Performance Committee.
- 2.2 CSO waivers are normally requested to allow a contract to be entered into with a single contractor without a competitive process taken place. As competitive tendering is the basis on which the public procurement rules are formed and is the single most persuasive indicator of best value being achieved, there has to be a specific reason for not going through the competitive process.
- 2.3 The table at 3.1 below lists the various waivers that have been granted over the past year and gives the reason behind each of those exceptions being made. A lack of time or a need to achieve progress within a financial year does not constitute a sufficient reason for not going through the competitive process. More acceptable reasons are those factors which make proper competition impossible, such as the holding of copyright information, or where previous engagement or market position gives a particular organisation an unassailable advantage, or any other situation where an effective monopoly has been established.
- 2.4 All CSO waivers are reviewed by the Finance and Procurement Manager and those for contracts with a value exceeding £25,000 are approved by the Chief Executive. For contracts with a total value of less than £25,000 the requirement for competitive tendering is not absolute and can be replaced by an alternative "commercial negotiation" with one Contractor. It is often not possible in the circumstances described in 2.3 to provide evidence of a commercial negotiation and in those circumstances the CSO waiver process is followed with approval being given by the appropriate Director after review by the Finance and Procurement Manager.

3. Contract Standing Order Waivers

- 3.1 The following table contains a list of CSO Waivers granted during 2012/13:

DATE	CONTRACT	REASON FOR WAIVER	VALUE
3/4/12	Design and printing of walk and ride leaflets	Suppliers on print and design tender are inadequate in terms of their design experience and capabilities	<10k
4/4/12	Writing of South Downs	Need for someone with knowledge and	<£10k

	View	experience of the South Downs National Park (SDNP) and staff to produce an accurate, high quality document	
5/4/12	Identification of Research priorities for the SDNP Management Plan and the Research Strategy of SDNPA – collaboration with Plumpton College	After seeking proposals through the SDNP Learning Partnership Steering Group (LSPG) Plumpton College was the one member to make a proposal. Plumpton College has a proven track record in undertaking such research programme development.	£16k
26/4/12	Provision of GIS Services – 12 month contract extension	Interim contract following failure of tender process to attract competitive responses	£74k
27/4/12	Design and Printing of State of the Park Report	Specific design expertise needed for the complicated graphics in the report	<£10k
20/8/12	State of National Park micro website	Existing contractor to provide additional support due to member of staff ill-health – bringing in new contractor for short space of time would incur costs in familiarisation	<£5k
18/12/12	Catering in Midhurst	Formalising arrangements made on ad-hoc basis with existing contractor – costs and performance benchmarked against other providers – interim contract until SDC	£6k
18/12/12	Performance Management System	The company selected already provides similar services to Welsh National Park Authorities (NPAs). Other English NPAs are intending to purchase the system which will allow for national benchmarking	£24k
9/1/13	Design and Printing of Bus Livery to promote and market sustainable travel (LSTF funded)	Contract with Brighton and Hove Bus Company at cost will allow us to utilise their existing contractual relationships with designers and printers	<£25k
23/1/13	Two Parks Walking / Cycling Events Project With Sussex Community Rail Partnership (SCRIP)	The SCRIP has unique experience and well established connections within its partnership that makes it the best value option to deliver this project	£21k
24/1/13	Squiz development work for Learning Zone	Squiz Matrix is not a widely used Content Management System and unable to find 3 suitable developers	£5k
25/2/13	ResourceSpace to set up and host new SDNPA photo library	Supplier has already created open source software that suits our needs – competitive tendering would need to include work already carried out by that supplier and would not achieve value for money	£5k
5/3/13	South Downs Way improvements to Restricted byway Cocking 952	Specialist service with only three suppliers nationally – one not willing to travel to South Downs, another has confirmed lack of availability. Opportunity to engage MP & KP Golding on back of contract being carried out for Goodwood Estate achieving cost efficiencies.	£31k

4. Resources

4.1 No resource implications.

5. Risk management

5.1 There is always a risk in not going through a competitive process that the best value option will not have been identified. This has to be weighed against the cost of a tendering process,

both for the South Downs National Park Authority, and for any bidders who take part, if no improvement can be gained from such an action.

6. Human Rights, Equalities, Health and Safety

6.1 There are no implications arising from this report.

7. External Consultees

7.1 None.

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Appendices None

SDNPA Consultees Chief Executive Officer, Director of Corporate Services, Director of Planning, Director of Strategy and Partnerships, Director of Operations, Chief Finance Officer, Deputy Chief Finance Officer

Background Documents None