
Report to: Audit Committee

Date of Meeting 25th November 2021

Subject: Exceptions from the Application of Contract Standing Orders

Report by Strategic Director Partnership & Performance

1.0 Purpose

- 1.1 It is a requirement of Contract Standing Orders that exceptions should be reported to the next available Audit Committee. The purpose of this paper therefore is to provide detail on Exceptions to Contract Standing Orders submitted in the previous quarter.

2.0 Recommendations

- 2.1 The Committee is asked to note the report, commenting and challenging as appropriate

3.0 Considerations

- 3.1 Contract Standing Orders (CSO's) apply to all contracts entered into by Council officers. In some circumstances however, exceptions may be granted.
- 3.2 The appropriate senior manager must record their reasons in writing in the form of an exception report for a decision, which must be submitted to the Strategic Director, Partnership and Performance, for consideration.

The Strategic Director is required to consult with the Chief Finance Officer (S95) and Procurement Manager before taking any action that binds the Council. It is a requirement that any such exception shall be reported retrospectively in full to the next Audit Committee, including the reasons that fully justify the exception. A summary of CSO exemptions will also be provided as part of the Annual Procurement report to the Audit Committee.

- 3.3 Two exceptions were considered since the last report in April 2021

- 3.3.1 To permit appointment of Total Swimming - ReCreation to Supply RIBA Stage 1 Feasibility Study over a 3 month period to the value of £22,500 (plus VAT). Referenced 2/6/1887

Granted

Following approval by Council, officers from the People and Place Directorates have worked with Sport Scotland to identify a provider to undertake the feasibility study for the provision of a temporary pool to a site in Alloa

Through this exploratory work, it was established that there was one provider Total Swimming - ReCreation who has experience of providing solutions in the United Kingdom. This company also provided the service to Dumfries and Galloway and therefore have a recent proven track record

Conditions of Grant

Procurement Form 1 & 2 should be completed and authorised

The Proposed supplier should be set up in T1

A purchase order should be raised and a direct award notice published in Public Contracts Scotland

- 3.3.2 to permit the appointment of All Cleaned Up Scotland to supply cleaning service resource over a 37 week period from August 2021 through to 31st March 2022. The value of this work has been costed at between £5,000 and £10,000 per month (fluctuation in cost depending upon resource requirements each month and availability of ACU cleaning resource)

Not Granted

Based on the information provided the exception is not granted and the risk is with the service.

The exception would be retrospective and we can not grant retrospective exceptions and cannot grant an exception that is in breach of Financial Regulations and Contract Standing Orders.

The circumstances and mitigations were covered in the previous exception approved in February 2021 and were foreseen The lack of sufficient planning and / or internal process delays do not constitute special, exceptional or emergency circumstances

This work has been undertaken since the start of the School year so the consequences of not approving the request does not mean that the service will stop and provide high risk of viral infection outbreak, subsequent building closures, reputational and financial claims risks high due to likely and potential school closures

Conditions

There will still be a requirement to raise a purchase order in order to pay any subsequent invoices

4.0 Sustainability Implications

4.1 There are no direct sustainability implications arising from the recommendations in this report.

5.0 Resource Implications

5.1 Financial Details - there are no direct implications for the Council's budget arising from this report

8.2 Staffing - there are no direct implications for the Council's establishment arising from this report

6.0 Exempt Reports

6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
Our families; children and young people will have the best possible start in life
Women and girls will be confident and aspirational, and achieve their full potential
Our communities will be resilient and empowered so that they can thrive & flourish

(2) **Council Policies (Please detail)**

Contract Standing Orders

Financial Regulations

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

N/A

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

none

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

No (please list the documents below)

Author(s)

| NAME | DESIGNATION | TEL NO / EXTENSION |
|------------|---------------------|--------------------|
| Derek Barr | Procurement Manager | 2017 |

Approved by

| NAME | DESIGNATION | SIGNATURE |
|-----------------|--|--|
| Stuart Crickmar | Strategic Director Partnership & Performance |  |