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**Report to: Audit and Scrutiny Committee**

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**Date of Meeting: 24<sup>th</sup> August 2023**

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**Subject: Exceptions from the Application of Contract Standing Orders**

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**Report by Strategic Director Partnership & Performance**

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## **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 June 2023
- 3.3.1 To permit the appointment of Forth Environment Link (FEL) to deliver the community engagement and capacity building elements of the Forthbank Renewable Energy and Food Growing Demonstrator project which is being funded by the Scottish Government's Vacant and Derelict Land Fund from the 1 August 2023 - 31 March 2024 at a value of £35,000

The basis of the exception request is that, in terms of Contract Standing Orders section 6 (8) The purchase of goods or materials, the execution of works or supply of services for which the procurement officer considers that no genuine competition can be obtained

Reference 2/6/2073

### **Granted**

Based on the information provided the exception was granted and being directly awarded due to FEL is already a full partner in the Forthbank project with detailed knowledge of its scope and required outcomes.

The Currently provide expertise in food strategy and food growing at a Clackmannanshire level, which is a key element of this project and have a successful delivery of Clacks Good Food Partnership with a good performance track record and have a unique specialism in this area

Furthermore they have experience of delivering related programmes and projects in partnership with our communities, particularly in Alloa south and east, our target area consequently there is a lack of alternative suppliers with required skillset level, local knowledge (including the local challenges) and existing engagement

Most of the work will be carried out prior to 31 March 2024. However there may be a small amount additional work that takes place after this time if the project runs on. If this is the case, the service will use alternative funding out with the grant

### **Conditions**

Procurement Form 2 should be completed and authorised for this requirement  
A purchase order should be raised to cover the period requested  
The award should be published in Public Contracts Scotland

- 3.3.2 To permit the appointment of Cecilia Meechan into a Personal Services Contract (PSC) with Clackmannanshire Council to act as independent chair for the child protection and adult protection committees over an 18 month period with the possibility of extension for 6 months to the value of £65,000  
The PSC is being requested following advice from Legal and HR

The basis of the exception request is that, in terms of Contract Standing Orders section 6 (7) There is a genuinely justifiable case to use an existing contractor/supplier to maintain continuity of supply or site experience.

Reference 2/6/2077

### **Granted**

She has experience working with Clackmannanshire Council in the role of Independent Chair for the Child Protection Committee and Adult Protection Committees and is available immediately.

She has been the Independent Chair for the Clackmannanshire & Stirling child protection and adult protection committees for 2 years which recently expired.

She has experience interagency working for both Adult and Child Protection Committees. This experience is essential for the role as there are ongoing commitments required that cannot be delayed. There is also no in-house availability as legal have stated this role requires a PSC.

## **Conditions**

A Procurement Form 2 should be completed and authorised  
The supplier will need to be set up in the financial system in order to raise a Purchase order to cover the period and value requested.  
A award notice should be published in Public Contracts Scotland  
Any further requirements for this role should be subject to a procurement exercise and undertaken within the potential 6 month extension period

### **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)

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### Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director Partnership & Performance	