

Guidance Notes

Introduction

The following Contract Procedure Rules can be waived in **exceptional circumstances** and only with the prior written approval of the Relevant Chief Officer –

Contracts Procedure Rule No 3.1.1 – Category Plan and approved budget

Contracts Procedure Rule No 3.1.6 – Requirement to use existing suppliers

Contracts Procedure Rule No 3.1.7 – Requirement to use an Approved Framework Agreement

Contracts Procedure Rule No 3.1.15 – Requirement to use the Council's standard tender documents

Contracts Procedure Rule No 3.1.22 – Procurements not to be undertaken by consultants

Contracts Procedure Rule No 3.1.23– Post tender negotiations

Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements

Contracts Procedure Rules No 9.1 and 9.2 – High Value Procurements

Contracts Procedure Rule 15.2 – Tender evaluation

Waivers cannot be made retrospectively in any circumstances and failure to comply with Contract Procedure Rules may result in disciplinary action.

A report is required to meet the Council's obligations of transparency and openness and to show that the matter referred for consideration properly falls within Contracts Procedure Rules.

Officers are recommended to seek advice from the Chief Procurement Officer when completing the Waiver Report.

Report of: Martin Green – Senior Project Officer

Report to: Head of Economic Strategy for WYCA / LEP Director

Date: 11 November 2014

Subject: Appointment of Careers and LMI Development Coordinator

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Leeds City Region Enterprise Partnership (LEP) has an ongoing strand of activity under its Skills work which is concerned with promoting “Better Informed Choices” in the context of the delivery of careers information.
2. The LEP has sought to bring in expertise from an external Careers expert, in the form of a secondment, in order to develop this strand of work, rather than recruiting directly to a position. In part, the decision to do this has been driven by the desire to bring the organisational support and additional resource offered by the seconding body, as well as the experience and knowledge of the secondee. The decision has also been influenced by the fact that there is no longer-term budget line for this work and therefore it is contractually easy to have a secondment arrangement which can be extended or terminated with little notice and no cost.

3. Recommendations

That the relevant contractor procedure rules are waived under Contracts Procedure Rules No 8.1 and 8.2 - intermediate value procurements and due to exceptional circumstances, for the secondment of an individual employed by Prospects Ltd.

1 Purpose of this report

- 1.1 This report seeks approval from the Head of Economic Strategy for WYCA / LEP Director to waive Contract Procedure Rules 8.1 and 8.2 in order for the appointment of an individual employed by Prospects Ltd to a 1 year secondment in the first instance.

2 Background information

- 2.1 The Leeds City Region Enterprise Partnership (LEP) has an ongoing strand of activity under its Skills work which is concerned with promoting “Better Informed Choices” in the context of the delivery of careers information.
- 2.2 The LEP has sought to bring in expertise from an external Careers expert, in the form of a secondment, in order to develop this strand of work, rather than recruiting directly to a position. A secondee had previously undertaken the work but left to take up a new post. The LEP openly advertised the secondment opportunity and appointed the individual in line with Council recruitment and selection criteria.
- 2.3 In part, the decision to do this was driven by the desire to bring the organisational support and additional resource offered by the seconding body, as well as the experience and knowledge of the secondee. The decision was also influenced by the fact that there has not been a longer-term budget line for this work and therefore it has been contractually easy to have a secondment arrangement which could be extended or terminated with little notice and no cost.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 For reasons of efficiency, budget uncertainty and cost, the LEP determined that a secondment would be the best means of securing the expertise required, with the least risk, rather than recruiting an employee on to the Leeds City Council headcount or procuring a service provider.
- 3.4 There is no internal service provider capable of undertaking the service.

Consequences if the proposed action is not approved

- 3.2 If the waiver is not approved the LEP would be hampered in their efforts to continue with an important strand of work aimed at ensuring young people have access to factual and relevant careers information. The LEP would also have an outstanding bill for the work undertaken by the secondee.

Advertising

- 3.3 The secondment opportunity was extensively advertised.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.2 Extensive consultation has taken place across the Leeds City Region to develop and refine the Leeds City Region Skills Plan, the Strategic Economic Plan, the European Structural Investment Fund strategy and the Business Growth Hub proposals. This consultation, backed

up by national research confirms that there are major concerns about the provision of careers information.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no equalities and diversity issues with this commission or cohesion and integration issues at this stage.

4.3 Council Policies and City Priorities

- 4.3.1 The Council's Leader and Chief Executive both sit on the Leeds City Region LEP Board, the body responsible for the overall strategic direction of the LEP's activities. The proposed activity to be carried out has directly helped to deliver aspects of the LEPs business growth and skills aspirations as set out in the Leeds City Region Strategic Economic Plan and the Leeds City Region Skills Plan.

4.4 Resources and Value for Money

- 4.4.1 The secondment cost the LEP approx. £20k per annum. Compared to the costs of recruiting and employing somebody on LCC terms and conditions or procuring a service provider and paying for their profit – this represents good value for money. The secondment agreement stipulated that the LEP would not pay for any management fees or non-employment related overheads.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Chief Procurement Officer has advised that this invocation report is required to meet the Council's obligations of transparency and openness and therefore this is a matter properly falling within Contracts Procedure Rule 8. There are no other legal provisions requiring a further competition exercise to be undertaken.

4.6 Risk Management

- 4.6.1 There are no significant risks to be managed.

5 Conclusions

- 5.1 Approval of this waiver is required to fulfil its payment obligations for the work undertaken by the secondee..

6 Recommendations

- 6.1 The Head of Economic Strategy for WYCA / LEP Director is recommended to approve the waiver of the following Contracts Procedure Rule(s):

*Contracts Procedure Rules No 8.1 and 8.2 – Intermediate value procurements**

"and allow for the award of contract to the successful seconding body for the sum (approx..) of £20k.

7 Background documents

- 7.1 No background documents.