

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.

Waiver Report PUBLISH V1.0

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Report of: Parks & Countryside Forestry Section

Report to: Sean Flesher (Chief Officer, Parks & Countryside)

Date: 19th June 2017

Subject: Arboricultural PPE purchase

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. Leeds City Council has a mandatory duty to ensure that all members of its operational Forestry team are properly equipped with the most high standard Personal Protective Equipment (PPE) and arboricultural/forestry tools and equipment.
2. The Forestry management team recently met with representatives of Greenham's (the Council's preferred provider of PPE to discuss the type and standard of PPE that they could provide. It was agreed that Greenham's could not provide the type of specialist PPE and equipment that the Forestry Section needed.
3. For the last 15 years or so, the Forestry Section has purchased specialist PPE and equipment from Honey Brothers – the UK's leading specialist provider of arboricultural clothing and equipment – and wish to maintain this trusted supply. See link to Honey Brothers website below:

www.honeybros.com

4. As in the past, two separate S orders have been raised:
S087098 for specialist PPE up to a maximum value of £5,000.
S087097 – for specialist tools and equipment up to a maximum value of £5,000
5. Both S orders were authorised by the Natural Environment Manager on 27/04/17, but P&C were informed the orders are non-compliant and that written permission is required from the Chief Officer, Parks & Countryside to allow Honey Brothers to be appointed as the supplier for this specialised equipment.

Recommendations

The Chief Officer for Parks & Countryside is recommended to note the content of this report and to authorise the appointment of Honey Brothers as supplier of our specialist Arboricultural/Forestry PPE, tools and equipment.

1 Purpose of this report

- 1.1 To seek approval to appoint Honey Brothers as the supplier of specialist arboricultural/forestry PPE, tools and equipment.

2 Background information

- 2.1 Leeds City Council has a statutory duty to ensure that trees under its control are maintained in such a way that their condition or location does not pose unreasonable risks to people or property. This duty of care is taken extremely seriously and identified risks are prioritized to ensure that the higher risks are mitigated first.
- 2.4 The vast majority of tree work is undertaken by the Council's Forestry Section which is composed of specialist staff, all trained to the highest industry standards. Tree work is an extremely physical, high risk activity, demanding the highest standards of equipment and training. The Forestry Section maintains a strong health & safety culture, with regular training to ensure that all staff are kept properly up to date.
- 2.5 An important element of this H&S culture is to ensure that staff are provided with the very best tools and equipment and that they are thoroughly trained to use these. Advances in PPE are being achieved all the time and modern chainsaw boots, ballistic trousers, helmets, ropes, ascenders/descenders and harnesses etc mean that operatives can work in greater comfort than was once the case, which reduces tiredness. Equally, the best modern chainsaws are powerful yet light and well balanced. Again this reduces tiredness and also incidences of nerve damage due to Hand Arm Vibration (HAVs) problems.
- 2.6 Greenhams, the Council's preferred supplier of PPE cannot provide the specialist Arboricultural/Forestry PPE, tools and equipment demanded by this type of work.

3 Main issues

Reason for Contracts Procedure Rules Waiver

- 3.1 To provide the highest standard of specialist arboricultural/forestry PPE, tools and equipment, thereby maintaining high standards of Health & Safety are maintained, together with high standards of efficiency.

Consequences if the proposed action is not approved

- 3.2 Poor quality PPE, tools and equipment leads to fatigue, which in turn may lead to serious injury, even death.

Advertising

Corporate Considerations

4.1 Consultation and Engagement

4.1.1 A meeting was held with representatives from Greenham's and it was agreed that they could not provide the specialist equipment required.

4.2 Equality and Diversity / Cohesion and Integration

4.3 Council Policies and City Priorities

4.3.1 Leeds City Council has a statutory duty to provide its staff with the best available PPE, tools and equipment that allows them to undertake their work safely and in a comfortable manner.

4.4 Resources and Value for Money

4.4.1 All PPE, tools and equipment is funded through existing Forestry Section budgets.

4.5 Legal Implications, Access to Information and Call In

4.5.1 PPPPU has advised that this Waiver Report be prepared and approved as soon as possible and that all new contracts are supported by a Historical Contract Record, which will be advertised on Your Tender.

4.5.3 This decision is an administrative decision and is not subject to call-in.

4.5.4 In making his final decision, the Chief Officer of Parks & Countryside should be satisfied that the course of action chosen represents Best Value for the Council.

4.6 Risk Management

4.6.1 It is considered that failure to provide the appropriate level of specialist PPE, tools and equipment is a serious breach of health & safety.

5 Conclusions

5.1 Providing the appropriate equipment will facilitate safe working and greatly contribute to efficiency.

6 Recommendations

The Chief Officer of Parks & Countryside is recommended to approve the appointment of Honey Brothers as the suppliers of specialist arboricultural/forestry PPE, tools and equipment, with an annual spend of not greater than £10,000 in total.

7 Background documents

N/A