

Please complete and send to procurementandfinance@leeds.gov.uk

Section 1 – Your details

Name	Claire Newton
Job title	Senior Project Officer
Email address	Claire.newton2@leeds.gov.uk

Waivers of the Contract Procedure Rules are only allowed in very exceptional circumstances and only the rules set out in CPR 1.3 can be waived. A waiver may only be made if it represents best value for money or is in the Council’s or public’s best interests.

Direct appointments of the CPRs considers there is genuinely no competition such that only a particular organisation or provider can meet the Council’s specific requirements (e.g. when commissioning a unique product or service) a waiver of CPRs 7.1, 8.1 & 8.2 and 9.1 & 9.2 need not be obtained.

This form should be used for waivers and direct appointments of CPRs where the total value is less than £250,000 (or £214,904 inclusive of VAT for supplies or services contracts). Waivers/direct appointments with a value greater than £250,000 should have a [waiver report template](#) completed and submitted to PACS.

Please note that contracts for supplies and services above the Public Contracts Regulations 2015 threshold of £214,904 (inclusive of VAT) cannot be awarded via waiver or direct appointment.

If your waiver/direct appointment relates to the award of a contract without competition, formal documentation still needs to be issued to supplier(s) and appropriate records set up on YORtender and FMS. It is not permitted to award a supplier via waiver until PACS have reviewed and approved this memo.

For help completing this form please contact procurementandfinance@leeds.gov.uk

Section 2 – Waiver or Direct Appointment Award Information

Decision* <i>*is the request a waiver or direct appointment under CPRs</i>	To waiver CPR 8.1 and appoint Groundwork Yorkshire Ltd and Groundwork Pride Ltd
Contract title* <i>*what is your waiver or direct appointment for? e.g.: the goods, works or services that will be awarded as a result of the waiver</i>	Phase 2 footpath works including the redevelopment of the Botanical Garden at Dartmouth Park
Contract description* <i>*please provide a clear description of the goods, works or services the supplier will be providing and of what the contract is intended to deliver</i>	To carry out resurfacing works to the footpaths around the tennis courts at Dartmouth Park. To commission and manage the sub-contractor who is undertaking the redevelopment work of the Botanical Garden.
Anticipated start date	18/11/2024
Anticipated end date	28/03/2025
Estimated Total Value	£90,910

Contract Manager* <i>*All contracted services must have a designated contract manager</i>	Claire Newton/Groundwork Yorkshire Ltd
Directorate	City Development
Service Area	Projects & Programmes
Have you previously awarded this via a waiver?	No

Address: Environmental & Business Centre, Merlyn-Rees Ave, Morley, Leeds LS27 9SL

Section 3 – Supplier(s) to be awarded

Name* <i>Please ensure the supplier's full legal name is provided to avoid ambiguity. E.g. 'Joe Bloggs's Limited' rather than 'Bloggs' or JB Ltd</i>	Groundwork Yorkshire Ltd and Groundwork Pride Ltd
Registered address	Environment & Business Centre, Merlyn-Rees Avenue, Morley, Leeds, LS27 9SL
Contact name	Sarah Leeson

Click Name above then click + to add more suppliers

Section 4 - Waiver / Direct Appointment justification*

4.1 Which CPR are you waiving? (*if applicable complete sections 4.1, 4.2 and 4.3 only)	
Please select the relevant explanation in the table below.	
Please choose from CPR 3.1.16, 3.1.23, 8.1 & 8.2, 9.1 & 9.2 and 15.2(c)	CPR 8.1

4.2 What is your reason for waiving CPRs??		Yes	No
Please select the relevant explanation in the table below.			
There is a genuine, unforeseeable emergency meaning there is no time to go through a procurement process e.g., to deal with the consequences of extreme weather.			X
To purchase supplies or services on particularly advantageous terms due to liquidation/administration.			X
Requirement to put a contract in place with a current provider whilst a review of the services is completed.			X
Ran out of time to undertake a new procurement exercise			X
Other	Provide summary here:	X	

	<p>Phase 1 works at Dartmouth Park were completed a number of months ago. We're now in a position where we are behind in the programme and therefore need to get back on site to complete phase 2 works as soon as practicably possible.</p> <p>The ISP only have the capacity to complete the woodland walk and not the remaining footpath works. Groundwork Pride Ltd resurfaced areas of the paths in phase 1. Therefore, it would be logical for them to complete the remaining paths works as they have the previous experience coupled with being able to start on site within the next month.</p> <p>The redevelopment works to the Botanical Garden requires a specialist contractor to undertake the work. The ISP (Parks & Countryside) were offered the work. However, they don't have the required skills and expertise. There is no existing third-party framework that we are able to utilise.</p> <p>Using CPR 8.2 Groundwork Yorkshire Ltd have sought competition for the proposed works by obtaining 3 quotations. Due to their knowledge and expertise, they will contract manage the chosen contractor.</p>		
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4.3 Long Term Strategy

A waiver should only be a temporary, emergency, solution used in exceptional circumstances. You should plan to replace the waiver when it comes to the end of its term. This may be planning a formal procurement process, bringing a service in-house or considering discontinuing the service provision.

In the box below please briefly outline the current plan to replace the waiver when it expires.

4.4 Which CPR applies for a direct appointment? (*if applicable complete sections 4.4 and 4.5 only)

Please select the relevant explanation in the table below.

Please choose from CPR 7.2, 8.3 and 9.5	Choose an item.
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4.5 What is your reason for a direct appointment under CPRs?

Please select the relevant explanation in the table below.

	Yes	No
There is a genuinely no competition to obtain this unique product or service and only one organisation or provider can meet this special requirement.		
Other	Provide summary here:	

Section 5 – Officer Confirmation

I certify that the details on this award have been checked, and in line with the Contract Procedure Rules, I confirm that there is no appropriate Internal Service Provider (ISP), existing provider of third party framework agreement to call off requirements.

Signed by	Claire Newton
Job title	Senior Project Officer

Section 6 – PACS Confirmation

PACS Comments

I certify that the details on this waiver form have been checked and approve for authorisation.

Comments (if required)	Having given consideration to the above and the previous works in recent times I am in support of this approach so as to in a sense ensure continuity of provision for phase 2 works and also note that to a great extent the works will be delivered by a sub contract after competition for a large portion of these works but the Council are keen to deliver these works via one main contractor (Groundworks in this case) – the only final aspect of classification that would be useful to add from legal colleagues in PACS would be address / resolve the status of this organisation and if it is or might be possible to treat them as might have been inferred or felt in the past as a pseudo ISP.
Name	Phil Rigby
Job title	Procurement Category Manager

Section 7 – Senior Responsible Officer Authorisation

I confirm I am the SRO for this contract under the scheme of delegation and I am content to provide authority to waive the Council's Contract Procedure Rules. I confirm that there is sufficient budget in place and the appropriate Yortender record will be set up.

If authorisation has been obtained by email, please attach a copy to this form.

Signed by/email confirmation	Click here to enter text
Job title	Click here to enter text
Date	Click here to enter text
Email Authorisation (if required)	