

REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS

Contract Standing Orders (CSOs) requires certain steps to be followed when carrying out procurement exercises. Exemptions to CSOs can be authorised by Council / Cabinet upon report and separately by officers with the approval of certain senior officers. An exemption can only be relied upon in certain circumstances (as detailed in CSOs Rules 3.1 – 3.5) but in any event cannot be used where the EU Procedure applies.

This form is intended to be used by officers to obtain an exemption to using CSOs.

Name: Graham Baker	Date: 19 th November 2020
Service: Property & Asset	Team: Compliance
Total contract value: £ 20, 718.00 (Exc VAT)	

<p><u>Background (including product and supplier details, costs etc:</u> In line with The Regulatory Reform (Fire Safety) Order 2005 and in line with EDDC's Fire Safety Policy we must under take fire risk assessments of all communal areas. Compliance with this duty is by law and to ensure the safety of our residents and staff in our blocoks of flats, community centres & district</p> <p>Through procurement through the Advantage South West Portal (E-tendering) FCS Live were awarded the contract due to their credentials and the only company specifically meeting our strict requirement to be a member of the Institute of Fire Engineer, a nationally recognised qualification within the sector.</p> <p>FCS Live carried out the fire risk assessments and complied actions within an electronic portal where staff were able to review and update the fire risk assessment as a live document to ensure the risk assessments are a live and reflect our current position. From the risk assessments there was a number of recommendations required to be carried out to improve the fire safety within our blocks and over the past 18 months Property & Asset have carried out a large volume of these works across the sites.</p> <p>To ensure continuity with the large volume of improvement work carried out it is benefical to East Devon District Council and our residents to direct award this contract and therefore a excemption from standing order is applied.</p>

<u>Business Reasons for an Exemption:</u>		
Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)		
	✓	Which CSO rule?
An Emergency	X	

Goods or Services to existing systems or kit		X
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)		

Business Benefits for an Exemption:

The fire risk assessments are due to be carried out and any delay in this process could leave the service at risk. By awarding the exemption it will ensure continuity in risk assessments and will be a benefit to property & asset as a large volume of fire safety improvement work has taken place following the previous round of fire risk assessments carried out by FCS Live.

Carrying out Fire Risk Assessments is a specialist area with a limited number of contractors who meet our specific credentials and due diligence as outlined in our fire safety policy. FCS Live met those credentials through a previous procurement exercise and have proven to be a trusted contractor.

Following the Grenfell Tower tragedy it is paramount that we engage with a contractor we trust to assess the fire risk within our blocks of flats.

The impending Building Safety Bill will put greater responsibility on the Council to ensure our properties are to the highest standard and therefore these risk assessments should be carried out as a matter of urgency.

What are the implications to the following:

Finance: Risks of failure in our duty to manage Fire Safety could result in a monetary fine from the HSE and a liability claim being received from a tenant. Further reputational damage should we not comply.



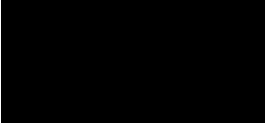
Human Resources: There are risks to employees who are in our buildings as we need to ensure their safety.

ICT: None, FCS Live are already on our system so no implications to ICT,

Asset Management: Directly appointing FCS Live will ensure we are protecting our assets and meeting all areas of compliance.

Strategic and/or Operational Objectives: Ensuring our homes are safe for tenants is paramount

<u>Risk Assessment:</u>
Detail risks here: <ul style="list-style-type: none">- Risk of non compliance with the Regularory Reform (Fire) Order 2005 could lead to HSE involvement, unlimited fines, imprisonment and reputational damage- Risk of harm to tenants & employees due to not identifying fire risks
Or attach print from the RM system

<u>Signature of line manager or service head</u> 
<u>Supporting signature of Strategic Lead - Finance</u> 
<u>Supporting signature of Strategic Lead – Governance and Licensing</u> 

PLEASE NOTE:

Where the Contract value is £20,001 or above then Rule 3.2 requires you to prepare a report for Cabinet to note their support for the action taken.

The Council is required to keep a Register of Exemptions. **Please ensure that a signed copy of this form is provided to the S.151 Officer.**