

Broads Authority

30 April 2021

Agenda item number 13

Requests to waive Standing Orders – annual report

Report by Chief Financial Officer

Purpose

This report details the 2020/21 annual summary of instances where Standing Orders were waived by the Chief Executive.

Recommended decision

To note the annual report of instances where Standing Orders were waived.

1. Introduction

- 1.1. After the end of each financial year, the Broads Authority produces a report detailing instances where the Chief Executive authorised the waiver of Standing Orders. Waivers can be approved only by certifying that there is an extreme urgency, only one supplier, or in certain other circumstances. All waivers authorised under delegated powers must be reported to the Authority on an annual basis.

2. Waivers authorised in 2020/21

- 2.1. Nine separate waivers to Standing Orders were authorised in 2020/21, as shown in Table 1. The costs in the final column are shown exclusive of VAT.

Table 1

Summary of waivers authorised in 2020/21

| Ref | Details of Contract | Supplier | Amount (£) |
|-----|---|-----------------------------------|------------|
| A | To design and build a website for National Parks UK | Rubber Cheese | 12,000 |
| B | One-year extension to Ranger launch refit contract | Cox's Boatyard | 17,500 |
| C | Extension to arboricultural advice to 31/03/21 | Hayden Arboricultural Consultants | 14,000 |
| D | Purchase of five NATO floats | Europontoons | 28,680 |

| Ref | Details of Contract | Supplier | Amount (£) |
|-----|--|-----------------------------------|------------|
| E | Buttle Marsh restoration feasibility study | Hummingbird | 9,800 |
| F | Production of nine animated safety videos | Archant | 9,950 |
| G | Test and Trial of the Environmental Land Management scheme extension | Norfolk FWAG | 14,025 |
| H | Operation of Mutford Lock | East Suffolk Council | 66,700 |
| I | Extension to arboricultural advice to 03/05/21 | Hayden Arboricultural Consultants | 2,000 |

2.2. Further details of the individual contracts and the reasons for waiving Standing Orders are set out below.

- A. Not the cheapest quote:** Three quotes were sought and received with the ability to only meet and discuss the requirements with the chosen supplier before the Covid-19 lockdown. It was considered that the other quotes did not take into consideration the size of the task and would ultimately increase the cost. The contractor was previously involved in helping to shape the specification for this procurement pre-lockdown.
- B. Contract extension to original contract:** Although the original contract was competitively tendered, pre-market engagement for the next contract with potential suppliers identified that Covid-19 had impacted boatyards' availability to carry out the work in 2020/21. This meant the Authority ran the risk of not being able to complete any refits in 2020/21.
- C. Contract extension to original contract:** This was another contract that was originally competitively tendered in 2016. The impact of Covid-19 meant that completing the re-tendering of the contract had not been possible. It should be noted that the current contractor has successfully been awarded the contract through a competitive process since 2007 (also see paragraph I).
- D. Sole supplier:** NATO floats were subject to a waiver in 2018 due to the need to be compatible with our existing floats. Prior to purchasing direct from the manufacturer, the second-hand market was explored, but none were available within the UK. The benefit of purchasing new floats is that it reduces repair and maintenance cost in the initial years of use.
- E. Competitive quotes not received:** Of the three contractors approached for quotation, only one responded. The feasibility study is being part-funded by the CANAPE project. Hummingbird met the evaluation criteria set.

- F. Sole supplier:** The cost of producing the safety videos was decreased by amending existing videos produced by Archant for a hire boat company. One alternative quote was received, for the videos to be produced from scratch, which was two and half times more than the above cost.
- G. Sole supplier/Contract extension:** A waiver was approved in 2019/20 for the supplier to support the first phase of the Environmental Land Management scheme, looking at agri-environment payment schemes post-Brexit. The project has been extended by DEFRA and is 100% grant funded.
- H. Sole supplier:** A waiver was approved in 2019/20 for Sentinel Enterprises to operate the lock; however, during 2020/21 the contract was transferred to East Suffolk Council to operate the site. East Suffolk Council will operate the lock and the road bridge, both requiring specialised operation. The team is located in the Harbour Office, where they can provide additional permanent and short stay moorings to the public. The contract continues to be a 50% partnership with Suffolk County Council.
- I. Contract extension to original contract:** A one-month extension was granted to allow for the tender process to be completed. This has been completed and the Authority is now within the ten-day standstill period (at the time of writing this report). See paragraph **C** for details of the original extension.

3. Summary

- 3.1. Nine were approved by the Chief Executive in 2020/21, compared to 12 in 2019/20. Despite the impact of Covid-19, budget holders continued to procure goods and services within the parameters of the Standing Orders Relating to Contracts. All approved waiver requests were considered to be justified and on the grounds of achieving the best outcome for the Authority at the best possible price.

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