

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	4 September 2019
<b>Subject:</b>	Waiver to Contract Procedure Rules
<b>Report of:</b>	Head of Community Services
<b>Corporate Lead:</b>	Chief Executive
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	None

## **Executive Summary:**

On 4 December 2018, Council agreed to the purchase of a 12 tonne narrow access refuse and recycling collection vehicle following the sale of the a vehicle, that was found to be unsuitable for the nature of the narrow access rounds, to Stroud District Council.

Ubico trialed a 12 tonne narrow access vehicle and the trial was successful. Generally these vehicles are built to order which takes approximately 45 weeks, however Dennis Eagle currently has a vehicle of exactly the required specification available and can be delivered in approximately 17 weeks.

The Chief Executive, in consultation with the Leader of the Council, has the authority to diverge from the Council's procurement guidelines if there is a justifiable urgent need.

Normally, as the purchase of this vehicle exceeds £50,000 it should be tendered via a competitive procurement exercise. However, as this vehicle is available now, a contract waiver is deemed appropriate to secure the vehicle and reduce delivery time and reduce hire costs significantly.

## **Recommendation:**

**The Committee NOTES a contract waiver in respect of the purchase on a 12 tonne narrow access vehicle.**

## **Reasons for Recommendation:**

In line with the Council's Contract Procedure Rules an urgent waiver agreed by the Head of Paid Service, in consultation with the Leader of the Council, must be reported to the Executive Committee.

## **Resource Implications:**

None arising directly as a result of this report.

**Legal Implications:**

This report is to ensure compliance with the Council's Contract Rules.

Contract Rule 6.2.1 provides that if an urgent waiver is required, 'and a meeting of the the Executive Committee cannot be called, the Head of Paid Service, in consultation with the Leader of the Authority', may take a decision to waiver the Contract Rules but the action taken in this way must be reported to the next ordinary meeting of the Executive Committee.

An appropriate contract will be entered into with the supplier.

**Risk Management Implications:**

None arising directly as a result of this report.

**Performance Management Follow-up:**

None arising directly as a result of this report.

**Environmental Implications:**

None arising directly as a result of this report.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** On 4 December 2018, Council agreed to the purchase of a 12 tonne narrow access refuse and recycling collection vehicle.
- 1.2** Since the decision, Council Officers and fleet teams at Ubico have carried out the initial stages of a procurement exercise to identify a suitable replacement. This has included meeting with leading vehicle manufacturers and trialling different vehicles to identify suitable attributes to include into a specification to purchase a vehicle which will be able to carry out the collections from the narrow access and hard to reach properties in line with safe working practices.
- 1.3** Currently the Council is hiring a vehicle to undertake these rounds costing approximately £700 per week.
- 1.4** From the date of ordering a new vehicle built to the Council's specification it would normally take approximately 45 weeks to build and deliver. However, Dennis Eagle has a vehicle which meets the Council's specification and will be available within 17 weeks of ordering. Placing the order directly with Denis Eagle will significantly reduce the waiting time for the vehicle and therefore the associated hire costs.

**2.0 OPTIONS CONSIDERED**

- 2.1** Carrying out a full tender process for the purchase of this vehicle was considered but this would result in additional hire costs of approximately £23,800.
- 2.2** Therefore purchasing this vehicle directly with Denis Eagle, as the vehicle is available, is the preferred option.

### **3.0 CONSULTATION**

**3.1** Consultation was undertaken with the Leader of the Council and the Chief Executive who both agreed that a contract waiver was the preferred option in this case and were satisfied to agree the waiver. This report is therefore for information only.

### **4.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**4.1** Tewkesbury Borough Council Contract Rules February 2019.

### **5.0 RELEVANT GOVERNMENT POLICIES**

**5.1** None.

### **6.0 RESOURCE IMPLICATIONS (Human/Property)**

**6.1** As set out in the body of the report.

### **7.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**7.1** None arising directly from this report.

### **8.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**8.1** None arising directly from this report.

### **9.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**9.1** None arising directly from this report.

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**Background Papers:** None.

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**Appendices:** None.