
Report to: Audit and Scrutiny Committee

Date of Meeting 25th August 2022

Subject: Exceptions from the Application of Contract Standing Orders

Report by Strategic Director Partnership & Performance

1.0 Purpose

- 1.1 It is a requirement of Contract Standing Orders that exceptions should be reported to the next available Audit Committee. The purpose of this paper therefore is to provide detail on Exceptions to Contract Standing Orders submitted in the previous quarter.

2.0 Recommendations

- 2.1 The Committee is asked to note the report, commenting and challenging as appropriate

3.0 Considerations

- 3.1 Contract Standing Orders (CSO's) apply to all contracts entered into by Council officers. In some circumstances however, exceptions may be granted.
- 3.2 The appropriate senior manager must record their reasons in writing in the form of an exception report for a decision, which must be submitted to the Strategic Director, Partnership and Performance, for consideration.

The Strategic Director is required to consult with the Chief Finance Officer (S95) and Procurement Manager before taking any action that binds the Council. It is a requirement that any such exception shall be reported retrospectively in full to the next Audit Committee, including the reasons that fully justify the exception. A summary of CSO exemptions will also be provided as part of the Annual Procurement report to the Audit Committee.

- 3.3 **Two exceptions** were considered since the last report in February 2022

- 3.3.1 To permit the extension of Consultant Ann Dougan (Cactus Consulting) WBH Professional Advisor. Ann was awarded a 6 month contract in November to the value of £28,800 to assist in the development of the Well Being Hub Project

Granted

The recommendation was requested to approve an exception to Council to allow the Council to engage with the Consultant Ann Dougan to continue the momentum of the Wellbeing Project. It was requested that we extend the contract of Ann to a further 12 months at the value of £57,600.

Ann has developed the professional relations with key local and national partners to support the development of the project. It is not possible at this stage to bring in a different resource at this stage given the knowledge Ann already has of the project and introducing someone new at this stage would cost the project additional resource in both time and cost.

There maybe additional expertise sought from this individual in future phases of the project. Therefore there may be a requirement for an additional extension of up to 24 / 36 months and the value may increase (but not exceed) £180K in total.

To note that on the original tender exercise, only Ann's submission was received and therefore another procurement exercise would waste time and financials.

Conditions

Procurement Form 2 should be completed and authorised the form 2 the version submitted with this exception will need amended as the budget amounts quoted are incorrect as they are shown in both revenue and capital.

A new purchase order should be raised to cover the initial period requested

The award notice published in Public Contracts Scotland should be amended to fit the full period noted and the potential overall value revised even if this is not required

- 3.3.2 to permit the appointment of Iain Hughes to the role of Education Consultant over a 6 month. Period (total of 48 days) to the value of £24k. Referenced 2/6/1913

Granted

The recommendation is to approve the request for an exception to Council to allow the Council to award Education Consultant contract to Iain Hughes who has been identified.

Iain has exceptional experience in exactly the areas we currently need for the Learning Estate which we will not manage to secure elsewhere

Iain was previously a Headteacher and was involved as a Head in a new build from design to handover.

Iain has authority senior management experience of a bid under the LEIPS programme

Iain worked within a Regional Improvement Collaborative (our LEIPS bid will work with SFT and Falkirk, West Lothian and Stirling)

Iain has experience within an authority of transformation of the school estate.

Iain assisted in the developing a LEIPs bid from the client perspective as the education authority

Has evidence of working within a campus approach with schools and college on a single site

Iain has experience in changing curricular models and operating models within school to support transformation, efficiency, best value, but from an education perspective

Conditions

A completed and authorised Procurement form 2 required

A purchase order for the full value issued

Public Contract Scotland Award notice, issued

4.0 Sustainability Implications

4.1 There are no direct sustainability implications arising from the recommendations in this report.

5.0 Resource Implications

5.1 Financial Details - there are no direct implications for the Council's budget arising from this report

8.2 Staffing - there are no direct implications for the Council's establishment arising from this report

6.0 Exempt Reports

6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive & flourish

(2) Council Policies (Please detail)

Contract Standing Orders

Financial Regulations

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

N/A

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

none

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

No (please list the documents below)

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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