



**REQUEST FOR EXEMPTION FROM CONTRACT AND PROCUREMENT
PROCEDURE RULES**

You must use existing corporate contracts set up by the Council where possible. If there is no existing contract you should check if a “framework” contract exists for that service.

Contract Procedure Rules may be waived or varied where the circumstances meet any of the following criteria, subject to approval by the Chief Executive, Section 151 Officer, and the Portfolio Holder for Finance in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers.

NOTE: If the total value of the contract is over the Procurement Threshold, then an exemption cannot be granted.

Describe your requirements	To approve an exemption for Lawn Tennis Association’s (LTA) approved contractor, Fosse Contracting to carry out refurbishment works to Ayscoughfee Gardens tennis courts, and CIA Fire & Security Ltd, to supply and install park tennis court gate and access system. The LTA have carried out a full procurement exercise, relevant documents attached.		
Supplier name	Fosse Contracting CIA Fire & Security Ltd	Market Testing undertaken?	Unknown
If no, why?	Procurement carried out by LTA		
Total contract value	£116 427.50		
Contract Start Date		Contract End Date	

Exemption as at paragraph 3 at page XXX of the Council’s Constitution.	Tick below as appropriate
3.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices;	
3.3.2 for supplies purchased or sold in a public market or auction;	
3.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal	

requirements such as the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016;	
3.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency	
3.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement	
3.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this	Yes
3.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed;	
3.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Regulation 12 of the Public Contracts Regulations 2015 or Regulation 17 of the Concession Contracts Regulations 2016 (formerly known as "Teckal" companies);	
3.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the FTS Thresholds for Works (as per Appendix 2 – Above Public Contracts Regulations 2015 / Concessions Contracts Regulations 2016 thresholds.).	
In addition to approval by the Contracts and Procurement Service:	
3.3.1 the Monitoring Officer must be consulted where purchases are to be made using standing arrangements with another local authority, government department, health authority, primary care trust or statutory undertaker.	
3.3.2 The Monitoring Officer must be consulted where the contract is an extension to an existing contract and a change of supplier would cause: <ul style="list-style-type: none"> (a) Disproportionate technical difficulties (b) Diseconomies (c) Significant disruption to the delivery of Council services. 	
Explain the justification for the exemption and attach any relevant documents	
The Lawn Tennis Association has carried out a procurement exercise to appoint approved contractors, who SHDC needs to use to secure grant funding.	
We Confirm the supplier has quoted against the Councils Standard terms and conditions	<input type="checkbox"/>

If you are using the supplier's terms and conditions, please supply a copy as part of this exemption.

Tick box if you require assistance to finalise agreement or negotiate further

Name of Officer requesting approval: Julia Knight

Department: Leisure & Culture/ Ayscoughfee Hall Museum & Gardens

Signature:  Date: 23rd May 2023

Expenditure approved by Authorised Officer (see Delegations to Officers)

Name: Position:

Signature: Date:

Completed Forms should be sent to Head of Procurement & Contracts

martin.gibbs@pspsl.co.uk

For Procurement & Contracts Service

Date

Comments:

Approved by Chief Executive:

Signature: Date:

Approved by Section 151 Officer:

Signature: Date:

Approved by Portfolio Holder for Communities and Operational Housing:

Signature: Date:

Approved by Portfolio Holder for Finance:

Signature: Date:

We confirm that the Leader of the Council has been notified of this exemption