

Council

24 April 2025

Contract Letting – Exceptional Circumstances

Portfolio Holder: Councillor Vince Maple, Leader of the Council

Report From: Bhupinder Gill, Monitoring Officer

Author: Michael Kelly, Head of Category Management

Summary

This report details contracts awarded in accordance with the provisions of section 12 of the Contract Procedures Rules.

Exemptions to Contract Procedure Rules deal with the letting of contracts in exceptional circumstances where it is considered to be in the best interests of the Council to do so. They can be approved by the Monitoring Officer, provided that the exemption does not breach any UK Directive, Statute or Regulation.

1. Recommendation

- 1.1 The Council is requested to note the contents of the report.

2. Budget and Policy Framework

- 2.1 The constitution requires that the Monitoring Officer reports to Council the number of contracts recommended by Directors for award and approved by the Monitoring Officer under delegated powers and reliance on the exceptional circumstances, permitted within section 12 of the Council's Contract Procedure Rules.

3. Background

- 3.1 In accordance with Section 12, individual provisions within the Contract Procedure Rules may be exempted in exceptional circumstances, where it is considered to be in the interests of the Council to do so, provided that the exemption does not breach any UK Directive, Statute or Regulation.

3.2 The Monitoring Officer can sign exemptions off up to the relevant financial value as set within the Procurement Directives. Exceeding this threshold would result in the requirement being subject to the procurement regulations. For the year this report covers, these values are as follows.

3.2.1	Good and services:	£214,904
3.2.2	Works	£5,372,609
3.2.3	Light Touch (predominantly social care)	£663,540

4. Exemptions Granted

4.1 This report covers the period of 1 April 2024 to 31 March 2025.

Exemption 1 – Gun Wharf Reinforced Autoclaved Aerated Concrete (RAAC) Phase 1

Value: £24,130

Project Summary:

- Medway Council required a consultant to advise on a programme of surveys to support the remediation of RAAC at Gun Wharf.

Rationale:

- The works are of a specialist nature and it was important the organization moved at pace to make Gun Wharf operational at the earliest opportunity.

Directorate seeking Exemption Request: Regeneration, Culture and Environment

Month Exemption Approved by the Monitoring Officer: May 2024

4.2 **Exemption 2 – Recruitment of the director of public health**

Value: £13,000

Project Summary:

- A recruitment campaign for the new director of public health.

Rationale:

- Due to the specialist nature of the role, officers thought it was best to engage with a market specialist who had access to a wider segment of the market.

Directorate seeking Exemption Request: Children and Adults

Month Exemption Approved by the Monitoring Officer: August 2024

4.3 **Exemption 3 – Mental Health Peer Support**

Value: £32,794

Project Summary:

- The contract facilitates peer support groups for individuals aged 17 and older who are dealing with mental health challenges. These groups offer a platform for like-minded individuals to connect, share experiences, discuss coping strategies, and develop social support networks. By reducing social isolation and providing mutual support, these groups play a crucial role in promoting mental well-being.

Rationale:

- The previous contract had expired without an extension or recommissioning activity being conducted. As the contractor had performed well and the service had started the recommissioning activity, this exemption sought to bridge the gap between the two contracts.

Directorate seeking Exemption Request: Children and Adults

Month Exemption Approved by the Monitoring Officer: August 2024

4.4 **Exemption 4 – Gun Wharf RAAC Phase 2**

Value: £121,241

Project Summary:

- Remedial works to part of Gun Wharf to allow a leasing tenant to return and resume operations.

Rationale:

- HM Courts and Tribunals Service (HMCTS) lease part of Gun Wharf and the Council had started conversations with RAAC specialists regarding the whole remediation programme. As HMCTS needed to resume operations in Gun Wharf from September 2024 and had a break clause in their lease, it was imperative to ensure these works were completed in time.

Directorate seeking Exemption Request: Regeneration, Culture and Environment

Month Exemption Approved by the Monitoring Officer: August 2024

4.5 **Exemption 5 – Data centre flooring**

Value: £82,000

Project Summary:

- The data centre flooring (Gun Wharf, Level 2) was not fit for purpose following an attempt by Medway Norse to improve airflow.

Rationale:

- Through soft market testing it was identified that only a single provider could have replaced the flooring of a live data centre.

Directorate seeking Exemption Request: BSD**Month Exemption Approved by the Monitoring Officer: October 2024****5. Advice and Analysis**

- 5.1 A concerted effort has and continues to be made over recent years to reduce the number of exemptions to a minimum, although it has been accepted that in an authority of this size some exemptions may be necessary. The Category Management team have worked hard with teams across the Council to better prepare for up-coming procurement exercises, under the oversight of the Procurement Board and through more proactive forward planning. Inevitably some service requirements occur that require a quicker response, than those that are planned and monitored.

6. Risk Management

- 6.1 The Category Management team review each exemption request and provide quality assurance before recommending approval to the Monitoring Officer. As part of this review, risks are identified and managed and any exemptions, which do not conform to Contract Procedure Rules, are declined. The risks of accepting/rejecting all exemptions are identified and communicated to the Monitoring Officer to make an informed decision.

7. Financial and legal implications

- 7.1 The legal implications are set out in the report. The costs associated with the contracts were met from approved budgets.

Lead officer contact

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Appendices

None

Background papers

None