



**LEE VALLEY REGIONAL PARK AUTHORITY**  
**AUTHORITY MEETING**  
**29 APRIL 2021 AT 14:00**

**Agenda Item No:**

**7**

**Report No:**

**A/4298/21**

## **FINANCIAL REGULATIONS WAIVERS 2020/21**

Presented by the Head of Finance

### **SUMMARY**

The purpose of this report is to provide Members with a list of waivers to Financial Regulations during the financial year 2020/21, in accordance with Financial Regulations (FR) 9.

### **RECOMMENDATION**

Members Note: (1) the report.

### **BACKGROUND**

- 1 Financial Regulations (FR) 9 requires the Section 151 Officer to make an annual report to Authority of any waivers to the Regulations which have been agreed during the financial year
- 2 Financial Regulations (FR) 9 requires that the Section 151 Officer in consultation and agreement with the Chief Executive or Deputy Chief Executive can allow exceptions to the Financial Regulations if it is believed that the interests of the Authority would be best served if the Regulations were not applied. They must keep a written record of any exceptions and submit an annual report to full Authority summarising such decisions.
- 3 Financial Regulations were waived twice between April 2020 and March 2021 under delegated authority within Financial Regulations. Appendix A to this report lists the 2020/21 waivers and the reasons that they were agreed.
- 4 In February 2020 (Paper E/659/20), Members approved that, because of the decision to transfer back non-sport venues, and bring the sports venues back under temporary short term in-house management, that from 1 April 2020, Financial Regulations in relation to supply and service contracts for these venues could be waived for a period of up to 12 months.
- 5 Within the first year of direct management of non-sports venues, contracts and suppliers were reviewed as appropriate with attention to services and suppliers that were already existing suppliers of the Authority. This allowed services to be added to existing contracts or temporary arrangements to continue until the end

of existing contracts (where applicable) and a more orderly review and tender process to take place.

- 6 Due to the temporary nature of the sport venues transfer, where possible contracts were entered into with the same contractors and suppliers, or where this was not possible, then new contracts for a maximum annual term were entered into.

A current schedule of these contracts is shown in Appendix B to this report and includes those contracts agreed/extended under the general waiver.

- 7 Officers continue to review these contracts in light of the decision to delay transfer of the Leisure Services Contract (LSC) from 1 April 2021. Current Financial Regulations are now in place (see Appendix C to this report) and any instances where these regulations are waived will be reported to full Authority on an annual basis.

- 8 In addition, officers are conducting a full review of all current contracts across the Authority, and of the procurement process itself, to ensure a robust, consistent value for money approach to contracts that are currently in place, especially where separate contracts exist with a single supplier, but terms differ.

- 9 The waivers in 2020/21 were on the basis of:

- procuring from a single supplier as the only/specialist/bespoke supplier;
- to cover supplies or services to both sport and non-sports venues which will be costly and time consuming to change and re-let;
- insufficient time to fully review contracts, seek alternative estimates, or complete a full tendering exercise before the start of the Authority's direct management;
- lockdown and operational restrictions on both the Authority and suppliers due to the Covid-19 pandemic; and
- prepayment for goods and services.

## **ENVIRONMENTAL IMPLICATIONS**

- 10 There are no environmental implications arising directly from the recommendations in this report.

## **FINANCIAL IMPLICATIONS**

- 11 Due to the decision to delay commencement of the new LSC until later in the 2021/22 financial year, it may be necessary to continue short term arrangements with existing suppliers. Budgets for the sport venues was constructed to enable the Authority to deliver the services in line with the expected Management Fee agreed for year 1 of the LSC. These budgets will include the usual supplier and contractor estimates based on the arrangements existing at the end of the 2020/21 financial year.

## **HUMAN RESOURCE IMPLICATIONS**

- 12 There are no human resource implications arising directly from the recommendations in this report.

## LEGAL IMPLICATIONS

- 13 There are no legal implications arising directly from the recommendations in this report.

## RISK MANAGEMENT IMPLICATIONS

- 14 The standard terms and conditions for the Authority require payment for goods/services after they have been received. In some circumstances this may be waived but measures are taken to mitigate against the risk of potential loss.

These mitigation measures include, but are not limited to:

- value of the transaction is relatively low;
- due diligence checks on the company requesting payment in advance are carried out e.g. verifying their latest set of accounts; previous transaction/work history with the company; checking their website and other sources of recent customer feedback; and
- where negotiable, only a deposit should be paid and final payment on receipt of goods to secure against potential loss.

## EQUALITY IMPLICATIONS

- 15 There are no equality implications arising directly from the recommendations in this report.

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## BACKGROUND REPORTS

Financial Regulations

October 2020

## PREVIOUS COMMITTEE REPORTS

Executive Authority	Paper E/659/20 Paper A/4266/19	Venues Supply Contracts Financial Regulations Waivers 2018/19	27 February 2020 25 April 2019
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## APPENDICES ATTACHED

Appendix A	List of Authority Financial Regulation Waivers 2020/21
Appendix B	List of current Sports and Non-Sports Venues contracts
Appendix C	Summary of relevant Financial Regulations

## ABBREVIATIONS

LSC	Leisure Services Contract
FR	Financial Regulations

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**FINANCIAL REGULATIONS WAIVERS – 2020/21**

	<b>Waiver Requested &amp; Agreed By</b>	<b>Reference</b>	<b>Date</b>	<b>Fin Reg No</b>	<b>Reason for Waiver</b>
1.	<p><b>Requested by:</b> Corporate Director <b>Approved by:</b> S151 Officer/ Deputy Chief Executive</p>	E-mail	17/02/2021	FR570	<p><b>Contract with an Estimated Value between £10,000 and £25,000. Requirement for three competitive quotes</b></p> <p>A need to purchase a second hand utility vehicle for Lee Valley Golf Course. Due to the fact they the vehicles in question were second hand, it was not possible to obtain like-for-like quotes</p> <p><b>Contract with an Estimated Value between £10,000 and £25,000. Requirement for three competitive quotes</b></p>
2.	<p><b>Requested by:</b> Corporate Director <b>Approved by:</b> S151 Officer/ Chief Executive</p>	E-mail	10/03/2021	FR570	<p><b>Contract with an Estimated Value between £10,000 and £25,000. Requirement for three competitive quotes</b></p> <p>This relates to the engagement of agents for the marketing of Fisheries. External agents' involvement in the transaction is required, and the agent in question is the market leader. This is a specialist area and it was felt that other quotes received from another agency would not reflect the same level of experience.</p>

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Contract Ref	Contract Name	Contract Description	Contract Value	Contract Start	Contract End	Contract Status	Contract Notes
WWWC VP HTC LVRC	Security Systems	System set up, software and equipment is AUT, some systems also	£2,800, Railing				
AI	eFM Support	Advanced Business Solutions	£40,000.00	30/01/2021		Yes	1 year contract required due to allow time to replace a new system as they are the provider for GLL. Will be replaced to GLL once contract is signed
AI	Kaspersky contract for all MFD's at LSC Venues	Annodata	£31,032.00	31/03/2026		No	This will not need a waiver next time
VP HTC	UPS Systems	BPC ENERGY LIMITED	VP - £10,200, HTC: £3,117	31/03/2021		Waiver	Installed as part of build, new equipment, replaced since sites opened (VP/HTC) Currently needs upgrade / replacement of some battery sets so to change provider now may be difficult and more costly
VP	IT/maintenance	High e Build	£3,500.00	due now		Waiver	No other supplier found to offer services on the scale needed at VP (building about 200+ birds and over 140 are motorised), original installer not interested in ongoing maintenance. This can also have a call out service which is needed with the integrated LK
WWWC	Water Treatment	BROADWATER TECHNOLOGIES LTD	£1,147.01	31/03/2021		Waiver	Specialist equipment (Water treatment) Have supplied their services for some time / since venues first opened / since they installed their kit resulting in consistency and build up of site knowledge (VP-HTC,ICE/LVRC)
WWWC LVRC	Waste Collection	BYWATERS (LEYTON) LTD	£57,663.40			Waiver	Having contract, their competition on site at LVRC
ALL	Water (Utilities)	CASTLE WATER LIMITED	£100,000.00			Waiver	Default water supplier
LWAG	Refuse Collection	CHALLENGE CENTRAL LIMITED	£10,736.45			Waiver	Original contract due to end
LWAG	Refuse Collection	Chubb	£5,700.00	01/04/2021		Waiver	Reliable service provider (Methine collection LVAC)
ICE	Transfer/Fire monitoring	Chubb	£5,274.00			Waiver	Long term provider / run highway and fire monitoring services
AI	Click Dimensions - 1.5m emails - Annual house	Click Dimensions	£14,106.351	13/04/2021		Yes	Their kit
VP	Big Screen	DAKTRONICS UK LIMITED	VP - £10,115, HTC	31/03/2021		Waiver	Specialist equipment (Conveyors) - part inside in Bentley, only supplier in UK for big size of this container bag
AI	GIS Contract	DAKTRONICS UK LIMITED	£5,280	31/03/2021		No	Have supplied their services for some time / since venues first opened / since they installed their kit resulting in consistency and build up of site knowledge (VP-HTC,ICE/LVRC) the contract at VP and HTC includes chemical supply for Chlorine Dioxide Units
WWWC	Concealment	Furth Lighting UK	£6,000.00	20/11/2022		Waiver	Installed by Goodwater at HTC
VP HTC ICE LVRC	Water Services	GOODWATER LTD	VP - £4,800, HTC: £4,800 (incl Irrigation), LVRC: £1,000, ICE £2,200	31/03/2021		Waiver	Have serviced since venues opened
VP HTC	Lit Services	Subline	VP - £2,168, HTC	31/03/2021		Waiver	Their equipment
HTC	PO as required	HOLIDAY LIGHTING LTD	£350	30/11/2021		Waiver	LVRC - tanker collection of waste - long standing arrangement
VP	Food/drink services & maintenance	Hutchison	£1,525 per quarter			Waiver	Would need to find another reliable supplier that can attend and collect in the same way
VP	Studio Music Systems	HYGIENE SYSTEMS LTD	£10,242.40	07/09/2021		Waiver	Contract extended
LVRC	Waste Services	INGERSOLL-RAND UK LTD	£16,105.06			Waiver	Have supplied their services for some time / since venues first opened / since they installed their kit resulting in consistency and build up of site knowledge
AI	Foodstuff Supplies	INGERSOLL-RAND UK LTD	VP £7,000, HTC			Waiver	BMS. Original Co taken over - same staff, same engineers have serviced venue since sites opened, just tweaked (they were) and completed software updates (Dec 20)
ICE	Facility Maintenance	Integrated BMS	£1,140			Waiver	Have updated their services for some time since venues first opened / since they installed their kit resulting in consistency and build up of site knowledge
VP HTC	Facility Maintenance	Integrated BMS	£1,140			Waiver	Have updated their services for some time since venues first opened / since they installed their kit resulting in consistency and build up of site knowledge
HTC	Ingestion pumps service	Ingestion Control	£2,200.00	31/07/2021		Waiver	Kit up of site knowledge
ALL	Office Supplies	JK SOLUTIONS LTD	£22,002.40	01/11/2021		Waiver	Their kit
VP	Metrix Bikes	Jehovans	£1,185.00			Waiver	Original contract extended from 6/11/19
ALL	Gas and Electricity (Utilities)	KENT COUNTY COUNCIL (KCS)	£851,188.00	01/11/2021		Waiver	New contract signed Nov 2020, 2 year fixed price
LWAG	Post Control	LB Enfield	£1,200.00	31/03/2021		Waiver	Reliable service provider (Post control LVAC)
VP HTC	Gas and Electricity (Utilities)	LONDON LEGACY DEVELOPMENT CORPORATION	£54,086.60			Waiver	N/A ongoing with HTCC - OEOP fees
HTC	Facility Maintenance	Luton (HTC only)	£917.00	31/07/2021		Waiver	Their system
WWWC	Security Systems (CCTV Intrusions)	Merlin Howe / abline / Securix Security	£3,200.00	31/03/2021		Waiver	Specialist equipment (Security Systems - CCTV Marsh)
AI	Hardware Software & Support - 400 Mailboxes, Large Mailroom Add On - Jitter Support	Merlin	£10,512.00	31/03/2021		Yes	Found electrical supplier VP is complex - this is not completed for the last 4 years, both Bredshaw's and Rowland's declined to do this work as job too big. As the checking is a % each year it is beneficial to stick with the Co to complete the full process, are very knowledgeable on electrical D0 layout. Navitas regularly tender for other one off jobs and are competitive. Use at the other sites as well as for this contract (won the tender for LVRC fixed testing) are reliable, excellent service.
VP HTC	Fixed electrical testing (gas, other specialist testing) Gas and Electricity (Utilities)	NAVITAS ELECTRICAL LIMITED	VP - £5,100, HTC: £3,200, HTC PFC 06/21 - VP, 09/21 - VP, 09/21 - VP, 09/21 - VP			Waiver	HTC excellent service.
VP HTC	Public Address System Maintenance	NPOWER LIMITED	VP - £0, HTC: £1,645, ICE reactive	31/07/2021		Waiver	Have a 5 year service plan in place at VP Inc. as part of upgrade, installed part of system at HTC - working there at present to receive faults on system, reactive use at top
AI	Point of Sale System for LSC Venues	Omnicco	£65,870.00	31/03/2021		Yes	Specialist equipment (LIT)
WWWC	LIT	Oss Ltd	£400,000	31/03/2020		Waiver	Order raised already for Spring 2020 but - delayed to Spring 2021
VP	Cable roof inspection	Pfeifer	£28,000.00	19/07/1905		Waiver	due to Covid - APMD's order

VP	Where fitting equipment		Examples (3) taken over the year	Philips	E3 (Mk. 00)	30/06/2021	Travel equipment / services	
ALL	Housekeeping waste				£9,306.71	21/03/2021	Rating contract Approved contractor (grading/cleaning, maintenance - scaffolds building) Should have started 1/1/20	Rating contract. May need to go out to tender at some point to find a new contractor. Also need to ensure that the contract is in line with the latest version of OCS who had some work on the contract and build up of site information.
VP HTG	Air conditioning	Waiver	Annual rolling order From Start - same rolling contract 4 Q periods Interim orders, report jobs tend to be included	PHOTOCOOL LIMITED	VP - 64,651, HTG 5627	01/05/2021	Resulting in consistency and build up of site information	
WYWC	Pharmacies - medical buildings			R A R GROUP LIMITED RIGHT DIRECTIONS (MANAGEMENT) LTD Royal Leamington Spa / Heathcote Hill	£61,751.77			
ALL	Cable Management			CPG GROUP	£5,344.00			
WYWC	Children	Waiver	Annual contract	group	£3,200.00	31/03/2021	Specialist equipment (cleaning)	
VAC	GSTV	Waiver	Annual contract	PHV security	£3,450.00	01/04/2021	System set up, software and hardware in PHV	
CE	OCV	Waiver	annual contract	PHV security	£1,600.00	01/04/2021	System set up, software and hardware in PHV	
VP HTG	Lifts	Waiver	Annual rolling order	SCS GROUP	£4,800.00	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
ALL	Vulnerability Scan compliance waiver	Yes	1 year	Secure Trust (Trustways)	£12,228.37	31/03/2021	Threat, SEC, scans will then be impacted for security measures sale, smaller items of build and have established approval contractor (Remondus) have applied their services which version that opened / when they finished their bid resulting in the completion and build up of all knowledge	
VP HTG	Security only New jobs	Waiver	Annual rolling order	Scan Limited	VP - £2,000 HTG £680	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
WYWC	Remediator - electronic LV switchroom			Scan Limited	£18,500.00			
VP	Travel fitting system			Scan Limited	£7,500.00	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
HTG	Desk, removal of desks			Technic Surfaces	£7,300.00	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
VP HTG	Fire Damper	Waiver	Order & installed	UKFM	VP - £1,948, HTG	21/03/2021	Have applied their services for same time above version that opened / when they finished their bid resulting in consistency and build up of all knowledge	
ALL	Under lock cabinet			VES Special	£1,373.00	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
ALL	Stock taking			VENERS LTD	£1,000.00	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
HTG	HTG and VP mobile office vehicle management			MEDVA ES (UK) LTD	£52,073.81	01/05/2020	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
ALL	PA/Video Office Gateway CONTRACT (AN Chip & Pin)	Yes	1 year	Veritone	£13,448.82	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
VP	WiFi - same lease			Veritone	£13,448.82	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
ALL	Maintenance and Managed Service	Yes	1 year	WIFI Signs	£51,948.32	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
VAC	Automatic windows	Waiver	PO required	WindowMaster Control Systems	£4,200.00	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	
WYWC	Pumps	Waiver	PO required	WATER SOLUTIONS (UK) LIMITED	£18,744.70	31/03/2021	Includes LSC version, so will need to just renew in another year to take us to when LSC version transfer to G.L. A new contract for just 1 year contract required as needed for ETG compliance in LSC version	



## SUMMARY OF RELEVANT FINANCIAL REGULATIONS

- 9 The Section 151 Officer in consultation and agreement with the Chief Executive or Deputy Chief Executive can allow exceptions to these regulations if it is believed that the interests of the Authority would be best served if the regulations were not applied. They must keep a written record of any exceptions and submit an annual report to full Authority summarising such decisions.

### Thresholds for the Relevant Competitive Process, Including EU Thresholds

#### Estimated Value up to £1,000

- 568 Goods and Services up to £1,000 can be commissioned on the basis of one formal quote, subject to that good/service being of a one-off nature and in the opinion of the officer concerned represents good value for money and delivery capability before the order is placed. Orders should be placed in accordance with the normal procedures outlined in these Financial Regulations including the aggregation rules outlined in FR 567.

#### Estimated Value between £1,000 and £10,000

- 569 Providing the procedures outlined throughout these rules have been followed then at least two competitive quotes must be obtained and documented by the Chief Executive, Deputy Chief Executive or a Corporate Director giving consideration to value for money and delivery capability before an order is placed. Orders should be placed in accordance with the normal procedures outlined in these Financial Regulations including the aggregation rules outlined in FR 567.

#### Estimated Value between £10,000 and £25,000

- 570 Providing the procedures outlined throughout these rules have been followed then at least three competitive quotes must be obtained and documented by the Chief Executive, Deputy Chief Executive or a Corporate Director given consideration to value for money and delivery capability before an order is placed. Orders should be placed in accordance with the normal procedures outlined in these Financial Regulations including the aggregation rules outlined in FR 567.

#### Estimated Value between £25,000 and the E.U. Thresholds

- 571 These contracts must be let by following the competitive procurement procedures as defined in the Public Contract Regulations 2015. Advertisements must comply with the Public Contract Regulations 2015 and as a minimum be published on the Authority website using the appropriate standard template and the Contract Finder portal as defined in Public Contract Regulations 2015. 69 572 Contract award notices must be placed on the Contract Finder portal as required by Public Contract Regulations 2015.

