

FINANCIAL REGULATIONS WAIVERS 2021/22

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 2021/22, 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 also states 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 18 times between April 2021 and March 2022 under delegated authority within Financial Regulations. Appendix A to this report lists the 2021/22 waivers and the reasons that they were agreed.
- 4 In April 2021 (Paper A/4298/21), Members approved that, because of the decision to retain the sports venues under temporary short term in-house management, that from 1 April 2021, Financial Regulations in relation to supply and service contracts for these venues could be waived for a period of up to 12 months.
- 5 Due to the temporary nature of the Authority's management of the sport venues, prior to transfer of operations to GLL, 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 schedule of the contracts that formed part of the Leisure Services Contract (LSC) of transferring contracts; those entered into by the Authority, but transferring to GLL, is shown in Appendix B to this report and includes those contracts agreed/extended under the general waiver.

- 6 In addition, officers are continuing a 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.
- 7 The waivers in 2021/22 were on the basis of:
 - procuring from a single supplier as the only/specialist/bespoke supplier;
 - insufficient time to fully review contracts, seek alternative estimates, or complete a full tendering exercise; and
 - prepayment for goods and services.

ENVIRONMENTAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 9 Due to the decision to delay commencement of the new LSC until the 2022/23 financial year, it was necessary, in some cases, to enter into contracts for longer than a single year with existing suppliers.

HUMAN RESOURCE IMPLICATIONS

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

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

- 12 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

- 13 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

Authority	Paper A/4298/19	Financial Regulations Waivers 2020/21	29 April 2021
Executive	Paper E/659/20	Venues Supply Contracts	27 February 2020
Authority	Paper A/4266/19	Financial Regulations Waivers 2018/19	25 April 2019

APPENDICES ATTACHED

Appendix A	List of Authority Financial Regulation Waivers 2021/22
Appendix B	List of transferring contracts
Appendix C	Summary of relevant Financial Regulations

ABBREVIATIONS

LSC Leisure Services Contract
FR Financial Regulations

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Ref	Waiver Requested By	Waiver Agreed By	Approved	Fin Reg No	Reason for Waiver
1	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (MB)	13/05/2022	FR570	Estimated Value between £10,000 and £25,000 Velodrome - roof modelling works. Order to be placed with original roof designer
2	Corporate Director	Deputy Chief Executive	27/05/2022	FR568	Estimated Value up to £1,000 Carpentry work at the new WDC - use the original builders / craftsman to carry out this snagging joinery work to maintain the look of the original construction
3	Head of Parklands Corporate Director	Chief Executive Section 151 Officer (MB)	24/06/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds Ranger Vehicle Fleet - purchase of specific vehicles, and non-availability of similar models from other makers
4	Corporate Director	Chief Executive Section 151 Officer (MB)	07/07/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds Feasibility Study Eton Manor - use of same design team as per Ice Centre due to knowledge of site, and understanding of how to efficiently achieve planning. No extra payment for new organisation to understand needs
5	Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	09/08/2021	FR569	Estimated Value between £1,000 and £10,000 MH Visitor Centre - repair of Coffee Machine by original provider. Only economical option for repair
6	Senior Events Manager Corporate Director	Chief Executive Section 151 Officer (MB)	09/08/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds Velopark - Event security (Track Champions League 2021 & Commonwealth Games 2022). Use of Security Company who are very familiar with Venues & QEOP. Timescale requires LVRPA arrange rather than GIL
7	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (MB)	06/10/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds Velopark - Building Management System Controllers. Replacement by original installation company. No alternative supplier, as would need to replace full BMS system

Lee Valley Regional Park Authority
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8	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (MB)	06/10/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds Velopark - UPS Battery Replacements. Full replacement of batteries. No alternative supplier without full system replacement
9	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (MB)	18/11/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds LVHTC – UPS battery replacement. Use of incumbent supplier @ HtC & Velo. Replacement and outside waterproof enclosure. No alternative supplier without system replacement
10	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (MB)	18/11/2021	FR570	Estimated Value between £10,000 and £25,000 Abercrombie Lodge – BMS system. Specialist area and only two like-for-like quotes possible
11	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (MB)	18/11/2021	FR569	Estimated Value between £1,000 and £10,000 DobbsWeir Drainage : Macerator. Appointment of contractor who had carried out survey and investigation works previously at site to identify issue.
12	Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	24/11/2022	FR569	Estimated Value between £1,000 and £10,000 Stansted Marina - service and certification of crate. Specialist areas and no second quote available. Additional repair works
13	Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	02/12/2021	FR570	Estimated Value between £10,000 and £25,000 Stansted Marina - pump out machine replacement. Only one company can supply, and is standard across marinas. Same product used at Springfield
14	Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	13/12/2021	FR571	Estimated Value between £25,000 and the E.U. Thresholds Campsites Lodges - Specification for the units was sent to three suppliers and only one company were able to supply the luxury glamping lodges, in the price bracket discussed within the timeframe required.

Lee Valley Regional Park Authority
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15	Head of Asset Maintenance Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	04/01/2022	FR571	Estimated Value between £25,000 and the E.U. Thresholds Air Purifier Units - research carried out with three separate companies able to supply, but only one manufactured units that were suited to conditions and spaces at venues/offices
16	Head of Property Deputy Chief Executive	Chief Executive Section 151 Officer (MB)	03/02/2022	FR571	Estimated Value between £25,000 and the E.U. Thresholds Land disposal - appointment of company involved with site over previous years to market site for disposal
17	Head of Parklands Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	28/02/2022	FR569	Estimated Value between £1,000 and £10,000 Open spaces - RLCP sculpture train Use of original artist group for remedial works
18	Head of Parklands Corporate Director	Deputy Chief Executive Section 151 Officer (MB)	28/02/2022	FR569	Estimated Value between £1,000 and £10,000 Holyfield Hall Farm - 2nd Hand equipment purchase. No similar machinery available that meets current requirements

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Appendix 10

Part 2 – Transferring Contracts

Lee Valley VeloPark

	Supplier	Service/goods	Agreement	Comments
1.	ADT	Fire Alarm Service	04.2021 – 04.2024	
2.	ADT	Vesda	04.2021 – 04.2024	
3.	ADT	Access Control	04.2021 – 04.2024	
4.	ADT	Intruder Alarm	04.2021 – 04.2024	
5.	ADT	Dry Risers	04.2021 – 04.2024	
6.	ADT	Fire Hydrants	04.2021 – 04.2024	
7.	ADT	Care System 1 - Fire Telephone	04.2021 – 04.2024	
8.	ADT	Care System 2 - Disabled Toilets	04.2021 – 04.2024	
9.	ADT	British Telecom Redcare	04.2021 – 04.2024	
10.	SCS	Louvres	12/2021 – 12/2022	Twice yearly (done Nov 21)
11.	PROTOCOL (was Flowrite)	Air Conditioning	11/2021 – 10/2022	Twice yearly (done Nov 21)
12.	PROTOCOL (was Flowrite)	Fridges and Freezers	11/2021 – 10/2022	Twice yearly (done Jan 22)
13.	DAKTRONICS	Big Screens	06/2021 – 06/2022	
14.	BRIGHTABLIND	Blinds	04/2021 – 04/2024	Biennial test due Apr 2023 (done May 21)
15.	Virto Out of Home	Slush machines	18/11/2021 - 17/11/2024	
16.	Rombouts	Coffee Machines (FOL)	07/01/2022 – 06/01/2025	
17.	Ticketmaster	Tickets for Good Friday event		
18.	Veolia	General Waste; Recycling Mixed; Biodegradable Kitchen and Canteen Waste	Contract expires 10/08/2022	

Lee Valley Hockey & Tennis Centre

	Supplier	Service/goods	Agreement	Comments
19.	ADT	Access Control	05/2021 – 05/2024	
20.	ADT	Care System 2 - Dis Toilet Alarms	05/2021 – 05/2024	
21.	ADT	Care System 2 - Fire Telephone / Dis Refuge	05/2021 – 05/2024	
22.	ADT/Tyco	Fire Hydrants (x9)	05/2021 – 05/2024	
23.	ADT	Intruder Alarm	05/2021 – 05/2024	
24.	ADT	Intruder Signal	05/2021 – 05/2024	
25.	ADT	Fire Signal	05/2021 – 05/2024	
26.	PROTOCOOL (was Flowrite)	Air Conditioning	11/2021 – 10/2022	Done twice a year one gold & one bronze service priced separately. Gold done on 17/12/21 Twice yearly (done Jan 22)
27.	PROTOCOOL (was Flowrite)	Fridges and Freezers	11/2021 – 10/2022	
28.	DAKTRONICS	Big Screens		
29.	Holiday Lighting (Emerg Light Testing - Navitas)	Floodlights - Hockey pitches and tennis courts		
30.	Technical Surfaces	Hockey Pitches		visit November 2022
31.	Irrigation Control	Pitch Sprinkler		
32.	Veolia	General Waste; Recycling Mixed	Contract expires 01/06/2022	

Lee Valley White Water Centre

	Supplier	Service/goods	Agreement	Comments
33.	RP Gibbs/ Kensa	Ground Source Heat Pumps		
34.	Kingfisher	Cold Water Tanks		
35.	Kingfisher	Bacterial Testing		
36.	Stanley Security	CCTV System		
37.	ADT	Intruder Alarm		
38.	ADT	Red Care		
39.	RP Gibbs/ AGM	Pressure Vessels		

40.	Xylem Water Solutions UK Ltd	Olympic course pump & Starter #1 Olympic course pump & Starter #2 Olympic course pump & Starter #3 Olympic course pump & Starter #4 Olympic course pump & Starter #5 Legacy course pump & Starter #1 Legacy course pump & Starter #2 Legacy course pump & Starter #3 Lake Intake Course Pumps & Starters #1 Lake Intake Course Pumps & Starters #2 Lake Intake Course Pumps & Starters #3		
41.	Steve Gibbon	AMP 5 Ltd- Drives and Pumps		
42.	Actemium Automation	Scala pump controle computer system reactive maintenance/Licencing		
43.	Rombouts	Coffee Machines (FOL)	28/11/2021 – 27/11/2024	
44.	GEMINI PARKING SOLUTIONS LONDON LTD	Car park management	29/03/2021 – 28/03/2024	
45.	Bywater	General Waste; Recycling Mixed; Glass	Contract expires 10/08/2022	

Lee Valley Athletics Centre

	Supplier	Service/goods	Agreement	Comments
46.	Window master	Automatic Windows	Contract expires 30/04/2022	
47.	Makart	Vending machines		
48.	Simply waste	Refuse Collection – general & Recycling Mixed	Contract expires 31/03/2023	

Lee Valley Riding Centre

	Supplier	Service/goods	Agreement	Comments
49.	Authority	Livery arrangements with customers	All subsisting livery agreements	
50.	Bywater	Waste services - Animal faeces, urine & manure; General Waste; Recycling Mixed	Contract expires 12/08/2022	

Other

	Supplier	Service/goods	Agreement	Comments
51.	Authority	Customer hires including club hires	All subsisting agreements, arrangements and licences relating to the exclusive or non-exclusive hire of any part of the Facilities (excluding for the avoidance of doubt all agreements relating to Special Events)	
52.	Daisy	Telephone lines		
53.	Voiceflex	Telephone lines		
54.	Zen	Telephone lines		
55.	PPS Net	MPLS Circuits		
56.	Photocopiers	Annodata		
57.	CCTV	March Networks		
58.	Vodafone	Mobile Phones		

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.

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