

**WAIVER FORM**

<b>PROJECT / CONTRACT TITLE</b>	Major Adaptations – Lot 1 (lifting equipment) Major Adaptations – Lot 2 (bathrooms and kitchens) Key Safes
<b>PROJECT / CONTRACT REFERENCE NUMBER</b>	TBC
<b>DESCRIPTION OF CONTRACT (GOODS / SERVICES PROVIDED)</b>	The delivery of major adaptations to citizens homes, including bathrooms, kitchens, extensions etc. The delivery of key safes – supply and installation.
<b>SUPPLIER (where relevant)</b>	Major Adaptations Lot 1 (lifting equipment) Able Access UK Ltd Dolphin Lifts UK Ltd  Major Adaptations Lot 2 (bathrooms and kitchens) 3MS Gold Services Ltd Able Access UK Ltd Bickford Construction Eden Adaptations Goodwells Ltd Hardyman Group Ltd John Gillespie Contractors Ltd Laker BMS Ltd S Kitaure Construction  Key Safes Black Country Housing Group
<b>CONTRACT PERIOD</b>	Current contracts expire on the 30 <sup>th</sup> June 2023
<b>VALUE (£/p)</b>	Major Adaptations Lot 1 – extension value £1.226m  Major Adaptations Lot 2 – extension value £5m  Keysafes – extension value £146,000
<b>FUNDING SOURCE</b>	Disabled Facilities Grant
<b>DIRECTORATE</b>	Adult Social Care and Health
<b>SERVICE AREA</b>	Commissioning – Strategy and Integration
<b>SERVICE LEAD</b>	Sarah Feeley / Aldin Kahrman

<b>DIRECTOR</b>	Graeme Betts	
<b>HEAD OF SERVICE</b>	Michael Walsh / Timsey Deb	
<b>Please indicate the justification for a Waiver to the Procurement and Contract Rules</b>		
i. <b>Efficiency / expediency in relation to process:</b> Following the Rules in whole or part would not add value to the intended outcomes and would significantly impact the delivery of the Council Plan and priority outcomes. A Waiver would not compromise transparency and accountability.		
ii. <b>Increased cost / loss of income:</b> Following the Rules in whole or part would likely result in increased costs or loss of opportunity.		
iii. <b>Time constraints beyond the control of the Council:</b> Following the Rules in whole or part would create unreasonable time pressures to deliver outcomes required. In such cases this must not be through poor planning or lack of action by the Council to have created the time constraint.		
iv. <b>Avoidance of reputational damage:</b> Failure to act promptly would have a serious, damaging and long-term impact on the reputation of the Council, that from a time perspective the Council cannot afford to be mitigated through a formal tendering process.		
v. <b>Request for noting for transparency as a formal Breach of the Rules:</b> Noting outcome of formal Breach investigation and seeking to note in line with Waiver Approval procedure.		✓
<b>Please provide details on reasons for applying for a Waiver</b>		
<p>There has been significant time spent on developing a future service model as part of the implementation of the Staying Independent at Home Policy. The current contractual arrangements have been in place for a significant period of time, with limited provision available to improve services for the citizens of Birmingham. As part of the policy development was the procurement options for an integrated service model to improve the efficiency, speed, quality and delivery of the works to citizens homes. Additional due diligence was required to get all of the detail worked through with officials and therefore the original procurement timeline was not achieved. As the procurement has now been published the extension request is to ensure services can continue to be provided while the procurement is completed and new service model mobilised.</p>		
<b>Which part(s) of the Procurement and Contract Governance Rules are being sought to be waived?</b>		
<p>The proposal is to waiver 4.59 of the Procurement and Contract Governance rules in order to be able to then follow the negotiated procedure.</p>		
<b>What implications, risk(s) or consequences would apply if a Waiver is not approved?</b>		

<p>The risk of the waiver not being approved would mean that the council is not able to meet its statutory duty to provide major adaptations to citizens who are eligible for works through a disabled facilities grant. More importantly it would mean citizens are not supported to live within their own home safely, with the adaptations that would improve their outcomes.</p>			
<p><b>What longer term plans are in place to ensure compliant contractual arrangements will be established prior to the end of the contract awarded under Waiver?</b></p>			
<p>The procurement process for the Staying Independent at Home: Adaptation and Improvement Service is already underway and will close on the 23<sup>rd</sup> June 2023. The service being procured will be delivering all the services detailed within this waiver as well as some additional requirements.</p>			
<p><b>Other Comments</b></p>			
<p> </p>			
<p><b>DECLARATIONS</b></p> <p><b>I (the undersigned) declare that I have no conflicts of interest which would otherwise prevent my signature to this Waiver.</b></p>			
<p><b>Directorate Service Lead</b></p>	<p>Louise Collett</p> <p>Director Commissioning</p>	<p>Date</p>	<p>29/03/2023</p>
<p><b>Corporate Procurement Comments</b></p>			
<p>Given the slippage in the procurement timeline and the values of these contract extensions, then Cabinet approval is required to approve this Waiver.</p>			
<p><b>Name / Title</b></p>	<p>Mike Smith</p>	<p><b>Date</b></p>	<p>03/04/2023</p>

AUTHORISATIONS			
	DIRECTORATE SIGN OFF	CORPORATE SIGN OFF	Date
<b>Over £5,000 up to £100,000</b>	Assistant Director or Head of Service (in line with the Scheme of Delegations)	Relevant Head of Category (Corporate Procurement Service)	
Comment (if required)			
Name / Title			
<b>Over £100,000 to £200,000</b>	Assistant Director	Assistant Director (Procurement)	
Comment (if required)			
Name / Title			
<b>Over £200,000 to £500k (revenue) or to £1million (capital)**</b>	Director	Section 151 Officer in conjunction with Cabinet Member (Finance)	
Comment (if required)			
Name / Title			

**\*\* Above these levels and/ or Key Decision and/ or where deemed required by the Cabinet Member formal sign off is required at Cabinet.**