

# Contract Standing Orders Waiver Report



## WAIVER REQUEST REPORT

**Committee:**

Finance Committee

**Date:**

16 April 2019

**Title of Report:**

Ryde Town Council Newsletter – Beacon Magazine

**Report from:**

Procurement Adviser

**Context:**

Waiver request to enable the Council to enter into a contract with Beacon Media Limited in accordance with the Town Councils Contract Standing Orders.

**Financial Summary:**

The 11-Month cost to have a Full-Page Ryde Town Council Newsletter published in the monthly edition of the Beacon Magazine produced by Beacon Media Ltd is £5,060 plus VAT. This covers the period 1 May 2019 to 31 March 2020. This cost will be contained within the current 2019 - 20 Council budget.

**Tender Reference Number:**

Not Applicable

**Report Author:**

Procurement Adviser

## **1. SUMMARY**

- 1.1 This report details the request for a waiver from the requirements of the Contract Standing Orders of the Council.
- 1.2 The waiver requested is to enable the Council to enter into a contract with Beacon Media Limited to have the Ryde Town Council newsletter published within the monthly edition of the Beacon Magazine, which is distributed to residents of Ryde and the surrounding areas and which informs residents of the ongoing work of the Council. The waiver request is to cover the 11-month period between 1 May 2019 to 31 March 2020.

## **2. BACKGROUND INFORMATION**

### **2.1 Background and Marketing Working Party**

- 2.1.1 The Town Council currently has its newsletter published in the monthly edition of the Beacon Magazine which is distributed to all residents of Ryde and the surrounding areas and produced by Beacon Media Limited.
- 2.1.2 The Marketing Working Party have carefully considered the range of coverage options that could be available to the Town Council in the coming year and have recommended that the Finance Committee approve a contract waiver that will enable a contract to be awarded to Beacon Media Limited to allow the Town Council's newsletter to continue to be published within the Beacon Magazine. The contract waiver would cover the period 1 May 2019 to 31 March 2020 and cover eleven editions of the magazine. This would be at a discounted cost of £5,060 excluding VAT (Monthly cost of £460 excluding VAT). This cost allows for a monthly full-page newsletter. Additional half pages, if required, would be at the discounted rate of £230 excluding VAT.
- 2.1.3 If the Town Council wish to continue the above coverage, then the only option is to enter into a formal contract with Beacon Media Limited, the only supplier that is able to publish the Town Council's newsletter in the Beacon Magazine, and hence for the need to agree a contract waiver in accordance with the Council's current approved Contract Standing Orders.

### **2.2 Waiver request**

- 2.2.1 Although the estimated value of the contract is within the current delegated authority of the Clerks to the Council, currently £10,000, the nature of the waiver is for reasons of compliance with the Council's Contract Standing Orders (CSO's) and Financial Regulations (FR's). In accordance with clause 2.3.3 of the CSO's any contract that has an estimated value over £5,000 must seek at least three written quotations from bona fide suppliers.
- 2.2.2 However, the Council's CSO's do permit exceptions to the rules when particular circumstances arise. These are detailed in clause 1.4. The specific sub-clause applicable in this particular instance is 1.4.2 (iv) – Sole Source of Supply

(Where suitable goods or services are genuinely only available from one supplier and where no realistic alternative source of supply exists).

- 2.2.3 If the Council wish to continue to publish its newsletter through the Beacon Magazine, then Beacon Media Limited are the only company that can implement this as they are the sole producer of this magazine.

## **2.3 Outstanding Issues**

- 2.3.1 There are no outstanding issues.

## **2.4 Legal implications**

- 2.4.1 If the waiver is approved and the authority given to the Clerk to the Council, then arrangements will be made to enter into a contract with Beacon Media Limited for a period of 11 months commencing on 1 May 2019 and terminating on 31 March 2020 for the inclusion of the Town Councils Newsletter within the Beacon Magazine.

## **2.5 Financial Implications**

- 2.5.1 The contract will be funded from the Council's 2019- 2020 budget. The cost, excluding VAT, for the services to be provided will be £5,060 plus VAT.

## **3. OPTIONS**

- 3.1 That the Finance Committee approves the request for a waiver of the Councils Contract Standing Orders for the award of a contract to Beacon Media Limited for the publication of the Town Councils Newsletter within the monthly edition of the Beacon Magazine, and that this decision be reported to the next Full Town Council meeting for noting.
- 3.2 That the Finance Committee do not approve the request for a waiver of the Councils Contract Standing Orders and refer the decision to the next Full Town Council meeting.

## **4. RECOMMENDATIONS**

- 4.1 That the Council's Finance Committee approves the request for a waiver of the Contract Standing Orders of the Council for the award of a contract to Beacon Media Limited for the publication of the Town Councils Newsletter within the monthly edition of the Beacon Magazine, and that this decision be reported to the next Full Town Council meeting for noting.
- 4.2 That the Clerk to the Council is given Authority to award the contract to Beacon Media Limited for the period 1 May 2019 to 31 March 2020 at a total cost of £5,060 plus VAT to cover a full-page newsletter in 11 editions of the magazine.

## **5. AUTHORISATION**

### **5.1 Request submitted by the Clerk to the Council**