

# Contract Standing Orders Waiver Report



## WAIVER REQUEST REPORT

<b>Committee:</b>	Finance Committee
<b>Date:</b>	16 April 2019
<b>Title of Report:</b>	Winter Decorative Lighting – Ryde High Street and Esplanade.
<b>Report from:</b>	Procurement Adviser
<b>Context:</b>	Waiver request to enable the Council to enter into a contract with Gala Lights Limited (Leblanc Illuminations UK) in accordance with the Town Councils Contract Standing Orders.
<b>Financial Summary:</b>	The total cost to provide 27 refurbished 'Astral' motifs along the Esplanade, and 18 new 'Frisquet' motifs within the High Street, including all delivery charges will be £18,530.00 exclusive of VAT. This cost will be met from within existing budget provision.
<b>Tender Reference Number:</b>	Not Applicable
<b>Report Author:</b>	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 Gala Lights Limited (Leblanc Illuminations UK) to refurbish to an 'as new' standard 27 'Astral' two meter high bespoke lighting motifs to be installed within the Esplanade area, and the provision of 14 new 'Frisquet' two meter high bespoke lighting motifs to be installed within the High Street area (Refer to **Appendix A** for details of the lighting units)

## **2. BACKGROUND INFORMATION**

### **2.1 Background**

- 2.1.1 The Town Council currently provide decorative winter lighting in both the High Street and Esplanade areas of the Town. This is provided between the end of November to the beginning of January each year.
- 2.1.2 Because of the condition and age of the existing winter decorative motifs located within the Esplanade, all which had become non-operational, it was necessary to hire replacement units from Gala Lighting Limited for the period November 2018 to January 2019 to enable the Town Council to continue to provide decorative lighting at this location. This was considered to be a one-off arrangement prior to their permanent replacement. In addition, it was also necessary to instigate one-off repairs to the decorative motifs located within the High Street to ensure they displayed for the winter period. These units have now reached the end of their operational life and also need to be replaced.
- 2.1.3 If the Town Council wish to continue to provide decorative lighting during the Winter then it will be necessary to purchase replacement units for the whole of the High Street and Esplanade areas of the Town.
- 2.1.4 Currently the installation, removal and storage of all of the Winter decorative lighting units is undertaken by the Isle of Wight Councils (IWC) Highways Public Finance Initiative (PFI) Contractor, Island Roads, who are also responsible for the provision and ongoing maintenance of street lighting and lamp columns throughout the Island. Within the PFI contract it specifies that any decorative lighting units that are currently attached to lighting columns for which Island Roads have a responsibility to maintain, are replaced with like for like units. This includes the use and provision of like for like fixings etc. As a result, Gala Lighting Limited are the only supplier who can provide like for like units and suitable fixings.
- 2.1.5 Gala Lighting Limited were therefore approached by the Town Clerks to provide a quotation for the replacement of the existing Winter decorative lighting units located within the High Street and Esplanade areas of the Town. The proposal that was received from Gala Lighting Limited includes the complete refurbishment to an 'as new' standard of the 27 'Astral' lighting units that were

on hire for the recent winter period, and the provision of 18 brand new 'Frisquet' motifs. Both sets of lighting units would incorporate a mix of red, blue and warm white glittering pea-lights all of which would be low energy and long-lasting LED's (See **Appendix A**)

- 2.1.6 This is considered to be currently the most economic option available to the Town Council if it wishes to continue to provide decorative lighting at these two locations during the winter. It is expected that the life expectancy of the replacement units, if properly maintained, will be at least 10 years.

## **2.2 Waiver request**

- 2.2.1 The nature of the waiver is for reasons of compliance with the Councils 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 bone fide suppliers. In addition, clause 2.8.4 requires that for any contract that has an estimated value over £5,000 must also seek the approval of either the Full Council or Committee with delegated authority to both commence a procurement process and subsequently approve the award of a contract. The value of the contract is also above the delegated authority of the Town Clerks which currently stands at £10,000.

- 2.2.2 However, the Councils 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 (v) – Reasons of Compatibility - Where compatibility with existing goods, equipment or services is essential, or where additional units are being purchased to match existing equipment and there is an overwhelming case for matching the exiting items on the grounds of functionality, aesthetics etc.

- 2.2.3 If the Council wish to continue to provide similar decorative lighting which are compatible with the existing units, fixtures and fittings, and which will meet the requirements of Island Roads, then the only manufacturer and supplier will continue to be Gala Lighting Limited.

## **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 Gala Lighting Limited for the refurbishment of 27 existing 'Astral' decorative lighting units, and the provision of 18 new 'Frisquet' decorative lighting units and include all delivery charges (See **Appendix A**).

## **2.5 Financial Implications**

- 2.5.1 The contract will be funded from within existing budget provision. The cost, excluding VAT, will be £18,530.

## **3. OPTIONS**

- 3.1 That the Finance Committee recommends to the next Full Town Council meeting the approval of the contract waiver of the Councils Contract Standing Orders for the award of a contract to Gala Lighting Limited (Leblanc Illuminations UK) for the manufacture and provision of the decorative lighting units as detailed above, to include all delivery charges.
- 3.2 That the Finance Committee recommend to the next Full Town Council meeting that subject to approval by Full Council of 3.1 above, that the Clerk to the Council is given Authority to award the contract to Gala Lighting Limited (Leblanc Illuminations UK) at a total cost of £18,530.00 plus VAT for the supply and delivery of the decorative lighting units detailed in paragraph 1.2 above.
- 3.3 That the Finance Committee do not recommend approval of the 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 recommend for approval by the next Full Town Council Meeting **Options 3.1** and **3.2**.

## **5. AUTHORISATION**

- 5.1 Request submitted by the Clerk to the Council

## APPENDIX A – Details of Decorative Lighting Units

### 2019 New Scheme | Ryde Town Council

