

Service	Contract Name	Reason for Waiver	Contractor	Value of total Contract	Date (\$151 Officer)	Category
<b>CHIEF EXECUTIVE</b>						
	Ramsgate Harbour : Conservation Management Plan to support levelling up funded projects	In addition to work already being undertaken by the appointed supplier via a compliant Dynamic Purchasing System route to the market, it has recently been identified by a Stakeholder that a Conservation Management Plan is required to support all the projects within the surrounding areas of the Ramsgate Harbour listings. This requirement was not known about at the time the original contract was commissioned, however, would have been included in the initial project had the Council been aware of its requirement. The waiver was requesting to add this additional work to the current contract, with a supplier who has the skills required and significant background knowledge as well as continuity of approach and information, which will reduce costs and help achieve value for money.	Curl La Tourelle Head Architects	£14,995.00	22/05/2023	Unforeseen additional requirements identified during contract
<b>DEPUTY CHIEF EXECUTIVE'S DEPT</b>						
	Unoccupied property security - Winter Gardens - Waiver Refresh No3	The Waiver is for the continued security provision at the winter gardens for another 12 months. To go out to appoint a different supplier via a competitive process could incur a potential period of time the security provision is not provided, increased costs and risk of further damage to the building to put up and take down current security measures.	Citiguard	£69,421,44.00	27/04/2023	Full competitive process cannot be undertaken due to extreme urgency
	Harbour Arm UKPN New Electricity Supply	This Waiver is for a direct award to a supplier for a new electricity supply to be able to deliver the current/future electricity supply requirements for the Harbour Arm. The current supply via Droit House is no longer fit for purpose with the increasing energy demand for users on the Harbour Arm and has resulted in instances of loss of power to all connected due to overloading and increase Health & Safety risks. The supplier is the only supplier in the region who can deliver the requirement due to exclusive rights to install new metered electrical supplies to properties both domestic and commercial.	UK Power Networks	£60,450.51	17/05/23	Requirement can only be delivered by a particular supplier
	Hosting, support and development of corporate	A new contract was required to be put in place, however, it was identified that additional costs would be incurred for migration and onboarding, along with additional resources required to support should the Council move to a new platform. A direct award to the incumbent supplier was, therefore, requested via a Waiver, to mitigate the additional costs involved to move, risk of delay with the incumbent should they withdraw support/hosting of the current platform, and when considering the platform is currently fit for purchase with no real need identified to undertake this amount of development work again at this time.	LUV Corp Ltd	£99,750.00	13/07/2023	In the best interest and most expedient to the efficient management of the service/Council

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	Microsoft User Client Access Licenses (CAL) 2022	It was identified Perpetual Microsoft Client Access Licenses (CALs) were required urgently to support security updates, compliance and business continuity and the Council could be subject to fines if not put in place. The licenses are part of wider dependencies and other work was also unable to start on the new servers until the licenses were in place. The existing servers would be de-supported in early October, which left insufficient time for a full ITQ process to be undertaken and completion of the work before this deadline, with the new servers would take an estimated timeframe of 2 months to build. A waiver was, therefore, requested for a direct award to a supplier who could meet the requirement and strict timescales for completion.	Softcat Ltd	£14,435.00	25/07/2023	In the best interest and most expedient to the efficient management of the service/Council
	SAN (Storage Area Network) & Fibre Switch Infrastructure for Data Centre	A compliant process was undertaken via a Framework, which unfortunately achieved no viable bids which being considered cost prohibitive. Due to the urgent nature of getting the requirement in place, it was considered undertaking a further competitive process would negatively impact the requirements being able to be delivered in time and a direct award to a supplier that could meet the full requirements in terms of both Quality and Cost was requested via a Waiver.	Nexstor Ltd	£65,000.00	06/09/2023	In the best interest and most expedient to the efficient management of the service/Council
	Firewall Replacement	It was the Council's intention to use a compliant framework via a Mini Competition, however, the provider of the firewall was not able to provide pricing to any bidders for a 3 week period or longer due to a business transformation project they were starting. For fairness to bidders, the Council could not start the live process until the firewall provider's project was complete. With a 1 month mobilisation period needed and a start date required of 4 December 2023 to meet a April 2024 end date with no flexibility, there was insufficient time to undertake a process with this framework or another competitive process to be undertaken. A direct award was, therefore, requested via a Waiver to appoint a supplier that already had received pricing from the firewall provider and that could meet the Council's timescales.	Phoenix Software Ltd	£31,836.71	25/09/2023	In the best interest and most expedient to the efficient management of the service/Council
	OKTA Licenses	A compliant framework process was undertaken via a government Framework and a bidder identified that best met the requirements and cost, however, there was not provision to include TDC Standard Clauses, therefore, the waiver was requested to waive this requirement in the Council's CSOs.	Cloud Technology Solutions Limited	£21,891.17	28/9/2023	TDC Terms and Conditions not being used
	Office 365 for Civica (EK Services)	This waiver was requested to waive inclusion of TDC Standard Clauses, where there was no provision within the framework to include them. A compliant process was undertaken via a Framework to appoint a supplier that was identified that could meet the full requirements.	Planet IT Limited	£45,300.00	19/10/2023	TDC Terms and Conditions not being used
<b>ENVIRONMENT</b>						

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	Electricity SMART Metering Solution - Licensing, Support and Cloud Hosting	The introduction of the Electricity SMART Metering Solution was agreed during the Star Chamber process, to upgrade the existing smart metered system currently in place. The proposed supplier was identified as there is no initial cost of equipment upgrade, which would reduce costs and the equipment is warranted for 5 years. It was considered there was also a risk if the upgrade was not implemented in that the present obsolete system becomes defective and customers would be able to access unmetered electricity. Going with another supplier would increase costs as the Council would have to pay additional costs for the equipment.	Meter-Macs Ltd	£158,490.00	27/04/2023	In the best interest and most expedient to the efficient management of the service/Council
	Commercial Waste Collections	A Cabinet decision was made to terminate the Commercial Waste service on 31st May 2023. This did not allow sufficient time to follow the full procurement process and issue a contract to start by 1st June 2023. The waiver enabled a 6 month contract to be put in place via a direct award to allow sufficient time to follow the full procurement process and meet the Council's obligations to comply with Section 34 of the Environmental Protection Act 1990.	Lili waste Service Ltd	£18,400	03/05/23	In the best interest and most expedient to the efficient management of the service/Council
	Legal Work relating to Port Of Ramsgate	The waiver is for a direct award to a previous supplier who provided initial advice and a proposal to inform a report agreed at cabinet, to progress the Port delivery project. With the tight timescales for delivery and the specific nature of this project being complex, external advice would be required anyway in order to facilitate if it had been delivered in-house. Agreement was, therefore, given for the work to be commissioned externally on this occasion, with a supplier who has demonstrated understanding of TDC requirements and specific experience and capability in the nature of work required (maritime/port/procurement and legal aspects).	Ashfords LLP	£142,730.00	10/05/2023	In the best interest and most expedient to the efficient management of the service/Council
	4 x Walk Behind Sweepers	The specific equipment can only be provided by one supplier. No compliant routes to the market could be found, therefore, this waiver is for a direct award to the identified supplier who can provide the equipment.	Commercial Services Trading Ltd - Supplier of vehicle is AddeX Group (Gatwick)	£98,378.98	31/05/2023	Requirement can only be delivered by a particular supplier
	Capital MEWO - Cherry Picker	Due to two cherry picker machines being returned under warranty, alternative cherry pickers were being hired in the interim. This enabled an alternative brand to be tested that met the required standard. A Second hand machine was then identified, with the options of new machines explored and continuing to hire being deemed too costly. The waiver enabled a direct award to a supplier which could offer the required machine, with 12 month service, a 6 month LOLER certificate and a 30 day warranty to protect the purchase, along with the machine being examined by a TDC Mechanical engineer to confirm it was in satisfactory condition.	AFI-Uplift Limited	£28,000.00	01/06/23	In the best interest and most expedient to the efficient management of the service/Council

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	Purchase of 4 x 12t Open Back Mini RCV vehicles	A compliant framework process was undertaken via a government Framework under a direct award process, where the supplier was identified as being the only supplier that met the requirements. The framework, however, had no provision to include TDC Standard Clauses, therefore, the waiver was requested to waive this requirement in the Council's CSOs.	Dennis Eagle Limited	£559,530.00	30/10/2023	Requirement can only be delivered by a particular supplier
	Virtual Permits	A Framework was used as a compliant route to the Market and a direct award option chosen to appoint the incumbent supplier, as it was deemed that changing and implementing a new system at this time would incur additional costs along with the purchase of the licenses. The current system is fully integrated with the Council's Parking system and therefore, it would also require additional time and resources if the Council were to change to another system, with the additional impact to the public of changing to a new process when there would be no additional benefit for them at this time. The framework, however, had no provision to include TDC Standard Clauses, therefore, the waiver was requested to waive this requirement in the Council's CSOs.	Cadence Innova Ltd	62,500.00	30/10/2023	TDC Terms and Conditions not being used
<b>REJECTED</b>	Marine Toilet Pod	A requirement for a new Marine Toilet Pod to replace the existing pod in poor condition was identified back in April 2023, however, a waiver was received in July 2023 notifying of an urgent requirement and requesting to waive a competitive ITQ process. It was considered that too much time was taken under engaging with the market between April-July, which could have been spent undertaking a competitive process ready for implementation of the pod in the summer period. The waiver was not approved, however, it was also deemed that there was a reputational risk to the Council if the pod was not replaced and the purchase was made under non-compliant spend.	Mitanium Ltd.			Waiver Rejected
<b>PLACE</b>						
	Ramsgate Future High Street Projects	A design requirement was identified, however, it had not been possible to include the requirement in a previous contract or earlier than at this point, as there was no guarantee the Council would be awarded the funding. Cabinet approvals and property owner approvals were needed to design the property and further project approvals were required after this, along with the Council being in the process of acquiring 5a Broadstreet (Aug/Sept). This put further time constraints on the delivery of the full project in time by March 2024. A direct award via a waiver was, therefore, requested to appoint a supplier who could meet the requirements and within a tight timeframe.	Engineers Haskins Robinson Waters Ltd	£19,750.00	08/09/2023	In the best interest and most expedient to the efficient management of the service/Council

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	Unit 1 Blenheim Close, Pysons Road Industrial Estate, Broadstairs - Lining or new internal gutter provision	An internal gutter repair was required due to gutters being identified in poor condition during investigative works and which would prevent the Council moving an existing tenant into this unit until the repair work was completed and rent to be lost whilst vacant. To identify the works required scaffolding was needing to be erected and it was identified that additional costs would be incurred for another supplier to put up their own scaffolding, therefore, continuing with this supplier who could meet the requirement would reduce further costs. It was also considered that moving the tenant into this unit would also free up the unit they were currently in, which was smaller and easier to market in the current climate.	J Rospo Building Contractors Ltd	£15,514.25	22/09/23	In the best interest and most expedient to the efficient management of the service/Council
	Selective Licensing Feasibility Study (including financial modelling and options appraisal)	It was identified that only one consultancy was set up to provide the service to develop and implement selective licensing designations requiring Government approval. As the skill of the contractor was of primary importance and in the absence of any other multi-disciplinary specialist consultancy operating in what was considered a niche area of work, a direct award was requested via a waiver.	Cadence Innova Ltd	£32,000.00	12/10/23	In the best interest and most expedient to the efficient management of the service/Council
	Structural Survey Roofs at Ramsgate & Margate Sports Centres (PV Bids)	An urgent requirement was identified for a Consultant Structural Engineer was needed to determine the suitability of the existing roof structures at Hartsdown and Ramsgate Leisure Centers, to support a bid application for proposed Solar PV panels. The Council was unable to apply for the bid, unless it was able to provide confirmation on the Bid Application that the existing structures were suitable. Whilst a number of suppliers were approached for a quote, only one bidder responded and was able to meet the requirement in the limited timeframe left available. A waiver was therefore requested for a direct award to this supplier.	BSF Consulting Engineers Ltd	£12,400.00	23/10/2023	In the best interest and most expedient to the efficient management of the service/Council
<b>REJECTED</b>	Civils & Structural - Fishing Facilities	A previously combined contract opportunity for these 6 contracts was captured under Public Contract Regulations 2015, and achieved no viable bids over two competitive processes. 6 waiver applications were subsequently requested to be reviewed for 6 direct award appointments. Without sufficient evidence to justify the disaggregation was lawful in regard to PCR2015 and in compliance with FPRs and CSOs, the waiver applications were not in a position to be approved. It was deemed that alternative compliant routes would have been an option for consideration, via a further competitive process if time would allow, however, it was decided undertaking a further competitive process could not be achieved without impacting other programmed work downstream and the risk of not delivering related projects was a high risk. On this occasion the waivers were not approved, however, with the risk of not delivering was still high, and therefore, the purchases were continued to be made under what is considered non-compliant spend.				
<b>REJECTED</b>	Civils & Structural - Green Campus					
<b>REJECTED</b>	Civils & Structural - Heritage Projects					
<b>REJECTED</b>	MEP Consultant - Fishing Facilities					
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