



**Havering**  
LONDON BOROUGH

## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	Permission to Waive Contract Procurement Rules in relation to the procurement of 16 replacement vehicles within the Passenger Transport fleet
<b>Decision Maker:</b>	Councillor Barry Mugglestone– Cabinet Member for Environment
<b>Cabinet Member:</b>	Councillor Barry Mugglestone– Cabinet Member for Environment
<b>ELT Lead:</b>	Neil Stubbings – Strategic Director of Place
<b>Report Author and contact details:</b>	Simon Blake 01708 433202 <a href="mailto:Simon.Blake@havering.gov.uk">Simon.Blake@havering.gov.uk</a>
<b>Policy context:</b>	Supporting the Places objectives within the Corporate Plan and in particular the Council's Air Quality Action Plan
<b>Financial summary:</b>	This decision seeks permission to waive the Council's Contract Procurement Rules (CPR's) and has minimal financial impact.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places OSSC
<b>Is this decision exempt from being called-in?</b>	<i>The decision will be exempt from call in as it is a Non key Decision</i>

**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy X

Resources - Enabling a resident-focused and resilient Council

## Non-key Executive Decision

### Part A – Report seeking decision

#### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

The report seeks permission to waive Contract Procedure Rule 18.4 and the standard procurement scoring weighting of 70% price, 30% quality.

#### **AUTHORITY UNDER WHICH DECISION IS MADE**

##### **Part 3.2.5 of the Constitution**

##### **Individual Cabinet members' responsibilities for functions**

(g) To approve an exception to the Contracts Procedure Rules set out in Part 4 of this constitution, in accordance with Rule 14(1) of those Rules.

##### **Part 4.4 [Contracts Procedure Rules] of the Constitution**

14.1 No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule. The report shall set out the background, the rule being waived, the reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Director of Legal and Governance and the Chief Executive.

#### **STATEMENT OF THE REASONS FOR THE DECISION**

On or about the date of this decision, the Council has authorised the commencement of a tender for the procurement of replacement Passenger Transport Assets (the "decision").

The decision has been authorised by Neil Stubbings, the Strategic Director of Place.

That decision contains all the background information and the rationale for commencing the tender.

As part of the tender, the Council would like to utilise an evaluation ratio of 40% price and 60% quality. This is a departure from the Council's default ratio of 70% price and 30% quality, as set out in the contract procedure rules (CPRs).

This report therefore seeks authorisation to waive the Council's CPRs and adopt a different price-quality ratio.

**Non-key Executive Decision**

**OTHER OPTIONS CONSIDERED AND REJECTED**

**Do nothing and evaluate providers at 70% price 30% quality:** The officers considered that the standard 70/30 weighting would not represent best value for the Council.

**PRE-DECISION CONSULTATION**

None

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Simon Blake

Designation: Head of Transport

Signature: *S. Blake*

Date: 15.07.24

Non-key Executive Decision

**Part B - Assessment of implications and risks**

**LEGAL IMPLICATIONS AND RISKS**

As per the decision.

As per the CPRs, the Monitoring Officer and Chief Executive have been consulted.

**FINANCIAL IMPLICATIONS AND RISKS**

As per the decision.

**HUMAN RESOURCES IMPLICATIONS AND RISKS  
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

As per the decision.

**EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

As per the decision.

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

As per the decision.

**BACKGROUND PAPERS**

Executive Decision record for the Commencement of a procurement process for the replacement of Passenger Transport Assets authorised by Neil Stubbings on or around the date of this decision.

**APPENDICES**

None

Non-key Executive Decision

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

**Details of decision maker**

Signed *Barry Mugglestone*

Name: Cllr Barry Mugglestone

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 15/07/2024

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_