



Executive – 2nd March 2011

Agenda Item No.

13

Title	Exception to the Code of Contract Practice for provision of Jephson Gardens Glasshouse maintenance service	
For further information about this report please contact	Rose Winship 01926 456223 rose.winship@warwickdc.gov.uk	
Service Area	Cultural Services	
Wards of the District directly affected	Leamington Willes	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	N/A	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	Yes	
Included within the Forward Plan? (If yes include reference number)	No	
Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Deputy Chief Executive		Andy Jones
Chief Executive		Chris Elliott
CMT		
Section 151 Officer		Mike Snow
Legal		
Finance		Jenny Clayton; Mel Gillman
Portfolio Holder(s)		Cllr Gallagher
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The report requests that the Executive approve the exception to the Code of Procurement Practice to allow officers to extend the contract for the provision of Jephson Gardens Glasshouse maintenance services for a further 9 months to the end of December 2011 to allow the future provision of this service to be considered as part of the sports, parks and leisure intervention in Cultural Services and the major contract re-let project.

2. RECOMMENDATION

- 2.1. Members are asked to approve exception from the Code of Procurement Practice to allow the contract for the provision of glasshouse maintenance services to be extended for a further 9 months to the end of December 2011.

3. REASONS FOR THE RECOMMENDATION

- 3.1. The plant stock in the glasshouse in the Jephson Gardens requires specialist maintenance which can not be delivered through the Glendale Grounds Maintenance contract. Therefore the service was tendered in 2009, and awarded to an individual with appropriate skills in the maintenance of specialist planting and pest control and experience.
- 3.2. Cultural Services are in the initial stages of an intervention which will consider alternative methods of delivering a number of its services. Included in this intervention is a review of the "parks service". Until this intervention has considered the options, officers are uncertain on how maintenance of the glasshouse could best be delivered in future. Work is also ongoing in the re-let of Grounds Maintenance contract as part of the major contract re-let. This too could impact on how we would wish to manage the glasshouse in future. Therefore an extension of the current arrangements until the end of December 2011 would allow progress to be made on both these projects and conclusions reached on the future delivery options.
- 3.3. The Contract is currently worth £14,000 pa and has been in place since April 2009. The contract was awarded for 2 years, and is due for expiry at the end of March 2011. The current contract was let through an open competitive tender process, for which the Council only received 2 responses.
- 3.4. Exceptions to the Code of Procurement Practice must be with the agreement of the Procurement Manager and the Executive prior to the formation of any contractual arrangements (Section 5 of the Code of Contract Practice).
- 3.5. The Procurement Manager supports the recommendation on the basis that to tender this service would not be in the best interests of the Council during the intervention that is currently taking place in Cultural Services. Once the intervention is completed the service requirement will then be reviewed and any future service will be in accordance with the Code of Procurement Practice.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The Council could re-tender for the delivery of the services as they exist at present but then be faced with negotiations to revise the contract depending on the outcome of the intervention and contract re-let.

5. BUDGETARY FRAMEWORK

- 5.1 The budget is in place within Cultural Services to cover the cost of this extension to end December 2011.

6. POLICY FRAMEWORK

- 6.1. In requesting an exception the contract will comply with Code of Procurement Practice.