

**Report of the Chief Constable to the Chair and Members  
of the Audit and Internal Control Panel  
10<sup>th</sup> August 2010**

**Executive & Presenting Officer: Mrs Ann Hall, Assistant Chief Officer  
(Finance & Commissioning)**

**Status: For Information**

**Contract Standing Order No.9 - Exemption from the  
normal requirement to tender (April – June 2010)**

**1. Purpose**

- 1.1 New contract standing orders were introduced on 1<sup>st</sup> July 2009. Standing Orders paragraph 9 states that "Utilisation of Contract Standing Order 9 or failure to follow contract standing orders shall be reported to the Audit and Internal Control Panel".
- 1.2 Details of each request are included in Appendix A.
- 1.3 Standing Orders reflect both the policies of Cleveland Police Authority and the requirements of current legislation. Their purpose is to provide help and guidance to all members of staff who are involved in supplier negotiations for the provision of goods and services. They are mandatory and as such must be complied with at all times.

**2. Recommendations**

- 2.1 That Members note the exemptions in Appendix A of this report which satisfy the criteria for exemption from the normal requirement to tender set out in Contract Standing Order 9.
- 2.2 That Members note the exemption in Appendix B of this report which falls outside of the normal exemption criteria.

### **3. Reasons**

- 3.1 Contract Standing Orders regulate the arrangements and procedures for acquiring goods and services. There is an underlying requirement that where such an acquisition is amenable to competitive tender that this mechanism should be employed. This requirement is modified in practice when competitive tendering is not considered either efficient or practical. Furthermore there are classes of goods and services which are not amenable to competitive tendering, examples of these would be property rental, water supply and contributions to national bodies supplying services to police forces and authorities either individually or as a "community of interest".
- 3.2 In compliance with Contract Standing Orders it has been the practice to report quarterly every circumstance where it appears that the normal requirement to tender has not been followed.
- 3.3 The quarterly report has in the past been presented as a list of "exemptions", but Members will observe that the appendices contain an analysis by the criteria set out in Contract Standing Order 9. The objective of this analysis is primarily to aid the review by the Audit & Internal Control Panel. A secondary benefit has been a further analysis of the rationale used by spending officers when determining which criteria applies to the particular circumstances of their exemption request. The analysis at Appendix A reflects what is regarded by the Force as the correct application of the criteria.

### **4 Implications**

- 4.1 Finance  
All commitments are within existing budgets; the details of each individual request are provided.
- 4.2 Legal  
As part of the exemption process any requests which involve new supplier terms and conditions are discussed and agreed with Legal Services.
- 4.3 Diversity & Equal Opportunities  
Diversity policies have been requested and details will be fed back to the Diversity Unit.
- 4.4 Human Rights Act  
There are no Human Rights Act implications arising from this report.
- 4.5 Sustainability  
There are no sustainability implications arising from this report.
- 4.6 Risk  
There are no risk implications to report.

## 5. Conclusions

- 5.1 The details of the exemption requests attached at Appendix A not only comply with methodology approved by Members but represent the Force's ongoing commitment to greater efficiency and effectiveness.

Sean Price  
Chief Constable

### Originator of report

Category Manager Ext 1224

Head of Commissioning Ext 1386

Attachments (1) – Exemption details

Background Papers are available upon request

**Exemption Reason – Proprietary Product**

- 1. Purchase of specialist training from Serco at a cost of £11,960 to Specialist Operations & Communications.**
  - 1.1 The Emergency Planning Department requires specialist training in “Crowd Dynamics and Public Safety at Sports Grounds” in order to perform their duties effectively.
  - 1.2 The specialist training is unique and only available from Serco. Therefore, the provision of training from Serco is considered to be a proprietary product.
  
- 2. Provision of public order training facilities from Durham Constabulary at a cost of £13,690 to Specialist Operations & Communications.**
  - 2.1 Cleveland Police do not have in-house facilities to train public order staff, however a purpose built facility owned by Durham Constabulary is utilised for this training.
  - 2.2 This facility is the only facility local to the Force which officers can attend without incurring additional costs for accommodation etc.
  - 2.3 The total cost is for 6 days public order training.
  - 2.4 The Procurement Department are working with Durham Constabulary and Specialist Operations & Communications to put in place a Service Level Agreement for this facility.

**Exemption Reason – Operational Emergency**

- 3. Provision of forensic telecommunications work from Forensic Telecommunications Services at a cost of £12,900 to Crime Operations.**
  - 3.1 Forensic Telecommunication work was required to support a major incident.
  - 3.2 Forensic Telecommunications Services (FTS) have previously been used by the Force for these services and have proven to offer an excellent service and therefore were selected to provide services to support this major incident.
  - 3.3 The NPIA are currently at the early stages of developing a National strategy for E-forensics (services provided by FTS will be incorporated) in order for future contracts to be put in place. Until this work is complete the Force will procure these services on an ad-hoc basis.

**Exemptions outside of the Police Authority Approved Exemption Reasons**

**4 Purchase of Zeiss Night Vision Aids from Carl Zeiss Ltd at a cost of £14,000 to Specialist Operations & Communications.**

4.1 As part of the Joint Firearms Project it was identified that both Cleveland and Durham required specialist kit to improve their rifle capability during night deployments.

4.2 Both Forces carried out extensive research and testing of night vision aids from various suppliers, which identified the Zeiss product range as offering the best operational performance and value for money.

4.3 Although the Zeiss product range is only available directly from the manufacturer the original specification was not a proprietary product therefore the procedure for medium value procurement should have been applied.