

INFORMATION NOTE

BOROUGH WIDE WEED SPRAYING TREATMENT UNDER EXEMPT CONTRACT PROCUREMENT RULE

Information

At the Operational Management Committee in May 2016 Members voted in favour of a proposal to introduce an in-house borough wide weed treatment process using mechanical removal as an alternative to chemical spraying after concerns had been raised locally and nationally about the use of chemicals. A final chemical spray took place in June 2016 and mechanical weed removal commenced in January 2017. As with any new process there were a number of operational challenges to overcome which resulted in progress being slower than anticipated and some of the locations proving to be more difficult to access and clear with the mechanical weed ripper than planned. The warm weather in early spring together with wet and humid conditions produced an ideal climate for weed growth over the summer which led to a proliferation of problem areas that required additional resources to manage. In response to these circumstances a decision was taken to carry out a supplementary borough wide weed spray in July/August.

A quote was obtained from DTMS (the contracting firm previously used for weed spraying) for a one off borough wide spray to help address the challenges. The price of £10,348.97 just exceeded the threshold for a medium contract which is £10,000 however, given the time sensitivity and the lack of other contractors with sufficient knowledge of the borough it was not possible, and would have led to further delay to obtain 3 quotations in accordance with the requirement. Commissioning the spray as a 'one off' is permissible within the procedure for exempt contracts under the contract procurement rules as follows:

'where the estimated value of goods and services to be supplied is £10,000 or more and other procedures cannot practicably be followed because:

- (i) the contract is an extension of an existing contract;*
- (ii) the contract is for spot purchasing fuel or utilities;*
- (iii) the goods, materials or works desired are of a proprietary or special character or for other reasons there would be no genuine competition; or*
- (iv) in the opinion of the Chief Executive the need for the goods materials or works is urgent.*

For an exempt contract, the qualified informal procedure is available, which is:

'that the relevant director must be satisfied that the arrangements made secure the best available terms to the Council and must report the circumstances to the next available meeting of the relevant committee.'

Approval for the weed spray, and a subsequent spray in autumn, was granted from the Chief Executive and Director of Resources after discussion with the Chairman of the Committee, on the grounds that the work required was urgent due to the time scale it needed to be carried out and the importance of managing weeds when the In Bloom initiatives are being judged. The cost of the weed spraying will be accommodated through efficiency savings and a report will be brought to committee on a review of the management of weeds.

FURTHER INFORMATION AVAILABLE FROM

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