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18 March 2009

To: All Members of the Cabinet Procurement Committee

Dear Member,

Cabinet Procurement Committee - Thursday, 19th March, 2009

I attach revised legal comments in respect of the following report to be considered at the above-mentioned meeting:

4. SUPPORTING PEOPLE - REQUEST FOR WAIVER AND AWARD OF INTERIM CONTRACTS (PAGES 1 - 2)

(Report of the Director of Adult, Culture and Community Services): To seek approval to waive the requirement for a full tendering process for the provision of two Supporting People contracts.

Yours sincerely,

Richard Burbidge
Cabinet Committees Manager

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Agenda Item 4**Supporting People – Request for Waiver and Award of Interim Contracts
– Revised Head of Legal Comments****9 Head of Legal Services Comments**

- 9.1 CSO 6.05 provides that except as otherwise provided under CSOs, contracts with an estimated value of more than £25,000 must be let following a competitive tendering process.
- 9.2 The contracts to which this report relates are Part B services for the purposes of the Public Contract Regulations 2006. Therefore it will not be necessary to comply with the requirements to tender under EU legislation.
- 9.3 CSO 7.02 (a) provides that the Cabinet Procurement Committee may waive the requirement to tender if the waiver is justifiable under CSO 7.03.
- 9.4 CSO 7.03(d) provides that a waiver may be agreed where it is in the Council's overall interest to do so.
- 9.5 The Cabinet Procurement Committee also has power to approve an award of contract under CSO 11.03 (contracts valued at over £250,000).
- 9.6.1 The Head of Legal Services sees no legal reasons preventing the Cabinet Member from approving recommendations set out in paragraph 4 of this report.

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