

## SOMERSET COUNCIL WAIVER REQUEST/ BREACH NOTIFICATION

Before completing this form, please discuss with the Commercial and Procurement Team to ensure you are following the correct process.

<b>Waiver Ref No. (Provided by C&amp;P)</b>	<b>791</b>	
<b>Applicant's Name:</b>	Kate Murdoch: Service Manager Planning Policy_& Implementation (Area West)	
<b>Directorate and Service:</b>	<b>Climate and Place: Planning</b>	
<b>Title and purpose of Contract:</b>	Trialling new technology developed by Salinity Solutions	
	Purpose: Trial Reverse Batch Osmosis modular unit to provide a secondary treatment process at poor performing Waste Water Treatment Works with catchment area. If proved successful, roll out of this new technology . In line with the purpose of the Nutrient Mitigation Fund, the money generated by the sale of P credits (ie kg's of phosphates removed) to be reinvested in nature based solutions eg wetlands.	
<b>Is this a repeat waiver/breach?</b> <i>If yes please include the previous waiver/breach reference number</i>	No If Yes, Include previous ref number here	
<b>Name of supplier:</b>	Salinity Solution's Ltd ( <a href="https://salinitysolutions.co.uk/">https://salinitysolutions.co.uk/</a> )	
<b>Waiver/Breach period:</b>	Start: 09/02/2024	End: 31/03/2030
<b>Expected annual Spend and Total Spend expected over whole life cycle of Contract, including disposal (in £ less VAT):</b>	Value of trialling new technology ████████ Feb 24 to July 24  Value of contract post July 24 ( ie roll out new technology), currently unknown and dependent upon the out outcome of trial.  If successful the end date of the waiver aligns with legal requirement to update Waste Water Treatment works by 2030  Spend is against external grant funding (capital and revenue) from central government in full.	

<b>Previous spend under existing contract or waiver/breach for each financial year</b>	There is no existing contract or waiver period. Please note: this waiver request involves for <u>both</u> revenue and revenue spend.	
<b>Is this Capital or Revenue spend?</b>	Revenue	
<b>Is the budget available ?</b>	Yes	
<b>Previous contract/waiver/breach period</b>		
<b>If there is a previous contract, please provide reference number</b>	n/a	
<b>If the total contract value is over £100k (including any previous spend):</b> <ul style="list-style-type: none"> <li>Please confirm the credit check score obtained from Finance and their view on risk (please attach evidence)</li> </ul>	n/a	
<b>If the total contract value is over £100k (including any previous spend):</b> <ul style="list-style-type: none"> <li>Have Insurance confirmed the levels and type of insurance required?</li> <li>If so, please state.</li> </ul> Please note that if the waiver is approved or breach reported then you must send copies of the suppliers policies to C&P prior to contracting with the supplier.	Yes, contract is over £100k [REDACTED] [REDACTED] Not yet. To be advised / to be included within contract if the pilot is a success.	
<b>Breach Notification?</b>	Yes	
<b>Waiver Category:</b> (Full CSOs can be found here <a href="#">LINK</a> )	B - Increased costs / loss of income	

### Declaration of Interest

The Council must ensure that orders and Contracts are awarded on merit even where a waiver is sought, and at all times in accordance with the relevant Rules and that no special favour or conflict of interest should be shown to businesses run by, for example, friends, partners or relatives.

***In signing this waiver the Applicant and all signatories hereby officially declare that no such relationship, referred to above, exists with the supplier(s) to be awarded business through this waiver process. In accordance with the Rules, I certify that the information given is accurate, to the best of my knowledge.***

Required Signatory	Name & Position	Signature	Date
Applicant	Alison Blom-Cooper	[Signature]	06/02/2024
Budget Holder Approval <ul style="list-style-type: none"> <li>£25k-50k – Tier 5 or above</li> </ul>	Mickey Green	[Signature]	06/02/2024

• Over £50k to £250k – Service Director /Executive Director			
C&P (Lead Officer) Approval, where applicable	[Name]	[Signature]	[Insert Date]
Procurement Strategic Manager Approval	Paul Skuse	[Signature]	07/02/2024
Service Director – Finance and Procurement (if over £100k)	Claire Griffiths	[Signature]	09/02/2024

Waiver Approved by C&P	<input checked="" type="checkbox"/>
Waiver Declined by C&P – Alternative route to be discussed and agreed with C&P	<input type="checkbox"/>
Breach – Signature denotes that Commercial and Procurement have determined that this procurement is a breach of Somerset Council’s CSO’s and/or Public Contract Regulations and that a waiver is not being granted.	<input type="checkbox"/>

### **Comments - C&P Use only**

**Strategic Manager to provide reasons for decision to approve or decline waiver.**

**Grant funding is received on the basis of using this supplier – decline of the waiver would mean that we cannot fulfil the grant funding conditions**

**Due Diligence to be obtained and provided to C&P prior to any contract award or Purchase order requisition:**

<b>Signed Decision Paper</b>	<b>Choose an item.</b>
<b>Valid Insurance Documents</b>	<b>Choose an item.</b>
<b>Completed Selection Questionnaire</b>	<b>Choose an item.</b>
<b>Financial Credit Check</b>	<b>Choose an item.</b>

## **Waiver Application Guidance**

The requirement to undertake a competitive tendering exercise under the Contract Procedure Rules and Standing Orders (the “Rules”) can be waived only where this request meets the specific circumstances set out in the Rules and only with the prior authority of a Strategic Manager from within the Commercial and Procurement Team (“C&P”).

If this approval is obtained, please seek a formal decision sign-off from appropriately empowered officer under the Council’s Scheme of Delegation.

All waivers, and the reasons for them, must be recorded using this form. The Officer applying for this waiver is responsible and accountable for making sure that the contents of the designated form are factually correct, and that appropriate signatures have been obtained.

The Applicant must ensure that all supporting documentation is retained for audit purposes. Please be aware that knowingly submitting incorrect information in order to obtain approval for a waiver will be considered as non-compliance to the Rules and dealt with accordingly which may include disciplinary action.

<b>Waiver Category</b> (Full CSO's can be found here <a href="#">LINK</a> )
<b>Category A:</b> Life or death – there is a significant chance that the life or health of officers, members or the public will be put at real risk;
<b>Category B:</b> Increased costs / loss of income – the Council will incur significant avoidable costs or lose significant income (significant shall be taken to mean material in the sense that it is either material to the project, the service or the Council);
<b>Category C:</b> Limited markets – supply of the product or service is demonstrably restricted to a single source of supply; or
<b>Category E:</b> Goods, Works or Services are urgently required because of a genuinely unforeseeable emergency. It must be noted that not allowing sufficient time to Tender shall not be considered an emergency.

***Waivers will not be made retrospectively. Any such request will be deemed a breach and recorded as such.***