

WESTMINSTER CITY COUNCIL

STATEMENT OF DECISION

SUBJECT: PREVENTION SUPPORTED HOUSING CONTRACT EXTENSIONS

Notice is hereby given that the Cabinet Member for Housing and Customer Services has made the following executive decision on the above mentioned subject for the reasons set out below.

Summary of Decision

1. That this report be exempt from disclosure by virtue of the Local Government Act 1972 Schedule 12A, Part 1, paragraph 3 (as amended), in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).
2. That the Cabinet Member for Housing and Customer Services approved a waiver of the Procurement Code to permit the direct award of interim contracts for the contracts listed in Appendix 1 of the report, to the total sum as detailed in the report for the period 1st April 2018 to 31st March 2020 and noted that this will allow for a programme to be developed and implemented for the re-procurement of these services over the next 2 years.

Reasons for Decision

1. Regulation 72 (1) of the Public Contract Regulations 2015 require that for any variation clauses to be lawful they must be couched in 'clear, precise and unequivocal' terms, that state the scope and nature of possible modifications. The 'review clauses' in many of the existing contracts that enable the contracts to be rolled on without limit would therefore not be considered lawful. The contracts must be put onto a compliant contractual footing with clear start/expiry dates and provisions to extend that do not continue indefinitely.
2. The current 'expiry date' for these services is 31st March 2018 and further extensions to the contracts are therefore sought to maintain continuity of service whilst a re-procurement programme is developed in order to achieve full compliance.
3. At present, all the contracts are closely monitored and, as recorded in capitaesourcing, are considered to meet the Contract Managers' expectations.

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Publication Date: 15 June 2018

Implementation Date: 22 June 2018, 5.00pm

Reference: CMfH&CS/2018-2019/03

