

Extract from the City of London Procurement Code - Part 2:
Rule 25: Exceptional circumstances where a waiver may be granted

| Rule 25 Waivers | |
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| Rationale | The waiver process is in place to allow for those circumstances where an exception to the requirements of the Code is required. |
| Process | <p>A waiver is a request to 'waive' the requirements of the Procurement Code, i.e. to grant an exception to the stated requirements. Where an item is exempt from competitive procurement a waiver will not be required, therefore please check whether an item is exempt in accordance with rule 26 before seeking a waiver.</p> <p>Waivers for procurements up to £50,000 can either be granted on a single order or contract basis or be applied to an aggregated group of purchases for a particular period up to the approvals thresholds.</p> <p>A waiver will only be permitted under the following circumstances only:</p> <ol style="list-style-type: none"> 1. Sole Supplier (not advertised) <p>A waiver may be permitted where an officer can demonstrate that there is only one supplier in the market who can provide the required goods, services or supplies. It is therefore not deemed necessary to advertise the opportunity as this is the only supplier who would be able to meet the requirement.</p> <p>It is anticipated that this will apply to a very limited number of circumstances, for example whereby the parts required are only manufactured by one supplier.</p> 2. Extension of contract beyond expiry term or approved extension term <p>A waiver may be permitted to allow a short term extension to a contract or to allow an approved extension term. Where an unplanned extension is requested the officer must demonstrate that there is a risk to the City of London, e.g. potential gap in service provision; or greater value to the organisation in extending the contract, e.g. adding value by combining the contract with another upcoming opportunity.</p> <p>Extensions will only be granted where this does not result in the value of the contract exceeding EU thresholds.</p> 3. Order outside of approved Corporate contract <p>A waiver may be permitted to allow a purchase outside of the Corporate Contract where the officer can demonstrate the Corporate Contract supplier has been given an opportunity to review the requirements and the Corporate Contract cannot meet the requirements for the goods, suppliers or services due to their specialist nature.</p> |

Retrospective Waivers (A purchase where previous authority has not been obtained).

Under no circumstances should an officer proceed with a purchase with the intention of applying for a waiver retrospectively. City Procurement must be contacted prior to the placement of any order. Therefore a retrospective waiver will be noted and reported to Procurement Steering Group as a **non compliant purchase** in breach of the CoL Procurement Code. However it will allow the City to pay its contractual obligations.

Officers should note that the statutory requirement to comply with the provisions of PCR 2015 cannot be waived.

Obtaining a waiver – Up to £50,000

Waivers under £50,000 require approval by the Chief Officer. A Chief Officer may Delegate Authority to an officer within his department to authorise waivers for procurements up to £50,000 on behalf of the Chief Officer. A list of Chief Officers and Officers with Delegated Authority to approve waivers up to £50,000 is maintained by the Business Enablement team in City Procurement. Chief Officers should email [Business Enablement](#) confirmation of the names of officers who have been given delegated authority to sign waivers.

Waiver Forms (under £50k) should be issued by the City Procurement team with a unique identification number.

Where officers are aware that a waiver (up to £50,000) will be required they must indicate that a waiver will be required in the 'Notes to Buyer' field when raising a requisition.

If deemed appropriate, City Procurement will issue the waiver with a unique identification number and comments from the City Procurement officer after which the officer is required to complete all fields and and this can then be authorized by Chief Officer (and the completed and authorized form should be returned to City Procurement

Obtaining a waiver – Over £50,000

Waivers at £50,000 and over and less than £2,000,000 require approval by the relevant spend Committee (and Projects Sub-Committee for contracts let as part of projects).

For waivers at £2,000,000 or above (but less than the OJEU thresholds for works) please refer to the Project Gateway Approval Process.

If waiting for a waiver to be granted by the relevant Spend Committee would have a detrimental effect to the business, the Chamberlain may authorise waivers at £50,000 and over and less than £500,000. For waivers at £500,000 and over but less than £2,000,000 approval can be sought from the Town Clerk. Prior to submission to the Town Clerk, officers must discuss the draft of the report with the Chamberlain.

For urgent and non-urgent waivers at £50,000 or over, Officers should complete a Committee Waiver Report and Cover Sheet. These templates should be issued by the City Procurement team with a committee report reference number.

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| | <p>Urgent Waivers</p> <p>For urgent waivers, the Chamberlain will receive Committee Waiver Reports on a weekly basis, submission on a Monday and decision by the following Monday.</p> <p>Officers seeking an urgent waiver must have exceptional reasons for doing so and would need to explain how long it would normally have taken to receive approval in their Committee Waiver Report. Officers should also state in their Committee Waiver Reports why an urgent waiver is required. Reasons for requesting an urgent waiver may include operational impact, financial impact or both.</p> <p>Even when approval for a waiver is sought from the Chamberlain, all Committee Waiver Reports will go up to the next Committee.</p> <p>Committee Waiver Reports should say how long the waiver will be in effect for and the time frame for subsequent compliant procurement to be undertaken.</p> <p>Officers drafting waiver reports or considering obtaining waivers must consult with the Head of Sourcing or the Head of City Procurement before drafting the waiver report. Officers should also undertake appropriate consultation with the key decision makers, Category Chairman, Comptrollers Department, Economic Development Office and Finance before drafting the report.</p> |
| <p>FAQ</p> | <p>At what point in the process should I seek a waiver?</p> <p>If you believe that you will require a waiver you should contact City Procurement at the earliest opportunity to ensure no delays are incurred. City Procurement will provide specialist advice and support.</p> <p>Can I apply for a waiver retrospectively?</p> <p>As highlighted above, under no circumstances should an officer proceed with a purchase with the intention of applying for a waiver retrospectively. City Procurement must be contacted prior to the placement of any order. A retrospective waiver will be noted and reported as a breach of the CoL Procurement Code and will not be approved. However it will allow the City to pay its contractual obligations.</p> |
| <p>Process Document Links</p> | <p>For a waiver form please contact CityProc.Operations@cityoflondon.gov.uk</p> <p>For the template committee report for non-urgent or urgent waivers over £50,000 please contact CityProc.Operations@cityoflondon.gov.uk</p> |
| <p>Further Information & Policy and Legislation Links</p> | <p>Competitive Procurement Exemption Policy</p> <p>City of London Project Procedure (Gateway Approval Process)</p> |