

Infrastructure Delivery Framework

Appendix E: Protocol for the approval of Recorded Corporate Director's Actions (RCDAs) through the Infrastructure Delivery Framework (IDF) Meetings Process

August 2016

1. Introduction and Purpose of Protocol

- 1.1 This protocol has been formed in order to set out a new process to enable the completion of Records of Corporate Directors Actions (RCDAs) to be completed through the IDF process.

2. Background

- 2.1 In an infrastructure delivery context RCDAs enable the adoption of Capital budget of £250,000 or less by Corporate Directors. They also facilitate the waiving of Financial Regulations (including the Procurement Rules) on an item with an assessed value of up to £164,176. Corporate Directors are granted this approval by the Council's Constitution.

- 2.2 In order to formalise an RCDA a form (template attached at Appendix A) must be completed and signed by a number of parties, including:

- **The Instructing Officer:** This party is required to complete Section A (Information) and Section B (Justification for Action).
- **Service Head;**
- **Directorate Finance Manager;**
- **Responsible Procurement Officer:** Where the RCDA is seeking to waive procurement procedures, this party must provide comments and sign the RCDA form.
- **Chief Legal Officer;**
- **Originating Director.**

- 2.3 Grant Thornton was appointed to review the S106 programme management processes of the Council and produced a report dated the 7th March 2016. This audit identified that the RCDA process contributed to delays. It stated:

[The RCDA] process is contributing to delays to the commissioning of projects.

- 2.4 The same audit report referred to in the paragraph above made the following recommendation:

When implementing the IDF the Council should review the RCDA procedure and investigate whether a more streamlined process which enables more rapid delegated funding approval will still achieve the same results without sacrificing the quality of oversight and accountability.

- 2.5 Section 3 below sets out a process to integrate the RCDA procedure into the IDF decision-making process. This will help to expedite the approval of infrastructure projects and ensure compliance with audit recommendations.

3. Proposed Process

- 3.1 Please find below a series of steps that must be followed to complete RCDAs through the IDF process:

1. The relevant directorate lead on infrastructure delivery will oversee the completion of sections A and B of the RCDA form.
 2. The relevant directorate lead will oversee the provision of comments from the relevant Service Head.
 3. The relevant directorate lead will oversee the provision of comments from the relevant Directorate Finance Manager.
 4. Where applicable the relevant directorate lead will oversee the provision of comments from the Responsible Procurement Officer. Comments from this individual will only be required where a waiver of procurement procedures is required.
 5. Following receiving comments from the parties set out in steps 1 to 4 above, the relevant directorate lead will attach both a 'clean' and a signed version of the RCDA form to the Project Initiation Document (PID) when it is being submitted to the Infrastructure Delivery Steering Group for approval.
 6. The Infrastructure Planning Team will coordinate the distribution of the PID and RCDA at least one week ahead of the IDSG meeting, in accordance with the meetings programme.
 7. If the Infrastructure Delivery Steering Group approve the Project Initiation Document and the RCDA for the allocation of funding) or for referral to Cabinet via the IDB, then the Infrastructure Planning Team will form a covering report that will incorporate the PID and RCDA form. This form will be submitted to Legal Services by Infrastructure Planning to obtain the comments of the Chief Legal Officer. This submission will be made in accordance with the timescales for submission of Cabinet reports to Legal Services.
 8. Once the comments of the Chief Legal Officer have been obtained the PID, RCDA and covering report will be submitted to the IDB in accordance with the deadline for papers for this group. The covering report will provide instructions and clearly indicate the Corporate Director who must review and address the RCDA form ahead of the IDB meeting.
 9. If the Corporate Director is content with the proposal set out in the covering report, PID and RCDA form then they must comment on and sign the RCDA. The RCDA can be provided onto the relevant officer ahead of or at the IDB meeting.
 10. If the Corporate Director has any queries regarding the project or RCDA they can raise them at the IDB, or with the relevant officer ahead of this meeting.
 11. Barring exceptional circumstances, and assuming the Corporate Director is content with the proposed project, this person will be required to have signed the RCDA by the end of the IDB meeting and to provide the form onto the relevant officer.
 12. If significant changes to the PID or RCDA form are required at any stage of the process then they should be withdrawn and referred to future meetings cycles.
- 3.2 This process will be kept under review and will be reflected in the Terms of Reference for the IDF meeting. If amendments are required then new proposals will be made through the IDF process.
- 3.3 If any party has any queries in respect of this process, they can contact one of the following members of the Infrastructure Planning Team:

Joseph Ward Ext: 2343	Christopher Horton Ext: 5249	Martyn Earl Ext: 2980
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Appendix A: Record of Corporate Directors Action template

Financial Regulations (FA10) provide that Senior Managers have discretion to approve the following actions without obtaining Cabinet approval:-

1. Approve Virements with a value of up to £250,000
2. Adoption of a Capital budget with a value of up to £250,000
3. Waiving Financial Regulations (including the Procurement Rules) on an item with an assessed value of £164,176
4. Approve a capital overspend of up to £250,000.
5. Settle Uninsured Claims of up to £250,000.

Where the action involves waiving the Procurement Procedures (item 3), the Corporate Director in liaison with the Head of Corporate Procurement and Legal Services may agree to the waiver **ONLY** if justification falls under the exceptions listed in clause 12.1 of the procurement procedures

All exercises of Directors Actions, which involve sums in excess of £100,000 must be reported to the next available Cabinet through a noting report.

Where the action involves Capital spend i.e. point 2 and 4, the Appendix A attached **MUST** be completed.

It is the responsibility of Corporate Directors **to return** to Legal Services fully completed and signed RCDAs. An RCDA is not a contract. If the RCDA relates to a waiver of the Financial Regulations and a contract is required, please also complete and return Appendix B to enable Legal Services to draft a contract.

Under the Greater Government Transparency Agenda, the Council has made a commitment to publish all contracts above £25,000. All RCDAs above £25,000 will require a Contract number and will be published through the London Contract Register.

SECTION A: INFORMATION

Title:		Ref:	
Directorate:		Service Area	
Originating officer Name:			
Originating Officer signature:		Date:	
Approve Virements with a value of up to £250,000			<input type="checkbox"/>
Adoption of a Capital budget with a value of up to £250,000 (Complete Appendix A)			<input type="checkbox"/>
Approve a capital overspend of up to £250,000. (Complete Appendix A)			<input type="checkbox"/>
Settle Uninsured Claims of up to £250,000.			<input type="checkbox"/>
Waiving Financial Regulations on an item with an assessed value not exceeding £164,176 (Complete Appendix B)			<input type="checkbox"/>
Is there an existing Contract?	<input type="checkbox"/> Yes	Contract Number:	
	<input type="checkbox"/> No.	End Date for existing contract:	
Has this service been	<input type="checkbox"/> Yes	Please provide RCDA number:	

subject of any RCDA before?			
	<input type="checkbox"/> No.	What is the cumulative value of all RCDAs including this one?	
Organisation Name:		Creditor Num:	
Organisation Contact Name:			
Organisation Contact Details:			
Total Value:		Length of contract (enter total number of months):	
RCDA Agreement Start Date:		RCDA Agreement End Date:	

SECTION B: JUSTIFICATION FOR ACTION
 (Where the RCDA refers to the waiver of the Procurement procedures justification must be based exclusively on the grounds listed in section 12 of the Procurement Procedures)

SECTION C: APPROVAL AND SIGNATURES

Comments of the Service Head

Name:

Signature:

Date:

Comments of the Directorate Finance Manager

Name:

Where the RCDA is above £100,000, please confirm date of Noting Report to Cabinet

Signature:

Date:

Comments of the Responsible Procurement Officer (Applicable where waiver of Procurement Procedures)

Name:

Signature:

Date:

Comments of the Chief Legal Officer

Name:

Signature:

Date:

Comments of the Originating Director

Where this RCDA concerns waiving Financial Regulations and a contract is required, I hereby use my delegated power under paragraph 10.2 of the Scheme of Management (Part A) of Part 3 of the constitution to give effect to this decision.

Where the RCDA is above £100,000, please confirm noting report to Cabinet **No**
 Yes

Name:

Signature: (Signature of Originating Director or, in his/her absence, the appropriate Head Of Service)

Date:

- **Capital Budget Profile**

Please profile the capital budget being adopted, with 'Year 1' being the current financial year.

Year 1				Year 2	Year 3	Total Capital Estimate
Quarter 1	Quarter 2	Quarter 3	Quarter 4	Full Year	Full Year	
£	£	£	£	£	£	

- **Capital budget Funding Source**

Please detail the funding of the capital estimate.

	Funding Type (Grant, Section S106, RCCO etc.)	Additional Information (Section 106 PA Number, or Name of External Grant)	Amount £
Funding 1			
Funding 2			
Funding 3			
Funding 4			
TOTAL			

- **Capital budget Funding Profile**

Please profile the funding source of the capital estimate, with 'Year 1' being the current financial year.

	Year 1	Year 2	Year 3	Amount
	£	£	£	£
Funding 1				
Funding 2				
Funding 3				
Funding 4				
TOTAL				

<p>CONTRACTS TEAM INSTRUCTION FORM</p> <p>CONTRACT FORMATION THROUGH RCDA</p>

Please return the completed RCDA (once all signatures are captured) together with this completed form and relevant documentation to Jonathan Fox, Legal Team Leader, for allocation to a Contracts Lawyer.

CLIENT DETAILS			
Date Completed:		LBTH Requestor Name:	
Directorate:		Service Area:	
Section:		Telephone Number:	
Requestor Line Manager (to be contacted in absence of requestor officer)			
Cost Code for Disbursements:			

NATURE OF THE CONTRACT			
Anticipated contract value over the whole lifetime of the intended contract term (this can't exceed the spend approved RCDA)			
Contract type:	Supplies <input type="checkbox"/>	Contract term (specified in months)	
	Services: <input type="checkbox"/>		
	Works: <input type="checkbox"/>		

ORGANISATION DETAILS			
Organisation Contact Full Name:			
Email Address:		Telephone Number:	
Registered Address:	Address Line 1		
	Address Line 2		
	Address Line 3		
	City/Town		
	Country		
	Post Code		
	Email address		
	Telephone Number		
Website			

KEY DATES

Start date of contract		End date of Contract	
What is the date by which you need to complete the contract? (note that Legal can usually prepare a draft contract within 10 working days of full instructions)			

SPECIFICATION OF THE CONTRACT

Please provide as much detail as you can about what you are purchasing or contracting for. Remember to attach the relevant Specification, Pricing Schedule and Supplier's Proposal detailing how they intend to deliver the Services/Works in accordance with the Specification.

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