



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

Scottish Children's Reporter Administration

Procurement Policy



SCRA PROCUREMENT POLICY

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1. INTRODUCTION

The Public Procurement Reform Programme was initiated in response to a review of public procurement in Scotland carried out by John F McClelland CBE and published in 2006. The Programme is a far-reaching and ambitious undertaking that aims to improve procurement across the Scottish Public Sector.

The Programme's Vision is the implementation of structures, capability and processes to provide continuous improvement in procurement across the Scottish Public Sector in order to deliver Value for Money improvements and support increased efficiency.

The objectives of the programme are to:

- facilitate public bodies in improving their procurement capabilities in order to support delivery of better public services;
- increase the cost-effectiveness of procurement, thereby releasing cash for use in other priority areas;
- establish and embed appropriate procurement policy and best practice in order to ensure fair and efficient procurement practices and reduce commercial risk;
- facilitate cross sector collaboration to avoid duplication of effort, maximise potential gains from collaboration, enable the sharing of experience and information and to ensure that common suppliers and markets are managed effectively; and
- encourage suppliers to build effective and mutually beneficial relationships with the Scottish Public Sector.

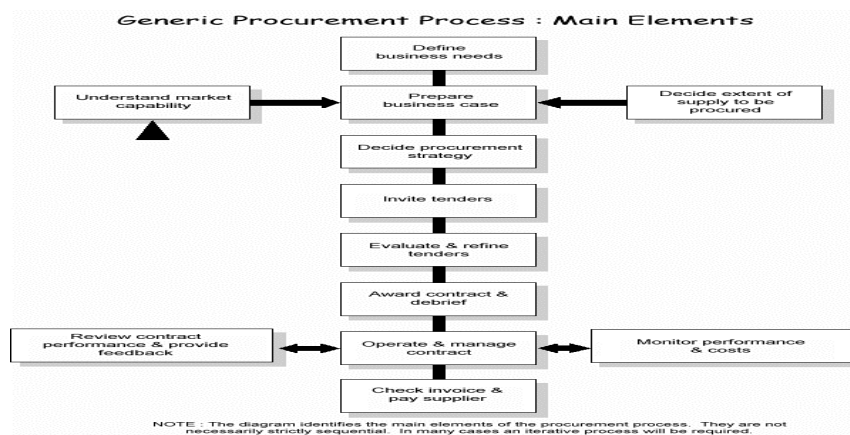
This policy document is designed to ensure those SCRA personnel involved in Procurement, fully comply with all Scottish public sector procurement obligations, many of which have resulted from the Programme, and in doing so ensure they operate within the highest legal and ethical standards and display the highest degree of integrity and honesty, whilst ensuring value for money is obtained in all procurement exercises undertaken.

This document and the Procurement Guide which complements it also set out the process that must be followed for each procurement exercise the organisation undertakes. In essence the document follows the lead of the Scottish Government Procurement Directorate, though it has been tailored to reflect the difference in size of the respective organisations.

The document and its contents are targeted at those staff responsible for the acquisition of goods and/or services on behalf of the organisation and describes the approved approach for all procurement exercises. It also sets out to afford a level of protection to those staff involved in the procurement process. For the purposes of this document, those staff directly involved in the procurement of goods and services for SCRA shall be referred to as Purchasers.



2. THE PROCUREMENT PROCESS



The above process is 'generic' and for minor procurements, resulting in contracts where the overall spend will not exceed the EU Procurement threshold (currently £156,442) a formal business case will not be required. Instead, formal approval of the procurement strategy document will be evidence of the procurement having received senior management approval. Where framework agreements have been set up by SCRA, contracts will not be awarded for individual pieces of work placed with one or more of the appointed suppliers but users should ensure that 'mini competitions' are the basis for such awards, particularly when the framework's establishment had been subject to the full rigour of the EU procurement rules. For more information on Framework Agreements refer to the Procurement Guide



2.2 KEY ELEMENTS OF THE PURCHASER'S ROLE

Key elements of the Purchaser's role in the procurement process are:-

- where one is required, assist the customer with business case preparation including providing information on most appropriate procurement routes (frameworks, collaborative procurements* etc) likely costs, available markets etc, if not already available to the customer;
- assist the customer in the drafting of the Procurement Strategy required for all 'sealed bid' exercises > £20k;
- assist the customer with drafting the specification to ensure that it is best suited to attract competition; (both the strategy and the specification should take full account of procurement, environmental, and community benefit best practice)
- having advised the customer which procurement routes are open to him/her, where tendering is selected, manage the competitive process, including advertising, evaluation of suppliers and choice of tenderers, preparation of the ITT based on customer's specification and agreed contract terms and conditions, determination of agreed evaluation criteria, tender opening and organising evaluation;
- where appropriate, ensuring that Corporate Social Responsibility (CSR) is directly related to the performance of the contract by inclusion of relevant clauses;
- organise and conduct any post-tender clarification needed, and undertake any appropriate post-tender negotiation;
- with the customer recommend the tender that offers the best value for money;
- in all the above, ensure that any other experts or authorities needed have been approached for advice and help as required, e.g. Finance and/or external sources;
- when satisfactory agreement has been reached with the customer, and any others involved in the evaluation, make the formal commitment with the chosen supplier;
- finalise the contract, which must be in writing;
- ensure there is a clear audit trail including updating procurement records;
- debrief unsuccessful bidders on request;
- agree with the customer arrangements for contract management including a timetable for Reviews to be carried out plus Key Performance Indicators (KPIs); and
- after a suitable period of time, conduct Post Procurement Reviews to identify lessons to be learned from the process and to determine whether planned benefits and VFM **were** achieved.



* Collaboration across public bodies provides opportunities for better utilisation of procurement skills and resources, greater purchasing leverage through aggregation of spend; encouraging competition or innovation in markets maximising benefits; and the spread of best practice. SCRA has already made a start on such collaboration and seeks opportunities to develop this further.

2.3 RESPONSIBILITIES FOR PROCUREMENT

The Head of Finance and Resources has been charged by the Principal Reporter/Chief Executive to determine best practice purchasing arrangements for the SCRA, and seek to establish these consistently throughout HQ and the Regions. The Head of Finance and Resources has delegated Purchasing Authority to the Senior Delegated Procurer(s) for this purpose.

The Senior Delegated Procurer(s)'s Purchasing Delegation allows for further delegation to suitable staff that have responsibility for low value low risk procurements. Those staff with Delegated Purchasing Authority shall be known as Delegated Purchasers.

Delegated Purchasing Authority to commit a specific purchase contract is entirely separate from delegated budgetary authority, including that detailed in individual financial responsibility statements. Budgetary authority does not, of itself, imply Purchasing Authority.

No member of staff may commit to a purchase or award a contract without written delegated purchasing authority.

Where the usual officer with purchasing authority is absent, authority should be sought from the Head of Finance and Resources before proceeding with a purchase. The Senior Delegated Procurer(s) must be alerted to planned or possible procurements, outwith the Purchaser's delegated authority, or if the purchase is novel or deemed to be high risk. Where appropriate, gaining specialist, advice should also be considered. The sources of advice are set out at [Annex A](#).

The Senior Delegated Procurer(s) will maintain a central register of Delegated Purchasers for 3 main purposes:

- the dissemination of information and advice;
- the identification and development of a procurement training programme ; and
- periodic reports to SCRA Management and/or our Auditor's on the number of non-procurement staff who are actively involved in the procurement process and have completed appropriate levels of training.



2.4 PURCHASING & PAYMENT PROCESSES

2.4.1 Separation of duties

In any procurement process, the key roles of budget holder and purchaser should NOT be performed by the same individual. The **budget holder** should have authority to commission goods, services or works and to provide financial authority for the expenditure. The **purchaser** should have authority to commit the organisation to a contract for the purchase of goods, services or works.

Separation of these roles within a procurement process provides necessary safeguards against impropriety or unethical practice. Accountable Officers are required to ensure that procedures exist that allow **only** those staff with appropriate purchasing authority to commit the organisation to a new contractual relationship.

2.4.2 Ordering and payment procedures

The Senior Delegated Procurer(s) will be responsible for the administration of Government Procurement Card (GPC) and shall act as Principal Card Holder. Generally, the GPC shall be used by Purchasers for procurements between £5 and £10k for a single transaction, with a maximum monthly spend of £15k. Corporate procurement cards have been developed as a mechanism for streamlining the clerical processing of low value transactions. They substantially reduce the associated administrative costs. They are widely used, in the main, for low value, low risk orders. A list of typical low-value items might be as follows:

- Computer consumables and equipment
- Stationery and printing
- Safety equipment
- Cleaning services and materials
- Office furniture and related consumables
- Catering supplies and services
- Transport, travel and fares.
- Building services
- Ad hoc printing requirements
- Mechanical plant spares
- Books and journals

Purchasing cards deliver greatest value when used for high volume, low value supplies. For purchases from new ad hoc suppliers, purchasing cards avoid the time and cost of the Purchaser establishing the supplier on our finance system and the supplier opening an account for the Purchaser. They are also useful when used like an ordinary credit card, instead of petty cash, for ad hoc purchases at retail outlets as deemed appropriate by the Senior Delegated Procurer(s). Low value orders generate large amounts of paper in the form of requisitions, orders, goods received notes, invoices etc, and are, moreover, expensive to



process owing to the labour-intensive nature of such processing. Numerous estimates have been put forward for the cost of raising an order and paying an invoice. A reasonable estimate of the cost of raising a typical low value, simple order and paying the corresponding invoice is approximately £75. As, typically, 80% of an organisation's orders are low value and this represents less than 20% of expenditure, the GPC can significantly reduce the overall costs of transactions, or, at the very least, ensure a more effective reallocation of resources. Purchase requisitions should be numbered and issued centrally by Business Managers and Head Office equivalents.

All valid invoices should be paid on time. All public sector organisations are bound by the Late Payment of Commercial Debts (Interest) Act 1988, under which suppliers have a right to claim interest on payments made outside the agreed terms, or 30 days after receipt of a valid invoice where no payment terms are agreed. Where there is no contractual provision or other understanding to the contrary, suppliers should therefore be paid within 30 days of receipt of a valid invoice or similar correct and due demand for payment.

The payment of invoices that do not have a pre-requisite contract or order for the goods, services or works provided tends to facilitate unofficial buying by allowing the procurement function to be bypassed. It also means that authority to procure is retrospectively given rather than pre-approved. Therefore, suppliers should be given notice that goods, services and works should only be provided on receipt of appropriate contract, order or requisition reference information and within that same written notice informed that invoices received without contract or authorised order references will require special approval if they are to be paid. At a later and appropriate point in time invoices received without a pre-approved contract or order number should be returned to suppliers for this information. The payment cycle should not commence until a valid invoice with all required data is received.

Procurement arrangements should be reviewed periodically to consider whether ordering and payment procedures could be streamlined and value for money improved through implementation of relevant technology solutions, including e-procurement.

Payment of all invoices shall be in accordance with SCRA Financial Instructions, Section 6.

3. PROCUREMENT POLICY

3.1 VALUE FOR MONEY (VFM)

"The prime objective of Government procurement is to achieve value for money (VFM). Best VFM is the optimum combination of whole life costs and quality to meet the customer's requirement" - Setting New Standards



Pursuance of VFM is a key component of all purchasing decisions. Meeting the customer's requirement is fundamental. End users are not usually the purchasers themselves and their needs must be tested critically for cost effectiveness. To ensure best VFM in procurement the relevant factor is whole life cost, not lowest short term price. Whole life cost (WLC) takes into account all aspects of cost over time, including capital, maintenance, management and operating costs, whenever they fall.

Where investment appraisal techniques and analysis of financing costs are appropriate for evaluating tenders, referral should be made to the Finance Section of SCRA for further information.

It is both Scottish Government and SCRA policy that purchasers should use their commercial influence to help improve the competitiveness of suppliers, e.g. by ensuring that the products, processes and services which they buy, as far as possible, reflect the requirements (in terms of quality and price) of that market place, and specifications encourage innovation. Unsuccessful companies should be afforded opportunities to gain information on why they were unsuccessful and where they might be more successful in gaining SCRA business in future. Suppliers should not be put to unnecessary cost through casual enquiries for bids.

All staff, not only Purchasers, are responsible for ensuring that best VFM is achieved through the procurement process. In addition to its own contracts, SCRA has access to a number of contracts and agreements let by Central Government Centre of Procurement Expertise (CGCoPE), the Scottish Government Procurement Department (SPD), OGC Buying Solutions Supply 2Gov frameworks as well as those placed by Government Departments such as HMRC, HMPS and MOD, for a range of widely used goods and services. These contracts or arrangements must be used wherever possible to ensure best VFM is obtained. A list of items covered is provided at [Annex C](#), and further information is available from the Senior Delegated Procurer(s).

3.2 COMPETITION

"Goods and services should be acquired by competition unless there are convincing reasons to the contrary. Competition avoids any suggestion of favouritism and the encouragement of monopoly; it also helps to promote efficiency and economy. The form of competition should be appropriate to the value and complexity of the goods or services acquired". Government Accounting

It is Public Sector policy that procurement should be undertaken through open and fair competition. Purchasers, in consultation with customers, are responsible for identifying suppliers most likely to offer best VFM and for encouraging them to tender.



Competitive tendering thresholds:-

- < £1K (ex VAT) - Use Government Procurement Card and a minimum of 1 verbal quote must be acquired details of which must be recorded on file;
- £1K to £10K - Use Government Procurement Card and a minimum of 3 verbal/telephone quotations must be acquired, details must be recorded on file;
- £10K to £20K – not less than 3 written quotations must be received;
- >£20K – a ‘sealed bid’ process must be used for all procurements with a value greater than £20K exclusive of VAT;

Notes:

1. it is recognised that for small works contracts (up to £5k) it is not always possible to obtain a prior quotation or to use the use the GPC for works contracts;
2. when recording details of quotations received, the reason for the decision to award (e.g.: ‘lowest price’ or ‘not lowest price but superior grade’) must also be shown;
3. >£20K – the number and source of companies invited to bid should be appropriate to the value, complexity and importance of the procurement and should be referred to the Senior Delegated Procurer(s) (who should supervise the process) when uncertainty exists;
4. contracts (other than ‘works’ contracts) whose value is likely to exceed £50k must first be advertised on the Public Contracts Scotland portal via the Senior Delegated Procurer(s).

When selecting suppliers, the depth of the appraisal will be dependent on the value of the purchase, its sensitivity, estimated risks, the complexity of the requirement or previous experience of contracting with known suppliers. For many small value purchases of standard items or simple services, the supplier appraisal may be no more complicated than confirming potential tenderers are experienced in their business and can supply the requirement. Equally, a small value purchase could involve some detailed supplier appraisal work should the item be of strategic importance or involve a frequent servicing commitment.

Ensure that selection criteria are appropriate to the particular procurement. An important part of pre-qualification is to remove suppliers who have weaknesses that would make them unlikely to be able to meet the business need. It should be noted that the supplier selection process prior to the issuance of an ITT is a "backward-looking, not forward-looking" process. That is, the criteria for selection should concentrate on the general suitability of the candidate supplier for the project, as opposed to the specific means by which the candidate would implement the contract. The intention of this stage of the procurement



process is to expedite proceedings by eliminating unsuitable candidate suppliers and thus save time and resources which would be unnecessarily expended on a detailed examination of unrealistic bids. The contracting authority should therefore refrain, at this stage, from asking questions that would be more appropriate for the tender stage of the process.

3.3 Single Tender Actions

Sometimes known as Non-Competitive Action (NCA) may be required when procurements need to be made which cannot satisfy the minimum competition requirements. Great care is needed in authorising NCA as it remains essential to achieve best VFM, and that the procurement process undertaken is fully defensible. Therefore, within SCRA, all requests to proceed with NCA will be subject to the following approvals:

- i. For NCA-procurements with a value between £1K and £10k, prior approval must be obtained from the Senior Delegated Procurer(s);
- ii. For NCA-procurements with a value greater than £10K; prior approval must be obtained from the Principal Reporter/Chief Executive, or in the absence of the Principal Reporter/Chief Executive, from the Head of Finance and Resources.

In all cases the guiding principle is that approval is by someone other than the purchaser who will undertake the procurement (i.e. adequate separation of duties), and the justification for this must be formally recorded on file. See examples of situations where a NCA may be justified at [Annex D](#).

3.4 EUROPEAN UNION OBLIGATIONS

The Consolidated Procurement Directive which came into force in January 2006 placed an onus on all Public Sector authorities to ensure fair and open competition. The Directive initially only required public bodies to publish advance details of all contracts they were likely to award whose value was likely to exceed a specified thresholds (currently £156,442 ex VAT for Services and Supplies contracts and £3,927,260 for Works contracts). However, subsequent pressure from purchasers and suppliers, particularly SMEs, to develop a more competitive market environment through a national portal, as well as it being one of the recommendations of the McClelland report, has resulted in a recent requirement for Scottish public bodies to advertise **all** contract opportunities, except works contracts, worth >£50k on the Public Contracts Scotland advertising portal: www.publiccontractsscotland.gov.uk. The Remedies Directive (December 2009) should also be consulted for further information - visit <http://www.scotland.gov.uk/Resource/Doc/116601/0101930.pdf>



The most common EU procedure will take a minimum of 5 months from advertisement to choice of supplier, and this can easily extend to 15 months in more complex cases allowing for clarification of specifications, supplier set-up time, etc. Failure to appreciate the EU obligations sufficiently in advance is not itself an acceptable reason for reducing the prescribed timescales for different procedures.

[Annex E](#) sets out the list of **services** which fall into Part A of the Directive (often known as "priority services") to which the full rules apply, or Part B ("residual services") where obligations relate only to specifications and contract award information.

[Annex F](#) sets out **essential requirements for purchasers**. Further advice may be sought from the Senior Delegated Procurer(s).

3.5 WORKS CONTRACTS

Background

The EU threshold for advertising Works in the Journal is currently c. £3.9m. If the projects undertaken by Property fall under 'Works' rather than 'Goods & Services' then the criteria for meeting EU procurement rules will be "Works".

The Public Contracts (Scotland) Regulations 2006 sets out at schedule 2 those activities that are defined as 'Works'. These include:

- Building construction work in whole or part
- Roof coverings
- Plumbing works inc toilet, air conditioning and heating systems
- Plastering
- Joinery inc partitions, doors, windows, kitchens etc
- Floor and wall coverings inc tiles, carpets, wallpaper etc
- Painting and Glazing inc interior and exterior painting, installing glass etc

These activities describe works that form the basis of the types of project undertaken by Property. On the basis of the adequate advertising provisions, working to 10% of the £3.9m threshold implies that only Works contracts above £390K are subject to the advertising provisions under EU procurement via the Scottish Public Contracts portal. However, there are additional requirements that need to be satisfied, whereby opportunities below the £390k threshold should be advertised on the SCRA website.



Scottish Procurement Directorate - SPPN 3/2006 (8/3/06)

The SPPN to clarify what the requirements are for advertising below EU threshold opportunities to ensure openness, transparency and equality of treatment, states that in SPD opinion a decision not to advertise can be made for the following reasons:

- Disproportionate cost to SCRA of advertising the contract
- Contract will be awarded under a framework, approved list or other qualification system that has been subject to publicity
- Special reasons or extreme urgency

Decisions not to advertise that are documented and based on legitimate business needs are defensible to challenge by a supplier to the courts.

Constructionline is a pre-qualification system that was set up by the UK government to reduce the burden of vetting contractors for public works and forms the basis of how many public sector organisations approach the appointment of contractors to Works contracts.

Agreed Procedure for SCRA Property “Works” Projects

1. Only “Works” with a value >£390K to be advertised on the Scottish Government procurement portal. Below this threshold, but above a value of £50k, opportunities will be advertised on the SCRA website.
2. Constructionline can be used as the basis of the pre-qualification system for SCRA “Works” contracts.
3. Use our agreed SCRA criteria for shortlisting pre-qualified contractors

An important consideration for SCRA is ensuring that high quality work is undertaken by reliable contractors as well as ensuring that a competitive price is achieved and no favouritism is shown to particular contractors. Where work is undertaken for SCRA, it is proposed that completed work is assessed as part of a performance appraisal scheme to evaluate whether that contractor should be invited to tender for subsequent work. Poor performance on an SCRA project will mean that that Contractor will be precluded from consideration for future jobs for a set period.



SCRA thresholds for “Works” :

< £1K (ex VAT)	1 verbal quote *
£1K to £10K	Min 3 verbal quotes (with records kept) *
£10K to £20K	Not less than 3 written quotations must be received
£20K to £50K	A “sealed bid” is invited from 3 suitable contractors. Sealed bid process to be undertaken with the Senior Delegated Procurer(s)
£50K to £390K -	Advertise on SCRA website with the expectation of formally inviting 6 contractors to tender.
Above £390K -	advertise via Public Contracts Scotland portal
Above £3.9M -	full EU tender

* Procurement Policy recognises that for small works contracts (up to £5K) it is not always possible to obtain a prior quotation.

3.6 CONTRACT MANAGEMENT

Contract management is an essential part of the contracting process. Contract monitoring procedures are the essential key to ensuring that the contractor meets the service levels set out in the contract and to ensuring continuing value for money. Although formal contract management procedures are normally only used in high value and/or high risk procurements, there is still an obligation on the Purchaser to ensure all deliverables are met regardless of value or risk. Further advice and assistance can be provided by the Senior Delegated Procurer(s).

3.7 RISK MANAGEMENT

Purchasers should constantly exercise a ‘what-if’ mentality in relation to the procurement of goods, services or works. This ‘what-if’ mind-set will enable them to determine the potential outcome of risk management and incentivisation by testing assumptions, propositions and approaches under consideration. Risk Awareness should be seen as a positive attribute as far as Purchasers are concerned; it should not be interpreted as an expectation that things will go wrong but rather as being prepared for the fact that they may do so. Risk can be defined as ‘the probability of an unwanted outcome happening’.



Risk management involves three key activities: risk analysis, risk assessment and risk mitigation all of which facilitate the taking of decisions and actions to control risk appropriately by providing a disciplined and objective approach. Further guidance on risk management is included in the Procurement Strategy template located in the Ochil House Common Drive - [..\Templates\Procurement Strategy Template.doc](#)

3.8 ETHICAL ISSUES

Purchasers should be honest, fair and impartial in their dealings with suppliers. **Invitations** from suppliers or potential suppliers to attend social functions must not be accepted without receiving consent from Senior Management i.e. Senior Operational Manager level.

Staff involved in the procurement process should be vigilant against the operation of **cartels and collusion** of suppliers. Any suspicions should be reported to the Senior Delegated Procurer(s).

Press Announcements: A supplier, who wishes to announce that SCRA has awarded a contract to them, must first obtain the written permission of the Senior Delegated Procurer(s).

References may from time to time be sought from other potential customers and these should be referred to the Senior Delegated Procurer(s) for consideration and any further action.

3.9 EXTERNAL CONSULTANCIES

All External consultancy requirements must be addressed through the Senior Delegated Procurer(s) for procurement action. Business cases must be prepared by the appropriate budget holder/customer and take account of current Scottish Government policy.

3.10 DISPOSAL OF SURPLUS MATERIAL

Procedures for the disposal of Surplus Material are laid down in the Financial Instructions Manual Section 7.3. Items not considered saleable should be disposed of in the most economical and environmentally-friendly manner possible and in compliance with all relevant legislation.

4. CONTRACT AND LEGAL ISSUES

4.1 COMMITMENT OF A CONTRACT

A contract is an exchange of promises between two or more parties to do or refrain from doing an act which is enforceable in a court of law. Contract law is based on the Latin phrase *pacta sunt servanda* (pacts must be kept).



A simple contract can be deemed to have been made by word of mouth, or implied by the action of the parties, even though no formal written contract exists. If the contract contains the essential elements of legally binding agreement then neither party can escape from its contractual obligations and responsibilities, except by mutual consent. Care is therefore required to ensure that contracts are not entered into prematurely.

****Warning.** It is possible for legally binding commitments to be made unintentionally. A way of avoiding this is to make it clear in conversations or correspondence that what is being offered is a proposal and is subject to finalisation and incorporation in a proper contract.*

4.2 LAW, TERMS & CONDITIONS OF PURCHASE

All contracts let by SCRA should be subject to Scots Law. As well as SCRA's own terms and conditions, there is currently a suite of standard Scottish Government Terms and Conditions of Contract (SGTC 1 – 5) that will cover the provision of most standard goods and services. Advice on the choice and use of Ts & Cs should be sought from the Senior Delegated Procurer(s). Other than in exceptional cases, goods and services should be obtained under the Government's terms and conditions and not those of the supplier.



ANNEX A

SOURCES OF HELP AND ADVICE

Construction

Head of Property

Head of Property shall be responsible and provide support to SCRA staff and others on a range of construction procurement matters including procedural advice and advice on contractual, cost and VFM matters, and the appointment of project managers, property managers, and building works consultants.

Land and Property

Head of Property

Head of Property must be consulted on matters connected with proposed leases, purchases, excambions (exchanges), or disposals of land and buildings.

Goods and Services

Senior Delegated Procurer(s)

The Senior Delegated Procurer(s) is the appropriate source of advice or assistance with any procurement of goods or services other than the above.

All Procurement

All those involved in procurement

SCRA Procurement Guide.

In keeping with all other public sector procurement organisations, those involved in procurement in SCRA must adhere to the principles set out in the 'Scottish Procurement Policy Manual: <http://www.scotland.gov.uk/Publications/2006/05/spdpolicymanual> further details of which are available on request from the Senior Delegated Procurer(s).



ANNEX B

PROCUREMENT MANAGEMENT INFORMATION

Procurement Management Information, which should be maintained by all Purchasers by way of a Purchasing Register, and be readily available on request, should include in each instance:

- The value of procurement expenditure, and commitments;
- the type of product or service purchased;
- supplier(s) used;
- the prices paid and any comparator;
- delivery and quality performance; and
- purchasing savings (see below).

A **purchasing saving** is defined as; "any quantifiable economic benefit to SCRA which is generated by identifiable initiatives by those involved in the procurement process". Savings should be advised to the Senior Delegated Procurer(s) and subsequently declared by him to the Central Government Centre of Procurement Excellence (CGCoPE) via the Spikes Cavell link. Savings made by SCRA in making use of the collaborative contracts placed by CGCoPE are advised to SCRA on a quarterly basis.

Further advice on what constitutes a saving is available from the Senior Delegated Procurer(s).

The Senior Delegated Procurer(s) who is responsible for all SCRA Central Contracts shall also provide management information by maintaining a Contracts database.



ANNEX C

There are various Contracts which are available for use. Further information can be obtained by using the following links, or by contacting the Senior Delegated Procurer (s).

Senior Delegated Procurer (s) Framework

..\Contracts\SCRA Contracts\SCRA Contract Register.xls

CGCope Framework Agreements

List of Collaborative Contracts

OGC Buying Solutions Framework Agreements

OGC Buying Solutions



ANNEX D

Single Tender Actions – Examples

Examples of situations where Single Tender Actions may be justified include:

- work of **exceptional urgency** caused by **unforeseeable** circumstances where competitive tendering would cause unacceptable delay (e.g. after breakdown, storm, fire, etc.);
- the proposed firm is by recent experience (within 3 months) the best value for money supplier and would be likely to remain so in another competition;
- the proposed firm has been satisfactorily carrying out the work in question for a significant period of time, an extension to their contract is required for a limited period of time, it is highly unlikely that alternative suppliers would be interested in bidding to supply these goods/services for such a short period of time and a punishing, unlikely to be cost-effective, amount of work would be involved in preparing an invitation to tender for a procurement in the interim period;
- the proposed supplier is the only one known to possess unique or specialised capacity, or the articles are unobtainable from any other source and there are no satisfactory alternatives;
- where Intellectual Property Rights are an important issue, e.g. research programmes commissioned by Peer Review. However, it is essential that procedures are in place to ensure value for money.



ANNEX E

EU PUBLIC PROCUREMENT CATEGORIES OF SERVICES

PART A. "PRIORITY SERVICES" to which the full rigours of the procedures apply.

Cat.	Services
1.	Maintenance and repair of vehicles and equipment.
2.	Transport by land, including armoured car services and courier services but not including transport of mail and transport by rail.
3.	Transport, by air but not transport of mail.
4.	Transport of mail by land, other than by rail and by air.
5.	Telecommunications services other than voice telephony, telex, radiotelephony, paging and satellite services.
	Financial services:
	(a) Insurance Services
6.	(b) Banking & Investment Services other than financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments and central bank services.
7.	Computer and related services. R & D services where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs and the services are to be wholly paid for by the contracting authority.
8.	Accounting, auditing and bookkeeping services.
9.	Market research and public opinion polling services.
10.	Management consultancy services and related services, but not arbitration and conciliation services.
11.	Architectural services: Engineering services and integrated engineering services: urban planning and landscape architectural services; related scientific and technical consulting services: technical testing and analysis services.
12.	Advertising services.
13.	Building cleaning services and Property Management services.
14.	Publishing and printing services on a fee or contract basis.
15.	Sewerage and refuse disposal service; sanitation and similar services.
16.	

PART B. "RESIDUAL SERVICES" obligations relating only to technical specifications and contract award information.

Cat.	Services
17.	Hotel and restaurant services.
18.	Transport by rail.
19.	Transport by water.
20.	Supporting and auxiliary transport services.
21.	Legal Services
22.	Personnel placement and supply services.
23.	Investigation and security services, other than armoured car services
24.	Education and vocational education services.
25.	Health and Social Services
26.	Recreational, cultural and sporting services.
27.	Other services.



ANNEX F

EU PUBLIC PROCUREMENT

Essential Requirements for Purchasers

Under the EU Procurement Directives, Purchasers must:

- give all suppliers within the EU an equal opportunity to tender for the business (above threshold) by placing a Contract Notice in the OJEU, [now achieved by entry on the Public Contracts Scotland Website (<http://www.publiccontractsscotland.gov.uk>)]and ensure fairness of information;
- invite tenders in accordance with one of the prescribed procedures; open, restricted, or negotiated. Special rules apply for concessions and design contracts. ***Each procedure imposes minimum timescales, covering each tender/procurement activity, which must be complied with to avoid potential legal action under the Remedies Directive.*** Accelerated procedures may be followed in certain circumstances, but these are strictly monitored by the Commission and justification for their use does not include reasons such as an oversight on the part of SCRA staff;
- comply with regulations covering standards. Specifications must not discriminate against suppliers from other member states by stating national standards or brand names, when international standards can be used;
- if supplier selection prior to ITT is involved, specify in the advert the broad technical and financial criteria against which potential suppliers will be appraised. All applicants must be treated fairly and objectively, taking into account at this stage only the limited criteria set out in the Directives;
- specify the criteria for the award of contracts which in the vast majority of cases will be the "most economically advantageous tender" rather than "lowest price", and ensure evaluation criteria are notified to tenderers in the ITT;
- publish the result of the contract by placing an Award Notice in the OJEU, via the public contracts portal, and debrief, on request, unsuccessful tenderers and those not selected to bid;
- provide annual statistical returns to SPD which are sent to the Commission via the Office of Government Commerce.
- Comply with the timeframes set out for the "mandatory standstill period".
- Comply with the guidance in relation to advertising those contracts with a value likely to be greater than £50,000 but less than the EU Threshold of £156,442.





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