



SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

PROCUREMENT POLICY MANUAL

VERSION 2.0

Version:	2.0
Issue Date:	March 2019
Changes:	Annual review of Policy
Prepared by:	Helen Mora, Procurement Officer
Approved by:	Executive Management Team
Next Review Date:	2 Years

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1. INTRODUCTION AND SCOPE

This manual provides guidance on the rules that apply to the Scottish Children's Reporter Administration (SCRA) staff who are involved in procurement activity and sets out the process that must be followed for each procurement exercise the organisation undertakes.

Adherence to the policies set out in this Manual is mandatory for all staff.

This manual should be read in conjunction with the [Scottish Procurement Policy Handbook](#) (applicable to the wider public sector, including the Scottish Government), the [Construction Procurement Manual](#) (managing or delivering construction/works projects), the [Procurement Journey](#) (a toolkit providing practical guidance on procurement procedures) and other guidance issued by [Scottish Procurement](#), including [Scottish Procurement Policy Notes](#) (which provide updates on legal and Procurement Policy developments). Account must also be taken of the relevant legal framework and statutory guidance published under the Procurement Reform (Scotland) Act 2014.

The rules set out in the [Scottish Procurement Policy Handbook](#) and this manual are designed to ensure that procurement activity is:

- Focussed on the delivery of Value for Money (VfM) .
- Conducted to high professional standards and to relevant guidance and to the relevant legal requirements.
- Overseen by appropriately trained and authorised staff to minimise the risk of legal challenge to SCRA and its staff.

No member of staff may commit to a purchase or award a contract without written Delegated Purchasing Authority.

2. DEFINITION

'Procurement' is the process of buying goods, services and works from external suppliers. The procurement process begins when a need to buy something is identified and will generally end after the contract is awarded.

Contract management will be carried out throughout the duration of the contract. The role of Contract Manager is usually performed by the business area for whom the contract has been awarded (with support from SCRA's Procurement Team). Information on Contract Management is available in [SCRA's Guidance](#) and the [Procurement Journey](#).

3. KEY PRINCIPLES OF PROCUREMENT POLICY

EU Procurement Obligations and Principals

All procurement activity must comply with European Union (EU) principles of:

- Transparency
- Equal treatment and non-discrimination
- Proportionality
- Mutual recognition

Legal Aspects

Contracts for the procurement of goods, services and works must be in writing and awarded by a Delegated Purchasing Officer (DPO) with relevant Delegated Purchasing Authority (DPA) ([see Section 4](#)).

Value for Money

Contracts should be awarded on the basis of VfM ([see Section 7](#)).

Competition & Advertising

Contracts must be awarded through genuine and effective competition unless there are exceptional reasons to the contrary ([see Section 6.6](#)).

However, where a contract does not exist and there is a need to buy low value/low risk goods and services operational areas can use their Government Procurement Card (GPC – also known as EPC) to purchase directly from the supplier.

Ethical Standards

DPO's must adhere to and apply the highest ethical standards in their procurement activity ([see Section 12](#)).

Buying Sustainably

DPOs must consider sustainability in their procurement activity ([see Section 8](#)).

Separation of Duties

The roles of Budget Holder/Customer and DPO should be kept separate ([see Section 6.4](#)).

Consultancy Services

The procurement of consultancy services must adhere to the [Scottish Government Consultancy Procedures](#) ([see Section 10](#)).

In addition to the key principles, SCRA has the following general policies which should be followed:

- Use of Community Benefits
- Consulting & engaging with those affected by procurement
- Payment of a Living Wage (Fair Work Practices)
- Health & Safety
- Fairly & ethically traded goods and services
- Compliance with Information Governance Requirements

4. LEGAL FRAMEWORK

Public sector procurement in Scotland takes place within a framework of rules including:

- Treaty on the functioning of the European Union (EU)
- EU Procurement Directives
- The [Public Contracts \(Scotland\) Regulations 2012](#) (as amended)
- The [Utilities Contracts \(Scotland\) Regulations 2012](#)
- The [Public Contracts \(Scotland\) Regulations 2015](#) (for contracts commenced on or after 18th April 2016)
- The [Procurement \(Scotland\) Regulations 2016](#) (for contracts commenced on or after 18th April 2016)
- The [Concession Contracts \(Scotland\) Regulations 2016](#) (for contracts commenced on or after 18th April 2016)
- The [Utilities Contracts \(Scotland\) Regulations 2016](#) (for contracts commenced on or after 18th April 2016)
- European Court of Justice and national case law

4.1 Regulated Procurement

For the purposes of the Procurement Reform (Scotland) Act 2014, a “regulated procurement” is any procedure carried out by a contracting authority in relation to the award of a proposed regulated contract, including, in particular, the seeking of offers in relation to the contract, the selection of economic operators and the award of a regulated contract by a contracting authority.

A contract is regulated if it is a public contract, the estimated value of the contract is equal to or greater than the contract threshold and the contract is not an excluded contract.

The contract thresholds are currently :

Goods and Services:	£50,000
Works:	£2,000,000

4.2 Formal Challenges

Formal challenges and complaints may be brought against SCRA alleging a breach of these rules. The consequences of a successful challenge may, depending on the nature of the breach, result in SCRA being fined; the duration of a contract being shortened; award of damages against SCRA; and reputational damage to SCRA.

Any challenges must be reported to the Procurement Team immediately and any correspondence from legal advisors challenging the procurement process or contract award decision must be forwarded to Procurement.

5. PROCUREMENT JOURNEY

The Procurement Journey provides a step by step guide to carrying out a procurement exercise and is intended to support all levels of procurement activities and to help manage the expectations of stakeholders, customers and suppliers alike. It facilitates best practice and consistency across the Scottish public sector.

The Procurement Journey is split into three different routes and includes a decision matrix to determine the route to be used. SCRA's Delegated Purchasing Officers (DPO's) must only use Route 1. Use of Route 1 is mandatory for all procurements over £10k.

Where Route 1 is required for contracts above £20,000 or where Routes 2 or 3 are required, these competitions must be managed by SCRA's Procurement Officer(s).

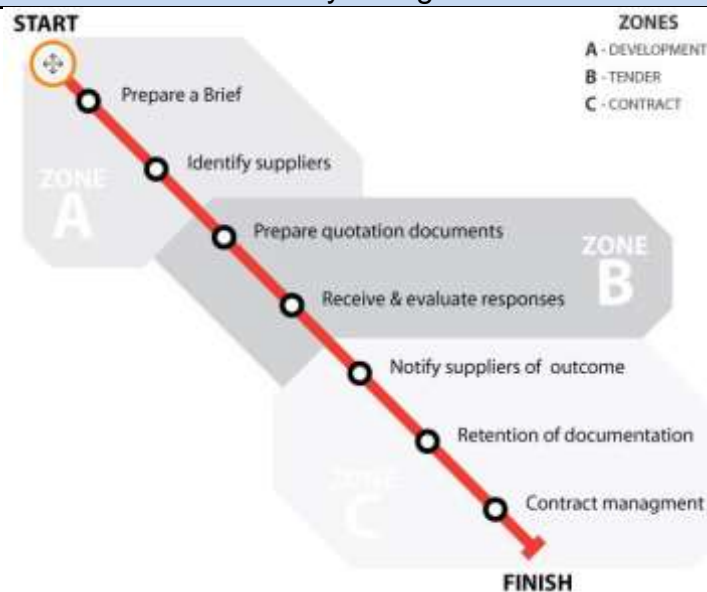
6. PROCUREMENT ROLES/RESPONSIBILITIES AND COMPLIANCE

This section outlines the roles, responsibilities and actions necessary for procurement compliance. The Head of Finance & Resources has been charged by the Principal Reporter/Chief Executive to determine best practice purchasing arrangements for SCRA and to seek to establish these consistently throughout.

6.1 Procurement Process

The SCRA adheres to Scottish Procurement's Procurement Journey below:

Route 1 Procurement Toolkit – for use by Delegated Purchasers



6.2 Delegated Purchasing Authority (DPA)

The Principal Reporter/Chief Executive is responsible for the scheme of Delegated Purchasing Authority (DPA) across SCRA and has delegated purchasing authority to the Procurement Officers for this purpose. This delegation allows for further delegation to suitable staff that have responsibility for low value low risk procurements.

The Procurement Officers will maintain a central Register of Delegated Purchasers to allow 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 the appropriate levels of training.

DPA is the authority to enter into a contract for goods, services and works and in doing so, to take responsibility for overseeing the process leading up to, and including, the award of a contract and any subsequent changes to that contract.

DPA is:

- Required for competition of contracts where an existing contract/framework agreement does not already exist. It is also required for running mini competitions against an authorised Scottish Procurement framework agreement or for the modification of an existing contract.
- Granted to permanent SCRA staff, authorised in writing by the Procurement Officer. This will be based on the business need and training/experience of the staff concerned. It will specify the value of contracts (excluding VAT) that the individual will be authorised to award.
- Intended to allow Head Office/Locality Teams the opportunity to manage their appropriate purchasing requirements within their local business area.
- Personal to an individual only whilst occupying their current position unless they are seconded to another post within the organisation to carry out their procurement role in that post. DPA does not automatically transfer to their successor should they leave their current post nor does it transfer with them to another post. If DPA is to be withdrawn by the Procurement Officer for any reason this will be confirmed in writing.

DPA is not:

- To be confused with financial/budgetary authority which is detailed in SCRA's Scheme of Delegation (available on [Connect](#)).
- Required to purchase goods, services or works from single supplier framework agreements awarded or approved by the Procurement Team or Scottish Procurement.

- The authority to approve a contract without following a genuine and effective competition – this is known as a Non Competitive Action (NCA) ([see Section 9](#)).

Individuals with DPA are known as Delegated Purchasing Officers (DPO).

Details of existing [SCRA regulated Contracts and Frameworks](#) can be found on PCS. Further details can be obtained from the Procurement Officers.

Details of existing contracts and framework agreements that SCRA may use, which were awarded or approved by [Scottish Procurement](#) or [Crown Commercial Services](#) are available using the links above.

6.3 Commitment of a Contract

A contract is a legally binding agreement between SCRA and one or more suppliers for the supply of specified goods, services or works. The contract sets out the details of what SCRA is buying, from whom and the rights and obligations of the parties.

All contracts except, as mentioned above, existing single supplier framework agreements, must be awarded by a DPO with the appropriate level of authority.

All SCRA low value/low risk contracts (below £20,000) awarded by DPO's must be in writing using the [template document](#) from Route 1 of the Procurement Journey, although legally contracts can be made by word of mouth, or implied by the action of the parties. Therefore in discussions with suppliers it is essential that staff take care to ensure that a contract is not unintentionally created.

Details of contracts awarded should be recorded by all DPO's and be readily available on request from the Procurement Officer.

All purchases made using the GPC must comply with SCRA's GPC procedures. The limit for a single transaction by GPC is £5k with a maximum monthly spend per card of £15k.

All contracts awarded by SCRA should normally be subject to Scots Law. This is provided in the SCRA Standard Terms and Conditions which have been designed for straightforward or routine purchases of goods or services. These Terms & Conditions can be found on [Connect](#).

Any proposed change, amendment or alternative form of conditions by the DPO or supplier should in the first instance be referred to the Procurement Officer for approval before agreeing to non-standard contract conditions.

6.4 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 the relevant authority to commit the organisation to a contract for the purchase of the goods, services or works for the full term of the contract.

The Procurement Officer must be alerted to planned or possible procurements outwith the level of the DPO's authority, or if the purchase is novel or deemed to be high risk.

There are at least two defined roles in a procurement process:

- The internal stakeholder who perceives the need and prepares the Business Case, where necessary, to obtain any necessary approval to spend.

- The DPO who is responsible for ensuring that the procurement process fully complies with SCRA's Procurement Policy.

A DPO should not:

- Be responsible for any financial approvals connected with contracts that they have authority to approve.
- Act as Budget Holder.
- Be an approver on SCRA's Finance Process Manager (FPM) system.

These roles must be separated in order to protect the staff concerned from accusations of impropriety.

In the case of works contracts, roles and responsibilities are set out in the [Scottish Public Finance Manual \(SPFM\)](#) and the [Construction Procurement Manual](#).

6.5 Approvals

Prior to committing to a purchase, Delegated Purchasers must complete a New Supplier Form and send this by email to the Procurement Officer. If this involves a new supplier and meets the criteria on the form, the Procurement Officer will confirm their approval by forwarding the form to the Finance Team.

It is SCRA Policy that all procurements expected to be above £20,000 should have a Procurement Strategy completed by the Procurement Officer in conjunction with the internal customer. The Procurement Strategy should be approved by the Head of Finance & Resources before commencing with the competition.

A Capital Proposal should be prepared by the internal customer for all Capital expenditure expected to be between £1,000 and £25,000. This should be submitted to the Head of Finance & Resources for approval. A [template](#) is available on Connect.

A [Business Case](#) should be prepared by the Project Owner for all Capital or Revenue projects expected to be in excess of £25,000. Internal customers must consult with all relevant Teams, including Procurement, before submitting the Business Case for approval by the Executive Management Team (EMT).

6.6 Competition and Advertising

It is SCRA policy that goods, services and works must be awarded through genuine and effective competition unless there are convincing reasons to the contrary ([see section 9](#)). DPOs are responsible for identifying the most appropriate procurement process that is likely to offer the best VfM. Advice should be sought from the Procurement Officer(s).

Before commencing a new competition, the availability of existing [contracts and framework](#) agreements must be considered. New competitions should normally only be launched where the requirement cannot be met through an existing contract.

All purchases between £1k and £10k that are not on an existing contract must have three verbal quotations from different suppliers before making a decision on the basis of VfM. Details of the quotations should be recorded on file.

Procurement processes for each form of competition are outlined within the Procurement Journey and must be used for all procurements above £10k.

In addition to the OJEU publication requirements, the [Procurement Reform \(Scotland\) Act 2014](#) requires all public bodies who are conducting a regulated procurement to publicise their intention to seek offers (contract notice) and the award of a contract or framework agreement (contract award notice) on [Public Contracts Scotland](#) (PCS). The PCS info centre contains further information on how public bodies can meet their publication obligation.

This means that all regulated contracts for goods and services with an anticipated value of £50,000 and above (excluding VAT) and for contracts for works with an anticipated value of £2,000,000 and above (excluding VAT) must be advertised on the [Public Contracts Scotland](#) (PCS) advertising portal. The value of the contract is the total amount, net of VAT, which SCRA expects to pay over the full duration of the contract (including any options to extend).

- All contracts with an anticipated value of less than £50,000 (Goods & Services) and £250,000 (Works) but above £10,000 (excluding VAT) will require to be done by Quick Quote (an online competition process within PCS which allows staff to approach selected suppliers, who are registered on PCS). If not on PCS, Delegated Purchasers can contact the supplier and ask them to register.

Quick Quote must only be used where the DPO:

- Ensures that there is no existing contract/framework agreement which could be accessed.
- Satisfies themselves that using Quick Quote meets their obligations for adequate publicity
- Ensures that the procurement/mini-competition is for low value/low risk goods, services or works.

The thresholds for procurement activities within SCRA are outlined in the table below:

Estimated Value (ex VAT)	Procurement Journey Route	Procurement Lead	Minimum Standards
<£1,000	Not Required	DPO	Can be purchased via GPC cards. Alternatively, quotes can be sought following the Route 1 procedure below.
£1,000 - £10,000	Not Required (Route 1 can be used)	DPO	Minimum of three verbal/telephone quotes. Details to be recorded on file. Payment by GPC card. Recommend using Public Contracts Scotland (PCS) Quick Quote where possible.
£10,000 - £20,000	Route 1	DPO or Procurement Officer	Not less than 3 written quotations must be received. Use of PCS Quick Quote is mandatory for these competitions
£20,000 - £50,000 (Goods & Services) £250,000 (Works)	Route 1 or Route 2 Route CPR1 A for Works	Procurement Officer	Formal competitive tendering exercise, led by SCRA Procurement Officer. Use of PCS Quick Quote is mandatory. These may also be advertised via a full PCS national notice where deemed necessary.
£50,000 (Goods & Services) £250,000 (Works) – OJEU Threshold *	Route 2 Route CPR1 B for Works	Procurement Officer	Formal competitive tendering exercise, led by SCRA Procurement Officer, advertised via PCS and conducted in accordance with Procurement (Scotland) Regulations 2016
> OJEU Threshold	Route 3	Procurement Officer	Formal competitive tendering exercise, led by SCRA Procurement Officer, advertised via PCS OJEU procedure and conducted in accordance with the relevant EU procurement directives and Public Contracts (Scotland) Regulations 2015.

* The OJEU threshold for Supplies and Services is currently £181,302 and £4,551,413 for Works. This threshold changes every two years. The next change will be applied from January 2020.

6.7 Works Contracts

It is recognised that for small works contracts (up to £10k) it is not always possible to obtain prior quotations or to use the GPC for Works contracts.

The Public Contracts (Scotland) Regulations 2015 sets out at Schedule 2 those activities that are defined as Works. These activities describe works that form the basis of the types of project undertaken by SCRA's Property Team.

The updated Construction Procurement Manual provides mandatory guidance in developing and delivering construction projects and how to take these procurements to market using the appropriate Construction Procurement Route (CPR).

Although the guidance recommends using CPR1 A for contracts below £500k, the Procurement Team recommend using this for contracts below £250k. This means they can be taken to market without advertising, for example by inviting selected suppliers to bid using the Quick Quote facility on Public Contracts Scotland. If an assessment of risk determines that they need wider marketing, CPR1 B will be used.

Where possible, SCRA will openly advertise contract opportunities between £250k and £500k on Public Contracts Scotland using CPR1 B. SCRA's procedure for Works contracts is currently being updated.

6.8 Contract Documentation

It is SCRA Policy that documentation covering the key stages of the procurement of goods, services and works is retained on file. The DPO responsible for carrying out the procurement activity is responsible for ensuring that there is a file for each contract and for ensuring that key documents are filed timeously. A Contract Reference Number can be obtained from the Procurement Officer.

6.9 Contracts Register and Transparency

The Procurement Reform (Scotland) Act 2014 requires all public sector contracting organisations to keep and maintain a Contracts Register, and to provide an internet-based publicly viewable version of it to include all regulated procurements which commence on or after 18th April 2016. This Contract Register will be maintained and updated by the Procurement Team as a regulated contract is a public contract (for goods and services) with a value greater than £50,000.

It is, however, the responsibility of all DPOs to ensure that they maintain a record of all lower value contracts they award. The Procurement Team may periodically request details of contracts awarded.

7. VALUE FOR MONEY (VfM)

VfM is defined as the optimum combination of whole life costs and quality (or fitness for purpose) to meet the customer's requirements. Depending on the nature of the contract, whole life cost may include implementation costs, ongoing operating costs and end-of-life disposal.

The [Scottish Model of Procurement](#) promotes VfM as being an appropriate balance between cost or price, quality and sustainability. In addition, a Procurement Strategy sets a framework in which a contracting authority will work to ensure that its procurement activities deliver value for money, how it plans to meet its procurement obligations and how these targets are subsequently met. In delivering VfM, cost or price, quality and sustainability are all factors which should be taken into account when establishing contract award criteria.

It is SCRA policy that contracts must be awarded on the basis of VfM.

8. BUYING SUSTAINABLY

SCRA is committed to buying goods, services and works in a sustainable manner.

This is done in a way that:

- Achieves VfM on a whole life cost basis; and
- Delivers benefits not only for the organisation but for society, the economy and the environment.
- Encourages the procurement of low carbon options to support the development of a low carbon economy.

SCRA will derive the greatest benefits through ensuring that, where appropriate, sustainability is embedded and proportionately applied to all its procurement decisions and activities. At the heart of this process will be The Sustainability Test.

The Procurement Reform (Scotland) Act 2014 builds on the work achieved so far in the reform of public procurement in Scotland. It establishes laws about sustainable public procurement to maximise the social, environmental and economic benefits through effective and efficient procurement activity.

The Sustainable Procurement Duty encompasses these elements. Smart use of procurement can play a key role in promoting jobs and growth, encouraging innovation, boosting training and apprenticeship opportunities and helping small and medium enterprises (SME's), third sector organisations and supported businesses to compete effectively for contracts.

9. NON COMPETITIVE ACTION (NCA)

All goods, services and works must be bought by genuine and effective competition. NCA is only granted in **exceptional** circumstances. It is strictly limited to situations where competition is not deemed appropriate (further information is available on [Saltire](#)).

SCRA's Procurement Officer(s) must be consulted about any proposal to award a contract without competition before using the [NCA Template](#).

For NCA procurements up to £10,000 (excluding VAT), approval must be given by the Procurement Officer and for procurements over £10,000 approval must be given by the Principal Reporter/Chief Executive. The Procurement Officer must log all NCA's on the Contracts Register.

In all cases, the guiding principles are that NCA approval is by someone other than the DPO who will undertake the procurement, to ensure adequate separation of duties. The NCA justification and approval must be formally recorded on file.

10. CONSULTANCY SERVICES

Robust procedures must be followed for the engagement of consultancy services to ensure that these resources are used sparingly, appropriately and effectively.

Before any procurement process takes place, a Business Case (based on the amount that SCRA expects to pay for the requirement), must be prepared by the appropriate Budget Holder/customer and passed to the Procurement Officer(s) for completion of Section 4 before being submitted to EMT for approval.

The [Scottish Government Consultancy Procedures](#) provide guidance on the use of consultancy services.

11. 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.

A Contract Manager should always be appointed to manage any contract for goods, services or works and recorded on the Contract Register. The Procurement Team are responsible for maintaining the Contract Register.

The Contract Manager within SCRA must ensure that Procurement are advised and consulted on all amendments, additions and/or deletions to a contract to ensure that the Register does not contain outdated or false information.

Contract management guidance, including change control requirements, is available on [Connect](#) and in the [Procurement Journey](#).

12. ETHICAL STANDARDS

Staff must preserve the highest standards of honesty, integrity, impartiality and objectivity in all dealings with suppliers and potential suppliers as detailed in SCRA's [Staff Code of Conduct](#) and the [Scottish Procurement Policy Handbook](#).

DPOs and all other staff involved in procurement (including Line Managers) must read and familiarise themselves with this guidance and its associated documents.

13. FRAUD RESPONSE PROCEDURES

SCRA's policy on fraud/corruption is set out in the [Fraud Protection Policy](#) which is available on the intranet. The Policy sets out in more detail procedures for fraud prevention, detection and the investigating and reporting of fraud or corruption.

Annex A: Glossary

- **Competition**
contracts must be awarded through genuine and effective competition unless there are convincing reasons to the contrary.
- **Contract**
is a legally binding agreement between SCRA and one or more suppliers for the supply of specified goods, services or works. The contract sets out the details of what SCRA is buying and being delivered with and the rights and obligations of both of the parties.
- **Contract register**
register of all regulated SCRA contracts.
- **Delegated Purchasing Authority (DPA)**
is the authority to enter into a contract for goods, services and works and oversee the process leading up to and including the award of a contract and any subsequent changes.
- **Delegated Purchasing Officer (DPO)**
a permanent SCRA individual with Delegated Purchasing Authority.
- **Framework agreement**
Is an agreement between SCRA and one or more suppliers for the supply of specified goods, services or works over a set period of time. The framework agreement has agreed terms and conditions and a pricing structure defined. The main difference between framework agreement and a contract is that a framework does not state the quantity of the goods, services or works, or when they will be bought. Individual contracts specifying the quantity and timescale are awarded under the terms of the framework agreement.
- **Government Procurement Card (GPC)**
is a corporate charge card used for low value, ad-hoc purchases that are not covered by existing contracts or framework agreements for transactions £5,000 (excluding VAT) or less.
- **Non Competitive Action (NCA)**
is an approval process which permits a contract without competition to be awarded.
- **Procurement**
is the process of buying goods, services or works from external suppliers.
- **Procurement Journey**
a toolkit providing practical guidance on procurement procedures.
- **Public Contracts Scotland (PCS)**
the national advertising portal used to advertise all SCRA goods, services or works contract opportunities.
- **Quick Quote**
is an online quotation facility using the Public Contracts Scotland portal which allows buyers to obtain competitive quotes electronically for low value requirements. Details of the QQ are created online and sent to a selected list of

suppliers, who can then complete the required details and submit their quotation using the secure postbox. QCs are only distributed to the selected suppliers and are not made public on the website.

- **Regulated Contract**
a public contract with a value of more than £50,000.
- **Scottish Procurement Policy Notes (SPPN)**
guidance issued by Scottish Procurement providing updates on legal and procurement policy developments.
- **Scottish Public Finance Manual (SPFM)**
provides guidance to SCRA and other public bodies on the proper handling and reporting of public funds.
- **Sustainability**
a process whereby SCRA meet its needs for goods, services, works in a way that achieves VfM on a whole life basis and generates benefits not only to SCRA, but also to society, the economy and the environment.
- **Value for Money (VfM)**
the optimum combination of whole life costs and quality to meet the customer's requirement.