



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Panel Ymchwillad Craffu - Caffael

Lleoliad: O bell drwy Teams

Dyddiad: Dydd Mercher, 24 Tachwedd 2021

Amser: 10.00 am

Cynullydd: Y Cynghorydd Chris Holley OBE

Aelodaeth:

Cynghorwyr: P Downing, V M Evans, P K Jones, L R Jones, J W Jones, I E Mann, H M Morris, B J Rowlands, M Sherwood a/ac T M White

Agenda

Rhif y Dudalen.

- | | | |
|----------|---|-----------------|
| 1 | Ymddiheuriadau am absenoldeb | |
| 2 | Datgeliadau o fuddiannau personol a rhagfarnol
www.abertawe.gov.uk/DatgeliadauBuddiannau | |
| 3 | Gwahardd Pleidleisiau Chwip a Datgan Chwipiau'r Pleidiau | |
| 4 | Cofnodion y Cyfarfod Blaenorol | 1 - 32 |
| 5 | Cwestiynau gan y Cyhoedd
Rhaid cyflwyno cwestiynau'n ysgrifenedig, cyn hanner dydd ar y diwrnod gwaith cyn y cyfarfod fan bellaf. Rhaid i gwestiynau ymwneud ag eitemau ar yr agenda. | |
| 6 | Ymholiad Caffael - Adroddiad Canfyddiadau | 33 - 300 |

Cyfarfod nesaf: Dydd Llun, 31 Ionawr 2022 ar 10.00 am

Huw Evans

Pennaeth Gwasanaethau Democrataidd

Date: 17/11/2021

Cyswllt: Michelle Roberts, Scrutiny

Agenda Item 4



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Wednesday, 10 November 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
L R Jones
H M Morris

Councillor(s)

T M White
J W Jones
M Sherwood

Councillor(s)

P K Jones
I E Mann

Other Attendees

David Hopkins
Elgan Richards

Cabinet Member - Delivery & Operations (Deputy Leader)
Business Wales

Officer(s)

Chris Williams
Michelle Roberts

Head of Commercial Services
Scrutiny Officer

Apologies for Absence

Councillor(s): B J Rowlands

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes of Previous Meeting and responses to Panel questions

The minutes of the meeting on the 21 October 2020 were agreed and the response to following up questions received from the Social Services Directorate were accepted.

4 Public Questions

No public questions were received.

5 Business Wales

The Panel welcomed Elgan Richards from Business Wales to the meeting.

He was invited to the meeting to discuss the work they are doing to support small and medium-sized businesses who are considering tendering for public sector contracts.

- Business Wales (BW) are contracted by Welsh government to provide business support to small and medium size businesses. The only criteria for the accessing the support is the business needs to be classed as a Welsh micro-SME. This should include employing up to 250 staff and have up to a £55 million pound turnover.
- They do not only support businesses with tendering support but also support business planning, cash flow, funding and marketing and so on. They have a team of specialist advisors to do this.
- Elgan explained his role as a Tendering Advisor who assists the SME and micro companies to tender for public sector tenders and contracts. He explained that they run monthly webinars, these are all published on the Business Wales and Sell2Wales websites. They help businesses to register on the Sell2Wales portal so they can tender, ensure they have the right codes receive the relevant opportunities to tender. BW work with companies in supporting them with how to tender including what they need to have in place to meet the minimum requirements, helping with selection questionnaires and to use other portals like E Tender Wales. They have meetings with individual businesses if needed, where they will support them through the tendering process, helping them achieve their desired goal. He said he will also engage with some of his colleagues, particularly in the sustainability and the human resources team if there any specific questions around those aspects arise.
- They also offer early engagement sessions and meet the buyer events. So, if there is a large contract, they can help facilitate meet the buyer event for the potential contractors to engage the Council. And, in addition to this, BW provide advice in relation to the two pledges from Welsh Government: the green growth pledge and the equality pledge. They offer businesses a range of support to, for example, improve their efficiency and to decarbonise, also to help businesses take proactive steps to create a fully inclusive and diverse workforce. They advise clients to sign up for these pledges as well.
- There is no cap on the number of hours of support that businesses can receive from BW, and the support is fully funded through Welsh Government. They only need to be in Swansea, they do not necessarily have to bid for a contract with Swansea Council they could tender for a contract anywhere.
- *How do you get your clients? Do they simply get in touch with you or do you? Are you proactive in going out looking for them?* Reply: It can be frustrating at times because this support is fully funded. It's free for businesses but unfortunately some feel there will be getting better value for money by paying for an external consultant to come in rather than accessing the free support. We have a good relationship with the procurement officers, particularly in Swansea Council, and they signpost people on for example the tender documentation, guidance they provide and on Council website. We have an active marketing team who proactively advertise the service. We do also work with not only a number of business advisors and relationship managers but also banks and legal firms will signpost to BW.
- *You referred to advice on decarbonisation by particular applicants, could you tell us what are the kinds of concerns and problems that businesses approaching you*

might face, and what sort of information, guidance and response you give?

Reply: BW has at specialist Sustainability advisors and is in the process of recruiting further advisor currently. These advisors assist businesses in ensuring that they have an environmental policy as part of the Wales is green growth pledge. They will help BW when selecting the key aspects of the pledge and in creating an action plan and some targets to achieve its goals.

- Chris Williams told the Panel that in terms of finding clients, the Council refer people to Business Wales when companies express any doubts or interest in learning more about certain aspects of tendering, sign-posting them to the support that Elgan outlined and we have this referral mechanism displayed in our literature, and he noted that the Panel has previously touched on this in a meeting when reviewing our 'supplier guide', and in there it clearly has the contact details for Business Support and Elgan's team, so we are constantly reinforcing that.

- *From your perspective Elgin what can we as a Council do differently?*

With regard to potential ways to improve Elgan said:

- A bit more emphasis on early engagement would be beneficial. Swansea does tend to be a bit more SME friendly compared to some other local authorities. Do you really appreciate how difficult it is to tender, for example creating a Sell2Wales profile, added a tender, reading through and understanding the tender pack and completing all the questions in the selection questionnaire. Many also need to invest in and maintain the minimum requirement and quality standards like ISO. The average strike rates in tenders tends to be 20%, so can be 1 in 5. It is a confidence knock as well, so if they miss out, they might think twice before re tendering the next time that opportunity comes live in maybe two or three years times.
- Keeping track on how many suppliers express an interest in tendering and how many then go on to actually tender.
- Have a list of frameworks on the website which is updated. Also have a projects page on the website for large projects that not only publishes the tier 1 providers but also shows who the tiers 2 and 3 are, so smaller providers in the supply chain can contact the tier 2 or 3 to become part of this.
- Creating a new role as a supplier champion. Caerphilly Council has appointed a supplier champion to specifically to go out and about in their region and to link suppliers and particular projects also helping small supplier in becoming an approved supplier in those areas.
- Offering grants for things like obtaining ISO 9000 and environment management standards etc
- Chris Williams pointed out that tendering documents are detailed, but there is good reason for it. If for an example we have someone going to do electrical work in, say in a school, then that is a very different proposition then if you have somebody coming in your house to do a quick bit of work. If they are working in a school environment, we must make sure the contractor is insured and they have the right qualifications etc, e.g. they would need to be a qualified electrician, and that is why our document's questions and checks are set to ensure the work is done to good quality and to ensure safety standards. We need to be sure suppliers have the right experience, certifications, and knowledge to carry out that work. It is very important we have a robust system in place.
- Chris Williams also noted that he had previously worked in the private sector

and had personal experience of using government tendering portals. He acknowledged that a supplier would need to spend time registering on the portal, but once registered a supplier has access to all public sector opportunities (so would not need to search multiple government databases) and alerts can be tailored to specific business areas, saving the suppliers time in searching for relevant business opportunities. Chris Williams also noted for the Panel's information that the Council had received zero formal complaints on its procurement activity in recent years.

6 Procurement Performance Data, Comparison Data and Stakeholder Survey Results

The Head of Commercial Services attended the Panel to present a report outlining performance data, comparison data and survey results relating to procurement. The report covered (the full report will form part of the evidence pack for the inquiry):

- Welsh Government Data reporting systems
- Data derived from meet the buyer events
- Contract management
- Other relevant data and policy documents

The following issues/questions were raised by the Panel:

- *Is social value something that being protected and supported through our current processes? Should a local company with the high levels of social value for us after under Council objects have some advantage in the tender processes over and above just cost?* Reply: It is important that we keep looking at how we design and develop our contracts. If there is something we have not asked, something we haven't considered, we can certainly investigate that further. We do use a clear process of putting out a specification (and that specification will include social value considerations, e.g., for solar panels or electric vehicles), and we expect suppliers to comply with that specification, responses received are considered and then tender is awarded accordingly in an open and transparent way.
- *If a contractor we are using, subcontracts some works are we told about it?* Reply: Yes, they would need to tell us of subcontractors and assure us that the right standards are in place.
- *If we make variations to a contract, with the value of the contract or say the date needs extending, what do we do? What sort of involvement do you have?* Reply. There are strict processes in relation to contract variations. Chris Williams noted that he signs off on contract variations. There are many legitimate reasons. There could be a delay for some emergency construction work for example.
- *Do we produce a register of companies we call on and how often do we update that register?* Reply: We do not have one single register of companies. We may work for example with a group of companies on a framework contract. For example, if we looked at the home to school transport then there are some 30 local companies registered who could provide such a service and new suppliers are invited to join on a regular basis.

In general terms we refresh the supplier list every three to five years (as we retender our agreements).

7 Research - Social and Local Procurement

The Panel discussed the desk-based research report that showed a selection of different procurement practices that are taking place in relation to social and local procurement practice.

Five examples were included:

- Preston Model
- Cardiff Council's Socially Responsible Procurement Policy
- Hywel Dda University Health Board
- Community Wealth Building in Leeds
- Harrow: Making refurbishment better

All are very different but with the common purpose of improving local procurement. It was emphasised that these are just a few examples and that there are many more to be seen across the United Kingdom.

The Panel heard from Chris Williams that the Preston model is something that is very familiar to Swansea Council, and we have worked with their allied partner the Centre for Local Economic Strategies. He highlighted that their model originally looked at a combined spending of £750 million, of which when they started their process only had £25 million remaining in their local area. So, they were starting from a different, much lower, base of local supplier involvement - Swansea Council spends some £260 million a year and we are looking at £100 million staying in our area. We have been looking at local supplier development and social value for a long time. Also, Swansea does all the aspects mentioned in the Cardiff socially responsible policy.

Cllr Holley noted that he was pleased to see that other Councils are adopted the Beyond Bricks and Mortar approach that was adopted in Swansea many years ago, so others are following Swansea's best practice in this area.

8 Inquiry Project Plan

The Panel accepted the project plan.

The meeting ended at 11.35 am

Chair

Responses to Question made at the Procurement Scrutiny Panel on 20 Oct 2021

Why we as a Council have moved away from Frameworks to the Open Tender process?

With regard to the publication of tenders, and whether we use frameworks (a preselected group of suppliers) or periodic open tenders, then we take this decision on a case-by-case basis as there is no one size that fits all circumstances. For certain commodity products, where there are multiple competitors in the marketplace, it can make sense to tender openly as we typically source such products on an infrequent basis, and in recent procurement exercises we have seen significant savings from using this open approach hence our adoption of this route.

Do we, or can we use localised solutions that involve the public, private and 3rd sector expertise? And if we don't why not...

With regard to the point on consortia procurement the Council is open to this approach and as was highlighted at the Inquiry we do work with multiple stakeholder groups across the Council to engage with all sectors including the third sector and the Council has published specific guidance on this matter (please see the attached document '*Tendering as a consortium*'). I would again draw the Panel's attention to the comment made at the supplier session praising the '*local authorities work through the social compact and its growing emphasis on cooperation around specifications which are to be sought from the third sector*' as noted in the report to the Panel on 10 November. In addition to the DANSA collaboration noted at the Panel (a third sector organisation providing transport solutions to the Authority) please see attached an additional case study linked to the green agenda of using recycled products (please see attached document '*2018030_Swansea_Council...*').

Also attached is

- Procurement Factsheet Tendering as a Consortium
- Case Study – An innovative procurement strategy

Procurement Factsheet

Tendering as a Consortium



Cyngor **Abertawe**
Swansea Council

1. Introduction

Swansea Council welcomes bids from organisations who would like to work together in the form of a **consortium**. Consortia are groups of organisations who may come together for a specific project or purpose and may be either formal – for example, legal partnerships as defined in the [Partnerships Act 1890](#) - or informal or loose associations, for example, a number of organisations who work together supported by a memorandum of understanding.

2. Why set up a Consortium?

There are various legitimate reasons why organisations might decide to create a consortium in order to submit a joint bid for a Council contract. Sometimes the scope of a contract opportunity is such that, working in isolation, a single supplier would find it difficult to offer all of the services required. Other reasons why a consortium may be set up include:

- The organisations taken individually do not have the necessary scale to deliver the requirements of the contract.
- The organisations individually do not have the necessary previous experience or other technical capacity requirements to meet the minimum requirements set within the procurement documents.
- The organisations individually do not have all of the plant, equipment or other technical resources required to perform the contract.
- The organisations individually do not have all of the necessary skills or expertise to perform the contract.
- Alternatively, there may be another organisation with specific expertise in one area which would complement your own service offering.

3. What do we mean by consortium bidding?

The terms '*consortium bidding*' and '*joint bidding*' are used throughout this factsheet to refer to a situation where **two** or more parties choose to submit a joint bid in a procurement competition.

A consortium may comprise of two or more small and medium sized enterprises (SME), or it may, for example, consist of one large firm together with one or more SME. The composition of a consortium will always be dependent on the requirement and these are only examples provided.

4. Are there any rules surrounding consortium bidding?

The [Public Contract Regulations 2015](#) deals specifically with groups of economic operators (organisations) who are submitting bids. Regulation 19 specifically states "*Groups of economic operators, including temporary associations, may participate in public procurement procedures and shall not be required by contracting authorities to have a specific legal form in order to submit a tender or a request to participate*".

However, the Council may require a consortium to assume a specific legal form once they have been awarded the contract, to the extent that this is necessary for the satisfactory performance of the contract.

How your organisation decides to structure a consortium will depend on a number of factors, including how formal or informal you wish the arrangements to be.

You should take your own legal advice on what is best for your particular circumstances. Examples of formal ways of establishing a consortium include:

- i. The creation of **legal partnerships**. These are set up to comply with the requirements of the Partnerships Act 1890 and may take the form of an 'Ordinary Partnership', 'Limited Partnership' or a 'Limited Liability Partnership' – LLP.
- ii. The **creation of a company** in which the consortium members have an interest. Establishing a formal legal partnership or a company is a complex matter and you should seek legal advice if you intend going into an arrangement of this sort.

Less formal arrangements may also be established for example, for a specific purpose i.e. to bid for a contract or for a longer term relationship where the members of the consortium remain free to trade independently of the consortium. In either case it is sensible for the individual members of the consortium to have a simple agreement or memorandum of understanding which explains how the relationship will work, including payments and liabilities and what the individual benefits and responsibilities are for each member and whether they intend their arrangements to be legally binding.

5. Is there a difference between Consortia and sub-contracting?

A consortium is a group of organisations who choose to work together for a common specific purpose.

In a sub-contract relationship, an organisation who is awarded a contract may agree with another organisation for them to undertake part of the work. In this kind of relationship, the sub-contractor will be 'appointed' and paid for their work by the main contractor. Depending on how you set up your consortium, some members may act as subcontractors when contracting with the Council.

6. Contracting with Swansea, what are the rules?

The Council can only contract with a legal entity. This could be a sole trader, a legal partnership, a limited company etc.

If you wish to submit a bid as a consortium, and your consortium members have not set up together as a partnership or company so that you can use this as the legal entity which enters into contracts, we will expect to see one member of the consortium acting as the **consortium lead** in submitting the tender. As part of the procurement process the Council would need to understand who the members of the proposed consortium are and the part of the service that each member will provide. Responses must enable the Council to assess the overall consortium proposal.

If your bid is successful, we will enter into a contract with the consortium lead to deliver the service. We will also pay the consortium lead for the provision of the service which is why it is essential for the members of the consortium to agree how each member will be reimbursed for the work they have done.

7. Consortium bidding and the Selection Questionnaire

As part of the procurement process all bidders will be required to complete a Selection Questionnaire (SQ). Bidders will be required to answer all questions set out in the SQ and are only required to submit the information requested within the SQ. The SQ requires organisations to self-declare their status against the exclusion grounds and selection questions. The SQ is split into three separate parts:

- Part 1: Potential Supplier Information
- Part 2: Exclusion Grounds
- Part 3: Selection Questions

As part of the procurement process each organisation who is relied on as part of a bid must complete Parts 1 and 2 of the Selection Questionnaire to prove they do not fall into either the mandatory or discretionary grounds for exclusion from the procurement process. If an organisation does come within either of these categories the Council may ask that a substitute organisation is appointed as part of the consortium.

All questions within Part 3 of the SQ should be completed by the consortium lead on behalf of the consortium members as one single composite response. All relevant information should be provided in respect of all consortium members, sub-contractors or third party providers who will play a **significant role** in the delivery of the Contract. The Council defines a significant role as the reliance or reference to the economic and financial standing and/or the technical or professional ability of a consortium member, sub-contractor or third party within the tender response. The Council will need to analyse information that allows assessment of the overall financial stability of the consortium. Aggregating data on financial performance is most appropriate when members of a consortium are working together to increase collective capacity. Where, instead, a consortium exists to fulfil different elements of a contract and some of these are more critical to overall delivery than others, a separate analysis of financial stability will be required.

8. Additional Information

Assistance and further support is available for setting up a consortium to bid for a public contract is available from:

- **The Wales Cooperative Centre**
wales.coop/get-our-help/
0300 111 5050
- **Business Wales**
<https://businesswales.gov.wales/>
03000 603 000
- A joint bidding guide has been developed by the Welsh Government to assist suppliers and is available from the following link:
<https://gweddill.gov.wales/topics/improvingservices/better/vfm/publications/jointbidding/?lang=en>.

Public sector guidance on the procurement of sustainable products

**Practical, first-step advice for
overcoming barriers to procuring
sustainable products, with a
focus on re-use, re-manufacture
and recycled content.**

February 2021

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1.0 Introduction: Sustainable procurement

Sustainable procurement is 'the process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.'¹

¹ Wales Procurement Policy Statement, 2015

Wales has set an ambitious low-carbon target, to reduce country emissions by at least 45% by 2030. To enable us to meet this 2030 target, we need to develop and implement actions now.

To support this, ambitious targets have also been set for decarbonising the public sector; to be carbon neutral by 2030. The Welsh public sector spends approximately £6bn each year on procured goods and services. Influencing the way that goods and services are purchased by public bodies therefore has significant potential to improve the economic, social and environmental impacts of activities.

To achieve this low-carbon pathway, we must accelerate our journey towards the circular economy, and the flow of materials is central to this. The Welsh Government has set a target of 70% recycled content of all wastes by 2025, increasing to 80% by 2030. By using levers such as public procurement to maximum effect, we can move away

from those materials with the highest carbon footprint and ensure that re-usable, re-used, re-manufactured and recycled content goods are considered first.

Sustainable procurement impacts: human rights, labour practices, fair and profitable operating practices and **protecting the environment**. Protecting the environment explicitly covers the prevention of pollution, **sustainable resource use**, climate change mitigation and adaptation, biodiversity and restoration of natural habitats.

Sustainable resource use can be achieved by procuring, re-usable, re-used or re-manufactured products, and products made from recycled content. This has knock-on benefits of reducing climate change impacts, avoiding landfill and stimulating the circular economy. It is an effective way of contributing to your organisation's sustainable development objectives and targets, as well as promoting innovation in product and service offerings.

'**Re-usability potential**' is the ability to use a product several times, either in its current, upgraded, or re-purposed form, in order to extend the useful life of the item through repair, refurbishment or re-manufacture.

A '**re-used product**' is defined as a product which has already had one or more prior uses.

A '**re-manufactured product**' is one that has been rebuilt to the specifications of a new product.

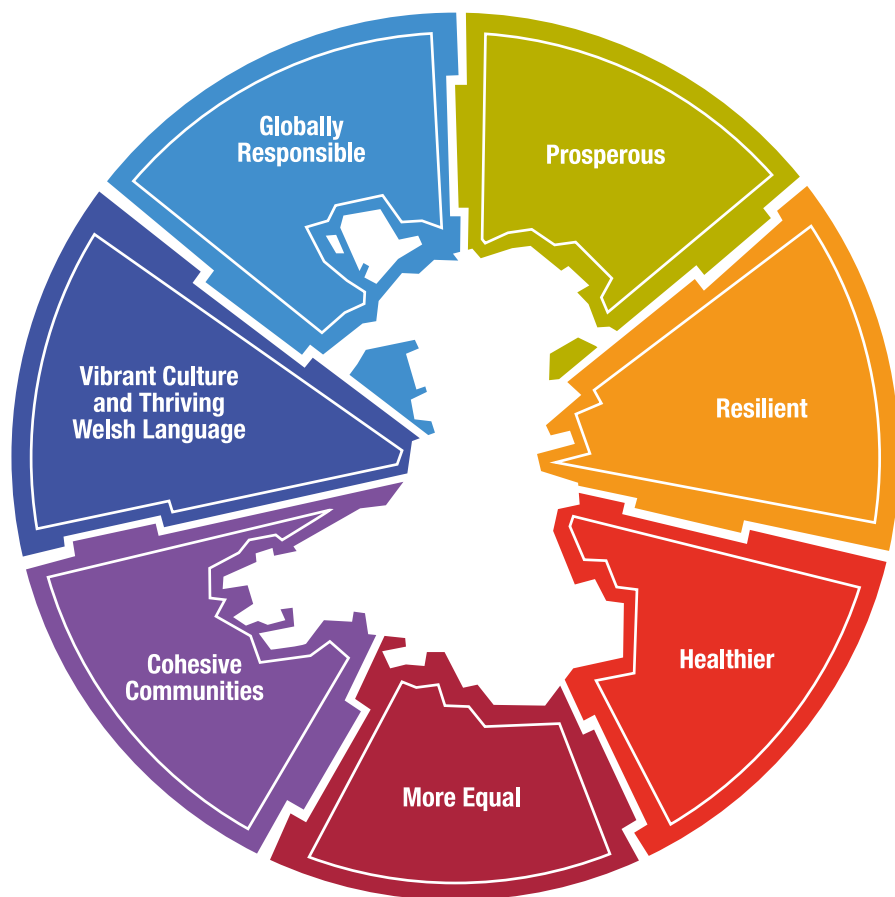
A '**recycled content product**' contains a percentage of recycled material.

Increasingly, public bodies and planning authorities are setting requirements for the use of:

- new products which have been designed to be re-used multiple times and therefore have high re-usability potential;
- existing products that have been used before, and therefore reduce the need for new products to be made;
- products that have been re-manufactured to the specifications of a new product; or
- products which have been manufactured with a percentage of recycled content.

This guidance advises public procurers in Wales on practical steps you can take to incorporate sustainable products into your procurement strategy, which can demonstrate organisational commitment to sustainability without increased cost or risk. The information provided will help you to overcome barriers to procuring these products and contribute more to your organisation's sustainability goals.





Well-being goals: Source - Welsh Government

These practical steps relate to the goals set out in the **Well-being of Future Generations (Wales) Act 2015 (WFG Act)**². These include:

- **A Prosperous Wales** – fair and local procurement;
- **A Globally Responsible Wales** – supply chains and efficient use of resources; and
- **A Resilient Wales** – using natural resources: ‘Source reused / recycled items across your estate (furniture, stationery, electronics, paint, flooring etc.) using local social enterprise suppliers where possible.’

The Act puts in place a ‘sustainable development principle’ which tells public bodies how to go about meeting their duty under the Act. These five ‘ways of working’ include long term, prevention, integration, collaboration, and involvement. Procurement decisions underpinned by the WFG Act goals

and ways of working can result in demonstrable positive outcomes and help to improve the social, economic, environmental, and cultural well-being of Wales.

This guide has been designed for anyone involved in specifying and / or procuring products. It will help you to:

- understand, identify and relate to the common barriers that are preventing your organisation from procuring products that are re-usable, re-used, re-manufactured and / or made from recycled content;
- determine practical steps to overcome the barriers identified, and enable the procurement of more sustainable products; and
- influence others (both within and outside your organisation) to realise that these products and services are viable and beneficial.

² [Well-being of Future Generations \(Wales\) Act 2015](#)

2.0 Main barriers

Seven key barrier 'themes' about procuring re-usable, re-used, re-manufactured and recycled content products were identified during workshops held with public procurers from across Wales. The main perceptions of barriers to sustainable procurement are based on either material availability or procurement processes. Figure 1 shows the themes aligned against the ISO 20400:2017 Standard for Sustainable Procurement.

A lack of awareness about re-usable, re-used, re-manufactured and recycled content products, their availability, quality and cost accounts for themes 2, 3, 5 and 6. Themes 1, 4 and 7 indicate barriers to procurement processes; for example, policies and leadership hindering the inclusion of relevant specifications in tenders. The practical advice below will help to implement measures to overcome these barriers.

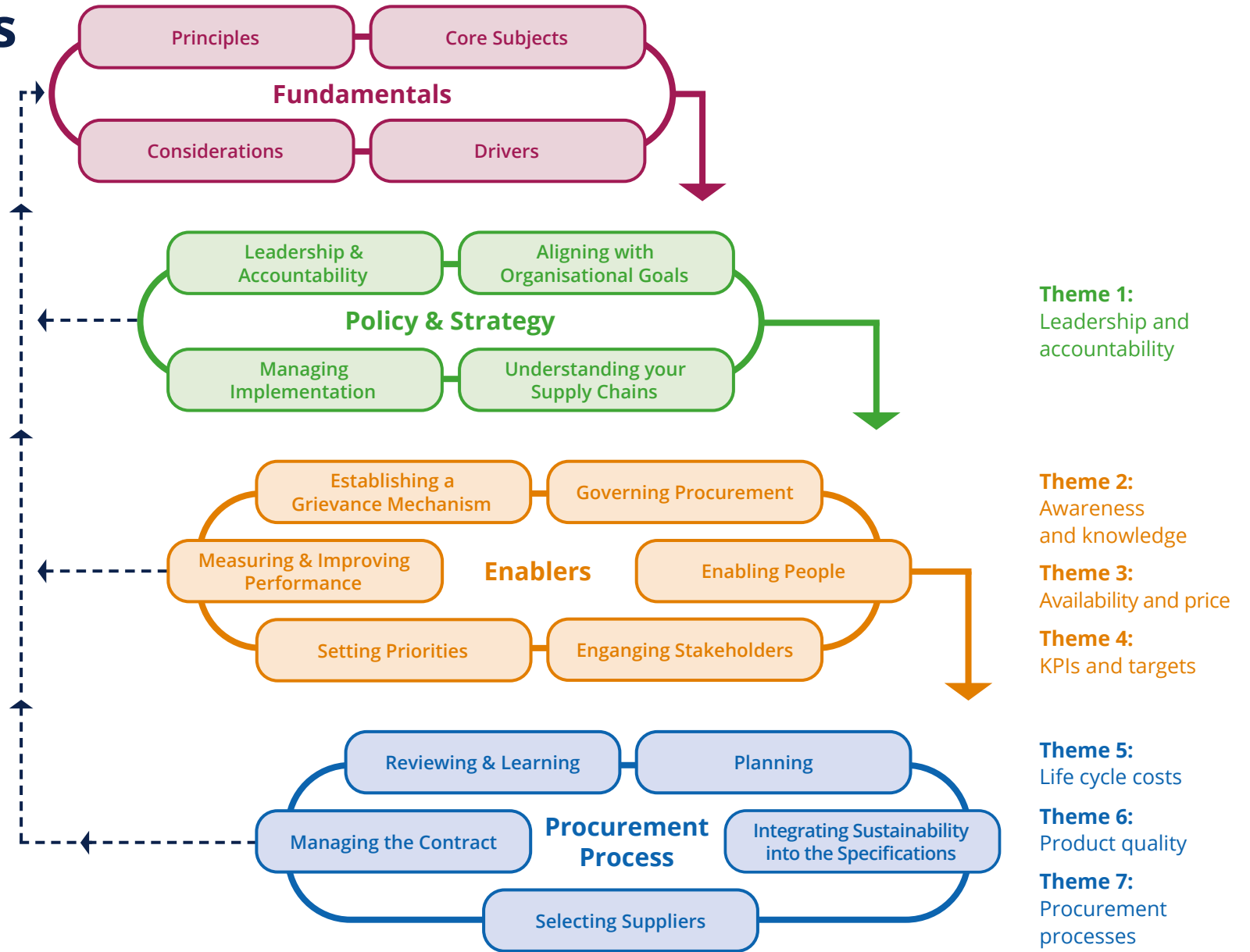


Figure 1: Source - ISO 20400:2017 Standard for Sustainable Procurement

3.0 Benefits of procuring sustainable products

Including re-usability potential, re-used, re-manufactured and recycled content products within procurement processes can create multiple benefits for public bodies in Wales.

These include:

- recognisable leadership and direction on sustainability;
- improved value-for-money / whole life cost, also referred to as the Total Cost of Ownership (TCO) assessments, linked to sustainability impacts;
- procurement contributing directly to organisational sustainability targets and WFG Act goals, the four dimensions of well-being (social, environmental, economic and cultural), and organisational well-being objectives;
- clearer and more consistent tender processes with respect to sustainability;
- greater staff knowledge, competence and empowerment;
- the environmental aspects of sustainability given equal importance as the financial elements in procurement decisions;
- more suppliers engaging with sustainability targets as they realise the benefits;

- greater opportunities for Welsh suppliers to engage;
- reduced carbon footprint of public procurement organisations; and
- reduced supply chain GHG emissions across the entire economy, stimulating more suppliers to invest in low carbon goods and services.

Individual actions under each of the procurement process 'themes' are important to overcome barriers to procuring sustainable products. However, the most effective way of changing procurement practice is to employ a combination of co-ordinated actions across all these elements of procurement.

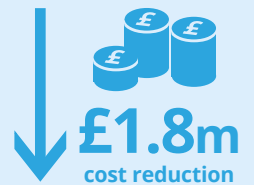
CASE STUDY

Bangor University – sustainable procurement as standard

Since 2015, **Bangor University** has no longer produced a separate Sustainable Procurement Policy but instead incorporates sustainability objectives into the procurement process as standard.

Additionally, the Corporate Procurement Team contributes to the university's Sustainability Strategy and Action Plan.

Since this change, the university has seen a reduction in procurement-related carbon emissions of 0.8% (tCO₂e) and a cost reduction of £1.8 million.



4.0 Practical actions to overcome the barriers

This section details practical actions that can be taken to overcome barriers to procuring re-usable, re-used, re-manufactured and recycled content products, within each of the seven themes.

You should choose to implement actions across a range of themes, which are most relevant to your organisation.

Several case studies have been included to demonstrate where organisations have successfully implemented the procurement of re-usable, re-used, re-manufactured and recycled content products.



4.1 Theme 1: Leadership and accountability

Having clear leadership and accountability is imperative to drive forward policies, initiatives and sustainability.

Actions to overcome barriers here include:

- **Drivers:** Discuss, agree and share your organisation's reasons for procuring sustainably.
- **Policy:** Enhance organisational policies to clearly state the sustainability outcomes that procurement can deliver and why they are important. Specifically include requirements for procuring re-usable, re-used, re-manufactured and recycled content products.
- **Culture and communications:** Encourage Senior Leadership and / or designate Sustainability Champions to refer to your organisation's sustainability objectives, targets, actions and progress in all messaging.
- **Accountability:** Include relevant and specific sustainability objectives in the Senior Leadership team's personal development plans and performance reviews and assessment of progress against these.

4.2 Theme 2: Awareness and knowledge

Without first-hand experience, many buyers will have limited knowledge or awareness regarding product re-usability, re-used, re-manufactured or recycled content products.

Suitable training and professional development enables employees to fulfil their roles more effectively. It gives them confidence and empowers them to include sustainable principles within their tenders.

Designating Sustainability Champions to lead on training and mentoring will help to facilitate successful understanding and prioritisation of sustainable procurement throughout your organisation and spark a positive culture change. This could be someone who is already responsible for WFG Act or corporate social responsibility (CSR) in your organisation, or someone who is passionate about driving sustainability.

Effective training encourages open competition and the prospect of receiving value-for-money responses from suppliers. Additionally, the clarity of sustainability requirements described within tenders is improved, and anecdotal evidence suggests that this results in a better response rate from suppliers.

By overcoming knowledge and awareness barriers, there is a higher likelihood that procurement will contribute to your organisation's sustainability targets and achievement of the WFG Act goal: *A Globally Responsible Wales*³.

Actions to overcome this barrier include:

- **Training:** Increase employees' knowledge and competence through direct training, on-the-job support and guidance.
- **Culture:** Foster a culture of embedding sustainability into all aspects of procurement, driven by leadership and organisational goals.
- **Prioritisation:** Develop a better understanding of which type of product or service is suitable for each application. Some products will be suitable for re-use instead of single-use, some will already be available for re-use and some products will have been re-manufactured or manufactured using a percentage of recycled content.

- **Knowledge transfer:** Develop and maintain an online hub or learning network to share sustainable procurement resources, life cycle analysis data sources and best practice case studies.

Example hubs include:

- [European Commission – Green Public Procurement Criteria](#)
- [ISO 20400](#)
- [UN Environment Programme](#)

Example resources for criteria and training include:

- [European Commission – Green Public Procurement \(GPP\)](#)
- [Government Buying Standards \(GBS\)](#)
- [The Chartered Institute of Procurement & Supply \(CIPS\)](#)

³ Journey to A Globally Responsible Wales

4.3 Theme 3: Availability and price

Engagement with procurers revealed that there is a strong perception that there are not enough re-used, re-manufactured and recycled content products available. However, the range of case studies within this guide shows that this is not always a problem.

Ensuring the procurement of re-usable products will deliver whole life cycle cost savings. It will also help to ensure that re-used products are available to procure in the future.

Undertaking the actions below will result in a better understanding of what the market can provide and will lead to increased variety and competition.

A direct benefit is that supply chains will respond and upskill accordingly, creating more contract opportunities in line with the WFG Act goal: *A Prosperous Wales*. This call for re-usable, re-used, re-manufactured and recycled content products will drive the market to a more circular economy.

Actions to overcome these barriers include:

- **Research:** Undertake market research and engagement to understand suppliers' ability to meet buyers' sustainability objectives for re-use, re-usability potential, re-manufacture

and recycled content (for example, via procurement platforms such as Sell2Wales).

- **Engagement:** Support Welsh buyers and suppliers to improve their competence on sustainability, specifically for re-usable, re-used, re-manufactured and recycled content products (for example, through the Supply Chain Sustainability School and 'Meet the Buyer' events).
- **Collaboration:** Encourage collaboration to reach technical re-usability, re-use, re-manufacture and recycled content goals more quickly.
- **Process:** Make the procurement process straightforward for suppliers to include re-usable, re-used, re-manufactured and recycled content products. Consider increasing the weighting placed on sustainability when scoring tenders, to encourage suppliers to provide answers to questions asked.

CASE STUDY

Public Health Wales – sustainable office refit

During 2016, **Public Health Wales** relocated from several smaller offices to one larger office and transferred around 500 members of staff.

They took a sustainable approach to refitting their new premises; procuring as much re-used and re-manufactured equipment, furnishings and flooring as possible.

The tender brief stipulated the need to combine existing, re-used and re-manufactured items as a core requirement, as well as considering the WFG Act.

As a result, 41 tonnes of waste was diverted from landfill and approximately 134 tonnes of CO₂e was avoided.

134
tCO₂e avoided



4.4 Theme 4: Key Performance Indicators (KPIs) and targets

Without measurement, the sustainability of procurement cannot be guaranteed. To measure, you must first establish a baseline for your performance.

When you set meaningful KPIs and targets against your baseline, changes can be identified, and improvements made. By setting consistent KPIs and targets on re-usability, re-use, re-manufacture and recycled content, public procurers can demonstrate a clear and evidence-led contribution to the organisation's sustainability targets and WFG Act objectives, linked directly to their supply chain.

Actions to overcome barriers to this theme include:

- **Prioritisation:** Map the WFG Act goals and targets to the organisation's spend and impacts to see where procurement can have the largest contribution to the social, economic, environmental and cultural impact of spending decisions, and record a baseline.
- **Leadership:** Engage other buying organisations to build consistent or standard sustainability objectives, targets and metrics for the supply chain.
- **Measurement:** Set sustainability KPIs and targets linked to WFG Act national indicators for the procurement function, and the WFG Act goal: *A Prosperous Wales*. Map these to the tenders and contract management process.

4.5 Theme 5: Life cycle costs

There are perceptions that re-usable, re-used, re-manufactured or recycled content products can be more expensive than new products, with limited benefit.

Whole life costing / TCO analysis can highlight a significant difference between purchase price and total life cycle costs. For certain asset acquisitions, the capital cost of purchasing an asset can be very different to the ownership costs, and may include hidden costs such as installation, deployment, upgrading and maintenance. By applying a whole life cost / TCO approach, public sector organisations will be able to make more cost-effective purchasing decisions with limited budgets. This approach can also be helpful to identify the point at which owning a product is cheaper than leasing it.

CASE STUDY

Comparing milk packaging options using whole life costing

In 2019, WRAP Cymru worked with Monmouthshire County Council to review their choice of switching from single-use plastic milk bottles to re-usable glass milk bottles. As part of the review, an alternative option was also investigated – a pergal system, which allows for the bulk storage of milk in a container that fits in a refrigerated dispenser.

A model was built to estimate the carbon and cost impacts associated with each of the three milk containers. Findings revealed that both glass milk bottles and the pergal system offered reduced carbon emissions and lower overall costs.

Key Facts:

- Switching from single-use plastic milk bottles to re-usable glass milk bottles eliminated plastic waste and reduced milk waste.
- Less milk wasted meant less milk ordered, which resulted in cost-savings of 39% for the local authority.
- The switch is also estimated to have resulted in a 25% reduction in greenhouse gas emissions.

An evidence-based approach to evaluating whole life costs will help to improve the procurement process, regardless of whether you are buying:

- a new product and need to consider its re-usability potential;
- an existing product which has already been used;
- a product that has been re-manufactured; or
- a product containing recycled materials.

By using KPIs and targets on re-usability, re-use, re-manufacture and recycled content, public procurers can demonstrate a clear and evidence-led contribution to the organisation's sustainability targets, linked directly to their supply chain.

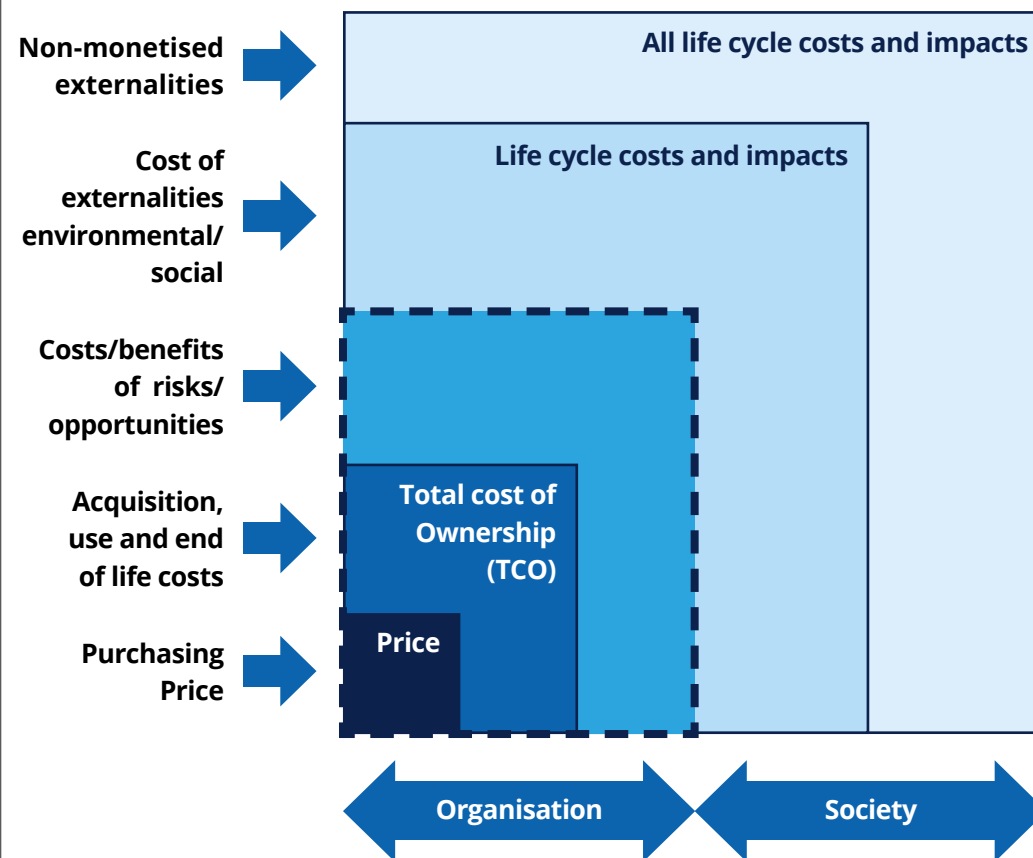
Evaluating whole life costs will help to overcome the perception that re-usable, re-used, re-manufactured and recycled content products cost more. It can help you to achieve superior value-for-money and should be used to present the business case for change.

Whole life costing will help you to consider how a product is intended to be used and, if appropriate, whether its re-usability could or should be introduced into:

- the specification (i.e. through considerations of durability, reparability and adaptability to use in other settings); or
- the type of procurement selected (i.e. a service or lease contract as opposed to an outright purchase).

This whole life cost and use-based approach will not only help to embed sustainability into your organisation but can also help to achieve the WFG Act goal: *A Prosperous Wales*.

The evaluation of life cycle costs



After BS ISO 20400:2017

Actions to overcome this barrier include:

- **Assessment:** Undertake market research as part of category management planning to assess the differences in price between re-usable, re-used, re-manufactured and recycled content products and their new and virgin material equivalents.
- **Whole life cost:** Make whole life costing mandatory for all tenders considered to be high value and / or high risk.
- **Competence:** Undertake training to improve skills on whole life costing.

- **Engagement:** Require suppliers to provide a whole life costing estimate for their offer, using a standardised approach such as the Chartered Institute of Procurement & Supply (CIPS) whole life evaluation, to determine the true economic cost of what you are procuring. Also engage internal colleagues to discuss products' re-usability potential and any logistical considerations.
- **Measurement:** Collect data on product whole life cycle performance. This can be achieved by engaging with outside expert support or requiring potential suppliers to provide this information as part of any tender process. This will allow for benchmarks, case studies, knowledge-sharing and encourage best practice. Track products which have re-usability potential to assess the number of times they can be re-used, and the savings associated with this – both in terms of avoided procurement and disposal costs.

CASE STUDY

Scottish Procurement – prioritising circular actions through life cycle mapping

In 2016, **Scottish Procurement** established new framework agreements for the supply of information and communications technology (ICT) devices.

Before releasing the tender, it conducted market engagement and completed a Life Cycle Impact Mapping exercise to identify areas to focus on with regards to environmental and socio-economic risks and opportunities.

As a result, the final tender included technical specifications on energy efficiency, product life cycle, management of delivery fleet, innovative packaging and end-of-life management, with a particular emphasis on the repair, refurbishment and re-use of devices.



4.6 Theme 6: Product quality

Often, the hurdle to using more sustainable products is the perception that single-use products or those made from virgin materials are in some way superior to products that are re-usable, re-used, re-manufactured or contain recycled content.

Recycled paper getting jammed in printers or re-usable cups not holding enough for coffee dispensing machines are often quoted examples.

To overcome this misconception, procurers need the skills to check and verify suppliers' claims that their products are sustainable and just as good as, if not better than, virgin material or single-use alternatives. Buyers also need to understand how users interact with the product in question, to understand the root cause of their concerns. This will support the greater inclusion of re-usable, re-used, re-manufactured and recycled content products, and help to achieve the WFG Act goal: *A Globally Responsible Wales*.

CASE STUDY

Caerphilly County Borough Council (CCBC) – sustainable catering

CCBC worked in partnership with WRAP Cymru to take steps towards reducing the impact of problematic and single-use plastics in its food and drink supply chain.

Key steps included: a review of catering consumables and food packaging spend and specification data; internal dialogue across procurement, catering and waste management teams; consultation with suppliers; and discussions with waste management contractors.

Financial mechanisms, such as charges and levies, were proposed to encourage positive behaviour change and reduce the consumption of products and materials containing plastic. It was found that avoidance, levies on disposables, and the sale of re-usable containers at a profit could help CCBC to offset the cost of more expensive alternatives to single-use plastics.

Actions to overcome this barrier include:

- **Training:** Staff education on how to use and assess sustainability claims, labels and standards. How to tell 'greenwash' apart from credible sustainability performance and using examples of how it is done successfully.
- **Guidance:** Develop advice for suppliers on how to make clear, credible sustainability claims.
- **Measurement:** Engage suppliers, pre-tender, to trial different re-usable, re-used, re-manufactured and recycled content products and assess results on re-usability and life expectancy.
- **Consultation:** Speak to those using the products to understand their needs and any issues they face.
- **Best practice:** Gather and publish credible case studies.



4.7 Theme 7: Procurement processes

Often the process of procurement can inhibit the use of sustainable products. Constraints may also be caused by a lack of time or willingness to change.

By simplifying or increasing the flexibility of procurement processes it can become a more effective lever to deliver sustainability goals. This will also improve the clarity and focus of requests made to suppliers. Using an evidence-based approach can provide an impetus for change.

Actions to overcome this barrier include:

- **Policy:** Make inclusion of re-usability, re-use, re-manufacture and recycled content mandatory in the tendering process. For example, by setting targets on the percentage of spend on re-used products or the percentage of recycled content in products.
- **Innovation:** Request sustainability outcomes in the procurement process and encourage innovation by procuring with well-being in mind.
- **Gateways:** Review your organisation's procurement processes, pipelines and gateways to see where sustainability can be incorporated.

- **Holistic:** Ensure that an approach of value-for-money and whole life costing is used.
- **Measurement:** Include verifiable sustainability requirements in award and contract management, linked to the WFG Act goal: *A Globally Responsible Wales*, and actively monitor supplier performance within the contract management process.

CASE STUDY

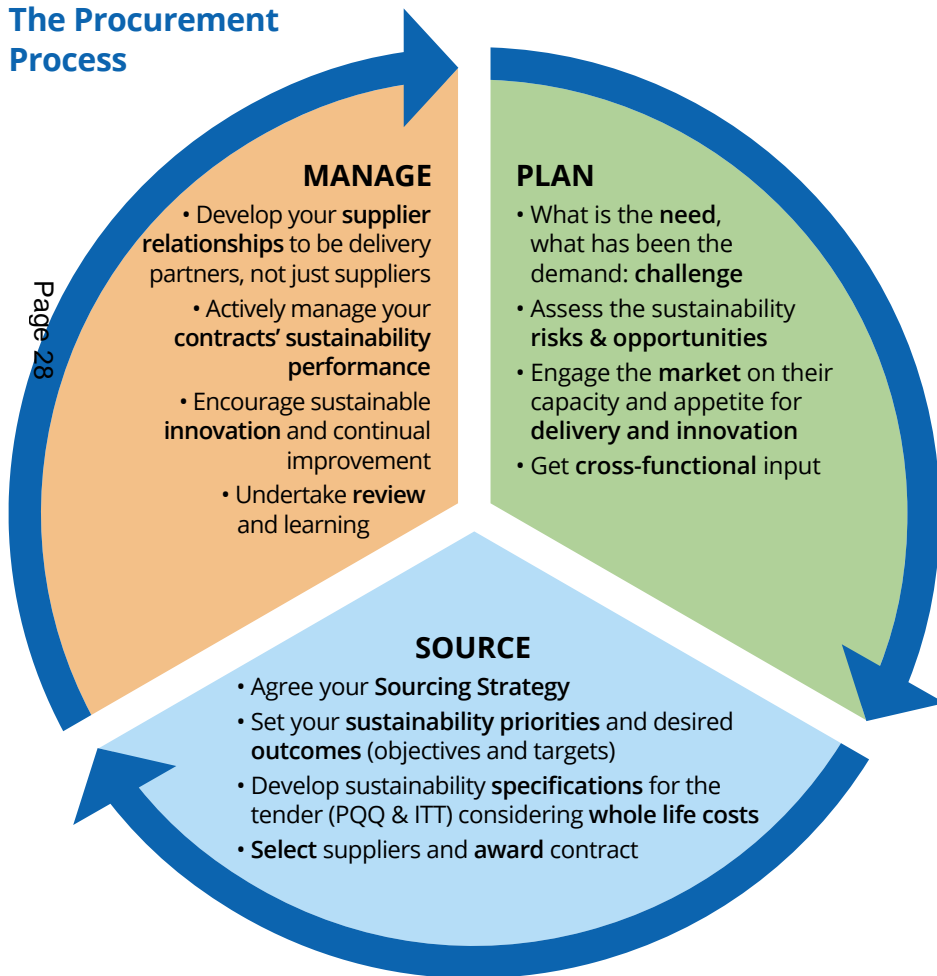
National Procurement Service (NPS) – furniture solutions framework

NPS wanted to investigate a circular approach to procurement through the re-use and re-manufacture of furniture, along with alternative business models, to prolong product life and conserve resources.

A cost benefit analysis, undertaken by WRAP Cymru, recognised that the net benefits of procuring re-used and re-manufactured goods exceed that of buying new. The net financial benefit of the Welsh public sector procuring less new furniture was estimated to be £1.6 million over 10 years, and £48.4 million across the UK public sector as a whole⁴.

⁴ Reuse, remanufacture and alternative business models for the procurement of office and educational furniture' NPS case study October 2020

The Procurement Process



Process	Tools and Resources
	<ul style="list-style-type: none"> • Welsh Government Sustainability Risk Assessment Tools (SRA) for Goods Procurement > £25,000 and for Services Procurement > £25,000 • Zero Waste Scotland's Guide on Procuring for: Repair, Re-use and Remanufacturing (Category and Commodity Guidance) • The EU's Green Public Procurement Toolkit for developing a sustainable approach to procurement, including Needs assessment; Circular economy and Market engagement • ICLEI's Public Procurement Manual
	<ul style="list-style-type: none"> • WRAP's Guidance on setting recycled content specification in construction materials • WRAP's Guide on procuring office paper and publications with recycled content • BRE's Green Guide for specifying more sustainable materials in built environment • CIPS' Guide on the principles and practice of undertaking Whole Life Costing assessments in Procurement
	<ul style="list-style-type: none"> • LM3 Local Spend for calculating your organisation's local economic impact on its community • EU Good Practice Guidance on Public Procurement for a Circular Economy • UK Government Guidelines on recycling Waste Electrical and Electronic Equipment • US EPA's Recycled Content Tool that helps companies estimate environmental impacts from purchasing materials with varying degrees of post-consumer recycled content

Flowchart to support Theme 7

5.0 Looking forward

The Welsh public sector is aiming to achieve several policy goals through the way it procures goods and services. These include decarbonisation⁵ and one planet living⁶. The WFG Act objectives provide the overarching framework to achieve these goals. But our success is predicated on changing the way we do things and embedding the principles of sustainable procurement.



One central and common aspect is the efficient and responsible use of the Earth's resources in delivering our services, works and projects. Enabling more products to be re-usable and maintainable, and buying more re-used, re-manufactured and recycled content products, will help us to meet that objective. It is vital that we change the way we do things.

Your next steps:

- Designate Sustainability Champions and engage with your colleagues – including senior management – to seek their support in respect of the actions you have identified.
- Engage with your suppliers and other stakeholders to share your aims, ensure their understanding and collaborate.
- Map which products are suitable for the procurement of re-usable, re-used, re-manufactured or recycled content products (for example, re-usable canteen cutlery and re-used office furniture)⁷.
- Work with colleagues to track re-usable products.
- Embed a cycle of continuous improvement and WFG Act ways of working by regularly reviewing and updating your procurement processes.

⁵ [Prosperity for All: A Low Carbon Wales](#)

⁶ [Beyond Recycling](#)

⁷ [Circular Procurement Hierarchy Guidance](#)

6.0 Resources

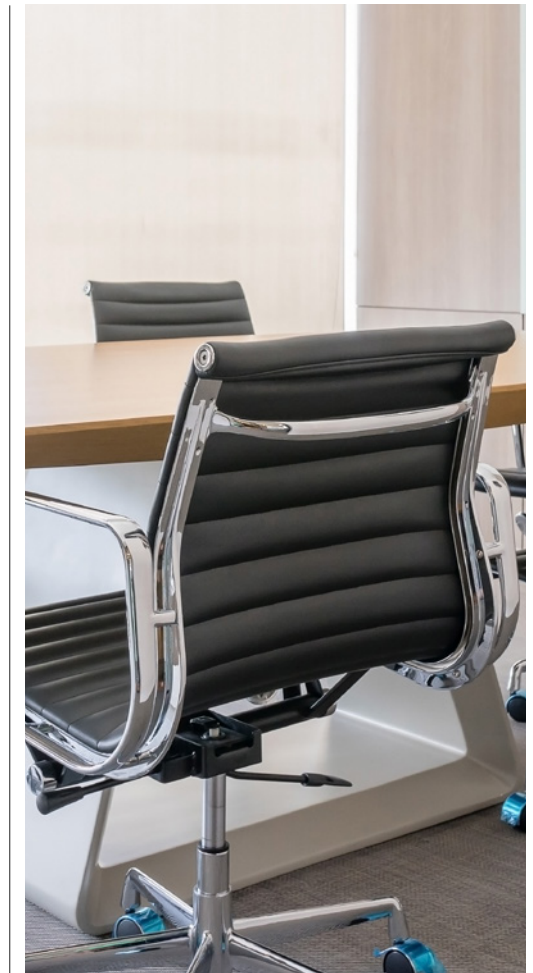
Additional WRAP guidance and resources

- [WRAP Cymru public sector guidance on the procurement of plastics, funded by the Welsh Government](#)
- [Setting a requirement for recycled content](#)
- [WRAP Cymru public sector procurement support and case studies, funded by the Welsh Government](#)
- [WRAP Cymru Circular Procurement Hierarchy Guidance, funded by the Welsh Government](#)

Other sources of information

- [WRAP: Calculating and declaring recycled content in construction projects](#)
- [Environmental impact of higher recycled content in construction projects](#)
- [European Commission – Green Public Procurement](#)
- [Government Buying Standards \(GBS\)](#)
- [ISO 20400](#)
- [Recycled content in construction projects](#)
- [Recycled mixed plastics purchasing toolkit](#)
- [UN Environment Programme](#)
- [Use of recycled material in construction](#)
- [Wales Centre for Public Policy – Sustainable public procurement](#)
- [Well-being of Future Generations \(Wales\) Act 2015](#)
- [The Future Generations Report 2020: A spotlight on Procurement](#)
- [Welsh Government – Beyond Recycling, a strategy to make the circular economy in Wales a reality](#)
- [Welsh Government – Prosperity for All: A Low Carbon Wales](#)
- [Welsh Government – Wales Procurement Policy Statement](#)

Note: To access the full library of Supply Chain Sustainability School resources, readers must first open an account – quick and free to do [via this link](#).



About WRAP

WRAP is not-for-profit, working with governments, businesses and citizens to create a world in which we use resources sustainably. Our experts generate the evidence-based solutions we need to protect the environment, build stronger economies and support more sustainable societies. Our impact spans the entire life cycle of the food we eat, the clothes we wear and the products we buy, from production to consumption and beyond.

Page 51

This document provides practical, first-step advice for Welsh public sector bodies in overcoming the barriers to procuring sustainable products, with a focus on re-use, re-manufacture and recycled content.

Document reference (please use when citing WRAP's work):

WRAP Cymru, 2021. Public sector guidance on the procurement of sustainable products.

Written by:

WRAP Cymru and Resource Futures.

Funded by:

Welsh Government

Photography: Shutterstock

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Our mission is to accelerate the move to a sustainable resource-efficient economy through re-inventing how we design, produce and sell products; re-thinking how we use and consume products; and re-defining what is possible through re-use and recycling.

Find out more at:
www.wrapcymru.org.uk/public-sector

Agenda Item 6



Report of the Convener of the Procurement Scrutiny Inquiry Panel – 24 November 2021

Procurement Scrutiny Inquiry

FINDINGS REPORT

Purpose	The purpose of this report is to help the Panel to develop its conclusions and recommendations resulting from the scrutiny inquiry into Procurement.
Content	This report provides a summary of the evidence from the review. The report also includes some themes for discussion by the Panel, which have been drawn up based the Terms of Reference.
Councillors are being asked to	To consider these findings and discuss possible conclusions and recommendations.
Lead Councillor(s)	Councillor Chris Holley, Convener of the Panel
Report Author	Michelle Roberts, Scrutiny Officer

1.0 Introduction

The Inquiry into Procurement commenced on the 24 June 2021 and evidence has been gathered from several sources over following months. The Panel will now start the process of concluding their inquiry and agreeing recommendations that will be presented to Cabinet.

2.0 Findings and Emerging Conclusions

This report highlights some of the key themes to consider based on the Terms of Reference for the Inquiry and forms the basis for writing the final report.

The final report when written will answer the inquiry key question by using the findings from the inquiry to draw conclusions.

The Panel are asked to discuss their thoughts on the issues below and raise anything that they wish to add so that the Scrutiny Officer can gather views. The Scrutiny Officer will then write the final report based upon this and by referencing it to the evidence gathered as detailed in the pack attached.

The conclusions should answer the Inquiry Key Question, which is - *How can Swansea Council ensure it procures locally, ethically and greenly while being cost effective and transparent in its practices?*

The Panel believe this can be done by...

2.1 Ensuring procurement is built into the Councils Recovery Plan and is clearly aligned to the Council's key objectives moving forward

Issues to consider based on evidence gathered:

- Do you feel procurement is fully built into the Councils recovery plan?
- Is procurement aligned to the Councils key corporate objectives?

2.2 Ensuring Legislation is adhered to and the policy and practice used locally is clear, effective, transparent and consistently applied

Issues to consider based on evidence gathered:

- Are we adhering to legislation/Welsh Government guidance and other advisory information?
- Are we ensuring transparency, sustainability and good probity?
- Are there effective and efficient systems, practices and processes in place to ensure effective procurement practice?
- Are these processes being consistently applied across the Council?

2.3 Ensuring the council gets quality as well as value for money on its contracts in order to get the best spend from the public purse

Issues to consider based on evidence gathered:

- Do you believe the council's processes ensure quality as well as value for money? (For example, price/cost and quality ratio, different products services require different quality ratio, social/ethical considerations...)

2.4 Considering how leaving the European Union will affect Procurement in Swansea

Issues to consider based on evidence gathered:

- Is Brexit effecting/influencing our procurement activities and what are the impacts of this?

2.5 Building upon and embedding our positive Social and Local procurement practice

Issues to consider based on evidence gathered:

- Do you feel there is an effective vision, aims and objectives in relation to social/local procurement?
- Are we maximising spend in the local economy? Is it having an impact? (some examples include Beyond Bricks and Mortar and splitting of contracts into smaller parts)
- What do you feel should be would be the way forward?

2.6 Ensuring we and those who contract with us meet the general Equalities Duty

Issues to consider based on evidence gathered:

- Do we, and those we procure with/from, meet the general Equalities Duty (as specified in Equality Act 2010 (Public Sector Equality Duty Wales))?
- How do we ensure this is the case (IIA's, monitoring etc.)?

2.7 **Building upon and embedding our Environmental and Ethical practice**

Issues to consider based on evidence gathered:

- Do you feel we have a clear vision, aims and objectives in relating to environmental and ethical practice?
- Are we considering future generations and our impact on climate change in our procurement practices?
- How do you feel we can we improve in this area?

2.8 **Considering our joint procurement activities and how we work with others**

Issues to consider based on evidence gathered:

- Is the Council working with others to improve the economies of scale and availability of products/services?
- Do we co-produced when appropriate?
- How do we ensure that Contractors understand our processes and procedures and feel confident to tender?
- Who do we work with, why, what do our stakeholders think about us? Are perceptions and reality aligned i.e., building service costing? How can we improve this?

2.8 **Making sure we are monitoring and measuring success and continually improving what we do**

Issues to consider based on evidence gathered:

- Does the Council measure how it is meeting its aims and key objectives with for example local, environment and ethical practice?
- Does the Council monitor and enforce requirements effectively and consistently?
- What does the performance data say about procurement?
- Do we carry out satisfaction survey with contractors/stakeholders?
- Do we review not only our contracts but our systems and processes so that we can continually improve?
- Do we consider/share good and alternative practice?
- Do we work with other local authorities, networks and other organisation to improve procurement more widely nationally?

3.0 **Some recommendations/issue areas highlighted:**

Please note: These are suggestions made at different points in the inquiry and there may be overlaps at this early stage. They have been listed in full so

that the Panel can see and consider all the aspects raised.

- 3.1 Advise schools to have a sub-committee or standing agenda item on their finance committee for procurement (27 July)
- 3.2 Investigate whether green and ethical matters should and can be included in the audit process both locally and nationally (27 July)
- 3.3 Continue the work to address the areas of non-compliance in Social Services.
- 3.4 Creation of a working group for education procurement matters which includes representatives from schools to help improve consistency in adherence to policy, to look at improving ways of working with building services etc. To help identify gaps and find common solutions (27 Sept)
- 3.5 Addressing the perception issue in relation to costs of works from building services, ensuring understanding of like for like quotes etc. (27 Sept)
- 3.6 Build upon ways to increase local/social procurement (raised in all meetings)

Departments have recognised that there are some areas of development. Some of which could translate for the Panel into possible recommendation, these are listed below:

Place - 16 Aug 21

- 3.7 The Council has developed a robust and detailed set of Contract Procedure Rules for use in its procurement activities. However, there is always an opportunity for further self-evaluation and improvement by learning lessons from current best practice and peer organisations.
- 3.8 Consideration should be given to a formal upfront procurement approval process, perhaps conducted on an annual basis to facilitate the bulk sign-off of regular programme activity.
- 3.9 Increase the level of training for new starters and make it a mandatory module. Ensure that regular updates are provided as necessary and when updates are made to policies or documentation.
- 3.10 Continue the review of documentation and contact design to further encourage SMEs to tender for Council works.
- 3.11 Expand the number of 'Open Days' to encourage local firms to tender for Council works and to encourage supplier feedback.
- 3.12 Whilst the Council seeks to give sufficient weight to biodiversity, natural environment and culture and health considerations, further consider how this approach can be expanded in line with social value principles and in line with the current Council pilot programme reviewing this matter.

Social Services - 13 Sep 2021

- 3.13 The Council has developed a robust and detailed set of Contract Procedure Rules for use in its procurement activities. However, there is always an opportunity for further integration and improvement by learning lessons from current best practice.
- 3.14 Commissioning teams within the Directorate were not created or resourced to procure in the way that is currently required
- 3.15 Continued regular training around procurement and TUPE combined with greater experience will lead to procurement that is more effective. Timeliness may depend on the team's capacity to complete the commissioning processes undertaken to inform procurement activity.
- 3.16 These commissioning processes are often disrupted by the need to address immediate operational pressures. Improving commissioning processes will lead to timelier re-procurement.
- 3.17 Developing a better understanding of social value and adapting procurement practices to do more to promote social value organisations could help to achieve objectives under s16 SSWBA and WBFGA.
- 3.18 Designing contract specifications which are outcomes focussed where possible is an ongoing challenge.
- 3.19 Maximising opportunities to involve service users and citizens in the procurement process will lead to more collaborative, co-produced services.

Corporate Centre - 27 Sep 2021

- 3.20 In terms of key issues for development, the Directorate is considering expanding the level of training and support for staff and is currently working with the Education Director to for example target schools and develop a capacity building programme.
- 3.21 Policy relating to procurement is in a period of significant change with a reform of the UK Public Contract Regulations having been signalled that may allow more flexibility for the Council to consider, for example, enhanced social value criteria. The Commercial Services area is currently supporting a pilot programme into this matter and this is a key area for further development (including further support for local businesses), so the **Council will continue to expand its focus on this area** and report on the outcome of the pilot in due course. Value criteria have expanded from the traditional price / quality matrix to adding issues of sustainability and or local suppliers and other local impact, and this work will be further supported and developed.
- 3.22 The Council are members of the Swansea Major Employers Forum which brings together the DVLA, the Swansea Bay University NHS Board and our Universities, and we have agreed to a joint forum that would engage with businesses across the city to explain 'how to do business' with us as part of

our response to the pandemic, and **we are planning an on-line/ video-based activity this autumn**, based on the Council's supplier guide, considered a model of good practice – [Selling to the council: a guide for suppliers - Swansea](#).

- 3.23 The recently introduced e-contract system has been very well received and resulted in a paper saving of some 23,000 pages in one year – **we are seeking further innovation in this area**, with research on-going with the Welsh Government, and that progress will likely dovetail with the proposed procurement rules reform.

Education – 27 Sep 2021

- 3.24 Schools benefit from support and challenge from Directorate in respect of procurement and the **review of the Schools Procurement Guide will further embed this**. Besides this and the enhanced Landlord's Consent process (particularly in relation to major capital projects), the most significant need / opportunity would be involving schools in Oracle developments so they can benefit from the enhanced functionality of the system.
- 3.25 Officers continue to work with WG officials to explore the use of travel miles as an element of future contract decision making.
- 3.26 There are continuing capacity and resilience concerns within Directorate teams which is likely to limit further developments.
- 3.27 There needs to be national change and/or revision to national policy if we are to further develop our procurement practices and regional frameworks to be flexible enough to truly procure locally.

EVIDENCE PACK

Procurement Scrutiny Inquiry

SUMMARY: This is the evidence pack for the Scrutiny Inquiry into Procurement. It includes all of the evidence collected by the scrutiny councillors at meetings, through research and from submissions. The scrutiny councillors will present their conclusions and recommendations in a separate report based on this evidence.

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Introduction

This pack draws together, in one document, all of the published evidence for the Procurement Scrutiny Inquiry. Over the last 5 months a panel of scrutiny councillors have been looking at the Council's Procurement activity. Specifically they have been looking to answer the following question:

How can the Council ensure it procures locally, ethically and greenly while being cost effect and transparent in its practices?

The inquiry looked at procurement in relation to the provision of council functions. It also considered what the Council does well and what can be improved in this area. This included the following key lines of inquiry:

1. **Legislation/policy including national, local and European influences on our procurement practice:** What legislative and policy framework is used in the Councils procurement processes? How do we ensure transparency, sustainability and good probity in all we do? How will Brexit effect/influence procurement for Swansea?
2. **Positive social/local procurement:** What is our strategy, vision, aims and objectives in this area? How are we doing against those? For example our Social and Community Benefits Policy including Beyond Bricks and Mortar and clauses in contracts. How do we ensure maximum spend in the local economy.
3. **Environmentally and ethical procurement practices:** What is our strategy, vision, aims and objectives in this area? How are we performing against those? For example, how are we considering future generations and our impact on climate change in our procurement practice?
4. **Equalities Duty:** Do we ensure we and those we procure from/with are meeting the general Equalities Duty as specified in the Equality Act 2010 (Public Sector Equality Duty for Wales 2011)
5. **Systems/processes and consistency of approach:** Are there effective and efficient systems/practices/processes in place across the Council to enable effective procurement practice? Are Council Officers consistently applying these practices?
6. **Joint procurement activities and working with others:** Procuring with others, for example, to improve our economies of scale, for example NHS and All Wales Purchasers Forum or similar.
7. **Measuring success:** How does the council measure how it is meeting its aims of, for example: local, environment and ethical practice? How does the council monitor and enforce those requirements when working with others via for example their Service Level Agreements or Contracts?

All of the papers for the inquiry have been published on the Scrutiny web pages. Please direct any enquiries to scrutiny@swansea.gov.uk

The final report for the inquiry, including conclusions and recommendations, is expected to be submitted to Cabinet in April 2021.

Timetable of Work Completed

Date/Venue	Evidence Gathering Activity	
Procurement Pre-Inquiry Scrutiny Working Group 24 Oct 19 and Revisited 24 Jun 21	Overview of subject area with key officers and Lead Cabinet Member for Procurement. <ul style="list-style-type: none"> • Provide an overview of the structure and make-up of the service, the legal frameworks we work under and the key influencers. • Provide the Procurement Strategy for Swansea • Outline Procurement Framework and probity, legislative and policy influences (national, local and Europe) 	
Evidence gathering - Internal		
Session 1 27 Jul 21	Internal Audit	
Session 2 16 Aug 21	Place	Departmental perspectives/procurement activities: <ul style="list-style-type: none"> • Positive social/local procurement activities • Environmental, ethical and sustainable procurement • Case studies • Consistency in following practice/procedures • Monitoring and enforcing SLAs/contract terms • Joint Procurement activities • Specific legislative/policy influences
Session 3 13 Sep 21	Social Services (including commissioning aspects)	
Session 4 27 Sep 21	Education Corporate centre	
Consultation activities - External		
Session 5 20 Oct 21	Talk to others - local businesses and stakeholders – roundtable meeting remotely	
Session 6 10 Nov 21	<ul style="list-style-type: none"> • Speak to Business Wales • Submissions received from call for evidence • Social and local procurement ...look at practice elsewhere including Cardiff and Preston's socially responsible procurement info. • Any useful survey or comparison data readily available 	
Concluding Inquiry		
Meeting 7 24 Nov 21	Findings report and discussion	
Meeting 8 31 Jan 22	Draft Final Report (informal meeting)	
Meeting 9 21 Feb 22	Final Report Agreed by Panel (submitted to Scrutiny Programme Committee on 15 March 2021 and to Cabinet on 21 April 2021)	

Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Scrutiny

Directorate: Legal and Democratic Services

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

The Procurement Scrutiny Inquiry Panel will look at how we procure products and services in Swansea Council, see attached Terms of Reference.

The Panel will at the end of the Inquiry write a report to Cabinet with recommendations for service improvement, Cabinet if they agree the recommendations, will be responsible for taking forward those recommendations (at that time they will complete full IIA)

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

Councillors will speak to relevant departments, stakeholders (providers) through a roundtable meeting, attending stakeholder events and through a call for evidence. The Panel will use the departmental, including the procurement Teams, consultation information provided as part of the piece of work.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No n/a

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/>	Medium risk <input type="checkbox"/>	Low risk x <input type="checkbox"/> Recommendations
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only

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes x No **If yes, please provide details below**

Recommendations only at this stage. When/if recommendations from the Inquiry are accepted by Cabinet this will be established.

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

This is a Scrutiny Inquiry into Procurement, the Inquiry itself will produce recommendations for service improvement based on the Terms of Reference but does not make the decisions. Cabinet, when they receive the recommendations at the end of the Inquiry, will look at each recommendation made and either agree or reject it. The recommendations that are agreed will then be taken forward and a full IIA will be produced accessing their impact and implications.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

No impacts at this stage as not decision making.

The Panel will involve Council Departments, Councillors, providers of services via meetings and the public via Call for Evidence, they will also look at any survey consultation information departments have collected and supplied to the Inquiry.

The Inquiry aligns to the principles of the WFG

No risks identified but this will need to be considered when if recommendations are taken forward by Cabinet.

Cumulative impact will be assessed when recommendations are taken forward by Cabinet.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

Full IIA to be completed after decision made on recommendations resulting from the Inquiry. This will be done by Cabinet.

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Michelle Roberts
Job title: Scrutiny Officer
Date: 29 June 2021
Approval by Head of Service:
Name: Debbie Smith (on behalf of Tracey Meredith)
Position: Deputy Chief Legal Officer
Date: 30 June 2021

Please return the completed form to accesstoservices@swansea.gov.uk

Call for Evidence and Submissions Returned

Call for Evidence: Procurement Scrutiny Inquiry

July 6, 2021 by [Michelle Roberts](#)

The primary focus for the inquiry is to look at Procurement. The key question, therefore, is: *What is Swansea Council doing to ensure it procures locally, ethically and greenly while being cost effective and transparent in its practices?*



Photo credit:

www.flickr.com/photos/smarrtblog/6007864221

Reasons for carrying out this piece of work

Councillors chose to carry out this piece of work because they want to

- Ensure that the Council is meeting its duties under any legal requirements
- Ensure Swansea Council procures locally, ethically and greenly while being cost effective and transparent in its practices

To help understand these issues and to answer some of these questions we are inviting written submissions on the following lines of inquiry:

The inquiry will look at procurement in relation to the provision of council functions. It will also consider what the Council does well and what can be improved in this area. This will include:

1. **Legislation/policy including national, local and European influences on our procurement practice:** What legislative and policy framework is used in the Councils procurement processes? How do we ensure transparency, sustainability and good probity in all we do? How will Brexit effect/influence procurement for Swansea?
2. **Positive social/local procurement:** What is our strategy, vision, aims and objectives in this area? How are we doing against those? For example our Social and Community Benefits Policy including Beyond Bricks and Mortar

and clauses in contracts. How do we ensure maximum spend in the local economy.

3. **Environmentally and ethical procurement practices:** What is our strategy, vision, aims and objectives in this area? How are we performing against those? For example, how are we considering future generations and our impact on climate change in our procurement practice?
4. **Equalities Duty:** Do we ensure we and those we procure from/with are meeting the general Equalities Duty as specified in the Equality Act 2010 (Public Sector Equality Duty for Wales 2011)
5. **Systems/processes and consistency of approach:** Are there effective and efficient systems/practices/processes in place across the Council to enable effective procurement practice? Are Council Officers consistently applying these practices?
6. **Joint procurement activities and working with others:** Procuring with others, for example, to improve our economies of scale, for example NHS and All Wales Purchasers Forum or similar.
7. **Measuring success:** How does the council measure how it is meeting its aims of, for example: local, environment and ethical practice? How does the council monitor and enforce those requirements when working with others via for example their Service Level Agreements or Contracts?

The panel is keen to hear from as many members of the public and organisations as possible.

If you wish to submit evidence you can email us at scrutiny@swansea.gov.uk or you can leave a comment on this blog

Responses received via the Blog:

1. Question received

I am concerned with the lack of provision of housing for the Learning Disabled community. Is the council using the best/ most ethical companies for LD housing? Example – gentleman aged 44 still waiting for supported living within his own community.

[August 10, 2021 at 12:36](#)

Discussed at Panel meeting on 13 September.

Reply from Dave Howes

All of our service providers are charitable or not for profit organisations who are experienced in LD design and development. We actively encourage tender submissions from not for profit organisations and are working with regional partners to develop approaches to commissioning services which promote social value and similar ethical considerations.









We have systems in place for assessing accommodation needs and developing appropriate housing, care and support solutions. We are also developing a regional policy to ensure the support and accommodation needs of young people transitioning from children's services to adults services are anticipated. This will help to achieve more effective future planning. We are currently exploring the possibility of re-shaping

some of our existing specialist adult Learning Disability services so that they can offer care and accommodation to younger people. This may expand the range of accommodation options available.

New opportunities are sometimes dependent on the availability of capital grant funding from Welsh Government as well as property that is suitable for adaptation, or availability of land for new build within the county. In some instances the mix of people within a shared setting is considered integral to the longer term wellbeing of tenants and these considerations can sometimes lead to delays in finding suitable options.

However, we presently manage over 100 properties accommodating over 250 people. Later this year an additional 8 x 1 bedroom flats, and a further 4 beds within a shared house will become available. I am advised by colleagues that this is more than any other LA in Wales.

Relevant legislation, guidance other documents, reports and background information considered

1. Procurement process - model for highlighting risk	  Tender Evaluation Matrix (Lowest Price).: SQ Questions Template.xlsx
2. Evaluation criteria	 Instructions to Tenderers (1).docx
3. Sell2Wales	https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0254
4. Procurement Guide for Officers	https://www.swansea.gov.uk/staffnet/media/36359/Procurement-Guide-for-Council-Staff---V3.0/pdf/Procurement_Guide_for_Council_Staff_-_V3.0.pdf
5. Guide for Suppliers	https://www.swansea.gov.uk/sellingtothecouncil
6. Factsheet for Procurement (Education)	https://www.swansea.gov.uk/staffnet/media/18431/Procurement-Guide-for-Schools/doc/Procurement_Guide_for_Schools.docx
7. UK Public Contract Regulations (PCR) 2015.	https://www.legislation.gov.uk/ukxi/2015/102/pdfs/ukxi_20150102_en.pdf
8. Welsh Procurement Policy Statement / Welsh Government Procurement Policy	https://gov.wales/public-sector-procurement Wales Procurement Policy Statement: https://gov.wales/sites/default/files/publications/2021-03/wales-procurement-policy-statement-2021.pdf
9. Welsh Government's Ethical Employment in the Supply Chain Code of Practice	Ethical employment in supply chains: code of practice, guidance and training GOV.WALES  Policy on Ethical employment.pdf
10. Safeguarding Policy for Suppliers	https://www.swansea.gov.uk/staffnet/safeguardingprocurement  Safeguarding Policy for Contractors of the
11. Example or blank Prior Information Notices (PIN)	 PIN.pdf
12. Example or blank Contract Notice (OJEU / Non-OJEU)	  OJEU.pdf Contract notice.pdf
13. Transforming Public Procurement Green Paper	https://www.gov.uk/government/consultations/green-paper-transforming-publicprocurement
14. WRAP – Public Sector Guidance on Sustainable Procurement	https://wrapcymru.org.uk/resources/guide/public-sector-guidance-procurement-sustainable-products



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Thursday, 24 June 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
L R Jones
M Sherwood

Councillor(s)

E W Fitzgerald
J W Jones
T M White

Councillor(s)

I E Mann

Other Attendees

David Hopkins Cabinet Member - Delivery & Operations (Deputy Leader)

Officer(s)

Adam Hill Deputy Chief Executive / Director of Resources
Chris Williams Head of Commercial Services
Michelle Roberts Scrutiny Officer

Apologies for Absence

Councillor(s): B J Rowlands

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes of Previous Meeting

Minutes of the previous meeting were accepted.

4 Public Questions

No public questions were received.

5 Updated - Strategic Overview of Procurement

A detailed updated strategic overview of Procurement was presented to the Panel by the Cabinet Member for Delivery and Operations and Chris Williams, Head of Commercial Services. The report covered the following points and will form part of the inquiry evidence/findings report:

- Procurement Rules and Regulations
- Contract Procedure Rules
- Procurement Functions
- Procurement Methods and Processes
- Developments
- Beyond Bricks and Mortar
- Future Challenges and Opportunities; and
- Routes to the market
- Case study 1 – Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services for Older People and Younger Adults with Physical Disabilities and/or Sensory Impairment
- Case study 2 – Swansea Highways

Following the discussion on the report the following points were raised and noted:

- Cabinet Member said he was proud of what we have done here in Swansea in relation to procurement, that we have a positive and active procurement team and he is proud of the work they have achieved.
- The Head of Commercial Services outlined two case studies which evidence how robust the system is and these give practical examples of how we deliver on the ground.
- How do we make it possible for some of our smaller local businesses to tender for contracts, when some contracts are so large, was asked. The Panel heard that some of our larger contracts are split into smaller portions so that smaller and medium sized providers can consider tendering. Procurement is constantly working on this aspect and is a core part of the Councils Covid Recovery Plan to include local providers. That all contracts are advertised on the Sell2Wales website. It is important to help the local area to prosper.
- Variations to contracts was raised, price variation after contract agreed. The Panel heard that there are two types of variation: time variation and cost variation. Changes to costs are agreed by Head of Service and Procurement Manager. We will work between both the contract procedure rules and the law and these determine whether changes are made.
- Importance of supplier awareness days recognised as a good opportunity for local companies and potential job creation. Panel asked how many people were on the local list. The Head of Commercial Services said he would find out and get back to the Panel. He also said that the Council does a lot of outreach with local companies so they are able to tender for contracts locally. The Panel agreed that how we grow these local businesses was as important as value for money and competitiveness.
- Do we work with Education/schools to ensure procurement practice is consistent and correct procedures are being used, was asked? The Panel heard that training is provided and that a factsheet has been produced so they understand the procedure rules and tendering. We also work with education around issues that might be highlighted through internal audit.
- Local procurement and how effective is that aim presently, example of Preston was raised? The Panel heard that the Council is absolutely committed to this approach and do so currently via the Public Service Board locally and with Welsh

Government, as well as engaging with a number of other organisations. We can see what others are doing in Wales via the Mid and West Wales Procurement network. The Panel agreed that this is a critical issue for the Council and will look in more detail at the impact of social procurement contracts.

The report today and these discussion points will form part of the panels evidence pack and findings report at the end of the inquiry.

6 Planning the Inquiry into Procurement - Terms of Reference

The Panel discussed and agreed their Terms of Reference and amended Project Plan for the inquiry which will start with a meeting with the Council's Internal Audit on 27 July 2021.

The meeting ended at 11.40 am

Chair

Report of the Cabinet Member for Delivery and Operations

Procurement Inquiry – 24 June 2021

Overview of Procurement

Purpose	This report gives a high level overview of procurement processes and activity at Swansea Council to help inform the Panel Inquiry
Content	The report gives an overview of procurement in Swansea Council
Councillors are being asked to	Consider the information given as part of the inquiry into procurement
Lead scrutiny Councillor	Councillor Holley
Lead Cabinet Member / Officer for subject	<ul style="list-style-type: none">• Cllr David Hopkins• Chris Williams, Head of Commercial Services
Report Author	Chris Williams

1. Introduction

- 1.1 Procurement is often defined as the activity of acquiring goods and services. The procurement process spans a life cycle - from identification of need, through to the selection of suppliers, and then their contract management.
- 1.2 The Council spends approximately £250 million a year on a diverse range of goods, works and services from our external partner organisations. Examples of spending include on home care, homelessness support projects, energy and utilities, vehicles, catering products, building works, road repairs and IT software and technology.

2. Procurement Rules and Regulations

- 2.1 Public sector procurement is a highly regulated activity, i.e. governed by legislation, particularly the UK Public Contract Regulations (PCR) 2015. If the Council were to breach these regulations then suppliers could seek recourse against the Council in the courts (an internet search will yield numerous examples of this in the public sector) which would then affect public perception of the manner in which Council business is conducted as well as – in the event of a successful challenge – the need to pay financial penalties. In brief, the Council is obliged to conduct open and transparent and proportionate procurement process for our Council needs acting with integrity and seeking to ensure a level playing field for all potential suppliers.

2.2 On the 1st January 2021, the United Kingdom exited the ambit of the European Union’s rules, but it is important to note that UK procurement regulations (which derived from our membership of the EU) still exist in UK law today - and will continue to do so until amended. There is currently a UK-level review of the laws relating public procurement, but this time it is not clear what changes will occur and the implementation date of any new law is unlikely to happen until 2024. The Welsh Government is considering this matter also as it has the legal; power to act on a Wales only basis, and it is noted as one of the key priorities of the new Welsh Government administration. Whilst the UK has left the EU it has now joined the WTO as a member in its own right, and that membership also brings with it the requirement to openly publish our tender opportunities, so it is likely that the general ethos of public procurement principles as we know them today will remain.

2.3 In addition to adhering to the statutory UK Public Contract Regulations the Council is also obliged to publish its own standing orders relating to our control of spending and the document is known as the Contract Procedure Rules which is a core part of the Council’s Constitution. This document was revised in 2020 having been reviewed and agreed by the Council’s Constitutional Working Group and then full Council, and for full information please see:

<https://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=546&MIId=7394&Ver=4&Info=1&LLL=0>

2.3 The Public Contract Regulations apply to any contract with a value of more than the current set threshold – see the table below - and the Council is for example required to advertise contract opportunities in the Find a Tender Service (formally OJEU) and also follow a set procurement process:

Type of Contract	Threshold
Service & Supply (includes supply, lease, rental or hire purchase of goods, provision of relief staff)	£189,330
Works (building & engineering, including capital works)	£4,733,352
Social and other specific services	£663,540

2.4 Even when a procurement process is not subject to the regulations (for example where the estimated value of a contract falls below the relevant threshold) the principles of non-discrimination of bidders /equal treatment, transparency, and proportionality apply.

Contract Procedure Rules

- 2.6 As referred to in 2.3 above the Council's Contract Procedure Rules (CPR) set out the key responsibilities and actions that Council staff must follow when undertaking procurement activity. CPR support staff to meet legislative requirements, and to meet the Council's ambitions for its procurement activity.
- 2.7 Fundamentally, the CPR support staff to deliver effective procurement. The CPR rules are also designed to ensure that the Council's procurement processes are fair, transparent and non-discriminatory. Following the CPR protects the Council, Members and Officers against allegations that procurement has been made incorrectly or fraudulently and compliance with these rules is compulsory. As noted the Council's current version of its contract procedure rules was agreed by Full Council in early 2020.

3. Procurement Functions

- 3.1. In terms of the staffing allocated to this area the Council employs a professional team of four Category Managers and four supporting Procurement Officers who assist the Head of Commercial Services in delivering the Council's procurement support to all Council staff, to facilitate their spending plans. The responsibilities of the Council's Corporate Commercial Procurement team include:
 - 3.2 Providing professional and strategic advice on all procurement matters, including (but not limited to) product/service specifications, supplier sourcing and procedures.
 - 3.3. Ensuring compliance with the Council's Contract Procedure Rules on all procurement activity undertaken, and ensuring the principles of openness, transparency, equal treatment and proportionality are followed.
 - 3.4 Ensuring the legal requirements of relevant legislation including the UK Public Contract Regulations 2015, and the Well-Being of Future Generations Act (Wales), and GDPR matters are adhered to at all times.
 - 3.5 Ensuring that value for money is achieved and purchasing power is optimised between quality and cost.
 - 3.6 Assessing the procurement requirement and providing commercial advice on the most cost effective, compliant and appropriate route to market.
 - 3.7 Development of a category forward work plan for all planned and forthcoming procurement activity in their area.

- 3.8 Attendance at required meetings, forums and working groups where procurement is required to attend.
- 3.9 Undertaking spend analysis, utilising the spend tool, to ensure maximum buying power is achieved.
- 3.10 Getting 'best value' for money in procurement is not restricted to getting the lowest price. 'Best value' is defined in the Welsh National Procurement Strategy as "the optimum combination of whole life costs and benefits to meet the customer's requirement.
- 3.11 Advertising and publishing of the contract requirement within the Find a Tender Service (FTS) and or Sell2Wales.
- 3.12 Administration of the tender once published via eTenderWales which includes the management of supplier clarifications received and liaising with the relevant Officers to ensure clarifications are responded too effectively.
- 3.13 Negotiate with tenderers as appropriate, award the contract for the end use and issue the required contract documents in consultation with Legal Services.
- 3.14 Provide training on specific elements of procurement or for when legislative or policy changes need to be communicated to end users.
- 3.15 Attendance and input in to Supplier development and awareness days in conjunction with Business Wales or other partners.
- 3.16 Analysing the market, research options and consult with users to clearly define the requirements. Conducting any necessary market engagement where necessary in conjunction with Business Wales or other partners.
- 3.17 Support local economies by the inclusion of economic, environmental and social and cultural clauses in all contracts (where appropriate) and improving access for SME and the voluntary sector to do business with the public sector.
- 3.18 Maintaining the Council's corporate contracts register so we can assess and review spend and supplier relationships, which also acts as a base document to ensure compliance and for audit purposes.
- 3.19 Supporting the Corporate Safeguarding Group and having a lead Officer on the group to advise on contracting and safeguarding. Work has been completed on drafting a Contractors Safeguarding Policy which is included within all procurement documents.
- 3.20 Supporting and leading on the implementation of Welsh Government's Ethical Employment in the Supply Chain Code of Practice.

- 3.21 Supporting a wide variety of Corporate Working Groups including Climate Change, City Centre Regeneration, More Homes and the Council's People Commissioning Group, plus many more.

4.0 Procurement Methods and Processes

- 4.1 There are number of methods that the staff of the Council utilise to purchase goods and services; this section highlights the major routes to market that are used (see also Table 1 at the end of this document):
- 4.2 **Procurement/purchase card** (also known as a P-card) which utilises either the Visa or MasterCard system. Staff are provided with a Council card for small value purchases. This method reduces bureaucracy and provides a clear audit trail of who has spent what, as only one card number is issued per person.
- 4.3 **Requests for Quotation (£25,001 - £140,000)** - this method of procurement is used for low value procurement activity. The procurement team have developed standard documentation and this is designed to speed up the procurement process, and is typically used for purchases up to £140,000.
- 4.4 **Request for Quotations (below £25,000)** – a new process has been developed for Officers to enable them to self-manage procurement processes for below £25,000, this process allows for Officers to select suppliers that would be able to deliver their requirement and promotes the selection of local suppliers (where possible).
- 4.5 **Tenders** – are used for larger value and more complex purchases over £140,000 there are a number of differing tender methodologies. The Council might for example seek a defined quantity on a defined date (a typical tender) or instead it might use what is known as a framework agreement where there is no guaranteed business but suppliers are assessed on their ability to deliver goods and services over a defined period (e.g. the Council might reach agreement on delivering a certain type of sand, but will only order from the supplier as and when the need arises). Where there is the potential to breakdown contracts into lots to enable SMEs and local suppliers to bid this will be encouraged.
- 4.6 There are further variations on these tender methodologies with the most recently introduced being known as a '**Dynamic Purchasing System**' - recently the used by the Council for part of its home-to-school transport provisions. The Dynamic Purchasing System enables new entrants (subject to satisfying qualification criteria) which also can offset any instability of losing suppliers and thus increases competition. Suppliers can apply at any time once the DPS is 'live', plus if they don't match the selection criteria at first they can re-apply if unsuccessful.

- 4.7 **Prior Information Notices (PIN)** – these are notices which are published to market to inform suppliers of a forthcoming tender opportunity and to prepare the market for the Council’s requirement. The use of a PIN also allows for any collaborative bids between organisations to be considered.
- 4.8 **Evaluation Criteria** - Tenders/Quotations can be evaluated on either:
- Price/cost; or
 - Quality; or
 - Price/cost and quality (**MEAT**)
- Price and quality are split into two sections to be evaluated separately.
 - Each will be given a maximum percentage score, which is weighted according to the relative importance placed upon it.
 - If quality is likely to be the most important factor a 70/30 Quality/Price ratio may be appropriate,
 - If price is more important 70/30 Price/Quality may be more appropriate.
 - There is no fixed balance between the two, it varies between each procurement exercise.
 - The Council can also add social benefit clauses and or sustainability outcomes in its tenders. There are two ways that this might be achieved including at the specification stage (for example for an electric vehicle) or at a scoring stage, so by adding quality marks which reward employment opportunities offered to apprentices for example. Please see Section 6 below which expands on this approach when applied to Community Benefits.
- 4.9 **Sell2Wales** - it is important to note also that the Welsh Government - the Council’s major funder - also has a key influence on the way in which spend with our suppliers is undertaken. Welsh Government policy notes that we must advertise our needs on its pan-Wales system called Sell2Wales (<https://www.sell2wales.gov.wales>) for all opportunities valued at £25,000 and above, so that there is one clear mechanism used by all the public sector with which suppliers can engage.
- 4.10 **Local Suppliers / SMEs** – the Council is committed to developing the local economy and supporting local suppliers. Wherever possible, local suppliers are invited to quote for low value contracts and are encouraged to bid for tenders. All Suppliers are encouraged to register on Sell2Wales and eTenderWales to ensure that they receive notifications of upcoming procurements. We encourage local organisations to bid for contracts and work with the Welsh Government’s Business Wales to assist with this, an example of this joint working is organising supplier days about future requirements.
- 4.11 The Welsh Government’s Business Wales service supports new and established businesses in Wales by providing Tendering Support services and free practical assistance to small and medium-sized

businesses in Wales to help understand the procurement process, and provide support in preparing pre-qualifying questionnaires and tenders.

- 4.12 **Procurement Notification Forms** – as a form of Procurement governance any new procurement activity valued at over £10,000 will require a procurement notification form / formal approval to proceed, with the form detailing the value and description of the contract and the approach to be taken. Approval of this form is required from the Head of Commercial Services before the commencement of the procurement activity.
- 4.13 **Contract Award Reports** – these reports form part of the evaluation phase of the procurement cycle, once the procurement process has been completed. These reports will also include financial, legal and procurement implications of awarding the contract. Depending on the value of the contract the report will be signed off by the following: the Service lead (known as the Responsible Officer), the Head of Commercial Services, and also the Deputy Chief Legal Officer and Chief Finance Officer, and for contracts valued at £1m+ or contracts for consultancy valued at £100K+ the relevant Cabinet member's approval is required.

5. Developments

- 5.1 There have been numerous developments within the procurement team the past twenty four months from updating our documentation in line with new legislation, streamlining and modernising our processes to improve accessibility and flexibility, and this has enabled us to also meet the very large demands caused by the covid pandemic. This sections highlights -
- 5.2 **New CPRs** - Contract Procedure Rules have been fully reviewed, updated and published following consultation with various departments to improve clarity to ensure consistent application in line with legislation and enable efficient procurement processes
- 5.3 **Update to Supplier T&Cs** – All our Terms and Conditions have been reviewed and updated in conjunction with the legal team to ensure compliance with new Welsh/UK legislation and provide suitable contractual protection.
- 5.4 **Introduction of Docusign software** – We have improved our contract issuing procedures to enable compliant electronic contracts to be issued and signed by suppliers. This has delivered significant savings (estimated at 24,000 less pages printed in just the Commercial Service alone!) and importantly enabled continuity of service during the covid-19 pandemic
- 5.5 **New low value Self-Service Process** – A new self-service procurement process, pack and guide has been developed to enable procurements in Band B, >£10k to <£25k to be run by departments themselves.

- 5.6. **New External Website** – The page has been updated to enable improved supplier engagement and access and as part of this work a new Supplier Guide has been developed which will for example assist local suppliers understand how to do business with the Council, for further information please see:

<https://www.swansea.gov.uk/dobusinesswithcouncil>

- 5.7 **PPE Covid response** – The procurement team were heavily involved in the PPE response to Covid-19 pandemic from the end March 2020 onwards. This has involved sourcing PPE, verification of suppliers and PPE, receipt/delivery logistics and liaising with Welsh Government, but also support for Social Services and Housing when delivering new care home support and homelessness support.
- 5.8 **Covid Relief** – The procurement team has assisted departments in accessing grant relief as a result of the pandemic
- 5.9 **Contract Variations** – As a result of the pandemic a very large number of events have been cancelled/delayed and/or has caused significant disruption to service delivery. This has resulted in numerous urgent and significant variation to contracts which the procurement team have facilitated in conjunction with Council contract managers and Legal.

6. **Beyond Bricks & Mortar / Social Value**

- 6.1 Beyond Bricks & Mortar initiative was developed in 2009 with a view to securing added benefits to regeneration projects let by the Council in the form of community benefits derived from the Council's suppliers and which are formally articulated in our contracts. The Council's Community Benefit policy was updated in 2016 and the Council's Beyond Bricks and Mortar team is responsible for its implementation in collaboration with procurement.
- 6.2 The scope of this policy is to include community benefit clauses in the procurement of all suitable works, goods and services including construction, education, catering and social care activities where applicable; all developments where the Council has leverage with the developers including end user opportunities with businesses who occupy the development. The BB&M team work closely with procurement and procuring departments across the authority in particular corporate building services, education, housing and social services.
- 6.3 Aims of the project specifically:
- 6.3.1 Identify training opportunities / apprenticeships within the project and work with Contractors or Suppliers and relevant agencies to increase numbers of unemployed, economically inactive and NEET's able to access these training & work placements;

6.3.2 Request participation in supply chain initiatives including using sell2wales to source suppliers and participate in Meet the Buyer events to encourage the development of more local supply chains;

6.3.3 Encourage wider community benefits such as engagement with schools, colleges and universities, participation in community events and activities such as sponsorship or fetes, and offering in kind labour and materials to help with specific projects for the community;

6.3.4 The policy delivers an impact on deprivation and added benefits for the community by requiring suppliers, contractors and developers working with the Council to actively participate in the economic and social regeneration of the locality and it is a requirement that suppliers, contractors and developers will deliver, where appropriate taking into account the particular project or development, some or all of the following community benefits as requested by the Council:

- Targeted recruitment and training outcomes - person week targets are set to be achieved through the employment of “new entrants” sourced from NEETs, the unemployed and disadvantaged and the economically inactive. This could be achieved through apprenticeships, trainees, work experience and jobs.
- Supply chain initiatives and development such as use of sell2wales and meet the buyer events.
- Other community benefits such as educational contributions and community projects.

6.4 As well as drafting clauses and specifying targets for training and employment, the BB&M team helps contractors and suppliers source candidates from local worklessness agencies and programmes working with the target groups, such as:

- Workways+
- Communities for Work
- JCP
- The Wallich
- Shaw Trust
- Remploy
- Gower College
- Neath Port Talbot College

6.5 In 2019-20 2,603 number of weeks of jobs and training were achieved, 27 new projects commenced and 63 job opportunities were advertised.

- 6.6 The Procurement Service supports multiple cross Council groups to deliver social benefits; the Service it is also part for example of the new Climate Change Working Group with a strategic focus of reducing Swansea's carbon emissions.

7. Future Challenges & Opportunities

- 7.1 The Council operates a robust process to ensure best value, with regular checks of external spend. As well as looking at how we buy the next stage of the cost saving agenda is also about what we buy – often the referred to as the commissioning cycle – so seeking new innovative specifications are thus increasingly important, with energy to be de this type of analysis and to related contract management support and supplier management.
- 7.2 In September 2018, it was announced by the Welsh Finance Secretary that the national collaborative body for Wales named the National Procurement Service (NPS) would cease to exist. The NPS withdraw from the provision of collaborative contracts (to focus on a smaller number), and examples of contracts that would no longer be delivered by the NPS include food, consultancy services and Welsh translation services. The result of this is local authorities will now work to undertake such work within their existing structures. Swansea is chair of the Mid and Central procurement delivery group (of the WLGA) and recently for example became lead authority for the collaborative Asbestos remediation arrangement.
- 7.3 The Commercial Procurement team of 8.5 FTEs has an increased workload with many new areas of work now coming through to the team including the City Centre Regeneration, More Homes programme and requirements from Social Care.
- 7.4 We also hope to support organising a Swansea 'Meet the Buyer' event with the participation of major employers in the area, when circumstances allow. It is envisaged that the Council would facilitate large-scale event that would encourage discussions with suppliers to listen and learn and to help them understand how the Council does business. As mentioned above the Council has developed a new supplier guide for potential suppliers to assist with understanding the Council's procurement processes.

8 Case study information

To provide further information on the procurement activity of the Council please also see two case studies showing the procurement process applied to

- 1) Domiciliary care tender (Appendix 1), and
- 2) the Highways maintenance tender (Appendix 2)

TABLE 1

	Under £10,000	Goods & Services			Works			Above EU Threshold
	< £10,000	£10,001 - £25,000	£25,000 - £140,000	£140,001 - EU Threshold	£10,000 - £140,000	£140,001 - £500,000	£500,001 - EU Threshold	
Quotation or Tender	Quotations	Quotations	Quotations	Tender	Quotations	Tender	Tender	Tender
Process	Best value considerations	Invite a minimum of 4 quotations	Invite a minimum of 4 quotations	Tendering procedures apply	Invite a minimum of 4 quotations	Tendering procedures apply	Tendering procedures apply	UK Public Contract Regulations apply
Advertising	Not normally advertised, Buyer discretion as to whether the opportunity is advertised	Buyer discretion as to where the opportunity is advertised	Openly advertised on Sell2Wales, with exceptions allowed by agreement of Procurement	Openly advertised on Sell2Wales	Four quotations shall be sought from appropriate suppliers using Sell2wales or suppliers registered on Constructionline	Openly advertised on Sell2Wales or alternatively six quotations shall be sought from Suppliers registered on Constructionline	Openly advertised on Sell2Wales	Adverts must be published in FTS

Scrutiny Panel: Procurement

Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services for Older People and Younger Adults with Physical Disabilities and/or Sensory Impairment

1. Introduction

- 1.1 A procurement process was undertaken to establish a Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services for Older People and Younger Adults with Physical Disabilities and/or Sensory Impairment.
- 1.2 In line with the *Sustainable Swansea* approach, Adult Services undertook a Commissioning Review into Adult Services Domiciliary Care for Older People. This analysis commenced in 2014 with the Adult Services Domiciliary Care for Older People Commissioning Review being completed in 2016.
- 1.3 A report was submitted to Corporate Management Team on 15th March 2017 confirming the outcome of Adult Services Commissioning Review consultation. This report proposed implementation of final recommendations that had emerged from the Domiciliary Care Commissioning Review, which was to commence the re-procurement of this service from the external market.
- 1.4 The new Framework Agreement aimed to develop a more stable market and reduce overall risks. The new arrangements introduced geographically based services and allow for a more even distribution of market share across the sector. Updated contract specifications and service standards was completed with the aim to deliver more person centred and outcomes focussed services.

2. Co-production within the Procurement Process

- 2.1. In developing the service specification for domiciliary care and respite care at home services and assessing the suitability of potential providers the project was keen to adopt the good practice outcomes taken from local and national co-productive approaches.
- 2.2. A definition of co-production is 'Local authorities, older people and older people's organisations working together to design and deliver opportunities, support and services that improve wellbeing and quality of life'.
- 2.3 This involved analysing a range of previous consultation and engagement documentation including -

- Commissioning review consultations
 - Independent Sector workshops
 - Stakeholder workshops
 - Service users' questionnaires 2016
 - Carers' questionnaires 2016
 - Previous complements and complaints
 - Reviews and Support Plans
- 2.4 By gathering and analysing information this gave an insight into people's experiences and expectations, including:
- What matters to people, through their views and experiences
 - What outcomes people want to achieve
 - What needs to change in the future commissioning
- 2.5 Key themes from consultation and engagement were used to help develop revised contract specifications and also the questions and model answers used to evaluate tender submissions.

3. Procurement Process

- 3.1. The potential estimated value of the new Framework Agreement over the term of the Framework Agreement is certain to exceed the European Union threshold for social and other specified services under Schedule 3 of the Public Contract Regulations 2015. The threshold at the time these services were procured was £615,278.
- 3.2. The Council's intention was to enter into a Framework Agreement with up to five (5) Providers per zone for Lots 1 – 5 (Domiciliary Care) and one (1) Provider for Lot 6 (Respite at Home).
- 3.3. The Lots are detailed as follows (please refer to Appendix 1 for further detail):
- Lot 1: Zone 1
 - Lot 2: Zone 2
 - Lot 3: Zone 3
 - Lot 4: Zone 4
 - Lot 5: Zone 5
 - Lot 6: Respite at Home Services
- 3.4. Under the Public Contract Regulations 2015, the light-touch regime (LTR) is a specific set of rules for certain service contracts. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The services under this Framework Agreement was defined by these CPV codes therefore allowing more flexibility in the procurement process.
- 3.5. The Council may on or before each year of the anniversary of the commencement of the Framework Agreement undertake a refresh of the Framework (the "Refresh").

- 3.6. The refresh will provide for, inter alia, (i) providers of services similar to the Services to apply for appointment onto the Framework and (ii) current Framework Service Providers to apply for appointment onto the Framework in relation to different Framework Lots to those onto which they are currently appointed.
- 3.7. The opportunity was advertised in the Official Journal of the European Union (OJEU) via Sell2Wales.
- 3.8. The award criteria used for this process was 55% Quality and 45% Price and this criteria was stated in the OJEU notice. The 'open' procurement procedure was selected.
- 3.9. The Invitation to Tender (ITT) was issued on 1st March 2019 via the eTenderWales Portal. Prior to the issue of the ITT the Council held a 'Meet the Buyer' event in July 2018 to discuss the process and to engage with the market to see view on the approach and to prepare the market for the tender.
- 3.10. The Council also engaged with Business Wales to support this tendering opportunity, Business Wales kindly supported the Meet the Buyer event and also ran a how to tender workshop after the tender was published to further help bidders.
- 3.11. 18 Tenderers submitted tenders by the return date of 18th April 2019, one Tenderer after the opening of Tenders, withdrew themselves from the process as a result of changes in the organisation's financial standing which resulted in the Council being unable to consider their submission any further.

4. Tender Evaluation

- 4.1. Tenders were evaluated by Officers from Adult Services, Swansea Bay University Health board, HR and Beyond Bricks & Mortar with support from Officers of the Procurement Team.
- 4.2. Tender evaluation was undertaken in accordance with the criteria set out in the Invitation to Tender documents as a two stage process.
- 4.3. At stage one of the process; the Council undertook a suitability assessment. All Tenderers met the minimum standard and proceeded to stage two of the process.
- 4.4. Stage two of the process was the tender assessment stage, which comprised of two parts and had the following award criteria Quality 55% and Price 45%.
- 4.5. The Quality evaluation ensured tenderers were able to demonstrate a minimum understanding of key requirements. The Quality evaluation was based on the assessment of eight method statement questions on the following:
 - Communication
 - Service Principles and Objectives

- Operational Procedures
- Scenario - Business Planning and Contingency Measures
- Implementation
- Fair Working Practices
- Community Benefits
- Price

4.6. Tenderers were required to attain a minimum score of three for each of the Method Statement questions. Failure to attain a score of three for any question resulted in tenders being rejected without further evaluation as per the Instructions to Tender. Four (4) tenderers were rejected for failing to attain the required quality threshold.

4.7. Tenderers who achieved the required score in the Quality evaluation proceeded to the Price evaluation.

4.8. The price evaluation for Lots 1 - 5 was based on Tenderers submitting hourly rates and evaluated based on weekly hours of domiciliary care for each Lot; the data below was used for evaluation purposes only and does not reflect the number of hours which will be commissioned from each Lot under this Framework Agreement.

Lot	Standard Hours	Rural Hours
1	2000	120
2	2500	
3	2700	
4	3200	100
5	3000	60

4.9. The price evaluation for Lot 6 was evaluated based on the submitted hourly rate breakdown.

4.10. The hourly rates submitted by Tenderers in their initial tenders remained fixed for a minimum period of twelve months from the commencement of the Framework Agreement. Any requests for changes to the hourly rates would need to be in accordance with the variations provision contained within the Framework terms and conditions.

4.11. The scores of bidders recommended for appointment onto the Framework Agreement for Lots 1- 5 are detailed in Appendix 1, overall the Council appointed the following number of providers per Lot:

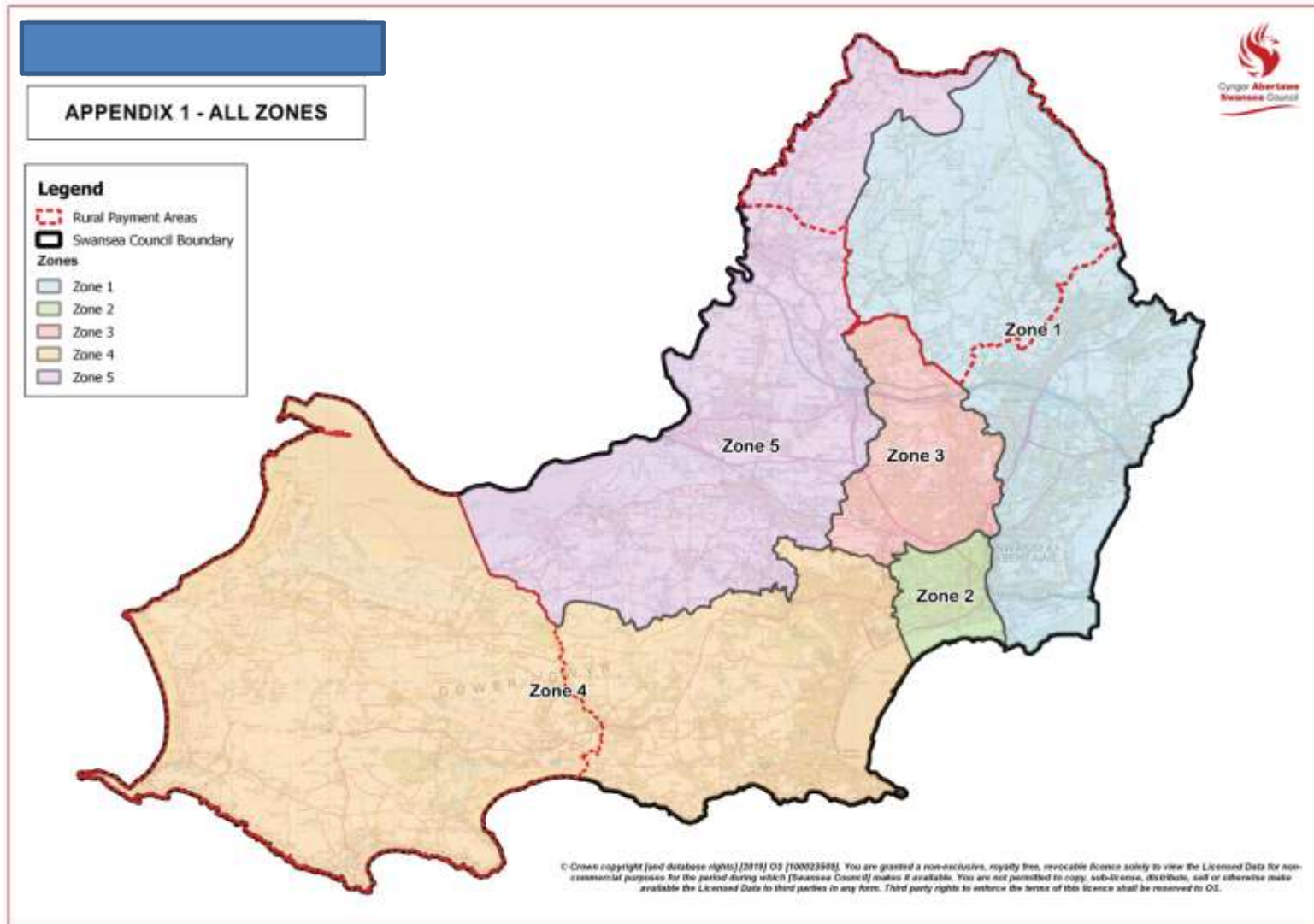
Lot	Number of Providers
1	3
2	4
3	5
4	5
5	5

- 4.12. The Framework Agreement commenced on 1st October 2019 to 30th September 2023 with the option to extend for up to 48 months.
- 4.13. The Council will select the Service Provider to which a Call-Off Contract will be awarded, in accordance with Schedule 6 of the Framework Agreement.
- 4.14. A refresh of the Framework Agreement was undertaken in 2020, this resulted in an additional six (6) Service Providers being appointed to the Framework Agreement. The refresh was run on the same criteria as detailed above. ,

5. Community Benefits

- 5.1. The Council's Community Benefits policy update in July 2016 required that consideration be given to putting community benefits clauses in all Council contracts. As a result community benefit clauses were included in this Agreement.
- 5.2. Working closely together, the Procurement and the Beyond Bricks and Mortar (BB&M) teams were able to ensure that the new Framework Agreement will have a focus on adding value and ensuring wider social and economic issues are taken into account when delivering services.
- 5.3. Each tenderer was required to produce a Community Benefits plan, outlining how they would achieve a range of community benefits, such as targeting unemployed people for jobs and training opportunities, taking on apprentices, working with schools and participating in community projects. Each service provider will be monitored by BB&M to ensure they are providing the required community benefits.

Appendix 1



Appendix 2 – Swansea Highways

1. Background and requirements

- 1.1. The County is responsible for the maintenance of more than 1100km of carriageway, 1500km of footway and in excess of 200 bridges and structures. It is our aim that the actions of the partnership will ensure that these assets are:
- Maintain the County's infrastructure to an acceptable standard where identified
 - Improve the appearance of the highway network
 - Bring real improvements to the quality of life in local communities
- 1.2. Therefore the City and County of Swansea requires a third party deliver its Core Highways Planned Maintenance Programme. This Contract is required to deliver our strategic objectives and the Contractor/s will be expected to demonstrate year on year improvements to satisfying the following objectives:
- Ensuring the network is safe for users, as far as is reasonably practicable – so that we are able to comply with our statutory duties and successfully defend against potential claims
 - Maintain the value of the highway assets – to ensure sound financial management of the highway assets
 - Maintain the visual appearance of the network – to help enhance the environment of the County
 - Maintain availability of the highway network ensuring that highway users are free to travel with minimal disruption
 - Minimise disruption to residents and businesses – so that those living and working in the County suffer minimal disruption from Tasks being undertaken on the highway
- 1.3. To facilitate this, works may include but not be limited to the following:
- New Highway Construction
 - Highway Improvements
 - Traffic Calming
 - Carriageway reconstruction
 - Footway reconstruction
 - Surfacing of carriageways
 - Surfacing of footpaths
 - Specialist surface treatments
 - Drainage and ducting
 - Painting including structural painting
 - Maintenance and renewal of safety fencing
 - Concrete placing and repair
 - Waterproofing of structures
 - Brickwork and Blockwork
 - General Civil Engineering

2. Procurement Process

- 2.1. The potential estimated value of the new Framework Agreement over the term of the Framework is certain to exceed the European Union threshold for works.
- 2.2. The Council's intention was to enter into a Framework Agreement with up to one (1) Contractor for Lot 1 – General Civil Engineering and one (1) Contractor for Lot 2- Re -surfing and Associated works.
The Lots are detailed as follows

Lot 1: General Civil Engineering
Lot 2: Re -surfing and Associated works
- 2.3. The opportunity was advertised in the Official Journal of the European Union (OJEU) via Sell2Wales.
- 2.4. The award criteria used for this process was 30% Quality and 70% Price and this criteria was stated in the OJEU notice. The 'restricted' procurement procedure was selected.
- 2.5. The Pre- Qualification Questionnaire (PQQ) was issued on 22nd March 2016 via the eTenderWales Portal.
- 2.6. 6 Tenderers submitted PQQ's by the return date of 21st April 2016
- 2.7. All 6 tenderer's were invited to tender.
- 2.8. The Invitation to Tender (ITT) was issued on 30th January 2017 via the eTenderWales Portal.
- 2.9. 3 Tenderers submitted tenders by the return date of 1st March 2017

3. Tender Evaluation

- 3.1. Tenders were evaluated by Officers from Highways and The Beyond Bricks & Mortar Team.
- 3.2. Tender evaluation was undertaken in accordance with the criteria set out in the Invitation to Tender documents.
- 3.3. The Quality evaluation ensured tenderers were able to demonstrate a minimum understanding of key requirements. The Quality evaluation was based on the assessment of the following method statement questions for both Lots.

LOT 1 – Civil Engineering

Award Criteria	Maximum Weighted Score
Quality Evaluation: 30%, broken down as—	
Quality Approach	6%
Quality Approach	4%
Quality Approach	4%
Quality Approach	4%
Experience/Improvement	2%
Quality Plan	2%
Health & Safety	2%
TR & Training	6%
Price Evaluation 70%, broken down as—	
Highway Maintenance to include work on carriageways but not limited to surfacing	20%
Highway Maintenance to include work on footways but not limited to surfacing	20%
Improvement to both highway and highway land	15%
Civil Construction work to include but not limited to Drainage and coastal improvements	15%

LOT 2 – Resurfacing

Award Criteria	Maximum Weighted Score
Quality Evaluation: 30%, broken down as—	
Quality Approach	6%
Quality Approach	4%
Quality Approach	4%
Quality Approach	4%
Experience/Improvement	2%
Quality Plan	2%
Health & Safety	2%
TR & Training	6%
Price Evaluation 70%, broken down as—	
Highway Maintenance to include work on carriageways but not limited to surfacing	20%
Highway Maintenance to include work on footways but not limited to surfacing	20%
Improvement to both highway and highway land	15%

Civil Construction work to include but not limited to Drainage and coastal improvements	15%
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- 3.4. Tenderers were required to attain a minimum score of three for each of the Method Statement questions. Failure to attain a score of three or less for 3 or more questions resulted in tenders being rejected without further evaluation as per the Instructions to Tender.
- 3.5. The pricing evaluation was based on model schemes relating to these categories of works for both Lot 1 and Lot 2:
- Highway Maintenance to include work on carriageways but not limited to surfacing
 - Highway Maintenance to include work on footways but not limited to surfacing
 - Improvement to both highway and highway land
 - Civil Construction work to include but not limited to Drainage and coastal improvements
- 3.6. The Most Economically Advantageous Tenderer for both lots was Swansea Highways Partnership , which is a consortia bid between Alun Griffiths and Hanson.
- 3.7. The Framework Agreement commenced in April 2017 with an option to extend for 24 months .
- 3.8. The framework was due to expire March 2021 but has recently been extended for one year due to difficulties faced during Covid-19. A modification notice was published on Sell2wales in line with the Public Contract Regulations 2015. The new framework will be scoped in the next 6/9 months.

4. Community Benefits

- 4.1. The Council's Community Benefits policy update in July 2016 required that consideration be given to putting community benefits clauses in all Council contracts. As a result community benefit clauses were included in this Agreement.
- 4.2. Working closely together, Officers from Highways and the Beyond Bricks and Mortar (BB&M) teams were able to ensure that the new Framework Agreement will have a focus on adding value and ensuring wider social and economic issues are taken into account when delivering services.
- 4.3. Each tenderer was required to produce a Community Benefits plan, outlining how they would achieve a range of community benefits, such as targeting unemployed people for jobs and training opportunities, taking on apprentices, working with schools and participating in community projects



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Tuesday, 27 July 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
P K Jones
B J Rowlands

Councillor(s)

V M Evans
L R Jones
M Sherwood

Councillor(s)

E W Fitzgerald
I E Mann
T M White

Other Attendees

Cllr D Hopkins

Officer(s)

Simon Cockings
Chris Williams
Michelle Roberts

Chief Auditor
Head of Commercial Services
Scrutiny Officer

Apologies for Absence

Councillor(s): H M Morris

1 Disclosures of Personal and Prejudicial Interest

Item 5 – Cllrs Mike White, Wendy Fitzgerald, Phil Downing

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes of Previous Meeting

The Panel accepted the minutes of the previous meeting on the 24 June 2021.

4 Public Questions

No public questions were received.

5 The Auditing of Procurement

The Council's Chief Auditor provided a report and attended the meeting. The Panel sent a number of key questions that they asked him to address in his report, they included:

1. Can you outline the role of Audit in procurement in the Council?
2. What is the main guidance for auditing procurement?
3. How do you look at probity, competence, consistency of approach and alignment with the Councils strategies and objectives, and how?
4. Do you look whether the procurement is cost effective and transparent in its practice, and how?
5. Do you also look at how the council ensures it is procuring locally, ethically and greenly where possible, and how?
6. Do you look at whether procurement activities align the Wellbeing of Future Generations Act, and how?
7. How do you Audit joint procurement activity and how?
8. Is the Councils procurement activity also externally audited and by whom?
9. Can you provide the Panel with an example of an internal audit of a procurement activity?

The report supplied will form part of the evidence pack at the end of the inquiry along with the following issues raised in the resulting discussion:

- Audit do not just look at cost alone but also value for money. Cost effectiveness is considered and it is recognised that other criteria not just cost need to be taken into account.
- Audit look at compliance rather than strategic direction. Directors will outline that aspect.
- Schools are audited on a rolling programme, thematic audits on procurement this year due to access restrictions caused by Covid. Most schools are audited on a 3 yearly basis. The audit covers overall financial matters but includes procurement aspects. Overall learning from these exercises are communicated to schools via the schools bulletin. An Annual Audit of Schools report is also completed that is looked at by the Governance and Audit Committee. A copy of this report was appended as an example of work completed when auditing.
- It was suggested by a panel member that schools could be advised to have a sub-committee or standing item on their Finance Committee's relating to Procurement. The Panel heard that this is something that Chris Williams and Helen Morgan Rees are looking at currently, both agreeing that it would be a positive move.
- P Cards very useful as they are audited regularly but schools do not currently use them. This is because they use a different system based around Sims computer system, they have a multi-pay cards and transactions are recorded via a monthly statement that is uploaded onto Oracle on a monthly basis. Audit ensure they have been checked and signed off by the Headteacher, they are tracked. Moving over to P Cards would be difficult as currently there are two computers systems and schools have delegated budgets and responsibility.
- The Panel asked how risk is worked out, especially given recent events with Covid and also where companies go bust. The Panel heard that the procurement process is designed to highlight any risks. With financial due diligence assessed, ethical supplies agreement etc., there is a range of strict criteria in place to assess risk.
- If higher risk is identified then the potential contract is passed to the Finance Department who look at ways of mitigating that risk with for example Bonds.

- The Panel heard that we do have a strong and robust procurement process of which Audit is part. Audit have a rolling programme of audits to check against Contract Procedure Rules. Heads of Service understand the value of these audits.
- We do not currently have external audit and we do not use external/3rd Party risk assessors/providers for contracts. We are provided with software from Welsh Government that provides us with any 'flags' that we need to be aware of. The Panel wondered if this Welsh Government system could also be used to rate Environment and Ethical status too. This would then be of benefit to Local Authorities across the whole of Wales.
- The possibility of including environmental and ethical issues in our internal process was raised. They considered whether it would or should fit into this audit process. They recognised that currently the Councils Audit process is financially based and this would require changes to contract procedure rules. It would require broadening the scope of testing. The Panel will consider this issue further as part of their inquiry. Chris Williams told the panel that he is currently working with Welsh Government on how to improve their directions for Local Government, developing a new centre for excellence and WG are taking a lead on this. Other issues outside of the financial are to be considered as part of this work. He also said that each department has a service plan of which environment and ethical considerations form part.

6 Inquiry Project Plan

The Panel reviewed and accepted their Inquiry Project Plan.

The meeting ended at 10.50 am

Chair



Report of the Chief Auditor

Procurement Scrutiny Inquiry Panel – 27 July 2021

Internal Audit of Procurement

Purpose:	To brief the Procurement Scrutiny Inquiry Panel on the work undertaken by Internal Audit in relation to the audit of procurement activities across the Council
Content:	A briefing covering specific questions raised by the Procurement Scrutiny Inquiry Panel.
Councillors are being asked to:	Consider the information provided as part of the Scrutiny Inquiry into Procurement
Lead Councillor:	Cabinet Member for Economy and Strategy – Rob Stewart
Lead Officer & Report Author:	Chief Auditor - Simon Cockings Tel: 07814 104451 E-mail: simon.cockings@swansea.gov.uk

1. Background

- 1.1 The Procurement Scrutiny Inquiry Panel approached the Chief Auditor with a number of specific questions relating to the work undertaken by Internal Audit on the procurement activities of the Council.
- 1.2 This report addresses the specific questions that have been put forward by the Panel.

2. Internal Audit of Procurement – Panel Questions

- 2.1 The specific questions that were agreed by the Panel have been addressed in the sections below:
- 2.2 **Question 1: Can you outline the role of Audit in procurement in the Council?**
- 2.3 Internal Audit's primary function in relation to procurement is to ensure that whenever any goods or services are procured, the correct processes and

procedures are followed as set out in the Council's Accounting Instructions, Contract Procedure Rules (CPR's), Spending Restrictions and Procurement Guidance.

- 2.4 Internal Audits are scheduled on a rolling basis, with the frequency of each review being determined by the risk score allocated to each audit. The risk score takes into account a number of factors which includes the amount of income or expenditure attributed to a specific audit (materiality). The higher the risk score, the more frequently the audits are undertaken.
- 2.5 Our standard expenditure testing in place across our reviews includes the following checks on a sample of payments taken from expenditure reports extracted directly from the General Ledger (Oracle):
- Have the Council's Spending Restrictions have been adhered to?
 - Confirm that orders have been created in accordance with Accounting Instruction No.4.
 - Confirm that the invoice details agree with those on the purchase order and that the delivery address belongs to the Service.
 - Establish whether a segregation of duties exist between the requisitioner, the person approving the order, and the person receipting the goods, so that not one person is involved in the whole process.
 - Review a sample of payments over £10k and ensure CPRs have been adhered to. Confirm that relevant quotations / exemptions etc. have been obtained where no contractual arrangements exist.
 - Where cumulative spend exceeds £10k per annum ensure that the relevant quotations / tenders or an exemption has been obtained.
 - Ensure a Contract Award Report has been completed and sent to Procurement for all contracts over £10k
- 2.6 The procurement activities of Schools are audited separately as a result of their delegated budgets. Ordinarily, we would undertake the same testing as noted above for a sample of purchases extracted from the Schools Financial Management System (SIMS) and this would be included in the individual school audit.
- 2.7 In the 2020/21 financial year, due to lack of access to visit individual school sites as a result of the pandemic, we completed two thematic audits of the procurement activities in schools, focusing on primary schools and comprehensive schools separately.
- 2.8 We also have a number of contract audits and directorate/service specific audits included on the rolling audit programme to review contract award processes and procurement activities in specific areas as listed in Appendix 1.
- 2.9 **Question 2: What is the main guidance for auditing procurement?**
- 2.10 The testing programme is based primarily on the Accounting Instructions, Contract Procedure Rules, the Council's Spending Restrictions and Procurement Guidance.

- 2.11 **Question 3: How do you look at probity, competence, consistency of approach and alignment with the Councils strategies and objectives, and how?**
- 2.12 Probity, competence and consistency of approach is reviewed when we check that the procurement activities have been undertaken in line with the Council's Accounting Instructions, Contract Procedure Rules, Spending Restrictions and Procurement Guidance. Any non-compliance identified through our sample testing would be reported to the client via the Internal Audit Report.
- 2.13 Due to the technical nature of many of the goods or services procured, Internal Audit would not ordinarily be in a position to verify whether they are in line with the strategies and objectives of the Council. This would be determined by the Service Manager/ Head of Service/ Director.
- 2.14 **Question 4: Do you look whether the procurement is cost effective and transparent in its practice, and how?**
- 2.15 Internal Audit testing includes checking that Contract Procedure Rules have been adhered to. This would seek to confirm that the required number of quotations/tenders had been sought and also determine how the final decision was made in the procurement process. Note this would only apply to those purchases in Band B and above, which also includes cumulative spend.
- 2.16 **Question 5: Do you also look at how the council ensures it is procuring locally, ethically and greenly where possible, and how?**
- 2.17 We do not currently consider this as part of our audit testing. Martin Nicholls, the Director of Place has advised that he will provide further information on this at a later panel meeting.
- 2.18 **Question 6: Do you look at whether procurement activities align the Wellbeing of Future Generations Act, and how?**
- 2.19 We do not currently consider this as part of our audit testing. Martin Nicholls, the Director of Place has advised that he will provide further information on this at a later panel meeting.
- 2.20 **Question 7: How do you Audit joint procurement activity and how?**
- 2.21 We would only audit procurement activity relating to joint projects or services that are processed through the Council's General Ledger (Oracle) whereby the Council is lead authority on procurement activities. Likewise, we would expect a reciprocal approach where the Council is not the lead organisation. Any direct expenditure by the Council would ordinarily be subject to internal audit testing if it is considered to be material.

2.22 Question 8: Is the Councils procurement activity also externally audited and by whom?

2.23 In consultation with the Chief Finance & Section 151 Officer, I am not aware of any external body auditing the procurement activity of the Council.

2.24 Question 9: Can you provide the Panel with an example of an internal audit of a procurement activity?

2.25 A number of audits where we specifically review compliance with Accounting Instructions and Contract Procedure Rules can be found in Appendix 1.

2.26 Examples of where we have completed our standard expenditure testing as noted in 2.5 include the following audits: Comprehensive and Primary School audits (prior to the pandemic), The Glyn Vivian Art Gallery, District Housing Offices, Public Protection Admin Team, Youth Offending Service, Neighbourhood Support Unit, Electoral Services and the Brangwyn Hall.

2.27 Also, as previously mentioned we completed two thematic audits in 2020/21 targeted specifically at auditing the procurement activities of a subset of primary and secondary schools in Swansea. The Schools Annual Report 2020/21 that was presented to the Governance and Audit Committee on the 13th July is attached in Appendix 2 for information.

3 Purchase Cards

3.1 Internal Audit also check Procurement incurred through the use of Purchase Cards (P-Cards) in every routine audit carried out, and also through a monthly review of payments made by P-Cards across the Council.

3.2 Tests are undertaken to ensure the payments have been made in accordance with the guidance in the Council's "Policy on the use of Purchasing Cards".

3.3 Breaches encountered during routine audits are highlighted in the audit report for the audit concerned.

3.4 Breaches found in the monthly review of purchases are highlighted to the cardholder's line manager, and are sometimes escalated to the Accounts Payable & Purchasing Team if significant or recurring issues are found.

3.5 Continued breaches of the Policy by an employee will lead to their P-Card being withdrawn by the Accounts Payable & Purchasing Team.

4 Legal implications

4.1 There are no legal implications associated with this report

5 Finance Implications

5.1 There are no financial implications associated with this report.

6 Integrated Assessment Implications

- 6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage

The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

Our Integrated Impact Assessment process ensures that we have paid due regard to the above.

- 6.2 The completion of the Integrated Impact Assessment Screening revealed that:
- The Internal Audit of Procurement Report has a low positive impact across all groups.
 - It has been subject to consultation with the Chief Finance & S151 Officer, Legal and Access to Services.
 - All Well-being of Future Generations Act considerations are positive and any risks identified are low.

The overall impact of the Internal Audit of Procurement Report is positive as it will support the Authority in its requirement to protect public funds.

Background papers: None

Appendices: Appendix 1 – List of Additional Procurement Audits
Appendix 2 – Schools Annual Report 2020/21

Appendix 1

Title of Audit	Scope of Audit
Grants & Contracts - Child & Family Services	Compliance with CPRs for Child & Family contracts
Taxi Framework Contract (School Transport) - Highways & Transportation	Compliance with Taxi Framework contract by Integrated Transport Unit for Child & Family Services. contracts
Primary Schools Procurement - Expenditure Exercise	Thematic Review of Expenditure by Primary Schools
Secondary Schools Procurement - Expenditure Exercise	Thematic Review of expenditure by Secondary Schools
Procurement of IT	Procurement of IT equipment
Supplier Contracts Review	Compliance with CPRs and Spending Restrictions. Various services included.
Social Services - Social Care Contracts	Compliance with CPRs for Adult Services contracts
Cultural Services - Review of Contracts	Compliance with CPRs by Cultural Services
Acceptance of Tenders - Commercial Services	Processes for advertising and accepting tenders
Contract Register	Check of expenditure on ledger to contracts in Contract Register
Building Services - Control of Contracts	Post-contract payments/controls
Review of Contracts (Education & IT)	Compliance with CPRs - Education and Digital Services.
Highways & Transportation - Business Case, Tendering and Evaluation	Tendering/post-contract payments/controls
Tendering - CBS (Cap. Design)	Tendering and award of contracts



Report of the Chief Auditor

Governance and Audit Committee – 13 July 2021

Annual Report of School Audits 2020/21

Purpose:	This report provides a summary of the school audits and thematic reviews undertaken by the Internal Audit Section during 2020/21 and identifies some common issues found during the testing.
Policy Framework:	None
Consultation:	Legal, Education and Access to Services
Report Author:	Nick Davies
Finance Officer:	Simon Cockings
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Miller
For Information	This report is for information only.

1. Introduction

- 1.1 An audit of each primary, secondary and special school in Swansea is undertaken every 3 years. A standard audit programme exists for each school sector.
- 1.2 A report summarising the school audits undertaken each year has been prepared for the Director of Education. The report also identifies the common themes, which have been highlighted during the audit reviews.

2. Annual Report of School Audits 2020/21

- 2.1 The Annual Report of School Audits 2020/21 is attached in Appendix A.

Report of the Chief Auditor

Annual Report of School Audits 2020/21

1. Introduction

- 1.1 Each year audit resources are dedicated to school audits. As agreed by the schools, the budget for the provision of audit services has been retained centrally and therefore schools no longer need to sign up to an SLA individually. The Internal Audit Section reviews all Swansea Council primary, special and secondary schools.
- 1.2 For routine audits, a risk assessment is carried out at individual school level and based on this a rolling programme of school audits is undertaken. Primary, special and secondary schools are currently audited roughly every three years.
- 1.3 The scope for school audits during the 2020/21 financial year included the following areas:
- Governance
 - Management of Delegated Resources
 - Budget Preparation and Monitoring
 - Lettings
 - After School / Breakfast Clubs
 - Banking Procedures
 - Recording of Key Income
 - School Unofficial Funds
 - School Meals Income
 - Bank Reconciliations
 - Purchasing of Goods and Services (Including Multi-Pay Cards)
 - Employees
 - Health & Safety
 - Inventories
 - School Mini Bus / Vehicles
 - Computer Security and Data Protection
- 1.4 There are slight variations between the work undertaken at primary schools and secondary schools. However, the scope of the audit remains more or less the same for both sectors.
- 1.5 This year was particularly difficult when trying to arrange and carry out school audits across the authority due to the coronavirus pandemic and the restrictions in place in relation to physical site visits. It must be acknowledged that the measures introduced across the Council have inevitably had an impact on the team's ability to initiate and progress individual school audits.

- 1.6 Whilst we were unable to complete the majority of the primary, special and comprehensive school audits, we were however able to undertake thematic reviews covering the previously reported key risk areas of Procurement and School Funds to provide assurance across this population.
- 1.7 During the financial year, we successfully completed three thematic audit reviews covering procurement activities across the primary, special and comprehensive schools that were due to be audited in the year. We also completed an audit of unofficial funds, managed by the primary schools and one scheduled special school.
- 1.8 Furthermore, it should be noted that the Team were also able to successfully complete eight individual primary school audits remotely during the year.
- 1.9 In addition to the Internal Audit reviews, schools are ordinarily subject to an audit inspection by Estyn. The period of inspection is currently a seven-year cycle and based on the common inspection framework. However due to the rapidly changing and challenging period facing schools and other education and training providers as a result of the pandemic, the Chief Inspector decided, following discussions with Welsh Government, to suspend all Estyn's inspection and other related activities from March 2020 until further notice.
- 1.10 On completion of the audit review, a formal level of assurance is provided for the overall financial management and other areas within the school as defined above. The assurance levels vary across four categories, namely High, Substantial, Moderate and Limited assurance.
- 1.11 Recommendations are contained within a Management Action Plan and are prioritised according to perceived risk. Therefore, the Headteacher has an indication of Internal Audit's view of the level of risk that the school could be exposed to if the recommendation is not implemented.
- 1.12 Once the Action Plan has been finalised with the Headteacher, a copy of the final Audit Report and Action Plan is forwarded to the Chair of the School's Governing Body and the Director of Education for information. Agreed actions are followed up in accordance with the Management Action Plan timetable to ensure that they have been satisfactorily implemented. On distribution of the report, it is requested that the Chair of the Governing Body ensures the final report is presented at the next full Governing Body meeting. We also ask that the Chair ensures that all actions have been implemented within the timescales stipulated in the Management Action Plan.
- 1.13 In relation to our thematic reviews, all findings and recommendations have been reported directly to Education and Commercial Services management for them to be aware of the general issues across the population and these findings will be communicated to schools via the various forums available and followed up in due course. With regards to the thematic audits for unofficial funds, individual memos were also issued to schools informing them of the outcomes of their review.
- 1.14 As part of their monitoring procedures, the School Support Team request minutes of the Governing Body meetings in order to confirm that the audit report has been presented and discussed. Of the 8 primary schools that were audited remotely in 2020/21, the School Support Team had received minutes confirming that the audit report had been presented for 6 primary schools. The Team has requested minutes from those schools that have not forwarded them to date.

- 1.15 As the operation of local bank accounts remains a key area for examination during audits, primary school audits last three days. The budgeted time for secondary school audits is ten days, and for this year's thematic reviews fifteen days each.
- 1.16 The remainder of this Annual Report provides information on the various developments that have occurred during the year and provides further details of the results of the school audits undertaken during 2020/21.

2. Summary of Findings

- 2.1 Of the 27 primary schools scheduled to be audited in the year, 8 were reviewed remotely with 1 achieving a high level of assurance, and 7 achieving a substantial level of assurance which is a positive result for those schools.
- 2.2 The other 19 schools were included in two thematic reviews covering the previously reported key risk areas of procurement and unofficial funds.
- 2.3 Of the 4 secondary schools scheduled to be audited, all 4 were deferred to the 2021-22 financial year, as site visits will be required to complete all testing. However as stated in 1.7, we were able to complete a thematic review covering the procurement activities for this sector.
- 2.4 The one special school scheduled to be audited was included in both thematic reviews.
- 2.5 It is pleasing to note that this year, all of the schools audited remotely achieved a substantial or high level of assurance and all three thematic reviews received a substantial assurance rating. This continues to demonstrate the fact that the schools in question are being managed appropriately and were operating effectively.
- 2.6 For the schools that were audited remotely, the areas of procurement / expenditure and school funds were the main source of the recommendations in 2020/21. As seen in table 3.6 later in the report, 39% of all recommendations made for those Primary Schools were in relation to these areas. It should be noted that due to the delegated nature of school budgets, and the increased testing in relation to school funds that has been introduced since the schools in question were last audited, there would inevitably always be some findings in these areas. Considerable efforts have been made by the Authority in an attempt to improve schools awareness of their responsibilities when it comes to procuring goods and services and managing school funds effectively.
- 2.7 Periodic financial training continues to be provided to all Headteachers by the School Funding & Information Team, which clearly communicates the procedures that should be followed by schools in relation to ordering and procurement. In addition to this, the Team continues to offer newly appointed Headteachers a bespoke finance session and monitors attendance, reminding them to attend refresher sessions every three years. However, it should be noted that attendance at such training is not compulsory.
- 2.8 As reported over the last few years, all schools have now decided to opt out of the Procurement SLA as they felt it was not fit for purpose. However, the Procurement Section are still available to give general advice to schools on any compliance related queries they may have, and meet the Authority's statutory and regulatory duties.

- 2.9 It was noted in previous reports that Contract Procedure Rules (CPRs) were in the process of being reviewed and updated. This process is now complete and Procurement have confirmed that the updated CPRs have been approved and received officer sign-off. Now this process has been completed, school specific guidance notes are in the process of being finalised detailing how the Council CPRs should be interpreted specifically for schools.
- 2.10 The sections that follow provide a more detailed examination in relation to the findings of our audits across the individual school audits completed in Swansea for 2020/21.

3. Primary Schools

- 3.1 Eight primary school audits were undertaken and finalised remotely by Internal Audit during 2020/21. The assurance rating that was awarded to each of the schools is shown in Appendix 1.
- 3.2 The table below shows the total number of primary schools audited within the last two financial years and the assurance levels that have been awarded.

<i>Level of Assurance</i>	<i>Schools 2019/20</i>	<i>Schools 2020/21 (Remotely)</i>
High	4	1
Substantial	19	7
Moderate	2	0
Limited	0	0
Total	25	8

- 3.3 The level of assurance awarded confirms the view that the primary schools in Swansea which were audited remotely were generally well run, with sound internal controls and financial management. It is pleasing to note that all eight primary schools audited remotely in year were rated as providing either a High or a Substantial level of assurance.
- 3.4 A total of 84 recommendations were made as a result of the remote audit process, representing an average of 11 recommendations per school. All of the audit reports have been finalised at the date of this report, with agreement reached with Headteachers to implement 100% of the recommendations made.
- 3.5 It should be noted that there is not a direct correlation between the number of recommendations made at each school and the overall level of assurance awarded. This is due to differences in the rating of the individual recommendations i.e. High, Medium, Low Risk or Good Practice. Therefore, the number of recommendations made for each school has not been reported.
- 3.6 An analysis of the areas where recommendations have been made is summarised in the table below. Please also see Appendix 3, which details the main areas reported on within each category.

Primary Schools				
Audit Area	Total Rec's 2019/20 based on 25 Schools	2019/20 %	Total Rec's 2020/21 based on 8 Schools	2020/21 %
Governance	6	2%	1	1%
Management of Delegated Resources	7	3%	3	4%
Income & Bankings (inc Lettings)	31	11%	9	11%
School Funds	47	17%	15	18%
School Meals	29	11%	11	13%
Bank Reconciliations	8	3%	2	2%
Procurement / Expenditure	72	26%	18	21%
Multi-Pay Cards	38	14%	9	11%
Health & Safety / Premises Security	0	0%	0	0%
Inventory	18	7%	9	11%
IT	10	4%	7	8%
Other	6	2%	0	0%
TOTAL	272	100%	84	100%

- 3.7 The areas of procurement / expenditure and school funds were identified as the main source of recommendations made in the majority of schools audited remotely, with the percentage accounting for 39% of the total made. As previously reported the Council's Contract Procedure Rules have recently been updated and the contract bands reviewed with the Band A threshold being increased to £10k. As expected, we had anticipated that once these CPRs had been adapted and rolled out to schools, non-compliance in this area would be reduced and this is evidenced by the 5% drop from the previous year's figures.
- 3.8 The average number of recommendations made per school has remained constant from 11 in 2019/20 to 11 per school last year. Whilst generally the percentage of recommendations made across the various areas has remained fairly static year on year, some additional detail in relation to the more notable changes may be seen below:
- Schools Meals – Since the introduction of sQuid (the school meals online payment system), we have increased our testing in this area and the issues encountered were in relation to the following - The School Meals Dinner Money Policy not being adhered to with regards to child and staff arrears identified over the recommended limit. Also, some schools not allocating meal income correctly and in a timely manner and the correct fund deposit reports not being run periodically allowing reconciliations to be carried out.
 - Inventory – Primarily in relation to records not fully being updated, Inventory Certificates not being completed, new purchases not being added to the records and some disposals not being recorded correctly.
 - Information Technology – Passwords not being changed on a regular basis and an ICO registration had lapsed.
- 3.9 Whilst we report on non-compliance in these areas, what the above summary figures do not reflect is the number of instances of non-compliance per school i.e. we would include a recommendation regardless of the number of instances of non-compliance, with the extent and significance of the issue being highlighted in the body of the report.

3.10 Thematic Review - Procurement

The main areas of non-compliance identified for primary and special schools during this review were as follows:-

- On one occasion, expenditure over £20,000 on capital works had not been notified to the Capital Team for inclusion in the Capital Programme and in the Annual Statement of Accounts.
- In a number of instances four quotations had not been sought for all individual and cumulative expenditure for goods and services over £10,000 and copies of the quotations retained by the school.
- Through our testing and discussions with school based staff, it became apparent that in some cases the staff concerned were unclear as to what process they should follow when procuring goods and services. There was a notable lack of knowledge in relation to the requirements of Contract Procedure Rules (CPRs), obtaining the requisite number of quotations and the overall procurement processes that should be followed.
- Some inconsistencies were noted when comparing the School's Procurement Guide with the detail contained in the Corporate CPRs and these inconsistencies on occasions are causing further confusion for school based staff.

3.11 Thematic Review – Unofficial Funds

An Unofficial Fund is a fund that does not belong to the Council and is controlled by an employee of the Authority in the course of his/her official duties. The income of an Unofficial fund in a school would usually consist of donations, or income generated from extra-curricular or fund-raising activities which do not involve a significant input of resources from the school's delegated budget. Although the funds are not provided by the Council, it has a responsibility to safeguard them.

The main areas of non-compliance identified during this review for primary and special schools were as follows:-

- On occasions, the recommended Terms of Reference template provided in Accounting Instruction No. 11 was not being used.
- In some cases, detailed records of income and expenditure were not maintained with all receipts not being available for inspection.
- In some instances, a segregation of duties did not exist when administering the fund and formal reconciliations were not being undertaken and recorded. Also, reconciliations were not being reviewed by an independent person.
- Examples were found whereby the Funds were not being used for the benefit of the pupils, as specified in the Terms of Reference in Accounting Instruction No.11.
- Cases were highlighted where the Funds had not been audited on an annual basis and Audit Certificates not produced and presented to the Governing Body.

- Some Funds had not been audited by either two persons who were independent of the running of the fund or an independent person with an appropriate financial qualification or financial background as specified in Accounting Instruction No 11.

3.12 There were three schools that did not provide any responses to our information requests in this area, and therefore these have been included again in this year's thematic reviews.

4. Secondary Schools

4.1 Four secondary schools were scheduled to be audited by Internal Audit during 2020/21, however due to the coronavirus pandemic and the restrictions in place in relation to physical site visits, these have all now been deferred to 2021/22. Nevertheless, as stated we were able to carry out a remote thematic procurement review for those schools, and the main areas of non-compliance identified are summarised below:

4.2 Thematic Review – Procurement

- In a number of instances, four quotations were not sought for all individual and cumulative expenditure for goods and services over £10,000, and copies of the quotations retained by the school.
- There were some occasions whereby a Single Supplier Tender Application had not been completed and approved by the Governing Body with evidence being retained.
- Inconsistencies were also noted when comparing the School's Procurement Guide with the detail contained in the Corporate CPR's.
- During the course of the audit, it became apparent that there is no clear guidance available for schools regarding current corporate contracts.

5. Special Schools

5.1 The one special school scheduled to be audited was included in both thematic reviews.

5.2 For the results please refer to points 3.10 and 3.11 above.

6. Developments and Other Work Undertaken in Year

6.1 During the year, in addition to the school audits covered as part of our cyclical review, other work was also undertaken as noted below.

6.2 Ad-hoc work covering a range of areas as and when they arise, at the request of schools or the Education Directorate.

6.3 Information and advice provided to school forums and bulletins on the main reported areas highlighted during routine audits.

- 6.4 The revision of all school Accounting Instructions ensuring they are up to date and relevant. The updated suite of documents will be published on 'Staffnet' for the schools to refer to when requiring support and advice in carrying out their day to day financial administration duties and training will be offered in due course.
- 6.5 Internal Audit continue to review the school programme questionnaire and audit scope on an annual basis, ensuring any updated procedures are included in the testing and reflect any changes in the school environment.
- 6.6 As stated above, the team carried out three thematic audit reviews across the primary, special and comprehensive schools to provide assurance over key risk areas. Due to the continuing coronavirus restrictions in place, Internal Audit will again, this year, be looking to carry out thematic reviews on other key risk areas identified at the schools.

7. School Self-Assessment Questionnaires

- 7.1 As a general rule, all primary and special schools are subject to the self-assessment questionnaire audit process, however last year, as stated earlier in the report, we saw a mix of this process for the schools audited remotely and schools included in our thematic reviews.
- 7.2 Every year since the questionnaire was introduced, we continue to review the audit scope ensuring resources are being focused on key areas that are relevant in the modern school environment.
- 7.3 The overall reaction to the questionnaire continues to be very good, with encouraging feedback being received from all of the schools that have contacted the Audit Team. Consultation with the Primary Support Officers has also indicated that the schools continue to react positively to this audit approach.

8. Quality Measures

- 8.1 At the end of each audit, Headteachers are provided with a Quality Control Questionnaire (QCQ) that allows them to comment on the quality of the audit service provided. A copy of the questionnaire is attached, see Appendix 4.
- 8.2 Each completed questionnaire is reviewed and comments are taken into account when planning future audits, where appropriate.
- 8.3 The QCQ results feed into a Performance Indicator, which shows the percentage of schools expressing 'at least satisfaction' with the conduct of audit assignments undertaken by Internal Audit.
- 8.4 The Performance Target for schools, that were 'at least satisfied' with the quality of audit service for 2020/21 was 98%.

8.5 The response rate to our QCQ surveys are as follows:

	2020-21		
	QCQ's issued	No. of Responses	Response%
Primary (Remotely)	8	6	75%
Primary (Thematic Procurement)	1	1	100%
Primary (Thematic Unofficial Fund)	1	1	100%
Secondary (Thematic Procurement)	1	1	100%
Overall	11	9	

8.6 Over the last number of years we have made a concerted effort to ensure that where possible, feedback from Headteachers in relation to the service provided is returned, by following up those schools that have not submitted their QCQs. The table above shows that this year we achieved a 75% return rate, with 6 out of the 8 QCQ's issued being returned by the Schools. We also received all responses from the relevant managers in relation to the three thematic reviews undertaken.

8.7 It should also be noted that for those QCQ's received for the primary, special and thematic reviews 99% were at least satisfied with the overall usefulness of the audit, which is greater than our internal performance target of 98%. This confirms the good working relationship between Internal Audit, Commercial Services and Education including the Headteacher Finance Group.

9. Conclusion

9.1 This annual report provides information on schools audited remotely and thematic reviews undertaken and finalised during 2020/21. It also identifies the main areas for improvement in relation to the financial management and procurement of goods, services and unofficial funds for schools.

9.2 As previously stated, this year has been particularly difficult when trying to arrange and carry out school audits across the authority due to the pandemic and the restrictions in place with regards to physical site visits.

9.3 However, whilst we were unable to complete the majority of the primary, special and comprehensive school audits, we were able to undertake three thematic reviews to provide assurance over the key risk areas across this population, covering procurement activities for primary, special and comprehensive schools and a review of unofficial funds, managed by the primary schools and one special school.

9.4 A good working relationship continues to exist between schools and the Internal Audit Section, with Headteachers generally responding positively to audit recommendations. As highlighted in previous years the raising of orders and compliance with Contract Procedure Rules does remain an issue and in the last number of years these areas have been repeatedly re-reported. However early indications suggest that the recently updated Contract Procedure Rules with revised contract bands have reduced non-compliance in this area, as evidenced in table 3.6.

- 9.5 In addition to the above and as a result of increased testing of school unofficial fund accounts, we have noted an increase in non-compliance in this area. This will continue to be monitored going forward with advice and support being provided where needed.
- 9.6 It is again the opinion of the Internal Audit Section that, based on the work undertaken in year, the financial management systems established in the schools subject to audit testing continue to provide a generally good level of assurance based on the reported results, subject to some instances of non-compliance in relation to school funds and expenditure / procurement.

10. Integrated Assessment Implications

- 10.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage.

The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

Our Integrated Impact Assessment process ensures that we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 10.2 The completion of the Integrated Impact Assessment Screening revealed that:
- The Annual Report of School Audits has a low positive impact across all groups.
 - It has been subject to consultation with the Chief Finance & S151 Officer, Legal, Access to Services, Corporate Management Team and Heads of Service.
 - All Well-being of Future Generations Act considerations are positive and any risks identified are low.
 - The overall impact of the Annual Report of School Audits is positive as it will support the Authority in its requirement to protect public funds.

11. Financial Implications

11.1 There are no financial implications associated with this report.

12. Legal Implications

12.1 There are no legal implications associated with this report.

Background Papers: Internal Audit Plan 2020/21

Appendices:

Appendix 1 –

Primary Schools Audited and Finalised (remotely) 2020/21

Primary Schools covered by the Thematic Procurement Review 2020/21

Primary Schools covered by the Thematic Unofficial Fund Review 2020/21

Appendix 2 -

Secondary Schools covered by Thematic Procurement Review 2020/21

Special School covered by Thematic Procurement Review 2020/21

Special School covered by Thematic Unofficial Fund Review 2020/21

Appendix 3 - Areas Reviewed at Primary / Secondary / Special Schools during 2020/21

Appendix 4 - Quality Control Questionnaire

Appendix 5 - Integrated Impact Assessment Screening Form

PRIMARY SCHOOLS AUDITED AND FINALISED (REMOTELY) 2020/21

School	Date Report Finalised	Level of Assurance
Parkland Primary	21-12-20	High
Oystermouth Primary	15-07-20	Substantial
YGG Tirdeunaw	18-09-20	Substantial
Casllwchwr Primary	01-02-21	Substantial
Llanrhidian Primary	04-02-21	Substantial
Cwmrhydyceirw Primary	01-03-21	Substantial
Plasmarl Primary	22-03-21	Substantial
Tre Uchaf Primary	17-06-21	Substantial

PRIMARY SCHOOLS COVERED BY THEMATIC PROCUREMENT REVIEW 2020/21

School	Date Report Finalised	Level of Assurance
Y.G.G. Gellionnen	24-09-20	Substantial
Birchgrove Primary	24-09-20	Substantial
Gendros Primary	24-09-20	Substantial
Llangyfelach Primary	24-09-20	Substantial
Brynmill Primary	24-09-20	Substantial
Clase Primary	24-09-20	Substantial
Craigfelen Primary	24-09-20	Substantial
Gorseinon Primary	24-09-20	Substantial
Penllergaer Primary	24-09-20	Substantial
Y.G.G. Tan-y-Lan	24-09-20	Substantial
Glais Primary	24-09-20	Substantial
Ynystawe Primary	24-09-20	Substantial
St. Illtyd's R.C. Primary	24-09-20	Substantial
Pentre'r Graig Primary	24-09-20	Substantial
Whitestone Primary	24-09-20	Substantial
Clydach Primary	24-09-20	Substantial
Blaenymaes Primary	24-09-20	Substantial
Ysgol Gymraeg y Cwm	24-09-20	Substantial
Pontybrenin Primary	24-09-20	Substantial

PRIMARY SCHOOLS COVERED BY THEMATIC UNOFFICIAL FUND REVIEW 2020/21

School	Date Report Finalised	Level of Assurance
Y.G.G. Gellionnen	29-03-21	Substantial
Birchgrove Primary	29-03-21	Substantial
Gendros Primary	29-03-21	Substantial
Llangyfelach Primary	29-03-21	Substantial
Brynmill Primary	29-03-21	Substantial
Clase Primary	29-03-21	Substantial
Gorseinon Primary	29-03-21	Substantial
Penllergaer Primary	29-03-21	Substantial
Y.G.G. Tan-y-Lan	29-03-21	Substantial
Glais Primary	29-03-21	Substantial
Ynystawe Primary	29-03-21	Substantial
St. Illtyd's R.C. Primary	29-03-21	Substantial
Pentre'r Graig Primary	29-03-21	Substantial
Whitestone Primary	29-03-21	Substantial
Ysgol Gymraeg y Cwm	29-03-21	Substantial
Pontybrenin Primary	29-03-21	Substantial
Craigfelen Primary	-	Reply not received
Clydach Primary	-	Reply not received
Blaenymaes Primary	-	Reply not received

SECONDARY SCHOOLS COVERED BY THEMATIC PROCUREMENT REVIEW 2020/21

School	Date Report Finalised	Level of Assurance
Pentrehafod Comprehensive	01-03-21	Substantial
YG Bryn Tawe Comprehensive	01-03-21	Substantial
Bishopston Comprehensive	01-03-21	Substantial
Pontarddulais Comprehensive	01-03-21	Substantial

SPECIAL SCHOOL COVERED BY THEMATIC PROCUREMENT REVIEW 2020/21

School	Date Report Finalised	Level of Assurance
Ysgol Crug Glas	24-09-20	Substantial

SPECIAL SCHOOL COVERED BY THEMATIC UNOFFICIAL FUND REVIEW 2020/21

School	Date Report Finalised	Level of Assurance
Ysgol Crug Glas	29-03-21	Substantial

AREAS REVIEWED AT PRIMARY / SECONDARY / SPECIAL SCHOOLS DURING 2020/21

AUDIT AREA	MAIN CATEGORIES REVIEWED IN EACH AUDIT AREA
Governance	Roles and Responsibilities of Governors, Committees and Staff Policies and Committees Governors Involvement in Setting the School Development Plan Finance, Administration and DBS
Management of Delegated Resources	Budget Setting and Approval Authorised Signatories Delegated Powers
Budget Monitoring	Budget Monitoring Reports sent to the Governing Body Any Capital Expenditure Any Loans / Overdrafts / Leases
Lettings	Governing Body Approval Lettings Applications & Insurances
After School / Breakfast Clubs	Charges Governing Body Approval Income & Expenditure
Banking Procedures	Safety of Monies Holding Limits
Recording of Income	Types of Income Record Accuracy & Retention Segregation of Duties
School Unofficial Funds	School Fund Signatories Audit and Presentation of the School Fund Fund Transactions & Reconciliations Fund Constitutions & Management Committees
School Meals	Dinner Money Arrears Certification of CS3's by Headteachers CS3 Meals Served to sQuid Records Weekly Banking of Dinner Monies (if applicable) Entitlement to Free School Meals
Bank Reconciliation	Undertaken / Frequency Independently Reviewed
Expenditure & Procurement	Official Orders Raised and Authorised Payment Procedures Governing Body Approval of Payments more than £5k Compliance with Contract Procedure Rules Cheque Stock Records Insurance Arrangements for Non-Authority 'Approved' Suppliers.

Multi-pay Cards	Card Security
	Segregation of Duties
	Reconciliations
Employees	Staff References
	Travel & Subsistence Payments
	Overtime Payments
Health & Safety/ Fire/ Premises	Health and Safety Inspections
	Fire Risk Assessments and Portable Appliance Testing
	Self-review of Security Issues
Inventory	Format and Security of the School Inventory
	Keeping the Inventory up-to-date including Disposal Procedures
	Physical Checks & Annual Reconciliation / Authorisation
School Mini Bus / Vehicles	Vehicle Logs Maintained
	Driver Licence Checks
	Security of Vehicles
	Insurance, MOT, Serviced
Computer Security & Data Protection	Password Protection
	Regular Password Changes
	Audit Trails
	Data Protection Register

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

QUALITY CONTROL QUESTIONNAIRE - INTERNAL AUDIT SECTION

We are keen to monitor and, where possible, improve the quality of our work. We have adopted a number of performance indicators that we report on monthly, quarterly & annually. One of these is your view of the overall quality etc. of our work.

For this reason please complete the questions below indicating your level of satisfaction with various aspects of our audit. Any additional comments you may have should also be included.

AUDIT: _____ DATE OF ISSUE: _____

AUDIT FILE REF. NO: _____ AUDITOR(S): _____

ASPECT OF AUDIT	VERY SATISFIED	SATISFIED	DIS-SATISFIED	VERY DIS SATISFIED
AUDIT PLANNING Appropriateness of scope and objectives of audit				
Usefulness of initial discussions with auditor(s)				
Timing of audit				
CONDUCT OF AUDIT Duration of audit				
General helpfulness of auditors				
Consultation on findings				
AUDIT REPORT Fair presentation of findings				
Importance of findings				
Usefulness of recommendations				
Consultation on findings and recommendations				
The value and practicality of the recommendations				
OVERALL How would you rate the overall usefulness of the audit?				

OTHER COMMENTS:

SIGNED: _____ DATE: _____

DESIGNATION/POST TITLE: _____

Please return to the Chief Internal Auditor via email.

Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Internal Audit

Directorate: Resources

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

The Annual Schools Report to Governance & Audit Committee outlining a summary of the school audits and thematic reviews undertaken by the Internal Audit Section during 2020/21.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

n/a – no impact

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement / consultation / co-productive approaches?

Please provide details below – either of your activities or your reasons for not undertaking involvement

Consultation undertaken with the Chief Finance & S151 Officer, Education Management, Legal and Access to Services.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?

Yes No

b) Does the initiative consider maximising contribution to each of the seven national well-being goals?

Yes No

c) Does the initiative apply each of the five ways of working?

Yes No

d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?

Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No **If yes, please provide details below**

Schools included within the Internal Audit planned rolling programme of work will be subject to internal audit review follow up’s which may result in further recommendations being made to improve compliance with Council policies and procedures and consequentially may result in changes to operations/processes within those schools and the Education department if required.

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

To update committee on the progress of School audit reviews undertaken by Internal Audit in the period 20-21

Outcome of Screening

Q8 Please describe the outcome of your screening below:

The completion of the Integrated Impact Assessment Screening revealed that:

- The Schools Annual Report has a potentially low positive impact across a number of identified groups.
- It has been subject to consultation with the Chief Finance & S151 Officer, Legal and Access to Services.
- All WFG considerations are positive and any risks identified are low.
- The overall impact of the Quarterly Recommendation Tracker Report is positive as it will support the Authority in its requirement to protect public funds.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Nick Davies
Job title: Principal Auditor
Date: 21/06/21
Approval by Head of Service:
Name: Ben Smith
Position: Chief Finance & S151 Officer
Date: 23/06/21

Please return the completed form to accesstoservices@swansea.gov.uk



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Monday, 16 August 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
P K Jones
H M Morris

Councillor(s)

V M Evans
L R Jones
T M White

Councillor(s)

E W Fitzgerald
J W Jones

Cabinet Members

Cllr R Stewart
Cllr R Francis-Davies

Officer(s)

Martin Nicholls	Director of Place Directorate
Chris Williams	Head of Commercial Services
Nigel Williams	Head of Building Services
James Beynon	Procurement Team

Apologies for Absence

Councillor(s): B J Rowlands and M White

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes of Previous Meeting

The minutes of the meeting on the 27 July were agreed.

4 Public Questions

There were no public questions for this meeting.

5 Procurement in the Place Directorate

The Director of the Place Directorate and associated Cabinet Members were invited to attend to present a report and discuss the issues with the Panel. The Panel were

informed that procurement in the Place Directorate falls within a number of cabinet portfolios. In attendance were Martin Nicholls, Cllr Rob Stewart and Cllr Robert Francis-Davies. Nigel Williams Head of Building was also in attendance to deal with any more detailed questions. The report and resulting discussion was based around a set of questions sent in advance of the meeting, namely:

1. A brief outline of what you procure in your department?
2. How do you ensure probity, competence, consistency of approach and alignment with the Councils strategies and objectives in your department?
3. As an example of point 2, can you outline who procures for your department and are all staff aware of who has the responsibility for this, is it the same person who authorises the transaction, is there a separation of responsibilities for ordering and receiving goods / services and are all staff aware of who has the capacity to contract?
4. How do you ensure that you procure cost effectively and transparently?
5. How do you ensure your department is procuring locally, ethically and that your procurement activities align with the Wellbeing of Future Generations Act? Can you also provide an example?
6. How do you ensure your departments procurement activities comply with the general Equalities Duty (as specified in Equality Act 2010 – Public Sector Equality Duty for Wales 2011)? Can you also provide an example?
7. What training is provided to your staff on procurement matters for example in the tendering process and on matters raised in questions 2-6?
8. How do you ensure any joint procurement activities consider points raised in questions 2-6?
9. How do you monitor your procurement activity especially ongoing contracts or service level agreements? How do you enforce those requirements? Can you also provide an example?
10. Is any of your department's procurement activity also externally audited, if so by whom?
11. Has leaving the European Union affected your department in relation to your procurement activities? If yes, how?
12. How do you believe the Council could improve on its procurement practices?

The report supplied will form part of the evidence pack at the end of the inquiry along with the following issues raised in the resulting discussion:

- Substantial procurement within the Place Directorate with 150million pound spend across the Directorate and has grown significantly over recent years.
- There is a combination of funding sources derived from capital sources, revenue funding, Housing Revenue Account (HRA) and grant funding sources. Each have their own processes for approval and alignment with the Council's strategies and Objectives.
- In terms of choice of procurement route, where applicable, frameworks are utilised for all procurement activities for both contractors and consultants to minimise one off procurement e.g. vary depending on the product purchased but would include the use of regional or national frameworks or separate "sell2 wales" adverts where suitable frameworks do not exist. Provides a simpler procurement process and has been embedded in some of the projects already in existence like, for example, City Deal.

- Economically most advantageous tender is taken rather than just cost. There are varying degrees on the price matrix, most common is 70% cost and 30% quality but this will vary depending on a range of aspects and what is being contracted. We do move that line upwards especially relating to benefits (example in point 6.7 of the report was given).
- Sourcing of materials and increased cost of materials has been an issue and is now recorded as Corporate Risk. This may be due to a number of things i.e.: Covid effects, leaving the EU and possibly the issues caused by the Suez Canal blockage. It is a risk as it could impact on some of our larger projects, but the council is working to mitigate the effects of these.
- We are working on our process so that we are getting the balance right between probity/procedure and not having unnecessary barriers to some smaller contractors.
- The Leader said that the localism aspect will continue to be focussed upon to ensure the moneys we spend stay as local as possible. It is a key aspect of the council's procurement strategy.
- Thanks was given to Building Services and the Procurement Team for the critical role they played in securing stocks of PPE were available throughout the pandemic, sourcing approximately 30 million items while at the same time building the Bay Hospital.
- Encouraging local suppliers through some labour only contracts, where the contractor provides labour and we supply the materials. This is one of the ways we do our best to keep money in Swansea.
- The Panel found the report informative and comprehensive and were pleased to see the Wellbeing and Future Generations Act and the Equality Act form part of the decision making process.
- Panel felt it was a positive move to have Swansea Standard and labour only projects. They were interested in finding more out about how many local firms are engaged. The Panel asked how we scrutinise these small companies and those that may be sub-contracted out by the main contractor. They heard that large project involve the HSE through completion of an F10. Those contractors who sub contract some of their work are asked to provide us with the sub contractor's details so we can do our own checks.
- Swansea council has signed up to the Ethical Employment in Supply Chains, which helps us to identify concerns.
- We do break up some contracts to make them more attractive to smaller SME's, careful consideration is always given to how this is done. We are currently part of a pilot scheme on this with the Wales Government.
- The issue of cost of the Council's building services was raised especially in relation to Schools work. The Panel were told that there is a misconception about higher pricing. That no credible examples have been put forward in the past and often external contractors will not price fully for the work, so work is not comparable like for like. Councillors were encouraged to raise any contracts they feel have been overpriced with the department who will look into it.
- How do deal with asbestos currently. The Panel were informed that we inspect and test and use contractors to do removal via an all wales framework which Swansea manage.
- How often do we review the value of our frameworks? The Panel were informed this varies but usually every 3/5 years, there is not an inbuilt review but are

automatically reviewed when there is a break in the framework. Members asked for further information on how we assess risk and suitability of contractors for the framework and whether their credit rating increases if on a framework.

- Idea of consignment stocks was raised, the Panel were informed that we do that but we have to look at the risk and ensure it is labelled properly in case any issues occur with supplier. We do stock as much as we can in our own premises.
- A number of areas of possible improvement were highlighted in the report and these will be considered for recommendation when the Panel put together their final report at the end of the Inquiry.

The Panel requested further information on the following matters:

1. Environmental aspects
 - a) Sustainability Statement - What form does this take and who puts it together? Is the Council's ecologist/s involved? Can you provide an example of a statement for context?
 - b) In section 13.6 of the report you mention the current Council pilot project, can you provide us with a little more information on that?
2. Local procurement
 - a) How many local firms have been engaged and how many of those employ local people? Could you include the number of contracts and spend?
 - b) How do we break up projects to ensure fairness and non-preferential treatment? Can you provide a little more information on the pilot project with Welsh Government and what those requirements are?
3. Frameworks
 - a) How do we check suitability and risk status of Contractors?
 - b) Do Contractors get an increased credit rating by being on a framework with the Council?

6 Inquiry Project Plan

The Panel noted the updated Project Plan.

The meeting ended at 11.15 am

Chair

Report of the Director of Place

Procurement Inquiry – 16th August 2021

Overview of Procurement (Place Directorate)

Purpose	This report gives a high level overview of procurement processes and activity at Swansea Council's Place Directorate to help inform the Panel Inquiry
Content	The report gives an overview of procurement in Swansea Council's Place Directorate
Councillors are being asked to	Consider the information given as part of the inquiry into procurement
Lead scrutiny Councillor	Councillor Holley
Lead Cabinet Member	<ul style="list-style-type: none">• Cllr David Hopkins
Cabinet Member Impacted for Place directorate	<ul style="list-style-type: none">• Cllr Rob Stewart• Cllr Andrea Lewis• Cllr Robert Francis Davies• Cllr Mark Thomas• Cllr David Hopkins
Report Author	Nigel Williams/Martin Nicholls

1.0 Introduction

1.1 This report provides an overview of the procurement processes within the Place Directorate. The report mainly contains contributions from Building Services, Economic Development & External Funding and Transportation and Highways as the primary services involved in procurement for the Directorate

2.0 A brief outline of the Directorate's procurement activities

2.1 The directorate has a wide and varied range of activities contributing strongly to the Councils corporate priorities. As a result the range of procurement is broad since the current annual budget exceeds £150m per annum for 2021/22

2.2 Given the scale of procurement that takes place in it therefore isn't possible to list all activities but the following provides a summary of the range of activities

2.2.1 Building and Housing Services

- Procurement of external contractors for works contracts for:
 - 21st Century Schools programme
 - Other Education initiatives such as Reducing Infant Class sizes (RICS)
 - WHQS works such as kitchen and bathroom renewals, environmental improvement works, planned maintenance such as roof renewals, chimney replacements, electrical rewires, voice entry renewals, balcony repairs
 - Decarbonisation works such as external wall insulation and window and door replacements
 - Planned and cyclical maintenance works
 - Procurement of a range of materials and subcontractors for direct delivery of building works including electrical, mechanical, building products clothing, PPE etc.

2.2.2 Regeneration and Economic Development

- Major regeneration projects such as the digital arena and Hafod copper works
- Studies and specific commissions in support of economic development
- Packages of training and support for employability schemes
- Consultancy advice and studies to support priority project work.
- Specialist Planning Advice Services - e.g. agricultural advice, Specialist Planning/Land Charges IT system.
- Project related items such as Christmas lights, event infrastructure.

2.2.3 Highways and Transportation

- Major highways works and resurfacing
- The procurement of parts, consumables, fuel, telematics and specialist repairs required for the Council's vehicular fleet.
- The procurement of vehicles on contract hire, spot hire and by outright purchase as well as fuel, telematics and specialist repairs.
- The procurement of vehicles for lease/ purchase for Client Transport, subsidised local bus services, home to school transport services, taxi services, bus shelters and public transport infrastructure.
- Active Travel promotion, including cycle hire services.
- Procurement of services within the Marina

This list whilst comprehensive is not exhaustive with other procurement taking place across a range of products and services in the remaining directorate.

3.0 Ensuring probity, competence, consistency of approach and alignment with the Councils strategies and objectives in the Directorate

- 3.1 There is a combination of funding sources derived from capital sources, revenue funding, Housing Revenue Account (HRA) and grant funding sources. Each have their own processes for approval and alignment with the Council's strategies and Objectives.
- 3.2 Capital sources would be set out in the appropriate FPR7 reports as required under the council's financial procedure rules. These reports set out the alignment and implications and policy context.
- 3.3 Revenue funding sources are generally built into the council's annual budget approved by Council under each service area. Any variances would be reported via the usual performance and financial reporting and additional FPR reports.
- 3.4 The Housing Revenue Account is a ring-fenced account linked to the council housing stock which is reported and monitoring separately.
- 3.5 Grant funding sources have their own approval process which set out why the grant is needed and any subsequent implications.
- 3.6 Finally all of the activities of the directorate would be incorporated within the service planning process and monitored on a monthly basis with input from the council's financial services team and would take place in line with the Council's Contract Procedure Rules.
- 3.7 Some examples of the activities and policy alignment are summarised below:
- 3.8 Programmes for which works are commissioned under are consistent with key Council objectives/drivers e.g. new schools programme, Housing's More Homes and decarbonisation retrofit programmes, highway and building asset management plan etc.
- 3.9 In terms of choice of procurement route, where applicable, frameworks are utilised for all procurement activities for both contractors and consultants to minimise one off procurement e.g. vary depending on the product purchased but would include the use of regional or national frameworks or separate "sell2 wales" adverts where suitable frameworks do not exist
- 3.10 Where Frameworks are not available, selection is by a robust process to ensure that the contractors are aligned with the Council's requirements. Supplier Suitability Questionnaires and a range of Quality questions are included in the tender process to ensure that contractors are aligned to the Council's requirements.

- 3.11 Close links with the Authority's Procurement section maintain consistency of approach and regular team meetings, feedback and lessons learnt sessions ensure that there is consistency of approach and that both issues and good practice are shared.
- 3.12 All procurement is undertaken in line with Contract Procedure Rules and always originate from implementation of council strategies and objectives. In particular the beyond bricks and mortar policy sits within the directorate which includes specifying community benefit and social value outcomes such as training weeks and work placements as part of any planned spend across a range of activities. Advice is always sought from Corporate procurement, legal and finance teams.
- 3.13 Ongoing liaison with the Procurement Team for advice and use of the information, templates and tools available online via Staff-Net are utilised on a regular basis.
- 3.14 The directorate has resources that are able to provide advice on procurement of larger corporate contracts which ensure the Wellbeing of Future Generations Act and the Environment Act are built into the procurement process based on the Council's Corporate Priorities and takes the form of the Sustainability Statement which is bespoke to each project. The Statement is supported by specific requirements which are tracked and reviewed as part of the wider project monitoring process. This member of staff feeds into the process as the SD / GI expert and involves colleagues from other disciplines across the Council as required i.e. Play, Waste Management, Ecologists etc. The social benefits elements of the process are addressed alongside the other Sustainable Development/ Green Infrastructure and Environmental issues by the Beyond Bricks and Mortar team. If any issues should arise, they are escalated via Head of Service and Senior Management Team.
- 3.15 Dedicated buyers procure following our Contract Procurement Rules at all times, liaising with the Procurement team where necessary. All staff are aware of the process for raising or amending purchase orders. Suitable approval limits are in place based on contract value.
- 3.16 All projects are subject to both internal and external audit requirements.

4.0 Responsibility for procurement, authorisation of transactions, separation of responsibilities for ordering and receiving goods / services and the capacity to contract

- 4.1 All directorate procurement activity is carried out in accordance with the requirements of the Council's Contract Procedure Rules, which dictates procedures and responsibilities relating to the procurement of goods and services. Engagement with procurement, finance and legal services takes place in line with these requirements or when advice is required

- 4.2 Limits for officers are set out in the council constitution and/or formal delegation for which detailed records are kept in line with corporate requirements.
- 4.3 Separation of duties is a formal part of the Oracle ordering system, so one individual would never be in a position to order on their own. Even the smallest p-card transactions require authorisation and checking. In-team procedures are fully documented for each project.
- 4.4 Staff are aware that only senior management can enter into contracts as detailed within Council's constitution.

5.0 Cost effective and transparent procurement

- 5.1 The most important and broadly accepted principle underlying a modern procurement system is that it should be carried out in a fair and transparent manner, with open competition, and be subject to examination and review.
- 5.2 The Council employs a robust set of Contract Procurement Rules designed to enable cost effective and transparent procurement.
- 5.3 The setting up of frameworks, rather than utilising open tendering gives the opportunity to speed up processes and to achieve long term cost savings.
- 5.4 Where there is no suitable framework in place, a robust procurement exercise is carried out via Sell2Wales taking into account cost, quality and contractor suitability. Tenders received are compared against budget and similar schemes to ensure cost effectiveness
- 5.5 A database of costs is used to compare costs received against benchmark costs for previous schemes, e.g. costs per m² for More Homes schemes, costs per unit for More Home schemes, costs per m² for 21st Century schools projects
- 5.6 All tenderers are notified of the outcome and offered feedback on their tenders to engender a culture of continuous improvement
- 5.7 All decisions are noted and filed on Share Point for future reference. Team involvement / discussion in process where applicable including engagement of Procurement for advice/ support.
- 5.8 On occasions, procurement is influenced by factors outside of the Council's control. The pandemic, Brexit and the current issues with supply and demand have resulted in building products being extremely difficult to source with some suppliers being unable to provide firm delivery dates or prices as they are having severely restricted deliveries from manufacturers.

6.0 Ensuring that the Directorate is procuring locally, ethically and that procurement activities align with the Wellbeing of Future Generations Act

- 6.1 Public Bodies in Wales are responsible for spending approximately one third of the total devolved Welsh budget, and it is estimated that over the next decade Welsh public services will spend over £60b. Wales has the opportunity to think about how and where to spend that money in the interest of current and future generations, combining procurement activities with improving the economic, social, environmental and cultural wellbeing of people and communities in Wales
- 6.2 Framework terms of commission require consultants/contractors to evidence commitment to, and have company policies in-place for:
- Community benefits
 - Modern Slavery
 - Equal Opportunities
 - Welsh Language
 - Safeguarding (Cohesive Communities)

Tendering contractors are also required to address compliance with the above requirements within their tender submissions.

- 6.3 By openly advertising and ensuring specifications are up to date in terms of ethical products. Also the SSQ (Supplier Suitability Questionnaire) covers such items as Fair Trade and Modern Slavery. All SSQ questions sanctioned/checked by Central Procurement. The council also holds “meet the buyer” events to encourage local engagement on main contracts and for subcontracts.
- 6.4 Initiatives carried out in conjunction with the External Funding Programme Officer to encourage more local SMEs to tender for work for the Council are ongoing. This entails speaking to local contractors to establish any perceived barriers to them tendering, splitting contracts into smaller lots to be more attractive and relevant to SMEs and simplifying documentation.
- 6.5 We are currently working in collaboration with Procurement and Beyond Bricks and Mortar to further embed the Wellbeing of Future Generations Act into all Council procurement. Current discussions are around the methodology and the advantages/disadvantage of using one of the “off the shelf” monitoring tools such as TOMS, the CB Measurement tool or the Public Sector Sustainability Risk Assessment Template
- 6.6 As an example, an exercise has been carried out on the More Homes Parc yr Helyg contract to establish the distance from site of all the suppliers and sub-contractors that were utilised on the project.

The outcome showed that:

- 82.45% of the cost of the contract was procured within 15 miles
- 83.07% of the cost of the contract was procured within 20 miles
- 92.46% of the cost of the contract was procured within 50 miles

This followed a previous project that had a lesser proportion of local spend and the subsequent procurement was amended to improve this which is demonstrated by the above analysis

- 6.7 A second example is the use of the NPS for Wales's frameworks as opposed to other UK frameworks saw 2 Welsh SMEs provided with the opportunity to bid for contract hire tenders where they were unavailable on others. Action plan for 21/22 includes a regional collaboration with NPTCBC on non-framework items such as specialist repairs to encourage and formalise local supplier use.
- 6.8 Completion of IIA's are relevant and follow through into the procurement process for larger projects that require Cabinet sign off.
- 6.9 In some cases a mix and match approach is in place where a framework of local contractors is maintained for works when there is a requirement to supplement the internal workforce such as in Building Services. These principles were set out in the previous commissioning reviews approved by cabinet.

7.0 Ensuring the Directorate's procurement activities comply with the Equality Act and in particular the Public Sector Equality duties.

- 7.1 Taking equality into account at an early stage in the procurement process can help to ensure that goods and services procured are fit for purpose, and are able to contribute to cost reductions in the long run. The Equality Act 2010 requires purchasers to ensure that they do not unlawfully discriminate in the provision of goods or services.
- 7.2 Frameworks utilised for contractors and for consultant's commissions set out clear requirements of contractors/consultants to evidence commitment to, and maintain policies for, Equal Opportunities and Safeguarding.
- 7.4 Reference to, and required compliance with, The Equality Act 2010 is embedded in all the department's tender documentation and frameworks
- 7.5 Procurement briefs are designed around corporate templates that ensure specific coverage of these points, which are also followed through into the design or works. For example, the Multi-Disciplinary

Design team appointments for recent larger projects such as Hafod Powerhouse or Palace Theatre are good examples.

- 7.6 For larger projects project leaders link in with the Access to Services Team for support and advice and if necessary engage with the local access forum and/ or their representatives. IIAs are also actioned for projects requiring Cabinet sign off.
- 7.7 A projects approach is taken in several key areas so that expertise both internally and externally is sought where required. Close working multi-disciplined relationships are utilised in terms of recurring contracts such as CBS, Health & Safety, and Procurement etc. Example - procurement of the design, manufacture and installation of signs on site. Signs are legible according to set standards, bilingual and positioned in a way so not as to block access.

8.0 Staff Training provision on procurement matters

- 8.1 A robust staff training and development programme will ensure that all staff have a consistent experience and background knowledge. A training programme leads to the strengthening of those skills that each employee needs to improve, whilst a development programme will bring employees to a higher level, so that they are all working at a similar skillset.
- 8.2 Staff have received Framework 'User' training from the Framework Manager with further training from Procurement Team scheduled at regular intervals, together with circulation of CPR & other procurement-specific updates/amendments as and when available
- 8.3 Initial 'new starter' training is provided on CPRs and other Procurement processes, with regular updates as and when requirements change. Staff members can also refer to the Procurement Guide for Council Staff. Peer to Peer mentoring on CPRs and procedures for tendering, evaluation and award ensures that experience and knowledge is shared across the team.
- 8.4 Advantage is taken of corporate training when available and advice regularly sought from legal and procurement teams.
- 8.5 Senior managers who undertake procurement are fully conversant with CPRs and competent in the process. If there are any queries, advice is sought from Procurement. Procurement for other staff is overseen by senior managers as on the job training.
- 8.6 Skills sessions are led by senior team members to provide formal briefings, and peer mentoring is also carried out to provide hands on examples of due process. There is collaboration with the procurement team to develop formal training briefings when either new guidance or new staff members have dictated.

- 8.7 Regular audits are conducted in large parts of the Directorate and any feedback in recommendations are followed through to ensure any improvements on matters including training are delivered

9.0 Ensuring compliance of joint procurement activities

- 9.1 By working together on procurement, and on contract and supplier management, councils and their partners can make the best use of commercial skills, benefit from economies of scale, achieve efficiencies in the use of resources and realise savings.
- 9.2 The council has inputted into the drafting of any joint procurement activities, such as the South West Wales Regional Contractor's Framework, to ensure that the Council's requirements are included. We also have the latitude within the framework to enable amendments to the call off contracts should these be required due to changes in policy or requirement.
- 9.3 Council corporate templates form the basis of any joint procurements and are also advised as good practice for external partners on construction schemes for example, particularly private sector.
- 9.4 User guides have been developed following the introduction of a regional professional services framework to support resource challenges for the team. This document was drafted in conjunction with procurement to ensure that other departments have the opportunity to take advantage of the framework and in a manner that accords with the relevant guidance.

10.0 Monitoring procurement activity especially ongoing contracts or service level agreements and enforcement of requirements

- 10.1 In order to drive Continuous Improvement it is of paramount importance that procurement activities are monitored and performance controlled by the recording of data, measuring performance against expectation, making any necessary changes or amendments and reporting on the outcomes.
- 10.2 Procurement activity and consultant performance is monitored regularly via monthly meetings and tracked against project programme to ensure targets are delivered/milestones achieved.
- 10.3 A Project Review form is available to provide formal feedback to the Framework Manager to report consultant performance against KPIs agreed at project outset. Damages for under-performance are specified within Framework contract documentation and applied where appropriate to do so
- 10.4 Regular checking of the "contract register", contact with the corporate procurement section and running reports on supplier spends assist in the monitoring of procurement activity.

- 10.5 Where the procurement method is via a framework, a Framework Manager will be appointed to monitor the ongoing spend against that particular framework. Both the Framework and the call off contract contain legally binding terms and conditions outlining both the contractor/supplier's and the client's obligations. Failure to adhere to those obligations could lead to damages being imposed against the contractor/supplier for non-performance or breach and ultimately being removed from the framework or termination of employment under the call off contract
- 10.6 The retention and defects liability period clauses contained within contracts dictate that sums are held both during the contract period and the twelve months following completion, so a financial incentive to perform and comply with requirements is embedded within contract documentation.
- 10.7 Most companies are keen to work with the Council and want to maintain a good working relationship so often any issues can be negotiated. The underlying ethos of Frameworks and the NEC form of contract is to work "in the spirit of mutual trust and co-operation."
- 10.8 The system in place of producing requisitions for the Buyers to order the goods /services ensures probity. Commercial over-ordering would be financially detrimental and would be picked up by the Surveyors when preparing valuations for works carried out.

11.0 External auditing of Directorate's procurement activity

- 11.1 Whenever funding is provided to the Council by external organisations for particular schemes or projects, there is an expectation that the funding will be used for the purposes provided. The audit process ensures that those requirements are met and that the procedures used within the procurement process are robust.
- 11.2 Our procurement activity is regularly audited by the Council's in-house audit team.
- 11.3 Where projects receive external funding from Welsh Government or EU funding sources they are routinely audited before during and after completion of the project. More so with EU funded schemes, but good practice is followed on all schemes, and Contract Procedure Rules are always followed to ensure future compliance checks can be satisfied. Compliance with funder's requirements which may be externally audited is therefore necessary.

12.0 The effect of leaving the European Union on the Directorate's procurement activities

- 12.1 Leaving the European Union on 31st. January, 2020 heralded a major change in the rules and regulations relating to procurement. Whilst 'Brexit' has undoubtedly led to issues with supplies and with increased

costs, the concurrent effect of the Covid-19 pandemic has also created issues which have compounded the current situation.

- 12.2 Substantial price increases for materials have been noted across most sectors, with anecdotal evidence from suppliers suggesting that it is in part as a result of the United Kingdom leaving the European Union.
- 12.3 The sheer level of construction activity is exacerbating the strains associated with increased prices. Furthermore, lead times have also increased which impacts the programme.
- 12.4 A number of suppliers import components for the items they manufacture from the EU and they have had difficulty in obtaining items in the normal time scale they have always enjoyed – which has an ongoing effect with their lead time for deliveries to the customer.

13.0 Improving on the Councils procurement practices

- 13.1 The Council has developed a robust and detailed set of Contract Procedure Rules for use in its procurement activities. However, there is always an opportunity for further self-evaluation and improvement by learning lessons from current best practice and peer organisations.
- 13.2 Consideration should be given to a formal upfront procurement approval process, perhaps conducted on an annual basis to facilitate the bulk sign-off of regular programme activity.
- 13.3 Increase the level of training for new starters and make it a mandatory module. Ensure that regular updates are provided as necessary and when updates are made to policies or documentation.
- 13.4 Continue the review of documentation and contract design to further encourage SMEs to tender for Council works.
- 13.5 Expand the number of ‘Open Days’ to encourage local firms to tender for Council works and to encourage supplier feedback.
- 13.6 Whilst the Council seeks to give sufficient weight to biodiversity, natural environment and culture and health considerations, further consider how this approach can be expanded in line with social value principles and in line with the current Council pilot programme reviewing this matter.

14.0 Legal Implications

There are no legal implications associated with this report other than those set out in the body of the report.

15.0 Financial Implications

There are no financial implications associated with this report.



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Monday, 13 September 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

M C Child
J W Jones
M Sherwood

Councillor(s)

P Downing
I E Mann
T M White

Councillor(s)

E W Fitzgerald
B J Rowlands
P K Jones

Other Attendees

Mark Child

Cabinet Member - Adult Social Care & Community Health Services

Louise Gibbard

Cabinet Member - Supporting Communities

David Hopkins

Cabinet Member - Delivery & Operations (Deputy Leader)

Officer(s)

David Howes

Director of Social Services

Jane Whitmore

Strategic Lead Commissioner

Christopher Francis

Commissioning and Care Services

Lee Morgan

Digital and Transformation

Chris Williams

Head of Commercial Services

Michelle Roberts

Scrutiny Officer

Apologies for Absence

Councillor(s): L R Jones, E J King and A Pugh

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes and responses to follow up questions

The Minutes from the previous Panel meeting on the 16 August 2021 were agreed.

The Panel received the further information they had requested following the meeting on the 16 August. After looking at this information they raised the following:

- Social value – the Panel will look at this aspect further
- Role of the Planning Ecologist in Sustainability Statements

The Panel have asked further information from the Place Directorate on:

- What the role the Planning Ecologist plays in the Sustainability Statements? The Panel understand that a Biodiversity Officer is involved but they feel that the Ecologist could be involved because they are able to assess whether the contractors are serious about the issues, are committed to taking them forward and could also monitor that the commitments made have been taken forward.

4 Public Questions

One Public Question was received:

I am concerned with the lack of provision of housing for the Learning Disabled community. Is the council using the best/ most ethical companies for LD housing? Example – gentleman aged 44 still waiting for supported living within his own community.

Reply from Social Services Directorate

All of our service providers are charitable or not for profit organisations who are experienced in LD design and development. We actively encourage tender submissions from not for profit organisations and are working with regional partners to develop approaches to commissioning services which promote social value and similar ethical considerations.

We have systems in place for assessing accommodation needs and developing appropriate housing, care and support solutions. We are also developing a regional policy to ensure the support and accommodation needs of young people transitioning from children's services to adult services are anticipated. This will help to achieve more effective future planning. We are currently exploring the possibility of re-shaping some of our existing specialist adult Learning Disability services so that they can offer care and accommodation to younger people. This may expand the range of accommodation options available.

New opportunities are sometimes dependent on the availability of capital grant funding from Welsh Government as well as property that is suitable for adaptation, or availability of land for new build within the county. In some instances the mix of people within a shared setting is considered integral to the longer term wellbeing of tenants and these considerations can sometimes lead to delays in finding suitable options. However, we presently manage over 100 properties accommodating over 250 people. Later this year an additional 8 x 1 bedroom flats, and a further 4 beds within a shared house will become available. I am advised by colleagues that this is more than any other LA in Wales.

5 Procurement in the Social Services Directorate

The Panel thanked Cabinet Members Mark Child, David Hopkins and Louise Gibbard, and Officers Dave Howes, Jane Whitmore, Lee Morgan, Chris Williams and Christopher Francis for attending the meeting and providing the information the Panel requested that relates specifically to the Social Services Directorate.

The following was noted from the discussion (a copy of the full report provided will also be included in the Inquiry Evidence Pack):

- We have a large spend in Social Services particularly in adult social services. It is called Commissioning rather than contracting. We have the statutory responsibility for most of the services that we do Commission, but a substantial proportion of those services are delivered by independent organisations.
- It is at times a difficult market to operate in for providers, their margins are narrow and it has been particularly difficult over the last year. It tends to be a different relationship we have with them to a normal contractual relationship we might have in other parts of the Council.
- Some of the problems we are experiencing at the moment, as an example, the stability of the domiciliary care markets. They are experiencing real pressures being able to meet demand and similar for our in house services. What we are experiencing right now is that of fragility, particularly the external market. It is leading to us having to step in at very short notice. When we are already really stretched it is really difficult for us.
- We do not tend to have purely contractual arrangement with organisations but a more of a co-productive approach. That is good but it does mean that we have to step in and support organisations much more actively than we would perhaps need to with other sorts of contractual arrangements.
- Our resources to meet care and support needs in both health and social care are stretched in ways that we have never experienced historically. This has been compounded by experiencing issues around workforce being impacted directly by COVID. This is having a huge strain on our services and the sector. Staff are also exhausted, staff are leaving health and care services and where we already have got huge competition for that workforce this is difficult. It is still a low paid workforce, Welsh government have expressed ambition to do something about this.
- The services in this directorate are about people so it is different from buying goods. In 2018 the authority created a virtual commissioning hub that brings all of our Commission and contracts within the different teams across the directorate together. This is to make sure that we can build capacity across all elements of that Commission and the cycle. It also helps when analysing what the market looks like? What the current situation is and needs planning done around? How we would meet that need and then thinking about how we could do it in different ways.
- There has been a huge amount of work done since there so 2016 around non-compliance to ensure that social care contracts are compliant with the County Council contract procedure rules and the public contract regulations. We do have a huge amount of contracts, around 133 at this point. Currently about 8 are non-compliant and have had a waiver for a period of time (this is usually for 1 year), we do not renew those waivers. We do also work closely working with the National Commissioning Board around Social Care Wales.
- Contracts are refreshed regularly and have ongoing monitoring.

- There is a piece of legislation or guidance to come in this month (September) that will now look at those exit strategies after Covid as we taper down support. But again, it is a very much of a moving beast as things move so quickly.
- The legislation will also give some high level principles about working through and reviewing our contractor arrangements and looking closely at the contracts. If there has been some really good innovation and different things that we have done over the COVID period then we need to consider that moving forward.
- We do ensure that there is a consistency of approach in alignment with the Council strategies and objectives, it is discussed in our people commissioning group. This includes bringing in adult services, children, services, prevention services, education and housing to make sure that we can have that consistent approach for the residents of Swansea. We also look at where we can join up some resources and grant funding opportunities.
- Grant funding has its own approval processes, which is slightly different and are on top of revenue funding.
- When we work through the commissioning process we look at Contract Procedure Rules and other relevant policy as well as considering things like the Wellbeing and Future Generations Act. Also other regional drivers including social value and community benefits, this is all included in the tender packs as well.
- We have the standard terms and conditions that look at social value, community benefits, modern slavery, Welsh language, equal opportunities and safeguarding. So if a contractor failed one of those they would not be able to operate a contract. We do 'meet the buyer' events to ensure those contractors understand the requirements.
- We make sure that all of the public sector equality duties are met. IIA process for screening are put on full reports.
- Training on procurement and tendering is done jointly, commissioning and procurement training done together for teams across the directorate.
- We are under the normal audit procedure for the Council, but we do have external audit requirements in terms of the large grants, mainly the housing support grant and the children communities grant, and that is carried out by West government.
- In terms of Brexit (and in conjunction with Covid) we have experienced some supply issues and currently a shortage of HGV drivers. Some issues in terms of some supplies, for example, with the joint equipment store having longer lead in times, especially for some key equipment which has a knock on effect of delaying discharges from hospital etc. But there is a national viewpoint on this led by the NHS supply chain in Wales so we are looking to use our collective buying power to see how we can address this.
- As far as working with Health, we are working more closely with Health following Covid which has been positive, but it is still a journey and there is still a way to go.
- In terms of when we award a contract we do not necessarily award to the lowest bidder because of the nature of the contracts that we provide. As it is services to people we provide rather than a product we look at 70% of the contract award

being about quality of service. So that we are making sure they are applying with all of the requirements fully and that they are registered in the proper way.

- Monitoring of compliance is built within the contract specifications. When we award we have an inception meeting that talks to the provider in terms of managing expectations between both parties. Compliance will be monitored regularly, some quarterly but many more frequently that, depending on the type of contract.

The Panel have asked for the follow up information below to be supplied to a future meeting of the Panel:

1. Standard Terms and Conditions for Contracts (Social Services)
2. Membership of the Commissioning Group
3. How many contracts not compliant and the current position
4. Update of figures in table 3.5
5. What will the effect of the new NI contributions on Social Services, staff and providers (positives/negatives)?
6. Details of the Real Living Wage and the impact on the Council and providers (positive/negatives)
7. Link to the Legislation mentioned provided

6 Inquiry Project Plan

The Panel agreed to add Business Wales to the evidence gathering meeting on the 10 November.

The meeting ended at 11.40 am

Chair

Response from the Place Directorate

Find below the responses to the follow up questions sent to the Place Directorate following the Panel meeting with them on the 16 August.

PANEL QUERIES	RESPONSES
<p>a) Sustainability Statement - What form does this take and who puts it together? Is the Council's ecologist/s involved? Can you provide an example of a statement for context?</p>	<p>The example Sustainability Statement (attached) is written by Penny Gruffydd, Sustainable Policy Officer, Nature Conservation Team. It is designed to set out the Council's expectations in achieving high standards of sustainable development and environmental performance for the regeneration work in the Swansea Central Area, reflecting the Swansea Central Regeneration Framework and national and local legislation. The Sustainability Statement is based on the Councils' Wellbeing Objectives, the Wellbeing of Future Generations (Wales) Act, Environment (Wales) Act and other relevant legislation. The principles are developed with colleagues from Waste Management, Energy, Procurement, Play, Nature Conservation Team and the Beyond Bricks and Mortar Team. The example Sustainability Statement from early 2020 predates the Council's Zero Carbon target, the Climate Change Charter and the now adopted GI Strategy Swansea Central Area: Regenerating Our City for Wellbeing and Wildlife (mentioned the Statement as a draft). Statements are updated and designed for each regeneration project, so future statements will reflect these and other emerging targets / strategies and policies. The Council's Ecologist has not been involved with advising on individual procurement contracts, however, the Council has recently appointed a Biodiversity Officer to ensure the Council takes fully into account its biodiversity duty in all of its actions.</p>
<p>b) In section 13.6 of the report you mention the current Council pilot project, can you provide us with a little more information on that?</p>	<p>This project seeks to review and renew our focus on social value in line with the review of procurement legislation that is being undertaken by the Welsh and UK governments (where legal changes which allow an enhanced focus on social value are being considered). The Council has already had great success in delivering socially beneficial outcomes, e.g. energy efficient homes and electric vehicles, and so this project looks to build on that success and see how we can further integrate social value criteria in our decision-making and we will review a range of models to see how they can be</p>

	<p>applied in Swansea (e.g the Welsh local government association's work in this area and its themes and outcomes model). Two pilot projects have been chosen – Bryntawe School and the Mumbles seawall defence renewal, with these projects to be tendered this autumn. The lessons learned from these projects will then be applied to all major procurements going forward.</p>
<p>c) How many local firms have been engaged and how many of those employ local people? Could you include the number of contracts and spend?</p>	<p>The most recent data (based on total Council spend in 2020-21) shows some £102m was spent with organisations operating in the Swansea area, and a further £36m in the wider south west Wales, and an additional £54m in the rest of Wales (data based on companies with an operating base with staff in these areas, for some 1700 organisations).</p>
<p>d) How do we break up projects to ensure fairness and non-preferential treatment? Can you provide a little more information on the pilot project with Welsh Government and what those requirements are?</p>	<p>Fairness and transparency are integral to our procurement process, and as mentioned we openly advertise for new providers. The rationale for this work is to enable smaller companies to bid for packets of work that suit their capacity as they often will not have the resources to take on very large projects. In practical terms this means assessing our forward programme of work and then identifying where it would be beneficial for such activity to take place and then openly tendering accordingly (thus ensuring fairness and non-preferential treatment). The Welsh Government funded project looked at barriers for smaller companies in obtaining public sector contracts and the size of the contract was identified as an issue (with a preference shown for smaller sized contracts by small enterprises, hence our activity in this area).</p>
<p>e) How do we check suitability and risk status of Contractors?</p>	<p>Supplier Suitability is carried out during the procurement stage including financial analysis. We would check both the technical competency of the supplier - so here we might ask for certain industry accreditations and or written responses to show technical knowledge - and also undertake other appropriate due diligence such as ensuring suppliers have appropriate insurance cover.</p>
<p>f) Do Contractors get an increased credit rating by being on a framework with the Council?</p>	<p>No, contractors would not get an increased credit rating by being on a framework. Credit ratings are calculated by independent companies that assess the financial accounts of suppliers using variables such as profitability, number of years of trading and debt profiles, compared against industry averages, so being on a Council framework would not in itself change that rating.</p>



SWANSEA COUNCIL

CITY CENTRE REGERNATION PROGRAMME

EXAMPLE

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Introduction

Swansea Council has recognised for many years that taking a sustainable development approach is central to ensuring Swansea is a great place to live now and in the future. Somewhere that is inclusive and safe and supports a prosperous and resilient economy, recognises and benefits fully from its exceptional environment and promotes good health.

This Sustainability Statement sets out the Council's expectations in achieving high standards of sustainable development and environmental performance which will seek to progress the economic, social, cultural and environmental goals as set out in the Swansea Central Regeneration Framework and in national and local legislation policies.

Swansea Council has a well-being duty under the Well-being of Future Generations (Wales) Act 2015 to improve social, economic, environmental and cultural well-being in Wales by taking action to ensure that both current and future generations meet their wellbeing needs (the 'sustainable development' principle).

The Environment (Wales) Act 2016 is designed to ensure Wales's long term well-being and to enable current and future generations to benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities. Under the Act Swansea Council has an enhanced biodiversity and resilience of ecosystems duty.

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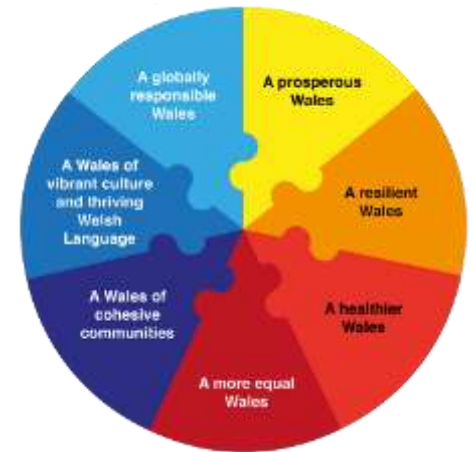
Background

Well-being of Future Generations Act (Wales) 2015

The Act requires public bodies in Wales to carry out sustainable development, the process of improving the social, economic, environmental and cultural well-being of Wales, by working toward 7 well-being goals and by planning for the long term, working better with people and communities and each other, looking to prevent problems and taking a more joined-up approach (the five ways of working).

Consultation and engagement on the Council's 2020/22 Corporate Plan identified a number of challenges:

- Population changes – a growing, ageing and more diverse Swansea.
- Economic changes – attracting investment, high quality jobs and new technology into Swansea while addressing the skills gap.



- Climate change – risks from flooding, air and water quality, dangers to ecosystems and biodiversity and energy security.
- Social and cultural changes – addressing inequalities in health, education, employment and life chances.

To address these challenges the Council has prioritised six well-being objectives:

1. **Safeguarding people from harm** – so that our citizens are free from harm and exploitation.
2. **Improving Education & Skills** – so that everyone in Swansea gains the skills and qualifications they need to succeed in life.
3. **Transforming our Economy & Infrastructure** - so that Swansea has a thriving mixed use City Centre and a local economy that will support the prosperity of our citizens
4. **Tackling Poverty** – so that every person in Swansea can achieve his or her potential.
5. **Managing and enhancing Swansea's Natural Resources and Biodiversity** - so that we maintain and enhance biodiversity, reduce our carbon footprint, improve our knowledge and understanding of our natural environment and benefit health and well-being.
6. **Transformation & Future Council development** – so that we and the services that we provide are sustainable and fit for the future.

More information on the Act can be found here - <https://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

Swansea PSB Local Well-being Plan: 'Working Together to Build a Better Future'

Every local council area in Wales is legally, through the Well-being of Future Generations (Wales) Act 2015, required to have a Public Services Board (PSB) whose purpose is to work collectively to improve local social, economic, environmental and cultural well-being.

Swansea Public Services Board (PSB) is made up of four statutory members of the Board; Abertawe Bro Morgannwg University Health Board, Natural Resources Wales, the Fire and Rescue Service and the Council. The Board also involves other organisations that have an interest in the wellbeing of the area for example the police and the universities.

Each PSB is required to carry out an Assessment of Well-being to understand current levels of well-being and to produce a Local Well-being Plan in order to improve well-being. In May 2018 Swansea's PSB published 'Working together to Build a Better Future' their first Local Well-being Plan. The Plan identifies four objectives for collective action underpinned by a cross cutting action:

1. **Early years:** to ensure that children have the best start in life to be the best they can be.
2. **Live well, Age well:** to make Swansea a great place to live and age well.
3. **Working with Nature:** to improve health, enhance biodiversity and reduce our carbon footprint.
4. **Stronger Communities:** to build stronger communities with a sense of pride and belonging.
5. **Cross Cutting Action:** to work towards integrated public services in Swansea by sharing resources, assets and expertise.

As a statutory member of the PSB the Council has collective responsibility with the other three statutory members for ensuring the Board improve Swansea's well-being.

More information on the Local Well-being Plan can be found here - <https://www.swansea.gov.uk/localwellbeingplan>

Planning Act (Wales) 2015

The Act states that development and the use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The concept of sustainable development has been at the heart of the planning system for many years. Planning Policy Wales, Edition 10 maximises the contribution the planning system can make to the achievement of the Well-being of Future Generations Act (Wales), through place making and identifies five key planning principles as required that all development plan and proposals are prepared within the context of these principles. The distinctive and natural places principle recognises the fundamental role green infrastructure and ecosystem services play in placemaking and the planning systems implementation of Section 6 of the Environment Act (Wales).



The Council's Local Development Plan's policies are designed to deliver sustainable development and maximise Swansea's social, economic environmental and cultural wellbeing. Policy SD J Swansea Central Area, sets out placemaking principles for the city centre which reflect those of PPW 10, and policies all of which contribute to maximising Swansea's well-being. More information on the Local Development Plan can be found here: <https://www.swansea.gov.uk/article/48659/Adopted-Local-Development-Plan-LDP>

Environment Act (Wales) 2016

The Act is designed to ensure Wales's long term well-being and to enable current and future generations to benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities. It positions Wales as a low carbon, green economy ready to adapt to the impacts of climate change by ensuring a joined-up legislative approach to enable the sustainable management and enhancement of natural resources, by establishing a legislative framework to tackle climate change and by clarifying / strengthening existing regulations on waste, fisheries, flooding and coastal erosion and the carrier bag charging scheme. Under the Act Swansea Council has an enhanced biodiversity and resilience of ecosystems duty (the S6 duty). To comply with the S6 duty the Council should embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities. Under the Environment (Wales) Act 2016 Swansea Council has an enhanced biodiversity and resilience of ecosystems duty (the S6 duty).

In doing so, we must also have regard to:

- Section 7 list of habitats and species of principal importance for Wales.
- State of Natural Resources Report (SoNaRR), published by NRW.
- Area Statement(s) covering all or part of the area in which the authority exercises its functions, once these are produced.
- Nature Recovery Action Plan for Wales (NRAP).

Swansea Council must also prepare and publish a plan setting out what they propose to do to maintain and enhance biodiversity, and promote the resilience of ecosystems, in particular the following aspects:

- (a) the diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

More information on the Act can be found here - <https://gov.wales/topics/environmentcountryside/consmanagement/natural-resources-management/environment-act/?lang=en>

These three Acts work in tandem to improve Wales's well-being.

Schedule Flood and Water Management Act 2010 Statutory SuDS Standards (Wales) 2019

From January 2019, all new developments, of more than 1 dwelling house or where the construction area is 100m² or more, will require Sustainable Drainage Systems (SuDS) for surface water. SuDS aims to manage rainfall in a way similar to natural processes, making use of the landscape and natural vegetation to control the flow and volume of surface water. SuDS can deliver multiple benefits including flood risk reduction, improved water quality, opportunities for habitat creation, enhanced biodiversity and supporting well-being through bringing people closer to green and blue community spaces. More information on the regulations can be found here:

<https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>

United Nations Convention on the Right of a Child (1989)

In September 2013 it was agreed that the United Nations Convention on the Rights of a Child (1989) ('the UNCRC') be embedded and become part of Council's Policy Framework and that a duty be placed on the Cabinet to have 'due regard' to the UNCRC when exercising its decision making functions in:

- The formulation of new policies and strategies for the Authority
- The review and amendment of existing policies and strategies for the Authority
- The development, confirmation or amendment of operational decisions that rest within the remit of the cabinet.

The Council's Children and Young People's Right's Scheme can be found here: <https://www.swansea.gov.uk/childrensrightsscheme>

Dublin Declaration on Age-friendly Cities and Communities in Europe 2013

As Swansea is growing, the population is ageing. Soon, people aged 60 years and over will outnumber children for the first time in history. People are living longer lives, so as a city it is crucial the Council support active ageing and ensure age friendly environments are created that foster health and wellbeing, participation and are accessible, equitable, inclusive, safe and supportive (World Health Organisation, 2007).

In 2013 Swansea signed up to Dublin Declaration on Age Friendly Cities and Communities in Swansea, endorsing the principles of the WHO policies on Active Ageing and Age Friendly Cities. Amongst a number of pledges to support active ageing, the Council pledged to adopt measures to develop urban spaces and public places that are inclusive, sharable and desirable to all and meet the needs of an ageing society. The World Health Organisation's age friendly cities guidance is based on the views of older people from across the world. This holistic guide focuses on a number of key domains that make up an Age Friendly City. The guidelines can be accessed here:

https://www.who.int/ageing/age_friendly_cities_guide/en/

Since 2009, Swansea Council has operated a Community Benefits Policy. Known as Beyond Bricks & Mortar (BB&M), it was developed to help tackle poverty and promote inclusion by adding value locally to the delivery of physical regeneration and large scale projects.

Community Benefits Policy

The policy aims to address barriers to entering the labour market and create opportunities for all Swansea's citizens, thereby helping to lift individuals and households out of poverty. It meets the aspirations of the Wellbeing of Future Generations Act, impacting on four of the Council's five key priorities and delivering on the commitment in Swansea Council's procurement strategy.

The approach is delivering an impact on deprivation by addressing the need for more training, job placement and employment progression routes for the economically inactive and unemployed, leading to higher skilled, higher paid and sustainable jobs; encouraging more supply chain opportunities to be made available for SME's and local businesses; working with the wider community and schools.

Beyond Bricks and Mortar Team (BB&M)

BB&M dedicated team identifies the Community Benefit requirements of all Council projects and procurement as part of the Council's Sustainable Risk Assessment, setting appropriate targets. BB&M focus is on:

1. Targeted Recruitment & Training: setting specific targets for training and recruitment opportunities on projects to be filled by NEETs, the long term unemployed and economically inactive, enabling them to gain skills and experience with a view to creating sustainable jobs at contract end.
2. Supply chain initiatives: BB&M encourage all successful contractors working on Swansea Council's contracts to proactively encourage local sub-contractors and participate in Meet the Buyer events to ensure local businesses have an opportunity to tender. Developers can enable this by making explicit with their chosen contractor.
3. Welsh Government Community Benefit Tool: successful contractors must complete the Welsh Government Community Benefit tool in order to capture as much data as possible on the benefits achieved from the project.
4. Other community benefits such as working with the community, any relevant community specific projects, mentoring programmes and working with local schools and colleges on educational initiatives.

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In addition to these key pieces of Welsh legislation and local policy there are a number of other pieces of legislation and policies at an international, national and local level which drive and support sustainability including:

International legislation / policies of relevance	European legislation / policies of relevance	UK legislation / policies of relevance	Welsh legislation / policies of relevance	Local legislation / policies of relevance
<ul style="list-style-type: none"> • Convention on biological Diversity 1992 • WHO Age Friendly Cities Guidance • Dublin Declaration • UNCRC • Universal Declaration of Human Rights 	<ul style="list-style-type: none"> • Waste framework Directive (2008/98/EC) • Water Framework Directive 2000/60/EC • Habitat Directive 92/43/EEC • Birds Directive 2009/147/EC 	<ul style="list-style-type: none"> • Climate Change Act 2008 • Wildlife and Countryside Act 1981 	<ul style="list-style-type: none"> • Active Travel (Wales) Act 2013 • The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 • Community Cohesion National Delivery Plan 2017- 2020 	<ul style="list-style-type: none"> • Swansea Local Development Plan Draft Plan July 2016 • Swansea Central Area: Regeneration Framework • Places to Live: Residential Design Guide 2014

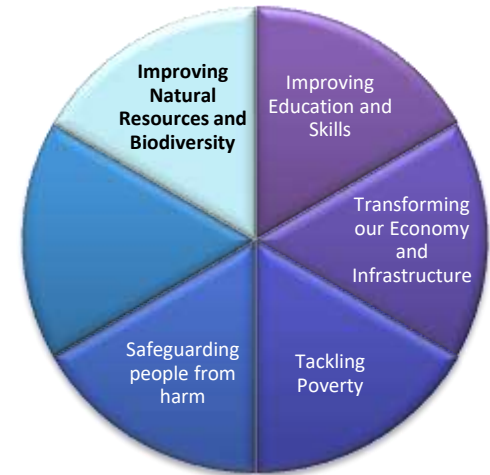
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 135</p>			<ul style="list-style-type: none"> • Countryside and Rights of Way Act 2000 • Natural Environmental and Rural Communities Act 2006 • Natural Resources Policy 2016 • National Nature Recovery Plan for Wales 2015 • Welsh language (wales) Measure 2011 • Cymraeg 2050 A Million Welsh Speakers (Welsh Ministers Strategy) • Children’s Rights Measure Wales • Welsh Government Play Policy 2002 • Sustainable Drainage (Wales) Regulations 2018 	<ul style="list-style-type: none"> • Tall Buildings Strategy Supplementary Planning Guidance 2016 • City and County of Swansea’s Energy Strategy • Local Biodiversity Action Plan 2005 • AONB Management Plan 2017 • Compliance Notice Section 44 Welsh Language (Wales) Measure 2011 City and County of Swansea • Countryside Access Plan 2007 • Ageing well Plan • Children’s Rights Scheme
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Design principles

This section aims to enable the Council to achieve its well-being objectives and maximise the well-being opportunities of the City Centre Regeneration Programme by implementing the sustainable development principle. The principles also enable the Council to deliver elements of the Environment Act.

The principles have been set out under the well-being goals, however many will contribute to more than one goal so the benefits are multiple. The design principles also contribute to the Councils Well-being objectives. This contribution is depicted in the illustration at the start of each goal.

A Prosperous Wales – An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionally (including action on climate change); and which develop a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

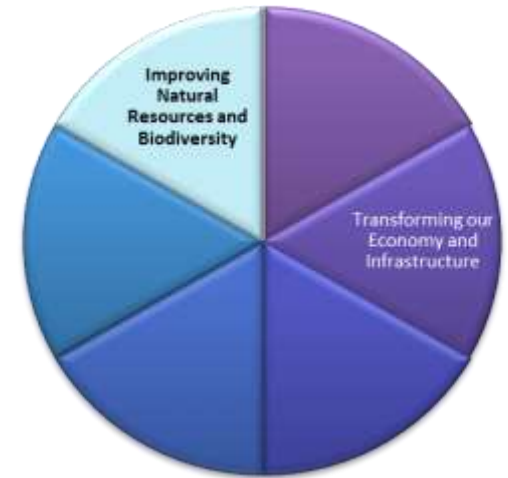


Design principles:

- Create high quality work and living spaces that retain talent and bring in new jobs, with a focus on retail, leisure, service and creative industries.
- Address climate change and contribute to the target 3% per annum CO₂ reduction through:
 - the design and layout and performance of buildings and by reducing the use of natural resources during construction and operation,
 - adopting good practise energy objectives including following the energy hierarchy, using passive measures like thermal mass, external shading / solar gain,
 - using renewable energy technologies where possible, i.e. PV, heat pump technology, solar hot water.
- Design out waste in line with the Waste Hierarchy:
 - set targets for waste reduction and recovery of individual waste streams,
 - minimum of 90% of all waste should be prepared for reuse, recycled or recovered,
 - 20% of the total value of materials to be derived from recycled, recovered or reused material,
 - monitor and measure and report waste through the construction phase using industry benchmarks / management tools.
- Manage our water resources more sustainably, grey water and rain harvesting.
- Engage with Universities and Colleges to offer placements to Graduates through Go Wales or similar schemes e.g. work taster placements of up to 4 weeks unpaid for a minimum of 4 graduates per annum, travel cost to be covered.

- Offer one 4-6 weeks paid work placement per project to graduates through Go Wales or similar schemes from Universities and Colleges nominated by Beyond Bricks and Mortar.
- Work with the Beyond Bricks and Mortar Programme to provide recruitment / training opportunities to the local workforce prior to external recruitment, any candidates identified to be given a guaranteed interview.
- Engage with SME's offering opportunities to bid for sub-contract work with organisations throughout the South West region
- Participate in educational talks or careers events with the Universities, Colleges or schools nominated by Beyond Bricks and Mortar, a minimum of two per year.
- Supply one employee per annum for a 6 month secondment to be placed with a nominated Local Authority / Authorities. Provide the opportunity for one 6 month secondment position per annum for a Local Authority employee from one of the 5 Framework Authorities to work at one of the consultancy's offices
- Participate in a Higher Apprenticeship Scheme, currently being developed through a small number of organisations by providing a minimum of 3 months placements to participants of the scheme, with a minimum of 4 placements per year should participants be available.
- Provide briefings/ training sessions for Swansea Council staff once every quarter on topics to be agreed with individual Authorities.
- Engage positively with school aged children e.g. work placements for secondary school children and college students, development of bespoke qualifications with local colleges, volunteering at local school events, visits to primary schools to engage with younger children, landscaping and building services support to regenerate school playgrounds.

A Resilient Wales: A nation which maintains and enhances a biodiverse natural environments with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).



Design principles:

- Currently terrestrial green cover in the city centre is estimated to be around 13%. *Swansea Central Area: Regenerating our City for Wildlife and Wellbeing* in the draft Green Infrastructure strategy for the Swansea Central area The Strategy aims to create a nature-full or biophilic city with a resilient natural environment which is biodiverse and can adapt to climate change and align to economic, social and cultural considerations. The strategy objectives will be achieved by applying the 5 principles of green infrastructure:

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- multifunctional,
 - biodiverse,
 - adapted for climate change,
 - healthy and
 - smart and sustainable,
- Swansea Council has broadly mapped existing green infrastructure features and identified opportunity areas where creating or enhancing green infrastructure will have the best/most effective outcome in terms of addressing environmental problems or deficiencies e.g. air pollution or flood risk hot spots, lack of accessible green space or ecological connectivity etc. This data should be used to inform designs and enhance environmental reliance by reducing or mitigating against negative impacts and by maximising opportunities to create and strengthen green infrastructure.
 - Improve access to green space.
 - Ensure all the relevant environmental assessments / surveys are carried out, e.g. ecological surveys, flood consequence assessments, groundwater abstraction, drainage strategy and pollution to ensure the site can support healthy functioning ecosystems.

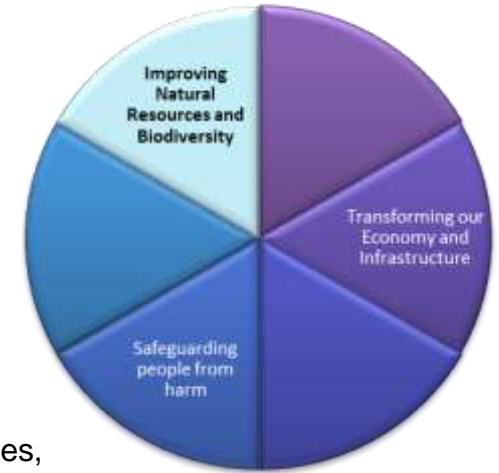
- Green cover needs to extend and strengthen the existing ground level network as well as vegetation on build structures. Design green infrastructure such as street trees, road verges, rain gardens, green roofs / facades / walls, sustainable urban drainage systems to:
 - retain and enhance existing / established green infrastructure, i.e. trees / ecological features.
 - improve ecological connectivity across the city centre and link to the wider network of green corridors within and across adjoining districts.
 - encourage biodiversity by including native species and pollinator friendly species.
 - reduce urban heating and the urban heat island effect by providing evaporative cooling, solar shading and microclimates.
 - reduce and manage flooding and recycle water.
 - remove air, noise and water pollution.
 - sequester carbon.

- Unitise natural water management and design in blue infrastructure / rainscaping where appropriate to reduce surface water run and meet SuDS legislation i.e. swales, rain gardens, porous paving, filter steps, grass channels and green roofs, maximising water quality, amenity and biodiversity value.

- Minimise environmental risks by employing a Construction Environmental Management Plan ensure good environmental practise during the construction phase i.e. reusing soil on site as appropriate, avoiding soil compaction around established trees, ensuring the preservation of existing bird and bat roosts in roof spaces.

- Management strategy for all ecological features and landscaping to be implemented and a monitoring strategy to be proposed, for example a Green Infrastructure Strategy and /or Ecological Management Plan.

A Healthy Wales: A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit health are understood.



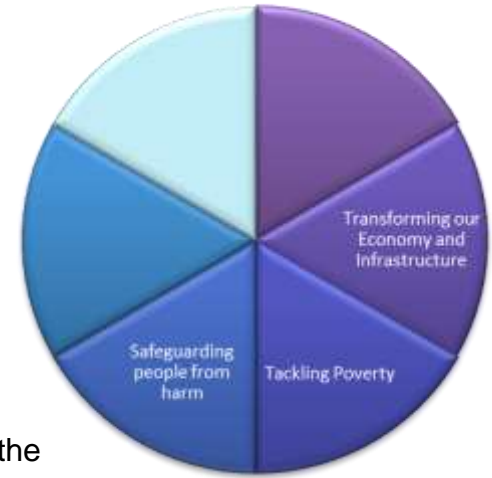
Design principles:

- Incorporate features which improve physical and mental well-being i.e. pedestrianised streets, cycle routes, access to recreational / green space.
- Carry out air quality and noise assessments to ensure people are not exposed to unacceptable levels of air or noise pollution.
- Encourage through the design the use of sustainable modes of transport:
 - the layout provides safe, direct and attractive routes for residents, pedestrians and cyclists which are permeable and legible, with clear landmarks which encourage orientation and ease of movement, linking with adjoining districts / communities.
 - Identify likely pedestrian 'desired' routes.
 - New cycle routes connect with existing cycle routes within the development site and across to adjacent districts and provide secure cycling parking facilities.
- Include electrical vehicle charging points as part of the car parking strategy to help reduce air pollution.
- Ensure the design maximises use of natural lighting / provides good levels of solar exposure as well as shade from the sun.
- Lighting of open spaces is designed to enhance the public realm, be energy efficient, provide lit routes whilst mitigating against negative impacts and preventing light pollution.

A More Equal Wales: A Society that enables people to fulfil their potential no matter what their background or circumstance (including their socio-economic background and circumstance).

Design principles:

- Access and inclusiveness to be at the heart of the design stage and comply with the requirements of the Equalities Act, e.g. visual impairment, language, learning disabilities and cultural and religious needs, and the Welsh Language (Wales) Measure 2011.
- Ensure a balance of different forms of housing including affordable housing in line with the Council's policy.
- Design public realm and recreational space to be multi-generational, i.e. accessible and welcoming to all ages and cultures.
- Play strategy to be designed to enable all ages and abilities to use the different facilities and provide informal play opportunities which are accessible to all.



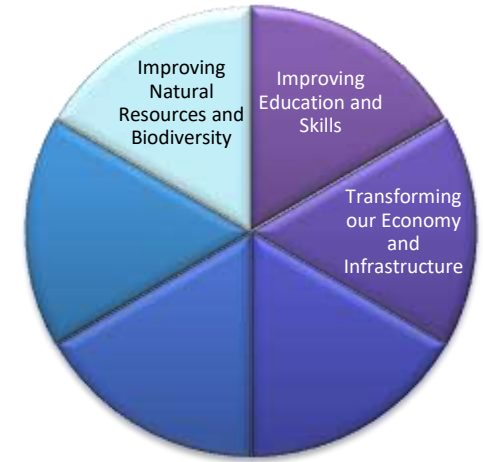
A Wales of Cohesive Communities: Attractive, viable, safe and well-connected communities.



Design Principles:

- Deliver social benefits directly to the community in which the contractor will operate, e.g. volunteering days, landscaping and building services support to general communal areas, support for local youth groups and other community groups, providing community newsletters advising on impact of the works.
- Create distinctive, safe and vibrant spaces that encourage and promote social interaction and a range of cultural and recreational activities.
- Create safe and attractive environments with adequate lighting and good quality surfaces.
- Ensure that new residential developments are designed to be inclusive meeting the needs and providing the right services and facilities for the local community and the diversity of Swansea's wider population.
- Ensure the layout and design connect well with adjoining communities.
- Facilitate the participation of all sections of the community, to ensure the proposals strengthen and reinforce community aspirations and needs.
- New developments need to comply with current equal opportunity legalisation.
- Ensure that any consultation, questionnaires or other engagement activities are carried out over the term of the project meet the Welsh Language Standard, i.e. are providing bilingually.
- Ensure that any consultation, questionnaires and other engagement activities meet the needs of the cultural diversity of the communities involved.

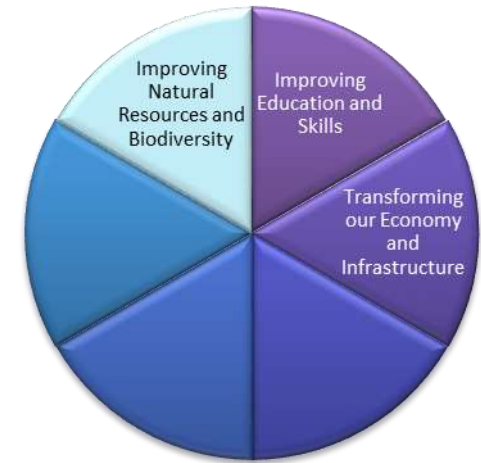
A Wales of Vibrant Culture and Thriving Welsh Language: A society that promotes culture, heritage and the Welsh Language, and which encourages people to participate in the arts, sports and recreation.



Design Principles:

- Ensure the design fosters a sense of identity and local distinctiveness reflecting Swansea's natural, built heritage and diversity of language and culture in the past and present.
- Public art fosters a sense of identity and local distinctiveness i.e. past and present industry, the natural environment.
- Enhance the appearance of listed buildings and other landmarks of specific cultural and / or historical relevance to increase local heritage value.
- Design in the option to use public realm and greenspace to host a range of events and well as for recreational use.
- Include local / welsh / traditional materials in the design palette and use local skills and processes in their construction / application wherever possible to support local and traditional skills and industries.
- Ensure that any signage displayed during the construction process are bilingual with Welsh first, in line with the Welsh Language Standard.
- Ensure that any signage in public buildings are bilingual with Welsh first, in line with the Welsh Language Standard

A Globally Responsible Wales: A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.



Design Principles:

- Developments are ‘future proofed’ using current future trends information. For example:
 - buildings and the public realm are designed for the long term, with flexible spaces which can be adapted for change of use.
 - provision is built into the design for future technologies as far possible, i.e. connection points for future district heating systems.
 - provision is made for the changes in Swansea’s demographics including migration and ageing population.
 - Maximising innovation potential of local knowledge economy i.e. connections with the higher education establishments locally and globally.
- Buildings to be certified under the internationally recognised Building Research Establishment Environmental Assessment Method (BREEAM).
- Public realm projects to be managed using an international recognised sustainability assessment for infrastructure scheme like CEEQUAL / BREEAM Infrastructure
- Take an ecosystem service approach to the sustainable management of water, land and waste, making the best use of virgin natural resources, and use recycled materials.
- Adopt a sustainable procurement approach to ensure best value for money on a whole life basis by supporting local supply chains, using low carbon, sustainable and ethically sourced goods (i.e. FSC certified timber) to reduce carbon and the use of natural resources and support fair trading.
- This Statement includes a number of sustainable procurement criteria and is aligned to BS ISO 204000:2017. However a separate more detailed Sustainable Procurement Plan will need to be developed in line with the Standard to meet the requirements set out under *BREEAM Mat 03: Responsible Sourcing of materials* including aims, objectives and targets to guide and monitor sustainable procurement activity, including

the use of recycled / recovered materials, supporting local supply chains. The content and implementation of the Sustainable Procurement Plan will be monitored as part of the Sustainability Tracker and will track the Plan's contribution to social, economic, environmental and cultural sustainability.

- Other standards such as FSC timber, Fair trade, Rainforest Alliance or similar where applicable for the procurement process or materials / products to demonstrate social, environmental and economic sustainability.

Applying the Ways of Working

The Well-being of Future Generation's (Wales) Act 2015 asks that in carrying out sustainable development, public bodies practise the following five ways of working; by taking a long term approach, considering the impact that our actions will have on future generations, by working together in a joined up way to prevent problems from occurring or getting worse and by involving all stakeholders. In delivering this Sustainability Statement the Council practising the ways of working by:

Enabling early intervention by taking account of future challenges to identify and prevent problems and to as far as possible future proof the city centre.

Delivering a City Centre which is designed to meet current needs and future needs.

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Fostering open dialogue with partners and stakeholders to understand impacts and trade-offs and ensure balanced solutions.

Working collaboratively with partners and stakeholders to share knowledge, skills and experiences.

Consulting extensively with stakeholders and the local community during each stage of the Programme.



Report of the Director for Social Services

Procurement Scrutiny Performance Panel – 13th September 2021

Procurement & Commissioning–Social Services Directorate

Purpose:	To brief the Scrutiny Panel with a high level overview of procurement processes and activity at Swansea Council's Social Services Directorate to help inform the Panel Inquiry
Content:	The report gives an overview of procurement in Swansea Council's Social Services Directorate
Councillors are being asked to:	Consider the information given as part of the inquiry into procurement
Lead Councillors:	Councillor Mark Child Councillor Elliot King Councillor Alyson Pugh Councillor Louise Gibbard
Lead Officer & Report Authors:	Dave Howes, Director of Social Services Jane Whitmore Strategic Lead Commissioner Peter Field, Adult Service Lead Commissioner Chris Francis, Child & Family Lead Commissioner Lee Morgan, Category Manager for Social Care

1. Background and Context

- 1.1 In 2018 we brought together commissioning teams across the Directorate and to further develop the work around commissioning and procurement to ensure coherence with front line service delivery to enable us to;
- Progress the work to develop a single view of the customer
 - Provide a natural enabler to develop to efficiencies
 - Understand need through co-productive techniques
 - Achieve greater efficiency through common approaches and a more coherent, simple and strategic approach to contractors
- 1.2 To progress this work and share resources we created a Commissioning Hub to bring together all commissioning and contracting roles within existing teams in the Social Services Directorate.

- 1.3 It was noted that at that point in time that in order to build capacity across all areas of the commissioning cycle we would need to develop procurement expertise within the commissioning hub. Consideration of the benefits of integrating the procurement function in a formal way to drive forward transformation, ensuring we build shared skills and capacity in an integrated way of commissioning, procurement and contract management is still an area to be explored.

The current version of the Council's Contract Procedure Rules (CPR) came into effect in November 2019 and prior to this all social care contracts were exempt from the requirements of CPR. The new CPR for the Council continued to take into account the complexities of social care procurement and therefore a number of exemptions were maintained at the discretion of the Director of Social Services, these are contained within CPR 1.10.

- 1.4 All public sector procurement (including Health & Social Care) is regulated and governed by directives and legislation set out in the European Union (EU) Procurement Directives. In 2015 the Legislation which governs public procurement was also brought into force, The Directives have been implemented into national law in the UK by Regulations. The current Regulations came into force on 26 February 2015. The Regulations are The Public Contracts Regulations 2015.
- 1.5 The Public Contract Regulations 2015 contain a specific set of rules for certain social, health and education services, this is referred to as the Light Touch Regime (LTR). described in regulations 74- 76 of The Public Contracts Regulations 2015.
- 1.6 As a result, in 2015 a Category Manager from the Procurement Team was dedicated to reviewing and re-tendering contracts classed as social care (including children's, adults, prevention and education services). A Procurement Officer was assigned to assist the Category Manager in September 2016.
- 1.7 This change has had an impact on commissioning, contracting and procurement arrangements in social care; historically there was an embedded culture of relational contracting with external providers and a tradition of rolling over existing contracts and a consequence of this was not only non-compliance but highlighted a knowledge gap in relation to the procurement process.
- 1.8 This knowledge gap has been filled by the support of the dedicated Category Manager for Social Care and the integration of this role has been an invaluable resource for officers across the Social Services Directorate and as a consequence knowledge and compliance has improved.
- 1.9 An integrated commissioning, procurement and contract management approach was highlighted in the last internal audit of Social Care with the recommendation that *"Resources should continue to be allocated to ensuring all social care contracts are compliant with the Council's Contract Procedure Rules and the Public Contract Regulations 2015"*.

- 1.10 Within the Social Services Directorate, there are approximately 133 contracts in place with an approximate annual value of £66 Million. We have adopted a targeted approach to re-tendering contracts and prioritising contracts relating to service areas with large areas of spend. In addition to this spend there is also an additional approximately £25 million on residential and nursing care across the directorate.
- 1.11 This approach continues and has been expanded through the development of a Directorate work plan that enables any non-compliance issues to be addressed and ensure we have a prioritised procurement plan that can be matched against resource available to carry out this work.
- 1.12 The National Commissioning Board (NCB) working in partnership with Social Care Wales has produced guidance around a practical legal guide for commissioners and procurement officer which outlines a modern, outcome based collaborative procurement guide <https://www.wlga.wales/procurement-of-services>, in the production of this guidance the Category Manager was approached for feedback and to comment on how this would benefit the work within Swansea.
- 1.13 The purpose for this guidance was driven by the need to ensure that procurement practice supports the delivery of services in line with the intentions of Welsh Government policy and legislation relating to health and social care services.
- 1.14 The way services are commissioned and the procurement process that entails, needs to change. Understanding how a more flexible, effective and affordable service might be delivered is key to realising the central ambition and expectation of recent legislation.
- 1.15 We have been working towards this approach over the last few years but recognise there is still work to extend and formally embed as we transform services.

2 Impact of Covid

- 2.1 Covid 19 has significantly impacted the contracting and procurement of Social Care services and we have worked continually with our service providers to support them to ensure they are able to deliver and support the most vulnerable within our society.
- 2.2 A Procurement Policy Note (PPN) was issued by the UK Government and endorsed by the Welsh Government in July 2020 to enable the Council to have the flexibility to ensure we continue to:
- Review contract portfolio, including those providing relief due to COVID-19 to maintain delivery of critical services.
 - Work in partnership with suppliers and develop transition plans to exit from any relief as soon as reasonably possible.
 - Work in partnership with providers to ensure sustainability/viability of contracts in the medium to long term.

- Continue to pay providers as quickly as possible to maintain cash flow and protect jobs.
- 2.3 Officers from Procurement and Commissioning Teams have worked on the impact of PANs on current contracts and worked to effectively implement the recommendations from them.
- 2.4 We continue to work to these principles outlined below which as Covid is very much still impacting Social Care 18 months on.
- Review existing contractual relief arrangements made to provide critical services
 - Review existing contracts and not just revert back to business as usual
 - Continue to pay providers promptly to maintain the market, cash flow and jobs
 - Ensure collaborative exit and transition plans are in place
 - Constructive engagement with providers to make adaptations to meet changing demand and need
 - Ensure resource allocation, roles and responsibilities are clear
 - Move towards outcome focussed commissioning
- 2.4 To adapt these principles we have had to ensure we manage the following risks
- Accept that contract waivers will need to be in place as an interim measure
 - Allocate appropriate resource in terms of a Commissioning Officer and Procurement Officer
 - Ensure Financial compliance by all to ensure all processes are in place to make payments
 - Manage impact and risk of contract terminations or failure

3 A brief outline of the Directorate procurement activities

- 3.1 All of our procurement activities are tracked and monitored through a work plan which ensures there is a a prioritised procurement/commissioning plan that can be matched against resource available to carry out this work.
- 3.2 A significant of work has been undertaken to make sure we have captured all the areas for development, with a limited amount of resource to complete this.
- 3.3 Monthly meetings take place between commissioning teams and procurement to keep the work plan workplan up-to-date and;
- Ensure compliance
 - Understand and manage the risk
 - Be clear with timescales and who needs to do what
 - Understand and flag capacity issues
 - Join up work where possible to gain efficiencies
 - Feed into the People Commissioning Group
- 3.4 The workplan captures all of the commissioning activity for the Directorate and identifies **133** different areas of contracts, frameworks and service level agreements that are necessary to manage business. The annual value of

these agreements in approximately **£66 Million**, 70% is funded from Core Council budgets and 30% is funded a variety of Grants.

3.5 The table below outlines the areas of work, but as you can see the majority of contracts and spend are on Adult Social Care:

Area	Number of Contracts/ Framework Agreements/SLAs	Percentage % in each service area	Annual Value £	Percentage % in each service area
Adult Services	75	56%	£ 49,738,910	74%
Partnerships & Commissioning	45	34%	£ 8,665,800	13%
Child & Family Services	13	10%	£ 8,111,025	13%
TOTAL	133		£66,515,735	

3.6 The Social Services Directorate procures a broad range of services across many different client groups across the age range, from statutory services to preventative services, delivered through a variety of providers. A summary of the type of services are outlined below:

- Residential Care for older people and younger adults
- Domiciliary Care for older people and younger adults
- Day services for older people and younger adults
- Supported living services (fixed accommodation, floating support and shared lives (similar to adult family placement)
- Sheltered Housing and extra care services for older people
- Carers services
- Advocacy Services (Children & Adults)
- Sensory impairment services
- Managed account services for direct payment recipients
- Assistive technology services
- Residential care for looked after children
- Foster care placements for looked after children
- Overnight residential and foster Short Breaks services for children and young people with a disability.
- Supported accommodation for vulnerable young people, including Care Leavers and those at risk of homelessness
- Personal advisor and other support services for young people aged 16-24.
- Specialist assessment and therapeutic services
- Independent visitor service for looked after children
- Laboratory testing services (DNA and drug and alcohol testing)
- Early Intervention and prevention services for families

- Counselling services for children and young people
- Young Carers Services
- Support services for children with a disability
- Employability Services
- Family Centres and Community Support
- Third sector support services
- Other third sector services, examples included co-production, volunteer and befriending services, advice and information.

3.7 All procurement activity is supported by a qualified Category Manager and Procurement Officer.

4. How the Directorate ensures probity, competence, consistency of approach and alignment with the Councils strategies and objectives

- 4.1. In 2016 under the then Director of People a People Commissioning Group was established as a cross department group to ensure appropriate governance and oversight of commissioning arrangements. These include the People Directorate Commissioning Group. The purpose of the group was to ensure that at a senior level there was an overview of all Commissioning activity in order to support achievement of corporate objectives.
- 4.2. The People Commissioning Group is now chaired by the Director of Social Services and is a joint working group which covers all commissioning activity across Adult Services, Child & Family Services, Education and Housing thus ensuring a consistent approach for the residents of Swansea. Procurement Officers also attend this group.
- 4.3. There is a combination of funding sources derived from, revenue funding and various grant funding sources. Each have their own processes for approval and alignment with the Council's strategies and objectives.
- 4.4. Revenue funding sources are built into the council's annual budget approved by Council under each service area. Any variances would be reported via the usual performance and financial reporting and additional FPR reports.
- 4.5. Grant funding sources have their own approval process and specifics to comply with the terms of conditions that is set out within the grant offer and aligned to the purpose of which the grant is given. These funding conditions and annexed within Invitation to Tender packs and the procurement Category Manager will ensure the procurement activity complies with the relevant grant conditions and the specifics of the grant are included within the procurement documents
- 4.6. The level of support provided by the procurement Category Manager and Procurement Officer will be reflective of contract value, the vulnerability of service user's and the commercial risk.
- 4.7. Through implementing the commissioning processes, we take into account both FPRs and CPRs along with the corporate objectives, legal obligations including Social Services and Wellbeing Act, Public Contract Regulations, Wellbeing of Future Generations Act, Equalities Act and other regional and national drivers

including Social Value / Community Benefits. These requirements and referenced in contract specifications where there is an obvious link.

4.8. Typically procurement processes are designed and implemented with support from a designated social care Category Manager /Procurement Officer and re-procurement options are often sense checked with a range of stakeholders from across the council to ensure compatibility with wider corporate obligations.

4.9. Other cross department groups have been established to ensure appropriate governance and oversight of these arrangements. These include the Housing Support Grant Commissioning Group and various other working groups.

5. Responsibility for procurement, authorisation of transactions, separation of responsibilities for ordering and receiving goods / services and the capacity to contract

5.1 All directorate procurement activity is carried out in accordance with the requirements of the Council's Contract Procedure Rules, which outlines procedures and responsibilities relating to the procurement of goods and services.

5.2 We have devised a directorate process map that links clearly identifies what needs to happen at each stage (Appendix 1)

5.3 Across the directorate, there are Commissioning Officers and Principal Officers responsible for ensuring there are the arrangements and mechanisms in place to procure services appropriately. These individuals link with procurement officers were required to ensure this activity is conducted in accordance with the rules and regulations.

5.4 As an example, many of the individual services commissioned via the contracts and framework agreements established by Commissioning Officer and Principal Officer are then utilised by a range of other Officers and parts of the Department. For example, the decision to commission a residential care service is made by the Head of Service following a social worker assessment. The search (or tender) is then actioned by a designated Placement Officer in another part of the Service. The payment of invoices and financial monitoring is then the responsibility of the commissioning and finance teams.

5.5 Approval limits are set out in the council constitution and/or formal delegation for which detailed records are kept in line with corporate requirements. The Social Services Directorate utilises the Oracle Payment System and all staff are assigned as requisitioners and do not have any buyer roles within the directorate within the system. The Directorate has also been a major user of Contract Purchase Agreements within Oracle to further manage spending.

5.6 Individual transactions are made by different teams depending on the service type. For example care home services are via the departments Abacus system and administered by the departments SCIF team. Supported Living Services

are made via a payments system known as Illy and administered by the adult services commissioning business support team.

- 5.7 Officers are aware that there are thresholds for the signing of contracts as detailed within CPR and the appropriate use of the Council's Seal on contracts.
- 5.8 Each service area has a commissioning lead who will devise a re-procurement plan with support from procurement colleagues. Each procurement will follow an evaluation of the service type, led by the commissioning lead, to determine future needs and anticipated costs. The Procurement Category Manager will support on the procurement options available and making use of the flexibilities permitted under the Public Contract Regulations 2015 and will seek to work on innovation procurement solutions.

6. Ensuring we procure cost effectively and transparently

- 6.1 We ensure we procure in this way via competitive tender wherever possible and where an exemption does not apply Market research is also a tool used to ensure contracts are cost effective.
- 6.2 Historically contracts for many services have been allowed to continue without retender under exemptions permitted by European Directives for social care services (The Public Contracts Regulations 2006).
- 6.3 The introduction of Public Contracts Regulations 2015 as mentioned above and the creation of a Category Manager post for the procurement of social care services has brought a change to procurement practice. A programme for re-procuring all services in line with new obligations is underway. This will involve open competition on price and quality, and publishing of tender notices and contact awards via Sell2Wales.
- 6.4 All tenderers are notified of the outcome and offered feedback on their tenders and all decisions are noted and filed on Share Point for future reference.

7. How we ensure we are procuring locally, ethically and that your procurement activities align with the Wellbeing of Future Generations Act

- 7.1 Our services are commissioned in accordance with our legal duties under the Social Services and Wellbeing (Wales) Act 2014. This legislation is closely related to the Wellbeing of Future Generations Act 2015. Whereas the latter is concerned with improving the holistic well-being of the entire population, the 2014 Act requires us to focus on improving the well-being of those in need of care and support. Thus, the key principles within both pieces of legislation are often identical or similar: e.g. the focus on prevention.
- 7.2 The Council is committed to developing the local economy and supporting local providers. Wherever possible, local service providers are invited to quote for low value contracts and are encouraged to bid for tenders. All service providers are encouraged to register on Sell2Wales and eTenderWales to ensure that they receive notifications of upcoming procurements.

- 7.3 The Council cannot discriminate in favour of local suppliers; contracts are awarded based on the evaluation criteria set out in the invitation to quote/tender. However, we do encourage local organisations to bid for contracts with the Council.
- 7.4 As the type of activities procured are typically services which need to be delivered to individuals in Swansea, this means that service providers usually are local or at least have a presence locally.
- 7.5 We add in requirements for understanding of local needs into our specifications so we can best meet the needs of people in Swansea and promote economic growth in both local private and third sector organisations.
- 7.6 We utilise standard terms and conditions which require providers to evidence commitment to, and have company policies in-place for:
- Community benefits / social value
 - Modern Slavery
 - Equal Opportunities
 - Welsh Language
 - Safeguarding

The SQ (Selection Questionnaire) covers all the areas referenced in para 7.6 , prior to entering into contractual arrangements. All SQ questions are designed to ensure that only service providers that meet our required standards are awarded contracts, any provider failing to meet standards will be rejected from the process. The SQ is a standard document but for Social Care contracts there are specific selection questions that are asked for each contract.

- 7.7 On many occasions, we also hold “meet the ” events to encourage local engagement from providers on main contracts and support market development. One of these events was held in June for the Provision of Temporary Accommodation for Young People.

8 How we ensure procurement activities comply with the general Equalities Duty (as specified in Equality Act 2010 – Public Sector Equality Duty for Wales 2011)

- 8.1 The Coporate process is followed to ensure compliance through the IIA process for screening and full reporting to understand impacts
- 8.2 Where required a more detailed stage 2 evaluation to understand equalities impacts would be undertaken. In nearly all cases, re-procurement is designed to improve rights, entitlements and access to services for people with protected characteristics. Occasionally, particularly in the context of ending services, potential for negative impacts may arise. These situations may result in detailed evaluations to understand and ameliorate the impacts to those potentially affected.

9 Training provided for staff on procurement and tendering process

- 9.1 Training has been provided by the Strategic Lead Commissioner from the Directorate and Social Care Category Manager from Procurement to all commissioning teams.
- 9.2 This covers essentials in relation to procurement legislation, CPR, designing a tender process, developing specifications, different types of procedure, advertising, evaluating and scoring, contract award and giving provider feedback.
- 9.3 An introduction to TUPE course has also been created and delivered by Legal as many of the contracts in this area may involve the application of TUPE.
- 9.4 On-going support is provided by the Social Care Category Manager and the procurement officer throughout the process and the Procurement pages on StaffNet have guidance available to Officers including an Officer guide and guidance on specification writing,
- 9.5 Standard method statement questions, specification, timelines are shared amongst the teams as good practice and the Category Manager has developed a procurement time plan document to assist Commissioning Officers with the process to follow.

10 Joint procurement activities

- 10.1 The people commissioning work plan enables us to identify joint procurement activities and is an enabler for transformation opportunities.
- 10.2 By working together on procurement, and on contract and supplier management, councils and their partners can make the best use of commercial skills, benefit from economies of scale, achieve efficiencies in the use of resources and realise savings.
- 10.3 Cross departmental procurement is required in the sense that the Adults service commissioning team may be procuring services which contribute to children's services objectives, (in the case of young person services or transition from children's to adults arrangements) or housing department objectives (e.g. homelessness services), as examples.
- 10.4 Procurement projects such as this will be coordinated via project boards which are led by adult services commissioning team reps, with appropriate cross departmental representation to ensure share objectives and responsibilities are met. These different groups and boards feed into the People Commissioning Group.
- 10.5 Regional commissioning and partnership arrangements are in place to oversee any wider joint commissioning responsibilities. A number of work streams are in situ under the West Glamorgan Transforming Complex Care arrangements which will address any joint procurement implications. To date regional arrangements have focused mainly on one party acting as lead commissioner by procuring on the part of partners with arrangements in place for cost sharing as appropriate.

10.6 The Procurement Category Manager is also the national Procurement representative on the National Commissioning Board, which enables a national viewpoint to also be established at a local and regional level.

11 Monitoring procurement activity

11.1 The People Commissioning Group with relevant commissioning sub groups monitors procurement activity, and any issues are escalated as required and appropriate action taken.

11.2 These groups are sighted on all procurement programmes and activity and will approve the commissioning decisions that lead to procurement activity. At an individual contract level, project boards that design and implement the procurement processes typically oversee arrangements.

11.3 Individual contracts will have specifications, which describe performance requirements, and these are monitored by commissioning leads with support from contract monitoring officers. Contract Monitoring arrangements will differ across service areas but may involve a blend of data submission and analysis, service user and other stakeholder feedback and financial reporting. Where possible outcomes for service users will play a key part in understanding quality and performance.

11.4 All contracts are issued utilising the Councils standard terms and conditions for Social Care Services and if required are signed under the Common Seal of the Council. Where performance requires specific action Officers will refer to the standard conditions for the process to be followed and engage with legal and procurement if required.

11.5 Regular checking of the “contract register”, contact with the procurement and running reports on provider spend assist in the monitoring of procurement activity.

12 Externally Audited Procurement Activity

12.1 Whenever funding is provided to the Council by external organisations for large grant schemes, there is an expectation that the funding will be used for the purposes provided and an external audit process ensures that those requirements are met and that the procedures used within the procurement process are robust.

12.2 The Housing Support Grant and the Children and Community Grant is audited externally as a Welsh Government requirement and carried out by the Welsh Audit Office

12.3 The last audit occurred prior to the pandemic and both were approved with only minor recommendations.

12.4 The Council’s in-house audit team regularly audits social Care procurement activity.

13 The effect leaving the European Union on procurement activities

- 13.1 Leaving the European Union on 31st. January, 2020 heralded a major change in the rules and regulations relating to procurement. Whilst 'Brexit' has undoubtedly led to issues with supplies and with increased costs, the concurrent effect of the Covid-19 pandemic has also created issues which have compounded the current situation.
- 13.2 The Re-balancing the Sector white paper also proposes reducing obligations on LAs in relation to procurement of social care services but to date has provided no detail as to how or when that will occur. WG advises that further consultation on this is intended.

14 Improvements to Councils procurement practices

- 14.1 The Council has developed a robust and detailed set of Contract Procedure Rules for use in its procurement activities. However, there is always an opportunity for further integration and improvement by learning lessons from current best practice.
- 14.2 Commissioning teams within the Directorate were not created or resourced to procure in the way that is currently required
- 14.3 Continued regular training around procurement and TUPE combined with greater experience will lead to procurement that is more effective. Timeliness may depend on the team's capacity to complete the commissioning processes undertaken to inform procurement activity.
- 14.4 These commissioning processes are often disrupted by the need to address immediate operational pressures. Improving commissioning processes will lead to timelier re-procurement.
- 14.5 Developing a better understanding of social value, and adapting procurement practices to do more to promote social value organisations could help to achieve objectives under s16 SSWBA and WBFGA.
- 14.6 Designing contract specifications which are outcomes focussed where possible is an ongoing challenge.
- 14.7 Maximising opportunities to involve service users and citizens in the procurement process will lead to more collaborative, co-produced services.

15 Conclusions/Key Points Summary

- 15.1 To addresses requirements of the Social Services and Wellbeing Act and ensure procurement practice supports the delivery of Health and Social care services we would be seeking to develop an integrated approach which builds and shares expertise between commissioners, procurement and contract management.

- 15.2 This would help us progress transformation at pace, not only locally but on a regional footprint, to enable us to make the changes required to drive forward modern, outcome based collaborative procurement for the benefits of the people across all client groups and communities in Swansea.
- 15.3 The impact of the UK Governments Green Paper on Procurement Reform is currently an unknown factor, the decision by the Welsh Government to follow the UK Government in terms of procurement reform will have an effect on this area. The published Green Paper by the UK Government indicated the removal of the Light Touch Regime from the new rules, this can have a huge impact on the work currently being undertaken and one that could result in more contracts coming into scope of the full rules. If this is the case both Commissioning and Procurement Teams which are currently under resourced could have additional pressures upon them due to this proposed change. The Category Manager will keep abreast of development and will work closely with the Strategic Lead Commissioner to understand the effects and any changes that are needed.

14. Legal implications

- 14.1 There are no legal implications associated with this report other than those set out in the body of the report.

15. Finance Implications

- 15.1 There are no financial implications associated with this report

Background papers: *None*

Appendices:

Appendix 1: Process map for procuring services



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Monday, 27 September 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
L R Jones
B J Rowlands

Councillor(s)

I E Mann
M Sherwood

Councillor(s)

P K Jones
H M Morris
T M White

Other Attendees

David Hopkins
Robert Smith

Cabinet Member - Delivery & Operations (Deputy Leader)
Cabinet Member - Education Improvement, Learning & Skills

Officer(s)

Adam Hill
Brian Roles
Chris Williams

Deputy Chief Executive / Director of Resources
Head of Education Planning and Resources
Head of Commercial Services

Apologies for Absence

Councillor(s): E W Fitzgerald and J W Jones

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Public Questions

There were no public questions received.

4 Responses to follow up questions

Panel wished to satisfy themselves that the terms and conditions attached to planning permissions, particularly relating to the ecological impacts of developments, are being met. The Panel were satisfied that we have adequate arrangements in place to ensure that any conditions that we might attach are actually being made.

5 Procurement in the Education Directorate

Cllr Robert Smith and Brian Roles attended the Panel to present the report and answer questions. The full report was received and will form part of the evidence pack for the inquiry. Over and above this the following was noted from the discussion:

- Council works in partnership with schools and also Welsh Government to procure a significant amount of what is spent within the Education Directorate, as well as what we ourselves are responsible for.
- The most effective controls exist where there is an ownership of issues and ownership of the need for robust processes. It is not simply a matter of a policing role at the centre, there must be ownership in the understanding of the need for robust practices. For that reason the Directorate's robust overarching governance and assurance framework provides the essential foundation for robust procurement practice. These broad areas are subject to audit and scrutiny.
- It is really important to recognise the extent to which direct procurement is limited within the Education Directorate. Whilst there is a large overall budget as an education directorate, the lions share is delegated directly to schools.
- The most significant of the areas of procurement is home to school transport. These contracts are managed by the Place Directorate on behalf of Education. The Transportation team regularly tender those contracts to seek to ensure the most cost effective arrangements.
- Another significant budget area is the independent and out of county placement budgets and associated costs. We have a long term strategy to enhance the availability of that specialist provision within county and in so doing mitigate the scale of the costs from external placements.
- A third area are catering and cleaning supplies which we procure with the support of corporate teams.
- The next area is IT hardware and license costs to support schools and these costs are managed in partnership with corporate teams who again ensure value for money.
- In terms of capital, we have a very significant capital investment programme through our 21st century schools programme. Our tendering and contracts are delivered in accordance with corporate requirements through corporate building services.
- The Panel asked a question relating to home to school transport: Do we include in the discussions with transport companies any requirements about effective pollution management? Also how do we monitor and take account of their actual behaviours? For example ensuring that those who transport, when waiting ensure schools their engines are turned off to minimize pollution. The Place Directorate will be contacted with the question.
- The Wellbeing of Future Generations Act principles are embedded in the operation of the Directorate. In fact, the very nature of education provision in the planning for future education provision necessitates long term planning and this is clear in the 21st century schools programme, wider capital investment for schools and the planning of schools places. School building projects have particular focus on building efficiency. Potential linkages with the curriculum are made so we can

engage pupils and wider stakeholder group in the process of delivering a new build school.

- There is an aspiration for the next phase of projects to be net zero carbon in terms of the delivery and we are working on that with the most recent business case that has been submitted to the Welsh Government.
- The Panel asked if possible was possible for schools to be provided with costing examples or provided with catalogues so they have an idea of the cost of what they need to purchase. The Panel heard this has been discussed and schools have been asked for nominations for reps to be on a procurement working group to consider such issues and how best to provide advice and support to schools. Any gaps can be identified and common solutions can be created.
- The Directorate have Integrated Impact Assessment screening, which are completed for all capital projects, as well as the Wellbeing of Future Generations Act assessment.
- The service level agreements with schools are very important and are specifically reviewed each year as part of a very well established process through the school Budget Forum and its working groups. This is to ensure that service level agreements remain fit for purpose and provide the services that schools need. It ensure that they are transparent and are clearly costed, reflecting the true cost of delivering those services.
- In terms of capital projects, there is routine monitoring with any financial claims scrutinised and disputed if appropriate, any risks and issues are escalated. There is a well-established governance process for the whole QEd programme.
- In terms of the 21st century schools programme we are required to comply with a whole number of conditions that come with the funding that the Welsh Government provides and procurement needs to be undertaken via an approved Welsh Government framework. This is done working in conjunction with corporate building services.
- There needs to be national change and or revision to national policy if we are to further develop our procurement practices and regional frameworks to be flexible enough to truly procure locally. It is a very difficult to balance this with the need for sufficient capacity to deliver on the size of schemes that we are talking about.
- Welsh Government have been discussing how we can in future can look at the distance that materials have travelled and the carbon impact as part of the evaluation of tenders
- If we are to move forward to a more localised procurement we must look at what needs to be changed to enable that. For example capacity building at provider level needs to happen.
- The issue of Governing bodies having a Procurement sub-committee or similar was raised by the Panel. The Panel were given reassurance that schools within their governing bodies do have subgroups that do focus on finance and premises matters.

6 Procurement in the Corporate Centre

Cllr David Hopkins, Adam Hill and Chris Williams attended the Panel to present the report and answer any questions. The following was noted over and above the written report provided:

- In relation to procuring locally, this has been one of the areas we are pushing but it is not just about buying local but it is about making sure that we work with local companies. We are part of Swansea major employer's forum and that enables us to encourage and allow businesses to understand what it is like and how they can best work with us also to show how they would apply including the processes that we go through. It is a priority for Swansea that we seek to maximise the spend in our local area and we consider that as part of our contract design.
- Some of the examples of environmentally focused procurement include: Green Fleet initiative and The More Homes Initiative of energy efficiency in housing, these show how our procurement activity translates into reality and tangible outcomes. The Council's pension fund was also mentioned and the recognition it has received for its best practice in the area by moving away from holdings relating to fossil fuels.
- Through our contract system we look to enforce core obligations of the public sector and the legal framework we operate in. One example is modern slavery, anybody with a conviction for anything related to that would not be a company we would deal with and we check all new suppliers.
- With regard to equalities duty all staff are trained in understanding the implication of the Act and adherence to the Act is integrated into the procurement process.
- The impacts of leaving the European Unions and impact of Covid was outlined including that it has been a perfect storm with COVID in terms of many businesses having stopped working for a fair length of time. Impacts have been felt more recently include: Cost and availability of building materials; some supplies are delayed in being received, things like plasterboard and the labour market are far more volatile. The same level of staff are not available.
- Social value is a key part of what we do. The Welsh Government has said it is going to follow the new UK rules on how to enhance social value in contracts, so in the next few months we should see the first draft of those new rules and these will be circulated to the Panel when they become available.
- It was highlighted that there are only 8.5 members within the commercial procurement team that supports place, social services, education and the corporate centre resources versus Welsh Government guidance of 26 members of staff. £260 million pounds is spent per year on suppliers and services, which will at some point go through the Commercial Services team, so further resourcing for this area is being considered at this time.

7 Inquiry Project Plan

The Panel reviewed the Project Plan.

The meeting ended at 11.45 am

Chair



Report of the Cabinet Member for Education Improvement, Learning and Skills

Procurement Scrutiny Performance Panel – 27 September 2021

Procurement within the Education Directorate

Purpose:	To brief the Scrutiny Panel on current procurement within the Directorate
Content:	A briefing on the nature and extent of current procurement within the Education Directorate as well as processes, developments and issues
Councillors are being asked to:	Consider the information provided and give views
Lead Councillor:	Cllr Robert Smith – Cabinet Member for Education Improvement, Learning and Skills
Lead Officer & Report Author:	Brian Roles – Head of Education Planning and Resources Tel: 01792 636357 E-mail: brian.roles@swansea.gov.uk

1. Background

- 1.1 The report will provide a briefing on the nature and extent of current procurement within the Education Directorate as well as processes, developments and issues, focussing particularly on the specific areas raised in advance by the Panel.
- 1.2 A robust overarching governance and assurance framework provides the firm basis for specific procurement needs and support. The key elements include:
 - 1.2.1 Clear Strategies, Objectives and Linkages through:
 - Corporate and other Statutory Plans
 - Business Planning / Operational Plans
 - 1.2.2 Robust Risk Management through:
 - Mapping, monitoring, mitigation and escalation
 - 1.2.3 Tight Internal Controls through:
 - Scheme of delegation
 - Standing Orders / Financial Regulations
 - Performance and Financial Monitoring
 - 1.2.4 Reassurance through:
 - Audit
 - Scrutiny

2. Current Arrangements

2.1 Direct procurement is limited within the Directorate with so much of the Portfolio budget delegated to schools. By far the most significant areas of spending within the non-delegated budget are the following:

- 2.1.1 Home to school transport for mainstream and pupils with additional learning needs – any contracts with transport operators and taxi firms are managed on the Directorate's behalf by the Transportation Team and regularly re-tendered to seek to ensure the most cost effective arrangements.
- 2.1.2 Independent and out of County placement and associated costs where specialist provision cannot be offered in any other way – as a Directorate we continue to implement a far reaching strategy to enhance the availability of specialist provision within the County and so mitigate the scale of costs from external placements.
- 2.1.3 Catering and cleaning supplies – procured with support of corporate teams although the current pandemic has at times necessitated flexibility to maintain the required supply of provisions to meet the changing national and local expectations of the service.
- 2.1.4 IT hardware and licence costs – particularly to support the SIMS and ONE systems for schools and managed in partnership with the support of corporate IT to seek to ensure value for money.
- 2.1.5 Other smaller areas of spending such as property related security/health and safety needs and agency costs through a corporate framework.
- 2.1.6 The Pupil Referral Unit whilst a Directorate provision is effectively a school in terms of its day to day management, but it is still required to follow corporate procurement processes.
- 2.1.7 The Directorate also works in partnership with teams across the Council to deliver a significant capital investment programme (21st century schools / QEd programme), and works are tendered, contracted and delivered in accordance with corporate requirements through Corporate Building Services. Some limited direct products and services are procured directly for example removal services.

2.2 Probity, competence, consistency of approach and alignment with the Councils strategies and Directorate objectives is ensured through a robust internal control framework. Key elements include:

- Clear roles and responsibilities
- Clear and effective authorisation processes
- Robust and complete policies and procedures
- Robust monitoring, reporting and review arrangements
- Timely identification and mitigation of control weaknesses
- Staff awareness of procedural rules
- Promotion of an anti-fraud culture

Compliance assurance is gained through:

- Performance and Budget Monitoring, with robust action, reporting and escalation

- Internal Audit Assurance
 - Senior Management Assurance Statements
 - Risk Management / Data Security
 - Programme and Project Assurance gained through robust governance of capital programme and detailed business cases rigorously scrutinised by WG with consistent positive feedback received
- 2.3 Paragraph 2.1 has shown the limited nature of the direct procurement undertaken within the Directorate. This is undertaken within each team with appropriate arrangements for the placing of orders and authorisation of transactions to ensure appropriate segregation of duties.
- 2.4 To seek to ensure cost effective and transparent procurement, officers follow Council processes, utilising corporate contracts and wherever possible frameworks, with robust scrutiny and challenge through PFM and service budget monitoring meetings and internal audit.
- 2.5 Officers follow and make use of locally agreed frameworks and available guidance from the corporate centre. Capital contracts make effective use of regional frameworks, and more recently the authority has signed up to the Welsh Government Strategic Partnering Agreement to enable it to deliver revenue funded 21st century schools / QEd programme projects.
- 2.6 The principles of the Wellbeing of Future Generations Act are embedded in the operation of the Directorate. Indeed long term planning, prevention, collaboration, involvement and integration is essential to strategic planning and transformation within Education provision. On all school building projects there is particular focus on building efficiency, recycling of furniture and materials, as well as potential linkages with the curriculum and engagement of pupils and wider stakeholder groups. The aspiration is for the next phase of projects to be net zero operational carbon and reduced embedded carbon with enhanced biodiversity. Work is about to commence to develop updated employers requirements for Swansea school projects to reflect this.
- 2.7 All capital projects were previously subject to an Equalities Impact Assessment screening and report as well as a Wellbeing of Future Generations Act assessments. This process has evolved and now an Integrated Impact Assessment screening and report provides this function. This an embedded process and commences at project inception. An example would be in relation to Parkland Primary.
- 2.8 Financial Training for Managers / Budget Holders includes:
- Swansea Council Financial Governance including – Financial Procedure Rules (which provide control framework for managing the Council’s financial affairs, enabling financial management within a system of delegated responsibility and accountability), Accounting Instructions & Contract Procedure Rules
 - As appropriate, corporate spending restrictions
 - Ordering and paying for goods and services – procurement bands

- Supply Agency Framework & waivers where in exceptional circumstances a competitive process cannot be followed (e.g. single supplier or emergency), hospitality considerations and workers status (IR35)
- 2.9 The same arrangements and controls would apply in relation to any joint procurement activities, should these be undertaken.
- 2.10 Costs of independent placements and other ongoing contracts are carefully monitored and reviewed as part of the Council's overarching strategy to further enhance the capacity of in-house specialist provision for pupils. Service Level Agreements (SLAs) are reviewed each year as part of a well-established process through the School Budget Forum and its working groups, in order to ensure that they remain 'fit for purpose'. Contracts for capital projects are subject to routine monitoring by the project team including the CDM Client representative, Clerks of Works and the Contract Manager and Quantity Surveyor. All financial claims are scrutinised and if required disputed. Risks and issues are escalated for review and decision within the established governance process.
- 2.11 The 21st century schools funding is subject to compliance with a number of conditions including that procurement should be undertaken via an approved Welsh Government Framework, such as SEWSCAP, South West Wales Regional Contractor Framework (SWWRFCF) or North Wales Schools and Public Buildings Contractor Framework or via a separate competitive OJEU tender process aligned with the principles of the Wales Procurement Policy Statement (WPPS). An Annual Statement of Expenditure is completed and submitted to the Welsh Government, this is supported by the information provided in the quarterly claim forms. All projects are subject to a 2.5% retention, which is withheld until receipt of a satisfactory closing report and associated documentation to Welsh Government. The closing report and documentation should be received within eighteen months of project completion. The 21st Century Schools / QEd Programme is also subject to Welsh Government gateway reviews.
- 2.12 It is not yet apparent what the specific impact of leaving the European Union is in relation to your procurement activities but there is concern regarding both catering provisions and construction contracts. In relation to capital projects the construction industry is experiencing supply chain issues, labour shortages and increased costs, which may be a consequence of leaving the European Union or the pandemic or a combination of both. This may account for limited tender returns and / or increased costs for capital projects.
- 2.13 A national change in policy / legislation may be needed and the Council could possibly seek to improve on its procurement practices by working with WG on regional frameworks. These need to ensure an appropriate balance between capacity to deliver and locality to help reduce embedded carbon cost (by appropriately balancing the carbon impact from the distance a commodity has travelled with VFM / cost). Projects that form part of the 21st Century Schools / QEd Programme, must also fall within the Welsh Government cost and size

standard. The cost standard is benchmarked against national building costs for schools.

2.14 As a Directorate, we also work closely with schools to seek to ensure procurement practice is consistent and correct procedures are being used. Training is provided and a factsheet to aid understanding of the procedure rules and tendering. Officers also work closely with other teams across the Council where appropriate to address issues that might be highlighted through internal audit.

2.15 A Procurement Guide for Schools provides basic guidance on best practice in order to ensure compliance with appropriate rules and procedures. This is currently under review for wider circulation in the autumn Term. Whilst the vast majority of schools continue to demonstrate effective financial management, schools procurement remains the most common area identified for improvement by Internal Audit. The Schools Procurement Guide is intended for use by both school governors and school staff, with the aim of providing basic guidance on best practice in order to ensure compliance with procurement best practice and rules by:

- Informing schools about the rules and procedures in place for procuring goods, works and services
- Raising awareness of the need to comply
- Identifying channels of support

The guide is split into the following 5 sections:

1. Introduction to Procurement
2. Procurement Process
3. Dispensations, Single Supplier Tender and Waiver
4. Contact Information
5. Frequently Asked Questions

2.16 Schools are encouraged to use council contracts wherever possible with the benefits of:

- agreed pricing
- possibly no need to seek further quotations
- acceptable terms and conditions of contract
- quality and safety checks will be built-in where needed (e.g. Health and Safety and DBS)
- safeguarding policies
- appropriate insurance cover
- supplier performance can be monitored and rectified by the Contract Manager
- equality and sustainability issues will have been considered

Otherwise schools need to satisfy themselves about all these matters.

2.17 There have also been developments in the Landlord's Consent process. The application form and guidance has been updated, and applications will also

now be subject to a more detailed conditional response. This should enable greater oversight of schools expenditure on buildings and provide improved assurance of compliance.

- 2.18 The overall picture is a positive one in terms of working in partnership with schools and the outcomes of audits. It remains the case that the most effective and robust controls generally exist where there is ownership of the issues and of the need for robust financial procedures by schools. As part of their monitoring procedures, the School Support Team request minutes of the Governing Body meetings in order to confirm that the audit report has been presented and discussed. Specifically, the Schools Annual Audit Report 20-21 notes that:

“... all of the schools audited remotely achieved a substantial or high level of assurance and all three thematic reviews received a substantial assurance rating. This continues to demonstrate the fact that the schools in question are being managed appropriately and were operating effectively”.

The report also recognises that:

“Considerable efforts have been made by the Authority in an attempt to improve schools awareness of their responsibilities when it comes to procuring goods and services and managing school funds effectively”.

“Periodic financial training continues to be provided to all Headteachers by the School Funding & Information Team, which clearly communicates the procedures that should be followed by schools in relation to ordering and procurement. In addition to this, the Team continues to offer newly appointed Headteachers a bespoke finance session and monitors attendance, reminding them to attend refresher sessions every three years.”

3. Summary of Key Points

- 3.1 The overarching governance and assurance framework provides a robust basis for specific procurement needs and support.
- 3.2 Schools benefit from support and challenge from Directorate in respect of procurement and the current review of the Guide will further embed this. Schools are encouraged to use council contracts wherever possible and there is now an enhanced landlord’s consent process.
- 3.3 Besides the updated Schools Procurement Guide and the enhanced Landlord’s Consent process (particularly in relation to major capital projects), the most significant need / opportunity would be involving schools in Oracle developments so they can benefit from the enhanced functionality of the system. Officers continue to work with WG officials to explore the use of travel miles as an element of future contract decision making.
- 3.4 There are continuing capacity and resilience concerns within Directorate teams which is likely to limit further developments.

4. Legal implications

4.1 There are no legal implications associated with this report.

5. Finance Implications

5.1 There are no financial implications associated with this report.

6. Integrated Assessment Implications

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs

6.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

6.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

6.4 There is close and regular engagement with schools each year through the School Budget Forum and its sub and working groups which is particularly pertinent in respect of the area of procurement.

6.5 Given the nature of this report to the Procurement Scrutiny Performance Panel it has been agreed that an IIA screening is not required on this occasion.

Background papers: There are none.

Appendices: There are none.

Report of the Director of Resources

Procurement Inquiry – 27th September 2021

Overview of Procurement - Resources Directorate

Purpose	This report provides an overview of procurement processes and activity within the Council's Resources Directorate as requested by the Panel
Councillors are being asked to	Consider the information given as part of the inquiry into procurement
Lead scrutiny Councillor	Councillor Chris Holley
Lead Cabinet Member	<ul style="list-style-type: none">• Cllr David Hopkins
Cabinet Member Impacted for Place directorate	<ul style="list-style-type: none">• Cllr Rob Stewart• Cllr David Hopkins• Cllr Andrea Lewis
Report Author	Chris Williams / Adam Hill

1.0 Introduction

- 1.1 This report provides an overview of the activity related to procurement within the Resources Directorate, with Finance – including our Audit function - and the Service Centre; Legal, Democratic Services and Business Intelligence; Human Resources; Communications incorporating both DesignPrint and Corporate, Health, Safety and Emergency Management, and Digital & Transformation Services being key components of the Directorate, in addition to Commercial Services' corporate procurement function.

2.0 A brief outline of the Directorate's procurement activities

- 2.1 The Resources Directorate provides a wide and varied range of services and support to departments across the Council, which in turn contribute to and support the Council's corporate priorities and which entail periodic procurement activity although it should be noted that the Directorate normally supports (through its commercial, legal and financial advice) procurement across the Council rather than being the direct delivery body for the Council's procurement activity.

The Resources Directorate plays a key role in the Council's spending architecture particularly it is responsible for both design and adherence to the Council's Contract Procedure Rules and the Financial Procedure Rules – the formal sets of rules, set out in the Council's Constitution,

that provide high-quality assurance frameworks for the use of public funds with our suppliers and service providers, and which provide both Members and Officers with a clear guidance for this area (and this role was covered in detail in the paper on procurement provided by Commercial Services for the Panel for its inquiry).

2.2 The following provides a summary of the range of procurement activities that are undertaken in the Directorate -

2.2.1 Legal, Democratic Services and Business Intelligence

- IT packages, software and equipment, legal case management
- services related to legal and coroner cases
- counsel, experts, health boards services and funeral directors

2.2.2 Finance and the Service Centre

- banking for the authority
- cash handling systems and services
- specialist IT systems to support payment and collection
- electronic payment terminals
- leasing of capital assets
- insurance cover for the authority
- pension fund administration and actuarial services (paid for by the pension fund)

2.2.3 Human Resources

- Learning support software
- provision of the cycle to work scheme
- external investigation services relating to HR

2.2.4 Communications

- Medical services and specialist equipment related to health and safety function
- print materials, equipment and external printing services as appropriate

2.2.5 Digital and Transformation Services

- IT systems including the core enterprise resource planning system and associated technical expertise (this a major on-going project as the Council moves to a cloud architecture)
- telephony, telecom, Wi-Fi services and robotic process automation (to free-up staff from easily automated processes)
- software e.g. our e-contract solution and anti-virus security

The above list whilst comprehensive is not exhaustive.

3.0 Ensuring probity, competence, consistency of approach and alignment with the Councils strategies and objectives in the Directorate

- 3.1 There is a combination of funding sources derived from capital sources and revenue funding, and each have their own processes for approval and alignment with the Council's strategies and Objectives.
- 3.2 Capital sources would be set out in the appropriate FPR7 reports as required under the council's financial procedure rules and these reports set out the alignment and implications and policy context.
- 3.3 Revenue funding sources are generally built into the council's annual budget approve by Council under each service area. Any variances would be reported via the usual Performance and financial reporting and or additional FPR reports.
- 3.4 The Housing Revenue Account is a ring-fenced account reported and monitoring separately.
- 3.5 Grant funding sources have their own approval process link which set out why the grant is needed and any subsequent implications.
- 3.6 Examples of policy alignment through procurement include:
- 3.7 Our Digital strategy and infrastructure programme supports the Council agile-working policy enabling Officers to work flexibly, and which has been invaluable in responding to the challenges of operating during the ongoing pandemic. Our cycle-to-work programme, led by HR, supports the Council's green agenda by providing a cost effective means for employees to purchase bicycles. Democratic transparency, for example, is supported by the use of the modern.gov software platform, which supports publication of Council decisions.
- 3.8 In terms of procurement routes this can be, as appropriate, both frameworks – such as those used to obtain additional legal expertise - or through bespoke tender activity, and this would include too the use of regional or national frameworks such as Crown Commercial agreements for technology services, or separate “sell2 wales” adverts.
- 3.9 Selection is by a robust process to ensure that the contractors are aligned with the Council's requirements. Supplier Suitability Questionnaires and a range of Quality questions are included in the tender process to ensure that contractors are aligned to the Council's requirements.
- 3.10 Close links with the Authority's Procurement section maintain consistency of approach and regular team meetings, feedback and lessons learnt sessions ensure that there is consistency of approach and that both issues and good practice are shared.

- 3.11 Ongoing liaison with the Commercial Services' Procurement Team for advice and use of the information, templates and tools available online via Staff-Net are utilised on a regular basis.
- 3.12 Dedicated buyers following all Procurement Rules, liaising with Procurement where necessary. All staff are aware of the process for raising or amending purchase orders. Suitable approval limits are in place based on contract value.
- 3.13 All projects are subject to both internal and external audit requirements.
- 3.14 The Directorate also contributes to the proper management of public funds by providing review of spend decisions for example:
- Digital Services with Commercial support the cross-check of any departmental IT spend to make sure it conforms to corporate standards and does not duplicate any existing provision:
 - Communications apply a similar role to any print or marketing activity to ensure synergy with corporate goals
 - Commercial Services assess spend requests against existing corporate arrangements to ensure coherence and best value
 - The approve process has been praised by WRAP Cymru for example as it also allows us to control environmental impact in the use of our resources

4.0 Responsibility for procurement, authorisation of transactions, separation of responsibilities for ordering and receiving goods / services and the capacity to contract

- 4.1 All directorate procurement activity is carried out against the framework of the requirements of the Council's Contract Procedure Rules, which dictate procedures and responsibilities relating to the procurement of goods and services. Engagement with procurement, finance and legal services takes place in line with these requirements or when advice is required.
- 4.2 Limits for officers are set out in the council constitution and/or formal delegation for which detailed records are kept in line with corporate requirements.
- 4.3 Separation of duties is a formal part of the Oracle ordering system, so one individual would never be in a position to order on their own. Even the smallest p-card transactions require authorisation and checking. In-team procedures are fully documented for each project.
- 4.4 Staff are aware that only senior management can enter into contracts as detailed within Council's constitution / contract procedure rules.

5.0 Cost effective and transparent procurement

- 5.1 The most important and broadly accepted principle underlying a modern procurement system is that it should be carried out in a fair and transparent manner, with open competition, and be subject to examination and review.
- 5.2 The Council employs a robust set of Contract Procurement Rules designed to enable cost effective and transparent procurement.
- 5.3 The setting up of frameworks, rather than utilising open tendering gives the opportunity to speed up processes and to achieve long term cost savings.
- 5.4 Where there is no suitable framework in place, a robust procurement exercise is carried out via Sell2Wales taking into account cost, quality and contractor suitability. Tenders received are compared against budget and similar schemes to ensure cost effectiveness
- 5.5 All tenderers are notified of the outcome and offered feedback on their tenders to engender a culture of continuous improvement
- 5.6 All decisions are noted and filed for future reference in line with the Council's document retention policy. Team involvement / discussion in process takes place where applicable including engagement of Procurement for advice/ support.

6.0 Ensuring that the Directorate is procuring locally, ethically and that procurement activities align with the Wellbeing of Future Generations Act

- 6.1 The directorate supports the corporate well-being goals through its mainstream support activity and as noted above there are a number of policy goals and related activity e.g. green transport /cycle to work which contribute to such goals, however the majority of major Council spend takes place within other directorates (social services, education and place), and the Panel will have reviewed such Directorates' responses for this area, which are supported by our corporate teams in the Resources Directorate, for example through our corporate procurement team, Finance Service and our Legal and Democratic Service.
- 6.2 Our pension fund selects providers based on consideration of ethical, environmental and social governance commitments for example, but it is important to note that we have a legal duty to deliver value for pension scheme members and this can lead to a balancing act regard to investment types, however we are committed to a significant divestment of holdings related to fossil fuels.
- 6.3 Where the Council seeks to make any changes in its activity an *integrated impact assessment* is undertaken and this will provide a

detailed analysis of our decision-making against the Well-Being of Future Generations Act, supported by the Resources Directorate.

6.4 Council procurement terms and conditions ensure that suppliers note their conformance to our obligations in respect of :

- Modern Slavery
- Equal Opportunities
- The Welsh Language
- Safeguarding

Tendering contractors are also required to address compliance with the above requirements within their tender submissions.

6.5 Our SSQ (Supplier Suitability Questionnaire) covers such items as Fair Trade and Modern Slavery. All SSQ questions sanctioned/checked by Central Procurement. The council may also holds “meet the buyer” events to encourage local engagement on main contracts and for subcontracts.

6.6 Suppliers from within Swansea and Wales include those for:

Medical services, legal services and occupation health are often sourced in our area, but for example in financial services and IT these markets may operate on a UK basis.

7.0 Ensuring the Directorate’s procurement activities comply with the general Equalities Duty (as specified in Equality Act 2010 – Public Sector Equality Duty for Wales 2011)

7.1 Taking equality into account at an early stage in the procurement process can help to ensure that goods and services procured are fit for purpose, and are able to contribute to cost reductions in the long run. The Equality Act 2010 requires purchasers to ensure that they do not unlawfully discriminate in the provision of goods or services.

7.2 Reference to, and required compliance with, The Equality Act 2010 is embedded in all the department’s tender documentation and frameworks

7.3 Procurement briefs are designed around corporate templates that ensure specific coverage of these points, which are also followed through into the design or works.

7.4 For larger projects project leaders link in with the Access to Services Team for support and advice and if necessary engage with the local access forum and/ or their representatives. IIAs are also actioned for projects requiring Cabinet sign off (please see paragraph 6.3).

8.0 Staff Training provision on procurement matters

- 8.1 A robust staff training and development programme will ensure that all staff have a consistent experience and background knowledge. A training programme leads to the strengthening of those skills that each employee needs to improve, whilst a development programme will bring employees to a higher level, so that they are all working at a similar skillset.
- 8.2 Staff have received Framework 'User' training from the Framework Manager with further training from Procurement Team scheduled at regular intervals, together with circulation of CPR & other procurement-specific updates/amendments as and when available
- 8.3 Initial 'new starter' training is provided on CPRs and other Procurement processes, with regular updates as and when requirements change. Staff members can also refer to the Procurement Guide for Council Staff. Peer to Peer mentoring on CPRs and procedures for tendering, evaluation and award ensures that experience and knowledge is shared across the team with support for the Council's procurement team available as required.
- 8.4 Senior managers who undertake procurement are fully conversant with CPRs and assessed for issues as part of the regular Senior Management Review Process. If there are any general queries, advice is sought from Procurement.
- 8.5 Regular audits play an important part in ensuring procurement is conducted effectively are conducted throughout the Directorate and any feedback in recommendations are followed through to ensure any improvements on matters including training are delivered

9.0 Ensuring compliance of joint procurement activities

- 9.1 Where any joint procurement activity occurs that then the lead public body will quality assure the procurement process and then our internal services will also sign-off an the agreement before Council Officers proceed, so for example in the case of the Welsh print services framework for the lead body is the Welsh Government who would run the procurement exercise apply the relevant law (the UK Public Contract Regulations).
- 9.2 The Authority is also able to enter into direct agreements with other Authorities, and these would be subject to appropriate internal due diligence via our Legal Services.
- 9.3 Service Level Agreements are used to map and manage agreements with other parties, for example we work with the NHS to obtain health board services.

10.0 Monitoring procurement activity especially ongoing contracts or service level agreements and enforcement of requirements

- 10.1 In order to drive Continuous Improvement it is of paramount importance that procurement activities are monitored and performance controlled by the recording of data, measuring performance against expectation, making any necessary changes or amendments and reporting on the outcomes.
- 10.2 Procurement activity and performance is monitored regularly via regular meetings and tracked against project programme to ensure targets are delivered/milestones achieved.
- 10.3 Regular checking of the “contract register”, contact with the corporate procurement section and running reports on supplier spends assist in the monitoring of procurement activity.
- 10.4 Where the procurement method is via a framework, a Framework Manager will be appointed to monitor the ongoing spend against that particular framework. Both the Framework and the call off contract contain legally binding terms and conditions outlining both the contractor/supplier’s and the client’s obligations. Failure to adhere to those obligations could lead to damages being imposed against the contractor/supplier for non-performance or breach and ultimately being removed from the framework or termination of employment under the call off contract
- 10.5 Most companies are keen to work with the Council and want to maintain a good working relationship.
- 10.6 The system in place of producing requisitions for the Buyers to order the goods /services ensures probity.
- 10.7 As an example of this approach, for our MFD contract (Council printing, copying and scanning devices) a quarterly service review includes receiving and analysing a service update, focus on specific strands of activity e.g the print room (large-scale printing) and education issues, a review / discussion re any proposed changes, and then agreeing detail and actions for the next performance review meeting.

11.0 External auditing of Directorate’s procurement activity

- 11.1 Whenever funding is provided to the Council by external organisations for particular schemes or projects, there is an expectation that the funding will be used for the purposes provided. The audit process ensures that those requirements are met and that the procedures used within the procurement process are robust.
- 11.2 Our procurement activity is regularly audited by the Council’s in-house audit team.

11.3 Where projects receive external funding from Welsh Government or EU funding sources they are routinely audited before during and after. More so with EU funded schemes, but good practice is followed on all schemes, and Corporate Procedure Rules are always followed to ensure future compliance checks can be met. Compliance with funder's practices which may be externally audited is therefore necessary.

12.0 The effect of leaving the European Union on the Directorate's procurement activities

12.1 Some issues have been encountered with regard to the availability of IT equipment (e.g. laptops), but at this time there has been limited impact to the Directorate although as Panel members will be aware there has been an impact on the Council in general, but there are also other issues impacting at the same time including the pandemic's impact on supply chains, which are being monitored by an internal group on this matter convened by the Leader.

13.0 Improving on the Councils procurement practices

13.1 The Council has developed a robust and detailed set of Contract Procedure Rules for use in its procurement activities and these provide a solid base for procurement activity. There is always an opportunity for further self-evaluation and improvement by learning lessons from current best practice and peer organisations and in this regard the Council actively takes part in relevant fora to share innovation including in the WLGA's national procurement network, which includes representation from both the Future Generations Commissioner's office and Welsh Government.

13.2 The Council are members of the Swansea Major Employers Forum which brings together the DVLA, the Swansea Bay University NHS Board and our Universities, and we have agreed to a joint forum that would engage with businesses across the city to explain 'how to do business' with us as part of our response to the pandemic, and we are planning an on-line/ video-based activity this autumn, based on the Council's supplier guide, considered a model of good practice - [Selling to the council: a guide for suppliers - Swansea](#).

13.3 In terms of key issues for development the Directorate is considering expanding the level of training and support for staff and is currently working with the Education Director for example to specially target schools and develop a capacity building programme.

13.4 The recently introduced e-contract system has been very well received, and resulted in a paper saving of some 23,000 pages in one year – we are seeking further innovation in this area, with research on-going with the Welsh Government, and that progress will likely dovetail with the proposed procurement rules reform (noted below).

- 13.5 Policy relating to procurement is a period of significant change with a reform of the UK Public Contract Regulations having been signalled that may allow more flexibility for the Council to consider, for example, enhanced social value criteria. The Commercial Services area is currently supporting a pilot programme into this matter and this is a key area for further development (including further support for local businesses), so the Council will continue to expand its focus on this area and report on the outcome of the pilot in due course. Value criteria have expanded from the traditional price / quality matrix to adding issues of sustainability and or local suppliers and other local impact, and this work will be further supported and developed.
- 13.6 As noted in earlier papers the Council's combined procurement programme is substantial – Swansea has for example one of the largest capital programmes in Wales - and from a corporate perspective the Directorate will ensure adequate support is provided to all staff and projects across the Council to ensure their successful outcome for the benefit of the residents of Swansea.

RESPONSE TO PANEL QUESTION

Response to the further question to Place Directorate following meeting on 13 Sep:

Q: What is the role that the Planning Ecologist plays in the sustainability statements? The Panel understand that a Biodiversity Officer is involved but they feel that the Ecologist could be involved because they are able to assess whether the contractors are serious about the issues, are committed to taking them forward and they could also monitor that the commitments made have been taken forward.

A: *An ecologist would only need to play a limited role in the preparation of sustainability statements and only then for larger corporate contracts that would have an impact on the natural environment. This would be, for example, when advising whether an ecological assessment would be required and what type would be needed. This information would be one of a number of inputs from various disciplines to be coordinated by the sustainable development/green infrastructure advisor on the project. It would not need to be a planning ecologist that provides this advice, and in any event as the Council's Biodiversity Officer is a qualified ecologist this element would be covered off by their involvement.*

Any ecological assessment thus identified would need to be completed by the contractor's own appointed ecologist and would set out in a binding report the ecological requirements- protection, mitigation, etc to be undertaken as a prerequisite to, during and post completion of the project. Any assessment would need to meet competency standards set out by the ecologist's professional body so there would be no issues regarding the seriousness of matters to be addressed. Post completion monitoring would be for the service procuring the contract to follow up on and they would be responsible for buying in any ecological expertise necessary whether it be in-house from Planning Services or external. Furthermore, any major contract/development would most likely need planning permission so would be scrutinised by the Council's Planning Ecologist in any event as part of the planning application process.



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Wednesday, 20 October 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
J W Jones

Councillor(s)

P K Jones
H M Morris

Councillor(s)

L R Jones
T M White

Other Attendees

Christopher Parker, Computer Centre UK Ltd
Amanda Carr, Swansea Council for Voluntary Services (SCVS)
Mark Thomas, Days Fleet
Rhys Morgan, LBS Business Merchants Ltd

Officer(s)

Chris Williams Head of Commercial Services
Michelle Roberts Scrutiny Officer

Apologies for Absence

Councillor(s): V M Evans, I E Mann, B J Rowlands and M Sherwood

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes and responses to follow up questions

Minutes of the 13 September and 27 September 2021, along with response to the follow up question from the meeting on the 27 September, were received by the Panel.

4 Public Questions

No public questions were received.

5 Procurement - Roundtable meeting with Stakeholders

The Panel welcomed the Contractors who agreed to attend the meeting, thanking them for their time and contribution.

In attendance were:

- Christopher Parker, Computer Centre UK Ltd
- Amanda Carr, Swansea Council for Voluntary Services (SCVS)
- Mark Thomas, Days Fleet
- Rhys Morgan, LBS Business Merchants Ltd

A number of issues for discussion were sent to them in advance of the meeting and these formed the basis of the discussion:

- a) What are your experiences of the procurement process in Swansea (positive and/or negative)
- b) Do you believe that the Councils procurement processes and systems are efficient, transparent and consistently applied?
- c) Have you experienced any barriers in accessing the procurement processes in Swansea?
- d) In your opinion do you think the council is effective at procuring locally, ethically and greenly?
- e) Given your experience working with Swansea Council is there any element of the Procurement process you would like to see changed?

The transcript highlighting the key points raised will be included in the Panel's Findings report, which will be discussed at the Panel meeting on the 24 November 2021.

6 Inquiry Project Plan

The Panel accepted the project plan.

The meeting ending at 11.14pm

Chair

Transcript – consultation with Contractors on 20 October 2021

Chris Holley (Councillor)

We have sent out the 5 questions to you and what we'd like to do is for each one of you to give us a couple of minutes on each one of the questions. What I tend to do is go through the first question and ask for your views on that, and then the 2nd, 3rd, 4th and 5th and then if any Members got any questions in between put their hand up virtual hands up, then we'll get back to them.

Question 1 - What are your experiences of the procurement process in Swansea (positive and/or negative)?

Rhys Morgan

I'm a family builders merchants, trading since 1931. We supply all sorts of building materials, roofing materials, plumbing, heating kitchens. No issues on our side really. We supply materials via different frameworks that we've been awarded so it could be building products, plumbing heating materials and roofing etc. So generally everything is fine. We have got a good working relationship with the procurement team, no serious concerns and issues from our point of view.

Mark Thomas

I would say likewise with Rhys. A lot of the procurement of vehicles is done via frameworks, of which we use a number of the national frameworks. The guidance and governance given by the frameworks is how the procurement strategy is adhered to. Swansea Councils vehicles are being procured via the National Procurement Services for Wales Framework NPS. There were no issues from what I can see. We have been providing vehicles for Swansea Council for well over 20 years now and whichever framework strategy the Council decide to operate, we are able to facilitate and supply vehicles through. Again to echo what Rhys says, we have a strong relationship with the fleet management team, in particular Mark Barrow, who we speak to probably a couple of times a week.

Amanda Carr

We are in a slightly different position, perhaps to other people speaking today and so it's important to understand that probably the evidence that I'm giving is Amanda wearing two hats worn as SCVS because we do hold some contracts directly with the local authority, but also SCVS has its role of representing and supporting the third sector broadly. So I need to distinguish some of the comments slightly and describe which how I'm wearing hat. So in terms of SCVS and its direct relationship with the Council, I think we have really positive relationships around procurement, increasingly positive actually over the years as relationships have built. I think this is because a lot of the contracting that is done with the third sector is around health, social care, wellbeing and community based services, so frameworks look a little bit different than for contracts for goods.

In terms of the sector as a whole I would like to comment on the third sector strategy arrangements between the local authority and the sector and the compact that exists. Over the past 18 months the Compact has particularly become a really strong forum for the third sector to be able to discuss concerns or issues directly with

procurement colleagues. And that has been really positive way of building those relationships. I would praise the local authority for in this space and for over the last two to three years in its growing emphasis on co-operation around the specifications for services which are going to be sought from the third sector. Council has been really on board with in working in a co-productive space to the extent that the law will allow. So I think some generally and particularly more recently very positive.

Parker, Christopher

I work for a computer centre we are the UK's largest IT reseller so we supply IT infrastructure and digital transformation to customers. My experience of working with Swansea is generally positive. I do have a few things I will outline perhaps later on in some of your other questions but yes, it is a positive experience.

Further question Jeff Jones (Councillor)

How easy was that and how did you actually get onto the suppliers list in in the 1st place? How did you actually initially get in?

Parker, Christopher

Most public sector business is done via frameworks, so we apply to get on the NPS framework, which is the Welsh Government backed framework and that gives us access then to all the public sector across Wales. Although recently Swansea seemed to have gone away from frameworks and now using Swansea Council Open Tender process which is an open process so any supplier can tender for the business.

Amanda Carr

I think our entry point is a bit different from the rest. SCVS would generally be constantly keeping our eye out for tenders. These are not on frameworks and it doesn't work like that for the things that the third sector are likely to want her to bid for. So we are constantly waiting for alerts to come in and searching to see if it's something that third sector organisations might think is within their remit. It's certainly not anything about personal relationships.

Mark Thomas

We may be a little bit different on this point because our entry point into supply first occurred during the late 80s via a locally based dealer network in the Swansea City area. We originally part of the leasing company that I sit in was born out of supply in leased vehicles on contract hire to Swansea City Council as vehicle leasing became more pertinent procurement strategy for councils. But more recently and to echo what Christopher said earlier, we also sit on the many public sector frameworks. Vehicles that are procured on contract hire and certainly over the last 24 months have been done via the national procurement services for Wales's framework.

Rhys Morgan

Just as Christopher and Mark said really, just very similar experiences we applied via national procurement service, NPS Welsh government frameworks to tender for materials for Swansea City Council over the last two or three years. Building material wise Swansea, as with Christopher's comment, have pulled away from the framework so we tender via Swansea Council Open Tender.

In a recent example: there's been a door framework, internal doors for new build sites where we've seen companies from Dorset and Scotland bidding for work. Not too sure why Swansea pulled away from the National Procurement Service on the building materials framework but basically anything that comes out for tender in Wales we have a look at it and decide whether we can bid for it, so no concerns in those points.

Question 2 - Do you believe that the Council procurement processes and systems are efficient, transparent, and consistently applied?

Rhys Morgan

We did have some downturn in sales due to operatives not being allowed to work in your tenant properties. I think everything has been fair and above board as far as I can see and there has not being any issues or any concerns my end at all.

Mark Thomas

For my part, again to echo the points that we've raised, the procurement process follows the tender framework provider's procurement strategy for any of the given frameworks that we operate under. And, as mentioned, currently procure Swansea Council vehicles via national procurement services for Wales.

The systems that are there to be used, the publication of the tenders done via 'Sell to Wales'. So from a transparency and consistency point of view that web hosted portal provides consistency for how the tender process is started and then obviously scoring and other documents. So I don't see any issues in the processes that are applied at the moment.

Amanda Carr

In terms of the third sector, many of whom do not go nowhere near tendering because they are just way too little, they just cannot get involved for a whole range of reasons. The efficiency might be a little bit in question because it's not just about the efficiency but the bureaucracy and the scale of services that many small organisations want to offer within the Council area. They are not big enough or able to scale up enough to be able to work in that way. The whole bureaucracy is not just about the Council it is about the law and it's about the process.

I think in terms of transparency and consistency this has been tricky for the sector over the past few years. I don't blame the procurement process itself, it is the move away from historic grant giving or service level agreement arrangements into a procured process. Quite often organisations have been unable to really understand why that might be happening and when their service is always apparently performed very well or being really valued, and then they feel like they're being kind of excluded because it is just too bureaucratic for them.

I think part of this is about people moving their thinking to a new world of procurement, accepting that is what they have to learn to be able to do now. That certainly is something that SCVS over the past few years has been working on. It's our focus to support people, so rather than supporting people to apply for grants it is about supporting people to submit tenders. So I think it's not so much about the

Council particularly, it is about the organisations as well...it's about being on a journey together hopefully. So it is about that transparency and consistency and understanding and communications around that, so that everyone arrives in the same place and understands why it is happening.

I do think there are sometimes issues where there are still Council grants but other things are procured, it can be really difficult for people to understand why in some circumstances they are still applying for grants while in others they have to look at procured services. So as I said at the beginning, it's something that I believe that the third sector compact arrangements can address. It's a key area of work for us moving forward so that we are all on the same page and in a consistent transparent place.

Parker, Christopher

Swansea Council have moved away from using the framework that was put in place by Welsh Government and have now gone down a different route. There are benefits of using a framework it is supposed to reduce the overall procurement costs and the use of internal resource. It also helps to build long term relationships between suppliers and buyers.

If you go down the OJEU (Official Journal of the European Union) *or in Swansea Council Open Tender*, route then it's an open invitation for literally every man and his dog to put in a response. We are on a framework where we have to show necessary accreditations in place and prove that were financially viable. If you go down the OJEU route you have to do all of those background checks yourself. From my experience of working in the public sector 90% of customers still use frameworks. So I would be interested to know why Swansea decided to move away from doing that. *Chris Williams agreed to provide a fuller response in writing on this point.*

Rhys Morgan

No issues at all really and everything is above board. Where there has been a bit of a grey area it has been explained in detail to us by operatives at Swansea Council.

3. Have you experienced any barriers in accessing the procurement processes in Swansea? And

4. In your opinion do you think the council is effective at procuring locally, ethically and greenly?

Amanda Carr

I think this is an area where there were probably significant issues for the third sector, some of which I've already briefly touched on. I think because again we are talking about services to people rather than goods. I think I've mentioned already that a lot of third sector organisations within Swansea are relatively small and they are delivering very localised services to communities and people within communities. That can make it really difficult for organisations to access procurement opportunities. Quite often they won't have everything needed in terms of the tick boxes. Which isn't to say that they're not fit to run the service. It's quite often that the questions are asked in a procurement process are not actually the right ones for this type of service.

In order to ensure that local organisations rather than large national organisations are able to apply there needs to be thinking involved in putting the procurement exercise together that looks at social benefit, social value and a local need. We have had some really good examples of working with procurement to put some of those sorts of clauses in to try and enable more locally based organisations to apply and therefore get involved in that circular economy stuff.

With the local authority there are issues around the scoring of contracts, just using value for money which really doesn't sit comfortably as the main way for as the scoring criteria for services to people. Need to include those things like social benefit the social value, the localism. They are really important in enabling the third sector to access procurement opportunities.

Parker, Christopher

In terms of barriers in accessing procurement processes I've no issues in that area. We either go through the frameworks or the OJEU process, but absolutely no problems there at all.

Parker, Christopher

We have signed up as a company to work within the Future Generations Act which is Welsh Government policy which supports inward investment. So we have an office in Cardiff where we invest quite a bit in infrastructure and unemployment. Also as part of the access to the framework we have to commit to things like community benefits which deliver digital inclusion across the social demographic. So we do things like offer refurbished IT to charities and organisations to help.

Mark Thomas

I think we've all mentioned frameworks a number of times here, and I think probably at the moment it seems like the procurement strategy for Swansea is to utilise national procurement services for Wales. Across the board there are a number of other frameworks to use that operate nationally.

In relation procuring locally, although it is a Welsh based framework the winning bidder isn't necessarily a Welsh based company and are not always guided to procure vehicles via locally based suppliers. If I can use an example outside of this recently there was a contract award in North Wales. Via the national procurement services for Wales that I'm aware of, vehicles were supplied via a dealer group in Liverpool and so then the Welsh based pound is not kept in Wales because the guidance wasn't to utilise a local dealer group.

Chris Holley (Councillor)

That is very interesting, because that brings up the subject which we will discuss further at another time about how we set up some of our contracts.

Chris Holley (Councillor)

Well, I think what we've heard effectively from you Amanda that we should be looking more locally and actually look at a better experience for smaller organisations. What you've been saying in your assessment of access to that procurement for smaller organizations can be difficult, they find it a great burden to

actually come on board with any sort of framework because of the amount of work and the amount of effort required and the expertise.

Amanda Carr

I understand that localism is really important across all services and I'd just like to cite Beyond Bricks and Mortar approach as something that I've always wanted to see, with that kind of local social benefit Clause, spread more widely across tendering. And when I talk about small organisations I would consider SCVS as a small organisation in the scheme of definitions of procurement. It is also very difficult for an organisation of the size of SCVS to get involved in procurement as well, so I am not talking just incredibly small but also some of the organisations that might be our larger voluntary organisations within Swansea such as SCVS.

5. Given your experience working with Swansea Council is there any element of the Procurement process you would like to see changed?

Parker, Christopher

I don't think so I would not fundamentally change it apart from the framework thing, more emphasis on that.

Amanda Carr

From my perspective, I think it's about my local authority procurement colleagues and others continuing to engage with the third sector really fully. It's about really importantly communication, and it is about the support to the third sector to engage with things like the procurement process and having that as part of the specification. For third sector support being funded by the Council is really important because little groups just cannot do this without help.

The third sector compact arrangements that the local authority put in place is really important as it gives the opportunity for third sector organisations to meet directly with procurement colleagues.

Mark Thomas

I don't think so. I think for myself but I understand Christopher's frustrations, but for myself, the procurement strategy for vehicle leasing at the moment is fine and regulated by a framework. In my opinion, the best method for procurement of public sector products or services is done via a framework under the support and governance that the framework offers to the authority and like I said, there are a number of frameworks that we can supply across the whole of the UK as well as the national procurement services in Wales.

Head of Fleet for Swansea City Council Mark is probably one of the best fleet managers that I deal with across the whole of the UK. Very knowledgeable, very experienced and very good at supplying accurate information to. I would say that, we have no issues around what the Council do, but would just like to note that you know there are a number of methods that these things can be procured under.

Rhys Morgan

My only little gripe maybe is that sometimes we could be perceived as not being the cheapest on the mat in the market for the products that we supply. But obviously we

are contributing towards the local economy with jobs and apprenticeships and such like and many of our competitors do not. Interesting to hear what Mark was saying but really no massive concerns or gripes with me at all so.

Peter Jones (Councillor) put a question

I'm going to raise a question with reference to electric vehicles and requirements in terms of the procurement process. Everyone is probably aware that Swansea Council is committed to a net zero emissions target by 2030. What do business representatives feel about Swansea writing 'greening' formally in through a procurement requirement, and how would they address that in terms of their respective interests?

Parker, Christopher

I think actually it is already built into the Tender process and there's all sorts of Energy Star standards which are given ratings that form part of the scoring assessment of a product, so I think it's covered already.

Amanda Carr

Yes I would echo that, we do already answer in our tenders on our internal organisational approach. I would really support Cllr Jones point on this I think it is absolutely important. Even timelier than ever that this is addressed through procurement insofar as it can be. I think we all have a responsibility, and I'm talking from my organisations perspective to do more than we're doing already. And there are some things from a third sector perspective that I would like to see coming through procurement, and I think support for Community transport schemes and picking up on what the Council do already. Would like to see the Council starting to look at how third sector can play a more important part in that. This is really pertinent for me at the moment, as an organisation that has been working with the local authority and the health board over the last year since January to enable people with no access to transport to get to vaccination centres, and to uptake COVID vaccinations that they would otherwise be entirely unable to access.

It's become in sharp relief to me that many communities are so lacking in transport, be it private or public and really need some focus on community transport. And sorry I sound like I'm probably going off the point, but in that context of focusing on electric vehicles and yes electric charging points and how those can be built into communities. Particularly, more rural isolated communities.

Why are we not pushing for procurement that is consortia procurement across different partners, so that we're getting the best out of what we're all able to offer? You know, I would love to work with Mark on something that supported community transport schemes using Days immense experience and the fleet manager.

Experience was mentioned, why can we not be coming up with some really localised solutions that involve public, private and 3rd sector expertise in in one place and that delivers better on this particular agenda. This is really pertinent in terms of some of the work we're doing in the third sector at the moment around transport within communities.

Rhys Morgan

To be fair most contracts come with the carbon net zero sort of criteria that all businesses are going to hit. Swansea had been good with this and other aspects with relation to the new build homes being built in the city at the minute. With very efficient solar panels and charging points outside the front of the house, so future proofing, so to speak. That's good to see. There are not many other Council in Wales that are building houses to this standard so it is good to see. It is a credit to the guys who bring the tenders together.

Mark Thomas

I'll touch on procurement strategy 1st, and I'll caveat it with where possible. So where possible, we will or are asked to provide pricing for an equivalent electric vehicle over and internal combustion or hybrid vehicle. An internal combustion, usually at the moment is petrol has obviously always been diesel, but we are being guided away from diesel engines because of harmful emissions. We're going back to supplying more petrol vehicles, which was a thing of probably 15 years ago, but petrol engines emit more SEO tool which is why the shift occurred.

Go to the diesel engine and because of CO2 rises in the harms to the environment that that causes. So it's obviously the lesser of two evils when we're discussing diesel and petrol engines, which is why a number of manufacturers now offer hybrid, either plugin or mild hybrid mild hybrid vehicle is a vehicle that has internal charging capabilities and a small battery assist and that allows the vehicle to do probably up to about 15 miles on an electric motor.

Before switching to its diesel or petrol engine, a plug in hybrid has a larger electric motor. It requires plugging in to be charged and will allow however much range that manufacturers battery can give it before switching onto the petrol or diesel engine. When we're talking about all electric vehicles, they were limitations. Unfortunately at the moment. So if we're talking like for like cars under the tender process, we will always offer electric and internal combustion engine offerings.

There are some cost fearing issues when it comes to procuring electric vehicles. They are more expensive at the moment to build because manufacturers tend to put their production factories and facilities in place to build vehicles over a 10 or 15 year period and only in the last five or so years has electric vehicle manufacturing become a real focus so manufacturer facilities are still geared up to build vehicles with internal combustion engines, that is changing and a huge investment by the manufacturers is required in order to change over there global assembly plants to allow electric vehicles to be built. All manufacturers now offer electric vehicles as part of their range, and there are limitations to the capabilities of those vehicles. So Rhys mentioned earlier Tesla, Tesla are probably the market leader in terms of range.

For passenger cars, but obviously a premium brand vehicle and the cost of a Tesla Model 3 compared to the cost of a Ford Focus with a one litre petrol engine is probably twice as much and therefore the lease will reflect that in terms of how much that vehicle costs where. The Tesla does outperform the focus at the moment

is in terms of residual value and as a leasing company the residual value has a direct effect.

On the rental of the vehicle, and so the gap of twice the difference in procuring and alleviates itself somewhat in the lease rental of the vehicle. Because the resale value is higher as we see vehicles will all become electric over the next 10 years?

Commercial vehicle so a van of sub three and a half ton with whatever type of conversion it may be, whether it's tipper full panel van with rocking a flatbed with a cage, whatever it may be. There are few manufacturers that offer three and a half ton panel vans as all electric vehicles and where they do offer that type of vehicle there are limitations to range payload. And excessive costs are associated with those vehicles.

So if I can talk about range in the first instance which isn't such an issue in the Swansea area because of the localised type of journeys the vehicles do, I would say that a three and a half ton panel van with that user tipping body conversion as an example, and we'll give you a range of between 100 and 150 miles. With that vehicle then has huge limitations in its payload, so the amount of stuff if you like that can be put on board. A tipper converted electric vehicle will give you 350 or 400 kilos of payload before you put a driver in. Before you put a passenger in before they carry their tools and products to go and do the job that they're doing. So they're huge limitations. In comparison, a tipping body converted diesel powered three and a half ton panel van will give you 6 to 900 kilos depending on the chassis and tipping body type that you put in on. So big limitations at the moment in capabilities.

Of the vehicles, and that's something that forms issues for all authorities, not Swansea Council or as a standalone. Also then to move up a weight class so about three and a half ton and the costs associated with over three and a half ton electric commercial vehicles that are astronomical in comparison to diesel powered and at the moment let's use bin lorries for example. And we are going to have to move to all electric bin lorries in the future. At the moment Dennis Eagle offer very good and capable electric bin lorry. However it probably 6 times more expensive than a diesel powered bin lorry. Huge differences in cost.

And to move away from that and into the real world of charging vehicles. The plug points that Rhys referred to earlier in the new builds are absolutely the way forward for charging vehicles for new builds. However, huge amounts of employees whether corporate employees or of Swansea City Council. We live in terrace housing. We plug in a plug point cable across a pathway to a vehicle on a road which is not viable option for charging. So what we're looking at here is actually advances in technology to enable charging to be done either wirelessly like mobile phones can now via park pads which will be affixed to the floor outside addresses or other methods of wirelessly charging vehicles. However, they were obviously limitations to that as well. We know, for example, that people living in terrace houses may have more than one vehicle. And they're allocated permit parking across the street area, not directly outside their house

There was a lot of funding available via Europe for infrastructure and vehicles, which I believe the Welsh Government didn't take full advantage of. Scotland for example had huge swathes of money. I haven't seen that money and those grants available to Welsh authorities.

Chris Williams (Head of Commercial Services)

Looking at what we have been discussing just as we get towards the end of this meeting, it be useful for me if people wouldn't mind...

Somebody issues raised, for example, the issue Christopher is raising between use of a direct tender process and a framework. If you wouldn't mind being able to put that, perhaps in writing to Michelle exactly which contract versus which contracts, so I know exactly what I'm looking at in terms of the responses. But also I think Amanda raised some interesting points, and I think you said that certain questions we were asking.

And the point about some things being put out to grant some things being procured again, which exactly which things that we're looking at there so we can understand that.

I think there was a point around checks where we were asking for certain checks on suppliers which maybe weren't relevant. Again exactly which tenders which checks. I just as much data as possible so I can properly investigate and use this this forum to learn from all the comments that have been made and the only point I'd make on the social care social agenda is we rarely if ever in my experience go out on just price.



City and County of Swansea

Minutes of the **Scrutiny Inquiry Panel - Procurement**

Remotely via Teams

Wednesday, 10 November 2021 at 10.00 am

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

P Downing
L R Jones
H M Morris

Councillor(s)

T M White
J W Jones
M Sherwood

Councillor(s)

P K Jones
I E Mann

Other Attendees

David Hopkins
Elgan Richards

Cabinet Member - Delivery & Operations (Deputy Leader)
Business Wales

Officer(s)

Chris Williams
Michelle Roberts

Head of Commercial Services
Scrutiny Officer

Apologies for Absence

Councillor(s): B J Rowlands

1 Disclosures of Personal and Prejudicial Interest

None

2 Prohibition of Whipped Votes and Declaration of Party Whips

None

3 Minutes of Previous Meeting and responses to Panel questions

The minutes of the meeting on the 21 October 2020 were agreed and the response to following up questions received from the Social Services Directorate were accepted.

4 Public Questions

No public questions were received.

5 Business Wales

The Panel welcomed Elgan Richards from Business Wales to the meeting.

He was invited to the meeting to discuss the work they are doing to support small and medium-sized businesses who are considering tendering for public sector contracts.

- Business Wales (BW) are contracted by Welsh government to provide business support to small and medium size businesses. The only criteria for the accessing the support is the business needs to be classed as a Welsh micro-SME. This should include employing up to 250 staff and have up to a £55 million pound turnover.
- They do not only support businesses with tendering support but also support business planning, cash flow, funding and marketing and so on. They have a team of specialist advisors to do this.
- Elgan explained his role as a Tendering Advisor who assists the SME and micro companies to tender for public sector tenders and contracts. He explained that they run monthly webinars, these are all published on the Business Wales and Sell2Wales websites. They help businesses to register on the Sell2Wales portal so they can tender, ensure they have the right codes receive the relevant opportunities to tender. BW work with companies in supporting them with how to tender including what they need to have in place to meet the minimum requirements, helping with selection questionnaires and to use other portals like E Tender Wales. They have meetings with individual businesses if needed, where they will support them through the tendering process, helping them achieve their desired goal. He said he will also engage with some of his colleagues, particularly in the sustainability and the human resources team if there any specific questions around those aspects arise.
- They also offer early engagement sessions and meet the buyer events. So, if there is a large contract, they can help facilitate meet the buyer event for the potential contractors to engage the Council. And, in addition to this, BW provide advice in relation to the two pledges from Welsh Government: the green growth pledge and the equality pledge. They offer businesses a range of support to, for example, improve their efficiency and to decarbonise, also to help businesses take proactive steps to create a fully inclusive and diverse workforce. They advise clients to sign up for these pledges as well.
- There is no cap on the number of hours of support that businesses can receive from BW, and the support is fully funded through Welsh Government. They only need to be in Swansea, they do not necessarily have to bid for a contract with Swansea Council they could tender for a contract anywhere.
- *How do you get your clients? Do they simply get in touch with you or do you? Are you proactive in going out looking for them?* Reply: It can be frustrating at times because this support is fully funded. It's free for businesses but unfortunately some feel there will be getting better value for money by paying for an external consultant to come in rather than accessing the free support. We have a good relationship with the procurement officers, particularly in Swansea Council, and they signpost people on for example the tender documentation, guidance they provide and on Council website. We have an active marketing team who proactively advertise the service. We do also work with not only a number of business advisors and relationship managers but also banks and legal firms will signpost to BW.
- *You referred to advice on decarbonisation by particular applicants, could you tell us what are the kinds of concerns and problems that businesses approaching you*

might face, and what sort of information, guidance and response you give?

Reply: BW has at specialist Sustainability advisors and is in the process of recruiting further advisor currently. These advisors assist businesses in ensuring that they have an environmental policy as part of the Wales is green growth pledge. They will help BW when selecting the key aspects of the pledge and in creating an action plan and some targets to achieve its goals.

- Chris Williams told the Panel that in terms of finding clients, the Council refer people to Business Wales when companies express any doubts or interest in learning more about certain aspects of tendering, sign-posting them to the support that Elgan outlined and we have this referral mechanism displayed in our literature, and he noted that the Panel has previously touched on this in a meeting when reviewing our 'supplier guide', and in there it clearly has the contact details for Business Support and Elgan's team, so we are constantly reinforcing that.

- *From your perspective Elgin what can we as a Council do differently?*

With regard to potential ways to improve Elgan said:

- A bit more emphasis on early engagement would be beneficial. Swansea does tend to be a bit more SME friendly compared to some other local authorities. Do you really appreciate how difficult it is to tender, for example creating a Sell2Wales profile, added a tender, reading through and understanding the tender pack and completing all the questions in the selection questionnaire. Many also need to invest in and maintain the minimum requirement and quality standards like ISO. The average strike rates in tenders tends to be 20%, so can be 1 in 5. It is a confidence knock as well, so if they miss out, they might think twice before re tendering the next time that opportunity comes live in maybe two or three years times.
- Keeping track on how many suppliers express an interest in tendering and how many then go on to actually tender.
- Have a list of frameworks on the website which is updated. Also have a projects page on the website for large projects that not only publishes the tier 1 providers but also shows who the tiers 2 and 3 are, so smaller providers in the supply chain can contact the tier 2 or 3 to become part of this.
- Creating a new role as a supplier champion. Caerphilly Council has appointed a supplier champion to specifically to go out and about in their region and to link suppliers and particular projects also helping small supplier in becoming an approved supplier in those areas.
- Offering grants for things like obtaining ISO 9000 and environment management standards etc
- Chris Williams pointed out that tendering documents are detailed, but there is good reason for it. If for an example we have someone going to do electrical work in, say in a school, then that is a very different proposition then if you have somebody coming in your house to do a quick bit of work. If they are working in a school environment, we must make sure the contractor is insured and they have the right qualifications etc, e.g. they would need to be a qualified electrician, and that is why our document's questions and checks are set to ensure the work is done to good quality and to ensure safety standards. We need to be sure suppliers have the right experience, certifications, and knowledge to carry out that work. It is very important we have a robust system in place.
- Chris Williams also noted that he had previously worked in the private sector

and had personal experience of using government tendering portals. He acknowledged that a supplier would need to spend time registering on the portal, but once registered a supplier has access to all public sector opportunities (so would not need to search multiple government databases) and alerts can be tailored to specific business areas, saving the suppliers time in searching for relevant business opportunities. Chris Williams also noted for the Panel's information that the Council had received zero formal complaints on its procurement activity in recent years.

6 Procurement Performance Data, Comparison Data and Stakeholder Survey Results

The Head of Commercial Services attended the Panel to present a report outlining performance data, comparison data and survey results relating to procurement. The report covered (the full report will form part of the evidence pack for the inquiry):

- Welsh Government Data reporting systems
- Data derived from meet the buyer events
- Contract management
- Other relevant data and policy documents

The following issues/questions were raised by the Panel:

- *Is social value something that being protected and supported through our current processes? Should a local company with the high levels of social value for us after under Council objects have some advantage in the tender processes over and above just cost?* Reply: It is important that we keep looking at how we design and develop our contracts. If there is something we have not asked, something we haven't considered, we can certainly investigate that further. We do use a clear process of putting out a specification (and that specification will include social value considerations, e.g., for solar panels or electric vehicles), and we expect suppliers to comply with that specification, responses received are considered and then tender is awarded accordingly in an open and transparent way.
- *If a contractor we are using, subcontracts some works are we told about it?* Reply: Yes, they would need to tell us of subcontractors and assure us that the right standards are in place.
- *If we make variations to a contract, with the value of the contract or say the date needs extending, what do we do? What sort of involvement do you have?* Reply. There are strict processes in relation to contract variations. Chris Williams noted that he signs off on contract variations. There are many legitimate reasons. There could be a delay for some emergency construction work for example.
- *Do we produce a register of companies we call on and how often do we update that register?* Reply: We do not have one single register of companies. We may work for example with a group of companies on a framework contract. For example, if we looked at the home to school transport then there are some 30 local companies registered who could provide such a service and new suppliers are invited to join on a regular basis.

In general terms we refresh the supplier list every three to five years (as we retender our agreements).

7 Research - Social and Local Procurement

The Panel discussed the desk-based research report that showed a selection of different procurement practices that are taking place in relation to social and local procurement practice.

Five examples were included:

- Preston Model
- Cardiff Council's Socially Responsible Procurement Policy
- Hywel Dda University Health Board
- Community Wealth Building in Leeds
- Harrow: Making refurbishment better

All are very different but with the common purpose of improving local procurement. It was emphasised that these are just a few examples and that there are many more to be seen across the United Kingdom.

The Panel heard from Chris Williams that the Preston model is something that is very familiar to Swansea Council, and we have worked with their allied partner the Centre for Local Economic Strategies. He highlighted that their model originally looked at a combined spending of £750 million, of which when they started their process only had £25 million remaining in their local area. So, they were starting from a different, much lower, base of local supplier involvement - Swansea Council spends some £260 million a year and we are looking at £100 million staying in our area. We have been looking at local supplier development and social value for a long time. Also, Swansea does all the aspects mentioned in the Cardiff socially responsible policy.

Cllr Holley noted that he was pleased to see that other Councils are adopted the Beyond Bricks and Mortar approach that was adopted in Swansea many years ago, so others are following Swansea's best practice in this area.

8 Inquiry Project Plan

The Panel accepted the project plan.

The meeting ended at 11.35 am

Chair

RESPONSE TO PANEL QUESTION

Response to the further question to Place Directorate following meeting on 27 Sep:

Q: *Do we include in our discussions with transport companies any requirements about effective pollution management? Also how do we monitor and take account of their actual behaviours? For example ensuring that those who transport pupils, when waiting, ensure schools their engines are turned off to minimize pollution?*

A: The Council procures transport for those pupils who meet the criteria set by the Welsh Government for entitlement to free transport. Most of the transport for mainstream pupils is provided using buses and minibuses and that for pupils with additional learning needs is provided by minibuses and taxis.

All taxis used on school transport have to be licensed and comply with the Licensing Authority's vehicle standards for Hackney and private hire vehicles. The majority of vehicles are licensed by Swansea Council with some by Powys and Neath Port Talbot. Buses and Coaches must comply with Department for Transport vehicle standards.

With regard to contract services funded by the Council, the Home to School Transport Terms and Conditions of contract contain the following wording:

- No vehicle used in the performance of the Contract to wait on the public highway for longer than is necessary to pick up and set down passengers.
- Where layover time exceeds two minutes at any collection point, engines shall be switched off. The idling of vehicle engines should be kept to the minimum.
- No Vehicles used in the performance of Contracted Services shall be parked overnight on any public highway.
- All vehicles provided under the terms of this Contract shall be a maximum of 15 years old, for the duration of each contract except PSV minibuses with 9 to 16 passenger seats which must be under 12 years old.

The Council employs a Survey Team of part time staff who monitor the operation of these service on site. In addition to this the Licensing division of the Council undertake their own monitoring of licensed taxi and private hire vehicles.

RESPONSE TO PANEL QUESTIONS

Response to the further question to **Social Services** Directorate following meeting on 13 Sep:

1. Standard Terms and Conditions for Contracts (Social Services)

Please see attachment 'Conditions of Contract – Social Care Services'

2. Membership of the Commissioning Group

Chair	<ul style="list-style-type: none">• Dave Howes – Chief Social Services Officer
Vice / Deputy	<ul style="list-style-type: none">• Jane Whitmore – Strategic Lead Commissioner
Adult Services	<ul style="list-style-type: none">• Amy Hawkins – Head of Service• Peter Field – Commissioning
Child & Family Services	<ul style="list-style-type: none">• Julie Davies – Head of Service• Chris Francis – Commissioning
Education	<ul style="list-style-type: none">• Kate Phillips – Head of Service• Fraser Newbury – Senior Leader ALNU
Housing & Public Health	<ul style="list-style-type: none">• Jane Harris – Landlord & Community Housing Manager• Steve Porter – Operations Manager
Commercial Services	<ul style="list-style-type: none">• Chris Williams – Head of Service• Lee Morgan – Category Manager
Finance	<ul style="list-style-type: none">• Chris Davies – Principal Finance Partner

3. How many contracts not compliant and their current position

The procurement of social care and housing-related support services is governed by the Public Contract Regulations (PCR) 2015.

The PCR 2015 recognise the special characteristics of social services and related services, and the regulations reflect the importance of cultural context and sensitivity. There are specific rules for social, health and other services (Light Touch Regime) and a separate EU Threshold limit.

The current EU Threshold limit for these services is currently £663,540. Upon review of the information a small number of contracts will exceed this threshold (11 in total). All contracts have contractual agreements in place. It would be extremely difficult to tender the contracts at this point having regard to the need to ensure continuity of provision for vulnerable service users or a planned and sensitive approach to contract change and to make service changes as a result of Covid-19. The Council is committed to an open procurement process in the near future should it be considered that it is the best way forward.

4. Update of figures in table 3.5

The People Directorate Commissioning Workplan captures all of the commissioning activity for the Directorate and identifies approximately **140** different areas of contracts, frameworks and service level agreements that are necessary to manage business.

The annual value of these agreements is approximately **£75 Million**, 70% is funded from Core Council budgets and 30% is funded a variety of Grants.

It is important to note that these figures are taken at a point in time and does change throughout the year. The past 18 months has seen a greater deal of additional grants to mitigate the effects and impact of Covid.

The table below outlines the areas of work, but as you can see the majority of contracts and spend are on Adult Social Care:

Area	Number of Contracts/ Framework Agreements/SLAs	Percentage % in each service area	Annual Value £	Percentage % in each service area
Adult Services	75	48%	£ 49,738,910	67%
Partnerships & Commissioning	45	29%	£ 8,665,800	12%
Child & Family Services	35	23%	£ 16,111,025	21%
TOTAL	155	100%	£ 74,515,735	100%

5. What will the effect of the new NI contributions on Social Services, staff and providers (positives/negatives). Chris, could you also provide this more widely for the Council if possible.

Finance estimate is an additional cost of to the Council of £3.6m per year, with note that the Council should be compensated for the staff cost increase by central government (but this to be determined through budgetary processes).

6. Details of the Real Living Wage and the impact on the Council and providers (positive/negatives)

In Social Services, we have been looking at how we can progress the implementation of the Real Living Wage in future financial years. This will enable us to support progress on fair work in the social care sector through salary uplifts aimed at ensuring that front line workers in commissioned services are paid the Real Living Wage, or a move towards this, but is dependent on future budget settlement figures from Welsh Government

7. Change in Legislation mentioned, would you have a link to this paper?

<https://www.gov.uk/government/consultations/green-paper-transforming-public-procurement> - subsequent communication from UK government notes that this is a matter still in progress with 'earliest implementation in 2023'.



**THE COUNCIL OF THE CITY &
COUNTY OF SWANSEA**

CONDITIONS OF CONTRACT

FOR THE SUPPLY OF

SOCIAL CARE SERVICES

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i. Definitions and interpretation

1.1 In these Conditions the following definitions apply:

Bribery Laws	means the Bribery Act 2010 and all other applicable UK legislation, statutory instruments and regulations in relation to bribery or corruption;
The Contract	means these conditions, special conditions (if applicable) specification, pricing schedule, Service Provider's tender (if applicable), acceptance letter and any relevant documents agreeing modifications exchanged before the Contract is awarded, and any subsequent amendments or variations agreed in writing;
Contract Documents	means these conditions for the supply of Social Care Services which shall be deemed incorporated into each and every order placed by the Service Purchaser and for the avoidance of doubt any terms and conditions endorsed on the Service Provider's stationery, at any time, including but not limited to purchase orders and order acknowledgment documents, are specifically excluded from the terms of the contract between the parties and shall not be incorporated into or form part of the contract between the parties;
Contract Period	means the Term of the Contract as outlined in Clause 7;
Contract Price	means the price exclusive of VAT set out in the Contract for which the Service Provider has agreed to supply the Services as set out in the Pricing Schedule;
Contract Supervisor	means any duly authorised representative of the Service Purchaser notified in writing to the Service Provider for all purposes connected with the Contract. Any Notice or other written instruction given by or made to the Contract Supervisor, shall be taken as given by or made to the Service Purchaser;
Data Loss Event	any event that results, or may result, in unauthorised access to Personal Data held by the Service Provider under this Agreement, and/or actual or potential loss and/or destruction of Personal Data in breach of this Agreement, including any Personal Data Breach;
Data Protection Legislation	the UK GDPR, the DPA 2018 to the extent that it relates to processing of personal data and privacy; all applicable Law about the processing of personal data and privacy;
Data Protection Impact Assessment	an assessment by the Controller of the impact of the envisaged processing on the protection of Personal Data;
Data Subject Access Request	a request made by, or on behalf of, a Data Subject in accordance with rights granted pursuant to the Data Protection Legislation to access their Personal Data;
DPA	Data Protection Act 2018;

UK GDPR	the United Kingdom General Data Protection Regulation ;
Force Majeure	means any event or sequence of events beyond a party's reasonable control such as an act of God including, but not limited to, fire, flood, drought, earthquake, windstorm or other natural disaster; act of any sovereign including war, invasion, act of foreign enemies, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation; acts of terrorism; nationalisation, requisition, destruction or damage to property by or under the order of any government or public or local authority or imposition of government sanction embargo or similar action; civil emergency (whether an emergency be declared or not); radioactive contamination; pressure waves caused by aircraft travelling at sonic or supersonic speeds; law, judgment, order, decree, embargo, blockade, labour dispute including strike, lockout or boycott; interruption or failure of utility service including to electric power, gas, water or telephone service; failure of the transportation of any personnel equipment, machinery supply or material required by the Service Provider for performance of the agreement; and breach of contract by any essential personnel;
Intellectual Property Rights	means all Intellectual Property Rights including without limitation, patents, patent applications, design rights, registered designs, utility models, trade and service marks and applications for same, copyright know-how, rights in semi-conductor chip topography, and in each case whether protectable at law or not, and if protectable, whether an application has been made for such protection or not, and all similar industrial, commercial, monopoly or other intellectual property rights whether present or future, vested or contingent wherever protected;
Notice	means any written instruction or notice given to the Service Provider by the Contract Supervisor, delivered by: <ul style="list-style-type: none"> a) email or hand delivery to the Service Provider's registered office or other address notified for the purposes of the Contract and deemed to have been served at the date and time of delivery (except if after 4pm, when it's deemed to have been served the next working day); b) first class post to the Service Provider's registered office. Such Notices are deemed to have been served 48 hours after posting;
Permission	means express permission given in writing before the act being permitted;
Pricing Schedule	means the completed pricing schedule/schedule of rates contained within Schedule Error! Reference source not found. of this Contract and submitted by the Service Provider and agreed by the Service Purchaser;
Protective Measures	appropriate technical and organisational measures which may include: pseudonymising and encrypting Personal Data, ensuring confidentiality, integrity, availability and resilience of systems and services, ensuring that availability of and access to Personal Data can be restored in a timely

manner after an incident, and regularly assessing and evaluating the effectiveness of the such measures adopted by it;

Services	means all the tasks to be undertaken by the Service Provider as described in this Contract and as contained in Schedule 2;
Service Provider	means the person, firm company or body who undertakes to supply the Services to the Service Purchaser as defined in the Contract;
Service Purchaser	means The Council of the City and County of Swansea;
Service Purchaser's Property	means all property issued or made available for use by the Service Purchaser to the Service Provider in connection with the Contract;
Specification	means the document/s attached to the invitation to tender detailing the Services to be provided (including any amendments agreed by the Service Purchaser) and as contained within Schedule 2.
Sub-processor	any third Party appointed to process Personal Data on behalf of the Service Provider related to this Agreement

Except as set out above, the Contract shall be interpreted in accordance with the Interpretation Act 1978.

- 1.2 All headings in these Conditions are for ease of reference only, and shall not affect the construction of the Contract.
- 1.3 Any reference in these Conditions to a statutory provision will include all subsequent modifications.
- 1.4 All undefined words and expressions are to be given their normal English meaning within the context of this Contract. Any dispute as to the interpretation of such undefined words and expressions shall be settled by reference to the definition in the shorter oxford English dictionary.
- 1.5 References to the singular include the plural and vice versa and references to one gender include the other gender. References to a person include any individual, firm, unincorporated association or body corporate.

2 Precedence

- 2.1 To the extent that the following documents form the Contract, in the case of conflict of content, they shall have the following order of precedence:
 - Conditions of contract;
 - Schedules;
 - Service Provider's Tender.

3 Contract Supervisor

The Service Provider shall strictly comply with any instruction given by the Contract Supervisor concerning or about, the Contract. All instructions shall be in writing.

4 The Services

- 4.1 The Service Provider shall provide the Services in accordance with the Schedules including the Specification and provide all staff, equipment, materials and any other

requirements necessary for the performance of the Contract using all skill, care and diligence, and to the satisfaction of the Contract Supervisor.

- 4.2 The Service Provider shall only employ in the execution and superintendence of the Services Contract persons who are suitable and appropriately skilled and experienced. The Contract Supervisor shall be at liberty to object to and require the Service Provider to remove any person employed in or about the Contract who is unsuitable, misconducts himself, is incompetent or negligent in the performance of his duties or persists in conduct which could endanger the health or safety of others. Such persons shall not be employed again on the Contract without the Permission of the Contract Supervisor.

5 Service Improvement Plan

- 5.1 Where a quality or performance concern has been identified during the delivery of Services or serious and/or persistent failure to meet with any aspect of the Service requirements, a Service Improvement Plan will be drawn up in partnership with the Service Provider. The Service Improvement Plan will set out clear actions for the identified area/s of concern, along with appropriate action for improvement.
- 5.2 The actions from the Service Improvement Plan must be implemented to the satisfaction of the Service Purchaser within (i) three (3) Months of the date of the Notice of a Service Improvement Plan, or (ii) such other period as the Service Purchaser requires.
- 5.3 The Service Purchaser will review the Service Provider's progress in meeting the actions at such intervals, as it considers necessary.
- 5.4 The Service Provider must, on request, provide a written report to the Service Purchaser detailing progress made in respect of the actions within the Service Improvement Plan in advance of any review meeting.
- 5.5 The Service Purchaser shall undertake an assessment of the actions within such period as the Service Purchaser may determine at its discretion, and will notify the Service Provider of the outcome of the assessment within fifteen (15) working Days from its conclusion.
- 5.6 If the Service Purchaser determines, at its discretion, that the actions have been satisfactorily implemented the Service Purchaser will notify the Service Provider in writing.
- 5.7 If within three (3) Months (or such other period as agreed to pursuant to paragraph 5.1 of the date of the Notice of a Service Improvement Plan the Service Purchaser determines, at its discretion, that the actions have not been satisfactorily implemented it may:
- 5.7.1 issue a further Service Improvement Plan; or
 - 5.7.2 issue a default notice pursuant to Clause 13; or
 - 5.7.3 terminate the Service Providers appointment pursuant to Clause 14.

6 Assignment

- 6.1 The Service Provider shall not assign, transfer or sub-contract the Contract, or any part of it, without the Permission of the Contract Supervisor.
- 6.2 The Service Purchaser shall be entitled to assign, transfer or sub contract the Contract or any part of it subject to notifying the Service Provider.
- 6.3 In the event that the Service Provider assigns, transfers or sub-contracts the Contract or any part of it, it shall:

- 6.3.1 remain responsible to the Service Purchaser for the performance of its obligations under the Contract notwithstanding the appointment of any sub-contractor and be responsible for the acts omissions and neglects of its sub-contractors;
 - 6.3.2 impose obligations on its sub-contractor in the same terms as those imposed on it pursuant to this Contract and shall procure that the sub-contractor complies with such terms;
 - 6.3.3 provide a copy, at no charge to the Service Purchaser, of any such sub-contract on receipt of a request for such by the Contract Supervisor; and
 - 6.3.4 ensure that a term is included in the sub-contract which requires the Service Provider to pay all sums due thereunder to the sub-contractor within a specified period, not to exceed thirty (30) days, from the date of receipt of a valid and agreed invoice as defined by the terms of the sub-contract (as appropriate).
- 6.4 Notwithstanding any sub-contracting permitted hereunder, the Service Provider shall remain primarily responsible for the acts and omissions of its Subcontractors as though they were its own.
- 6.5 Any assignment, transfer or sub-contract entered into, shall not relieve the Service Provider of any of his obligations or duties under the Contract.
- 6.6 Nothing in this Contract confers or purports to confer on any third party any benefit or any right to enforce any term of the Contract

7 **Term**

The Contract term shall be [*Please insert the Contract Term (start and end dates) including any option to extend if applicable*]

8 **Property**

- 8.1 All property issued by the Service Purchaser to the Service Provider in connection with the Contract shall remain the property of the Service Purchaser, and shall be used in the execution of the Contract, and for no other purpose whatsoever without the prior approval of the Contract Supervisor.
- 8.2 The Service Provider shall keep all Service Purchaser's Property in safe custody and good condition, set aside and clearly marked as the property of the Service Purchaser.
- 8.3 On expiry or earlier termination of the Contract the Service Provider shall, if so required, either surrender such property to the Service Purchaser or otherwise dispose of it as instructed by the Contract Supervisor.

9 **Materials**

- 9.1 The Service Provider shall be responsible for establishing his own sources of supply for goods and materials and will be responsible for ensuring the reasonable and proper conduct by his suppliers and staff whilst on the Service Purchaser's premises.
- 9.2 The Service Provider shall not place, or cause to be placed, any orders with suppliers or otherwise incur liabilities in the name of the Service Purchaser or any representative of the Service Purchaser.

10 **Security**

- 10.1 The Service Provider shall be responsible for the security of all goods and equipment belonging to the Service Purchaser and used by the Service Provider in the provision of the Services, together with all goods and equipment belonging to the Service

Provider, or Service Providers staff, or subcontractor whilst on Service Purchaser premises.

11 Variations

- 11.1 The Contract Supervisor may vary the Contract by adding to, deleting or otherwise modifying the Services to be supplied, by written order to the Service Provider.
- 11.2 The value of any such variation, other than any variation arising out of Condition 11.3, shall be determined by reference to the rates contained in the pricing schedule. Where the Services so ordered are not covered in the pricing schedule, they shall be valued at a fair and reasonable rate agreed between the Contract Supervisor and the Service Provider.
- 11.3 Where a variation is the result of some default or breach of the Contract by the Service Provider or some other cause for which he is solely responsible, any additional cost attributable to the variation shall be borne by the Service Provider.
- 11.4 The Service Provider may also propose a variation to the Services but no such variation shall take effect unless agreed and confirmed in writing by the Contract Supervisor.
- 11.5 No variation shall have the effect of invalidating the Contract, or placing the Contract at large, if that variation is reasonably consistent with the nature, scope and value of the Contract.

12 Extensions of Time

- 12.1 Should the performance of the Contract be directly delayed by any cause beyond the reasonable control of the Service Provider, and provided that the Service Provider shall first have given the Contract Supervisor written notice within five working days after becoming aware that such delay was likely to occur, then the Contract Supervisor, if satisfied that this Condition applies:
 - 12.1.1 in the case of any delay of which the Service Purchaser is not the cause, may grant the Service Provider such extension of time, as in the Contract Supervisor's opinion is reasonable, having regard without limitation, to any other delays or extensions of time that may have occurred or been granted under the Contract. The Contract Price shall not increase as a result of such an extension of time.
 - 12.1.2 in the case of any delay of which the Service Purchaser is the cause, shall grant the Service Provider a reasonable extension of time to take account of the delay.
 - 12.2 No extension of time shall be granted where in the opinion of the Service Purchaser the Service Provider has failed to use best endeavours to avoid or reduce the cause and/or effects of the delay.
 - 12.3 Any extension of time granted under this Condition shall not affect the Service Purchaser's rights to terminate or determine the Contract under Conditions 14 and 15.
- ## **13 Default**
- 13.1 The Service Provider shall be in default if:
 - 13.1.1 there is a failure to perform the Contract to the satisfaction of the Service Purchaser
 - 13.1.2 there is a failure to perform the Contract with due skill, care, diligence and timeliness;

- 13.1.3 the Contract is performed negligently;
- 13.1.4 there is a refusal or failure to comply with any reasonable written instruction given by the Contract Supervisor;
- 13.1.5 there is a breach of the Contract.
- 13.2 The Service Provider must notify the Service Purchaser immediately if an event described in 13.1.4 and 13.1.55 has occurred or is likely to occur.
- 13.3 If the Service Purchaser determines that the Service Provider has failed to provide the Services or any part of them in accordance with this Agreement or the Service Provider is otherwise in breach of any of its obligations under this Agreement, then the Service Purchaser may give a Notice of a Default on the Service Provider.
- 13.4 If the Service Purchaser gives a Notice of a Default which relates to a breach which can be put right, then on receiving such a Notice of Default, the Service Provider will take the action specified in the Notice, within the timescale set out, at its own cost. The Service Purchaser reserves the right to recover from the Service Provider any losses incurred as a result of the default.
- 13.5 If the Service Provider fails to comply with such a Notice the Contract Supervisor may, without prejudice to any other rights or remedies under the Contract, take over for as such a period as is necessary the performance of the relevant part of the Contract and make other arrangements for its completion. Any extra costs arising from the breach and any subsequent action taken by the Service Purchaser, will be paid by the Service Provider or deducted from any monies owing to him.

14 **Termination**

- 14.1 The Service Purchaser may immediately, without prejudice to any other rights and remedies under the Contract, terminate all or any part of the Contract by Notice in writing to the Service Provider, Receiver, Liquidator or to any other person in whom the Contract may become vested, if the Service Provider:
 - 14.1.1 fails in the opinion of the Contract Supervisor to comply with (or take reasonable steps to comply with) a Notice under Condition 13;
 - 14.1.2 if there is a change of control of the Service Provider;
 - 14.1.3 if the Service Provider has offered or given or agreed to give to the Service Purchaser or any other public body or any person employed by or on behalf of the Service Purchaser or any other public body, any gift or consideration of any kind as an inducement or reward for doing, refraining from doing, or for having done or refrained from doing, any act in relation to the obtaining or execution of this Contract or any other contract with the Service Purchaser or any other public body, or for showing or refraining from showing favour or disfavour to any person in relation to the Service Purchaser or any such contract, or in any way engages in any conduct prohibited by the Bribery Act 2010;
 - 14.1.4 acts in such a manner, or provides care in such a way, so as to give reasonable grounds to cause the Service Purchaser, Care Manager or other professional to suspect that a Service User has been subjected to abuse, physical, mental or otherwise, or neglected;
 - 14.1.5 commits a serious breach of its obligations under the Agreement including for example, the submission of a false claim for payment;
 - 14.1.6 if the Service Provider shall become bankrupt or a receiving order is made, or a petition in bankruptcy filed, or the Service Provider makes any composition or arrangement with its creditors, or agree to provide the service under a

committee of inspection of creditors, or is subject to an order or winding-up, whether compulsory, or voluntarily, or if a resolution to wind-up is passed by shareholders, or a receiver is appointed to the business of the Service Provider;

- 14.1.7 has an application been made under the Insolvency Act 1986 to the court for the appointment of an administrative receiver has a winding-up order made (except for the purposes of amalgamation or reconstruction), or a resolution of a voluntary winding-up passed;
 - 14.1.8 has a provisional liquidator, receiver or manager of its business or undertaking duly appointed;
 - 14.1.9 is in circumstances which entitle the court or a creditor to appoint, or have appointed, a receiver, a manager, or administrative receiver, or which entitle the court to make a winding-up order;
 - 14.1.10 offers any improper inducements or exerts unreasonable pressure upon potential residents or their relatives, or others with an interest, to attempt to encourage the potential Service User to engage in the services of the Service Provider;
 - 14.1.11 takes financial advantage of the relationship with the Service User;
 - 14.1.12 has been convicted of an offence or an employee has been convicted of an offence under the provisions of the Care Standards Act 2000 and regulations thereto and any subsequent amendments;
 - 14.1.13 shall have given any undisclosed or illicit fee, reward or gift to any elected member or officer of the Service Purchaser in order to gain unfair advantage;
 - 14.1.14 does not comply with the provisions of the Health and Safety requirements;
 - 14.1.15 operates the Service without adequate insurance cover, as specified in clause 21 of this Agreement;
 - 14.1.16 acts improperly in relation to the Service Purchaser, its servants or agents in the offering, giving or agreement to give any gift or consideration which could reasonably be seen to be intended to have the effect of inducing or rewarding the Service Provider in the entering into, operation or termination of this Agreement, whether or not resulting in the commission of an offence under the Bribery Act 2010 or the Local Government Act 1979, Section 117;
 - 14.1.17 fails to maintain a valid registration with the appropriate Registration Authority;
 - 14.1.18 has been the subject of an adverse finding or judgement in respect of a claim for breach of the Human Rights Act;
 - 14.1.19 has been the subject of an adverse finding or judgement in respect of a formal investigation or claim in connection with its statutory obligations relating to employment rights, employment relations, working rights or does not comply with any of the requirements under the Equality Act 2010;
 - 14.1.20 has been the subject of an adverse finding or judgement or is the subject of prosecution for any offence under the Modern Slavery Act 2015;
 - 14.1.21 provided always that this list is not exhaustive and there may be other matters or breaches of a serious nature that might necessitate termination without notice the determination of which shall be at the sole discretion of the Service Purchaser and further provided that the said right of termination is without prejudice to any accrued rights and remedies under this Agreement.
- 14.2 The Service Provider must notify the Service Purchaser immediately if any of the events listed in 14.1 occurs or is likely to occur.

15 Consequences of Termination

- 15.1 In the event of termination of this Contract (in whole or in part) for any of the reasons specified in Clause 14 the Service Purchaser may exercise any or all of the following rights:
- 15.1.1 the Service Purchaser may require the Service Provider to perform any of its obligations existing at the date of termination;
 - 15.1.2 the Service Purchaser shall cease to be under any obligation to make any further payments under this Contract;
 - 15.1.3 the Service Purchaser shall be entitled to recover from the Service Provider any loss, damages, costs or expenses to the Service Purchaser resulting from or arising out of the termination of this Contract (in whole or in part) including the reasonable cost to the Service Purchaser of time spent by its officers in terminating this Contract (in whole or in part) and, without limitation, the costs of procuring suitable alternative Services in accordance with the procedures laid down by the Service Purchaser's Contract Procedure Rules and relevant legislation.
 - 15.1.4 The termination (in whole or in part) or expiration of this Contract shall be without prejudice to the rights and remedies a party may be entitled to hereunder or at law and shall not affect any accrued rights or liabilities of either party nor the coming into or the continuance in force of any provision hereof which is expressly or by implication intended to come into or continue in force on or after such termination or expiration.

16 **Determination**

- 16.1 Without prejudice to any other rights or remedies under the Contract, both parties shall have the right to terminate all or any part of the Contract by Notice in writing at any time by giving not less than three months' Notice.
- 16.2 The Authority shall pay the Provider such amounts as may be necessary to cover his reasonable costs and outstanding and unavoidable commitments necessarily and solely incurred in properly performing the Contract prior to determination.
- 16.3 The Authority will not pay for any costs or commitments that the Provider is able to mitigate and shall only pay those costs that the Authority has validated to its satisfaction. The Authority's total liability under this Condition shall not in any circumstances exceed the Contract Price that would have been payable for the Services if the Contract had not been determined.

17 **Termination by Service Provider**

- 17.1 The Service Provider may terminate this Contract (in whole or in part) forthwith by written notice having immediate effect in the following circumstances:
- 17.1.1 if the Service Purchaser is in breach of any of its obligations under this Contract and if such breach is capable of remedy fails to remedy the breach within 15 working days of a written request by the Service Provider to remedy the same;
 - 17.1.2 if the Service Purchaser is unable or fails to repay its borrowing/s and/or an application is made by any party to a court for the appointment of a receiver and/or such a receiver is appointed, all pursuant to section 47 Local Government & Housing Act 1989 (and/or any amendment or replacement thereof from time to time.)

18 **Dispute Resolution**

- 18.1 All disputes under or in connection with this agreement shall be referred first to negotiators nominated at a suitable and appropriate working level by the Service Purchaser and the Service Provider.
- 18.2 If the parties' negotiators are unable to resolve the dispute within a period of forty five days from its being referred to them, the dispute shall be referred at the instance of either party to the parties' respective senior managers or directors (supported as necessary by their advisers).
- 18.3 If the parties' respective senior managers or directors are unable to resolve the dispute within forty five days the dispute shall be referred to the Centre for Dispute Resolution who shall appoint a mediator and the parties shall then submit to the mediator's supervision of the resolution of the dispute.
- 18.4 Recourse to this dispute resolution procedure shall be binding on the parties as to submission to the mediation but not as to its outcome. Accordingly all negotiations connected with the dispute shall be conducted in strict confidence and without prejudice to the rights of the parties in any future legal proceedings. Except for any party's right to seek interlocutory relief in the courts, no party may commence other legal proceedings under the jurisdiction of the courts or any other form of arbitration until forty five days after the appointment of the mediator.
- 18.5 If, with the assistance of the mediator, the parties reach a settlement, such settlement shall be put in writing and, once signed by a duly authorised representative of each of the parties, shall remain binding on the parties.
- 18.6 The parties shall bear their own legal costs of this dispute resolution procedure, but the costs and expenses of mediation shall be borne by the parties equally (unless directed otherwise by the mediator).
- 18.7 Any of the time limits in Condition 18 may be extended by mutual agreement. Such agreed extension shall not prejudice the right of either party to proceed to the next stage of resolution.

19 **Indemnity**

- 19.1 Without prejudice to the Service Purchaser's remedies for breach of Contract, the Service Provider shall fully indemnify the Service Purchaser and its staff against any liability, loss, costs, expenses, claims or proceedings in respect of:
- 19.1.1 death or injury to any person;
 - 19.1.2 loss or damage to any property excluding indirect and consequential loss;
 - 19.1.3 infringement of third party Intellectual Property Rights;
 - 19.1.4 any other loss which might arise as a direct consequence of the actions or negligence of the Service Provider, his staff or agents in the execution of the Contract.
- 19.2 This Condition shall not apply where the damage, injury or death is a direct result of the actions, or negligence of the Service Purchaser or its staff.

20 **Limit of Service Provider's Liability**

- 20.1 The limit of the Service Provider's liability for each and every claim by the Service Purchaser, other than for death or personal injury, whether by way of indemnity or by reason of breach of contract, or statutory duty, or by reason of any tort shall be the Contract price or five million pounds whichever is the greater.

21 **Insurance**

- 21.1 The Service Provider shall insure and maintain insurance against liabilities under Condition 19 (Indemnity) in the following sums:-
- 21.2 Public liability insurance for a sum not less than ten million pounds per claim; and
- 21.3 Employers liability insurance for a sum not less than five million pounds per claim;
- 21.4 Professional indemnity insurance for a sum not less than five million pounds per claim; and
- 21.5 If specifically required by the Service Purchaser, nominated insurances shall be in the joint names of the Service Provider and the Service Purchaser.
- 21.6 The Service Provider shall, upon request, produce to the Contract Supervisor documentary evidence that the insurances required are fully paid up and valid for the duration of the Contract.

22 **Warranty**

- 22.1 The Service Provider warrants that the Services supplied by him are fit for the Service Purchaser's intended purpose so far as this has been communicated to him, or which he would reasonably be expected to know.

23 **Anti-Bribery**

- 23.1 For the purposes of this clause 29 the expressions 'adequate procedures' and 'associated with' shall be construed in accordance with the Bribery Act 2010 and legislation or guidance published under it.
- 23.2 Each party shall comply with applicable Bribery Laws including ensuring that it has in place adequate procedures to prevent bribery and use all reasonable endeavours to ensure that:
 - 23.2.1 all of that party's personnel;
 - 23.2.2 all others associated with that party; and
 - 23.2.3 all of that party's subcontractors;
 - 23.2.4 involved in performing the Contract so comply.
- 23.3 Without limitation to clause 23.2, neither party shall make or receive any bribe (as defined in the Bribery Act 2010) or other improper payment, or allow any such to be made or received on its behalf, either in the United Kingdom or elsewhere, and shall implement and maintain adequate procedures to ensure that such bribes or payments are not made or received directly or indirectly on its behalf.
- 23.4 Each party shall immediately notify the other as soon as it becomes aware of a breach or possible breach of any of the requirements in this clause 23.

24 **Anti-Slavery**

- 24.1 The Service Provider undertakes, warrants and represents that:
 - 24.1.1 Neither the Service Provider nor any of its officers, employees, agents or subcontractor has:
 - (a) committed an offence under the Modern Slavery Act 2015 (a MSA Offence); or
 - (b) been notified that it is subject to an investigation relating to an alleged MSA Offence or prosecution under the modern Slavery Act 2015; or

- (c) is aware of any circumstances within its supply chain that could give rise to an investigation relating to an alleged MSA Offence or prosecution under the Modern Slavery Act 2015;
 - (d) it shall comply with the Modern Slavery Act 2015;
 - (e) it shall notify the Authority immediately in writing if it becomes aware or has reason to believe that it, or any of its officers, employees, agents or subcontractors have breached or potentially breached any of Service Provider's obligations under clause 24.1. Such notice shall set out full details of the circumstances concerning the breach or potential breach of the Service Provider's obligations.
- 24.2 Any breach of clause 24.1 by the Service Provider shall be deemed a material breach of the Contract and shall entitle the Authority to terminate the Contract with immediate effect.

25 Well-Being of Future Generations (Wales) Act 2015

- 25.1 The Service Provider acknowledges that, under the Well-being of Future Generations (Wales) Act 2015 the Service Purchaser is required to consider how Services which the Service Purchaser procures, improves the economic, social and environmental well-being of the area of the Service Purchaser.
- 25.2 The Service Provider shall ensure that, in providing the Services, it improves the economic, social and environmental well-being of the area of the Service Purchaser in accordance with the requirements of the Contract.

26 Monitoring and Audit

- 26.1 The Contract Supervisor may inspect and examine the Services being carried out. The Service Provider shall give access to all such facilities as the Contract Supervisor may reasonably require for such inspection and examination.
- 26.2 The Service Provider recognises that the Service Purchaser is a public body and its decisions may be subject to scrutiny. The Service Provider therefore agrees, if requested by the Service Purchaser, to attend any meeting (including scrutiny meetings with Service Purchaser Members) to discuss the Services (including the costs and performance of such service being undertaken under the Contract). If the meeting where attendance is required is to discuss the performance of or actions resulting from the Services undertaken that the cost of attendance will be at the expense of the Service Provider.
- 26.3 Following completion of the contract, the Service Purchaser will be entitled to make public the total payments made to the Service Provider under the Contract.
- 26.4 The Service Provider shall be required to provide any information to the Service Purchaser to enable it to comply with any statutory duties.

27 Contingency Planning

- 27.1 The Service Provider shall have in place a written Business Continuity Plan that considers and details contingency plans for the following risks:
- Severe weather;
 - Illness in the Community (including staff);
 - Staff absence, shortage;
 - Failure of IT, telecommunications;
 - Building accommodation not available;
 - Fuel disruption;

- Major emergency;
- Business Continuity;
- Other risks specific to the Service.

27.2 This list, while not exhaustive, gives an indication of what will be required the Service Purchaser may request this at any time.

28 **Staff Training and Development**

28.1 The Service Provider will be required to have a procedure for documenting and meeting the training needs of staff and this should be explained and where requested policy / procedures be attached.

28.2 The Service Provider must satisfy the Service Purchaser that they employ sufficient numbers of people of sufficient ability, skill, knowledge, training or experience so as to provide and supervise the provision of the support services.

29 **Staffing**

29.1 The Service Provider will ensure that all staff working on services provided under this Agreement know that they are exempt from the Rehabilitation of Offenders Act 1974, and each staff member will sign a declaration of all previous criminal convictions and be required to inform the Service Provider of any new convictions. Where there is a previous criminal record, there must be a robust risk assessment procedure in place to assess the appropriateness and safety of appointing the candidate, which must be made available to the Service Purchaser on request.

29.2 The Service Provider will ensure that two written references as to character, one of which should be from the immediate previous employer, are obtained for all personnel who provide Services to the Service User. Written references must be received prior to commencement of employment. Any gaps in the employment record should be explored and accounted for. All the above checks must also be carried on temporary staff. It is acceptable that these checks are carried out by an employment agency provided they meet the requirements of clauses above.

29.3 Staffing measures will be put in place to ensure that all staff including the manager are appropriately trained and supported in their role.

30 **Contract Price**

30.1 The Contract Price will be paid by the Service Purchaser to the Service Provider as amended by any Variations ordered under Condition 11 (Variations).

30.2 In addition to the Contract Price, the Service Purchaser will pay to the Service Provider such Value Added Tax (if any) as may properly be chargeable at rates applicable at the time of invoice.

30.3 The Contract Price shall remain fixed for the duration of the Contract unless agreed otherwise.

30.4 If during the Contract Period there is any material variation in the cost of wages to the Service Provider of supplying the Services, such as a variation to the National Minimum or Living Wage rates, an application may be made by either Party for a net increase to or deduction from the prices as the case may be.

30.5 The proposals for any revision of the Contract Price must be submitted in writing to the Service Purchaser at least sixty (60) days prior to the proposed effective date of the Variation.

30.6 The Service Provider must furnish such evidence as may be reasonably required to satisfy the Authority that the amount of any increase in cost is justified and

proportionate. The revised Contract Price will not be paid by the Authority until the Service Provider receives written confirmation from the Contract Supervisor.

30.7 The Service Purchaser reserves the right to show due regard to its own financial priorities when considering Contract Price Variations.

30.8 **Withdrawal of the United Kingdom from the European Union.**

30.8.1 In calculating the Contract Price, the Service Provide warrants that:

- ii. it has allowed for the withdrawal of the United Kingdom from the European Union ("Brexit") and any consequent effects of Brexit.
- iii. it was and is reasonable for the Contractor to have allowed for Brexit and any and all consequent effects of Brexit in the Contract Price.

30.8.2 The parties agree that any changes to any statutory requirements, consents or any other exercise of statutory powers resulting from, or connected with, Brexit shall be deemed to be reasonably foreseeable.

30.8.3 Neither Brexit nor any and all consequent effects of Brexit shall be treated as a variation (clause 12) or an extension of time (clause 13) and the Contractor shall not be entitled to make any claim for loss, expense or increase in the Contract Price as a consequence of Brexit

30.8.4 for the purpose of this clause [30.8] the consequent effects of Brexit may include a change in the law, any constraints on the supply or movement of goods, materials, plant, equipment, services or people and/or any other direct or indirect consequence of Brexit which may impact on the Contractor's obligations under this Contract.

31 **Invoicing and Payment**

31.1 The Service Provider is referred to Schedule **Error! Reference source not found.** for conditions relating to payment provisions.

32 **Intellectual Property Rights**

32.1 The Service Provider warrants to the Service Purchaser that the performance of the Services, shall not in any way infringe any Intellectual Property Rights belonging to any third party and shall fully indemnify the Service Purchaser against all actions, claims, costs, charges, expenses and liabilities of whatsoever nature arising from or incurred by reason of any infringement, or alleged infringement.

32.2 The Service Provider shall not be liable under this Condition if such infringement arises from the use of any design, technique or method of working provided by or specified by the Service Purchaser.

32.3 The Service Provider assigns to the Service Purchaser, with full Title Guarantee and free from all third party rights, all Intellectual Property Rights in the Services.

32.4 If the Service Provider is prevented from carrying out his obligations under the Contract due to any infringement or alleged infringement of any Intellectual Property Rights, the Service Purchaser may without prejudice to any other rights and remedies under the Contract, exercise the powers and remedies available to it under Conditions 14 and 16, Termination and Determination respectively.

33 **Confidentiality and Data Protection**

33.1 In this clause

"Confidential Information" means information, data and material of any nature which either party may receive or obtain in connection with the operation of the Contract and:

- which comprises Personal Data or Sensitive Personal Data (as both terms are defined in the Data Protection Act 2018 and the General Data Protection Regulation 2016/679);
- the release of which is likely to prejudice the commercial interests of the Service Purchaser or the Service Provider respectively; or
- which is a trade secret.

“FOIA” means the Freedom of Information Act 2000. “EIR” means the Environmental Information Regulations.

33.2 In respect of any Confidential Information it may receive from the other party (the “Discloser”) and subject always to the remainder of this Condition, each party (the “Recipient”) undertakes to keep secret and strictly confidential and shall not disclose any such Confidential Information to any third party without the Discloser’s prior written consent provided that:

33.2.1 the Recipient shall not be prevented from using any general knowledge, experience or skills which were in its possession prior to the commencement of the contract;

33.2.2 the provisions of this Condition shall not apply to any Confidential Information which:

- (a) is in or enters the public domain other than by breach of the contract or other act or omissions of the Recipient;
- (b) is obtained by a third party who is lawfully authorised to disclose it;
- (c) is authorised for release by the prior written consent of the Discloser; or
- (d) the disclosure of which is required to ensure the compliance of the Service Purchaser with the FOIA/EIR and/or any applicable guidance or codes of practice.

33.3 Nothing in this Condition shall prevent the Recipient from disclosing Confidential Information where it is required to do so by judicial administrative, governmental or regulatory process in connection with any action, suit, proceedings or claim or otherwise by applicable law or, where the Service Provider is the Recipient, to the Service Provider’s immediate or ultimate holding company provided that the Service Provider procures that such holding company complies with this Condition as if any reference to the Service Provider in this Condition were a reference to such holding company.

33.4 The Service Provider acknowledges that the Service Purchaser is subject to the FOIA/EIR. The Service Provider notes and acknowledges the FOIA/EIR and the respective Codes of Practice on the Discharge of Public Authorities’ Functions and on the Management of Records (which are issued under sections 45 and 46 of the FOIA respectively) together with any Code or Guidance on the application of the EIR issued by DEFRA as may be amended, updated or replaced from time to time. The Service Provider will act in accordance with the FOIA/EIR and these Codes of Practice (and any other applicable codes of practice or guidance notified to the Service Provider from time to time) to the extent that they apply to the Service Provider’s performance under the Contract.

33.5 The Service Provider agrees that:

33.5.1 without prejudice to the generality of Condition 33.3, the provisions of this Condition are subject to the respective obligations and commitments of the Service Purchaser under the FOIA/EIR and the Code of Practice;

- 33.5.2 the decision on whether any exemption applies to a request for disclosure of recorded information is a decision solely for the Service Purchaser;
- 33.5.3 where the Service Purchaser is managing a request for disclosure as referred to in this Condition, the Service Provider shall co-operate with the Service Purchaser and shall respond within five (5) working days of any request by it for assistance in determining how to respond to a request for disclosure.
- 33.6 The Service Purchaser will consult the Service Provider in relation to any request for disclosure of the Service Provider's Confidential Information in accordance with all applicable guidance.
- 33.7 This Condition shall remain in force without limit in time in respect of Confidential Information, which comprises Personal Data. Save as aforesaid and unless otherwise expressly set out in this Contract, this Condition shall remain in force for a period of 3 years after the termination or expiry of this Agreement.
- 33.8 The Service Purchaser and the Service Provider agree that the information referred in any Schedule will not infringe nor prejudice the right of confidentiality enjoyed by Service Users.
- 33.9 The Service Provider will ensure that all information collated under the terms of this Agreement remains confidential. The Service Provider shall maintain the confidentiality of all such information and shall not, without the prior written consent of the Service Purchaser and the Service User utilise the same, directly or indirectly, for its own purposes or for any other purpose or disclose the same to any third party. This clause does not apply to any information in the public domain or which is required to be disclosed in respect of the provision of the Services by the Service Provider or pursuant to an order issued by a court of competent jurisdiction or applicable law or regulation.
- 33.10 The Service Provider specifically undertakes at all times to keep confidential any Service User confidential information including this document or specific Service User details and personal information or any information relating to this Agreement.
- 33.11 Notwithstanding the terms of this clause the Service Provider will allow the Service Purchaser to inspect any documents or information collated as a result of this Agreement on demand. In addition the Service Provider will allow the Service User access to their own records on demand.
- 33.12 The Service Provider must comply with the terms of the Data Protection Act 2018, the United Kingdom General Data Protection Regulation, Freedom of Information Act 2000 or other subsequent legislation. Both the Authority and Service Provider must use their best endeavours to ensure that information given is only used for the purposes for which it has been given and shall not be used for any other purpose without express consent, save where statute or the public interest otherwise allows.
- 33.13 The Parties acknowledge that for the purposes of the Data Protection Legislation, data shall only be processed in accordance with the Data Protection Schedule 6.
- 33.14 The Service Provider shall notify the Service Purchaser immediately if it considers that any of the Service Purchaser's instructions infringe the Data Protection Legislation.
- 33.15 The Service Provider shall provide all reasonable assistance to the Service Purchaser in the preparation of any Data Protection Impact Assessment prior to commencing any processing. Such assistance may, at the discretion of the Service Purchaser, include:
- (a) a systematic description of the envisaged processing operations and the purpose of the processing;

- (b) an assessment of the necessity and proportionality of the processing operations in relation to the Services;
- (c) an assessment of the risks to the rights and freedoms of Data Subjects; and
- (d) the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of Personal Data.

33.16 The Service Provider shall, in relation to any Personal Data processed in connection with its obligations under this Agreement:

- (a) process that Personal Data only in accordance with the instructions of the Service Purchaser unless the Service Provider is required to do otherwise by Law. If it is so required the Service Provider shall promptly notify the Service Purchaser before processing the Personal Data unless prohibited by Law;
- (b) ensure that it has in place Protective Measures, which have been reviewed and approved by the Service Purchaser as appropriate to protect against a Data Loss Event having taken account of the:
 - (i) nature of the data to be protected;
 - (ii) harm that might result from a Data Loss Event;
 - (iii) state of technological development; and
 - (iv) cost of implementing any measures;
- (c) ensure that :
 - (i) the Service Provider Personnel do not process Personal Data except in accordance with this Agreement;
 - (ii) it takes all reasonable steps to ensure the reliability and integrity of any Service Provider Personnel who have access to the Personal Data and ensure that they:
 - (A) are aware of and comply with the Service Provider's duties under this clause;
 - (B) are subject to appropriate confidentiality undertakings with the Service Provider or any Sub-processor;
 - (C) are informed of the confidential nature of the Personal Data and do not publish, disclose or divulge any of the Personal Data to any third Party unless directed in writing to do so by the Service Purchaser or as otherwise permitted by this Agreement; and
 - (D) have undergone adequate training in the use, care, protection and handling of Personal Data; and
 - (E) not transfer Personal Data outside of the EU unless the prior written consent of the Service Purchaser has been obtained and the following conditions are fulfilled:
 - (I) the Service Purchaser or the Service Provider has provided appropriate safeguards in relation to the transfer (whether in accordance with UK GDPR Article 46) as determined by the Service Purchaser;
 - (II) the Data Subject has enforceable rights and effective legal remedies;
 - (III) the Service Provider complies with its obligations under the Data Protection Legislation by providing an adequate level of

protection to any Personal Data that is transferred (or, if it is not so bound, uses its best endeavours to assist the Service Purchaser in meeting its obligations); and

- (IV) the Service Provider complies with any reasonable instructions notified to it in advance by the Service Purchaser with respect to the processing of the Personal Data;
- (F) at the written direction of the Service Purchaser, delete or return Personal Data (and any copies of it) to the Service Purchaser on termination of the Agreement unless the Service Provider is required by Law to retain the Personal Data.

33.17 Subject to clause 33.18, the Service Provider shall notify the Service Purchaser immediately if it:

- (a) receives a Data Subject Access Request (or purported Data Subject Access Request);
- (b) receives a request to rectify, block or erase any Personal Data;
- (c) receives any other request, complaint or communication relating to either

Party's obligations under the Data Protection Legislation;

- (d) receives any communication from the Information Commissioner or any other regulatory authority in connection with Personal Data processed under this Agreement;
- (e) receives a request from any third Party for disclosure of Personal Data where compliance with such request is required or purported to be required by Law; or
- (f) becomes aware of a Data Loss Event.

33.18 The Service Provider's obligation to notify under clause 33.17 shall include the provision of further information to the Service Purchaser in phases, as details become available.

33.19 Taking into account the nature of the processing, the Service Provider shall provide the Service Purchaser with full assistance in relation to either Party's obligations under Data Protection Legislation and any complaint, communication or request made under clause 33.17 (and insofar as possible within the timescales reasonably required by the Service Purchaser) including by promptly providing:

- (a) the Service Purchaser with full details and copies of the complaint, communication or request;
- (b) such assistance as is reasonably requested by the Service Purchaser to enable the Service Purchaser to comply with a Data Subject Access Request within the relevant timescales set out in the Data Protection Legislation;
- (c) the Service Purchaser, at its request, with any Personal Data it holds in relation to a Data Subject;
- (d) assistance as requested by the Service Purchaser following any Data Loss Event;
- (e) assistance as requested by the Service Purchaser with respect to any request from the Information Commissioner's Office, or any consultation by the Service Purchaser with the Information Commissioner's Office.

- 33.20 The Service Provider shall maintain complete and accurate records and information to demonstrate its compliance with this clause. This requirement does not apply where the Service Provider employs fewer than 250 staff, unless:
- (a) the Service Purchaser determines that the processing is not occasional;
 - (b) the Service Purchaser determines the processing includes special categories of data as referred to in Article 9(1) of the UK GDPR or Personal Data relating to criminal convictions and offences referred to in Article 10 of the UK GDPR; and
 - (c) the Service Purchaser determines that the processing is likely to result in a risk to the rights and freedoms of Data Subjects.
- 33.21 The Service Provider shall allow for audits of its Data Processing activity by the Service Purchaser or the Service Purchaser's designated auditor.
- 33.22 The Service Provider shall designate a data protection officer, if required by the Data Protection Legislation.
- 33.23 Before allowing any Sub-processor to process any Personal Data related to this Agreement, the Service Provider must:
- (a) notify the Service Purchaser in writing of the intended Sub-processor and processing;
 - (b) obtain the written consent of the Service Purchaser;
 - (c) enter into a written agreement with the Sub-processor which give effect to the terms set out in this clause 33 such that they apply to the Sub-processor; and
 - (d) provide the Service Purchaser with such information regarding the Sub-processor as the Service Purchaser may reasonably require.
- 33.24 The Service Provider shall remain fully liable for all acts or omissions of any Sub-processor.
- 33.25 The Service Provider may, at any time on not less than 30 Working Days' notice, revise this clause by replacing it with any applicable controller to processor standard clauses or similar terms forming part of an applicable certification scheme (which shall apply when incorporated by attachment to this Agreement).
- 33.26 The Parties agree to take account of any guidance issued by the Information Commissioner's Office. The Service Purchaser may on not less than 30 Working Days' notice to the Service Provider amend this agreement to ensure that it complies with any guidance issued by the Information Commissioner's Office.
- 33.27 A Party acting as a Controller, as defined under the Data Protection Legislation, shall have relevant procedures in place for dealing with a Data Loss Event, in accordance with the guidance from the Information Commissioner's Office. If a data Loss Event occurs, the Parties shall follow the Data Controller's procedures when dealing with the Data Loss Event.
- 33.28 Further to Clause 19, the Service Provider shall indemnify the Service Purchaser against legal claims, financial or other losses, and fines issued by any regulating body to the extent that it arises as a result of the actions or omissions of the Service Provider whilst processing Personal Data.

34 **Discrimination**

- 34.1 The Service Provider does not discriminate directly or indirectly or by way of victimisation or harassment against any person contrary to the Disability Discrimination Acts 2005, the Employment Relations Act 1999 (Blacklists) Regulations 2010 or the Equality Act 2010 (the "Discrimination Acts").
- 34.2 The Contractor shall comply with all legislation relating to trade union membership and trade union activities, including, but not limited to the Trade Union and Labour Relations (Consolidation) Act 1992 and the Employment Rights Act 1996.
- 34.3 In undertaking the Services, the Service Provider agrees to co-operate with and assist the Service Purchaser to satisfy its duty under the Discrimination Acts to eliminate unlawful discrimination and to promote equality of opportunity between persons of different racial groups and between disabled people and other people.
- 34.4 Specifically with regard to blacklisting the Service Provider shall not compile, consult or use a blacklist of employees for the purposes of determining who will be engaged for the purposes of fulfilling this contract. A blacklist may include, but not be limited to, the names of people who are engaged in trade union activities, who are known whistle blowers or are otherwise deemed to create difficulties for employers in the workplace.
- 34.5 Where an employee or subcontractor employed by the Service Provider is required to carry out any activity alongside the Service Purchaser's employees in any premises, the Service Provider ensures that each such employee or subcontractor complies with the Service Purchaser's employment policies and codes of practice relating to discrimination and equal opportunities.
- 34.6 The Service Provider indemnifies the Service Purchaser against all costs, charges, expenses (including legal and administrative expenses) and payments made by the Service Purchaser arising out of or in connection with any investigation or proceedings under the Discrimination Acts resulting from any act or omission of the Service Provider.
- 34.7 The Service Provider includes in the conditions of contract for each subcontractor obligations substantially similar to those set out above.

35 **TUPE**

- 35.1 The Parties recognise that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply in respect of the award of the Contract, and that for the purposes of those Regulations, the undertaking concerned (or any relevant part of the undertaking) shall transfer to the Service Provider on the commencement of the Contract.
- 35.2 During the period of six months preceding the expiry of the Contract or after notice has been given by either party to terminate the Contract or the Service Provider stops trading, and within 20 working days of being so requested by the Service Purchaser the Service Provider shall fully and accurately disclose to Service Purchaser (at no cost to the Service Purchaser) for the purposes of TUPE all information relating to its employees engaged in providing Services under the Contract, in particular, but not necessarily restricted to, the following:
- 35.2.1 the total number of Staff whose employment with the Service Provider is able to be terminated at the expiry of this Contract but for any operation of law; and
- 35.2.2 for each person, age and gender, details of their salary, and pay settlements covering that person which relate to future dates but which have already been

- agreed and their redundancy entitlements (the names of individual members of employed staff do not have to be given); and
- 35.2.3 full information about the other terms and conditions on which the affected staff are employed (including but not limited to their working arrangements), or about where that information can be found; and
- 35.2.4 details of pensions entitlements, if any; and
- 35.2.5 job titles of the members of staff affected and the qualifications required for each position.
- 35.3 The Service Provider shall permit the Service Purchaser to use the information for the purposes of TUPE and of re-tendering. The Service Provider will co-operate with the re-tendering of the Contract by allowing the Transferee to communicate with and meet the affected employees and/or their representatives.
- 35.4 The Service Provider agrees to indemnify the Service Purchaser fully and to hold it harmless at all times from and against all actions, proceedings, claims, expenses, awards, costs and all other liabilities whatsoever in any way connected with or arising from or relating to the provision of information, the failure to so provide or any inaccuracy in the information provided under Condition 35.2.
- 35.5 During the period of six months preceding the expiry of the Contract or after notice has been given by either party to terminate the Contract or the Service Provider stops trading, the Service Provider shall be precluded from making any material increase or decrease in the numbers of employees employed in connection with the Services save with the Authority's prior written consent which shall not be unreasonably withheld or delayed or where this is necessary to meet the Service Providers obligations under this Agreement.
- 35.6 During the period of six months preceding the expiry of the Contract or after notice has been given by either party to terminate the Contract or the Service Provider stops trading, the Service Provider shall be precluded from making any increase in the remuneration or other change in the terms and conditions of the employees employed in connection with the Services other than where such increase in remuneration or other change in terms and conditions is in the ordinary course of business and save with the Authority's prior written consent which shall not be unreasonably withheld or delayed; and
- 35.7 During the period of six months preceding the expiry of the Contract or after notice has been given by either party to terminate the Contract or the Service Provider stops trading, the Service Provider shall be precluded from transferring any of the Service Provider's employees or employees of the subcontractors at that time to another part of its business or moving other employees from elsewhere in its business who have not previously been employed or engaged in providing the Services to provide the Services save with the Authority's prior written consent which shall not be unreasonably withheld or delayed.
- 35.8 The Service Provider agrees to indemnify the Service Purchaser from and against all actions, proceedings, claims, expenses, awards, costs and all other liabilities (including legal fees) in connection with or as a result of any claim or demand by any employee or other employee or person claiming to be an employee on any date upon which the Contract is terminated and/or transferred to any third party arising out of their employment or its termination whether such claim or claims arise before or after the transfer date.
- 35.9 In the event that the information provided by the Service Provider in accordance with Condition 35.2 above becomes inaccurate, whether due to changes to the employment and personnel details of the affected employees made subsequent to

the original provision of such information or by reason of the Service Provider becoming aware that the information originally given was inaccurate, the Service Provider shall notify the Client of the inaccuracies and provide the amended information.

- 35.10 The provisions of this Condition shall apply during the continuance of this Contract and indefinitely after its termination.

36 Welsh Language

- 36.1 The Service Provider shall at all times comply with the Welsh Language (Wales) Measure 2011 and the Welsh language standards with which the Service Purchaser is liable to comply, as if it were the Service Purchaser to the extent that the same relate to the provision of the Services. The Welsh Language standards may be found at:

<http://www.comisiynyddygyymraeg.cymru/English/Language%20duties/Pages/What-are-standards.aspx>

- 36.2 The Service Provider shall indemnify the Service Purchaser against any losses arising from failure to comply with the requirements of clause 36.1 (above)

- 36.3 The Service Provider shall deliver the Services (in accordance with the Specification) through the medium of English or Welsh (on an equal basis).

- 36.4 The Service Provider shall be responsible for promoting the delivery of the Services in Welsh or English to the Service Users and shall use all reasonable steps to achieve this.

37 Statutory Requirements

The Service Provider shall fully comply with all relevant statutory requirements in the performance of the Agreement, including, but not limited to those relating to health, safety and welfare, environment, modern slavery, employment rights and relations, working rights, human rights, data protection, equality and the giving of all necessary notices, and the paying of all fees and compliance.

38 Health and Safety

- 38.1 The Service Provider shall promptly notify the Service Purchaser of any health and safety hazards which may arise in connection with the performance of its obligations under this Contract.

- 38.2 The Service Provider and all persons employed by the Service Provider throughout the Contract Period shall comply with the requirements of the Health and Safety at Work etc. Act 1974 and any other acts, orders and codes of practice relating to health and safety, which may apply to Staff in the performance of its obligations under the Individual Placement Contract.

- 38.3 The Service Provider shall ensure that its health and safety policy statement (as required by the Health and Safety at Work Act 1974) and any other such information in relation to the Provider's health and safety obligations as may be required by the Service Purchaser is made available to the Service Purchaser on request.

39 Environment

The Service Provider shall in all his operations, including purchase of materials goods and services, adopt a sound proactive environmental approach, designed to minimise harm to the environment and be able to provide proof of so doing to the Contract Supervisor on demand.

40 **Publicity**

The Service Provider shall not advertise or publicly announce that he is supplying Services or undertaking work for the Service Purchaser without the Permission of the Contract Supervisor.

41 **Law**

This Contract shall be governed and construed in accordance with English and Welsh Legislation, and subject to the jurisdiction of the courts of England and Wales.

42 **Waiver**

42.1 No delay, neglect or forbearance by the Service Purchaser in enforcing any provision of the Contract shall be deemed to be a waiver, or in any other way prejudice the rights of the Service Purchaser under the Contract.

42.2 No waiver by the Service Purchaser shall be effective unless made in writing.

42.3 No waiver by the Service Purchaser of a breach of the Contract shall constitute a waiver of any subsequent breach.

43 **Enforceability**

If any part of the Contract is found by a court of competent jurisdiction or other competent Service Purchaser to be invalid or legally unenforceable, that part will be severed from the remainder of the Contract which will continue to be valid and enforceable to the fullest extent permitted by law.

44 **General**

44.1 Neither party to the Contract will be liable to the other for any delay in performing or failing to perform its obligations (other than a payment obligation) under the Contract because of any cause outside its reasonable control. Such delay or failure will not constitute a breach of the Contract and the time for performance of the affected obligation will be extended by a reasonable period.

44.2 The Contract contains the whole agreement between the parties and supersedes all previous communications, representations and arrangements, written or oral. It is accepted that the Contract has not been entered into on the basis of any representations that are not expressly contained in the Contract.

44.3 Contracts (Rights of Third Parties) Act 1999. The parties to this Contract agree that the provisions of the said Act are hereby excluded.

45 **Coproduction**

45.1 The Service Provider shall have a positive commitment towards involving Service Users (and their carers and parents where appropriate) in the planning, development and monitoring of service provision.

In providing services they will have regard to the following documents as appropriate:

- Children's Services Statement of Intent on Participation and Children's Rights.
- Partnership Framework and minimum Participation Standards for Learning Disability Services.
- Join in Participation and Consultation Framework.

45.2 The Service Provider shall co-operate in any other consultation process, as agreed in discussion with the Service Purchaser.

46 **Volunteers**

Volunteers must be recruited and supported within a clear policy framework.

47 **Whistle Blowing**

- 47.1 The Service Provider will have in place their own policies and procedures concerning whistle blowing for people involved or supported within the organisation. They must be distributed via induction, supervision, staff/carers/children's/young person's/service users meetings and on going training and development. These must comply with the Service Purchasers Whistle Blowing Policy and procedures.

48 **Records and Information**

- 48.1 If requested, the Service Provider must compile and maintain such information as the Service Purchaser may require for the purpose of key performance indicators and any other information which may be required to fulfil our duties.
- 48.2 The Service Provider must make available all other information which the Service Purchaser may require for the purpose of assessing how the Service Provider is carrying out its obligations under this Agreement; the safety and welfare of the Service Users; and information on, and the names of, the Service Users; information in relation to recruitment and/or employment practices and procedures including (but not limited to) information relating to employee terms and conditions and working conditions. This includes copies of relevant documents on request.
- 48.3 Notwithstanding the above, the Service Provider must allow the Service Purchaser or any person authorised by the Service Purchaser, together with appropriate staff, at all reasonable times, to inspect or witness the provision of the support services.
- 48.4 In inspecting or witnessing the provision of the support services the Service Purchaser will have proper regard to the nature of the support service being provided, particularly where this involves Service Users who have experience of domestic violence or other sensitive services for vulnerable client groups.
- 48.5 The Service Provider must notify the Service Purchaser if there is a change in who controls the majority of the shares in, or the voting rights amongst shareholders or members of, the Service Provider's organisation. This may result in the termination of this Agreement.
- 48.6 The Service Provider must notify the Service Purchaser if it merges with another organisation. This may result in the termination of the Agreement.
- 48.7 The Service Provider must notify the Service Purchaser if as a result of any misconduct or mismanagement on the Service Provider's part a Regulatory Body directs an inquiry into, or makes an order of any kind in relation to the Service Provider's affairs.
- 48.8 The Service Provider must notify the Service Purchaser if any registration which it must maintain in order to provide any of the support services is withdrawn or cancelled or is threatened to be withdrawn or cancelled. This may result in the termination of the Agreement.

49 **Complaints Procedures**

- 49.1 The Service Provider will set out clear procedures for dealing with Service User's complaints. The Service Provider shall ensure its complaints procedure is known to all Service Users and is in line with the requirements of the Service Purchaser's complaints procedures. These procedures must include a written record of all Service User complaints and any action taken and these records must be made available for inspection by the Service Purchaser.

- 49.2 Service Users also have the right to complain using the Complaints Procedure of the Service Purchaser. The Service Provider will ensure that throughout the service term, Service Users are made aware of their right to complain within the Complaints Procedure of the Service Purchaser and Service Provider.
- 49.3 The Service Provider must provide all information requested by the Service Purchaser to assist the Service Purchaser in its investigations of complaints about the Service Provider.
- 49.4 None of the above effects the Service User's right to complain to the Care and Social Services Inspectorate Wales where appropriate and appropriate liaison will take place between the Service Provider and the Service Purchaser where complaints affect their respective responsibilities.

50 Care and Social Services Inspectorate Wales

- 50.1 Service Providers must if applicable be fully and appropriately registered under the Care Standards Act 2000 and must meet and continue to meet the conditions of the Act and any subsequent guidelines and regulations pertaining to the Act.
- 50.2 The Service Provider will make available, on request of the Service Purchaser any communication from the Care and Social Services Inspectorate Wales (CSSIW).
- 50.3 The Service Provider will where applicable follow codes of practice and other relevant documentation published by The Care Council for Wales.
- 50.4 The Service Provider will where appropriate register under Domiciliary Care Standards and continue to meet Regulations and Standards defined under Domiciliary Care.
- 50.5 The Service Purchaser must inform the CSSIW of any perceived breach of regulations or standards under the Care Standards Act that it becomes aware of in respect of this agreement.

51 Premises

- 51.1 The Service Provider must ensure that all properties where applicable are covered by the following:
- Housing Health and Safety Rating System
 - Housing of Multiple Occupation (HMO) Standards
 - Working towards 'The Welsh Housing Quality Standard'

52 Supply Chain

- 52.1 The Service Provider shall provide such information as the Service Purchaser may from time to time request on the Service Provider's supply chain for the goods/services provided.
- 52.2 The Service Provider shall provide such information as the Service Purchaser may from time to time request in respect of any recruitment/ employment agencies used by the Service Provider in order to provide the services including (without limitation) information on the recruitment/employment practices and procedures used by those agencies.
- 52.3 The Service Provider includes in the conditions of contract for each subcontractors obligations substantially similar to those set out in this Agreement.

53 Electronic Trading System and Forms

- 53.1 Unless the Service Purchaser confirms otherwise in writing, the Service Provider shall use the Service Purchaser's electronic trading system (and comply with its

requirements) throughout the Contract. The Service Provider shall be deemed to have satisfied itself prior to the commencement date that it is able to comply with this obligation.

53.2 Subject to Clause 53.1 the Service Purchaser shall use the electronic trading system to facilitate, amongst other things the following:

53.2.1 Order placement, the provision of sales information, invoicing, creation of credit notes and the exchange of such other information relating to this Contract as the Service Purchaser may reasonably require from time to time.

SCHEDULE 1 SAFEGUARDING CHILDREN AND ADULTS

1. Safeguarding Requirements

- 1.1. The City & County of Swansea is committed to safeguarding children, young people and adults and protecting them from harm. Safeguarding people is one of the Council's main corporate priorities.
- 1.2. The Service Provider will comply with the requirements of the statutory guidance in relation to Part 7 (Safeguarding) of the Social Services and Well-being (Wales) Act 2014, "Inter Agency Policy and Procedures for Responding to Alleged Abuse and Inappropriate Care of Vulnerable Adults in South Wales" the Wales Safeguarding Procedures and other subsequent relevant legislation.
- 1.3. The Service Provider will make arrangements for safeguarding and promoting children's welfare in accordance with the Service Purchaser's statutory responsibilities under Section 28 of the [Children Act 2004](#) and Part 7 (Safeguarding) of the [Social Services and Well-being \(Wales\) Act 2014](#).
- 1.4. The Service Provider will comply with the requirements of the statutory guidance of Part 7 (Safeguarding) of the Social Services and Well-being (Wales) Act 2014, the Welsh Assembly Government Guidance "In Safe Hands" update 2003 first issued in September 2000 as statutory guidance under section 7 of the Local Service Purchaser Social Services Act 1970.
- 1.5. The Service Provider must ensure that children and/or adults are safeguarded from any form of abuse neglect or harm by reporting their concerns using the safeguarding procedures in place.
- 1.6. The Service Provider must ensure that all employees have an awareness and understanding of safeguarding in relation to both adults and children and young people including up to date knowledge and understanding of current legislation and policies relating to these.
- 1.7. The Service Provider will ensure that all employees are aware that should they have any concerns or suspicions of abuse, harm to children and young people or adults that these concerns must be reported as soon as possible and always on the **same day** to:
 - 1.7.1. If you have concerns regarding the safety of an adult immediately contact the Common Access Point —
Tel: (01792) 636519
E-mail: CAP@swansea.gov.uk
 - 1.7.2. If you have concerns regarding the safety of a child or young person, then immediately contact Social Services Integrated Information, Advice and Assistance (IIAA) —
Tel: (01792) 635700
E-mail: access.information@swansea.gov.uk

- 1.7.3. The Social Services Out-of-Hours Team Emergency Duty Team (EDT) should be contacted if the issue arises after 5.00pm, Monday to Friday and on weekends and Bank Holidays.

(Out-of-Hours)

Tel: (01792) 775501

E-mail: EDT@swansea.gov.uk

- 1.8. **If a child or adult is at immediate risk of harm the Police must be contacted immediately on 999.**

- 1.9. Additional information may be found at the following sources:

- 1.9.1. Social Care wales: <https://www.safeguarding.wales/> and <https://socialcare.wales/hub/statutory-guidance>

2. Safeguarding Policy

- 2.1. Providers must have a Safeguarding Policy in place with detailed procedures, ensuring the protection / safeguarding of both children and adults, covering at a minimum:

- Safer recruitment (please refer to Section 3)
- Training, including induction
- Supervision and Safeguarding Procedure
- Management of allegations and the Role of Designated Safeguarding Lead
- Whistleblowing

- 2.2. The Provider must ensure that all Employees have read and understood the policies that are in place and know who to report concerns too.

- 2.3. The Provider shall keep a register of all Employees and against each Employee, the Provider must record the policies, which the Employee has been given copies of, and the date such policies were provided to the Employee. The Provider must also ensure the Employee signs and dates the register to confirm they have read and understood such policies.

3. Disclosure and Barring Service

- 3.1. The Service Provider must comply with the Police Act 1997. Disclosure and Barring Service vetting forms will be completed and submitted in accordance with Part V of the Serious Organised Crime and Police Act 2005.

- 3.2. Providers must ensure all the relevant safeguarding, recruitment and barring checks have been undertaken for all employees, unpaid voluntary workers and other persons providing the Service and keep appropriate training records.

- 3.3. For those Employees not engaged in Regulated Activity a proportionate selection of checks commensurate to the role is required.

- 3.4. For all positions that come within the definition of Regulated Activity the Provider is required to carry out an Enhanced Disclosure and Barring Service Checks. Checks need to be completed on all employees, unpaid voluntary workers and other persons providing the Service. These should be repeated on a three yearly cycle.

- 3.5. Employees, unpaid voluntary workers and other persons should not commence their duties until the necessary checks have been completed and clearance provided to the Service Provider.
- 3.6. The Council should be made aware of an employee with the Service Provider who has an unacceptable criminal conviction or other antecedents. Under such circumstances, the Council will discharge its duty of care to protect vulnerable people from harm.
- 3.7. The Service Provider shall ensure that it operates a recruitment and selection procedure which aligns with the Council's safer recruitment and disciplinary standards and which meets the requirements of legislation, equal opportunities and anti-discriminatory practice and ensures the protection of children and/or Adults at Risk.

4. Safeguarding Training

- 4.1. The Service Provider shall ensure that all personnel engaged in the delivery of the Services receive appropriate and relevant safeguarding training in relation to children and adults and receive refresher training on a three yearly basis as a minimum.
- 4.2. The Service Provider shall ensure delivery of the following training levels to the relevant staff and ensure the stated core aim's and objectives are conveyed within each training level:-
 - 4.2.1. **Level 1** – This level of training is the minimum required and that all staff must obtain. The learning must include the following areas:
 - Safeguarding is everyone's responsibility.
 - Definition of what Safeguarding means.
 - What the law states regarding Safeguarding responsibilities.
 - The expectations of employees in terms of safeguarding.
 - The definitions of abuse and neglect.
 - Recognising signs and symptoms of abuse and neglect.
 - How to report a concern and to whom.
 - 4.2.2. **Level 2** – This level of training is required where employees work brings them into contact with children and/or adults whom may be at risk. The training must include the following areas as a minimum:
 - Recognise who is an adult at risk
 - Identify some signs & symptoms of adult abuse
 - Name and define the categories of abuse.
 - Define their roles & responsibilities in relation to current Safeguarding legislation & policy
 - The Codes of Professional Practice.
 - Consider what abuse and neglect are.
 - Understand the difference between the terms 'Safeguarding' and 'Child Protection'.
 - Consider the laws regarding children in need of protection.
 - Who abuses children and/ or adults.
 - Know how to respond should a child or adult make an allegation.
 - Know how to report a concern, disclosure or allegation of abuse

4.2.3. **Level 3** – Is the minimum required level of training required for the Named Safeguarding Person and all staff members with a supervisory role. The training must include the following areas as a minimum:

- How to manage immediate risks to maintain the safety of the person
- Capacity & consent issues relevant to the Safeguarding process
- What to do & what not to do with regard to preserving evidence
- The next stages of the Safeguarding process & the implications for yourself or your agency
- Child protection and the law.
- Identifying child abuse.
- Missing, Child Sexual Exploitation and Criminal Exploitation Strategy Meetings
- The differences between Fact and Opinion
- Role of IIAA - Integrated Information Advice and Assistance.
- Contributing to a Child Protection Case Conference and core group – roles and responsibilities
- The decision making process, thresholds and professional differences.
- Child Practice Reviews
- Professional Strategy Meetings (PSMs).

5. Whistle Blowing

The Service Provider shall have in place a process whereby its employees may report in confidence any alleged malpractice on the part of the Service Provider as regards any part of the provision of the Services in compliance with paragraph 41.7 of the Conditions of Contract.

6. Subcontracting Arrangements

All sub-contractors, must comply with the above requirements. It is the Providers responsibility to ensure that all sub-contractors have in place a commensurate safeguarding policy and procedure as detailed above or that the subcontractor adopts the policy and procedure of the Provider for the duration of their work on this contract.

7. Designated Safeguarding Lead (Named Safeguarding Person)

7.1. The Service Provider shall appoint a Designated Safeguarding Lead (Named Safeguarding Person). This person must be of sufficient seniority for responsibility of the safeguarding of children and/or adults and have completed to a minimum Level 3 training in safeguarding as per para 4.2.3 above.

7.2. The Service Provider's Named Safeguarding Person is responsible for following duties (this list is not exhaustive and there may be other duties to include):-

7.2.1. To implement and monitor the Service Provider's safeguarding policies, procedures and relevant training including management of allegations and concerns.

7.2.2. To support all activities necessary to ensure that the Service Provider meets its responsibilities to safeguard/protect both children and adults.

7.2.3. To advise social care services and the police with regard to any safeguarding issues.

- 7.2.4. To provide advice and signposting to the Service Provider's workforce about legal processes, policies and procedures.
 - 7.2.5. To contribute to the delivery of safeguarding training for all staff and tailor provisions to meet the learning needs of participants within the Service Providers workforce.
 - 7.2.6. To ensure provision of effective safeguarding appraisal, support, peer review and supervision of the Service Providers workforce.
 - 7.2.7. Work with the Service Purchaser on safeguarding issues as and when required.
- 7.3. A deputy person shall also be appointed so reports could be made to in the absence of the Named Safeguarding Person in para 7.1 or in cases where that person themselves is the subject of the allegation or concern.

SCHEDULE 2
Scope and Specification of the Service

SCHEDULE 3 Payment Provisions

- 1.1 Invoices shall only be submitted for work already satisfactorily completed, and accompanied by such information as the Contract Supervisor may reasonably require to verify the Service Provider's entitlement to payment. Such invoices will be paid in 30 days from receipt by the Service Purchaser.
- 1.2 If any sum is payable by the Service Provider under this Contract or any other contract with the Service Purchaser, such sum may be deducted from any invoices submitted by the Service Provider.
- 1.3 The Service Purchaser reserves the right to withhold payment against any invoice which is not submitted in accordance with the Contract or if the Service Provider is in breach of any of its obligations under the Contract or any other contract between the parties until such time as a corrected invoice is submitted or the breach is cured. The Service Purchaser shall in each case notify the Service Provider in writing of the reason for withholding payment.
- 1.4 The Service Provider is referred to Schedule 2 for any further conditions relating to payment provisions.

SCHEDULE 4
Monitoring of the Service/Key Performance Indicators

SCHEDULE 5

Data Protection Schedule

SCHEDULE 6
Tender Response

Report of the Cabinet Member for Delivery and Operations

Procurement Inquiry – 10 November 2021

Procurement report (performance, stakeholder surveys and comparative data)

Purpose	This report provides an overview of the range of procurement data used at Swansea Council
Councillors are being asked to	consider the information given as part of the inquiry into procurement
Lead Councillor / Chair	Councillor Chris Holley
Lead Cabinet Member / Officers	<ul style="list-style-type: none">• Cllr David Hopkins• Adam Hill, Deputy Chief Executive and Director of Resources• Chris Williams, Head of Commercial Services
Report Author	Chris Williams

1. Introduction

1.1 This report is provided to brief the Panel on the range of procurement data used at Swansea Council and it covers the following areas:

- Data from the Welsh Government's online procurement systems, e.g Sell2Wales (which are used by Authorities across Wales and which have been implemented to provide a common customer facing portal, so that Welsh suppliers do not have to interact with multiple different systems and also so that advice can be given on their usage by key Welsh government agencies including Business Wales).
- Data derived from 'Meet the Buyer' events - these are run periodically to gain input on proposed procurement activity.
- Contract management reporting data and its structure:- once a contract is 'live' each Council Service then takes on a contract management duty to ensure the desired contract outcome is achieved, on time and in line with the budget allocated to the project.
- Other relevant data including Sell2Wales usage and policy related developments, to provide further context to the Panel.

- 1.2 Supplier data provided has been anonymised in line with the Council's data protection obligations.
- 1.3 This report should be read in conjunction with the initial report presented to the Panel providing an 'overview of procurement' at the Council, which provide further details of the systems that are in place.

2. Welsh Government data reporting systems

- 2.1 The Welsh Government provides Local Authorities with a suite of IT-based procurement solutions, the most well-known of which is the Sell2Wales portal which is a contract advertising function, and which provides interested parties with details of contracts via a web portal and so functions as a 'one-stop shop' whereupon registering suppliers will be able to receive appropriate alerts (so an electrical contractor would receive notifications of appropriate work and not need to search through large and disparate databases).
- 2.2 The advantage of the above approach is that suppliers do not have to contact Local Authorities individually to understand their needs and requirements, and that the system provides both transparency and consistency, and especially so that appropriate support can be provided to interested companies (for example to smaller companies and those new to the public sector procurement process) by a specialised Welsh Government body – Business Wales. As an electronic-based system it also reduces bureaucracy from previous paper-based systems.
- 2.3 A standard part of the reporting tool related to the Welsh Government's system is knowledge of why interested parties did not submit bids. This data can be then monitored to understand any issues associated with the procurement process, which can be used to inform future activity.
- 2.4 Appendix A contains sample feedback provided for the Panel's review, within which one can see the parties that registered for the tender, and then specific responses from those that did not bid, containing their rationale for withdrawing.

3. Data derived from Meet the Buyer events

- 3.1. Meet the Buyer events are run periodically to brief interested parties on the Council's approach and these are particular useful where the item in question has not been procured for some time or there may be innovation that needs to be factored into a specification, and so the Council can receive feedback on such matters.
- 3.2 Whilst they are not part of the tender process itself (they occur pre-tender and one could see them as part of the commissioning process / informing the final specification), they have a place in the wider route to market procurement process as described above.

- 3.3. In the past twelve months the Council has sought to invest to in playground infrastructure through its Capital Play Investment Programme and a 'meet the buyer event' was held to gain supplier interest and input. Feedback from those that attended is provided in Annex B, together with an overview showing how the meet the buyer event fits into the procurement process.
- 3.4 As articulated by Amanda Carr, Director of SCVS at the last Inquiry meeting, there are other fora where the procurement-related issues of the Council are discussed, so for example in the social care field Amanda noted, with regard to the Council-Third Sector 'Compact' arrangements –

"I would praise the local authority for its work in this space over the last 2 to 3 years in its growing emphasis on cooperation around the specifications for services which are going to be sought from the third sector".

4.0 Contract management

- 4.1 Every Council contract is assigned both an authorised officer (responsible for the contract) and a responsible officer who is the budget holder, and this responsible officer role is assigned to one of the Heads of Service in the Council, so for example a contract related to property maintenance would come under the area the head of corporate property services. This is important because much effort is put in to ensure that there are no duplicated contracts in the Authority (for example two departments buying the same thing), so the contract manager will facilitate access to their contract from other departments and also build up their own specialism in that area of work.
- 4.2 Contracts themselves are tendered on the basis of specifications which can then be performance managed and such work is vital in ensuring the Council achieves the outcomes that it desires from its delivery partners / suppliers.
- 4.3 Each contract is typically based on a common set of Council terms and conditions (so for goods, services or public infrastructure works) and terms are then supplemented by the exact specification for the goods, services or works in question.
- 4.4 In Annex C reporting forms are provided showing how regular performance management is enacted by the Council for the following:
- Works contract monitoring (civil engineering)
 - Social Services monitoring (housing support programme)
 - In addition further narrative related to the monitoring approach adopted by Social Services and Digital Services (housing support

and service desk software) is shown in 'contract management narrative'

- And, for a large project, a sample contract management report overview is provided to show the elements that are considered on a regular basis (attachment PRU client progress report)

5. Other relevant data and policy developments

- 5.1 Data related to the use of Sell2Wales is contained in Appendix D, which shows the volume and breadth of opportunities that are advertised. As noted above a supplier would register against a certain industry code and then receive electronic alerts as soon as the opportunities are live. Interested parties would have the opportunity to question the Council through the tender portal, to seek further information. Should any party express an interest in learning about how the portal itself works then they would be referred to the Welsh Government's Business Wales for further advice, support and training. Table 1 below shows the process format.
- 5.2 Procurement also provide a range of useful tools to help map timelines for projects - please see also included in Appendix D a Gantt chart document that facilitates understanding of the complete timeline of a procurement process, from initial consideration through to go live. It is designed as a checklist for departments to use and to aid planning.
- 5.3 We have also introduced an electronic tool which allows for the signing of contracts and this has delivered significant savings (estimated at 24,000 less pages printed in just Commercial Services) and importantly enabled continuity of service during the covid-19 pandemic.
- 5.4. The Council also undertakes bespoke data gathering and prior to the pandemic looked at the accessibility of tender opportunities to small companies in the construction area, from which three key variables were identified as potential barriers to such organisations:
- The size of contracts: - certain respondents expressed the opinion that they would not have the internal capacity to manage large contracts;
 - accreditations - it was noted by certain respondents that they may not have the industry / professional accreditations that the Council may seek (these professional/ industry certifications are dependent on the requirement, so someone installing gas boilers would need the appropriate industry accreditation due to safety considerations), and
 - financial strength – some companies noted that their financial strength was not large enough to be considered for a Council contract (the Council typically seeks a 2:1 guideline ratio of twice turnover to contract value in line with Government best practice).

The output from the above work is now integrated into our analysis of contract design with recent small works contracts for example split into components by job size (to make it them more accessible to SMEs - and

this is the 'lotting' activity was discussed at a previous Panel meeting – whereby the Council might break large programmes of work into smaller projects in order to enable SMEs to bid for this work). Also, companies are advised that where they do not have a 2:1 financial strength ratio they can submit further evidence of how they meet the requirements of the Council and that can then be considered. Where the Council does work with a larger entity then any of its subcontracting opportunities are then advertised on Sell2Wales to assist local companies.

- 5.4 At the Welsh Government's level there is a continued focus on procurement activity in Wales with the major feature of the current landscape a proposed reform of the U.K.'s 'public contract regulations' (which dictate the rules around how we go to market for tendering our requirements – a link to this work has previously been sent to the Panel for its further review). As part of this review of the UK regulations there is an integral debate on data reporting and the desired centralisation of procurement data (both of which are integrated into the new legislation, so there would be a large expansion of the electronic systems for procurement to generate comparative data); separately the Welsh Government is currently commissioning a review of procurement support, targeting the creation of a Procurement 'centre of excellence', which would seek to develop comparative data for procurement across Wales and support practitioners across Wales in obtaining the best outcomes from public funds (and a recent Ministerial advisory group noted that Swansea might be a good home for such a unit due to the best practice that the Council has shown in this area).
- 5.5 As noted by Adam Hill, Deputy Chief Executive, at the Inquiry's session reviewing procurement practice within the Resources Directorate, the Welsh Government provides a benchmark staffing ratio of one qualified procurement professional per £10m of spend, which would equate to some 26 staff in Swansea, but at this time the Procurement department has 8.5 staff, and so expanding this staff base is now under consideration to both support and enhance the focus on procurement best practice within the Council.

TABLE 1

	Under £10,000	Goods & Services			Works			Above Threshold
	< £10,000	£10,001 - £25,000	£25,000 - £140,000	£140,001 - EU Threshold	£10,000 - £140,000	£140,001 - £500,000	£500,001 - EU Threshold	
Quotation or Tender	Quotations	Quotations	Quotations	Tender	Quotations	Tender	Tender	Tender
Process <small>Page 246</small>	Best value considerations	Invite a minimum of 4 quotations	Invite a minimum of 4 quotations	Tendering procedures apply	Invite a minimum of 4 quotations	Tendering procedures apply	Tendering procedures apply	UK Public Contract Regulations apply
Advertising	Not normally advertised, Buyer discretion as to whether the opportunity is advertised	Buyer discretion as to where the opportunity is advertised	Openly advertised on Sell2Wales, with exceptions allowed by agreement of Procurement	Openly advertised on Sell2Wales	Four quotations shall be sought from appropriate suppliers using Sell2wales or suppliers registered on Constructionline	Openly advertised on Sell2Wales or alternatively six quotations shall be sought from Suppliers registered on Constructionline	Openly advertised on Sell2Wales	Adverts must be published in FTS

PROJECT INFORMATION

Project Code	Project Title	Project Reference
project_47702	Contract for Demolition and remedial works to at Chimneys at Penlan and Townhill	CCS/21/230

ITT SETTINGS

ITT Code	ITT Title	ITT Description	
itt_88436	Contract for Demolition and remedial works to at Chimneys at Penlan and Townhill Swansea	Contract for Demolition and remedial works to at Chimneys at Penlan and Townhill Swansea	
Type of Supplier Access	Options for Viewing Responses	Ranking Level	Current Awarding Level
ITT Open to All Suppliers	Sealed (parallel opening)	Overall	
Qualification Envelope	Technical Envelope	Commercial Envelope	
Yes	Yes	Yes	
Supplier Response Ranking	Commercial Envelope Strategy	ITT Status	
No Ranking		Qualification Evaluation	
Estimated Value of Contract	Currency:		
550,000.	GBP		

ITT ATTRIBUTES

ITT Type

Contract Details - Manylion y Contract

RESPONSE SUMMARY

Number of invited suppliers: 6
 Number of suppliers who declined to respond: 2
 Number of suppliers rejected during pre-evaluation stage: 0
 Number of suppliers excluded in qualification evaluation phase: 0
 Number of suppliers excluded in technical evaluation phase: 0
 Number of suppliers excluded in commercial evaluation phase: 0

LIST OF INVITED SUPPLIERS

Supplier	Date Invited	Invited by buyer
	06/07/21 09:56	Self Invited
	16/07/21 16:13	Self Invited
	06/07/21 09:45	Self Invited
	08/07/21 09:26	Self Invited
	06/07/21 19:16	Self Invited
	06/07/21 08:21	Self Invited

SUPPLIERS HAVING DECLINED TO RESPOND

Supplier	Response Date	Notes
	14/07/21 09:17	Timescales / tender deadline
	06/07/21 09:48	Apologies - this project more suited to a smaller organisation - had it been large industrial chimneys Safedem are specialist

LIST OF SUPPLIERS REJECTED BEFORE EVALUATION

Not Applicable

PROJECT INFORMATION

Project Code	Project Title	Project Reference
project_48082	Contract for the Supply and Installation of Domestic Fire alarm systems (Swansea	CCS/21/222

ITT SETTINGS

ITT Code	ITT Title	ITT Description	
itt_89528	Contract for the Supply and Installation of Domestic Fire alarm systems (Swansea)	<p>To supply and install fire Alarm protection devices to tenanted Properties</p> <p>The contract involves the complete supply & install of the domestic smoke alarm install as detailed in the schedule of equipment and as specified from the Fire Safety Officer in existing Council Dwellings, upgrading to a standard as detailed within the specification.</p>	
Type of Supplier Access	Options for Viewing Responses	Ranking Level	Current Awarding Level
ITT Open to All Suppliers	Sealed (parallel opening)	Overall	
Qualification Envelope	Technical Envelope	Commercial Envelope	
Yes	No	No	
Supplier Response Ranking	Commercial Envelope Strategy	ITT Status	
No Ranking		Qualification Evaluation	
Estimated Value of Contract	Currency:		
170,000.	GBP		

ITT ATTRIBUTES

ITT Type

RESPONSE SUMMARY

Number of invited suppliers: 12
 Number of suppliers who declined to respond: 2
 Number of suppliers rejected during pre-evaluation stage: 0
 Number of suppliers excluded in qualification evaluation phase: 0

LIST OF INVITED SUPPLIERS

Supplier	Date Invited	Invited by buyer
	24/08/21 11:20	Self Invited
	26/08/21 10:24	Self Invited
	24/08/21 12:35	Self Invited
	24/08/21 13:25	Self Invited

	23/08/21 09:34	Self Invited
	20/08/21 15:35	Self Invited
	17/09/21 13:43	Self Invited
	23/08/21 08:20	Self Invited
	06/09/21 15:54	Self Invited
	08/09/21 08:50	Self Invited
	23/08/21 07:19	Self Invited
	23/08/21 16:37	Self Invited

SUPPLIERS HAVING DECLINED TO RESPOND

Supplier	Response Date	Notes
	26/08/21 16:30	Unable to provide a response
	27/08/21 10:19	We feel this work would be more suitable for a electrical contractor.

LIST OF SUPPLIERS REJECTED BEFORE EVALUATION

Not Applicable

PROJECT INFORMATION

Project Code	Project Title	Project Reference
project_48264	Contract for Domestic Rewires – Contract 2	CCS/21/212

ITT SETTINGS

ITT Code	ITT Title	ITT Description	
itt_90032	Contract for Domestic Rewires – Contract 2	Contract for Domestic Rewires – Contract 2	
Type of Supplier Access	Options for Viewing Responses	Ranking Level	Current Awarding Level
ITT Open to All Suppliers	Sealed (parallel opening)	Overall	
Qualification Envelope	Technical Envelope	Commercial Envelope	
Yes	Yes	Yes	
Supplier Response Ranking	Commercial Envelope Strategy	ITT Status	
No Ranking		Qualification Evaluation	
Estimated Value of Contract	Currency:		
230,000.	GBP		

ITT ATTRIBUTES

ITT Type

Contract Details - Manylion y Contract

RESPONSE SUMMARY

Number of invited suppliers:	8
Number of suppliers who declined to respond:	0
Number of suppliers rejected during pre-evaluation stage:	0

LIST OF INVITED SUPPLIERS

Supplier	Date Invited	Invited by buyer
	22/09/21 08:25	Self Invited
	17/09/21 09:00	Self Invited
	13/10/21 09:10	Self Invited
	17/09/21 10:46	Self Invited
	21/09/21 16:08	Self Invited
	28/09/21 09:30	Self Invited
	17/09/21 08:51	Self Invited
	01/10/21 12:58	Self Invited

SUPPLIERS HAVING DECLINED TO RESPOND

Not Applicable

LIST OF SUPPLIERS REJECTED BEFORE EVALUATION

Not Applicable

Swansea Council

Virtual Meet the Buyer Event on 7th May 2021 at 10.00 -11.30am

Supply and Installation of Play Equipment and Safety Surfacing

Session Feedback

We thank you for attending the recent Meet the Buyer Event.

We promote a collaborative approach as part of project delivery. Your feedback is valued and helps us to seek opportunities to benefit future sessions.

We would be grateful if you would spend a few minutes to complete the table below, by selecting options from the dropdown menu and provide feedback.

Reflection – How did you rate the session		
Theme	Level of Satisfaction	Comments
Location - Virtual Event	Very Good	
Duration of Session	Very Good	
Information	Very Good	
Improved knowledge to support the tender process	Good	
Communication	Very Good	
As part of our commitment for continuous improvement, we are keen to appreciate your views on how we can improve the delivery of future sessions. Please use the space below.		
<p>I was impressed by how smoothly the session ran considering it being displayed via Microsoft teams compared to other virtual events I have previously attended. The event was very informative and we will take on some points for future schemes.</p>		

Please return this form to Kristy Tillman by email Kristy.Tillman@swansea.gov.uk .

We thank you for your participation and wish you the very best.

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Theme	Level of Satisfaction	Comments
Location - Virtual Event	Very Good	I really enjoyed the virtual approach.
Duration of Session	Very Good	
Information	Very Good	Nice to go through the items and get the client viewpoint to assess their interpretation.
Improved knowledge to support the tender process	Very Good	I think Play areas are a very tricky item to assess and a tender process will always bring challenges and disagreements. I really like the way the scoring is evolving and was good to get an understanding of the key assessment areas.
Communication	Very Good	Excellent as always.
As part of our commitment for continuous improvement, we are keen to appreciate your views on how we can improve the delivery of future sessions. Please use the space below.		
<p>There seemed to be a few people who didn't speak up and maybe an introduction round robin from attendees may have helped to break the ice a bit. But it was great to have the opportunity to attend such an event.</p>		



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Session Feedback

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Reflection – How did you rate the session		
Theme	Level of Satisfaction	Comments
Location - Virtual Event	Choose an item.	No problem with this
Duration of Session	Choose an item.	Timing was right
Information	Choose an item.	Very good
Improved knowledge to support the tender process	Choose an item.	Helpful
Communication	Choose an item.	Good
As part of our commitment for continuous improvement, we are keen to appreciate your views on how we can improve the delivery of future sessions. Please use the space below.		
<p>The session was informative and well organised. No problems with the information given</p>		

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We would be grateful if you would spend a few minutes to complete the table below, by selecting options from the dropdown menu and provide feedback.

Reflection – How did you rate the session		
Theme	Level of Satisfaction	Comments
Location - Virtual Event	Good	Currently, we have no option but to have virtual meetings. Face to face are always going to be better.
Duration of Session	Very Good	The meeting started and finished as it was specified. Enough time was allocated for key points to be discussed and opinions shared.
Information	Very Good	A timeline has been given, this gives us the opportunity to prepare our resources.
Improved knowledge to support the tender process	Good	
Communication	Very Good	
As part of our commitment for continuous improvement, we are keen to appreciate your views on how we can improve the delivery of future sessions. Please use the space below.		
<p>The only way this can be improved is by having a meeting, face to face, rather than online. There is one note – by having a group of competitors together at the same time you will find that some companies will not necessarily share their views with the group, as this could give their competitors information on how they work. (Please do contact me if this doesn't make sense)</p>		



Swansea Council

Virtual Meet the Buyer Event on 7th May 2021 at 10.00 -11.30am

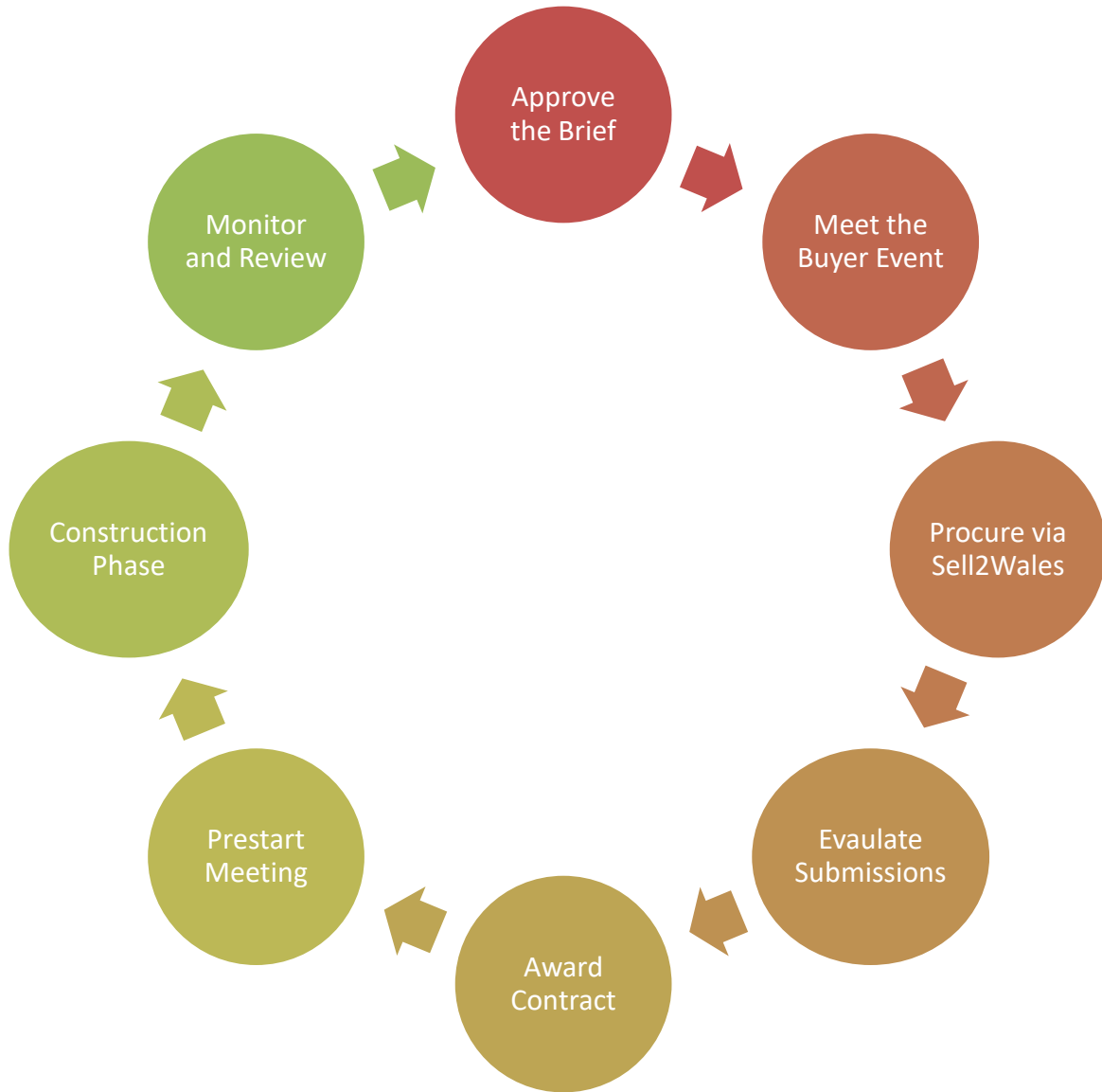
Supply and Installation of Play Equipment and Safety Surfacing

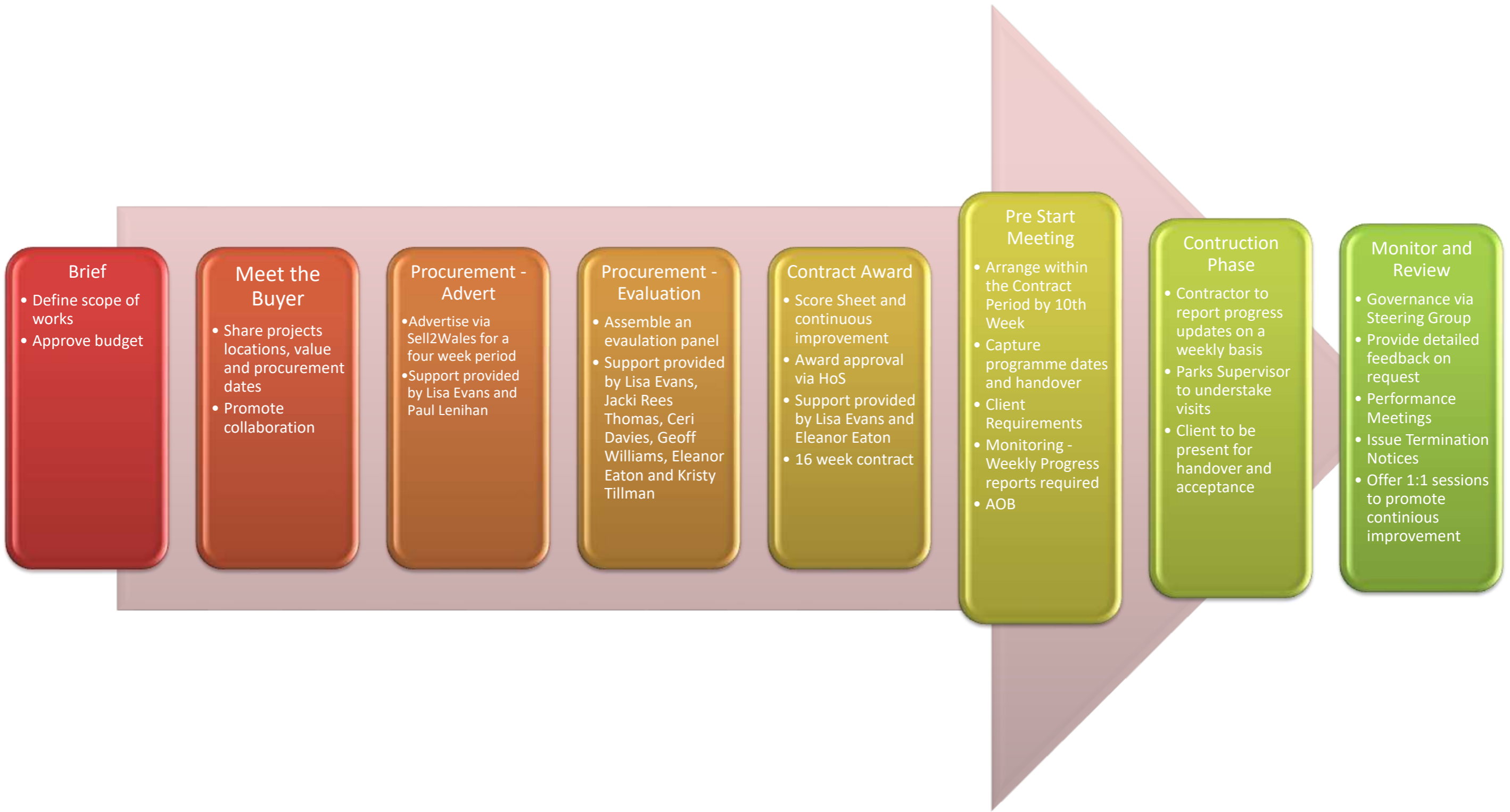
Session Feedback

Please return this form to Kristy Tillman by email Kristy.Tillman@swansea.gov.uk .

We thank you for your participation and wish you the very best.

Capital Play Investment Programme Delivery Process





PRU

Project Monthly Report



29th June 2020

Report dated 26th June 2020

Contractors Report 12

Contents

1.0 Safety, Health and the Environmental Issues

- 1.1 Health and Safety
- 1.2 Environment / Ecology

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- 2.2 Current position
- 2.3 Overall assessment of position
- 2.4 Construction activities
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- 3.1 EWN's
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 - 4.2.2 Civils/Structural
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APPENDICIES

- A. Progress Photographs
- B. Current Programme Dropline
- C. Change Management Tracker
- D. Warranty Tracker

Social Services: **Overview of Housing Support Grant Monitoring.**

The usual method of monitoring of HSG providers changed considerably as a result of the start of the pandemic and subsequent lockdown. The usual process is for an annual site visit and a face to face meeting with managers and staff. This was clearly not possible during lockdown and other COVID restrictions. Therefore pro-active monitoring was maintained through regular telephone conversations with provider organisations either via the telephone or via TEAM's.

Contact periods were risk assessed and varied, however fortnightly contact was the default position for all providers. During these conversations a range of issues was raised, including staff absence (Covid and non Covid related), recruitment, safeguarding issues, occupancy rate, client issues such as non-compliance with Covid restrictions, and latterly vaccination figures. The issues of client wellbeing during lockdown and in the absence of external activities and support services was also a common theme. During the peak of the crisis our monitoring/reporting of COVID issues was daily, this information was reported to Silver Group.

PPE was offered and supplied to providers at no cost with regular communication was in place to determine supplies needed.

Regular communication/guidance from Welsh Government and Cymorth (umbrella body for providers of homelessness, housing related support and social care) relating to COVID was distributed promptly.

Providers would also contact us with a range of concerns/requests for advice around a number of issues such as safeguarding and staff issues.

The development of software and developing expertise around remote working has enabled the resumption of more formal monitoring meetings using TEAMS, which have been taking place on a phased basis since May of this year.

Contract Liaison Meetings also have been held with providers. These focus in particular on financial and strategic organisational issues and on proposed service changes.

Evidence was also requested of Business/Contingency Plans being updated to reflect the new circumstances arising from the pandemic.

In response to the pandemic the HSG team also began to request weekly information on some key issues using a standard matrix.

Further elements of monitoring include;

- A six monthly outcomes spreadsheet which provides information on client progress across a range of desired outcomes on a standard scale of 1-5 defined by Welsh Government and used across all HSG funded providers within Wales. It also provides information on the homelessness status of clients at point of entry into, and point of exit from services.

- Monthly tenant information sheets are also requested. These provide an up to date picture of occupancy rates and of the move on status of clients, as well as information on protected characteristics.
- An 'Outcomes Summary Qualitative Sheet' is also requested on an annual basis. This provides more detailed information to the HSG team on emerging themes, barriers to client progress and on what worked and what did not work in efforts to develop client independence, and to enable move on to lower level of support, where possible and appropriate. This is also viewed as an opportunity for providers to reflect on their own services.
- We also request individual case studies, to provide a narrative context to the quantitative information requested.
- A comprehensive annual 'Self-Certification form is also required from providers as part of monitoring. This allows provider organisations to self – certify compliance, and demonstrate resilience across a range of statutory and contractual requirement, and forms a basis for discussion at monitoring meetings.

Digital Services

Subject: Contract Monitoring / service desk

The service desk contract was award to XXXXX in April 2019 and was a 3 + 2 year contract.

The Infrastructure Operations Manager and Change, Asset and Configuration Officer meet with the Account manager every other month. These meetings are to discuss any outstanding faults or issues. Any upgrade paths or enhancements that maybe required.

These meetings are mainly held over TEAMS or via email exchange.

The Infrastructure Operations Manager and Change, Asset and Configuration Officer meeting regularly to discuss the system regularly and meet with the Digital Service Manager on a monthly basis to discuss progress or any issues that need to be escalated.

SCHEDULE 4 – KEY PERFORMANCE INDICATORS

SCHEDULE 4 – KEY PERFORMANCE INDICATORS

(Indicative KPI's)






Throughout the Term of the Framework the performance of the Contractor in relation to each contract or bid shall be measured against the Key Performance Indicators. The Employer shall be entitled, in its absolute discretion, to add to, amend or delete any of the Key Performance Indicators. The parties shall meet at such intervals set out by the Employer from time to time but in any event at least once in each year of the Term. The purpose of the meeting is to review the Contractor's performance in relation to the Key Performance Indicators on each Contract. The Employer shall maintain a record of all Key Performance Indicators collected in relation to each Contract and of a summary of the review meetings that take place.

Key Performance Indicators will be scored as follows:









GOOD	Employer satisfied with performance.
ACCEPTABLE	Generally satisfied but scope for improvement.
POOR	Scope for improvement.
UNACCEPTABLE	General failure of performance (or failure to submit 3 consecutive or non compliant bids in each region).

Indicative KPI's applicable to the Contractor's performance on each Project will be recorded on the following Project Review form.

South West Wales Regional Civil Engineering Contractors Framework Project Review

Project Title:		Project No:	
Employer:		Employer officer:	
Contractor:		Contractor manager:	
Works cost estimate:	£	Actual works cost:	£
Proposed contract period:	weeks	Actual contract period:	weeks
Brief description of project / bid:			
(See scoring criteria above)			
Appropriate resource provided	SCORE		
Comments:			
Programme	SCORE		
Comments:			
Management of change	SCORE		
Comments:			
Management of risk	SCORE		
Comments:			
Cost Predictability	SCORE		
Comments:			

Health and Safety	SCORE	
Comments:		
Quality	SCORE	
Comments:		
Collaborative Working	SCORE	
Comments:		
Maximising the opportunities for innovation	SCORE	
Comments:		
Meeting community benefits criteria	SCORE	
Comments:		
Sustainability & Waste	SCORE	
Comments:		
CEEQUAL	SCORE	
Comments:		
Post Completion Works	SCORE	
Comments:		

Project Bidding		SCORE				
Comments:						
OVERALL RATING		SCORE				
Additional Comments/Feedback						
Form completed by (Name & Job title):						
Signed:		Date:				
Signed:		Date:				

The control of KPI data and the effect on future awards is as detailed as follows:

Category	KPI	Comment	Effect on future Awards
A	Good	Record kept.	None.
B	Acceptable	Lessons learnt discussed between Authority and Contractor. Record of lessons learnt kept at local level and reference to this kept on central database.	During subsequent award (s) ongoing meetings to monitor performance.
C	Poor	Lessons learnt discussed between Authority and Contractor and discussed across all Authorities. Record of lessons learnt kept on central database	No further award of projects by the individual Employer until written confirmation received from contractor detailing how they intend to improve. During subsequent award(s) ongoing meetings to monitor performance.
D	Unacceptable	Formal notification of unacceptable performance sent to contractor	Suspension of Agreement for 6 months by all Authorities. After this period no further awards until written confirmation received from contractor detailing how they intend to improve. During subsequent award(s) ongoing meetings to monitor performance. Repeat failure may result in the termination of the Contractor's involvement in the specific Lot.

SCHEDULE 4

Monitoring of the Service/Key Performance Indicators

1. Quality Monitoring

- 1.1 The Service Provider shall regularly collect Service User's views of the Service, use them to inform the work of the Service and report them at an annual review.
- 1.2 Current monitoring requirements from the Service Provider are listed in the monitoring arrangements table below. The Service Provider shall at all times co-operate with the reasonable processes of the Service Purchaser for monitoring, evaluation and quality audit in whatever way is reasonably requested by the Service Purchaser.
- 1.3 The Service Provider will have an internal monitoring procedure and Quality Assurance System and will involve Service Users and allow access for monitoring or inspection by representatives of the Service Purchaser. This may include an unannounced inspection, monitoring. The Service Provider will rectify any shortfalls in service quality within a stipulated time period.
- 1.4 The Welsh Government requires each Service Purchaser to obtain information from organisations whom they purchase services from. Information must be provided as required by the Service Purchaser.
- 1.5 A delegated Officer of the Service Provider shall meet with a named representative of the Service Purchaser or as agreed to review the Contract and Service Specification and how the Service Provider is achieving the aims and objectives agreed.
- 1.6 Prior to this meeting the Service Provider maybe asked to provide:
 - Outcomes Information – qualitative and quantitative analysis.
 - Evidence of internal monitoring procedures and monitoring work carried out.
 - Statistical data which indicates how objectives, standards and targets inherent in the contract are being met.
 - Other appropriate material requested in response to specific issues / concerns / achievements.
 - Any other material identified within the monitoring arrangements (see Monitoring Arrangements Template).

2. Support Services Review / Evaluation

- 2.1 The Service Purchaser will conduct at least 1 full Support Service Review/ Evaluation every 4 years from the start of the Agreement in each service provision area. All of the Services provided by the Service Provider in the service provision area will be reviewed.
- 2.2 Each Review must be carried out in accordance with any guidelines and directions issued by the Welsh Assembly Government under Section 93 of the Local Government Act 2000 or subsequent legislation. In these reviews the Service Purchaser will:
- Assess the strategic relevance of the Project including an assessment of current and projected needs and supply
 - Assess the quality and cost effectiveness of the support services, with a view to disseminating good practice and negotiating service improvements
 - Seek to identify the appropriate level of funding allocated to each project
 - Identify if the project is meeting the identified needs of the people who require the service
 - Assess whether the project is meeting the terms and requirements of the Contract and Service Specification.
- 2.3 The Service Purchaser shall also be entitled to undertake a Service Review of the Services in line with clause 2.2 at any time during the term of the Contract.

3. Annual Review

- 3.1 The Service Provider will hold an annual review of its services under this agreement which will involve relevant stakeholders.
- 3.2 The Annual Review shall take place each year as agreed by the Service Purchaser and Service Provider.

3.3 For the Annual Review the Service Provider will circulate prior to the meeting, a collated summary of the information outlined in clause 1.6.

4. Statutory Duties

4.1 The Service Purchaser has various Statutory Duties in relation to this Agreement (for example, under Part 1 of the Local Government Act 1999 (Best Value) to carry out a regular review of the Support Services, including the Review referred to in clause 3 above and the Review in clause 2)

4.2 The Service Provider must fully co-operate with the Service Purchaser in carrying out any such Statutory Duty and must make available such facilities and such assistance as the Service Purchaser may request.

For example, the Service Provider must allow the Service Purchaser or authorised agents access to employees, all information, reports, financial accounts, documents, records which the Service Provider holds or has access to that are relevant to the Support Services funded under this Contract.

4.3 The Service Provider must also allow the Service Purchaser to take copies of the information etc. referred to above. Any information made available to the Service Purchaser under this clause will be treated as confidential information and therefore be subject to the provisions of confidentiality.

4.4 The Service Provider must compile and maintain such information as the Service Purchaser may require. In specifying the information to be compiled and maintained for this purpose the Service Purchaser will have regard to any directions or guidance which the Welsh Government may issue relating to the form and extent of such information. The Service Provider must make available to the Service Purchaser any information referred to above at monthly / quarterly / other intervals starting from the commencement date and at such other times as the Service Purchaser may require.

MONITORING ARRANGEMENTS TABLE

1. This table is used as a template on agreed monitoring requirements.
2. The Service Provider will supply the following information to the Contracting Officer or the Housing Support Grant Representative of the Service Purchaser at specified intervals.

STANDARDS	HOW MEASURED / ASSESSED (NUMERICAL OR QUALITATIVE INFORMATION)	FREQUENCY OF MEASUREMENT
The service provided should be in line with that detailed in the Contract and the outcomes and activities identified within the service specification.	Ongoing records to be maintained by the Service Provider. Outcomes Framework.	Information to be collated by the Service Provider and supplied to the Service Purchaser as requested. Outcomes Spreadsheet to be completed and returned six monthly as requested, qualitative information to be returned annually.
Service Users supported in the service	Client monthly return sheet	Monthly
Accurate information on the service to be provided to the Service Purchaser.	Annual Self Certification Form	Annual returns to be sent to the Service Purchaser's nominated officer.
The Service Provider should assess the		Information to be collated by the Service Provider

<p>effectiveness of the Service to the Service User and the use the information to develop its service.</p>	<p>The Service Provider will implement a quality assurance mechanism.</p> <p>Outcomes Information.</p>	<p>and supplied to the Service Purchaser as requested.</p>
<p>The Service Provider will ensure each Service User has a support plan which is reviewed with a clear policy framework.</p>	<p>Through the monitoring and evaluation process.</p>	<p>Monitoring minimum of annually.</p>
<p>The project should undertake an annual review including relevant stakeholders and service users which should include: -</p> <ul style="list-style-type: none"> • Whether the service is meeting the service outcomes identified • Is still meeting the needs of the client group • Policies and procedures support the service that is being provided • Finances are in order • Meets the training needs of staff • Have an “areas for improvement” and what actions to take forward 	<p>Annual Review</p>	<p>Annually</p>

Procurement Tender Timeplan - Commercial Services



Procurement Lead :

Contract Title: Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services for Older People and Younger Adults with Physical Disabilities

Contract Ref:

Project Start Date

Client Lead

Display Week 1

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
#####	2 Jan 1900	9 Jan 1900	16 Jan 1900	23 Jan 1900	30 Jan 1900	6 Feb 1900	13 Feb 1900
S S M T W T F S S	S S M T W T F S S	S S M T W T F S S	S S M T W T F S S	S S M T W T F S S	S S M T W T F S S	S S M T W T F S S	S S M T W T F S S

Phase	Activity	Action	Officers Involved	Start	End	Days	% DONE	Work Days	Comments
2 Phase 2: Pre Procurement Stage									
2.5	Draft Tender Documents –	• Specification	Client	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.6		• Method Statement Questions	Client	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.7		• Award Criteria	Client	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.8		• Pricing Schedule	Client	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.9		• Supplier Suitability Questionnaire	Client	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.10		• GDPR Requirements	Client	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.11	Terms & Conditions	Standard terms and conditions to be used. Procurement to advise.	Procurement / Legal	Fri 8/2/2019	Thu 21/2/2019	14	0%	10	
2.12	Forward Look (If applicable)	If contract over £5million Cabinet approval needed. Place on forward look.	Client	Fri 8/2/2019	Wed 27/2/2019	20	0%	14	LM will submit once timeline reviewed.
2.13	Finalise Tender Documentation	Finalise all tender documentation before publication and draft Instructions to Tenderers.	Procurement	Fri 22/2/2019	Mon 25/2/2019	4	0%	2	
2.14	eTenderWales & Sell2Wales	Create Project and ITT in eTenderWales, draft Sell2Wales notice.	Procurement	Fri 8/2/2019	Mon 25/2/2019	18	75%	12	Etenderwales completed and OJEU notice in draft form.
3 Phase 3: Procurement Phase									
3.1	Tender Publish Date	Publish notice on Sell2wales and ITT in eTenderWales	Procurement	Mon 25/2/2019	Thu 18/4/2019	53	0%	39	
3.2	Queries/Clarification	Client to answer any clarification raised during the tender process	Client	Mon 25/2/2019	Thu 18/4/2019	53	0%	39	
3.3	Tender Closes. Open tenders after designated closing date and time.	Tender will close 12:00 noon. Procurement to open tenders.	Procurement	Thu 18/4/2019	Thu 18/4/2019	1	0%	1	Tender will close Thursday before Easter.
4 Phase 4: Evaluation									
4.1	Tender Evaluation	Complete evaluation of bids received in line with set award criteria. Minimum of 3 to evaluate.	Client	Tue 23/4/2019	Mon 3/6/2019	42	0%	30	Evaluation to commence after Easter
4.2		Seek clarification on bids if required.	Client / Procurement	Tue 23/4/2019	Mon 3/6/2019	42	0%	30	
4.3		Complete tender evaluation matrix.	Client	Tue 23/4/2019	Mon 3/6/2019	42	0%	30	
4.4	Tender Evaluation Panel Report (in the form of a Cabinet Report)	Draft report in line with standard documentation	Client / Procurement	Tue 4/6/2019	Fri 7/6/2019	4	0%	4	
4.5	Tender Evaluation Panel Approval – Virtual	Report sent to Procurement, Legal and Finance for approval	Client	Mon 10/6/2019	Fri 14/6/2019	5	0%	5	
4.6	Cabinet Report Approval (Contract Award Report)	Approval required from: Ben Smith (Finance)	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.7		Deb Reed (Head of Adult Services)	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.8		Debbie Smith (Legal)	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.9		Chris Williams (Procurement)	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.10		Access to Services	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.11		Dave Howes (Director of Social Services)	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.12		Cllr Mark Child	Client	Mon 17/6/2019	Mon 1/7/2019	15	0%	11	
4.13	Over £5 million contract value								
4.14	Forward Look Deadline	Deadline for submission of report	Client / Procurement	Tue 2/7/2019	Tue 2/7/2019	1	0%	1	Awaiting confirmation from Democratic Services, assuming 18th July Cabinet Date.
4.15	Cabinet Approval	Cabinet Date	Client / Procurement	Thu 18/7/2019	Thu 18/7/2019	1	0%	1	
4.16	Cabinet Call In	3 day call in	Client / Procurement	Fri 19/7/2019	Wed 24/7/2019	6	0%	4	Assuming Day 1 after minutes are published.

Sell2Wales

Doc ID	OJEURef:	Publisher Ref:	Doc Type	Title	Notice Type:	Nature:
102013		MAY335113	Site Notice	Contract for Environmental Facilities Works at Properties in Brondeg, Swansea	Contract Notice	Works
100936		MAY334861	Site Notice	Award of Provision of a Weekend and Bank Holiday visiting service to Sheltered Housing Tenants	Contract Award Notice	Services
101958		MAY334860	Site Notice	Award of Contract for Provision of Strip Map Recording at Hafod Copperworks	Contract Award Notice	Services
101932		MAY334714	Site Notice	Award of The Supply & Delivery of Toilet Tissue, Soaps, Paper Towels/Rolls and Dispensers	Contract Award Notice	Supplies
101899		MAY334399	Site Notice	Contract for Temporary Internal Lighting at the Palace Theatre	Contract Notice	Services
101810	232244-2020	MAY334092	OJEU Notice	Award of Contract for Hafod Copperworks Powerhouse & Outbuildings Re-Development Project	03 Contract Award Notice - Successful Supplier(s)	Works
101609	236098-2020	MAY334088	OJEU Notice	Contract for the alterations and conversion of Bay Studios, Fabian Way, Swansea into a Surge Hospital	03 Contract Award Notice - Successful Supplier(s)	Works
101776	230707-2020	MAY334085	OJEU Notice	Award of Provision for Retained Agent for Councils Property Investment Fund	03 Contract Award Notice - Successful Supplier(s)	Services
101791		MAY333966	Site Notice	Maintenance Contract for Remote Concierge Service	Contract Notice	Services
101689		MAY333816	Site Notice	Award of Contract For The Provision of a Substance Misuse Support Service	Contract Award Notice	Services
101643	213565-2020	MAY333300	OJEU Notice	Award of Framework Agreement for the Supply of Concrete, Tarmacadam and Dry Aggregates	03 Contract Award Notice - Successful Supplier(s)	Supplies
101702		MAY333429	Site Notice	Swansea City Bus Station Cleaning (High Level features)	Contract Notice	Services
101664		MAY333189	Site Notice	Contract for Dylan Thomas Comprehensive School Plant Roof Refurbishment	Contract Notice	Works
101652		MAY332967	Site Notice	Award of Contract for Legacy Hardware Maintenance	Contract Award Notice	Supplies
101650		MAY332966	Site Notice	Award of Contract for Veritas and Symantec Backup Software	Contract Award Notice	Supplies

101590		MAY332846	Site Notice	Pre-Procurement Engagement Re-Imagining of the Central Casual Area of Swansea Market	Prior Information Notice	Services
101346		APR332271	Site Notice	Award of Contract for Veritas and Symantec Backup Software	Contract Award Notice	Supplies
101513		APR332158	Site Notice	Hire, Installation and De-Rig of Xmas Market Chalets	Contract Notice	Services
101175	165831-2020	APR330667	OJEU Notice	Corrigendum: Contract for the Provision of Community Activity & Leisure Opportunities for Children & Young People With a Disability	14 Corrigendum	Services
101247		APR330681	Site Notice	Award of Contract for Veritas and Symantec Backup Software	Contract Award Notice	Supplies
101233		APR330677	Site Notice	Award of Supply of Skips	Contract Award Notice	Supplies
101104		MAR330181	Site Notice	Award of One x Long Wheelbase 4WD Agricultural Tractor	Contract Award Notice	Supplies
101103		MAR330180	Site Notice	Award of The Supply & Delivery of Toilet Tissue, Soaps, Paper Towels/Rolls and Dispensers	Contract Award Notice	Supplies
100951	149869-2020	MAR329962	OJEU Notice	Contract for the Supply of Pot Hole Repair Material	02 Contract Notice	Supplies
100930	146802-2020	MAR329817	OJEU Notice	Award of Contract for the Appointment of a Multi-Disciplinary Team (MDT) for the re-development o...	03 Contract Award Notice - Successful Supplier(s)	Services
100904	144768-2020	MAR329784	OJEU Notice	Corrigendum: Framework Agreement for the Provision of Educational Providers for the Swansea Pupil Referral Unit (PRU)	14 Corrigendum	Services
100974		MAR329788	Site Notice	Award of Contract for Maes Yr Efail Housing Complex - Roof Renewal	Contract Award Notice	Works
100902	142832-2020	MAR329643	OJEU Notice	Corrigendum: Contract for the Provision of Community Activity & Leisure Opportunities for Children & Young People With a Disability	14 Corrigendum	Services
100929		MAR329642	Site Notice	Award of Contract for Evaluation Consultancy Services for Kingsway Digital Village Hub Project	Contract Award Notice	Services
100918		MAR329632	Site Notice	Award of Framework Agreement for Civil Engineering Works for the Engineering Division of the High...	Contract Award Notice	Works
100887		MAR329436	Site Notice	Contract for Environmental Facilities Works at Properties in Brondeg, Swansea	Contract Notice	Works

100848		MAR329268	Site Notice	Award of Contract for Digital Screens at Swansea Grand Theatre	Contract Award Notice	Supplies
100846		MAR329266	Site Notice	Award of VmWare Maintenance and Support	Contract Award Notice	Services
100673		MAR329270	Site Notice	Contract for Repairs to Commercial Refrigeration, Freezers and Chiller units	Contract Notice	Services
100816		MAR329096	Site Notice	Award of WHQS Environmental Facilities to 399 No Properties at Winchwen Swansea	Contract Award Notice	Works
100755	129747-2020	MAR328964	OJEU Notice	Award of Supply and Installation of Parking Pay and Display Machines	03 Contract Award Notice - Successful Supplier(s)	Supplies
100644		MAR328666	Site Notice	Contract for Street Trading Pitches within Swansea Council - CCS/20/062	Contract Notice	Services
100683		MAR328642	Site Notice	Award of Removal, Storage & Disposal of Unlicensed, Abandoned & Nuisance Vehicles	Contract Award Notice	Services
100580	117502-2020	MAR328251	OJEU Notice	Contracts for Local Bus Services (PT 20-22)	02 Contract Notice	Services
100054	112521-2020	MAR328104	OJEU Notice	Contract for the Outright Purchase of up to Eight (8) x 4.5 Tonne GVW Compact Road sweepers and the Provision of Supporting Service	02 Contract Notice	Supplies
100583		MAR328241	Site Notice	Contract for Environmental Facilities Works at Properties in Caemawr, Swansea	Contract Notice	Works
100090	100640-2020	FEB327406	OJEU Notice	Contract for the Provision of Community Activity & Leisure Opportunities for Children & Young People With a Disability	21 Social and other Specific Services - Contract Notice	Services
100305		FEB327273	Site Notice	Award of Supply and installation of 2 No. UTMC compliant Full Matrix Variable Message Signs	Contract Award Notice	Works
99812	95844-2020	FEB327123	OJEU Notice	Supply of Composite Doors	02 Contract Notice	Supplies
100173	95955-2020	FEB327119	OJEU Notice	Framework Agreement for the Provision of Educational Providers for the Swansea Pupil Referral Unit (PRU)	21 Social and other Specific Services - Contract Notice	Services
100300		FEB327266	Site Notice	Contract for Veritas and Symantec Backup Software	Contract Notice	Supplies
100249		FEB327114	Site Notice	Award of Phase 1 Flat Roof Renewal- Clydach & Sketty, Swansea	Contract Award Notice	Works
100193		FEB326959	Site Notice	National Standards Cycle Training	Contract Notice	Supplies
100094	91193-2020	FEB326836	OJEU Notice	Award of Contract for Electrical Servicing/Maintenance High & Low Rise Lifts	03 Contract Award Notice - Successful Supplier(s)	Services

100145		FEB326735	Site Notice	Supply of 23litre Waste Caddys and Bags	Contract Notice	Supplies
100096		FEB326566	Site Notice	Award of Contract for Phase 2 Flat Roof Renewal	Contract Award Notice	Works
100086		FEB326562	Site Notice	Contract for Building Fabric Works at Rheidol Court	Contract Notice	Works
100083		FEB326439	Site Notice	Contract for Environmental Facilities Works to 444 No Properties Clase Swansea	Contract Notice	Works
99247	78673-2020	FEB326077	OJEU Notice	Provision for Retained Agent for Councils Property Investment Fund	02 Contract Notice	Services
99914		FEB325461	Site Notice	Supply of Skips	Contract Notice	Supplies
99166		FEB324795	Site Notice	Contract For The Provision of a Substance Misuse Support Service	Contract Notice	Services
99767		FEB324784	Site Notice	Contract for Environmental Facilities Works - Sketty	Contract Notice	Works
99756		FEB324675	Site Notice	Display Energy Certificates (DECs) and Advisory Reports (ARs)	Contract Notice	Services
99749		FEB324670	Site Notice	Contract for Masonry works to New Build Properties at Beacons View Swansea	Contract Notice	Works
99416		FEB324657	Site Notice	Electrical Renewable Works	Contract Notice	Works
99419		FEB324656	Site Notice	Air source Heat Pumps Cylinder Works	Contract Notice	Works
99420		FEB324655	Site Notice	MVHR Units and Ducting Work	Contract Notice	Works
99731		FEB324654	Site Notice	Contract for the Execution of Works to Supply & Fit Windows & Doors at Beacons View	Contract Notice	Works
99722		FEB324652	Site Notice	Contract for the Execution of Works to Erect Timber Frames and Stairs to Properties at Beaconsview	Contract Notice	Works
99712		FEB324644	Site Notice	Contract to Supply & Fit non slip flooring to kitchen, bathrooms & shower rooms to a number of properties at Beacons View, Swansea	Contract Notice	Works
99717		FEB324643	Site Notice	Contract for Ceramic Tiling to Kitchens, Bathrooms & Shower Rooms at Beacons View Swansea	Contract Notice	Works
99719		FEB324642	Site Notice	Contract for Screed Base to Floors to 25 Properties at Beacons View Swansea	Contract Notice	Works
99684		FEB324493	Site Notice	Award of Supply of Food Waste Caddy Liners	Contract Award Notice	Supplies
98550	52398-2020	FEB323928	OJEU Notice	Pre Market Engagement: Operator of Palace Theatre Building	01 Prior Information Notice (PIN)	None

99458	55313-2020	FEB323937	OJEU Notice	Contract for the Provision of Maintenance of Pumping Station Assets	02 Contract Notice	Services
99427	52481-2020	FEB323931	OJEU Notice	Award of Dynamic Purchasing System for the Provision of Taxi Services	03 Contract Award Notice - Successful Supplier(s)	Services
99371	52352-2020	JAN323920	OJEU Notice	Contract for Hire of Relocatable Units and Ramps for Elections	02 Contract Notice	Supplies
99384	52368-2020	JAN323919	OJEU Notice	Award of Contract for Jeffreys Court Lifts Upgrade	03 Contract Award Notice - Successful Supplier(s)	Supplies
99422		JAN323753	Site Notice	Award of Contract for Installation and Maintenance of Fast Electric Car Charging Facilities	Contract Award Notice	Works
99383		JAN323735	Site Notice	Award of Contract for Maes Yr Efail Housing Complex Sprinkler Installation	Contract Award Notice	Works
99391		JAN323741	Site Notice	Hendrefoilan Primary School Extension	Contract Notice	Works
99346		JAN323483	Site Notice	Award of Framework Agreement for Thin Surfacing Schemes	Contract Award Notice	Works
99124	38697-2020	JAN323314	OJEU Notice	Contract for the Supply of Speed Cushions	02 Contract Notice	Supplies
99138	36824-2020	JAN323295	OJEU Notice	Schools Cabling, Cabinet & WiFi Access Point Installations	02 Contract Notice	Services
99194		JAN323293	Site Notice	Contract for Wales Airshow Food and Drink Concessions	Contract Notice	Services
99135		JAN323082	Site Notice	Award of Contract for The Supply of summer bedding plants, flowering hanging baskets, Professiona...	Contract Award Notice	Supplies
15469		JAN322821	Site Notice	Award of Contract for Supply of Smoke Alarms	Contract Award Notice	Supplies
99058		JAN322929	Site Notice	School Network Implementation	Contract Notice	Services
98869	26180-2020	JAN322813	OJEU Notice	Disposal of residual waste	01 Prior Information Notice (PIN)	None
99049		JAN322806	Site Notice	Contract for Legacy Hardware Maintenance	Contract Notice	Supplies
99037		JAN322793	Site Notice	Contract for Veritas and Symantec Backup Software	Contract Notice	Supplies
98843		JAN322552	Site Notice	Asbestos Training	Contract Notice	Services
98903		JAN322437	Site Notice	Contract for Street Trading Pitches within Swansea Council - CCS/19/457	Contract Notice	Services
98816		JAN322106	Site Notice	Removal, Storage & Disposal of Unlicensed, Abandoned & Nuisance Vehicles	Contract Notice	Services

97693	8776-2020	JAN321757	OJEU Notice	Contract for Electronic Call Monitoring, Staff Rostering and Care Planning System	02 Contract Notice	Services
98695	6562-2020	JAN321748	OJEU Notice	Award of The Kingsway Infrastructure Project-Supply of Granite Benches	03 Contract Award Notice - Successful Supplier(s)	Supplies
98683	7176-2020	JAN321747	OJEU Notice	Award of Supply and installation of Pay on Foot and Ancillary Equipment in Swansea	03 Contract Award Notice - Successful Supplier(s)	Services
98678	7186-2020	JAN321746	OJEU Notice	Award of Contract for Oracle E-Business Suite Support and Development	03 Contract Award Notice - Successful Supplier(s)	Services
98744		JAN321751	Site Notice	Sponsorship for the Wales Airshow	Prior Information Notice	Services
98714		JAN321614	Site Notice	Award of Contract for Active Travel Promotion	Contract Award Notice	Services
98687		JAN321476	Site Notice	Award of Heol Maes Eglwys PCAT Toucan Crossing, Swansea	Contract Award Notice	Works
98451	615963-2019	JAN321449	OJEU Notice	Corrigendum: Refresh of Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services	14 Corrigendum	Services
98642		JAN321456	Site Notice	Award of Walking and Cycling Network Signage Review and Completion of Associated Works	Contract Award Notice	Services
98640		JAN321453	Site Notice	Award of Framework Agreement for Supply Installation and Maintenance of Stairlifts to Council & P...	Contract Award Notice	Works
98615		JAN321380	Site Notice	Contract for Supply and Install Windows and Doors at Colliers Way	Contract Notice	Works
95285		JAN321378	Site Notice	Framework Agreement for Provision of Supply, Erecting and Dismantling of Scaffold	Contract Notice	Works
98608		JAN321367	Site Notice	Award of Welsh Government Road Safety Grant 2019~20 Road Safety Camera Upgrade	Contract Award Notice	Works
98581		JAN321267	Site Notice	Award of Supply, Erecting and Dismantling of Scaffold to Various Addresses in Gower Swansea	Contract Award Notice	Works
98580		JAN321266	Site Notice	Award of Contract for Electrical Servicing/Maintenance Construction Design Technology Equipment	Contract Award Notice	Services
98579		JAN321265	Site Notice	Award of Contract for Domestic Rewires Contract 3	Contract Award Notice	Works
98578		JAN321264	Site Notice	Award of Contract for Domestic Rewires Contract 2	Contract Award Notice	Works
98577		JAN321263	Site Notice	Award of Contract for Domestic Rewires Contract 1	Contract Award Notice	Works

98590		JAN321357	Site Notice	Supply of Site Units	Contract Notice	Supplies
98570		JAN321258	Site Notice	Phase 1 Flat Roof Renewal- Clydach & Sketty, Swansea	Contract Notice	Works
98443	618693-2019	DEC320985	OJEU Notice	Contract for the Appointment of a Multi-Disciplinary Team (MDT) for the re-development of the Palace Theatre	02 Contract Notice	Services
98523		DEC320701	Site Notice	Contract for Maes Yr Efail Housing Complex - Roof Renewal	Contract Notice	Works
98300	601401-2019	DEC320194	OJEU Notice	Pre-Procurement Market Engagement: Community activity and leisure opportunities for children and young people with a disability	21 Social and other Specific Services - PIN	Services
98309		DEC319881	Site Notice	Award of Contract for SAP Business Objects Support & Maintenance	Contract Award Notice	Supplies
97989	593193-2019	DEC319722	OJEU Notice	Refresh of Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services	21 Social and other Specific Services - Contract Notice	Services
97523	592405-2019	DEC319560	OJEU Notice	Award of Supply and installation of Pay on Foot and Ancillary Equipment in Swansea	03 Contract Award Notice - Successful Supplier(s)	Services
98076		DEC319075	Site Notice	Supply of Food Waste Caddy Liners	Contract Notice	Supplies
98025	583237-2019	DEC318893	OJEU Notice	Eight (8) x 26 tonne G.V.W. 6x4 Dual Compartment Refuse Collection Vehicles c/w Bin Lifts	02 Contract Notice	Supplies
97985	583235-2019	DEC318892	OJEU Notice	Framework Agreement for the Supply of Concrete, Tarmacadam and Dry Aggregates	02 Contract Notice	Supplies
98085		DEC319056	Site Notice	Award of Contract for the Provision of Design and Architectural Services at Tudno and Emrys Estate	Contract Award Notice	Services
97961		DEC318547	Site Notice	Contract for Phase 2 Flat Roof Renewal	Contract Notice	Works
97757		DEC318528	Site Notice	Contract for Digital Screens at Swansea Grand Theatre	Contract Notice	Supplies
97908		DEC318411	Site Notice	Contract for Evaluation Consultancy Services for Kingsway Digital Village Hub Project	Contract Notice	Services
97653	571605-2019	DEC318095	OJEU Notice	Contracts for Home to School Transport Services (SH 20-25)	02 Contract Notice	Services
97777	572144-2019	DEC318101	OJEU Notice	Award of Local Bus Services (PT 19-24)	03 Contract Award Notice - Successful Supplier(s)	Services
97827		DEC318257	Site Notice	Award of Contract for the Evaluation of the West Glamorgan Transformation Programmes	Contract Award Notice	Services

97769		NOV317907	Site Notice	Award of Contract for provision of Energy Company Obligation (ECO) Swansea & ECO Flex Scheme	Contract Award Notice	Services
96276		NOV317905	Site Notice	Award of Bus Shelter Cleaning	Contract Award Notice	Services
97517		NOV317820	Site Notice	Contract for Fish is the Dish	Contract Notice	Services
96537		NOV317368	Site Notice	The Supply & Delivery of Toilet Tissue, Soaps, Paper Towels/Rolls and Dispensers	Contract Notice	Supplies
97538		NOV316855	Site Notice	Award of Supply of pre-cast retaining walls	Contract Award Notice	Supplies
97536		NOV316852	Site Notice	Award of Contract for Coast path realignment and surfacing Limeslade to Rams Tor 2019	Contract Award Notice	Works
97530		NOV316853	Site Notice	Award of Lenovo T24 Monitors	Contract Award Notice	Supplies
97533		NOV316854	Site Notice	Award of Contract for Balcony Repairs in Swansea	Contract Award Notice	Works
97508		NOV316840	Site Notice	Award of Swansea Vale Nature Reserve Plastic Boardwalk	Contract Award Notice	Works
97344	546440-2019	NOV316448	OJEU Notice	Contract for the Outright Purchase up to Thirteen (13) x Medium Panel Vans	02 Contract Notice	Supplies
97454		NOV316656	Site Notice	Reroofing Works at Fishmarket Quay Trawler Rd Swansea	Contract Notice	Works
97293	541602-2019	NOV316416	OJEU Notice	Supply and Installation of Parking Pay and Display Machines	02 Contract Notice	Supplies
97220	539707-2019	NOV316417	OJEU Notice	Corrigendum: Framework Agreement For The Supply and Delivery of Corporate and Protective Clothing	14 Corrigendum	Supplies
97375		NOV316302	Site Notice	VmWare Maintenance and Support	Contract Notice	Services
97343		NOV316272	Site Notice	Contract for Supply of Caddys	Contract Notice	Supplies
97329		NOV316069	Site Notice	Contract for Maes Yr Efail Housing Complex Sprinkler Installation	Contract Notice	Works
97203	537249-2019	NOV315942	OJEU Notice	Award of Supply of Laptops (x1000)	03 Contract Award Notice - Successful Supplier(s)	Supplies
96346		NOV315934	Site Notice	Award of Framework Agreement for the Provision of Taxi Services (Ad Hoc or Emergency requirements)	Contract Award Notice	Services
97206	535970-2019	NOV315927	OJEU Notice	Award of The Collection/Sale of Paper/Card and Cardboard for Reprocessing	03 Contract Award Notice - Successful Supplier(s)	Services
97205	535954-2019	NOV315926	OJEU Notice	Award of Contract for the Interim Collection, Haulage and Treatment of Residual Waste	03 Contract Award Notice - Successful Supplier(s)	Services

97201	535969-2019	NOV315925	OJEU Notice	Award of Cisco Unified Contact Centre Express and Teams Integration	03 Contract Award Notice - Successful Supplier(s)	Services
97199	534941-2019	NOV315924	OJEU Notice	Award of Supply of Reusable Pink Bags	03 Contract Award Notice - Successful Supplier(s)	Supplies
97242		NOV315742	Site Notice	Award of Contract for Environmental Facilities to 230No Properties at Birchgrove Swansea	Contract Award Notice	Works
97202		NOV315603	Site Notice	Award of Heol Las Playground	Contract Award Notice	Supplies
97198		NOV315602	Site Notice	Award of Coroner Case Management System	Contract Award Notice	Services
95022	529507-2019	NOV315575	OJEU Notice	Framework Agreement For The Supply and Delivery of Corporate and Protective Clothing	02 Contract Notice	Supplies
97170		NOV315476	Site Notice	Heol Maes Eglwys PCAT Toucan Crossing, Swansea	Contract Notice	Works
96683		NOV315466	Site Notice	Supply of 1 Hour Fire Rated Door Sets	Contract Notice	Supplies
97153		NOV315463	Site Notice	Award of Contract for Hollett Road Play area	Contract Award Notice	Services
97045		NOV315270	Site Notice	Contract for The Supply of summer bedding plants, flowering hanging baskets, Professional growing Compost and Plant Plugs	Contract Notice	Supplies
96930	523700-2019	NOV314597	OJEU Notice	Award of Electrical Servicing/Maintenance Stairlift, Platform Lift & Hoist	03 Contract Award Notice - Successful Supplier(s)	Services
96925		NOV314581	Site Notice	Award of Proposed Reroofing at: Clwyd Community Primary School, Swansea	Contract Award Notice	Works
96923		NOV314579	Site Notice	Award of Reroofing Works (Canteen) at: YGG Bryntawe, Penlan, Swansea	Contract Award Notice	Works
96920		NOV314576	Site Notice	Award of Flat Roof Renewal at Cadle Primary School Swansea	Contract Award Notice	Works
96919		NOV314574	Site Notice	Award of Roads and Drainage works for New Housing at Parc Yr Helig.	Contract Award Notice	Works
96918		NOV314573	Site Notice	Award of Proposed Reroofing at: Clwyd Community Primary School, Swansea	Contract Award Notice	Works
96917		NOV314572	Site Notice	Award of Reroofing Works (Canteen) at: YGG Bryntawe, Penlan, Swansea	Contract Award Notice	Works
95546		NOV314570	Site Notice	Award of Bishop Gore Comprehensive School Replacement windows and doors	Contract Award Notice	Works
96838		OCT314299	Site Notice	Contract for Installation and Maintenance of Fast Electric Car Charging Facilities	Contract Notice	Works

96815		OCT314290	Site Notice	Contract for SAP Business Objects Support & Maintenance	Contract Notice	Supplies
96738	511004-2019	OCT314112	OJEU Notice	Framework Agreement for the Provision of Employment Agency Services	02 Contract Notice	Services
96802		OCT314118	Site Notice	Walking and Cycling Network Signage Review and Completion of Associated Works	Contract Notice	Services
96731		OCT313805	Site Notice	Award of Supply and Installation of PV's and Battery Storage at Colliers Way, Swansea	Contract Award Notice	Works
96720		OCT313802	Site Notice	Award of Contract for Swansea Grand Theatre Website	Contract Award Notice	Services
96710		OCT313654	Site Notice	Award of Supply of Site Units	Contract Award Notice	Supplies
96606		OCT313192	Site Notice	One x Long Wheelbase 4WD Agricultural Tractor	Contract Notice	Supplies
96622		OCT313185	Site Notice	Supply and installation of 2 No. UTMC compliant Full Matrix Variable Message Signs	Contract Notice	Works
96598		OCT313177	Site Notice	Framework Agreement for Civil Engineering Works for the Engineering Division of the Highways Department.	Contract Notice	Works
96475	491704-2019	OCT313042	OJEU Notice	Contract for Electrical Servicing/Maintenance High & Low Rise Lifts	02 Contract Notice	Services
96471		OCT312506	Site Notice	Award of Contract for WHQS Environmental Facilities to 270No Properties at Trallwn Swansea	Contract Award Notice	Works
96499		OCT312654	Site Notice	Supply, Erecting and Dismantling of Scaffold to Various Addresses in Gower Swansea	Contract Notice	Works
96459		OCT312496	Site Notice	Award of Contract for Pennard Primary School, Heating Refurbishment	Contract Award Notice	Works
96457		OCT312494	Site Notice	Award of Contract for Chimney Repairs	Contract Award Notice	Works
96456		OCT312492	Site Notice	Award of Contract for Refurbishments at: Penyrheol Primary School Swansea	Contract Award Notice	Works
96455		OCT312491	Site Notice	Award of Proposed Re-Roofing & Walk surface at: St Josephs Primary school Caepistyll St Swansea ...	Contract Award Notice	Works
96449		OCT312490	Site Notice	Award of Contract for Proposed Classroom Extension And Classroom Modifications at: Seaview Primar...	Contract Award Notice	Works
96444		OCT312486	Site Notice	Swansea Vale Nature Reserve Plastic Boardwalk	Contract Notice	Works

96352	483303-2019	OCT312147	OJEU Notice	Award of Contract for 4 Plug Door Adapted Minibuses with Wheelchair lift for up to 15 Passengers ...	03 Contract Award Notice - Successful Supplier(s)	Supplies
96279	481610-2019	OCT312134	OJEU Notice	Award of Contracts for Home to School Transport Services (SH 19-24)	03 Contract Award Notice - Successful Supplier(s)	Services
96259	478175-2019	OCT312013	OJEU Notice	Award of Contract for up to 20 Adapted Minibuses with Wheelchair Lift	03 Contract Award Notice - Successful Supplier(s)	Supplies
96274	479793-2019	OCT312114	OJEU Notice	Award of Contract for the Provision of an Independent Professional Advocacy Services and Paid Rel...	21 Social and other Specific Services - Award Notice - Successful Supplier(s)	Services
96354		OCT312126	Site Notice	Contract for Active Travel Promotion	Contract Notice	Services
96273		OCT311782	Site Notice	Award of Contract for Evaluation of the Swansea Bay Fisheries Local Action Group	Contract Award Notice	Services
96075		OCT311044	Site Notice	Award of Contract for Winch Wen Phase 4 EWI	Contract Award Notice	Works
96068		OCT311040	Site Notice	Award of Contract for The Supply of Services to Facilitate the Opening/ Closing and Maintenance o...	Contract Award Notice	Services
95790	464969-2019	OCT311034	OJEU Notice	Award of Provision of a Housing First Project	21 Social and other Specific Services - Award Notice - Successful Supplier(s)	Services
95994		OCT310694	Site Notice	Award of Contract for Aerohive Hivemanager Maintenance & Support renewal	Contract Award Notice	Supplies
95987		SEP310690	Site Notice	Award of Supply of 258 Trees	Contract Award Notice	Supplies
95976		SEP310684	Site Notice	Supply of pre-cast retaining walls	Contract Notice	Supplies
95889		SEP310273	Site Notice	Contract for the Provision of Design and Architectural Services at Tudno and Emrys Estate	Contract Notice	Services
95864		SEP310168	Site Notice	Contract for Electrical Servicing/Maintenance Construction Design Technology Equipment	Contract Notice	Services
95841		SEP310007	Site Notice	Contract for Coast path realignment and surfacing Limeslade to Rams Tor 2019	Contract Notice	Works
95781		SEP309858	Site Notice	Contract for Domestic Rewires Contract 3	Contract Notice	Works
95686	441708-2019	SEP309698	OJEU Notice	Contract for the Provision of a Refugee Resettlement Programmes Orientation Service	21 Social and other Specific Services - Contract Notice	Services
95764		SEP309702	Site Notice	Contract for Domestic Rewires Contract 2	Contract Notice	Works
95760		SEP309701	Site Notice	Contract for Domestic Rewires Contract 1	Contract Notice	Works
95550		SEP308631	Site Notice	Award of Contract for Wind & Weather Proofing works at West Cross-Phase 4	Contract Award Notice	Works

95456		SEP308465	Site Notice	Award of Contract for Waunarlwydd EWI	Contract Award Notice	Works
95431		SEP308321	Site Notice	Welsh Government Road Safety Grant 2019~20 Road Safety Camera Upgrade	Contract Notice	Works
89322	417113-2019	SEP308132	OJEU Notice	Contract for Supply of External Rendering Materials	02 Contract Notice	Supplies
95312		SEP307688	Site Notice	Award of Copy of Framework Agreement for the supply and delivery of Turf Care Products	Contract Award Notice	Supplies
95265		SEP307852	Site Notice	Framework for the Hire and Purchase of Small Tools and Plant	Contract Notice	Supplies
95279		SEP307668	Site Notice	Contract for Hollett Road Play area	Contract Notice	Services
94958	408316-2019	AUG307333	OJEU Notice	Award of Contract for FIH Global Standard Hockey Pitch Refurbishment at Swansea University	03 Contract Award Notice - Successful Supplier(s)	Supplies
95185		AUG307207	Site Notice	Award of Roof Renewal to Former County Courts at The Guild Hall Francis Street Swansea SA1 4PE	Contract Award Notice	Works
95183		AUG307178	Site Notice	Award of Contract for ST David RC and Grange Primary plant room upgrade	Contract Award Notice	Works
95174		AUG307170	Site Notice	Award of Gors Primary School Heating and Plant Room Refurbishment 2019	Contract Award Notice	Works
95199		AUG307201	Site Notice	Framework Agreement for Thin Surfacing Schemes	Contract Notice	Works
95173		AUG307168	Site Notice	Award of Re-roofing 3 no. Flat Blocks at Tyle Teg, Clydach	Contract Award Notice	Works
95172		AUG307166	Site Notice	Award of Contract for Annual Clearance of vegetation on Footpath and Bridleways	Contract Award Notice	Services
95170		AUG307165	Site Notice	Award of Roof Renewal to H Block & Technology Block at Bishop Vaughan Catholic School, Swansea	Contract Award Notice	Works
95169		AUG307164	Site Notice	Award of Design, Supply and Installation of PV's and Battery Storage at Parc Yr Helig, Birchgrove...	Contract Award Notice	Works
95165		AUG307160	Site Notice	Award of Environmental Facilities to 379 no Properties Bonymaen and Pentrechwyth	Contract Award Notice	Works
95164		AUG307159	Site Notice	Award of Contract for WHQS Environmental Facilities to 314 No Properties at St Thomas And Port Te...	Contract Award Notice	Works

95128	402152-2019	AUG306757	OJEU Notice	Supply of Reusable Pink Bags	02 Contract Notice	Supplies
95105		AUG306743	Site Notice	Provision of a Weekend and Bank Holiday visiting service to Sheltered Housing Tenants	Contract Notice	Services
95100		AUG306526	Site Notice	Contract for Provision of Strip Map Recording at Hafod Copperworks	Contract Notice	Services
95072		AUG306364	Site Notice	Contract for Balcony Repairs in Swansea	Contract Notice	Works
95043		AUG306362	Site Notice	Lenovo T24 Monitors	Contract Notice	Supplies
94934		AUG305555	Site Notice	Environmental Facilities to 124 No Properties, Cwmrhydyceirw, Swansea	Contract Notice	Works
94899		AUG305524	Site Notice	Award of Contract for FortiNet FortiGate & FortiAnalyzer Maintenance and Support	Contract Award Notice	Services
94705	383548-2019	AUG305499	OJEU Notice	Corrigendum: Supply and installation of Pay on Foot and Ancillary Equipment in Swansea	14 Corrigendum	Services
94886		AUG305510	Site Notice	Award of Contract for Plant Room Refurbishment at Penyrheol Primary School	Contract Award Notice	Works
94881		AUG305508	Site Notice	Award of Contract for Electrical Servicing/Maintenance 2019/21 High & Low Rise Lifts	Contract Award Notice	Services
94873		AUG305504	Site Notice	Award of Electrical Servicing/Maintenance Fire Alarms (Including Voice Alarms)	Contract Award Notice	Services
94872		AUG305501	Site Notice	Award of Cwmglas Primary School Plant room Refurbishment 2019	Contract Award Notice	Services
94862		AUG305348	Site Notice	Award of Framework Agreement for The Provision Of Engineering Services	Contract Award Notice	Services
94846		AUG305336	Site Notice	Award of Dispute Resolution Service for Children & Young People and families with Additional Lear...	Contract Award Notice	Services
94845		AUG305335	Site Notice	Award of Provision of an Early Help Service for children and young people with a disability and t...	Contract Award Notice	Supplies
94844		AUG305333	Site Notice	Award of Framework Agreement for the Provision of Childcare and Early Years Training Programme	Contract Award Notice	Services
94833		AUG305331	Site Notice	Award of Contract for Hire of a Stage for BBC Proms in the Park - Singleton Park, Swansea	Contract Award Notice	Supplies
92135	382179-2019	AUG304942	OJEU Notice	Award of Framework Agreement for Supply of Heating, Ventilation, boilers and associated products	03 Contract Award Notice - Successful Supplier(s)	Supplies

92141	379602-2019	AUG304941	OJEU Notice	Award of Framework Agreement for Supply of Plumbing, Sanitary ware and Rainwater Goods	03 Contract Award Notice - Successful Supplier(s)	Supplies
92142	379664-2019	AUG304940	OJEU Notice	Award of Framework Agreement for Supply of Supply of Sink, Bath, Shower, Basin and Boiler Kits	03 Contract Award Notice - Successful Supplier(s)	Supplies
92143	382184-2019	AUG304939	OJEU Notice	Award of Framework Agreement for Supply of Electrical Fittings, Cable lighting & Accessories	03 Contract Award Notice - Successful Supplier(s)	Supplies
82145	382182-2019	AUG304938	OJEU Notice	Award of Contract for Supply of Double Glazed Units and Glass	03 Contract Award Notice - Successful Supplier(s)	Supplies
94645	379117-2019	AUG305076	OJEU Notice	Corrigendum: Contract for Hafod Copperworks Powerhouse & Outbuildings Re-Development Project	14 Corrigendum	Works
94701	383642-2019	AUG304943	OJEU Notice	Award of Framework Agreement for the Provision of Domiciliary Care and Respite at Home Services	21 Social and other Specific Services - Award Notice - Successful Supplier(s)	Services
94795		AUG305081	Site Notice	Hendrefoilan Primary School Extension	Contract Notice	Works
94735		AUG304811	Site Notice	Award of Supply and Fit Blockwork at Colliers Way Swansea	Contract Award Notice	Works
94734		AUG304810	Site Notice	Award of Supply and Erect of Timber Frame at Colliers Way Swansea	Contract Award Notice	Works
94730		AUG304814	Site Notice	Supply of 258 Trees	Contract Notice	Supplies
94647	374763-2019	AUG304796	OJEU Notice	Award of Provision of up to Five (5) x 26 Tonne GVW 6x4 Chassis Cab Complete With Hookloader Body...	03 Contract Award Notice - Successful Supplier(s)	Supplies
94731		AUG304807	Site Notice	Award of Contract for Re-roofing 3 no. Flat Blocks at Port Tennant Road, Swansea	Contract Award Notice	Works
94720		AUG304798	Site Notice	Award of Supply of Fire Rated Door Sets	Contract Award Notice	Supplies
94700		AUG304682	Site Notice	Award of Contract for the Commission of Financial Viability Model and Assessment for the Mid and ...	Contract Award Notice	Services
94674		AUG304685	Site Notice	Contract for Aerohive Hivemanager Maintenance & Support renewal	Contract Notice	Supplies
94684		AUG304681	Site Notice	Pre-Procurement Market Engagement: South West Wales Metro	Prior Information Notice	Services
94551	372132-2019	AUG304512	OJEU Notice	Award of Provision of up to Five (5) x 26 Tonne GVW 6x4 Chassis Cab Complete With Hookloader Body...	03 Contract Award Notice - Successful Supplier(s)	Supplies
94696		AUG304679	Site Notice	Award of Contract for up to Three (3) x 7.5t GVW Luton with Tail lift	Contract Award Notice	Supplies

94498	367752-2019	AUG304079	OJEU Notice	Award of Concession contract to operate Local Bus Services between Landore and Fabian Way	03 Contract Award Notice - Successful Supplier(s)	Services
94538		AUG303951	Site Notice	Proposed Reroofing at: Clwyd Community Primary School, Swansea	Contract Notice	Works
94464		JUL303611	Site Notice	Reroofing Works (Canteen) at: YGG Bryntawe, Penlan, Swansea	Contract Notice	Works
94450		JUL303604	Site Notice	Environmental Facilities to 220 No Properties Cwm Felin Fach Morryston Swansea	Contract Notice	Works
94081		JUL303445	Site Notice	Supply and Install of Insulated Floor Screed	Contract Notice	Works
94413		JUL303441	Site Notice	Coroner Case Management System	Contract Notice	Services
94235		JUL303433	Site Notice	Contract for the Evaluation of the West Glamorgan Transformation Programmes	Contract Notice	Services
94397		JUL303431	Site Notice	Framework Agreement for Civil Engineering Works for the Engineering Division of the Highways Department.	Contract Notice	Works
94352		JUL303212	Site Notice	Framework Agreement for Supply Installation and Maintenance of Stairlifts to Council & Private Dwellings	Contract Notice	Works
94169	347444-2019	JUL302439	OJEU Notice	Supply and installation of Pay on Foot and Ancillary Equipment in Swansea	02 Contract Notice	Services
94113		JUL302261	Site Notice	Contract for Swansea Grand Theatre Website	Contract Notice	Services
94039		JUL301884	Site Notice	Contract for Aerohive Hivemanager Maintenance & Support renewal	Contract Notice	Supplies
94026		JUL301689	Site Notice	Speculative Notice: Contract for the Provision of Weekend and Bank Holiday Visiting Service to Sheltered Housing Tenants	Prior Information Notice	Services
93838	326107-2019	JUL301542	OJEU Notice	Corrigendum: Contract for Hafod Copperworks Powerhouse & Outbuildings Re-Development Project	14 Corrigendum	Works
93767	327141-2019	JUL301177	OJEU Notice	Cisco Unified Contact Centre Express and Teams Integration	02 Contract Notice	Services
93616	315537-2019	JUL301158	OJEU Notice	Corrigendum: Contract for Hafod Copperworks Powerhouse & Outbuildings Re-Development Project	14 Corrigendum	Works
93811		JUL301059	Site Notice	Flat Roof Renewal at Cadle Primary School Swansea	Contract Notice	Works

93745	319185-2019	JUL300724	OJEU Notice	The Kingsway Infrastructure Project- Supply of Granite Benches	15 Voluntary ex ante Transparency (VEAT) Notice	Supplies
93756		JUL300870	Site Notice	WHQS Environmental Facilities to 399 No Properties at Winchwen Swansea	Contract Notice	Works
93554	314587-2019	JUL300536	OJEU Notice	Pre-Procurement Market Engagement: Accommodation and Support for People who are Homeless	21 Social and other Specific Services - PIN	Services
93723		JUL300544	Site Notice	Proposed Reroofing at: Clwyd Community Primary School, Swansea	Contract Notice	Works
93357		JUL300351	Site Notice	Contract for Dry Lining and Floor Finishes at Colliers Way	Contract Notice	Works
93356		JUL300350	Site Notice	Contract for Landscaping at Colliers Way	Contract Notice	Works
93355		JUL300347	Site Notice	Contract for Supply and Install Windows and Doors at Colliers Way	Contract Notice	Works
93603		JUL300205	Site Notice	Reroofing Works (Canteen) at: YGG Bryntawe, Penlan, Swansea	Contract Notice	Works
93491	310361-2019	JUL299829	OJEU Notice	Award of Supply of PC Desktops, Laptops & Chromebooks for Schools	03 Contract Award Notice - Successful Supplier(s)	Supplies
93490	311135-2019	JUL299828	OJEU Notice	Award of Contract for the Provision of Functions Management Caterer - The Guildhall/Brangwyn Hall...	03 Contract Award Notice - Successful Supplier(s)	Services
91763		JUL299995	Site Notice	Framework Agreement for Provision of Supply, Erecting and Dismantling of Scaffold	Contract Notice	Works
93421	300392-2019	JUN299664	OJEU Notice	Pre-Procurement Market Engagement: Transformation Programmes Evaluation	01 Prior Information Notice (PIN)	None
93425	302287-2019	JUN299669	OJEU Notice	Contract for Jeffreys Court Lifts Upgrade	02 Contract Notice	Supplies
93497		JUN299657	Site Notice	Award of Supply of blue, green, clear & black refuse sacks	Contract Award Notice	Supplies
93496		JUN299656	Site Notice	Award of Provision of Functions Management Caterer - Glynn Vivian Art Gallery and Grand Theatre C...	Contract Award Notice	Supplies
93492		JUN299654	Site Notice	Award of Supply of summer flowering hanging baskets and bedding plants	Contract Award Notice	Supplies
93063		JUN299661	Site Notice	Contract for The Supply of Services to Facilitate the Opening/ Closing and Maintenance of Port Eynon and Horton Car Parks	Contract Notice	Services

93416		JUN299499	Site Notice	Contract for Waunarlwydd EWI	Contract Notice	Works
93392		JUN299284	Site Notice	Bishop Gore Comprehensive School Replacement windows and doors	Contract Notice	Works
93299	293166- 2019	JUN299127	OJEU Notice	Initial Market Testing - The provision of pool car or car club services.	01 Prior Information Notice (PIN)	None
93206	292902- 2019	JUN299131	OJEU Notice	Contract for Hafod Copperworks Powerhouse & Outbuildings Re-Development Project	02 Contract Notice	Works
93307		JUN299008	Site Notice	Supply and Installation of Render Coating at Colliers Way	Contract Notice	Works
93298		JUN299005	Site Notice	Copy of Framework Agreement for the supply and delivery of Turf Care Products	Contract Notice	Supplies
93174		JUN298570	Site Notice	Heol Las Playground	Contract Notice	Supplies
93106		JUN298561	Site Notice	Supply & Installation of Ground Source Pumps at New Housing Development at Colliers Way Swansea	Contract Notice	Works
93105		JUN298557	Site Notice	Supply and Installation of Sprinklers to New Housing Development at Colliers Way Swansea.	Contract Notice	Works
93102		JUN298251	Site Notice	Roof Renewal to Former County Courts at The Guild Hall Francis Street Swansea SA1 4PE	Contract Notice	Works
92825		JUN298249	Site Notice	Groundworks and Drainage (Supply & Fit) for New Housing at, Colliers Way, Phase 2 Blaenymaes Swansea	Contract Notice	Works
93049		JUN298050	Site Notice	Supply & Installation of Ground Source Pumps at Park y Helig	Contract Notice	Works
93033		JUN298049	Site Notice	Contract for WHQS Environmental Facilities to 270No Properties at Trallwn Swansea	Contract Notice	Works
93020		JUN297825	Site Notice	Contract for Evaluation of the Swansea Bay Fisheries Local Action Group	Contract Notice	Services
92923	271103- 2019	JUN297561	OJEU Notice	Contract for 4 Plug Door Adapted Minibuses with Wheelchair lift for up to 15 Passengers with the Option to Purchase an Additional 6	02 Contract Notice	Supplies
92934		JUN297546	Site Notice	The Supply And Delivery Of Kitchen Waste Recycling Containers - 2 types	Contract Notice	Supplies
92806	263587- 2019	JUN297363	OJEU Notice	Award of Contract for Connections on Distribution Network Operators (DNO) cable network- Phase 3.	03 Contract Award Notice - Successful Supplier(s)	Services
92885		JUN297366	Site Notice	Contract for Winch Wen Phase 4 EWI	Contract Notice	Works

92803		JUN297307	Site Notice	Roads and Drainage works for New Housing at Parc Yr Helig.	Contract Notice	Works
92787	261747-2019	JUN297287	OJEU Notice	Award of Contract for Servicing/Maintenance of Fire Extinguishers/Hydrants & Dry Risers	03 Contract Award Notice - Successful Supplier(s)	Services
92835		JUN297167	Site Notice	Award of Contract for the Supply and Delivery of Food Waste Caddy Liners	Contract Award Notice	Supplies
92848		JUN297166	Site Notice	Award of Contract for Event Traffic Management Services	Contract Award Notice	Services
92841		JUN297163	Site Notice	Award of Contract for Electrical Servicing/Maintenance Portable Appliance Testing (PAT)	Contract Award Notice	Services
92839		JUN297161	Site Notice	Award of Wall Tiling Works at Parc Yr Helig, Birchgrove, Swansea	Contract Award Notice	Works
92834		JUN297159	Site Notice	Award of Supply & Fit- New and Reused Carpets at the Civic Centre Areas G - A , B ,C & 1B	Contract Award Notice	Services
92831		JUN297158	Site Notice	Award of Mumbles Road Traffic Signal Refurbishment and MOVA Installation	Contract Award Notice	Works
92819		JUN297151	Site Notice	Award of Contract for Active Travel 2018-19 Morriston Region	Contract Award Notice	Works
92802		JUN297143	Site Notice	Award of Contract for Mechanical Servicing Local Exhaust Ventilation Systems	Contract Award Notice	Services
92798		JUN297142	Site Notice	Award of Maintenance of Patient Lifting and Handling Apparatus	Contract Award Notice	Services
92794		JUN297140	Site Notice	Award of Contract for Mechanical Servicing Gaseous Fire Extinguishing Maintenance	Contract Award Notice	Services
92783		JUN296949	Site Notice	Award of Contract for Servicing/Maintenance of Sprinkler Systems	Contract Award Notice	Services
92777		JUN296948	Site Notice	Award of Contract for Mechanical Servicing Works Gas Radiant Tube Heating Systems	Contract Award Notice	Services
92766		JUN296943	Site Notice	Award of Contract for Compliance with Reg 14 (Glazing)	Contract Award Notice	Services
92763		JUN296940	Site Notice	Award of Contract for Active Travel 2018-19 Morriston Region	Contract Award Notice	Works
92712		JUN296930	Site Notice	Framework Agreement for The Provision Of Engineering Services	Contract Notice	Services




**Report of the Convener of the
Procurement Scrutiny Inquiry Panel – 10 November 2021**

Procurement Scrutiny Inquiry

Desk Based Research Report

Purpose	The purpose of this report is to give examples of practice used in other parts of the UK as part of the scrutiny inquiry into Procurement.
Content	This report provides a summary of some examples of 'social value' practice in other parts of the UK.
Councillors are being asked to	To consider the information provided as part of the scrutiny inquiry.
Lead Councillor(s)	Councillor Chris Holley, Convener of the Panel
Report Author	Michelle Roberts, Scrutiny Officer

1.0	<p>Introduction</p> <p>The Scrutiny Inquiry into Procurement commenced on the 24 June 2021, as a part of that piece of work the Panel wished to consider examples of practice in relation to 'social value' in the UK.</p> <p>This information provide in this report is only a small selection of examples so it is not an exhaustive list. It is designed just to give an idea or a flavour of some of the different activities that are taking place in relation to social value activity. The Panel had asked that Preston and Cardiff be included.</p>
2.0	<p>Preston Procurement Model</p> <p>The following information was taken from the Preston website https://www.preston.gov.uk/article/1339/What-is-Preston-Model</p> <ul style="list-style-type: none"> • Full Strategy document can be found at: Preston Strategy • Details of community wealth in Preston you can download  How we built community wealth in Preston [1.53MB] <p>What is the Preston Model?</p> <p>The "Preston Model" is a term applied to how the council, its anchor institutions and other partners are implementing the principles of Community Wealth Building within Preston and the wider Lancashire area.</p>

The city council is committed to implementing this approach and, as the "place leader" for the city is promoting the concept to other anchor institutions in and around Preston and to the private sector. The implementation is something which is being shared across a range of Preston based anchor institutions, including Lancashire County Council, University of Central Lancashire, Preston's College, Cardinal Newman College, Community Gateway Housing Association and Lancashire Constabulary. This is important as many of these institutions have significantly greater spending power and assets than the City Council and by working together we can have a significantly greater impact on the future well-being of the city.

Community wealth building offers an opportunity for local people to take back control, to ensure that the benefits of local growth are invested in their local areas, are used to support investment in productive economic activities and that people and their local institutions can work together on an agenda of shared benefit.

So you've got it all sorted then?

Not at all. We may have started well, but we have only begun to explore how, for example, the wider benefits of procurement spend can be tracked down the value chain. Our work to date has concentrated on getting those letting the contracts within anchor institutions to change their perspective and approach. We now need to do more work with businesses in the supply sector, to encourage them to raise their game and to engage more with anchor procurement. And, where there are gaps in the supply chain to explore the opportunities for setting up co-operatives or new businesses to meet that untapped demand.

Is it happening just in Preston?

Not at all. While we think the principles of community wealth building can be applied in any city or locality across the country, it is also true that because areas, issues, politics, resources and opportunities differ widely, the way in which different areas might apply those principles might differ from place to place.

Some places might find it easier to start with issues around local currencies or LETS (Local Exchange Trading Schemes) schemes, community banking or asset transfer to stimulate new business growth for example.

While some media attention has focused on Preston, we are conscious of our debt to Manchester who pioneered the principles of progressive procurement several years before we started.

How does this approach comply with EU Procurement Directives?

Yes, it is true that the European Union has some detailed directives which govern how procurement should operate. Firstly, these are largely based on rules previously developed and passed into UK law by UK governments and, secondly, the rules are not as onerous as you might think.

Primarily, these rules are focused above £180k for goods and services and above £4 million for works. A primary concern is to avoid institutions favouring national service providers at the expense of other contractors providing better value for the tax-payer.

The UK's Social Value Act (2012) which is fully consistent with EU procurement rules, allows anyone letting a contract to operate a "weighting" system which

	<p>scores a number of other criteria as well as price. These can include things like quality, commitment to apprenticeships, attitudes to skills and training, local labour recruitment, approach to sub-contractors and length of supply chains. The UK government has said that, while it is committed to leaving the EU, it will passport into UK law the existing procurement directives.</p> <p>Preston has been working, through our Procure (URBACT) project over the past three years with the European Commission and ten other cities across Europe on how to develop best practice on procurement which works for local residents and local businesses as well as for those anchor institutions letting the contracts.</p> <p>Key outcomes</p> <ul style="list-style-type: none"> • The most recent spend analysis found that the procurement from institutions rooted in Preston retained within the city was £112.3m - a rise of £74m from 2012/13. • Within the wider Lancashire economy (including Preston) £488.7m of spend had been retained, a rise of £200m from the baseline analysis. • Since the inception of the project, 4000 extra employees in Preston are now receiving the Real Living Wage (2018 initial ONS outrun). • The institutions thus far engaged in the process - so called "anchor institutions" - include the City Council themselves, Lancashire County Council, the Office of the Police and Crime Commissioner for Lancashire, the Community Gateway housing association, Preston's College, Cardinal Newman College and the University of Central Lancashire (UCLan). • Preston was named 'Most Improved City in the United Kingdom' in 'Good Growth for Cities 2018'.
3.0	<p>Cardiff Council's Socially Responsible Procurement Policy 2017 – 2020</p> <p>The Socially Responsible Procurement Policy (2.1mb PDF) aims to ensure that the Council maximises the social, economic, environmental and cultural wellbeing benefits delivered for communities through its annual £410 million procurement spend. The Policy sets out the Council's commitments in respect of these six key priority areas:</p> <p>Think Cardiff First - to take account of the social and economic impacts of buying locally when commissioning and contracting, and asking our suppliers and contractors to do the same.</p> <ul style="list-style-type: none"> • Local Training and Employment - to create inclusive employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as long term unemployed. • Partners in Communities - to play an active role in the local community and support community organisations, especially in those areas and communities with the greatest need. • Green and Sustainable - to protect the environment, minimise waste, reduce energy consumption and use resources efficiently. • Ethical Employment - to employ the highest ethical standards in our own operations and those within our supply chain. • Promoting the Wellbeing of Young People and Vulnerable Adults - to work

	<p>with the support of entire community including local businesses, safeguarding and promoting the rights of children, young people and vulnerable adults</p> <p>The Policy is structured around the following three key Welsh Government initiatives:</p> <ul style="list-style-type: none"> • Community Benefits – drives the creation of employment and training opportunities including apprenticeships, support for small and medium sized enterprises and delivery of community, educational and environmental initiatives • Code of Practice Ethical Employment in Supply Chains – focuses on ensuring a high standard of ethical employment practices by our suppliers, service providers and contractors • Opening Doors: the Charter for SME Friendly Procurement - seeks to create a fair and open environment in which we can all do business together and address issues of particular concern to SMEs.
4.0	<p>Hywel Dda University Health Board - (2020 – ongoing)</p>
	<p>Further information: https://cles.org.uk/community-wealth-building-in-practice/community-wealth-building-places/hywel-dda-university-health-board/</p> <p>Health spending has the potential to be a core economic driver in local economies, helping to mould the local economic architecture of places to address the social determinants of health and tackle some of the core drivers of avoidable demand into the health system. CLES (National Organisation for Local Economies), with Hywel Dda University Health Board (H DUHB), are exploring how a progressive health board can maximise the impact of its spending power for wellbeing in Wales.</p> <p>Context</p> <ul style="list-style-type: none"> • Health spending has the potential to be a core economic driver in local economies. However, this has yet to be realised at scale by health institutions in the UK. • In England, many health institutions are keen to explore their role as local economic agents, but this can be hampered by a muddled national policy context and a tendency towards centralised systems. • In Wales, the national commitment to a wellbeing economy and the prioritisation of the everyday, foundational economy, provides a progressive policy frame within which the scope for health spending as a core economic driver can be fully explored. • CLES is supporting H DUHB, which provides healthcare services to a population of around 384,000 throughout Carmarthenshire, Ceredigion and Pembrokeshire, to pioneer this approach. <p>Health institutions are key local anchors</p> <p>Unlike the configuration of health services in England, the Health Board as a single entity is responsible for both commissioning and delivery, providing significant opportunities for direct influence. H DUHB explicitly recognises, through its strategy and mission, that it has a role and influence extend beyond a direct focus on health services, with a broader role as an agent that can affect economic and social wellbeing by developing closer links between the</p>

	<p>economy, wealth creation and people.</p> <p>Spending HDUHB spends in the order of £1bn a year in revenue terms. While a proportion of this spending is not in the direct control of the Health Board, approximately three-quarters is potentially influenceable. Softer influence, through collaboration with other anchors with spending power across the HDUHB geographical footprint, could impact in the order of £2.5bn annual spending across this geography. The Health Board recognise that for areas of common spending, such as food procurement, collaborative working with other anchors can unlock additional opportunities to maximise local impact.</p> <p>Whilst HDUHB has historically relied on nationally driven procurement, they are keen to develop a more locally focused approach, driven by community wealth building principles – developing a HDUHB procurement strategy to supplement the nationally led procurement approach.</p> <p>The work will develop a whole health board approach to spending which maximises the opportunities to enhance public value across all pathways of spending – direct spend, contracted spend and procurement spend. Crucially, this will include focusing upstream in the commissioning process, for example, opportunities to explore alternative delivery models and link spending to business development opportunities in the local economy.</p>
5.0	<p>Community Wealth Building in Leeds</p> <p>Leeds City Council are supporting a growing network of local anchor institutions to harness their collective spending power to benefit the local economy.</p> <p>Context</p> <ul style="list-style-type: none"> • Leeds is the third largest city in the UK and has seen considerable economic growth in its city centre over recent years, with significant growth in the financial services sector. • Whilst the city region has an economy of £74bn (ONS, 2018) and a workforce of 1.4 million people, poverty and disadvantage persist: Leeds has 114 neighbourhoods (LSOAs) in the most deprived 10% of neighbourhoods in the UK, with almost a quarter of the population living in poverty. • Leeds City Council is committed to tackling growing inequality in the city and has made the securing of inclusive growth a key strategic priority. • Community wealth building is a key pillar of their inclusive growth approach which is being taken forward through the development of a network of anchor institutions committed to using their spending power to build a more equitable local economy. <p>Using spending on goods and services to generate local social and economic benefit</p> <p>With combined procurement budgets of £2bn, the network is a significant economic agent in the Leeds economy. Having worked with National Organisation for Local Economies to analyse current spending, the network has now agreed objectives to shift spending towards suppliers who generate</p>

	<p>greater economic and social benefit for local people. Members are now working together to adapt their procurement practice and identify sectors where they can collaborate to create more economically generative local markets.</p> <p>Targeting recruitment to enable a just labour market</p> <p>Ten of the anchor institutions are Real Living Wage employers, share best practice on non-pay benefits and work collaboratively to address issues associated with the gender and ethnicity pay gap reporting and action. Employee mapping for each anchor by gender, age and pay band against the Index of Multiple Deprivation 2019 has improved understanding of the opportunity to contribute to inclusion and improve social mobility through recruitment. This has informed pilot outreach employment support programmes in priority neighbourhoods to recruit to vacancies at Leeds Teaching Hospitals NHS Trust and the Council. The pilot has now been mainstreamed and available to support all anchors.</p> <p>The anchor institutions are now signed up to the Leeds Anchors Healthy Workplace Pledge and its implementation will be supported by a toolkit with impact monitored through workforce data and staff survey results.</p>
6.0	<p>Harrow: Making refurbishment better</p> <p>Further information: https://socialvalueportal.com/case-study-harrow-making-refurbishment-better/</p> <p>Harrow Council refurbishes numerous of its properties a year. The work is both necessary and desirable for its own sake, both to reduce the waiting list for housing and to bring down carbon emissions. But the Local Authority wanted to see if it could maximise the benefits of the work through making use of “social value” (SV), looking beyond the price of each individual contract and selecting would-be contractors based on the “extra” benefit they could offer to the impacted community.</p> <p>So, in collaboration with Social Value Portal, Harrow selected a representative renovation project to carry out a pilot study. The remit of the work was to install external wall insulation, refurbish the inside of the property and install electrical services. Here at the Portal, we used our SV assessment tool as part of the tender process.</p> <p>Each bidder successfully completed the assessment, with offers varying from +3 to +57% / £51,000 to £780,000 social value-add (SVA). This is the total above and beyond the requirements of the core contract. Because the process was well managed, it didn’t add to the actual delivery costs of the project and now Harrow is examining how SV-enabled bidding can be used in all contracts above £100,000.</p>