

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
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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 a 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 contact 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.