PROCUREMENT STRATEGY 2012 - 2016

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Executive Summary

This strategy provides the Council with a framework for embedding good procurement practice to deliver savings to the Council and provide benefits to our local economy by increasing spend with local businesses. In addition the strategy set out how our procurement activity will deliver wider social benefits for the residents of Oxford by requiring key contractors to pay the Living Wage and create apprenticeships and jobs.

This strategy reaffirms the Council's commitment to delivering these wider benefits through working with our suppliers and explains how it supports the delivery of the Council's corporate priorities.

The commitment to delivering financial savings continues and these will be delivered through the activity of the Procurement Team working closely with services and gaining value from the leverage of working with the other councils in Oxfordshire via the Procurement Hub which continues to deliver financial savings to all the member councils.

Supporting the Council's Ambition – "Good to Great"

The Council's ambition is to become a great council, externally recognised for delivering excellent services using a lean and agile approach. This strategy outlines the future direction of procurement across the Council to support our "Good to Great" aspiration to achieve greater outcomes through leaner delivery.

The Strategy fully integrates with, and supports, the delivery of the Council's Corporate Plan 2012 – 2016 and the corporate priority of "an efficient and effective Council".

Specifically the Procurement Team, through its work developing and training local suppliers and third sector bodies, is able to develop skills in local organisations to bid for and win Council work.

Introduction

This strategy replaces the Procurement Strategy which ran from 2010 to 2014. The main reason for its revision is to keep pace with the changing economic climate and recent changes in central government legislation. This revised strategy also reflects the Council's objective of continually improving procurement.

Almost 50% of the Council's annual spend is now spent through an agreed contract which has been put in place with clear terms and contract and expenditure deliverables. Around 42% of these contracts have been awarded to local companies.

It is essential that the Council continues to focus on delivering further savings and efficiencies by managing these contracts, and putting in place better spending arrangements for expenditure categories not yet being managed effectively.

Equally important is the need to commission and deliver quality and value-formoney public services, through the development of a mixed supply arrangement, utilising the not-for-profit as well as the private sector, according to who is best placed to provide these services for local people. The Council is committed to leading by example - using its spending power and influence to encourage other organisations to deliver wider outcomes and benefits across the city.

There are many challenges facing local government, arising from the changing needs of our citizens and communities as well as the central government's agenda. Some of the key challenges and opportunities in relation to procurement include:

- Continuing to drive efficient and effective service delivery against a back drop of reducing budgets by working with our supply chains to increase the value of the Council's spend.
- New legislation, most notably the Public Services (Social value) Act and the Localism Act, enabling local groups to bid to take over services in their areas.
- Localisation and an increased demand by citizens for greater choice in determining local services in their community.
- Radical changes for partner organisations that will have an impact on local government e.g. reforms in the health service.

Continuing to do things the same way as they always have been done is not an option. The Council will need to continue to transform, to become a leaner and more agile organisation. The Council will have to work differently, to deliver better and more focused services for less and will need to work closely with partners across the city to find solutions to complex problems. Procurement is not a standalone activity; it encompasses a range of core business activities and processes. While it is widely accepted that procurement decisions contribute directly to delivering the total cost of our services, quality of outcomes and the use of the Council's internal resources, they also contribute indirectly in other areas including:

- The environment, through encouraging the reduction of carbon emissions and pollution generated by the Council's suppliers.
- The reduction in spend, freeing up funds which can then be used to help the Council fulfil its other policy priorities.
- The wellbeing of local businesses which in turn determines the prosperity of the local economy. A successful award of contract, particularly to a local supplier, supports the Oxford economy and helps to keep local jobs and creating new training opportunities and apprenticeships.
- Great procurement can create jobs at all levels. Every tender that exceeds the EU threshold, where appropriate, will ask the tenderer if, as a result of being awarded the contract, they would create new apprenticeships. The tender document, for all opportunities over £100,000 will explore the tenderers' appetite for developing employees. This is achieved by asking them about their training policies and demographics of their work force.

Operating Environment

Public Procurement Policy and Legislation

Public procurement operates in a highly regulated environment that is governed by legislation and policies set by the European Union (EU), nationally through statute and case law and locally by the Council's Constitution.

Role of the European Union

The EU Consolidated Public Procurement Directive was adopted into UK law on 31 January 2006. The Directive gives detailed instructions on how public procurement over a certain threshold should be carried out.

The detail behind the legislation and regulations is complex, and since their inception has been supplemented by a raft of case law.

In December 2009, the Remedies Directive provided additional regulations which provide suppliers with additional powers to arrange for a contract award to be set aside under certain conditions.

This means that public procurement is carried out in a dynamic environment that requires public sector procurement practitioners to keep abreast of new case law and ensure that all procurement is carried out in accordance with the regulations.

Further reform to the EU procurement legislation is expected during 2014. The Council is ready to embrace this reform which is expected to centre on procurement tendering processes.

Failure to adhere to the provision of the EU Directive can result in the Council becoming subject to Court action or enforcement action by the European Union.

Central Government Legislation

During March 2012 the government introduced the Public Services (Social Value) Act. The Act amended Section 4 of the local Government Act 2000 and local authorities are now required to include proposals for promoting engagement with social enterprise in their area. The Council has always given a high weighting to corporate and social responsibility provisions within its tender documentation, and therefore the introduction of the new legislation has required very few changes to the our current procurement process. The Council is insisting, on larger contracts, that the Procurement Strategy takes into account the provision of local jobs and apprenticeships.

On June 27th 2012 the Community Right to Challenge came into effect. This enables "relevant bodies", for example voluntary and community groups, Parish Councils etc. to challenge to take over local services that they think they can run differently or better.

Additional information on this is available on page 17.

Oxford City Council Procurement

The Council's procurement activity is governed by the Council's Constitution. The relevant sections are both the Contract Procedure and Financial Rules. <u>http://mycouncil.oxford.gov.uk/ecSDDisplay.aspx?NAME=SD263&ID=263&R</u> <u>PID=536702&sch=doc&cat=13045&path=13045</u>.

The key procurement principles that the Council adheres to which are also included in national frameworks and examples of good practice are set out below:

- The Council will provide potential suppliers with clear specifications of our requirements at the earliest possible stage and ensure these are understood. Wherever required European or equivalent standards (e.g. British Standards Institute will be included.
- Our purchasing procedures will encourage competitive pricing and solutions to be proffered by suppliers, having due regard for the urgency

of the requirement and its value. In cases of urgency or where there is a unique requirement we may not require multiple quotes.

- For high value purchases (over the EU procurement thresholds) we will always publish our tender evaluation criteria to make clear to prospective suppliers the basis on which we intend to award a contract. We will follow and keep abreast of legislative changes and case law and provide continuous learning opportunities for procurement staff and other officers involved in the procurement of goods services and works.
- Where the Council is undertaking market testing of an in house service, we will ensure that all potential tenderers are made aware of the objectives of the market testing and the Council's core requirements in relation to TUPE, two tier workforce, Living Wage, pensions, commitment to the creation and development of apprenticeships, carbon reduction targets and customer service focus. The in-house team will be fully involved in the market testing and form part of the tender evaluation panel. Final tenders will be evaluated against an in-house comparator and will consider all issues which could distort any evaluation to ensure that a 'level playing field' is created between the tenderers and in-house team.
- The Council will offer a full debrief (in writing or face to face) to all parties following a tendering process setting out why they were or were not successful. Feedback will always be meaningful, open and constructive to enable unsuccessful bidders to develop their knowledge and skills in bidding for future supply opportunities.
- Contracts will only be placed on the Council's standard terms and conditions or appropriate industry standards (e.g. JCT/INEC₃ for works contracts), except with the authority of the Council's Monitoring Officer.
- The Council will only contract with suppliers who are committed to continuous improvement and all contracts (other than for one-off supply) will include agreed KPI (key performance indicators) improvement programmes, which will be subject to regular review. The contract will be proactively managed and supported by the Procurement Team who will support the contract beyond the date of award. This continuing assistance is always available to contract managers either through the Procurement Team or by adhering to the Contract Manager's Handbook.
- The Council will promote prompt payment discounts in order to achieve our aim of supporting the economy whilst achieving savings. The Procurement Team have taken a proactive approach and whilst supporting suppliers with cash flow have successfully negotiated 1% -5% in discounts. This continues to deliver increased savings and benefits to many suppliers and will be incorporated into future tenders.
- The procurement process eliminates the potential for fraud or favouritism towards any supplier. The officers involved in recommending contract

awards will be appropriately qualified and supervised to ensure the highest ethical standards. All contract awards over £10k have a clear sign off arrangement which always include a member of the Procurement Team.

- Every published procurement opportunity draws the suppliers' attention to the Council's "Avoiding Fraud, Bribery & Corruption" Policy.
- The Shared Procurement Hub managed by the Council's Procurement Team will continue to work collaboratively with other local procurement groups and public sector organisations in order to be able to deliver best value to our residents. The Council is also part of a wider group of councils who manage county-wide procurement hubs and uses this collaboration to share best practice and consider the best collaborative approach to different spend categories.
- During the life of this strategy the Council will positively consider opportunities to expand the benefits of the Procurement Hub to other Councils beyond Oxfordshire.

Collaborative Procurement

The Council has led on the Oxfordshire Procurement Hub Project since it was first set up in 2008. 2011/12 saw savings achieved in excess of £220,000 across the 6 councils.

The Hub has, to date, justified its role in terms of the commercial savings that have been delivered. Oxfordshire County Council have not been able to contribute financially in 2012/2013, however they have pledged to give support in kind by providing procurement officer time. It is anticipated that the Hub will continue to function providing that partners continue to have the appetite to work together.

The main areas the Hub will focus on over the next 4 years include:

- Fencing tender
- CCTV tender
- Home improvement agency tender
- Renegotiation of existing long term contracts as appropriate
- Providing assistance to Direct Services to find opportunities to promote commercial offerings
- Regular review of commodity contracts to stay on top of the markets

The Council is currently seeking opportunities to widen the scope of the Hub and deliver its services to Councils in neighbouring counties.

Efficient, Effective Council

Minimising Costs and Maximising Value

Through the use of a competitive process the Council is able to understand what the market (suppliers) can offer in delivering any solution. The Procurement Team work with services to seek opportunities to minimise costs and maximise value at all stages in the commercial cycle thus enabling the delivery of savings. This is an essential part of a robust commercial approach and assists the Council in delivering a balanced budget.

The Council is able to achieve greater savings by operating corporately and where beneficial to the Council, collaboratively with other partners to leverage increased savings.

As a part of its tender process the Council always evaluates its major tenders using the Most Economically Advantageous Tender evaluation approach. This requires the Council to evaluate the tender both on price and quality. The Council's standard evaluation criterion is 60% quality and 40% price, however, due to budget pressures there are some categories that can benefit from a higher weighting on price, for example stationery purchasing.

Contract Management

Contract management is the management of contracts made with customers, suppliers, partners, or employees.

The Council is taking a new more proactive approach to contract management which is under-pinned by a new Contract Management Handbook. A key part of this approach will be the provision of specific training for officers with contract management responsibilities, clarity about roles and responsibilities and the creation of a contract managers' forum to share issues and learning.

A copy of the Contract Management Handbook and User Guide can be found on the Council's intranet.

Benefits of Great Contract Management include:

- Improved supplier delivery through regular communication and clarity of requirements. Reduction in requirement to implement contract penalties from non-compliance as early intervention with the supplier.
- Reduction in risk of non-delivery of contract requirements.
- Effective management and up to date management information to better understand the market.
- Improved supplier relationships leading to increased innovation being brought to the table and discussed.

Contract Specification

In order to achieve maximum benefits from contracts with third parties, the Council will focus on improving the specification of contracts and contract terms. Early supplier involvement through the issue of Prior Indication Notices will be used to help shape and understand better what the market can provide. Where required, specialist advice will be sought in the drafting of major contracts to support and guide our own officers. Whenever possible the Council will encourage contractual arrangements which provide the flexibility to respond to changing needs over the term of the contract. Lessons learned from the preparation of contracts will be captured and shared internally and across the Oxfordshire councils.

The Procurement team work closely with other procurement colleagues to ensure that all learning and any innovative new arrangement is shared.

Where a shared contract is put in place the Council will ensure that it is fully involved in the management and development of the supplier.

The Oxfordshire councils share a large number of supply and service arrangements which have been set up using a single contract specification. The councils are close to developing standardised tender documentation and aligning (where possible and suitable) a range of procurement documentation and information to simplify our processes for potential suppliers. This will be in place by the end of 2012.

E-Procurement

Another way of achieving efficiency is to embrace new technologies that can make the procurement process slicker and more user-friendly. E-Procurement is integral to the overall development of procurement processes and involves the use of electronic system(s) to acquire and pay for supplies, services and works.

By embracing e-procurement the Council aims to:

- Reduce transaction costs;
- Make processes more efficient;
- Improve management information and visibility of spend;
- Increasing control and consistency of processes;
- Improve spend compliance;
- Meet the requirements of the updated EU Regulations expected in 2014.

To date the Council has implemented a full e-tendering system and is working towards implementing a fully integrated Procure to Pay system by December 2012.

Risk

Risk in procurement is the potential exposure to financial, legal and

reputational damage through either an unplanned event or an unwanted outcome. There are three key activities that form the basis of risk management:

- 1. Risk Analysis is the process of examining everything that can go wrong with an activity, and then estimating the probability of that happening. The Council carries out a thorough investigation of all risks prior to any procurement activity, which ensures that the appropriate sourcing strategy will be chosen.
- 2. Risk Assessment is the process of assessing the likely impact of a risk on the Council. Each risk is assessed and given a probability score of that risk occurring, for example low, medium or high. The Council will then take the decision on how to control or eliminate that risk.
- 3. Risk Mitigation is the process of allocating an owner who will be responsible for planning and managing mitigating measures which are undertaken.

As part of any large procurement (i.e. over the EU threshold) the project team will use PRINCE2 project management methodology to ensure the project delivers the project objectives and outcomes. A project risk register and issues register will be set up and regularly monitored.

The procurement Team is responsible for identifying any corporate risk from procurement and contract management activity and this will be added to either the Corporate or Service Risk Register. These registers are monitored by the relevant Service Head and/or Director.

Business Continuity

Business continuity is the process of preparing for and responding to a disaster, event or situation that could have a serious impact on the delivery of the Council's services. All contracts for key service provision have approved business continuity plans in place which may be invoked in the event of service disruption.

The Procurement team holds a list of all key suppliers and these suppliers are required to provide their updated business continuity plans annually. The plans are held on the Council's intranet.

These plans are reviewed as part of the regular contract management reviews and are included in the annual review of key supply arrangements by the Head of Technology and Business Improvement and Corporate Secretariat Manager.

Any key supply arrangement that does not have a satisfactory plan for dealing with business continuity will be identified and added to either the Service or Corporate Risk Register and a plan for mitigating the risk put in place.

Vibrant, Sustainable Economy

Supporting the development of the economy through practical activities is a key task for the Procurement Team. The team support local businesses and third sector bodies and are committed to investing time in fostering effective supplier relationships and encouraging local businesses to supply to the Council.

Managing & Developing Suppliers

Supplier diversity is essential to achieve a competitive and diverse economy.

The Council needs to continuously interact with the market and its suppliers in particular to understand their views and what enables and encourages diverse parts of the market to bid for work with the Council. At the same time the Council needs to ensure that relationships with suppliers are mutually productive and that goals are understood and shared.

The Procurement Team and key contract managers aim to develop an ongoing relationship between the Council and its suppliers to create mutually advantageous, flexible and long term relations based on continuous improvement of quality of performance and financial savings.

The Procurement Team will analyse and research supply markets for different services, and will maintain regular dialogue with potential providers, including organisations from the community and voluntary sector.

This activity will be used to develop market intelligence as to what suppliers are now able to deliver and aid the design of any new procurement.

Supply Chain Development

The supply chain is the integration and co-ordination of all companies, stakeholders, departments, communities involved in the delivery of goods, works and services.

The Procurement Team will encourage the supply chain to conform to the Council's policies, ethos and goals along the complete chain of supply. This subject is covered in depth at the supplier training sessions so that businesses can understand the Council's ethics and expectations.

Equalities and Supplier Diversity

As a Council we recognise and value difference and respect our staff and service users as individuals.

To ensure that the Council procures goods, works and services in a way which promotes equality and diversity, we strive to:

- have a fair, transparent and accessible procurement process
- make sure that where contractors deliver services on our behalf, they do so in a way which meets the needs of all our residents and/or employees
- encourage Black and Minority Ethnic, Small Medium Enterprises and voluntary groups to apply for suitable contracts and create evaluation criteria that do not disadvantage these groups.

By being proactive in these three areas, the Council will achieve its vision of building and safeguarding a fair, open and compassionate community. We will also be meeting our statutory duties to eliminate unlawful discrimination and promote disability, race and gender equality.

The Council will ensure a fair and accessible procurement process by continuing to:

- simplify the guidance available to potential suppliers about how we procure goods, works and services
- make information about the Council's procurement opportunities more accessible including, for example, holding regular 'Meet the Buyer' events and frequently updated information on the website
- engage with suppliers and offer training to them

When we use contractors to deliver services on our behalf, we will make sure that they do so in a way which meets the needs of all our residents and/or employees by:

- seeking information from tenderers about their equality and diversity policies and practices and using this to help short-list suitable candidates
- requiring officers to consider any equality and diversity issues when they are procuring goods, works or services
- including equality and diversity clauses as a standard feature in contracts to ensure contractors meet relevant statutory duties
- consulting our major contractors on any statutory equality and diversity policies/schemes we develop. This will be facilitated through the monthly procurement newsletters

Development of Skills and Supplier Training

The Procurement Team have delivered a successful programme of training for suppliers and have an income target of £2,000 in 2012/13 to deliver. The

Team are therefore marketing their services to a wider external audience, with a focus on delivering sessions on-site at supplier premises.

The Team will continue to look at further training delivery opportunities, including training on behalf of other Councils.

As the procurement profile has been raised internally, there is an increased need to develop an in-house training programme. This will be developed in conjunction with the contract management training being delivered in the third quarter of 2012/13.

During 2013, the Council will host a training cohort for the Chartered Institute of Purchasing and Supply award in Public Sector Procurement. This will be certified. The course requires officers to undertake 18 modules of specialist training over a year. At the end of the course provided the officers pass, these officers will be given authority to manage tendering activity within their own service.

Strong, Active Communities

Oxford Living Wage, Pay and Performance Policies

The Council's policy is to ensure that a Living Wage is paid to any employee who is employed by an organisation providing a contract on behalf of the Council. This is already in place in contracts for many key contracts, including the provision of our Leisure Services, Materials Recycling, Supply of Building Materials, Pay by Phone, Construction Consultancy, Benefits Resilience, Cash Collection, Occupational Health, Play area Refurbishment, Street Scene & Reconnection Services, Treasury Management, Legal Services and Out of Hours call handling.

For suppliers who have contracts preceding the Living Wage policy, the procurement team will work with those suppliers to assist them in achieving this requirement.

The Council has identified that working with suppliers who share like minded ethical arrangements is important to the success of the relationship. The Council is also keen to support organisations that have in place transparent and fair pay and performance policies for all staff including senior management.

It is imperative, when conducting procurement projects, that the Council takes into account the diversity of the population it serves. If a project impacts on, or is for the benefit of, the wider population, a period of consultation is built into the timetable.

Cleaner, Greener Oxford

Corporate Social Responsibility and Sustainability

"Sustainable procurement is a 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, while minimising damage to the environment."

Key factors informing the sustainability agenda in respect of procurement include:

- Savings can be realised through the design of new property and refurbishment of existing property with lower through-life operating costs, better management of demand (including re-use, recycling and standardisation) and the acquisition of products that are more efficient in their use of energy, water and other resources.
- The environmental imperative to reduce CO2 emissions and the amount of waste going to landfill.
- Socio-economic benefits include the creation of employment and training opportunities for the long-term unemployed and people with disabilities, and the elimination of child labour within supply chains.
- Through better coordination and challenge of demand and consumption locally, regionally and across the wider public sector, and improved engagement with suppliers, procurement activity can be harnessed to stimulate product and process innovations that deliver improved environmental performance and further savings. This includes the engagement of SMEs, BMEs and voluntary sector organisations.

Summarised below are examples of procurement practices implemented by the Council to promote the sustainability agenda.

- If a product contains wood, the Council insists on Forest Stewardship Council certified wood. When procuring a supplier to run the Town Hall café, the Council insisted that Fair Trade tea and coffee is included on the suppliers' menus. For any new build or refurbishment project the Council will specify an appropriate Building Research Establishment Environmental Assessment Method (BREEAM) to ensure that its buildings are designed to the most appropriate sustainable standard.
- When purchasing fleet, the Council adheres to The Cleaner Road Transport Vehicles Regulations 2011. This legislation takes into account the operational lifetime energy and environmental impacts that a vehicle has. Examples of this include energy consumption and the amount of emissions a vehicle produces.

Equally important is the necessity to consider whole-life costing with every procurement decision that the Council makes. This is achieved during the options appraisal stage. The following list is not exhaustive but provides examples of areas to take into account:

- indirect costs
- direct running costs
- administrative costs
- spending in order to save
- recyclability and disposal costs.

Where relevant and suitable, the Council secures commitment from bidders to offer training, apprenticeships etc. in the event that they are awarded the contract. This approach has proved successful with construction-type contracts. The procurement Team will seek to widen these opportunities.

The Council will facilitate supplier performance reviews which address sustainability improvement as an element of more general continuous improvement, and targets suppliers as appropriate on established/recognised local government high-yield priority spend areas:

- Construction and FM (building and refit, highways and local roads, operations and maintenance)
- Waste management
- Energy
- Transport (business travel, motor vehicles)
- Food

All new contracts for service delivery to housing tenants now include a stage in the tender process for representatives of those who will receive the service to provide feedback on the short-listed bidders and their solutions offered.

Performance of Oxford City Council Services

There are occasions when the Council has the capability to carry out functions in house that could be delivered by another supplier, so sometimes there is no need to run a competitive procurement exercise.

In order to check that these services offer value for money the Council will commission fundamental service reviews. The Oxford Improvement Model provides the performance framework within which services can identify future service improvements. The procurement team will also work with service areas to conduct market testing exercises to determine the most effective procurement route.

Community Right to Challenge (The Localism Act)

It is necessary for this strategy to highlight a particular element of the Act concerning the Community Right to Challenge.

The Community Right to Challenge enables community groups or members of staff to express an interest in providing local authority services. It came into force on 27th June 2012. The regulations require local authorities to consider any expressions of interest to run services made by 'relevant bodies': these are defined as voluntary and community bodies, parish councils and two or more local authority staff. If the expression is accepted the authority is obliged to run a procurement exercise for the service in question.

Under the regulations relevant bodies can submit an expression of interest in partnership with other relevant and/or non-relevant bodies. This creates the possibility of private sector and communities bidding in partnership.

In order to meet this new requirement the Council will review all contracts prior to advertisement to determine whether they might be suitable for delivery by a 'relevant body' either individually or in partnership. As part of this exercise the tender evaluation criteria will be amended as appropriate to take account of any added benefit that such an organisation(s) could offer.

The Council does not propose to create a specific timetable of suitable tender opportunities for organisations to make expressions of interest but will consider applications as received.

Procurement Team Work Plan

It is expected that the upskilling of officers within the service areas will enable the procurement team to concentrate on a real change in commercial focus. The Council needs to achieve an additional 2% savings target. This 2% is likely to be leveraged from the larger supplier spend categories where there are commonly contracts in place. A programme for re-negotiating existing larger contracts will be identified and efforts will be concentrated on finding savings from larger subjective spend categories rather than focussing on lower value spend. During 2013 a full procure to pay module will be implemented. This will mean that the procurement team will have greater visibility of the corporate spend and be more easily able to target these subjective spend categories. Suppliers will also benefit by the slicker payment capabilities that the system will enable. This page is intentionally left blank