

**TITLE OF REPORT:** Implementation of Procurement Protocols

**REPORT OF:** Mike Barker, Strategic Director, Corporate Services and Governance

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### **Purpose of the Report**

1. To seek approval for the adoption of procurement protocols for all services, works and construction related activity undertaken by the Council, and request Cabinet to recommend that Council approve an amendment to the Constitution to reflect this change.

### **Background**

2. The Council has a legal duty to satisfy itself that contractors and service providers engaged by it meet minimum standards in terms of capability, health and safety, financial standing, and technical ability and any risks are assessed prior to their engagement. This must happen in a consistent and objective way following corporate procedures.
3. In September 2013, Cabinet approved the implementation of a protocol for the engagement of Construction Contractors. This protocol highlighted the requirements of officers engaging Construction Contractors and was considered a necessary addition to the guidance provided about procurement processes.
4. Work has progressed and an overarching protocol for the procurement of all services has been developed with more specific protocols attached as Appendix 3:
  - Protocol for the Procurement of all Services – this is the default protocol that covers basic guidance for procuring any service that the Council may require.
  - Annex 1 – Protocol for the Procurement of Works and Construction related activity – this is an updated version of the protocol that was approved and implemented in 2013 and is intended to be read in conjunction with the Protocol for the Procurement of all Services.
  - Annex 2 – Protocol for the Procurement of ICT – this is a new protocol that is required to clarify the considerations and processes relating to the procurement of ICT hardware, software and services. It is also intended to be read in conjunction with the Protocol for the Procurement of all Services.
  - Annex 3 – Protocol for the Procurement of Forestry and Grounds Maintenance Works – this is a new protocol that is required to clarify the considerations and processes relating to the procurement of all forestry and grounds maintenance related activity. It is also intended to be read in conjunction with the Protocol for the Procurement of all Services.

## **Proposal**

5. It is proposed that the Protocols are adopted for the procurement of all services, works and construction related activity undertaken by the Council.
6. The Contract Procedure Rules within the Constitution will require amendment to provide for the application of the Protocols to all services, works and construction related activity. The proposed amendment is detailed in Appendix 2.
7. Approval be given to the Service Director, Corporate Commissioning and Procurement to make minor amendments to the Protocols to ensure that they remain current and comply with best practice guidance that is still emerging from Central Government as a result of the Public Contract Regulations 2015.

## **Recommendations**

8. It is recommended that the Council be recommended to:
  - (i) approve the adoption and implementation of the Protocols across the Council as set out in Appendix 3; and
  - (ii) approve an amendment to the Constitution to provide for the Protocols as set out in Appendix 2.

For the following reason:

To ensure that all contractors are fully assessed in a consistent way prior to their engagement.

## APPENDIX 1

### Policy Context

1. The Council has a legal duty to satisfy itself that contractors engaged meet minimum standards in terms of capability, financial standing, and technical ability and any risks are assessed prior to their engagement. This must happen in a consistent and objective way following corporate procedures.

### Background

2. In September 2013, Cabinet approved the adoption and implementation of a Construction Procurement Protocol. Building on the success of the implementation of this protocol it is considered appropriate to extend this approach to the procurement of all services and construction related activity. It is recognised that some areas require specific protocols, therefore it is proposed to implement a Protocol for the Procurement of all Services, supplemented by specific protocols for Works and Construction related activity, ICT and Forestry and Grounds Maintenance.
  - Protocol for the Procurement of all Services – this is a new default protocol that covers basic guidance for procuring any service that the Council may require.
  - Annex 1 - Protocol for the Procurement of Works and Construction related activity – this is an updated version of the protocol that was approved and implemented in 2013 and is intended to be read in conjunction with the Protocol for the Procurement of all Services.
  - Annex 2 - Protocol for the Procurement of ICT – this is a new protocol that is required to clarify the considerations and processes relating to the procurement of ICT hardware, software and services. It is also intended to be read in conjunction with the Protocol for the Procurement of all Services.
  - Annex 3 – Protocol for the Procurement of Forestry and Grounds Maintenance Works – this is a new protocol that is required to clarify the considerations and processes relating to the procurement of all forestry and grounds maintenance related activity. It is also intended to be read in conjunction with the Protocol for the Procurement of all Services.
3. The Protocols have been developed using expertise and knowledge from a number of services and key officers from across the Council to ensure that they are robust and practical.
4. It is proposed that further protocols may be added where deemed necessary.
5. The implementation of the Protocols would tighten the procedures around the engagement of contractors and reduce the risk of health and safety incidents.

### Consultation

6. There has been no external consultation.

## **Alternative Options**

7. There are no alternative options.

## **Implications of Recommended Option**

### **8. Resources:**

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no financial implications with the implementation of the protocols.
- b) **Human Resources Implications** – Specific tasks or procedures will be required by services as a result of the protocols.
- c) **Property Implications** - The implementation of the protocols will further ensure that all property owned by the Council will be maintained by organisations that have been thoroughly assess in a consistent way.

9. **Risk Management Implication** - This protocols minimises the risk of officers without appropriate competence engaging contractors, and the likelihood of unassessed construction work occurring. They further reduce the risk of potential procurement challenge, as a result of various processes or assessments carried out by groups and services.

10. **Equality and Diversity Implications** - Nil.

11. **Crime and Disorder Implications** – Nil.

12. **Health Implications** - Using the protocols prior to engaging contractors will assist in ensuring appropriate Health and Safety assessments are undertaken.

13. **Sustainability Implications** - Nil.

14. **Human Rights Implications** - Nil.

15. **Area and Ward Implications** - Nil.

## **Background Information**

16. The document that have been relied on in preparation of the report include:

The Protocols are attached at Appendix 3.

## PROPOSED ADDITION TO THE CONSTITUTION

Page	Previous Wording	New Wording	Reason
160	N/A	<p><b>Part 3 – Rules of Procedure</b></p> <p><b>Contract Procedure Rules</b></p> <p>3. Consolidated Procurement Principles</p> <p>Amend paragraph 3.2:</p> <p>3.2 All procurement for services, works and construction related activity are subject to the Council's Procurement Protocols.</p>	To make provision for the application of the Procurement Protocols.