



# Procurement Overview Senior Managers

**Lesley Anderson – Head of SPA Procurement, SPA**  
**John McMorrow – Director, Easthall Park Housing Co-operative**

In association with:



Trusted procurement for  
better buildings and homes



# AGENDA

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- ❖ **SFHA/SPA Partnership**
- ❖ **Legislation Overview**
- ❖ **Best Practice Guidance**
- ❖ **Procurement Routes**
- ❖ **Potential consequences of not complying**
- ❖ **Benefits**
- ❖ **Open Discussion with John McMorrow Easthall Park Housing Co-operative**

# SFHA/SPA PARTNERSHIP & INTRO

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## ❖ SFHA/SPA Partnership

Deliver Best Practice procurement support to SFHA Members/SPA Partners

CIPS to support delivery of training

Bitesize informal/best practice sessions



## ❖ Public Sector in Scotland = £11B a year

Goods, Services & Works

## ❖ Scottish Government

Best practice support and guidance

PCIP Process

# LEGISLATION OVERVIEW

## ❖ EU Procurement Directives

- ❖ Directive 2014/24/EU
- ❖ Open, Fair, Transparent and Non-Discriminatory

## ❖ Public Contract (Scotland) Regulations 2015

- ❖ Transpose Directive 2014/24/EU

## ❖ Procurement Reform Act 2014

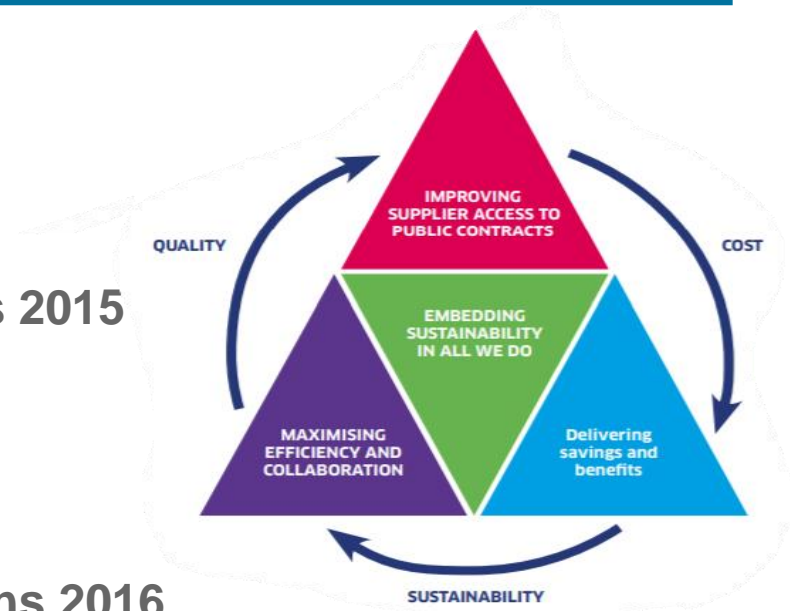
- ❖ Additional Requirements

## ❖ The Procurement (Scotland) Regulations 2016

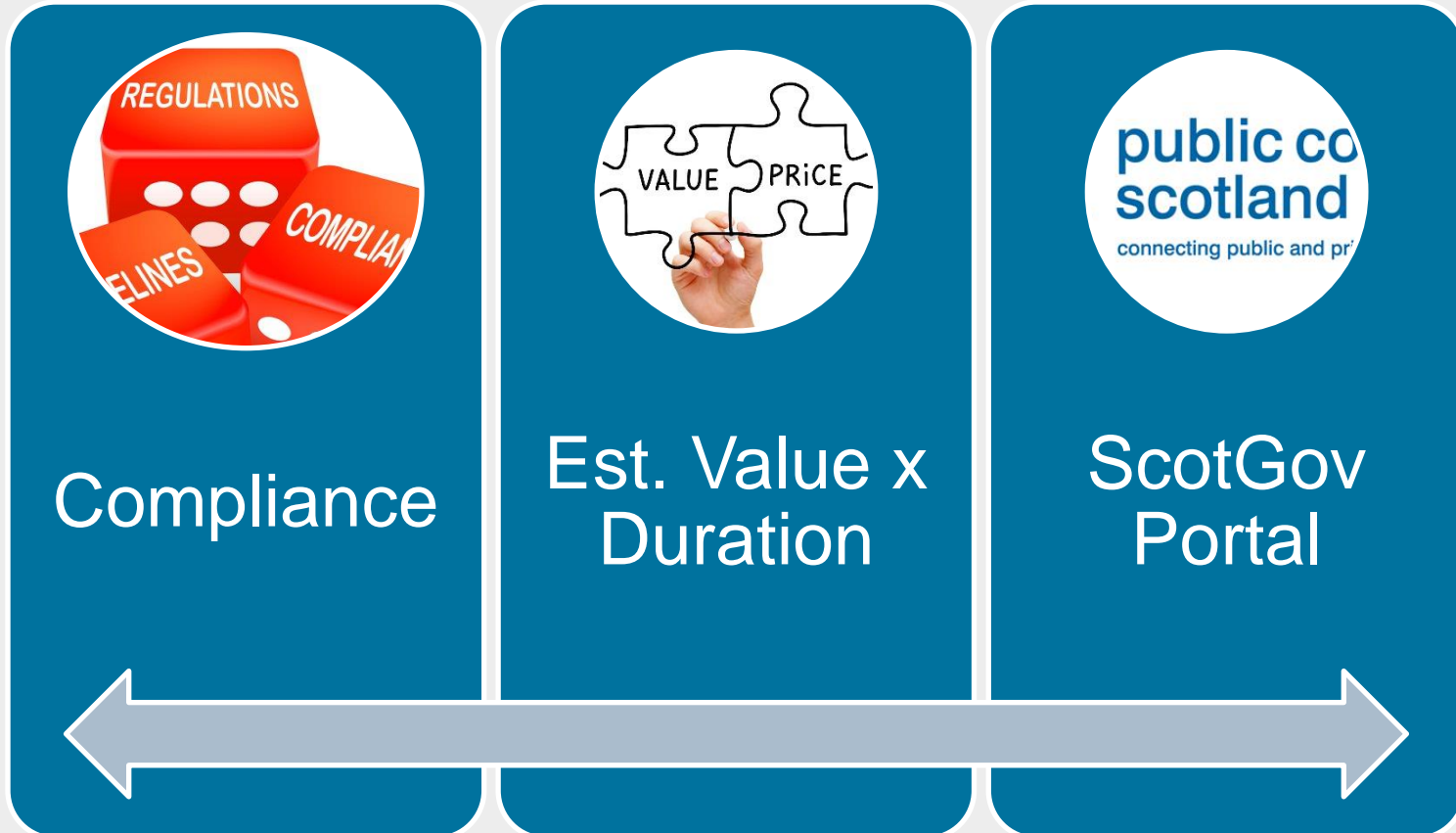
- ❖ Secondary Scottish legislation enacting the Reform Act

## ❖ Contracts subject to the regulations:

- ❖ The procuring body is a contracting authority
- ❖ The contract is a public works, supplies or services contract
- ❖ The estimated value exceeds relevant financial thresholds
- ❖ No exemptions apply



## BEST PRACTICE GUIDANCE



# BEST PRACTICE GUIDANCE



Strategies &  
Reports



Community  
Benefits



Sustainable  
Procurement  
Duty



## PROCUREMENT ROUTES – COMMONLY USED

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### OPEN

- Single stage process
- Straight forward requirement
- Selection & Award in same process
- Required to evaluate all submissions

### RESTRICTED

- 2 Stage process
- Usually used when high level of returns expected
- Evaluate ESPD & capability/capacity to deliver
- Narrow down companies to invite to full tender

### FRAMEWORK AGREEMENTS

- Companies pre-qualified
- Quick & Easy compliant route to market
- Support from Framework Provider
- Options re Call Off – Direct Award/Mini Competition

### DPS

- Similar to Framework
- Simpler access for SMEs
- Open throughout duration
- Call Off – mini competition only

# POTENTIAL CONSEQUENCES OF NOT COMPLYING

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## ❖ LEGAL CHALLENGE TO PROCESS

- ❖ PRE-CONTRACTUAL REMEDIES
- ❖ POST-CONTRACTUAL REMEDIES



## ❖ NOTIFIABLE EVENT

- ❖ Serious Breach of Procurement Policy



## ❖ REGULATOR

- ❖ Review/Monitor/Intervention

## ❖ BAD PUBLICITY FOR ORGANISATION

## ❖ LOSS OF OPPORTUNITY FOR BEST VALUE







# PROCUREMENT ISSUES – THINGS TO CONSIDER

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## ❖ INCREASING LEGISLATIVE REQUIREMENTS

- ❖ HOW DO YOU WE KEEP UP TO DATE WITH INCREASING REQUIREMENTS?
- ❖ HOW DO WE KEEP UP TO DATE WITH INCREASING COSTS?
  - ❖ 5 YEAR ELECTRICAL INSPECTIONS
  - ❖ SMOKE & HEAT DETECTORS
  - ❖ EESSH 2
- ❖ HOW DO WE PROTECT THE ORGANISATION FROM POTENTIAL CLAIMS

## ❖ GOVERNANCE ISSUES

- ❖ HOW DO BOARDS/COMMITTEES OVERSEE PROCUREMENT
- ❖ HOW DOES PROCUREMENT LINK WITH ANNUAL ASSURANCE STATEMENTS
- ❖ HOW CAN THEY TEST THAT THEY ARE GETTING BEST VALUE FROM PROCUREMENT

## PROCUREMENT ISSUES – THINGS TO CONSIDER

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QUESTIONS



COMMENTS



IDEAS



OPEN SESSION