

# SCOTTISH CHILDREN'S REPORTER ADMINISTRATION

## PROCUREMENT POLICY MANUAL

### VERSION 5.0

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## 1. Introduction, scope & legal framework

This Manual provides guidance on the procurement policies that apply to the Scottish Children's Reporter Administration (SCRA) procurement activity. The Manual also highlights some key legal obligations and considerations and sets out the process that must be followed for each procurement exercise the organisation undertakes.

Adherence to the policies set out in this Manual is mandatory for all staff. The Manual follows the principles set out in the SG Procurement Policy Manual but has different documented procedures and processes in place (e.g. in relation to Non Competitive Action approvals (NCA), Delegated Purchasing Authority (DPA) levels etc.) This Manual should be read in conjunction with the [Scottish Procurement Policy Handbook](#) (applicable to the wider public sector, including the Scottish Government).

Public sector procurement in Scotland takes place within a framework of rules and this Manual should be read in conjunction with these rules, which includes the following:

- [Procurement Reform \(Scotland\) Act 2014](#)
- [The Public Contracts \(Scotland\) Regulations 2015](#)
- [The Procurement \(Scotland\) Regulations 2016](#)

And if conducting Concessions or Utilities procurements (see Glossary), then the following:

- [The Concession Contracts \(Scotland\) Regulations 2016](#)
- [The Utilities Contracts \(Scotland\) Regulations 2016](#)

Please note that failure to comply with the legislation and policies as set out in this Manual may result in formal challenges and complaints being brought against SCRA alleging a breach of these rules. The consequences of a successful challenge may, depending on the nature of the breach, result in SCRA being fined; the duration of a contract being shortened; award of damages against SCRA; and reputational damage to SCRA.

SCRA's Procurement Team must be notified by business areas of any correspondence from suppliers' legal representatives challenging the procurement process or contract award decision. Any such correspondence must be saved to the appropriate folder.

This Manual should be read in conjunction with the above mentioned legislation and:

- the [Procurement Reform \(Scotland\) Act 2014: statutory guidance](#)
- the [Public sector procurement](#) webpages, where specifically referenced in this manual
- the [Client Guide to Construction Projects](#) - which provides specific policy and guidance for public sector contracting authorities on the procurement of construction related contracts
- the [Procurement Journey](#) – provides guidance, best practice and templates for public sector contracting authorities on the procurement of goods, services and care and support services
- the [Sustainable Procurement Tools](#) - designed to help public sector organisations

identify and address how they can optimise the economic, social and environmental outcomes of their procurement activity

- other guidance or tool updates issued by Scottish Procurement and Property Directorate, including [Scottish Procurement Policy Notes](#) - which provide updates on legal and procurement policy developments.

The guidance set out in this Manual and the rules set out in the [Scottish Public Finance Manual](#) are designed to ensure that procurement activity is:

- Focused on the delivery of Value for Money (VfM).
- Conducted to high professional standards and to relevant guidance and to the relevant legal requirements.
- Conducted by appropriately trained and authorised staff to minimise the risk of legal challenge to SCRA.

In addition, to help us achieve the aims and priorities of the Scottish Government [National Performance Framework](#), we are expected to conduct our procurement activities in a way which is:

- good for businesses and their employees
- good for society
- good for places and communities
- open and connected

These outcomes underpin the [Public Procurement Strategy for Scotland](#) (PPSS). The PPSS, which is based around the National Performance Framework, provides a high-level vision and direction for Scottish public procurement which the Scottish Government and all public sector bodies can align to and deliver against.

In addition to this Procurement Policy Manual, SCRA also has the following general policies which should be followed:

- Applying Community Benefit Requirements in our Contracts
- Consulting & involving those affected by our procurements
- Fair Work Practices in Procurement
- Health & Safety
- Procuring fairly & ethically traded goods and services
- Prompt Payment Policy
- Retention in Construction/Works contracts

## **2. Definitions of procurement and Contract & Supplier Management (CSM)**

'Procurement' is the process of buying goods, services and works from external suppliers. The public procurement process typically includes:

- understanding customer requirements as set out in a customer specification
- reviewing existence and accessibility of current frameworks and contracts
- understanding current and evolving market capacity and capability to underpin and enable effective competition

- developing a Procurement Strategy (also known as a commodity/service strategy) or brief to maximise sustainable value, considering wider economic, social and environmental outcomes as well as cost, quality and timelines
- determining the procurement procedure and exclusion, selection, and award criteria
- issuing Invitations to Tender or invitations to quote
- evaluating bids or quotes
- awarding, implementing, and managing contracts
- obtaining and paying for purchases / orders

The purpose of CSM is to ensure the contract is successfully executed by monitoring supplier performance against the contract requirements in order to fulfil the requirement and realise the projected benefits and savings.

CSM must be considered when developing a Procurement Strategy and carried out throughout the entire life of a contract. The role of Contract Manager is usually performed by the business area for whom the contract has been awarded, however support can be provided to business areas from SCRA's Procurement Team where required.

Collaborative framework agreements are managed strategically by the Scottish Procurement & Property Directorate (SPPD). Call-off contracts under frameworks are managed by the SCRA's Contract Managers. For more information on CSM responsibilities see section 10 of this Manual.

Information on Contract Management is available in [SCRA - Contract Management Handbook V1.0 Final - March 21.pdf](#) and the [Procurement Journey](#).

### **3. Procurement thresholds**

The estimated value of a contract determines which procurement regulations apply.

The Procurement Reform (Scotland) Act 2014 applies to procurements with an estimated value of £50,000 (excluding VAT) or above for goods and services contracts, or £2,000,000 (excluding VAT) or above for works contracts.

Certain regulations apply to the procurement of contracts equal to or above the World Trade Organisation's Government Procurement Agreement (GPA) financial thresholds (see glossary for list of above GPA threshold regulations). These [thresholds](#) are revised every two years. Wherever VAT may be payable under a contract, an allowance for VAT must be included in the calculation of the estimated value of the contract for the purposes of determining whether the contract equals or exceeds the threshold values.

### **4. Procurement Roles/ Responsibilities and compliance**

This section outlines the roles, responsibilities and actions necessary for procurement compliance. The Head of Finance & Resources has been charged by the Principal Reporter/Chief Executive to determine best practice purchasing arrangements for SCRA and to seek to establish these consistently throughout.

## 4.1 Delegated Purchasing Authority (DPA)

All procurement contracts must be awarded by an individual with the appropriate level of DPA.

DPA is an internal control whereby authority is granted to SCRA staff to enter into a contract for goods, services and works. Procurement Officers and Delegated Purchasing Officers (DPOs) are responsible for overseeing the process leading up to, and including, the award of a contract and any subsequent changes to that contract.

The Principal Reporter/Chief Executive is responsible for the scheme of DPA across SCRA and has delegated purchasing authority to the Procurement Officers for this purpose. This delegation allows for further delegation to suitable staff that have responsibility for low value low risk procurements. The decision to grant DPA is based on business need and the training / experience of the member of staff concerned. The DPA granted will specify the upper limit of contract value and type which the individual is authorised to award.

The Procurement Officers will maintain a central Register of Delegated Purchasers to allow the dissemination of information and advice, the identification and development of a Procurement Training Programme and periodic reports on the number of non-procurement staff who are actively involved in the procurement process and have completed the appropriate levels of training.

DPA is:

- Required for competition of contracts where an existing contract/framework agreement does not already exist. It is also required for running competitions against an authorised Scottish Procurement framework agreement (mini-competitions) or for the modification of an existing contract.
- Granted to permanent SCRA staff, authorised in writing by the Procurement Officer. This will be based on the business need and training/experience of the staff concerned. It will specify the value of contracts (excluding VAT) that the individual will be authorised to award.
- Intended to allow Head Office/Locality Teams the opportunity to manage their appropriate purchasing requirements within their local business area.
- Awarded on a personal basis to an individual based on their role within SCRA. DPA does not automatically transfer to their successor should they leave their current position, but it can transfer with them should they take up an identical role for a new team, based on business need. Changing role will trigger a review of DPA status. If DPA is to be withdrawn by the Procurement Officer for any reason this will be confirmed in writing.

DPA is not:

- To be confused with financial/budgetary authority which is detailed in SCRA's Scheme of Delegation (available on [Connect](#)).
- Required to purchase goods, services or works from single supplier framework agreements awarded or approved by the Procurement Team or Scottish Procurement.
- The authority to approve a contract without following a genuine and effective competition – this is known as a Non-Competitive Action (NCA) (see Section 4.8).

Individuals with DPA are known as DPOs.

Details of existing [SCRA regulated Contracts and Frameworks](#) can be found on PCS. Further details can be obtained from the Procurement Officers.

Details of existing contracts and framework agreements that SCRA may use, which were awarded or approved by [Scottish Procurement](#) or [Crown Commercial Services](#) are available using the links above. Other framework agreements are available – please contact the Procurement Officers for further details.

## **4.2 Commitment of a Contract**

A contract is a legally binding agreement between at least two parties creating obligations enforceable by law. A procurement contract sets out the details of what is being procured, from whom, and the rights and obligations of the parties involved.

Legally binding contracts can be created by word of mouth, correspondence, or implied by the action of parties. Therefore, in discussions and correspondence with suppliers it is essential that staff take care to ensure that a commitment or contract is not unintentionally created.

All SCRA procurement contracts awarded should normally be subject to Scots Law. For goods and services contracts, this is reflected in SCRA's Standard Terms & Conditions which have been designed for straightforward or routine purchases of goods or services. These Terms & Conditions can be found on [Connect](#).

For contracts where other terms and conditions are used (e.g. works), these should also be subject to Scots Law where possible.

Any proposed change, amendment or alternative form of conditions by any party to the contract should, in the first instance, be referred to the Procurement Officer for approval before agreeing to non-standard contract conditions.

All SCRA low value/low risk contracts (below £10,000) awarded by DPO's must be in writing. A sample contract award letter is available in [Route 1](#) of the Procurement Journey.

Details of contracts awarded should be recorded by all DPO's and be readily available on request from the Procurement Officer.

All purchases made using the GPC must comply with SCRA's GPC procedures. The limit for a single transaction by GPC is £5k with a maximum monthly spend per card of £15k. The Head of Finance and Resources has the authority to temporarily suspend these limits for individual DPOs as and when required.

### **4.3 The Single Procurement Document (SPD)**

The SPD is a standard form that includes exclusion and selection questions. It is mandated for use in all Regulated Procurements above GPA threshold, and is recommended for use in all other Regulated Procurements. The aim of the SPD is to simplify the procurement process, especially for SMEs, by enabling bidders to self-declare that they have not breached any of the grounds for exclusion, and that they meet the relevant selection criteria. SPD Modules are available in [Public Contracts Scotland](#) (PCS) and [PCS Tender](#) (PCS-T). Guidance and documentation on the SPD can be found in the [Procurement Journey](#).

When carrying out Regulated Procurements, you must take account of the mandatory and discretionary exclusion grounds which apply. These can be found in [Annex B](#) of the statutory guidance and further guidance can be found in the Procurement Journey. In all cases a bidder will have an opportunity to provide evidence that it has taken remedial action to demonstrate its reliability ("self-cleansing").

### **4.4 Notification of acceptance and rejection of bids**

Acceptance or rejection of bids to suppliers must always be in writing. For procurements above GPA threshold where a [Standstill Notice](#) must be issued, the notice must be sent to all bidders as soon as possible once the preferred bidder has been identified, which commences a standstill period.

Should you wish, or be requested, to conduct a [debrief](#) meeting following issuing written notification of an unsuccessful bid then these must be carefully planned, reflect any information previously provided in any Standstill Notice or notification of unsuccessful bid, and only be conducted by experienced Procurement Officers. A record of the debriefing meeting must be securely stored.

For more information, please see the Procurement Journey [contract award](#) station.

### **4.5 Separation of Duties**

It is SCRA policy that there are at least two defined roles in a procurement process:

- the individual with the appropriate level of DPA who is responsible for ensuring that the procurement process fully complies with procurement policy and legislation
- the budget holder/customer who identifies the need and writes the business case to obtain any necessary approval to spend, confirming that funds are available to make the purchase

Anyone holding DPA must not:



- Be responsible for any financial approvals connected with contracts that they have authority to approve
- Act as Budget Holder

Proper separation of duties is essential in order to protect staff from accusations of impropriety and to reduce any risk of fraud.

The Budget Holder should have authority to commission goods, services or works and to provide financial authority for the expenditure. The Purchaser should have the relevant authority to commit the organisation to a contract for the purchase of the goods, services or works for the full term of the contract.

The Procurement Officer must be alerted to planned or possible procurements outwith the level of the DPO's authority, or if the purchase is novel or deemed to be high risk. In the case of works contracts, roles and responsibilities are set out in the [Scottish Public Finance Manual \(SPFM\)](#) and the [Construction Procurement Manual](#).

#### **4.6 Procurement Journey and the Client Guide to Construction Projects**

The Procurement Journey provides step-by-step guidance and templates for the procurement of goods and services and should be referred to throughout the procurement process. It has three routes according to the estimated value of the contract:

- Under £50,000 is known as unregulated or [Route 1](#) procurement.
- Between £50,000 and up to the GPA threshold is a Regulated Procurement and sometimes referred to as [Route 2](#) procurement.
- Equal to or above the GPA threshold is a Regulated Procurement and sometimes referred to as [Route 3](#) procurement.

Where Route 1 is required for contracts above £10,000 or where Routes 2 or 3 are required, the use of PCS is mandatory and these competitions must be managed by SCRA's Procurement Officers, unless the appropriate level of purchasing authority is held.

The [Client Guide](#) provides specific guidance for construction projects including their procurement, and should be referred to throughout the procurement process for construction related contracts. SCRA works contracts less than £2,000,000 can still follow Route 1 if the risk is assessed as low-medium and has sign-off from SCRA's Head of Finance & Resources.

#### **4.7 Competition and Advertising**

Contracts must be awarded through genuine and effective competition unless there are acceptable and justifiable reasons not to do so (see section 4.8). Individuals with the appropriate level of DPA are responsible for identifying the most appropriate procurement process that is likely to offer the best VfM. Advice should be sought from the Procurement Officer(s).

As part of developing the Procurement Strategy, consideration should be given to any existing [contracts and framework agreements](#) which are appropriate for the procurement. The linked list is not exhaustive, and other frameworks may be available.

Caution must be exercised regarding the use of speculative frameworks. Some factors to be considered in this area can be found in [SPPN 03/2017](#).

For purchases with a value under £1,000 (ex VAT) a Government Procurement Card (GPC) may be used. It is good practice for the cardholder to obtain a quote for purchases to ascertain value for money and to inform decisions. This quote can be made by telephone or in writing from the relevant supplier.

For all purchases with an anticipated value of between £1,000 and £5,000 (both figures excl. VAT), where there is no existing contract, a GPC may be used. It is recommended that cardholders obtain a minimum of three written quotes from different suppliers. These quotes must be obtained before making a decision based on VfM and details recorded on file.

A Procurement Officer or DPO will usually use [Quick Quote](#) (an online competition process within PCS) for procurements with an anticipated value of between £10,000 and £49,999 (both figures ex VAT). However, a decision may be made to conduct an open competition for a procurement with an estimated value within this range. Quick Quote must only be used where an individual with the appropriate level of DPA:

- ensures that there is no existing contract / framework agreement which could be accessed
- satisfies themselves that using Quick Quote is a relevant and appropriate route to market
- ensures that the procurement / mini competition is for low value and / or low risk purchases

All Regulated Procurements must be advertised on PCS. The award of a contract or the conclusion of a framework agreement must also be published on PCS. Exemptions to these publication requirements apply in certain circumstances. For more information see regulation 33 and 51(6) of The Public Contracts (Scotland) Regulations 2015 and regulation 7(8) of The Procurement (Scotland) Regulations 2016. For Research & Development services (e.g., procurements for innovative services) [Pre-Commercial Procurement](#) notices and Award notices should be published.

When determining advertising obligations, the calculation of the estimated value of the contract or framework (including potential options and/or possible extensions) should be conducted in accordance with the guidance outlined in Section 3 above. PCS has more information in the [Buyers' Area](#) on how contracting authorities can meet their publication obligation. Please also see threshold and contract value estimation [FAQs](#).

PCS can also be used to advertise subcontracting opportunities to promote a diverse and resilient supply chain, opening opportunities for SME, Third Sector and Supported Businesses as appropriate. For more information please see [SPPN 5/2019](#).

The thresholds for procurement activities within SCRA are outlined in the table below:

Est. Value (ex VAT)	Proc Journey Route	Procurement Lead	Minimum Standards
<£1,000	Not Required	DPO	Can be purchased via GPC cards. Alternatively, quotes can be sought following the Route 1 procedure below.
£1,000 - £10,000	Not Required (Route 1 can be used)	DPO	Minimum of three verbal/telephone quotes. Details to be recorded on file. Payment can be made by GPC card up to the value of £5,000. Recommend using Public Contracts Scotland (PCS) Quick Quote where possible.
£10,000 - £20,000	Route 1	DPO (if relevant level of authority held) or Procurement Officer	Not less than 3 quotations must be received.  Use of PCS Quick Quote is <b>mandatory</b> for these competitions
£20,000 - £50,000 (Goods & Services)	Route 1 or Route 2	Procurement Officer	Formal competitive tendering exercise, led by SCRA Procurement Officer. Use of PCS Quick Quote is mandatory.
Up to £1M (Works)	Route CPR1 A for Works		Use of PCS Quick Quote is <b>mandatory</b> if project is low-medium risk.
£50,000+ (Goods & Services)	Route 2	Procurement Officer	Formal competitive tendering exercise, led by SCRA Procurement Officer, advertised via PCS and conducted in accordance with Procurement (Scotland) Regulations 2016
£1M+ (Works) – WTO GPA Threshold *	Route 1 or Route 2 for Works		Formal competitive tendering exercise, led by SCRA Procurement Officer if project is High Risk, however, projects under Procurement (Scotland) Act 2014 are not required to be advertised until they reach £2M, so Route 1 may be followed provided authorisation is given by SCRA's Head of Finance & Resources and is documented.

>WTO GPA Threshold	Route 3	Procurement Officer	Formal competitive tendering exercise, led by SCRA Procurement Officer, advertised via PCS, and conducted in accordance with the Public Contracts (Scotland) Regulations 2015.
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- \* The World Trade Organisation Agreement on Government Procurement (WTO GPA) thresholds change every two years. The next change will be applied from January 2026. For details of the thresholds please contact the Procurement Officer.

#### 4.8 Non Competitive Action (NCA)

It is SCRA policy that all goods, services and works must be bought by genuine and effective competition unless there are exceptional reasons to the contrary.

Buying goods, services or works without competition needs prior approval before any purchase is made. Approval is granted in exceptional circumstances only, where it is appropriate to depart from SCRA policy, and where obligations under procurement legislation have been considered.

[Non Competitive Action \(NCA\)](#) is SCRA's internal process for considering requests to:

- dispense with competition and award a new contract directly to a specified supplier
- modify an existing contract where there is no clear, unequivocal clause to do so within the existing contract

The decision on whether to authorise a NCA request is made on a case-by-case basis and is strictly limited to those situations where it is appropriate. It is worth noting that lack of planning, resources or effective project management (e.g. of scope, timelines, or risk) would be very unlikely to constitute sufficient grounds for approving a NCA request.

Situations where approval may be given include, but are not limited to:

- extreme urgency due to circumstances unforeseen by SCRA, covering the immediate need
- where there is only one possible supplier
- modifying an existing contract where the modification is not substantial.

A Procurement Officer or DPO must be consulted about any proposal to award a contract without competition or to modify a contract before using the application for NCA form.

- for new requirements with a value of under £10,000 (excluding VAT), NCA approval must be obtained in advance from the Procurement Officer
- all requests to proceed with NCAs for new requirements of £10,000 and above must be approved in advance by the Principal Reporter/Chief Executive Officer
- NCAs to modify existing contracts, regardless of the value, where there is no clear

unequivocal clause to do so within the existing contract, must be approved in advance by the Procurement Officer or Principal Reporter/Chief Executive Officer.

Approval of a NCA request does not guarantee this will be free of challenge by another supplier (for higher value contracts this could include a challenge before the courts). For this reason, it is important robust, objective supporting evidence is provided as part of the request for NCA.

Please note the process involved in awarding a contract whether that be through a competitive procedure or as a result of a direct award (NCA) is very similar and so where a NCA has been approved, there is still a requirement to undertake many of the steps that would be otherwise required. These steps include carrying out the routine due diligence that should be undertaken in advance of entering into any contract on behalf of SCRA.

In all cases, the guiding principles are that NCA approval is by someone authorised to take such a decision and that person should have no other role in the award of the contract to ensure adequate separation of duties. For audit purposes, the NCA justification and approval must be formally recorded with robust supporting evidence.

#### **4.9 Contract documentation**

Documentation covering the key stages of all procurements must be retained in the appropriate folder, regardless of value. The Procurement Officer or DPO is responsible for ensuring that there is a file for each contract and for ensuring that key documents are filed promptly.

In addition to forms contained within systems, such as PCS and PCS-Tender, a number of templates and other relevant documents can be found in the Procurement Journey [Document Library](#) which can be useful to consult when planning procurements.

#### **4.10 Contracts Register, Transparency and Data Protection**

The Procurement Reform (Scotland) Act 2014 requires all public sector contracting organisations to keep and maintain a Contracts Register, and to provide an internet-based publicly viewable version of it. As a minimum this is required to include all Regulated Procurements. PCS provides functionality to produce a contracts register that meets the requirements of the Act.

This Contract Register will be maintained and updated by the Procurement Team.

It is, however, the responsibility of all DPOs to ensure that they maintain a record of all lower value contracts they award. The Procurement Team may periodically request details of contracts awarded.

Procurement Officers and DPOs must ensure their contracts and procurement processes are compliant with the [Data Protection Act 2018](#). This can be achieved through the use of the SCRA's Standard Terms and Conditions, and the [privacy notice](#) for inclusion with ITT documents. More information on this can be found in [SPPN 2/2018](#).

Care should also be taken by Procurement Officers and DPOs with regards to [Cyber Security](#). For further information, please see [SPPN 2/2020](#).

#### **4.11 Approvals**

Prior to committing to a purchase, where a new supplier is being used, Delegated Purchasers must complete a New Supplier Form and send this by email to the Procurement Officer who will confirm their approval by forwarding the form to the Finance Team.

It is SCRA Policy that all procurements expected to be above £20,000 should have a Procurement Strategy completed by the Procurement Officer in conjunction with the internal customer. The Procurement Strategy should be approved by the Head of Finance & Resources before commencing with the competition.

A Capital Proposal should be prepared by the internal customer for all Capital expenditure expected to be between £5,000 and £25,000. This should be submitted to the Head of Finance & Resources for approval. A Capital Proposal [template](#) is available on Connect.

A [Business Case](#) should be prepared by the Project Owner for all Capital or Revenue projects expected to be in excess of £25,000. Internal customers must consult with all relevant Teams, including Procurement, before submitting the Business Case for approval by the Executive Management Team (EMT).

#### **4.12 Works Contracts**

It is recognised that for small works contracts (up to £10k) it is not always possible to obtain prior quotations or to use the GPC for Works contracts.

The Public Contracts (Scotland) Regulations 2015 sets out at Schedule 2 those activities that are defined as Works. These activities describe works that form the basis of the types of project undertaken by SCRA's Property Team.

The updated Construction Procurement Manual provides mandatory guidance in developing and delivering construction projects and how to take these procurements to market using the appropriate Construction Procurement Route (CPR).

Although the guidance recommends using CPR1 A for contracts below £2M, the Procurement Team recommend using this for contracts below £1M. This means they can be taken to market without advertising, for example by inviting selected suppliers to bid using the Quick Quote facility on Public Contracts Scotland. If an assessment of risk determines that they need wider marketing, CPR1 B will be used.

Where possible, SCRA will openly advertise contract opportunities between £1M and £2M on Public Contracts Scotland using CPR1 B if the risk is deemed to be High. Works contracts between £1M and £2M may still follow CPR1 A if the risk is low-medium, has the approval of the Head of Finance & Resources and is documented in the Procurement Strategy in advance of going out to Tender.

## 5. Procurement Strategy and Annual Procurement Reports

The Public Procurement Strategy for Scotland (PPSS) provides a high-level vision and direction for Scottish public procurement to which the Scottish Government has aligned its [Procurement Strategy](#). Procurement Officers and DPOs should familiarise themselves with the PPSS and SCRA's Corporate Procurement Strategy (and consider how procurement exercises will help to deliver against the Strategy).

Annual Procurement Reports explain how procurement activities have complied with a contracting authority's Procurement Strategy in any given year. Publication of an Annual Procurement Report supports increased transparency. For this reason, and wider audit purposes, it is essential that records management is conducted throughout all procurement processes.

In addition to records management, good contract and supplier management (CSM) is crucial to support the reporting process. CSM helps to not only obtain savings, increase impact and mitigate risk through the contract lifecycle, but also to ensure that information and data within the Annual Procurement Report are accurate and meaningful. For more information on CSM please see section 10 of this Manual as well as guidance provided in the [Procurement Journey](#).

## 6. Value for Money (VfM)

Contracts must not be awarded based on lowest price only, and contract award criteria must be specifically designed to assess and award on the basis of VfM. The award stage will identify which of the eligible tenders will deliver the best VfM. For Regulated Procurements this is established using the Most Economically Advantageous Tender (MEAT) criteria. It is SCRA policy that all Regulated Procurements are awarded based on MEAT, as well as a legal requirement for all contracts equal to or above the GPA threshold.

VfM is defined as the optimum combination of whole life costs and quality (or fitness for purpose) to meet the customer's requirements.

In addition to the quality of products and services, Procurement Officers and DPOs must also consider factors such as the Sustainable Procurement Duty (for more information please see section 8 of this Manual). In this context, [Whole Life Costing and Life Cycle Costing](#) should also be considered.

Procurement Officers and DPOs must also be mindful of abnormally low tenders. Where a tender could be considered to be abnormally low, the price being proposed must be clarified by the Procurement Officer or DPO to ensure that it is valid and sustainable. For more information on abnormally low tenders please see the [Procurement Journey](#) for goods and services contracts, or for works contracts see the [Client Guide](#) which includes a tool to help identify potentially abnormally low tenders.

## 7. Prompt Payment

[Section 15](#) of the Procurement Reform (Scotland) Act 2014 requires contracting authorities to set out in their Procurement Strategy how they intend to ensure all payments made to contractors and sub-contractors are paid within 30 days of receipt of a valid invoice. SCRA is committed to paying its contractors promptly, targeting to pay valid invoices within 10 working days of receipt, going beyond the contractual commitment to pay within 30 days.

[SPPN 2/2022](#) provides guidance to ensure contracts are awarded to bidders with a good payment performance history and systems in place so that their supply chains are paid on time in accordance with the terms within their contracts.

Prompt payment should be monitored as part of the contract management activity, addressing any shortfalls with the prime contractor during the life of the contract to ensure the reliability of the supply chain. It is the prime contractor's responsibility to monitor and support prompt payment to all sub-contractors involved in delivering a public contract.

## 8. Sustainable Procurement

SCRA is committed to buying goods, services and works in a sustainable manner. Sustainable public procurement aims to make better use of public money, helping us to achieve our overarching purpose and strategic objectives.

SCRA will derive the greatest benefits through ensuring that sustainability is embedded and proportionately applied to all its procurement decisions and activities.

The [Sustainable Procurement Duty](#) requires that, before a contracting authority carries out a Regulated Procurement, it must consider how it can improve the economic, social and environmental wellbeing of the area in which it operates, and in carrying out the procurement, to act with a view to securing improvements so identified. The duty also requires contracting authorities to consider how their procurement process can facilitate the involvement of SMEs, third sector bodies and supported businesses, and how the procurement can be used to promote innovation.

Information on sustainable procurement policies can be found on the [Public sector procurement policy](#) webpage.

Guidance and support are available, which includes [statutory guidance on the Sustainable Procurement Duty](#) and the [Sustainable procurement tools \(these tools include e-Learning, Guidance and Case Studies\)](#), as well as the guidance on measuring social impact in public procurement in [SPPN 10/2020](#).

SCRA will derive the greatest benefits through ensuring that, where appropriate, sustainability is embedded and proportionately applied to all its procurement decisions and activities. At the heart of this process will be [The Sustainability Test](#).



This suite of support can help identify and address opportunities to optimise the economic, social and environmental outcomes of procurement activities, and can help meet procurement obligations in the following areas:

### **8.1 Equality, Diversity, and Inclusion**

SCRA is committed to advancing equality, diversity, and inclusion through public procurement. For more information on Equality and procurement, including the [Fairer Scotland Duty](#), please see the relevant public sector procurement policy [webpage](#).

### **8.2 Human rights**

Those we contract with should take a robust approach to human rights in any part of their business including their supply chain.

Guidance has been published for contracting authorities on reducing the risk of human trafficking and exploitation in the performance of public contracts ([SPPN 3/2020](#)).

### **8.3 Fair Work First (FWF)**

Fair work is central to achieving the Scottish Government's priority for sustainable and inclusive economic growth. FWF is the Scottish Government's policy for driving high quality and fair work across the labour market in Scotland.

For more information on FWF procurement policy, please see the Fair work and procurement [webpage](#) and SCRA's General Policy on Fair Work.

### **8.4 Community benefits**

Community Benefits are enshrined in the Procurement Reform (Scotland) Act 2014 through a specific provision to consider their use for all contracts of £4 million or more. Community Benefits in public procurement contribute towards achieving the aims of the Sustainable Procurement Duty and should therefore be considered for contracts valued lower than £4 million, wherever relevant and proportionate.

For more information on Community Benefits policy, please see the Community Benefits in procurement [webpage](#).

### **8.5 Climate change**

The Scottish Government is committed to using public procurement to contribute towards the strategic priority of transitioning to a more resource efficient, lower carbon economy. Procurement Officers, DPOs and Environmental Ambassadors have a responsibility to be climate literate, as well as any other SCRA short to long term groups whose remit includes climate change/sustainability, and to understand how contracting activities can support net-zero aspirations throughout the contract duration and it is highly recommended they undertake the SG [Climate Literacy e-Learning](#).

Help and support in addressing climate change through procurement is available in [SPPN 3/2022](#). For more information on climate change and procurement policy, please see the Procurement and Climate Change [webpage](#).

## **8.6 SMEs, Third Sector Bodies, and Supported Businesses**

The Sustainable Procurement Duty places an obligation on contracting authorities to consider how procurement processes can improve the economic, social and environmental wellbeing of their area, and facilitate the involvement of SMEs, third sector bodies and supported businesses. Procurement Officers and DPOs must be mindful of this Duty when creating their Procurement Strategy.

In line with principles of equal treatment and proportionality and the general duty in [section 8\(1\) of the Act](#), it is Scottish Government policy that the costs associated with submitting a bid be kept to a minimum, and barriers to participation by small firms, the self-employed and the third sector should be removed where possible.

In order to help facilitate access to public contracts, simplicity is key, and it is important to consider all available mechanisms to encourage participation by smaller businesses, including micro-businesses. These mechanisms include simplifying specifications, breaking larger requirements into smaller requirements (lotting), the use of Quick Quotes, and the creation and advertising of subcontracting opportunities. For advice on how to apply these mechanisms, please see:

- [SPPN 9/2020](#) - supply chain resilience and diversity
- [SPPN 5/2019](#) - advertising subcontracting opportunities on PCS
- [SPPN 4/2017](#) - reserving contracts for supported businesses
- [Section 3.5](#) of the Statutory Guidance - facilitating the involvement of SMEs, the third sector and supported businesses

## **8.7 Innovation**

Public procurement has a key role to play in enabling innovative goods, works and services. The Sustainable Procurement Duty requires contracting authorities to consider how to promote innovation in their Regulated Procurements.

PCS has innovation notices to help Procurement Officers and DPOs engage with the market as well as procure research and development contracts and provide reporting on innovation. The [Procurement Journey](#) and [SPPN 3/2023](#) have more information on how to consider research and development and how to procure innovative solutions / goods.

## **9. Consultancy Services**

Robust procedures must be followed for the procurement of consultancy services to ensure that these resources are used sparingly, appropriately and effectively.

Before any procurement process for Consultancy Services takes place, a Business Case must be prepared by the appropriate Budget Holder/customer, based on the amount that SCRA expects to pay for the requirement, and passed to the Procurement Officer for completion of Section 4 before being submitted to EMT for approval.

The Scottish Government [consultancy procedures](#) provide guidance on the use of consultancy services.

## **10. Contract & Supplier Management (CSM)**

Contract Management is an essential part of the contracting process. Contract monitoring procedures are the essential key to ensuring that the contractor meets the service levels set out in the contract and to ensuring continuing value for money.

In discussions with the customer (i.e. the business area) Procurement Officers and DPOs should ensure that all parties, particularly the customer, are clear on ownership of CSM activities and that a Contract Manager must be appointed and recorded on the Contracts Register which is maintained by the Procurement Team.

The SPFM requires that the Contract Manager is a permanent member of staff. CSM guidance is provided in the [Procurement Journey](#) and in SCRA's Contract Management Handbook which is available on Connect. All Contract Managers must familiarise themselves with this.

The Contract Manager must ensure that Procurement are advised and consulted on all amendments, additions and/or deletions to a contract to ensure that the Register does not contain outdated or false information.

## **11. Ethical standards and gifts & hospitality**

Staff must preserve the highest standards of honesty, integrity, impartiality and objectivity in all dealings with suppliers and potential suppliers as detailed in SCRA's [Staff Code of Conduct](#) and the [Scottish Procurement Policy Handbook](#).

All procurement activity must be conducted with propriety and to the highest professional standards at all times, ensuring that suppliers and potential suppliers are treated fairly at all stages of the procurement process.

Procurement Officers, DPOs and all other staff involved in procurement (including Line Managers) must read and familiarise themselves with this guidance and its associated documents.

All staff must exercise care if offered gifts or hospitality. When considering whether it is appropriate to accept a gift, reward, benefit, or any other form of hospitality which has been offered, refer to criteria that can be found in [Scottish Government guidance](#).

Further guidance on ethical standards and expectations is detailed in the [Scottish Public Finance Manual](#) and [Standards of Conduct](#) on Saltire. Procurement Officers,

DPOs, and all other staff involved in procurement must read and familiarise themselves with this guidance.

## **12. Conflicts of interest in procurement**

Staff are legally required to act with honesty and integrity, and must not abuse their position for personal gain, to further their own personal interests or the interests of others (e.g. family and friends). Staff also have a duty to ensure that no appearance of bias or misuse of position is given or can be inferred through their conduct.

Any actual, potential, or perceived conflicts of interest (e.g. owning shares in a supplier, or family / friends being employed by a supplier) which arise in the course of a procurement must be declared. For procurements subject to the Scottish public procurement regulations this is a legal consideration. Procurement Officers and DPOs must also take appropriate measures to prevent, identify, and remedy conflicts of interest arising in the course of all other procurement procedures (i.e. those below the GPA threshold) to avoid any distortion of competition and to ensure equal treatment of all bidders.

## **13. Fraud response procedures and anti-competitive practices**

SCRA's policy on fraud/corruption is set out in the [Fraud Protection Policy](#) which is available on Connect. The Policy sets out in more detail procedures for fraud prevention, detection and the investigating and reporting of fraud or corruption.

The risk of fraud must be appropriately managed by ensuring that inherent fraud risk within procurement is identified and assessed, with specific counter-fraud controls and mitigation activity in place to minimise exposure to these risks. The Scottish Government policy on the detection, reporting and handling of fraud is available in the [SPFM](#).

Procurement Officers and DPOs must also be alert to anti-competitive practices, such as collusion and conflict of interest, cartel activity and bid rigging practices.

Audit Scotland and Police Scotland have published information which Procurement Officers and DPOs can use to identify [Procurement Red Flags](#).

The Competition and Markets Authority has detailed information and a free [e-Learning module](#) which covers anti-competitive practices in procurement.

Where further advice is required in relation to any suspected fraud or irregularity, or in relation to fraud risk management and counter-fraud control, contact should be made with the [Counter Fraud Service](#).

### Glossary

- **Above GPA Threshold Regulations**  
namely, the Public Contracts (Scotland) Regulations 2015; The Concession Contracts (Scotland) Regulations 2016; The Utilities Contracts (Scotland) Regulations 2016
- **Award Criteria**  
the criteria (questions) used by the buyer to compare and score the merits of the specific bid for the contract. This must include quality and price.
- **Bidder**  
used as a general term throughout the Manual to encompass bidders, tenderers and, in the case of restricted procedures, candidates.
- **Client Guide to Construction Projects**  
guidance to assist public sector clients to procure and manage their construction projects.
- **Competition**  
contracts must be awarded through genuine and effective competition unless there are convincing reasons to the contrary.
- **Contract**  
is a legally binding agreement between SCRA and one or more suppliers for the supply of specified goods, services or works. The contract sets out the details of what SCRA is buying and being delivered with and the rights and obligations of both of the parties.
- **Contracting Authority**  
a term used to describe the public sector buyer who has a procurement requirement.
- **Contract Award Notice**  
a publication which confirms the details of a contract which has been awarded to a supplier.
- **Contract Notice**  
a publication which advertises a procurement requirement.
- **Contract Management**  
the process of monitoring the performance of a supplier on a contract.
- **Contract register**  
a published list of contracts put in place by a public sector organisation based in Scotland. This is a legislative requirement.
- **Contract Value**  
this is an estimate of the value of a contract over the whole period of the contract e.g. if the contract is for £50k per year for 3 years the contract value is £150k. The contract value should include any extension periods.

- **Delegated Purchasing Authority (DPA)**  
is the authority given to an individual to sign-off contracts. It is not to be confused with Delegated Finance Authority as it is important that there is adequate separation of duties between the individual who has finance authority i.e. the budget holder and the individual with purchasing authority i.e. who places the contract.
- **Delegated Purchasing Officer (DPO)**  
a permanent SCRA individual with Delegated Purchasing Authority.
- **Fair Work Practices**  
employment practices that support wellbeing e.g. training and development, equality of opportunity.
- **Framework agreement**  
an agreement between a contracting authority and one or more suppliers for the supply of specified goods, services or works over a period of time. The framework agreement has agreed terms and conditions, defined pricing structure and if appropriate quality requirements. The main difference between a framework agreement and a contract is that a framework does not state the quantity of the goods, services or works, or when they will be bought. Individual contracts specifying the quantity and timescale are awarded under the terms of the framework agreement.
- **GPA threshold**  
financial threshold values which are used to determine whether a public contract falls within the scope of the Public Contracts (Scotland) Regulations 2015, the Utilities Contracts (Scotland) Regulations 2016 or the Concession Contracts (Scotland) Regulations 2016. These threshold values are updated on the 1st of January every two years.
- **Government Procurement Card (GPC) or Electronic Purchasing Card (ePC)**  
is a corporate charge card used for low value, ad-hoc purchases that are not covered by existing contracts or framework agreements for transactions of £5,000 (excluding VAT) or less.
- **Non Competitive Action (NCA)**  
procurement used in very exceptional circumstances when normal procurement rules cannot be followed.
- **Procurement**  
is the process of buying goods, services or works from external suppliers.
- **Procurement Exercise**  
full end to end procurement exercise from strategy development to contract & supplier management.
- **Procurement Journey**  
a toolkit providing practical guidance for public sector buyers on procurement procedures.
- **Procurement Officer**  
an SCRA member of staff with Delegated Purchasing Authority, who undertakes procurement as the main function of their role.

- **Procurement Strategy**  
 a Procurement Strategy is different to the Corporate Procurement Strategy. A Procurement Strategy is a document that a public sector buyer creates to detail and plan for a particular Procurement Exercise. This document should include: information on the team to be involved in the procurement exercise; market analysis; current contracts and spend; etc. This document will be reviewed and approved (or not) by the organisations procurement management to allow the procurement exercise to proceed to the next phase.
- **Public Contracts Scotland (PCS)**  
 the Scottish Government's official national advertising portal used to advertise public sector contract opportunities.
- **Quick Quote**  
 is an online quotation facility using the Public Contracts Scotland portal which allows buyers to obtain competitive quotes electronically for low value requirements. Details of the QQ are created online and sent to a selected list of suppliers, who can then complete the required details and submit their quotation using the secure postbox. QQs are only distributed to the selected suppliers and are not made public on the website.
- **Regulated Procurement**  
 in relation to public contracts, procurements with an estimated value of £50,000 and above for goods and services and £2,000,000 and above for works contracts and which are not otherwise exempt from the Procurement Reform (Scotland) Act 2014. Also see section 4.6 of this Manual.
- **Retention**  
 an amount deducted and withheld from each progress payment made to a contractor or subcontractor to secure obligations under a construction contract and ensure defects are remediated without the holder becoming liable for costs arising from unmet contract performance.
- **Scottish Procurement Policy Notes (SPPN)**  
 procurement policy, guidance and legislation issued by the Scottish Procurement and Property Directorate to public sector organisations and other relevant bodies.
- **Scottish Public Finance Manual (SPFM)**  
 provides guidance to Scottish Government and other public bodies on the proper handling and reporting of public funds.
- **Sustainability**  
 a process whereby SCRA meet its needs for goods, services, works in a way that achieves VfM on a whole life basis and generates benefits not only to SCRA, but also to society, the economy and the environment.
- **Value for Money (VfM)**  
 the optimum combination of whole life costs and quality to meet the customer's requirement.