



# Service Commissioning and Procurement Survey

Public Services and Government



# **SERVICE COMMISSIONING AND PROCUREMENT SURVEY**

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# 1 EXECUTIVE SUMMARY

- 1.1 The Service Commissioning and Procurement Survey was designed to find out more about the views, attitudes and experiences of procurement and commissioning staff working in Local Authorities, particularly in relation to the enterprising third sector. The survey was available between mid-March and mid-April 2009 and attracted 80 responses. Respondents were self-selecting and multiple responses were possible from individual local authorities, so findings should be considered indicative rather than necessarily representative of procurement and commissioning staff as a whole. The findings of the survey will be used to develop training for procurement staff across local authorities.
- 1.2 This report shows a general awareness and some understanding of the third sector amongst respondents. More than half of respondents described their authorities' relationship with the third sector on procurement as 'good' or 'very good'. Only around one in seven felt the relationship was 'poor' or 'very poor'. More than half of respondents also indicated that their authority engaged with the sector in the development of services and eight out of ten had let contracts to the third sector. Similarly, half of respondents said that they considered the additional value that the sector offers in its tender proposals as part of day-to-day team practice.
- 1.3 Although there were positive findings about how authorities maximised opportunities for the third sector to compete for public contracts, six in ten respondents still felt that commissioning and procurement could be improved to allow the sector to compete more equally. A range of thoughtful comments were made on how this might be achieved, including better training for the sector and for procurement staff, better communication from local authority procurement, and improving procurement practice to ensure that service quality was taken into account in the tendering process.
- 1.4 Many respondents seemed unsure how particular authority policies/strategies informed procurement decisions, with others unsure whether particular strategies were actually in place. There was also some uncertainty as to whether contracts were directed to deliver key priorities in the single outcome agreement (SOA) and whether external contract timescales fitted with SOA timescales. One third of respondents were not clear how individual contracts fitted with strategic outcomes.
- 1.5 A relatively high number of respondents said that their authority did not often actively liaise with other bodies to ensure continuity of quality and cost, and a minority seemed unsure that their authorities were providing a value for money service, or delivering quality contracts.
- 1.6 There was a low awareness of community benefit clauses. Nearly half were not very aware or not at all aware of these: this would appear to be a key area for awareness-raising. The fact that there would also appear to be a very low number of designated community benefits champion in any area of procurement might be a contributory factor in this.

- 1.7 The need for additional training emerged as a recurring theme in the survey responses, particularly in the 'free-text' sections of the questionnaire. Training both for third sector organisations and for procurement staff was identified as a need, so there is clearly a gap which action stemming from these findings can fill.

## 2 INTRODUCTION

- 2.1 The Service Commissioning and Procurement Survey was developed by the Scottish Government, with support from Scotland Excel and SOLACE, between January and March 2009. The survey was designed to find out more about the views, attitudes and experiences of procurement and commissioning staff working in Local Authorities, particularly in relation to issues affecting the enterprising third sector. The findings of the survey will be used to develop a training package for procurement staff across local authorities.
- 2.2 The survey was initially piloted with a small number of serving procurement officers and amendments made in advance of the web launch of the questionnaire. The survey was available online, via Questback web-hosting, from 16<sup>th</sup> March 2009 to 17<sup>th</sup> April 2009. Procurement/commissioning staff were emailed a link to the survey via key procurement staff in each local authority. Respondents were guaranteed anonymity – the survey managers did not know the identities, email addresses, or local authority base of the respondents. Eighty responses were received in total.
- 2.3 The survey was designed to find out indicative views, understandings and experiences of procurement staff. It was not designed to provide an accurate picture of procurement in the 32 Scottish local authorities. Multiple responses were invited from local authority areas and respondents were self-selecting, meaning that findings reflect respondents, not necessarily procurement staff as a profession. However, even though the survey is not necessarily representative, it nevertheless offers a useful indicative insight into staff views and attitudes, and perhaps most interestingly, where there is a high degree of uncertainty.
- 2.4 This report sets out the findings in detail, with brief commentaries accompanying data tables, and charts where these help the reader get a clearer sense of responses. The report is divided into a number of sections, as follows:
1. Information about respondents
  2. Awareness of and attitudes to procurement issues
  3. Local authority procurement practice
  4. Day-to-day team practice
  5. Training
  6. The third sector
  7. How could general procurement be improved?
  8. Conclusions
- Annex 1 - All 'free-text' answers (i.e., responses to open questions).  
Annex 2 – The full questionnaire

### 3 INFORMATION ABOUT RESPONDENTS

- 3.1 A range of questions sought to identify key characteristics of the respondents.
- 3.2 First, respondents were asked if to identify whether they worked in a **large, medium, or small authority**, which we calculated by stratifying authorities by expenditure level. Respondents had to select the group in which their authority had been placed. Half of respondents came from large authorities, with around four in ten from medium, and one in ten from small, authorities. We asked this in order to be able to cross-tab key questions by authority size, although this proved difficult for small authorities because of low numbers (just 9 respondents).

*Q: Please click on the group below which includes your authority. Grouping areas in this way will help us identify where small, medium or large authorities have particular issues.*

	% (N)
<b>Large Authorities:</b> Aberdeen / Aberdeenshire / Dumfries & Galloway / Dundee / Edinburgh / Fife / Glasgow / Highland / North Lanarkshire / Renfrewshire / South Lanarkshire / West Lothian	51 (40)
<b>Medium Authorities:</b> Angus / Argyll & Bute / East Ayrshire / East Dunbartonshire / East Lothian / East Renfrewshire / Falkirk / Inverclyde / North Ayrshire / Perth & Kinross / Scottish Borders / South Ayrshire / Stirling / West Dunbartonshire	38 (30)
<b>Small Authorities:</b> Clackmannanshire / Eilean Siar / Midlothian / Moray / Orkney / Shetland	11 (9)
<i>Total</i>	<i>(79)</i>

- 3.3 Respondents were asked to identify whether they worked in **more urban or more rural authorities**, a distinction based on the Randall Definition. Three quarters of respondents were from largely urban authorities, with a quarter from more rural authorities. As before, we asked this in order to be able to cross-tab key questions by rurality level.

*Q: Please click on the group below which includes your authority. Grouping authorities in this way will enable us to consider whether more rural or urban authorities have particular issues:*

	% (N)
<b>More Rural:</b> Aberdeenshire / Angus / Argyll & Bute / Dumfries & Galloway / East Ayrshire / Eilean Siar / Highland / Moray / Orkney / Perth & Kinross / Scottish Borders / Shetland / South Ayrshire / Stirling	24 (19)
<b>More Urban:</b> Aberdeen / Clackmannanshire / Dundee / East Dunbartonshire / East Lothian / East Renfrewshire / Edinburgh / Fife / Falkirk / Glasgow / Inverclyde / Midlothian / North Ayrshire / North Lanarkshire / Renfrewshire / South Lanarkshire / West Dunbartonshire / West Lothian	76 (59)
<i>Total</i>	<i>(78)</i>

3.4 Respondents were further asked to identify the **areas of procurement** in which they regularly worked. More than one answer was permitted. A majority – seven in ten – worked regularly in care services. Four in ten worked regularly in corporate and educational services, while one in three worked regularly in technical and environmental procurement areas.

*Q: Please click on the commissioning/procurement areas below in which you regularly work. Tick all that apply.*

<b>Commissioning/Procurement Area</b>	<b>% (N)</b>
Care Services	71 (57)
Corporate and Educational	40 (32)
Technical/Environmental	34 (27)
Roads	29 (23)
Facility Management	26 (21)
Building Works	26 (21)
Community / Environmental Works	26 (21)
Other, please specify <sup>1</sup>	11 (9)
<i>Total</i>	<i>(80)</i>

3.5 Respondents were asked to identify which **aspects of the commissioning and procurement process** they regularly dealt with. Again, more than one answer was possible. Most worked in more than one area and many, particularly in larger authorities, were involved with all three elements.

*Q: Please click on the elements of the commissioning/procurement process on which you regularly work. Tick all that apply.*

<b>Commissioning/Procurement Aspects</b>	<b>% (N)</b>
Preparing the specification	80 (64)
Managing the tender process	86 (69)
Managing the post contract process	81 (65)
<i>Total</i>	<i>(80)</i>

3.6 Respondents were asked whether they **had ever let a contract to a voluntary or charitable organisation or a social enterprise**. The majority – more than eight in ten – had done so, so respondents do have experience of awarding contracts to the third sector. There was a lower positive response in terms of experience of awarding contracts to a consortium including a third sector organisation.

<sup>1</sup> Responses following 'Other' = contract furniture, soft furnishings, white goods, storage and removal services; 2014 games projects; Learning ; Transport, Ferries and Port Operations; Supply Contracts eg occupational therapy, food contracts ;All council outsourced requirements; IT ;Waste Management

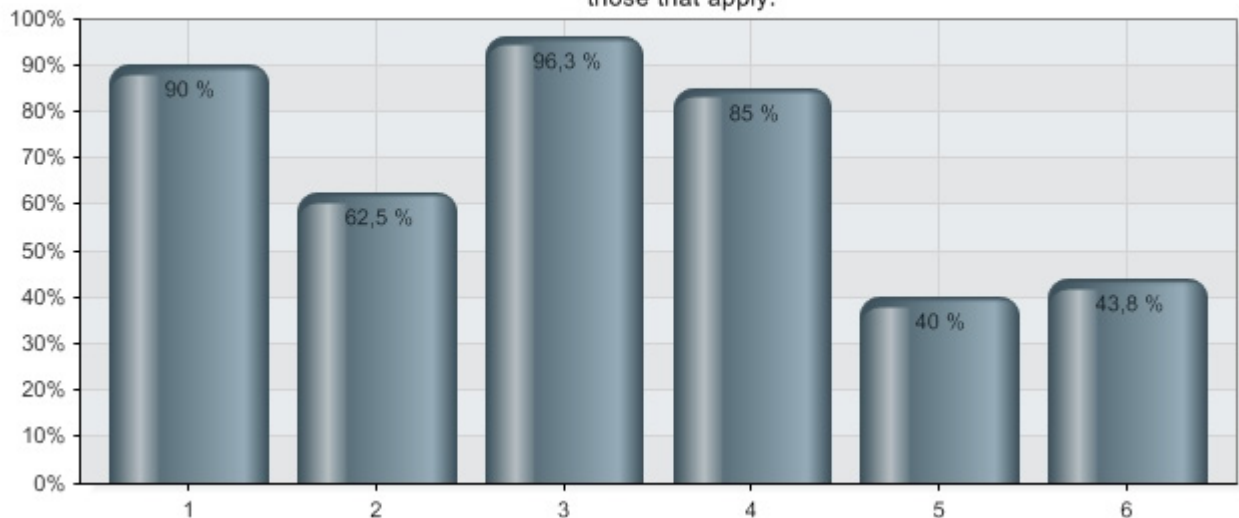
Q: Have you ever let a contract to: -

	<b>A voluntary or charitable organisation / social enterprise?</b>	<b>A consortium that included a voluntary or charitable organisation / social enterprise?</b>
	<i>% (N)</i>	<i>% (N)</i>
Yes	82 (64)	39 (30)
No	18 (14)	61 (47)
<i>Total</i>	<i>(78)</i>	<i>(77)</i>

## 4 AWARENESS OF AND ATTITUDES TO PROCUREMENT ISSUES

4.1 Respondents were asked whether they had heard of **six centres of procurement expertise**. A large majority (more than eight in ten) had heard of three of these – Scotland Excel, Procurement Scotland, and Public Contracts Scotland. Less than half had heard of the Suppliers Development Programme and Advanced Procurement for Universities and Colleges. Respondents from more rural authorities were slightly more likely to have heard of these centres of expertise than their more urban counterparts.

13. 2i. Have you heard of any of the following centres of expertise / information sources? Please tick all those that apply:



Alternatives	Percent	Number
1 Procurement Scotland	90 %	72
2 Central Government Centre of Procurement Expertise	63 %	50
3 Scotland Excel	96 %	77
4 Public Contracts Scotland; i.e. the national advertising portal	85 %	68
5 Suppliers Development Programme; i.e. www.sdpscotland.co.uk	40 %	32
6 Advanced Procurement for Universities and Colleges	44 %	35
Total	80	

4.2 Respondents were asked to indicate **how aware they were of the following**:

- EU legislation which identifies how public authorities should contract for external services
- The Scottish Government's Best Practice Indicators for Public Procurement in Scotland
- Community Benefit Clauses in procurement

4.3 The results are shown in the table overleaf. As can be seen, nearly all respondents were aware of **EU legislation** (all except one were fully or quite

aware), although a higher proportion saying they were fully aware might have been expected. An additional question (2b) identified that 81% (69) always or often referred to EU legislation when procuring public services. Seven respondents only 'sometimes' referred to the legislation, with four referring to the legislation 'not often'.

4.4 There was also a good awareness of **Scottish Government Best Practice Indicators**, with only around one in six not very aware or not at all aware.

4.5 In terms of **community benefit clauses**, however, nearly half were not very aware or not at all aware. Respondents from small and from rural local authorities were least aware.<sup>2</sup>

Q: How aware are you of:

	EU Legislation	SG Best Practice Indicators	Community benefit clauses
	% (N)	% (N)	% (N)
Fully aware	69 (55)	43 (34)	20 (16)
Quite aware	30 (24)	40 (32)	36 (29)
Not very aware	1 (1)	15 (12)	30 (24)
Not at all aware	0	3 (2)	14 (11)
<i>Total</i>	<i>(80)</i>	<i>(80)</i>	<i>(80)</i>

### Attitudinal statements

4.6 Respondents were asked how far they agreed with the following statements:

- My authority provides a value-for-money procurement service that delivers financial savings.
- My authority provides quality contracts which deliver quality products and services.

4.7 Responses are summarised in the table below. Respondents generally agreed that their authorities provide a value-for-money procurement service delivering financial services; and that their authorities were delivering quality contracts which deliver quality products and services. However, the level of strong agreement is perhaps not as high as might be expected.

<sup>2</sup> For small authorities, slightly less than half were not very aware, and none full aware; for rural authorities, slightly less than half of respondents were not very aware; numbers are small so it would be unwise to draw firm conclusions from this.

	<b>My authority provides a value-for-money procurement service that delivers financial savings.</b>	<b>My authority provides quality contracts which deliver quality products and services</b>
	<i>% (N)</i>	<i>% (N)</i>
Strongly agree	20 (16)	15 (12)
Agree	52 (42)	63 (50)
Neither agree nor disagree	24 (19)	20 (16)
Disagree	4 (3)	3 (2)
Strongly disagree	0	0
<i>Total</i>	<i>(80)</i>	<i>(80)</i>

4.8 Respondents were asked about the clarity of four aspects of procurement and commissioning procedure:

- The process for evaluating tenders
- The process of awarding the contract
- How the contract fits with the strategic outcomes in your Community Plan / Single Outcome Agreement
- That the duration of the contract fits with the timescales of your Community Plan / Single Outcome Agreement (SOA)

4.9 Processes for **evaluating tenders** and **awarding contracts** were both relatively clear: of all respondents to these two questions, only two felt that the process of evaluating tenders was ‘not very clear’.

4.10 However, when respondents were asked whether they were clear about **how contracts fitted with strategic outcomes** in the authority community plan or SOA, responses were less positive. One in three respondents felt that this wasn’t very clear. A higher proportion – approaching half of respondents – felt that there was a lack of clarity in how **contract timescales matched community plan / SOA timescales**.

	<b>The process for evaluating tenders</b>	<b>The process of awarding the contract</b>	<b>How the contract fits with strategic outcomes in your Community Plan / SOA</b>	<b>That the duration of the contract fits with timescales of your Community Plan / SOA</b>
	<i>% (N)</i>	<i>% (N)</i>	<i>% (N)</i>	<i>% (N)</i>
Very clear	73 (58)	71 (56)	34 (27)	20 (16)
Quite clear	24 (19)	29 (23)	34 (27)	36 (29)
Not very clear	3 (2)	0	31 (25)	39 (31)
Very unclear	0	0	1 (1)	5 (4)
<i>Total</i>	<i>(79)</i>	<i>(79)</i>	<i>(80)</i>	<i>(80)</i>

4.11 Interestingly, a higher proportion of respondents from more rural authorities felt that lack of clarity was a problem with contracts fitting strategic outcomes in the community plan/SOA, but at the same time, rural respondents were also more likely to say that the fit with the SOA was ‘very clear’. This may

suggest that rural authorities are both 'leading' and 'trailing' the field, in terms of SOA/contracts matching.

## 5 LOCAL AUTHORITY PROCUREMENT PRACTICE

- 5.1 Respondents were asked whether their authority **contracted opportunities to particular approved suppliers**. There was a reasonably even split between respondents who worked in authorities that did and that did not. There is perhaps something that could be followed up to explore which kinds of suppliers are approved, and the extent to which this affects the third sector.

*Q: Does your authority target service contract opportunities to particular approved suppliers? For example, via an approved/preferred providers list?*

	% (N)
Yes	45 (36)
No	51 (41)
Not sure	4 (3)
<i>Total</i>	<i>(80)</i>

- 5.2 Respondents were asked whether their authority had a **designated community benefits champion** in any area of procurement. Only seven respondents said that they did. Nearly half of respondents (36) said there was no such champion. No respondent from a small or from a rural authority said that they had a champion. There was some uncertainty from respondents generally about this question, with more than half unsure, so it may be that some community benefits champions have a lower profile with commissioning/procurement staff than might be desired.
- 5.3 Respondents were also asked whether their authority used the **Supplier Development Programme database**. We have seen previously (Section 2) that awareness of the database was low, and in response to this question, just over one in ten respondents said their authorities used it. There was a considerable degree of uncertainty about this, with more than half (45 respondents) being unsure.
- 5.4 Respondents were asked whether, in service planning for contracts their authority took account of **potential duplication with similar services provided by other parties**. Around seven in ten indicated that this was a fairly regular occurrence, with the remainder largely saying it happened on occasions. A similar response pattern was found when we asked whether, in service planning, authorities **took account of changing community and individual needs**.

Q: In service planning for contracts, does your authority take account of:

	Potential duplication with similar services provided by other parties?	Changing community and individual needs?
	% (N)	% (N)
Always	36 (29)	38 (30)
Often	36 (29)	34 (27)
Sometimes	24 (19)	25 (20)
Not often	3 (2)	4 (3)
Never	1 (1)	0
<i>Total</i>	<i>(80)</i>	<i>(80)</i>

- 5.5 The survey included questions on whether authorities' decisions on procurement were subject to particular forms of scrutiny. Nearly all respondents (95%; 75) said that decisions were subject to **standing orders** (or equivalent). Slightly fewer, but still a large majority said that **political or other organisation panel agreement** had a role. A similar proportion said that decisions were subject to **regular public reporting arrangements** when required, although 17% (13) were unsure. Seven in ten said that decisions were subject to **a rolling programme of review**.
- 5.6 Respondents were asked whether a **range of strategies, in their view, actively informed decisions on the commissioning and procurement of services**. The strategies set out in the questionnaire were as follows, with third sector-relevant strategies in red italic. NB the percentage figures given here refer specifically to those that said they did have such a strategy, rather than to all respondents:
- Financial and/or Procurement Strategy (82%; 64)
  - Single Outcome Agreement (SOA) (53%; 40)
  - Community Plan (with service outcomes) (62%; 38)
  - Joint Service Delivery Plan (42%; 28)
  - Community / Service Consultation Strategy (39%; 23)
  - Community Engagement Strategy (23%; 14)
  - Compact Agreement (with the Third Sector) (25%, 13)
  - Neighbourhood Plan (22%; 13)
  - Social Enterprise Strategy (18%; 10)
  - Third Sector Development Strategy / Vision (12%; 6)
- 5.7 Not surprisingly, the **financial or procurement strategy** had most influence, named by more than eight in ten of respondents. However, those strategies most relevant to the third sector were mentioned least: only ten respondents mentioned their **social enterprise strategy** as positively influencing decisions, and just six mentioned their **third sector strategy**.
- 5.8 This was arguably a difficult question for some staff to answer, and indeed there did seem to be some uncertainty in responses. Between one third and one half of respondents were unsure whether these strategies affected decisions. This was particularly the case for social enterprise strategy, community engagement strategy, neighbourhood plan and third sector

strategy. Further, more than one in five were unsure as to whether their authority had third sector/social enterprise strategies in place or not.

- 5.9 The fact that only 40 respondents (half of all respondents) mentioned the SOA as a definite influencer of procurement decisions may perhaps be surprising. However, when asked a similar question, a higher number - 50 - said that **contracts were being directed to deliver the priority needs identified in the SOA**. Note, however, that more than one quarter were unsure.

	<b>Overall, would you say that external contracts are directed to deliver the critical and priority needs of your authority's Single Outcome Agreement /Service Plan priorities?</b>
	% (N)
Yes	62 (50)
No	10 (8)
Not Sure	28 (22)
<i>Total</i>	<i>(80)</i>

- 5.10 For nearly half of respondents, contracted providers were not **subject to the same performance and reporting framework as their local authority**. More than a quarter, however, were unsure of this.

	<b>Are contracted providers subject to the same performance and reporting framework as your local authority?</b>
	% (N)
Yes	24 (19)
No	49 (39)
Not Sure	28 (22)
<i>Total</i>	<i>(80)</i>

## 6 DAY-TO-DAY TEAM PRACTICE

6.1 Respondents were asked to identify team practice in considering quality and value for money aspects of their work, as follows:

6.2 Does your team:

- Demonstrate transparency of practice in assessing contracts?
- Pay due regard to potential challenge?
- Pro-actively make debriefing opportunities available for unsuccessful bidders?
- Actively liaise with other bodies, e.g. other councils, NHS boards, to assure continuity of quality and costs?
- Consider the relevant additional value that voluntary / charitable / social enterprises bring to tender proposals - particularly in regard to public benefit?

6.3 Responses, summarised in the table below, suggest that transparency of practice, paying due regard to potential challenge, and making debriefing available are standard procedure for respondents, although debriefing opportunities in particular are perhaps not as day-to-day for all as might be expected.

6.4 The findings on liaison with other bodies on cost suggest that this may not be an automatic part of procurement practice. There may be good reasons for this, however, and it would be interesting to explore further. And while it is positive to note that half of respondents always or often considered the additional value the third sector brings, one in five did so not often or, in a few cases, never. Again, it would be useful to 'get behind' these figures to explore procurement officers' thoughts about this in more depth.

*Q: In considering quality and value for money aspects of contracting, does your team:*

	<b>Demonstrate transparency of practice in assessing contracts?</b>	<b>Pay due regard to potential challenge</b>	<b>Pro-actively make debriefing opportunities available for unsuccessful bidders?</b>	<b>Actively liaise with other bodies, e.g. other councils, NHS boards, to assure continuity of quality/costs?</b>	<b>Consider the relevant additional value that vol / charitable / SEs bring to tender proposals</b>
	% (N)	% (N)	% (N)	% (N)	% (N)
Always	81 (64)	82 (65)	72 (57)	25 (20)	19 (15)
Often	18 (14)	17 (13)	14 (11)	35 (28)	31 (25)
Sometimes	1 (1)	1 (1)	11 (9)	35 (28)	30 (24)
Not often	0	0	1 (1)	5 (4)	15 (12)
Never	0	0	1 (1)	0	5 (4)
N responses	(79)	(79)	(79)	(80)	(80)

## 7 TRAINING

7.1 Two questions on training were asked, one on general procurement training, and another on specific training on the third sector's role. Slightly more than half said that they did receive a training package on procurement, although that might be seen to be rather low, considering the complexities of the procurement job. Around one in four respondents received specific training on the third sector, which is perhaps higher than expected, although this may of course be restricted to a small number of authorities. For both areas, urban respondents were more likely to have received training than rural respondents.

Q: Does your local authority provide:

	<b>A training package to help you improve your knowledge and skills on commissioning procurement?</b>	<b>Training on the role of third sector organisations in delivering public services?</b>
	% (N)	% (N)
Yes	56 (45)	23 (18)
No	34 (27)	53 (42)
Not sure	10 (8)	25 (20)
Total	(80)	(80)

## 8 THE THIRD SECTOR

- 8.1 The survey included a range of questions about the third sector, some of which have been discussed earlier. This section offers an opportunity to explore third sector issues further.
- 8.2 Respondents were asked how they would describe their authority's relationship with the local third sector, specifically in regards to procurement / commissioning of services. The response suggests a largely positive relationship, with more than half saying 'good' or 'very good' but perhaps one with room for improvement. There was not much difference between more urban and more rural respondents here, although it did appear that respondents from smaller authorities were more likely to answer 'Poor' (NB numbers from small authorities are however small).

21. 4a. How would you describe your authority's relationship with the local third sector, specifically in regards to procurement / commissioning of services?



Alternatives	Percent	Number
1 Very good	8 %	6
2 Good	44 %	35
3 Adequate	24 %	19
4 Poor	15 %	12
5 Very Poor	1 %	1
6 Not sure	9 %	7
Total	80	

- 8.3 The questionnaire went on to ask whether respondents' authorities **engaged with the third sector in the design of services**. Slightly more than half (55%; 44) reported that their authority did engage with the sector, but nearly one in three (30%; 24) were unsure. Respondents from medium-sized authorities were least likely to respond positively (only four in ten did so)
- 8.4 Respondents were asked whether they considered that **EU State Aid rules have any application to third sector bids for service contracts**. Nearly six in ten were not sure, with three in ten responding that State Aid rules did

apply and one in ten that they did not. Respondents from more urban and larger authorities were more likely to agree that State Aid rules did apply. A follow up question asked whether **further guidance** would be helpful and three quarters said it would. Only four respondents said it would not be helpful, with fifteen not sure.

- 8.5 A free-text question asked respondents to consider what specific aspects of State Aid they would like guidance on. Responses were largely generic, indicating perhaps that this is an area that respondents have not considered in any depth, although some specific suggestions were made. All responses to this question are provided in *Annex 1* at the end of this report.
- 8.6 Respondents were also asked whether their authority **maximised opportunities for third sector organisations to compete for public contracts**. Although there was limited disagreement with this, there is obviously room for more to be done. There was not much difference between more rural and more urban authority respondents here, but those from smaller authorities were less likely to agree.

	<b>My authority maximises opportunities for third sector organisations to compete for public contracts.</b>
	% (N)
Strongly agree	15 (12)
Agree	26 (21)
Neither agree nor disagree	48 (38)
Disagree	11 (9)
Strongly disagree	0
<i>Total</i>	<i>(80)</i>

- 8.7 Answers to a further question echoed this sense that more could be done to support the sector. A majority (62%; 50) agreed that **commissioning and procurement could be improved so that the third sector could compete on a more equal basis**, with few disagreeing (11%; 9). There was a sizeable minority who were unsure, however (26%; 21). Respondents from smaller authorities were more likely to agree; there was little difference between responses from more urban and more rural authorities.
- 8.8 Those who had agreed that more could be done were asked to say how this might be achieved. One message that came back clearly from respondents was that the third sector needed additional support in engaging in procurement exercises. Around half of all comments included some reference to this. The kinds of help identified by respondents tended to focus on **additional training**, with some fairly straightforward suggestions – e.g. on PQQ and tender writing – as set out in this response:

*Often third sector bodies are let down by a lack of expertise in quite simply completing a good tender document.*

- 8.9 Others argued that **broader assistance** with the procurement process was needed, focusing on ‘tendering, negotiations, specification development,

partnership approach to contracting aiming at jointly achieving desired outcomes (i.e. including how to jointly work to meet service users need) via excellent performance in returns for realistic rewards’.

8.10 **Communication between authorities and the third sector** was another issue mentioned. One respondent suggested ‘better feedback from councils to third sector organisations, identifying areas for improvement and finding ways to address them’. Others felt that there needed to be a ‘better understanding amongst the third sector more generally about why we do what we do’. Still others suggested information sessions ‘to all third sector providers so that they can understand the reasons procurement has changed in LAs’.

8.11 There were a number of comments suggesting that the third sector had not fully grasped the need to ‘raise its game’ or ‘become more commercially aware’ in a competitive market. As one respondent put it,

*The third sector/voluntary orgs should accept the need to enhance their skill set to enable the best value models and to deliver best value tender submissions.*

8.12 However, a number of responses also considered how procurement itself could be improved. This included **more guidance and training for procurement staff**, starting with the basics:

*Firstly we need to understand more clearly what the third sector is.*

8.13 A number of respondents wanted training to advise them on what could be done without compromising EU directives:

*We need to make our tender process less daunting for small businesses while at the same time complying with EU rules.*

8.14 There were also comments that suggested a culture change within procurement itself was needed, particularly around apparent restrictions to practice which were seen to be preventing the sector from reaching its full potential. There were a number of interesting suggestions here, particularly around emphasising **the importance of service quality in tender assessment**, a selection of which have been included below:

*The third sector needs to be recognised as an equal partner in the delivery of services. Such relationships have to be fostered, EU procurement limits the ability to foster such partnerships.*

*By changing the ways in which tenders are evaluated - should be weighted more on what happens on a day to day basis not so much weight on how well the application was completed.*

*By developing a clear framework for measuring community benefit/social capital contributions*

*Focus should be on quality not on cost alone - needs a framework to assess this? For example what is the point of buying sticking plasters because they are cheaper than the ones you buy from the local chemist or supermarket, when the latter are better quality and the former you need to 2 or more to do the job. Surely the cost will increase? Environmental factors - Why would I commission a Client Handling Company from Slovenia whose fees look cheaper, when I can buy the same service in Scotland without incurring travel and overnight accommodation costs? Green Pound considerations.*

*In terms of maximising potential to "lever in " other funding sources in partnership with voluntary /third sector. However this would require more flexible use of "negotiated tender" approach and clear guidance on consequences for same in relation to anti-competitive practice concerns. Any such developments would need to reflect strategic priorities of LAs in delivering core objective within Single and Local Outcome agreements. Cost of services (in relation to both affordability and sustainability) -above inflation increases, full- cost recovery, withdrawal of voluntary income contributions from providers have had significant impact on capacity to purchase services. Fiscal constraints are a significant pressure and will continue to be so for next few years - may see contraction in purchasing.*

- 8.15 There is clearly a sense, from the above comments, that improvements could be made to procurement practice, particularly in terms of concentrating on quality and recognising the additional value that the sector brings. At the same time, staff clearly question whether the third sector is reaching its potential in terms of successfully bidding for contracts. There is a call for more support for the sector, which ties into a lot of the work Scottish Government is already taking forward.
- 8.16 There is also a question, however, about the extent to which some of the changes suggested here are feasible – the obvious example being making changes to or reinterpreting procurement law. This is obviously something for further discussion amongst policy makers and procurement staff.

## 9 HOW COULD GENERAL PROCUREMENT PRACTICE BE IMPROVED?

9.1 Respondents were asked what practical changes their authority could make to help staff improve their commissioning / procurement practice. They were also asked, at the end of the questionnaire, whether they had anything to add: a number did add a further comment, and as there was some cross-over between the two sets of answers, both are covered in the section below.

9.2 Some respondents identified that **improvements to procurement policy and practice were already underway**, for example:

*We have done a lot of work over the last year to improve our commissioning/procurement practice, and this work is continuing.*

*We are two years into a four year procurement strategy - hardest part is convincing departments to change their practices to comply with current legislation and to be aware of changes to the national agenda.*

9.3 It is clearly not the case that authorities are being passive – some, if not necessarily all, are taking active steps to develop procurement practice. However, respondents did identify a number of areas in which improvements might be made, and these are grouped thematically below.

9.4 One theme that came across clearly was the need for **additional training and guidance** for procurement staff in procurement issues, with the core point being that **consistency is key**. A number of respondents mentioned the need for more training ‘to all involved in procurement issues’, with a few stressing that senior officers also needed education ‘re the importance of compliant procurement’. In terms of consistency, a number of responses indicated that not all personnel in an authority were following the same procurement practice:

*Clearer guidance on processes and a consistent approach from each department within the council (at the moment we all do different things).*

*Have clear instructions and guidelines and have all personnel following the same practice.*

*Have a central contracts database, link contract numbers to p2p system, have a more joined up approach to procurement throughout the council, encourage departments to embrace the concepts of procurement...*

9.5 Unsurprisingly, perhaps, **people and resources** were another issue mentioned by some respondents, for example:

*[We need a] stronger contracts team - currently only one person within SW services - difficult to monitor ongoing work and be part of new development*

9.6 A further theme was developing better **structures and mechanisms** for supporting procurement. For example, developing a Commissioning Strategy for Care which 'gives emphasis to commissioning approach rather than pure procurement'; or setting up an e-Procurement and e-tendering system 'to give us better management information, where we do not have any at the moment'.

9.7 A number of comments referred to a need to **simplify and streamline** the procurement process, which would seem to have benefit for the third sector, although this is not explicitly spelt out. Here are two examples:

*Make the tendering process as simple as possible (i.e. to the scale and complexity of the requirement); advertise using the procurement portal (which we already); explain why we do what we do; meet the buyer events; communicate more readily.*

*1) Provide a simple framework and set of forms for completion that meet the needs of big contracts over a given sum of money. 2) Develop and include a quality assurance assessment - as cheapest does not necessarily mean best. 3) I accept that there are some items such as paper, furniture and other equipment and large items such as new buildings that may result in significant financial savings, but there needs to be an acknowledgement that more people based services need to be commissioned on an individual basis including the training that goes with it.*

9.8 A few comments mentioned the importance of **involving users, carers and service providers** in consultation and service design and procurement, for example:

*Better consultation with service users & providers, look at negotiation as alternative to tender at end of contracts.*

*Better initial consultation with provider organisations/service users and carers on tendering proposals= develop longer time scales for submission/evaluation of bids and contract awards*

**All comments from these questions are provided in full in Annex 1.**

## 10 CONCLUSIONS

- 10.1 This report has suggested a general awareness and some understanding of the third sector amongst the commissioning and procurement staff who responded to the survey. Relations with the sector, although they could be improved, were generally seen to be at least adequate and in many cases good. More than half of respondents indicated that their authority engaged with the sector in the development of services and there were some positive findings about how authorities maximised opportunities for the sector to compete for public contracts. Similarly, half of respondents considered the additional value that the sector offers in its tender proposals as part of day-to-day team practice.
- 10.2 Nevertheless, a majority of respondents felt that commissioning and procurement could be improved so that the sector could compete more equally: and a range of thoughtful comments were made on how this might be achieved, including better training for the sector and for procurement staff, better communication, and taking another look at procurement practice to ensure that service quality could be properly accounted for in the tendering process.
- 10.3 One surprising aspect of the survey findings, perhaps, is the level of uncertainty expressed on a number of questions. There was uncertainty about how strategies inform procurement decisions (and indeed whether particular strategies were actually in place), whether contracts were directed to deliver key priorities in the SOA and whether contract timescales fitted with SOA timescales.
- 10.4 A further surprise is the relatively high numbers of respondents who said that their authority did not often actively liaise with other bodies to ensure continuity of cost, and a minority that seemed unsure that their authorities were providing a value for money service, and delivering quality contracts.
- 10.5 Perhaps not surprising, but still worthy of comment, is the low awareness of community benefit clauses. Nearly half were not very aware or not at all aware of these. There would also appear to be a very low number of designated community benefits champion in any area of procurement might be a contributory factor in this.
- 10.6 The need for additional training emerged as a recurring theme through the survey responses, particularly in the 'free-text' sections of the questionnaire, both for third sector and for procurement staff.

10.7 Finally, questions arise as to why respondents were uncertain about particular aspects of procurement practice raised by the survey, what the actual picture is across the 32 local authorities (rather than what the perceptions of respondents are), and how the particular context of some respondents (in large or small, urban or rural or mixed authorities) affects how procurement officers feel about and are able to do their job. With these questions in mind, it is clear that this report is a starting point for further work, some of which should perhaps be analytical in character, rather than an end in itself.

## 11 ANNEX 1: FULL RESPONSES TO OPEN TEXT QUESTIONS

### 4e. If yes, what specific aspects of State Aid would you like guidance on?

The process

Guidance should be comprehensive to cover all aspects

Anything that is relevant as I have no knowledge.

General application of the guidance in a local authority environment

A variety of EU legislative issues

Duplication of funding for the same or similar requirements

The potential benefits and impact

More clarity on areas of judgement on contract extension, exemptions from competition requirements in the absence of case law.

MOST

Below threshold procedures. I have seen guidance but I think there should be more hard rules for below threshold.

Don't know anything about it so any information would be helpful

Further guidance on state aid and EU procurement regulations and how this relates to the services involved, including more detail as to definition of these services.

Whether specific forms of aid can be viewed as distorting competition.

In what circumstances it is possible to work in partnership with providers to deliver services rather than having to go to competitive tender; also guidance on the need to retender social care services would be helpful as retendering undermines partnerships, innovation in services and stability of services

What can and cannot be done.

Aspects of part B services, requirements of grants to 3rd sector and application of EU & national guidelines.

Specific considerations to be taken into account and a clear method of evaluating community benefit/social capital contributions when evaluating tenders.

As a small organisation the procurement rules seem cumbersome and a barrier to purchasing quality services. guidance on the lowest financial threshold would be helpful.

As most of the training purchased from providers is specialised and we have a statutory obligation to provide it, clarity of when and where exemptions for this would be helpful, as advertising to meet EU procurement rules is unhelpful. EU input would be rare and certainly the exception rather than the rule.

In my view procurement favours large organisations and disadvantages small and local providers. What assistance can small, local providers be given to enable them to compete on a level playing field' with large UK and EU providers?

All aspects

Clarity around need to re-tender services -degree of flexibility available in relation to social care commissioning. Not always desirable to look at re-tendering as best option, but it should be considered and ruled in or out as preferred option within service review process.

Cost incurred in tendering services and timescales attached -new services generally only getting established within 18-24 month initial period. Also guidance on TUPE implications of re-tendering- depending on reasons for doing so, staff skills may not be "fit for purpose" in reconfigured service.

Flexibility to act in best interests of service user but ensuring best value is achieved and service still strategically relevant for Council.

To clarify that open tendering takes out need to consider state aid rules and separately to clarify traditional grant making activity of councils vis-a-vis state aid and procurement law

Part B contracts. Clarification on any relaxation on EU regulations that can be applied, e.g. Numbers that fall within scope of publicising= lengths of contract= extent to which contracts are exposed to tender etc

All

How to encourage the third sector to apply for tender opportunities & to utilise and evaluate the additional benefits that the third sector can provide

The whole process

All aspects

#### **4h. How could commissioning/procurement be improved so that enterprising Third Sector bodies can compete on a more equal basis?**

More training for third sector particularly in completion of PQQ and Tender

Additional support could be given on how best to engage in procurement exercises. Often third sector bodies are let down by a lack of expertise in quite simply completing a good tender document.

Further guidance on evaluation models that enable this with out compromising the EU directives

The third sector needs to be recognised as an equal partner in the delivery of services. Such relationships have to be fostered, EU procurement limits the ability to foster such partnerships.

By offering more in the way of training so these organisations are more commercially aware of what is required in a competitive tender process.

You could also set up network events highlighting procurement exercises that are in coming up within Local Authorities to let private and third sector companies meet with the view to collaborate on these projects.

Include social benefit clauses within contracts to encourage large organisation to engage with the local third sector market place.

Ensure quality is key

More training should be made available to the Third Sector to enable better tendering documents being submitted

Local authorities should be forced to use things like publiccontractsscotland.

Change the EU Rules to allow us to ring fence funds for local Third Sector bodies.

We need to make our tender process less daunting for small businesses while at the same time complying with EU rules it could favour organisations which are not profit making

Effective Communication to identify areas for improvement and finding ways to address them via Educational and training

Guidance/advice on how to do business with the Council including information on the procurement process (supplier focused) i.e. tendering, negotiations, specification development, partnership approach to contracting aiming at jointly achieving desired outcomes (i.e. including how to jointly work to meet service users need) via excellent performance in returns for realistic rewards

More guidance and training both for the sector concerned and local authority officers involved in the related procurement process.

By changing the ways in which tenders are evaluated - should be weighted more on what happens on a day to day basis not so much weight on how well the application was completed.

There is a more fundamental question about whether or not tendering is the correct way to purchase, develop and grow vol org services. Firstly we need to understand more clearly what the third sector is= secondly there is a gulf between what Scottish Government is doing to raise expectations amongst the third sector. Thirdly the third

sector needs to raise its game, we do not operate a set-aside scheme and therefore the third sector will often be in competition with more commercially focussed organisations. Fourthly, a clear message on prioritisation is needed, procurement staff are currently caught up in a vast array of change the third sector initiatives are just one of these but how important is it? There needs to be a better understanding amongst the third sector more generally about why we do what we do (this links into the managing expectations bit)... there are others also.

Give consideration to size of contracts and advice on consortium bids.

Training in third sector to improve quality of tender submission

By developing a clear framework for measuring community benefit/social capital contributions

Ensuring that (in care services) quality is the predominant factor not price. Focus should be on quality not on cost alone - needs a framework to assess this? For example what is the point of buying sticking plasters because they are cheaper than the ones you buy from the local chemist or supermarket, when the latter are better quality and the former you need to 2 or more to do the job. Surely the cost will increase?

Environmental factors - Why would I commission a Client Handling Company from Slovenia whose fees look cheaper, when I can buy the same service in Scotland without incurring travel and overnight accommodation costs? Green Pound considerations.

The third sector/vol orgs should accept the need to enhance their skill set to enable the best value models and to deliver best value tender submissions

In terms of maximising potential to "lever in " other funding sources in partnership with voluntary /third sector. However this would require more flexible use of "negotiated tender" approach and clear guidance on consequences for same in relation to anti-competitive practice concerns. Any such developments would need to reflect strategic priorities of LAs in delivering core objective within Single and Local Outcome agreements.

Cost of services (in relation to both affordability and sustainability) -above inflation increases, full- cost recovery, withdrawal of voluntary income contributions from providers have had significant impact on capacity to purchase services. Fiscal constraints are a significant pressure and will continue to be so for next few years - may see contraction in purchasing.

More streamlined tendering process, access to training opportunities and ongoing support around commissioning and procurement for third sector bodies.

Smaller organisations need knowledge base and technical equipment to be able to compete

Discussing specifications for services

Encouraging third sector to collaborate with each other

I don't know - that 's what I would like to be given training or policy guidance on.

Provide training and information sessions to all third sector providers so that they can understand the reasons procurement has changed in LA's to set up local consortiums to enable sector to deal with current procurement complexities= changes in procurement regs.

**5a. What practical changes could your authority make to help you improve your commissioning / procurement practice?**

Additional training for lead officers

Be more proactive in identifying gaps in service and required needs.

Commissioning and Procurement practices are continually improving and evolving at present and are doing so through good collaborative working.

Have clear instructions and guidelines and have all personnel following the same practice.

Have all member fully qualified to MCIPS graduate diploma level and not any other non professional ways such as NVQ4 in procurement this has to be addressed in order not to devalue the profession

Define the relationship between social care services and the requirement to tender services. Provide better procurement information on purchasing services.

By having a more joined up service so all departments are communicating more effectively and information is more readily available to procurement staff.

Need to raise profile of how care services fit in with wider procurement strategies/policies/decisions

Develop a Commissioning Strategy for Care which gives emphasis to commissioning approach rather than pure procurement

An e-Procurement AND e-Tendering system should be adopted to give us better management information, where we do not have any at the moment.

Build mechanisms that provide greater ability to use social and third sector organisations for contracts

Stronger contracts team - currently only one person within SW services - difficult to monitor ongoing work and be part of new development

Move to a Category Management model, which we are doing as from 1st April 2009.

Give me more resources to allow me to prioritise this initiative.

More consistent approach across departments. More training / guidance for departments who carry out tender exercises.

More admin support

Effective Communication to identify areas for improvement and finding ways to address them.

To evaluate how procurement policies and procedures currently operate and to consider whether these require review in accordance with the authority's Procurement Strategy.

More training to be offered on commissioning / procurement practice.

Development of a strategy which looks specifically at procuring care services - more training for officers involved in the process

there has to be a full debate (nationally a) about what should be procurement practice for social care and there should be consideration given to whether or not tendering is the correct means to achieve open, transparent and best value services that are also sustainable and based on partnership working

Although our Procurement work fairly close with our Social Work colleagues, Social Work still always question the requirement to tender, despite procurement/legal fully advising on the Procurement Legislation. Other authorities that do not work closely with their procurement experts and use 'social care commissioners' tend to think that the legislation is not applicable to them. Scottish Government need to support the use of the procurement function for social care direct with the social care community - procurement know exactly what they should be doing but social care sometimes think that procurement do not have a place in social care commissioning.

Make the tendering process as simple as possible (i.e. to the scale and complexity of the requirement)= advertise using the procurement portal (which we already)= explain why we do what we do= meet the buyer events= communicate more readily.

Better consultation with service users & providers, look at negotiation as alternative to tender at end of contracts.

Education of senior officers re importance of compliant procurement.

Standardise processes and documentation and have a single point of contact.

Better initial consultation with provider organisations/service users and carers on tendering proposals= develop longer time scales for submission/evaluation of bids and contract awards

1) Provide a simple framework and set of forms for completion that meet the needs of big contracts over a given sum of money. 2) Develop and include a quality

assurance assessment - as cheapest does not necessarily mean best. 3)I accept that there are some items such as paper, furniture and other equipment and large items such as new buildings that may result in significant financial savings, but there needs to be an acknowledgement that more people based services need to be commissioned on an individual basis including the training that goes with it.

Clearer guidance on processes and a consistent approach from each department within the council (at the moment we all do different things).

Develop a long term plan and strategy.

More proactive involvement of providers at service planning and design stage

Development of locality purchasing procedures (currently in process of being developed) Improved systems for dialogue with third sector bodies in relation to communication of strategic objectives and considering "added value" elements which the third sector can bring to the development of service models.

We have done a lot of work over the last year to improve our commissioning/procurement practice, and this work is continuing.

We are already undergoing an improvement programme

clarify that any payment for goods/services should be viewed as a procurement leading to a contract and clarify how grants to voluntary orgs fit into this

Have greater recognition of the particular aspects of commissioning/procuring care services vis-a-vis products

1. Change standing order ceiling values fro bringing contracts within tendering frameworks= 2. Recognise that purchase of social care and continuity of service are quite different from purchasing/repurchasing goods. 3. Develop model contracts/service specs/letters of agreement 4. training

More training. Being part of a procurement team.

Provide training to all involved in procurement activities.

We are two years into a four year procurement strategy - hardest part is convincing departments to change their practices to comply with current legislation and to be aware of changes to the national agenda.

Set up training sessions/workshops to advise of our procurement approach

Modernisation of the whole process, currently not as up to date as it could be.

Have a central contracts database, link contract numbers to p2p system, have a more joined up approach to procurement throughout the council, encourage departments to embrace the concepts of procurement...

## 5b. Anything else?

Moving away from standing lists (see 2d) towards category management model.

Some of the issues raised are already being addressed as part of the Social Work Commissioning Strategy and implementation of the Council's Procurement Strategy.

Despite the comments above, I do think that Scotland Excel is the answer. Authorities need to get their own house in order between Procurement and Social Work before they try and have an organisation trying to get involved with the majority of Authorities and put contracts in place.

Third sector organisations urgently need to develop tendering/negotiation skills - they need to become more proactive in helping shape procurement agendas and move on from endless criticism of them.

Having worked in a small voluntary organisation, I understand the need for best value, recycling and setting clear business plans and outcomes. However, I also very strongly hold the view that large organisations have the big public profile and resources to undertake this work without detriment to front line services. Small organisations already work on slim margins and end up counting paperclips in an attempt to save money. Cutting costs from small organisations is likely to cause the loss of jobs or even worse closure of a much needed service, as they do not have the capacity to share overheads as large charities and Local Government do. This is rarely understood and unlikely to be a consideration of regulations of officers who are implementing procurement.

Challenge exists in complying with EU and other procurement legislation /policy directives re competition and also developing and maintaining "centres of excellence" in terms of good practice and outcomes for service users. Some budgets do not attract inflation which builds in service pressures from outset and creates medium to longer term problems. Providers are keen to have longer term contract but spending review cycle is x 3 years so Councils cannot confirm budget commitment beyond that period as budget may reduce. Also councils need to have right to review services in relation to changing strategic priorities and to realign resources to better meet identified / projected need and work with providers to adapt to those changes

This survey seems to be principally concerned with the third sector but I mainly procure IT hardware and software, so don't have much interaction with them.

I would like to emphasise the importance of quality over finance considerations, albeit these should be considered within a financial context

The role of contracting in respect of local regeneration needs to be explored further. EU regulations/directives mitigate against small to medium enterprises getting access to tender activity

The survey indicates that the 3rd sector should be assisted to operate in local markets in terms of understanding and managing the proc process. Also that

strategies should consider commissioning priorities in terms of using the 3rd sector to achieve community benefits

## 12 ANNEX 2: FULL QUESTIONNAIRE

### Service Commissioning & Procurement Survey

This survey asks a range of questions about your experience of commissioning arrangements within your local authority.

The survey should take around 15 minutes to complete and is anonymous - no one will be able to trace your answers back to you.

Your answer will be anonymous

Read about anonymity [here...](#)

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#### SECTION 1: ABOUT YOUR LOCAL AUTHORITY

**1) 1a. Please click on the group below which includes your authority. Grouping areas in this way will help us identify where small, medium or large authorities have particular issues.**

Aberdeen / Aberdeenshire / Dumfries & Galloway / Dundee / Edinburgh / Fife / Glasgow / Highland / NorthLanarkshire / Renfrewshire / SouthLanarkshire / WestLothian

Angus / Argyll & Bute / EastAyrshire / EastDunbartonshire / EastLothian / EastRenfrewshire / Falkirk / Inverclyde / NorthAyrshire / Perth & Kinross / Scottish Borders / SouthAyrshire / Stirling / WestDunbartonshire

Clackmannanshire / Eilean Siar / Midlothian / Moray / Orkney / Shetland

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**2) 1b. Please click on the group below which includes your authority. Grouping authorities in this way will enable us to consider whether more rural or urban authorities have particular issues:**

Aberdeenshire / Angus / Argyll & Bute / Dumfries & Galloway / EastAyrshire / Eilean Siar / Highland / Moray / Orkney / Perth & Kinross / Scottish Borders / Shetland / SouthAyrshire / Stirling

Aberdeen / Clackmannanshire / Dundee / EastDunbartonshire / EastLothian / EastRenfrewshire / Edinburgh / Fife / Falkirk / Glasgow / Inverclyde / Midlothian / NorthAyrshire / NorthLanarkshire / Renfrewshire / SouthLanarkshire / WestDunbartonshire / WestLothian

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**3) 1c. Please click on the procurement area below that best**

**fits the area you work in.**

- Technical/Environmental
  - Corporate and Educational
  - Care Services
  - Facility Management
  - Building works
  - Roads and community / environmental works
  - Other, please specify
- 

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**SECTION 2: EXPERIENCE, KNOWLEDGE AND UNDERSTANDING OF THE PROCUREMENT/COMMISSIONING OF SERVICES**

**4) 2a. Are you aware of EU legislation which identifies how public authorities should contract for external services?**

- Yes, fully
- Yes, to an extent
- Not at all

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**5) 2b. Are you aware of the Scottish Government's Best Practice Indicators for Public Procurement in Scotland?**

- Yes, fully
- Yes, to an extent
- Not at all

---

**6) 2c. When commissioning contracts, how often do you refer to the EU legislation for procuring public services?**

- Always
- Mostly
- Sometimes
- Not often
- Never

---

**7) 2d. How far would you agree with the following statements?**

Strongly Agree   Neither   Disagree   Strongl

agree                      agree  
nor                      y  
disagree                      disagree

My authority provides a value-for-money procurement service that delivers financial savings.

My authority provides quality advice and contracts which deliver quality products and services.

My authority procures services in a lawful and ethical manner which encourages participation and sustainable economic growth.



**8) 2e. Does your authority engage with the Third Sector in the design of services? ['Third Sector' is a term covering the voluntary sector and social enterprises.]**

- Yes, fully
- Yes, to an extent
- Not at all
- Not sure

**9) 2f. Are you aware of Community Benefit clauses in procurement?**

- Yes, fully
  - Yes, to an extent
  - Not at all
- 

**10) 2g. Please indicate whether you agree with the following statements.**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
My authority makes service contracts available on an open market basis so that Public and Third Sectors can compete equally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My authority maximises opportunities for Third Sector organisations to compete for public contracts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**11) 2h. Does your authority target service contract opportunities to particular approved suppliers? For example, via an approved/preferred providers list?**

- Yes
  - No
  - Not sure
- 

**12) 2i. Does your authority have a designated community benefits champion in any area of procurement?**

- Yes
  - No
  - Not sure
- 

**13) 2j. Does your authority use the Suppliers Development Programme database to identify potential SME or Third Sector suppliers?**

- Yes
  - No
  - Not sure
- 
- 

**14) 2k. Does your authority provide a training package to help you improve your knowledge / skills on commissioning / procurement?**

- Yes
  - No
  - Not sure
- 

**15) 2l. Does your authority offer training to procurement / commissioning staff on the role of Third Sector organisations in delivering public services?**

- Yes
  - No
  - Not sure
- 

**16) 2m. Have you heard of any of the following centres of expertise / information sources? Please tick all those you've heard of:**

- Procurement Scotland
  - Central Government Centre of Procurement Expertise
  - Scotland Excel
  - Public Contracts Scotland; i.e. the national advertising portal
  - Suppliers Development Programme; i.e. [www.sdpscotland.co.uk](http://www.sdpscotland.co.uk)
- 

**17) 2n. In considering quality and value for money aspects of contracting, does your team:**

	Yes	No	Not sure
Demonstrate transparency of practice in assessing contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pay due regard to potential challenge?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pro-actively make debriefing opportunities available for unsuccessful bidders?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Actively liaise with other bodies, e.g. other councils, NHS boards, to assure continuity of quality and costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consider the relevant additional value that voluntary / charitable / social enterprises bring to tender proposals - particularly in regard to public benefit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>




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### SECTION 3: DECISION MAKING

**18) 3a. Are you aware of any of the following policy documents / strategies in your authority that provide a framework for collaborative working with the third sector? Please tick all that apply:**


- Compact Agreement (with the Third Sector)
  - Social Enterprise Strategy
  - Financial and/or Procurement Strategy
  - Community Engagement Strategy Joint Service Development Plan
  - Neighbourhood Plan
  - Single Outcome Agreement (SOA)
  - Range of service (specific) development strategies, e.g. social service, cultural, economic.
  - Community Plan (with service outcomes)
  - Community / Service Consultation Strategy
  - Third Sector Development Strategy / Vision
- 

**19) 3b. Would you say that these strategies actively inform decisions on the commissioning and procurement of services?**

- Yes
  - Some but not all
  - No
  - Not sure
- 

**20) 3c. In your view, when awarding external contracts for your authority, are the following aspects clear:**

	Yes, fully	Yes, to an extent	Not at all	Not sure
The process for evaluating tenders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The process of awarding the contract	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How the contract fits with the strategic outcomes in your Community Plan / Single Outcome Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
That the duration of the contract fits with the timescales of your Community Plan / Single Outcome Agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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**21) 3d. Overall, would you say that external contracts are directed to deliver the critical and priority needs of your authority's Single Outcome Agreement /Service Plan priorities?**

- Yes
  - No
  - Not sure
- 

**22) 3e. Are contracted providers subject to the same performance and reporting framework as your local authority?**

- Yes
- No
- Not sure

---

**23) 3f. In service planning for contracts, does your authority take account of:**

	Yes, fully	Yes, to an extent	Not at all	Not sure
Potential duplication with similar services provided by other parties?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Changing community and individual needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**24) 3g. Are your authority's decisions on procurement/commissioning of services:**

	Always	Mostly	Sometimes	Not often	Never
Subject to Standing Orders (or equivalent) in regard to public decision-making?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Subject to political or other organisational panel agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Subject to regular public reporting arrangements when required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Part of a rolling programme of review?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>




---

**25) 4a. How would you describe your authority's relationship**

**procurement / commissioning of services?**

- Very good
  - Good
  - Adequate
  - Not very good
  - Poor
  - Not sure
- 

**26) 4b. Have you ever let a contract to:**

	Yes	No	Not sure
A voluntary or charitable organisation, or to a social enterprise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A consortium that included a voluntary or charitable organisation or social enterprise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**27) 4c. Do you consider that EU State aid rules have any application to third sector bids for service contracts?**

- Yes
  - No
  - Not sure
- 

**28) 4d. Would it be helpful to have further guidance from the Scottish Government on the application of State Aid and the procurement of services from the Third Sector?**

- Yes
  - No
  - Not sure
- 


**SECTION 5: YOUR SUGGESTIONS AND IDEAS**

**29) 5a. What practical changes could your authority make to help you improve your commissioning / procurement work?**

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**30) 5b. In your view, could your commissioning / procurement be improved so that enterprising Third Sector bodies can compete on a more equal basis?**

- Yes
  - No
  - Not sure
- 

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**This box is shown in preview only..**

**The following criteria must be fulfilled for this question to be shown:**

5b. In your view, could your commissioning / procurement be improved so that enterprising Third Sector bodies can compete on a more equal basis? - Yes

**31) How could procurement be improved so that enterprising Third Sector bodies can compete on a more equal basis??**

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