

## Minute of Meeting Scotland Excel Executive Sub-committee

Date	Time	Venue
Friday, 26 January 2024	09:30	Remotely by MS teams,

### Present

Councillor David Keating (Aberdeenshire Council); Councillor Brenda Durno (Angus Council); Councillor Kenny Macleod (Comhairle Nan Eilean Siar); Councillor Carlyne Wilson (Dumfries & Galloway Council); Councillor Ruairi Kelly (Glasgow City Council); Councillor Derek Loudon (Highland Council); Councillor Michael McPake (North Lanarkshire Council); Councillor John Shaw (Renfrewshire Council); and Councillor Walter Brogan (South Lanarkshire Council).

### Chair

Councillor Shaw, Convener, presided.

### In Attendance

J Welsh, Chief Executive, H Carr, Director of Strategic Procurement, S Brannagan, Director of Customer & Business Services, L Campbell, Customer Services Manager, D Pettigrew, Category Manager, L Cairns, Assistant Category Manager, C Robertson, Senior Procurement Specialist, L Muir, Strategic Programme Manager, E Walker, Procurement Co-ordinator, S Roberts, Project & Accounts Manager, M Robertson, Marketing & Communications Manager, M Mitchell, Chief Procurement Officer, N Hyde, Skills Resources Manager, S Christie, Commercial Programme Manager and K Forrest, Office Manager (all Scotland Excel); and L Mitchell, Managing Solicitor (Contracts & Conveyancing), A Burns, Corporate Finance Manager, D Blackburn, Principal Accountant, R Devine, Senior Committee Services Officer, J Barron, Committee Services Officer and T McGowan, Senior Accountancy Assistant (all Renfrewshire Council).

### Apologies

Councillor Altany Craik (Fife Council), Councillor Christina Larson (North Ayrshire Council), Councillor Dennis Leask (Shetland Islands Council) and Councillor Mandy Watt (Edinburgh City Council).

## **Declarations of Interest and Transparency Statements**

There were no declarations of interest or transparency statements intimated prior to the commencement of the meeting.

### **1 Minute**

There was submitted the Minute of the meeting of the Executive Sub-committee held on 8 December 2023.

**DECIDED:** That the Minute be approved.

### **2 Revenue Budget Monitoring**

There was submitted a joint revenue budget monitoring report by the Treasurer and the Chief Executive for the period 1 April to 8 December 2023.

The report advised that the projected outturn, as at 31 March 2024, was a £35,000 underspend position for Core activities and an increase of £196,000 in terms of Project Reserves. Appendices to the report provided an analysis of the actual spend to date along with projected net expenditure for 2023/24 and included a summary of movement in both the revenue and project reserves.

**DECIDED:** That the report be noted.

### **3(i) Contract for Approval: Security Services and Cash Collection**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a fourth-generation renewal framework for Security Services and Cash Collection for a period of 48 months. It was noted that subject to approval and completion of a standstill period, the framework would commence in February 2024.

The report intimated that the framework would provide a mechanism for councils to procure a range of security services including cash collections.

The report summarised the outcome of the procurement process which contained four lots, as detailed in Table 1 of the report. The framework had been advertised at £17.5 million per annum, totalling an estimated spend of £70 million over the four-year period of the framework. This advertised spend allowed for increased participation from councils and associate members not currently utilising the framework. Appendix 1 to the report detailed the participation, spend and savings summary for those participating in the framework.

Tender responses had been received from 21 suppliers and, based on the criteria and scoring methodology set out in the tender documents, a full evaluation of all compliant offers had been carried out with the confirmed overall scoring achieved by each supplier detailed in Appendix 2 to the report.

Members were advised that recommendations in the report had been made on the outcome of the evaluation on the basis of the submitted tenders. For two bidders, Confida FM Limited and Profile Security Services Limited, the award would be subject to further investigation with the Regulator in respect of corporate restructures which had come to the attention of Scotland Excel after preparation of the report. In the circumstances approval was sought for delegated authority to be granted to the Chief Executive of Scotland Excel to determine whether the clarification obtained was to Scotland Excel's satisfaction before awarding to the bidders concerned. This was agreed unanimously.

Based on the evaluation undertaken, and in line with the advertised criteria and weightings set out in the report, it was recommended that a multi-supplier framework arrangement be awarded to the remaining 17 suppliers, as outlined in Appendix 2 to the report.

The report detailed the approach taken by suppliers in relation to fair work practices and their position on the payment of the Real Living Wage together with the other benefits that would be achieved through the framework. The report intimated that, in accordance with Scotland Excel's established contract segmentation tool, the framework had been classified as class C.

**DECIDED:**

(a) That further investigation be undertaken with the Regulator in respect of corporate restructures at two of the bidders, Confida FM Limited and Profile Security Services Limited;

(b) That delegated authority be granted to the Chief Executive of Scotland Excel to determine whether the clarification subsequently obtained was to Scotland Excel's satisfaction before proceeding to award to the bidders concerned; and

(c) That the award of the framework agreement for Security Services and Cash Collection to the remaining 17 suppliers, as detailed in Appendix 2 to the report, be approved.

**3(ii) Contract for Approval: Grounds and Plant Equipment**

Under reference to item 2 of the Minute of the meeting of this Sub-committee held on 8 December 2023, there was submitted a report by the Chief Executive of Scotland Excel relative to the award of a third-generation renewal framework for Grounds and Plant Equipment, bringing together two existing second-generation frameworks, Grounds Maintenance Equipment and Light and Heavy Plant, for a period of 48 months. It was noted that subject to approval and completion of a standstill period, the framework would commence in February 2024.

The report intimated that the framework would provide councils and other participating bodies with a mechanism to procure a range of grounds maintenance equipment including but not limited to handheld equipment, ride-on equipment, towed equipment, tractors and pedestrian sweepers, excavators, pedestrian operated plant, ride on rollers, static plant, dumpers, pavers and mobile pothole fillers.

The report summarised the outcome of the procurement process which contained 11 lots, as detailed in Table 1 of the report. The framework had been advertised at £8 million per annum, totalling an estimated spend of £32 million over the four-year period of the framework. This advertised spend allowed for increased participation from councils and associate members not currently utilising the framework. Appendix 1 to the report detailed the participation, spend and savings summary for those participating in the framework.

Tender responses had been received from 39 suppliers. It was noted that two tenderers withdrew from the evaluation process, leaving 37 tender responses to be evaluated. Based on the criteria and scoring methodology set out in the tender documents, a full evaluation of all compliant offers had been carried out with the confirmed overall scoring achieved by each supplier detailed in Appendix 2 to the report.

Members were advised that Scotland Excel had become aware, following preparation of the report, that one bidder, MTS Nationwide Limited T/A Carryway, who had bid in respect of lot 4 only, had been placed into administration and that accordingly, that bidder was no longer eligible for award as it no longer complied with the advertised selection criteria. It was highlighted that the removal of the bidder had resulted in minor variances to the commercial score and total score for other bidders within lot 4, that there were no other changes to the recommendations for lot 4 and details of the updated scores and lot placings were highlighted within the revised table which would be circulated following this meeting.

Based on the evaluation undertaken, and in line with the advertised criteria and weightings set out in the report, it was recommended that a multi-supplier framework arrangement be awarded to 33 suppliers, as outlined in the amended Appendix 2 to the report.

The report detailed the approach taken by suppliers in relation to fair work practices and their position on the payment of the Real Living Wage together with the other benefits that would be achieved through the framework. The report intimated that, in accordance with Scotland Excel's established contract segmentation tool, the framework had been classified as class E.

**DECIDED:**

(a) That it be noted that one bidder for lot 4, MTS Nationwide Limited T/A Carryway, had been placed into administration and that the bidder was no longer eligible for award; and

(b) That the award of the framework agreement for Grounds and Plant Equipment to the remaining 32 suppliers, as detailed in the revised Appendix 2 of the report, be approved.

**4 Consultation Response to proposed Wellbeing and Sustainable Development (Scotland) Bill**

There was submitted a report by the Chief Executive of Scotland Excel relative to consultation being undertaken by the Scottish Government to help inform the scope of legislation for a proposed Wellbeing and Sustainable Development Bill.

The report indicated that the consultation covered a broad spectrum of considerations for public bodies, including how decisions taken would influence the wellbeing and sustainable development of those living in Scotland both currently and in the future. It was noted that with a £14.5 billion public procurement spend in 2020/21, any duties embedded by the proposed Bill would have relevance for improving outcomes for citizens, underpinning the National Performance Framework. A copy of the draft consultation response prepared on behalf of Scotland Excel and which had an emphasis on procurement was appended to the report.

Councillor Keating intimated that he had forwarded comments in respect of various elements of the proposed response prior to the meeting. The Convener intimated that these comments would be considered and incorporated, where appropriate, into the response to be submitted to the Scottish Government on behalf of Scotland Excel.

**DECIDED:** That the comments forwarded by Councillor Keatings be considered and incorporated, where appropriate, into the response to be submitted to the Scottish Government.

## **5 Request for Associate Membership: Paragon Housing Association Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that Paragon Housing Association Limited had submitted an application to become an associate member of Scotland Excel.

The report provided details of the organisation and the legislative position in relation to the application.

**DECIDED:** That the application by Paragon Housing Association Limited to become an associate member of Scotland Excel, with an annual membership fee of £2,240, be approved, subject to completion and signing of the agreement documentation.

## **6 Date of Next Meeting**

**DECIDED:** That it be noted that the next meeting of the Executive Sub-committee would be held remotely on MS teams at 9.30 am on 16 February 2024.