

## **Minute of Meeting Scotland Excel Executive Sub-committee**

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday, 19 August 2022	09:30	Remotely by MS Teams,

### **Present**

Councillor Brenda Durno (Angus Council); Councillor Mandy Watt (City of Edinburgh Council); Councillor Kenny Macleod (Comhairle Nan Eilean Siar); Councillor Carlyne Wilson (Dumfries & Galloway Council); Councillor Altany Craik (Fife Council); Councillor Christina Larsen (North Ayrshire Council); Councillor Gary Robinson (North Lanarkshire Council); Councillor John Shaw (Renfrewshire Council); Councillor Peter Henderson (South Ayrshire Council); and Councillor Walter Brogan (South Lanarkshire Council).

### **Chair**

Councillor Shaw, Convener, presided.

### **In Attendance**

J Welsh, Chief Executive, H Carr, Head of Strategic Procurement, S Brannagan, Head of Customer & Business Services, L Campbell, Corporate Services Manager, L Richard, Senior Procurement Manager, M Robertson, Marketing & Communications Manager, M MacRitchie, Business Service Assistant, E Benson, D Pettigrew, D Kerr and N Howie, all Procurement Co-ordinators, K Forrest, Office Manager and L Ftouni and F Lennie, both Modern Apprentices (all Scotland Excel); and C McCourt, Head of Finance & Business Services, L Mitchell, Managing Solicitor (Contracts & Conveyancing), K Festorazzi, Principal Accountant, and E Gray, Senior Committee Services Officer.

### **Apologies**

Councillor Dennis Leask (Shetland Islands Council) and Councillor Derek Loudon (Highland Council).

## **Declarations of Interest**

Councillor Shaw declared an interest in item 4(a) of the agenda for the reason that his partner was employed by Kibble. Councillor Shaw indicated that as he had declared an interest, he would leave the online meeting during any discussion and voting on the item.

### **1 Minute**

There was submitted the Minute of the meeting of the Executive Sub-committee held on 17 June 2022.

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

### **2 Chief Executive's Update Report**

There was submitted a report by the Chief Executive of Scotland Excel relative to the Chief Executive's update report considered at the meeting of the Scotland Excel Chief Executive Officers Management Group (CEOMG) held on 20 June 2022, covering the period from February 2022 to June 2022, a copy of which was appended to the report.

The report intimated that the CEOMG met quarterly and that as part of the regular governance process, the Chief Executive of Scotland Excel provided an update on the work of Scotland Excel. Following discussions with the Convener, it had been agreed that future reports, be shared with members of the Scotland Excel Executive Sub-committee, following CEOMG meetings.

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

### **3 Revenue Budget Monitoring Report to 22 July 2022**

There was submitted a joint revenue budget monitoring report by the Treasurer and the Chief Executive of Scotland Excel for the period 1 April to 22 July 2022.

The report intimated that at the end of period 4, Scotland Excel was projecting a £77,000 underspend position by year-end in its core activities and a £76,000 drawdown from project. It was noted that both core and projects budgets would be monitored closely in order to mitigate any projected overspends and, as a result, Scotland Excel was confident that it would deliver against its planned budget by year-end. Further detail was provided in section 3 of the report.

The appendices to the report provided an analysis of the actual spend to date along with projected net expenditure for 2022/23 and included a summary of movement in both the revenue reserve and the project reserves.

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

## **Declaration of Interest**

Councillor Shaw having previously declared an interest in the following item of business left the meeting and took no part in the discussion or voting thereon.

## Chair

Following Councillor Shaw's withdrawal from the meeting, Councillor Craik, Vice Convener, took the Chair.

### 4(a) **Contract for Approval: Children's Residential Care and Education, including Short Breaks, Services Flexible Framework Agreement**

There was submitted a report by the Chief Executive of Scotland Excel relative to the flexible framework for children's residential care and education, including short break, for a period of six years from 1 October 2022 to 30 September 2028, unless terminated earlier in accordance with its terms. It was noted that subject to approval and completion of a standstill period, the flexible framework agreement was intended to commence on 1 October 2022.

The flexible framework would enable councils to purchase placements for children and young people from a range of independent and voluntary providers.

The report advised that following the publication of the Independent Care Review's reports in February 2020, the Promise Team had been established to implement the Care Review's recommendations with the objective of keeping 'the Promise' to improve the care system as outlined in the reports. The Independent Care Review had highlighted that the period between April 2021 and March 2024 would be a 'bedding down' period where the necessary legislative reform would be underway. In order to ensure that the flexible framework remained fit for purpose the flexible framework had been designed to allow for any legislative or policy changes and to accommodate any updates or ways of working that would further support councils and providers to keep 'the Promise'.

The report summarised the outcome of the procurement process for the framework which had been divided into four service options, as detailed in table 1 of the report.

The report advised that the framework had been advertised at a total value of £951.6 million over its maximum lifetime of six years, which equated to £158.6 million per annum. It was noted that this spend could vary significantly depending on the nature, type and length of placements made under the framework. Appendix 1 to the report detailed the participation of councils.

Tender responses had been received from 41 suppliers and Appendix 2 to the report provided a summary of the offers received.

Based on the criteria and scoring methodology set out in the tender document, a full evaluation of the compliant offers had been carried out and Appendix 3 to the report confirmed the scoring achieved by each bidder for each service.

Based on the evaluation undertaken, and in line with the criteria and weightings set out in the report, it was recommended that 39 providers across the four service options be awarded to the flexible framework from its commencement, as outlined in Appendix 3 to the report.

Appendix 4 to 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.

The report intimated that, in accordance with Scotland Excel's established contract

and supplier management programme, the framework had been classified as class A in terms of risk and spend, as detailed in Appendix 5 to the report.

**DECIDED:**

(a) That the award of the flexible framework for multi-supplier framework for children's residential care and education, including short break, as detailed in Appendix 3 to the report, be approved;

(b) That authority be delegated to the Chief Executive of Scotland Excel, or Head of Strategic Procurement in the Chief Executive's absence, to approve recommendations following the evaluation of offers received during the lifetime of the flexible framework, or following the consideration of formal requests from existing providers for the addition of new services; and

(c) That it be noted that the Executive Sub-committee would be updated on the appointment of any new providers to the flexible framework on an annual basis via incorporation to the annual performance report.

**Chair**

Councillor Shaw re-joined the meeting and assumed the Chair.

**4(b) Contract for Approval: Outdoor Play and Sports Facilities Framework**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a renewal framework for outdoor play and sports facilities for the period 1 August 2022 to 31 July 2024, with the option to extend for up to two 12 months. It was noted that subject to approval and completion of a standstill period, the flexible framework agreement was intended to commence on or around 14 September 2022.

The framework would provide members with a mechanism to procure goods, services and works relating to outdoor plan area, including outdoor parks, gyms and learning areas, multi-use games areas, wheeled sports areas and artificial surfaces.

The report summarised the outcome of the procurement process for the framework which had been divided into 11 lots, as detailed in table 1 of the report. It was noted that lots 7, 8, 9 and 10 had been subdivided by 5 regions and that tenderers could opt to offer for one, some or all regions; that lot 11 had been split into four product groups and that tenderers could opt to offer for one, some or all product groupings; and that for lots 1, 2, 3, 4 and 6, councils would only be able to award contracts under the framework using mini-competitions.

The report advised that the framework had been advertised with an estimated spend of £60 million over the maximum four-year period and that all 32 councils would participate in the framework as detailed in Appendix 1 to the report. The report advised that Advanced Procurement for Universities and Colleges, the NHS and the Scottish Government had confirmed participation in the framework.

Tender responses had been received from 37 tenderers and Appendix 2 to the report provided a summary of the offers received.

Based on the criteria and scoring methodology set out in the tender document, a full evaluation of the compliant offers had been carried out and Appendix 3 to the report

confirmed the scoring achieved by each tenderer for each lot and regions and product groupings, where applicable.

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-contractor framework arrangement be awarded to 29 suppliers across the 11 lots, as outlined in Appendix 3 to the report.

Appendix 4 to 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.

The report intimated that, in accordance with Scotland Excel's established contract and supplier management programme, the framework had been classified as class C in terms of risk and spend, as detailed in Appendix 4 to the report.

**DECIDED:** That the award of the multi-contractor framework for outdoor play and sports facilities, as detailed in Appendix 3 to the report, be approved.

#### 4(c) **Contract for Approval: Supply and Delivery of Roadstone Materials**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a third-generation framework for the supply and delivery of roadstone materials for the period 1 October 2022 until 30 September 2026. It was noted that subject to approval and completion of a standstill period, the flexible framework agreement was intended to commence on 1 October 2022.

The framework covered a range of coated, uncoated and recycled roadstone as well as ready mixed concrete to support the requirements of councils' road departments.

The report summarised the outcome of the procurement process for the framework which had been divided into four lots, as detailed in table 1 of the report.

The report advised that the framework had been advertised with an estimated value of £80 million over the maximum four-year period and Appendix 1 to the report detailed the participation, spend and savings summary of those councils participating in the framework.

Tender responses had been received from 14 suppliers and Appendix 2 to the report provided a summary of the offers received.

Based on the criteria and scoring methodology set out in the tender document, a full evaluation of the compliant offers had been carried out and Appendix 3 to the report confirmed the scoring achieved by each bidder.

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 14 suppliers across the four lots, as outlined in Appendix 3 to the report.

Appendix 4 to 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.

The report intimated that, in accordance with Scotland Excel's established contract and supplier management programme, the framework had been classified as class D in terms of risk and spend, as detailed in Appendix 5 to the report.

**DECIDED:** That the award of the multi-supplier framework for the supply and delivery of roadstone materials, as detailed in Appendix 3 to the report, be approved.

4(d) **Contract for Approval: Salt for Winter Road Maintenance**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a fourth-generation framework for salt for winter road maintenance for the period 1 November 2022 until 31 October 2026. It was noted that subject to approval and completion of a standstill period, the flexible framework agreement was intended to commence on 1 November 2022.

The framework covered a full range of salt and de-icing equipment and accessories including bulk and bagged rock salt, marine salt and treated salt to allow councils to deliver various public services.

The report summarised the outcome of the procurement process for the framework which had been divided into seven lots, as detailed in table 1 of the report.

The report advised that the framework had been advertised with an estimated value of £70 million over the maximum four-year period and Appendix 1 to the report detailed the participation, spend and savings summary of all councils participating in the framework, together with Tayside Contracts and associate members.

Tender responses had been received from six suppliers and Appendix 2 to the report provided a summary of the offers received.

Based on the criteria and scoring methodology set out in the tender document, a full evaluation of the compliant offers had been carried out and Appendix 3 to the report confirmed the scoring achieved by each bidder.

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 six suppliers across the seven lots, as outlined in Appendix 3 to the report.

Appendix 4 to 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.

The report intimated that, in accordance with Scotland Excel's established contract and supplier management programme, the framework had been classified as class D in terms of risk and spend, as detailed in Appendix 5 to the report.

**DECIDED:** That the award of the multi-supplier framework for salt for winter road maintenance, as detailed in Appendix 3 to the report, be approved.

4(e) **Contract for Approval: Provision and Delivery of Washroom Solutions and Sanitary Products**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a framework for the provision and delivery of washroom solutions and sanitary products for the period 1 October 2022 until 30 September 2026. It was noted that subject to approval and completion of a standstill period, the flexible framework agreement was intended to commence on 1 October 2022.

The framework would provide councils and associate members with a mechanism to procure a range of products and services including sanitary waste disposal, nappy waste disposal sanitisers, air fresheners, sharps disposal, and medical waste disposal. It was noted that an 'on-loan' provision was included for certain equipment and that this was free to Scotland Excel members and also that there was a second lot for sanitary products to support the Scottish Government's commitment to promote dignity to women in educational establishments by providing free sanitary products.

The report summarised the outcome of the procurement process for the framework which had been divided into two lots, as detailed in table 1 of the report.

The report advised that the framework had been advertised at a total value of £6 million per annum, which equated to an estimated spend of £24 million over the maximum four-year terms of the framework and Appendix 1 to the report detailed the participation, spend and savings summary of all councils participating in the framework, together with Tayside Contracts.

Tender responses had been received from 11 tenderers and Appendix 2 to the report provided a summary of the offers received.

Based on the criteria and scoring methodology set out in the tender document, a full evaluation of the compliant offers had been carried out and Appendix 3 to the report confirmed the scoring achieved by each bidder.

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 11 suppliers across the two lots, as outlined in Appendix 3 to the report.

Appendix 4 to 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.

The report intimated that, in accordance with Scotland Excel's established contract and supplier management programme, the framework had been classified as class D in terms of risk and spend, as detailed in Appendix 5 to the report.

**DECIDED:** That the award of the multi-supplier framework for the provision and delivery of washroom solutions and sanitary products, as detailed in Appendix 3 to the report, be approved.

5(a) **Request for Associate Membership: Dovetail Enterprises (1993) Ltd**

There was submitted a report by the Chief Executive of Scotland Excel advising that Dovetail Enterprises (1993) Ltd 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 Dovetail Enterprises (1993) Ltd to become an associate member of Scotland Excel, with an annual membership fee of £500, be approved subject to completion and signing of the agreement documentation.

5(b) **Request for Associate Membership: Eden Court Highlands**

There was submitted a report by the Chief Executive of Scotland Excel advising that Eden Court Highlands 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 Eden Court Highlands to become an associate member of Scotland Excel, with no annual membership fee, be approved subject to completion and signing of the agreement documentation.

5(c) **Request for Associate Membership: Partick Housing Association Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that Partick 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 Partick Housing Association Limited to become an associate member of Scotland Excel, with an annual membership fee of £2,649, be approved subject to completion and signing of the agreement documentation.

6 **National Care Service (Scotland) Bill - Call for Views Response**

7 **Operating Plan Update 2022/23**

There was submitted a report by the Chief Executive of Scotland Excel providing an update on the activity undertaken during the first quarter of the operating plan 2022/23, covering the period from 1 April to 30 June 2022.

The report intimated that a new operating plan, covering the period from 1 April 2022 to 31 March 2023, had been approved at the meeting of the Scotland Excel Joint Committee held on 10 December 2021.

The report highlighted that 31 of the operating plan commitments were progressing in line with plans and were indicated as green; two commitments were progressing at a slower pace than anticipated and were indicated as amber; and one commitment was indicated as white as it had, as yet, not commenced.

It was noted that progress reports were produced quarterly to track Scotland Excel's activity against operating plan commitments and at the end of each quarter reports were submitted to the Executive Sub-committee with half-yearly and annual reports submitted to the Joint Committee.

**DECIDED:** That Scotland Excel's progress in delivering the commitments contained within the operating plan 2022/23 be noted.



8 **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 September 2022.