

Scotland Excel

To: Executive Sub-Committee

On: 22 April 2022

**Report by:
Chief Executive of Scotland Excel**

Request for Associate Membership of Scotland Excel by The Skills Development Scotland Company Ltd

1. Background

- 1.1 Scotland Excel operates an Associate programme to allow access to its frameworks and services to a wide range of other public service orientated bodies. Applications can be made for Associate Membership by organisations such as council arm's length organisations, community groups, charities, housing associations and voluntary organisations which are a public body or a body that engages in activities of a public nature.

Organisations apply to Scotland Excel for Associate Membership to allow them to access the frameworks for goods and services which are in place for our members. Associates do not have the opportunity to influence the future contract delivery schedule which is reserved for the full local authority members.

Associate membership supports the wider aims of Scotland Excel by increasing overall spend against frameworks, providing additional income and supporting the goals of promoting excellent public procurement across Scottish organisations.

2. Organisation Background

- 2.1 The Skills Development Scotland Company Ltd (SDS) is a private company limited by guarantee without share capital. The company is an Executive Non-Departmental Public Body. It is the national skills body supporting the people and businesses of Scotland to develop and apply their skills.
- 2.2 The Skills Development Scotland Company Ltd is an accredited real living wage employer.

3. Associate Membership Process

3.1 Before any application is submitted for approval, a number of validation checks on the organisation are carried out. These include a review of the Memorandum & Articles of Association, the financial position and the type of contracts that the organisation is likely to access. It is confirmed that satisfactory validation checks have been completed in relation to this application.

3.2 Scotland Excel monitors all requests from applicants to become associate members to ensure that any legal requirements are met. In this case, The Skills Development Scotland Company Ltd can be recommended for associate membership access in accordance with the Local Authorities (Goods and Services) Act 1970, section 1 (1B)(c) as a public authority or body. Namely, that it has functions that are public in nature or engages in activities of that nature so long as the purpose or effect of access to Scotland Excel's services is to facilitate its discharge of those functions or activities.

3.3 Fees are determined in a number of ways:

Arm's Length External Organisations (ALEOs) related to local authority members pay no fee as this is covered within requisition fees.

National Health Service (NHS) bodies, Colleges and Universities, and Non departmental bodies of the Scottish Government pay no fee under a reciprocal agreement that allows local authorities to utilise contracts created by the relevant procurement centres of expertise.

All other associate fees are calculated on a standard methodology agreed by committee, e.g., Housing Associations pay based on the number of houses within their portfolio.

4. Recommendations

4.1 It is recommended to committee that The Skills Development Scotland Company Ltd application to join Scotland Excel as an associate member be approved, with no annual fee as part of the reciprocal agreement and subject to the agreement document.