

## **Scotland Excel**

**To: Executive Sub-Committee**

**On: 16 September 2022**

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

### **Request for Associate Membership of Scotland Excel by David MacBrayne Limited**

#### **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 David MacBrayne Limited (DML) is a private limited company. David MacBrayne Limited is an executive non-departmental public body of the Scottish Government and is one of the largest logistics companies in Scotland. A ferry operator, harbour and ship management specialist, it is one of Scotland's biggest headquartered firms employing around 1500 people. DML through its main subsidiary companies CalMac Ferries Limited and Solent Gateway Limited transports more than five million passengers annually and operates 26 ports within the UK.
- 2.2 David MacBrayne Limited 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, David MacBrayne Limited can be recommended for associate membership access in accordance with the Local Authorities (Goods and Services) Act 1970 section 1 (1B)(c). 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:

Arms 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 David MacBrayne Limited 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.

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