

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

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday, 17 June 2022	11:45	Remotely by MS Teams,

### **Present**

Councillor Brenda Durno (Angus Council); Councillor Carolyn Wilson (Dumfries and Galloway Council); Councillor Altany Craik (Fife Council); Councillor Ruairi Kelly (Glasgow City Council); Councillor Christina Larsen (North Ayrshire Council); Councillor Gary Robinson (North Lanarkshire Council); Councillor John Shaw (Renfrewshire Council); Councillor Ryan Thomson (substitute for Councillor Dennis Leask) (Shetland Islands 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, M Robertson, Marketing & Communications Manager, L Richard, Strategic Procurement Manager, E MacLuskie and N Howie, both Procurement Coordinators, Z Shankley, Project & Account Manager, J McKenzie, Assistant Category Manager, G Maxwell, Procurement Coordinator, E Hay, Strategic Procurement Manager and K Forrest, Office Manager, (all Scotland Excel); and M Conaghan, Head of Corporate Governance (Clerk), C McCourt, Head of Finance & Business Services, K Campbell, Assistant Chief Internal Auditor, K Festorazzi, Principal Accountant, E Currie, Senior Committee Services Officer and K O'Neill, Assistant Democratic Services Officer (all Renfrewshire Council).

### **Apologies**

Councillor Kenny Macleod (Comhairle nan Eilean Siar) and Councillor Peter Henderson (South Ayrshire Council).

### **Declarations of Interest**

There were no declarations of interest 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 22 April 2022.

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

## 2 **Revenue Budget Monitoring Report**

There was submitted a joint revenue budget monitoring report by the Treasurer and the Chief Executive of Scotland Excel for the period 1 April 2021 to 31 March 2022.

The report intimated that Scotland Excel operated a core and project budget methodology and that core budgeting represented the primary activities of Scotland Excel which were traditionally wholly funded through member requisitions. In June 2018, the Joint Committee approved a funding model proposal whereby Scotland Excel would generate income through additional income streams being, consultancy services; new build housing; learning and development; rebates; and associate membership expansion. It was noted that financial reporting for these income streams was reported under project budget reporting and that project reserves were ring-fenced reserves for on-going project delivery.

The report advised that at the end of the financial year 2021/22, Scotland Excel recorded a small operating deficit of £1,000 in its core activities and Appendix 1 to the report provided the revenue budget monitoring statement for the period and included a summary of movement in the revenue reserves. The significant variations to budget were highlighted in section 4.3 of the report. Appendix 2 to the report provided a summary of the 2022/23 operating budget and section 5.2 of the report outlined the key assumptions used in developing these projections.

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

## **Sederunt**

Councillor Thomson joined the meeting prior to consideration of the following item of business.

## 3 **Internal Audit Annual Report 2021/22**

There was submitted a report by the Chief Auditor, Renfrewshire Council, relative to the Internal Audit annual report on Scotland Excel 2021/22.

The report intimated that the Public Sector Internal Audit Standards required that the Chief Auditor prepare an annual report on the internal audit activity's purpose, authority and responsibility as well as performance relative to its plan. The report must also provide an audit opinion on the overall adequacy and effectiveness of the internal control environment of the audited body.

The annual report for Scotland Excel formed the appendix to the report and outlined the role of internal audit, the performance of the internal audit team, the main findings from the internal audit work undertaken in 2021/22 and contained an audit assurance statement.

**DECIDED:** That the Internal Audit annual report 2021/22 be noted.

4(a) **Contract for Approval Repair and Maintenance of Catering Equipment**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a renewal framework for the repair and maintenance of catering equipment for the period 7 May 2022 until 30 April 2025, with the option to extend for one 12-month period until 30 April 2026. It was noted that subject to approval and completion of a standstill period, the framework was intended to commence on 1 July 2022.

The framework would provide councils and associate members with a mechanism to procure repair and maintenance services for commercial gas, electrical and refrigeration catering equipment.

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

The report advised that the framework had been advertised at a total value of £1.5 million per annum, which equated to an estimated spend of £6 million over the maximum four-year term of the framework and Appendix 1 to the report detailed the participation, spend and savings summary of those councils and associate members participating in the framework.

Tender responses had been received from 10 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 10 suppliers across the three lots, as outlined in Appendix 3 to the report.

It was noted that there was a minor name correction to one name shown in Appendices 2, 3 and 4, in that any reference to C & M Environment Limited should read C & M Environment Limited Limited.

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 repair and maintenance of catering equipment, as detailed in Appendix 3 to the report, noting the name change referred to above, be approved.

## **Declaration of Interest**

At this point in the meeting, Councillor Robinson declared an interest in item 4(b) for the reason that his company was a customer of one of the suppliers. Councillor Robinson indicated that as he had declared an interest, he would leave the online meeting during any discussion and voting on the item.

### **4(b) Contract for Approval - Supply, Delivery, Installation and Maintenance of Water Coolers and Associated Consumables**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of a second-generation renewal framework for the supply, delivery, installation and maintenance of water coolers and associated consumables for the period 7 July 2022 to 6 July 2025, with the option to extend for a period of up to 12 months until 6 July 2026.

The framework would provide stakeholders with a mechanism to purchase and rent a range of water coolers including free standing bottled water coolers and plumbed water coolers as well as associated maintenance and sanitisation services.

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

The report advised that the framework had been advertised at a total value of £1 million per annum, which equated to an estimated spend of £4 million over the maximum four-year term of the framework and Appendix 1 to the report detailed the participation, spend and savings summary of those councils and associate members participating in the framework.

Tender responses had been received from seven 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 three 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, deliver, installation and maintenance of water coolers and associated consumables, as detailed in Appendix 3 to the report, be approved.

#### 4(c) **Employability Services Flexible Dynamic Purchasing System**

There was submitted a report by the Chief Executive of Scotland Excel seeking approval for the establishment of a new Dynamic Purchasing System (DPS) for employability services, which the Chief Executive of Scotland Excel had elected to establish in terms of Contract Standing Order 28 and also for the Chief Executive of Scotland Excel to be granted the appropriate delegation to appoint new entrants to the DPS during its lifetime, as detailed in the report. It was noted that, subject to completion of the standstill period, the flexible DPS was intended to take effect on or around 1st July 2022.

The report intimated that employability services comprised a range of local and national provision that supported individuals to move closer to, enter, sustain and progress in employment and that these services were provided across all local authority areas in Scotland. The services were designed to be flexible and based on the needs of the end-user with the aim to help people to access the most relevant support on their journey towards work. Further, that this procurement exercise had been conducted by Scotland Excel on behalf of councils and had been funded and sponsored by the Scottish Government and the Improvement Service as part of the implementation of the No One Left Behind (NOLB) programme, which aimed to change the employability system in Scotland to make it more adaptable, responsive and person-centred.

The report advised that currently, employability services were delivered by local authorities alongside nationally provided services which were funded by the Scottish Government. In March 2022, funding moved from national to local governance via local authorities as lead accountable bodies. Local authorities would now manage the funding on behalf of the Local Employability Partnerships who would agree the investment priorities as part of a Local Delivery Plan.

The report noted that the flexible DPS had been divided into four service categories and the report detailed the procurement process for this DPS. It was noted that the request to participate document had been downloaded by 244 organisations with 151 responses received, as detailed in Appendix 1 to the report.

Based on the evaluation undertaken, and in line with the advertised requirements summarised in the report, it was recommended that a flexible DPS arrangement be established with 130 suppliers as detailed in Appendix 2 to the report. Appendix 3 to the report detailed the service categories and geographical sub-categories.

#### **DECIDED:**

(a) That the flexible DPS be established in accordance with the recommendations detailed in Appendix 2 to the report;

(b) That delegated authority be granted to the Chief Executive of Scotland Excel, or the Head of Procurement in the Chief Executive's absence, to approve the evaluation outcome of any new entrants that completed the qualification process for entry to the flexible DPS throughout its validity period in accordance with the published DPS conditions and in compliance with the applicable law; and

(c) That the Executive Sub-committee be updated on the status of admitted service providers on an annual basis as part of the annual procurement report.

5(a) **Request for Associate Membership: 2023 Cycling World Championships Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that 2023 Cycling World Championships 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 2023 Cycling World Championships Limited 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(b) **Request for Associate Membership: Scotrail Trains Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that Scotrail Trains 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 Scotrail Trains Limited to become an associate member of Scotland Excel, with an annual membership fee of £2,500, 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 19 August 2022.

## **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**

There was submitted a report by the Chief Executive of Scotland Excel seeking approval for Scotland Excel's proposed response to the Call for Views on the National Care Service (NCS) issued by the Scottish Government Health, Social Care and Sport Committee and other committees, a copy of which was appended to the report.

The report intimated that on 21 June 2022, the National Care Service (Scotland) Bill had been published allowing Scottish Ministers to transfer social care responsibility from local authorities to a new, national service. This could include adult and children's services, as well as areas such as justice social work and Scottish Ministers would also be able to transfer healthcare functions from the NHS to the NCS.

On 8 July 2022, a Call for Views on the National Care Services (Scotland) Bill had been published by Committees in the Scottish Parliament, of which three were likely to take evidence.

**DECIDED:** That the response, as appended to the report, be approved for submission to the Scottish Government.

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.





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

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday, 16 September 2022	09:30	Remotely by MS Teams,

### **Present**

Councillor Dominic Lonchay (Aberdeenshire Council); Councillor Brenda Durno (Angus Council); Councillor Kenny Macleod (Comhairle Nan Eilean Siar); Councillor Carlyne Wilson (Dumfries & Galloway Council); Councillor Altany Craik (Fife Council); Councillor Ruairi Kelly (Glasgow City Council); Councillor Derek Loudon (Highland Council); Councillor Christina Larsen (North Ayrshire Council); Councillor Gary Robinson (North Lanarkshire Council); Councillor John Shaw (Renfrewshire Council); Councillor Dennis Leask (Shetland Islands 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, L Campbell, Corporate Services Manager, L Richard, Senior Procurement Manager, A Toland, Senior Procurement Specialist, A McCluskie, Procurement Co-ordinator, S Nicolson, Project & Customer Account Manager, K Forrest, Office Manager, N French, Corporate Services Assistant, and L Mooney, Senior Communications Specialist (all Scotland Excel); and L Mitchell, Managing Solicitor (Contracts & Conveyancing) and E Gray, Senior Committee Services Officer (both Renfrewshire Council).

### **Apology**

Councillor Mandy Watt (City of Edinburgh Council).

## **Declarations of Interest**

Councillor Robinson declared an interest in item 3 of the agenda for the reason that he was previously employed by one of the bidding suppliers. Councillor Robertson 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 19 August 2022.

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

### **2 Chief Executive's Update Report to Chief Executive Officers Management Group (CEOMG) - August 2022**

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 17 August 2022.

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.

The report submitted to the CEOMG meeting held on 17 August 2022, which covered the period from June to August 2022, was appended to the report.

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

## **Declaration of Interest**

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

### **3 Contract for Approval: Social Care Agency Workers Flexible Framework Agreement**

There was submitted a report by the Chief Executive of Scotland Excel relative to the flexible framework for social care agency workers for a period of two years from 1 November 2022 until 31 October 2024, with an option to extend for up to two twelve-month periods.

The report advised that agency workers were individuals who were supplied by a recruitment agency to work for a third party, which in this case, was councils and associate members of Scotland Excel and that there was a need for temporary agency workers to supplement purchasers' workforces at times to cover gaps. The key objectives of the flexible framework were detailed in the report.

The flexible framework aimed to provide the scope to meet the diverse needs of purchasers by allowing the addition of new suppliers throughout the duration of the agreement, where required, which would support the continued delivery of best value and service coverage across Scotland.

The report summarised the outcome of the procurement process for the framework which had been divided into three lots, as detailed in table 1 of the report. As detailed in the tender documents, tenderers had been recommended for appointment to each lot of the flexible framework by reference to 17 geographical regional sub-lots, as detailed in table 2 of the report, with regional sub-lot five being split into two for mainland and islands as requested by Argyll and Bute Council.

The report advised that the value of the flexible framework was approximately £80 million over the maximum four-year period. It was noted that this spend could vary significantly depending on the requirement for agency staff. Appendix 1 to the report detailed the participation of councils and associate members.

Tender responses had been received from 36 suppliers across the three lots. Two tenderers had been rejected as non-compliant bids and one tenderer failed to submit a completed 'Schedule 7 – Financial Information' 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 34 suppliers across the three lots 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 C in terms of risk and spend, as detailed in Appendix 5 to the report.

### **DECIDED:**

(a) That the award of the flexible framework for social care agency workers, 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 on the periodic reopening of the flexible framework, or following the consideration of formal requests from existing suppliers 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 suppliers to the flexible framework on an annual basis via incorporation to the annual performance report.

## **Sederunt**

Councillor Robinson re-joined the meeting prior to consideration of the following item of business.

### **4(a) Request for Associate Membership: David MacBrayne Limited**

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

### **4(b) Request for Associate Membership: Ferguson Marine (Port Glasgow) Ltd**

There was submitted a report by the Chief Executive of Scotland Excel advising that Ferguson Marine (Port Glasgow) 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 Ferguson Marine (Port Glasgow) Ltd to become an associate member of Scotland Excel, with no annual membership fee, be approved subject to completion and signing of the agreement documentation.

### **4(c) Request for Associate Membership: Hebridean Housing Partnership Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that Hebridean Housing Partnership 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 Hebridean Housing Partnership Limited to become an associate member of Scotland Excel, with an annual membership fee of £3,450, be approved subject to completion and signing of the agreement documentation.

4(d) **Request for Associate Membership: Provanhall Housing Association Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that Provanhall 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 Provanhall Housing Association Limited to become an associate member of Scotland Excel, with an annual membership fee of £776, be approved subject to completion and signing of the agreement documentation.

4(e) **Request for Associate Membership: Southside Housing Association Limited**

There was submitted a report by the Chief Executive of Scotland Excel advising that Southside 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 Southside Housing Association Limited to become an associate member of Scotland Excel, with an annual membership fee of £3,210, be approved subject to completion and signing of the agreement documentation.

5 **Update on the Contract Delivery Plan**

There was submitted a report by the Chief Executive of Scotland Excel providing an update on the 2022/23 contract delivery plan.

The Convener proposed that this report be withdrawn and this was agreed unanimously.

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

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 21 October 2022.



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

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday, 21 October 2022	09:30	Remotely by MS Teams,

### **Present**

Councillor Alastair Forsyth (Aberdeenshire Council); Councillor Brenda Durno (Angus Council); Councillor Carolyne Wilson (Dumfries & Galloway Council); Councillor Altany Craik (Fife Council); Councillor Ruairi Kelly (Glasgow City Council); Councillor Derek Loudon (Highland Council); Councillor Christina Larsen (North Ayrshire Council); Councillor Gary Robinson (North Lanarkshire Council); Councillor John Shaw (Renfrewshire Council); Councillor Dennis Leask (Shetland Islands 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, S Brannagan, Head of Customer & Business Services, M Mitchell, Strategic Procurement Manager, M Robertson, Marketing & Communications Manager, G Sutherland, Assistant Category Manager, I Calder, Project & Account Manager, E Hay, Strategic Programme Manager, N French, Corporate Services Assistant, and C Mills, Graduate (all Scotland Excel); and C McCourt, Head of Finance & Business Services, L Mitchell, Managing Solicitor (Contracts & Conveyancing) and E Currie, Senior Committee Services Officer (all Renfrewshire Council).

### **Apologies**

Councillor Mandy Watt (City of Edinburgh Council) and Councillor Kenny Macleod (Comhairle Nan Eilean Siar).

### **Declarations of Interest**

There were no declarations of interest 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 16 September 2022.

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

## **Sederunt**

Councillor Brogan joined the meeting during consideration of the following item of business.

## 2 **Revenue Budget Monitoring**

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 16 September 2022.

The report intimated that at the end of period 6, Scotland Excel was projecting an overspend position of £16,000 by year-end in its core activities and a planned £33,000 increase in committed project reserves by year-end. It was noted that both core and projects budgets would be monitored closely over the remainder of the financial year, targeting a break-even position for core operations by March 2023. 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.

## 3(a) **Contract for Approval: Building Construction Consultancy**

There was submitted a report by the Chief Executive of Scotland Excel relative to the award of the first national framework for building construction consultancy services for a period of two years from the commencement date with an option to extend for up to a further 24-month period. It was noted that subject to approval and completion of a standstill period, the framework was intended to commence around 1 December 2022.

The framework would provide members with a mechanism to procure services relating to buildings and their surrounding grounds. The report advised that, following delivery of Scotland Excel's New Build Residential Construction (NBRC) framework in 2019, there had been growing demand to deliver a consultancy framework to support the NBRC framework. Scotland Excel operated frameworks for other building construction works such as demolition, asbestos removal and energy efficiency contractors which this framework would also support.

The report summarised the outcome of the procurement process for this national framework which had been divided into 14 lots, as detailed in table 1 of the report. All lots were sub-divided by eight regions, as detailed in table 2 of the report, and it was noted that suppliers could opt to offer for one, some or all regions.



The report advised that the framework had been advertised with an estimated spend of £100 million over the maximum four-year period and Appendix 1 to the report detailed the participation and spend summary of those participating in the framework.

Tender responses had been received from 137 suppliers and Appendix 2 to the report provided a summary of the offers received. Suppliers who were deemed non-compliant for all lots tendered for were advised that their offers would not be considered further. One supplier was non-compliant as they rejected the advertised terms and conditions, and one supplier was non-compliant as they failed to submit a required element of their commercial submission.

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 94 suppliers across the 14 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 B in terms of risk and spend, as detailed in Appendix 5 to the report.

**DECIDED:** That the award of the multi-supplier framework for building construction consultancy services, as detailed in Appendix 3 to the report, be approved.

## **Sederunt**

Councillors Durno and Henderson joined the meeting during consideration of the following item of business.

### **3(b) Contract for Approval: Supply and Delivery of Street Lighting Materials**

There was submitted a report by the Chief Executive of Scotland Excel relative to the fourth-generation framework for the supply and delivery of street lighting materials.

The Convener proposed that this report be withdrawn and this was agreed unanimously.

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

### **3(c) Flexible Framework for Social Care Agency Workers: Revised Report**

Under reference to item 3 of the Minute of the meeting of this Sub-committee held on 16 September 2022, there was submitted a report by the Chief Executive of Scotland Excel relative to the flexible framework for social care agency workers.

The report intimated that following approval of this flexible framework, an issue had been identified pertaining to one provider, SRS Partnership Limited, who had submitted offers for lot 1 (care roles) and lot 3 (ancillary roles). The report considered

at the meeting on 16 September 2022 should have detailed that the supplier's offer for lot 3 was non-compliant and would therefore not be recommended for award.

This update report advised that there were no changes to the recommended providers, however, the appendices containing information on those recommended for award required to be updated. The report further advised that in relation to Appendix 2, where the double asterisk was in place for SRS Partnership Limited, the note should state (recommended for part-award (lot 1) and is non-compliant (lot 3)) and that in relation to Appendix 3, where the double asterisk was in place for SRS Partnership Limited, the note should state (recommended for part-award (lot 1) and is non-compliant (lot 3)) and SRS should appear under lot 3 (same as for other non-compliant tenderers) with 'N/C' in the total column. Amended appendices 2 and 3 were appended to the report.

**DECIDED:** That the updated appendices 2 and 3, attached to the report, be approved.

3(d) **Contract for Approval: Outdoor Play and Sports Facilities Framework: Revised Report**

Under reference to item 4(b) of the Minute of the meeting of this Sub-committee held on 19 August 2022, there was submitted a report by the Chief Executive of Scotland Excel relative to the 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 1 December 2022.

The report intimated that following approval of this framework, a change was required to the recommendations for lot 6, as detailed in section 5 of the report.

The framework would provide members with a mechanism to procure goods, services and works relating to outdoor play areas, 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 30 suppliers across the 11 lots, as outlined in Appendix 3 to the report.

The report noted that, following the standstill period relative to the original recommendations, a concern had been raised regarding the value on which capacity of existing recommended bidders to undertake the anticipated work in lot 6 was based. Having reviewed matters on that basis, Scotland Excel determined that it was appropriate to revise its original recommendations for lot 6 to include an additional recommended bidder. The additional bidder was considered suitable for recommendation and ensured that there was sufficient choice and scope for members. This update was shown in Appendix 3 to the report for lot 6. All other recommendations detailed in the report approved on 19 August 2022 were unchanged.

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:**

(a) That the award of the multi-contractor framework for outdoor play and sports facilities, as detailed in Appendix 3 to the report, be approved; and

(b) That it be noted that this superseded the decision of the Executive Sub-committee of 19 August 2022.

**4 Request for Associate Membership: Glasgow Caledonian University**

There was submitted a report by the Chief Executive of Scotland Excel advising that Glasgow Caledonian University 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 Glasgow Caledonian University 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 Update on the Contract Delivery Plan**

There was submitted a report by the Chief Executive of Scotland Excel providing an update on the 2022/23 contract delivery plan.

The report intimated that the contract delivery plan detailed new framework developments and renewals, framework extensions and frameworks with ongoing contract management only and appendices 1 to 4 to the report provided further details.

The report highlighted that, at any given point, there were around 70 frameworks in the Scotland Excel portfolio. At present, three further frameworks were being developed to be added to the portfolio in the coming year and that 26 of these frameworks would

be completed before 30 June 2023. A further 23 of these frameworks had extension options that were available to be exercised in 2022/23, with 19 of these extensions already approved.

The estimated forecast value of the Scotland Excel framework portfolio would be approximately £2 billion. It was noted that overall, efficiencies created by frameworks awarded so far during 2022/23 were benchmarked at 2.09%, which was within the forecast range. The report noted that this figure did not include the additional cost management measures in place for each framework via the indexation model which provided data on how the framework pricing compared to market indices relevant to the commodity being sourced. This was provided to ensure that Scotland Excel was able to manage pricing in volatile markets to ensure a favourable position for members.

The report advised that in addition to the activity detailed in appendices 1 to 4, Scotland Excel was exploring the benefits of further collaborative procurement across high spend, critical service areas in the construction, corporate, ICT and social care teams. A consolidation of the existing markets was currently underway in order to create capacity to add new activities to the portfolio and support strategically significant areas of spend. This would mean that some existing frameworks within related markets were being considered for merger and some lower value frameworks would not be renewed.

A summary of spend and forecast savings per council for the period July 2021 and June 2022 was detailed in Appendix 5 to the report, with an average forecast efficiency of circa 1.44%.

**DECIDED:** That the progress made to date be noted.

## 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 18 November 2022.

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

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday, 18 November 2022	09:30	Remotely by MS Teams,

### **Present**

Councillor David Keating and Councillor Alastair Forsyth (Aberdeenshire Council); 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 Derek Loudon (Highland Council); Councillor Christina Larsen (North Ayrshire Council); Councillor Gary Robinson (North Lanarkshire Council); Councillor John Shaw (Renfrewshire Council); Councillor Dennis Leask (Shetland Islands 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 and Business Services, M Robertson, Marketing and Communications Manager, E Hay, Strategic Procurement Manager, L Campbell, Customer Services Manager, E Macluskie, Senior Procurement Specialist, S Christie, Commercial Programme Manager, P Barnes, Project and Account Manager, K Forrest, Office Manager, L Mooney, Senior Communications Specialist and C Kirkwood, Assistant Procurement Specialist (all Scotland Excel); M Ferris, A MacDonald and D Rigby (all Audit Scotland) and C McCourt, Head of Finance & Business Services, L Mitchell, Managing Solicitor (Contracts & Conveyancing), R Devine, Senior Committee Services Officer and K O'Neill, Assistant Democratic Services Officer (all Renfrewshire Council).

### **Apology**

Councillor Ruairi Kelly (Glasgow City Council).

## **Declarations of Interest**

There were no declarations of interest 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 21 October 2022.

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

### **2 Chief Executive's Update Report to Chief Executive Officers Management Group (CEOMG) - November 2022**

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 9 November 2022.

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.

The report submitted to the CEOMG meeting held on 9 November 2022, which covered the period from August to October 2022, was appended to the report.

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

### **3 Draft Revenue Estimates 2023/24**

There was submitted a report by the Treasurer and the Chief Executive of Scotland Excel relative to the revenue estimates of Scotland Excel including the requisition of the constituent authorities for the financial year 2023/24 along with indicative planning figures for 2024/25 and 2025/26.

The report provided information on the assumptions that the budget had been based on; income from projects; a financial overview for Scotland Excel; the Scotland Excel funding model and member authority requisitions for 2023/24.

Appendix 1 to the report detailed the revenue estimates of Scotland Excel for 2023/24 and Appendix 2 to the report detailed requisitions from constituent authorities in 2022/23 and 2023/24 and the savings achieved in 2021/22.

**DECIDED:**

(a) That the revenue estimates of Scotland Excel for the financial year 2023/24, as detailed in Appendix 1 to the report, be noted;

(b) That the requisitions from constituent authorities, as detailed in Appendix 2 to the report, be noted; and

(c) That the indicative estimates for 2024/25 and 2025/26 be noted.

## **Sederunt**

Councillor Larsen joined the meeting prior to consideration of the following item of business.

### **4 Annual Audit Report on the Annual Accounts 2021/22**

Under reference to item 9 of the Minute of the meeting of the Joint Committee held on 17 June 2022, there was submitted a report by the Treasurer relative to Audit Scotland's findings from the audit of Scotland Excel's financial statements for 2021/22.

The report intimated that The Local Authority Accounts (Scotland) Regulations 2014 required the audited accounts to be approved for signature no later than 30 September each year. For 2021/22, the Local Government Finance Circular 6/2022: Extension to Accounts Approval and Publication Dates for 2021/22 provided flexibility to this deadline, extending it to 30 November 2022. Section 10 of the Regulations required the relevant committee to consider any report made by the appointed auditor before deciding whether to sign the audited accounts.

Audit Scotland's annual audit report formed Appendix 1 to the report and included their opinion that the annual accounts were free from material misstatement and presented a true and fair view of Scotland Excel's financial position at 31 March 2022 as well as details of adjustments made to the accounts during the course of the audit.

A copy of the audited annual accounts 2021/22 was attached as Appendix 2 to the report.

Following approval, the audited accounts would be submitted to the Convener, Treasurer and Chief Executive of Scotland Excel for electronic signature.

### **DECIDED:**

(a) That the findings of the 2021/22 audit as contained in the external auditor's (Audit Scotland) annual audit report, which formed Appendix 1 to the report, be noted; and

(b) That the Scotland Excel 2021/22 audited annual accounts, which formed Appendix 2 to the report, be approved for electronic signature.

### **5 Contract for Approval: Supply and Delivery of First Aid Materials**

There was submitted a report by the Chief Executive of Scotland Excel relative to the flexible framework for supply and delivery of first aid materials for a period of three years from 9 January 2023 until 8 January 2026, with an option to extend for up to one 12 month period.

The report intimated that this framework would provide councils and other participating bodies with a mechanism to follow the Health and Safety (First-Aid) Regulations 1981 and to procure a range of first aid materials for the workplace and the community. The framework would include, but was not limited to, first aid kits, gloves, ice & heat packs, wipes & tissues, hand sanitiser & soap, dressings & plasters, and other associated products.

As detailed in Appendix 1, 32 councils had confirmed their intention to participate in this framework, with all councils included in the advertised contract notice. The framework was advertised at a total value of £1.5 million per annum, which equated to an estimated spend of £6 million over the maximum 4-year term of the framework. The tender document was downloaded by 31 organisations, with 8 tender responses received by the specified closing date and time. A summary of all offers received was provided in Appendix 2. Based on the criteria and scoring methodology set out in the tender document, a full evaluation of the compliant offers received was completed. Appendix 3 confirmed the scoring achieved by each bidder.

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 a multi-supplier framework arrangement to 3 suppliers across two lots, as outlined in Appendix 3 to the report, be approved.

## **6 Request for Associate Membership: Perth College UHI**

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

## **Sederunt**

Councillor Craik left the meeting during consideration of the following item of business.

## **7 Draft Corporate Strategy 2023/28**

There was submitted a report by the Chief Executive of Scotland Excel relative to the Draft Corporate Strategy 2023/28.

The report intimated that in June 2018, the Scotland Excel Joint Committee approved a five-year corporate strategy for the organisation. As this strategy period would end on 31 March 2023, Scotland Excel had worked on the development of a new corporate strategy which would be presented to the Joint Committee in December 2022.

The purpose of the report was to provide the Executive Sub-Committee with an opportunity to review the proposed corporate strategy in advance of its submission to the Joint Committee.

The report advised that Scotland Excel followed a robust strategic planning process to develop its corporate strategy and operating plans which were illustrated within the report. The future vision of the organisation was supported by a mission statement based on business capabilities with five corporate goals developed to reflect the key



priorities of local authorities: journey towards a net zero Scotland; drive for efficiency to support the financial sustainability of public services; community wellbeing with equal access to services, economic development, and fair work jobs across Scotland; development of resilient supply chains that maximise opportunities for Scottish businesses and the third sector and advancement of skills to deliver Scotland's economic transformation.

The report noted that annual operating plans would be developed to provide more detailed information on the actions and activities that Scotland Excel would undertake each year to deliver the strategy. The new corporate strategy builds on the progress made by Scotland Excel over the past five years and was developed in close consultation with local authority stakeholders and Scotland Excel staff. It responded to financial challenges facing local government and the wider public sector, while recognising other key social, economic and environment drivers that were important nationally and locally.

Progress on the strategic and operating reports would be produced quarterly to track Scotland Excel's performance. Half yearly and annual reports would be submitted to Joint Committee meetings in December and June, with reports for the interim quarters submitted to the Executive Sub-committee. A set of Key Performance Indicators (KPIs) which measured performance against the five corporate goals would be developed and would be reported against these indicators on an annual basis.

**DECIDED:** That the proposed Corporate Strategy 2023/28 be noted prior to submission to the Joint Committee in December 2022.

## 8 **Draft Operating Plan for April 2023 to March 2024**

There was submitted a report by the Chief Executive of Scotland Excel which provided the Executive Sub-committee with an opportunity to review the proposed operating plan for 2023/24 in advance of its submission to the Joint Committee in December 2022.

The report intimated that Scotland Excel would submit a new five-year strategy to the Joint Committee in December 2022 for approval. The strategy plan 2023-28 was supported by the Annual Operating Plan April 2023 to March 2024, which provided more detailed information on the actions and activities that Scotland Excel would undertake each year to deliver the strategy.

**DECIDED:** That the Draft Operating Plan for April 2023 to March 2024 be noted prior to submission to the Joint Committee in December 2022.

## 9 **Care Services Update**

There was submitted a report by the Chief Executive of Scotland Excel which provided an update on key developments undertaken by Scotland Excel's Social Care Team in terms of Care Services.

The report advised that the redesign process for National Care Home Contract (NCHC) was underway and involved the Scottish Government, Local Government, COSLA, Provider Representatives, Trade Unions, Care Inspectorate, Healthcare Improvement Scotland, Carers Groups, Independent Advocacy, Care Home Providers and Care Workers.

Negotiations had resumed for the placement costs for 2023/24 after having been delayed due to pressures and an agreement was reached to focus on what the financial solutions could be. The main themes of the redesign had been to ensure that residents focus remained at the centre of the contract, with a model built around sustainability and workforce development and inclusion of the possibility to explore whether the regulatory boundaries of the sector can adapt sufficiently. All new guidance and proposed legislation were being included to ensure that the contract continued to meet the changing demands of this sector.

The report advised that the framework for Care Homes for Adults with Learning Disabilities Including Autism was due to expire on 16 September 2023 and the development of the new framework had begun.

An update was also provided on the following categories: Residential Rehabilitation, Care and Support, Social Care Agency Workers, Children's Residential Care and Education and the £500 Special Recognition Payment Project.

In terms of the National Care Service (NCS) Bill Consultation the report advised that following publication of the National Care Service Bill for the delivery of social care, social work and community health in Scotland on 20 June 2022, a call for views was initiated under Stage 1 of the parliamentary process for consideration by the Health, Social Care and Sport Committee, supported by other committees.

Scotland Excel submitted a response to this consultation on 31 August 2022, a link to the response was provided. The response confirmed Scotland Excel's support for the overarching aspirations of the Bill and its commitment to continuing to work in partnership to support improvement, and highlighted concerns that the context of the current commissioning landscape and the contribution of good commissioning and improvement activity had not been fully recognised.

Scotland Excel had attended the first NCS Forum on 3 October 2022 and would participate in the Stakeholder Register where appropriate and had been invited to participate in the Adult Social Care Working Group on Ethical Commissioning on 16 November 2022. Early conversations had taken place with Scottish Government to consider unique and specialist workstreams which Scotland Excel were best placed to review. An invitation to attend the Health, Social Care and Sport Committee Meeting to be held on 29 November 2022 had been accepted and planning was underway to prepare for questioning by the committee.

**DECIDED:** That progress made to date be noted.

## 10 **Meetings of Scotland Excel Executive Sub-committee in 2023**

There was submitted a report by the Clerk relative to proposed dates for meetings of the Executive Sub-committee during 2023.

**DECIDED:**

(a) That, if required, meetings of the Executive Sub-committee be held on 27 January, 17 February, 17 March, 21 April, 19 May, 18 August, 15 September, 20 October, and 17 November 2023 and that where these meetings were being held remotely, they commence at 9.30 am and where they were being held within a venue, they commence at 10.45 am;

(b) That, if required, meetings of the Executive Sub-committee be held on 16 June and 8 December 2023, prior to meetings of the Joint Committee and that where these meetings were being held remotely, they commence at 9.30 am and where they were being held within a venue they commence at 9.45 am; and

(c) That it be agreed that the Sub-committee continue to meet remotely.

11 **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 9 December 2022.