

BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE

24 NOVEMBER 2022

PROCUREMENT STRATEGY 2021-2025 2022 UPDATE REPORT

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Summary

This report seeks to acknowledge the progress made against the 2021-2025 Procurement Strategy and to consider additional objectives to take forward into 2023.

1. Budget and policy framework

1.1. Procurement is a Cabinet function. The 2021-2025 Procurement Strategy was approved by Cabinet in December 2020.

2. Background

2.1 The Council's net revenue budget is c.£370m per annum. It is managed through various forms of procurement and undertaken centrally by the Category Management team. These procurements are approved by Cabinet or under officer delegation in accordance with the Council's Contract Procedure Rules, which in turn form part of the Council's Constitution.

2.2 The objectives within the Procurement Strategy come unabridged from the 'National Procurement Strategy' when Category Management conducted a performance related self-assessment and isolated all objectives that scored less than a three (mature) out of five, on the scoring matrix.

2.3 Upon inception, the Procurement Strategy sought agreement to take forward the objectives that scored less than three at the time to 'baseline' the team's approach and then to annually identify key areas for future development.

3. Analysis

- 3.1. Appendix 1 outlines the entire National Procurement Strategy list of objectives with commentary.
- 3.2. Within the adoption of this strategy, it was suggested that ‘the primary advantage of using a national framework to establish a procurement strategy is it facilitates a more diverse range of objectives whilst also including what Medway would most likely have considered in isolation, so in turn can create more positive change.’
- 3.3. As that holds true, the proposal is to carry forward objectives that have not met the baseline score of three for the following calendar year and to also focus on developing objectives under the heading of ‘Contract and Relationship Management’.
- 3.4. Contract and Relationship Management has been selected as this is the area in which the greatest cost savings and efficiencies can be generated if performed consistently.
- 3.5. As such, the objectives to be addressed in 2023 have been marked within the ‘2022 Comments and Action’ column of Appendix 1.

4. Risk management

- 4.1. The table below outlines the risk associated with the implementation of the proposed procurement strategy.

| Risk | Description | Action to avoid or mitigate risk | Risk rating |
|---------------------|---|---|-------------|
| Reputational | The procurement strategy does not continue to be relevant to the needs of the market, suppliers and residents, service users and the Council’s aspirations. | (1) Periodically update and review the objectives. (2) Sharing the outcomes of the strategy for review against progress should keep the Strategy relevant. | D3 |

| Likelihood | Impact: |
|--|--|
| A Very high B High C Significant D Low E Very low F Almost impossible | 1 Catastrophic (Showstopper) 2 Critical 3 Marginal 4 Negligible |

5. Consultation

- 5.1. Officers have consulted with their equivalents within other local authorities and a consensus is that the proposed National Procurement Strategy has been widely adopted.

6. Climate change implications

- 6.1. By focusing on social value in year two of the strategy, the Category Management team was able to better understand and embed working practices to ensure environmental considerations as well as other social values were obtained from contracts.

7. Financial implications

- 7.1. Whilst there are no financial implications associated to continued delivery of this Procurement Strategy, in subsequent years, seeking attainment of higher scores against select objectives may incur additional expenditure. There could be a point, for example, at which benefit diminishes yet direct cost increases for attaining higher scores, however, these will be addressed as part of the review process.

8. Legal implications

- 8.1. There are no direct legal implications relating to this report. However, the Council needs to ensure that it balances its aspirations with its duty to comply with the Public Contracts Regulations 2015.

9. Recommendations

- 9.1. To note the achievements of the second year of the 2021-2025 Procurement Strategy as outlined in Appendix 1 with updated comments.
- 9.2. To consider the delivery of the objectives marked for carry forward in Appendix 1 and refer any comments to Cabinet.

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Appendices

Appendix 1 – Complete Objective List with updates

Background papers

None

Appendix 1 – Complete Objectives List with updates

Engaging Councillors

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|---|--------------------------------------|---|------------|---|------------|---|
| 1 | Procurement and Commercial Champions | The extent to which the role of procurement and commissioning is recognised by members. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 2 | Reporting | The extent to which reporting is used to inform your councillors and those councillors in collaborative networks. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 3 | Councillor Development | The extent to which councillors are offered personal development programmes to support collaborative procurement. | 2 | <p>Comments: Whilst no formal training exists, an increase in the number of conversations and referrals to procurement from members, illustrates greater awareness and planning. This action leads to specific training or development.</p> <p>Action(s): Category Management to create Councillor development programmes in relation to procurement to assist with delivering collaborative procurement.</p> | 2 | <p>The Council's Contract Procedure Rules are being revised. With this and the all out election in May 2023, it is not the correct timing to be rolling out this as new training. This action will be worked upon and made accessible under the current regime to Councillors as and when required but will be rolled out as part of Councillor inductions post election.</p> <p>Action: Category Management to create Councillor development programmes to be rolled out post election 2023 and once the new Contract Procedure Rules are live.</p> |

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| | | | | | | To be carried forward to 2023. |
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Engaging Senior Members

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|---|-----------------------------|---|------------|--|------------|---|
| 4 | Influence and impact | The extent to which the corporate management team influences and makes an impact. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 5 | Mission and strategy | The extent to which procurement is represented with a working mission and strategy. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 6 | Processes | The extent to which procurement commercial advice is sought for managing projects. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 7 | Senior managers development | The extent to which the management team is trained in procurement and commercial decision making. | 2 | <p>Comments: As with Councillor development, the issues have been broached on an as and when basis, enriching the understanding of the issue at hand. These conversations have resulted in greater procurement awareness and in turn better and more consistent interactions.</p> <p>Whilst training has not been created and distributed, the objective has been addressed in a more relevant means.</p> | 2 | <p>As #3, due to the Council's Contract Procedure Rules being revised, it would be more appropriate to roll new training out once they have been approved. In the interim, the Category Management intranet pages have been substantially updated to reflect the entire procurement process and intrinsic links between the primary stakeholders which would assist in this area of development for all officers.</p> <p>Action: Category Management to create and</p> |

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| | | | | Action(s): Category Management to create and distribute a procurement related development programme. | | distribute a procurement related development programme once the new Contract Procedure Rules are live. To be carried forward to 2023. |
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Working with partners

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
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| 8 | Culture | The extent to which third parties are included in the design and delivery of solutions. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 9 | Governance and processes | The extent to which partnerships are embedded in processes and structures. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 10 | Staff development for partnership working | The extent to which staff development encompasses the benefits of partnership working. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

Engaging Strategic Suppliers

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|----|------------------------------|---|------------|--------------------------|------------|---|
| 11 | Data collection and analysis | The extent to which data on strategic suppliers | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| | | is collected and utilised. | | | | |
| 12 | Existing strategic suppliers engagement | The extent to which existing strategic supplier relationships are managed. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 13 | Early engagement with future suppliers | The extent to which future strategic requirements are planned and managed. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

Creating Commercial Opportunities

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|-----------|------------------------------|--|------------|--------------------------|------------|---|
| 14 | Forward planning | The extent to which forward planning is undertaken to maximise commercial attractiveness | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 15 | Options appraisal (Make/Buy) | The extent to which options appraisal is included in the commercial cycle and the extent of options that are explored. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| 16 | Market/Supplier research/analysis | The extent to which supplier and market research is used to determine procurement and commercial decision making. | 3 | | NA, achieved baseline of '3' as agreed November 2021. |
| 17 | Tendering | The extent to which innovative tenders are utilised. | 3 | | NA, achieved baseline of '3' as agreed November 2021. |
| 18 | Performance reporting | The extent to which performance reporting is utilised to maximise leverage and influence. | 3 | | NA, achieved baseline of '3' as agreed November 2021. |
| 19 | Post contract review | The extent to which contract reviews are used to improve performance exploit new opportunities | 3 | | NA, achieved baseline of '3' as agreed November 2021. |

Contract and Relationship Management

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|----|------------------------------------|--|------------|--------------------------|------------|---|
| 20 | Information storage/ accessibility | The extent to which a contract register is implemented and used to influence procurement planning and decision making. | | | 3 | <p>Comment(s): The Category Management team maintains a contract register and has been working with all services areas with third party expenditure to ensure the information is up to date and accurate.</p> <p>Action(s): Category Management to continue working with service areas to ensure the data continues to be accurate and fully accessible to all. This will be supported by Forward Procurement Plans for each directorate detailing when existing contract expire for consideration.</p> <p>To address in 2023.</p> |
| 21 | Change control | The extent to which a change control policy is implemented and used to manage variations. | | | 3 | <p>Comment(s): All contracts are inclusive of change control procedures but more scrutiny and/or challenge needs to feed into why changes are being made, especially with consideration to financial impact.</p> <p>Action(s): Category Management to redesign the contract change controls to ensure they are subject to the correct level of scrutiny and consideration is given to the pertinent points of the decision.</p> <p>To address in 2023.</p> |
| 22 | Supplier financial distress | The extent to which suppliers | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| | | in financial distress are identified and managed. | | | | |
| 23 | Savings and benefits delivery | The extent to which savings and other benefits are identified and delivered through the life of a contract. | | | 3 | <p>Comment(s): There is no central responsibility for contract management, as such each team has their own approach and expectation of the contracts they hold. There needs to be a central means of contract management to ensure the organisation is consistent in its approach, which also provides a high-level ability to scrutinise performance. Whilst Gateway 4 reports are reported to Procurement Board, they are only applicable to tenders over the governance threshold.</p> <p>Action(s): To work with colleagues to implement a corporate contract management solution to ensure officers manage and monitor the performance and deliverables of their contracts, and to facilitate the exploration of further savings/efficiencies.</p> <p>To address in 2023.</p> |
| 24 | Recognition/cultural acceptance | The extent to which the value of contract and relationship management is recognised and embedded in the | | | 3 | <p>Comment(s): There are several job profiles within the organisation which are geared towards delivering this objective, however, across the authority the importance of contract management is not fully understood or harnessed. This action should be indirectly addressed by the adoption of a corporate contract management solution.</p> |

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| | | management culture. | | | | <p>Action(s): This is a difficult object for Category Management to directly influence as to get to a mature level, job profiles and appraisals need to be inclusive of this. As the contract and relationship management isn't a centralised function, this would be the responsible of the relevant service areas to adopt.</p> <p>To address in 2023.</p> |
| 25 | C&RM skills and knowledge | The extent to which officers are trained in contract and relationship management and encouraged to enhance their professional skills. | | | 2 | <p>Comment(s): Unfortunately, staff have limited access to any contract and relationship management skills and knowledge programme. This action has been scored down as the competencies required to effectively manage contracts in the current economic climate has changed and if more difficult, therefore officers need more support in being able to do so effectively.</p> <p>Action(s): To improve this area, corporate training must be made available to raise the profile of C&RM to ensure it becomes a core competency of all services. This would include holding briefings and training sessions with periodic literature as refreshers and review meetings.</p> <p>To address in 2023.</p> |

Managing Strategic Risk

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
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| 26 | Fraud and financial loss | The extent to which financial loss opportunities are identified and removed. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 27 | Supply chain and contractor failure | The extent to which supply chain failure risks are identified and managed. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 28 | Modern slavery (Legislation) | The extent to which modern slavery legislation is understood and embedded within the commercial process. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 29 | GDPR (Legislation) | The extent to which GDPR legislation is understood and embedded within the commercial process. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| 30 | External events (e.g. Brexit) | The extent to which contingency plans are put in place for high risk external events. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
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Obtaining Social Value

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
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| 31 | Policy and scope (social value) | The extent to which the requirements of the Social Value Act are embedded into corporate policy. | 3 | <p>Comments: The Social Value policy simply asks contracting authorities to consider the implications of Social Value when tendering for service based contracts over the financial threshold at which the regulations are effective. Medway goes beyond this as Social Value forms a key consideration on all procurement activity, regardless of classification.</p> <p>Action: The current approach is top heavy and may be counter intuitive for lower valued projects. The action is to therefore appropriate the approach to leverage more social value from lower valued commissions.</p> | 3 | There is a draft policy which is being tested in a live setting which is consistently delivering outcomes. At point of tender, service areas are asked to consider the entire range of Social Value Measures and select the most appropriate to the specification, and, by doing so, appropriately tailored benefits to the services are being obtained. |
| 32 | Social value internal management | The extent to which social value awareness is embedded across all | 2 | Comments: Social Value is a broad area and one that encapsulates climate change. Whilst specific elements of social value have been progressed, as an overall topic, it lacks traction. To | 2 | There is greater officer awareness of social value and the way in which it can be applied to generate wider benefits has been established. |

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| | | management levels. | | <p>score a 3, a Councillor needs to be appointed to be accountable for the delivery or corporate social value and annually report on deliverables.</p> <p>Action: Objective #40 will seek to address this as the policy will encourage change and the appointment of a relevant Councillor.</p> | | <p>Action: This will be incorporated in the new training package, to support objectives 3 & 7.</p> <p>To be carried forward to 2023.</p> |
| 33 | Social value TOMs (themes, outcomes and measures) | The extent to which social value TOMs are, reported and used. | 3 | <p>Comments: The social Value TOMs are an industry standard and when reporting on proxies and financial savings made the values have a margin of error.</p> <p>Action: To localise the proxies so the values are specifically illustrative of Medway's values.</p> | 3 | There is a cost associated to localising the proxies, this work cannot proceed until the policy is in place. |
| 34 | Commissioning for social value | The extent to which social value requirements are embedded in the commissioning process. | 3 | <p>Comments: Social Value is often an after-thought and as such, cannot always be leveraged to the best of its ability. The issue stems from consideration, so by making officers more aware of the benefits when done properly, it may change the way we think of Social Value and allow us to generate more benefits.</p> <p>Action: To re-envisage the procurement and commissioning cycles with Social Value threaded throughout.</p> | 3 | <p>The procurement cycle and literature regarding its application has been redrafted with a common theme of Social Value. This is to be overlayed with the commissioning cycle but from a procurement perspective, has been addressed.</p> <p>Action: Commissioning to overlay the Social Value thread within the process cycles.</p> <p>To be carried forward to 2023.</p> |
| 35 | Procurement (social value) | The extent to which social | 3 | <p>Comments: Social Value is applied at the point of tender and therefore isn't</p> | 4 | All procurement related governance reports are inclusive of the full evaluation process and |

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| | | value requirements are embedded in the procurement process | | <p>an early consideration. By holding officers to account of their Social Value considerations, officers will be more aware of corporate expectations and managing the delivery of Social Value in contracts.</p> <p>Action: Future governance to take into consideration the weighting of Social Value and the benefits (financial or otherwise) achieved from the procurement activity.</p> | | the social value sought. On a wider note, corporate reports are inclusive of environmental considerations, which is an element of Social Value. |
| 36 | Social value market engagement | The extent to which obtaining social value is part of market engagement and third party relationships. | 3 | <p>Comments: The currently trialled Social Value policy is broad in nature as it allows services to select what they believe their market segments can provide and identify value that is important to that sector.</p> <p>Action: To work more closely with the market to ensure what is being requested within tender opportunities is appropriate, achievable and will provide the best outcomes for the local community.</p> | 3 | Major procurements are kick-started with a market engagement event. The events serve to introduce the opportunity and discuss how the market can be best used to generate wider benefits to any subsequent contract. |
| 37 | Social value contract management | The extent to which social value requirements in contracts are managed. | 3 | <p>Comments: Social Value submitted as part of tender responses form not only part of the evaluation criteria but also, for the winning bidder these commitments become contractual KPIs. It's imperative that officers manage the delivery of these KPIs closely to ensure the contractor's commitments are being</p> | 3 | Each service area is responsible for contract management and outlining delivery when the contract is reviewed as part of the gateway four process. Officers through procurement board stress the importance of appropriate measures against targets for all contracts |

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| | | | | delivered. Action: To enhance the contract management policy in relation to the management and monitoring of KPIs, rectification and escalation should they not be delivered. | | Action: Category Management to continue supporting the implementation of a new Contract Management system. To be carried forward to 2023. |
| 38 | Cross sector collaboration | The extent to which obtaining social value is embedded in a wider collaborative environment. | 3 | Comments: Whilst Medway works with other public bodies, the approach to delivering Social Value is inevitably different so this cannot be evaluated on a like for like basis. That being said, almost all public bodies share the same overall issues such as Climate Change and local employment which can be addressed or benchmarked from peers. Action: Work more closely with the Kent Buying Consortium and/or Central Buying Consortium to facilitate a culture of learning from best practice. | 3 | This is being delivered and has been rolled out on specific grant funded projects through collective buying power. It can be challenging to combine Social Value aspirations with other public bodies however, we will continue to consider and where appropriate. |
| 39 | Reporting social value | The extent to which progress in obtaining social value is communicated and reported. | 2 | Comments: Whilst primitive, a method of collecting and reporting the information is available. Action: As with objective #32, this will be addressed in the social value policy and the nominated member will annually report on development. | 3 | Social Value has been sought and delivered where appropriate within all Medway Council contracts since the start of the 2021/2 financial year. This information will also be available on the Council's contract management platform, once live. |
| 40 | Social value governance | The extent to which social value is embedded and | 2 | Comments: A draft policy has been proposed the diverse nature of all the Council's services make a definitive proposal difficult to embed. As such, | 2 | Social Value continues to be applied and evaluated on each appropriate tender. |

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| | | managed in the commissioning and procurement process. | | the proposal from the policy is being trialled to ascertain effectiveness and it's impact on delivering value for money. All services to date have engaged well and thoroughly considered delivering social within their contracts. Action(s): Category Management to create a social value policy. | | Action: Organisation to create a social value policy. To be carried forward to 2023. |
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Local SME and Micro-Business Engagement

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|----|-------------------------|--|------------|--------------------------|------------|---|
| 41 | Policy and scope (SMEs) | The extent to which small business engagement is included in commissioning and procurement policies. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 42 | SME relationships | The extent of communications with small business are communicated with. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 43 | Commissioning with SMEs | The extent to which commissioning | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| | | opportunities are extended to small businesses and developed for mutual benefit. | | | | |
| 44 | Market engagement with SMEs | The extent to which small businesses are encouraged and supported to engage in delivering public services. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 45 | Procurement with SMEs | The extent to which procurement processes engage and build relationships with small businesses. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 46 | Contract management with SMEs | The extent to which the requirements of small businesses are reflected in ongoing contract management. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| 47 | Governance of SME engagement | The extent to which the engagement of small businesses is monitored and reported. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
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Engaging VCSEs (Voluntary, Community and Social Enterprises)

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|----|-----------------------------|--|------------|--------------------------|------------|---|
| 48 | Policy and scope (VCSEs) | The extent to which VCSE engagement is included in commissioning and procurement policies. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 49 | VCSE relationships | The extent of communication with VCSEs. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 50 | VCSE engagement measurement | The extent to which VCSE engagement is measured and reported. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 51 | Commissioning with VCSEs | The extent to which commissioning opportunities are extended to VCSEs and | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

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| | | developed for mutual benefit. | | | | |
| 52 | VCSE market engagement | The extent to which VCSEs are encouraged and supported to engage in delivering public services. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 53 | Procurement with VCSEs | The extent to which procurement processes engage and build relationships with VCSEs. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 54 | Contract management with VCSEs | The extent to which the requirements of VCSEs are reflected in ongoing contract management | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 55 | Governance of VCSE engagement | The extent to which the engagement of VCSEs is monitored and reported. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

Enables

| # | Objective | Description | 2021 Score | 2021 Comments and Action | 2022 Score | 2022 Comments and Action |
|----|------------------------------|---|------------|--|------------|--|
| 56 | Developing talent | The extent to which staff are recruited and developed in relation to procurement and contract management. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |
| 57 | Exploring digital technology | The extent to which digital technology is used to underpin the procurement cycle. | 2 | <p>Comment and action: To fully address this point, both systems need to be renewed but are currently in term. Conversations are on-going but it cannot nor will be addressed imminently.</p> <p>Action(s): Full integration between the finance and procurement systems would facilitate this objective. Note that the finance and procurement systems both have circa 2 years left on their contract so will not prove value for money implementing changes at present. Instead, future provisions should be scoped out.</p> | 2 | <p>Currently no ability to deliver against this as both systems are on different contract end dates.</p> <p>Action: Consider how integration between the two systems would be possible whilst they are still both in contract. Remove from the strategy as this continues to be explored.</p> |
| 58 | Enabling innovation | The extent to which innovation in procurement and contract management is | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |

| | | recognised and adopted. | | | | |
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| 59 | Embedding change | The extent to which change management in procurement and contract management is used to drive wider organisational change. | 3 | | | NA, achieved baseline of '3' as agreed November 2021. |