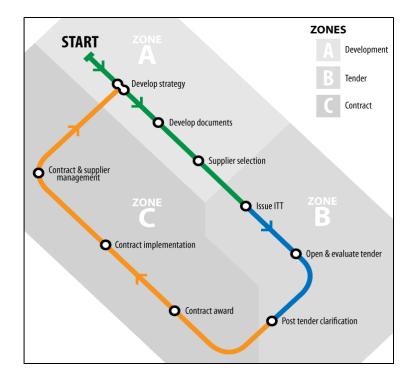




# Route 3

Spend over the EU Procurement Threshold.

| FU Threshold (214,004) (214,004) (5,272,600) (662 |              | Services | Supplies | Works      | Social Care |
|---|--------------|----------|----------|------------|-------------|
| EU INFESTICIO EZ14,904 EZ14,904 E5,372,009 E003   | EU Threshold | £214,904 | £214,904 | £5,372,609 | £663,540    |



#### Before you Proceed

The value of the procurement must be the **total value** of the contract, excluding VAT, over the entire lifetime of the contract. Requirements must not be "split" into contracts of lower value, or reduced in duration, to avoid the need to conduct a full tender exercise.

Consider whether your requirement could be met through an **existing national, sector led, local or UK wide** framework or contract. If you are unsure please check with <u>Corporate Procurement</u>.

□ If no existing contract is in place, please follow the Route Three for guidance on how this can be achieved.



**Develop Strategy** 

In each case, a Request for Procurement Action shall be completed, authorised by the relevant Principal Accountant and Head of Service and sent to <u>procurement@south-ayrshire.gov.uk</u> before commencing. All contracts over the EU Procurement Threshold shall be conducted in conjunction with Corporate Procurement.

If the winning tenderer's contract award price is above the approved RPA budget, an email will be required to ensure that both the Service Lead and Principal Accountant confirm there is additional budget available.

Contract Owners will be required to assist with the completion of a Contract Strategy document. The Contract Strategy document will help identify opportunities for aggregating demand and/or collaboration with other organisations, document a level of market analysis in order to understand the market landscape, identify key stakeholders and risks, and how they may impact on the progress of the procurement exercise. Also included for consideration are the social, economic and environmental elements of the proposed procurement that should be addressed through the Specification, Evaluation Criteria and Key Performance Indicators. In each case, the Contract Strategy will be verified by the Procurement Team Leader before proceeding to the next stage of the process.

| Service Area Tasks   | Suggested Templates / Links | Corporate Procurement Tasks              |
|--|-----------------------------|--|
| Complete and submit a fully authorised RPA   | <u>RPA</u>                  | Sign off required                        |
| Assist Procurement Officer in the<br>completion of the Contract<br>Strategy Document | Contract Strategy Document  | Complete a Contract Strategy<br>Document |



#### **Develop Documents – Statement of Requirements**

The Statement of Requirements (Specification) must clearly describe what is required. The Contract Owner within the service area is responsible for developing the specification, but should ensure that other end-users, stakeholders and technical specialists are consulted where appropriate.

There are 3 types of specification, **Detailed Specifications**, **Performance Specifications** and **Functional Specifications**. Further detailed guidance can be found <u>here</u>.

As you develop your specification, (in particular, in a Performance Specification) you will start to consider how the quality and performance aspects of the contract will be measured. These factors should be translated into the Balanced Scorecard which will be used to gather feedback on supplier(s) performance over the life of the contract, the <u>Management Information(MI)</u> you will require from the supplier(s) and the Key Performance Indicators (KPIs) both of which should be included within the Specification where required. All of these will be reviewed during the contract and supplier management process.

There is often merit in discussing the specification with a broad range of potential tenderers. This must be done in a fair and transparent manner to avoid distorting competition and/or giving any potential tenderer an advantage. Care must be exercised to avoid not only genuine unfairness, but also the impression of unfairness to some tenderers. Under no circumstances should any commitments be made during this process and all documents and correspondence during this process must clearly indicate this as 'Market Research' and should be retained.

Following discussions with the marketplace, care must be taken to ensure that innovative ideas and approaches which provide a supplier(s) with a competitive edge are not disclosed in the development of the specification e.g. inclusion of proprietary methods or Intellectual Property Rights (IPR).

Once a contract is awarded, the scope to make changes to the specification (e.g. asking the contractor to deliver more, or less of something that was not was specified at the time of tendering) is limited. A Contract Variation Notice will need to be completed to record the changes subject to supplier approval. If it is not possible for the supplier to deliver the contract as originally intended as a result of omissions or errors in the specification, the contract may have to be terminated and a new procurement undertaken.

| Service Area Tasks                                | Suggested Templates / Links                        | Corporate Procurement Tasks                       |
|---|--|---|
| Develop specification                             | <u>Statement of Requirement</u><br><u>Template</u> | Assist Contract Owner to<br>develop specification |
| Give consideration to the Specification Checklist | Specification Checklist                            | -   |



#### **Develop Documents – Selection Criteria**

The distinction between selection and award criteria is crucially important. Selection criteria are focussed on "the Bidder" and Award criteria are focussed on "the Bid" and a clear distinction between both throughout the procurement process. This means that issues/questions which are appropriate to the selection criteria must be addressed at the selection stage and can not form part of the award stage (even if they were omitted from the selection stage in error) and vice versa.

The selection stage, often known as the "pre-qualification stage", involves an examination of the suitability and capability of the potential suppliers to perform the contract that will be awarded at the end of the competition. The criteria used for selection must be appropriate, relevant and proportionate to the particular procurement. The selection process should be a "backward-looking, not forward-looking" process. That is, the criteria for selection must concentrate on the general suitability and capability of the supplier for the project, as opposed to the specific means by which the supplier would perform the contract.

Tenders that are undertaken in conjunction with Corporate Procurement will be required to use established templates to complete the selection stage.

| Service Area Tasks   | Suggested Templates / Links                                  | Corporate Procurement Tasks |
|--|--|-----------------------------|
| Assist Procurement Officer to develop the tender documents | Contact <u>Corporate</u><br><u>Procurement</u> for templates | Develop tender documents    |



#### **Develop Documents – Award Criteria**

The award stage involves examination of the Quality of the bids and will identify which of the eligible tenderers will deliver best value for money for the organisation, based on either the most economically advantageous tender.

Good Quality criteria will ensure that responses from suppliers clearly address the most critical aspects of the specification and allow the evaluation panel to make a fair and equal comparison of the bids received.

Some examples of award criteria are;

- •Quality/Technical Merit
- •Design, functional characteristics and aesthetics
- •Sustainability e.g. social, economic and environmental considerations.
- •Innovation, where appropriate e.g. new or novel concept?

•Maintenance, ongoing technical support or after sales service - what support is required and available?

•Delivery or period of completion- the guaranteed turnaround time from order to delivery or provision of service.

•Price - the whole life cost including the initial purchase price, operating costs, consumables and disposal costs.

| Service Area Tasks   | Suggested Templates /<br>Links                 | Corporate Procurement Tasks                                 |
|--|--|---|
| Assist Procurement Officer to develop appropriate Award Criteria | Contact <u>Corporate</u><br><u>Procurement</u> | Assist Contract Owner to develop appropriate Award Criteria |



# **Develop Documents – Weighting the Criteria**

The Contract Owner should work with the Procurement Officer to decide on an overall ratio or split between Price and Quality and allocate weightings to any sub-criteria as appropriate.

The table below provides some suggested criteria and ratios depending on the nature of the commodity/service being procured. However, please ensure that the aim of any procurement exercise should be to achieve **best value**.

Note – it is not possible to weight tenders for goods or services 100% Price, a quality ratio must be included

| Commodity<br>Type | Description   | Suggested<br>Price/Quality<br>Ratio |
|-------------------|---|-------------------------------------|
| Routine           | <ul> <li>Low Value/High Volume</li> <li>Many Existing Alternatives</li> </ul>   | 100:0 to 80:20                      |
| Leverage          | <ul> <li>High spend area</li> <li>Many Sources of Supply</li> <li>Commercial involvement can influence price.</li> </ul>  | 80:20 to 60:40                      |
| Strategic         | <ul> <li>Strategic to Operations</li> <li>Few Sources of Supply</li> <li>Large Spend Area</li> <li>Specification may be complex</li> </ul>                                  | 70:30 to 50:50                      |
| Bottleneck        | <ul> <li>Few Sources of Supply and alternatives available</li> <li>Complex specifications</li> <li>If supply fails, impact on organisation could be significant.</li> </ul> | 50:50                               |

| Service Area Tasks  | Suggested Templates /<br>Links                 | Corporate Procurement Tasks  |
|---|--|--|
| Assist Procurement Officer to develop appropriate weightings for the contract | Contact <u>Corporate</u><br><u>Procurement</u> | Assist Contract Owner to<br>develop appropriate weightings<br>for the contract |



Issue Tender Documents

All requirements must be advertised on the National Advertising Portal www.publiccontractsscotland.gov.uk. to ensure that best value is achieved it is essential that a sufficient number of competent, financially sound suppliers with adequate capacity to undertake the work are identified.

| Service Area Tasks                        | Suggested<br>Templates /<br>Links | Corporate Procurement Tasks |
|---|-----------------------------------|-----------------------------|
| Approve final version of tender documents | -                                 | Issue Tender Documents      |



**Open Tender** 

All tenders must be returned and opened in accordance with <u>Standing Orders Relating to Contracts</u>.

| Service Area Tasks                                  | Suggested Templates / Links | Corporate Procurement Tasks   |
|---|-----------------------------|---|
| -   |                             | Ensure tenders are opened in accordance with Standing Orders              |
| Organise and conduct the evaluation process/meeting | -                           | Assist the Contract Owner with the organisation of the evaluation meeting |

**Evaluate Tenders** 

It is important that the evaluation of tenders is robust in order to provide a full justification for the resultant award decision. The time taken to evaluate the submissions will vary from project to project depending on the complexity and the number of responses received.

# **ROLES AND RESPONSIBILITES**

As a member of an evaluation panel you will require to score tenders (often called "bids" or "submissions") from potential suppliers, service providers or contractors; and to score Pre-Qualification Questionnaires (PQQs) where applicable.

An evaluation panel must be made up of at least two people and consist of individuals with demonstrable ability to evaluate tenders. The evaluation panel must be able to withstand any scrutiny and no member should be associated in any way with any of the tendering suppliers without prior declaration of interest. Prior to the evaluation taking place each member of the evaluation panel must be clear about their role and responsibilities.

**LEAD/RESPONSIBLE OFFICER** – have overall responsibility for overseeing the evaluation process, ensuring that the process is correctly recorded in order to comply with all relevant legislation, and in accordance with the tender documents. There must only be one Lead/Responsible Officer per tender evaluation. The final tender evaluation spreadsheet and outcome of the evaluation must be agreed with the Lead/Responsible Officer.

**OTHER EVALUATION PANEL OFFICER(S)** – have the responsibility of evaluating the tender in accordance with all relevant legislation, and in accordance with the tender documents.

**PROCUREMENT OFFICER** - to facilitate the process, ensuring an impartial and objective approach is taken to the evaluation of tenders. The Procurement Officer does not take part in the scoring of the quality/technical evaluation. The Procurement Officer may facilitate the financial evaluation of the tenders, for the final agreement of the Lead/Responsible Officer. Where a Procurement Officer is not present at the evaluation, this role must be conducted by the Lead/Responsible Officer.

**FINANCE OFFICER** – in some tenders the financial evaluation may be required to be conducted by a Finance Officer. The Finance Officer, where appointed to evaluate a tender's financial evaluation, has responsibility to evaluate the tenders financial section, in accordance with the tender documents.

Panel membership must be consistent throughout the entire evaluation process therefore members need to ensure they are available for all the evaluation days. Where tenders have multiple Lots, it may be appropriate for different Evaluation Panel Officers to be present at each Lot, however, the Lead/Responsible Officer must be consistent for the complete tender.



Evaluate Tenders - 2

#### **KEY PRINCIPLES**

Public Procurement is governed by the EU Treaty and in Scotland by the Public Contracts (Scotland) Regulations 2015. The main principles, which apply in all cases, regardless of value or nature of purchase are:

- Non-Discrimination
- •Equal Treatment
- Transparency

## **Non-Discrimination**

During an evaluation exercise an Evaluator must be careful not to discriminate against tenderers on the basis of gender, sexuality, ethnicity, race, religion, age or disability (this list is not exhaustive).

You must also be able to set aside evidence you may have heard or experienced. Your evaluation must be based on the evidence presented to you in the PQQ/Tender and only that evidence, with no bias. You must be open-minded when starting out on the evaluation process and avoid having pre-conceived ideas of what the outcome will be.

## Equal Treatment / Consistency

All tenderers must be given the same chance of success. This is particularly important if you are evaluating a lot of PQQs or tenders — you must ensure that your scoring is consistent regardless of whether it is the first or last one that you are scoring. The same applies when you are conducting the evaluation over a number of days, you must have a way of keeping the scoring fair and consistent. You may have to allow time at the end to go over your scoring to ensure that you are content that it is consistent and fair.

## **Transparency / Scrutiny**

The evaluation panel must be able to demonstrate that its decision is based on sound evaluation. This means that your comments and scores may be made available to the tenderer. Due to the Freedom of Information Act (FOI), your comments may also be made available to all tenderers.

This transparency must be borne in mind when writing your comments. Please make sure that your comments can be understood by others, do not contain shorthand and most importantly that they substantiate your score. Your comments will be used in the debrief meetings for unsuccessful providers and therefore must stand up to scrutiny.



**Evaluate Tenders - 3** 

## CONFIDENTIALITY

In addition to these principles of the EU Treaty, another important principle is that of Confidentiality. You are being given access to tender submissions or PQQs which may contain commercially sensitive information such as pricing schedules or "trade secrets" which could be protected from release by FOI. It is therefore very important that you treat this information with confidentiality and keep all information safe and secure.

You must not discuss the tenders or PQQs with anyone outwith the Tender Evaluation Panel.

You must not make contact with any of the tenderers. If any of the tenderers approach you asking for feedback or any information do not disclose any information. If unsure, direct the enquiry to the Procurement Officer.

## CONSEQUENCES

It is very important that the evaluation process is carried out to a high standard because unsuccessful tenderers have the right to challenge decisions. This can result in Officers having to spend a lot of time and money responding to the challenge, and it may get to court. Regardless of the outcome, this can result in a loss of reputation for the Council. Bidders may challenge the process (i.e. that it was unfair) but not necessarily challenge the outcome.

# SCORING

The evaluation criteria and scoring methodology is determined as part of the tender development stage and published to tenderers in the PQQ and or ITT. All submissions must be evaluated in accordance with these pre-defined criteria and the weightings applied to each criterion.

| Do   | Don't   |
|--|---|
| Make note of areas that are unclear for clarification with the bidder                            | "Read between the lines" or make assumptions  |
| Read the submission at face value and score on the basis of the information provided             | Collude with other panel members to agree scoring collectively.   |
| Score tenders independently and discuss any irregularities<br>at a Tender Evaluation Meeting     | Make changes to the evaluation criteria during this process -<br>the criteria MUST be the same as that published in the ITT |
| Ensure full justification for scoring is provided for each<br>question to assist with debriefing |   |

## **Presentations/Site Visits**

Presentations and site visits can be included as part of the evaluation process to offer the opportunity for the evaluation panel to gain a clearer and deeper understanding of the tenderer's submission.

The purpose and anticipated outcomes of any presentations and/or site visits must have been made clear in the Tender documentation including details of how the visits will count towards the overall evaluation of the tender submissions and details of how these may be scored.

Presentations/Site Visits must not disclose any further information than is already in the tender documents. Tenderers requesting for further information must be directed to post their question on Public Contracts Scotland Question and Answer portal.

The Lead/Responsible Officer should ensure that presentations/site visits are conducted fairly, and in line with the Key Principles.

| Service Area Tasks | Suggested<br>Templates /<br>Links | Corporate Procurement Tasks  |
|--------------------|-----------------------------------|--|
|                    | -                                 | Facilitate any required presentations/site visits as requested by the Lead Officer |



## Post Tender Clarification

Tender clarifications may become necessary during the evaluation of tenders. For example, where there are aspects of the bids that are unclear or contain minor errors. The Contract Owner should consider whether, where a certain aspect of the bid seems anomalous, it might be prudent to request a clarification. For example, if a bid appears especially low, or especially high on price, it may be that an arithmetical error has been made. Clarification may also be sought from tenderers on matters of quality performance or particular terms and conditions of contracts.

In seeking clarification, all communications with tenderers must be properly recorded so that an audit trail is maintained. **Negotiations in relation to price or other areas where improvements may be possible should not take place.** 

The approval to carry out any clarifications must come from the Executive Director (or delegated officer) in accordance with <u>Standing Orders Relating to Contracts</u>.

All tenderers who are able to meet the requirements of the specification have the same opportunity to engage in tender clarification. Extreme caution and care must be exercised to avoid either unfairness to potential tenderers or the impression of unfairness to some tenderers.

Post Tender Negotiation (PTN) must not be confused with tender clarifications and shall be handled as a separate exercise from Tender Clarification in conjunction with Corporate Procurement.

| Service Area Tasks   | Suggested<br>Templates /<br>Links | Corporate Procurement Tasks                     |
|--|-----------------------------------|---|
| Agree and approve any post tender clarifications that are required | -                                 | Conduct any required post tender clarifications |

**Contract Award** 

A Tender Outcome Report detailing the conclusion of the tender evaluation should be prepared and approved by the appropriate Officer with the appropriate Purchase to Pay limit, prior to Contract Award.

All amendments to evaluation spreadsheets etc., should be agreed with the evaluation panel LEAD/RESPONSIBLE Officer.

Following approval, Contract Award letters will be drafted by your Procurement Officer. These letters require to be authorised and signed by an Officer with the appropriate Purchase to Pay limit.

The Contract Award Notice is a public announcement of the outcome of the procurement exercise and will be completed in each case by the Procurement Officer.

| Service Area Tasks   | Suggested Templates / Links | Corporate Procurement Tasks  |
|--|-----------------------------|--|
| Assist with preparation of<br>Tender Outcome Report<br>where applicable                        | -                           | Prepare draft of Tender Outcome<br>Report  |
| Seek Lead/Responsible Officer<br>authorisation and signatory on<br>Tender Outcome Report       | -                           | Sign off required  |
| Assist with preparation of<br>Contract Award/Decline<br>letters                                | -                           | Prepare draft Contract<br>Award/Decline letters                                      |
| Seek Executive Director<br>authorisation and signatory of<br>Contract Award/Decline<br>letters | -                           | -  |
| -  | -                           | Distribute Contract Award Notice   |
| -  | -                           | Ensure Procurement Officer<br>(Contract & Supplier<br>Management) is aware of award. |



#### **Contract Implementation**

Following the contract award, if required, the first meeting with the successful supplier should take place as soon as possible after the contract has been awarded. The purpose of this meeting will be to discuss the contract implementation phase which is the set of processes used after awarding a contract to ensure a new service or contract is effectively established. Roles and responsibilities should be set along with activities and their timescales. The Procurement Officer may create a contract Implementation Plan prior to award. An example of an Implementation Plan is shown here which demonstrates roles and responsibilities required.

Where appropriate, the contract implementation plan along with the implementation meeting will set out the steps to be taken to get the contract from a specification on paper to the stage where it is performing. This is done so the contract is set up properly and those involved can keep track of what is needed and how things are progressing. Regular communications between those involved will provide early warning of activities which may slip and allow corrective action to be taken.

The plan will use specific, measurable, achievable, relevant and timebound (SMART) targets using milestones, targets and criteria in the specification as a guide.

Where required, the Procurement Officer will complete the Implementation Plan with support from the Contract Owner. Suppliers should be advised of the need (if required) for an Implementation Plan in the tender documents and that they will be expected to participate in compiling the document. When discussing actions:

•Consider workloads, duplication and consistency when allocating roles;

•Be clear about the roles of an existing provider transferring a service. Emphasis must be on a managed handover and continuity for clients;

•Customers will be a key group. Their roles may range from being kept informed to co-production of the shape and delivery of the service. Customers can, for example, include families and carers;

•The roles of third parties, funders and other service areas need to be mapped and agreed.

A draft should be in place by the first meeting. It may then be revised but should be in place prior to the contract start date.

If the contract requires an e-catalogue to be uploaded into i-Proc in Oracle you should contact Corporate Procurement.

| Service Area Tasks                                     | Suggested<br>Templates /<br>Links | Corporate Procurement Tasks                                      |
|--|-----------------------------------|--|
| Assist with creating implementation plan               |                                   | Create Implementation plan                                       |
| Attend implementation meeting                          | Implementation<br>Template        | Procurement Officer/CSM Procurement<br>Officer to chair meeting. |
| Undertake activities identified in implementation plan | -                                 |  |
|  |                                   | Upload e-catalogue into Oracle if required                       |



## **Contract & Supplier Management**

#### **Overview of the process**

This process involves monitoring and reviewing feedback gathered from the Balanced Scorecard along with any management information required and key performance indicators which were set during the contract development stage. This is to ensure that the contract delivers what was expected as well as deliver additional savings during the contract's lifetime.

The contract will be classified into one of the following and performance review meetings should be held as shown:

- Strategic contracts should be reviewed quarterly;
- Operational contracts should be reviewed every 6 months;
- Transactional contracts should be reviewed annually.

| Service Area Tasks   | Suggested<br>Templates /<br>Links       | Corporate Procurement Tasks                                    |
|--|---|--|
| Assist Procurement Officer with<br>completion of Briefing Pack (if required) | <u>Briefing Pack</u><br><u>Template</u> | Complete Briefing Pack with support from<br>Contract Owner     |
| Attend meetings  |   | Provide a schedule of meetings based on level of CSM required. |



#### **Contract & Supplier Management**

#### Performance Management Information

The Contract and Supplier management process is supported by robust information relating to the performance of the contract and supplier. This information can be obtained from the management information provided by the supplier and feedback from the customers to assess contract and supplier performance. The Balanced Scorecard can be set up for the supplier to evaluate their performance against their Key Performance Indicators. This is a very useful facility and helps the supplier familiarise themselves with the performance indicators of the contract, this can also help identify gaps between the buyer and supplier sides to ensure both are aligned. Spend data is also reviewed at regular intervals as part of the Contract and Supplier Management process – this is considered at regular stages to ensure the contract is within budgetary constraints and that identified savings will be delivered.

The Balanced Scorecard is used for ensuring that all feedback is consistent against pre-determined measurements. Scoring guidance is provided within the scorecard to assist evaluators and to ensure consistency. Balanced Scorecards are completed by Contract Administrators and other staff that work with the contractor through PCS (Public Contracts Scotland)-T. The scorecard scores are follows; 1-= major concerns, 2 = minor concerns, 3 = meeting expectations, 4 = exceeding expectations against the KPI's that measure the performance of the contract.

The Contract and Supplier Management Procurement Officers ensure the supplier contract file is updated with an overview of contract performance which is taken from Balanced Scorecards, Key Performance Indicators, Management Information and spend information. This can also include details of any other issues, risks, opportunities which are identified during the contract and supplier management review process.

| Service Area Tasks  | Suggested<br>Templates / Links                                  | Corporate Procurement Tasks  |
|---|---|--|
| Identify key customers or end users<br>who will participate in completing<br>balanced scorecards in advance of<br>review meetings | User guide to<br>completing a<br>Balanced Scorecard<br>on PCS-T | Ensure balanced scorecard is sent to supplier and evaluators in advance of review meetings |
|   |   | Identify gaps in performance as well as track contract performance over time.              |
|   |   | Undertake analysis of management information   |
|   |   | Update folders as and when required.   |



#### **Contract & Supplier Management**

#### **Performance Review Meetings**

Supplier Review Meetings are an important part of the Contract and Supplier Management process and provide Contract Owners, Corporate Procurement and the Supplier with an opportunity to review progress towards key milestones, identify new risks, identify any problems at an early stage and agree opportunities for improvement and innovation. These will be measured by means of key performance indicators and service level agreements. The meetings can also be used to track progress on any identified benefits or community benefits as well as any sustainability objectives set at the beginning of the agreement.

The Contract & Supplier Management standard agenda template should be used to ensure consistency at the Supplier Review meetings. Throughout the Contract and Supplier Management process any review should constantly re-inform the Procurement Strategy with any new information e.g. changes to the market place or to the products or services or lessons learned throughout the Contract.

This process will be repeated throughout the contract's lifetime according to whether it is classified as Strategic, Operational or Transactional.

An early Performance Review Meeting could include a 'Lessons Learned' session with the supplier on the tendering and contract implementation process.

| Service Area Tasks   | Suggested<br>Templates /<br>Links                   | Corporate Procurement Tasks  |
|--|---|--|
| Attend review meetings. Provide input to<br>current performance levels, risk<br>identification, issues and opportunities | <u>Standard</u><br><u>Agenda</u><br><u>Template</u> | Issue standard agenda in advance of<br>review meetings along with notes of any<br>issues arising and any action points still<br>open |
| Contribute to any lessons learned  |   | Update lessons learned master and share with key stakeholders.   |
|  |   | Record meeting minutes and action points, circulate amongst attendees  |



**Contract & Supplier Management** 

## **Change Control Procedure**

Changes (variations) to services, procedures or contracts are likely to occur throughout the lifecycle of a Contract, especially contracts spanning a number of years and which have been identified as strategic, which could have an effect on many aspects of the contract including:

- •Service Delivery
- •Scope of work
- Performance
- •Costs
- •Financial stability
- •Product availability / changes to specification / obsolescence / revision of rates
- •Whether the Contract continues to represent value for money

The primary aim in managing variations is to minimise their likelihood. However change is inevitable, therefore the specification and management of change (Change Control) is an integral and important part of Contract and Supplier Management. Change Control procedures should be included in the contract and discussed at the inaugural meeting. The respective roles and responsibilities of both parties in the Change Control process must be clearly identified, along with procedures for raising, evaluating, costing and approving change requests.

If a specific change, or cumulative changes significantly increase or decrease the scale or scope of the services provided under the contract, the managing Contract Owner will need to raise a concern that this may affect achievement of best value and value for money overall. Similarly, the Contract Owner must also ensure that any changes do not take the contract outside the scope of the original tender in relation to the OJEU advertisement, or permitted extensions to contracts. When this is in doubt, the change should be referred to Legal Services department for guidance. The same level of diligence should be applied to contract variations as that applied to letting a contract. A Contract Variation Notice (CVN) should be completed and signed by all parties to the contract. Documenting the change in this manner will ensure that involved parties have clarity and visibility of the change, which can be readily communicated to stakeholders.

| Service Area Tasks  | Suggested<br>Templates /<br>Links   | Corporate Procurement Tasks                                      |
|---|---|--|
| Support Procurement Officer (CSM) to complete Contract Variation Notice | Contract<br>Variation Notice<br>Template –<br>Goods<br>Contract<br>Variation Notice<br>- Template -<br>Services | CSM Procurement Officer to complete<br>Contract Variation Notice |



#### **Contract & Supplier Management**

#### Exit Strategy

As a contract progresses, the Contract Owner, with support from Corporate Procurement, will have responsibility for ensuring that both parties are working towards the planned fulfilment and exit of the contract, and the procurement process for securing subsequent supply arrangements if required.

The Exit Strategy should include a list of all activities to be undertaken in advance of the procurement process for awarding a new contract. Each activity should be allocated to those best placed to perform the task and deadlines set for their completion. This will ensure that any information the Council needs for the tendering exercise is available promptly and, for example, any assets, intellectual property or manuals are accounted for and available to be re-assigned as appropriate. It should also include a review of issues relating to The Equality Act 2010 and any lessons learned from monitoring equality matters during the contract's lifetime. The Exit Strategy should also involve a full review of the contract and supplier's performance. This should include a 'lessons learned' review which incorporates feedback from end-users and the supplier. The Exit Strategy must be reviewed at least once a year.

| Service Area Tasks   | Suggested<br>Templates /<br>Links | Corporate Procurement Tasks   |
|--|-----------------------------------|---|
| Participate in preparation, review and implementation of exit strategy | -                                 | -Contract and Supplier Management to<br>ensure exit strategy is reviewed annually<br>for strategic and operational contracts<br>-Procurement Officer to complete Exit<br>Strategies prior to awarding new<br>contracts. |

## **Dispute Process**

The contract and supplier management process can identify and resolve issues to ensure satisfactory delivery of service. If any supplier is failing to deliver on a contract or if there is a dispute with a particular supplier that requires escalation please contact <u>csm@south-ayrshire.gov.uk</u> for assistance.