Bury Council

Procurement Strategy

2013 to 2015

Buying into Bury

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Introduction from Councillor Tony Isherwood; Cabinet Member for Finance and Resources and Member Procurement Champion

We all know times are tough financially - Council's are facing further cuts in budgets but are still required to maintain the essential services that support and protect our residents. In such circumstances it is even more important that we look to our procurement processes to help us to deliver savings. Our procurement strategy sets the tone for how this will be achieved focussing on ensuring that money is spent effectively and delivers best value.

As the major employer in the borough and a significant purchaser we are committed to ensuring that more of what we spend delivers benefits to the local community, particularly in terms of employment, skills and training opportunities. This is a clear priority of our Procurement Strategy for 2013-15. Local benefit means ensuring that we get the best possible deal when purchasing goods, works and services, and that we measure this in terms of whole life costs and benefits, considering the impact of our spending on the people of Bury.

It is important that the strategy is more than just words on a page and I will be working with the Strategic Procurement Group to help them turn the strategy into the results that we are all striving to achieve.

Councillor Tony Isherwood

2. Purpose of the Procurement Strategy

2.1 This document sets out the Council's strategic approach to procurement and outlines the principles which should be applied whenever procurement is undertaken on behalf of the Council. It is not a procurement manual; the rules for procurement and guidance on conducting procurement processes can be found within the Contracts
Procedure Rules and the Procedure Rules and the Procurement Code of Practice and these must be followed in all cases.

2.2 Procurement and Commissioning – Definitions

Procurement is the process by which we acquire goods, materials, works and services from third party providers. In Bury, we support the view that the procurement process begins with the identification of need and ends with the decommissioning of a service or the disposal of an asset at the end of its useful life. In relation to the procurement of services it includes the options appraisal process and the make or buy decision which challenges the method of service delivery and questions who is best placed to deliver the desired outcomes. Purchasing and contracting are components of the procurement and commissioning cycle.

Commissioning is the strategic activity of assessing needs, resources and current services to develop a strategy to make best use of available resources to meet the assessed needs and desired outcomes. Commissioning is focussed on the citizen, with the citizen as customer.

Commissioning and procurement are intrinsically linked and have the shared objective of achieving best value from resources expended.

Figure 1 shows the relationship between purchasing/contracting and commissioning



Fig.1

3. Position Statement

3.1 This strategy builds on previous strategies, which have provided a clear focus and direction to the Council's procurement approach and have contributed to improved performance in relation to:-

What we improved	How we did it		
Managing procurement	 Reviewed and revised CPR Developed corporate project planning methodology Developed procurement healthcheck process 		
Sustainability	 Embraced the public sector duties under the Equalities Act as they relate to procurement Encouraged local businesses to compete for Council contracts through business networking events and Meet the Buyer sessions Engaged with B3SDA to upskill local third sector organisations interested in bidding for work with the Council 		
Improved procurement processes	 Rolled out e-procurement tools across the Council including advertising and e-tendering through The Chest (saving £34,680 in process costs during 2011/12) and upgrading e-ordering through P2P which has streamlined the invoice payment process Upgraded procurement web pages providing support and documentation throughout the procurement cycle Standardised processes and documentation 		
Efficiency	Delivered or enabled process and cashable savings of £3,511,774 during 2010/11 and 2011/12 in conjunction with Departmental procurement specialists and service managers		
Procurement structure and positioning	Successful operation of Corporate Led Action Network (CLAN) structure through the Strategic Procurement Board and Operational Procurement Network		
Partnerships and collaboration	Continued development of key procurement partnerships with Association of Greater Manchester Authorities (AGMA) and Yorkshire Purchasing Organisation (YPO) to exploit opportunities to eliminate duplication of effort, maximise savings and deliver added value		

3.2 Despite the good progress made we recognise that there is no room for complacency and we will continue to push towards procurement excellence as an organisation. Continued economic uncertainty and changing legislative demands mean we must refocus and re-prioritise, seeking to achieve more for less as resources are increasingly required to be diverted to deliver frontline services to the vulnerable and those in greatest need. Our organisation is changing to reflect this – our strategies, including the Medium Term Financial Strategy, Asset Management plan and Workforce and IT strategies support the Council's Plan for Change, providing the vision and framework that will facilitate our transition and ensure we are 'fit for the future'. Our Economic Strategy 2010-2018 has objectives around promoting new business formation, survival and growth including increasing business start ups within Bury leading to greater employment and new sustainable industries. This strategy supports economic development by ensuring consideration is given to local economic benefit in procurement decision making.

4. Vision for Procurement and links to Corporate Vision, Values and Outcomes

- 4.1 Our vision for procurement encapsulates financial and commercial drivers alongside a desire to use our expenditure to the good of Bury by ensuring we take every opportunity to maximise benefit to the community, specifically by ensuring consideration is given to local employment opportunities in planning procurement projects. Public procurement operates within the highly regulated framework of the European Union (EU) this strategy recognises the obligations this imposes in relation to the observation of the rules and principles, whilst seeking to explore opportunities to deliver against our community objectives. In the course of the next three years we will move to a position where we have:-
 - Confidence in our ability to demonstrate our contracts are delivering best value for money and that an increased proportion of our spend is going through preestablished contracts
 - Improved supplier and contract management key contractors and service providers managed corporately by category specialists able to ensure benefits are fully realised and continuity of supply is maintained
 - Used the <u>Plan for Change</u> as a catalyst for improvement by incorporating procurement health checks into the review process
 - Clear strategies in place for each category of spend
 - Delivered wider community benefit (jobs, apprenticeships & training opportunities)
 through procurement
 - Increased spend with Bury businesses
 - Implemented a risk based approach which embraces innovation and minimises bureaucracy

4.2 How procurement links to corporate vision, values and outcomes

Whilst procurement in its basic form is a function of operating a business by acquiring the materials and services the business needs to perform its activities, it plays a crucial role in controlling costs – after labour costs, procurement represents the largest element of expenditure for most organisations, including the Council. Managing external spend through effective procurement therefore contributes directly to the sustainability of the organisation. The Council spends over £100m externally each year procuring goods and services and, with a constant drive for savings and efficiency from ever reducing resources, we have a continuing obligation to demonstrate that we are obtaining value for money for the tax payer by obtaining the best possible service on the most economically advantageous terms.

In addition, procurement can be used as a tool to deliver, or contribute to the delivery of, key corporate objectives by ensuring these are duly considered at appropriate stages of the procurement process. By incorporating the consideration of the Council's vision and values into procurement we can demonstrate how our procurement supports the achievement of the outcomes we are striving to deliver.

4.3 Bury Vision – To lead, shape and maintain a prosperous, sustainable Bury that is fit for the future

Procurement contribution:-

- Identifying improved processes and making best use of technology eg Agresso P2P, SpendPro, The Chest, e-auctions to ensure procurement is effective and efficient.
- Using procurement opportunities to promote local economic benefit by
 - increasing spend with local businesses
 - o increasing awareness and accessibility of contract opportunities
 - influencing major contractors to take on apprentices and include Bury-based subcontractors and suppliers in their supply chains
- providing good quality guidance, advice and support to local providers both directly and through established business support networks such as the local chamber of commerceEncouraging Bury businesses to reduce carbon emissions through setting

an example and when relevant incorporating environmental sustainability into tender evaluation criteria.

4.4 Bury Values - Procurement Contribution

Bury Values	Procurement Contribution
Putting residents first	By ensuring best value for every pound of Council Tax spent
Empowering and supporting communities	 Through mechanisms within the Localism Act working with community organisations to consider their role in the delivery of services Supporting the local business community by ensuring contract opportunities are widely accessible and providing high quality guidance and advice through appropriate and timely web information and events such as 'Meet the Buyer' By developing stronger links to third sector providers both directly and through Bury Third Sector Development Agency (B3SDA) Maximising opportunities to deliver local employment, apprenticeships and training through our contractual arrangements
Supporting people in severe need	Through best practice procurement and contract management conducted by our departmentally based procurement specialists in Adult Care Services and Children's Services
Openness and transparency	 Being transparent in relation to our spend by publishing details of spend over £500 on our website on a monthly basis Ensuring our contract opportunities are visible through publication on the North West e-opportunities portal, The Chest Conducting all procurement activity in accordance with best practice and highest standards of probity and accountability Publishing details of contracts let through our Contracts Register on The Chest

- 4.5 Through these procurement actions we will help to achieve the **Bury Outcomes** of:-
- Reducing poverty and its effects
- Supporting our most vulnerable residents
- Making Bury a better place to live

5. Procurement Environment, Expenditure Map and Structure 5.1 Procurement Environment

The procurement infrastructure is complex, both in terms of the regulatory structure and the networks and collaborations that deliver solutions. The legal framework within which public procurement takes place is founded on the free market principles of the European Union, meaning that transparency, equality, non-discrimination, mutual recognition and proportionality form the basis for all procurement activity. In order to address some of the constraints imposed by European Public Procurement Directives, a range of national, regional and sub-regional solutions have been developed. Bury is currently an associate member of the Yorkshire Purchasing Organisation and an active member of the AGMA Procurement Group, both of which provide access to a range of best value procurement frameworks delivering the benefits of economies of scale and reducing duplication of effort through collaborative procurement.

Strategic Commitment -

In determining our sourcing strategies for specific categories of spend we will consider the use of collaborative frameworks alongside the option of developing our own bespoke procurement arrangements. Decisions on sourcing strategies will be based on best value and will include a consideration of social value, including fair trade options where these are available

5.2 **Procurement Expenditure**

In 2011/12 the Council spent £104.3 million in the procurement of goods, works and services from a total of 4557 external organisations. This spend is allocated into Proclass categories according to the main business function of the supplier.

The matrix below maps the main categories of spend in relation to relative risk and value.

Bottleneck (Low Value/High Risk)

Low value / high risk procurements. Relevant strategies include multiple suppliers, back-up contractors and partnering

Mail Services	£ 327,714		
Traffic Mgmt	£1,101,080		
Housing Mgmt	£ 380,025		
Legal Services	£ 618,440		
Insurance	£1,272,414		
Banking	£ 251,312		

Strategic (High Value/High Risk)

High risk / high value categoryneeding procurement expertise, adequate resourcing and strong project management

Social Care -

Adults £35,053,542 Social Care – Children's £8,390,552

Children's Construction –

Property £12,232,296

Construction -

Highways £ 2,912,408

Routine (Low Value/Low Risk)

Low value / low risk procurements. Volume transactions where focus is on minimising acquisition costs through use of frameworks and efficient orderingprocesses

Furniture	£579,008
Highways –	
Equipment & Materials	£475,042
Cleaning & Janitorial	£456,428
Stationery	£409,024
Horticulture	£407,382
Clothing	£126,017
Health & Safety	£117,987
Domestic Goods	£ 69,503

Leverage (High Value/Low Risk)

Low risk / higher value procurements where economies of scale can be obtained from collaboratively negotiated contracts
Utilities £6,135,841
Environmental Services £3,724,497
ICT £3,716,776

Agency Staffing £2,806,916
Catering £2,715,058
Building Materials £2,640,138
Facilities Mgmt £2,507,806
Transport £1,558,461
Vehicles £1,012,491

5.2.1 Contract and Supplier Relationship Management

We will review the way we manage key suppliers during the period of this strategy and ensure best practice contract and relationship management is embedded in our corporate approach. This reflects the requirement to reduce costs and generate greater value from

the delivery of services which demands strong and effective management of contracts and contractual relationships. We recognise that, within our supply chain, most costs are incurred after the contract is awarded and that by properly managing contracts and relationships we will ensure that the benefits we negotiate are genuinely realised, thereby reducing the need for reductions in other areas. Key corporate suppliers will be proactively managed by appropriately trained contracts officers.

5.2.2 Spend with Bury Businesses

Council spend with businesses located in Bury is currently around £18 million, equating to approximately 18% of procurement expenditure (2011/12 figures). In addition, a further £31 million is spent with companies based in Greater Manchester and an additional £13.5 million is spent in the wider North West region. Whilst we will aim to increase the amount we spend within the borough boundaries, through proactively seeking bids from local suppliers where this is consistent with our legal responsibilities, we equally recognise that many Bury residents are employed in organisations across Greater Manchester and beyond, and will also consider the local economic benefits derived from contracts awarded to non-Bury companies.

5.3 Procurement Structure

The structure we have developed for procurement reflects Bury's organisational ethos of devolved activity and decision-making alongside a self-service delivery model. The Strategic Procurement and Project Planning team sits at the corporate centre within the Resources Division providing a centre of excellence comprising advice, guidance, support and training, delivering procurement healthchecks and monitoring compliance.

Corporate consistency is achieved through the work of the Strategic Procurement Board (SPB) made up of Departmental Procurement Champions, the Elected Member Procurement Champion and chaired by the Executive Director of Resources who champions procurement issues at Senior Leadership Team. An Operational Procurement Network comprising key departmental procurement officers meets regularly to ensure the actions approved by the SPB are successfully delivered.

Figure 2 shows our structure for procurement

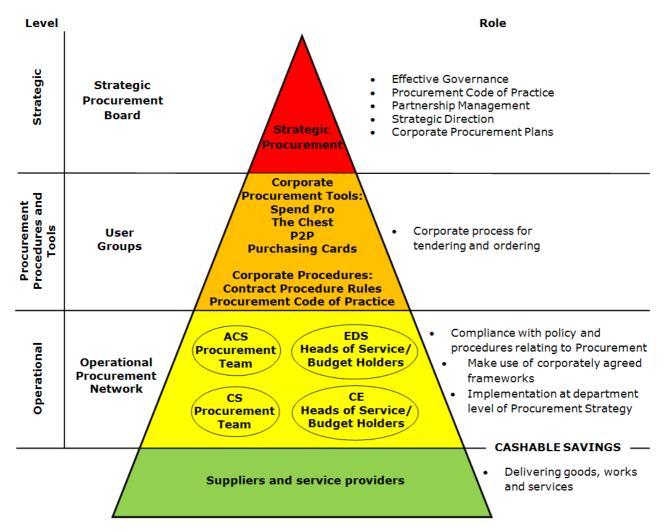


Fig.2

ACS - Adult Care Services Department

EDS - Environmental & Development Services Department

CS - Children's Services Department

CE - Chief Executive's Department

5.4 Procurement Systems

The Council has invested in a number of e-procurement tools to improve the efficiency and effectiveness of the procurement process. These include Agresso P2P for e-ordering, The Chest for advertising opportunities and e-tendering and SpendPro for capturing and reporting on expenditure and suppliers. E-payment can be facilitated where appropriate through our procurement card arrangements and e-auctions are considered during the procurement planning process for individual contracts. Monitoring and support is provided via the Strategic Procurement team and performance reported at Strategic Procurement Board.

5.5 Skills Development

Delivery of the procurement strategy objectives depends on the availability and capacity of appropriately skilled staff. Reducing resources across the organisation increases risks in relation to both the achievement of best value and the potential for challenge associated with the procurement process. All staff engaged in procurement activity will be given the necessary development and training to competently and effectively undertake their role.

5.6 Partnerships and Collaborations

In many markets in which we operate, additional value can be obtained by working in partnership with others procuring similar requirements. We maximise value from these opportunities through our well-established relationships with AGMA and the YPO, actively pursuing and supporting joint procurement activity where this will deliver benefits to Bury. Collaborative procurement not only leads to improved outcomes but also reduces duplication and frees up scarce resources to undertake high value bespoke procurement projects where local arrangements are more appropriate.

6. External Influences and Challenges

6.1 National Legislative Developments

6.1.1 Localism Act 2011

The implementation of the Localism Act 2011 bringing with it the general power of competence and a range of localist measures including neighbourhood planning, referendums, assets of community value and community right to challenge requires councils to consider local implications arising and alternative mechanisms for dealing with them. The Community Right to Challenge has greatest potential impact from a procurement perspective and came into force on 27 June 2012. All expressions of interest received under the Community Right to Challenge will be dealt with in accordance with the established process.

6.1.2 Public Services (Social Value) Act 2012

This Act introduces a duty on Councils to consider how what is proposed to be procured might improve the economic, social or environmental well-being of the relevant area and how it might act to secure such improvement. There is an associated duty to also consider consultation on this. Since the introduction of the well-being powers in the 2003 Local Government Act our policy has been to consider well-being during procurement projects as evidenced explicitly in our Procurement Strategy 2010-12. This policy will continue and will be supported by additional guidance and training for those involved in the procurement process.

6.1.3 EU Public Procurement Directives

The 2006 Consolidated Directive is currently under review with new regulations expected to come into force from 2014. Our response to any changes will be consistent with our strategy of seeking to maximise community benefit from procurement whilst delivering best value and proactively managing associated risk.

6.1.4 Local Government Finance Bill

Localisation of business rates means that in future we retain what we collect. This provides incentive for the Council to identify and deliver opportunities to support local businesses in order that they remain operational and profitable and are consequently able to continue to make financial contributions by way of business rates.

6.1.5 Other Issues

In addition to crosscutting legislation, implications for specific services will be felt from relevant statutory developments, as for example, in the case of the Health and Social Care Act and the Social Care Finance White Paper. The increasing promotion of personal budgets for individuals with social care needs moves procurement decision making away from the council and places it primarily with the service recipient or their carer. An increasing proportion of the Adult Care budget is thus being removed from the influence of council procurement. Although this is relatively small scale at the moment in terms of spend, with approximately 10% of community care spend being used as personal budgets, it is expected that this will increase over the coming years. This shift creates opportunities for procurement services to work in different ways, such as developing framework contracts or working with commissioning teams and providers to undertake market development opportunities.

Services currently in place to support customers of Adult Care Services to manage their personal budgets include:

• Your Care, Your Choice Website which provides information about different choices available to support people;

http://www.bury.gov.uk/index.aspx?articleid=6237

- Care Service Directory which provide information about services and groups provided by the public, private and voluntary sector
- Social workers offer support to customers to identify and purchase the services that best meet their needs as part of the support planning process ('support brokerage')
- There are also a range of private and voluntary sector brokerage services that customers can use to help identify and purchase services
- There are a range of private and voluntary sector payroll and managed account providers that customers can use to help employ a personal assistant
- The Council also has an in-house support service for people around employing personal assistants, which is known as Bury GEMs.

These services will be further developed as more people access personal budgets as the means of having their social care support provided.

6.2 Integration of Public Health

From 1 April 2013 the council assumes responsibility for Public Health, together with the $\pounds 6$ - $\pounds 8$ million external contracts currently let independently by the service. The process of assessing, reviewing, re-procuring, extending and novating these contracts will be conducted in accordance with this strategy and in line with Contracts Procedure Rules, the procurement code of practice and best value. Opportunities to collaborate to deliver better value will be explored with other authorities where appropriate.

6.3 Prevailing Economic Conditions

- continued difficult economic conditions increase pressure on demand for services to support vulnerable individuals
- increases risk associated with the market in terms of business failure and unsustainable bidding leading to contractual defaults
- reductions to council budgets mean savings in expenditure are required –
 the more that can be delivered through reducing spend with external
 suppliers and service providers the less has to come from reductions in
 staffing

7. Procurement Risk Management Strategy

- 7.1 Procurement risk exists 'when supply market behaviour and the organisation's dealings with suppliers, create outcomes which harm reputation, capability, operational integrity and/or financial viability'. Procurement risk management is therefore defined as the measures taken, including changes to behaviours, procedures and controls which remove procurement risks or reduce them to what is considered to be an acceptable level.
- 7.2 Risks associated with procurement can be divided into:-
 - Strategic Risk long term adverse impacts from poor decisionmaking or poor implementation which threaten to damage the reputation of the Council, result in loss of public confidence and in extreme cases may result in external intervention
 - Programme Risk failure to comply with procurement legislation or internal procedures (the Procurement Code of Practice or Contracts Procedure Rules) or the lack of documentation to prove compliance (clear audit trail) which can expose the Council to challenge, judicial review, employment tribunals, increased government inspection or inability to enforce contracts
 - Operational Risk poor contract management, inadequate terms and conditions, failure to deliver services effectively and on time, malfunctioning equipment, hazards to service users, the public or staff, or damage to property leading to insurance claims, disputes, poor user satisfaction, and potentially litigation
- 7.3 Procurement risk is mitigated by following recognised and appropriate policies and procedures that set the framework within which all staff and elected members must work. This includes the internal <u>Procurement Code of Practice</u> and <u>Contracts Procedure Rules</u>, external guidance relating to public procurement and the professional standards of the Chartered Institute of Purchasing & Supply. In addition, for individual projects, risks are considered throughout the procurement cycle and are managed using the <u>Procurement Risk Register</u>.

Monitoring and Review

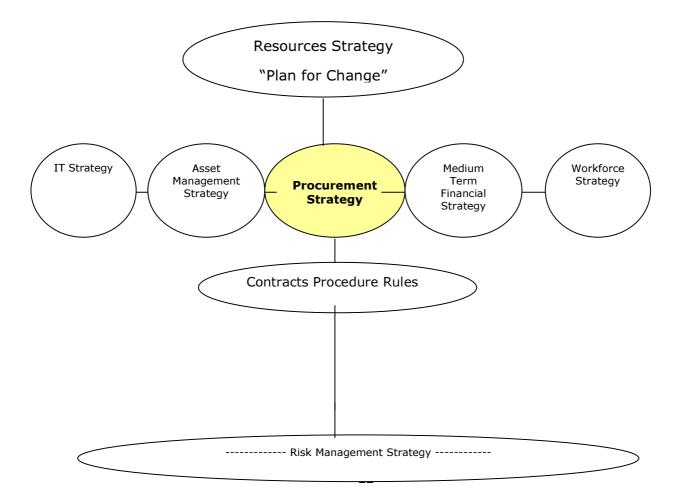
8.1 The success of this strategy will be demonstrated through the delivery of the procurement vision and the achievement of the key objectives. Performance indicators reflecting these objectives will be monitored and progress against targets will be reported to the Strategic Procurement Board. An annual report on procurement performance will be presented to Strategic Leadership Team.

Procurement Performance Indicators

Ref	Outcome	Indicator	Current Position
PPI1	Confidence in our ability to demonstrate our contracts are delivering best value for money and that an increased proportion of our spend is going through pre-established contracts	Actual spend committed against pre-established contract arrangements as a percentage of procurement spend	59%
PPI2	Improved supplier and contract management – key contractors and service providers managed corporately by category specialists able to ensure benefits are fully realised	Percentage of procurement spend which is actively managed by procurement professionals	57%
PPI3	Used procurement healthchecks to identify improvement opportunities within Plan for Change	Savings delivered against target (%)	New indicator
PPI4	Clear strategies in place for each category of spend	Percentage of spend for which a category strategy is in place	New indicator
PPI5	Delivering wider community benefit through procurement	Community benefits delivered as a result of including relevant clause in all contracts	New indicator
PPI6 (a) PPI6 (b)	Increased spend with Bury businesses	Number of local suppliers registered on The Chest Local spend in target areas	18%
PPI7	Implemented a risk based approach to procurement which embraces innovation and minimises bureaucracy	Number of legal challenges received and upheld as a percentage of total number of tenders	New indicator
PPI8	Strategic relationships with key suppliers	Number of Top 10 suppliers with corporate contract management structure in place	New indicator

8. Links to other Strategies

- 9.1 This **Corporate Procurement Strategy** outlines the overall approach to procurement by the Council, including how procurement will be used in appropriate circumstances to maximise local community benefit
- 9.2 The delivery of this strategy is supported by the Council's Contracts Procedure Rules and Code of Practice for procurement.
- 9.3 This Procurement Strategy, along with a range of other strategies, is an intrinsic element of the **Resources Strategy** which drives (and is driven by) the **Plan for Change.** These strategies are vital to ensure the effective use of resources, achievement of objectives, and the delivery of Value for Money by the Council.
- 9.4 The diagram below illustrates the interaction between these strategies;



IT Strategy: Embracing "best of breed" technology to ensure efficient and resilient service delivery, opening up access channels to residents e.g. the Web.

Asset Management Strategy: Making the best use of the Council's extensive asset base. Developing strategies where assets are under-performing, e.g. high cost, low usage – for example disposal / change of use.

Medium Term Financial Strategy: Sets out a vision for the way the Council will manage its finances in order to deliver a balanced and sustainable budget that is representative of Council priorities

Workforce Strategy: Making best use of the Council's dedicated workforce, and ensuring that we have the "right people in the right place at the right time".

Risk Management Strategy: Cuts across all activity, ensures all relevant risks are identified, appropriate responsibility is allocated, and there are adequate plans to mitigate risks.

For further information about the content of this Strategy, please contact;

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Related Documents:

• Contracts Procedure Rules and Procurement Guidance 2010