APPENDIX 1



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INTRODUCTION

The Procurement Reform (Scotland) Act 2014 (the Act) requires the Council to publish its Procurement Strategy each year and, in order to report compliance with this Strategy and the Act itself, the Council must publish an Annual report.

In addition to the required information set out in the Act, this report also includes performance against a number of strategic indicators which were introduced by the Council in order to measure progress on the duties introduced by the legislation.

In order to evidence our progress against our strategic targets, the published Annual Report requires some form of measurement. The statistics presented in this report provide the evidence which should, over time, show how the Council is progressing against both the national and local objectives. The following sections provide both the statistical information and a commentary on performance *(in italics)*.

The data provided in this report does reflect the impact of the COVID-19 pandemic. For much of the financial year the procurement service was effectively stood down from operational service with only emergency and supplier relief work being carried out until late summer. The team were also without an Assistant Manager until October 2020 which had an impact on many of the strategic development actions identified for the year.

SECTION 1 – SUMMARY OF ¹REGULATED PROCUREMENTS

TABLE 1 highlights the summary of live contracts (2020/2021) by category.

Contract Type	Number	Estimated Contract Annual Value £000
Category A (national)	26	7,812
Category B (sectoral)	123	20,688
Category C (local single supplier)	146	42,635
Category C (framework)	15	10,723
Category C1 (local collaboration)	16	1,781
Category O (other)	83	18,363
Non advertised	107	31,649
2020/2021 Total	516	130,499
2019/20 Total	599	133,651
2018/19 Total	522	168,614
2017/18 Total	476	142,891

TABLE 1

¹ Tenders over £50,000

Quick Quotes and Mini competitions	52	821

In total there are 516 live contracts listed in the Council's contract register; of these 132 were awarded or added to the register in the year 2020/21. This is significantly down on the previous year when 240 new contracts were awarded.

Commentary on performance:

Whilst we have seen a year on year increase in contractual volume since 2017/18 mainly down to the increasing use of mini competitions and call offs from frameworks, this stalled during 2020/2021 due to the pandemic with little work being done at a local level. Category "C" contracts (local council developed contracts) reduced to 45 from 148 in the prior year. With the procurement team essentially only working on emergency contracts and supplier relief during the first half of the year this led to a significant backlog of work which continues to be worked on throughout 2021. In addition to this the emergency extensions to contracts required during the pandemic are now starting to expire for a second time adding to the overall work plan.

SECTION 2 – REVIEW OF REGULATED PROCUREMENT COMPLIANCE

Compliance

The Council's procurement procedures requires corporate support for all regulated procurements (tenders over £50,000) and the corporate team also review any Quick Quotes (projects under £50,000) before publication. This scrutiny delivers a high level of compliance to all regulation both national and Council. All procurements have an individual strategy development stage which considers the requirements, the options, the potential for added value and the inclusion of the wider opportunities. This includes a focus on mandatory exclusions, serious and organised crime links, supplier development opportunities, Fair work first, climate and innovation.

Performance

APPENDIX 1 provides the performance results against the Council's Procurement Strategic Action Plan for 2020/2021, which is split between the Procurement Commercial Improvement Programme (PCIP) objectives and the Procurement Strategy measures. An update and comment on performance is given and where improvements are still required, the relevant actions have been identified.

Commentary on performance:

Very little progress has been made against the ten actions identified with only three now complete. Work continues with another two but the remaining actions have stalled due to the pandemic, lack of resources, backlog of workload and a resultant review of priorities.

However, it should be recognised that the Procurement team have supported the emergency work required during the pandemic lockdown, provided a lead for H&SC supplier relief claims and upon return to operational work last year they have picked up the suspended work and progressed the planned procurement projects (where departmental resources allowed).

Section 2 of the action plan concentrates on measurements that will support the delivery of the Procurement Strategy.

Non cash benefits

The Council considers a wide range of non-cash benefits when developing a tender specification: the range is wider than just the social, environmental or economic factors (also referred to as community benefits) that is required by the Act and incorporates added value benefits such as process efficiencies and price stability. The Act only requires community benefits inclusion in tenders with a value of over £4 million, however Moray considers inclusion wherever possible in all tenders.

Table 2 provides a high level view of the non-cash benefits that have been included in the contracts awarded in the year (comparison to previous year).

Benefit Category	No of	Sub category
	contracts	
Collaboration/tender process	203 (206)	85 savings in procurement
		development time
		10 digital process
Cost Avoidance	7 (22)	1 added value
		2 price increase rejection
		4 price versus market savings
		3 process redesign
Purchase to Pay Process	6 (4)	3 e- invoicing
		3 consolidated invoices
Demand/Rationalisation	9 (5)	8 specific contract issues
		1 rationalised list
Community	26 (29)	5 apprentices
		9 Community Benefit Clause (wide
		ranging)
		4 school visits

TABLE 2

		8 training
Environmental	13 (21)	5 energy
		3 greenhouse gases
		1 sustainable construction
		4 waste
Social	16 (23)	4 fair work issues
		11 other – wide ranging
		1 public social partnership
		3 Participatory budget
		9 Other
Living Wage	27 (20)	10 Accredited
		3 Working to accreditation
		12 Paying living wage
		1 commitment to pay
		1 Neither paying or accredited

Commentary on performance:

The Council's method of recording non-cash benefits was introduced in 2015/2016 and we have seen a year on year improvement and although we have recorded our first reduction in the total numbers this has to be taken in context with the reduction in contracts awarded-total live contract with non-cash benefit:

2017/18 – 182 2018/19 – 220 2019/20 – 330 2020/2021 - 203

Non-cash benefits are recorded for all contracts, this may result in some duplication where a framework allows for mini competitions as both will have non benefits recorded on the contract register.

As the maturity of our procurement portfolio grows it has made it more difficult to achieve financial savings and so we are starting to see a switch in focus to the non-cash added value benefits although on a small scale due to the lower value range of contracts we have. The emerging focus on climate issues and community wealth building should also provide the impetus for future delivery of non-cash benefits.

Supported Businesses

Table 3 considers the potential use of supported businesses. Public organisations canreserve the right to participate in procurement for the award of a publiccontract/framework to a supported business (explanation below).

TABLE 3

Reserved Supplier	2020/21 Turnover £
Scotland Bravest Manufacturing Company	547
Moray Reach Out	117,875
Out of Darkness Theatre	42,987
Living Ambitions	176,466

Reduced values due to lockdown

Commentary on performance:

The second group of suppliers in the above table are not formally contracted as supported businesses but we believe that our use of these companies goes some way to meet the Reform Act requirement to support such enterprises. To meet the required criteria supported businesses the main aim of the organisation has to be the social and integration of disabled or disadvantaged persons and where at least 30% of those employed and engaged with the programme are disabled or disadvantaged. These companies however cannot meet the "employment" criteria but certainly do meet the "engagement" element.

SECTION 3 - FUTURE REGULATED PROCUREMENT SUMMARY

The Procurement team work with Heads of Service to develop a Departmental Procurement Action Plan (DPAP) for their service which identifies the Council's procurement activity for the coming year. In addition to this internal forward planning the Act requires the publication of a summary of future regulated procurements in the next two years.

The plan for Moray Council from January 2022 to December 2023 totals:

Number of contracts expiring 233 Estimated value of expiring contracts £138,898,868 Estimated annual value £40,027,464

The detail of this forward plan can be found in our published contract register - <u>Contract</u> <u>Register - Moray Council</u>

Commentary on forward plan:

The above statistics are taken from the contract register. This list contains all contracts with an end date between January 2022 and December 2023; however it should be noted that some may be subject to possible extensions and some may not be re-let. Decisions around the direction for each requirement are taken during the annual DPAP planning process with Service Heads.

SECTION 4 - MORAY UPDATE

The COVID-19 pandemic had a major impact on the procurement team and its workload. The results contained in this report highlight the position with delays in development work and a reduction in tender activity. Looking forward the Council has to catch up on this work but with uncertain markets and departmental resources still recovering that will not be easy. We also have to factor in the additional tender development work that will be required stemming from the Moray Growth Deal and the new emphasis on climate change and community wealth building.

Work has been done around workload and time management to ensure that we make the best of what we have. The pandemic and Brexit has resulted in uncertain supplies and increased demand on certain markets which has produced a degree of uncertainty and availability we have not experienced before. Although we have concerns about recent market engagement with some tenders receiving little if any response to our published tenders and quick quotes, we are continuing to support departments to maximise their procurement potential.

Moray Council Procurement Savings – The Council has a process for recording the impact of contracts on the council – this includes cash and non-cash benefits. The cash savings have been categorised as follows:

- 1 Cash saving anticipated but budget not adjusted
- 2 Cash saving anticipated budget adjusted
- 3 No baseline savings cannot be established, review of contract on anniversary of award to reassess
- 4 No savings anticipated

With Local authority finances becoming increasingly more complicated, the team have developed a number of new categories of savings to try to measure the outcomes from any procurement project:

5 Non cash benefits

- 6 Capital projects delivering savings against estimate/budget, total saving taken in the year the project was awarded
- 7 Rebate centralised collection of contract rebates
- 8 Spend to Save phased return on investment

 Table 4 provides the results for 2020/21 and the previous year (comparison).

Cash Savings 2020/21 (2019/20)				
Category of Saving	Recurring savings	Savings for year (adjusted for start and end date)		
	£ million	£ million		
1 Budget not adjusted	0.784 (0.835)	0.763 (0.755)		
2 Budget adjusted	1.010 (1.074)	0.977 (1.050)		
Total	1.794 (1.909)	1.740 (1.805)		
6 Capital	N/A	0.213(0.190)		
7 Rebate	N/A	0.024 (0.030)		

TABLE 4

Commentary on savings achieved:

There is a recorded reduction in the overall total of savings from £1.909 million to £1.794 million. Further analysis of the recurring savings data highlights that there has been a consistent reduction in most areas, sectoral and local contracts, with the savings coming from national and "other" category (frameworks from other organisations such as Procurement Alliance). This significant level of savings has been achieved despite the pandemic and with changing workloads. Over half of the savings, 56% has been identified by our colleagues in Accountancy as budget adjusted and therefore contributing to the Council's savings target and this is the second consecutive year we have seen this level of achievement.

Procurement Commercial Improvement Programme (PCIP) – a national evidence based audit for all public organisations, which considers a wide-ranging set of competencies. Normally carried out every two years the programme has been suspended due to COVID-19. Moray Council's last assessment was in March 2018, this resulted in a score of 64%, which took us from Level 2 to Level 3 (silver) but left us short of the national Local Authority average of 70%.

Supplier engagement – The Council continued to work with Supplier Development Programme (SDP) throughout the pandemic. The SPD switched quickly from face to face supplier support to virtual training and meet the buyer events. This included a successful Meet the Buyer North event which was support by the Payments Manger in her role as Board member for the SDP and the procurement team who manned the Moray virtual stand.

SECTION 5 - SUMMARY

The significant, year on year, improvements evidenced by the PCA (predecessor to PCIP19% 2009 to 64% 2014 and PCIP 60.4 2016 to 64% 2018 have now stalled, mainly due to lack of staffing resources (including a long term Assistant Manager vacancy) and with the programme now suspended due to the pandemic we are unlikely to see any recorded improvement in the short term. However, additional staffing resources were approved during 2019/20 to meet the workload associated with Moray Growth Deal and the new focus on community wealth building and climate change. This Procurement officer post and the Assistant Procurement Manager vacancy were filled in quarter 3 of 2020/21. This staffing change has improved the team's ability to recover from the backlog of work created by the pandemic and start to work on the strategic developments outlined in the 2021/22 Strategy Action Plan.

The Procurement team have seen a change in the quantity and level of support being requested by Departments with a significant increase in activity. At the end of 2020/2021 our activity programme recorded a total of 412 projects, 186 still work in progress and 226 completed. An analysis of the completed work does highlight however a significant number of projects that were no longer needed, pulled or deferred for various reasons. Thirty contracts were extended under the COVID emergency regime and 23 tenders reached final award. It was a difficult year for the team and that continues into 2021/2022 with uncertain market conditions and increasing focus on procurement to deliver on the climate change and community wealth building strategies.

APPENDIX 2 is the Sottish Government's Annual report template for the statistics required by the Act. A number of the measurements are not currently recorded as they would involve a significant change to our process which is already burdensome and heavily reliant on human intervention.

MORAY COUNCIL STRATEGIC PROCUREMENT ACTION PLAN (SPAP) 2020/2021

SECTION 1 - PCIP Measurements

Data Warehouse	1		1 .
Action	Timetable	Aim	Update
1.1 Development of supplier spend data for Category A & B contracts.December 2019 December 2020 April 2022To ensure that we are maximising the use of the contracts available To sense check the estimated annual value used on the contract register		The changes to the team structure should allow for this work to be allocated and undertaken during 2021/22	
identify variances		To increase accuracy of date reporting	
1.2 To develop existing contract register to maximise on required functionality	October 2019 April 2021 April 2022	Functionality requests submitted to ICT to improve access to data and ease of use	Given the reprioritisation of ICT work it is not known when this will recommence
Leadership & Governance			
 1.3 Operational improvement programme: To carry out qualitative checks on team outputs Report to Service head on outcomes as part of the quarterly combined procurement DPAP update (pending delivery of point 1.4) 	Throughout the year	To focus on the procurement outputs produced by both the team and departments to deliver consistent approach To ensure that actions identified by the review are actioned	The responsibility for this action lies with the Assistant Manager post which was vacant for much of 2020/21. With the focus of the team now being catching up on delayed work it will be some time before we see progress on this action.
1.4 Health &Social Care (MIJB) Support	Ongoing	Targeted support to develop infrastructure for MIJB Support the development of responsibility matrix Develop the structure of support requests	The Payments Manager is supporting this department by processing their supplier relief claim and participating in the remobilisation group. No progress has been made around the definition of responsibilities or process of support.

1.5 Supplier Development	April 2019	To continue to support Economic	The Payments Manager has maintained the
Programme (SDP)	April 2021	Development with the membership of SDP through the Moray Supplier Development Forum	Councils link with SDP throughout the pandemic via her Board membership and the team have supported the two virtual meet the buyer events
	Throughout the	To support local event/s	they have held during that time.
	year	To maximise procurement training for	
		Moray suppliers	
Development & Tender			
1.6 Review workload allocation			COMPLETE
process			The review has taken place and changes made to
			the weighting and allocation of projects. Making
			best use of the resources available has needed a
			more formal approach to workload management.
1.7 Review sustainability questions			COMPLETE
to include new focus on Climate			The team have a new suite of standard questions
Change			available to them
1.8 Review Fair work questions			COMPLETE
			As above
Contract			
1.9 Post award implementation	Throughout the	To ensure that contract awards are	Work has been done and continues to be done
improvements:	year	subject to a full implementation plan	around the process and also the feedback from
Checklist/structure/pack for		with all stakeholders involvement as	stakeholders.
meeting		part of the operational improvement	
		programme	
Key Purchasing Processes			
1.10 Develop Payment processing e-form			With ICT

SECTION 2 – Procurement Strategy Measurements. 2019/20				
a. Savings				
The measure	Target	2020/21 (2019/20) Results	Will Demonstrate <i>Comments</i>	
A1 Percentage of all council expenditure covered by contracts Total commercial spend – contract register annual estimated values for live contracts in year	95%	95.88% (94.73%)	Greater contractual exposure	
A2 Value of procurement savings achieved through contracts live during the year	£1M	1.794M (1.909M)	The financial results from contracts	
A3 Number of collaborative contracts awarded as a percentage of all commenced in year	40%	53.03% (38.80%)	Successful collaboration	
A5 Percentage of contracts commenced in year that contain a contract benefit (all categories)	15%	81.82% (90.83%)	Increasing focus on non-financial benefit 108	

b. Contracts

The measure	Target	2020/21 (2019/20) Results	Will Demonstrate <i>Comments</i>
B1 Percentage of planned activity taken to award during year	75%	12.56% (78.36%)	Improved procurement planning The nature planned activity is changing with an increase in planned volume - 104 (18/19), 134 (19/20), 183 (20/21) and requests for support for non-tender work extensions, quick quotes etc This impacts on this measurement and reduces the % that are taken to award stage. The pandemic and resultant market conditions reduced the ability to complete tenders from 105 (19/20) to 23 (20/21), however extensions taken to completion increases this to 53 or 28.96% This measurement was introduced to monitor the councils procurement planning and as such we have seen a year on year improvement but it is no longer considered to be viable given the changes to procurement workload and this measurement is to be withdrawn.
B2 Percentage of unplanned/ activity during the year	25%	55.58% (39.18%)	Measure to try and keep unplanned to a minimum Percentage affected by overall increase in workload mentioned above 200 18/19, 342 19/20 to 412 20/21. Much of the unplanned work was around emergency requirements during the pandemic.

c. Compliance

The measure	2018/19 Target	2020/21 (2019/20) Results	Will Demonstrate <i>Comments</i>
C3 Percentage of Account Payable transactions with a Purchase Order (where relevant ie non-recurring) number during year	75%%	74.49% (76.83%)	Compliance management

d. Accessibility

The measure	2018/19 Target	2020/21 (2019/20) Results	Will Demonstrate <i>Comments</i>
D1 Percentage of contracts commenced during year to SMEs	30%	48.48% (30.83%)	SME access to our business – volume
D2 Percentage value of annual spend with SMEs for year	55%	49.34% (46.77%)	SME access to our business – by value
D3 Percentage value of spend with Moray, Highland and Aberdeen council areas	50%	38.09% (37.69%)	"local" access to our business – value
D4 Number of "events" held or participated in during year	10	5 (9)	Supplier engagement and internal training sessions

e. Community Benefits -

The Measure	2018/19 Target	2020/21 (2019/20) Results	Will Demonstrate Comments
E1 Percentage of commenced contracts within the year that have a community benefit (category 7)	20%	11.36% (5.83%)	Sustainable duty performance
E2 Percentage of collaborative contracts commenced in the year that have a community benefit (category 7)	20%	6.06% (4.58%)	Sustainable duty performance

f. Sustainability

The measure	2018/19 Target	2018/19 (2017/18) Results	Will Demonstrate Comments
F1 Percentage of contracts commenced in the year that have incorporated a sustainable target (category 5)	20%	7.58% (6.25%)	Sustainable duty performance Very few of our locally developed contracts are suitable for a sustainable target (cat 5 environmental). However with the new focus on climate change issues and the potential for a wider range of potential areas to target we expect this to improve.
F2 Score on Flexible Framework	Level 3	(Level 3)	Sustainable duty performance
F3 Prioritisation tool used to assess Service priorities	100%	(100%)	Sustainable duty performance 2019/20 exercise

Annual Procurement Report – Required Data

1. Organisation and report details	
a) Contracting Authority Name	Moray Council
b) Period of the annual procurement report	April 2020 to March
	2021
c) Required by s18 Procurement Reform (Scotland) Act 2014 to prepare an annual procurement report? (Yes / No)	Yes
2. Summary of Regulated Procurements Completed	
a) Total number of regulated contracts awarded within the report period	177
b) Total value of regulated contracts awarded within the report period	£59,316,433
c) Total number of unique suppliers awarded a place on a regulated contract awarded during the period	144
i) how many of these unique suppliers are SMEs	98
ii) how many of these unique suppliers how many are Third sector bodies	Not recorded
3. Review of Regulated Procurements Compliance a) Number of regulated contracts awarded within the period that complied with your Procurement Strategy	Not recorded
b) Number of regulated contracts awarded within the period that did not comply with your Procurement Strategy	Not recorded
-,	
4. Community Benefit Requirements Summary	
Use of Community Benefit Requirements in Procurement:	
a) Total number of regulated contracts awarded with a value of £4 million or greater.	0
b) Total number of regulated contracts awarded with a value of £4 million or greater that contain Community	N/A
Benefit Requirements.	
c) Total number of regulated contracts awarded with a value of less than £4 million that contain a Community	29
Benefit Requirements	

Key Contract Information on community benefit requirements imposed as part of a regulated procurement that w fulfilled during the period:	/ere
d) Number of Jobs Filled by Priority Groups (Each contracting authority sets its own priority groups)	Not recorded
e) Number of Apprenticeships Filled by Priority Groups	Nor recorded
f) Number of Work Placements for Priority Groups	Not recorded
g) Number of Qualifications Achieved Through Training by Priority Groups	Not recorded
h) Total Value of contracts sub-contracted to SMEs	Not recorded
) Total Value of contracts sub-contracted to Social Enterprises	Not recorded
) Total Value of contracts sub-contracted to Supported Businesses	Not recorded
k) Other community benefit(s) fulfilled	Not recorded
5. Fair Work and the real Living Wage	
a) Number of regulated contracts awarded during the period that have included a scored Fair Work criterion.	Not recorded
b) Number of unique suppliers who have committed to pay the real Living Wage in the delivery of a regulated contract awarded during the period.	Not recorded
c) Number of unique suppliers who are accredited Living Wage employers and were awarded a regulated contract awarded during the period.	Not recorded
d) Number of unique suppliers who have signed up to the Scottish Business Pledge and were awarded a regulated contract awarded during the period.	Not recorded
6. Payment performance	
a) Number of valid invoices received during the reporting period.	88740
b) Percentage of invoices paid on time during the period ("On time" means within the time period set out in the contract terms.)	84.02%
c) Number of regulated contracts awarded during the period containing a contract term requiring the prompt payment of invoices in public contract supply chains.	Not recorded
d) Number of concerns raised by sub-contractors about the timely payment of invoices within the supply chain of public contracts.	None

. Supported Businesses Summary	
) Total number of regulated contracts awarded to supported businesses during the period	0
) Total spend with supported businesses during the period covered by the report, including:	£547
i) spend within the reporting year on regulated contracts	Not recorded
ii) spend within the reporting year on non-regulated contracts	Not recorded
8. Spend and Savings Summary	
) Total procurement spend for the period covered by the annual procurement report.	£125,522,922
) Total procurement spend with SMEs during the period covered by the annual procurement report.	£64,593,055
) Total procurement spend with Third sector bodies during the period covered by the report.	Not recorded
 Percentage of total procurement spend through collaborative contracts. 	52.88%
) Total targeted cash savings for the period covered by the annual procurement report	£1.741M
i) targeted cash savings for Cat A contracts	£0.166M
ii) targeted cash savings for Cat B contracts	£0.062M
	£1.479M
iii) targeted cash savings for Cat C contracts	11.475101
) Total delivered cash savings for the period covered by the annual procurement report	Not recorded
i) delivered cash savings for Cat A contracts	Not recorded
ii) delivered cash savings for Cat B contracts	Not recorded
iii) delivered cash savings for Cat C contracts	Not recorded
) Total non-cash savings value for the period covered by the annual procurement report	Not recorded
). Future regulated procurements	
) Total number of regulated procurements expected to commence in the next two financial years	233
) Total estimated value of regulated procurements expected to commence in the next two financial years	£138,898,868