



Procurement Policy

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The Scottish Legal Aid Board

www.slab.org.uk

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i) Procurement policy statement

To ensure a consistent approach to all Scottish Legal Aid Board (SLAB) procurement activity, ensuring compliance with statutory requirements whilst enabling SLAB to meet its aims and objectives.

As a publicly funded organisation, SLAB must comply with various Procurement and UK legislation, regulations and guidance. The process of procuring goods and/or services must be fair, transparent, non-discriminatory, and open to audit and accountability. SLAB, as a public sector organisation, is committed to ensuring that it does not breach any legislation and proactively promotes equality, sustainability and diversity.

SLAB will only contract with suppliers who are aligned with, and can meet, both our standards and those set by the most current legislation including but not limited to:

- Health and Safety Act 1974
- Equality Act 2010
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 - Regulation 9
- Data Protection Act 1998
- Bribery Act 2010
- Freedom of Information (Scotland) Act 2002
- Modern Slavery Act 2015
- General Data Protection Regulation.

It is SLAB policy to use internal resources in the first instance. If the goods or services cannot be delivered in house, then an external supplier should be sourced. It is SLAB policy to advertise all regulated contracts on the Public Contracts Scotland website and to fulfil our legislative duties.

SLAB will insure that all of our procurement activity will be conducted in accordance with our Values:

- **Transparency:** we are clear about rules and criteria that apply to any work we do, and take responsibility for making sure it is understandable
- **Impartiality:** in all our work we focus on objective criteria and avoid conscious or unconscious bias
- **Trust/Respect:** we value working with others, and act with honesty and integrity on the basis that others do too, unless there is evidence to the contrary
- **Accountability:** we can demonstrate that we work within our stated policies and procedures, and apply them accurately and consistently
- **Proportionality:** we are mindful of the impact on ourselves and others of what we do and how we do it, and strive to find the balance between efficiency, accessibility, and effective management of risk
- **Responsiveness:** as a learning organisation we reflect on how our work affects others, encourage the identification of opportunities for change, and innovate using established design principles that embody our values.

ii) Scope

This policy outlines the approach to **all procurement activities** within SLAB including Solicitor Contact Line (SCL), Public Defence Solicitors' Office (PDSO), Civil Legal Assistance Office

(CLAO), and the Legal Aid Fund (where appropriate). Separate detailed procedures and procurement guidance have been published to support this policy.

iii) Links to Other Relevant Policy and Guidance

- [The Public Contracts \(Scotland\) Regulations 2015](#)
- [The Procurement \(Scotland\) Reform Act 2014](#)
- [The Procurement \(Scotland\) Regulations 2016](#)
- [The Public Procurement etc. \(Scotland\) \(Amendment\) \(EU Exit\) Regulations 2019](#)
- [Scottish Public Finance Manual](#)

iv) Definitions

Framework contract	National contracts that allow public sector buyers to procure goods and services from a list of pre-approved suppliers.
Collaborative contract	Can include the framework contracts. Also covers contracts entered into jointly with one or more bodies with aligned interests.
PCS	Public Contracts Scotland A national advertising website for public sector procurement in Scotland, sponsored by Scottish Government, where buyers (SLAB) can post and subsequently award contracts. Buyers can invite suppliers, using the Quick Quotes facility, to submit quotations electronically. Suppliers can browse available contracts.
Quick Quotes	A service through PCS, where SLAB can target registered suppliers.
Open Tender	A service through PCS, where SLAB can run a competition for all registered suppliers to submit a response.
Non Competitive Action	Process whereby competition is not deemed appropriate and a direct award of a contract is made without advertisement.
Statement of Requirement	For tenders over £10,000 a full specification of requirements would be expected. For low value tenders, the statement of requirement will suffice to receive quotes.

v) Queries

Any queries should be referred to the Procurement Team, by email purchasing@slab.org.uk.

vi) Roles and Responsibilities

Manager

- See tables 2.5, 3.1 and 3.2
- Scope the works and share with Procurement team
- Arrange quotes
- Draft specification
- Manage the contract relationship.

Procurement team

- Provide advice and guidance
- Raise Purchase Orders
- Maintain Contracts Register.

Procurement Procedure

1.1 Why do we need a procurement policy?

To deliver our Corporate Plan outcomes, what government asks of us, and to achieve the highest standards of professional procurement to ensure compliance with Scottish Government's policy on Procurement, in particular the work of Scottish Procurement (SP).

The policy allows SLAB to have a defined, clear approach to ensure that all of our goods, services and works are procured in order to increase the efficiency of public spending. The policy aims to ensure value for money and deliver financial savings without undermining the quality of the goods, services, and works being procured.

The procurement policy is part of SLAB's Corporate Governance activity which provides a framework for our delivery of procurement services. The policy also helps SLAB's net zero commitments through embedding low-carbon, sustainable procurement criteria. It also frames our delivery of the SP duty as described in the Procurement Reform (Scotland) Act 2014, and assists us in complying with our equalities duties.

1.2 Procurement vision

In supporting SLAB to meet its corporate objectives, the procurement vision is to demonstrate best value, continuous improvement, and drive sustainable practices, including reducing inequality and our carbon impacts through what we do.

We will achieve this by ensuring our procurement processes are accessible and are run in a fair, open and transparent manner.

The mission of the Procurement team is to be recognised throughout SLAB as the first point of reference for professional advice, guidance, and support in the procurement of goods, services, and works.

1.3 Delivery of the procurement policy

To succeed in the delivery of the policy, the Procurement team rely on the support of senior management to help them deliver on the key outcomes and commitments by demonstrating their support to all levels of the organisation.

This policy is governed by nine key elements which will inform our approach going forward.

Our aims are contained within the key headings outlined below, and will be used to support the implementation of the policy:

- Compliance - The Legal Framework
- Competition
- Value for Money and Efficiency
- Sustainable Procurement
- Community Benefits
- Stakeholder Engagement
- Fair Work Practices including the Living Wage
- Health and Safety
- Ethical Procurement
- Equality and diversity.

Our aim is to ensure that all SLAB procurement is undertaken in a transparent, open, and fair manner. SLAB is committed to using framework and collaborative contracts wherever possible. All procurement requirements should consider whether such a contract is already available before embarking on a separate tender exercise.

It is recognised that collaborative contracts and frameworks could be available through a number of different channels, including Scottish Government/Scottish Procurement, Crown Commercial Services, APUC, National Health Service, Local Authorities, or specific arrangements with other public bodies.

1.3.1 Compliance - The Legal Framework

Our aim is to ensure that all SLAB procurement is made in a transparent, open, and fair manner. Public procurement is governed by a legal framework which includes the fundamental principles deriving from:

- The Public Contracts (Scotland) Regulations 2015
- The Procurement (Scotland) Reform Act 2014
- The Procurement (Scotland) Regulations 2016
- The Public Procurement etc. (Scotland) (Amendment) (EU Exit) Regulations 2019.

The Procurement (Scotland) Reform 2014 Act (the Act) provides a national legislative framework for sustainable public procurement that supports Scotland's economic growth through improved procurement practice. The fundamental principles flowing from the Regulations and Act include:

- **Transparency** - contract procedures must be clear and contract opportunities should generally be publicised
- **Equal treatment and non-discrimination** - potential suppliers must be treated fairly
- **Proportionality** - procurement procedures and decisions must be balanced
- **Mutual recognition** - giving equal validity to qualifications and standards, where appropriate.

There is a duty on procurers in SLAB to apply the key principles of public procurement. These require the delivery of value for money, appropriate quality and service to meet business needs, and appropriate governance.

1.3.2 Competition

Our aim when procuring goods, services, and works is that they are always acquired by effective competition. This includes adequate publication of the contract opportunity, unless there are convincing and justifiable reasons to the contrary. Awarding contracts on the basis of value for money following competition contributes to the competitiveness of suppliers and to the visible application of the fundamental procurement principles.

Competition avoids any suggestion of favouritism and the encouragement of monopoly; it also helps to promote efficiency, economy, and innovation. The form of competition should be appropriate to the value and complexity of the goods, services or works acquired. Before advertising contracts as open competition, SLAB need to consider the use of frameworks first, and some of the frameworks SLAB are able to access are:

- [Scottish Government frameworks and contracts](#)
- [Crown Commercial Services](#)
- [Scotland Excel](#)
- [NHS Shared Services](#)
- [Health Trust Europe.](#)

Please email the Procurement team for further information and assistance. Email: purchasing@slab.org.uk

To facilitate compliance and competition, the public sector in Scotland has a national advertising portal called Public Contracts Scotland (PCS), which can not only allow contract opportunities of all levels to be publicised, but also assist public sector bodies to manage the tender process electronically. The Procurement team will, on an ongoing basis, encourage and support SLAB staff to make better use of the portal to manage their contract opportunities, further improving the sustainability of the tendering process.

Contracts with a value above £10k should be advertised using the PCS portal. Where appropriate, the PCS Quick Quote facility will be used for lower value and low risk procurement. The following thresholds will apply in determining the appropriate means of competition, which must be used:

1.3.2.1 Competition for goods and services £0 and £5,000 (exc. VAT)		
All contracts with an anticipated value of between £0 and £5,000 (excluding VAT) for Goods, Services and Works.	Where there is no contract/contracted supplier in place, the aggregated spend for the commodity does not justify the creation of a contract, and the spend does not exceed the thresholds set out below, the Purchasing Administrator should be satisfied that value for money has been achieved.	Three written quotations. If unable to do this, then non-competitive action (see 11.3)

1.3.2.2 Competition for goods and services £5,001 and £10,000 (exc. VAT)		
All contracts with an anticipated value of between £5,001 and £10,000 (excluding VAT) for Goods and Services.	Documentary evidence should be retained to show that Value for Money has been obtained, for example through a price comparison of at least three quotes.	Three written quotations or Quick Quote process via PCS. If unable to do this, then non-competitive action.

1.3.2.3 Competition for Goods and Services £10,001 and £50,000 (exc. VAT) and £2,000,000 (exc. VAT) for Works		
All contracts with an anticipated value of between £10,001 and £50,000 (excluding VAT) for Goods and Services, and £2,000,000 (excluding VAT) for Works.		Quick Quote process via PCS.

1.3.2.4 Competition for Goods and Services £50,001 and above (exc. VAT) and £2,000,001 and above (exc. VAT) for Works		

All contracts with an anticipated value of £50,001 and above (excluding VAT) for Goods and Services and £2,000,001 (excluding VAT) for Works.	These contracts should be advertised on PCS. The value of the contract is the total amount, net of VAT, which SLAB expects to pay over the full duration of the contract (including any options to extend). Decisions not to use PCS should be objectively based and documented in the Procurement Brief.	Frameworks should be reviewed first, before Open Tender on PCS.
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Scottish Legal Aid Board is committed to using collaborative public sector contracts wherever possible. All new or renewal contract requirements should be evaluated to determine if a suitable collaborative contract exists or is due to be completed.

1.3.3 Value for money and efficiency

SLAB will always strive to buy efficiently and wisely, obtaining best value for money by ethical means and, wherever possible, by competitive tender or other established procedure, to ensure compliance with public sector procurement rules and regulations.

Our aim when procuring goods, services, and works is to obtain best value for money in terms of both cost and quality.

The [Scottish Model of Procurement](#) defines value for money in Scottish Procurement as not just being about cost and quality, but the best balance of cost, quality, and sustainability. Best value for money is defined as the optimum combination of whole-life cost and quality (or fitness for purpose) to meet the user’s requirement(s). Depending on the nature of the contract, whole-life cost may include implementation costs, ongoing operating costs, and end-of-life disposal.

SLAB will award contracts on the basis of the Most Economically Advantageous Tender (MEAT). This allows purchasers to balance the quality of the goods, services or works they are procuring against price and quality. Framing the Statement of Requirements (SoR) in a way which focuses on the outcome and encourages innovation, rather than defining a particular solution, will inform the evaluation criteria used.

Where an item is chosen that does not have the lowest whole-life costs, then the additional ‘value added’ benefits must be clear and justifiable and in line with the evaluation criteria.

1.3.4 Sustainable procurement

All goods and services bought by SLAB must deliver best value, meeting all of our needs at an affordable price. Our aim when procuring goods, services and works is to take into consideration the requirements of the [sustainable procurement duty](#). This information is monitored within the carbon management plan and reporting framework. The duty requires that before a contracting authority buys anything, it must think about:

- How it can improve the social, environmental and economic wellbeing of the area it operates in
- How the procurement process will facilitate the involvement of SMEs, third sector bodies and supported businesses
- How public procurement can be used to promote innovation.

Where appropriate, suppliers of goods, services, and works to SLAB are expected to be able to demonstrate how they meet our relevant sustainability requirements and, where possible, variants have been indicated to encourage suppliers to provide options in their tenders that

allow SLAB to choose a supplier that adds sustainability value to the supply of the goods, services or works, all other aspects being equal.

We will actively seek to include benefits in the range of (non-cash) benefits from public contracts. Where appropriate, our actions will include:

- Designing Low Carbon into the technical specifications and evaluation criteria of our projects
- Requiring suppliers to demonstrate how the goods, services, and works they supply meet our standards and specifications
- Suppliers deliver goods that comply with relevant Government Buying Standards
- Buying goods or services that meet our standards
- Continuing to engage with other public bodies to develop stronger sustainability practices, share learning, and implement good practice in the spirit of the Climate Change Act.

1.3.5 Community benefits

Community benefits are one of a range of social and environmental considerations that can be included in public contracts and frameworks where they are compatible with the fundamental principles of transparency, equal treatment, non-discrimination, proportionality, and mutual recognition. The Procurement (Scotland) Reform Act 2014 aims to achieve the maximum use of these requirements in public contracts and framework agreements.

Where there are clear requirements relating to community benefits in the Act, use of community benefit requirements may also demonstrate compliance with the sustainable procurement duty. For the purposes of the Act a threshold of £4 million or above has been set for when community benefit requirements must always be considered. Their use does not need to be limited to contracts and frameworks of this value and can be applied to lower value procurements where it is proportionate and relevant to the contract or framework being let.

Where appropriate SLAB will aim to consider whether or not to impose community benefit requirements before carrying out a tender exercise, where relevant, and proportionate to a contract or framework agreement. Factors for SLAB to consider when deciding whether to include community benefit requirements include opportunities to:

- minimise negative environmental impacts
- support equality and diversity initiatives
- make contracting and sub-contracting opportunities available to SMEs, the third sector and/or supported businesses
- support supply-chain development activity
- build capacity in community organisations
- generate employment and training opportunities for priority groups
- support vocational training
- upskill the existing workforce
- help educational support initiatives.

Where SLAB has an opportunity to deliver community benefits, in the contract notice/tender documentation relating to the exercise SLAB will include:

- A summary of the community benefit requirements it intends to include in the contract
- The appropriate community benefit clause(s)
- The appropriate community benefit evaluation criteria and weighting applicable to the procurement.

1.3.6 Stakeholder engagement

The aim of the Procurement team is to improve our engagement with all of our customers, both internal and external, and by doing so improve the support and services we provide to our customers.

As appropriate and proportionate, SLAB may consider consultation with parties who will potentially be affected by the outcome of a tender process, including engaging with:

- The marketplace, for example, to identify the capacity of the contract or framework agreement
- External stakeholders - the end users of the service
- Community groups, schools
- Internal stakeholders.

The decision on when to consult and engage before a tender exercise will be taken on a contract by contract basis and may be undertaken for example:

- When SLAB is tendering for a brand new requirement
- When a contract may affect a local community
- Where the contract may have a significant impact on end users, we may seek views or comments from customers.

In engaging and consulting with the marketplace, SLAB will look to:

- Consider the publication of Prior Information Notices (PIN) to make the market aware
- Consider prior engagement with potential bidders/those affected by the contract to take into consideration their views when creating tender documentation
- Engage with our suppliers not only to improve supplier relationships through more regular engagement with us, but also giving our suppliers an opportunity to feedback on their experience working with SLAB.

1.3.7 Fair Work Practices including Living Wage

Our aim is to deliver a high quality public service and this includes our commitment to ensuring contracts, where relevant and proportionate, address Fair Work Practices, including payment of the Living Wage. Furthermore, SLAB will adopt the Fair Work First requirements and promote the payment of the real Living Wage. This aligns with Scottish Government's policy for driving good quality and fair work in a sustainable and inclusive way.

Consideration of fair work practices, including the seven Fair Work First criteria, will be particularly relevant where the quality of the service being delivered, or works being performed, is directly affected by the quality of the workforce engaged in the contract. For example, fair and equal pay, including Living Wage, is one of the clearest ways in which a bidder can demonstrate that it adopts fair work practices.

SLAB recognises that quality of delivery is critically dependent on a workforce that is fairly rewarded, well-motivated, well-led, has access to appropriate opportunities for training and skills development, is diverse, and is effectively engaged in decision making. Consideration of a bidder's approach to fair work practices must be a proportionate one, based on the nature, scope, size, and place of the performance of the contract.

SLAB will consider each bidder's overall approach to fair work practices and all bids will be treated equally. This will include consideration of all relevant evidence, including (but not limited to) recruitment, remuneration, terms of engagement, skills utilisation and job support,

and worker representation. It is acknowledged that a bidder's approach to fair work practices may vary depending on the bidder's size and the scope of the contract.

Where appropriate to the nature of the contract being let, SLAB will include a statement in tender exercises, incorporating appropriate evaluation criteria and weighting, encouraging bidders to take into consideration fair work practices, including payment of the Living Wage.

1.3.8 Health and safety

Our aim when tendering and letting contracts is that all prospective contractors must be competent to undertake the work as described in the Statement of Requirements (SoR), and have suitable and sufficient health and safety policies and procedures in place.

As part of any client/contractor relationship, both parties have duties under health and safety legislation. Similarly, if a contractor employs sub-contractors to carry out some or all of the work contained within the specification given for the contract, all parties have health and safety responsibilities. The extent of the responsibilities of each party will depend on the individual circumstances of the project.

Health and safety policies and procedures must address the risks created by and associated with the work, and identify the means whereby contractors and sub-contractors will ensure their staff have sufficient skills, knowledge and experience to manage and carry out the work safely.

SLAB will, where appropriate, include in all tender exercises a Health and Safety Policy Statement which will require bidders to submit the following evidence:

- A copy of their Health and Safety Policy Statement
- A statement showing their 'Safe Method of Operation' and any generic Risk Assessments for the type of work they intend carrying out (if applicable)
- A copy of their Public Liability and/or Professional Indemnity Insurance certificate and, where appropriate, Employer's Liability Insurance certificates, or other evidence of insurance cover (for example, a broker's letter)
- A statement of procedures for appraising the competence of any sub-contractor that they intend to use on the project.

In addition to their own statutory responsibilities under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013, SLAB requires contractors to report all accidents, dangerous occurrences, and near misses that occur whilst they are working for us to the Project Manager.

1.3.9 Ethical procurement

Our aim in all our dealings with suppliers and potential suppliers is to preserve the highest standards of honesty, integrity, impartiality, and objectivity. The Scottish procurement regulations - Public Contracts (Scotland) 2015 Regulations - provide a national legislative framework for sustainable public procurement that supports Scotland's economic growth through improved procurement practice.

There are a number of provisions in the regulations with a bearing on ethics and human rights, which are:

- The Sustainable Procurement Duty
- Mandatory Exclusion: Breach of Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 is a mandatory exclusion for both regulated and National procurements
- Discretionary Exclusion: Violation of applicable obligations in the fields of environmental, social, and labour laws.

SLAB's code of professional ethics when procuring goods, services, and works are in line with the following Acts and guiding principles:

- Regulation 9 of The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- The Chartered Institute of Procurement and Supply (CIPS) Code of Professional Ethics
- Human Trafficking and Exploitation (Scotland) Act 2015
- CIPS Ethical and Sustainable Procurement
- CIPS Protecting Human Rights in the supply chain
- United Nations Human Rights Guiding Principles on Business and Human Rights.

To further embed ethical practices, when evaluating bids SLAB will:

- take into consideration lifecycle costing
- include conditions relating to performance of a contract to ensure economic operators comply with environmental, social, and employment law
- assess assurances of fair and ethical practices in the supply chain
- ensure that goods, services or works are given the appropriate label certification that meet specific environmental, social or other characteristics where these are directly relevant
- maintain transparency, promote competition and innovation, and not discriminate against an economic operator, accepting all labels of equivalent standards as well as accept bids that can demonstrate it meets the specified criteria without certification.

1.3.10 Equality and diversity

SLAB is committed to tackling inequality in Scotland and in doing so we will comply with all relevant ethics, human rights, and equality legislation. Where a contractor is carrying out a public function on behalf of SLAB, the legal liability for the duties in relation to that function remains with us, as we contract out the function.

Equality and diversity requirements are incorporated into SLAB's standard Terms and Conditions of Contract, and are embedded in our fair work practices statement, to ensure that full consideration is given to the needs of, and the likely impact on, all users and others who will be affected by the contract.

To further promote equality and diversity, SLAB will:

- require suppliers to complete probity statements and include equality policies or statements when submitting tenders
- include a statement in tender exercises, incorporating appropriate evaluation criteria and weighting, encouraging bidders to consider how they can contribute to promoting and advancing equality in delivering the contract
- ensure assessment of a suppliers' equality commitments forms a significant part of our contracting criteria, where a supplier directly impacts on our equality duties.

1.4 Effective contract management

Contracts will be in writing and based, where appropriate, on Scottish Government model terms and conditions. SLAB will aim to pay Suppliers promptly in accordance with agreed Terms and Conditions and the Scottish Public Finance Manual, conducting purchasing, supplier and contract management in a professional and effective manner, and in line with the Procurement journey.

1.5 Small and Medium Sized Enterprises (SMEs)

SMEs are actively encouraged through the use of PCS to do business with SLAB. This is facilitated by the use of the PCS portal and the best practice processes in the Suppliers Charter, which SLAB has signed up to.

2.0 Procurement process

Prior to commencement of the Procurement process a detailed scope of work must be produced by the initiating department, which includes a timetable of events and a schedule of desired deliverables from the resulting contract.

During the procurement process the following should be used, as appropriate:

- Generic specifications to encourage innovative solutions by prospective suppliers
- Defined evaluation criteria for all critical elements, appropriately weighted, to ensure the balance required is achieved (to be issued with the tender documents)
- A detailed risk assessment in both financial terms and the operational risk to SLAB of failure.

All procurements should use the corporate templates provided. On occasion, it may be appropriate to have a pre-contract discussion with a potential supplier. Where this is the case these discussions must involve the Procurement team. Suppliers have the right to request debriefing sessions which will be managed by the Procurement team if requested.

2.1 Approvals

In accordance with the Delegated Authority Matrix, procurement of all goods and services requisitioned must be approved by a duly authorised budget holder. All Purchase Orders are issued, following budget holder approval, by the Procurement team. Budget holders must ensure that all external spend is coordinated and approved through the procurement process.

2.2 Corporate procurement

In order to ensure that Procurement activities are aligned with and support other strategies within SLAB, there are several types of goods or services which can only be requisitioned through specific cost centres.

Goods or services	Authorised by
Hardware/software or IS consultancy	Head of IS
Furniture & office equipment	Facilities Manager
Alterations, refurbishments or buildings maintenance	Facilities Manager
Telecommunications	Facilities Manager and Head of IS
Legal consultancy	Head of Legal Services
Training	HR Manager
Recruitment	HR Manager
External print stock	Facilities Manager
External print design	Communications Manager

2.3 Level of authority (read in conjunction with Competition for goods and services tables 1.3.2.1 - 1.3.2.4 above)

Expenditure level	Justification or approval required
<£5k	Budget holder
>£5k <£10k	Brief written cost/benefit analysis approved by Director/Executive team
>£10k < £100k	Business case approved by Director/Executive team
>£100k < £1m	Business case approved by the Board
> £1m	Business case approved by Scottish Government

If the expenditure is less than £10k but is an addition to an existing project then the original business case should be reviewed and revised to ensure that the project will remain financially viable if the additional expenditure is incurred.

2.4 Consultancy Services

Procurement of consultancy services will take into account the most recent version of Consultancy Procedures and guidance on the use of consultants produced by Scottish Government. If an external expert or consultant is required then a tender exercise should be carried out. If there are limited experts then a non-competitive action should be completed.

3.0 Risk management

Evaluation of risk across the lifecycle of the procurement process from identification of need to contract renewal must be carried out in line with our Risk Management framework. It is essential that procurement processes are embedded within management processes. All SLAB projects should comply with our procurement policy.

The key risks to the successful enablement and positive impact of this overall strategic approach to SLAB procurement are:

- Business Engagement, both in terms of behaviours and compliance
- Data Quality to enable effective management decisions
- Planning: Forecasting and taking decisions for short term benefit rather than assessing long term impacts (a life cycle approach)
- Conflicting business strategies with a lack of clarity of the holistic picture
- Inconsistent approach to initiatives coupled with too much choice/variability within the business
- resource levels, and quality of resources within the business.

4.0 Contracts

Although, in Scots Law, a contract is legally enforceable whether it is verbal or written, it is the policy of SLAB that all contracts should be in written form. Procurement contracts should only be entered into by Procurement staff.

Contracts entered into on behalf of SLAB should, where possible, be subject to Scots Law and incorporate SLAB's standard terms and conditions of contract. Any proposed amendment to standard terms and conditions must be approved by Legal Services before the conclusion of the contract.

5.0 Procurement Cards

SLAB is committed to using Procurement Cards. This will include one off purchases, small value items, and any other opportunities which are identified as cost effective. The procedures covering these cards will detail the areas of use which will enable cost effective alternative processes of procurement to support the current Oracle Cloud.

6.0 Ethics

All SLAB staff undertaking procurement activities must adhere to the requirements of SLAB's Staff Code of Conduct.

In addition:

- The confidentiality of information received during the procurement process should be respected until the contract has been awarded; thereafter the requirements of the Freedom of Information (Scotland) Act may necessitate disclosure
- Information given to suppliers should be true, fair and not designed to mislead
- SLAB staff must never use their authority or office for personal gain, maintaining the highest standard of integrity in all their business relationships
- Impartiality must be maintained at all times.

7.0 General Data Protection Regulation

Data Protection and the management of confidential information is important to SLAB. Advice should be sought from the Information Governance team at an early stage of any procurement which is likely to involve confidential and personal information. Suppliers will be asked to complete a GDPR questionnaire.

8.0 Disclosure

SLAB is subject to the Freedom of Information (Scotland) Act 2002 from 1 January 2005. SLAB may be required to provide information on request to interested parties of any tender, contract, or purchase, including but not limited to commercial details and evaluation of any tenders received. This will be done in a timely manner to ensure the confidential nature of the negotiation is not impinged.

As there are exemptions in the Act relating to this area, any Freedom of Information request received will be reviewed by SLAB to decide if disclosure is appropriate. In these SLAB will contact the organisation whose information has been requested, prior to disclosure.

9.0 Monitoring

This policy will be formally reviewed on an annual basis to ensure that it reflects the needs of the organisation. Internal monitoring procedures will be put in place to ensure that this policy is adhered to.

10.0 Key performance indicators and timescales

Procurement performance indicators are in place to ensure an acceptable level of customer satisfaction in line with SLAB policy. Topics measured will be reported in the Operational Report.

The Procurement team have the following timeline in place:

- Purchase requisitions received and processed into purchase orders within two working days, where all the information is correct (if incorrect then return for information to be added by the requester)
- Purchase orders emailed to suppliers within one working day of being generated to the point of contact provided by the business area
- The Procurement team will aim to resolve purchasing queries received within five working days
- New supplier forms, including company details form and GDPR questionnaire (if applicable) to be issued within one working day of request
- Invoice queries received to be completed, where possible, within five working days.

Timeline for tenders:

- Tender requirements to receive acknowledgement within one working day of request being received
- Tender packs to be prepared and approved within three working days
- Tender packs to be issued/advertised within one working day of final department approval
- Tender awards to be processed within three days of approval
- Minimum period of tender advertised is two weeks, depending on value, with tenders over £50,000 a minimum period of four weeks if framework is not utilised.

11.0 Exemptions

In order to ensure effective operation of this policy, it is also essential to set criteria whereby effective measures are in place to cover abnormal eventualities. Items covered in this section of the policy give further guidance as to the procedures for such situations.

11.1 Emergency works

Any urgent work required in order to secure the building or to rectify immediate health and safety issues (for example, plumbing work) is not subject to the competition rules detailed above, however, procurement must be carried out in line with our Emergency Ordering Procedure.

Any requirement as a result of the initiation of the SLAB's Disaster Recovery Plan must also be carried out in line with our Emergency Ordering Procedure.

11.2 Other exceptions

There may be, on rare occasions, a requirement to procure a good or service from a single supplier. Any procurement of this nature must be justified in writing and authorised by a Director prior to any commercial activity taking place. All purchases must also be in line with the Delegated Authority Matrix.

11.3 Non-competitive action (NCA)

It is SLAB policy that goods, services and works must be bought by genuine and effective competition. NCA is only granted in exceptional circumstances and is strictly limited to situations where competition is not deemed appropriate (further information can be obtained from SLAB's Purchasing team).

SLAB's Purchasing team must be consulted about any proposal to award a contract without competition before using the Application for NCA form, which must detail:

- Why the proposed supplier is the only one known to SLAB to possess unique or specialised capability, or the goods/services are not obtainable from any other source and there are no known satisfactory alternatives (evidence required), with approval sought from the relevant Director
- Legal Services aspects, for example instructing Counsel for opinion, court work and conveyancing
- Contract extensions (for a limited period only), where risk of service level could deteriorate with the introduction of a new provider
- Compatibility of interface with existing systems of software that may be treated as extension to contract.

For NCA procurements up to £25,000 (excluding VAT), approval must be obtained in advance from the Chief Executive. All requests to proceed with NCA for procurements over £25,000 must be approved in advance by Scottish Government's Procurement team.