

RESPONSE TO THE INDEPENDENT INVESTIGATION INTO ISSUES RAISED IN THE PROCUREMENT OF TWO SPECIFIC CONTRACTS (CONSTRUCTION PARTNERING AND SUPPLY OF UPVC WINDOWS) – DECEMBER 2007

ACTION PLAN

The independent investigation into issues raised in the procurement of the above referenced contracts, enacted in 2003 and 2001 respectively and which have now ended, has suggested a number of steps that will help the Council move from good practice to excellence in its procurement operations.

These actions are incremental steps to further improve our services and which will be incorporated into our service improvement plans.

Set out in the following pages are the responses and agreed actions which will be taken with regard to each of the recommendations in the report of the independent investigation.

Independent Investigation Report Reference	Recommendation	Management Response & Agreed Course of Action	Responsible Officer	Target Date
6.2.1	That Council Standing Orders are strengthened to ensure that all contracts over the EU limit are subject to advice from the Procurement Manager, prior to any procurement activity taking place, and that an auditable process is applied to ensure compliance.	<p>Noted. Contract Standing Orders are updated annually. As part of the forthcoming annual review, the existing requirement (that advice must be sought from the Strategic Procurement Unit prior to any procurement activity taking place) will be reiterated.</p> <p>A reminder of this requirement will also be notified to each of the Contract Gateway Groups, with the instruction that each Group must ensure that there is evidence of Strategic Procurement Unit involvement on all contracts.</p>	<p>Patrick Kilgallon (Manager – Governance & Decision Making)</p> <p>Andrew Lowe (Procurement Manager)</p>	<p>May 2008</p> <p>Immediately</p>
6.2.2	That Contract Standing Orders and relevant guidance is properly aligned.	Noted. Whilst it is considered that Contract Standing Orders and the 'How to Purchase Goods & Services Guide' are not contradictory, the wording in the 'How to Purchase' guide will be reviewed to ensure that this is more prescriptive in tone (ie using the word 'must' instead of 'should').	Andrew Lowe (Procurement Manager)	March 2008

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6.2.3	That any exemptions to Standing Orders should be subject to the approval of the Procurement Manager, prior to any input from legal and finance.	Noted. Contract Standing Orders will be amended as part of the forthcoming annual review to state this. The Contract Standing Orders waiver form will also be amended to show that the approval of the Procurement Manager is necessary before the form is passed to the Head of Strategic Finance and Head of Legal & Democratic services for approval.	Patrick Kilgallon (Manager – Governance & Decision Making)	May 2008
6.2.4	That a thorough review of procurement activities is undertaken to include roles, responsibilities and organisational structure.	Noted. The Council is already undertaking a systematic examination of its procurement and commissioning activities, which will be strengthened by increased capacity in its commercial operations.	Kevin Huggins Cooper (Strategic Director of Organisational Improvement)	June 2008
6.2.5	That appropriate member procurement training is devised and delivered.	Noted. This will be delivered as part of our ongoing member development programme during 2008/09. As suggested in the National Procurement Strategy, this will enhance Cabinet members' leadership skills by specifically equipping them to take an increased strategic role in procurement and partnering. General awareness raising on procurement issues will also be provided to all elected members.	Maria Lucas (Head of Legal & Democratic Services)	March 2009

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6.2.6	That current training regime available to Senior Officers should be enhanced to include commercial skills and procurement law awareness training. This training should be devised and delivered against the findings of the procurement review and once delivered should be linked to the scheme of delegation.	Noted. Training on Contract Standing Orders has already been delivered throughout the Council. A further training programme will be developed to focus on commercial skills and procurement law for senior officers. The content of this training will continue to be kept under review.	Andrew Lowe (Procurement Manager) Alison Swinney (Head of Human Resources)	March 2009
6.2.7	That Members' roles in procurement activities is clearly defined.	Noted. This will be examined as part of the ongoing examination of the Council's procurement and commissioning activities referred to in 6.2.4 above.	Kevin Huggins Cooper (Strategic Director of Organisational Improvement)	March 2009
6.2.8	That necessary procurement management information is provided quarterly by Heads of Service to Strategic Directors, via the Procurement Manager, and that this information is available to the relevant members.	Noted. Information on contracting and procurement activity within each Directorate is already gathered as part of the Council's Contract Gateway arrangements. Quarterly performance management and reporting arrangements for procurement will be further developed during 2008/09. The sharing of this information with Cabinet members will be examined as part of the ongoing examination of the Council's procurement and commissioning activities referred to in 6.2.4 above.	Kevin Huggins Cooper (Strategic Director of Organisational Improvement)	March 2009