



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Crown Office and Procurator Fiscal Service (COPFS)

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# Corporate Procurement Strategy

1 April 2021 - 31 March 2024

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Updated May 2021

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# Introduction

As a high profile Scottish Public Sector Body, the Crown Office and Procurator Fiscal Service is acutely aware of the value that effective procurement and contract and supplier management processes deliver to an organisation. They can lead to reductions in expenditure and to identifying innovative ways in delivering goods and services to support the operational functions of COPFS, to meet its corporate objectives.

The establishment in 2017/2018 of a dedicated Central Procurement Team in COPFS demonstrated the commitment by the organisation to undertaking procurement and contract management in a compliant and effective manner. When buying and paying for goods and services, the Central Procurement Team and those staff within Crown Office with Delegated Procurement Authority will take account of the statutory procurement legislation, the Scottish Public Finance Manual (SPFM), Scottish Procurement Policy Notices (SPPNs) and the COPFS Procurement Policy Manual. COPFS will continue to award contracts that provide value for money (while meeting the “General Duties” of **transparency, equal treatment, proportionality and mutual recognition** in public procurement activity and its wider aspirations under the National Outcomes of the [National Performance Framework](#), including Fair Work Practices, Sustainability and responding to the Climate Emergency).

COPFS is aware of the impact of the external environment on our procurement and contract management and that the Strategy will need to be adapted to take account of external events out-with the control and influence of COPFS e.g. the current COVID-19 pandemic and the withdrawal of the United Kingdom from the European Union. COPFS will continue to monitor and take appropriate action in relation to its procurement activities.

## Strategy ownership and contact details

The owner of this Strategy on behalf of the Crown Office and Procurator Fiscal Service is the Director of Finance and Procurement who can be contacted at 25 Chambers Street, Edinburgh, EH1 1LA.

This Strategy covers a three year period 1 April 2021 to 31 March 2024. It will be reviewed annually. New versions will be published on our website: [COPFS](#)

This Corporate Procurement Strategy should be read in conjunction with COPFS’ Strategic Plan and the Financial Strategy as all three are closely aligned and related.

It should also be read in conjunction with the COPFS Annual Procurement Report which charts our progress towards delivering our Strategy.

# Organisation overview

The Crown Office and Procurator Fiscal Service (COPFS) is the sole public prosecution authority in Scotland prosecuting cases independently, robustly, fairly and effectively in the public interest.

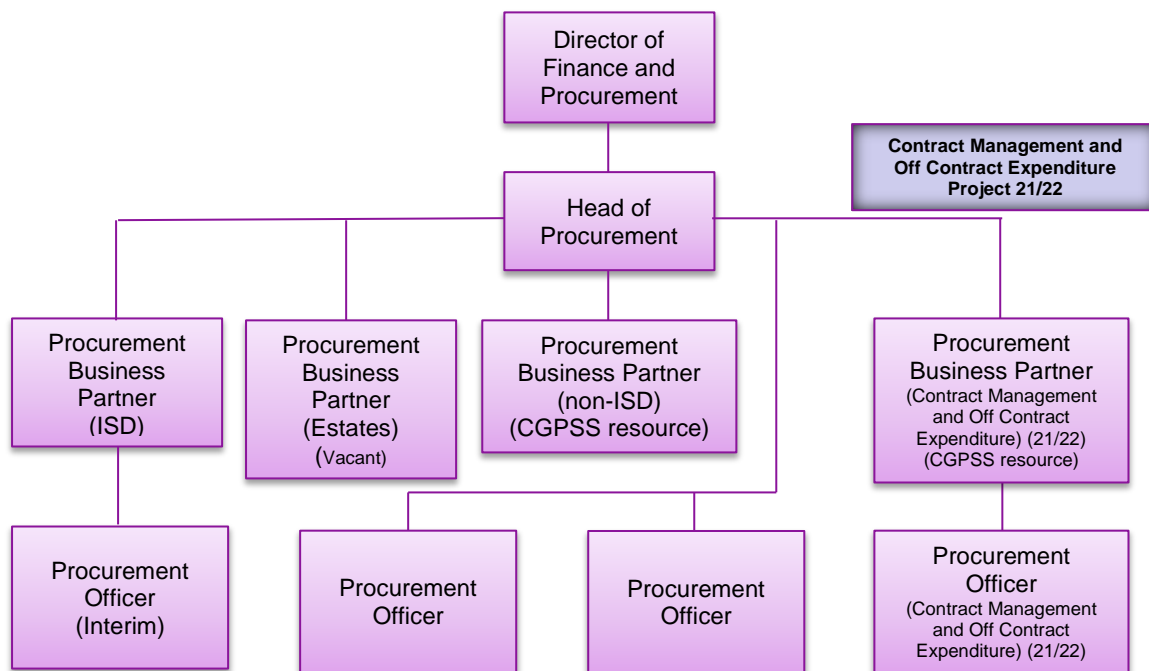
Details of our objectives and activities can be found at: [www.copfs.gov.uk](http://www.copfs.gov.uk)

## Governance

The **Procurement Steering Board** is at the heart of our Governance arrangements. It includes key stakeholders from across the organisation. In order to ensure that the Board is driven by the Central Procurement Team's internal customers, the Head of Business Management for Local Court is the Chair of the Board, and in order to ensure that the full commitment of the CPT is demonstrated, the Director of Finance and Procurement is the senior sponsor.

Under the Steering Board's guidance:

- All procurement policies have continued to be revised and further enhanced following their launch in November 2017;
- Key roles and responsibilities of COPFS staff have been defined, and training and guidance to staff involved in the procurement and contract management processes has been provided;
- The Central Procurement Team (CPT) has now been fully resourced and the Director of Finance is at the head of the CPT. The Head of Procurement reports directly to the Director and oversees the 4 Procurement Business Partners for ISD, Estates, Corporate and Contract Management and Off Contract Expenditure. Two Procurement Officers are overseen by the Procurement Business Partners for ISD and Contract Management and Off Contract Expenditure. The other two Procurement Officers provide support to the Head of Procurement and all Procurement Business Partners as required.



## Professional qualifications

COPFS recognise the benefits of having professionally qualified staff. The Head of Procurement and two Procurement Business Partners are full Members of the Chartered Institute of Procurement and Supply (MCIPS), with one Procurement Business Partner currently studying for MCIPS. One Procurement Officer completed the CIPS Level 4 qualification in 2019/20 and another Procurement Officer commenced studies for CIPFS Level 4 in 2020. The CPT structure provides a wide range of procurement experience and knowledge and enables training and succession planning to be considered to further develop the current staff.

COPFS use the services of Central Government Procurement Shared Services (CGPSS) and have one full time embedded Senior Procurement Specialist (Procurement Business Partner - non-ISD) who is responsible for an assigned programme of procurement activities.

The Contract Management and Off Contract Expenditure Project commenced in April 2021 for one year, and is being progressed by a team consisting of a Central Government Procurement Shared Services (CGPSS) full time embedded Senior Procurement Specialist and a Procurement Specialist (Contract Monitoring and Off Contract Expenditure). Project Reports will be submitted to the Procurement Steering Board at each meeting.

Detailed procurement procedures are set out in the COPFS Procurement Policy Manual and Procurement Process Checklist. These procedures and processes must be followed by all staff who engage in procurement activities on behalf of COPFS.

Our procurement activity has the potential to deliver a wide range of social and economic benefits as well as financial savings for the tax payer. The COPFS Corporate Procurement Strategy is closely aligned to the COPFS Financial Strategy.

Our wave plan of procurements will enable stakeholders who are involved in the re-letting of contracts to build sufficient time into the end to end procurement process to maximise savings and benefits from contract relets.

## Expenditure / Finances

COPFS Non-Staff expenditure accounts for a significant part of COPFS's expenditure (approximately £33m plus £4.8m capital from a total cash budget of IRO £156.7million (running costs and capital)). The chart below shows the breakdown for the key functions in COPFS in 2019-20:

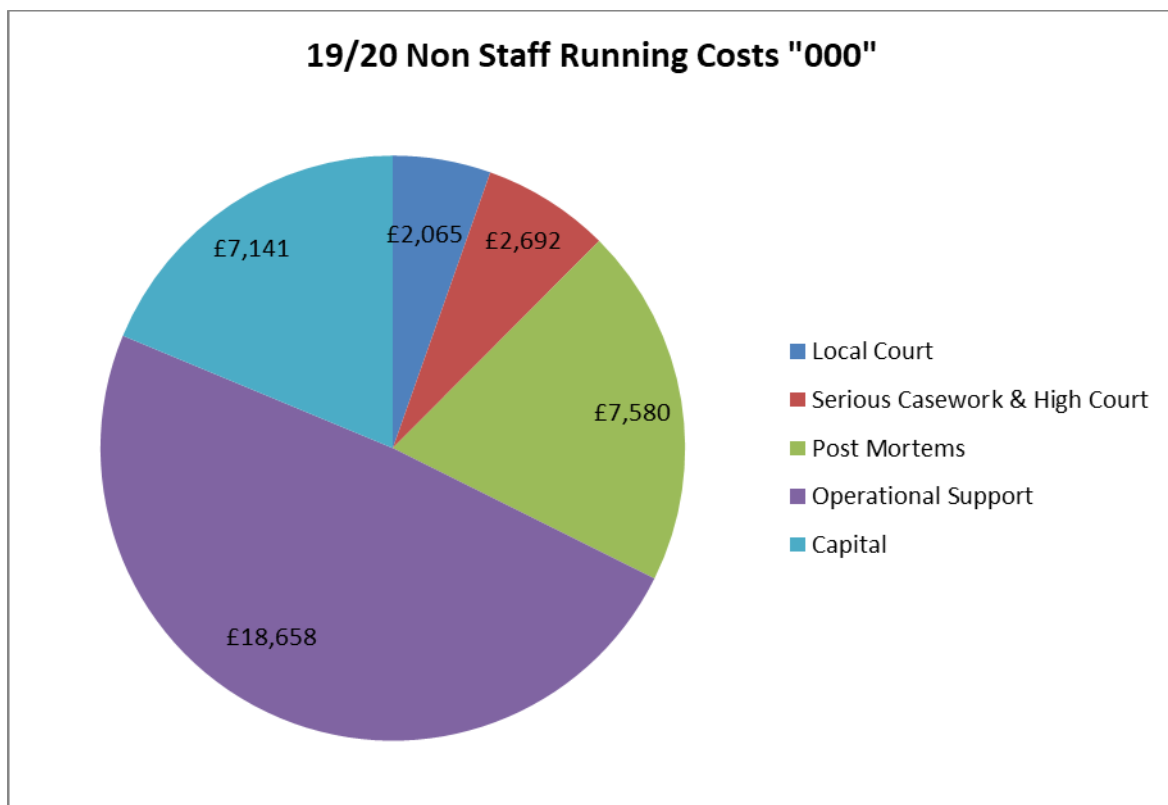


Figure 2 High Level Expenditure Breakdown 2019-2020

## 2021-22 and 2022-23

Budgets are currently set by the Scottish Parliament for a single financial year. The exact timing of publication of the budget varies and COPFS received confirmation of its Parliamentary approved budget for 2021-22 in March 2021. This strategy will be updated before the start of the 2022-23 and 2023-24 Financial Years, once our budget allocations for those years are known.

# Our corporate procurement strategy

## Purpose

This Procurement Strategy describes the strategic and operational approach to procurement activity which is designed to ensure compliance with legislation and outlines the focus for procurement going forward. It reflects our commitment to take a responsible and sustainable approach to procurement and to embed requirements under the Sustainable Procurement Duty by using the guidance and tools provided by the Scottish Government: [Sustainable Procurement Duty](#).

The Strategy applies to all regulated procurement (contracts with a whole life value in excess of £50,000 ex VAT) conducted by the COPFS. The General Principles will also be applied to procurements that are below that threshold.

The Corporate Procurement Strategy ensures that:

- Staff are supported to deliver our corporate objectives in such a manner as to make optimum use of all resources; and
- Procurement and Contract Management activities are undertaken effectively, efficiently and economically while ultimately contributing to the realisation of economic, social and environmental benefits.

Our focus is on Securing Value for Money, based on the Scottish Model of Procurement which defines Value for Money as the best balance of cost, quality and sustainability while contributing to our broader aims and objectives. The Scottish Model of Procurement demonstrates how we do that while:

- Improving supplier access to public contracts;
- Embedding sustainability in all that we do;
- Maximising efficiency and collaboration; and
- Delivering savings and benefits.

## Legislation in Scottish public sector procurement

Scottish Public Bodies are legally obliged to comply with the statutory procurement legislation published by Scottish Government. These are:

- the Procurement Reform (Scotland) Act 2014;



- the Public Contracts (Scotland) Regulations 2015;
- the Procurement (Scotland) Regulations 2016;
- the Utilities Contracts (Scotland) Regulations 2016; and
- the Concessions Contracts (Scotland) Regulations 2016

It is also recognised that COPFS procurement activity can contribute to the delivery of the Scottish National Outcomes, especially those related to economy, environment, fair work and business, poverty and human rights.

The Scottish National Outcomes are formed around:

#### Our Purpose

To focus on creating a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth.

and

#### Our Values

We are a society which treats all our people with kindness, dignity and compassion, respects the rule of law, and acts in an open and transparent way.

These are demonstrated by commitment to:

- We have a globally competitive, entrepreneurial, inclusive and sustainable economy;
- We are open, connected and make a positive contribution internationally;
- We tackle poverty by sharing opportunities, wealth and power more equally;
- We live in communities that are inclusive, empowered, resilient and safe;
- We grow up loved, safe and respected, so that we realise our full potential;
- We are well educated, skilled and able to contribute to society;
- We have thriving and innovative businesses, with quality jobs and fair work for everyone;
- We are healthy and active;

- We value, enjoy, protect and enhance our environment;
- We are creative and our vibrant and diverse cultures are expressed and enjoyed widely; and
- We respect, protect and fulfil human rights and live free from discrimination.

The Procurement Reform (Scotland) Act 2014 Section 15 requires any public organisation, which has an estimated total value of regulated procurement spend of £5 million or more (excluding VAT) in a financial year, to prepare and publish a Corporate Procurement Strategy. The Scottish Government has also introduced Statutory Guidance in relation to Fair Work Practices, Sustainable Procurement Duty and Climate Emergency.

Each year, COPFS will publish an Annual Procurement Report (APR) to document the progress that we have made towards implementing our Procurement Strategy.

# Vision, mission statement, strategic aims, objectives, and key priorities

## Our vision

To undertake high quality, legally compliant procurement activity and to manage our contracts effectively to support COPFS to deliver its corporate aims and objectives.

## Our mission

To ensure that procurement and contract management by COPFS delivers value for money, cost savings and improved efficiencies for the benefit of the COPFS and all of our stakeholders.

## Our strategic aims

We will work towards achieving best practice in procurement and contract management and continuous improvement in delivering value for money and quality in the goods, services and works that are procured; while complying with statutory procurement regulations, behaviours and standards.

Our work will continue to be focussed on the following key areas:

- Delivering savings, benefits and efficiencies through procurement and contract management activity;
- Obtaining maximum benefit from the money that COPFS spends on goods, services and works by ensuring that they are fit for purpose, of the required quality, delivered at the right time, all at the right price;
- Supporting the delivery of our corporate objectives - to ensure that as much of our total budget as possible is available to maintain staff numbers, thereby ensuring that we deliver against our performance targets;
- Compliance with statutory procurement legislation, the Scottish Public Finance Manual, Scottish Procurement Policy Notices and other legal requirements;
- Enabling procurement and commercial capability through the provision of:
  - Procurement and commercial policy and advice;
  - Specialist ISD and Estates procurement policy and advice;
  - Property, asset and estate management advice as requested by the COPFS and Scottish Courts and Tribunals Service Facilities Management Shared Service Board;

- e-commerce solutions, best practice tools and templates;
- A focus on developing our people and ensuring supportive and enabling cultures; and
- Proportionate project assurance and continuous improvement activity.

Our procurement processes are designed to ensure that all of our procurements are carried out in compliance with our duty to treat economic operators equally and without discrimination and that all procurements are carried out in compliance with our duty to act in a transparent and proportionate manner.

## Our objectives

COPFS has 5 key objectives in relation to procurement and contract management:

- Delivering Value for Money, Compliance and Control;
- Delivering sustainable procurement;
- Raising the level of procurement knowledge, skills and expertise;
- Strengthening Contract and Supplier management; and
- Achieving the benefits derived from collaborative working

### Key objective 1 - Procurement activity contributes to Value for Money, Compliance and Control

Our aims are:

- to secure value for money by working closely with users of the goods, services and works we procure to understand and help them articulate their requirements;
- securing savings from better procurement and contract management which allow the reduction of non-staff budgets and the redeployment of funding to staff budgets;
- ensuring that all procurement activity is under a valid contract (minimising Off Contract Expenditure);
- ensuring that all contracts are awarded through a compliant process which is consistent with COPFS's procurement policies and procedures; and

- ensuring that all contracts are entered into by staff with the requisite Delegated Procurement Authority, following a robust approvals process including robust, compelling and proportionate business cases.

#### How we will achieve this objective

- Develop and deploy standard tools throughout the organisation to ensure any procurement exercise will be evaluated on VfM principles;
- Develop feedback mechanism to ensure customer satisfaction with any procurement exercise, i.e. COPFS users, suppliers and SG Framework Managers;
- Deploy training to ensure staff who are involved with procurement exercises have appropriate knowledge and skills;
- Participate in the Procurement and Commercial Improvement Programme (PCIP) implemented by the Scottish Government;
- Ensure contracts are robust and proportionate and effective contract management;
- CPT work in conjunction with Finance within COPFS to establish savings targets for each contract as part of the annual business planning round;
- COPFS shall conduct a quarterly spend analysis to identify off contract expenditure and shall propose the appropriate procurement routes to be taken. These opportunities will be added to the contract wave plan;
- Ensure adequate planning for future procurement activities; and
- Use of external expertise for evaluations from other parts of Government or Judicial partners.

#### How we will measure our success

- Maximise both cash and non-cash benefits from existing contracts;
- Identify wider benefits, including social and community benefits for any re-let or new contract opportunity;
- Suppliers meet the technical standards and deliver quantifiable results; and
- Improve or maintain PCIP scores.

## Key objective 2 - Compliance with our sustainable procurement duties

- We aim to comply in full with our legal obligations and to treat all suppliers fairly, equally and without discrimination. To that end, only staff with appropriate training and experience are authorised to oversee regulated procurements;
- We are committed to making public procurement transparent and accessible to businesses, especially SMEs, the third sector and supported businesses;
- Sustainable public procurement aims to make the best use of public money, helping the government to achieve its overarching purpose and strategic objectives. The sustainable procurement duty requires that before we buy anything, we must think about how we can – through our procurements - improve the social, environmental and economic wellbeing in Scotland, with a particular focus on reducing inequality. It also requires us to think about, and then design, our procurement processes in such a manner as to encourage the involvement of SMEs, third sector bodies and supported business and also how we can use public procurement to promote innovation;
- Compliance with the sustainable procurement duty should aid compliance with other legislation that places specific requirements on us with respect to our procurement activities, such as:
  - the Equality Act 2010;
  - the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012;
  - the Climate Change (Scotland) Act 2009; and
  - the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015.
- COPFS is cognisant of sustainable procurement and encourages sustainable procurement across the organisation;
- Using the Scottish Government sustainable procurement duty tools (<https://sustainableprocurementtools.scot/>), we consider sustainability early in a procurement process, which enables us to identify risks and opportunities before commissioning suppliers. This will enable us to develop individual commodity strategies for our contracts, within which we can embed sustainability, and maximising opportunities for SMEs, the third sector and supported businesses to participate in the procurement process.

### How we will achieve this objective

- Appendix 1 sets out our policies on each of the general duties of the Procurement Reform (Scotland) Act 2014;
- Consideration of sustainable procurement principles at the strategy stage for all procurements and completing a sustainable procurement test for all regulated procurements;
- promoting Scottish Government initiatives on sustainable procurement;
- provision of training for CPT staff to increase their knowledge on sustainability;
- completion of a Flexible Framework Assessment with a view to developing an action plan for COPFS to develop its sustainability responsibilities;
- a contracts register is published on the COPFS website listing all regulated procurements over £50K; and
- advertise all regulated procurements over £50K on PCS.

### How we will measure our success

- Increased delivery of sustainable, environmental and social benefits; and
- A Corporate report of all sustainable deliverables – using data extracted from the Contract Award Recommendation Reports.

## Key objective 3 – Develop procurement knowledge, skills, and expertise

COPFS will provide procurement training to staff who have responsibility for any aspect of procurement activities. More detailed procurement training will be provided to staff depending on the post and associated procurement responsibilities. On-going training needs will be recorded in individual training and development plans as part of the annual staff appraisal process. COPFS holds a central register of all procurement training undertaken by staff.

### How we will achieve this objective

- Provide targeted training for all staff involved in procurement activities;
- review and update tools, templates, information and guidance for staff involved in procurement;

- provide commercial awareness training to staff who require procurement awareness; and
- produce procurement policy documents and publish them on our intranet to support staff using contracts.

#### How we will measure our success

- All requests for regulated procurements on the COPFS wave plan will be reviewed and agreed with the Central Procurement Team;
- staff engage with the procurement process and start to carry out low level procurements themselves (under £10k);
- reduction in off-contract spend; and
- closer working relationships between the CPT and functions within COPFS.

### Key objective 4 – Strengthen Contract & Supplier management processes

We fully understand the importance of effective contract management in the delivery of goods, services and works, to ensure savings and quality is delivered under the terms of the contracts. Our aim is embedding effective and proportionate contract management for every contract to ensure service delivery standards are met or exceeded.

#### How we will achieve this objective

- Provide targeted contract management training and guidance for COPFS staff responsible for contract management;
- include clear contract management requirements including Key Performance Indicators and performance measurements, proportionate to the level of contract management required; and
- perform regular review of contract performance and hold regular review meetings with suppliers, proportionate to the contract management level required.

#### How we will measure our success

- Savings/benefits will be delivered and captured by COPFS;
- improved supplier performance in delivery of KPIs;



- reduction in supplier complaints/disputes; and
- reduction in invoice queries as correct prices are charged by suppliers in accordance with the terms of Contracts.

## Key objective 5 – Achieve the benefits derived from collaborative working

The aim is to embed the practise of collaborative procurement whenever and wherever appropriate throughout the organisation. Identification of opportunities for working with others, in order to widen the scope for maximising purchasing power and identifying innovations.

COPFS will continue to collaborate with other public organisations where it meets COPFS priorities. Director of Finance and Procurement is currently the Chair of the Central Government Procurement Shared Services (CGPSS) Board and representatives from the CPT volunteer to support Scottish Procurement UIGs.

### How we will achieve this objective

- Use SG and other Public Sector Framework Agreements, where possible;
- COPFS is co-located in several locations with the SCTS and seeks to maximise the benefits of collaborative agreements, for example Hard and Soft Facilities Management Services;
- engage with SG procurement cluster groups regularly to facilitate dialogue, learning and opportunities in procurement;
- engage with Judicial partners;
- our governance processes for procurement involves comprehensive stakeholder representation at all stages of the procurement process; and
- use of any shared service agreements, where appropriate. COPFS currently use the Scottish Government’s Procurement Shared Service (CGPSS).

### How we will measure our success:

- Maximise the use of collaborative contracts;
- increased participation in Scottish Government user groups and intelligence gathering forums for procurement; and
- no complaints from stakeholders that they should have been engaged.

## Forward plan of our contracts

The COPFS contract register identifies both relets of existing contracts and new contracts. We publish the contracts register on our website, which details our regulated procurements, as required by legislation. This can be found at: Finance and Procurement.

# Monitoring, reviewing and reporting on our corporate procurement strategy: Our annual procurement report

The **Procurement Reform (Scotland) Act 2014** requires COPFS to prepare an Annual Procurement Report (APR) on our regulated procurement activities as soon as possible after the end of the financial year and within the 5 month recommended period. Our next report will cover the period 1st April 2021 to 31st March 2022 and subsequent reports will be produced annually. Progress against the 2021/22 to 2023/24 Strategic Plan will be reported in the 2021/22 APR.

Our report will include, as required under Section 18 of the Act:

- A summary of all regulated procurements completed within the year;
- A review of whether these procurements complied with the Strategy;
- A statement detailing how it is intended that future compliance will be achieved where any procurements were found not to have been carried out in accordance with this Strategy;
- A summary of any community benefit that was completed, imposed as a part of a regulated procurement that was completed during the year;
- A summary of steps taken to facilitate the involvement of supported businesses in regulated procurements in the year;
- A summary of anticipated regulated procurements expected to commence in the next two financial years;
- Anticipated future procurements; and
- Any other information as specified by The Scottish Ministers

We will publish our APR online making sure it is accessible in a variety of formats and notify the Scottish Ministers of its publication.

## Policies, Tools and Procedures - General duties of the Procurement Reform (Scotland) Act 2014

In this section, we set out our general policies on a number of key areas together with a statement on how we will monitor compliance with them over the period of this Strategy.

### Our policy on applying community benefit requirements in our contracts

#### Background

The delivery of community benefits through procurement is aligned to [Scotland's Economic Strategy](#):

'Greater participation (in the labour market) increases an economy's potential output and is essential to supporting sustainable economic growth. Bringing more people into the labour market is key to tackling poverty, inequality and social deprivation and improving health and wellbeing.'

It also contributes to our overarching purpose:

Seeking to deliver the maximum social and economic benefit from our spending decisions is consistent with our general and sustainable procurement duties and the Scottish Model of Procurement.

#### Our policy

Where there is an opportunity to deliver community benefits, appropriate requirements will be included in public contracts and framework agreements. The opportunity to include community benefits will be considered at the commodity strategy development phase of all regulated procurements (currently £50,000 and above for goods and services, £2 million and above for works).

Where appropriate, community benefits will be addressed in one of two ways:

**Mandatory/contractual** – under this approach, all bidders will be asked to deliver specific requirements (e.g. targeted training and recruitment; opportunities in the supply chain) which will form part of the contract specification. As the requirement is the same for all bidders, proposals will form part of the tender evaluation and may be scored.

This approach will be applied where the contract is high value, of medium to long duration and where it is clear that specifying a community benefit outcome as a deliverable under the contract has the potential to enhance the social / economic impact of the contract.

**Voluntary** – bidders will be asked to consider what community benefits they can offer as part of their proposals, but that element of the bid will not be scored or form any part of the tender evaluation. Where a bid has been accepted, however, any associated offer of the provision of community benefits will be included in the contract to be signed by the bidder.

This method will be adopted where it is possible that the approach will secure additional value from the contract, but where it is not considered appropriate to make the provision of specific community benefits a mandatory requirement for all bidders. We will take care to ensure that where voluntary community benefits are applied, that they do not place an undue burden on bidders.

## Monitoring

Where a regulated contract includes a commitment in relation to community benefits, the contract award notice will record what the contractor is required to deliver. Oversight of delivery will be embedded in the formal contract management arrangements and a record will be kept regarding delivery of the benefits.

For contracts at or above £4 million, in accordance with our obligations under the Procurement Reform (Scotland) Act 2014, details of the required community benefit will be set out in the contract notice. Where it is not considered appropriate to include a community benefit clause, the contract notice will include the reasons why this conclusion has been reached.

We will collate information regarding delivered benefits and this will be reported on in the formal COPFS Annual Procurement Report of performance against this Strategy.

## Further information

Further information on community benefits is available at [Public Sector Procurement - Community Benefits in Procurement](#).

## Our policy on consulting and engaging with those affected by our procurements

### Background

We consult and engage with stakeholders in a range of ways. Suppliers and the wider public sector are central to our procurement governance structure, with suppliers being represented on the Scottish Government Procurement Supply Group and the wider public sector, including COPFS, being represented on the Public Procurement Group. We participate in annual workshops held by the Scottish Government, bringing together a range of representatives from all of our stakeholder groups.

Our existing policy and legal frameworks have been developed by Scottish Government through extensive engagement with stakeholders including the wider public sector, the private and third sectors, trade unions, non-governmental organisations and individuals.

Where appropriate, we engage with the market to inform design of procurements and the procurement route. This may vary from light-touch market research, to supplier engagement days or to piloting and co-design of services. Individual procurements are in response to an identified need and the relevant stakeholders are identified and engaged as appropriate. The engagement with end users will be tailored to the particular circumstances of the procurement.

### Our policy

As appropriate, we will consult end-users and / or potential suppliers regarding individual procurement specifications and strategies. Our governance structures for procurement will also continue to involve comprehensive stakeholder representation at all stages of the procurement process.

### Monitoring

We will record any complaints regarding failure to consult and our performance reporting will address these, and will include information regarding any conclusions reached and any remedial measures taken.

# Our policy on the payment of the real living wage to persons involved in performing our contracts

## Background

We strongly believe that fair work practices and the payment of the real Living Wage (as determined by The Living Wage Foundation and supported by Living Wage Scotland) can have a positive impact on people's lives and can help to create a fairer and more equal society.

COPFS is committed to promoting the real Living Wage and shall take every opportunity to include the real Living Wage through procurement. In early February 2015, the Scottish Government published a Scottish Procurement Policy Note on how and when employment practices and workforce matters, including payment of the real living wage, could and should be considered in the course of a public procurement exercise. This was followed in October 2015 by the publication of statutory guidance which addressed fair work practices, including the real Living Wage, which has been supplemented in July 2018 with a toolkit to support the application of the Guidance in procurement exercises.

## Our Policy

Our general policy on payment of the real Living Wage to those involved in performing our public contracts is influenced by our belief that those organisations which adopt fair work practices, including the real Living Wage, e.g. those which have a diverse workforce and whose staff are well rewarded, well-motivated, well led and who have appropriate opportunities for training and skills development, are likely to deliver a higher quality of service. Fair work practices can have a positive impact on the quality of the services, goods and works delivered on our contracts. Payment of the real Living Wage is a significant indicator of an employer's commitment to fair work practices.

In implementing this policy we have regard to the statutory guidance on how and when fair work practices, including the real Living Wage, can be part of a procurement process and support improved productivity and economic growth as a key driver of service quality and contract delivery.

In practice, consideration is given to this policy at the earliest possible stage in all our public procurement processes. This approach ensures that, where it is relevant to the performance of the contract, a business's approach to fair employment including the real Living Wage can be an integral part of the procurement process. Payment of the real Living Wage will be identified through award criteria which are proportionate and weighted to a degree which is relevant to the contract, taking into account a range of factors.

## Monitoring

Where a commitment has been secured in a tender to pay the real Living Wage this will be recorded in the contract award notice and will be captured as a contractual obligation and monitored through our contract and supplier management processes.

Information on payment of the real Living Wage by contractors will be collated centrally and will be included in our Annual Procurement Report. Many of our contracts are for IT related goods and services where the market determines that wage rates are significantly above the real Living Wage however, where this is not the case we endeavour to ensure that the real Living Wage is paid.

## Our policy on promoting compliance by contractors and sub-contractors with the Health and Safety at Work Act 1974 and any provision made under that Act

### Background

We regard it as important that those bidding for our contracts are able to demonstrate that they are responsible contractors who comply with their legal obligations, including obligations regarding health and safety.

### Our policy

It is a standard condition of our contracts that the contractor must comply with all applicable law, any applicable requirements of regulatory bodies and good industry practice. This includes any applicable health and safety law. Furthermore, whenever contractor personnel are on our premises, they are obliged under the terms of our standard contracts, to comply with our own health and safety requirements.

Current procurement legislation does not explicitly address health and safety as part of the selection criteria which purchasers can use when determining which suppliers to invite to bid. In recognition of the importance of health and safety the Scottish Government ensured, when drafting guidance to accompany the Single Procurement Document, that they provided public purchasers with clear advice on how to take account of, and score, a supplier's health and safety record in a manner compatible with the new legislation.

## Monitoring

Our standard contract management arrangements will be revised to ensure that we capture information regarding health and safety incidents relating to the delivery of our contracts and any remedial measures taken. That information will be collated centrally and will inform our Annual Procurement Report.



## Our policy on the procurement of fairly and ethically traded goods and services

### Background

Our standard procurement procedures for regulated contracts involve an assessment of a bidder's suitability to be awarded the contract. This process includes considering whether the bidder has been convicted of certain offences and / or has committed any acts of professional misconduct in the course of its business. Detailed information is available in Scotland's "Single Procurement Document", which is available on the procurement journey and used for regulated procurements over £50,000 (ex VAT). Due to the nature of COPFS's business, we also have a Self-Declaration Form – no Criminal Activity, which is used in all procurements with a value of more than £1,000 (ex VAT) and below £50,000 (ex VAT).

### Our policy

Where fairly traded goods and services are available to meet our requirements we will consider how best to promote them.

Our qualification and selection procedures for regulated procurement will include an assessment of the suitability of bidders to be awarded the contract.

Our standard terms and conditions will contain a provision which enables us to terminate a contract if the contractor or sub-contractor fails to comply with legal obligations in the fields of environmental, social or employment law when performing that contract.

### Monitoring

We will maintain a central record of the value of fairly traded products bought or sold under our contracts. Our Annual Procurement Report against this strategy will include a statement regarding the effectiveness of our qualification and selection procedures.

## Our policy on using contracts involving food to improve the health, wellbeing and education of communities in Scotland and promote the highest standards of animal welfare

### Background

We recognise the potential of public procurement of food and drink to further contribute to our economy and to help improve the nation's health and wellbeing.

Our policies reflect this ambition. We currently do not procure food directly, however, if this position changes we will ensure that our contract terms include provision for this policy.

## Our policy

Our approach is to ensure that appropriate service contracts comply in full with all relevant Government policies on healthy eating and nutrition, on the promotion of fresh and seasonal and local produce and on fairly traded produce. Any appropriate contract will also comply with the **UK Government's buying standards for food**.

These take account of a range of factors including production, traceability, authenticity, origin, ethical trading, animal welfare, environmental standards, health and waste, and, as such, are consistent with the [Catering for Change: buying food sustainably in the public sector](#) issued in January 2011.

We also regard catering as a service where fair employment practice is relevant to the quality of service provided and, when competing for such catering services, we shall ensure bidders' commitment to fair employment will be evaluated as part of the process.

## Monitoring

Compliance with our policy requirements will be an integral part of the contract management arrangements for any catering contracts we enter into.

## Our policy on payment of invoices within 30 days to and by contractors and sub-contractors

### Background

We are committed to promoting prompt payment both to, and by, our contractors and their sub-contractors. Our standard terms and conditions provide for payment within 30 days of receipt of a valid invoice. Moreover, we have an aspirational target of making payment within 10 working days. We are working to introduce an electronic invoicing payment system which will assist us further to achieve this aspiration.

### Our policy

It is a standard condition of our contracts that we will pay valid invoices within 30 days. It is also a standard condition that any sub-contract must contain a clause which requires payment of invoices to sub-contractors within 30 days; and that this clause should be replicated down through the supply chain. The condition must also make clear that if a sub-contractor believes that invoices are not being paid within

the 30 day period the sub-contractor may raise the issue directly with the COPFS and is not required to first raise the issue up through the various tiers of the supply chain.

## Monitoring

COPFS's payment performance is published in each year's annual accounts. Through our contract management arrangements we will monitor complaints about our contractors/sub-contractors so that we can gauge the level of compliance and take action as appropriate.

# Appendix B

## Glossary of terms used

<b>Term</b>	<b>Definition</b>
<b>APR</b>	Annual Procurement Report which COPFS must publish annually to comply with the Procurement Reform (Scotland) Act 2014.
<b>CGPSS</b>	Central Government Procurement Shared Service is a team within Scottish Government which provides procurement support to Central Government bodies in Scotland including COPFS.
<b>CIPS</b>	The Chartered Institute of Procurement and Supply. This is the professional body for procurement professionals.
<b>Cluster group</b>	Cluster Groups are arranged by Scottish Government Procurement to facilitate liaison between similar public bodies in order to facilitate dialogue, learning and opportunities in procurement.
<b>CPT</b>	Central Procurement Team (within COPFS).
<b>Delegated Procurement Authority</b>	This is the authority to enter COPFS into a contract with a Whole Life Value (WLV) of more than £1,000.
<b>Procurement Shared Service</b>	A procurement function that is used by more than one organisation. COPFS utilises CGPSS, which includes the provision of an embedded procurement resource.
<b>PCIP</b>	Procurement and Commercial Improvement Programme.
<b>PCS</b>	Public Contracts Scotland which is the online advertising and tendering portal for Scottish Public sector bodies for tender opportunities.
<b>SME</b>	Small, Medium Enterprises - any business with fewer than 250 employees.
<b>WLV</b>	Whole Life Value – the full and total cost of the contract over its entire life to include any mobilisation and exit costs.

## Useful links

The COPFS Procurement Strategy is published on the Crown Office and Procurator Fiscal website.

We also publish a list of the current regulated contracts (>£50K) on a quarterly basis.

The COPFS Annual Procurement report detailing progress against the relevant procurement strategy is published on the COPFS website on an annual basis, usually in July or August.

Tender opportunities are advertised on Public Contracts Scotland <https://www.publiccontractsscotland.gov.uk/> or enquiries can be directed to [ProcurementReturns@copfs.gov.uk](mailto:ProcurementReturns@copfs.gov.uk).

# Appendix C

## Crown Office and Procurator Fiscal Service locations

- Aberdeen
- Airdrie
- Alloa
- Banff
- Campbeltown
- Crown Office
- Dumbarton
- Dumfries
- Dundee
- Dunfermline
- Edinburgh
- Elgin
- Falkirk
- Forfar
- Fort William
- Glasgow
- Greenock
- Hamilton
- Inverness
- Jedburgh
- Kilmarnock
- Kirkcaldy
- Kirkwall
- Lanark
- Lerwick
- Livingston
- Lochmaddy
- Oban
- Paisley
- Perth
- Peterhead
- Selkirk
- Stornoway
- Stranraer
- Tain
- Wick