

Report to:	MSMTM
Report by:	Helen Gardner-Swift
Meeting Date:	11 October 2023
Subject/ Title: (and VC no)	Key Document: C6 Procurement Policy and Procedures – planned review VC194767
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of this Committee Report (CR) is to seek approval of the changes to the Non-Competitive (NCA) levels.

Recommendation and actions

2. It is recommended that the Senior Management Team (SMT):
 - (i) approve the proposed change to the NCA levels, £7,500 being the new level
 - (ii) agree the publication recommendation set out in paragraph 14.

Executive summary

3. The Key Document was approved by the SMT on 27 February 2018 and some ad hoc reviews have been carried out since then, with a full review due in 2022. The full review has been delayed due to other work priorities.
4. The aim of the Key Document is to ensure that procurement activity is focussed on the delivery of Value for Money (VfM), is conducted to high professional standards and meets the relevant legal requirements. The Key Document is also designed to be read in conjunction with the Scottish Government's Procurement Journey toolkit which provides practical guidance on procurement procedures and other guidance issued by the Central Government Procurement Shared Services team and the relevant legal framework and statutory guidance published under the Procurement Reform (Scotland) Act 2014.
5. A planned review of the Key Document has been undertaken and, other than updates to legislative references and procurement levels, no substantial amendments need to be made except those relating to the NCA levels, details of which are set out below.

NCA levels

6. The NCA levels are currently set at £5,000 and realistically this is quite low and results in the Commissioner having to be consulted by me more frequently. I am recommending that the levels are increased to £7,500, as follows:

An NCA for a requirement **over £7,500** and above is only granted in exceptional circumstances. It is strictly limited to situations where competition is not deemed appropriate, for example, extreme urgency; only one possible supplier

All requests to proceed with an NCA for procurements **over £7,500** and above must be referred to the HOCS and approved in advance by the Commissioner.

Risk impact

7. The approval of this document will contribute positively to risks relating to robust governance arrangements, appropriate and effective policies and procedures and availability of physical resources.

Equalities impact

8. There are no direct equality impact issues arising from the Key Document or this report.

Privacy impact

9. There is no direct privacy impact arising from the Key Document or this report.

Resources impact

10. None directly arising from this report except that increasing the NCA levels will save some time resource for the Commissioner.

Operational/ strategic plan impact

11. None directly arising from this report.

Records management impact (including any key documents actions)

12. None directly arising from this report other than the usual key document actions when a planned review takes place.

Consultation and Communication

13. MSMTM minute.

Publication

14. I recommend that this CR is published in full.