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Title of meeting: Governance & Audit & Standards Committee
Subject: Procurement Management Information
Date of meeting: 20th September 2023
Report by: Richard Lock - Assistant Director, Procurement
Wards affected: N/A

1. Requested by

Governance & Audit & Standards Committee.

2. Purpose

To provide procurement performance reports and supporting evidence to the committee in order that the committee may assess the council's performance in procuring contracts for goods, works and services on a legally compliant, value for money basis.

To update the committee on progress developing procurement performance reporting.

3. Information Requested

Performance Monitoring Elements & Base Line Data Reports

The report covers 3 key performance monitoring elements:

- Spend compliance
- Contract award via waiver
- Contract management performance monitoring

At the request of the Committee at the meeting held on 24th July 2020 the base line data used to calculate the summary figures included within this report is included as the following exempt appendixes:

- EXEMPT - G&A&S - Procurement MI - App 1 Spend Compliance Q1 Apr - Jun 23
- EXEMPT - G&A&S - Procurement MI - App 2 Waivers Q1 Apr - Jun 23
- EXEMPT - G&A&S - Procurement MI - App 3 Contract KPIs Q1 Apr - Jun 23

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Performance Comparison & Reports Development

The report provides, where possible, a performance comparison to the performance statistics provided within the last report which was taken to the committee on 8th March 2023.

However, as Procurement are working to develop the reports in order to provide a more complete, accurate and relevant assessment of performance, this will have some impact on the granularity of comparison that can be achieved at present.

In order to provide a comparison of performance over consistent time periods the reports now cover the latest financial year quarter. The procurement reports will be presented to committee on a bi-annual basis to ensure that a full quarter of performance can be reported on a consistent basis.

This report covers Q1 performance which covers the time period 1st April - 30th June 2023. It is envisaged that the next report will cover Q3 which will cover time period 1st October 2023 - 31st December 2023 and will be presented to committee when it meets in early 2024 prior to the next pre-election period.

All performance element reports now cover a full quarter in order to provide a more detailed and consistent position on performance. Previously Section 1 Spend Compliance report only considered 1 month of spend data.

As detailed under each section of this report there have been significant developments in respect of each of the reports which can be summarised as follows:

- Section 1 Spend Compliance - Now covers full quarter of spend data and provides an analysis of spend across all systems rather than just spend via Oracle FUSION. The exempt appendix now also includes for transactions processed via systems other than Oracle FUSION
- Section 2 Waivers - Now includes for information on contracts which have been subject to previous cumulative waiver approvals, which when assessed in totality exceed £100k, rather than just individual waiver instances which individually exceed £100k as was previously reported
- Section 3 Contract KPIs - Subject to significant changes following the disbanding of the old KPI In-tend monitoring system and implementation of the new simplified flexible KPI In-tend monitoring system

Exempt Information

Where detail is required by the committee the Procurement Manager will provide this during the committee meeting, however where questions relate to detail included within the exempt appendices responses cannot be provided whilst the public live streaming is in operation.

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SECTION 1 - SPEND COMPLIANCE

Introduction

The table on the following page provides a comparison of spend compliance from the last report taken to Committee which covered spend in January 2023 to the latest whole financial year quarter spend information covering 1st April - 30th June 2023.

Context & Current Process

The Local Government Transparency Code (2015) requires that all contracts with a lifetime value that exceeds £5,000 are published to an area of the council's website which is freely accessible to the public.

The Council monitors and ensures compliance by requiring every purchase order raised through Oracle FUSION with a distribution value of £5,000 or above is linked to a contract entry which has been raised and published on the Council's In-tend systems publicly accessible contracts register.

Further to the Code requirements, the Council is also required under Public Contracts Regulations (2015) to publish summary information on awarded contracts to the national Contracts Finder system for all contracts with a lifetime value of £30,000 or more.

Spend compliance is measured by reporting on spend which has been directly linked to an In-tend contract entry in the case of spend processed entirely via Oracle FUSION. Compliance for spend processed via other systems is measured through manually cross-referencing transactions against entries on the In-tend contracts register where possible.

It should be noted that 'compliance' in respect of this section of the report is concerned only with meeting the requirements of the Local Government Transparency Code (2015) and the performance of the financial controls put in place by the council. Performance in respect of broader compliance with wider procurement legislation and the council's own Contract Procedure Rules is covered within Section 2 of this report.

Report Development Status & Future Development Proposals

As per the last report taken to Committee procurement are now able to report on spend transacted via all systems rather than just payments made via Oracle FUSION, These additional systems include for:

- MOSAIC - Children's Social Care spend
- CONTROCC - Adult Social care spend
- SystemsLink - Utilities spend (Gas, Electricity, Phone, etc.)
- Scala - Port spend

Since the last Committee meeting financial controls on above £5k spend processed via Scala have been developed. Work has also progressed in respect of analysis of spend processed via CONTROCC, which is already leading to improvements in compliance

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levels. As stated, these controls are not currently automated so further work will be required to develop and implement processes which will ensure that contract entries are always raised promptly at commencement of contract rather than at point of check.

Spend and compliance statistics in respect of the majority of the systems the council uses to process financial transaction is included within this report. However, it should be noted that protocols for analysis of spend via other systems need to be developed and as such some of the analysis and associated statistics are based upon assumptions that may require further testing.

Two other systems / purchasing routes are not yet included for within the spend report, which are:

- CHAPS - used to process PFI payments to partner highways maintenance contractor, although procurement can confirm that a contract entry for the Highways PFI is registered and published on the In-tend system
- Purchasing Cards - used typically for lower value transactions as per Council policy, as such very unlikely that individual transactions will be above £5k unless in exceptional circumstances

Whilst full automated compliance reporting cannot be achieved across all systems, there is not considered to be a high risk that after further analysis there will be many instances of higher value / risk non-compliance with procurement regulations as:

- Procurement can provide assurance that all utilities contracts which SystemsLink transactions relate have been compliantly procured
- Higher value transactions processed via CONTROCC for adult social care services, via MOSAIC for children's social care services and via SCALA for Port transactions should be able to be tracked back to approved contracts through application of the Council's Procurement Gateway Process which at the time of the first quarter applied to all contracts with a lifetime value of over £100,000 (*on 1st July 2023 the council launched its new Contract Procedure Rules which has increased this threshold to £150,000*)
- Payments made to builders for works undertaken for private sector residents for disabled facilities grants, warm homes funding, etc. are generally not covered within the scope of the procurement regulations
- Funding transfers in respect of health and education requirements, for instance, to other public sector contracting authorities are not generally covered within the scope of the procurement regulations, and where they are generally would be of low risk due to a lack of practical supply options

Q1 (Apr-Jun 23) Analysis

The detailed report taken from Oracle FUSION is included as exempt 'Appendix 1 - Spend Compliance Q1 Apr-Jun 23'. This report shows the compliance figures overall, by service and by sub-service area.

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A summary of the analysis undertaken by service area is included within the data following table. A target of 95% compliance overall and by service area in respect of transactions processed entirely via Oracle has been set previously by the Committee.

Performance can be summarised as follows:

- Total spend via all systems for Q1 Apr - Jun 23 for financial transactions which exceed £5k equated to £73,610,724.45.
- Of this spend financial transactions equating to £60,081,792.25 / 81.6% can be traced back to a corresponding contract entry on the In-tend system, which is a significant improvement upon performance last reported to committee in March 2023 which equated to 76.7%
- Of the total Q1 spend £38,668,346.60 / 52.5% was processed entirely via Oracle FUSION and therefore subject to the automated controls implemented by the council
- £38,420,269.64 / 99.4% of transactions processed entirely via Oracle FUSION were linked to corresponding In-tend contract entries. This is the highest compliance figure reported to committee to date, exceeding the 95% target and improving upon the 99.3% figure reported to committee in March
- When spend is broken down on a directorate by directorate basis the figure for each directorate significantly exceed the 95% target

Spend Compliance Comparison - Jan 23 vs Q1 Apr - Jun 23

1. Spend Processed Entirely Via Oracle FUSION

Key

- *NC - Non-compliant*
- *C - Compliant*

Directorate	Jan 23			Q1 Apr - Jun 23		
	Total £	NC £	C %	Total £	NC £	C %
Adult Services	£766,513.18	£9,352.57	98.8%	£1,786,603.43	£2,009.55	99.9%
Children Families & Education	£800,957.76	£1,995.75	99.8%	£2,455,153.54	£1,442.34	99.9%
Corporate Services	£212,542.15	£787.58	99.6%	*£2,265,236.24	£2,727.50	99.9%

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Culture Leisure & Regulatory Services	£235,494.13	£11,984.18	94.9%	£1,083,428.78	£856.93	99.9%
Executive	£89,121.62	£0.00	100%	£525,178.81	£4,839.74	99.1%
Finance	£1,994,835.07	£2,165.15	99.9%	£6,346,133.83	£28,500.00	99.6%
Housing Neighbourhood & Building Services	£7,732,014.81	£1,424.46	98.98%	£8,694,672.77	£6,033.07	99.9%
Public Health	£477,761.65	£309.00	99.9%	£1,291,633.42	£1,115.40	99.9%
Regeneration	£6,229,665.03	£6,408.71	99.9%	£14,219,448.85	£200,552.43	98.6%
TOTAL	£18,538,905.40	£136,294.52	99.3%	£38,668,346.60	£248,076.96	99.4%

*The £2,265,236.24 coded to Corporate Services does not appear to be correct as upon review of the purchase order descriptions and suppliers appear link to activities which are more likely to have been commissioned by Regeneration and Housing, Neighbourhoods & Buildings. This will be further investigated and raised with Finance if necessary.

2. Spend Processed Entirely or Partly through Other Systems

Systems / Payments	Jan 23			Q1 Apr - Jun 23		
	Total £	NC £	C %	Total £	NC £	C %
*Academy Payments - Education Funding Transfers	£860,605.68	£860,605.68	0%	£4,429,332.67	£0.00	0%
*Early Years Payments - Children & Families Funding Transfers	£2,560,692.61	£2,560,692.61	0%	£461,270.98	£0.00	0%
*Energy Services - Warm Homes Grant Transfers	£1,228,313.09	£0.00	100%	£7,112,330.25	£0.00	0%
MOSAIC - Children's Social Care Finance System	£490,664.87	£490,664.87	0%	£1,525,491.70	£1,525,491.70	100%
CONTROCC - Adult's Social Care Finance System	£2,421,972.41	£1,475,278.93	39.1%	£11,039,423.49	£5,605,761.41	49.2%
*Pre-Paid Cards	£7,506.08	£7,506.08	0%	£151,094.25	£0.00	100%

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*Private Sector Housing - Disabled Facilities Grant Transfers	£164,507.12	£0.00	100%	£826,631.65	£0.00	100%
SCALA - Port Finance System	£1,180,439.66	£1,047,711.86	11.2%	£4,860,141.79	£3,527,119.60	27.4%
SystemsLink - Utilities Payments	£620,964.25	£0.00	100%	£2,622,482.53	£2,622,482.53	0%
*VAT Only Invoice Payments - Finance	£101,867.12	£0.00	100%	£729,897.90	£0.00	0%
*Concessionary Fares - Transfer of funds to transport operators				£674,228.43	£0.00	£0.00
*Locally Commissioned Services Payments - Transfers of funds to pharmacies & other organisations				£44,528.20	£0.00	100%
*Business Rates & Property Transactions				£65,277.00	£0.00	100%
PFI Payments - Victory Support Services				£239,044.01	£0.00	100%
*Fees & Levies				£161,203.00	£0.00	100%
TOTAL	£9,637,532.89	£6,442,460.03	33.2%	£34,942,377.85	£21,661,522.61	62%

3. Summary Analysis

The data set from which both of the above tables has been calculated can be found within exempt Appendix 1 (EXEMPT - G&A&S - Procurement MI - App 1 Spend Compliance Q1 Apr - Jun 23).

Oracle FUSION

In summary, the analysis shows that in respect of spend processed entirely via Oracle FUSION, there are no financial transactions with an overall distribution value in excess of £100k (above which contracts were classed as high value under the council's CPRs which were in place during Q1 and should have been let via a fully advertised compliantly tender process) that cannot be traced back to a compliant contract, or are otherwise exempt from regulations and council CPRs. For a significant number of the non-compliant transactions,

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including for all with a distribution value in excess of £100k, there are contract entries on In-tend but due to administrative errors the transactions were not linked.

Whilst work is required to ensure that contract entries are raised and published on In-tend, the risk of legal challenge to the council for failing to publish summary contract information is low.

Other Systems - Out of Scope Activity

In respect of spend processed via other systems all systems / payments marked * have been confirmed as transaction groups which do not fall within the scope of the procurement regulations, council Contract Procedure Rules or within the Procurement section of the Local Government Transparency Code.

These transactions in general relate to a combination of grant payments, funding transfers, property payments and financial reconciliation transactions which are not concerned with contracting activity which falls within scope.

Systems Link - Utilities Transactions

Whilst contract entries need to be raised on In-tend all of the contracts have been let compliantly via nationally leveraged contracting arrangements.

The committee should note that the financial records on Systems Link require update as the name of the gas supplier has not been changed from Gazprom Marketing & Trading Limited to SEFE Energy following the intervention from the German government in 2022. The committee can be assured that this is purely a system update issue which is now being resolved and that no gas is being sourced from Russia.

MOSAIC - Children's Social Care Finance System

Work is required to cross reference transactions against In-tend contract entries. The 0% compliance figure reflects that work is yet to be undertaken and does not denote that there are no contract entries already published on the In-tend system for transactions.

The vast majority of the transactions are in relation to placements which do fall under the scope of procurement regulations and transparency requirements, however this is not considered to be a high risk area for non-compliance as there is often a lack of supply in this area, lessening competition and associated challenge risk from the market.

CONTROCC - Adult Social Care Finance System

Work is progressing to put in place effective cross-referencing between transactions and In-tend contract entries although this is subject to referencing systems rather than automated links between systems. This is reflected in the higher % of transactions which can be traced to contract entries when compared to the report taken to the committee in March.

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The transactions which cannot be accurately linked to contract entries relate to dynamic individual spot purchasing from suppliers that on an individual basis would not breach procurement regulation thresholds. However, aggregation across transactions does need to be considered which when take into account will put spend with some of the suppliers above threshold.

As spot purchasing is an established market norm risk of challenge in the event of non-compliance is not considered to be high. Work is required to further review spot purchasing arrangements in respect of compliance with wider procurement regulations. Contract entries will need to be raised on In-tend that can be cross referenced to transactions in order to meet transparency requirements and allow for effective reporting.

SCALA - Portsmouth International Port Finance System

Only one transaction above £100k cannot be traced to a contract entry although it can be traced to a fully compliant procurement process. Risk is therefore considered to be low.

The transactions related to this contract which is concerned with a major works project totalled £3,462,196.10 over Q1. A contract entry on In-tend will be raised as a matter of urgency. When this transaction is removed spend compliance for the Port increases from 27.4% to 98.6%.

SECTION 2 - CONTRACT AWARD VIA WAIVER

The tables below show a comparison of waiver approvals with a value of £100,000 or more awarded via application of a waiver between November 2022 - January 2023, as reported to the committee on March, with those awarded via waiver over Q1 23, being April 2023 - June 2023.

In addition information is also provided on contracts where the waiver approval in Q1 is less than £100,000 but there has been previous waiver approvals granted which cumulatively put the overall value of waivers associated with the contract above £100k.

Whilst waivers are to be sought for any significant departure from the council's Contract Procedure Rules (CPRs), the report focuses upon waiver approvals above £100k to let contracts via negotiated direct award as it is at this threshold that review by Procurement and Legal was mandated under the council CPRs that were in place. Below this threshold waivers could be approved by the relevant Director or Assistant Director.

Under the previous CPRs which were in place during Q1 waivers can be approved by:

- Director including for Assistant Directors given delegated authority by the Director - up to £100k
- Procurement manager - up to £1M (delegated to procurement seniors as well)
- Procurement Gateway Board - above £1M

Above £100k Waiver Approvals- Reporting Period Comparison

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Risk Profile	November 22 - January 23		April 23 - June 23		
	No. of Contracts	Waiver Value	No. of Contracts	Waiver Value	Cumulative Waiver Value
HIGH RISK	0	£0	0	£0	£0.00
MEDIUM RISK	3	£3,568,817	4	4,731,854.74	£16,297,710.74
LOW RISK	6	£5,358,558	6	£798,101.83	£1,012,490.83
TOTAL	9	£8,927,375	10	£5,529,956.57	£17,310,201.57

Q1 Below £100k Waiver Approvals but Above £100k Total Cumulative Value

Risk Profile	April 23 - June 23		
	No. of Contracts	Waiver Value	Cumulative Waiver Value
HIGH RISK	0	£0	£0.00
MEDIUM RISK	1	£74,999.60	£614,996.60
LOW RISK	4	£190,128.45	£1,199,685.36
TOTAL	5	£265,128.05	£1,814,681.96

Summary information regarding the waivers including for service area, contract name, supplier, value, term, etc. and risk analysis rationale can be found within the exempt 'Appendix 2, Waivers Q1 Apr - Jun 23'.

Analysis

Risk ratings have been applied to the waivers reviewed in accordance with the following criteria / characteristics:

- HIGH RISK - In breach of statutory procurement regulations, high probability of market challenge, lack of effective mitigation strategies, no agreed strategy in place to bring the contract into compliance

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- MEDIUM RISK - In breach of statutory procurement regulations, low probability of market challenge, mitigation strategies in place, agreed strategy in place to bring the contract into compliance, rationale for waiver meets Council CPR requirements
- LOW RISK - No breach of statutory procurement regulations, low probability of market challenge, mitigation strategies in place, rationale for waiver meets Council CPR requirements

The number of waiver approvals above £100k in Q1 has stayed broadly the same as the number reported at the previous Committee (10 vs 9) and represents a consistent reduction compared to 21 previously reported for period covering April - June 2022.

Whilst the reasoning for the decrease has not been investigated in detail, it can be assumed that the reduction may be due to the lessening impacts of the COVID-19 pandemic upon re-tendering programmes. However, whilst work is progressing, there is still work required to address the backlog of contracts that require re-tendering, although this backlog has reduced significantly.

The value of waivers has reduced compared to the last reporting waivers (£5.5M vs £8.9M) which has been driven by above £1M waivers being processed within the last reportable quarter. However, the risk profile associated with the waiver sign offs between the quarters is very similar and again no instances of any High risk waiver sign offs within the last reportable quarter.

When taking into account Q1 waiver approvals below £100k but cumulatively above £100k this only adds one more medium risk and 4 more low risk waivers to the Q1 figures and has only a small impact in respect of total value of waivers.

All waivers have been subject to a level of financial benchmarking and delivery performance assessment in order to provide best value assurance in the absence of full competitive processes. For all on-going medium to long term requirements, Procurement have engaged with services to plan and implement procurement processes which will bring the contracts back into compliance.

Summary information regarding each waiver instance reported on above for Q1 including for risk analysis rationale and mitigation measures can be found within exempt Appendix 4 (EXEMPT - G&A&S - App 4 - Procurement Data Analysis - Q1 Apr 23 - Jun 23).

SECTION 3 - CONTRACT MANAGEMENT PERFORMANCE MONITORING

Implementation of New KPI Model

In line with the course of action set out at the March committee meeting, the previous KPI reporting model, which was overly complicated, inconsistently applied and not always completed has now been fully disbanded.

A new simplified flexible single KPI model has been developed whereby contracts are assessed on a consistent 0-5 basis as per the example below:

- 0 - Unacceptable Performance - grounds for immediate termination and barring from future contract opportunities



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- 1 - Poor - significant issues have arisen. May invoke termination and barring from future opportunities unless significant and immediate improvements are implemented.
- 2 - Fair - activities were generally undertaken to a satisfactory level however a number of smaller issues arose that were addressed when improvement notices were issued
- 3 - Satisfactory - met the contractual obligation and performed within the range of expectation
- 4 - Good - met and on occasion exceeded contractual expectations. Activities undertaken to a high standard.
- 5 - Excellent - performed above general contracted requirement by bringing added value and exceeded expectations in multiply areas.

The model by virtue of its core simplicity is flexible and can be applied on a proportionate and relevant basis to any contract irrespective of the value, scale and complexity of the contract. The new model also requires contract managers to provide a summary rationale for the score they have allocated which will significantly improve upon previous reporting mechanisms.

This revised model has now been implemented across 72 contracts which include for the council's highest value strategic contracts and medium value works call off contracts let via the council's £100M Primary Contractor Framework.

Whilst the number of contracts that the KPI model has been successfully piloted against represents a fraction of the contracts that are registered on the In-tend they have a collective lifetime value of over £1.2B, equating to 42.5% of the £2.9B total lifetime value of all of the contracts registered on In-tend.

Following the successful piloting of the model Procurement will now roll out the new KPI reporting structure at a steady pace and are targeting to have applied the model 80% of the contracts by contract value by the end of this financial year.

KPI Performance Analysis Q1 Apr - Jun 23

KPI completion statistics and reported performance statistics for Q1 are set out within the table below.

Performance Element - New KPI Model Reporting & Delivery Performance	No.	%
Total number of contracts with KPI reporting due between 01.04.23 - 30.06.23	14	0.84%
Total number of KPIs completed for contracts with Q1 KPI reporting	14	100.00%
Total lifetime value of contracts subject to Q1 reporting	£1,221,475,809	41.48%
*Total per annum value of contracts subject to Q1 reporting	£101,331,408	29.63%
Total number of contracts subject to Q1 reporting that scored 0 (unacceptable) or 1 (poor)	0	0.00%

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Performance Element - New KPI Model Reporting & Delivery Performance	No.	%
Total lifetime value of contracts subject to Q1 reporting that scored 0 (unacceptable) or 1 (poor)	£0	0.00%
Total number of contracts subject to Q1 reporting that scored 2 (fair) or 3 (satisfactory)	6	42.86%
Total lifetime value of contracts subject to Q1 reporting that scored 2 (fair) or 3 (satisfactory)	£113,765,485	9.31%
Total number of contracts subject to Q1 reporting that scored 4 (good) or 5 (excellent)	8	57.14%
Total lifetime value of contracts subject to Q1 reporting that scored 4 (good) or 5 (excellent)	£1,103,720,400	90.36%

All KPIs / 100% due have been completed which is a very significant improvement compared to completion rates for the old KPI model which are set out in the table below which only equated to a 23% completion rate.

Analysis Parameters	Nov 22 - Jan 23	
Total No. Contracts with KPI Due Assessment in Last Quarter	324	
Total No. Contracts with KPI Assessed in Last Quarter	75	23%

Performance reports are however difficult to compare to those last reported to committee as the scoring structure for the new KPI model has changed significantly from the old model which was in place for the last report.

The scores and supporting rationale for every contract subject to KPI reporting in Q1 is included within exempt appendix 'App 3 Contract KPIs Q1 Apr - Jun 23'.

In no instance has any contractor been assessed as performing to an 'unacceptable' or 'poor' level of performance. 2 contracts, including for 1 strategic contract, have been scored as 'fair' and requiring some level of improvement which in both instances have been actioned by the relevant council contract manager.

4 of the contracts, including for 1 of the council's strategic contracts, were assessed as 'satisfactory' and not requiring any level of significant remedial action. 8 of the contracts, including for 7 of the strategic contracts have been assessed as 'good' and either fully meeting or exceeding contract requirements.

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 Signed by Richard Lock - Assistant Director, Procurement

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