



Royal
Botanic Garden
Edinburgh

CORPORATE PROCUREMENT STRATEGY

2024 –2028

June 2024

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Introduction

1 Background

1.1 This document sets out the Royal Botanic Garden Edinburgh (RBGE) Procurement strategy for the next four years - 2024 to 2028. We will review this strategy every year to reflect any changes to the RBGE Strategy, the RBGE Procurement Policy Framework and any other priorities for public procurement in Scotland.

1.2 The Procurement Strategy acknowledges that RBGE is a listed entity on the World Trade Organization Government Procurement Agreement and hence is a public sector body as defined by the agreement. RBGE is bound by statutory public procurement regulations and supporting legislation of Scotland.

1.3 Section 15 of the [Procurement Reform \(Scotland\) Act 2014](#) 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 procurement strategy.

2 Purpose

2.1 The purpose of this Strategy is to set out RBGE 's planned approach over the next four years to deliver cost effective supply of goods, services and works taking into consideration the requirements of the statutory public procurement regulations and RBGE 's Corporate Strategy.

3 RBGE 's Approach to Procurement

RBGE will align with the Public Procurement Strategy for Scotland and its vision **“Putting public procurement at the heart of a sustainable economy to maximise value for the people of Scotland.”**

Our procurement activity will align to the principles of the Scottish Government procurement policies.

3.1 When buying and paying for goods and services, RBGE will take account of statutory procurement legislation, the Scottish Public Finance Manual (SPFM), Procurement Journey, Scottish Procurement Policy Notices (SPPNs) and the RBGE Procurement Policy Handbook.

3.2 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.

3.3 RBGE operates a devolved procurement approach within the organisation. A central procurement resource supports devolved Delegated Purchasing Officers (DPOs) to undertake a self-service model procurement activity up to £50k in value. Procurements over £50k are run for the devolved areas by RBGE procurement resource.

3.4 RBGE has a clear separation of duties between budget authority and procurement authority. Budget holders have authority to commission orders by specifying their

requirements and providing budgetary authority for the expenditure. The authority to purchase is held by DPOs. Budget holders have authority to approve transactions up to £10k. Directors and the Head of Estates & Technology Services have authority up to £50k. The Regius Keeper and Director of Resources & Planning have authority to approve expenditure over £50k.

3.5 The Scottish Government has to approve all new contracts over £100k, prior to public bodies entering into new contracts. The Procurement Manager will provide guidance on the application process. This process can take a number of weeks so approval should be sought as early as possible.

3.6 For all regulated procurements we consider and assess each of the general duties below and report our findings in the commodity strategy:

- whole life costs and payment methodologies;
- market engagement;
- collaboration and stakeholder engagement;
- [Sustainable procurement tool](#);
- Equality Impact Assessment (EQIA) and Equality Act considerations (including Fairer Scotland Duty statements);
- Data Impact Assessment (DIA) and General Data Protection Regulations;
- [Cyber Security](#) requirements;
- Fair Work First Practices (includes payment of Living Wage);
- use of Small Medium Sized Enterprises (SMEs), third sector bodies and supported businesses;
- Environmental benefits
- Modern Slavery;
- Fair and Ethical Traded goods and services;
- Animal welfare;
- Climate Emergency considerations;
- Community benefits; and
- Health & Safety considerations.

For non-regulated procurements, a relevant and proportionate manner is applied.

3.7 The relevant considerations mentioned above shall be covered further within the tender documents, the evaluation process, the Contract Award Recommendation report and the deliverables shall be captured in the contract document. The savings and benefits achieved shall be captured in an Annual Procurement Report.

3.8 For low value goods and services, where a contract does not exist, RBGE operational areas use the electronic procurement card (ePC) to purchase directly from the supplier.

3.9 We publish our Contracts Register on the [Public Contracts Scotland](#) portal, which details our regulated procurements, as required by legislation.

3.10 RBGE is subject to a Procurement & Commercial Improvement Programme (PCIP) health check, an assessment of its overall procurement policies, practices and procedures by a team of procurement specialists from Scottish Government Property and Procurement Division.

Supporting Local and National Agendas

4 Public Contracts (Scotland) Regulations 2015 and Procurement Reform (Scotland) Act 2014

4.1 In producing the Corporate Procurement Strategy, it is necessary to consider the landscape of the national procurement agenda and, in particular, the Public Contracts (Scotland) Regulations 2015 and Procurement Reform (Scotland) Act 2014. The Procurement Reform Act is *'a national legislative framework for sustainable public procurement that supports Scotland's economic growth by delivering social and environmental benefits including community benefits, supporting innovation and promoting public procurement processes and systems which are transparent, fair and business friendly.'*

5 National Performance Framework

5.1 RBGE, as part of the wider Scottish Public Sector, contributes to the Scottish Government's [National Performance Framework](#). The aim of the Framework is: *'To focus Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable growth'*. The National Performance Framework tracks Scotland's progress against meeting its national outcomes.

5.2 There are several outcomes identified in the Framework relevant to RBGE and which have been highlighted in the RBGE Strategy. In meeting the Strategy, procurement delivery will assist in attaining a number of outcomes.

- **Environment:** contributing to the journey to net-zero emissions
- **Economy & Work and Business:** Green Recovery from COVID-19
- **International:** sustainable communities
- **Education:** Green recovery from COVID-19 & behavioural change for a greener future
- **Communities:** social development, equality, social inclusion & racial justice.

5.3 As part of the Scottish Public Procurement community we will look to adopt and aspire to the set of [seven priorities](#) that have been developed to demonstrate the commitment of public procurement to using the power of procurement to deliver and influence outcomes that are good for the people of Scotland. Aligned to existing commitments set out in the government's national framework and reflecting ['good for' outcomes](#), they take into account the impacts felt over the past year, address short term needs and support a robust, greener economic recovery, whilst developing leadership and wider capacity, capability and systems to future-proof procurement in Scotland.

Our Corporate Procurement Strategy

6 Our Vision

6.1 By following the Scottish Public Finance Manual and by observing a professional, strategic and collaborative approach to procurement, the intention is to deliver an effective and efficient procurement service and achieve value for money and/or wider benefits from contracts, while at the same time as making effective use of resources in support of the strategic priorities of RBGE .

6.2 The RBGE Procurement Strategy:

- Sets out our priorities and proposals for procurement over the planning period;
- Identifies those factors that will influence the way in which we manage the procurement process; and
- Describes the arrangements for monitoring and evaluating the strategy.

7 Aims and Objectives

7.1 The principle aims of the Procurement Strategy are to ensure that procurement activities for RBGE are:

- Fully in accordance with the Public Contracts (Scotland) Regulations 2015 and the Procurement Reform (Scotland) Act 2014 to secure legal compliance;
- Delivered effectively, efficiently and transparently by following best practice to deliver best value for money; and to ensure that all personnel involved in the procurement process are sufficiently trained to make procurement decisions in accordance with the relevant policy/legislation.

7.2 RBGE looks to achieve the optimum Value for Money (VfM) based on whole-life costs. VfM is not achieved solely on the lowest tender price but from consideration of full-life cycle costs and performance. For all regulated procurements, RBGE will award contracts on the basis of the Most Economically Advantageous Tender (MEAT) taking into account factors such as quality and technical merit specific to the tendered requirement. The majority of RBGE procurements are of a technical nature, therefore, weightings for these types of tenders shall be taken into consideration.

7.3 Our contracts shall endeavour to deliver a wide range of social and economic benefits as well as significant financial savings for the public sector.

7.4 Our strategy has five key objectives:

- Procurement activity contributes to VfM and/or wider benefits;
- Compliance with our sustainable procurement duties;
- Develop procurement knowledge, skills and expertise;
- Strengthen Contract and Supplier management processes; and
- Achieve the benefits derived from collaborative working.

Our Key Objectives

8 Key Objective 1 – Procurement activity contributes to VfM and/or wider benefits

8.1 RBGE aims to secure VfM by working closely with users of the goods, works and supplies we procure to understand and help them articulate their requirements.

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 in the Scottish Public Finance Manual, details of which can be found [here](#);
- Develop feedback mechanism to ensure customer satisfaction with any procurement exercise, i.e. RBGE 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 with effective contract management;
- Conduct an annual spend analysis to identify off contract expenditure and opportunities to be added to the tender pipeline (contract spend plan);

How we will measure our success:

- Maximise both cash and non-cash benefits from existing contracts (5% target for savings (cash and non-cash – identified and recorded in accordance with the [Procurement Benefits Guide](#));
- 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;
- Improve or maintain PCIP healthcheck score; and
- Reduction in time and other resources spent on each procurement activity through more efficient procurement procedures.

9 Key Objective 2 - Compliance with our sustainable procurement duties

9.1 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. RBGE has a policy setting out expected standards on Fraud, Corruption and Collusion, and this is reinforced as part of the procurement training. Procurement processes are designed to minimise the risk of fraud, corruption and collusion.

9.2 We are committed to making public procurement transparent and accessible to businesses, especially SMEs, the third sector and supported businesses.

9.3 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.

9.4 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;
- Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012;
- Climate Change (Scotland) Act 2009; and
- Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015.

9.5 RBGE is cognisant of sustainable procurement and encourages sustainable procurement across the organisation.

9.6 Using the sustainable procurement suite of tools such as Flexible Framework Assessment and Sustainable Procurement test, enables us to consider sustainability early in a procurement process. Therefore, we can identify risks and opportunities before commissioning suppliers, understand the scope for sustainability outcomes and make sure that our ability to influence sustainable outcomes is optimised. 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 Act 2014;
- Consideration of sustainable procurement principles at the strategy stage for all procurements and completing a sustainable procurement test for all procurements with a total value exceeding £138k (inc VAT) for [UK](#) threshold;
- Promoting Scottish Government initiatives on sustainable procurement;
- Provision of training to increase staff knowledge on sustainability;
- Completion of a Flexible Framework Assessment with a view to developing an action plan for RBGE to develop its sustainability responsibilities;
- Contracts Register is published on the Public Contracts Scotland (PCS) portal listing all procurements over £10K; and
- Advertise regulated procurements over £50K and most unregulated over £10k on PCS.

How we will measure our success:

- Increased delivery of sustainable, environmental and social benefits;
- Reporting of all sustainable deliverables; and
- Greater understanding of sustainable procurement in the organisation

10 Key Objective 3 – Develop procurement knowledge, skills & expertise

10.1 RBGE will provide procurement training to staff who have responsibility for any aspect of procurement activities. Further detailed procurement training will be provided to staff depending on the post and procurement responsibility. On-going training needs will be recorded in individual training and development plans as part of the annual staff appraisal process. RBGE will hold 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 document and publish on our internal website to support staff using contracts.

How we will measure our success:

- All requests for regulated procurements should be listed on the RBGE Annual Procurement Plan;
- Staff engage with the procurement process and carry out low level procurements themselves (under £10k);
- Reduction in off-contract spend, using 2022-23 spend analysis data as baseline minimal; and
- RBGE will maintain a register of training courses delivered and attendees.

11 Key Objective 4 – Strengthen Contract & Supplier management processes

11.1. 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. RBGE is currently developing a Best Value Framework and a Contract Management Guide to support processes here.

How we will achieve this objective:

- Allocation of contract management level i.e. Gold, Silver, Bronze to each contract based upon a risk and value based approach. An evaluation tool is available to establish the correct level for each contract. As a guide, contracts less than £5m, which covers most RBGE contracts, will be classed as Bronze, with only the most complicated and expensive contracts classed as gold.
- Provide progressive targeted contract management training and guidance for RBGE staff responsible for contract management starting with Gold rate contracts;
- Include within contracts, clear contract management requirements including Key Performance Indicators (KPIs) and performance measurements, proportionate to the level of contract management required; and

- Perform regular reviews of contract performance and hold regular review meetings with suppliers, proportionate to the contract management allocated level

How we will measure our success:

- Contract Management Register identify profiling of Gold, Silver and Bronze contracts
- Training register will record planned and completed training
- Reduction in number of supplier KPIs not delivered to target timeline (target due to be set in accordance with the Best Value Framework and Contract Management Guide);
- No supplier disputes; and
- Reduction in invoice errors as correct prices are charged by suppliers in accordance with the terms of Contracts (target due to be set in accordance with the Best Value Framework and Contract Management Guide).

12 Key Objective 5 – Achieve the benefits derived from collaborative working

12.1 The aim is to embed the practise of collaborative procurement whenever and wherever appropriate throughout the organisation. Identification of opportunities for working with other public sector bodies, in order to widen the scope for maximising purchasing power and identifying innovations. RBGE will continue to collaborate with other public organisations where it meets RBGE priorities.

How we will achieve this objective:

- [Scottish Government](#) and other public bodies have a number of Framework Agreements in place and RBGE shall use these frameworks, where these align to the organisations requirements and RBGE is eligible to use the framework;
- Engage with SG procurement cluster groups regularly to facilitate dialogue, learning and opportunities in procurement;

How we will measure our success:

- Maximise the use of collaborative contracts (annual report will provide breakdown of number of collaborative contracts used and percentage of spend);
- Increased participation in Scottish Government user groups and intelligence gathering forums for procurement.

Annual Reporting

13 Annual Procurement Report

13.1 RBGE will comply with the obligation within the Procurement Reform (Scotland) Act 2014 to produce an annual report when total regulated procurement spend per annum is £5 million (ex VAT) or more.

13.2 The Annual Report will cover the period 1 April to 31 March each year with the intention for this to be published by December of each year.

13.3 Our report will include, as a minimum:

- information on regulated procurements that we have completed during the period;
- a review of whether those procurements kept to our procurement strategy;
- if any procurements do not keep to regulations, a statement of how we intend to make sure that they do in future;
- a summary of community benefit requirements met during the financial year covered by the report;
- a summary of any steps we have taken to involve businesses we support in regulated procurements during the year; and
- summary of regulated procurements we expect to begin in the next two financial years.

14. Strategy ownership and contact details

14.1 The owner of this Strategy on behalf of RBGE is the Director of Resources and Planning. The Strategy covers the period July 2024 to June 2028 and will be reviewed annually. New versions will be published on our website.

14.2 For more information please contact:

Royal Botanic Garden Edinburgh
20A Inverleith Row
Edinburgh EH3 5LR

Email: procurement@rbge.org.uk

Procurement Policies and Procedures – General duties of the Procurement Reform Act 2014

A.1 Community Benefits

The 2014 Act describes a community benefit as:

“a contractual requirement imposed by a contracting authority –

(a) relating to –

(i) training and recruitment, or

(ii) the availability of sub-contracting opportunities, or

(b) which is otherwise intended to improve the economic, social or environmental wellbeing of the authority’s area in a way additional to the main purpose of the contract in which the requirement is included”.

The use of community benefits in our public contracts helps us to deliver wider social and economic benefits as part of our public spending decisions. Scottish public bodies must now consider the use of community benefits for regulated public contracts.

For all contracts valued at £5million (ex VAT) and above, it is mandatory to include within the contract opportunity notice a summary of the community benefit requirements it intends to include in the contract or give a statement of its reasons for not including community benefits requirements.

Our policy

We use community benefits in our public contracts where possible. We consider community benefit opportunities at the development stage of our regulated procurements and handle these in one of two ways:

1. **Mandatory or contractual** – In this scenario we ask bidders to deliver community benefits (for example, targeted training, recruitment and other opportunities in the supply chain) as part of a contract specification. These requirements then form part of the tender evaluation and may be scored. We use this approach if:

- the contract is of high value;
- it is of medium to long term; and
- where it is clear that including a community benefit in a contract could add to its social or economic effect.

2. **Voluntary** – We use this approach in cases where it is not appropriate to make community benefits a mandatory requirement for all bidders. We ask that voluntary community benefits are only offered where these do not place too much of a burden on the

bidder but may result in the contract delivering extra value. We ask bidders to consider what community benefits they can offer as part of their bid.

In this scenario community benefits are not part of the tender evaluation. Where a bid is accepted, any offer of community benefits is included in the contract to be signed by the bidder.

Monitoring

Our contract award notices for regulated contracts record whether we expect our contractors to deliver any community benefits. We also record any community benefits that have been delivered as part of our contract management arrangements. Contract notices for our regulated procurements are published on the Scottish Government's national public procurement advertising portal, PCS. We collect information about delivered benefits and will report on these in our annual procurement report of our performance against our procurement strategy.

A.2 Our policy on Fair Work practices including paying the 'real' Living Wage to people involved in delivering our contracts

Background

We believe that Fair Work practices and payment of the Real Living Wage is important to improving business, society and the lives of individuals and their families.

Fair Work balances the rights and responsibilities of employers and workers and can generate benefits for individuals, organisations and society. Fair Work is defined through five dimensions: fulfilment; security; opportunity; respect and effective voice. These dimensions cover the ability of workers; to have a say and to influence and change working conditions; to both access and progress in work; to have fair working conditions and to be treated fairly at work. Further details can be found in the Fair Work Framework published by the Fair Work Convention.

Our policy

RBGE is committed to promoting the real Living Wage. Our policy is to consider Fair Work practices as early as possible in all of our procurements. For all regulated procurements Fair Work is addressed in the commodity strategy. This makes sure that, where it is relevant to how the contract is carried out, assessing a business's approach to fair employment including the payment of the 'real' Living Wage can be included as an important part of the procurement exercise.

We include award criteria questions in procurements which are proportionate and relevant to the contract and therefore, can be scored or non-scored.

RBGE also invites Scottish businesses to sign up voluntarily to the Scottish Business Pledge. The Pledge is a shared ambition of boosting productivity, competitiveness, sustainable employment and workforce engagement. It has nine key elements at the heart of which is the payment of the 'real' Living Wage.

Monitoring

We record any commitments made by suppliers to pay the 'real' Living Wage in our contract award recommendation reports. These will be included in the annual procurement report of our performance against this strategy.

A.3 Our policy on procuring fairly and ethically traded goods and services

Background

The sustainable procurement duty requires RBGE to consider how they can improve their area's economic, social and environmental wellbeing.

Our policy

Where fairly traded goods and services are available to meet our requirements we will consider how best to promote them. For all regulated procurements, we shall address fairly and ethically traded goods and services in the commodity strategy.

Considering the risks and opportunities at an early stage in a procurement process enables us to take account of ethical issues when assessing a bidder's overall suitability and reliability to be awarded a contract. This includes considering whether the bidder has been convicted of certain offences or has committed any acts of professional misconduct while running their business. Early consideration during the procurement process of ethical issues also enables us to consider opportunities to promote positive outcomes.

Our standard contract terms and conditions allow for contract termination in the event of failure by a contractor to comply with its legal obligations in the fields of environmental, social or employment law.

Monitoring

Our annual procurement report will include a statement about the effectiveness of our selection procedures and we shall keep a central record of the value of fairly traded products bought or sold under our contracts.

A.4 Our policy on paying invoices in 30 days or less to our contractors and sub-contractors

Background

Our late payment legislation requires all public bodies to pay invoices within 30 days.

Our policy

We are committed to prompt payment of invoices both to and by our contractors and their subcontractors. We commit to pay valid invoices within 30 days of receipt and, as a condition of contract, we require this commitment to apply through the supply chain relating to the contract. This condition, when applied throughout the supply chain, must also make clear that if a subcontractor believes that invoices are not being paid within 30 days they can raise the issue directly with us.

Monitoring

Through our contract management arrangements we shall monitor the percentage of our valid invoices paid on time, our average payment performance and any complaints from contractors and subcontractors about late payment and we take action if appropriate.