



Scottish Courts  
and Tribunals Service



# Annual Procurement Report

2022 - 2023

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## Introduction

This report provides an overview of the Scottish Courts and Tribunals Service (SCTS) procurement activity during the financial year 2022-23.

The [Procurement Reform \(Scotland\) Act 2014](#) sets out the requirements of Scottish public bodies, including SCTS, to prepare a [Procurement Strategy](#) setting out how we intend to ensure our Regulated procurements will deliver value for money and contribute to the achievement of the body's broader aims and objectives, in line with Scotland's National Outcomes. We review our Procurement Strategy annually to ensure it aligns with Scottish Government objectives, [Public Procurement Priorities 2021-24](#), and SCTS Corporate plans and objectives.

The Act also requires SCTS to prepare an **Annual Procurement Report** on our Regulated procurement activity and compliance with our Procurement Strategy. This sixth Annual Procurement Report covers the financial year 1 April 2022 to 31 March 2023 and summarises the activities that have been carried out at SCTS in delivering our Procurement Strategy.

## Foreword from the Head of Procurement

I am pleased to present the Annual Procurement Report of the Scottish Court and Tribunal Service for 2022-23.

This reports reflects on a year where the Scottish Courts and Tribunals Service (SCTS) experienced another wave of change as our operations transitioned back into SCTS buildings and the innovative solutions implemented during the COVID-19 restrictions were transformed to support the new ways of working. Supporting the Lord President's vision that courts and tribunals should be seen as "a service, not just a place" the organisation has developed and adopted new technology and tools to support hybrid working to allow the judiciary, staff and our justice partners to work effectively.

The Edinburgh Justice Campus project has made excellent progress this year in its aim to reduce the estate footprint, make most efficient use of our buildings and support progress towards our environmental and carbon reduction targets. The works undertaken in Edinburgh's Parliament House have been a great success and the project team continue to look forward towards Phase 2 works and bid for Scottish Government grant funding to support our sustainability and carbon reduction projects.

This year has also seen the expansion of our evidence by commission (EBC) suites with Edinburgh becoming operational in October 2022. We now have EBC's in Aberdeen, Edinburgh, Glasgow and Inverness and together provide capacity to conduct over 2,000 EBC hearings a year. Plans to open a further EBC in Dundee will be progressed during 2023-24.

The SCTS team continue to make great strides in leveraging the 'power of procurement' for SCTS despite economic pressures of inflation, high energy costs and real living wage commitments. Our procurement specialists have delivered excellent outcomes in both tendering activity and proactive contract and supplier management. Suppliers continue to deliver good quality services and deliver additional social and economic value for Scotland through their operations.

**Denise Donaldson**  
Head of Procurement

# About the Scottish Courts and Tribunals Service

## Who we are

The Scottish Courts and Tribunals Service (SCTS) is a non-ministerial office established by the Judiciary and Courts (Scotland) Act 2008 ([Scottish Courts \(scotcourts.gov.uk\)](http://scotcourts.gov.uk)). Its statutory function is to provide administrative support to Scotland’s courts, devolved tribunals and the Office of the Public Guardian (OPG) ([Office of the Public Guardian \(Scotland\) \(publicguardian-scotland.gov.uk\)](http://publicguardian-scotland.gov.uk)). SCTS has a presence in many of Scotland’s communities where court and tribunal business is conducted daily. In total the estate comprises 71 buildings made up of courts, vulnerable witness suites, tribunals and offices. We operate from 51 distinct locations across Scotland’s six sheriffdoms, together with 13 remote video witness sites. Tribunals also make use of some 70 further venues across Scotland for hearings.

In addition to administering Scotland’s courts and tribunals, SCTS supports the OPG and Accountant of Court (AOC). The OPG provides guidance and undertakes investigations to protect vulnerable people under the terms of the Adults with Incapacity Act 2000. The Public Guardian is also the AOC. The AOC is a court appointed officer who undertakes a number of financial management roles for courts ([The Accountant of Court \(scotcourts.gov.uk\)](http://scotcourts.gov.uk)). SCTS also provides the staff and administrative support to the:

- Scottish Civil Justice Council - which drafts rules of procedure for the civil courts, and advises the Lord President on the development of the civil justice system; and
- Scottish Sentencing Council - which is responsible for preparing sentencing guidelines, and for publishing guideline judgments and information about sentences imposed by the courts in Scotland.

## Our purpose

The purpose of SCTS is **supporting justice**. We fulfil that purpose by providing the people, buildings and services needed to support the judiciary, the courts, devolved tribunals and OPG. Our work focuses on improving access to justice, reducing delay and cost within the justice system, modernising our services in line with reform, and using leading technology to improve our services for everyone.

## Our values

To help direct us towards achieving our purpose successfully, we observe three key values: **respect**, **service** and **excellence**. These guide our behaviour, decisions and actions - in pursuit of fulfilling our purpose to the highest standard. By setting our priorities, underpinned by strong values which we promote in pursuit of our purpose and a fair justice system, we aim to provide the best possible service to those who use our services and interact with us on a daily basis.



The SCTS sets out its strategic priorities and objectives in a three year [Corporate Plan](#) which is published on the SCTS website “[reports and data](#)” pages.

# Procurement at the Scottish Courts and Tribunals Service

As laid out in our Procurement Strategy, the vision for Procurement in SCTS is:

*"To become a trusted and valuable partner for all areas of the business for procurement and commercial matters."*

To deliver this we will:

- Promote and champion the role of Procurement in the business,
- Provide advice and support to the Executive Team and Senior Managers,
- Provide advice, guidance and support to colleagues on procurement and tendering requirements for the business,
- Develop and promote environmental, social and governance policies and practices that encourage equality and diversity, fair work practices and sustainability to be incorporated in to how we procure and manage contracts over their lifecycle,
- Identify and implement procurement approaches that are best for the business, compliant and deliver value for money,
- Maximise the use of available technology and participate in working groups as part of the Scottish Government Shared Services Programme to replace our Finance and Purchase to Pay system.
- Reduce the risk to the business through better, more compliant, procurement that fully addresses the needs of the business,
- Support and help deliver climate emergency targets and improve sustainability through appropriate procurement and contract management,
- Engage constructively with suppliers, contractors and specialist providers,
- Maximise community benefit opportunities and engagement with SMEs and supported businesses

The SCTS Procurement unit procures a wide range of goods, services and works to support the organisation in achieving its Corporate and Business Plans. In 2022-23 we managed 303 live contracts worth over £208m and awarded 81 new regulated contracts with a total value of over £31.4m.

## Reporting Highlights



**£13.7m** of our external spend in 2022-23 was with small and medium enterprises (SME's). This represents a 21% increase on the previous year (£11.2m in 2021-22).



**Third sector** spend has more than doubled 2022-23 to £70k, partly due to a new contract for British Sign Language Services where SCTS engage the services of Deaf Action, an Edinburgh based charity.



**51%** of our external spend in 2022-23 was with suppliers with their Regional Offices based in Scotland. That is a 6 percentage point increase on last year (45%).



## Contract Management

The SCTS Procurement Contract and Supplier Management (CSM) team is responsible for the delivery of the Contract Management Strategy to ensure that maximum value is extracted from public contracts and that they remain fit for purpose. Contract Managers actively monitor contract spend, deliverables and supplier performance. Annual reviews are an opportunity to review the contract requirements and objectives and realign to the needs of SCTS the service our suppliers can offer.

The Contract Managers also undertake formal reviews of contracts as they approach their expiry to determine if the contact continues to offer value for money, how the current arrangements sit in the sector they operate and the future needs of SCTS. The review concludes with a recommendation to exercise any available extensions which may be available or a new commodity strategy recommending a new route to market. Recommendations to extend contracts must follow internal governance and the approval of a Contract Extension Recommendation Report.

The main functions of the CSM team include:

- Ensuring successful implementation and execution of contracts.
- Designing a formalised method of monitoring supplier performance against contract requirements based on the contract risk profile and value.
- Monitor contract performance against agreed Key Performance Indicators, Service Level Agreements, Community Benefit delivery and other specified performance indicators.
- Lead supplier contract review and performance meetings in partnership with key stakeholders.
- Develop and maintain symbiotic supplier relationships to extract the maximum value from our contracts while driving continuous improvement initiatives and embedding industry best practice.
- Address and manage any issues that may arise and where appropriate initiate escalation meetings between suppliers and key stakeholders.
- Proactively identify and manage contract risks and review business contingency planning.
- Review and manage contract exit strategies.

## Our People

*“Develop, refresh and upgrade the capability and skills of the Procurement Team on an ongoing basis”*

We have an accomplished team of procurement professionals with extensive and wide-ranging experience of public and private sector procurement. We pride ourselves in our passion for delivering a high quality service and striving for continuous improvement and embracing change and innovation.

SCTS has a strong ethos in respect to education, learning and skills developed of its staff. Results from the Scottish National Procurement Development Framework (NPDF) assessment are used to identify the strengths and development needs of our Procurement team which then feed into the training plans to offer focused learning and development. SCTS continue to invest in staff knowledge and professional skills by fully supporting formal Chartered Institute for Purchase and Supply (CIPS) qualifications. In 2022-23, three members of the team are MCIPS qualified with a further four members of the team actively studying towards the qualification.

SCTS are involved in the [Young Scotland Programme](#) which exists to develop talent and broaden the horizons of people in the early stages of their careers. 2022 saw one of Procurements youngest team

members participate and excel on the programme, they have since gone on to participate in the SCTS Talent Programme.

## Technology

*“Utilise the existing digital tools and techniques available to us as a Public Body including electronic publication of tender notices and public tendering portals provided by PCS and PCS-Tender as well as PeCOS to develop a more joined up approach to procurement and contract management across the business using the resources at our disposal.”*

The Procurement team follow the ‘Scottish Model of Procurement’ and use the Scottish Government’s Procurement Journey as a framework to conduct our procurement activity for goods and services, with the Construction Procurement Handbook guiding our works procurement. Our policy is to advertise all Regulated Procurement activity on the Public Contracts Scotland (PCS) portal and facilitate the procurement exercise on PCS-Tender, where appropriate. Additionally the team utilise the PCS Quick Quote functionality to undertake Non-Regulated procurement over £25,000 and framework agreement mini-competitions.

SCTS have been working collaboratively with the Scottish Government as one of the non-core partners to implement Oracle Fusion Cloud which is a single integrated cloud-based system to replace the existing SEAS Finance and the PeCOS Purchase-to-Pay system. The **Shared Services Programme** commenced in 2020 with the objective to deliver a solution that provides reporting, better management information and provides for data driven decision-making. The new system is due to go live in 2024.

The team while making full use of the new **SharePoint** functionality completely redesigned the internal intranet sites to offer comprehensive and easy to read procurement information for staff across the organisation. The site details our standard processes, procedures and procurement governance as well as accessible Buyers Guides for our contracts. This is also where we make our Contract Register and Procurement Pipeline available.

## Collaboration

*“Engage with other public sector bodies through Frameworks and the Centres of Excellence to participate in and create new Framework Agreements.”*

SCTS supports and encourages the use of existing national and local collaborative procurement contracts and framework agreements. This partnership working allows SCTS and the wider public sector to achieve value for money and a wide range of economic benefits through efficient procurement activity.

Over 80% by value of contracts awarded by the SCTS in the period 2022-23 were awarded through collaborative agreements (2021-22- 88%).

SCTS actively engage and feed into relevant User Intelligence Groups (UIGs) with the Scottish Government, Scotland Excel (Associate member since August 2019) and other public sector organisations during the development of collaborative procurements and throughout the life of the contract.

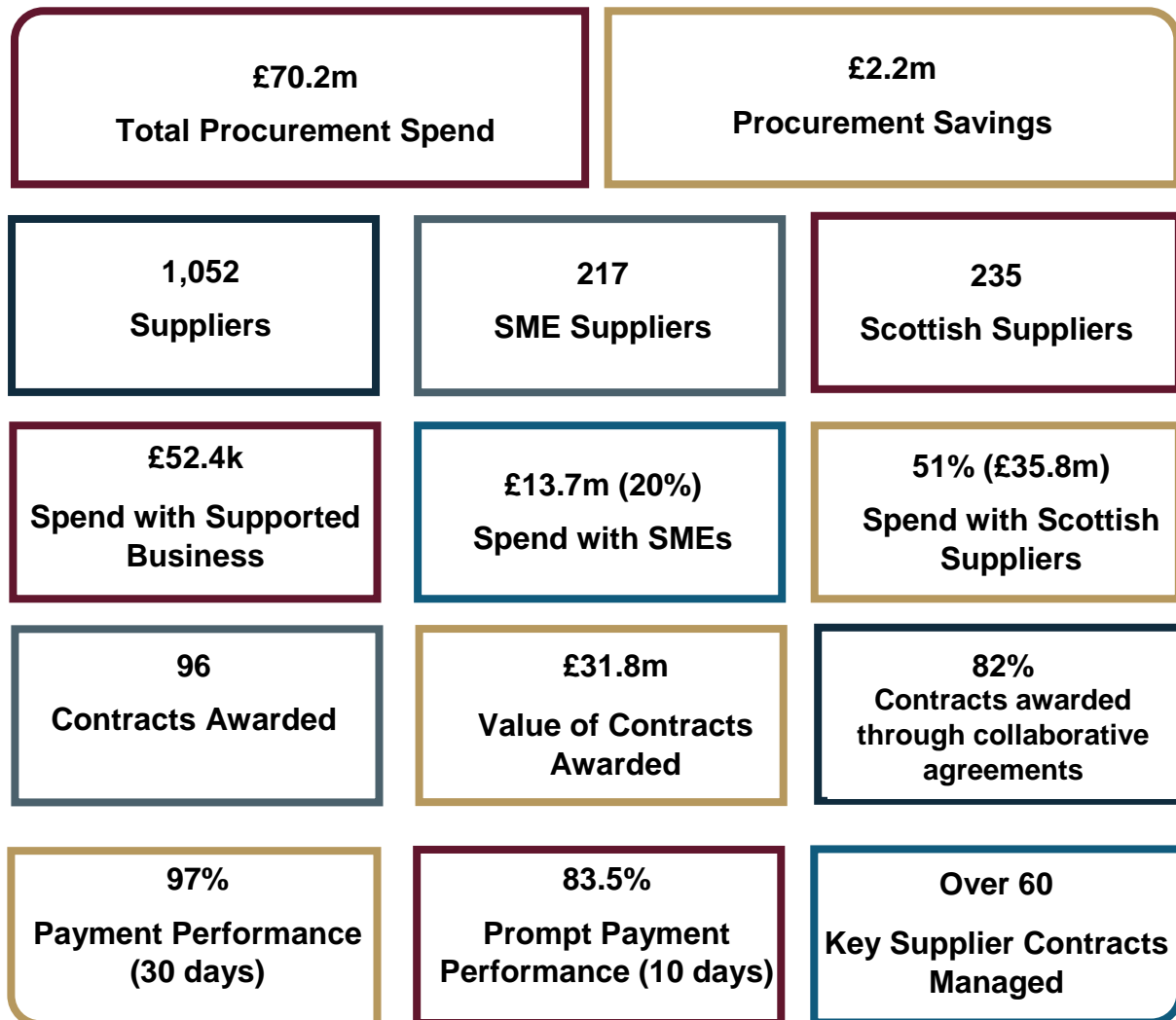
Spend on collaborative procurement continues to represent the highest of procurement spend. During the reporting period, SCTS expenditure went through collaborative agreements offered by:

- Scottish Procurement and Property Directorate
- Crown Commercial Services (CCS)
- Scotland Excel
- Eastern Shires Purchasing Organisation (ESPO)
- Scottish Prison Service
- Scottish Police Authority

SCTS have commenced the re-tender of our largest contract, Facilities Management services, which is a Category C1 collaborative contract in partnership with the Crown Office and Procurator Fiscal Service (COPFS). With an estimated contract value of £160m this is a complex and strategically important project for both the SCTS and COPFS. The contract was published in September 2023 and is due to be awarded early 2024.



## SCTS Procurement Annual Summary 2022-23



## Section 1- Regulated Procurement Activity

Under the Procurement Reform (Scotland) Act 2014 a contract is Regulated if its anticipated value is over £50,000 for goods and services or over £2m for public works (excluding VAT). Regulated procurements can refer to new contracts and framework agreements but also to mini-competitions and call-offs from existing framework agreements.

During the period covered by this report, the SCTS awarded 81 new Regulated contracts to a total value of £31.4m. The contracts advertised on the Public Contracts Scotland website or awarded under a Framework agreement are detailed in [Annex 1](#). Those recorded as Non-Competitive Actions (NCAs) are detailed in [Annex 2](#).

The SCTS Contract Register and details of contract awards are available on the [Public Contracts Scotland](#) website.

### Reporting Headlines



**71%** of our regulated procurements were collaborative framework call-offs or further competitions. That is a decrease from 88% in 2021-22.



All regulated tenders or mini-competitions included contract terms requiring the **prompt payment** of invoices in public contract supply chains



Our largest contract this financial year was for Postal Services including Physical and **Hybrid Mail**. This contract allowed the full roll out and associated efficiencies of DocBox across the Sheriffdoms for Jury Citations in September- October 2022.



**66%** of sub-regulated contract opportunities were awarded to SME, at a total value of £260k. (2021-22- 67%)

## Case study: Edinburgh Justice Campus Project

The Edinburgh Justice Campus Project is a collaborative project between SCTS, Scottish Law Commission, Crown Office and Procurator Fiscal Service and His Majesty's Courts and Tribunals Service to rationalise the existing estate to enable more efficient and effective service delivery and enhance value for money.

The aim is to reduce the estate footprint by more than a quarter through efficient utilisation of available space to allow disposal of various buildings across the Capital. The programme of works aims to deliver best value for money solutions to deliver operational benefits to victims, witnesses and jurors by providing modern facilities and improved service delivery. This multi-year project will also see the incorporation of **Net Zero Carbon works** in support of the SCTS sustainability strategy and carbon reduction targets. Estimated 58% reduction in carbon emissions.



The **first phase** of the Edinburgh Justice Campus commenced in 2022 with the renovations to two areas in Parliament House, Edinburgh. Creation of a new criminal courtroom and associated accommodation is set to help address the historic case backlog which was exacerbated during the Covid-19 lockdowns. This Phase will also renovate areas in Parliament House to accommodate the Scottish Law Commission.

Following a comprehensive procurement strategy a recommendation was approved to conduct a further competition tender against the Crown Commercial Services Construction Works and Associated Services framework, (RM 6088) to award a contract to a primary contractor to carry out the works. The tender was issued in February 2022 and subsequently awarded to Morris and Spottiswood in June 2022.

The following benefits were secured through the tendering process:

### Environmental Sustainability

The successful Tender committed to environmental sustainability benefits in the following areas: General - reporting, community-based carbon reduction and sustainability initiatives, maximising the use of products from sustainable sources - timber, maximising the use of products from sustainable sources - recycling, staff and materials transportation, and waste minimisation.

### Social Sustainability

The successful Tender committed to environmental sustainability benefits in the following areas: General - Reporting, Fair Work First Programme, a zero-tolerance approach to slavery and human trafficking, ensuring that workers are not exploited, and Working Time Regulations.

### Community benefits

The successful Tender committed to environmental sustainability benefits in the following areas: General - Reporting, prompt payment, and social value initiatives.

### Equality benefits

The successful Tender committed to environmental sustainability benefits in the following areas: assesses the supply chain for equality/diversity/fair work practices and providing Tool Box Talks on equality and diversity in line with the contractor's site procedures.

## Section 2- Review of Regulated Procurement Compliance

All Regulated procurement in SCTS is undertaken within the following regulatory and policy framework:

- Procurement Reform (Scotland) Act 2014
- Public Contracts (Scotland) Regulations 2015
- Procurement (Scotland) Regulations 2016
- Scottish Government's Public Finance Manual
- Scottish Government's Procurement Journey
- SCTS Procurement Policy and Procedures
- SCTS Scheme of Financial Delegation
- SCTS Standing Orders

The SCTS Financial Scheme of Delegation requires all goods and service contracts over £50k (during the life of the contract) to be awarded by the Procurement team ensuring compliance to the regulations and in-line with our Procurement Strategy. The Procurement team are also increasingly awarding contracts for values below £50k in support of growing requests from colleagues for professional procurement support.

The SCTS Procurement Strategy 2021-24 defines how Procurement will be managed within the business to provide a compliant approach, obtain value for money contracts, how improvements will be introduced to procurement, and how the business will benefit from a more sustainable, environmentally friendly and socially responsible approach.

Our approach is to be objective, transparent and sustainable to meet the expectations of all stakeholders to provide better performance through well-specified, procured and managed contracts that will meet the needs of the business.

This year, the majority of our Regulated procurement activity has met the requirements of the relevant Procurement regulations and internal policies we have established. There were eight Regulated contracts which for reasons detailed in [Annex 2](#) were not compliant with our internal policies. As set out in Annex 2, this represents 13% of the total procurement spend for this period which is a sharp rise compared to the previous financial year. A significant proportion was due to a negotiated procedure without prior publication for the provision of Library Subscriptions, due to a monopolistic market place. This five year contract worth £3.7m was awarded to Thomson Reuters who hold a monopolistic position in the market for the legal publications required by SCTS. Despite attempts to engage with intermediaries to stimulate competition, the best value for money option was to contract directly with Thomson Reuters and secure stable pricing for a longer period.

Our Strategic Aims, Objectives and Key Priorities will reflect at all times the regulatory requirements in the public sector market place. This includes all policy, regulations and guidance provided by the Scottish Government as the terms of reference for how we plan, manage and deliver procurement activity.

Our key priorities are to improve procurement processes and policies. SCTS will do this by:

- Increasing levels of contracted spend throughout the organisation;
- Supporting a mixed economy of provision and developing markets, particularly local/rural markets, Small and Medium Sized Enterprises (SMEs), Third Sector organisations, and enterprises involving minority groups and those with protected characteristics under the Equality Act 2010;

- Reducing bureaucracy – ensuring our processes and templates are accessible as well as standard, simple, transparent and consistent in line with best practice;
- Protecting public spending – ensuring tax payers money is spent properly, ensuring integrity and accountability;
- Regular reporting of procurement performance and compliance in relation to regulated procurements;
- Categorising areas of spend and managing the procurement supporting those areas strategically coherently to ensure we achieve the best balance of quality and price for our regulated procurements;
- Working collaboratively with other public sector organisations on regulated procurements where appropriate, ensuring that our partner organisations are committed to equality of opportunity for all sectors of society, and that their commitments reflect the SCTS' [Public Sector Equality Duty](#) and its general equality duty; and
- Increase expertise, capacity and effectiveness.

## Section 3- Community Benefit Summary

The realisation of community benefits is integral to not only the Scottish Courts and Tribunals Service's Procurement Strategy, but also underpins our core purpose of supporting justice. By providing the people, buildings and services needed to support the judiciary, courts, tribunals and the Office of the Public Guardian at 71 buildings across 51 geographical locations.

Section 24 of the Procurement Reform (Scotland) Act 2014 defines a community benefit requirement as a contractual requirement relating to training and requirement; the availability of sub-contracting opportunities; or, other actions intended to improve the economic, social or environmental well-being of an area served by a public body, additional to the main purpose of a contract's subject matter. For the purposes of the Act, an initial threshold value of £4 million has been set by The Scottish Ministers at or above which community benefits must always be considered.

As detailed in the SCTS Procurement Strategy, one of our key deliverables to achieve our vision is to

*“Maximise community benefit opportunities and engagement with SMEs and supported businesses”*

For every procurement over GPA threshold, SCTS will consider how it can improve the economic social or environmental wellbeing of its area through inclusion of community benefit clauses, to assist with achieving sustainability in contracts activity, including targeted recruitment and training, small business and social enterprise development and community engagement.

The Procurement team are developing guidance and improving our processes for reporting and tracking benefits secured through procurement exercises.

### Case study: Estate Management Services

#### Apprenticeship Programme

Our Estate Management Services provider, Avison Young, see the value in apprenticeships and they offer a variety of opportunities. Avison Young typically take students on to complete a Level 6 Degree Apprenticeship in surveying or planning. They also offer apprenticeship opportunities within their support functions including accountancy, IT and business administration. The students will work in one of their offices completing duties that are aligned to their chosen professional qualification with the support of a line manager and tutor.

In August 2022 Avison Young's Glasgow office selected two students to join the firm in their Building Consultancy team and their Agency team. The apprentices spend approximately 80% of their time working in the office and 20% of their time at Edinburgh Napier University. The apprentices will attain their honours degree in 4 years, the same time as traditional full-time students, however they have the additional benefit of earning while they are learning in full time employment and work experience in a busy market leading organisation.

The plan for 2023 is to replicate this within their Edinburgh office.



## Case study: Day of Giving

Our Estate Management Services provider, Avison Young, has run its annual Day of Giving for several years. This involves all staff (worldwide) committing a full day to assist in a variety of projects within local communities.

Their most recent Day of Giving, Thursday 28th September 2023, involved staff from their Glasgow and Edinburgh offices assisting in a number of projects across the Scottish Central Belt. One of these projects was at Finlaystone Country Estate, Renfrewshire which is part of The Woodland Trust. Their staff were maintaining the general woodland/path areas and carrying out gardening work. As a guide, the annual Day of Giving from their Glasgow office alone, provided c.120 hours of pro bono time.

Please see LinkedIn post below.

[https://www.linkedin.com/posts/dianne-lynch-7870769a\\_dayofgiving-team-glasgow-activity-7113186695549784064-ntOW?utm\\_source=share&utm\\_medium=member\\_android](https://www.linkedin.com/posts/dianne-lynch-7870769a_dayofgiving-team-glasgow-activity-7113186695549784064-ntOW?utm_source=share&utm_medium=member_android)

## Case study: Community Project- Scottish Autism

### New Struan School Sensory Room



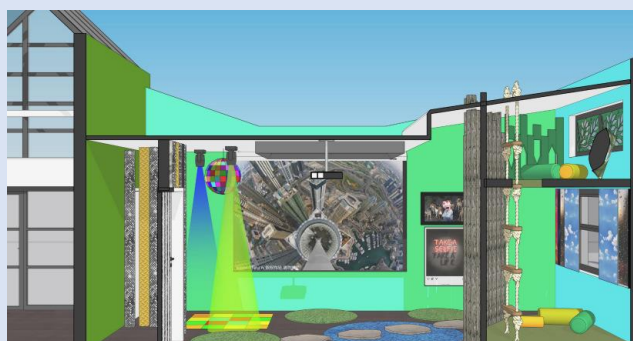
Who are Scottish Autism?

**Scottish Autism** is an organisation dedicated to enabling autistic people to lead happy, healthy and fulfilling lives. Established in 1968 by a group of parents, they are now the largest provider of autism-specific services in Scotland and a leading authority and advocate for good autism practice. They exist to help those diagnosed with autism to lead meaningful and fulfilling lives and be recognised as valued members of the community they live in.

The collaborative project was a refurbishment of existing sensory room to best meet the needs of the young people. Creating an internal space with an external feel. Works include sensory effective flooring, a bespoke wall mural including user drawings, bespoke lighting, sound system and sensory equipment including swing and quiet corner.

The project was delivered by our Facilities Management provider, Atalian Servest, in collaboration with SCTS Property Services Unit, Atalian Servest contract sub-contractor and support network, and Scottish Autism.

*“Wow! This looks incredible – The staff have been overwhelmed by this and are very excited to see the final result.”*  
(Head Teacher, New Struan School)



## Section 4- Supported Businesses

Supported Businesses are social enterprises whose main aim is to integrate disabled or disadvantaged people socially and professionally. Supported businesses make an important contribution to the economy and through meaningful employment to those they support. Their workforce must be at least 30% disabled or disadvantaged. It is the policy of the Scottish Government that every public body should have at least one contract with a supported business.

SCTS procurement procedures instructs that consideration must be given to the inclusion of supported businesses in all regulated procurements.



Through the Scottish Governments Support Business and Factory Framework SCTS awarded a contract to Haven Products Ltd in 2019 for Document Scanning Solutions. Spend on this contract during 2022-23 was £52.3k.

During the reporting period there were no regulated procurements awarded to supported businesses. The reason for this is that the goods, services or works associated with these procurements are not provided by existing supported businesses.

The organisation continues to facilitate and encourage the involvement of SMEs, third sector bodies and supported businesses to participate in regulated procurement activities.

## Section 5- Future Regulated Procurement Summary

Under the Procurement Reform (Scotland) Act 2014 a contract is Regulated if its anticipated value is over £50,000 in value for goods and services or over £2m in value for public Works (excluding VAT).

SCTS is keen to encourage competition for our contracts and we seek to advertise tendering opportunities to the market with sufficient advance notice. In considering our route to market, through our commodity strategies, we consider access to local suppliers, SMEs, the third sector, and supported businesses.

SCTS advertise all open tendering opportunities on the [Public Contracts Scotland \(PCS\)](#) tendering portal.

The SCTS maintain a Procurement Pipeline of planned and forecast new contracts and contract renewals. Throughout the year, new requirements and changing needs of the business may identify new projects which require to undertake Regulated procurement activity and may influence the timelines and priority of projects.

[Annex 3](#) offers a full list of regulated procurements that are expected to commence over the next two financial years.

## Section 6- Contract and Supplier Management

In the reporting period 2022-23 the organisation experienced a further wave of change as the Scottish Government lifted all COVID-19 restrictions and SCTS resumed all business back into court buildings including welcoming jurors back from Remote Jury Centres. SCTS continued to push innovative solutions to address the significant backlog in criminal cases and improve efficiency of operations. Some of these solutions came from partnership working with our existing supply chain to redesign services and help work with information technology specialist to trial proof on concept for new technology to support evidence by commission suites, new Case Management Systems and live-streaming of court cases.

### Case study: Partnership working with our Facilities Management provider Atalian Servest and our wider supply chain

Edinburgh Sheriff Court suffered two power outages within a week due to failure of Network Operator supplies. The first was complete loss of building power and the second resulted in a loss of a single phase.

This failure caused a significant overcurrent of the site's 3 phase Voltage Optimiser resulting in immediate overheating of its internal components and the melting of insulation. A major electrical fire event was averted by the onsite engineer's quick actions to trip the main supply Air Circuit Breaker. The root cause was quickly investigate and identified.

Collaborative working between Atalian Servest, SCTS, the wider support network and justice partners meant that an action plan was efficiently draw up. A swift implemented ensured that the site remained safe and operational disruption was minimised by completing emergency works and testing over the weekend resulting in the entire site being operational again by the Monday morning.

## Case study: Catering Services

### Decommissioning of Remote Jury Centres and returning jurors to courts

Jury meals in the larger courts have traditionally been offered as a full hot meal service either from the corporate catering supplier or from local hotels and cafes. Jurors at smaller courts are offered a delivered-in lunch service from BaxterStorey or a local provider.

In response to the Coronavirus pandemic and the transition to operating from Remote Jury Centres (RJs) BaxterStorey adapted their delivery model and have been providing jury meals as a 'Delivered in' service in the form of Bento boxes. The feedback gathered from jurors and SCTS staff has been very positive (95% juror satisfaction rate).

As part of the recovery programme the decommissioning of the RJs commenced in early July 2022 with a programme continuing into October to transition jurors back to court buildings. Following consultation and analysis of the catering options the decision was made to continue with the delivered in model adapted to court settings. BaxterStorey now offer the 'Delivered In' model of Bento Boxes across 19 of the 41 court locations, extending their coverage across Tayside Central and Fife and the central belt. BaxterStorey shall continue to prepare and distribute the Bento Boxes from the central processing units (CPU) in Glasgow High Court and Queen Margaret University, Edinburgh. Edinburgh, Glasgow, Kilmarnock and Hamilton have staff onsite who shall prepare the lunches locally in the same Bento Box style.

Continuation of the BaxterStorey Bento Box model across all available courts allow SCTS to retain the benefits and efficiencies this offers.

- Modern and popular food options which offers a wide variety of seasonal choice to jurors and provides options for people with a variety of dietary requirements. The jury meal offer is consistent across the BaxterStorey serviced courts.
- Support Scottish Government food and catering policies- BaxterStorey and the SCTS contract management team review and observe Scottish Government health initiatives and ensure new legislation, such as Natasha's Law, is fully adhered to.
- Flexibility and Resilience- the Bento Box service is very flexible model which can be easily scaled up and down to support the operations of the courts. The court recovery programme will see resources switched from summary to solemn, with the introduction of two additional High Court and six additional sheriff solemn trial courts. The service can also be quickly diverted to alternative locations should the need arise again in the future.
- Sustainable offer which makes use of local suppliers and invests in a greener supply chain. Environmentally considerate packaging which can be fully recycled through food waste. Energy usage reduction. Replacement of plastic cutlery to wood products.
- Significantly reduced investment and maintenance required in SCTS kitchen facilities.

## Section 7- Sustainable Procurement and the Sustainable Procurement Duty

The Sustainable Procurement Duty is outlined in section 9 of the Procurement Reform (Scotland) Act 2014. Sustainable procurement is a duty of each public sector body to make best use of public money whilst supporting the principal purpose and strategic objectives of our organisation and the Scottish Government. The Sustainable Procurement Duty requires SCTS to consider how through the carrying out of a regulated procurement it can:

- improve the economic, social, and environmental wellbeing of the authority's area,
- facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process, and
- promote innovation

Considerations must be relevant and proportionate.

SCTS are committed to further developing and embedding sustainability into our Procurement Strategy, Category Strategies and individual Commodity Strategies. All regulated tenders consider the environmental, economic and social impact of our contracts and through the use of the [Scottish Government's sustainability test](#) tools these are identified, challenged and minimised where possible.

Our Procurement Specialists ensure that consideration is given to how SMEs, the third sector and supported business can access our contracting opportunities. In the reporting year 2022-23 additional support and guidance sessions were offered to SMEs interesting in bidding for the Catering Services for Jury Meals at Inverness Justice Centre and Aberdeen Sheriff Court.

Ever improving Contract and Supplier Management practices help SCTS to track the performance of our supply chains towards sustainability targets. We work collaboratively with suppliers to consider innovative ways to jointly minimise the impact of our contracts to the planet and increase our social value to the Scottish economy and the people of Scotland.

### Fair Work and Living Wage

The SCTS has been an Accredited Living Wage Employer since 2017 and pay rates are reviewed annually to ensure they meet the current Living Wage. In addition to paying our employees rates above the Living Wage we also promote Fair Work practices through our tender activities. Whilst we cannot mandate the payment of the Living Wage by our suppliers we do evaluate as part of the tender process suppliers approach to Fair Work Practices in their organisation. This is monitored continually as part of our Contract and Supplier Management processes.



## Climate and Carbon Reduction

During the financial year 2022-23 in collaboration with our Facilities Management supplier, Atalian Servest (now OCS), SCTS has continued to make improvements to our buildings and estate. A key objective of the contract is to focus on energy and sustainability to reduce consumption and carbon emissions. Below are some of the main developments from 2022-23:

- Low carbon buildings strategy development and building performance review
- Energy and Low Carbon Building Group
- Climate Change Week- communication and awareness
- Monthly carbon and energy performance monitoring report
- Successful grant applications from the Scottish Green Public Sector Estate Decarbonisation Scheme
- Innovations – wireless sensor and monitoring, lighting controls
- Increased use of electric vehicles on sites

### 2022-23 Projects:

- LED Lighting upgrade projects, four buildings
- Heating upgrade projects, three buildings
- Solar panel system, two buildings
- Building Energy Management System
- Electric Vehicles Charging Points, 58 dual chargers
- Metering system installed at Edinburgh Sheriff Court



*Electric Vehicle Charger*

## Paying Our Suppliers

All SCTS contracts contain a clause in the terms in conditions committing to pay all suppliers within 30 days of receipt of a valid undisputed invoice. The SCTS is committed to the Scottish Government's prompt payment policy and aims to pay suppliers within a shorter target of 10 days of any undisputed invoice being received. Through Contract and Supplier Management, we encourage our suppliers to pay their sub-contractors on similar prompt payment terms.

During the 2022-23, the financial year covered by this report,

- 97% of invoices received were paid within the 30 day payment term (2021-22- 98%).
- 83.5% of invoices were paid within the 10 days of a valid invoice and supporting the Scottish Government prompt payment policy (2021-22- 84.2%).

The Scottish Government Scottish Procurement and Property Directorate issued a policy note, SPPN 2/2022 in April 2022, detailing how public bodies should embed prompt payment in their supply chains through procurement processes. SCTS reviewed the SPPN and prepared an improvement implementation plan. All tenders issued from May 2022 include a standard question to bidders regarding prompt payment of sub-contractors which is then managed through Contract and Supplier Management with the successful supplier.



## Procuring Food

Our catering contractor, BaxterStorey is ‘environmentally aware’ and acts responsibly in every way to source their ingredients from trusted local suppliers wherever possible and choose new suppliers based on their local knowledge, who are then vetted to ensure they meet stringent quality standards. They source all fresh produce through local Scottish suppliers. BaxterStorey run a “best of British” campaign, which highlights the use of local suppliers and individual products.

*“At BaxterStorey we are aware that the way in which our business operates should always take account of any subsequent social, economic and environmental impacts.*

*Our Corporate Social Responsibility Policy relates to voluntary actions that our business will take, often over and above compliance with minimum legal requirements, to address both its competitive interests and the interests of the wider society. We are actively involved with charity work, along with supporting our clients with the CSR activities.”*

**Seasonal Menus** Catering teams are encouraged to develop menus aligned with seasonal production/harvesting cycles.

**Local and Regional suppliers** Local food from family businesses and independent suppliers is at the centre of their fresh food approach. Fresh bakery products are supplied by local or regional bakeries.

**Local Meat** Our meat is locally reared and sourced. Whenever possible, meat is certified as Red Tractor. All our bacon is sourced from Scottish reared pigs.

**Responsible fishing** BaxterStorey only supply customers with responsibly caught or farmed fish. They have recently been awarded full MSC group certification of their fish supply. They only source line and pole caught tuna.

**Free Range Eggs** Shell eggs are RSPCA Freedom Foods Assured Free Range from a nominated supplier. Their own brand mayonnaise is made from free range eggs and rapeseed oil all sourced locally.

**Frozen Peas** peas are sourced from a local family farm and grown to our specifications.

**Fairly Traded Products** BaxterStorey are registered distributor of Fair Trade products like coffee. Their Down to Earth and Cheeki Coffee is Trade Certified - Organic, Rainforest Alliance and Fairtrade.

BaxterStorey believe in making the right choices with respect to the environment by reducing packaging, waste, water and carbon dioxide emissions. They engage with suppliers to identify opportunities to reduce the number of vehicles and ‘food miles’ involved in distributing their food.

### Ethical trading

BaxterStorey are committed to ensuring that all dealings with their suppliers are conducted in line with the guiding principles of ethical and responsible trading. They adhere to the Ethical Trading Initiative Base Code. This Code contains nine clauses that reflect the most relevant international standards with respect to labour practices (ILO Conventions):

- ✓ Employment is freely chosen

- ✓ Freedom of association and the right to collective bargaining are respected
- ✓ Working conditions are safe and hygienic
- ✓ Child labour shall not be used
- ✓ Living wages are paid
- ✓ Working hours are not excessive
- ✓ No discrimination is practiced

## Supply Chain

98% of nominated suppliers are local suppliers chosen for their sustainability and the ability to supply local produce including fish, meat, fresh fruit and vegetables.

Baxter Storey offer fresh, local, seasonal produce not just because they believe it tastes better, but because it has a significant environmental impact, from reducing food miles, to huge social benefits supporting local suppliers and businesses.

A formal supplier approval process is in place to ensure that suppliers meet BaxterStorey expectations with regard to food safety, health & safety, quality, financial stability and that commercial aspects of their business are suitable. As a company they are committed to supporting local and regional suppliers by purchasing fresh seasonal produce wherever this is possible. New suppliers will complete their Supplier Appraisal Questionnaire which includes questions on food safety, health and safety and quality.

They require their suppliers to have a third party accreditation appropriate to the type and scale of their business e.g. BRC, ISO 22000, or SALSA etc. For small, local suppliers, with an annual turnover of less than £1 million, they are happy for SALSA accreditation to be in place. For a new supplier in their first year of supply to BaxterStorey this may alternatively be provided by an audit arranged through their nominated external auditing companies. They also require details of product specifications to be provided so that ingredient and especially allergen details can be made available to our locations.

## Packaging

The aim of BaxterStorey's packaging policy is to use the optimum amount of packaging to be fit for its intended purpose, reducing amounts being thrown away, and make sure that packaging can be reused or recycled where possible. Wherever possible to aim to reduce packaging utilised in getting produce to customers. Recycling of packaging is encouraged and their ranges include packaging that is biodegradable and compostable.

Over the past year BaxterStorey has made significant changes to the sustainability of the products and packaging used both in jury lunches and in our onsite café's.

- Driving down the usage of single use disposables in all restaurant facilities.
- Any single use disposables are plant-based compostable foodservice packaging
- Complete the removal of single sauce sachets from our services and moved to sauce bottles at pumps.
- New partnership with Mossgiel milk to supply milk into our facilities. Mossgiel use zero single use plastic in their business. This is producing award winning carbon negative organic milk.

Each quarter BaxterStorey issues a full marketing pack and initiatives to all their sites, such as Vegan month, which includes recipes to use onsite. It also contains National days from around the world with recipes they

can use to support the promotion. They also promote the produce that is in season any particular month and detail where they can be purchased from the local suppliers.

SCTS has a Wellbeing strategy where its target is to help customers to make informed food choices through an innovative approach to health and wellbeing using scientific advice.

### Catering Staff

BaxterStorey rely on their catering teams to offer a high quality dining experience for staff, third party agency staff and court visitors as well as jury members. They understand the importance of investing in staff training and development to retain a valued and loyal team and be confident those teams have the skills to deliver great food and an excellent service.

BaxterStorey’s award-winning Chef Academy was set up in 2005 to empower their chefs through skills and qualifications to be bold and creative in their kitchens. Five of their Academy apprentices have done just that and introduced ‘Food EQ’, which has revolutionised the way BaxterStorey approach sustainable food.

The chef apprentices sparked a transformation to the way they source, cook, plate the dishes and prepare their menus in the business –making grains and vegetables the stars of the plate. Prioritising how the dishes can improve the health and wellbeing of their client’s workforce, Food EQ also factors in the importance of sustainability from animal welfare, social impacts including community engagement, and maintaining the UK supply chain. BaxterStorey tell us:

*“It’s a bold but exciting step, and we’re proud our teams have led us to be part of a global movement making the wellness and sustainability of our planet a key stakeholder when it comes to nutritious and sustainable meals.”*

BaxterStorey are part of the following food accreditation schemes, along with currently undergoing the food for life accreditation, for both restaurant services and jury meal services.



## Annex 1 - Regulated Procurement Activity 2022-23

The following table provides a high-level summary of the 73 regulated procurements publicised via the Public Contracts Scotland portal or awarded under a Framework agreement to a value of £22.6m. *Note: The estimated contract value is for the whole lift of the contract, including optional extensions.*

Contract Reference	Subject Matter of the Contract	Supplier Name	Estimated contract value	Contract Start Date	Contract End Date excluding Extensions	SME Status
SCTS-2022-014	Staff Rostering System for Hearings & Tribunals	Access UK Ltd	£127,919	01/04/2022	31/03/2023	Large
SCTS-2022-010	Oracle Technical Support Service	Oracle Corporation UK	£142,599	05/04/2022	06/04/2024	Large
SCTS-2023-017	Health and Safety Management Software Solution	Evotix Limited	£94,950	20/12/2022	19/12/2024	Medium
SCTS-2022-043	BT Conferencing	BT	£300,000	14/06/2022	13/06/2023	Large
SCTS-2021-135	Sheriff Officers for Courts	Stirling Park LLP	£210,000	01/08/2022	31/07/2024	Medium
SCTS-2021-190	Parliament House 'XLPY' Redevelopment Works	Morris & Spottiswood Limited	£2,785,728	25/07/2022	31/10/2023	Large
SCTS-2022-009	Water Coolers	Eden Springs	£216,000	11/04/2022	13/04/2024	Large
SCTS-2022-035	Postal Services	Royal Mail	£4,000,000	30/09/2022	29/09/2025	Large
SCTS-2022-037	Printers, MFDs and Associated Products	Canon (UK) Ltd.	£180,000	03/06/2022	02/06/2023	Large
SCTS-2022-050	FM Contract Renewal Consultancy Support Services	WSP UK Limited	£85,868	28/11/2022	30/06/2024	Large
SCTS-2022-052	Banking Services	Royal Bank of Scotland Plc. (RBS)	£74,655	01/08/2022	31/07/2026	Large
SCTS-2022-071	Travel Services	CTM (North) Ltd.	£400,000	18/11/2022	11/09/2025	Large
SCTS-2022-088	Mobile Voice and Data	Vodafone Ltd	£272,304	24/12/2022	24/12/2024	Large
SCTS-2023-012	Employee Benefits	Edenred Ltd	£60,000	01/03/2023	28/02/2025	Medium
SCTS-2023-020	Microsoft Unified Support 2023-24	Microsoft Ltd	£92,811	01/03/2023	29/02/2024	Large
SCTS-2023-026	Unified Communications	Virgin Media Ltd	£246,838	27/02/2023	26/02/2024	Large
SCTS-2023-039	AFD Bankfinder, Postcode, Names and Number Licences	Softcat Plc	£80,127	01/03/2023	28/02/2026	Large
SCTS-2023-084	Employee Assistance Programme (EAP) and Welfare Services	Working on Wellbeing Ltd t/a Optima Health	£140,000	01/05/2023	01/05/2027	Large

**Interim Staff Contracts** *Note: The estimated contract value is for the whole life of the contract, including optional extensions.*

Contract Reference	Subject Matter of the Contract	Supplier Name	Estimated contract value	Contract Start Date	Contract End Date excluding Extensions	SME Status
SCTS-2022-025	Interim Staff- Senior Manager	Lorien Resourcing	£415,253	01/04/2022	01/10/2022	Medium
SCTS-2022-028	Interim Staff- Business Analyst	Lorien Resourcing	£272,925	01/04/2022	04/10/2022	Medium
SCTS-2022-030	Interim Staff- Business Analyst	Venesky-Brown	£295,152	25/04/2022	25/10/2022	Medium
SCTS-2022-039	Interim Staff- Project Manager	Venesky-Brown	£245,960	16/05/2022	12/03/2023	Medium
SCTS-2022-039	Interim Staff- Project Manager	Venesky-Brown	£245,960	16/05/2022	16/11/2022	Medium
SCTS-2022-029	Interim Staff- Business Analyst	Harvey Nash	£283,546	23/05/2022	23/11/2022	Large
SCTS-2022-044	Interim Staff- Product Owner	Venesky-Brown	£295,360	30/05/2022	30/11/2022	Medium
SCTS-2022-038	Interim Staff- Solutions Architect	Venesky-Brown	£321,360	06/06/2022	06/12/2022	Medium
SCTS-2022-048	Interim Staff- Solutions Architect	Venesky-Brown	£321,360	06/06/2022	06/12/2022	Medium
SCTS-2022-057	Interim Staff- Cyber Security Specialist	Harvey Nash	£251,659	20/08/2022	21/02/2023	Large
SCTS-2022-053	Interim Staff- Project Support Officer	Lorien Resourcing	£213,335	05/09/2022	04/03/2023	Medium
SCTS-2022-068	Interim Staff- Scrum Master	Venesky-Brown	£271,960	23/09/2022	23/03/2023	Medium
SCTS-2002-062	Interim Staff- Senior Analyst	Lorien Resourcing	£239,225	03/10/2022	03/04/2023	Medium
SCTS-2022-061	Interim Staff- Senior Analyst	Lorien Resourcing	£213,335	03/10/2022	03/04/2023	Medium
SCTS-2022-072	Interim Staff- Analyst	Pertemps	£142,480	24/10/2022	23/04/2023	Large
SCTS-2022-075	Interim Staff- Project Support Officer	Harvey Nash	£101,296	31/10/2022	09/07/2023	Large
SCTS-2022-076	Interim Staff- Chief Product Owner	Venesky-Brown	£295,360	31/10/2022	28/04/2023	Medium
SCTS-2022-077	Interim Staff- Product Owner	Venesky-Brown	£295,360	31/10/2022	28/04/2023	Medium
SCTS-2022-092	Interim Staff- Researcher	Venesky-Brown	£241,020	07/11/2022	06/02/2023	Medium
SCTS-2022-078	Interim Staff- Business Analyst	Venesky-Brown	£242,840	14/11/2022	14/05/2023	Medium
SCTS-2022-084	Interim Staff- Project Manager	Lorien Resourcing	£292,666	14/11/2022	13/05/2023	Medium
SCTS-2022-105	Interim Staff- Analyst	Pertemps	£82,155	14/11/2022	13/05/2023	Large
SCTS-2022-086	Interim Staff- Project Manager	Harvey Nash	£298,740	28/11/2022	27/05/2023	Large
SCTS-2022-087	Interim Staff- Analyst	Lorien Resourcing	£213,335	05/12/2022	04/06/2023	Medium

SCTS-2022-085	Interim Staff- Project Manager	Lorien Resourcing	£279,666	06/12/2022	05/06/2023	Medium
SCTS-2022-106	Interim Staff- Solutions Architect	Venesky-Brown	£308,360	06/12/2022	05/06/2023	Medium
SCTS-2022-100	Interim Staff- Solutions Architect	Venesky-Brown	£321,360	13/12/2022	12/06/2023	Medium
SCTS-2022-089	Interim Staff- Executive PA Support	Venesky-Brown	£141,440	19/12/2022	18/06/2023	Medium
SCTS-2022-093	Interim Staff- Business Analyst	Harvey Nash	£249,137	09/01/2023	08/07/2023	Large
SCTS-2022-094	Interim Staff- Business Analyst	Lorien Resourcing	£239,335	09/01/2023	08/07/2023	Medium
SCTS-2022-095	Interim Staff- Business Analyst	Lorien Resourcing	£239,335	09/01/2023	08/07/2023	Medium
SCTS-2022-097	Interim Staff- Business Analyst	Venesky-Brown	£242,840	09/01/2023	08/07/2023	Medium
SCTS-2022-099	Interim Staff- Analyst	Lorien Resourcing	£239,335	09/01/2023	08/04/2023	Medium
SCTS-2022-101	Interim Staff- Project Manager	Harvey Nash	£285,740	09/01/2023	08/07/2023	Large
SCTS-2022-102	Interim Staff- Specialist	Harvey Nash	£63,005	09/01/2023	31/03/2023	Large
SCTS-2022-103	Interim Staff- Specialist	Harvey Nash	£53,255	09/01/2023	31/03/2023	Large
SCTS-2022-104	Interim Staff- Business Analyst	Harvey Nash	£249,137	09/01/2023	31/03/2023	Large
SCTS-2023-004	Interim Staff- Business Analyst	Harvey Nash	£100,009	09/01/2023	09/07/2023	Large
SCTS-2023-005	Interim Staff- Project Manager	Harvey Nash	£229,892	09/01/2023	09/07/2023	Large
SCTS-2023-118	Interim Staff- Business Analyst	Venesky-Brown	£243,500	09/01/2023	03/01/2023	Medium
SCTS-2023-108	Interim Staff- Analyst	Lorien Resourcing	£219,960	10/01/2023	04/01/2023	Medium
SCTS-2023-109	Interim Staff- Analyst	Lorien Resourcing	£209,560	10/01/2023	04/01/2023	Medium
SCTS-2023-110	Interim Staff- Analyst	Lorien Resourcing	£209,560	10/01/2023	04/01/2023	Medium
SCTS-2023-114	Interim Staff- Senior Technical Architect	Lorien Resourcing	£377,000	10/01/2023	04/01/2024	Medium
SCTS-2023-117	Interim Staff- .Net Developer	Venesky-Brown	£258,492	10/01/2023	04/01/2023	Medium
SCTS-2023-120	Interim Staff- Consultant	Venesky-Brown	£227,292	10/01/2023	10/01/2024	Medium
SCTS-2023-127	Interim Staff- Product Manager	Lorien Resourcing	£245,960	10/01/2023	04/01/2024	Medium
SCTS-2023-153	Interim Staff- Solutions Architect	Venesky-Brown	£282,500	10/01/2023	04/01/2024	Medium
SCTS-2023-139	Interim Staff- Function Lead	Lorien Resourcing	£407,940	11/01/2023	11/01/2024	Medium
SCTS-2022-090	Interim Staff- Analyst	Lorien Resourcing	£239,335	16/01/2023	16/07/2023	Medium
SCTS-2023-103	Interim Staff- Business Analyst	Harvey Nash	£246,480	10/02/2023	10/02/2024	Large
SCTS-2023-105	Interim Staff- Project Manager	Venesky-Brown	£229,892	10/02/2023	04/02/2024	Medium
SCTS-2023-022	Interim Staff- Product Owner	Harvey Nash	£99,827	20/02/2023	20/08/2023	Large
SCTS-2023-031	Interim Staff- Solutions Architect	Harvey Nash	£129,225	09/03/2023	08/09/2023	Large
SCTS-2023-032	Interim Staff- Solutions Architect	Lorien Resourcing	£104,121	23/03/2023	23/09/2023	Medium



## Annex 2 - Non-Competitive Actions (NCAs) 2022-23

Non-Competitive Action (NCA) approval is the governance method by which the SCTS ensures that contracts are only awarded directly without competition in justified and exceptional cases. This is set out in the SCTS Scheme of Financial Delegation.

The summary figures for 2022-23 with last reporting year's figures for comparison are as follows:

	2022-23		2021-22		NCA Reasons for 2022-23		
	Number	Value	Number	Value			
Regulated NCAs	8	£8,837,895.23	2	£391,382.87	New contract - absence of suitable tenders	1	5%
Non-Regulated NCAs	12	£225,358.00	5	£132,611.44	New contract - NCA reason in scope of PC(S)R 2015	1	5%
Total NCAs	20	£9,063,253.23	7	£523,994.31	Contract extension – NCA reason in scope of PC(S)R 2015	0	0%
Total Spend		£69,947,179.35		£71,900,135.00	New contract – Exception	3	15%
NCA % of Total Spend		13%		1%	Contract extension - Exception	5	25%
					Competition not possible - Technical Reasons	9	45%
					Not Given	1	5%
					<b>Total</b>	20	100%

The Head of Procurement approved all NCAs with detailed justification recorded in each case in the Procurement NCA Register. In each instance prior to award of contract, an options analysis was undertaken and a benchmarking exercise completed to ensure that best value principles were still adhered to.

However, the sharp rise in the number, value and proportion of total spend of NCAs is a cause for concern for the Head of Procurement. This concern was captured and communicated in the NCA records in a number of cases. Absence of competition for technical reasons was the reason given in nearly half of NCA requests. COVID19 response and the ongoing impact of diverting resources to COVID response was a diminishing feature of NCA requests in 2022-23.

Whilst use of NCAs remains exceptional, the Head of procurement is committed to working with relevant Business Units to reduce reliance on NCAs in future years.

## Detail for All Regulated Procurement NCAs

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2022-001	SCTS-2021-146	Subscriptions for loose-leafs and journal published by Thomson Reuters for all 39 Sheriff Courts Libraries.	Thomson Reuters	£3,678,974.13	01/04/2022	31/03/2027
<b>Justification for NCA:</b>	<p>Thomson Reuters are the major suppliers of legal publications used by SCTS. They are publishers of the material we purchase, and having a de-facto monopoly, they are the only one that can provide the material. An attempt had been made by procurement to see if intermediaries were able to provide better agreements but being the material published by Thomson Reuters, they are the only one able to provide a better deal.</p> <p>With the contract in place, we will also:</p> <ul style="list-style-type: none"> <li>• Have a longer period for claims in case of not receipt of some goods in the remote courts, for which we are not always informed in a timely manner</li> <li>• Reduced price increase for the full duration of the contract</li> <li>• Start receiving carbon footprint reports from the supplier to understand if any step could be taken to reduce SCTS environmental impact.</li> </ul>					
<b>Legal compliance ground:</b>	<i>The supplies and services can be supplied only by a particular economic operator because of the protection of exclusive rights, including intellectual property rights - PCSR 2015 Reg 33(1)(b)(iii)</i>					

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2022-004	Proc 1-41 (SCTS-2019-008)	Courtroom Technology for Courts	AVMI Kinly Limited	£145,714.00	01/04/2022	30/09/2022
<b>Justification for NCA:</b>	Additional time to finalise tender documentation. Meantime maintenance of the current specific mix of technology is only technically available from the current supplier.					

<b>Legal compliance ground:</b>	<i>The supplies and services can be supplied only by a particular economic operator because competition is absent for technical reasons - PCSR 2015 Reg 33(1)(b)(ii)</i>
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NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2022-014	N/A	Interim contract for ICMS Platform & Infrastructure Development, Maintenance & support	Insight / IJS Limited	£2,000,000.00	01/09/2022	30/09/2022
<b>Justification for NCA:</b>	Interim contract for ICMS cover with significant changes to previous delivery specification necessitating treating as a new contract. Contract is for 6 months, + 6x 1 month extensions to ensure contract cover until ITT can be completed and awarded. Meantime maintenance of the current specific mix of technology is only technically available from the current supplier. Approved at <u>up to</u> £2m.					
<b>Legal compliance ground:</b>	<i>This was not considered to fall within a valid ground for direct award without competition under PCSR 2015 Reg 33 but operational necessity required the approval of a NCA.</i>					

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2022-015	Proc 1-41	Courtroom Technology for Courts/Tribunals and Judicial Institute	AVMI/Kinly Ltd	£1,800,000.00	01/10/2022	30/09/2023
<b>Justification for NCA:</b>	Despite previous commitment to re-tender this requirement lack of resource in CDI has resulted in need for a further 12 month extension. Maintenance of the current specific mix of technology is only technically available from the current supplier.					
<b>Legal compliance ground:</b>	<i>The supplies and services can be supplied only by a particular economic operator because competition is absent for technical reasons - PCSR 2015 Reg 33(1)(b)(ii)</i>					

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2022-016	Proc 1-76	Digital Audio Recording devices support and maintenance	VIQ Solutions Inc.	£380,000.00	01/10/2022	30/09/2023
<b>Justification for NCA:</b>	Despite previous commitment to re-tender this requirement lack of resource in CDI has resulted in need for a further 12 month extension. Maintenance of the current specific mix of technology is only technically available from the current supplier.					
<b>Legal compliance ground:</b>	<i>The supplies and services can be supplied only by a particular economic operator because competition is absent for technical reasons - PCSR 2015 Reg 33(1)(b)(ii)</i>					

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2023-004	N/A	Provision of replacement hard disks for Sun Solaris system	Insight / Esteem	£168,697.00	17/02/2023	17/02/2023
<b>Justification for NCA:</b>	Supplier is currently contracted for Sun Solaris hardware support which includes the now non-compliant, unsupported disk arrays. Current contract does not have scope for replacement of disks. The current disks are now end of life and end of support. Due to this the disks no longer comply with Cyber Security standards. The required technology is only available from this supplier.					
<b>Legal compliance ground:</b>	<i>The supplies and services can be supplied only by a particular economic operator because competition is absent for technical reasons - PCSR 2015 Reg 33(1)(b)(ii)</i>					

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2023-007	SCTS-2023-028	Incident Management Service for Ping Collaboration Project contracts	Ping Network Solutions	£165,370.10	01/03/2023	28/02/2024

<b>Justification for NCA:</b>	Contract is for maintenance on a suite of contracts from same supplier. Not advisable to move to a third party for technical reasons (critical response times would be near impossible with overlapping maintenance ownership; Ping designed and implemented the collaboration network and therefore have unique knowledge of it which puts Ping in an exclusive position to provide support).
<b>Legal compliance ground:</b>	<i>The supplies and services can be supplied only by a particular economic operator because competition is absent for technical reasons - PCSR 2015 Reg 33(1)(b)(ii)</i>

NCA Ref	Contract Reference	Contract Description	Supplier Name	Contract Value (Excl VAT)	Start Date	End Date excl. Extensions
SCTS-NCA-2023-008	N/A	Purchase of 20 x courtroom equipment stacks, high court. One off purchase	AVMI	£499,140.00	14/03/2023	14/04/2023
<b>Justification for NCA:</b>	SCTS have an existing contract for AVMI for the support and maintenance of courtroom technologies. Regulation 33 4 (b) allows the organisation to arrange for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance.					
<b>Legal compliance ground:</b>	<i>The supply is for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance - PCSR 2015 Reg 33(4)(b)</i>					

## Annex 3 - Future Regulated Procurements Summary

The following table presents a summary of the regulated procurements that the Scottish Courts and Tribunals Service intend to deliver over the forthcoming financial years of 2023-24 and 2024-25. Please note that this is indicative and will be subject to change.

Contract/ Subject matter	New or Re-let	Expected Contract Notice	Expected Start Date	Estimated Contract Value
Lift engineering Services	Re-Let	01/02/2023	01/04/2023	£60,000
Transportation and Storage Services	Re-Let	01/02/2023	01/04/2023	£376,000
Situational Judgement Testing	Re-Let	01/04/2023	31/12/2023	£60,000
Adobe Licenses	Re-Let	01/04/2023	30/06/2023	£60,000
DX Subscriptions Postage	Re-Let	06/04/2023	01/04/2024	£340,000
SCTS' SD WAN	New	26/05/2023	26/07/2023	£600,000
Interim WAN contract	Re-Let	27/05/2023	27/07/2023	£300,000
Document Storage and Related Services	Re-Let	17/06/2023	17/08/2023	£250,000
Palo Alto	Re-Let	01/07/2023	01/09/2023	£58,000
Cisco Collaboration Flex-Plan	Re-Let	22/07/2023	22/09/2023	£227,360
ICMS Development & Support	Re-Let	30/07/2023	30/09/2023	£2,000,000
Facilities Management	Re-Let	01/08/2023	01/03/2024	£160,000,000
Safenet	Re-Let	01/09/2023	20/12/2023	£70,000
Catering Services for Jury Meals at Aberdeen Sheriff Court	New	30/09/2023	30/11/2023	£150,000
Cash Collection Services	Re-Let	01/10/2023	01/04/2024	£180,000
P2P Circuits	Re-Let	08/10/2023	08/12/2023	£175,337
Courtroom Video Interoperability	New	10/10/2023	05/02/2024	£400,000
Dell Hardware support	Re-Let	31/10/2023	31/12/2023	£260,000
Thousand Eyes - Endpoint Subscription	Re-Let	01/11/2023	31/01/2024	£125,000
MHTS Website	Re-Let	01/12/2023	30/06/2024	£50,000
Dundee Civil Annex Relocation / Justice Hub	New	15/12/2023	01/03/2024	£1,500,000
ManageEngine Service Desk	Re-Let	01/01/2024	01/04/2024	£192,000

National Survey on Perceptions of Sentencing	New	01/02/2024	31/03/2024	£20,000
FOAM	Re-Let	01/02/2024	01/04/2024	£90,000
Independent Security Testing	Re-Let	01/02/2024	01/04/2024	£150,000
Support and Maintenance for Oracle/Solaris/Hitachi Hardware and Software	Re-Let	01/02/2024	05/04/2024	£90,000
F5, BIG IP and Associated Services	Re-Let	01/02/2024	16/04/2024	£75,000
Business and Financial Checks	Re-Let	01/02/2024	30/06/2024	£15,000
Jury Process CMS	New	01/02/2024	01/07/2024	£1,500,000
British Sign Language	Re-Let	01/02/2024	01/03/2025	£60,000
Compliance and Mandatory Learning	Re-Let	01/02/2024	01/05/2025	£17,000
Load Balancing for Servers (BigIP)	Re-Let	15/02/2024	16/04/2024	£50,000
Live Streaming of Cases	Re-Let	01/03/2024	01/07/2024	£80,000
Support and Maintenance for Courtroom Technology	New	01/03/2024	30/09/2024	£900,000
Digital Audio Recording	New	01/03/2024	30/09/2024	£80,000
Transcription Services	Re-Let	01/03/2024	01/04/2026	£300,000
Unified Communications and Associated Services	New	01/05/2024	26/02/2025	£700,000
Merchant Acquiring Services	Re-Let	30/06/2024	16/05/2025	£520,000
Employee Benefits	Re-Let	09/09/2024	20/02/2025	£300,000
Water Coolers	Re-Let	10/10/2024	10/04/2025	£55,000
Web Estate	New	01/12/2024	31/03/2025	£300,000
Oracle Premier Support	Re-Let	05/12/2024	05/02/2025	£150,000
HRIS People System and Upgrade	New	01/08/2025	01/01/2026	£300,000



## Annex 4 – Annual Procurement Report Template (Annex A)

1. Organisation and report details	
a) Contracting Authority Name	Scottish Courts and Tribunal Services
b) Period of the annual procurement report	01 April 2022 – 31 March 2023
c) Required by s18 Procurement Reform (Scotland) Act 2014 to prepare an annual procurement report?	Yes
2. Summary of Regulated Procurements Completed	
a) Total number of regulated contracts awarded within the report period <i>(See Annex 1 - Regulated Procurement Activity)</i>	81
b) Total value of regulated contracts awarded within the report period	£31,411,829
c) Total number of unique suppliers awarded a place on a regulated contract awarded during the period	22
i) how many of these unique suppliers are SMEs	5
ii) how many of these unique suppliers how many are Third sector bodies	0
3. Review of Regulated Procurements Compliance	
a) Number of regulated contracts awarded within the period that complied with your Procurement Strategy	72
b) Number of regulated contracts awarded within the period that did not comply with your Procurement Strategy <i>(See Annex 2 - Non- Competitive Actions)</i>	7

**Note:** As per Scottish Government guidance, the contract figures shown in (2) and (3) include where SCTS awarded or called-off in the year from a Framework Agreement such as those set up by the Scottish Government or the Crown Commercial Service (CCS), etc.

#### 4. Community Benefit Requirements Summary

a) Total Number of regulated contracts awarded with a value of £4 million or greater.	1
b) Total Number of regulated contracts awarded with a value of £4 million or greater that contain Community Benefit Requirements.	1
c) Total Number of regulated contracts awarded with a value of less than £4 million that contain a Community Benefit Requirements	5
<b>Key Contract Information on community benefit requirements imposed as part of a regulated procurement that were fulfilled during the period:</b>	
d) Number of Jobs Filled by Priority Groups (Each contracting authority sets its own priority groups)	Information not held
e) Number of Apprenticeships Filled by Priority Groups	Information not held
f) Number of Work Placements for Priority Groups	Information not held
g) Number of Qualifications Achieved Through Training by Priority Groups	Information not held
h) Total Value of contracts sub-contracted to SMEs	Value not known
i) Total Value of contracts sub-contracted to Social Enterprises	Value not known
j) Total Value of contracts sub-contracted to Supported Businesses	Value not known
k) Other community benefit(s) fulfilled	Please see the <a href="#">Community Benefits</a> section

5. Fair Work and the real Living Wage	
a) Number of regulated contracts awarded during the period that included a Fair Work criterion.	8
b) Number of unique suppliers who have committed to pay the real Living Wage in the delivery of a regulated contract awarded during the period.	9
c) Number of unique suppliers who are accredited Living Wage employers and were awarded a regulated contract awarded during the period.	4
6. Payment performance	
a) Number of valid invoices received during the reporting period.	14,537
b) Percentage of invoices paid on time during the period (“On time” means within the time period set out in the contract terms.)	97%
c) Number of regulated contracts awarded during the period containing a contract term requiring the prompt payment of invoices in public contract supply chains.	67
d) Number of concerns raised by sub-contractors about the timely payment of invoices within the supply chain of public contracts.	0
7. Supported Businesses Summary	
a) Total number of regulated contracts awarded to supported businesses during the period	0
b) Total spend with supported businesses during the period covered by the report, including:	£52,365
i) spend within the reporting year on regulated contracts	£52,365
ii) spend within the reporting year on non-regulated contracts	£0

## 8. Spend and Savings Summary

a) Total procurement spend for the period covered by the annual procurement report.	£70,213,551
b) Total procurement spend with SMEs during the period covered by the annual procurement report.	£13,676,518
c) Total procurement spend with Third sector bodies during the period covered by the report.	£69,085
d) Percentage of total procurement spend through collaborative contracts.	90%
f) Total delivered cash savings for the period covered by the annual procurement report	£2,202,030
g) Total non-cash savings value for the period covered by the annual procurement report	£786,272

## 9. Future regulated procurements

a) Total number of regulated procurements expected to commence in the next two financial years	45
b) Total estimated value of regulated procurements expected to commence in the next two financial years	£198,185,697

