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## **REPORT ON TRANSPARENCY REQUIREMENTS FOR PROCUREMENT**

### **1. Purpose**

- 1.1 The purpose of this paper is to confirm Surrey Police's obligations under the Elected Local Policing Bodies Specified Information Order (The Order) for publishing contract information for public access.

### **2. Background**

- 2.1. Surrey Police recognises the importance of transparency, as a public service. The Audit Committee scrutinises financial matters, and fulfilment of the requirements which are discussed in this document does add to bureaucracy and cost, at a time of austerity. Furthermore, not all Forces currently fulfil these. The Force strives for a transparent culture, as demonstrated by the approach adopted in relation to the publication of the Force's report on the Savile investigation and the publishing of payments and expenses on the Force website. Judgements need to be made concerning which areas are the most suitable for making investments to achieve appropriate transparency.
- 2.2. Presently the Procurement team are responsible for tenders and contracts over £50,000 in whole life value. Tendering and contracting below this value is managed by individual departments with requirements for them to follow contract standing orders.
- 2.3. Currently we provide public access to our contract list through the Bluelight contract database which is an externally hosted portal and provides summary information (i.e. Contract title, term and supplier name).
- 2.4. All financial transactions over £500 are published and work is being completed to have this provided quarterly in arrears.

### **3. Obligations for Transparency**

- 3.1. Our obligations under the The Order are to publish summary details of all contracts with a value of over £10,000 and have this updated on a quarterly basis.
- 3.2. We must provide the following information on each contract listed:-
- Copy of the published advertisement for the tender (In the case of an OJEU tender)
  - Copy of the Invitation to Tender (ITT)
  - Copy of the subsequent contract with the supplier

This information is to be made available as soon as practical.

*Note: Commercially sensitive information may be retracted from the published contract (i.e. actual rate cards)*

#### **4. Issues and Risks**

- 4.1. In order for the Force to publish details of all contracts over £10,000 , the following processes will need to be implemented:-
  - (a) The ability for either users or Shared Business Service Centre staff to upload information onto the Bluelight contracts database portal.
  - (b) The scope of the Procurement team will need to be expanded to manage this information.
- 4.2. Work would also need to be done to clarify what contracts require publishing and this clarification communicated to all staff to ensure all contracts worth between £10,000 and £50,000 are collected.
- 4.3. The Force publishes all expenditure over £500 and each transaction represents a contract and in turn the Force is being transparent with its expenditure.
- 4.4. Whilst it is possible to publish actual tender documents and contracts is through the Bluelight portal it is essential that any such documents are reviewed to ensure that any commercially sensitive information is removed prior to publication.
- 4.5. This process will have to be carried out manually due to issues around the definition of what constitutes sensitive data and because redaction software can often be bypassed.
- 4.6. Publication of contracts raises the possibility of challenge by existing suppliers that may view as sensitive, certain information that we deem necessary to publish. This exposes the Force to the risk of legal action for breach of confidence.
- 4.7. Equally this raises the potential for challenge from the public or other providers that take the view that we have redacted information that should be freely available.
- 4.8. There may be issues around developing trust with potential suppliers during a tender process. Trust is essential to ensure we get the best offers, but may be tempered by concerns that we would publish any information that could impact on their overall market position either through exposing their unique positions or commercial position.

#### **5. General Position of Compliance**

- 5.1. The majority of Police Forces are publishing contract summaries through Bluelight and have not progressed with publishing actual contract information.
- 5.2. Kent and Essex Procurement team only decided to publish contract information following receipt of a Freedom of Information request. This solution enables them to start progressing with transparency without having to invest significant resource.
- 5.3. From my research I am unable to find any public sector body that is publishing all contract information. Organisations contacted include All South East and East of England Police Forces, Surrey County Council, NHS Blood Service, University Hospitals of Southampton NHS Trust.
- 5.4. The Metropolitan Police are currently revising their standard contract documents to enable all sensitive information to be recorded on a separate schedule to the main contract and they will then publish the main contract only.

#### **6. Next Steps**

- 6.1. To ensure that we are in control of the current contract register it is essential that the Procurement team review the current register for accuracy for contracts over £50,000.
- 6.2. As the majority of other key contracting sections will be in ICT, HR and Facilities we can focus on these areas to collate contract information for all agreements over £50,000 and add them onto the Bluelight database. This activity may require short term administrative support subject to actual scale and access of information.
- 6.3. For the provision of contract information between £10,000 - £50,000 this is already on Bluelight where there has been a Procurement involvement, however for departmentally lead competitions this will need collecting separately. The department is strongly engaged with ICT

and Estates with these business areas being the most likely to have large numbers of contracts, therefore as part of our engagement we will work with these departments to obtain this information and have it loaded onto the Bluelight Portal

6.4. For the formal publication of contract information the most realistic approach will be to work forward rather than retrospectively. Ideally following the MET's lead of having sensitive commercial information held on a separate schedule that is not released. The easiest route for publication will be to make the information visible to the public on the Bluelight portal along with the original advert and Invitation to Tender (ITT).

6.5. **Timescales:-**

- For the current database review this will be possible to complete by the end of July.
- For uploading ICT/Estates Contracts between £10,000 - £50,000 an end date of September will be realistic.
- For publishing of forward contract documents a target date of the 1<sup>st</sup> September is appropriate to enable new standard form contracts to be established.

7. **Decision[s] Required**

7.1. The PCC is asked to consider whether the Next Steps that are proposed are appropriate noting the additional bureaucracy and cost and to be aware of the challenges we may have with some suppliers regarding publication of contracts.