

Report to:	QSMTM
Report by:	Sarah Hutchison
Meeting Date:	14 November 2018
Subject/ Title: (and VC no)	CR: Procurements 2018-19 (promotion, printing and research budgets) (VC109706)
Attached Papers (title and VC no)	

Purpose of report

1. To seek approval of the elements necessary to proceed with procuring services met by the promotion, printing and research budgets.

Recommendation and actions

2. It is recommended that the SMT approves the business case, timescale, budget, purchaser and procurement method for each of the proposed procurements listed at paragraph 13 of this report.
3. I recommend that this report is published, with redaction of highlighted elements in Appendix 1.

Executive summary

4. This paper seeks SMT approval of the approach to procurement of services where costs are met from the promotion, printing and research budgets by proposing solutions to the following issues:

Purchaser

5. Paragraph 20 of the Procurement Policy (100368) requires there must be at least two defined roles in a procurement process (of any value). As a minimum, there must be:
 - (i) A Budget Holder (also referred to as the "customer") who perceives the need and makes out the business case to obtain any necessary approval to spend; and
 - (ii) A Purchaser who is responsible for ensuring that the procurement process fully complies with procurement policy
6. The HOPI is the budget-holder for the printing, publicity and promotion, and research budgets (see Scheme of Delegation (95043)). Many of the procurements from these budgets are of a value below £5,000. The HOPI has delegated authority for expenditure of up to £4,999.
7. The HOCS has advised that she, or a FAM will normally be the Purchaser for procurements met from these budgets, but that for small contracts it may be appropriate for the Purchaser to be an FOIO within the Policy and Information Team. The HOCS has responsibility for the overall budget and for expenditure over £5,000.
8. It is proposed that the HOCS is the Purchaser for all contracts over £5,000 and that for contracts below that value, an FOIO (P&I) and a FAM, working together as the Purchaser.

The FOIO (P&I) would deliver all elements relating to research of suppliers and the FAM would check that the procurement is compliant with our policy.

Approval of business case and budget

9. The second issue is approval of business cases and budgets. Though the Procurement Policy is silent on how approval is to be achieved, it can be inferred that there should be an approval mechanism:
 - (i) Paragraph 20 of the policy (paraphrased at paragraph 5 above) suggests that the business case is a formal document.
 - (ii) Paragraph 103(iii) of the policy (guidance on points to be considered before commencing a procurement exercise) asks if there is an "approved budget".

Business cases

10. These tend to be produced during operational planning to provide information about the approach and resources to deliver aims and objectives. They are not formally approved.

Budgets

11. The overall printing, publicity and promotion, and research budgets are approved annually by the Scottish Parliamentary Corporate Body.
12. Formal approval of expenditure within budgets is by the budget holder (via a requisition form).
13. This paper seeks formal approval of the:
 - (i) Business Case
 - (ii) Timetable
 - (iii) Purchaser
 - (iv) Budget, and
 - (v) Procurement approach

of each of the following procurements planned from the printing, publicity and promotion, and research budgets in 2018-19:

- (i) Annual report and accounts – design, production and printing
 - (ii) Email service
 - (iii) Press cutting service
 - (iv) Royalty and copyright free stock imagery
 - (v) Survey service
2. The SMT may wish to note that it is not proposed to procure mystery shopping style research of authority compliance with the Model Publication Scheme in 2018-19 as this operational plan objective has been carried forward to 2019-20, pending the outcome of post-legislative scrutiny of the FOISA.
3. The SMT may also wish to note that procurement of public awareness research in November 2018 was approved by the HOPI in response to the urgency of securing the findings. The

Purchaser was an FOIO (P&I) and the procurement process followed is detailed in VC107617).

Risk impact

4. Procurements from the budgets managed by the HOPI have been considerably delayed this year. There are a number of reasons for this: introduction of the new policy, the need for staff training on the policy, impact of the introduction of the GDPR.
5. There is a high likelihood that the delays in procurement will impact the achievement of KPIs which cannot be met without the necessary services. For example, there has already been a marked decline in the number of website visits since Decision Round up emails were suspended at the end of May.

Equalities impact

6. None identified.

Privacy impact

7. Two of the services to be procured involve a contractor holding third party personal data on behalf of the Commissioner:
 - (i) the email service will hold the email addresses of subscribers.
 - (ii) the survey service will hold responses provided to surveys
8. The data collected is not at a high level of risk to the privacy of individuals.
9. All of the Commissioner's service contracts are checked to ensure adequate compliance controls for privacy legislation.

Resources impact

10. The cost of the email and survey services may rise, compared to previous services used. This is because of a strong preference for use of an EU based supplier working within the GDPR zone.

Operational/ strategic plan impact

11. The proposed procurements will provide services essential to the delivery of the operational plan.

Records management impact (including any key documents actions)

12. The procurement process for the listed contracts will follow records management procedures.

Consultation and Communication

13. The appointment of a FAM and an FOIO (P&I) as Purchaser will ensure both teams are actively involved in the procurement and updated about all stages of the process.

Publication

14. I recommend that a redacted version of this committee report (and attached papers – see table at the start of the report) is published.
15. I recommend that the highlighted information in Appendix 1 is withheld on the basis that the exemption in section 33(1)(b) of the Freedom of Information (Scotland) Act 2002 would apply if an request were, at this stage, to be made for the information.
16. While there is a strong public interest in procurement and the awarding of contracts by a Scottish public authority, disclosure of this information at the point of preparing for procurement is likely to prejudice substantially the commercial interests of the Scottish Information Commissioner.
17. The budget, pending a procurement exercise, can only be indicative. It is provided in this report to support the Scottish Information Commissioner to confirm a realistic budget and to assist with the assessment of quotations for new services. If the indicative budget were to be shared with potential suppliers, it is likely that it will affect the quality of the procurement exercise. The cost of the contracts, when secured, will be published in accordance with our usual practice.
18. The cost of existing contracts is not redacted.

Annual Report and Accounts - design, production and printing

Business case

1. The Scottish Information Commissioner is required by statute to lay an annual report before the Scottish Parliament by 31 October. The report must include, as a minimum, two sections:
 - (i) A general report on the exercise of the functions of the Commissioner (promotion and enforcement of Freedom of Information law
 - (ii) Annual accounts and financial statements.
2. A large proportion of the content of the report is determined by statutory requirements and also the HM Government Financial Reporting Manual.
3. The report is also important as a public statement of the Scottish Information Commissioner's contribution. It is therefore essential that the report reaches as wide a range of stakeholders as possible, including MSPs, the public, public authorities and the media. Though the content of the report is detailed, it must be published and presented in an accessible and appealing way if it is to be interesting to the potential readership.

To be delivered by

- End of January 2019

Contract Duration

- 1 year, with an option to extend for a further year

Proposed Budget



Proposed Purchaser

- HOCS (the value of this contract is over £5,000)

Proposed procurement approach

- Public Contracts Scotland quick quote or framework contract, if possible. Failing that, invitation to tender (though this may delay delivery).

Email service

Business case

1. An email service is required to provide:
 - (i) A subscriber service for news, updates and promotion of the Commissioner's communications.
 - (ii) Large scale communications with public authorities under jurisdiction e.g. promotion of good practice guidance and reports.
2. An email service is a cost-effective method to maintain mailing lists (meeting GDPR and DPA requirements), send multiple emails with attractive layouts to encourage readership and collect metrics about take up to inform future communications. Email services are in wide use across the public sector by e.g. other regulators, Scottish Parliament.
3. The contribution that an email service can make to achieving the Commissioner's Communication Strategy targets is, unfortunately, demonstrated by the significant decline in the number of returning visitors to our website and Decisions Round up since we stopped using the EMessenger service in May 2018 (see Website Statistics report 109084).
4. The email service must have sufficient arrangements to ensure that data is managed in accordance with obligations under the GDPR and DPA 2018.
5. There is no viable alternative available within existing resources to achieving these outcomes. Microsoft Outlook is not a suitable alternative to an email service because:
 - (i) Restricted functionality excludes the use of corporate identity and visual imagery which make emails appealing
 - (ii) Staff time is required to "batch" emails to avoid affecting the capacity of the in-house server
 - (iii) Outlook does not provide metrics about take up to inform future publications.

When is this service required by?

- Immediately (we have been without a service since June 2018)

Contract duration

- One year, with the option to extend by a further year.

Budget



Purchaser

- FOIO (P&I) + FAM

Procurement approach

- Framework contract or three quotes (under £5,000).

Press cutting service

Business case

1. A press cutting service is required to alert the Commissioner and his staff to coverage of FOI by regional and local press. This is an essential service to ensure that we can monitor media coverage of major FOI stories. Frequently, press coverage is concerned with public interest issues in access to information and with issues surrounding appeals under investigation by this office.
2. Without a press cutting service, the office would not be aware of developments in the external environment. This service supplements our own regular monitoring of broadcast and online news via Google alerts and personal reading.
3. The staff time to review and financial costs of purchasing multiple titles across UK and Scottish press mean that this is not a service that we can provide in-house.

When is this service required by?



Contract duration



Budget



Purchaser

- HOCS – because the contract value is over £5,000

Procurement approach



Public awareness research

Business case

2. The SIC regularly commissions public awareness polling of Scottish residents to gain information about public awareness of FOI to track trends, monitor our effectiveness and identify gaps in public knowledge. This fits with our statutory duty to promote FOI to people in Scotland.
3. This polling cannot be done in-house, as we do not have resources or access to the respondents in sufficient number to give credible results. We have most recently used IPSOS Mori, but there are other polling companies who might be able to provide a similar service.
4. Previous polls were conducted in early 2017, 2015, 2014, 2013. Our methodology has remained relatively similar over the years, and consistency is important: over 1,000 Scottish adults, conducted by telephone. In future, we can also consider polling by other means, as long as it is representative of the general population.

When is this service required by?

- Procured November 2018

Contract duration

- One year

Budget

- Variable (depends on the issues to be explored).

Purchaser

- FOIO (P&I)

Procurement approach

- Three quotes (under £5,000).

Royalty and copyright free stock imagery

Business case

1. Stock imagery, in the form of photographs and graphics, is required for the Commissioner's website, publications, social media channels and presentations. The use of photographic imagery increases the accessibility and appeal of the content shared with external stakeholders. It assists with meeting Communication Strategy key performance indicators and increases the likelihood that audiences are receptive to our communications.
2. We are legally required to have permission to use imagery. This is secured in one of three ways:
 - (i) Own copyright in commissioned imagery (this is prohibitively expensive for all but specific applications), or photographs taken by our staff (these are of limited application due to quality that can be achieved from available equipment).
 - (ii) Permission from the copyright owner e.g., we seek permission from Scottish Parliament to reproduce its photography in a specified publication.
 - (iii) Purchased through an agreement with a supplier of royalty and copyright free stock imagery.
3. A subscription to a supplier of royalty and copyright free stock imagery is the most cost effective way to secure access to the range of imagery required for use across multiple communication channels.

When is this service required by?

- Immediately

Contract duration

- One year

Budget



Purchaser

- FOIO (P&I) + FAM

Procurement approach

- Three quotes (under £5,000).

Survey service

Business case

1. An online survey service provides tools to construct surveys, collect responses, analyse information received and report the findings. It is a cost-effective and efficient way to organise delegate lists and gather information from external stakeholders e.g., event feedback and consultation responses.
2. There is no viable alternative to using an online survey service. More “traditional” methods such as paper and invitations to comment limit our capacity to seek volumes of information; reduce the likely number of responses and are very demanding of resources (postage, staff time to input and analyse data, etc).
3. The survey service must have sufficient arrangements to ensure that data is managed in accordance with obligations under the GDPR and DPA 2018.

When is this service required by?

- Immediately

Contract duration

- One year

Budget

Purchaser

- FOIO (P&I) + FAM

Procurement approach

- Three quotes (under £5,000)