



Terms of Reference

Procurement Partnership

Maidstone, Tunbridge Wells and Tonbridge & Malling Borough Councils

February 2024

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1. Introduction

This document outlines the key parameters of the proposed addition of Tonbridge & Malling Borough Council (TMBC) to the Procurement Partnership Agreement between Maidstone Borough Council (MBC) & Tunbridge Wells Borough Council (TWBC). The addition of TMBC to the partnership is designed to offer a cost effective service to all partners, ensuring best value is at the heart of decision making whilst maintaining strong governance of processes and procedures, and ensuring managerial expertise and service resilience.

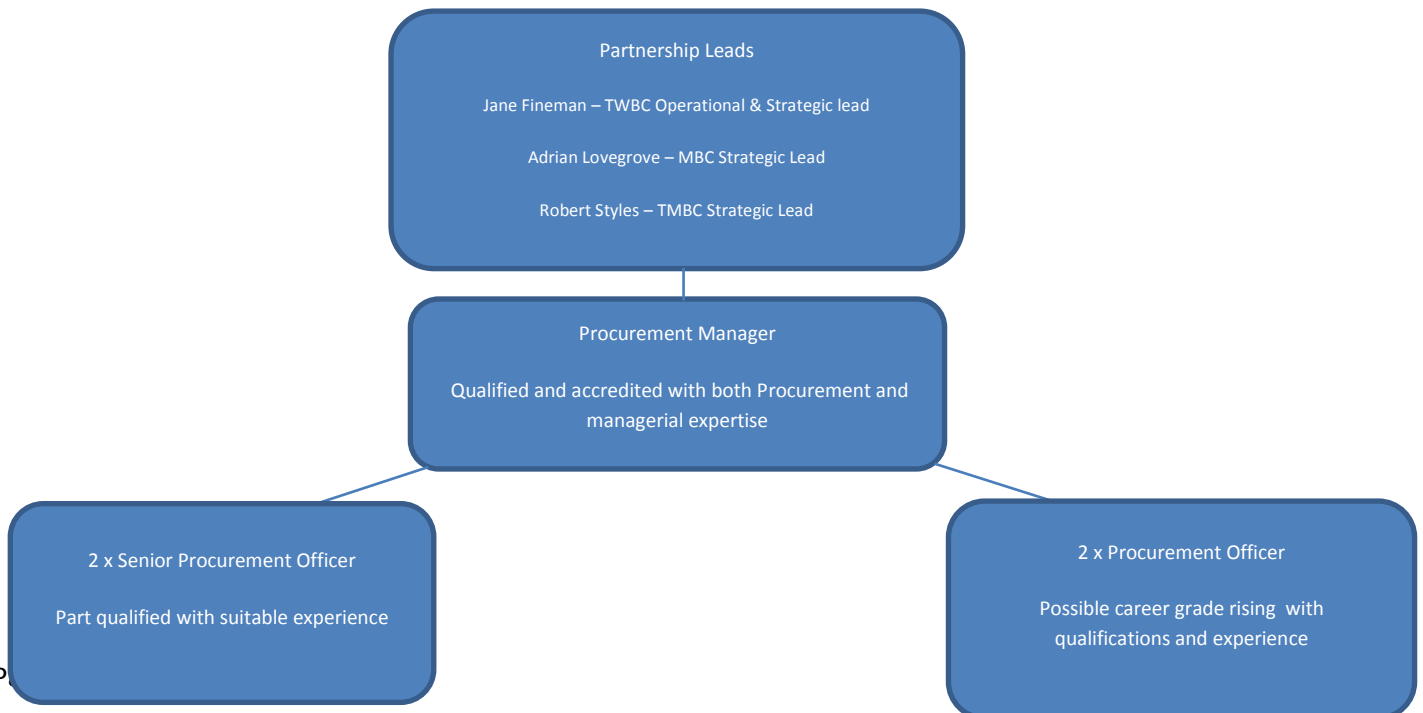
The expansion of the partnership, to include TMBC, was put forward as a potential option with the following strategic goals:

- i. To provide expert managerial level Procurement support and guidance – provided by Dan Hutchins (who is MCIPS accredited) – to all partners
- ii. To improve the resilience of all 3 authorities by working cross functionally
- iii. To develop the members of the procurement team to CIPS qualified and accredited status – with additional coaching and development internally
- iv. To explore a closer link between the processes and procedures of all partner authorities – with strategic and constitutional alignment the desired goal
- v. To explore the benefits of Social Value when contracting
- vi. To review the spend across all partner authorities, with a view to implementing category management principles and strategies and looking for potential synergies

This agreement is proposed to take effect from 1 April 2024, with a period of handover and transition to begin as soon as practically possible after the completion of internal consultation processes at TMBC. The new reporting structures outlined below will come into effect from 1 April 2024, pending completion of any recruitment processes.

2. Reporting Structure

The proposed operational reporting structure for the Partnership will be as follows:



The Procurement Manager will lead on the operational management of the Partnership Procurement team, with all members of staff being directly employed by TWBC. There will be a direct reporting line to Jane Fineman (TWBC). Adrian Lovegrove will be the strategic lead for MBC, and Robert Styles will be the strategic lead(s) for TMBC.

3. Roles and Responsibilities

The roles and responsibilities for the partnership are broadly outlined as follows:

Partnership Leads

- Partnership leads are noted as Jane Fineman, Adrian Lovegrove and Robert Styles for the purposes of this document.
- Strategic responsibility for the partnership, offering guidance and advice to the operational manager.
- Responsible for annual review and appraisal of the objectives and outcomes of the Partnership Procurement Team, most likely to take place as part of the annual performance appraisal of the Partnership Procurement Manager.

Procurement Manager

- Responsible for management of the partnership Procurement resources
- Split time between Maidstone, Tunbridge Wells and Tonbridge in line with operational requirements
- Regular meetings with strategic leads to ensure that they are aware of all matters relating to the service
- Participation in TMBC's internal procurement group
- Provision of expert advice on any procurement related matters - Overseeing and participating in procurement processes and contracts affecting all sites, ensuring compliance with all current legislation and best practice.
- Able to cover workload across all partners in the event of absence or increased workload.
- Regular 1:1's and annual appraisals with all staff
- Non conformance monitoring and reporting
- Regular performance reporting to partnership leads/board
- Discussions with, or presentations to, elected members as required
- Development and delivery of procurement training for staff and external partners/businesses
- Strategic review of TMBC constitution, with a view to aligning with the current partners
- Following all political approvals processes, to have any/all proposed process and procedural changes adopted
- Responsible for development and implementation of all procurement and social value strategies
- Responsible for review of constitutional procurement rules, and recommending changes
- Accountable for the publication of all necessary information and data relating to the transparency act, and any additional requirements put forward by the new Procurement Act (2022).

Senior Procurement Officer

- Two officers (1 currently in post, 1 to be recruited), covering all partners
- Split time between partners in line with operational requirements

- Oversee and participate in procurement processes across both sites
- Role would need to act as cover for the Procurement Manager in periods of absence
- Potential to grow the role to include some supervision responsibility in order to develop the managerial skills of the officer in post
- Responsibility for reviewing category management possibilities and implementing where feasible
- One officer to act as the lead procurement officer for sustainability, and the other will act as the lead for local business engagement
- Any other tasks as reasonably required by the partnership

Procurement Officer

- Two officers (both in post) on career graded progression and development programmes
- Responsible for administrative duties (contracts registers, approvals processes etc)
- Responsible for the publication of all necessary information and data relating to the transparency act, and any additional requirements put forward by the new Procurement Act (2022).
- Will be expected to follow a progression path, which has been developed in line with the career grade pay scale.
- Support projects across the partnership, taking the lead on smaller projects when competence and confidence are at the required level – progressing to more complex or higher value projects as they develop.

4. Resourcing the Partnership

To deliver the proposed operational structure, we will need to recruit 1 additional Senior Procurement Officer in order to properly resource the service. Recruitment is an area of concern, as the marketplace is particularly difficult to recruit to senior positions (as both TWBC and MBC have experienced previously). TWBC has a policy of recruiting directly to vacancies. However, we do have existing fee agreements with local recruitment agencies that could be utilised if we struggle to source suitable candidates directly. We are confident that the service could be implemented immediately, using existing resources, whilst the new post is recruited to.

Procurement team members will be directly employed by, and the operational management of the staff would fall to, TWBC with Jane Fineman taking the role as Partnership Lead for this area. MBC & TMBC will have strategic input into the objectives of the Partnership via their Partnership Leads.

The Partnership Procurement Manager will be responsible for writing the Job Descriptions and Person Specifications for each of the roles, in conjunction with the Operational Partnership Lead. The interview panel for any recruitment must be headed by the Partnership Procurement Manager, but any of the Partnership Leads may request to be part of the interview panel if they wish to. A member of the Human Resources Department at TWBC should also be present where possible.

5. Process and Political Considerations

The Contract Standing Orders (CSOs), also referred to commonly as the Contract Procedure Rules (CPRs), of both TWBC and MBC have been reviewed and are in the process of being updated (process complete at TWBC, but awaiting final approval at MBC).

It is assumed that TMBC have common objectives in regards to Procurement, and we would therefore encourage alignment of their CSOs with the newly revised CSOs of the existing partners. It is envisioned that a review could be undertaken to produce a set of recommendations to align TMBC with the processes and procedures of the existing Partners. This would require managerial and political buy in from TMBC.

6. Financing the Partnership

The financing arrangements for the partnership are outlined as follows:

Salaries (inc. NI & Pension) – including 2024/25 salary uplifts (5%)

The total salary budget for the procurement partnership would be £252,676 made up of the following:

Procurement Manager

2 x Senior Procurement Officer

1 x Procurement Officer

1 x Procurement Officer

Other Costs:

Training:

An annual training budget of £7,116.67 would be required to support exams and other training materials. This would equate to £2,372.22 per partner.

Equipment:

An annual budget of £1,000 would be required to support with any equipment requirements for the team. This would equate to £333.33 per partner.

Travel:

An annual budget of £500 would be required to support with travel to seminars, conferences, and external training. This would equate to £166.67 per partner.

eTendering/eProcurement system:

An annual budget of £5,250 would be required for licenses for each partner to use Kent Business Portal eTendering/eProcurement system. This would equate to £1,750.00 per partner.

Budgets

It is proposed that the costs for the partnership are met equally by each partner:

Total of above partnership costs: £266,542.67

Cost for each partner: £88,847.56

The Procurement Manager will monitor the levels of resource utilised at each of the partner sites, with a review to be undertaken every 12 months.

This budget is inclusive of the training outlined, but if other methods of funding can be found for this (e.g. Apprenticeship Levee) then we will of course seek to utilise these sources in order to preserve Council funds.

The Partners should budget for an estimated salary increase of £2,500 per grade for the career graded posts (as officers achieve the requirements to move up through the grades). The results of any pay review will be notified to all partners so that budgets can be adjusted accordingly.

7. Annual Review

An annual performance report will be produced by the Partnership Procurement Manager. This should be used, in conjunction with other reports throughout the year, by the Partnership Leads in order to assess the performance of the Procurement Partnership. It will also be referred to in the annual appraisal of the Partnership Procurement Manager in order to ensure that the leadership of the team has been effective.

8. Amendment, Variation and Termination

Amendments to this document, or variations to the terms of the Partnership must be discussed and agreed by the Partnership Leads, in communication with the operational manager.

Redundancy

If at any stage the Partnership is jointly restructured, the Partners will be jointly liable for any costs involved. If redundancies are requested/required by any of the Partners individually, and without the support of the others, the requesting party will be liable for all costs involved.

Arbitration

In the event of any dispute that cannot be resolved by the Partnership Leads, the matter will be escalated to the Finance Directors of the Partner Authorities. The decision of the Directors will be final, and all Partners will be required to comply with the direction provided.

Termination of the partnership

A two yearly review of the Service will be carried out by the Authorities jointly.

The Partner Authorities may terminate this Agreement, from either side, by giving at least twelve (12) months prior written notice (the “**Termination Notice**”) on or before the 31 March in any year with termination then occurring on 1 April the following year.