STRATEGIC PROCUREMENT IN UK LOCAL GOVERNMENT: THE ROLE OF ELECTED MEMBERS

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ABSTRACT. This paper is concerned with the potential role of elected members in the UK local government strategic procurement process. Strategic procurement and the best value regime are discussed. A working definition of strategic procurement in local government is then provided. The rationale for councils to review member involvement in strategic procurement follows. Observations from action learning case studies are discussed prior to proposals being offered as to what might represent appropriate new roles for elected members in the UK local government strategic procurement process.

INTRODUCTION

This paper is specifically concerned with the potential role of elected members in the UK local government strategic procurement process. Strategic procurement and the Best Value regime are discussed. A working definition of strategic procurement in local government is then provided. The scene is then set as to why councils should review member involvement in strategic procurement. It is against that background a number of research questions are considered, specifically:

- 1. Can an appropriately structured approach to the identification of strategic procurement decisions be adopted?
- 2. What should be the optimum mix of member and officer involvement in those strategic decisions?

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Observations from action learning case studies are discussed prior to proposals being offered as to what might represent appropriate new roles for elected members.

WHAT IS STRATEGIC PROCUREMENT?

Others have concluded that there is confusion as to what exactly is meant by strategic purchasing (a.k.a. procurement) and there is still a long way yet to go before Procurement, as a function, becomes truly strategic (Steele & Court, 1996; Marshall and Lamming, 1997). This paper is not concerned with the Procurement function per se, but instead the strategic procurement process. As such, the definitions previously proffered from the perspective of the 'function' provide little guidance (for example, Ellram and Carr [1994]; Carr and Smeltzer [1997]). It is interesting to note however that evidence (Erridge & Murray, 1998; SOPO, 1999; Birch, 2001) indicates, within local government, a considerable amount of the organisation's expenditure is carried out without the involvement of the Procurement function. Of paramount importance though is the need to recognise the democratic role of elected members within the strategic procurement process. It is elected members who represent the views and needs of the public in strategic procurement decisions; those decisions affect the way public services are delivered and will have an impact on citizens' daily lives.

Perhaps more fitting descriptions of strategic procurement are those implied by Cox and Lamming (1997) and Ramsay (2001); it could be inferred from those discussions that strategic procurement relates to those senior executive decisions which determine the 'make/buy' option. Although that description provides meaningful positioning it has a narrow focus within the scope local government procurement considered by Byatt (2001, para 1.6): "...the whole process of acquisition of goods, services and works from the initial assessment of a business need through to the end of the useful life of an asset or end of service contract ... both acquisition from third parties and from in-house providers." That view is reflected by the Audit Commission's "four stages of the procurement process" as illustrated in Figure 1.

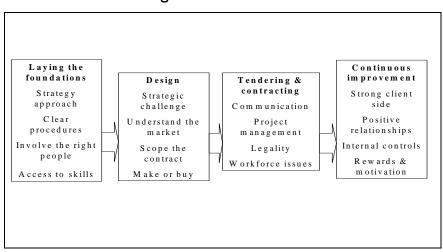


FIGURE 1 The Four Stages of the Procurement Process

Source: Audit Commission (2002, p. 19).

A working definition is therefore proffered:

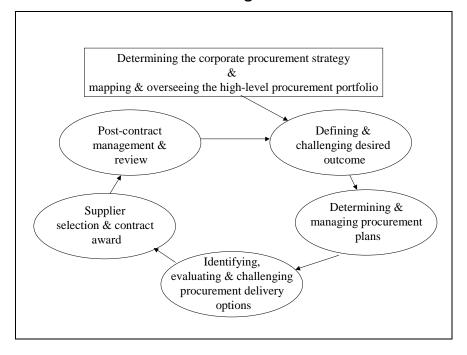
Local government strategic procurement is the process of determining the corporate procurement strategy, mapping and overseeing the high-level procurement portfolio, defining and challenging the desired procurement outcome, determining and managing specific procurement plans, identifying, evaluating and challenging procurement service delivery options, contract award, post-contract management and review (See Figure 2).

RATIONALE FOR REVIEWING MEMBER INVOLVEMENT IN STRATEGIC PROCUREMENT

A core principle of local government is that local councillors, 'members', are accountable to the local electorate for the decisions made by the council. As a result, within councils a complex committee structure existed through which members made decisions based on the advice provided by professional officers (Hill, 1974; Murray, 1999).

FIGURE 2 The Local Government Strategic Procurement Process

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However, the Local Government Act 2000 set out to 'modernise' the way in which local government business was conducted – 'gone' would be the traditional committee system; 'in' would be a small executive¹ of members, 'the executive', who would set policy in a much more focussed, efficient and strategic manner. The remaining members' focus would shift to 'scrutiny' – providing the essential counter-balance of more effective public representation in holding the executive to account and developing and monitoring policy through the 'overview and scrutiny' function. In general terms scrutiny would act as a 'critical friend' of both the executive and chief officers, reviewing and questioning decisions of the executive, reviewing broad policy and submitting alternative proposals (Rao, 2000). Specifically, scrutiny has four key legislative roles, namely, holding the executive to account, policy development and review, best value reviews, and external scrutiny (Snape, Leach & Corpus, 2002). Ideally, elected representatives would have a shift of emphasis from day-to-day operations to a role of policy formulation.

In parallel, the switch of emphasis to an "enabling authority" (Clarke & Stewart, 1988) born during the Conservative administration, would continue – councils would concern themselves less with the service delivery method, and more with defining the outcome of the desired service. While the Conservative government made use of Compulsory Competitive Tendering (CCT) to compel councils to consider the means of how 'defined services' should be delivered, the Labour government switched, through the Best Value regime, towards defining what the desired outcome of services should be.

The "Best Value" Regime

The ethos of Best Value is that local government exists only to serve its primary stakeholders, the public (DETR, 1998). That being the case, the council must identify the priorities of the local population, how it matches their needs and demonstrates that, in delivering those needs, it provides Best Value (Local Government Act 1999). It was hoped, from that informed position, the council would form its strategic objectives or 'corporate view' (DETR, 1997) and, that in turn, would create the overarching agenda from which functional strategies, not only of Procurement, but also other specialisms should flow.

Fundamentally, Best Value differs from the previous Compulsory Competitive Tendering (CCT) in that it removed the 'compulsory' element, while expanding the remit for accountability in all issues of importance to the local population (Babcoe, 2001). As a result the Best Value regime supports 'discretionary' actions taken in local government.

Filkin (1997, p. 11) illustrates the characteristics of a Best Value authority as one which will:

- Find out what the public wants and then commit to delivering this to the highest quality at the best price
- Constantly search for improvements in its services and believe that this is possible with good political leadership and management

- Want to find evidence that others can provide better services as this opens up the possibility that it too can do so
- Want to compare its current performance in each service with other service suppliers.

On that basis it could be said that Best Value is the manifestation of the quality movement within local government. Echoing the Modernisation Agenda, Corrigan and Joyce (1997, p. 427) see the quality movement as providing an opportunity to provide the longterm survival of local government, indeed:

[F]or leading politicians and managers it means the possibility of using the issue of quality to reconstruct the whole nature of state/civil society relationships. ...If the services do become responsive they will be the realisation of a commitment to change services in a way that improves users. This matters in part because public service quality, defined as fitness for purpose, cannot be left to professionals or managers to define. Users have a distinctive stake in service quality and bring an important voice to the judging of quality. Thus, services need to be evaluated with a direct input from users and then changed in line with this input, subject to the political direction of elected representatives.

Best Value places on councils an obligation to challenge and justify how services are currently delivered (Armstrong, 1997). This has implications not only for strategic contribution but also operational delivery.

Initially Best Value required benchmarking against other councils, the purpose being to create an environment of continuous improvement (Local Government Training Group, 1998; DETR, 1998; "Local Government Act 1999"). The initial aspiration of councils to adopt a culture of continuous improvement voluntarily was subsequently mandated in a requirement placed on authorities to set "cost and efficiency targets over five years that, as a minimum, are consistent with an overall target of 2% pa efficiency improvement for local government as a whole" (DETR, 1999, para. 29).

Early indicators also suggested that Best Value would require a change of the local council's role "to one of community leadership and advocacy, requiring much more time and profile for members and staff out in the community" (Filkin, 1997, p. 15). Aligned with these higher-level impacts on councils are the predicted implications for procurement managers "(g)ood procurement practice is essential if local government is to obtain real improvements to service cost and quality" (DETR, 1998, p. 71).

Best Value can be expected to have a major impact on the local council since the views of stakeholders, beyond officers and elected members, will be provided with new opportunities for expression. Equally so, Best Value could provide an opportunity for Procurement to participate in the now mandatory 'make or buy' (Babcoe, 2001) decision on the delivery of council services. "The key strategic choice for local authorities is whether to provide services directly themselves or to secure them through other sources" (DETR, 1998, p. 72).

The duty of best value requires local authorities, to make decisions on what services should be provided and how much they should pay for them, after consulting service users and others with an interest, within certain national constraints. Without an effective procurement strategy a local authority will not achieve best value. A Best Value Performance Plan is required to incorporate a strategic view of how procurement will be used to help meet the council's objectives. Best Value reviews should be directly linked to the procurement strategy of the council and incorporate procurement expertise (Byatt, 2001, p. 21).

Towards Greater Involvement of Elected Members in Strategic Procurement

These issues are a reflection of what Osbourne and Gaebler (1993) refer to as "steering not rowing." "Steering" relates to policy and ends, while "rowing" is concerned with the means of service delivery. Elected "members steer" in determining the outcomes while "officers row" in determining the best-fit delivery means. The concept is comparatively simple; elected members should not be shackled in defining service outcomes through the constraints of their own workforce. On the contrary, the option of in-house delivery would be only one of an array of options which should be considered. It is of particular interest that the UK best value regime considers these choices of service delivery to be procurement decisions (DETR, 1998).

Facilitating this broader definition of 'procurement' became the focus of a number of UK initiatives, the most significant of which was the Byatt Report (2001) which highlighted problems with local government's ability to match the new agenda. Byatt felt there was a lack of professional procurement skills being brought to bear in major procurement decisions (Rec. #1), a lack of strategic approach to procurement (Rec. #8) and a lack of appropriate member involvement (Rec. #10). Significantly, Byatt acknowledged that the modernisation agenda would mean changes for elected members:

Political reform in local government, and in particular the introduction of cabinet style government and mayors, will have an impact on the part elected members play in procurement, both in their 'executive' and 'scrutiny' roles. For reasons of probity and good practice, it is not expected that elected members would take an active part in every day procurement decisions. Their participation is needed at the strategic level, and in the design of large and complex procurements (para. 2.14).

Elected members need to be much more clearly involved in the development of their council's procurement strategy if it is to become a key tool in meeting the council's objectives. This would embrace developing the strategic direction; possible involvement in the design and conduct of significant contracting exercises; and monitoring outcomes. Local authorities will need to set out clear roles for members in each of these important areas (para. 2.15).

The Audit Commission (2002) and the Office of the Deputy Prime Minister and Local Government Association (ODPM/LGA) response to Byatt (2002) once again highlighted the need for chief officers and members, executive and scrutiny, to be involved in the strategic procurement process. That said, it still remained unclear as to what that specific involvement 'should be'. This involvement of elected members is a clear echo of new managerialism, based on a reassertion of dominance at the political level (Walsh, 1995). Indeed Walsh (1995) holds that the separation of politicians from the role of service delivery should result in political involvement being with setting the initial service strategy and specification for the service and subsequent monitoring. While some might consider such niceties to be of little significance within the wider scheme of local government modernisation, they are in fact paramount for a number of reasons. Firstly, the modernisation agenda is concerned with greater democratic involvement, but inappropriate involvement could jeopardise the wider agenda and potentially lead to distracting allegations of corruption and interference. Secondly, the roles of executive and scrutiny are new and their relationships with chief officers, while still emerging, will set important precedents for the future. Thirdly, to carry out these new roles and responsibilities will require training and competency development for executive, scrutiny, chief officers and procurement specialists. Fourthly, the method of identifying which procurement decisions should be addressed at the highest levels of the council requires a balanced view. Otherwise members will once again be distracted with "rowing" decisions.

This paper discusses and suggests potential roles in the local government strategic procurement process.

METHODOLOGY

The research reported is exploratory and therefore does not provide conclusive answers (Babbie, 1995; Hussey & Hussey, 1997). Yet, as action research it should deliver suggestions for improvement in practice (McNiff, Lomax & Whitehead, 1996).

Use was made of invitations from five UK councils to review their procurement. Unfettered access was provided not only to documentation but also to staff at all levels of the organisation and to elected members including executive and scrutiny. This privileged position enabled individual interviews and workshops to be carried out during which current practice could be identified, probed and challenged. In parallel, the action learning approach enabled the answers to the core research questions to emerge.

The key research instruments were interactive workshops with elected members and council officers. The workshops were an integral part of the research as they provided a platform to establish perceptions of what currently happens, to float and test the feasibility of the suggested improvements and finally to elicit the ideas of participants themselves as to how the strategic procurement process could be improved. As such the workshops provided not only a twoway educational opportunity, for the researcher and for the participants, but also a means of validation. The weakness though of such an action learning approach was that of leading participants towards a pre-determined outcome, a conscious effort was therefore made not to prompt answers but instead to provide a range of options from which participants could select the most appropriate.

CASE STUDY OBSERVATIONS

Strategic Procurement Process: Determining the Corporate Procurement Strategy and Mapping and Overseeing the High-Level Procurement Portfolio

A cursory glance at procurement literature recognises the need for a corporate procurement strategy and assumes the use of a structured approach to the identification of strategic procurement decisions, through, for example, acceptance of a portfolio approach to procurement. Indeed these are advocated by both Byatt (2001) and the ODPM/LGA (2002).

Although the case studies did not seek to establish the presence of a corporate procurement strategy, there was agreement that responsibility for preparing the strategy rested with officers with challenge from scrutiny and approval from the executive. Once adopted, implementation of the strategy should be overseen with scrutiny.

With regard to the procurement portfolio, the workshops used a variation of Kraljic's Model (1983) (Figure 3) and established that, within the case study councils, the Model was not familiar to either elected members or indeed chief officers. That said, a short exercise (approximately 30 minutes) demonstrated an almost immediate grasp of the principles and enthusiasm for its adoption as a structured approach to the identification of strategic procurement decisions. It was the view of both members and chief officers that officers should map the council's procurement at pre-agreed times and then recommend the portfolio, via scrutiny, to the executive for approval. The members concluded that for all but those positioned as strategic, they only needed to be satisfied with the appropriate positioning of the various procurements and be reassured that officers were developing suitable plans. Thereafter the members could agree on appropriate reporting. It was clear that there would be merit in the executive member responsible for procurement having direct input into the development of the portfolio. However, for

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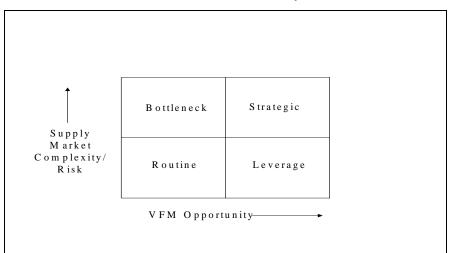


FIGURE 3 Procurement Portfolio Analysis

strategic procurements, members should be integrated into the process - the remainder of the paper considers that role.

Variations in Approach to Strategic Procurement

The case studies made it clear that strategic procurement decisions are currently treated differently depending on whether they relate to a best value review (either of an existing in-house service or an out-sourced service) or whether they relate to the procurement of something which it is assumed will be provided externally. Best value reviews (BVRs) are presented first to scrutiny for recommendation to the executive, while other procurements are expected to go directly to the executive. Equally, it became clear that while members would, by design, have a great deal of involvement in BVRs, with other strategic procurements, it would be the exception for members to be involved earlier than the supplier selection/contract award stage. That said, members generally held the view that they should be involved earlier in the strategic procurement process.

Source: Kraljic (1983).

Strategic Procurement Process: Defining and Challenging the Desired Outcome

For all types of strategic procurement it was acknowledged that officers should take the first steps in defining the preferred outcome of the procurement, regardless of the delivery means. Currently, if the procurement is related to a BVR, officers undertake stakeholder consultation, as set out in a scoping document previously agreed by scrutiny, make an informed judgement and recommend the desired outcome. If, however, the procurement is not part of a BVR, members have rarely any involvement in defining the desired outcome.

The workshops indicated that a more suitable approach, regardless of the nature of the strategic procurement, would be for officers to present a long list of alternative desired outcomes to the members, together with an appropriately cost recommended short-list and a high-level quality/cost matrix. For strategic procurements, other than BVRs, the executive could then consider if alternative outcomes should be added to the range of choices and exercise their democratic voice in resource allocation through determining preferences relating to the desired outcome. Those preferred outcomes together with the quality/cost weightings would then be 'frozen' for the next stage of the strategic procurement process. For BVRs, the recommendations would come to the executive via scrutiny. The executive could of course refer the range of options to scrutiny for more detailed consideration or alternatively scrutiny could express a desire to consider the range of options for non-BVR strategic procurements.

It was considered by most officers and acknowledged by members that 'freezing' the desired outcome at the end of this stage would be a good thing since it may avoid some of the problems previously encountered, for example, members wanting to express a political preference later in the process. Probing found evidence that in a number of cases politically unpalatable options had gone forward to members only to be referred back at council ratification stage. In a number of those situations this had led to friction between the executive, scrutiny and officers. Probing also revealed perceptions among members that officers were sometimes overly cautious, and wrongly prejudged what would be acceptable to members; it was members' perception that they were therefore not always presented with the full range of options.

Strategic Procurement Process: Determining and Managing the Procurement Plans

Having gained member agreement on the desired outcome, a procurement plan should be prepared by officers. Little evidence was found of the existence of such plans, the exception being those contained in BVR scoping documents or developed for major capital projects. It was apparent that councils would benefit from such "procurement project plans" becoming the norm for strategic procurements. Members and officers would both benefit from the plans having agreed reporting points and "sign-offs" incorporated. Such milestones should be approved by members together with appropriate variation tolerances. For BVRs it was the norm that a scoping document would have been prepared by officers at the commencement of a review and presented to scrutiny. The scoping document would outline the proposals for stakeholder consultation and the overall project approach. It was felt by members that a project plan/scoping document should become the norm for all strategic procurements. The executive should approve of the plans and provide the authority to proceed while retaining the option of referring to scrutiny for further consideration.

Regardless of the nature of the strategic procurement there was consensus that the executive member should receive confirmation from officers that the appropriate skills and resources have been deployed to the procurement team.

Strategic Procurement Process: Identifying, Evaluating and Challenging Procurement Delivery Options

The generalised "make or buy" decision is indicative of a wide range of strategic options open to councils, accepted as but not restricted to (DETR, 1999; Hughes, 1999; Audit Commission, 2002):

- Pull-out,
- In-house or improved in-house,
- Partnering contracts,
- Market testing,
- Full out-sourcing,

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- Substitution,
- Mixed market,
- Joint commissioning,
- PFI or DBFO,
- Framework contracts, and
- Non-profit distributing organizations.

The strategic procurement process requires the evaluation of procurement delivery options to identify the contemplated 'best fit' for achieving the desired service outcome. There was an acknowledgement that this required specialist skills and should be carried out by officers and their advisers, without the involvement of However it was felt that members, prior to the members. computations taking place, should provide constructive challenge on the range of options to be evaluated. This could lead to previously unconsidered or innovative solutions being suggested by members. The case studies demonstrated that on occasions members lacked input at this stage and then when recommendations as to the most appropriate option were brought forward, members had aggressively had to argue for the inclusion of other options, which subsequently proved the most appropriate.

Having arrived at a consensus as to which procurement options are to be considered, officers should carry out the 'back office' activities. Then having carried out the various computations, officers should present their recommendations to the executive; or in the case of BVRs, via the executive member, to scrutiny for challenge and subsequent recommendation to the executive.

Strategic Procurement Process: Supplier Selection/Contract Award

For most strategic procurements, with the exception of BVRs, supplier selection and/or contract award have traditionally been the first stage of member involvement, and even that involvement was generally for little more than acceptance of an officer recommendation. It was generally accepted, as discussed above, that this was too late and did not provide sufficient opportunity for the voice of democracy to be heard. The workshops identified that if members had the involvement as outlined above; they would have been well aware of and have had ownership of the procurement process. That being the case, the executive would only need reassurance that the required 'back office' activities had taken place and then be in a position to accept (subject to full council ratification, if required), have it referred to scrutiny for more detailed verification of the process, or, had it been agreed earlier in the plan, challenged by scrutiny prior to passing to the executive.

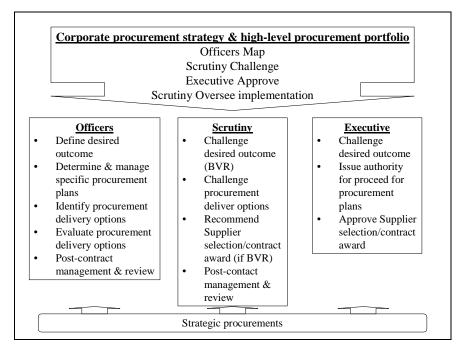
Strategic Procurement Process: Post-Contract Management and Review

The case studies revealed excellent examples of members effectively using the scrutiny role to ensure that councils received the level of service they had contracted for, either through best value improvement plans or through contract management. However, it was clear that post-contract management was more often than not an officer responsibility. The workshops suggested that it would be more appropriate if officers identified the most appropriate methods of reporting performance variations to members as part of their procurement performance, risk and quality management plans and those plans should be incorporated within the overall procurement project plan at the start of the process. At that early stage reporting, largely to scrutiny, could receive preliminary agreement, subject to review at the contract award stage. It became clear in the workshops that for performance management to be at its most effective, it was important that at the 'defining the desired outcome' stage key performance indicators should be identified. Indeed there was an acceptance that it was perhaps more appropriate, to start by stating the desired outcome in performance standards, and only then prepare the service specification.

CONCLUSIONS AND RECOMMENDATIONS FOR THE INVOLVEMENT OF ELECTED MEMBERS IN THE STRATEGIC PROCUREMENT PROCESS

The local government strategic procurement process has direct links to and must connect with the modernisation agenda to be most effective. Although there has been a general recognition of the need for greater involvement of elected members in the strategic procurement process, little has been articulated as who and what constitutes the appropriate mix of involvement. This research demonstrated an enthusiasm on the part of both members and officers to modernise the local government strategic procurement process. There was consensus that a mapping of the procurement portfolio provided a useful starting point to a structured approach to strategic procurement decision-making. From that position, strategic procurements should involve the complimentary working of the executive, scrutiny and officers - scrutiny in particular have a major role to play. Ideas on the appropriate involvement were discussed and the suggested mix set out in Figure 4.

FIGURE 4 Suggested Roles in the Local Government Strategic Procurement Process



NOTES

1. The executive can be either an elected mayor or a cabinet.

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