

Version: 2.1  
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Date: 09/12/2021



# **ARGYLL AND BUTE COUNCIL**

## **Community Benefits Clauses**

### **GUIDANCE FOR TENDERERS**

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## **1.0 INTRODUCTION**

### **1.1 Background**

Sustainable procurement is aimed at securing the maximum economic, social and environmental benefit for residents and businesses within Argyll and Bute from investment in the area. Argyll and Bute Council promotes sustainability within its contracts and seeks to introduce measures to secure opportunities for training and employment, work placements, school curriculum support, community enhancement and small and medium-sized enterprises (SMEs) supply chain development based on the evidence of need in the Argyll and Bute area.

Legislation already exists in terms of The Local Government in Scotland Act 2003, and the Procurement Reform (Scotland) Act 2014, which enable public bodies to include Community Benefits in the procurement process, and include a requirement to consider the inclusion of Community Benefits.

Community Benefits should improve the economic, social or environmental wellbeing of the area. Argyll and Bute Council recognises the potential of Community Benefits Clauses within procurement processes and what they can achieve in terms of employment and training and business development throughout the full period of the proposed contract and beyond.

Argyll and Bute Council is committed to maximise Community Benefits from its procurement activities and, as standard, includes Community Benefits Clauses (CBCs) within contracts with an estimated value of:

- x Supplies and Services >£100,000
- x Works >£2,000,000

The Council uses two different types of Community Benefits Clauses depending on the value and nature of the contract – either a Non-Evaluated CBC which mandates that the successful supplier is required to select a benefit from the Council's request-list, or an Evaluated CBC which is scored as part of the tender evaluation process, and requires the successful supplier to deliver a range of benefits to achieve a set threshold of points.

The Council will take a proactive approach with suppliers to provide early, strong and clear guidelines of social, economic and environmental opportunity expectations. The Sustainability Lead Officer can advise on thresholds and processes undertaken to assess the inclusion of Community Benefits, and monitoring and verification of key performance indicators.

Suppliers can receive a wide range of support to facilitate their Community Benefits obligations, including support from the Argyll and Bute Council

## **1.2 Expectations**

Successful suppliers will be expected to embrace Argyll and Bute Council's requirements for delivering a range of Community Benefits including:

- x Targeted recruitment and training
- x Work placements
- x Curriculum support
- x Community enhancement

## **1.5 Compliance and Sanctions for Non Compliance**

For both evaluated and non-evaluated benefits – the offer and any relevant methodology for delivery will be included in the final contract between the Council and Supplier. The Council will proactively contract manage Community Benefits as outlined at para 2.2 below to ensure compliance. In the event of the supplier being unable to deliver the Community Benefit offered, the parties will work together in the spirit of cooperation and partnership to identify alternative equivalent benefits. In the event of non-compliance, the Council may seek to recover the cost equivalent to the value of the Community Benefits that should have been delivered. This shall be invoiced to the successful supplier quarterly from the date of commencement and then every quarter until the end of the contract duration.

## **1.6 Remuneration**

Trainees and recruits must, as a minimum, be paid in accordance with National Minimum Wage rates and industry norms and must have terms and conditions of employment that are at least equivalent to those provided to workers that have equivalent skills and experience. Employers are encouraged to increase the remuneration of trainees in line with their experience and productivity.

## **1.7 Supplier and Sub-contractor Compliance**

It is the supplier's responsibility to develop a working method that will deliver the targeted recruitment and training requirements and related monitoring and verification data, and obtain the full co-operation of suppliers and sub-contractors in delivering these requirements for the full duration of the contract.

## **1.8 Equal Opportunities**

The successful supplier will be required to ensure that it complies with equal opportunities and non-discrimination legislation in relation both to the delivery of the service and to employment and demonstrate the policies and practices which it will put in place to achieve this.

## **1.9 Insurances**

The successful supplier must ensure that relevant indemnities are in place and insurance cover includes people aged 16 and over and staff from employment and training organisations when on site.

## **1.10 Frameworks with Evaluated Community Benefits Clause**

Spend with framework supplier(s) will be established by the Procurement Officer on a quarterly basis.

Once trigger levels of spend are achieved as per the Community Benefits Points Matrix in Section 3, the supplier will be advised that a Community Benefits requirement has been activated. This will be done via quarterly contract management meetings or via email as appropriate.

The Community Benefits requirement is to be actioned during the following quarter, in line with the supplier's Community Benefits response within their tender submission for the framework.

Please note that no timetable for delivery is to be submitted for frameworks, as delivery will be dependent on spend on the framework.

### **1.11 Definitions**

A New Entrant is defined as a person who is employed to do a specific job and is leaving an educational establishment or a training provider, or a person that has been non-employed who has been unemployed and/.

### 1.13 Questions or Concerns

During the tender process if the supplier has any concerns regarding the type of Community Benefit being requested and/ or the proportionality and fairness of the level of Community Benefit being requested they should contact the Sustainability Lead Officer.

## 2.0 PROCESS FOR SUPPLIERS

### 2.1 Tender Stage:

- x Procurement Officer will use the Community Benefits Points Matrix (Section 3.1) to determine the minimum Community Benefits Points required in the contract.
- x Tenderers will receive this Community Benefits: Guidance for Tenderers Document containing Sections 1-4 with the Invitation to Tender documents, they are expected to read and understand what Community Benefits would be expected should their tender be successful;
- x Tenderers are required to answer the Community Benefits question within the Invitation to Tender document, providing a breakdown of the Community Benefits Points, a Community Benefits Method Statement and a delivery timetable\*.

\* Delivery timetable N/A for frameworks.

### 2.2 Contract Management:

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<b>Community Benefit Outcomes</b>	<b>Description</b>	
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## 5.0 CONTACTS



Version	Author	Date	Changes
2.1	EA	09/12/2021	Contact Details updated on Page 9
2.0	EA/ML/SJ	18/09/2020	Added new CB Initiative – Wish List
1.0	EA/ML	25/09/2018	