



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

# Crown Office & Procurator Fiscal Service (COPFS) procurement

A guide to how we work with our suppliers (current and future)

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## Introduction

### Purpose

The purpose of this guide is to provide (current and possible future) suppliers with information and guidance on how we, in Crown Office and Procurator Fiscal Service (COPFS), work with you.

### Background

Information about the work of COPFS and our structure can be found at:

[The COPFS Intranet site](#)

## Procurement by COPFS

COPFS's annual budget for non-staff related expenditure is just over £30 million. We use a wide range of suppliers for a wide range of goods and services and works. We recognise that the more we engage with suppliers the more chance there is of securing mutually advantageous outcomes. As an organisation funded by the taxpayer, we must ensure that we are open and transparent with suppliers seeking to develop long term relationships and that we secure best use of taxpayers' money. Our procurement objectives are to:

- Secure maximum value for money in contracting for the goods and services that enable us to deliver our business objectives.
- Enhance the competitiveness of our supply base.
- Improve access to opportunities for SMEs.
- Ensure sustainable and ethical procurement.
- Ensure that procurement best practice is followed and relevant legal requirements are met; and
- Ensure that our suppliers are paid promptly (within 30 working days but with an aspiration to pay suppliers within 10 working days). It should also be noted that we expect any sub-contractors employed by our suppliers to be paid equally promptly.

We meet our statutory obligation to publish an updated Procurement Strategy and Annual Procurement Report each year. These documents can be found under the Procurement tab on the Finance and Procurement page on our Internet site:

[Finance and Procurement](#)

We follow the Scottish Government MEAT (Most Economically Advantageous Tender) approach which evaluates regulated procurements (over £50K) on the basis

of price and quality. For procurements under this value, for commonly available goods and services, these may be evaluated on price/cost only.

Our procurement takes place within the framework of procurement legislation, principally the Public Contracts (Scotland) Regulations 2015 and the Procurement Reform (Scotland) Act 2014. COPFS procurement follows the 5 key principles, which always apply to public sector procurement, regardless of value:

- Equal treatment.
- Transparency.
- Proportionality.
- Mutual recognition; and
- Confidentiality.

As a public sector organisation COPFS procurement activity is guided by legislation and best practice, with the route to market being determined by the potential total value of the contract.

While some legislation relates to contracts whose values exceed thresholds, we endeavour to follow best practice regardless of value.

Where the Whole Life Value of a contract exceeds £10,000 but is below the threshold for publication in the Find a Tender web portal our requirements are published on Public Contracts Scotland (PCS).

Where the Whole Life Value of a contract will be equal to, or in excess of, the World Trade Organisation Government Procurement Agreement threshold our requirements are published on PCS and Find a Tender web portals.

COPFS follows the Scottish Government's Procurement Journey which explains the process of awarding a public sector contract in straightforward terms.

### **Collaborative frameworks and contract arrangements**

The COPFS procurement process requires us to explore Scottish Government and Crown Commercial Service's frameworks as a first solution for obtaining goods and services. Where a suitable framework is available it is our policy is to use it.

Only when a framework is not available or suitable will we approach the market directly.

Currently, the majority of contracts used by COPFS are at a National Level (Category A) or Central Government level (Category B). These are framework agreements whereby Central Government agencies and Non-Departmental Public Bodies (NPDBs) can choose to contract for goods and services directly from them or undertake a mini competition for their individual requirements.

### **How to become a COPFS supplier**

As outlined above, COPFS' policy is that where a Scottish Government or Crown Commercial Services framework is in place, we should use it. Potential suppliers are, therefore, encouraged to engage with the Scottish Government and Crown Commercial Services, when frameworks are being put in place.

When a requirement for new products or services is identified which is not available from a collaborative framework, our tenders will be advertised via the Public Contracts Scotland website (this free website is also used by other public bodies in Scotland to advertise tender opportunities).

We therefore recommend that Suppliers register and set up alerts on the website: [Public Contracts Scotland](#)

You can select commodity categories in which you have an interest and when a new notice is placed by a public body, an email alert will be sent to all of the suppliers that have registered interest in that commodity. Any organisation that meets the criteria stated, can register their interest in the specific opportunity, and, if it wishes, can submit a tender.

If the overall contract value exceeds the World Trade Organisation Government Procurement Agreement thresholds, the requirement will also be advertised in the Find a Tender portal and selection of suppliers invited to tender depends on the procedure chosen (open, restricted, negotiated, etc).

Depending on the type of goods or services being advertised, we may also use trade journals, relevant trade societies or local/national press to further advertise requirements.

Notices of contract award will also, depending on overall value of the contract, be advertised either on Public Contracts Scotland website and/or Find a Tender.

### **Providing goods and services to COPFS**

COPFS procure a wide variety of goods and services in support of the administration of prosecution, with the list below showing many requirements, including but not limited to:

- Legal Services.

- Interpreter Services.
- Courier Services.
- Facilities Maintenance Services.
- ICT Software and Support Services.
- Mail Services.
- Training Services
- Stationery

Shortly after the end of each quarter of the financial year we publish on our organisation's website:

- Details of future contracting opportunities (our Contracts Wave Plan); and
- the contracts that we currently have in place (our Contracts Register).

### **COPFS expectations**

The key qualities COPFS expect from suppliers include:

- High quality, value for money, products or services backed by efficient distribution systems and high quality, consistent service levels.
- Demonstrably sound financial standing and strong business performance.
- A commitment to developing a mutually productive relationship with COPFS and a proactive approach to managing the contract; and
- Innovation and cost benefits.

Small, medium, and large organisations are all eligible to become suppliers especially those who have well developed, proactive approaches to customer service, product and service innovation and sustainability.

Regulated procurements (>£50K) include a Single Procurement Document (SPD) form which requires potential suppliers to self-declare information including any criminal convictions or connections etc.

Because of COPFS's position in the justice system COPFS also has a self-declaration (of criminal involvement) for all contracts with a value exceeding £1,000 and less than £50,000.

## **COPFS standard terms and conditions**

All goods and services procured on behalf of the COPFS are subject to our standard terms and conditions (unless otherwise stipulated in our contract documentation). We have different Terms and Conditions for goods and for services. These can be found on our website in the Finance and Procurement section under the Procurement tab: <http://www.copfs.gov.uk/publications/finance>

## **Working with suppliers**

This section provides information on how COPFS works and interacts with suppliers. It also gives details of the organisation's policies on Environmental Management and Equality with regards to procurement.

### **Prompt payment policy**

The Confederation of British Industry (CBI) has issued a prompt payment code, which is widely recognised in the commercial world. COPFS have adopted the principles of that code, which are followed by their purchasing and finance staff. COPFS is committed to pay suppliers in accordance with the terms of our contract with them which is usually 30 days from receipt of a valid invoice or from receipt of the goods/services (whichever is the later). In order for COPFS to meet our contractual obligation, it is important that the invoice provides the details required for COPFS to match it to the original order/contract. This includes details of the unique COPFS contract number and the Purchase Order number. It is essential that suppliers have received a **Purchase Order** and that all of the information requested on the purchase order or as specified in the contract, is provided on the Supplier's invoice. The COPFS operates a policy of "No Purchase Order, No Payment". If any of this information is missing, it may delay payment.

Where a supplier uses a sub-contractor in connection with a COPFS contract then any sub-contract must include similar prompt payment terms to the above, in respect of payments to the sub-contractor.

### **Small and medium sized enterprises**

In common with the remainder of the public sector in Scotland, we are very keen to increase the number our suppliers who are SMEs. COPFS are aware of how important it is to ensure that, in all procurement activities, we act in a fair, honest, and transparent manner, giving our suppliers maximum opportunity to compete for work.

## **Environmental policy**

COPFS is fully committed to playing our part in the preservation of natural resources and in preventing environmental pollution. COPFS policy is to carry out our business taking full account of the needs of the environment, which includes action to reduce energy and water consumption, ensure paper is used economically and that recycled products are used wherever it is practical and economic to do so. The Scottish Government Sustainable Procurement Policy, which COPFS adheres to, pays proper regard to environmental issues whilst still securing best value for money.

Details of what is expected from both a buyers and suppliers perspective can be found on the Scottish Government website under [Sustainable Procurement Duty](#)

## **Sustainable procurement**

COPFS support the Scottish Sustainable Procurement Action Plan and will take into account Corporate Social Responsibility (CSR) when considering its procurements.

Environmental impacts will be considered at all times and we will aim to minimise adverse effects.

## **Equality Act 2010**

COPFS is committed to valuing diversity and delivering equality for everyone associated with the organisation. This is facilitated through our procurements under the Scottish Government [procurement equalities duties](#). We retain the right (and will wish to exercise that right), to bring any contract to an end, where a contractor has failed to comply with the act or has in any way, discriminated against an individual or individuals who are have a protected characteristic. We strongly attest to the view that our suppliers represent us and we will not tolerate any behaviour from a supplier which, we would not wish our own staff to demonstrate.

## **Ethical Standards**

COPFS procurement will be undertaken to the highest ethical standards ensuring that suppliers (including agency staff) are treated with honesty, fairness, and impartiality.

## **Customer Service**

COPFS regularly work with a variety of stakeholders and customers and we are committed to providing a high-quality service, to all, in every aspect of our operations. COPFS aims to provide a fair, equal, and efficient service to all irrespective of race, religion, sexual orientation, gender, age, or background.

## **Data Protection**

COPFS complies with all data protection legislation as required under the UK Data Protection Regulation 2018.

## **Freedom of Information**

COPFS complies with all FOI legislation as required under the Freedom of Information (Scotland) Act (FOISA).

## **Useful External Publications and Information**

Public Contracts Scotland – This is the free to access web portal where Scottish public bodies advertise potential tender opportunities. Suppliers must first register to obtain access to the full information held on the portal:

<https://www.publiccontractsscotland.gov.uk/>

Crown Commercial Services - this website provides details of UK Government Frameworks and guidance on how to become a supplier:

<https://www.crowncommercial.gov.uk/>

Sell goods or services to the public sector – this is part of the UK Government website that provides details on how to become a supplier to the UK Government and its agencies. The Contracts Finder website referred to in the link is entirely separate from Public Contracts Scotland. Wales and Northern Ireland also have separate advertising portals for tender opportunities and details can be found via the link below. The link also contains details of the Find a Tender service for high value UK public contracts: [tendering-for-public-sector-contracts](#)

Business Gateway also offers practical help, advice, and support for new and growing businesses in Scotland: [Business Gateway](#)

The Scottish Government online Supplier Journey: A website, making it easier for Scottish companies to bid for work in the public sector. The website will guide firms, large and small, through each step in the process - setting out what they can expect from buyers, and what is expected of them. This brings together and simplifies a lot of, often complicated, guidance, making it easier to understand. It may be particularly useful for small businesses.

The journey will guide businesses through the process of applying for contracts, making the system more streamlined and easier to understand. It has been developed with the help of Scottish companies who have already gone through the process: <https://www.supplierjourney.scot/>

If you are a third sector or SME organisation looking to supply to the Scottish public sector, the Supplier Development Programme can provide training, support, and information to help you bid for Scottish public sector tenders. This is a free service. <https://www.sdpscotland.co.uk/>

If you have concerns about a specific tender exercise, they can work with you and the buying organisation to try to resolve your concerns. If you are not happy with any information provided, you can write to the Single Point of Enquiry which is an independent, impartial, and confidential service for suppliers to the public sector in Scotland. Details can be found at: [Single Point of Enquiry](#)

Constructionline provides useful information on a range of construction projects across the UK: <https://www.constructionline.co.uk/>

Just Enterprise is bringing together Scotland's key social enterprise support agencies to provide business support and development services to Enterprising Third Sector Organisations across Scotland: [Just Enterprise](#)

CEiS Provide a range of independent and professional business support services and business finance solutions for social and community enterprises in Scotland:  
<https://www.ceis.org.uk/>

Scottish Enterprise can help businesses overcome day to day challenges, enhance business practices and explore new markets and opportunities:  
<https://www.scottish-enterprise.com/>