

## ARGYLL AND BUTE COUNCIL

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### ***Community Benefits Clauses in Procurement Guide***

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## **1. INTRODUCTION**

### **1.1 BACKGROUND**

1.1.1 The aim of this document is to provide guidance on Argyll and Bute Council's approach to incorporating Community Benefits Clauses (CBCs) within the Procurement Process where appropriate. The use of CBCs provides a method of including social, environmental and economic sustainability matters in contracts for the supply of goods, services or works that do not conventionally have these requirements as defined or measured outcomes.

1.1.2 The Local Government in Scotland Act 2003, the Public Contracts (Scotland) Regulations 2012 and European Procurement Directives enable public bodies to include Community Benefits in the procurement process, in certain circumstances. This guide provides guidelines for legally incorporating Community Benefits into the tendering process.

1.1.3 Although Argyll and Bute Council use CBCs as standard practice they have historically mostly been used on a voluntary basis. The aim of this document is to encourage the use of evaluated CBCs within tenders wherever possible as an improved approach to Community Benefits within procurement exercises. This document also aims to standardise and explain in detail the process of incorporating social consideration into procurement activities in order to promote greater use of mandatory Community Benefit Clauses.

### **1.2 WHAT ARE COMMUNITY BENEFITS CLAUSES?**

1.2.1 Community Benefit Clauses (CBCs) provide a means of achieving sustainability in public contracts. The main areas considered to be Community Benefits include targeted recruitment and training, small business and social enterprise development and community engagement.

- **'Sustainable procurement'** is a way of delivering the Government's sustainable development objective.
- **'Social issues'** are part of the still wider concern of 'sustainable procurement';
- **'Community Benefits'** is one element in a wider range of 'social issues';
- **'Targeted Recruitment and Training'** is one elements in a wider range of Community Benefits

### **1.3 THE CHALLENGE**

1.3.1 The Challenge is to identify the products, services and works Argyll and Bute Council procures that generate the greatest capacity to enhance social outcomes. These include activities such as employment, training, knowledge transfer and environmental outcomes.

1.3.2 Through best procurement practice we must ensure benefits are brought both to individuals and to the wider community creating additional and measurable social, environmental and economic improvements.

## 1.4 LEGAL SUMMARY

1.4.1 The Scottish Government summarise<sup>1</sup> the legal requirements as follows:-

- Procurement can be used to achieve social and environmental requirements if they comply with the EU procurement rules and general EU law, which includes a duty to specify the requirements in the contract notice published in the Official Journal of the European Union (OJEU). The contracting authority must also have the legal powers to pursue the requirements;
- In particular, the principles of equal treatment and transparency must be observed. Community benefit requirements in contracts must be objective and should not favour local suppliers or restrict employment or training to UK nationals. For example, contracting authorities must not express a preference for jobseekers from a particular locality to receive training or employment or require subcontracts to be placed with “local” SMEs. As wide a variety of suppliers as possible should be able to compete for the contract;
- Case law supporting use of social clauses and the extent of their use is available and should be observed;
- The EU legislative framework is generally more concerned with how public bodies procure, rather than what they procure, so long as value for money (VFM) is attained.

1.4.2 If varying the standard wording suggested within this guide, Purchasing Officers should seek legal advice to ensure that the CBCs they wish to use are within the parameters of their competence and comply with EC Treaty principles.

## 1.5 TRANSPARENCY AND NON-DISCRIMINATION

1.5.1 The principle of transparency and non-discrimination are crucial to ensuring that Community Benefits are legally incorporated within the tendering process.

1.5.2 The aim of achieving Community Benefits as part of the Council’s tendering processes must be made clear from the beginning. The Community Benefits statements should be issues within the Contract Notice indicating that the contract to be awarded may include the provisions to achieve Community Benefits (Please refer to Appendix A for samples of contract notice wording for all types of projects).

1.5.3 It is important to ensure that the inclusion of Community Benefits do not directly or indirectly disadvantage or discriminate against bidders outwith Argyll and Bute.

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<sup>1</sup> Scottish Government (2008) *Community Benefits in Public Procurement* [available online] <http://www.scotland.gov.uk/Resource/Doc/212427/0056513.pdf>

Purchasing Officers should ensure that that Community Benefits do not directly or indirectly discriminate against individuals and groups covered under the protected characteristics of Equality Act 2010.

## 1.6 SUPPORT AND GUIDANCE

1.6.1 The Procurement Team together with the Economic Development Team will offer support and guidance by providing direction and assistance in the identification, evaluation, capture, monitoring and reporting of CBCs throughout the life of a contract. This will require minimum effort from the procurement areas while offering a maximum impact from the contract.

1.6.2 Purchasing Officers will ensure that appropriate monitoring arrangements are in place to monitor the Community Benefits element of the contract. The following monitoring information should\* be requested and included in the contract management documentation:

- Single point of contact within the organisation who will be responsible for ensuring the delivery of the Community Benefits
- A clear statement of the actual outputs to be monitored
- The frequency of monitoring information arrangements
- A means of verifying the monitoring arrangements

\*if this information are not possible to request in the contract document, they should be supplied to the Sustainability Lead Officer after agreement with the contractor, preferable at the contract implementation meeting.

## 1.7 COMMUNITY BENEFITS COMMITMENT

1.7.1 Argyll and Bute Council is committed to maximise Community Benefits from its procurement activities.

1.7.2 In respect of the contracts with an estimated value of:

- **Services >£100,000.00**
- **Supplies >£100,000.00**
- **Works >£500,000.00 (or <£500,000.00 if the tender is advertised using the Open or Restricted procedure rather than the Quick Quote procedure)**

Prior to commencement of the procurement process, the Purchasing Officer in conjunction with the Sustainability Lead Officer must consider whether CBCs can be included in the contract. As a part of the Sourcing Strategy requirements Sustainability factors are taken into account as well as the sustainability test, which will require to be completed by the Purchasing Officer with assistance from the service, which will determine what sustainability factors will be included within the procurement process. Where, after the consideration, it is decided that CBCs will not

be included in any tender (as per values above) the reasons will be recorded in Community Benefit Monitoring Spreadsheet and reported in the Contract Award Recommendation Report.

- 1.7.3 There is no formal requirement for the consideration of Community Benefits in contracts with an estimated value of less than above-mentioned values for supplies, services and works contracts, but it is strongly recommended to consider Community Benefits for each contract and apply these where appropriate. It may be possible to achieve creative Community Benefits as part of relatively low value contracts, when considering a wider approach rather than focusing on employment and training.
- 1.7.4 The Procurement and Commissioning Team will work with the Scottish Procurement and Commercial Directorate and Scotland Excel to incorporate Community Benefits into as many Category A and Category B contracts as possible
- 1.7.5 The commitment applies to Contracts and Framework Agreements.
- 1.7.6 The Procurement and Commissioning Team will report on a quarterly basis to the Procurement Board on the progress made towards improvement of the Community Benefits use in appropriate contracts (see Appendix E for the Monitoring Indicators and the Action Plan).

## **1.8 IDENTIFYING POTENTIAL COMMUNITY BENEFITS**

- 1.8.1 There are three conditions that must be met prior to including Community Benefits in contracts:
  - Community Benefits are directly related to the 'core purpose' of the contract.
  - Community Benefits do not directly or indirectly, disadvantage or discriminate against any bidder.
  - Community Benefits are in line with Argyll and Bute Council Policy.

## 2. TYPES OF COMMUNITY BENEFITS CLAUSES

### 2.1 APPROACHES

2.1.1 The appropriate Community Benefits Clause will differ depending on the specification of the project, but for the purpose of this guide we can split the types available into 3 approaches: Evaluated CBCs, Non-evaluated CBCs and the Client Based Approach.

Contract Type	Contract Value		
Works	Open/Restricted below £500,000.00*: <ul style="list-style-type: none"> <li>• Non-evaluated CBC</li> </ul>	Between £500,000.00 and £1,000,000.00: <ul style="list-style-type: none"> <li>• Evaluated CBC or</li> <li>• Non-evaluated CBC</li> </ul>	Over £1,000,000.00: <ul style="list-style-type: none"> <li>• Client-Based Approach</li> </ul>
Supplies / Services	Below £100,000.00*: <ul style="list-style-type: none"> <li>• Non-evaluated CBC</li> </ul>	Over £100,000.00: <ul style="list-style-type: none"> <li>• Evaluated CBC or</li> <li>• Non-evaluated CBC</li> </ul>	

\* The inclusion of a Community Benefits Clause in contracts below £100,000.00 is not mandatory, but it is strongly recommended to consider Community Benefits for each contract and apply these where appropriate. For Works contracts, CBCs should only be included in contracts below £500,000.00 if an Open or Restricted process is used (generally only in exceptional circumstances) – if the contract value is over £100,000.00 an Evaluated CBC should be given preference.

2.1.2 The Community Benefits Process Flowchart in Section 3 should be followed in order to aid this decision.

2.1.3 It is essential that Community Benefits are directly related to the ‘core purpose’ of the Contract. For example, it is not appropriate to include Community Benefits requiring suppliers to provide training across all of their operations when only one of their operations is relevant to the delivery of the contract.

### 2.2 EVALUATED CBCs

2.2.1 For all Supplies/Services contracts with an estimated value of over £100,000.00 and all Works contracts with an estimated value between £500,000.00 and £1,000,000.00 the recommended approach to Community Benefits is the use of an Evaluated CBC. This provides an objective methodology for the inclusion and evaluation of Community Benefits within a tender.

2.2.2 For each tender, Purchasing Officers should aim to follow the Community Benefits Process Flowchart in Section 3, and evaluate Community Benefits proposals as part of contract award criteria wherever possible.

- 2.2.3 When evaluating Community Benefits as part of the tendering process, Purchasing Officers should set a specific weighting for Community Benefits proposals within the defined contract award criteria (e.g. 10% Community Benefits).
- 2.2.4 In order for Community Benefits to be evaluated against objective criteria, Purchasing Officers should follow the process outlined in the document 'Evaluated Community Benefits Clauses: Guidance for Tenderers' to allocate a minimum expectation value of Community Benefits Points from the Community Benefits Points Matrix. Tenderers should then offer a Breakdown of Community Benefits to match or exceed this value, based on the Community Benefits Points Menu; a Community Benefits Method Statement and a Delivery Timetable. This will also ensure that performance against these proposals is measurable during contract monitoring post award.
- 2.2.5 Sample wording guidance for Community Benefits is provided in Appendix B of this Guide.
- 2.2.6 Purchasing Officers should also discuss any decision to evaluate Community Benefits proposals with the Sustainability Lead Officer.

### **2.3 NON-EVALUATED CBCs**

- 2.3.1 For this process, Purchasing Officers should ensure that Community Benefits proposals within a bidder's submission are not scored, evaluated or taken into account when determining the winning tender. However, where a contract is awarded to a bidder whose Tender Submission includes Community Benefits, these will be enforceable as part of the contract.
- 2.3.2 The decision to evaluate Community Benefits as part of contract award criteria should be considered on a case by case basis. In some circumstances, the evaluation of Community Benefits proposals may not be appropriate.
- 2.3.4 As an alternative, the Council will seek to include contractual Community Benefits provisions without evaluating these as part of contract award criteria. Sample wording for the non-evaluation of Community Benefits is provided in Appendix B.

### **2.4 CLIENT BASED APPROACH**

- 2.4.1 For Works contracts with an estimated value in excess of £1,000,000.00 the Council has adopted the National Skills Academy for Construction Client Based Approach. The National Skills Academy guidance provides a toolkit to deliver targeted recruitment and training Community Benefits (e.g. apprenticeships, jobs, leadership training etc.) across a variety of construction project values and construction project types (e.g. residential houses, highways and roads, schools, house repairs etc.).



- 2.4.2 A flowchart and supporting documentation for achieving Community Benefits via the National Skills Academy approach is provided in Section 3 and Appendix B of this Guide.
- 2.4.3 Once suitable targeted recruitment and training Community Benefits have been identified via the National Skills Academy guidance. The Purchasing Officer, in conjunction with the Sustainability Lead Officer, will implement the National Skills Academy approach and include the appropriate Community Benefits Clause within the construction project tender documentation.

**3. PROCESS FOR INCLUDING APPROPRIATE COMMUNITY BENEFITS CLAUSES WITHIN TENDERS**

<b>Community Benefits Process Flowchart</b>																									
<p><b>Sourcing Strategy:</b> Purchasing Officer to complete the Sustainability Section of the relevant Sourcing Strategy Route with input from the Contract Administrator/UIG, this will help to identify potential areas of Community Benefits within the contract.</p>																									
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Include Community Benefits Statement in the Contract Notice on Public Contracts Scotland (Appendix A)																									
<p><b>Works Contracts</b></p> <p>Purchasing Officers should complete the NSAA checklist below and choose the appropriate route:</p> <p>a) National Skills Academy Approach (All requirements in the checklist <b>have been met.</b>) Employment and Skills Plan with method statement to be completed by all bidders.</p> <p>b) NSAA not appropriate or all the requirements in the checklist have not been met. Complete CCBP - Evaluated checklist.</p> <p>If suitable targeted recruitment and training Community Benefits have been identified via the National Skills Academy guidance then Purchasing Officers should complete Checklist 2(a) below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">National Skills Academy Approach</th> <th style="text-align: center;">V</th> </tr> </thead> <tbody> <tr> <td>Contact the Sustainability Lead Officer to set Target outputs in line with the 'Benchmark' appendices within the National Skills Academy guidance.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>An Employment and Skills Plan template, including target outputs, has been included within the tender documentation for completion by all bidders.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Requirement for a detailed Method Statement on how the Employment and Skills Plan will be delivered has been included within the tender documentation.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Community Benefits proposals are directly related to the 'core purpose' of the contract.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Community Benefits proposals do not, directly or indirectly, disadvantage or discriminate against any bidder.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>	National Skills Academy Approach	V	Contact the Sustainability Lead Officer to set Target outputs in line with the 'Benchmark' appendices within the National Skills Academy guidance.	<input type="checkbox"/>	An Employment and Skills Plan template, including target outputs, has been included within the tender documentation for completion by all bidders.	<input type="checkbox"/>	Requirement for a detailed Method Statement on how the Employment and Skills Plan will be delivered has been included within the tender documentation.	<input type="checkbox"/>	Community Benefits proposals are directly related to the 'core purpose' of the contract.	<input type="checkbox"/>	Community Benefits proposals do not, directly or indirectly, disadvantage or discriminate against any bidder.	<input type="checkbox"/>	<p><b>Supplies and Services Contracts</b></p> <p>Once suitable Community Benefits have been identified, Purchasing Officers should complete the CCBP - Evaluated checklist below and choose the appropriate route:</p> <p>a) All requirements in the CCBP – Evaluated checklist have been met:</p> <ul style="list-style-type: none"> <li>• Set a specific weighting for Community Benefits proposals.</li> <li>• Evaluate Community Benefits Proposals</li> </ul> <p>b) All requirements in the CCBP – Evaluated checklist have not been met:</p> <ul style="list-style-type: none"> <li>• Complete the CCBP – Non Evaluated checklist.</li> <li>• Community Benefits not scored, evaluated or taken into account in any way.</li> </ul> <table border="1" style="width: 100%; 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Where implementing the National Skills Academy guidance is not appropriate or where requirements in the NSAA checklist cannot be met, Purchasing Officers should complete the CCBP - Evaluated checklist below:

<b>Contractual Community Benefits Proposals – Evaluated</b>	<b>V</b>
Set a specific weighting for Community Benefits proposals within the defined contract award criteria.	
Stipulate specific and quantifiable Community Benefits proposals within the tendering documentation.	
Community Benefits proposals are directly related to the 'core purpose' of the contract.	
Community Benefits proposals do not, directly or indirectly, disadvantage or discriminate against any bidder.	
Consult with the Sustainability Lead Officer	

Where requirements in the CCBP – Evaluated checklist cannot be met, Purchasing Officers should complete the CCBP – Non Evaluated checklist below and include contractual Community Benefits provisions without evaluating these as part of contract award criteria.

<b>Contractual Community Benefits Proposals - Not Evaluated</b>	<b>V</b>
Request proposals for social, economic and environmental Community Benefits within the tendering documentation. (See sample wording – Appendix B)	
Community Benefits proposals will not be scored, evaluated or taken into account, in any way, when determining the winning tender.	

<b>Contractual Community Benefits Proposals - Not Evaluated</b>	<b>V</b>
Request proposals for social, economic and environmental Community Benefits within the tendering documentation. (See sample wording – Appendix B)	
Community Benefits proposals will not be scored, evaluated or taken into account, in any way, when determining the winning tender.	
Community Benefits proposals within the winning tender will be accepted and enforced as part of the contract.	
Consult with the Sustainability Lead Officer.	

Community Benefits proposals within the winning tender will be accepted and enforced as part of the contract.		
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Formal tendering process (including evaluation of Community Benefits where appropriate, <b>ensuring that all tenderers have provided responses</b> ), and contract award in line with Standing Orders and Procurement Manual.		
Include contractual Community Benefits provisions		
Delivery of Community Benefits monitored by agreed responsible officers		
Planned and achieved Community Benefits recorded by the Sustainability Lead Officer in conjunction with the Economic Development Team.		

## **APPENDIX A - SAMPLE CONTRACT NOTICE**

Purchasing Officers must make clear, from the outset of the tendering process, the Council's aim of achieving Community Benefits. Therefore a Community Benefits statement should be included within the Contract Notice.

### **CONSTRUCTION PROJECTS**

A sample Contract Notice is provided below:

*“Argyll and Bute Council is committed to maximising Community Benefits from its procurement activities. Under this procurement, the contractor, and its supply chain, will be required to support the authority's social objectives relating to participation in skills development, training and employment initiatives and other added value contributions. Accordingly, contract performance conditions may relate in particular to social, economic and environmental considerations.”*

### **NON-CONSTRUCTION PROJECTS**

A sample Contract Notice is provided below:

*“Argyll and Bute Council is committed to maximising Community Benefits from its procurement activities. Under this procurement, the contractor, and its supply chain, will be required to support the authority's economic and social regeneration objectives. Accordingly, contract performance conditions may relate in particular to social, economic and environmental considerations.”*

## **APPENDIX B - SAMPLE WORDING GUIDANCE**

Please note that the samples set out in this procedure are provided as examples only and may not be appropriate for every project. It is vital that Purchasing Officers seek legal advice as to the clauses which they intend to use on a project by project basis to ensure they are appropriate. Note also that the law changes from time to time and so legal advice is necessary to ensure that clauses reflect the current legal position.

Purchasing Officers should always liaise with the Sustainability Lead Officer and Legal Services for assistance with the wording of Community Benefits within contract documentation.

The following links include many examples of sample wording for incorporating Community Benefits. Sample Contract Notice wording is provided separately in Appendix A.

### **Ready For Business ([www.readyforbusiness.org](http://www.readyforbusiness.org))**

Ready for business can provide practical support with the development and implementation of Community Benefit Clauses in procurement as well assistance with scoring and evaluation of tender responses and monitoring of impact.

- Community Benefit Clauses - A Guide for Public Sector Procurement Agencies
- Community Benefit Clauses - Frequently Asked Questions
- Sample Clauses – Waste Example
- Buying for Good

### **Scottish Government ([www.scotland.gov.uk](http://www.scotland.gov.uk))**

Special note should be given to Section 5 of the Scottish Government's Community Benefits in Public Procurement Report. This section includes model clauses for Contract Notices, Pre-Qualification Questionnaires (PQQ), tender specifications and contract conditions.

- Community Benefits in Public Procurement – Report
- Community Benefits in Public Procurement - Guidance Note
- Community Benefits – Leaflet
- [Monitoring the Impact of Community Benefit Clauses in Procurement Contracts – Guidance Notes and Definitions](#)

### **The Improvement Service ([www.improvementservice.org.uk](http://www.improvementservice.org.uk))**

The Improvement Service report presents the findings of their Targeted Recruitment and Training in Procurement project. The report brings together a collection of case studies showing practical applications of Targeted Recruitment and Training clauses.

- Targeted Recruitment and Training Clauses in Procurement

### **Employability in Scotland ([www.employabilityinscotland.com](http://www.employabilityinscotland.com) )**

**SAMPLE EVALUATED COMMUNITY BENEFITS CLAUSE**

**1.0 Community Benefits Clause**

1.1 Argyll and Bute Council is committed to maximising Community Benefits from its procurement activities in order to build economic, social or environmental conditions into the delivery of Council contracts.

<b>Social Benefits</b>	e.g. jobs, work experience, training, apprenticeships and mentoring.
<b>Economic Benefits</b>	e.g. use of Small, Medium Enterprises, promotion of opportunities to Social Enterprises and the Voluntary Sector, community consultation, young person engagement, and community sponsorship.
<b>Environmental Benefits</b>	e.g. public art projects, community improvement projects, resources for community environmental initiatives and physical infrastructure.

1.2 Under this contract the successful Contractor will be expected to support Argyll and Bute Council’s requirements for delivering a range of Community Benefits including:

- Targeted recruitment and training for priority employability groups
- Work experience placements for the same target groups
- Curriculum support for schools and those on employability pathways
- Community Enhancement for community groups and projects
- Small and Medium Enterprises and Social Enterprise Organisations supply chain support

1.3 Based on the value and term of contract being offered the Council expects you to meet a minimum of *TBC* Community Benefits points (please see attached ‘Community Benefits – Guidance for Tenderers’ document for further information on this).

1.4 Tenderers are required to complete the Community Benefits question within this Invitation to Tender, providing a breakdown of the Community Benefits Points to be provided, a Community Benefits Method Statement, and a timetable for the delivery of these Community Benefits.\*

*\* Remove reference to delivery timetable within frameworks.*

**Wording for Evaluation Section of ITT**

<b>Item</b>	<b>Weighting</b>
Community Benefits: <ul style="list-style-type: none"> <li>• Breakdown of Community Benefits Points to be provided*</li> </ul>	<i>TBC%</i>



<ul style="list-style-type: none"> <li>• Community Benefits Method Statement</li> <li>• Timetable for Delivery**</li> </ul>	
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\* Tenderers should note that the Breakdown of Community Benefits Points to be provided must meet the minimum of *TBC* points required for this contract, as per Clause *TBC* – Community Benefits Clause. Tenderers that do not offer this number of points as a minimum will have submitted a non-compliant tender which will not be eligible for contract award. Please see ‘Community Benefits – Guidance for Tenderers’ document for further information.

\*\* Timetable for Delivery is N/A for frameworks.

### Response Section (Quality Questionnaire)

<p><b>Community Benefits:</b> Please provide your breakdown of the required <i>TBC</i> Community Benefits Points for this contract; a Community Benefits Method Statement for your approach to delivering these Community Benefits; and a timetable for delivery***.</p>	<p><b>Weighting:</b> <i>TBC</i>%</p>

\*\*\* Remove reference to timetable for delivery from frameworks.

Please see ‘**Evaluated Community Benefits Clauses: Guidance for Tenderers**’ document for further information on the process of using Evaluated CBCs.

### **SAMPLE NON-EVALUATED COMMUNITY BENEFITS CLAUSE**

#### **1.0 Community Benefits Clause**

1.1 Argyll and Bute Council is committed to maximising Community Benefits from its procurement activities in order to build economic, social or environmental conditions into the delivery of Council contracts.

1.2 In the Tender Submission, the bidder will be required to detail any social, economic and environmental benefits associated with contract performance during the

contract term in the event of their appointment, in particular, within any of the following areas:

<b>Social Benefits</b>	e.g. jobs, work experience, training, apprenticeships and mentoring.
<b>Economic Benefits</b>	e.g. use of Small, Medium Enterprises, promotion of opportunities to Social Enterprises and the Voluntary Sector, community consultation, young person engagement, and community sponsorship.
<b>Environmental Benefits</b>	e.g. public art projects, community improvement projects, resources for community environmental initiatives and physical infrastructure.

- 1.3 Such social, economic and environmental benefits are hereinafter referred to as “Community Benefits”.
- 1.4 If there will be no Community Benefits, the bidder should state this in the submission. If there will be Community Benefits, the Tender Submission should include a methodology/plan/statement as to how this will be delivered.
- 1.5 The information included in the Tender Submission in terms of this clause is hereinafter referred to as the “Community Benefits Information”.
- 1.6 Under this procurement exercise, the Community Benefits Information will in no way be scored/evaluated/taken into account beyond the requirement that the Community Benefits Information is included in the bidder's Tender Submission.
- 1.7 While the Community Benefits Information will in no way be scored/evaluated/taken into account beyond the requirement that it is included in the bidder’s Tender Submission, if the Community Benefits Information contains any Community Benefits, these will be enforceable as part of the contract. Accordingly, where a contract is awarded to a bidder whose Tender Submission included Community Benefits, the bidder will be required to deliver those Community Benefits as part of the contract.

**SAMPLE CLIENT BASED APPROACH CLAUSE**

Documented guidance for the National Skills Academy Client Based Approach is held by the Sustainability Lead Officer.

The guidance is the intellectual property of CITB-Construction Skills and has been released to Argyll and Bute Council under agreed conditions and is protected by copyright. Subsequently, sample extracts from the guidance cannot be included within this procedure.

Please contact the Sustainability Lead Officer who will be able to provide extracts specific to your construction project. The guidance includes benchmark appendices for the following categories of construction projects and maintenance projects:

**Construction Projects**

- Residential Offices and Commercial
- Retail, Sports, Leisure, and Entertainment
- Regeneration
- Highways and Roads
- Refurbishment/Scottish
- Quality Housing Standard
- Highways Infrastructure (excl. Highways)
- Water Supply and Waste
- Disposal
- Factories and Warehouses
- Off-Site Structures
- Education Courts, Young Offenders Institutes and Prisons
- Health

**Construction Maintenance Projects**

- Housing Repairs and Maintenance
- Non-Housing Repairs and Maintenance
- Highways
- Courts, Young Offenders Institutes and Prisons Refurbishment

**The National Skills Academy guidance also includes:**

- Pre-Qualification Questionnaire template clauses;
- Invitation to Tender Template clauses;
- Template contract clauses;
- A Template Employment and Skills Plan

Purchasing Officers should always liaise with the Sustainability Lead Officer and Legal Services for assistance with the wording of Community Benefits within contract documentation. The samples set out in the National Skills Academy guidance are provided as examples only and may not be appropriate for every construction project. It is vital that Purchasing Officers seek legal advice as to the clauses which they intend to use on a project by project basis to ensure they are appropriate. Note also that the law changes from time to time and so legal advice is necessary to ensure that clauses reflect the current legal position.

## **APPENDIX C - EXAMPLES OF COMMUNITY BENEFITS**

Purchasing Officers should consider the following example areas of Community Benefits:

- **Targeted Recruitment and Training** - offering individuals and young people training, apprenticeships, jobs and work experience as part of a contract.
- **Supply Chain Initiatives** - offering Small and Medium Enterprises and Voluntary Sector organisations opportunities to provide goods and/or services as part of a contract.
- **Social Enterprise** - where a local social enterprise can either be established to service a contract, or an existing social enterprise be supported to deliver on part of a contract.
- **Community Consultation** - giving the local community an opportunity to express an opinion and possibly influence the design and delivery of a project or service in an area.
- **Young Person Engagement** - giving young people in the area an opportunity to engage in a project. The engagement can range from young people learning about a project to giving them the opportunity to shape and influence a project thus giving them more say in and connection to the future of their area.
- **Educational Support** - giving school children an opportunity to learn about a project by providing educational presentations or arranging school visits.
- **Community Endowment Fund/Development Trust** - where a financial sum may be made available to implement projects that the community considers to be a priority. This often ensures ownership, participation and support at a very local level.
- **Public Art Projects** - a tangible project that a community can focus on and be involved in either as a standalone activity or part of a wider regeneration initiative.
- **Local Events** - local ownership of a project or service.
- **Physical Infrastructure** - often delivered by the private sector as part of a Section 75 agreement in relation to a planning consent. Examples would be infrastructure required to enable a new development to be implemented for example roads and footpath/cycleway improvements, schools and libraries and play areas and open space.
- **Local Sponsorship** - private companies are often asked to sponsor organisations local to the area in which they are developing/delivering a service.
- **Mentoring** - private sector suppliers can offer support, normally as part of their Corporate Responsibility activity, where they can offer support and guidance to local organisations and individuals.

**APPENDIX D - COMMUNITY BENEFITS CONTACT LIST**

<b>Contact</b>	<b>Service</b>	<b>Community Benefit Remit</b>	<b>Contact No.</b>
Elaine Appleby	Procurement and Commissioning Team	Sustainability Lead Officer	01369 708594
James Paterson, Employability Team Manager	Development and Infrastructure Services – Economic Development	Targeted Recruitment and Training	01586 555 939
Arlene Cullum	Social Enterprise Team	Community Benefits – Supply Chain Initiatives (Third Sector)	01436 658 727
Kate Fraser	Business Gateway	Community Benefits – Supply Chain Initiatives (SMEs)	01546 60 4550
Roddy Stewart	Ready For Business	Public Sector Support for Community Benefits	0141 425 2940

**APPENDIX E –ACTION PLAN FOR MONITORING IMPLEMENTATION OF THIS GUIDE**

1. The Procurement and Commissioning Team will report on a quarterly basis to the Procurement Board on progress made towards the improvement of the Community Benefits in all appropriate contracts. The Monitoring indicators are presented below:

<b>Monitoring Indicators</b>
The Number of Contracts where CBCs should be considered
The Number of Tenders where CBCs will be used
The Number of Tenders where CBCs will not be used
The Number of Active contracts where CBC are in use
The Number of completed contracts where CBC have been delivered
The Number of modern apprenticeships delivered through ABC Contracts
The Number of placements for students and graduates delivered through ABC Contracts
The Number of work experience programmes delivered through ABC contracts
The details of any other Community Benefits delivered through ABC contracts

2. The Sustainability Lead Officer will organise quarterly meetings (or as and when required) with the Economic Development Team in order to identify the current Employability needs of the Argyll and Bute communities and to assist with linking them with opportunities which may arise from future contracts.
3. Increase activity in the Knowledge-hub – sharing best practice, knowledge transfer.
4. Include the Revised Community Benefits Guide as an agenda on the next quarterly meeting with Heads of Service.
5. Liaise with Social Enterprise Team - to improve knowledge about third sector organisations and their work with Argyll and Bute
6. Provide a workshop on Community Benefits to Local Companies and Third Sector.