

Legal Framework

- 1. Public Services (Social Value) Act 2012**, Chapter 3 requires all public bodies in England and Wales to consider how the services they commission and procure might improve the economic, social and environmental wellbeing of the area. To comply with the Act commissioners must think about how what they are going to buy, or how they are going to buy it could address these benefits, and must also consider whether they should consult on these issues.
The requirements of the Act should also be considered where there is an element of purchase or hire of goods or the carrying out of works, on behalf of the Council and applies to Public Services Contracts and Dynamic Purchasing Systems (DPS), where public services contracts are likely to constitute the greater part by value of the contracts based on the DPS.
- 2. The Public Contracts Regulations 2015** sit alongside the Public Services (Social Value) Act 2012, implementing the EU Public Contracts Directive 2014.
- 3. The EU Public Contracts Directive (2014)** sets out the legal framework for public procurement. This directive includes the procedures which must be followed before awarding a contract to suppliers, where the contract value exceeds the thresholds set, *except where specific exclusions apply*. The fundamental principles of the EU Treaty are: free movement; non-discrimination; fairness; transparency and proportionality.
- 4. The Local Government Act 1999** provides a general duty of best value to *make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness*. This Act was later superseded by the [2000 Act](#).
- 5. The Equality Act 2010** requires that when carrying out commissioning/procurement activity public bodies have regard to the: elimination of discrimination, harassment, victimisation and other analogous conduct; advancement of equality of opportunity between those who share protected characteristics and those who do not; and fostering of good relationships between those who share protected characteristics and those who do not.

Policy Context

1. The Toolkit is designed to enhance the commitments currently set out within the **Mayor's Vision for Bristol** and Bristol City Council's **Corporate Plan 2014 – 2017**.
2. Implementation operates within the values and commitments of the **Bristol Compact**, 'Improving partnerships between Bristol's Public Sector and the Voluntary and Community Sectors.'
3. The Council's **Value for Money Strategy**, seeks to obtain the maximum benefit from the available resource. The Strategy calls for consideration of long term sustainability and whether spending decisions deliver improved outcomes for people in the City.
4. Updated documents such as the draft revised **Corporate Procurement Policy 2015** (currently comprising of the Corporate Procurement Manual and Procurement Regulations) will incorporate the requirement of the Act with practical guidance incorporated within the revised Corporate Procurement Manual 2015. and the developing **SME Action Plan 2015 – 2016** that identifies three key priorities for improvement as:
 - Market engagement with SMEs
 - Supplier satisfaction with Procurement Services
 - % of overall procurement spend with SME's
5. **Best Value Statutory Guidance**¹ states that Best Value is only achievable by considering Social Value.

¹ The Best Value Statutory Guidance is current being [revised](#) (subject to consultation) – February 2015