



The Scottish Parliament
Pàrlamaid na h-Alba

ECONOMY AND FAIR WORK COMMITTEE

By email:

Ivan McKee
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4 March 2022

Dear Ivan

At its meeting yesterday, the Committee considered its approach to scrutiny of the text of two provisional common frameworks on public procurement and late payments (commercial transactions).

The Committee noted that text of both has been agreed by the relevant portfolio Ministers of the four Governments. The Committee raised no policy concerns but agreed to write to you on a number of issues relating to the frameworks' operation as follows.

There is no commitment in either provisional framework to publish updates on how the framework is functioning (e.g. meeting notes from the Working Group or Programme Board, review outcomes). There is also no commitment to provide updates to the four legislatures. The Committee seeks such a commitment from the Scottish Government to provide regular updates.

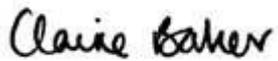
The public procurement framework notes that while under the EU Directives there had been scope for policy divergence, policy had not diverged. However, for procurement below the thresholds and not covered by the EU Directives and now the common framework, the Scottish Government has introduced a Scottish model of procurement. The Committee would be grateful to know whether divergence below the regulated thresholds has led to any issues and whether the Scottish Government is aware of any desire among stakeholders for the Scottish model of procurement to be extended to contracts above the regulated thresholds.

The late payments (commercial transactions) framework includes no provision for the ongoing involvement of external stakeholders in the development or review of

proposals. How is it intended that those affected by late payments policy can make their views known? The framework has a clear dispute resolution process. However, it explicitly states that further consideration is needed around “enforcement” (section 11, page 12). It is unclear how intergovernmental enforcement in this context might operate. The Committee asks the Scottish Government to provide further detail.

I look forward to an early response from you. I am copying this letter to Clare Adamson, Convener of the Constitution, Europe, External Affairs and Culture Committee for her Committee’s interest in the common frameworks programme.

Yours sincerely

A handwritten signature in black ink that reads "Claire Baker". The signature is written in a cursive, slightly slanted style.

**CLAIRE BAKER MSP
CONVENER**