

# **South Derbyshire**



**At the Heart  
of The National Forest**

## **Housing Services**

# **Procurement Strategy Guidance**

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# Introduction

## Purpose

- 1) The Council's Procurement Strategy sets out the overarching means by which the Council and all of its departments will procure goods, works and services.
- 2) Between 2005 and 2010, Housing Services will be responsible for average annual spending of (£XXXX) on works of a capital nature and (£XXXX) on Housing Revenue expenditure.
- 3) As one of the Council departments with the highest level of spending, it is the responsibility of Housing Services to procure wisely in order to provide Best Value in the maintenance and improvement of Council managed homes (Council Procurement Strategy Ref 3.12). The Housing Service's Asset Management Strategy identifies the areas where this spending takes place. It also is used to measure the progress that is being made to meet the 'Decent Homes' standard for all housing stock by 2010.
- 4) The purpose of this Housing Procurement Strategy Guidance, which rolls out from the Council's Procurement Strategy, is to support the key aims of the Asset Management Strategy as a procedural aide. The document defines the process by which Housing Services personnel attain Best Value and control the procurement of goods, works and services for the Division as part of their asset management responsibilities.
- 5) The Key Process Areas in this document support the targets set out in the Corporate Procurement Strategy and are referenced against its 26 key actions. (Action 1 – 26). Many of the processes currently operate within housing services, however, some require further work. Those that require further work are covered in the Action Plan detailed in Appendix C.

## Key Process Areas

- 6) There are a number of key process areas that are considered essential to meet the highest standard of procurement in local government and they form the basis of the procedures of this guidance. The key processes are:
  - A) Ensuring that members and staff are sufficiently trained in procurement (Action 23)
  - B) Maintaining the highest levels of probity and transparency in conformance with internal and external codes of practice and EC legal requirements (Action 8)
  - c) Meeting Best Value requirements including: (Actions 3 - 7,9 -12,20,21)
    - Challenging the service against
      - Service Performance
      - Market
      - Make or Buy Options
      - Strategic Fit
    - Consultation with
      - Suppliers and businesses on capacity and packaging including use of e commerce
      - Employees on workforce issues
      - Service users and tenants on needs

- Potential suppliers and users on diversity, equality, Environmental and Health and Safety issues
- Compare through
  - Cost of economies scale
  - Quality, Sustainability and Whole Life benefits
  - Benchmarking with peers
  - Differing types of delivery available
  - Best practice of other providers
- Competition through
  - A staged approach focussing on end product
  - Packaging to attract better value
  - Partnering using 'Egan' methods

D) Identifying and managing risks (Action 24)

E) Securing continuous improvement through innovation (Action 4,5)

F) Using evaluation models in order to measure and compare bids and to ensure the best standards of Quality, Health and Safety, Equality and Sustainability are procured

- 7) The degree to which this guide will apply will inevitably vary. The value, frequency and 'strategic' nature of the services or product will be a measure of the way in which procurement is handled on a day to day basis. However, the underlying principles of the guide are always relevant. The judgement of how far to apply them will be at the discretion of the Head of Housing and the Housing Officers who are responsible for the service.
- 8) Both 'Byatt' and 'Gershon' reports identify that savings can be made by collaboration with suppliers to reduce the number of payments for routine items and allow resources to be diverted to more 'strategic' purchases. Spending trends on routine items are an area that will require 'mapping' by Housing Services in terms of risk and value before embarking on any wholesale, long term relationships. This is considered an essential first stage of the Best Value approach to procurement. (Actions 1 and 2 of the Procurement Strategy) (See also this Action Plan item a)

## **A. Training for Members and Officers**

- 1) Elected members and Officers need to have the skills necessary to perform their procurement roles in housing.
- 2) Procurement training for Housing Services employees should be delivered through the Housing Services Training Programme in accordance with Investors in People, this will be monitored by the Head of Housing to ensure that training remains effective and that competency in procurement activities is maintained. (Action Plan item b)
- 3) The Head of Housing will be responsible for delegating authority for procurement to Housing officers (Contract Administrators) within Housing Services and ensuring that the level of training given to staff is commensurate with the level of responsibility for procurement.
- 4) The levels of expertise involved in each procurement process will depend upon the scale of the procurement task and the strategic importance of the service to the aims of South Derbyshire's Housing Service. The Head of Housing will be responsible for identifying the necessary training to members and Housing Officers in accordance with the level of delegated authority and expertise required.
- 5) Corporate training will be provided to Members on procurement processes and procedures as part of the Member Development Programme and Corporate Training Plan (Action 23)

## **B. Maintaining Probity and Transparency**

- 1) High standards of probity and transparency and governance must be central to all procurement activities. Members and officers of Housing Services have a duty to behave honestly and in a trustworthy manner, maintaining standards which tenants are entitled to expect.
- 2) All Housing officers involved in procurement activities have a responsibility to ensure systems and appropriate controls are operating to prevent fraud. South Derbyshire's Standing Orders and Financial Regulations will be used by officers to define the way in which Members and officers will maintain internal control and standards of conduct when undertaking procurement activities.
- 3) All officers with delegated authority for procurement will ensure that, in accordance with Standing Orders and Financial Regulations, all EC legal rules and regulations are considered in full and adhered to. This will form the basis of all procurement exercises of lower value or strategic importance
- 4) Standing Orders and Financial regulation guidance will be used as a means of deciding whether the procurement process warrants the formation of a Procurement Panel of Members and Officers. The Head of Housing in conjunction with the Head of Finance and Property Services and the Deputy Chief Executive will decide upon its constitution. In such cases, tenant and workforce representation on the panel may also be considered appropriate. (Action Plan item c)
- 5) The Procurement Panel membership will be reviewed annually and the Head of

Housing will be responsible for ensuring panel members are adequately trained.

- 6) In cases where officers may be uncertain of Standing Order, Financial regulation or Legal requirements, the Head of Housing will be consulted and may seek assistance or advice from the Head of Finance and Property Services. In all cases, the Head of Finance and Property Services will have the ultimate authority in procurement matters.

## C. Meeting Best Value Requirements

- 1) Every officer, member and tenant who is involved with or responsible for procurement, whether independent or part of a Procurement panel, has a duty under Best Value to ensure that key considerations are taken into account in accordance with the 4c's (Challenge, Consult, Compare and Compete) before the procurement process is completed.
- 2) The challenge of whether to explore alternative options for procurement of services is linked to the performance of South Derbyshire Housing Services' existing providers. Whether or not a decision to form a procurement panel is taken, Officers and Members and where appropriate, tenant representatives need to make four staged judgements as part of the challenge process before embarking upon a procurement exercise involving contract preparation and tendering. These are:

### Challenging

- The first consideration is the **service** or product itself.
  - i) How good a service or product is?
  - ii) How competitive is it against others?
  - iii) How long has it been since it was last market tested?
  - iv) How does it contribute to the Housing and Community Strategies?
  - v) How important is it as a component part of the overall Housing Service?
  - vi) How does it perform against indicators?
  - vii) How do customers perceive it?
  - viii) What is needed for it to continually improve?
- The second is the **market** that exists for the service.
  - i) Is it a mature market?
  - ii) Is it a stable market?
  - iii) Are there many organisations providing similar services or products?
  - iv) How well does the market deliver compared with the existing service?
  - v) Is it likely to deliver better value long term outcomes?
- The third consideration is the **Make or Buy options** that exist for the future of the service or product.
  - i) How do they apply to the service or product under review?
  - ii) What are the implications/risk of any change in provider?
- The final and perhaps most important consideration is
  - i) How to bring together the service, the market and the options to ensure a **Strategic fit** and therefore decide on the method



of delivery that would constitute Best Value.

Appendix A can be used as a means to support the challenge process on the evaluation of service, market and make or buy options. The three models are extracts from a Local Government Best Value Toolkit, prepared by the IdeA. The strategic fit process should be assessed against the aims of South Derbyshire's Community Plan. The Housing Officer (Contract Administrator) will be responsible for providing this information to the Procurement panel for consideration.

- 3) As part of the challenge process, the Housing Officer (Contract Administrator) involved with the procurement panel will need to present evidence in support of these judgements. This will involve gathering information through consultation, market research and comparing evidence through benchmarking information. This may include seeking independent advice from an outside source. The Officer will be responsible for guiding the Procurement Panel through this stage as part of the Best Value process.
- 4) The Procurement Panel will be responsible for authorising additional support for the procurement process. The evidence needed for consideration should include:

### **Consultation**

- The outcome of consultation with Small and Medium Enterprises (SME's) and Local Suppliers in order to ensure that they have the capacity and understanding to compete for Council and other public body business. (Action Plan Item d)
- Consultation with suppliers and service providers to ensure that the contract packaging is non-discriminatory, allows for competition and encourages innovation including the use of e procurement techniques to reduce costs and improve efficiency. (Action Plan Item d)
- Consultation with employees and their representatives to ensure that their views are considered when making a procurement decision that may directly affect their employment. (Action Plan Item c)
- Consultation with suppliers to ensure that workforce related matters are taken into account (within the council's legal powers) to ensure that external providers are consulted on their practices of Equality and Diversity in employment and that due care and consideration on Health and Safety and environmental sustainability of product or service is accommodated. (Action Plan Item d)
- Consultation with other public bodies to establish if any framework agreements may support Best Value through Joint Commissioning of products or services (Action Plan Item e)
- Where the procurement of Goods, works or services may have an impact upon the quality or standards of housing accommodation, tenants are consulted before and during the process (Action Plan Item f)

## Comparison

- Evidence of annual pricing reviews using buying consortia such as ESPO (Eastern Shires Purchasing Organisation) and YPO (Yorkshire Purchasing Organisation) where community well-being and local regeneration is not undermined (Action Plan Item g)
  - Comparison of quality, sustainability and 'whole life' costing, including initial price, cost of spares, maintenance, energy costs and disposal of the goods or service provided and that this forms part of the decision to award the most economically advantageous tender. (Action Plan Item h)
  - Procurement price and quality which is benchmarked and compared against other goods and services, co operating with both the public and private sector, to ensure Best Value is maintained. (Action Plan Item d)
  - Comparisons of the long term cost and quality benefits of using 'Egan' partnering arrangements to deliver services compared to in house provision, open competition or externalisation (Action Plan Item I)
  - Comparisons and review of Best Practice procurement techniques with other public service bodies to identify the most appropriate means (Action Plan Item e)
- 4) Given consideration of all of the market, consultation and comparison evidence, the procurement panel must decide what manner of competition, if considered appropriate, is needed. This would include:

## Competition

- Deciding whether to allow in house bids as part of the competition process to ensure a backstop on service delivery or whether to exclude in house bids to encourage additional competition
- Packaging 'open tender' contracts in size and specialism to suit the local and national markets and to maximise the potential for value for money whilst ensuring that corporate aims and policy are adequately reflected in the terms of the agreement
- Use of 'Egan' partnering techniques is incorporated into contracts where following consultation and comparison of benefits it is considered appropriate (Action Plan Item I)
- Or deciding that the service is sufficiently competitive and well performing to warrant re negotiation of terms and value to reduce preparation costs.

## D. Identifying and Managing Risks

- 1) Risk management to a procurement project is defined as anything that might adversely affect the outcome of the project. This could include:
  - Political change in the authority leading to project misalignment with new objectives
  - Loss of key procurement /project management staff
  - Insufficient resources and skills in house
  - Poor response from market leading to inadequate competition
  - Inadequate or unpredictable funding for the life of the service or project
  - Inadequate timescales to meet objectives
  - Inadequate evaluation model leading to poor selection
  - Inadequate support from supplier chain to meet project requirements
  - Service provider fails to perform or withdraws
  - Potential legal challenge from stakeholders
  - Potential adverse public relations

Members of the Procurement Panel and Housing Officers should be sufficiently trained to manage risk. (Action Plan Item d)

- 2) Risk management should be an ongoing process that commences with the identification of the potential risks. The methodology for risk management should be coordinated by the Housing Officer (Contract administrator) prior to and in conjunction with the procurement Best Value process. The Housing Officer (Contract administrator) should inform and advise the procurement panel on an ongoing basis as the procurement project proceeds.
- 3) Housing Officers responsible for procurement activities should assess each procurement project and depending upon its term, value and strategic importance, decide in conjunction with the Head of Housing the degree to which risk management techniques should be applied. In all cases, Standing orders and Financial Regulations should be used to guide the process.
- 4) The Head of Housing in conjunction with the Head of Finance and Property Services will be responsible for deciding if the Procurement Panel or the Corporate Risk Management Group should meet to assess the risks involved in any larger or strategically important procurement project. In these cases, the Housing Officer (Contract Administrator) will be responsible for gathering and presenting information for consideration by the meeting.
- 5) Larger projects shall have a risk register which is held by the officer (Contract Administrator). The register should retain:
  - (i) A record of each considered risk
  - (ii) The Priority of the risks by impact and probability of occurrence
  - (iii) The named party who is responsible for the management of the risk
  - (iv) A record and date of any actions taken to mitigate the risk
- 6) The officer (Contract Administrator) will be responsible for liaising with the Procurement Panel or Corporate Risk Management Group to consider the risks

associated with the procurement project prior to its implementation. The meeting should consider defined areas of risk and document the results

- 7) There should be an ongoing process of identifying and coordinating potential risks, which is the responsibility of the officer (Contract Administrator). The process should analyse the likelihood of additional risk, identifying who is best placed to manage or eliminate the risk, control its impact and monitor. This may continue throughout the life of the project in conjunction with the Head of Finance and Property Services.
- 8) It is important to ensure that risks are communicated and where appropriate delegated to the party or individual who can best control and manage the process. This may be a supplier or contractor and consideration needs to be given to any costs which may arise from such an arrangement. Any delegated risks will be recorded, documented and approved by the Procurement options Panel or Corporate Risk Management Group.
- 9) Appendix B sets out a risk management matrix that may be used for defining the degree of risk associated with any project

## **E. Securing Continuous Improvement**

- 1) Modern best procurement practice dictates that effective contract management is founded upon defined outcomes, effective controls and sound relationships based upon trust. This underpins the principles of 'Egan' compliant partnering agreements but applies equally to any contractual relationship. (Action Plan Item i)
- 2) Integral to the process is continuous improvement where Housing Officers need to ensure that new contracts and agreements encourage the active participation of goods or service providers to share ideas and incentives to improve value or quality.
- 3) The Housing Officer (Contract Administrator) should consider including the following terms into any new contract:
  - Regular meetings with suppliers to discuss ways of improving product or services including technological advances that may be of benefit
  - The offer of incentives for sharing risks and rewards to suppliers for measurable service improvement

## **F. Using Evaluation Models to Maintain Standards**

- 1) Essential to good practice in procurement is the preparation of a model contract which pre defines standards including Quality, Health and Safety, Equality and Diversity and Environmental and economic sustainability needs. (Action Plan Item h)
- 2) The Housing Officer (Contract Administrator) should consider the benefits of preparing an evaluation model against the value and strategic importance of the service.
- 3) If considered appropriate, the model should include an evaluation of the standards expected of the prospective goods or service provider in some or all of the following assessment areas.

- (i) Quality of service or product Inc any quality assurance (ISO9000:2000) registration, details of procedures to manage customer satisfaction, customer care, complaints, training, corrective actions etc.
  - (ii) Health and Safety inc. Policy statements, competency of personnel, training, Safety certification of Product, Risk assessments, method statements and compliance with Health and safety legislation etc.
  - (iii) Equality of Opportunity Inc CRE and Race Relations compliance, Equality and Diversity policy statements, disabilities act compliance etc.
  - (iv) Environmental sustainability Inc Environmental Management (ISO 14001) compliance policies on Transport, Purchasing, Energy Efficiency, waste management, recycling and pollution control etc.
  - (v) Management Approaches Inc Proposals to deliver service, organisational structure, competent personnel and CV's, IT and E business proposals, views on TUPE and workforce issues etc.
  - (vi) Partnering Approach (where appropriate) inc views on Egan, methods of open book accounting, approach to right first time, supply chain management, approach to and examples of innovation, KPI management etc.
- 4) The evaluation model should include scoring mechanisms against each criteria and the outcomes of the model then balanced against the costs.
- 5) The procurement panel should decide, during their deliberations and following a decision to tender, the balance they consider is appropriate between cost and quality. Contracts may be awarded on a higher balance of quality than price if the strategic importance of the service is high.
- 6) The model should also include a scoring mechanism against price. Generally the lowest bidder receives the maximum score and the remainder are then awarded points against the parameters of a pre determined scale. Housing Officers should pre determine a price that they consider is too low to be credible and discount any bids below that figure.

# Appendix A – The Challenge Process

## The Service

In analysing the service a number of judgements need to be made relating to the role it plays and how well it plays it.

Strategic Fit	Crucial part of The Housing Services Business Plan					No strategic importance
		1	2	3	4	

Performance	Performs well against all indicators					Performs poorly against all indicators
		1	2	3	4	

Perception	Is highly regarded					Is poorly regarded
		1	2	3	4	

Effectiveness	Evidence of tangible benefit to housing customers and the community					No evidence of tangible benefit to housing customers or the community
		1	2	3	4	

Case for change	1-4	5-8	9-12	13-16
	Weak	Mild	Strong	Compelling

## The Market

In considering the market we are primarily concerned with whether it could consistently and reliably deliver better services and continuously improve.

Amount of competition	No players in the market					A large number of players in the market
		1	2	3	4	

Track record	Market provides poor services					Market provides high quality services
		1	2	3	4	

Commitment to improvement	No commitment					Organisations have a demonstrable commitment
		1	2	3	4	

Interest	Market is not interested					Organisations show keen interest
		1	2	3	4	

Market Strength	1-4	5-8	9-12	13-16
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Weak	Risky	Favourable	Strong

## Make or Buy Options

Based on these descriptions the procurement team should analyse the suitability of each option for all or parts of the service.

Cessation	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Transfer	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Externalisation	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Market testing	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Renegotiating contracts	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Partnership	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Joint commissioning	Unsuitable in the circumstances					Suitable
		1	2	3	4	
Improved in-house service	Unsuitable in the circumstances					Suitable
		1	2	3	4	



## Appendix B – Managing Risk

The risk management process should cover a number of key management areas within Housing Services including Political, Resources, Health and Safety implications, statutory and legislative compliance, Financial Sustainability, Environmental, Quality and PR

The system is based upon a generic industry model which is contained in the form of a matrix. Fig 1

		RISK TO SERVICE				
STRATEGIC IMPORTANCE	1	2	3	4	5	
	Insignificant	Minor	Moderate	Major	Catastrophe	
5 Vital						
4 Significant						
3 Moderate						
2 Minor						
1 Insignificant						

The process would involve identifying the concerns that the Housing Officer (Contract administrator) may have under a series of headings. These are likely to include those set out in the contract preliminaries being:-

- Service Delivery and Corporate Impact
- Reputation
- Financial
- Health and safety
- Environmental
- Staffing and resources
- Regulatory or Statutory Issues
- Political consequences

All risks should be identified through an open minded 'brainstorming' approach irrespective of their importance.

Risks are then evaluated using the matrix into zones and incorporated into a timebound actions which are assigned to individuals.

- Red zone denotes high risk and prompt action through a strategic action plan.
  - Responsibility for implementation of the plan would be taken by a designated lead officer who will be accountable for facilitating progress.
  - The lead officer may be supported by other members or officers.
  - The Head of Housing, following request, will be responsible for resourcing the lead member to complete any tasks that may involve financial or technical support
  
- Amber zone denotes a moderate risk which should be subject to periodic review or lower prioritised action depending upon the nature of the risk
  - periodic monitoring of these risks should be undertaken by the Housing Officer (Contract administrator) to ensure that the status of risk remains the same
  
- Green zone generally denotes no requirement for action but may involve the necessity to make note of issues that may affect the degree of risk in future

Any actions would contain an assessment of the options of accommodating the risk and any contingency arrangements e.g. Acquisition of new equipment, training, communicating vital information, writing new procedures etc.

Each action should be assigned, prioritised, resourced in a risk register set against timescales to ensure progress is continuous. The action plan will be reviewed by the Housing Officer (Contract administrator) where circumstances dictate.

**APPENDIX C**

<b>Housing Services Department</b>		<b>Procurement Guidance Action Plan 2005/6</b>		
<b>Ref</b>	<b>Objectives for 2005/6 Referenced to Council Procurement Strategy</b>	<b>Progress to Date</b>	<b>Designated Housing Officer(s)</b>	<b>Completion Date</b>
a)	Profile and review purchase orders and invoices to establish any areas where economies could be explored through collaborative purchasing techniques.	Major change in invoicing for electrical works implemented April05.	Housing Operations Manager Business Support Team Leader	1.8.05
b)	Carry out assessment of training needs and incorporate procurement and Risk Management training in conjunction with training for members	To be included in Corporate Training Plan	Head of Housing Repairs and Improvement Manager	1.10.05
c)	Review necessity for Housing Services Procurement Panel during 2005/6 and ensure training in accordance with b)	DSO contract to be considered for appraisal. Electrical Contracting under review during 2005/6. H of H considering timescales	Head of Housing (H of FPS, DCE)	1.7.5
d)	Carry out consultation exercise with service suppliers to establish their views on contract packaging, capacity to deliver service capacity to accommodate workforce related matters and e business capability prior to tendering larger or strategically important contracts	Consultation underway with electrical contractors	Quantity Surveyor Improvement Manager	Ongoing by contract
e)	Continue to promote cooperative procurement arrangements with other similar organisations and consult on joint commissioning benefits when considered appropriate and collectively promote	Regular liaison taking place with other housing providers. Establish discussion forum.	Head of Housing Repairs and Improvement Manager	Ongoing by contract
f)	Continue with tenant and workforce consultation forums to ensure that views and needs are considered	Current forums in place and working	Repairs and Improvement Manager Housing operations manager	Ongoing by contract

g)	Continue use of buying consortia when appropriate to benchmark price and acquire goods	Eastern shire Purchasing Organisation currently used to procure specific goods and provide benchmark information	All Officers with procurement responsibility	Ongoing
h)	Prepare evaluation models for strategically important contracts accommodating 'whole life', quality, Health and safety, Sustainability and Diversity	Future contracts to be assessed upon need for model	Repairs and Improvement Manager	Ongoing by contract
i)	Adopt 'Egan' principles, where considered appropriate to deliver long term benefits	Currently in Place	Repairs and Improvement Manager	Ongoing by contract