

Preventing Serious and Organised Crime in Procurement

Non involvement with serious and organised crime statement

In Scotland a declaration of non involvement with serious and organised crime document is signed by tenderers for contracts in sectors considered to be at higher risk from serious and organised crime. We considered developing a similar declaration. However, in light of the European Single Procurement Document (ESPD) which provides a European standard equivalent of the UK standard Selection Questionnaire (SQ) (see Annex E), it was advised that this was not necessary as the declaration duplicates areas already covered by the ESPD and SQ. Instead LA procurement and legal teams may want to consider the inclusion of the statement below (see paragraph 55–57) in the Official Journal of the European Union (OJ EU) notice and the Invitation to Tender (ITT) for procurements in areas considered to be at risk from serious and organised crime in your local area.

OJEU Notice text (Insert at paragraph VI.3 of the OJEU Notice)

“The Council has identified that the scope of this procurement falls within a business sector which may be attractive to infiltration by organised crime groups. The Council, therefore, reserves the right to include enhanced probity checks/requirements at both the selection and award stages of the procurement.”

Invitation to Tender / Instruction for Bidders Text

“The Council has identified that the scope of this procurement falls within a business sector which may be attractive to infiltration by organised crime groups. The Council, therefore, reserves the right to include enhanced probity checks/requirements at both the selection and award stages of the procurement. This may include, but not be limited to, verification that a supplier, or any person with powers of representation, decision or control therein, has not infringed the mandatory grounds for exclusion set out in Regulation 57 (1) of the Public Contract Regulations 2015.”

57. The contracting authority would carry out the evaluation of tenders in the usual manner, but the procurement team would also aim to verify that the prospective winning supplier has provided truthful responses to the SQ questions in respect of the mandatory exclusion grounds, in particular in relation to serious and organised crime involvement (working closely with the Fraud Investigation team and with local police).

POTENTIAL AREAS FOR SERIOUS AND ORGANISED CRIME AUDIT

Below is an overview of some of the services generally offered by Local Authorities in England and Wales. Those services in bold are areas which may be more at risk than others (based on the Scottish Business Exploitation Risk list and outcomes of Home Office OC procurement pilots) The areas each LA chooses to audit will of course vary from LA to LA and depend on local knowledge and discussions with local police.

COMMUNITY SERVICES	CORPORATE AND NEIGHBOURHOOD SERVICES	DEVELOPMENT SERVICES	EDUCATION SERVICES	FINANCE SERVICES	SOCIAL WORK SERVICES
Asset Management	Building Maintenance	Building Design	Pre-five Education and Care	Accountancy	Criminal Justice
Business Support	Catering / School meals	Building Standards	Primary Education	Internal Audit	Family Support
Cemeteries	Cleaning	Consumer Protection	Secondary Education	Payroll / Pensions	Home Care

Community Education	Communications	Development Planning	Home to School transport	Revenues	Housing with Care
Cultural Services	Corporate Policy	Environmental Protection		Treasury and Investment	Residential care
Parks and Recreation	Estates Management	Workplace food / safety			Vulnerable Adults
Sport and Leisure	Facilities Management	Licensing			Vulnerable Children
	Fleet Services	Risk Management			Welfare Benefits
	Grounds Maintenance	Roads Design			
	Housing Homelessness /	Roads Maintenance			
	HR	Transport Planning			
	ICT	Waste Strategy			
	Procurement				
	Refuse Collection				
	Street Cleaning				
	Waste Disposal				