

SPSO decision report

Case: 201706718, Dumfries and Galloway Council
Sector: local government
Subject: political matters / committees / standing orders / requests for information
Decision: not upheld, no recommendations

Summary

Mr C complained about the council's failure to follow the procurement process when seeking contracts for works. Mr C stated that he did not receive requests for tenders when, according to the procurement process in place, he should have been invited to provide a quotation for the jobs. Mr C provided details of several contracts which he considered were unfairly awarded to someone else, without the proper process being followed.

We found that, in relation to one of the contracts, Mr C stated that the council unreasonably included additional works under the original tender. We confirmed that this office was not permitted to investigate the terms of concluded commercial contracts and whether or not this additional work was covered under the existing terms.

In relation to another contract, Mr C stated that three contractors were not contacted for quotes as required for the value of the contract. The council were unable to provide evidence that the procurement process had been followed in line with the value of the contract. However, we also looked at several other works instructed by the council and noted that in relation to these, the council followed the procurement requirements in relation to the value of the contracts. Overall, we considered that the council had acted reasonably and did not uphold Mr C's complaint. In our feedback to the council, we highlighted the one instance where we considered the process had not been followed for a low value contract and asked the council to note the importance of adhering to the legislation.