

Human rights due diligence in procurement - Recommendation to City Administration Committee.

5 With reference to the minutes of Glasgow City Council of 28th March 2024 (Print 1, page 24) approving a motion in relation to 'Solidarity with Palestine', there was submitted a report by the Director of Legal and Administration regarding the result of an initial assessment of currently procured Council contracts with reference to businesses operating in the Occupied Palestinian Territories and the actions that could be taken as part of the human rights due diligence process in the procurement of public contracts to be awarded by the Council, advising

- (1) that since the approval of the motion, officers within Legal Services and the Corporate Procurement Unit (CPU) had carried out work to determine what measures could lawfully be taken in order to respond to the terms of the motion in relation to the Council's procurement practices;
- (2) that the initial assessment of currently procured Council contracts had found that the Council did not have a currently procured contract with any of the organisations shown on the Office of the UN High Commissioner for Human Rights' database of business enterprises in relation to the Occupied Palestinian Territories but that it was intended to maintain dialogue with the Scottish Government regarding the organisations listed on the database and to monitor any changes to the list;
- (3) of the relevant legislation and statutory guidance applicable to the Council when making procurement decisions in relation to the potential exclusion of bidders or termination of contracts, as detailed in the report; and
- (4) that to enable the Council to obtain evidence of best practice in relation to human rights, it was entitled to ask questions and request information from potential bidders about their conduct regarding human rights and on that basis the CPU and the Health and Social Care Partnership's (HSCP's) Commissioning Team were developing a Professional Integrity Certificate (PIC) which bidders applying for the award of a Council contract would be required to complete, as detailed in the report.

After consideration, the committee recommended to the City Administration Committee that it

- (a) approve the
 - (i) adaptation of a PIC to include assurances that bidders for Council procured contracts
 - (A) did not exploit assets in the Occupied Palestinian Territories or any other illegal settlement in the world;
 - (B) complied with all international humanitarian obligations in accordance with international law; and

- (C) gave similar assurances regarding their supply chain; and
 - (ii) issue of the PIC to all existing suppliers with whom the Council had a procured contract; and
- (b) agree that the Council's CPU and HSCP's Commissioning Team
 - (i) continued to follow the Scottish Government's Scottish Procurement Policy Note 4/2014 guidance, as detailed in the report; and
 - (ii) maintained dialogue with the Scottish Government regarding the organisations listed on the UN database of business enterprises operating in the Occupied Palestinian Territories and monitor any changes to the list.