

ANNEX A

Please find enclosed the following documents:

Number	Description	Relates to question(s)
1	Email dated 20 September 2012 to SHR Mailbox, Titled "DGHP (Dumfries and Galloway Housing Partnership)	2, 5
2	Email dated 02/10/2012, titled DGHP (Dumfries and Galloway Housing Partnership)	2,5
3	Email dated 01/03/2013, Titled Re: Voicemail message	5
4	Filenote dated 7 July 2014, Titled General correspondence	5
5	Email dated 23 July 2014 titled DGHP and Sunday Herald Article	2
6	Email dated 1 st August 2014 titled Re: Complaint	2
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10	Email dated 15 August 2014 13.52hrs titled DGHP Update	2
11	Email dated 15 August 2014 16.53hrs titled DGHP Update	2
12	Email dated 19 August 2014 14.22hrs titled Audit Report	2,4
13	Covering email dated 20 August 2014 titled DGHP – Award of R&D Contract – May 2009 – 20 August 2014. Also, Letter to DGHP of the same date.	2,4
14	Email date 20 August 2014 titled RE: Audit Report	2,4
15	Emails dated 20 August 2014 10.25hrs, 10.34hrs and 10.17hrs titled RE: Audit Report	2
16	Email dated 20 August 2014 10.15hrs titled Re: Audit report	2
17	Email dated 22 August 2014 17.30hrs titled RE: Comment	2

18	Email dated 22 August 2014 at 17.28hrs titled RE: Comment	2
19	File note of telephone conversation with DGHP dated 25 August 2014	2
20	Email dated 24 September 2014 titled DGHP – Internal audit report	2
21 and 21A	Letter from MSP to SHR dated 23 rd September 2014. Letter from MSP to SHR dated 12 August 2014.	6
22	Email dated 24 September 2014 titled RE: Delivery of Scanned document	2
23	Response to SHR queries on audit report dated 30 September 2014	2
24	Email dated 6 October 2014 titled Tender scoring and enclosed tender scoring sheets	2

[REDACTED]

From: [REDACTED]
Sent: 20 September 2012 09:13
To: [REDACTED]
Subject: FW: DGHP (Dumfries and Galloway Housing Partnership)

From: [REDACTED]
Sent: 20 September 2012 08:07
To: SHR - SHR Mailbox
Subject: DGHP (Dumfries and Galloway Housing Partnership)

Dear Sir,

Having printed and read your "Notifiable Events 2012 update" could you possibly answer some questions for me, my Councillor and most importantly a lot of our tenants?

I have requested information from DGHP as to how their principal contractor could go bust less than half way through a £68,000,000 refurbishment contract. One part of R&D construction went into receivership approx 18 months ago, unfortunately for the tenants it was the part given the contract to build our new homes. I have asked DGHP how this could possibly happen on such a large contract? I also asked to see any reports that they had relating to any financial background checks that should have been done before awarding any part of such a large contract. Only to be told the FoIA doesn't cover RSL's.

I was informed yesterday by my MP that the general consensus seems to be that something untoward has been going on and funds may "have been syphoned to other parts of the principal contractors business, which is now viable" I'm paraphrasing but that was the jist.

Were you ever informed of any of this?

Were you ever informed that ALL building work was stopped for 18 months?

Do you need to be informed if the SPSO are looking into DGHP for maladministration relating to their inability to carry out a 3 stage complaints procedure? The 2 complaints so far have taken over 42 months and 30 months respectively to get to the Ombudsman. As that sound s so extreme let me elaborate:

When a tenant makes a legitimate complaint (Neighbour noise, poor quality of the new builds, basic repairs, serious damp problems etc) DGHP will close the complaint at it's earliest opportunity. They explain this by saying the tenant made no further complaints?

DGHP are currently altering all their literature and website to try and placate the authorities because they know they have not carried out their duties to the tenants and we are tired of them (DGHP) telling us (and publishing) 97-99% of ALL tenants are happy with their service.

When the tenants were to decant into their "new" homes they were allocated funds for the upheaval, new carpets etc, DGHP saw fit to deduct any rent arrears before giving it to the tenants. This accomplished two things; 1: It made DGHP look as though they have the lowest rent arrears possible. 2: It left tenants without the funding to carpet what are poorly sound proofed houses any way. Then the neighbour noise complaints start.

There are so many problems within DGHP that to try and list them all here would tie both me (to write them) and you (to read them) all day.

We firmly believe that DGHP have serious problems and have most certainly brought the previously good name of RSL's into disrepute.

Could you please supply some answers and tell us tenants what options are open to us?

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 02 October 2012 09:56
To: [REDACTED]
Subject: DGHP (Dumfries and Galloway Housing Partnership)

Dear [REDACTED]

Thank you for your email dated 20 September about Dumfries and Galloway Housing Partnership (DGHP). I will reply to the points you raise in the order you raise them in your email.

1. DGHP notified us that R&D Construction had gone into administration and provided the information we sought to allow us to assess the implications of this for the Housing Partnership. Unfortunately there has been a rise in the number of building firms going into administration and this is not something which has only affected DGHP.

Our statutory objective is to safeguard and promote the interests of current and future tenants, homeless people and other people who use services provided by social landlords. The regulator's primary interests were therefore to understand the potential financial implications for the landlord and to see that plans were progressing to retender the contract.

We publish regulation plans for Registered Social Landlords where we have either high or medium engagement. We have medium engagement with DGHP and in the regulation plan published in April 2012 we said, " We have gained assurance from DGHP over the last two years that it has dealt effectively with the implications of two of its key contractors going into administration. This had implications for performance in the response repairs service (previously delivered by Connaught) and its development programme which was being delivered by R and D Construction." You can find the regulation plan for DGHP on our website.

We do not have a role in regulating construction firms and I am therefore not able to comment on the points you make about R&D Construction.

2. We have a Memorandum of Understanding with the SPSO. This outlines the way we exchange information. You can access it here. <http://www.scottishhousingregulator.gov.uk/publications/mou-between-scottish-housing-regulator-and-scottish-public-services-ombudsman> .

3. The [Scottish Government's Social Housing Charter](#) came into force in April 2012. The Charter sets out the standards and outcomes that tenants can expect from social landlords, in terms of the quality and value for money of the services they receive, the standard of their homes, and opportunities for communication and participation in the decisions that affect them.

Yesterday we published the indicators that we will now use to monitor and assess landlords performance against the Charter. And we also set out the other information that we require landlords to provide to us. You can view these documents by clicking the link below.

<http://www.scottishhousingregulator.gov.uk/publications/consultation-scottish-social-housing-charter-indicators-our-response>

<http://www.scottishhousingregulator.gov.uk/publications/monitoring-scottish-social-housing-charter-final-indicators-and-context-information>

Yours sincerely

[REDACTED]

Scottish Housing Regulator | [REDACTED] | [REDACTED]
Highlander House, 58 Waterloo Street Glasgow, G27DA
www.scottishhousingregulator.gov.uk

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[REDACTED]

From: [REDACTED]
Sent: 01 March 2013 14:29
To: [REDACTED]
Subject: RE: Voicemail Message

Hi

I have spoken to [REDACTED] he has multiple complaints about a new build development that DGHP have undertaken. There are a number of strands to his complaint Gas compliance, rewiring, poor construction standards, some insinuations about probity etc.

His interest stems from the fact that [REDACTED] lives in one of the houses. He has complained to various agencies and said that [REDACTED] is instigating some form of investigation.

I have advised him that I do not think that this is an SPF as all the issues he is referring to are only affecting, as far as he knows one development, not a systemic failing as it is not affecting everyone or more importantly all developments. And he admits that the DGHP are dealing with some matters. Overall the issues he is referring to seem to have occurred as the main contractor went bust prior to the completion of the contract.

I have told him that even though it doesn't sound like an SPF we may be interested in general terms in what he has to say and that information like this feeds into our overall risk assessment of landlords. I have advised that he would need to write into us so that we could examine what he was saying in more detailed before we could give him a considered response.

We have sent [REDACTED] info in the past. This is a summary of my discussions which went on for a while, so any queries just ask

[REDACTED]

[REDACTED]

Scottish Housing Regulator | [REDACTED] | [REDACTED]
www.scottishhousingregulator.gov.uk

From: [REDACTED]
Sent: 01 March 2013 12:55
To: [REDACTED]
Subject: Voicemail Message

Can you call [REDACTED] regarding Dumfries and Galloway Housing. He is concerned that their new builds does not meet building regulations. He has already spoken with [REDACTED] and she is going to do an enquiry. He wants to know how to go about doing a significant performance failure. [REDACTED]

[REDACTED]

[REDACTED]

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General correspondence [REDACTED] DGHP – 7/7/14

[REDACTED] had a fairly Wide ranging complaint – broken down into three main topics

1. DGHP are misleading people with statistics
2. DGHP are refusing to allow noise tests in their stock as it may have a cost implication across all stock
3. The Dumfries and Galloway Council are re fusing to log and therefore investigate complaints.

1. [REDACTED] said that DGHP have published misleading advice to tenants.

I advised that this could form part of a SPF and he should consult our literature on this. [REDACTED]

[REDACTED] was aware of the location of our website and had used it before.

2. [REDACTED] said that DGHP have refused to allow the council to place microphones/noise level testing in their stock as it may mean they have to do this elsewhere and both this process and resultant repairs if necessary would realise cost for the association.

I advised [REDACTED] that he could pursue a complaint on this and forward it to SPSO. I also pointed out that [REDACTED] could pursue as any citizen could a legal remedy.

3. [REDACTED] said that he had complained to the Council about their role in the designation of his complaint as domestic noise rather than ASB and they had not progressed his complaints. He also stated that he had received information from a council employee that his complaint was not registered at all and therefore the SPSO would not investigate.

I advised [REDACTED] again that he was entitled to pursue through a solicitor answers to his question. I also suggested he re-complain to the council using recorded delivery or signed for documentation to allow him to present this to the SPSO if the council do not progress his complaint.

Gave [REDACTED] my email address in case he decides to submit a SPF.

[REDACTED]

From: [REDACTED]
Sent: 23 July 2014 11:04
To: [REDACTED]
Cc: [REDACTED]
Subject: DGHP and Sunday Herald Article

Hi [REDACTED] I spoke to [REDACTED] at DGHP yesterday. [REDACTED] view is this is a 5 year old issue. She thinks the local press may pick up on it this week but expects it will not go much further than that. The reason being the call from these Councillors is for a Council investigation. However [REDACTED] [REDACTED] were heavily involved in the procurement process for the Robison and Davidson contract. Also the council has given [REDACTED] its quote which is along the lines of being happy with the process undertaken.

[REDACTED] copying you in case of press contact with us.
[REDACTED]

[REDACTED]

Scottish Housing Regulator | [REDACTED] | [REDACTED]
Highlander House, 58 Waterloo Street Glasgow, G27DA
www.scottishhousingregulator.gov.uk

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[REDACTED]

From: [REDACTED]
Sent: 11 August 2014 15:58
To: [REDACTED]
Subject: RE: Complaint

Sensitivity: Confidential

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [REDACTED]

Just wanted a quick word with you about this
Apparently [REDACTED] has now written to the [REDACTED] in relation to this issue

Regards

[REDACTED]

[REDACTED]

DGHP
Grierson House
Bankend Road
Dumfries
DG1 4ZS

[REDACTED]

-----Original Message-----

From: [REDACTED]
[REDACTED]
Sent: 01 August 2014 12:15
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Complaint
Sensitivity: Confidential

[REDACTED]

Thank you. I saw the Sunday Herald article when I arrived at the airport on Sunday. [REDACTED] briefed me when I got back to the office on Wednesday. Our view is that the issues raised in the articles in relation to the properties are ones which you kept us informed about at the time that they happened. The articles do take an additional perspective around the impact on local business but this doesn't fall within our remit. So there is no need to complete a notifiable event form. Again if new issues do arise keep me posted.

[REDACTED]

[REDACTED]

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[REDACTED]

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Room [REDACTED]
The Scottish Parliament
Edinburgh
EH99 1SP

14 August 2014

Dear [REDACTED]

Dumfries and Galloway Housing Partnership

Thank you for your letter of 12th August and for raising your concerns with me.

We are aware of the situation regarding the administration of R&D Construction Ltd. and Dumfries and Galloway Housing Partnership (DGHP), including the recent press reports. I would like to assure you that we are engaging with DGHP to gain the assurance we need around its handling of this matter. We are also liaising with our scrutiny partner, Audit Scotland to consider any broader issues this may raise. I can assure you that our regulatory response, if needed, will be appropriate and proportionate, in line with our published Regulatory Framework.

Our engagement with DGHP extends beyond the matter that you have raised. We published a regulation plan for DGHP on 28 March 2014 setting out our planned engagement. You can find this on our website at www.scottishhousingregulator.gov.uk.

I hope this information is helpful and please do not hesitate to get in touch if you would like to discuss this or any other matter with me.

Yours sincerely,

[REDACTED]



File Note

Organisation: DGHP
Date: 13 and 15 August 2014

Arising from: Telephone Call

E-mail

Internal Conversation

██████████ called to advise that DGHP had been contacted again by the Sunday Herald on Saturday. The Journalist has also contacted Scottish Government and Dumfries and Galloway Council. ██████████ anticipates that there will be a further article in this Sunday Herald (17 August 2014).

DGHP does not know who the auditor / financial expert quoted in the article is. The RSL has taken legal advice but has been told that with the identity of the person being unknown they have little or no prospect of any legal action.

The two sets of accounts which the article refers to as showing R&D's distressed financial position were not filed until October 2009. Letters were exchanged on the contract in March 2009 and contracts were signed in May 2009. DGHP has pulled together a timeline and explained this to the journalist. ██████████ also explained that DGHP took a parent company guarantee.

██████████ advised there were three bids for the contract:

- R&D – ██████████
- ██████████
- ██████████

DGHP had a ██████████ retention on the contract and used this to address site security, snagging and defects.

I explained that our interest in the administration of R&D was about the impact on tenants, financial impact on DGHP and potential impact on its reputation.

The reporter is interested to know how the retention money was spent. ██████████ confirmed that all snagging and / or defects issues have been addressed with the exception of one. This is ██████████ back door which has already been replaced twice. ██████████ said that the issue seems to be that ██████████ blasts his back door with a power washer. She confirmed that where DGHP felt it was at fault it has paid compensation and there are no claims outstanding. It has also advised tenants that they can approach the SPSO if they remain unhappy.

15 August 2014

██████████ confirmed that due diligence at the time of considering the contract did not include asking for management accounts. Their procurement policy was revised a few months ago and now includes this requirement.

(Post conversation note: ██████████ announced its plans to close its General Construction arm in February 2012 to concentrate on house building and property development).

██████████

[REDACTED]

From: [REDACTED]
Sent: 15 August 2014 13:52
To: [REDACTED]
Subject: DGHP Update

I spoke to [REDACTED] at DGHP. She confirms that the R&D contract was signed in May 2009 (accounts filed in October 2009) and that she will pull together a brief for their internal auditors (Beever and Struthers) to look at the award of the contract. She will get back to me with time scales for this work. Beever and Struthers are on site at DGHP doing another piece of work at the moment.

[REDACTED]

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[REDACTED]
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[REDACTED]

From: [REDACTED]
Sent: 15 August 2014 16:53
To: [REDACTED]
Cc: [REDACTED]
Subject: DGHP - Update - 15 August 2014

[REDACTED] called me back having spoken to their internal auditors. They will start on site on 26th August and [REDACTED] will finalise the brief meantime. She will send me a copy of this but broadly it will be asking the auditors to look at the award of the contract; the process followed; whether or not this was appropriate and correct; was it reasonable to award the contract to R&D and will confirm the timeline and key dates.

She has still to finalise when the auditor's report should be available but thinks 10th September is feasible.

[REDACTED]

[REDACTED]

[Scottish Housing Regulator](#) | [REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: 19 August 2014 14:22
To: [REDACTED]
Subject: Audit Report

Hi [REDACTED]
As we discussed

The proposed scope for the internal audit report is as follows

1. Undertake a review of the procurement process undertaken to appoint RDC and confirm that the Procurement Policy (at that time) was complied with at all stages. In particular:
 - a. The process to reduce the total number of submissions to the final 3.
 - b. The process to assess the final 3 on cost versus quality. Confirm the decision that RDC was the preferred supplier is consistent with the underlying assessments and Procurement Policy guidance.
 - c. That a financial assessment of the viability of RDC was undertaken prior to formal appointment.Identify if any non-compliance in the execution of the procurement process could have led to RDC being incorrectly selected as the preferred supplier.
2. Obtain and review the financial assessment of RDC:
 - a. Confirm the checks undertaken were in accordance with any specific procedural requirements.
 - b. Confirm the checks undertaken are in accordance with good practice.
 - c. Confirm that the conclusion that RDC were sufficiently financially robust is consistent with the results of the checks undertaken.
 - d. Re-perform the checks undertaken to confirm that they were accurately performed.Comment if any weaknesses identified in the financial assessment process could have led to RDC being incorrectly selected as the preferred supplier.
3. Comment on any weaknesses in the procurement process itself, which may have led to RDC being incorrectly selected as the preferred supplier. Confirm whether these have now been addressed within the latest Procurement Policy, or if any further amendments to the process are required to prevent this issue reoccurring.
4. Establish a timeline for the procurement process, from start to end, including up to the signing of the contract with RDC.
 - a. Identify if the financial viability issues could have been identified earlier in the process by DGHP.

[REDACTED]
[REDACTED]
[REDACTED]
DGHP
Grierson House
Bankend Road
Dumfries
DG1 4ZS
[REDACTED]

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[Redacted]

From: [Redacted]
Sent: 20 August 2014 10:37
To: [Redacted]
Subject: DGHP - Award of R&D Contract - May 2009 - Letter to Chief Executive - 20 August 2014

Importance: High

[Redacted]

Here is the letter that I referred to in my email.

Regards,

[Redacted]

[Redacted]

Scottish Housing Regulator | [Redacted]

[Redacted] [gov.uk](#)

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DGHP - R&D
[Redacted]

[REDACTED]
Dumfries and Galloway Housing Partnership
Grierson House
The Crichton
Bankend Road
Dumfries
DG1 4ZS

20 August 2014

Dear [REDACTED]

Award of contract to R&D Construction – May 2009

I wanted to confirm our discussions regarding the work you are commissioning from your internal auditors, Beever and Struthers to examine the due diligence around the award of this contract in 2009.

You confirmed last week that the auditors would start on site on 26th August and you provided a copy of the brief yesterday afternoon. I have e mailed you separately about the brief and you anticipate the final report from Beever and Struthers being available on 10th September.

I also confirmed when we spoke yesterday that in SHR's view the allegations about the flawed process in awarding the contract constitute a notifiable event. You advised that you would be updating the Board and your lenders today. You also confirmed that you will be asking [REDACTED] to sign the notifiable event form.

I look forward to seeing the final report from Beever and Struthers. Please let me know if you anticipate any change to the timescales we discussed.

[REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 20 August 2014 10:08
To: [REDACTED]
Subject: RE: Audit Report

Importance: High

[REDACTED]

Thanks very much for sending this. I think the brief covers all the aspects that need to be reviewed. I have two questions and one comment.

- It would be better to change “confirm” at point 1 to “form a view as to whether..”
- At 1b do you mean balancing quality and price?
- Was the contract let on cost alone?

I will send the letter I mentioned yesterday.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 20 August 2014 10:15
To: [REDACTED]
Subject: RE: Audit Report

Thanks [REDACTED]

The contract was let on a price and quality assessment, the assessment was made by DGHP staff, Council staff and Scottish Government staff

Regards

[REDACTED]

[REDACTED]
[REDACTED]
DGHP
Grierson House
Bankend Road
Dumfries
DG1 4ZS
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 20 August 2014 10:34
To: [REDACTED]
Subject: RE: Audit Report

Thanks [REDACTED]

[REDACTED]
[REDACTED]
Scottish Housing Regulator [REDACTED]

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-----Original Message-----

From: [REDACTED]
Sent: 20 August 2014 10:25
To: [REDACTED]
Subject: Re: Audit Report

[REDACTED] is was 60 / 40 as you have illustrated

Sent from my iPhone

On 20 Aug 2014, at 10:17,

[REDACTED]
[REDACTED]
[REDACTED] wrote:

Thanks [REDACTED] Can you tell me what the balance was between the two criteria e.g 60 cost 40 quality?

Regards,

[REDACTED]

[REDACTED]
[REDACTED]
Scottish Housing Regulator [REDACTED]

www.scottishhousingregulator.gov.uk<<http://www.scottishhousingregulator.gov.uk>>

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[REDACTED]

From: [REDACTED]
Sent: 22 August 2014 17:28
To: [REDACTED]
Subject: Fwd: Comment

Hi [REDACTED]

Just to keep you up to date we have had this enquiry in this afternoon from the journalist
There may be something in the press this weekend along these lines
He seems to now be saying that there are more issues than the financial due. Diligence. The person he
refers to was on the panel and as yet we can't identify any other panel member who remembers him
expressing concerns. I'll keep you updated
Regards
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 22 August 2014 16:18:13 BST
To: [REDACTED]
Subject: FW: Comment

Enquiry from the Sunday Herald...
[REDACTED]

From:
Sent: 11 November 2014 10:20
To:
Cc:
Subject: FW: Comment

From:
Sent: 22 August 2014 17:30
To:
Subject: RE: Comment

Thanks

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File Note

Organisation: DGHP
Date: 25 August 2014

Arising from: Telephone Call

E-mail

Internal

Conversation

x

I phoned [redacted] following the article which appeared in the Sunday Herald on 24 August.

[redacted] said she had never met [redacted], the [redacted] who is quoted in the article. The panel considering the three tenders for this contract was led by [redacted]. Two other DGHP employees sat on the panel, the [redacted] and a DGHP [redacted]. Scottish Government was represented by [redacted] and DG C was represented by [redacted] and one other employee. [redacted] no longer works for the Council and the other employee is currently on holiday.

DGHP has spoken to most panel members. Of those contacted, only one, [redacted] recalls [redacted] making any negative comments but says this did not extend to him opposing the award of the contract. [redacted] did not formally approach DGHP raising concerns about the award of the contract.

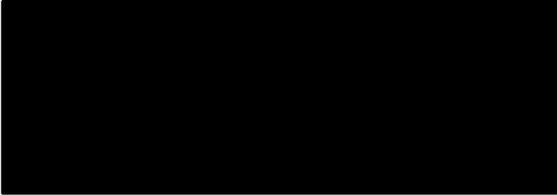
DGHP has checked the scoring of each panel member and [redacted] scores are quite similar to the others. He scored [redacted], the second lowest bidder, higher than R&D on quality but overall when price is taken into account, [redacted] states that scores are similar. [redacted] confirmed that whether or not a contractor is a local firm is not a factor DGHP would consider in determining who a successful bidder is.

[redacted] advised that [redacted] awarded a contract to R&D in March 2009 and R&D had just completed a large NHS project before getting the DGHP contract. Her point is that although the [redacted] contract would have been much smaller scale there appear to have been no alarm bells at that stage about R&D's financial viability.

[redacted] discussed the performance bond. She explained that their previous experience with these bonds (Connaught administration) is that they are often worthless. DGHP therefore decided to take a bigger retention which gave them cash and not take a performance bond. The retention on this contract was 4.8%. I advised [redacted] that it would be useful to get an independent view of issues such as the industry standard in relation to retention levels and performance bonds to set their position in context. [redacted]

[redacted] will keep me up to date if there are any further developments. I confirmed that Beever and Struthers, internal auditors, will be on site at DGHP Wednesday and Thursday this week and she has emphasised to them that she must have their report on the morning of 10th September.

[redacted]



26 September 2014

Dear 

Dumfries and Galloway Housing Partnership

Thank you for your letter of 23rd September and for highlighting concerns which some of your constituents have brought to your attention.

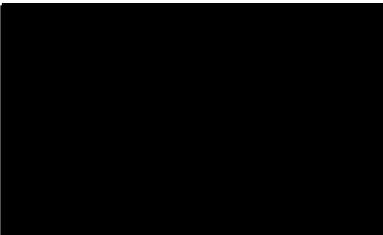
We have seen the press reports about the administration of R&D Construction Ltd. and Dumfries and Galloway Housing Partnership (DGHP). We are currently engaging with DGHP to obtain the assurance we need about how it has handled this issue. In addition we are liaising with our scrutiny partner, Audit Scotland, to determine whether the recent reports raise any broader issues.

I would like to assure you that our regulatory response, if needed, will be appropriate and proportionate, in line with our published Regulatory Framework.

Our engagement with DGHP extends beyond the issue raised in the press. We published a regulation plan for DGHP on 28 March 2014 setting out our planned engagement. You can find this on our website at www.scottishhousingregulator.gov.uk.

I hope this information is helpful and please do not hesitate to get in touch if you would like to discuss this or any other matter with me.

Yours sincerely,



[REDACTED]

From: [REDACTED]
Sent: 24 September 2014 10:42
To: [REDACTED]
Cc: [REDACTED]
Subject: DGHP - Internal audit report

Dear [REDACTED]

I have now had the opportunity to read through the Beever and Struthers investigation report covering the procurement process for R&D construction Limited. At this stage I have a small number points I would like to clarify. I'd be grateful if you could get back to me by 30th September. (Our office is closed from noon on Friday 26th until Tuesday morning 30th September.)

My queries are as follows:

- The report states at page 16 that, "of the 11 companies checked, R&D Construction Ltd was given the lowest score (from Checksure) at 47/100, with one further company scored at 49/100. The remaining nine companies achieved scores ranging from 59/100 to 88/100." This meant that R&D Construction was rated "Above average risk" which is described in the report as being, "within permissible limits". The report suggests that the procurement policy in use at the time the decision was made ruled out any company categorised as High Risk or above. What was Board's rationale behind the decision to accept this level of risk?
- What does the current procurement policy say about permissible limits in relation to Checksure reports?
- Work started on site on the same day that the tender acceptance letter was issued. While we understand that there was a binding obligation for a contract to be entered into at this stage, what was Board's position in relation to the gap between this date and the parent company guarantee being put in place in August?
- Did the tender and acceptance process provide any indemnities for DGHP in the period between the tender acceptance letter being issued and the parent company guarantee being put in place? Does the revised procurement policy address this issue?
- The report points out that original records of panel members' scoring of contractors was not available although summary data was available. It also says that no record of the review of the 2007 accounts was available. Do you have a records management policy and does it specify how long records should be held for?
- The report is critical (p23) of the information provided to the Board in February 2009 recommending awarding the contract to Robison and Davidson Construction Ltd and highlights some inaccuracies. What steps have you taken to ensure that Board receives accurate information?

Regards,

[REDACTED]

[REDACTED]

Scottish Housing Regulator | [REDACTED]

[REDACTED]

www.scottishhousingregulator.gov.uk

Save paper: please only print this email if you really need to.

[REDACTED]

From: [REDACTED]
Sent: 24 September 2014 12:54
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Delivery of Scanned document

Thanks [REDACTED] We have the audit report from DGHP and have spoken to SGLD to clarify a couple of points. I wrote to DGHP today to clarify some points in the report and [REDACTED] has confirmed that we will have a response on 30th September. [REDACTED] has been in touch with Audit Scotland and hopes to get a timescale from them for their response before she finishes up tonight. [REDACTED] are having a quick catch up tomorrow to review the position. Are you OK to wait until after that for me to draft a response to [REDACTED]?

[REDACTED]

[REDACTED]
[REDACTED]
Scottish Housing Regulator [REDACTED]
[REDACTED]
www.scottishhousingregulator.gov.uk

Save paper: please only print this email if you really need to.



The Scottish Parliament
Pàrlamaid na h-Alba



Scottish Housing Regulator
Highlander House
58 Waterloo Street
Glasgow
G2 7DA



23rd September 2014

Dear Mr 

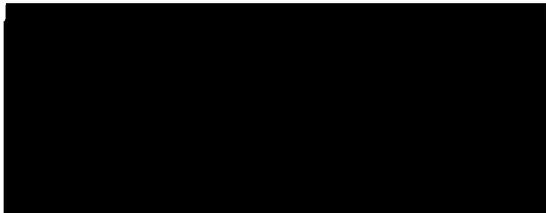
You will be aware of recent press reports regarding the awarding of substantial social housing contracts in Dumfries and Galloway to the firm R&D Construction which subsequently entered into bankruptcy. I also understand that you will have been contacted by my  colleague  relation to this matter.

I have been approached by constituents concerned about this matter and who have asked what scrutiny of R&D was put in place by DGHP.

Given that due diligence procedures with respect to contractors are the responsibility of the recipient of Scottish Government grant funding rather than the responsibility of the Government, I should be very grateful if you would consider whether there is a role for the Regulator in examining the process by which the contract was awarded to R&D Construction by DGHP.

With thanks in anticipation of your help, which is much appreciated.

Yours sincerely,



Points	Response
<p>The report states at page 16 that, “of the 11 companies checked, R&D Construction Ltd was given the lowest score (from Checksure) at 47/100, with one further company scored at 49/100. The remaining nine companies achieved scores ranging from 59/100 to 88/100.” This meant that R&D Construction was rated “Above average risk” which is described in the report as being, “within permissible limits”. The report suggests that the procurement policy in use at the time the decision was made ruled out any company categorised as High Risk or above. What was Board’s rationale behind the decision to accept this level of risk?</p>	<p>Checksure recommended a parent company guarantee for R&D Construction. Acceptance of R&D Construction was dependent on a parent company guarantee from R&D Holdings, graded as ‘Average Risk’ by Checksure. The rationale was that the Parent Company Guarantee mitigated the risk to an acceptable level. With the Parent Company Guarantee the overall risk was “average”.</p> <p>This was also considered in the context of R&D’s tender price being £4.1m lower than the next best price.</p> <p>The Board's decision to select R&D to proceed to tender stage was also taken having regard to the obligation on DGHP in terms of the procurement regulations to act proportionately</p>
<p>What does the current procurement policy say about permissible limits in relation to Checksure reports?</p>	<p>Current policy says that high risk suppliers are not to be used and that any supplier who rates above average risk will be subject to an individual project risk assessment, this risk assessment to be reported to and considered by Board. The policy also states that financial viability is to be assessed by criteria set for each contract by the Director of Finance – to allow for flexibility linked to the size / length / importance of the contract. Credit checks are to be made at PQQ, ITT and tender award stages, and throughout the contract, and documented and retained.</p>
<p>Work started on site on the same day that the tender acceptance letter was issued. While we understand that there was a binding obligation for a contract to be entered into at this stage, what was Board’s position in relation to the gap between this date and the parent company guarantee being put in place in August?</p>	<p>In terms of the contract award letter in May 2009 although it confirmed the contract sum being entered into was for the tendered amount it also had an initial limited value subject to conditions including putting in place the Development agreement which included a formal building contract and Parent Company Guarantee. This tender acceptance letter was prepared by our</p>

	<p>Lawyers BTO. The primary reason for letting the contract in this way was to allow works to commence on the demolitions as we only had a small window to start demolishing due to the bats roosting season and when Scottish Natural Heritage would allow demolitions to take place. Had we waited we would not have been able to carry out the demolitions and it could have meant a year's delay and consequently an increase of roughly £1.5m due to inflationary increases. The initial works were limited and the commencement of the major contract and the production of the formal documentation was synchronised.</p>
<p>Did the tender and acceptance process provide any indemnities for DGHP in the period between the tender acceptance letter being issued and the parent company guarantee being put in place?</p> <p>Does the revised procurement policy address this issue?</p>	<p>Awarding the contract by way of exchange of letters is fairly common practice in Scotland followed by a formal building contract. This process is based on the premise that there would be no significant financial risk for the first few payments. Also the payment would be made against measured work so it would be some months in before there would be significant risk of payment being made for incomplete or defective building works and there would be a retention against these works. The security, which is considered the relevant protection as opposed to indemnity, for DGHP in this period was the retentions accrued in the context of the relatively low level of risk having regard to the nature and extent of the works being carried out.</p> <p>The current procurement policy allows for the awarding of contracts by an initial exchange of letters – however in light of the content of the internal audit report we will be asking the Audit Committee to consider this issue at their meeting on the 11th November 2014</p>
<p>The report points out that original records of panel members' scoring of contractors was not available although summary data was</p>	<p>Our document retention requires for development documentation is based on</p>

<p>available</p> <p>It also says that no record of the review of the 2007 accounts was available. Do you have a records management policy and does it specify how long records should be held for?</p>	<p>ISO9001.</p> <p>In December 2010 the DGHP technical/ development team became accredited by ISO 9001 for quality assurance and have been audited every year for accreditation for the last four years. There is a document retention policy in our ISO 9001 accreditation for a period of ten years.</p> <p>When Beever & Struthers carried out the audit we could not find the individual panel members scoring but had the summary electronically. Since the audit we have gone back into DGHP long term storage and found the individual panel members scoring at PQQ stage if anyone wants to see this.</p>
<p>The report is critical (p23) of the information provided to the Board in February 2009 recommending awarding the contract to Robison and Davidson Construction Ltd and highlights some inaccuracies. What steps have you taken to ensure that Board receives accurate information?</p>	<p>The Financial due diligence process undertaken for any contract over £500k now has to be reported to Board at the time the Board are asked to approve the award of the contract.</p> <p>In addition we will have these due diligence results internally audited on regular basis. We have also decided internally that we will out -source the next 2 due diligence exercises and benchmark the results we receive against what we produce internally, to provide additional assurance.</p>

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]
Sent: 06 October 2014 15:23
To: [Redacted]
Cc: [Redacted]
Subject: Tender Scoring

Hi [Redacted]

Please find document attached

[Redacted]

[Redacted]
DGHP
Grierson House
Bankend Road
Dumfries
DG1 4ZS
[Redacted]

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Tender Stage Scoring

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND
STRANRAER

Contract Ref: RDC/DS/0912



Working with our Tenants

Quality Presentation Score -

No.	Question	Score	Contractor - [REDACTED]						Total	Average
			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
1	Introduction	10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
2	Delivery	25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
3	For Sale' Properties	25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
4	Wider Role	15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
5	Programme	15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
6	Innovation	10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
7	Questions and Answers	0	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
TOTALS			69	78	93	72	84	72	468	78

Placing

2 2 1 2 2 2

No.	Question	Score	Contractor - [REDACTED]						Total	Average
			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
1	Introduction	10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
2	Delivery	25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
3	For Sale' Properties	25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
4	Wider Role	15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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6	Innovation	10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
7	Questions and Answers	0	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
TOTALS			62	44	36	52	46	45	285	47.5

Placing

3 3 3 3 3 3

No.	Question	Score	Contractor - [REDACTED]						Total	Average
			AH	JL	IMcB	JS	AY	GMcC		
1	Introduction	10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
2	Delivery	25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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4	Wider Role	15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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6	Innovation	10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
7	Questions and Answers	0	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
TOTALS			75	85	70	75	88	75	468	78

Placing

1 1 2 1 1 1

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.

REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER

Contract Ref: RDC/DS/0912



Working with our Tenants

Contract Award Calculation -

CONTRACT AWARD CALCULATION							
Project Title:	Regen + Dev. Contract - Dumfries and Stranraer						
Project Ref:	RDC/DS/0912						
Quality Weighting:	40						
Price Weighting:	60						
QUALITY SCORES							
Quality Criteria	Criteria weight %	Firm A - [REDACTED]		Firm B - [REDACTED]		Firm C [REDACTED]	
		Score	Wtd. Score	Score	Wtd. Score	Score	Wtd. Score
Introduction	10	[REDACTED]					
Delivery	25	[REDACTED]					
For Sale' Properties	25	[REDACTED]					
Wider Role	15	[REDACTED]					
Programme	15	[REDACTED]					
Innovation	10	[REDACTED]					
Totals	100		78		78		47.5
PRICE SCORES							
Tender price		[REDACTED]					
Price Score - mean tender amount:		[REDACTED]					
[REDACTED]		[REDACTED]					
OVERALL SCORES							
Quality Weighting x Quality Score		[REDACTED]					
Price Weighting x Price Score		[REDACTED]					
Overall Score		[REDACTED]					
Order of tenders		[REDACTED]					
Comments:							
Signed by Assessor:							
Date:	January 19, 2009						

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER
Contract Ref: RDC/DS/0912

Name

Date: 8 December 2008

No.	Question	Score	Contractor
1	<u>Introduction</u> - A brief introduction to your organistaion. What technical abilities and other qualities does your organisation bring to the contract? What gives your organisation the edge over other competitors?	10	[REDACTED]
2	<u>Delivery</u> - Who in your organisation will be responsible for the delivery of this contract? What do you see as the problems in delivering this contract successfully? Logistically how will you mobilise on four out of the five sites on day 1? How much of the contract will be sub-contracted ? What information technology can aid the delivery?	25	
3	<u>For Sale' Properties</u> - Tell us all about your plans for the 'for sale' properties including providing an indication of the likely sale prices, marketing strategy, etc. Tell us whether or not you intend to use our house types or your own . If you intend to use your own, tell us why and provide examples of the types to be provided.	25	
4	<u>Wider Role</u> - Provide your completed TR&T method statement and explain it. What other wider role initiatives do you intend to implement?	15	
5	<u>Programme</u> - Are the programmes for both the 'rental' and 'for sale' elements achievable ? How and when will you integrate the delivery of the 'for sale' housing into the main programme?	15	
6	<u>Innovation</u> - What fresh ideas and innovations can you bring to the contract that will add quality and/or value?	10	
7	<u>Questions and Answers</u> - A short Q+A session will take place primarily to seek clarification on any of the points raised within the presentation.	0	
TOTALS			20 58 82

72

52

75

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER
Contract Ref: RDC/DS/0912

Name: 

Date: 8 December 2008

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7	<u>Questions and Answers</u> - A short Q+A session will take place primarily to seek clarification on any of the points raised within the presentation.	0			
	TOTALS		84 ✓	46 ✓	88 ✓

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER
Contract Ref: RDC/DS/0912

Name: [REDACTED]

Date: 8 December 2008

No.	Question	Score	Contractor
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7	<u>Questions and Answers</u> - A short Q+A session will take place primarily to seek clarification on any of the points raised within the presentation.	0	[REDACTED]
TOTALS			69 ✓ 62 ✓ 75 ✓

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER
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7	<u>Questions and Answers</u> - A short Q+A session will take place primarily to seek clarification on any of the points raised within the presentation.	0	[REDACTED]
TOTALS			93 ✓ / 36 ✓ / 70 ✓

DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER
Contract Ref: RDC/DS/0912

Name: [REDACTED]

Date: 8 December 2008

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6	<u>Innovation</u> - What fresh ideas and innovations can you bring to the contract that will add quality and/or value?	10	[REDACTED]	[REDACTED]	[REDACTED]
7	<u>Questions and Answers</u> - A short Q+A session will take place primarily to seek clarification on any of the points raised within the presentation.	0	[REDACTED]	[REDACTED]	[REDACTED]
TOTALS			78 ✓	44 ✓	85 ✓

**DUMFRIES AND GALLOWAY HOUSING PARTNERSHIP LTD.
 REGENERATION AND DEVELOPMENT CONTRACT - DUMFRIES AND STRANRAER
 Contract Ref: RDC/DS/0912**

Name: [REDACTED]
 Date: 8 December 2008

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3	For Sale' Properties - Tell us all about your plans for the 'for sale' properties including providing an indication of the likely sale prices, marketing strategy, etc. Tell us whether or not you intend to use our house types or your own . If you intend to use your own, tell us why and provide examples of the types to be provided.	25			
4	Wider Role - Provide your completed TR&T method statement and explain it. What other wider role initiatives do you intend to implement?	15			
5	Programme - Are the programmes for both the 'rental' and 'for sale' elements achievable ? How and when will you integrate the delivery of the 'for sale' housing into the main programme?	15			
6	Innovation - What fresh ideas and innovations can you bring to the contract that will add quality and/or value?	10			
7	Questions and Answers - A short Q+A session will take place primarily to seek clarification on any of the points raised within the presentation.	0			
TOTALS			72 ✓	45 ✓	75 ✓



The Scottish Parliament
Pàrlamaid na h-Alba

[REDACTED] MSP
[REDACTED]

Mr [REDACTED]

Scottish Housing Regulator
Highlander House
58 Waterloo Street
Glasgow
G2 7DA

12th August 2014

Dear [REDACTED]

You will be aware of recent press reports regarding the awarding of substantial social housing contracts in Dumfries and Galloway to the firm R&D, which subsequently went bust. I have been approach by constituents concerned about this matter who ask what scrutiny of R&D was put in place by DGHP.

These appear to be serious concerns. Can I therefore request that you investigate what seems to be - at the very least - a careless use of public money.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED], The Scottish Parliament, Edinburgh, EH99 1SP