

Responsible and efficient public procurement – new opportunities

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PM Public Procurement Team

- Largest dedicated team in UK Legal Services Market.
- Operating across 4 UK offices.
- Increasingly working in Europe and beyond.
- Ranked Band 1 by Chambers UK.

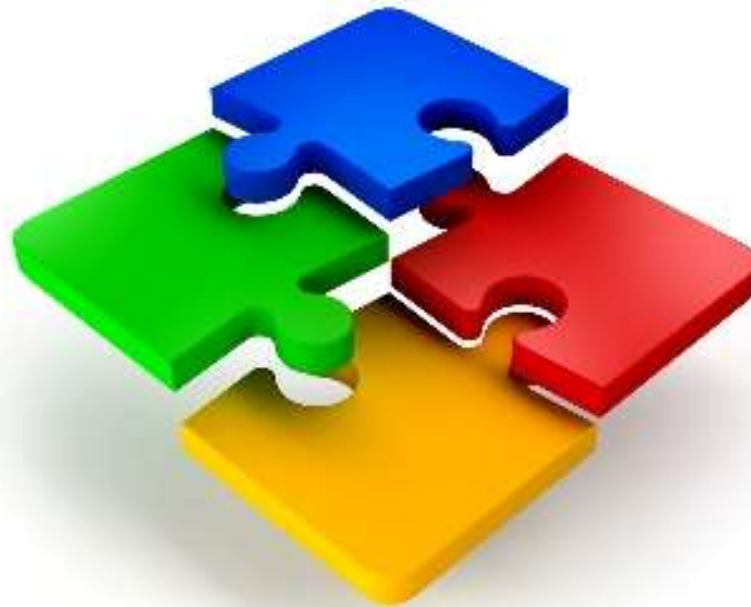


"They have considerable experience and are experts at what they do."

Chambers and Partners

Law and Tools for Responsible Public Procurement

- **Four** Core Principles for Success.



Core Principle Number 1

You really need to MEAN IT!

- Embedding social issues into your procurement will take *time, thought and effort*.
- The biggest challenge is often persuading stakeholders that it is worth doing!



Challenges

Court battle looms over Merseyside tender...

Covanta takes MRWA decision to court...

Procurement breach
throws 111 pilots
into disarray...

GOVERNMENT REPORT
HIGHLIGHTS FAILINGS IN UK
PUBLIC SECTOR PROCUREMENT

Government procurement still
not good enough, say MPs...

**Fury at NHS
procurement fiasco**

West Coast Main
Line franchise
process a 'fiasco'
says Branson

Ministry of Defence under fire
for procurement fiasco

Directive 2014/24/EU

Recital 99

*In technical specifications contracting authorities can provide such **social requirements** which directly characterise the product or service in question, such as accessibility for persons with disabilities or design for all users.*

Article 67: Contract Award Criteria

*Art 67(2): The most economically advantageous tender ... may include the best price-quality ratio, which shall be assessed on the basis of criteria, including **qualitative, environmental** and/or **social aspects**, linked to the subject-matter of the public contract in question.*

Art 67(5): The contracting authority shall specify, in the procurement documents, the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender.

Article 70: Conditions for Performance of Contracts

*Contracting authorities may lay down **special conditions** relating to the performance of a contract ... conditions may include economic, innovation-related, environmental, social or employment-related considerations.*

Core Principle Number 2

Social Considerations begin long before you start to Procure

- Socially responsible procurement starts long before the procurement stage.
- Key pre-procurement considerations:
 - **What** we decide to procure;
 - **Where** we decide to procure; and
 - **How** we decide to procure.

Midland Metropolitan Hospital Project

"Creating the Midland Met lies at the heart of the Sustainability and Transformation plan for the local NHS. It also represents a regeneration opportunity for the east of the borough."

Sandwell and West Birmingham Hospitals Trust



Meals on Wheels

- The importance of considering the “*what*” and the “*how*” at the pre-procurement stage.



It's not just about the Process

- The many decisions made prior to commencement of the procurement process are key to the success.
- Decisions should be made early to maximise successful return.



Core Principle Number 3

The Golden Thread



Core Principle Number 4

Having secured the Returns, make sure they are delivered!

- Legal imperative to see that obligations and commitments are delivered.
- Strong contract management is key.



Summary

- Commitment is key!
- Remember the four core principles:
 - You really need to MEAN IT;
 - Social Considerations arise long before you start to Procure;
 - Create and embed your Golden Thread; and
 - Having secured the Returns make sure they are delivered!



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