



What practically should NI's procurers be doing to prepare for reform?

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Scoring of Social Value



- 1 September 2021 – all Government contracts will require:
 - Compliance with relevant employment, equality and health and safety law and human rights standards;
 - Adherence to relevant collective agreements; and
 - Adoption of 'fair work' practices for all workers engaged in delivery of the contract.



Scoring of Social Value



- 1 June 2022 – payment of the living wage must be included as a condition of contract for all tenders
- 1 June 2022 – tenders must allocate a minimum of 10% of the total award criteria to scoring of ‘social value’ (N.I. Departments are however being encouraged to score social value in advance of 1 June 2022 if possible)



How to prepare?



- Update contracts
- Consider the pipeline and impact of the new policy
- Determine policy and develop approach – with input from the market
- Training and stakeholder engagement
- Contract management
- Start now!



Green Paper



“The end of the Transition Period provides an historic opportunity to overhaul our outdated public procurement regime” Lord Agnew, Ministerial foreword to the Green Paper

- **15 December 2020** – Cabinet Office opens its consultation on its Green Paper ‘Transforming Public Procurement’
- **10 March 2021** – consultation closed, Cabinet Office analysing feedback
- **11 May 2021** – Queens speech confirms draft Procurement Bill by September 2021



Use of Guidance



- National Procurement Policy Statement
- Competitive flexible procedure
- Limited tendering procedure
- Programme of training, guidance and case study selection/publication
- 'Most Advantageous Tender'
- Exceptions to 'link to the subject matter' requirements
- Exceptions to evaluation of bids from the point of view of the contracting authority
- Discretionary exclusion due to poor past performance



Use of Guidance



- Non-disclosable information
- Test for the lifting of automatic suspension
- New rules on crisis procurement and managing competition within them
- Best practice in debriefing tenderers
- Contract amendments requiring disclosure
- Guidelines for the calculation of profit in case of challenge by incumbent



Training and upskilling



New 'flexible' processes require training and potentially new skillsets. E.g. 'competitive flexible procedure':

- Consistent with procurement principles
- Opportunity advertised and notice published
- Contract notice contains basic information about the contracting authority and opportunity
- Process is consistent with the information in the contract notice



Training and upskilling



- Process complies with proposed requirements on selection and evaluation
- Time limits on participation and submission of final tenders are reasonable and proportionate and within:
 - 30 days for expressions of interest
 - 25 days for submission of tenders after ITT issued; and
 - Scope to reduce either or both of these timescales to 10 days in the case of urgency.



Resource considerations



- Costs
- Staff and systems



Costs

- Government policy/guidance
- Social value requirements
- Training/upskilling
- Familiarisation costs
- Divergence across procurers
- Lengthier procurement processes
- Increased risk of challenge



Staff and systems



- Level of resources required
- Expert external support required in specific areas
- Changes to processes/procedures





Thank You

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Better.**