

## Procurement Reform Newsletter

16th March 2023



### Progressing the Reforms

We've had lots of helpful documents and fantastic commentary explaining the progress of Procurement Reform over the last few years and with the Procurement Bill now at Report Stage in the Commons, I'm starting to feel like there's light at the end of the legislative tunnel.

For those keeping score the 'Report Stage' is stage nine out of a total of twelve...the twelfth stage being Royal Assent which should start the six month countdown to the Procurement Act's entry into force. The Report Stage provides an opportunity for the whole House to discuss, propose changes or additions and then vote to amend the Bill. The proposals being considered on the 9th of March include amendments such as:

- The removal from the supply chain of "...companies subject to the National Intelligence Law of the People's Republic of China".
- A proposed requirement for the Real Living Wage where contracts are directly awarded, as well as a proposal for a definition as to how the Real Living Wage should be calculated.

Another interesting element is covered in two related proposed amendments relating to direct awards and transparency notices:

- "Provision under subsection (1) must not confer any preferential treatment on suppliers connected to or recommended by members of the House of Commons or members of the House of Lords" and,
- "Any Minister of the Crown, Member of Parliament, Member of the House of Lords or senior civil servant involved in recommending a supplier for a contract under section 41 or 43 must make a public declaration to the Cabinet Office of any private financial interest in that supplier within 10 working days".

Once the Report Stage is complete, the next stage is a debate on the Bill's third reading



### Parallel Procurement Reforms

Despite the aim to aggregate and simplify the main sets of legislation, the increased interest and discretion seems to be spawning an increasingly varied set of, hopefully complementary, legislation that will interact with the core Procurement Bill. This parallel legislation includes:

**Health and Care Act 2022:** provider selection and patient choice – <http://l.govdelivers.org/t/2316Hlcd1E/5>

**Social Partnership and Public Procurement (Wales) Bill –** <http://l.govdelivers.org/t/2316Hlcd1E/6>

**Health Service Procurement (Wales) Bill –** <http://l.govdelivers.org/t/2316Hlcd1E/7>

**MOD Single Source Legislation Reform –** <http://l.govdelivers.org/t/2316Hlcd1E/8>

In addition to these, we will also see the introduction of statutory instrument/s (also known as secondary legislation) that are the legislative mechanism used to add more detailed guidance to that established in the Procurement Bill/Act.

And we'll also have procurement policy notes which will augment, explain and support the application of the legislation and procurement best practice in general.

So while anything that removes unnecessary duplication from the current raft of procurement legislation is welcome, we will need to keep a very close eye on the progress of the core legislation (and its friends) as they enter into force; and importantly what secondary legislation, policy, training and templates are provided to support successful procurement reform.

### Procurement Reform Resources

Other than this fortnightly Newsletter we're publishing a range of Briefings and Blogs, covering topics such as 'Open Frameworks', 'Changes to the Challenge Process', etc. For further information and insight into Procurement Reform please use this link to view the free [resources](#) on our website.

### Procurement Reform Consultancy Packages

We also have Procurement Reform Consultancy Packages to increase awareness and capability in your organisation and to support your successful transition into applying the new legislation. Please use this link for information on our [Buyer Support Packages](#).