


Procurement law reforms

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Public procurement laws as enacted will be preserved throughout the transition period which ends on 31 December 2020. Although the laws arise entirely from EU Directives, these have been implemented in the UK through the Public Contract, Concession and Utility Regulations which are UK law.

We already know that there are key criticsers of the law, in particular Mr Cummings has published some scathing commentaries, but whether or not we remain bound by the EU law will depend on the terms of the Brexit deal.

It is understood that the Cabinet Office is intending to publish a green paper on procurement law changes in the autumn with a consultation period running throughout the rest of year and potentially in to early 2021.

The Procurement Lawyers Association (PLA - of which key Browne Jacobson lawyers are members) has undertaken some initial work on potential law reforms with the intention of providing a detailed consultation response drawn from our knowledge and experience, as well as the views of the market as represented to us.

One area of reform around which we would like to develop some discussion is the remedies regime, in particular the role of the court or an alternative review body for resolving challenges.

Much can be learnt from practices in other EU countries which utilise a range of options and part of the PLA working group is looking at those other options including what those options could look like under UK law and what benefits they could bring.

We also believe that it is fundamentally important to know how the systems works for those involved in every aspect of the process, whether as purchasers or suppliers.

To this end, we have created a very short survey which we would be very grateful for your view on. It is only 10 multiple choice questions and should only take a couple of minutes to complete but your feedback will be incredibly helpful for us to understand the concerns and priorities of the market as a whole.

[The survey is available here](#) and is completely anonymous.

This link can be used by interested individuals and so please feel free to share this with colleagues or suppliers to give us as wide a view as possible.

The PLA working paper will be published in due course and will be available for members and non-members alike on the PLA website. If you have any questions or additional feedback, please do get in touch.



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