

Public procurement in an age of scarce resources

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Odd one out round



Available Guidance

- Public Procurement Policy Note 01/20:
“Responding to COVID-19”
- EU Commission Communication with
“Guidance from the EC on using the public procurement framework in the emergency situation related to the COVID-19 crisis.”

Reg.32(2)(c), PCR 2015

- “Negotiated procedure without prior publication” may be used:
 - *“insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.”*

Exceptional urgency

- Genuine reasons for extreme urgency
- Impossible to comply with the usual timescales
- Consequences of the situation are so novel as to be unpredictable
- Situation not attributable to the contracting authority

Dyson ventilators

- Was the need for additional ventilators predictable?
- Was the urgency of government's own doing?
- Was it “strictly necessary”?

Practical tips

- Coronavirus within Reg.32(2)(c)
- Work your way up the scale
- Urgency not limited to public health
- No minimum standards
- Phased approach
- Benefit of hindsight
- Evidence your reasoning
- Return to normality

Scarce resources

- Active buying techniques
- Spurring market innovation and matchmaking
- Excessive leads
- Untested products
- Avoiding flawed decisions

Odd one out



The only firm that bid for something it had expertise in!