



Government
Commercial
Function

Public Procurement Review Service Progress Report 2019/20

Trends from 6 April 2019 to 5 April 2020

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1. Public Procurement Review Service (PPRS) Highlights

PPRS sits within the Cabinet Office and allows government suppliers and potential government suppliers to raise concerns anonymously about potentially poor public sector procurement practice. PPRS also accepts cases raised by suppliers concerning the late payment (i.e. not paid within 30 calendar days or any earlier payment date as stated in the contract terms) of valid and undisputed invoices on a public sector contract.

The Progress Report highlights the main trends that the service has seen from 6 April 2019 to 5 April 2020. It includes a comparison of procurement issues within the different sectors. It also addresses the outcome of feedback provided from user surveys and has a forward look for the financial year 2020/21.

154 cases received in this financial year which represented a 41.4% decrease from 263 cases in 2018/19. Case reduction has been consistent across all sectors. There have been several external factors that could have impacted our services users, for example the General Election/Pre-election period, the COVID-19 Pandemic.

The top 5 reported issues to PPRS this year were:

- 'Payment',
- 'Advertisement',
- 'Award',
- 'Evaluation'; and
- 'Clarification'.

£929.9k in late payments unblocked on behalf of suppliers. We had a 100% success rate in unblocking undisputed invoices.

100% of recorded outcomes measured as 'positive' with a 99% service level achieved - only 1 case took longer to resolve. We continued to receive positive feedback from suppliers and contracting authorities on the service we supply.

The creation of a brochure explaining the service to suppliers has been used to increase the awareness of the service both internally and externally.

In addition to case work and enquiries we have carried out spot a check programme based on key trends as follows:

- Tender Requirements,
- SME Exclusion.

Historically PPRS published its results monthly to highlight best practice but following the situation with the pandemic this has been moved to quarterly. We have had positive feedback that the publication of the results published on GOV.UK in a filterable format is a useful tool.

2. Background

PPRS is one of a range of measures designed to make government easier to work with, helping suppliers (particularly Small and medium-sized enterprises (SMEs) and Voluntary, Community and Social Enterprises (VCSEs)), levelling the playing field for those who want to supply to government.

The service is free and available for any supplier to use. In particular it can help small businesses which feel they might have been treated unfairly during a bid, that they have been dealt with in a way that falls short of the Public Contract Regulations 2015 (PCR 2015) or government policy and to facilitate payment for work completed.

We work with central government (CG) and wider public sector (WPS) departments to help them understand concerns raised and to highlight best practice. Serious or persistent issues are escalated within contracting authorities and can be raised with the SME Crown Representative in addition to our investigations.¹

In some cases, our work leads to live procurements being adjusted. In other cases, we ensure that lessons are learned, leading to improvements in the way government sources future goods and services and ensuring suppliers are paid. The majority² of our cases are summarised and published, naming the contracting authorities whilst businesses that reported the cases remain anonymous.

It should be noted that trends are based on the type of complaint that has been investigated at the closure stage and does not always indicate that an incorrect procurement process has been identified.

Our ongoing Spot Check programme supports the continued commitment to improve commercial capabilities across government and we have been working closely with other Government Commercial Function departments to enhance this programme.

¹ Martin Traynor OBE was announced as the Small Business Crown Representative in February 2019 to lead on the relationship between government and small businesses, advise Ministers on engagement, and identify any barriers they face when working with the government.

² Publication wording is published once agreed with the contracting authority. Where multiple complaints are received simultaneously we publish a joint summary of our findings. In the interest of transparency the supplier has sight of the wording prior to publication.

3. Promoting PPRS

We want to ensure all suppliers and potential suppliers are aware of the service we offer and that we are maximising the various marketing options available to us. We created a marketing brochure³ and updated flyer⁴ in September 2019. This enabled us to involve stakeholders in the marketing of the service and use their networks for further promotion and distribution of the material. It should be noted that owing to the General Election and other external factors we were not able to promote the service as heavily as we would have done in the final two quarters. We aim to refresh the marketing material in 2020 and actively promote the service across both suppliers and contracting authorities.

This year we have also flagged our service in places where potential users will see it e.g. Crown Commercial Service (CCS) Digital Marketplace⁵. This is in addition to it being added to a prominent position on Contracts Finder last year.

We continue to work closely with the Small Business Commissioner, and the SME Crown Representative to identify trends and share experience of best practices.

We have published a blog in conjunction with the SME Crown Representative and attended events including the Small Business Bus Tour⁶ to distribute our marketing material and continue to raise awareness of our service.

To raise awareness and to ensure commercial teams consider supplier diversity, we co-developed and ran a series of Buyer Masterclasses with the Small Business Policy team, receiving extremely positive feedback on the information imparted to delegates. We also ran events for GCF teams to ensure the service is promoted at events they attend, we shared the trends and issues that have been reported to our service and to assist with communication of best practice and area for improvement with contracting authorities.

We were unable to actively promote the service during the pre-election period (6th November 2019 to 12th December 2019) and marketing plans were impacted by the response to Covid 19.

³ If you would like a copy of the Brochure please contact PPRS

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830928/PPRS-Marketing-Pack.pdf

⁵ <https://www.digitalmarketplace.service.gov.uk/help>

⁶ <https://smallbusinesssaturdayuk.com/blog/category/Bus-Tour>

4. Cases Received and Sectors Involved

We welcome enquiries from all suppliers who have concerns about the conduct of a procurement process that they have been part of, or which they wish to participate in. An enquiry must relate to a specific procurement. The issue must have taken place in the last two years and concerns a procurement process run by an in-scope contracting authority as defined by the PCR 2015. We also handled cases concerning the late payment (i.e. not paid within 30 calendar days or any earlier payment date as stated in the contract terms) of valid and undisputed invoices on a public sector contract. If the supplier has not taken the correct action our work would involve re-education rather than a recommendation to the contracting authority.

The service is advertised on Contracts Finder that allows suppliers to search for information about contracts worth over £10,000 with the government and its agencies⁷. Contracts Finder advertised 32,845⁸ award notices in 2019/20.

Our scope and remit can be viewed on GOV.UK⁹: 154 new cases were received and a further eight cases were carried forward from the previous year. This report focuses on the trends for the 111 cases handled through to closure. Seven cases were carried forward to 2020/21.

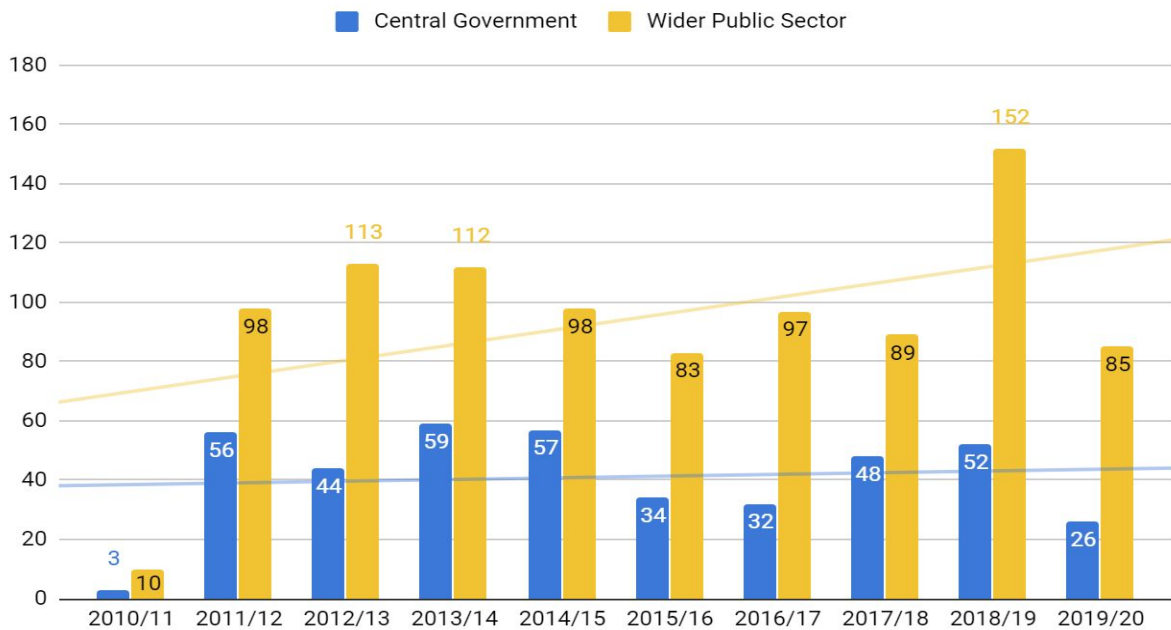
There has been little change in terms of the organisations we receive complaints about, with the majority of cases raised about WPS procurement activities. We handled one case that concerned a payment issue within the supply chain, as the overarching responsibility sat with a CG department; we classified it as CG within this report. When we report on CG this includes the departments, agencies and linked public bodies.

⁷ <https://www.digitalmarketplace.service.gov.uk/help>

⁸ As data provided from Contracts Finder 07/05/20

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773861/Public_Procurement_Review_Service_Scope_and_Remmit_v1.1.pdf

Chart 1: Sectors we received concerns about since the service start (closed only)



There has been a decrease in the proportion of complaints and the number of cases received for CG, falling to 23.4% (26 cases) this year from 25.5% (52 cases) in 2018/19, and an increase in the proportion of complaints but it should be recognised a decrease in the number of cases received for WPS, to 76.6% (85 cases) in comparison with 74.5% (152 cases) the previous year.

There have been several internal and external factors impacting service users that we consider could have led to the downturn in case numbers this year, these include the general election, Brexit planning and Covid 19. The enhancement of other sources within the Government Commercial Function (GCF) working with contracting authorities to ensure best practices are followed and their accessibility at supplier events dealing directly with issues that have been raised may also have impacted the number of cases received.

Case enquiries

PPRS continually reviews its processes and identifies areas for improvement. We are now tracking enquiries received to understand the volume that do not transpire to a full case. We have handled 303 enquiries to 5 April 2020, 149 (49.2%) that did not transpire to full cases, compared to 411 enquiries handled by the same point the previous year, where 148 (36.0%) did not transpire to full cases. As the nature of each enquiry is unique, we have not classified the issue of the enquiry.

5. Main Issues Raised

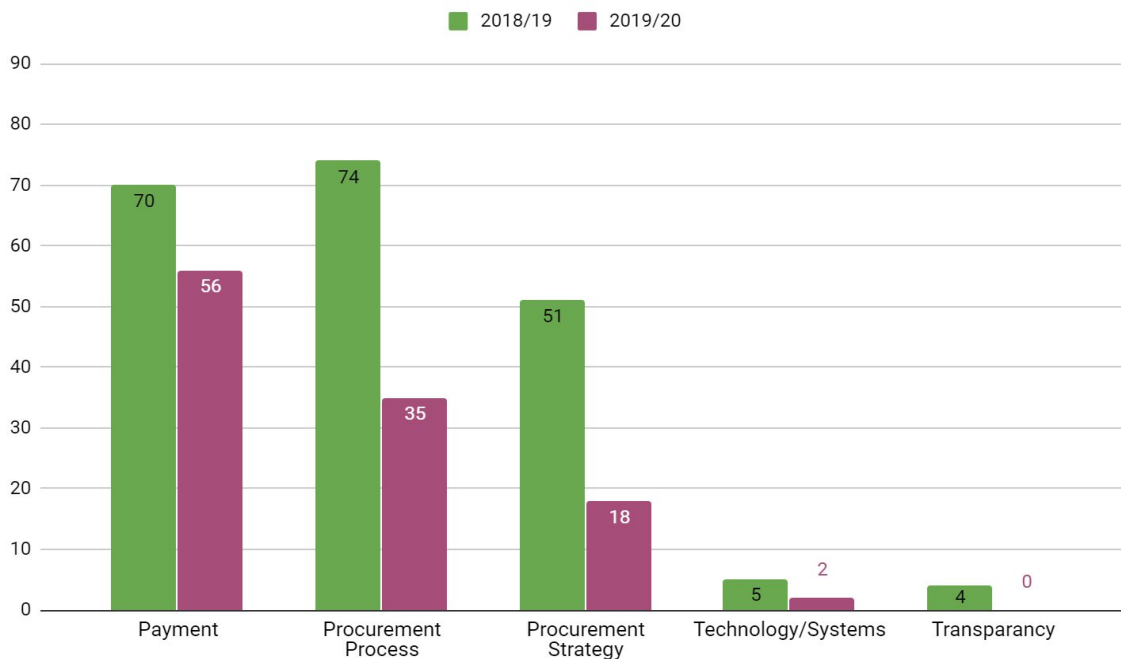
High Level Classification

We classify enquiries by the overarching nature of the issue. The types of concerns we investigate are categorised at the closure stage of the investigation. These can fall under 5 categories:

- Procurement Strategy i.e. the approach to achieve what the contracting authority requires from the contract,
- Procurement Process i.e. the process of finding, agreeing terms and acquiring goods, services or works,
- Payment i.e. late payment,
- Transparency i.e. where the process was not clear; and
- Technology/ Systems i.e. broken links or issues with eTendering Portals.

This high level classification enables us to produce and analyse trends around the main issues received.

Chart 2: Types of Issues raised - High Level - 2019/20 comparison against previous year



‘Payment’ accounted for over half of all closed cases in 2019/20 representing 50.5% of the caseload (56 cases). Proportionally, this was a significant percentage increase from 34.3% (70 cases) in 2018/9 and 13.1% (18 cases) of cases in 2017/18. Due to the high success rate (100%) of PPRS unblocking payments of £929.9k we have seen some suppliers use the service on a repeat basis.

‘Procurement Process’ although proportionally similar to the previous year saw a fall in cases from 74 in 2018/9 (36.3%) to 35 cases (31.5%) in 2019/20.

‘Procurement Strategy’, saw a significant decrease to 18 cases in 2019/20 (16%) from 51 cases (25%) in 2018/19.

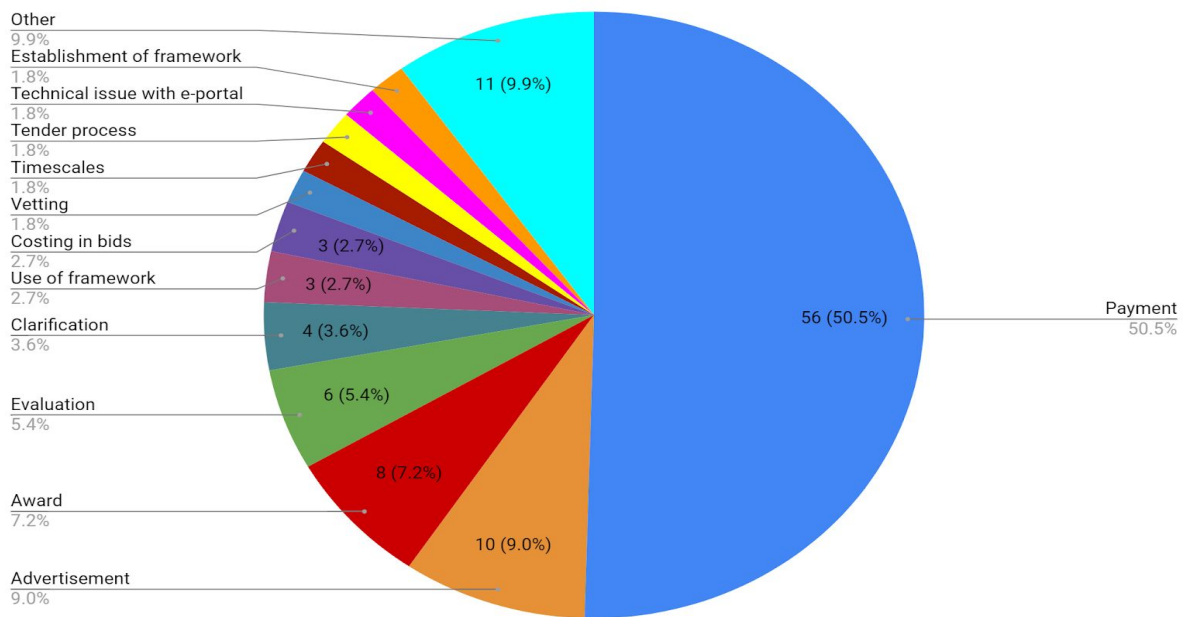
There were two cases (2%) classified as 'Technology/ Systems' the majority related to errors in advertisements, compared to five cases in 2018/19.

There were no cases classified as 'Transparency' (compared to four in the previous year).

Sub Level Classification

Cases received are further classified at closure stage to provide a more granular level of detail to enable us to identify and analyse trends. Within this report we have grouped issues where only one case has been received as 'Other'.

Chart 3: Types of Issues raised - Sub Level 2019/20



Late payment accounted for just over half (50.5%) of all issues reported to PPRS this year.

To further analyse trends we have extracted 'Payment' cases as a sub-issue to identify issues within the procurement process from the complaints received. Those figures are as follows:

- 'Advertisement' at 18.2%,
- 'Award' at 14.5%,
- 'Evaluation' at 10.9%; and
- 'Clarification' at 7.3%

The concerns recorded under 'Other' include issue raised with; the use of existing contracts, tender requirement (i.e indemnity specification), establishment of a framework as over 8 years, selection criteria based on price, incorrect scoring, type of procurement procedure used, tenders not broken down into lots, financial requirement, no feedback on bid, DPS operation, and no communication.

It should be noted that trends are based on the issues that have been investigated at the closure stage and does not always indicate that an incorrect procurement process has been identified.

6. Top Issues and Action

The top 5 areas of complaint received for contracting authorities are outlined in the table below. Upheld represents cases we have made recommendations for change in the contracting authorities' process and provided signposting to published guidance. Not upheld refers to cases the contracting authority has followed the correct procedure and we were able to educate suppliers. PPRS case results have been published monthly¹⁰ until February 2020 and then changed to quarterly due to the impact of Covid-19 on resources and can be searched on gov.uk:

MAIN TRENDS		
Issue	Context	Action
<p>'Payment'</p> <p>56 cases</p> <p>CG - six cases (all upheld)</p> <p>WPS - 50 cases (all upheld)</p>	<p>All of the cases concerned non payment of invoices.</p> <p>Public sector invoices not paid within 30 days and are not disputed, interest becomes liable as set out in the Late Payment of Commercial Debts (Interest) Act 1998. In addition, under the PCR 2015, public sector buyers must publish the amount of interest paid to suppliers due to late payment. Payment policy Public Contracts Regulations (2015) 113.</p> <p>https://www.gov.uk/guidance/prompt-payment-policy</p>	<p>We unblocked £929.9k in late payments on behalf of suppliers over this past year.</p> <p>We remind contracting authorities of their obligations under Prompt Payment policy Public Contracts Regulations (2015) 113¹¹ including PPN02/20¹².</p> <p>We are working with the Department of Health and Social Care to help both Trusts and suppliers in improving their processes to ensure prompt payment compliance.</p> <p>PPN02/20 came into force on 20th March. This Procurement Policy Note (PPN) sets out information and guidance for public bodies on payment of their suppliers to ensure service continuity during and after the current coronavirus. This includes advice on accelerating payments to suppliers to support and improve cash flow.</p>
<p>'Advertisement'</p> <p>Ten cases</p> <p>CG - one case (not upheld)</p> <p>WPS - Nine cases (five upheld)</p>	<p>The majority of cases were WPS. Complaints concerned timeframes, the process used to advertise and a perception that advertisements had been written to favour the incumbent provider.</p>	<p>Where errors or omissions were identified, the contracting authority amended the advertisement.</p>

¹⁰ <https://www.gov.uk/government/publications/mystery-shopper-results-2018>

¹¹ <http://www.legislation.gov.uk/uksi/2015/102/regulation/113/made>

¹² <https://www.gov.uk/government/publications/procurement-policy-note-0220-supplier-relief-due-to-covid-19>

	<p>Four of the five upheld complaints related to errors on Contracts Finder advertisements.</p>	<p>We reminded contracting authorities about the importance of writing requirements that are neutral. We refer to PCR(2015) regulation 42 regarding specifications¹³.</p> <p>Where complaints were not upheld there had been a misunderstanding of timeframes. Where there was a specific requirement for a product/service and no alternative would have met the solution, we confirmed to suppliers that this formed part of a departmental strategy.</p>
<p>'Award'</p> <p>Eight cases</p> <p>CG - four cases (two upheld) WPS - four cases (two upheld)</p>	<p>Four cases centred on opportunities that have been applied for but the bidder had not seen notice of an outcome.</p> <p>Other cases were concerned about the Award not being impartial or where suppliers were concerned that an incumbent supplier had an unfair advantage.</p>	<p>In upheld complaints, we shared best practice guidance with buyers and suppliers to help them understand the requirements at each stage of the procurement lifecycle.</p> <p>We referred contracting authorities to PCR(2015) Regulation 55¹⁴ regarding debriefing obligations and the minimum requirements of information to be supplied to candidates and tenderers.</p> <p>In CCS cases where complaints were not upheld, suppliers were referred to the CCS Digital Marketplace guidance¹⁵.</p> <p>We would also like to highlight Action Note PPN 01/17 to highlight transparency principles in public sector procurements¹⁶.</p>
'Evaluation'	Concerns were raised on how the	In upheld cases we recommended

¹³ <http://www.legislation.gov.uk/ukxi/2015/102/regulation/42/made>

¹⁴ <http://www.legislation.gov.uk/ukxi/2015/102/regulation/55/made>

¹⁵ <https://www.gov.uk/guidance/digital-outcomes-and-specialists-buyers-guide>

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/596904/PPN0117-UpdateTransparencyPrinciplesv1.1.pdf

<p>Six cases CG - two cases (none upheld) WPS - four cases (two upheld)</p>	<p>evaluation process was run, including the evaluation criteria, how a low tender was considered and issues with the evaluation panel.</p>	<p>that authorities revised their procurement processes by reminding staff of the need to fully check the Invitation to Tender documents prior to publication – including a review of their internal checking and quality assurance processes.</p> <p>PPRS will signpost contracting authorities to the evaluation guidance available on GOV.UK¹⁷.</p> <p>In cases where complaints were not upheld, we advised suppliers to carefully review the tender documentation, specifically the how to bid information.</p>
<p>‘Clarification’ Four cases CG - one case (not upheld) WPS - three cases (two upheld)</p>	<p>Complaints concerned the time taken to respond to clarification questions, or no response being received.</p>	<p>In upheld cases we reminded contracting authorities of allowing sufficient time between clarification and submission. We referred to regulation 27-31 & 47 regarding time limits¹⁸.</p> <p>In cases where the complaints were not upheld, suppliers were encouraged to register on the e-portals to be able to view the full array of procurement documentation available.</p>

Where complaints are not upheld we will educate suppliers on best practice and signposting to guidance on how to bid etc.

An analysis of the main trends for CG can be viewed at Annex A, and a comparison with the main trends for the WPS can be viewed at Annex B.

¹⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891150/Bid_Evaluation_-_Guidance_Note_-_June_2020.pdf

¹⁸<http://www.legislation.gov.uk/ukxi/2015/102/contents/made>

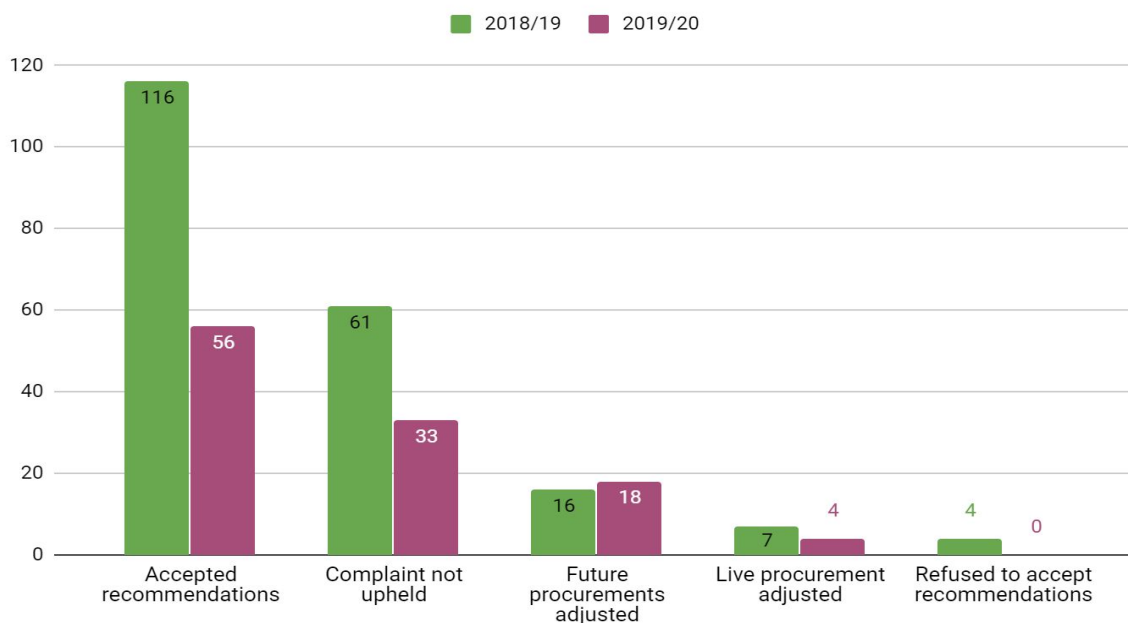
7. Case Outcomes

We make recommendations to the contracting authority on how to remedy the specific problem raised. If we consider that the issues raised might have wider applicability to general public procurement practice, we work with policy colleagues in the Cabinet Office to issue general guidance to all public bodies, for example through a Procurement Policy Note (PPN). This year, the majority of cases have seen us direct people to the right guidance rather than driving new policy.

Serious or persistent issues are escalated within contracting authorities and can be raised with the SME Crown Representative in addition to our investigations. Martin Traynor OBE was announced as the Small Business Crown Representative in February 2019 to lead on the relationship between government and small businesses, advise Ministers on engagement, and identify any barriers they face when working with the government.

100% of outcomes were considered to be positive, where our closed cases saw the complaint upheld, resulting in changes being made to live procurements, recommendations being accepted, and areas to improve future procurement practice being identified and agreed. We handled 33 cases where the correct procedure had been followed by the contracting authority and were able to offer advice to the supplier to help them understand what had happened and why.

Chart 4: Outcome of closed cases - 2019/20 comparison against previous year



Collapsed and rejected cases

In 2019/20 44 cases were either rejected or collapsed compared to 76 cases in the previous year. Cases are rejected if evidence is identified that the complaint raised is outside our scope and remit, we collapse cases if we lose contact with a supplier, they request to withdraw from the service, or they request to work directly with the contracting authority. This year we changed our triage process asking more questions at the start of the process to improve customer service.

8. Procurement Policy Compliance

We support improving commercial capability by undertaking various compliance checks.

Follow Up Cases

We follow up on actions that contracting authorities have agreed to take in response to recommendations we have made during the course of our past investigations.

In 2019/20 we followed up on five cases of which two responded confirming that our recommendations were implemented. We will continue to chase outstanding responses.

This year we have nine contracting authorities to check they have implemented recommendations into future procurements.

Spot Checks

PPN 09/15¹⁹ – announced that PPRS will be conducting Spot Checks on public sector procurements. We have developed a Spot Check Programme to further understand what the underlying causes are related to the main trends highlighted from the last financial year, to establish if the issues are systemic and where we can make recommendations to ensure the issues are addressed and not repeated.

Some trends identified last financial year are not possible to Spot Check via the described process, therefore we have been unable to set up a compliance check on 'Advertisement', 'Evaluation' and 'Feedback'.

Brief details of the Spot Check work is included below:

Tender Requirements

Complaints from last year highlighted suppliers' concerns that a specification should focus on the required end result, rather than how to achieve that result.

We reviewed a sample of opportunities on Contracts Finder (32) to ensure the opportunity were:

- SME appropriate compliant,
- clear,
- contained sufficient detail,
- were not over prescriptive.

All of the opportunities examined have been deemed to be compliant.

SME Exclusion

Complaints identified last year regarded minimum turnover limits, excessive insurance requirements and the need to demonstrate a period of time for past experience, all of which could be viewed as excluding SMEs from bidding.

¹⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431540/ppn-mystery-shopper.pdf
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278145/PPN_0214 - Extension of the Mystery Shopper Service.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278145/PPN_0214_-_Extension_of_the_Mystery_Shopper_Service.pdf)

We extracted published opportunities from Contracts Finder flagged as SME suitable, and chose a random selection to dig deeper. We requested selection criteria to review:

- insurance thresholds,
- whether a minimum turnover was stipulated, and
- if previous experience was requested.

We contacted 30 public sector buying organisations, five CG and 25 WPS. All CG responses and all but one WPS response met the criteria of the Spot Check.

9. Service Satisfaction Surveys

We aim to handle CG cases within 60 days and WPS cases within 90 days. In 2019/20 99% of cases were managed through to conclusion within this service level agreement (SLA), this is a big improvement from 82% in the previous year. The one case that did not meet the SLA as it was complex and required more time to understand the issues involved and more stakeholder liaison.

Feedback surveys are sent to new suppliers and contracting authorities following case closure. Feedback from suppliers has shown that we have a positive impact on public sector procurement by recommending changes in contracting authorities' procurement activities.

Supplier Feedback

A total of 61 surveys have been sent to new suppliers compared to 146 the previous year. We had 19 responses, giving a 31% response rate which has declined from 38% the previous year.

- 78% who responded rated the service Good or Excellent, a decrease of 9% from 87% in 2018/19.
- 94% agreed that the process and case outcome was explained to them, an increase of 9% from 85% in 2018/19.
- 68% of those surveyed confirmed it was easy to find information on PPRS, a decrease of 8% from 76% in 2018/19.
- 84% of those surveyed confirmed they would use the service again, a decrease of 1% from 85% in 2018/19.
- 84% would recommend the service to others, a decrease of 1% from 85% in 2018/19.

Contracting Authority Feedback

A total of 55 (101 in 2018/9) surveys have been sent to contracting authorities that have been contacted by the PPRS and we have received 13 responses (31 in 2018/9) responses, giving a status response rate of 23% response rate which has declined from 31% in the previous year.

- 92% of contracting authorities who responded to the survey agreed it was a helpful route for suppliers to question procurement approaches, a decrease of 2% from 94% in 2018/19.
- 92% agreed that the process and case outcome was explained to them, a decrease of 2% from 94% in 2018/19.
- 69% of contracting authorities agreed that they found the advice and recommendations provided useful, a decrease of 15% from 84% in 2018/19.
- 38% of contracting authorities confirmed that they informed suppliers about the service, an increase of 22% from 16% in 2018/19.

We recognise that this year the number of surveys has decreased. In particular, the number of surveys returned from suppliers is particularly low and we are working on improving this with more interaction with stakeholders in the next financial year and a view to issuing the surveys directly from PPRS to enable us to follow up for a response.

Actions in response to Feedback

We rely on the surveys to give us information to help improve the service we provide going forward.

We received a lot of positive feedback from both suppliers and contracting authorities, some of the comments are include:

- *“Communicated in a timely manner, treated me with respect, undertook the investigation fairly and with integrity, kept me informed.”*
- *“The speed of response and clear process was impressive. Gave me confidence that the Cabinet Office is serious about its values and transparency.”*
- *“Can I advise that this is the first time that I have used this service, I have been impressed with its ease and your quick response. Obviously, I hope not to need the PPRS again but I will recommend you to my associates.”*
- *“Thank you so much for all your help and intervention.”*
- *“If more public bodies could be trained to the level of your staff, that would be fantastic.”*
- *“After struggling with late payments the PPRS started a case, investigated, liaised with the debtor and within a few days payment was arranged for overdue payments. Thanks”*
- *“Quick, easy and helpful. I couldn’t have asked for anything more...”*

In terms of making improvements to the service we have taken on the constructive feedback received below:

You Said	We Did
<i>“Useful service that needs to be made more widely known.”</i>	We have been actively promoting the service through Contracts Finder, Digital Marketplace, trade associations to make it easier for suppliers to locate our service. We also updated our Marketing Flyer on GOV.UK and produced a brochure to raise awareness of the service and highlight our results from 2018/19. We will put a communication plan in place for Ministers to support increasing the awareness of the service particularly within the SME community.
<i>General Communications.</i>	<p>We received feedback suggesting that our communications were too detailed and sometimes confusing.</p> <p>We used this feedback to design a clearer title, and text to ensure that the contracting authority could easily identify what information we are asking for.</p> <p>We also improved the way in which we publish our findings on GOV.UK. The database is searchable by subject and can be filtered to narrow results.</p>

	We will be looking at ways we can continually improve this moving forward.
<i>The survey results showed a decrease in the amount of suppliers able to find information on the service.</i>	<p>We will focus our marketing on supplier forums via digital media.</p> <p>We will put a communication plan in place for Ministers to support increasing the awareness of the service particularly within the SME community.</p> <p>We will work with the other GCF communications team to identify the best route to market our services to suppliers.</p>
<i>The survey results showed a decrease in the contracting authorities confirming that the advice and recommendations were useful.</i>	We will focus on ensuring we explain our advice and recommendations in more detail.
<i>"In regards to this survey we weren't required to make changes so I need to disagree with the advice being good as we didn't receive any in so far as it was necessary, your question format could use some tweaking to allow for this, as overall it was very positive interaction."</i>	We will review our survey questions and the process we follow to issue these to service users.

There were two issues raised that due to our current Scope and Remit we were unable to address directly.

You Said	We advised
<i>"I would have liked to see a review of the process itself, rather than just an investigation into the relevant department and its adherence to the existing process."</i>	<p>Where a case is raised with the service we look at the specific area of concern, however in addition to case work and enquiries we carry out spot a check programme based on key trends.</p> <p>We plan more Spot Checks in the coming year based on trends highlighted in 2019/20.</p>
<i>"There needs to be real consequences for people who aren't compliant."</i>	<p>Under the current legislation recommendations made to contracting authorities are non-binding. We cannot force a contracting authority to award a contract, or refrain from awarding a contract, to a particular bidder.</p> <p>For further details please see our Scope & Remit²⁰.</p>

²⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878572/Public-Procurement-Review-Service-Scope-and-Remit.pdf

A formal complaint made by a supplier about the service was reviewed and resolved, the complaint was not upheld.

10. Forward Look for 2020/21

The service is continually evolving to reflect Government's policy aims in procurement. Cases vary and can range from the structure of the procurement to the tender process and late payment of suppliers and we will adapt the service outputs in line with trends and issues.

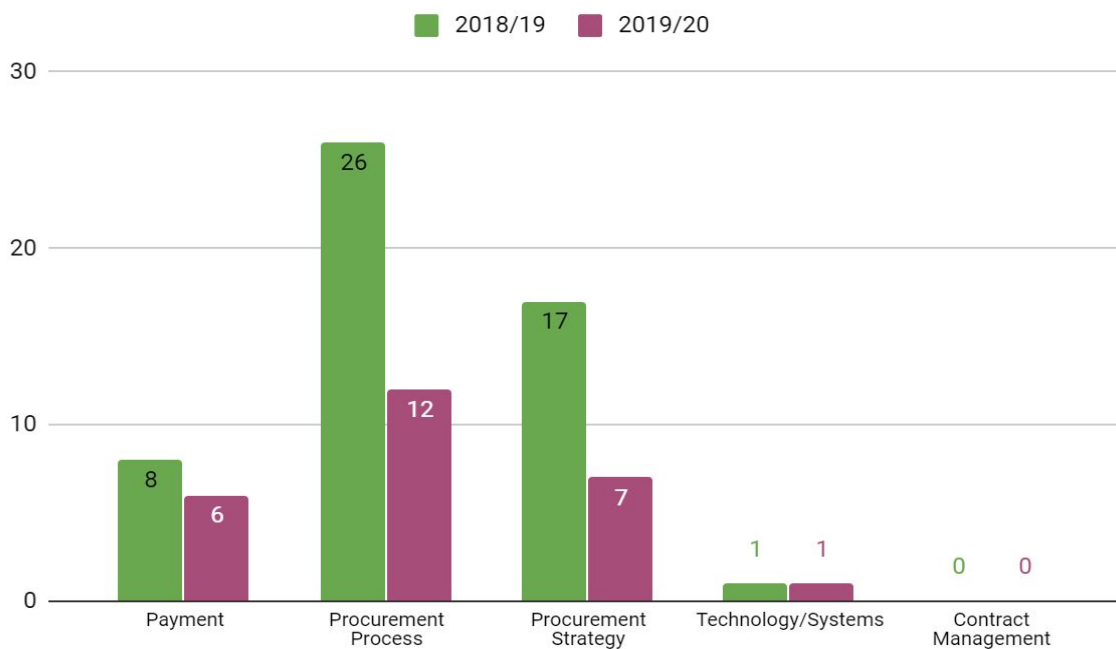
Our focus for 2020/21 will fall in eight main areas:

- We will continue to market our services to ensure suppliers are aware of the support available, in line with policy and customer needs. Our focus this year is marketing to supplier forums, we are considering if webinars and other media will support marketing better during the Covid-19 pandemic and going forward. We will produce a communication plan for Ministers, so that they can promote the service to ensure it is more widely known, particularly with the SME community.
- We will work with GCF communication teams to ensure we identify the best route to market our services to suppliers and put plans in place to deliver.
- We will actively support the Small Business Crown Representative in his role and liaison with SMEs when working with the government.
- We will work closely with the Small Business Commissioner²¹ and other small business support teams and similar services operating within the Devolved Administrations to assist in signposting and sharing best practice in areas outside our scope.
- We will continue to work with stakeholders to improve our services and raise awareness of the trends identified from the issues raised and feed into policy development.
- We will continue to work with contracting authorities to ensure that our recommendations are taken forward in future procurements.
- We will continue to work with the Government Commercial Functions Teams to feed in the issues that are raised to improve commercial capability.
- We will base our Spot Check programme on the trends established from the complaints we receive or any changes in procurement regulations.
- We will review the way we issue surveys to service users to ensure continuous improvement.

²¹ <https://www.smallbusinesscommissioner.gov.uk/>

Annex A - Main trends for Central Government

Chart 5: Issues investigated with CG - High Level - 2019/20 comparison against previous year

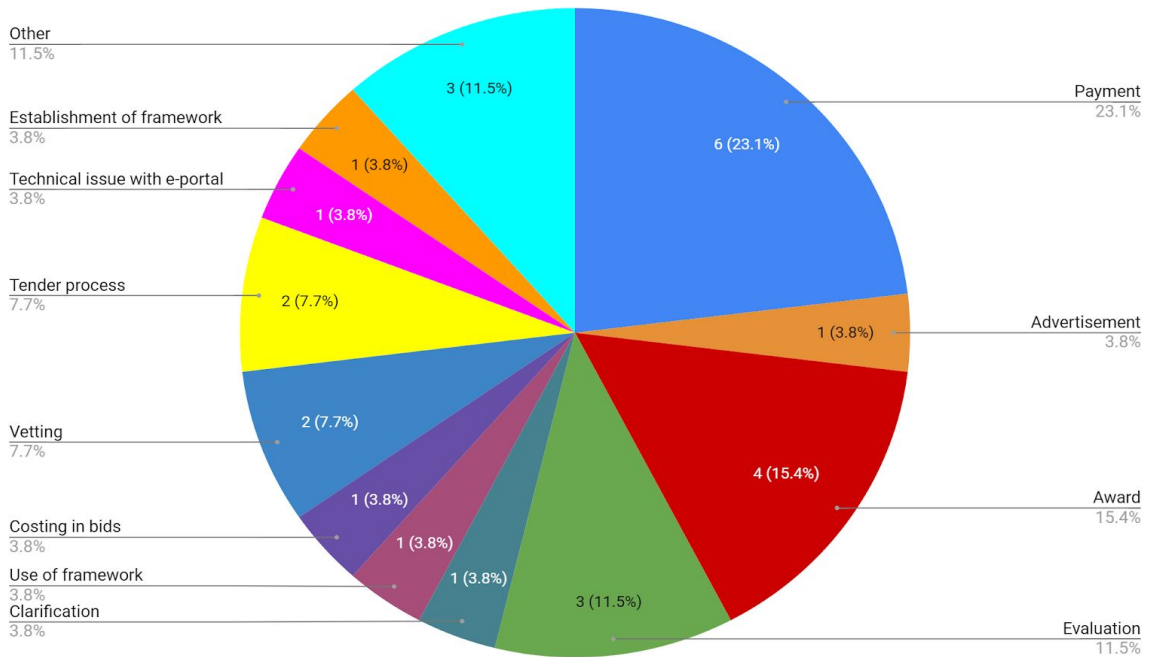


We investigated 26 cases classified as CG, half the 52 cases closed in 2018/9. Cases categorised under 'Procurement Process' are the most prevalent in this sector again this year, accounting for just under a half of cases (46.1%, 12 cases). The proportionate number of payment cases reported within the CG sector increased from 15.4% (8 cases) in 2018/9 to 23.1% (6 cases) in 2019/20, although the numbers have decreased.

The GCF Outsourcing team have been working on the second iteration of the Playbook²² which has been designed to improve how government works with industry and deliver better public services; version 2 of the Playbook will also include a chapter specifically focussing on building and maintaining successful relationships with suppliers. Alongside other central commercial teams, they have worked closely with central government departments to upskill and share best practice throughout the commercial life cycle, which could have had a direct effect on the number of central government cases received this year.

²² <https://www.gov.uk/government/news/outsourcing-playbook-published>

Chart 6: Issues investigated with CG - Sub Level

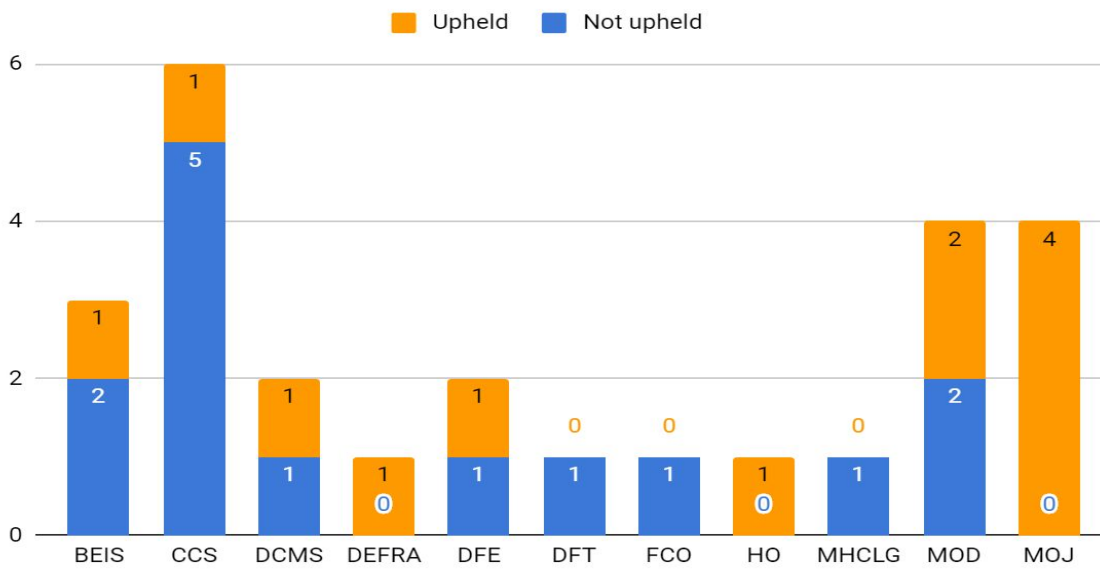


Late payment accounted for 23.1% of all issues reported to PPRS this year. To further analyse trends we have extracted 'Payment' cases as a sub-issue to identify issues within the procurement process from the complaints received. Those figures are as follows:

- 'Award' at 20.0%,
- 'Other' 15.0%,
- 'Evaluation' at 15.0%,
- 'Tender Process' at 10.0%; and
- 'Vetting' at 10.0%.

The concerns recorded under 'Other' include issues raised with; SME exclusion, Procurement procedure used and Financial requirement set to high.

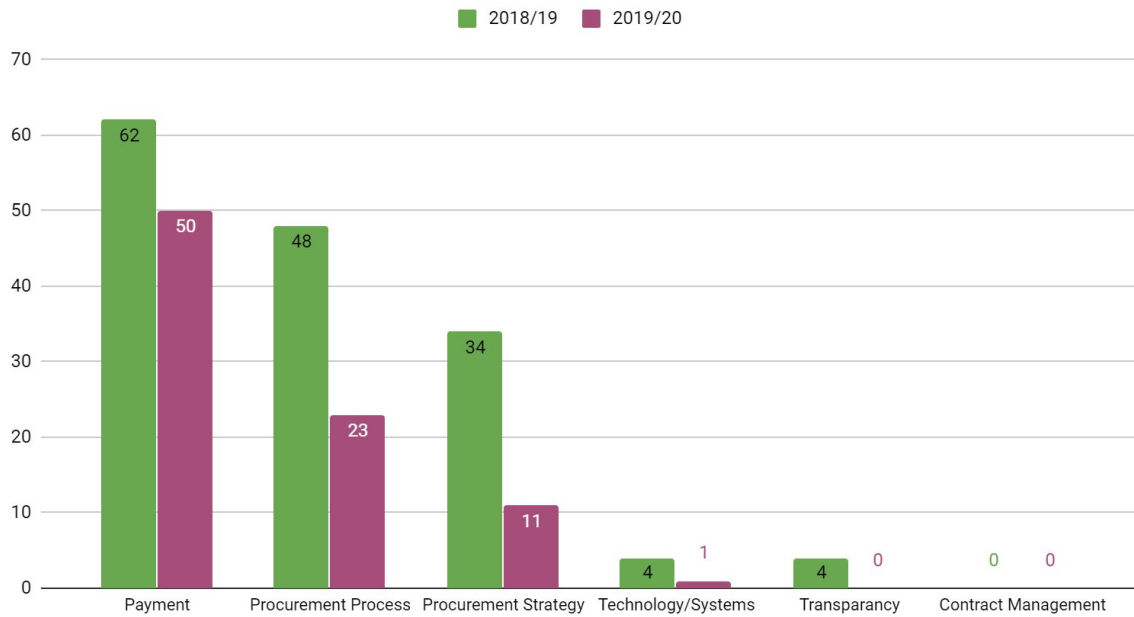
Chart 7: CG department split of cases not upheld and upheld



46% (12) of the complaints made on CG cases were upheld.

Annex B - Main trends for Wider Public Sector

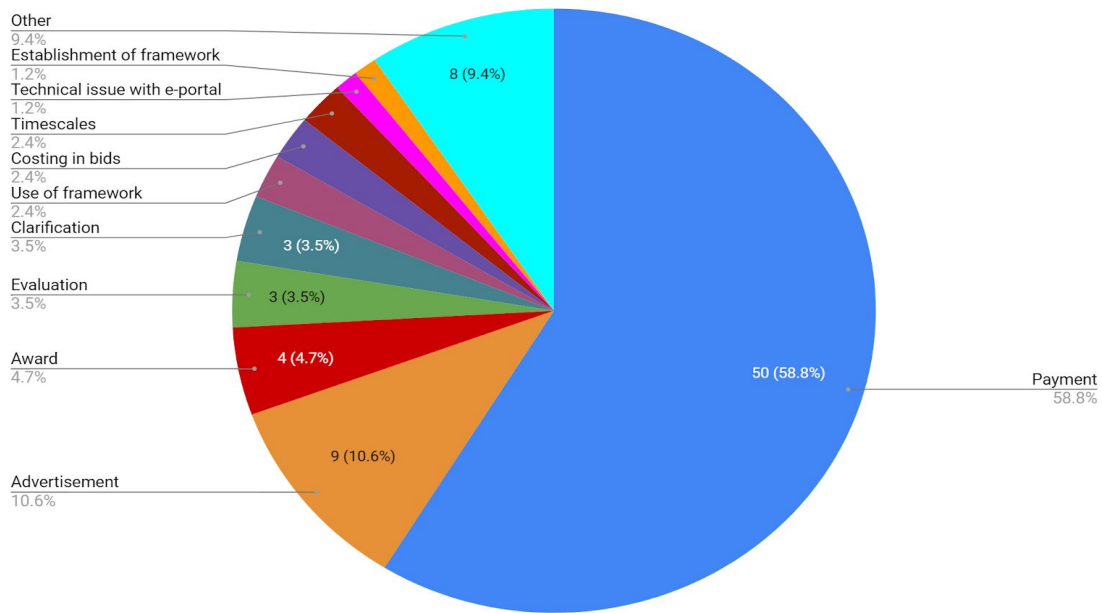
Chart 8: Issues investigated with the WPS - High Level - 2019/20 comparison against previous year



The WPS continued to account for just over two thirds of cases 79.3% although the number of complaints received declined from 152 in 2018/9 to 85 this year. Most of the cases this year were categorised as Payment (50 cases) and related specifically to the NHS (40 cases) and concerned the late payment of invoices. It is worth highlighting that of the 40 NHS cases, over half (23 cases 57.5%) of complaints were received from two suppliers.

We have engaged with representatives from the Department of Health and Social Care to raise awareness of the on-going issues within their sector.

Chart 9: Issues investigated with the WPS - Sub Level

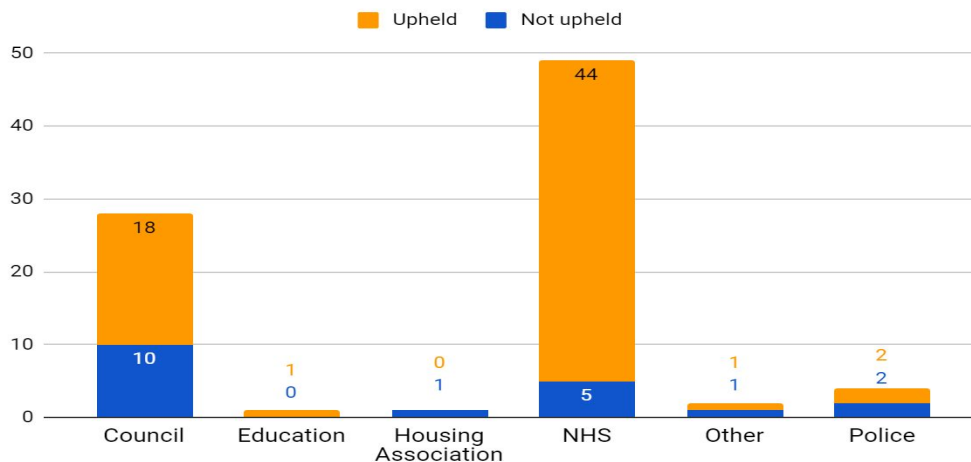


Late payment accounted for just over half (50.5%) of all issues reported to PPRS this year. To further analyse trends we have extracted 'Payment' cases as a sub-issue to identify issues within the procurement process from the complaints received. Those figures are as follows:

- 'Advertisement' at 25.7%,
- 'Other' at 22.9%,
- 'Award' at 11.4%,
- 'Evaluation' at 8.6%; and
- 'Clarification' at 8.6%

The concerns recorded under 'Other' include issues raised with; Communication, DPS Operation, Feedback, Lotting, Scoring, Selection, Tender requirement and Use of existing contracts.

Chart 10: WPS - sector split of cases not upheld and upheld



The majority of WPS complaints were upheld mainly due to the number of payment cases within the NHS. Overall 66 WPS cases (59.5%) were upheld.