



Government
Commercial
Function

PUBLIC PROCUREMENT REVIEW SERVICE



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Contents

Quotations	3
Public Procurement Review Service	4
Service statistics	5
Working with PPRS	6
Main trends	10
Feedback	13
Get in touch	15

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Quotations



Lord Agnew

Minister of State



The Public Procurement Review Service is a key way to ensure government buying is robust and fair. This service is levelling the playing field for many small businesses, by allowing them to confidently tell us of unfair procurement practices including late payment.



Martin Traynor OBE

Small Business Crown Representative



The service plays a really valuable role in identifying issues in public sector procurement faced by small businesses. I'm committed to seeing barriers lowered so more small companies bid for contracts so the feedback we get helps us do that. I urge all businesses to use the service if they see something that doesn't seem right or that they don't understand.



Public Procurement Review Service

The Public Procurement Review Service (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.

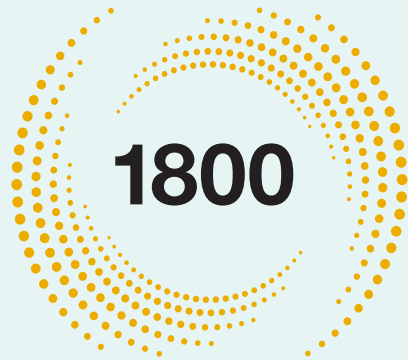
The role of PPRS is to investigate public sector procurement processes and highlight improvements that could be made by buyers.

The service is free and available for any supplier to use. PPRS can help with small businesses who feel they might have been treated unfairly during a tender, or if they have concerns about the conduct of a procurement process.

The work of PPRS can lead to live procurements being adjusted, or recommendations being made to contracting authorities, leading to improvements in the way government sources goods and services in the future.

PPRS also handles cases concerning the late payment of valid and undisputed invoices on a public sector contract (i.e. not paid within 30 calendar days or any earlier payment date as stated in the contract terms).

Service statistics



Over 1800 referrals since 2011



The service has a 100% success rate of releasing payments on undisputed invoices



100% of recent cases have resulted in a positive outcome whereby recommendations were accepted, live procurements were adjusted or advice was taken on how future procurements could be improved



Over £8m of late payments have been released since 2011

Working with PPRS

■ Acceptance criteria

PPRS welcomes enquiries from all suppliers who have concerns about the conduct of a procurement process which 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 2 years. Suppliers can choose to remain anonymous.

PPRS also handles cases concerning the late payment of valid and undisputed invoices on a public sector contract.

■ Bodies we cover

PPRS can in principle investigate any contracting authority. In particular the service covers: central government, its agencies, non departmental public bodies, the wider public sector, local authorities and NHS bodies.

There are a few exceptions where PPRS cannot investigate:

- an authority that wholly or mainly exercises functions which are Scottish, Welsh or Northern Ireland devolved functions
- cases concerning academies and maintained schools
- exercise of functions relating to the procurement of health care services for the purpose of the NHS

■ What to expect

The service operates Monday to Friday during normal business hours.

PPRS aims to reach a resolution within two months of receipt if the referral concerns a central government body, or within three months of receipt for issues relating to the wider public sector. If your case is more complex, it may require longer to get a good resolution.

■ Case handling process



■ Working with contracting authorities

When PPRS receive a case, the first action is to contact the contracting authority, make them aware of the issue and establish a timeline for resolution. PPRS will not share the suppliers details unless they are happy to do so.

Where a procurement is live, PPRS will actively work with the contracting authority to reach a resolution before the tender submission deadline, or (where appropriate) request a deadline extension to allow for further clarification.

■ What to expect from resolutions

Positive outcomes include:

- changes being made to live procurements
- recommendations being accepted
- improvements to future procurement practice being identified and agreed

The overall approach is to make recommendations to the contracting authority on how to address the specific problem. If the issues raised are applicable to general public procurement practice, PPRS may work with the Commercial Policy Team within the Cabinet Office to issue general guidance to all public bodies.

Where a complaint is not upheld, and the correct procedure has been followed by the contracting authority, PPRS offers advice to suppliers to help them understand what has happened and why.

Serious or persistent supply chain issues will be raised with the SME Crown Representative.

The majority of cases are published on [GOV.UK](https://www.gov.uk).



Main trends

■ Types of cases

In order to track trends, cases are categorised. The majority of cases across central government and the wider public sector follow a similar pattern and are payment related, mainly late payments within the wider public sector.

Other areas that continually report a higher proportion of complaints are Advertisement, Award, Evaluation and Clarification.

■ Top issues and action taken

Late Payment

Since the service started, PPRS has unblocked over £8 million owed to businesses in late payments.

Where public sector invoices are 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 Public Contract Regulations 2015, public sector buyers must publish the amount of interest paid to suppliers due to late payment.

Advertisement

PPRS cases concern complaints regarding the process of advertising opportunities and a perception that advertisements had been written to favour the incumbent provider.

Where errors or omissions were identified often the contracting authority amended or removed the adverts.



Award

Suppliers contacted PPRS when they applied for an opportunity but had not received notice of an outcome.

PPRS shared best practice guidance with buyers and suppliers to help them understand the requirements at each stage of the procurement lifecycle.

Evaluation

Complaints centre around the tender evaluation process, with suppliers complaining that the evaluation process had not been open, fair and transparent.

Where complaints were upheld PPRS recommended that authorities revised

their procurement processes. In cases where complaints were not upheld, PPRS advised suppliers to carefully review the tender documentation, specifically the how to bid information.

Clarification

Suppliers complain about the time taken to respond to clarification questions, or no response being received.

PPRS reminds contracting authorities of allowing sufficient time between clarification and submission as well as encouraging suppliers to register on the contracting authorities e-portal to be able to view the full array of procurement documentation available.

The future

In the future, PPRS will continue to:

- market services to ensure suppliers are aware of the support available
- establish a focussed spot check programme on the trends established from cases closed
- support the Small Business Crown Representative in his role and liaison with SMEs when working with the government
- work closely with the Small Business Commissioner and other small business support teams and similar services operating within the devolved administrations to assist in signposting and sharing best practice
- raise awareness of the trends identified from the issues raised and feed into policy development to improve government commercial capability



Feedback



“ For us this is a great result and we're very happy with your intervention, which will promote non-discrimination and equal treatment in the procurement. Thank you very much for your assistance in resolving this. ”



“ The speed of response and clear process was impressive. Gave me confidence that the Cabinet Office is serious about its values and transparency. ”



“ 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. ”



“ Quick, easy and helpful. I couldn't have asked for anything more... ”



Get in touch

If you think PPRS can help or want to know more, get in touch:



publicprocurementreview@cabinetoffice.gov.uk



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