



## Scope and Remit of the Public Procurement Review Service (PPRS)

### What is the service?

The Public Procurement Review Service (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. The service was launched in February 2011 as part of a range of measures to build the commercial capability of contracting authorities through their adoption of good procurement policy and practice and to ensure that public procurements do not impose unnecessary barriers to small businesses when bidding for public contracts.

The introduction of the Small Business, Enterprise and Employment Act 2015 (SBEE) strengthened this service by providing a statutory basis for our procurement investigations. Since the commencement of the Procurement Act 2023 (the Act), these provisions have now been revoked and replaced by Part 10 of the Act.

The PPRS was previously known as the Mystery Shopper Service.

### Acceptance criteria for cases

We investigate and aim to resolve enquiries that satisfy certain criteria, which are set out below. We welcome enquiries from suppliers who have concerns about the conduct of a procurement process which they have been part of, or in which they wish to participate. We also accept enquiries from organisations and trade bodies that represent suppliers. Firstly, your enquiry must relate to a specific procurement. The issue must have taken place in the last two years and concern:

- a) A procurement process under the Act that is run by a contracting authority that is in scope for the PPRS (this is defined in greater detail in the section headed 'What bodies are covered by investigations?'),
- b) Commercial activity by a public sector body that does not align with published best practice. This may include procurements under frameworks let under the Public Contracts Regulations 2015 (PCRs),
- c) A supply chain issue that relates to a contract let by an in-scope contracting authority, or
- d) 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 relating to a public contract let by an in-scope contracting authority. This would also include late payment issues within the supply chain. Invoices must be valid and undisputed. If, however, a supplier has not followed the correct procedure, the PPRS are happy to guide suppliers through the process.

Secondly, your enquiry should concern compliance with the requirements of the Act, or should highlight a potential conflict with best practice (or PCRs for older contracts, and for contracts let under older frameworks). This can be at any stage of the procurement. For example:

- a) Pre-procurement activities;
- b) Advertising of contracts;
- c) Timescales;
- d) Formal tendering processes;
- e) The management of contracts, including payments to suppliers and subcontractors.

## **The role of the PPRS**

The role of the PPRS is to:

- a) Investigate suitable cases referred to us and to make recommendations in respect of procurement practices to ensure compliance with the requirements of the Act (or the PCRs),
- b) Promote good practice, and
- c) Support suppliers in obtaining payment of overdue invoices.

Our role is not to act on behalf of particular suppliers who contact us or promote their objectives.

The PPRS conducts two types of investigations:

- 1) Statutory investigations using powers under section 108 of the Act in respect of the compliance by relevant contracting authorities (as defined in section 108 of the Act) with the requirements of the Act. These investigations will not lead to section 109 recommendations but may lead to non-binding recommendations.
- 2) Non-statutory reviews, also leading to the issuing of non-binding recommendations to:
  - a) Any in-scope contracting authorities (see below) in respect of the exercise of procurement functions under the Public Contract Regulations (PCRs) and the Defence and Security Public Contracts Regulations (DSPCRs), and
  - b) Central government bodies in respect of their compliance with the requirements of the Act.

## **What bodies are covered by investigations?**

The PPRS can conduct statutory investigations under section 108 of the Act into relevant contracting authorities as defined in the Act. This includes most public sector bodies including local authorities, the emergency services and health bodies.

The PPRS can also conduct non-statutory reviews into relevant contracting authorities as defined in the Act and central government bodies including:

- a) Government departments,
- b) Executive agencies, and
- c) Non-departmental public bodies

These are referred to collectively as “in-scope contracting authorities” in this document.

All central government bodies and relevant contracting authorities, i.e. all in-scope contracting authorities therefore fall within the remit of the PPRS.

The following bodies are not in-scope contracting authorities and not subject to investigation by the PPRS:

- a) Devolved Scottish authorities, devolved Welsh authorities or transferred Northern Ireland authorities (as defined in the Act);
- b) Private utilities.

In respect of contracts that are exempt under Schedule 2 to the Act, the PPRS can investigate whether the exemption has been correctly applied, but once established that the contract is exempt the PPRS cannot investigate any further aspect in respect of the contract. If you raise an issue with a prime contractor working on a government contract we will work with contract managers to address feedback about unfair practices and other issues in the supply chain of government contracts.

### **What can you expect from the PPRS service?**

Our service operates Monday to Friday during normal business hours. We will usually provide an acknowledgement of your first enquiry within two working days. It is at this stage that we will begin looking at your case and whether we believe it is within the scope of our remit.

If your case is accepted we will ask whether you wish to remain anonymous when we contact the contracting authority concerned. Even if a case is accepted as within our remit we may have to cease investigating if information is later received demonstrating that the case is not within our remit, or for any other reason we later determine that the case is not within our remit.

After acceptance, your enquiry will then be passed to your caseworker who will contact you and may ask for additional information and evidence in order to understand your concerns. They may offer initial advice on handling your enquiry and will alert you if they consider that retaining your anonymity may be unhelpful in achieving a resolution for you. We are a small team and caseworkers will be handling several cases at any one time, so you should expect updates approximately every two to three weeks (or more often if your enquiry relates to a live procurement).

We aim to investigate all enquiries that meet our criteria; however, at peak times we may have to prioritise the most serious cases. We will aim to complete our action and seek to provide a reasoned response to you within 2 months of receipt of your case. In busy periods, or if your case proves to be more complex, we may require longer to get a good resolution.

### **What resolution can you expect?**

That would depend on the type of issue and the stage of the procurement process.

**Live Procurements:** If it appears that there are shortcomings with a "live" procurement exercise, then we may make recommendations to the contracting authority as to how those

shortcomings might be resolved immediately. For example, if the contract has yet to be awarded, we may recommend that the contracting authority delays, restarts or suspends a procurement exercise in order to resolve the concerns raised. However, please bear in mind that we do not have the power to force a contracting authority to delay or suspend an award.

**Completed Procurements:** If the procurement has already been concluded, we usually focus our recommendations on helping the contracting authority to improve their procurement practices for next time.

**Late Payments:** If your case relates to non-payment then we can usually help a supplier get paid for work that they have done. This may include ensuring that contracts are compliant with section 68 of the Act. Sometimes, where a payment is disputed, this may involve directing the parties to the dispute resolution clauses in the contract.

**Overall:** Our overall approach will be to make recommendations to the contracting authority on how to remedy the specific problem. If we consider that the issues raised might have wider applicability to general public procurement practice, then we may work with policy colleagues in the Cabinet Office in order to issue general guidance to all public bodies (for example, through a Procurement Policy Note).

We will normally publish the outcome of cases on the GOV.UK website and through social media. Serious or persistent supply chain issues will be raised with the Crown Representative in addition to our investigations.

Where the PPRS becomes aware of patterns of poor procurement practice under the Act, they may escalate the matter within the [Procurement Compliance Service](#).

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

### **Queries we do not normally investigate**

- a) Queries that are raised by someone other than a supplier, or bodies representing suppliers.
- b) Where you are taking legal action. You must inform us if you start legal proceedings (including by sending a pre-action letter) whilst we are considering your case and we will suspend our involvement until the legal action is concluded.
- c) If it involves a dispute that is already subject to formal proceedings whether administrative (e.g. an internal appeal process) or legal (e.g. action in the UK courts or European Infraction proceedings).
- d) The procurement is currently going through the mandatory standstill period - we will suspend our involvement until the standstill period is concluded.
- e) The issue has been (or will be) investigated by an Ombudsman or any statutory body with powers to investigate the activities of public authorities. We will not review or preempt any findings of a review by another body with statutory powers concerning public procurement.
- f) You are a public sector employee concerned about the procurement activity within your own organisation. We do not handle whistleblowing cases of this kind. A guide to whistleblowing can be found [here](#).

- g) The query is either expressed in abusive terms, or appears to be malicious or vexatious in nature.
- h) It concerns an unsubstantiated or generalised suspicion of poor practice that lacks sufficient evidence for us to take up with a contracting authority or where the enquiry does not directly relate to the procurement process.
- i) It concerns a procurement undertaken by devolved Scottish authorities, devolved Welsh authorities or transferred Northern Ireland authorities, including the Northern Ireland Executive, Scottish Ministers or Welsh Ministers.
- j) It concerns procurement of health care services for the purposes of the NHS

### **What happens if the contracting authority refuses to assist in the investigation?**

Most contracting authorities are helpful and cooperate fully with our investigations. Part 10 of the Act introduced a statutory framework for certain investigations undertaken by the PPRS, which requires relevant contracting authorities to give reasonable assistance to our investigations. If Part 10 applies and the authority fails to respond, or fails to assist us with our investigation, we may, at our discretion, issue a notice requiring information and/or documents to be provided within a specified number of days from the day on which it is given. In such cases we will inform the supplier of our decision whether to use this power.

It is important to note that these powers will not be available in all investigations carried out by the PPRS; the powers in Part 10 do not extend to all public bodies and they do not apply to procurements under the PCRs or DSPCRs.

The fact that a contracting authority has failed to cooperate may be published by the PPRS, whether or not the investigation was conducted under Part 10 of the Act.

### **Other limitations of the service**

All recommendations we make 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.

We cannot provide legal advice to you or help you to seek compensation. You should not regard the PPRS as a precursor to legal action, or a potential means to obtain redress of a type that would otherwise require legal action. If you are considering whether to seek legal redress, we advise you to consult your own legal advisors to determine the most appropriate course of action.

We cannot form a view as to the extent of any financial or other loss suffered by a supplier, or comment on the accuracy of any statement made by the supplier as to a possible loss.

### **Disclosure pursuant to the Freedom of Information Act 2000**

In accordance with the obligations placed upon public authorities by the Freedom of Information Act 2000 (FoIA), all information submitted may be subject to disclosure by the Cabinet Office in response to a request made pursuant to FoIA.

In respect of any information submitted by an enquirer or contracting authority that it

considers to be commercially sensitive the party should:

- a) Clearly identify such information as commercially sensitive,
- b) Explain the potential implications of disclosure of such information, and
- c) Provide an estimate of the period of time during which the party believes that such information will remain commercially sensitive.

Where information is identified as commercially sensitive by a party, we will endeavour to maintain confidentiality, subject to our legal obligations under FoIA. You should note, in particular, that even where information is identified as commercially sensitive, we might be required to disclose such information in accordance with FoIA. Accordingly, while the PPRS will always seek to respect confidentiality, if information is required to be disclosed under FoIA then we cannot guarantee that any information provided by either party will not be disclosed even where it is marked as "confidential".

We will handle your personal information in line with the Data Protection Act 2018. Our privacy notice is available on GOV.UK.

### **How to contact the service**

Contact the Public Procurement Review Service by completing:

[Raise a supplier concern with public sector procurement, contract management, or late payment](#)

The team will confirm receipt and the next actions.

### **Privacy notice link**

[PPRS Privacy Notice](#)