# **January Oxford Procurement of Government Outcomes (POGO) Call – Chat Room File**

***What we learnt from the UK Government's response to the consultation on the ‘Green Paper: Transforming public procurement’***

**Tuesday 25th January 4-5pm GMT**

00:19:58 Leigh Crowley, GO Lab:

Welcome everyone, and a happy New Year (I don’t think it’s too late to say this)

00:20:48 Leigh Crowley, GO Lab:

Please do post any questions and/or reflections here.

00:21:26 Leigh Crowley, GO Lab: The Oxford POGO response can be found here: <https://golab.bsg.ox.ac.uk/knowledge-bank/resources/oxford-pogo-club-response-green-paper-transforming-public-procurement/>

00:29:24 Leigh Crowley, GO Lab:

As the ‘spirit moves you’ please do raise your virtual hand, and I will do my best to bring your pending question to Michael when we delve into the Q&A

00:34:57 Catherine Convery: but surely the KPIs for contracts (or at least the top 3) are published now. Ok only for larger contracts but the process is in place.

00:36:06 Leigh Crowley, GO Lab:

Here is the OPC’s blog on the govt green paper consultation response: <https://www.open-contracting.org/news/progress-on-uk-procurement-reform-ocps-quick-take-on-cabinet-offices-consultation-response/>

00:36:17 Albert Sanchez-Graells:

Very good point on resources by Kieran, which I think gains even more relevance concerning the upskilling and additional resource required to exploit the flexibility in the new procedures. I resource stay roughly the same (training or not), how likely is it that local councils will use flexible competitive or dynamic markets?

00:36:56 Kieran McGaughey:

Hi Catherine. To my understanding there is no obligation at present to publish KPIs (nor does this happen in practice in my experience in local gov)

00:40:58 Ian Makgill:

A lot of the publication process can be automated, but it does need authorities to provide reliable data in the first place. e.g. contract expiry can be automated but only if contract duration is published properly in the first place. 26% of contracts in Contracts Finder don’t have an end date.

00:41:10 Ruairi Macdonald:

Question: In the UK solicitation / invitation to tenders are published on a third party system, but then pulled down when the procedure ends. It central gov is willing to pay for retaining these docs online, why is this not easy to do? These docs are helpful for the market, other contracting authorities, and researchers - no?

00:44:17 gavin hayman:

Hi everyone, our full take on the consultation response is here if of interest: https://www.open-contracting.org/news/progress-on-uk-procurement-reform-ocps-quick-take-on-cabinet-offices-consultation-response/

00:44:52 Albert Sanchez-Graells:

Given the leeway the flexible competitive procedure will bring, what is the point of the light touch regime other than the value threshold issue?

00:46:36 gavin hayman:

Wanted to give a shout out to Prof Sanchez-Graells analysis of the Green Paper response here too: <https://www.howtocrackanut.com/blog/2022/1/11/uk-government-transforming-public-procurement-response-comments>

00:46:44 Ian Brotherston:

Flexible competitive procedure in the future and SBRI now much better than Innovation Partnerships imho (as Julian knows) as Innovation Partnerships have some severe limitations

00:48:46 Kieran McGaughey:

Hi Albert. Re your earlier comment, my experience would suggest that, in the absence of funding/support, most Councils won't feel confident in fully embracing any new flexibilities. The current light touch regime flexibilities for example are not always fully availed of. Clear guidance would encourage greater use of new flexibilities.

00:49:27 Ian Makgill:

SBRI was v flawed and small companies trying to use it have had some very poor experiences. I fear that the changes won’t fix these problems.

00:49:50 Sascha Haselmayer:

Kieran, I agree. We have seen this in the UK and elsewhere in the EU around adopting all kinds of new procedures over the past decade +

00:50:48 Albert Sanchez-Graells:

Thanks, Kieran and Sascha. That would be my hunch. And I think that most of the claims of rigidity / doubts as to the 'sufficient' flexibility of future rules and guidance eg re flexible competitive that Julian clearly explained are, at bottom, also a problem of resourcing (on both public and private sides)

00:51:48 Dr Jacqui Taylor:

SBRI was not much use to SMEs not sure how the changes help with this at all. An additional concern is that the deep technologies which we now need to procure will be more complex for the profession

00:52:16 Peter Smith:

We may see more and more use of frameworks (often without proper competition at call-off stage) as a "safe" and relatively low-resource option.

00:52:38 Ian Brotherston:

@Ian Makgill - as the person responsible for SBRI in Innovate UK I would like to hear about your views and the basis of your comment. Similarly @Jacqui. It works well for SMEs as our evidence suggests

00:53:04 Peter Wilson:

@Peter Smith – agree

00:54:02 Malcolm Harbour:

The response on innovation is very disappointing. It does not respond adequately to the many points that emphasised that the Competi

00:55:56 Abby Semple:

@Kieran McGaughey Do you think that the 'not made by us, or for us' perception of procurement legislation on the part of councils (which was a common view of EU procurement legislation) is set to continue?

00:57:07 Ian Makgill:

@Peter Smith we’re seeing some very interesting DPS purchasing arrangements, including one in the Netherlands that runs for 20 years.

01:00:38 Peter Smith:

a 20 yr DPS! gosh...

01:01:25 David Hunter:

There were some general nods in the White Paper to the potential strategic value of commissioning and procurement to deliver the social objectives at the heart of the public sector. This has evaporated, as far as I can tell, but maybe may reappear in the guidance coming down the track?? Massive missed opportunity if not, if we end up sticking with procurement is merely competition management

01:01:42 Peter Wilson:

@Ian Makgill what is the scope of the Dutch DPS?

01:02:41 Ian Makgill:

Consultancy (of course)!

01:02:43 Richard Simmons:

In thinking about the next steps following the legislation, how much will we seek to learn from the experiences of the transformation programme and building of support structures in Scotland since 2006?

01:03:00 Kieran McGaughey:

@Abby Semple Hi Abby. Yes, I think this is a risk. Hopefully the broad range of local government responses to the Green Paper will be taken account of. The previous paper had a very central government feel (and possibly more tailored to big infrastructure projects etc), A local authority social care contract does not tend to have KPIs etc. so the rules perhaps better need to reflect the variety of contracts being awarded.

01:03:03 Catherine Convery:

some really good stuff in Scotland but obv much smaller

01:03:31 Peter Wilson:

@Ian Makgill naturally lol

01:05:45 gavin hayman:

Yes, exactly Lindsay. The transparency and (open) data should be harnessed to give departments, councils etc a clearer view of their spend, contracts, vendors, planning, risks etc. That could be a huge benefit to them.

01:06:28 Albert Sanchez-Graells:

Perhaps the communication of the new rules and guidance (in due course) should stress 'this is what you can now do that you used not to be able to do', as well as some myth busting about what' you could always do but used not to' because some of the ossified resistances are not always reflective of what the rules actually allow for... Claims of inflexibility in healthcare commissioning and fears of legal risks wagging the tail of the reform of the NHS 2013 Regs for example...

01:07:02 Leigh Crowley, GO Lab:

In her comments Lindsay mentioned a stakeholder consultation form that she is able to share with us. I will receive this link after today’s call and share with the POGO network. I am sure she would appreciate your participation

01:11:37 CHRIS SMITH:

Great idea for Lebanon to undertake an OECD MAPS assessment before the reforms. Something the UK should also consider so we can then quantify the impact of the reforms.

01:12:04 Catherine Convery:

@Chris interesting idea as it would allow the measurement of the benefits if we did that

01:12:40 Catherine Convery:

love the fact that risk underlines the coordinated approach

01:12:47 Catherine Convery:

Still not a well trained area

01:13:04 Leigh Crowley, GO Lab:

The connection is a little poor for me, and a few others. We will share Basma’s slides in our wrap-up email

01:13:40 Dr Jacqui Taylor:

Thanks Leigh, yes hard to hear

01:13:59 Catherine Convery:

is the Technical Support to Complaints Authority for the supplier?

01:14:09 Caroline Nicholas:

Here in UNCITRAL, we recommend this diagnostic approach before any reform - the resource input into a MAPS assessment is quite high but a good investment that usually throws up some interesting issues

01:14:10 Julian Blake:

Totally agree with Albert's proposition of guidance emphasising flexibility. That has long been needed under the existing PP regime, the similar permissiveness of the EU State Aid regime (eg SGEIs) and UK Social Value. Re Innovation Partnership is has been depressingly common to hear "it is interesting, but we can't do it, because no one has done it" (not true). Also reading the EU Directive you can see efforts to correct previous narrow interpretation - "don't think you can't do this, as you can" (with due professional objective judgment etc.

01:14:40 Leigh Crowley, GO Lab:

We will hear from Caroline shortly, unfortunately we will not have much time for ‘international Q&A’. Please do post here and I can share the chat file too!

01:15:10 CHRIS SMITH:

Also like the use of standard bidding documents - something the UK does not have. Would make life a lot easier for bidders and a great opportunity to cut the invisible red tape hiding in the complex bid and contract documents.

01:16:03 Basma Abdul Khalek:

Transforming Public Procurement: Lebanon’s Path to Efficiency, Social Value, and Transparency: https://www.lcps-lebanon.org/featuredArticle.php?id=348

01:17:29 Ian Makgill:

100% agree with @Caroline on the post-facto issue, this doesn’t have to be the case though, we need to design systems that integrate publishing as part of the service.

01:17:57 Leigh Crowley, GO Lab:

Thank you to all of our excellent speakers!

01:18:16 gavin hayman:

Basma, I am always impressed by the reforming energy that you are bringing to Lebanon's procurement. I'd also emphasize that like the UK (should be), you are thinking digitally including using the Open Contracting Data Standard to automate publication of and assemble a single source of truth from the many notices around procurement.

01:18:23 Leigh Crowley, GO Lab:

We will be back Feb 22nd 4-5, with a session on ‘social value’

01:19:02 CHRIS SMITH:

Good point from Caroline/Gavin automation. However, for the UK that's means upping our game in terms of the eProcurement tools that are used. We are at the bottom end of digitisation hence the lack of data that then needs to be recreated manually creating an unnecessary burden.

01:19:16 David Hunter:

Great last point, Caroline, thanks

01:19:37 Abby Semple:

Apologies, I have to go. Thanks to all the speakers and chatters for a good discussion

01:19:43 Basma Abdul Khalek:

Thank you gavin, yes OCDS are standards that will be observed while designing our e-procurement solution. Happy to discuss further

01:20:18 Aris Christidis:

Thank you. Looking forward to the next call.

01:20:29 gavin hayman:

Always a great discussion and community. Thanks for having me POGO :)

01:20:30 DEBORAH RAMSHAW:

thank you, great session!

01:20:33 Caroline Nicholas:

Great discussion - thanks!

01:20:38 Dr Jacqui Taylor:

Thanks all great session

01:20:45 CHRIS SMITH:

👍

01:20:45 Wayne Welsby:

Thank you all

01:20:48 Saema Jaffer:

@leigh - please could you share the link for future sessions again?