

Procurement Bill [HL]

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 10

BARONESS HAYMAN OF ULLOCK

Insert the following new Clause—

“Procurement principles

- (1) In carrying out a procurement, a contracting authority must pursue the following principles—
 - (a) promoting the public good, by having regard to the delivery of strategic national priorities including economic, social, environmental and public safety priorities,
 - (b) value for money, by having regard to the optimal whole-life blend of economy, efficiency and effectiveness that achieves the intended outcome of the business case,
 - (c) transparency, by acting openly to underpin accountability for public money, anti-corruption and the effectiveness of procurements,
 - (d) integrity, by providing good management, preventing misconduct, and control in order to prevent fraud and corruption,
 - (e) fair treatment of suppliers, by ensuring that decision-making is impartial and without conflict of interest, and
 - (f) non-discrimination, by ensuring that decision-making is not discriminatory.
- (2) If a contracting authority considers that it is unable to act in accordance with any of these principles in a particular case, it must—
 - (a) take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage, and
 - (b) publish a report within 90 days setting out the principles with which it could not act in accordance and its reasons.”

Clause 18

LORD COAKER

Page 12, line 31, at end insert –

- “(3A) In the case of a defence and security contract, unless it would leave no tenders that satisfy all other award criteria, a contracting authority must disregard any tender from a supplier that –
- (a) is not a United Kingdom supplier or treaty state supplier, or
 - (b) intends to sub-contract the performance of all or part of the contract to a supplier that is not a United Kingdom supplier or treaty state supplier.”

Clause 40

LORD WALLACE OF SALTAIRE

Lord Wallace of Saltaire gives notice of his intention to oppose the Question that Clause 40 stand part of the Bill.

Clause 41

LORD WALLACE OF SALTAIRE

Lord Wallace of Saltaire gives notice of his intention to oppose the Question that Clause 41 stand part of the Bill.

Clause 88

BARONESS HAYMAN OF ULLOCK

Page 56, line 10, at end insert “and to establish a transparent, accessible, machine-readable and licence-free digital register for all public procurement under this Act in which all notices are to be uploaded and regularly updated”

After Clause 88

BARONESS HAYMAN OF ULLOCK

Insert the following new Clause –

“Digital registration for suppliers

The Secretary of State may by regulations create a digital registration system for suppliers, to be used for the purpose of applying for procurements to contracting authorities.”

After Clause 98

LORD COAKER

Insert the following new Clause –

“Audit of Ministry of Defence procurement

- (1) Within one month of the passing of this Act, the Secretary of State must commission the National Audit Office to produce and publish a report setting out any instances of Ministry of Defence procurement in the period of 5 years ending with the day on which this Act is passed that have resulted in –

After Clause 98 - continued

- (a) overspend on initially planned budgets,
 - (b) assets being withdrawn or scrapped or prepaid services terminated,
 - (c) a contract being cancelled,
 - (d) a contract being extended beyond the initially agreed timescale, or
 - (e) administrative errors which have had a negative financial impact.
- (2) The National Audit Office report must include recommendations on how better management of contracts can reduce the loss of public money.
- (3) Within three months of the publication of the report, the Secretary of State must report to Parliament on whether its recommendations have been accepted or rejected, with reasoning in either case.
- (4) The Secretary of State must commission the National Audit Office to conduct a similar review annually.”

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26 May 2022
