

Procurement Bill [HL]

AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

Clause 1

LORD LANSLEY

Page 1, line 21, at end insert—

“(3A) A university is not a public undertaking for these purposes.”

Clause 8

LORD LANSLEY

Page 6, line 43, at end insert—

“(d) the suppliers of such services consist of small and medium-sized enterprises and few larger enterprises.”

Clause 11

LORD LANSLEY

Page 8, line 38, at end insert—

“(1A) In subsection (1) “public benefit” includes economic benefits, environmental benefits, the promotion of innovation, maximising social value and the reduction of geographic disparities across the United Kingdom in relation to these public goods.”

Clause 12

LORD LANSLEY

Page 9, line 2, leave out “may” and insert “must”

Page 9, line 3, at end insert—

“(1A) The strategic priorities must include, but are not limited to—

- (a) the achievement of targets set under the Climate Change Act 2008 and the Environment Act 2021,
- (b) requirements set out in the Public Services (Social Value) Act 2012,

Clause 12 - continued

- (c) the promotion of innovation and enhancing the competitiveness of UK suppliers, and
- (d) the minimisation of fraud, corruption, waste or the abuse of public money.”

Page 9, line 7, at end insert –

“(za) publish a draft statement,”

Page 9, line 8, after “consultation” insert “on the draft statement”

Clause 15

LORD LANSLEY

Page 11, line 16, after “suppliers” insert “, especially among small and medium-sized enterprises,”

Page 11, line 28, after “contract,” insert “taking account of the size or experience of the enterprise concerned,”

Clause 20

LORD LANSLEY

Page 14, line 21, at end insert –

“(5) The tender notice must provide a period during which potential suppliers may ask questions, during which all the questions and the contracting authority’s answers must be made available to all potential suppliers.”

Clause 22

LORD LANSLEY

Page 15, line 18, at end insert –

“(ba) enable innovative solutions to be offered in meeting the purposes of the tender,”

Clause 26

LORD LANSLEY

Page 17, line 30, at end insert –

“(2A) Before assessing which tender best satisfies the award criteria for the purposes of section 18, the contracting authority may require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low; and the contracting authority may exclude the supplier where the evidence supplied does not satisfactorily account for the low level of price or costs proposed.”

Clause 44

LORD LANSLEY

Page 27, line 24, leave out sub-paragraph (ii) and insert—

“(ii) criteria relating to the relative ranking of suppliers for award criteria if access to the framework was the result of a competitive selection process.”

Page 27, line 24, at end insert—

“(iii) that the supplier has the opportunity to provide details of their credentials, capacity, quality and value in relation to the framework and the contracting authority has an objective mechanism for supplier selection.”

Page 28, line 1, leave out subsection (7)

Clause 50

LORD LANSLEY

Page 31, line 6, leave out from “publish” to end of line 7 and insert “performance indicators in respect of the contract, which must include at least three quantifiable measures and such further factors and measures as the contracting authority considers justified in relation to the requirements and value of the contract.”

Page 31, line 7, at end insert—

“(1A) Key performance indicators set under this section must relate to the specifications of a tender where the contract is the subject of a competitive selection process.”

Clause 69

LORD LANSLEY

Page 44, line 23, leave out “10 per cent” and insert “one-sixth”

Clause 72

LORD LANSLEY

Page 46, line 27, at end insert—

“(d) changes of circumstances are such that force majeure applies and the contract can no longer be fulfilled.”

Page 47, line 9, at end insert—

“(6A) If a contract is terminated by reference to the grounds in subsection (2)(d) (force majeure), the contracting authority must pay the supplier such costs as have been necessarily incurred in relation to the contract up to the point of notification under subsection (4).”

Clause 81

LORD LANSLEY

Page 52, line 40, at end insert—

“(3A) Regulations may only be made under this section in relation to international agreements which have been laid before Parliament under the Constitutional Reform and Governance Act 2010.”

Schedule 11

LORD LANSLEY

Page 112, line 27, leave out paragraph 3 and insert—

“3 The provisions of the Act resulting from the Trade (Australia and New Zealand) Bill insofar as they were included in the Bill at its introduction to the House of Commons on 11 May 2022.”

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22 June 2022
