

Pandemic Procurement: The good, the bad and the invisible

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○ The good

- The UK's **vaccine procurement strategy** has been largely successful, measured by speed, supply chain reliability and value for money
- **Social services:** keeping existing ones going, switching to new delivery models, meeting new needs, e.g. for vulnerable children and adults
- **Nightingale Hospitals:** Design, build and fit-out carried out at record speed, effective use of existing supply chains
- **Ventilators:** example of accelerated innovation procurement, cross-sectoral partnerships and outcomes-based contracting



○ The bad

- **PPE:** Multiple serious failings in procurement and contract delivery, including an estimated £400 million spent on PPE which was not fit for purpose. UK overpaid compared to other countries, and advertised fewer contracts. Political connections played a role in contract awards.
- **Consultancy:** Serious questions raised about award of contract to research firm Public First without tender
- **Test and trace:** Centralised approach has had limited success in reaching contacts, local teams have performed better
- **School meal vouchers:** Problems with Edenred's centralised system for issuing electronic vouchers to families



○ The invisible

- In a pandemic, more **flexibility** is needed. But arguably more **transparency** too – as maintaining public trust in government is essential.
- High Court in *Good Law Project v Secretary of State for Health and Social Care* found that widespread delays in publishing award notices and contracts were unlawful. Two other important findings in that case:
 - NGOs and others may have **standing** to challenge procurement decisions where there is an important public interest and economic operators cannot realistically be relied upon to bring a claim
 - A common law duty exists to follow **procurement policy**, absent a good reason to depart from it
- What role should **trust** play in the award of public contracts? Can we find ways to take account of it in procurement procedures?

