

Public Procurement Newsletter & Technical Update

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July 2025

In this our July 2025 bulletin we cover the latest developments and news about public sector procurement and contract management in the UK. This brief is designed to help public procurement professionals keep abreast with current practice, recent court decisions and changes in the law. We hope you find it useful.

PA2023.org training

On Thursday 10 July 2025 we held our third PA2023.org training session. We had a packed technical update with lots of interesting developments and then we took a deep dive into frameworks, call-offs and dynamic markets under the Procurement Act 2023. Open frameworks seem particularly useful and are therefore likely to prove popular in future. There are a number of pitfalls with call-offs and fully understanding the specific framework's requirements is key to success. We explored the controversial area of a framework's liability position specifically where a contracting authority is liable as principal for a framework. Our next PA2023.org members training is on 18 August 2025 when we will be looking at modifying public contracts under the Procurement Act and the Provider Selection Regime.

Here are the technical & news matters we discussed during the recent PA2023.org training:

1. Public Procurement: Growing British industry, jobs and skills - consultation on further reforms to public procurement

More change on the horizon! Yes, UK Public Procurement Reform is still moving forward. The government has launched a fresh consultation on potential updates to the Procurement Act 2023—and it is full of thought-provoking proposals:

Targeted spend for SMEs and VCSEs exclusion for poor prompt payment records in-sourcing assessments before going to marketgreater flexibility for “person-centred” procurementslocal jobs, industry and capability.... and more?

The consultation questions are largely focused on the bigger contracting authorities and larger procurements. This is a pity as the opportunity in many of these areas is significant in many smaller spend contracts. There is an inherent conflict in the objectives (buy UK, support UK jobs and for person-centred contracts a move away from full-on market competition). It is going to be interesting to see how the eventual changes that flow from this process deal with our obligations to keep UK public spend opportunities accessible to treaty state suppliers. The aspirational vision may prove difficult to eventually deliver.

Public Procurement Newsletter & Technical Update

July 2025

Page 2

2. Lime Technology Limited vs Liverpool City Council

The High Court has delivered a significant ruling regarding the use of 'external eyes only' (EEO) confidentiality rings in public procurement litigation. The case arose from a challenge to Liverpool City Council's procurement of a new concession contract for on-street e-bike and e-scooter rental services.

Lime sought early specific disclosure of key documents. Liverpool City Council agreed to disclose the contents of Bolt's pricing submission and related communications, contingent on the implementation of a Confidentiality Ring Order (CRO). After examining the relevant legal authorities concerning CROs and EEO protections, the Court concluded that it was both necessary and appropriate to include a Lime client representative within the confidentiality ring. In doing so, the Court held that Lime's legitimate interest in having representation inside the ring outweighed Bolt's clear but ultimately subordinate interest in preserving the confidentiality of its pricing details.

3. Cambridgeshire County Council Procurement Breach Report

This report is interesting. Cambridgeshire County Council have established a procurement breach reporting process as part of their internal controls. These controls are set out in their Contract Procedure Rules. This is a fantastic example of leading practice internal control and something every contracting authority should consider.

The detail of the report is quite embarrassing for Cambridgeshire County Council. According to the report, 20 breaches of the Council's internal procurement rules occurred in the 9 month period. 13 of those breaches were also deemed to amount to breaches of procurement law. One of the councillors suggests the breaches had a cumulative value of over £27 million.

4. EU Court of Justice, C-415/23 P, 12 June 2025

This EU case is useful in understanding conflicts of interest. Although the principle of equality is not violated merely by recruiting an employee from a competing bidder during a competitive dialogue—especially one who may possess confidential insights into their former employer's bid, such as technical strategies or pricing methods—it cannot be excluded that such recruitment may result in the transfer of sensitive information. If this occurs, it could confer an unfair advantage on the recruiting bidder during the tender process. This advantage would likely undermine fair competition by placing the other bidder(s) at a disadvantage. In such circumstances, the contracting authority would be justified, in principle, in rejecting the offer submitted by the recruiting bidder. This judgement is not binding on the UK Courts but may be persuasive...

Public Procurement Newsletter & Technical Update

July 2025

Page 3

5. PPN 022: Procuring steel in government contracts

It replaces PPN 11/16 and reflects the importance of the public as a buyer of steel, changes to the commercial landscape and project appraisal and clarifies the scope of reporting requirements on steel origin data. This PPN applies with immediate effect to all Central Government Departments, Executive Agencies and Non Departmental Public Bodies ('In Scope Organisations') and it is recommended for all other contracting authorities. This PPN emphasises the importance of ensuring a balance between creating a level playing field for all suppliers and ensuring value for money for taxpayers.

6. Independent Patient Choice and Procurement Panel CR0016-25

The Independent Patient Choice and Procurement Panel has published its first report on a contract award using Direct Award Process C. This relates to non-emergency patient transport services in Humber and North Yorkshire.

The Humber and North Yorkshire Integrated Care Board did not do well in running this process and the Panel has advised the commissioner to re-visit its assessment of whether its current provider was eligible for the direct award of a new contract.

7. Independent Patient Choice and Procurement Panel CR0017-25

The Shropshire Doctors Co-operative Limited asked the Panel to advise on the selection of a provider by NHS Shropshire, Telford and Wrekin Integrated Care Board (STW ICB) for its GP Led Out of Hours Service for Shropshire, Telford and Wrekin. The Panel concluded that STW ICB acted in accordance with the PSR Regulations, and advised STW ICB to proceed with the proposed contract award as originally intended.

8. EU Guidance – Updated version of Procurement Clauses of AI

These are the revised version of the clauses, released on 5 March 2025. They have been drafted for public organisations wishing to procure an AI system that is developed or will be developed by an external supplier. The clauses are not legally binding in the EU and their use is discretionary. They have some value outside the EU and in the UK entities might customise the clauses to reflect domestic laws while retaining their AI-specific provisions. The voluntary nature of the clauses makes them a flexible resource.

Public Procurement Newsletter & Technical Update

July 2025

Page 4

9. Just 15 buyers are in charge of £14B in UK central government tech spending

This interesting article in the Register raises concerns over the lack of government commercial expertise, as the UK seeks to implement its digital 'Blueprint'. The report reveals that whilst there are 6,000 people with mixed commercial skills in Whitehall, "only 15 people are dedicated to the full time management of technology suppliers..."

10. UK council placed 10-year-old in illegal children's home costing £29k a week

The staggering cost of care placements! This shocking article from the Bureau of Investigative Journalism tells the story of the Isle of Wight council that was charged £29,000 per week for the placement in a semi-detached house leased by the local authority, at which the boy was the only resident. The home is not registered with Ofsted, the education and care watchdog, which makes operating it a criminal offence. Total spend amounted to over £500,000.

11. The Procurement Act 2023's kaleidoscopic view of the public interest – Albert Sanchez-Graells

In this paper, Albert Sanchez-Graells, University of Bristol Law School, explores the notion of public interest embedded in the Procurement Act 2023. He uses this new piece of post-Brexit legislation as a contemporary example of the difficulty in designing a 'public interest centred' system of public procurement regulation. A long read

12. Money for nothing: how quality-price trade-offs in bid scoring increase the risk of overpaying for public contracts

By considering bid evaluation under different price/non-price weightings and contract values this paper shows how contracting authorities could inadvertently pay too much. A well researched long read by Janet Izatt and Timothy L. Mullett (both from University of Warwick – Warwick Business School)

PA2023.org Network

Our **PA2023.org Network** offers helpdesk advice and regular training in UK public procurement. If you would like to know more please visit [**Join – In2 the bargain**](#) or write to [**walter.akers@in2thebargain.com**](mailto:walter.akers@in2thebargain.com)