

Public Procurement Newsletter & Technical Update

November 2025

In2
the bargain

In this our November 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

We had lots of discussion and debate on Friday 14 November 2025 when we held our regular PA2023.org members training session. We took a deep dive into evaluation and consensus under the Procurement Act. Some of the questions that fuelled the debate include: So what does true consensus really look like? If all evaluators agree the score is that consensus or is something more needed? How does the Procurement Act impact all this? We spent time looking at the practical implications of selecting an evaluation panel and running an effective moderation meeting. We explored the design of a helpful assessment methodology and how this is key to success.

Our next PA2023.org members training is on 8 December 2025 when we will be looking at competitive award under Section 19 (Open & Competitive Flexible Procedure). If you are interested in joining our PA2023.org subscription membership please write to me at walter.akers@in2thebargain.com

Free Webinar Training – Last Chance!

In October we held our PA2023.org member training on Below Threshold Contracts. The Procurement Act requirements are complex in this area, and we receive many helpdesk queries about Below Threshold Contracts. Therefore, as a once off offer we are making the training recording available free of charge to non PA2023.org members, for a limited time. Please use this link to access the slides and recording: [PA2023.org Member Training – Below Threshold Contracts – 16 October 2025](#)

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Here are some of the technical & news matters we discussed during our October & November PA2023.org meetings:

1. When will an automatic suspension be lifted and when will the Courts say no, it must stand?

We have two recent Court cases with different outcomes. Each case turned on its own specific facts. Both fall under Public Contracts Regulations 2015. It will be interesting to see how such applications play out under the new Procurement Act, as the wording of the test is different. It is important to also note that the automatic suspension under the Act is now only available during standstill.

In [Involve Visual Collaboration Ltd v The Secretary of State for Work and Pensions \[2025\] EWHC 2664 \(TCC\)](#) DWP failed in an application to lift the automatic suspension. The application was rejected on the basis that there was a serious issue to be tried and damages would not be an adequate remedy for the claimant.

It's not often that applications to lift an automatic suspension are rejected, so why did the Judge make this decision? Applying the "American Cyanamid" principles. It is possible for Involve to contend that not winning the new "flagship" contract would expose it to serious losses of opportunity to develop its business. The Court concluded that this could not be compensated by an award of damages. The Court looked at where the "balance of convenience" lay. For Involve the opportunity to become a direct creator and provider of their own video-conferencing product, as opposed to acting merely as a reseller. For DWP, various benefits of the new contract would be lost. The Court also considered, that a trial date was not delayed (January 2026), Involve agreeing to extend the current contract, and noting DWP's delay in bringing the application to lift, the Court found the balance "would resolve firmly in favour of Involve." Their inability to win new contracts outweighed any uncompensable losses to DWP arising from the delay.

In the case of [International SOS Assistance UK Limited v Secretary of State for Defence-\[2025\] EWHC 2634 \(TCC\)](#) - the application to lift the automatic suspension was granted on the basis that, on balance, the public benefits derived from the new contract were greater than the risk that damages were not an adequate remedy for the claimant. The Court rejected SRCL's arguments and said that the contracts were not "prestigious in any real way; there is simply a large number of them". Other points concerning SRCL becoming less resilient and having to reduce their fleet were described as "highly speculative and uncertain". Similarly, the Court did "not accept that the possible departure of some staff here renders damages inadequate".

So would these outcomes have been different if the applications fell to the Procurement Act? We cannot be sure as the wording of the test in the Act is different, however it is most likely that little will change in future.

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2. Write down your decisions with reasons and ensure your process is robust, coherent and comprehensible

Some important lessons in this PSR Panel Report that apply to all our procurements including those under the Procurement Act.

Firstly, you must maintain records and document your decisions in “real time” throughout the process. You cannot create documented evidence after the award decision. Records must be contemporaneous. This is fundamental to meeting transparency requirements.

Secondly, even if the contracts are for a short duration and low value, you must ensure that the process is proportionate but also robust, coherent and comprehensible.

The Panel’s report is a useful read for all involved with public procurement. We must get the basic housekeeping right and pay attention to the detail.

[Independent Patient Choice and Procurement Panel Review CR0023-25 and CR0024-25](#)

3. Some welcome guidance for suppliers – but more is needed

It has been very apparent from the get-go that suppliers were not at the forefront of UK public procurement reform. This is a missed opportunity as we all know, it takes two to tango. We need suppliers educated and confident in the new legislation if we are going to reap all the benefits of this new system of public procurement, be it under the Act or the PSR. That said, in the summer the Government Commercial Function released a video on YouTube to help suppliers register as a consortium of 2 or more suppliers on Find a Tender. See link below. We need to help suppliers and more guidance will be helpful.

[Act Now - A guide for suppliers: How to set up consortia on Find a Tender.](#)

4. Government Buying Standards update

Defra is reviewing and updating the Government Buying Standards following a series of public webinars and feedback from a stakeholder survey. The product specifications set out in the Government Buying Standards are aimed primarily at public sector organisations procuring goods or services. All government departments and their related organisations must make sure that they meet the minimum mandatory Government Buying Standards when buying goods and services. This is also encourage across the wider public sector to specify the minimum mandatory standards in tenders.

A useful resource [Sustainable procurement: the Government Buying Standards \(GBS\) - GOV.UK](#)

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5. Once again evaluation proves difficult to get right

This is yet another example of not getting the basics of evaluation right and then not meeting transparency requirements. Whilst it is PSR specific the evaluation errors and transparency issues would apply just the same under the Procurement Act (and PCR2015). Some simple rules: follow your assessment methodology, evaluate strictly against appropriate award criteria and do all in a fair and fully transparent way.

[Independent Patient Choice and Procurement Panel Report CR0021-25 and CR0022-25](#)

Talking Therapies and Psychological Therapies for Severe Mental Health Problems for Mid and South Essex. The Panel found that MSE ICB's provider selection process for its mental health core services contract breached the PSR regulations in several respects. The Panel's view is that the breaches identified have had a material effect on MSE ICB's provider selection process for the mental health core services contract. The Panel's advice to MSE ICB is that it returns to an earlier step in the provider selection process, namely the publication of a new contract notice and issuance of tender documentation suitably revised to address the issues identified by the Panel in this review.

6. A useful guide for multi academy trusts when selecting a financial management system

Choosing the right FMS software has the potential to greatly improve efficiencies in your academy trust's financial administration processes and financial reporting. This guide is designed to help MATs understand the software functionality specific to adopting the DfE's academies chart of accounts and automating processes. This understanding is really a vital part in conducting your market engagement. You will still need to conduct a Procurement Act compliant procurement, and this is a useful tool in helping to design your award criteria and the process.

[Guide to the FMS comparison matrix - GOV.UK](#)

7. 'Money-saving' UK procurement platform racks up monster tab - Projected £1.5M running costs balloon to £12M under new contracts

This is an interesting read from the Register. All about the find-a-tender platform. We have all seen it before. An emergency procurement rushed resulting in significantly higher costs over the long term. Very predictable but how do we stop this story repeating?

['Money-saving' UK procurement platform racks up monster tab • The Register](#)

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The membership package is designed around three key areas; helpdesk expert advice, training and technical updates. It will be invaluable to experienced practitioners as well as those starting out in the profession. This is particularly important in this period of change as we all move to operate under the new Procurement Act and Provider Selection Regime. Additional benefits of membership include; discounted attendance fees on open training, conferences and summits; access to all PA2023.org website resources; and meeting and networking with other members.

Contact walter.akers@in2thebargain.com for details on benefits and pricing.