

## **Transforming Public Procurement Green Paper Consultation Questions**

**This is a full list of the consultation questions for the Green Paper- Transforming Public Procurement.**

**These consultation questions can be found within the Green Paper itself. Each chapter starts with proposals for that particular policy area and the consultation questions appear at the end of each chapter.**

**Responses are welcomed from those wishing to answer all the consultation questions as well as those seeking to respond to questions on specific chapters.**

### Consultation Questions

- Q1. Do you agree with the proposed legal principles of public procurement?
- Q2. Do you agree there should be a new unit to oversee public procurement with new powers to review and, if necessary, intervene to improve the commercial capability of contracting authorities?
- Q3. Where should the members of the proposed panel be drawn from and what sanctions do you think they should have access to in order to ensure the panel is effective?
- Q4. Do you agree with consolidating the current regulations into a single, uniform framework?
- Q5. Are there any sector-specific features of the UCR, CCR or DSPCR that you believe should be retained?
- Q6. Do you agree with the proposed changes to the procurement procedures?
- Q7. Do you agree with the proposal to include crisis as a new ground on which limited tendering can be used?
- Q8. Are there areas where our proposed reforms could go further to foster more effective innovation in procurement?
- Q9. Are there specific issues you have faced when interacting with contracting authorities that have not been raised here and which inhibit the potential for innovative solutions or ideas?
- Q10. How can government more effectively utilise and share data (where appropriate) to foster more effective innovation in procurement?
- Q11. What further measures relating to pre-procurement processes should the Government consider to enable public procurement to be used as a tool to drive innovation in the UK?
- Q12. In light of the new competitive flexible procedure, do you agree that the Light Touch Regime for social, health, education and other services should be removed?
- Q13. Do you agree that the award of a contract should be based on the “most advantageous tender” rather than “most economically advantageous tender”?

Q14. Do you agree with retaining the basic requirement that award criteria must be linked to the subject matter of the contract but amending it to allow specific exceptions set by the Government?

Q15. Do you agree with the proposal for removing the requirement for evaluation to be made solely from the point of view of the contracting authority, but only within a clear framework?

Q16. Do you agree that, subject to self-cleaning fraud against the UK's financial interests and non-disclosure of beneficial ownership should fall within the mandatory exclusion grounds?

Q17. Are there any other behaviours that should be added as exclusion grounds, for example tax evasion as a discretionary exclusion?

Q18. Do you agree that suppliers should be excluded where the person/entity convicted is a beneficial owner, by amending regulation 57(2)?

Q19. Do you agree that non-payment of taxes in regulation 57(3) should be combined into the mandatory exclusions at regulation 57(1) and the discretionary exclusions at regulation 57(8)?

Q20. Do you agree that further consideration should be given to including DPAs as a ground for discretionary exclusion?

Q21. Do you agree with the proposal for a centrally managed debarment list?

Q22. Do you agree with the proposal to make past performance easier to consider?

Q23. Do you agree with the proposal to carry out a simplified selection stage through the supplier registration system?

Q24. Do you agree that the limits on information that can be requested to verify supplier self-assessments in regulation 60, should be removed?

Q25. Do you agree with the proposed new DPS+?

Q26. Do you agree with the proposals for the Open and Closed Frameworks?

Q27. Do you agree that transparency should be embedded throughout the commercial lifecycle from planning through procurement, contract award, performance and completion?

Q28. Do you agree that contracting authorities should be required to implement the Open Contracting Data Standard?

Q29. Do you agree that a central digital platform should be established for commercial data, including supplier registration information?

Q30. Do you believe that the proposed Court reforms will deliver the required objective of a faster, cheaper and therefore more accessible review system? If you can identify any further changes to Court rules/processes which you believe would have a positive impact in this area, please set them out here.

Q31. Do you believe that a process of independent contracting authority review would be a useful addition to the review system?

Q32. Do you believe that we should investigate the possibility of using an existing tribunal to deal with low value claims and issues relating to ongoing competitions?

Q33. Do you agree with the proposal that pre-contractual remedies should have stated primacy over post-contractual damages?

Q34. Do you agree that the test to list automatic suspensions should be reviewed? Please provide further views on how this could be amended to achieve the desired objectives.

Q35. Do you agree with the proposal to cap the level of damages available to aggrieved bidders?

Q36. How should bid costs be fairly assessed for the purposes of calculating damages?

Q37. Do you agree that removal of automatic suspension is appropriate in crisis and extremely urgent circumstances to encourage the use of informal competition?

Q38. Do you agree that debrief letters need no longer be mandated in the context of the proposed transparency requirements in the new regime?

Q39. Do you agree that:

- businesses in public sector supply chains should have direct access to contracting authorities to escalate payment delays?
- there should be a specific right for public bodies to look at the payment performance of any supplier in a public sector contract supply chain?
- private and public sector payment reporting requirements should be aligned and published in one place?

Q40. Do you agree with the proposed changes to amending contracts?

Q41. Do you agree that contract amendment notices (other than certain exemptions) must be published?

Q42. Do you agree that contract extensions which are entered into because an incumbent supplier has challenged a new contract award, should be subject to a cap on profits?