



Academy meet the Council, Council meet the Academy

Coming together in the Public interest

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Scope of the presentation



- Public Procurement rules
- Exceptions to the Procurement rules
- Opportunities for a unique offer



Public Procurement Rules

Public Procurement Rules



- All Academies are subject to public standards of accountability
- All Academies are ‘contracting authorities’
- Contracting authorities must comply with:
 - Public Services (Social Value) Act 2012
 - Public Contracts Regulations 2015
 - Government Guidance

Public Services (Social Value) Act 2012



The Act requires schools to consider at the pre-procurement stage :-

- How what is proposed to be procured may improve the economic, social and environmental well-being of their areas;
- How the contracting authority may act with a view to securing that improvement in conducting the process of procurement;
- In addition, the contracting authority would be required to consider whether to undertake any community consultation on the above matters.

The Public Contracts Regulations 2015



- Implements the EU Public Procurement Directive 2014/24
- In force since 26th February 2015
- Applies to all new procurements from that date
- Applies to all 'contracting authorities'

The Public Contracts Regulations 2015



- Which services are covered?
 - All services are subject to the regime unless expressly excluded in Schedule 3
 - Schedule 3 services are subject to a ‘light touch regime’

The Public Contracts Regulations 2015



- Thresholds for applicability
 - £164,176 for all sub central contracting authorities unless services are in Schedule 3
 - £589,148 for Schedule 3 services
 - £4,104,394 for works contracts
- Contract Award criteria
 - MEAT only applies

The Public Contracts Regulations 2015



- Toolbox approach to procedures
 - Open Procedure
 - Restricted Procedure
 - Competitive Procedure with Negotiation
 - Competitive Dialogue
 - the Innovation Partnership



Exceptions to the Procurement Rules

Exceptions to the Procurement Rules



- Public to public exceptions
 - Collaboration i.e. the Teckal exemption
 - Cooperation i.e. Commission v Germany
- Now codified in Regulation 12 PCR 2015
- How useful are they for Academies and Local Authorities?



Opportunity for a unique offer

Opportunity for a unique offer



- Meet Public Services (Social Value Act) 2012 obligations without the burdens
- Access to works goods and services without responsibility for tendering:
 - Access to local authority frameworks
 - Collaborative procurement
 - Public to public cooperation

Access to local authority frameworks



- Contrast with national frameworks
- Increased scope for savings
- Local focus
- Local sources

Collaborative procurement



- Similar to local frameworks but with:
 - Specific focus on particular needs
 - Designed to meet particular requirements
 - Benefit from economies of scale
 - Share commercial knowledge to benchmark
 - Sharing skills and expertise, staff and good practice

Public to public collaboration



- Regulation 12(7) PCR 2015
 - contract establishes or implements a co-operation between participating contracting authorities aimed at ensuring public services to be performed are provided with a view to achieving objectives in common.
 - Co-operation is governed solely by considerations relating to the public interest.
 - Participating contracting authorities perform less than 20% of the co-operation activities on the open market



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