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The Baroness Drake CBE
Chair, Constitution Committee
House of Lords
London
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Our reference: MC2022/09796

27th June 2022

Dear Jeannie,

Thank you for your letter on behalf of the Constitution Committee of 7 June regarding the Procurement Bill.

The National Procurement Policy Statement (NPPS) set out in Clause 12 is intended to provide strategic priorities for procurement in public sector bodies across the entire public sector. The nature of these priorities means that they are not suitable for inclusion on the face of the bill and the NPPS is intended to take account of priorities which can change based on wider government policy. Contracting Authorities will be required to have regard to the NPPS and embed this in their own organisations.

Procurement policy should be aligned with wider government policy and as such the publication of a National Procurement Policy Statement is a policy decision based on the strategic policy priorities relevant at that time. A future Government could deem that there were no additional policy priorities for procurement, making such a statement unnecessary. Therefore, it would not be appropriate to mandate the statement.

It is always important that policy priorities are only included in individual procurements where they are relevant to the subject of the contract. This is in order to avoid making procurements unduly complex through the inclusion of extraneous requirements, which could jeopardise the achievement of value for money and make it harder for small businesses to bid for public contracts. The NPPS invites contracting authorities to determine which of the strategic priorities should be pursued in individual procurements.

The Government believes that the manner in which policy priorities are to be pursued through procurement means that a “have regard” duty is more appropriate than mandating the NPPS as a whole.

Thank you for the Committee’s work and interest in this legislation.

I hope this response is helpful.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Nicholas True". The signature is written in a cursive, slightly stylized font.

Lord True CBE