



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

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The Rt Hon Julia Lopez MP
Parliamentary Secretary
Cabinet Office
70 Whitehall
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Dear Julia,

Public Procurement Framework

Thank you for submitting the summary of the Public Procurement Framework, which was considered by the Common Frameworks Scrutiny Committee on 19 January 2021.

I would like to confirm the Committee's intention to scrutinise this framework. However, there are a number of areas where we would welcome additional clarity before receiving the Provisional Framework. We are particularly concerned about the discrepancy between this framework and the approach outlined in the UK Government's Green Paper on transforming public procurement.

The Framework Summary explains that "the main intention of the Common Framework is to provide a framework for full and proper consultation and cooperation." However, it also notes that one of the administrations would be able to challenge an action "which does not adhere to the provisions set out in the Common Framework." Can you provide more information on what these provisions will be? To what extent will the parties be able to raise disputes on the basis of common principles such as non-discrimination, equal treatment and transparency?

We note that the UK Government has published a Green Paper outlining its intention to reform public procurement rules. Given that UK businesses can benefit from consistent approaches to public procurement policy, what discussions have you had on these proposed changes with the devolved administrations? To what extent could this approach, combined with the Scottish Government's commitment to remain aligned with EU rules, lead to greater fragmentation of UK public procurement rules and the UK internal market? What implications could these changes have for Northern Ireland?

The Green Paper also notes that the UK Government will "propose enshrining in law, the principles of public procurement: value for money, the public good, transparency, integrity, efficiency, fair treatment of suppliers and non-discrimination." Will this legislation be developed through this framework and, if not, what steps will the Government take to

ensure that devolved administrations are supportive of this approach? Why was the framework moved to the non-legislative category in the latest Frameworks Analysis?

The Framework Summary notes that there will be a twice-yearly liaison meeting between officials to discuss the operation of the framework. However, no information is provided on any possible reporting or what would happen if the framework were to be amended. How, therefore, will you ensure that the UK Parliament and devolved legislatures are sufficiently informed of future developments so that they can conduct effective scrutiny of this framework after its implementation?

We look forward to receiving your response within 10 working days.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee