

# Procurement

Capability Statement



## Efficient procurement is both an art and a science...

### We can help you understand the key issues

The public sector is under constant pressure to improve the efficiency with which it procures goods and services. Only recently the CBI published a report stating that urgent action was needed to address cost overruns as a result of poorly managed procurement processes, which could save the Government £13 billion by 2015-16.

Public bodies are increasingly expected to work collaboratively, to maximise their purchasing power and develop innovations in the effective and efficient delivery of their services. Sustainable procurement is also becoming a stronger imperative for many bodies.

### How we can help

Manches advises a range of organisations including local government, government agencies, universities, colleges, RSLs, utilities, private sector bidders and in-house bidders on all aspects of public procurement.

We provide a pragmatic overview of the impact of current legislation and the application of UK Regulations, EU Directives and ever-changing case law. We also advise on public procurement as it overlaps with other legal issues such as State Aid, competition, public sector powers and Freedom of Information. In doing so, our team draws on experts across a range of practice areas including PPP/PFI projects, competition, construction, corporate and litigation.

Manches provides proactive procurement advice to help clients develop strategies for dealing with the rules, and guides you from the initial commercial assessment to the final award and performance of the contract.

Sustainability is becoming a board level issue for many organisations. We can help ensure that procurement activity complies with policies on sustainability and environmental factors, as well as ensuring compliance with the EU procurement regime (which differs in parts).

Our support can be tailored to suit your needs, including advising on:

- one-off issues to support your in-house procurement function;
- all aspects of a major project, including strategic advice at the outset on project structuring and drafting the OJEU notice and tender documentation;
- public procurement challenges (before the UK and EU courts, as well as the European Commission);
- training required to ensure your team is aware of the practical implications of recent public procurement developments.

### What we can do for you

Successful procurement requires a combination of experience, knowledge and imagination, and an ability to see the overall picture whilst remaining focussed on the vital details.

The Manches team has structured, documented and delivered procurements for major complex projects. We advise contracting authorities and employers/prime contractors on their procurement strategy and also advise bidders on their bidding strategy.

We advise on procurement activity funded by the European Development Fund, as it is subject to a similar but not identical regime to that which applies to EU procurement activity. Our lawyers are able to offer advice on all aspects including:

- Public procurement law – the EU Directive, UK regulations and case law
- Invitation to tender documentation
- Bid evaluation
- Analysis of tender documentation
- Assistance in preparing bids
- Joint ventures and other business structures for consortium vehicles
- "Material change"
- Framework agreements

## ...so play to win by getting the best legal advice

### Examples of our range of experience:

#### Education

We advised DANTE (Delivery of Advanced Network Technology to Europe) on its procurement strategy under the Public Contract Regulations 2006, including procurement from other members of the consortium without prior publication of an OJEU Contract Notice. DANTE plans, builds and operates advanced networks for research and education.

JANET (UK) manages the operation and development of JANET, the UK's education and research network, which connects the UK's education and research organisations to each other, and to the rest of the world through links to the global internet. The vast majority of individual connections are provisioned via a regional network. JANET (UK) initiated a major review of its regional delivery model in the light of future needs and we advised JANET (UK) on the constraints imposed by the EU procurement rules in relation to its existing contracts and its regional network delivery.

We advised JISC (the Joint Information Systems Committee) in connection with its ITT documentation, the EU rules relating to use of a multi-provider framework agreement, use of the accelerated restricted procedure and form of OJEU notice.

#### Research Councils

We acted for a UK Research Council on the procurement of IT and related services to support a shared services centre. This involved advising on the procurement strategy in the context of procedures and restrictions under the Public Contracts Regulations 2006. We have advised on use of the accelerated restricted procedure, use of exemptions obviating the need for a competitive tendering exercise, the scope of changes that can be made to procurement activity following advertisement and following contract award, and in relation to threshold values and the aggregation rules.

We also advised a UK Research Council on the contractual arrangements for the development of the largest single scientific facility constructed to date in the United Kingdom.

#### Transport

We acted on the procurement of a stream of projects which make up London Underground's Step-Free Access programme for the provision of disabled access to the Underground

Network, and the upgrading of the network's ventilation systems. The work focussed on the competitive procurement of contractors, using modified NEC terms, and on ensuring that the new projects fit with London Underground's existing suite of PPP and PFI contracts.

We also acted on a procurement of various sites, advising in relation to material change to the contract and in relation to the evaluation and scoring methodologies.

#### Helveta

We advised global supply chain software provider, Helveta, on the procurement rules that apply to European Development Fund projects in the context of their bidding for contracts in Africa. This included preparing for a meeting with the European Commission to discuss possible changes to procedures.

#### NHS Trusts

We advised a project company on its bid for a major hospital PFI for staff accommodation.

We acted for Inhealth Sterile Services, a subsidiary of our long-standing client, Sunlight Services Limited, on the procurement aspects of two projects for the long-term provision of decontamination services to groups of NHS Trusts.

#### Registered Social Landlords

We acted for a housing association on issues including threshold values and development agreements in the context of the EU rules.

## Why use Manches for legal advice?

Manches is a leading UK law firm offering comprehensive legal services in key industry sectors. The firm has a distinguished reputation for delivering an outstanding service and clear, unequivocal advice. There are over 170 lawyers in Oxford, Reading and in London.

Our existing clients benefit from strong, lasting relationships based on understanding and trust, a friendly approach, responsiveness to the task, and the quality and delivery of results.

You will benefit from our deep understanding of changing political, economic, social and technological environments and the effect these have on businesses and individuals.

Our lawyers will work for you as a team, matching the right skills to the right task. In each practice area there are specialists who are leaders in their fields as recognised by the legal media.

## What others say

We are very proud of our strong reputation, established over three decades of working in the Thames Valley.

*"Clients rate the professional, proactive and timely team at Manches"*  
The Legal 500 UK

*"I was very impressed with the work that Manches put in on our EU Procurement process. I felt there was an attempt by you to get the ITT complete and out of the door, rather than to investigate every possible difficulty. This is not always the way it happens with lawyers!"*  
Michael Upshall, Project Manager, JISC Collections

*"Manches provided us with a cogent piece of advice on our procurement issues in relation to JANET's regional delivery strategy".*  
Paul Branston, Finance Director, JANET (UK)

# MANCHES

For further information please contact:

Susie Hilton on 01865 722106 or [susie.hilton@manches.com](mailto:susie.hilton@manches.com)

Manches is a leading law firm in Oxford, Reading and London. We advise clients on all areas of business law, including property, corporate, commercial litigation and dispute resolution, employment, intellectual property and technology law.

Manches LLP  
9400 Garsington Road  
Oxford Business Park  
Oxford OX4 2HN

Tel +44 (0)1865 722106  
Fax +44 (0)1865 201012

Manches LLP  
Reading Bridge House  
Reading Bridge  
Reading RG1 8LS

Tel +44 (0)118 982 2640  
Fax +44 (0)118 982 2641

Manches LLP  
Aldwych House  
81 Aldwych  
London WC2B 4RP

Tel +44 (0)20 7404 4433  
Fax +44 (0)20 7430 1133