

Trust/FT Buyer support

Procurement and contracting support

Hempsons' dedicated Procurement team provides expert procurement and contracting support to Trusts when buying goods, services and works and when bidding for contracts and contracting with commissioners, funders and partners.

Buying goods, services and works

Procurement strategy:

- When is the Trust required to conduct a tender process?
- When can the Trust safely use the shared services, in-house or other relevant exemption(s) instead of conducting a tender process?
- Selecting the most appropriate process; using the procedures under the Public Contracts Regulations 2015 to best effect, including the new innovation partnership procedure.
- Using market engagement/consultation as an integral component of your procurement strategy.
- When and how are the Public Service (Social Value) Act and Equality Act relevant and how best to comply with this legislation.
- Navigating the Light Touch Regime.

Conducting defensible and robust procurement processes:

- Preparing appropriate procurement documents.
- Designing and stress testing compliant evaluation methodologies.
- Robust contracting to ensure enforceable and timely delivery of what the Trust wants to buy.
- Defending procurement law challenges.
- Identifying conflicts of interest and managing them appropriately.
- Addressing confidentiality considerations and Freedom of Information Act obligations and compliance.

Bidding for contracts and contracting with commissioners, funders and partners

Understanding the legal framework under which commissioners operate:

- What are commissioners' legal obligations under the 'section 75' regulations and under the Public Contracts Regulations 2015?
- In what circumstances can commissioners defensibly award contracts to the Trust directly without conducting a competitive procurement process?
- Contracting models available to commissioners and their risks and benefits, including alliance contracting and prime/lead /sub-contractor arrangements.

Improving your chances of success when bidding for contracts:

- What does the Trust need to get right in the bid process and what are the key pitfalls as a bidder?
- When can the Trust challenge unsuccessful tenders, when *should* the Trust challenge, and what information does the Trust need to gather during the process to enable it to challenge decisively?
- How to structure consortium bids with partners, including considerations such as contractual joint ventures vs corporate (SPV) structures.
- How to document consortium bids: confidentiality and exclusivity agreements, head of terms and consortium bidding agreements.

