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Presentation — November 2019

HOMES UK: Managing procurement in a changing political landscape

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Procurement law issues arising

- Deal or no deal?
- Moving forward: Boris' bonfire – can we have more freedom and “Buy British”?
- Is anything really going to change?
- What are the risks/opportunities to explore?

No Deal

- The Public Procurement (Amendment etc.) (EU Exit) Regulations 2019
- New UK e-notification service – “Find a Tender”
- Procurement Policy Note 02/19: Preparing for the UK Leaving the EU
 - Publication of notices
 - Include EU reference numbers for audit trail
 - Everything else remains broadly unchanged
 - State aid?

Deal

- (draft) Withdrawal Agreement ...
 - Everything remains broadly unchanged until the end of the implementation period
 - For procurements ongoing at the end of the implementation period: existing regulatory regime will continue
 - After the implementation period?...
 - Watch this space ...
 - Opportunities to get rid of stuff that doesn't work/amend and tweak those tools that do

What are the options?

- EEA-minus approach
- GPA-plus approach
- What could we change:
 - Below-threshold
 - Concessions
- Risk of regional and local barriers
 - Across the Union
 - Across England
- What about the Courts?
 - *Ocean Outdoor UK Ltd v LB of Hammersmith & Fulham*
 - What is the role of procurement law going forwards?

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