



Procurement challenges - your experts in difficult times

Procurement litigation is becoming more and more common as the economic crisis continues. The 2009 remedies rules introduce unlimited fines, risk of cancellation and automatic suspension. At the same time a lack of new public contract opportunities in the marketplace means competition is fierce for those that remain. Put simply, losing in a procurement can mean the end of a supplier's business.

Dealing with the risks

The impact of a challenge can be enormous and it is difficult to know which way to turn. Even if Court proceedings are avoided, the bad press/reputation and scrutiny issues can be just as damaging. Automatic suspension rules mean that authorities must stop the award process if such proceedings are brought.

Procurement challenges need to be brought very quickly (generally within 30 days of becoming aware of the issue giving rise to the claim).

Challenges are often accompanied by Freedom of Information Act (FOI) requests and other requests for confidential documentation. All of this means quick responses are needed from contracting authorities facing a challenge, and would-be challengers cannot sit on their hands when an issue comes to light.

How we can help

VWV's specialist procurement unit is a team with market leading expertise, advising at the cutting edge of procurement law and policy. We advise both contracting authorities and bidders on challenge issues and our experience extends to dealing with matters at the European Court of Justice.

We offer a combination of procurement expertise with tactical litigation advice and case management to ensure that we deliver a highly cost effective, solution driven service at all times. For our private sector clients, we offer a solution driven approach aiming to avoid litigation if possible to manage cost and preserve commercial relationships.

Training for your teams

Our fixed fee procurement challenge training products highlight the current trends and risk areas for both contracting authorities and bidders, helping you to recognise a challenge before the claim is issued.

Procurement process "health check" service

We also offer a unique procurement health check for a particular transaction or process that may be causing concerns. Breaches in process are easy targets for would-be challengers but can be difficult to spot when heavily involved in a project day to day.

Our fixed fee services offer to review your process or particular documents as needed, identifying key risks and issues and possible steps to manage these risks. If required, we produce a legally privileged report for officers, members or stakeholders summarising the issues and recommending actions which helps your audit trail and governance requirements and reduce procurement challenge risk.

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