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Awarding Public Contracts Lawfully and Skillfully within the Procurement Rules

**Succinct and unambiguous answers on
how to select the ideal bidder, contain
costs and keep at bay potential challengers**

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We devised the 29 questions on the programme with the help of 201 UK procurement practitioners. Here are 6, see over for the rest:

- Which 7 key differences in the new Remedies Regulations do you need to pay special attention to?
- To what extent is it permissible for you to ease the PQQ process for the benefit of SMEs?
- By which means can you access the maximum possible benefits for your local community?
- To what degree when challenged are you compelled to withhold disclosure of 'sensitive' commercial information?
- How much "give" can be drafted into call-off mechanisms, re. (1) direct call-offs and (2) mini-competitions?
- When do changes to an existing contract gives rise to a new award that has to be re-tendered?

Belfast

Edward Quigg

Director, Quigg Golden

Wide experience in all methods of construction dispute resolution and a leading expert on the legal obligations of procuring work

Michael Bowsher QC

Barrister, Monckton Chambers

"The most phenomenally knowledgeable procurement specialist out there... solution-oriented, down-to-earth and approachable... once in the courtroom, he is "absolute dynamite" - Chambers

Ciara Kennedy Loest

Partner, Lovells

"Impressive speaker who combines sound business sense with an in-depth knowledge of public procurement. Clients choose her for particularly complex procurements" - Chambers

Mark Clough QC

Partner, Addleshaw Goddard

"Known for his procurement expertise, as well as for being a top-notch litigator" - Chambers

Sarah Hannaford QC

Barrister, Keating Chambers

"Energetic and tireless... with blossoming cross-examination skills" - Chambers

Patrick McGovern

Senior Partner, Arthur Cox

"Exceptional on procurement issues" - Chambers

Bruno Herbots

Partner, Beachamps

"Exceptionally well versed in non-contentious procurement matters" - Chambers

Nigel Giffen QC

Barrister, 11 King's Bench Walk

"Knows procurement like the back of his hand... particularly recommended for providing strategic advice on preventing challenges" - Chambers

Friday 29th January 2010

Hilton Hotel, Waterfront, Belfast

0900

Coffee and registration

0930

Chairman's introduction
Why is Northern Ireland the hotbed of procurement challenges?

Edward Quigg

Director, Quigg Golden

Wide experience in all methods of construction dispute resolution and a leading expert on the legal obligations of procuring work.

0950

Which 7 key differences in the new Remedies Regulations do you need to pay special attention to?

Michael Bowsher QC

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1020

To what extent is it permissible for you to ease the PQQ process for the benefit of SMEs?

- Is it valid to apply a "rule of thumb" formula or standard document to required turnover or 3-5 yrs accounts if not available?
Is it proportionate to insist design teams and individual consultants have very high turnovers and PI cover?

Ciara Kennedy Loest

Partner, Lovells

"Impressive speaker who combines sound business sense with an in-depth knowledge of public procurement. Clients choose her for particularly complex procurements" - Chambers.

1050

By which means can you access the maximum possible benefits for your local community from procurement?

- Which exemption to the rules offers the greatest scope, that is (i) sustainability, (ii) environmental or (iii) social?
To narrow the field, is it permissible to specify "just in time" delivery of goods", employment of local labour and long-term unemployed or give higher marks for lower-

carbon emissions?

Mark Clough QC

Partner, Addleshaw Goddard

"Known for his procurement expertise, as well as for being a top-notch litigator. Has been involved in two significant cases in NI, both challenges brought by unsuccessful bidders" - Chambers.

1120

Morning coffee

1135

Under the new Remedies Directive, how will a court enforce an order to set aside concluded contracts and cancel prospective contracts?

- How will the provision, whereby the award process is stalled once proceedings begin, affect CA and supplier relations?
Will the CA be able to reclaim costs incurred if the process is stalled but later it is shown the authority acted properly?

Sarah Hannaford QC

Barrister, Keating Chambers

"Energetic and tireless... with blossoming cross-examination skills" - Chambers.

1205

How much are you obliged to tell bidders about your award criteria, evaluation methodology and scoring system?

- Does disclosure of everything provide safety, but also give rise to inefficiency, and increase the risk of rote bidding?
Can you distinguish between sub-criteria and "pieces of evidence for performance"?

Patrick McGovern

Senior Partner, Arthur Cox

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1235

When do changes to an existing contract gives rise to a new award that has to be re-tendered (Presstext)?

- At which point does putting right mistakes, adding variations and providing clarity become a material change?
With added risk from the Remedies Directive, can you cover yourself if not sure?

Bruno Herbots

Partner, Beachamps

"Exceptionally well versed in non-contentious procurement matters" - Chambers.

1315

Lunch

1415

To what degree when challenged are you compelled to withhold disclosure of 'sensitive' commercial information?

- How robust are the exemptions in the FOI legislation - e.g. poor references - and how else can you be pursued? (Veolia)
Can you insist lawfully that 3rd party consultants/contractors etc provide information?

Ciara Kennedy Loest

1445

How much "give" can be drafted into call-off mechanisms, re. (1) direct call-offs and (2) mini-competitions?

- What is the practical purpose of a secondary competition, should it be a simple fee quote rather than a list of Q&As?
Can minimum and maximum fee scales be used to avoid large companies 'buying' the project as a loss leader?

Nigel Giffen QC

Barrister, 11 King's Bench Walk

"Knows procurement like the back of his hand... particularly recommended for providing strategic advice on preventing challenges" - Chambers.

1515

At which point does cooperation between public authorities undermine the objectives of the procurement rules and become anti-competitive?

- What is the SPV's relationship with the supply chain and when does specifying products for installation fall within the rules?
Can any standard UK business model for shared services meet the conditions set out by the European court?

Mark Clough QC

1545

Questions and discussion

1600

Afternoon tea

1630

Close of conference

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