



Public procurement





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Public Procurement

Great procurement advice is all about getting the right result for your organisation. And we are all about providing practical legal support that makes regulated procurement happen, whether you're a public authority, a utility or supplier to these sectors.

Just like any buying process, managing risk is so important. Contentious or strategic, our procurement lawyers work closely with your team, assess every potential risk before it becomes an issue and provide a strategy to move forward.

In fact – working closely with you – really is the key. That way we can understand the pressures you're under – from stakeholders, funding deadlines or inherent risks. For us, it's not simply about the letter of the law, it's about providing practical solutions that get the results you want.





Contracting authorities/utilities

We offer a truly full service legal solution including the following types of procurement advice

- procurement strategy
- shared service and in-house service provision
- urban regeneration and developments
- exemptions to the requirement to procure
- applying procurement rules to joint ventures
- procurement process planning
- drafting procurement documents
- exclusion, selection and award criteria
- conduct of dialogue meetings
- evaluation process including selection of evaluators



- approach to moderation meetings
- dealing with clarification questions
- de-selection during a process
- the parameters of permitted post-tender contract negotiation and award
- standstill and debrief issues
- strategies to manage and deflect threatened challenges both during the process and after award notification
- management and resolution of litigated challenges, including applications to lift the automatic suspension
- substantial modifications to contracts during their term
- procurement compliance audits
- procurement training for in-house teams



Bidders

We are frequently asked to advise on ability to challenge a process and our lawyers have worked on some of the highest profile procurement cases reported in recent years. We have experience in:

- helping you prepare for tendering
- support in bid drafting – helping you navigate procurement documents and structure answers to achieve higher scores
- attending dialogue meetings
- proposing “off-market” solutions to authorities where OJEU is not practical or desirable
- advising developers on their ability to propose a joint venture structure for provision of development and regeneration
- advising on strategy for challenging a process, including obtaining information and disclosure at an early stage





Subsidy control

We're used to analysing scenarios to identify potential subsidies and help you establish whether they will be lawful or not under the new UK Subsidy Control regime. We can help reduce the risk of unlawful subsidies and provide letters of support to accompany bids for organisations that provide grant funding. We can also connect you with specialist counsel if particularly complex subsidy control situations arise.

Grant funding issues

Our team has vast range of experience of advising on grant funding conditions, including ERDF/ESIF regulations and funding requirements. Often these sit alongside procurement requirements and underpin the importance of full procurement compliance and record keeping. Our lawyers can guide you through the process, with practical advice to help you proceed. We have reviewed funding conditions and prepared reports to grant recipients on their obligations in relation to procurement of funded goods, works and services. We have also advised clients on preparing for audit and supported them in threatened clawback situations.



Our experience

- advising a university on the issues arising from its evaluation process of bids for a waste management services contract and the risks associated with the continuation of the procurement process
- advising The Football Association and The Football Foundation on procurement and concession issues arising from the £200m Parklife national facilities development
- advising National Renewable Energy Centre on public procurement issues in relation to key capital projects and advising on procurement and contractual issues on various other projects
- successfully defending, in full, the proposed clawback of £200,000 grant funding from a university following a procurement compliance issue during a process discovered on audit
- advising a port on the joint venture arrangements for the storage and onward transportation of biomass products in significant volumes, including procuring complex unloading equipment, maintenance and funding arrangements
- advising a regional charity on state aid issues arising from receipt of grant funding towards the redevelopment and community use of a Grade II listed building
- advising an official charity affiliated to a Premier League football club on state aid issues arising from a proposed £9m facilities development
- advising a developer on state aid issues relating to a property development involving a local authority
- advising a college on the terms of its ERDF funding agreement for constructing and operating a new low carbon energy centre



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Our team



Alison Walton
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Can we help?

Please call Alison on **0191 211 7850** or email alison.walton@muckle-llp.com for an initial chat or f



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