Current issues of localism

A (sort of) legal perspective

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Agenda

• Emphasis on process
• Social considerations
• Financial thresholds
• Language
• Applicable law
1. Emphasis on process
Pre Procedure Contract
2. Social considerations
“18. [C]ontracting authorities are unable to make payment of the Living Wage a mandatory requirement as part of a competitive procurement process where the Living Wage is greater than any minimum wage set by or in accordance with law.”

“19. It is possible, however, where relevant to the delivery of a contract, to take account of a bidder’s approach to fair work practices. Payment of the Living Wage is not the only indicator however, […] failure to pay the Living Wage would be a strong negative indicator[…].”

Scottish Government, Statutory guidance on the selection of tenderers and award of contracts (2015), p.6
Fair work practices (xx%)
Q - Please describe how you will commit to fair work practices for workers (including any agency or sub-contractor workers) engaged in the delivery of this contract.

Good answers will reassure evaluators that your company takes a positive approach to rewarding staff at a level that helps tackle inequality (e.g. through a commitment to paying at least the Living Wage)

Scottish Government, Statutory guidance on the selection of tenderers and award of contracts (2015), Annex A
Q - Please describe how you will commit to fair work practices for workers (including any agency or sub-contractor workers) engaged in the delivery of this contract.

Good answers will reassure evaluators that your company takes a positive approach to rewarding staff at a level that helps tackle inequality (e.g. through a commitment to paying at least the Living Wage).

Scottish Government, Statutory guidance on the selection of tenderers and award of contracts (2015), Annex A
3. Financial thresholds
What percentage of public procurement spend is fully covered by EU rules?
Can we really talk about a ‘single market’ in procurement?
4. Language
language | ˈlaŋwɪdʒ |
noun
1 [ mass noun] the method of human communication, either spoken or written, consisting of the use of words in a structured and conventional way: a study of the way children learn language | [ as modifier]: language development.
   • a non-verbal method of expression or communication: body language.
2 a system of communication used by a particular country or community: the book was translated into twenty-five languages.
   • Computing a system of symbols and rules for writing programs or algorithms. the systems were developed using languages such as Fortran and Basic.
3 [ mass noun] the style of a piece of writing or speech: he explained the procedure in simple, everyday language.
   • the phraseology and vocabulary of a particular profession, domain, or group: legal language.
   • (usu. as bad/foul/strong language) coarse or offensive language. the film contains some violence and bad language.

PHRASES

**speak the same language** understand one another as a result of shared opinions or values. when it comes to business, we both speak the same language.

ORIGIN Middle English: from Old French *langage*, based on Latin *lingua* ‘tongue’.
5. Applicable law
PUBLIC MARKET
Thank you

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