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# Essential...PUBLIC PROCUREMENT LAW

This popular two-day seminar is designed for all those in the public sector who need to understand the essentials of procurement law. The seminar will provide delegates with a good 'all round' understanding of all the key elements of procurement law. Case studies and real life examples will be used throughout the two days to illustrate areas of particular importance. The presenter is a leading expert on public procurement law and regular presenter for ETC. Detailed and practical advice will be provided along with a detailed workbook. The seminar will be 'interactive' with plenty of opportunities for questions and discussion. No previous knowledge of public procurement law will be assumed. This two-day seminar will be of particular interest to:

- Procurement, Tendering & Commissioning Specialists ● Legal & Regulatory Specialists ● Finance Specialists
- Service Delivery Specialists ● Strategy & Planning Specialists

**PROGRAMME**

**DAY 1**

**The Legal Framework**

- What is the procurement law designed to do?
- How is procurement law structured?
- The legal effect of the EC Treaty and Directives
- UK Regulations
- Important case law

**The Regulation of the Pre-Procurement Stage**

- Commissioning v Procurement - legal implications
- Scoping, market soundings and market testing - the law
- Choosing the procedure - legal issues
- When is negotiation/dialogue possible?
- The legal controls around collaboration

**The Specification - Legal Issues**

- Drafting a specification which meets legal requirements
- How to meet legal obligations whilst using Output and Outcome based drafting techniques
- The legal impact of dealing with the issue of 'quality'

**Advertisement - Legal Aspects**

- Transparency - important case law
- OJEU Advertisement - legal requirements
- Checklist of key issues

This seminar can also be run In-House.  
For a FIXED PRICE, 'ALL IN' quote, please contact ETC

**DAY 2**

**Choosing Tenderers - The Law**

- The law on approved lists
- Selection or Evaluation?
- The key difference in light of *Lianakis* case
- The legal implication of rejection at this stage
- Drafting a PQQ - legal restrictions

**Tender Evaluation & Award - The Law**

- Marking schemes and systems - latest case law
- Transparency obligations - impact of case law
- Frameworks - mini competitions or framework rules - the legal obligations and differences

**The Contract Phase - Legal Aspects**

- The legal importance of the award process
- Conditional and full award - the legal difference
- Case law on transparency, Alcatel letters, stand-still
- Changing a contract after award, when is this lawful in light of the *Presstexte* case?

**Aggrieved Parties and their Rights**

- Why challenge issues are growing
- Confidentiality in the light of the *Varec* case
- Methods of challenge - informal complaint - formal legal claims
- The different remedies - injunctive relief and damages
- What can we learn from the case law?
- Proposed changes to the European Public Procurement Regime from December 2009, by the new Remedies Directive

**6-7 July 2010  
London**

**Park Inn Hotel  
Southampton Row  
London WC1**

Nearest Underground Station  
Holborn - Piccadilly and Central Lines

0945 Registration (Day 1)  
Both Days 1000 Start  
Both Days 1630 Close

**Fee per delegate**  
£550.00 plus £96.25 VAT Total £646.25

**FAX BOOKING LINE  
0113 298 2088**

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mail@publicsecta.com**

**www.publicsecta.com**

*ETC is one of the leading providers of short course training to the public sector in the UK, Ireland and Europe, with a fifteen year plus track record of delivering practical, detailed and focused training that will help you to 'do your job better'*

**Presented by: John Bennett, Solicitor and Consultant to Eversheds, Associate Consultant, ETC and regular presenter of this seminar**

John Bennett is a regular and highly respected presenter for ETC and generally acknowledged to be one of the leading specialist advisors on the legal and practical aspects of procurement, tendering, commissioning and contracting in the public sector. He has written/co-written many of the leading works on procurement, tendering, commissioning, contracting and competition in the public sector, is a regular contributor to *Public Finance* magazine, as well as being legal advisor to a large number of public sector organisations.



**ETC, PO Box 999, Leeds LS16 0AA Telephone 0113 230 6170**

Law Society CPD - 5 hours per day

**BOOKING FORM**

**Essential Public Procurement Law**

**6-7 July 2010 - London**

ORGANISATION \_\_\_\_\_

① First Name \_\_\_\_\_ Surname \_\_\_\_\_

ADDRESS \_\_\_\_\_

Job Title \_\_\_\_\_

\_\_\_\_\_

② First Name \_\_\_\_\_ Surname \_\_\_\_\_

POSTCODE \_\_\_\_\_

Job Title \_\_\_\_\_

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| TEL<br>inc<br>STD | FAX<br>inc<br>STD | e-mail |
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**UNFAMILIAR WITH ETC? If you would like to speak to past delegates, please do not hesitate to contact ETC**

## **SOME OF THE ORGANISATIONS WHO ATTENDED ETC SEMINARS DURING 2009/10**

2gether NHS Foundation Trust ● Aberdeen University ● Anglia NHS Support Partnership ● Animal Health (DEFRA) ● Argyll & Bute Council ● Arun District Council  
Ashford & St Peter's Hospitals NHS Trust ● Babergh District Council ● Bangor University ● Barnet Homes ● Barnet Primary Care Trust ● Bassetlaw Primary Care Trust ● Bedford Borough Council  
Bedford Hospital NHS Trust ● Belfast City Centre Management ● Berkshire Shared Services ● Bournville College ● Bradford & Airedale Teaching Primary Care Trust  
Bradford Drug & Alcohol Action Team ● Bristol City Council ● Bridgend County Borough Council ● Bury Metropolitan Borough Council ● Business & Enterprise North East  
Caerphilly County Borough Council ● Calderdale Council ● Cardiff Council ● Carmarthenshire County Council ● Cambridge Perfusion Services ● Cannock Chase District Council  
Ceredigion County Council ● Chelmer Housing Partnership ● Chelsea & Westminster Hospital ● Cherwell District Council ● Chiltern District Council ● City of London Corporation  
Clackmannanshire Council ● Clydebank College Colchester Borough Council ● Comhairle nan Eilean Siar ● Commission for Local Administration in England ● Community Services Bury  
Connexions Norfolk ● Copeland Borough Council ● Cornwall Council ● Cranford Children's Centre ● Cumbria Drug and Alcohol Action Team ● Denbighshire County Council  
Department for Regional Development (NI) ● Department of Contracts (Malta) ● Department of Energy & Climate Change ● Derby University ● Devon & Cornwall Constabulary  
Doncaster Metropolitan Borough Council ● Dorset HealthCare NHS Foundation Trust ● Durham University ● East & North Hertfordshire NHS Trust ● East London NHS Foundation Trust  
East Midlands Development Agency ● East Midlands Healthcare Workforce Deanery ● East Sussex County Council ● East Sussex Fire & Rescue Service ● East, North & West Hertfordshire PCT  
Eastbourne Borough Council ● Edinburgh City Council ● Education Leeds ● Elmbridge Borough Council ● Environment Agency ● European Aviation Safety Agency  
European Centre for the Development of Vocational Training (Greece) ● European Court of Auditors (Luxembourg) ● European Investment Bank (Luxembourg)  
European Patent Office (The Netherlands) ● European Space Agency (France) ● European Space Research & Technology Centre (Netherlands) ● European Training Foundation (Italy)  
First Choice Homes Oldham ● Flintshire County Council ● Frontex (Poland) ● Glasgow Caledonian University ● Glasgow Housing Association ● Gloucestershire County Council  
Great Yarmouth & Waveney Primary Care Trust ● Greater Manchester Waste Disposal Authority ● Grwp Gwalia Cyf ● Halcrow Group ● Hammersmith & Fulham Drug & Alcohol Action Team  
Hampshire County Council ● Hampshire Fire & Rescue Service ● Hartpury College ● Hastings Borough Council ● Havant Borough Council ● Herefordshire Council  
Hertfordshire Constabulary ● Hertfordshire Partnership NHS Foundation Trust ● Highways Agency ● Hillingdon Primary Care Trust ● HM Prison Service ● HMP & YOI New Hall  
HMP Askham Grange ● HMP New Hall ● Homes for Haringey ● Imperial College Healthcare NHS Trust ● Improvement and Efficiency West Midlands ● Independent Police Complaints Authority  
Infineum UK ● Inverclyde Council ● Isle of Anglesey County Council ● Isle of Wight Council ● Keele University ● Kensington & Chelsea Tenant Management Organisation  
Kent Drug & Alcohol Action Team ● Kingdom Housing Association ● Kirklees Council ● Kirklees PCT ● Lanarkshire Alcohol & Drug Action Team ● Lancashire Drug & Alcohol Action Team  
Learning and Skills Council ● Leeds City Council ● Leeds Partnerships NHS Foundation Trust ● Legal Services Commission ● Lewes District Council ● Lincolnshire Community Health Services  
Lincolnshire County Council ● Liverpool Heart & Chest Hospital NHS Trust ● Local Better Regulation Office ● London Ambulance Service ● London Borough of Brent  
London Borough of Camden ● London Borough of Croydon ● London Borough of Ealing ● London Borough of Enfield ● London Borough of Greenwich ● London Borough of Hackney  
London Borough of Hammersmith & Fulham ● London Borough of Haringey ● London Borough of Harrow ● London Borough of Hillingdon ● London Borough of Islington  
London Borough of Lambeth ● London Borough of Merton ● London Borough of Newham ● London Borough of Richmond upon Thames ● London Borough of Southwark  
London Borough of Sutton ● London Borough of Tower Hamlets ● London Borough of Waltham Forest ● London Borough of Wandsworth ● London Councils  
London Fire and Emergency Planning Authority ● Maidstone & Tunbridge Wells NHS Trust ● Manchester City Council ● Manchester Mental Health ● McGrigors  
Metropolitan Police ● Mid Cheshire Hospitals NHS Foundation Trust ● Ministry of Economy (Lithuania) ● Ministry of Education (Poland) ● Ministry of Environment (Latvia)  
Ministry of Finance (Bulgaria) ● Ministry of Finance (Slovenia) ● Ministry of Regional Development (Poland) ● Ministry of Environment (Poland) ● Ministry of Justice  
Museum of London Group ● Nacro ● National Clinical Assessment Service ● National Council for Voluntary Organisations ● National Prescribing Centre ● NATO ● Natural England  
Newtownabbey Borough Council ● NHS Barnsley ● NHS Bedfordshire ● NHS Berkshire East ● NHS Blackburn with Darwen ● NHS Blackpool ● NHS Dental Services  
NHS Doncaster ● NHS East Lancashire ● NHS Education for Scotland ● NHS Forth Valley ● NHS Great Yarmouth & Waveney ● NHS Havering ● NHS Hounslow  
NHS Institute for Innovation & Improvement ● NHS Manchester ● NHS National Services Scotland ● NHS Newcastle & North Tyneside Community Health ● NHS Newham  
NHS Somerset ● NHS South Gloucestershire Provider Services ● NHS South West Essex ● NHS Wandsworth ● Norfolk Community Healthcare ● Norfolk Constabulary  
Norfolk County Council ● Norfolk Drug & Alcohol Action Team ● North Ayrshire Council ● North Down Borough Council ● North East Essex Primary Care Trust  
North East Lincolnshire Council ● North East Lincolnshire Council ● North Lanarkshire Council ● North Lincs Primary Care Trust ● North Peterlee Neighbourhood Pathfinder  
North Tyneside Council ● North West Collaborative Procurement Hub ● Northamptonshire County Council ● Northumberland County Council ● Northumberland Tyne & Wear NHS Trust  
Nottingham City Council ● Nottingham University ● Nottinghamshire Community Health ● Nottinghamshire County Council ● Npower ● Omagh District Council ● One NorthEast  
Oxfordshire County Council ● Oxfordshire Drug & Alcohol Action Team ● Partnerships for Schools ● Pennine Prospects ● Plymouth City Council ● Poole Borough Council  
Prospect Community Housing ● Prospect Leicestershire ● Reading Borough Council ● Redbridge Primary Care Trust ● Rochdale Metropolitan Borough Council  
Rochford District Council ● Rotherham Doncaster and South Humber Mental Health NHS Foundation Trust ● Royal Berkshire Fire Service ● Royal Borough of Windsor & Maidenhead  
Safer Bristol Partnership ● Safer Middlesbrough ● Safer Sutton Partnership Service ● Salford City Council ● Sandwell Metropolitan Borough Council ● Sandwell Supporting People  
Scottish Borders Council ● Semples Fraser ● Shropshire Fire and Rescue Service ● Slough Borough Council ● Solihull Metropolitan Borough Council  
South Cambridgeshire District Council ● South Lanarkshire Council ● South London & Maudsley NHS Foundation Trust ● South West Essex Primary Care Trust  
South West London & St. George's Mental Health Trust ● South West Strategic Health Authority ● South Yorkshire Passenger Transport Executive ● Southampton City Council  
Southampton University Hospitals NHS Trust ● Southend-on-Sea Borough Council ● Staffordshire County Council ● Stockport Homes ● Stockport Metropolitan Borough Council  
Stockport NHS Foundation Trust ● Stockport Primary Care Trust ● Stockton-on-Tees Borough Council ● Stoke-on-Trent City Council ● Stoke-on-Trent Community Health Services  
Stoke-on-Trent Primary Care Trust ● Stoke-on-Trent Youth Offending Services ● Strathclyde Police ● Suffolk Coastal District Council ● Suffolk County Council ● Suffolk Drug & Alcohol Action Team  
Suffolk Mental Health NHS Trust ● Sunderland City Council ● Surrey Community Health Services ● Surrey County Council ● Surrey Waste Management ● Tameside MBC  
Thames Valley Police ● The Arts Institute at Bournemouth ● The British Council ● The Grove Children and Family Centre ● The Mersey Partnership ● The Standards Board for England  
Torfaen County Borough Council ● Transport for London ● Treasury Solicitors ● Trent & Dove Housing ● Tyne & Wear Fire & Rescue Service ● UK Trade and Investment  
University College London ● University of Wales ● Victory Primary & Children's Centre ● Viridor Waste ● Warwickshire Fire and Rescue Service ● Wakefield Primary Care Trust  
Wales Audit Office ● Waveney District Council ● West Berkshire Council ● West Granton Housing Co-operative ● West Lothian Council ● West Sussex County Council ● West Sussex Health  
West Sussex Primary Care Trust ● West Yorkshire Probation ● Westcountry Housing ● Wigan Council ● Wiltshire County Council ● Wirral Primary Care Trust ● Wolverhampton City Council  
Wolverhampton City Primary Care Trust ● Wrexham County Borough Council ● York University ● Youth Justice Agency (Northern Ireland) ● Youth Justice Board ● York City Council



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