Understanding Public Procurement Judicial Review

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The Purpose of Judicial Review in Resolving Public Procurement Disputes:

- Public procurement judicial review is used as a means of resolving disputes most commonly in 3 different circumstances: (i) when the contract value is below EU thresholds (ii) in cases where economic operators who more suitable offer was not awarded a contract or (iii) when there is a breach of the mandatory public procurement rules.

Today’s procurement is no longer a purely domestic concern but rather one that occurs between international and domestic parties.

The role and function of public procurement judicial review has changed:

- One of the proposals for reform was to reduce the time limit for bringing a claim by means of judicial review from 3 months to 5 working days.

Nevertheless, the Government introduced the Reform in July 2013, disregarding the concerns highlighted in the responses to the consultation documents. From the sample identified, the judiciary, on the whole, refused or rejected more public procurement judicial review applications than they allowed; or approved, between 2010 and 2013.

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The findings indicate that there are a significant number of public procurement judicial legal challenges brought by means of judicial review each year. However, the number of cases has been more than the number of judicial reviews from 2010 to 2013, 2014.

The European Court of Justice was the most significant body in judicial review cases.

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