Understanding Public Procurement Judicial Review
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Published: 17/09/2013

Cyswllt i'r cyhoeddiad / Link to publication

Dyfyniad o'r fersiwn a gyhoeddwyd / Citation for published version (APA):

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Summary

This research responds to recent Government Reforms, adopted in July 2013, concerning the role of public judicial review in resolving public procurement disputes (public procurement judicial review). It is followed up by a subsequent understanding of the benefits, disadvantages and consequences of the Reforms to public procurement. J.

The Purpose of Judicial Review in Resolving Public Procurement Disputes:

• Relevance: 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 have a more substantial concern regarding the competitive process; and (iii) when matters relating to third parties exist, as well as in cases where the initiative that is subject to judicial review is by third parties.

• Today, procurement public judicial review is no longer a perfect monopoly: instead, there are more combinations of jurisdiction and mechanisms. In some cases, procurement-related decisions are also subject to direct judicial review. Today procurements are no longer a perfect monopoly. There are other mechanisms that are also subject to judicial review in some cases. Other mechanisms or procedures, such as mediation or negotiation, may be more appropriate for some disputes. Nevertheless, the overall number of cases are minimal, and the role and function of public procurement judicial review has not changed in recent years. It is evident that more allegations of procurement-related disputes have been addressed by invoking public law remedies. It seems that there are other issues that are more significant or complex, but they are not subject to public procurement judicial review.

Conclusions and Future Research:

• The Government intended for the reforms to help reduce the number of public procurement-related claims going to the Administrative Court, so that only genuine, genuine claims can proceed promptly. However, the overall number of public procurement-related claims in the UK has not changed significantly since the implementation of the new rules. Nevertheless, the overall number of cases are minimal, and the role and function of public procurement judicial review has not changed in recent years. It is evident that more allegations of procurement-related disputes have been addressed by invoking public law remedies. It seems that there are other issues that are more significant or complex, but they are not subject to public procurement judicial review.

Future Research: To look at the impact and differences in traditional public law judicial review, compared with commercial judicial review. (Using public procurement as a case study for analysis.)