

**PUBLIC PROCUREMENT: GLOBAL REVOLUTION VII
15-16 June 2015**

A 2-day international conference on public procurement regulation

The University of Nottingham East Midlands Conference Centre

Conference organised by University of Nottingham

Programme Directors:

Professor Sue Arrowsmith, Professor of Public Procurement Law, The University of Nottingham
Dr Peter Trepte, Senior Fellow in Public Procurement Law, The University of Nottingham

Programme

DAY 1 Monday 15th June 2015

08.45 Opening address: Professor Greenaway, Vice Chancellor, The University of Nottingham

08.55 Introduction from the Chair, Dr Peter Trepte, The University of Nottingham

09.00 - 10.10 **Plenary session: Current Developments in respect of EU Reforms**

09.00	The Commission's reform initiatives – Katharina Vierlich, European Commission
09.20	The UK perspective – Peter Bennett, Crown Commercial Service, UK
09.40	The view from the profession – Peter Ware, Browne Jacobson
10.00	A perspective from academia – Professor Sue Arrowsmith, The University of Nottingham

10.15 - 11.30 Workshops number 1

Workshop Stream A: Procurement in the EU Part I – Remedies and enforcement	Workshop Stream B: Procurement in practice	Workshop Stream C: Global reform initiatives	Workshop Stream D: Current issues in the international arena
<p>Workshop A1 Chair: Professor Sue Arrowsmith Ineffectiveness of contracts as a remedy under EU law Part I</p> <ul style="list-style-type: none"> <i>The response of practice to the ineffectiveness remedy in the UK</i> Kathrine Eddon, Pinsent Masons LLP <i>Implementation of the ineffectiveness remedy in Germany</i> Dr Hans-Joachim Prieß, Freshfields Bruckhaus Deringer <i>Implementation of the ineffectiveness remedy in Spain</i> Xavier Codina, Bufete Codina & Asociados 	<p>Workshop B1 Chair: Kate Rees Procurement in the health sector following the reforms</p> <ul style="list-style-type: none"> <i>From commercial decision-making to legal choices</i> Neli Garbuzanova, NHS <i>When should a CCG go out to tender for clinical services? - applying the NHS regulations, the new light touch regime and available exclusions</i> Simon Taylor, Keating Chambers 	<p>Workshop C1 Chair: Robert Anderson Expanding the GPA's membership: any chance of "picking up the pace"?</p> <ul style="list-style-type: none"> <i>What prospects for concluding work on China's accession?</i> Jean Heilman Grier, Djaghe LLC <i>The accessions of New Zealand and Montenegro: new models for success?</i> Johannes S. Schnitzer, Schnitzer Law <i>The relationship between WTO accession and GPA accession commitments: an overview</i> Anna Caroline Müller, World Trade Organisation 	<p>Workshop D1 Chair: Dr Aris Georgopoulos Global defence issues</p> <ul style="list-style-type: none"> <i>Defence offsets and Public Policy: Beyond Economic Efficiency</i> Daniel Schoeni, US Air Force <i>Performance assessments in defence acquisition</i> Professor Steven Schooner, George Washington University <i>The offset practices within China's defence procurement</i> Shayou Zheng, Equipment Academy, China

11.30-11.50 Refreshments

11.50 – 13.00 Workshops number 2

<p>Workshop A2 Chair: Professor Sue Arrowsmith Ineffectiveness of contracts as a remedy under EU law Part 2</p> <ul style="list-style-type: none"> Implementation of the ineffectiveness remedy in Denmark Carina Risvig Hamer, University of Southern Denmark Shielding against damages for ineffectiveness: The limitations of liability available for contracting authorities - A Finnish approach Kirsi-Maria Halonen, Hansel Oy, University of Turku, Finland Remedies in case of unlawful amendments to a public contract and related issue of disclosure of information Mari Ann Simovart, University of Tartu Kaarli, Estonia 	<p>Workshop B2 Chair: Simon Taylor Key issues in health sector procurement</p> <ul style="list-style-type: none"> Remedies for NHS procurement breach and the role of Monitor in enforcing the rules Emily Heard, Bevan Brittan LLP Future reforms of NHS procurement David Lock QC, Landmark Chambers 	<p>Workshop C2 Chair: Dr Ping Wang The WTO's work on procurement: looking ahead</p> <ul style="list-style-type: none"> Government Procurement in the WTO: an agenda for the 21st century Robert Anderson, WTO The EU policies on facilitating SME participation in public procurement: a way ahead for the GPA Committee? Wojciech Hartung, EBRD consultant Domański Zakrzewski Palinka sp. k. The United States' SME set aside: success or failure? Professor Steven Schooner, George Washington University 	<p>Workshop D2 Chair: Dr Baudouin Heuinckx European defence issues</p> <ul style="list-style-type: none"> The influence of contracting authorities on the selection of subcontractors under the defence procurement directive (2009/81/EU) Martin Schellenberg, Heuking Kühn Lüer Wojtek The Third Country Dimension of EU Defence Procurement Regulation A Case Study on Security of Supply Dr Luke Butler, Bristol Law School EDA the first decade: assessing EDA's impact on EU defence market integration Dr Aris Georgopoulos, PPRG, The University of Nottingham
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13.00 – 13.15 Group photograph (please go straight to the steps outside the Orchard Hotel at the end of the session)

13.15 - 14.15 Lunch

14.15 – 15.30 Workshops number 3

<p>Workshop A3 Chair: Peter Trepte Alternatives to judicial remedies for enforcing EU procurement law</p> <ul style="list-style-type: none"> Use of judicial remedies in the UK: an empirical study of suppliers' motivations and perceptions Professor Sue Arrowsmith, University of Nottingham, and Richard Craven, University of Northumbria Streamlining and simplification of Court procedures Sarah Hannaford QC and Fionnuala McCredie QC The Dutch Public Procurement Ombudsman Chris Jansen, VU University, Amsterdam 	<p>Workshop B3 Chair: Malcolm Youngson Educating for professionalisation</p> <ul style="list-style-type: none"> The use of international standards in evolving roles of the procurement professional over the course of their career Dr Paul Davis, Chair of the IFPSM Global Standard Board A case study in professionalising procurement: the example of Sub-Saharan Africa Chris Gallagher, CGA 	<p>Workshop C3 Chair: Jan Jackholt Assessing country procurement systems</p> <ul style="list-style-type: none"> OECD Recommendation on Public Procurement Paulo Magina, OECD EBRD approach to assessing country systems Evgeny Smirnov, EBRD How USAID assesses and manages risk for the purpose of deciding whether to use country procurement systems David Meyer, USAID 	<p>Workshop D3 Chair: Professor Peter Kunzlik Emerging issues of sustainability</p> <ul style="list-style-type: none"> Environmental instruments and administrative discretion in public procurement Juan José Pernas García, Universidade da Coruña The revised GPA and the new European directives: a mindset change towards sustainability? Marc Steiner, Swiss Federal Administrative Court
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15.30-15.50 Refreshments

15.50 – 17.00 Workshops number 4

<p>Workshop A4 Chair: Dr Totis Kotsonis Simplification of Court procedures</p> <ul style="list-style-type: none"> The UK alternative – the Mystery Shopper service Joanna Dale, Crown Commercial Service Tribunal system for handling procurement cases Duncan Osler, Partner, MacRoberts LLP 	<p>Workshop B4 Chair: Pascale Dubois Integrity in procurement</p> <ul style="list-style-type: none"> The U.S. Approach to Compliance and Present Responsibility Dean Jessica Tillipman, George Washington University Corporate Governance Professor John Linarelli, University of Durham 	<p>Workshop C4 Chair: Caroline Nicholas UNCITRAL in practice: lessons for the west from other regions?</p> <ul style="list-style-type: none"> Moving towards greater use of the UNCITRAL Model in member countries Evgeny Smirnov, EBRD UNCITRAL in Central and Eastern Europe Irina Gonchorova, World Bank, Bishkek UNCITRAL and UNCAC fraud & corruption issues in capacity building initiatives Elisabeth Täubl, International Anti-Corruption Academy, Austria 	<p>Workshop D4 Chair: Liz Wilson-Lamb Making sustainability work</p> <ul style="list-style-type: none"> Institutional Incentives for Sustainable Public Procurement: A Case Study of Sustainability Considerations in the Swedish Construction Sector Lina Wedin Hansson, and Susanna Johansson, Lund University Administration of public contracts in relation to subcontractors on building sites using trafficked workers Richard Craven, University of Northumbria
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18.30 Pre-dinner drinks

19.30 Conference Dinner

DAY 2 Tuesday 16th June 2015

08.55 Introduction from the Chair – Professor Sue Arrowsmith, The University of Nottingham

09.00 - 10.10 Plenary session: Continuing Reforms at the Multilateral Development Banks

09.00	Reforming the sanctions system – Pascale Dubois, World Bank
09.20	The AfDB's emerging policy framework – Vinay Sharma, AfDB
09.40	The ADB's emerging policy framework – Ashish Bhateja, ADB
10.00	Inter-relationship with GPA - Robert Anderson, GPA Secretariat

10.15 – 11.30 Workshops number 5

Workshop Stream A: Procurement in the EU and UK: continuing legal issues under the new procedural directives	Workshop Stream B: Procurement in practice	Workshop Stream C: Global reform initiatives	Workshop Stream D: Current issues in the international arena
<p>Workshop A5 Chair: Dr Grith Ølykke Access for SMEs under EU and UK legal rules</p> <ul style="list-style-type: none"><i>The Single European Procurement Document as a means of reducing SME burdens</i> Kuldip Dhanoya, NABARRO LLP<i>Operating the new rules on lots in the 2014 procurement directives: the practical issues</i> Susie Smith, Bevan Brittan LLP<i>The Practical Application of the new 2014 Procurement Directives, do they really level the playing field for SME's?</i> Debbie Metacalfe, Achilles	<p>Workshop B5 Chair: Dr Hans-Joachim Prieß Developments in self-cleaning</p> <ul style="list-style-type: none"><i>Regaining eligibility after debarment by the World Bank</i> Dr Peter Braun, Orrick, Herrington & Sutcliffe LLP<i>The rationale of debarment and self-cleaning</i> Dr Sarah Schoenmaekers, Maastricht University	<p>Workshop C5 Chair: Vinay Sharma Models for developing country reforms</p> <ul style="list-style-type: none"><i>Encouraging use of GPA in developing countries</i> Anna Caroline Müller, World Trade Organisation<i>EBRD's approach in Eastern Europe</i> Eliza Niewiadomska, EBRD<i>The World Bank's emphasis on country context</i> Professor Chris Yukins, George Washington University	<p>Workshop D5 Chair: Dr Sope Williams-Elegbe Works and complex procurement in Africa</p> <ul style="list-style-type: none"><i>Infrastructure Provision and Africa's Trade and Development Prospects: Potential Role and Relevance of the WTO Agreement on Government Procurement</i> Kodjo Osei-Lah, WTO Secretariat<i>Infrastructure procurement and PPPs in Africa</i> Claire Barclay, DLA Cliffe Dekker Hofmeyr, Johannesburg<i>Balancing functionality assessment and policy considerations in complex procurement in Africa</i> Professor Geo Quinot, Stellenbosch University, APPRRU

11.30-11.50 Refreshments

11.50 – 13.00 Workshops number 6

<p>Workshop A6 Chair: Professor John Linarelli Practical issues in the operation of the EU Reforms</p> <ul style="list-style-type: none"><i>Experience with the utilities regime</i> Dr Totis Kotsonis, Eversheds<i>Perspectives of the construction industry</i> Ulrich Paetzold, FIEC, The European Construction Industry Federation<i>Framework agreements: Transparency in the call-off award process?</i> Dr Marta Andreka, Aarhus University, Denmark	<p>Workshop B6 Chair: Professor Chris Yukins Country experiences of debarment</p> <ul style="list-style-type: none"><i>Debarment Practices in Action: Analysing Some Recent Legal Developments of Interest in India</i> Sandeep Verma, Author: www.BuyLawsIndia.com<i>Debarment in Africa</i> Dr Sope Williams-Elegbe, University of Lagos, Nigeria<i>Debarment in China</i> Dr Xinglin Zhang, Dongbei University of Finance and Economics, China	<p>Workshop C6 Chair: Professor Sue Arrowsmith The Future of Harmonisation and Convergence in a Post-Recession World</p> <ul style="list-style-type: none"><i>Post-Modern Harmonization</i> Professor Joshua Schwartz, George Washington University<i>The harmonization process in developing countries</i> Professor Laurence Folliot-Lalliot, Université de Paris Ouest<i>Reassessing the Perspectives for Harmonization: the UNCITRAL Experience</i> Caroline Nicholas, UNCITRAL	<p>Workshop D6 Chair: Dr Aris Georgopoulos Procurement in context</p> <ul style="list-style-type: none"><i>Reforming the remedies system during the economic crisis</i> Dimitrios Raikos, Integrated Independent Authority for Public Contracts, Greece<i>Crisis procurement – the Ebola outbreak</i> Anne Langley, DfID<i>Economic considerations on third countries' reciprocal access rules to EU public procurement</i> Professor Nicola Dimitri, University of Siena<i>Buying national in Brazil</i> Ricardo Pagliari Levy, Pinheiro Neto, Advogados
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13.00-14.15 Lunch

14.15-15.30 Workshops number 7

<p>Workshop A7 Chair: Dr Anna Gorczynska Procurement outside the directives following the Reform</p> <ul style="list-style-type: none"> • <i>EU thresholds and how the recent reform was a missed opportunity to revise them</i> Dr Pedro Telles, University of Bangor • <i>Continuing relevance of general principles</i> Dr Albert Sanchez, University of Leicester • <i>Concessions and the general principles – a question of implementation</i> Andrea Sundstrand, Stockholm University 	<p>Workshop B7 Chair: Roger Bickerstaff Country progress with introducing mandatory e-procurement</p> <ul style="list-style-type: none"> • <i>E-Procurement in practice: reflections on the "SQuID" experience in Wales</i> Dr Ama Eyo, Bangor University. • <i>E-Procurement issues in Portugal</i> Vera Eiró, Nova School of Law and Linklaters LLP • <i>Finland and Estonia</i> Pilvi Takala, Procurement Training and Counselling Services, Finland 	<p>Workshop C7 Chair: Dr Annamaria La Chimia Ensuring effective reforms</p> <ul style="list-style-type: none"> • <i>Aid Procurement and the Development of Local Industry: A question of Africa</i> Jeff Gutman, The Brookings Institution • <i>MCC - maturity model of institutional development</i> Jeanmarie Meyer, Millennium Challenge Corporation • <i>Anti-fragilising public procurement systems – a paradigm shift</i> Youssef Saad, Office of the Minister of State for Administrative Reform 	
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15.30-15.50 Refreshments

15.50-17.00 Workshops number 8

<p>Workshop A8 Chair: Gerald Midgley EU rules and the public interest</p> <ul style="list-style-type: none"> • <i>Aligning Criminal Justice, procurement strategy and the market: an analogous case study</i> Professor Tim Wilson, Northumbria University • <i>The adverse impact of public procurement policy and practice on forensic science and medico-legal evidence</i> Angela Gallop, Axiom International 	<p>Workshop B8 Chair: Susie Smith Electronic procurement systems in practice</p> <ul style="list-style-type: none"> • <i>Electronic reverse auction and online procurement in Brazil: how much gain?</i> Dr Cesar Pereira, Justen, Pereira, Oliveira & Talamini Advogados • <i>Dynamic purchasing systems after the reforms</i> Roger Bickerstaff, Bird & Bird LLP • <i>New E-Procurement Legislation in Korea – Comparison with New EU Directives</i> Dae-in Kim, Ewha Womans University, Seoul 	<p>Workshop C8 Chair: Jeff Gutman Reforming the World Bank (via Video-link)</p> <ul style="list-style-type: none"> • <i>Policy reforms at the World Bank</i> Christopher Browne, World Bank • <i>Governance reforms at the World Bank</i> Robert Hunja, Director, Public Integrity and Openness, World Bank 	
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