

Progressing Procurement Best Practice in the UK

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This white paper has produced by the
**Association of Proposal Management
Professionals (APMP) UK**
through its **Procurement Focus Group**.

APMP is a global membership organisation for proposal writing and bid management professionals, with over 3,000 members in the UK. Member practitioners come from all sectors, including those working for major strategic suppliers to Government, down to those working for micro-enterprises as well as self-employed freelancers.

The Procurement Focus Group was established in 2024, initially focused on helping members to ready themselves for the new UK Procurement Act (PA23). Whilst PA23 establishes a blueprint against which future public sector commissioning must abide, individual commissioners will still determine how procurements are executed within the parameters of these new ground rules. Although PA23 represents an opportunity for a step change in good procurement practice, and contains many welcome improvements, the potential for poor practices to go unchecked remains. The transformation to the new practices needs attention and are likely to take time.

Ultimately better procurement results in better public goods and services. It should always be in the taxpayer's best interest to remove bureaucracy from the procurement process, remove barriers to participation for suppliers, maintain a level playing field, drive competitiveness, and ensure that the most advantageous tender always prevails. The suggestions made in this paper are anchored upon these objectives.

The paper sets out several areas where targeted efforts to drive better practices exist. We call upon the UK Government that, in tandem with the roll out of PA23, these areas are focused on. We hope that these suggestions will be embraced and acted upon by the new Procurement Review Unit (PRU) as it embarks upon its new mandate.

1) More can be done when designing procurements to ensure that the complexity of the competition, and the investment for suppliers to undertake it, is proportionate to the value and complexity of the goods/services being purchased.

A general principle of good procurement is that the scale and complexity of the tender response should be proportionate to the scale and complexity of the contract being contested. There is no definitive formula, or singular procurement complexity to contract value ratio that can be applied, but it is something that commissioners should give more thought to.

- There are instances where procurements for relatively low value goods or services can still be unduly complex and lengthy. Vice versa, sometimes the complexity of procurements for high value goods and services can be disproportionately light touch. This can sometimes be due to buyers using standardised documentation and response formats, irrespective of the goods/services being purchased.

- All too often tenders include poorly devised questions, expecting a disproportionate level of detail in relation to the permissible word count (e.g., a question of 250 words requiring an answer in no more than 500 words). The proportionate emphasis within tenders can also be out of kilter (e.g., a bid with 50% of score awarded on price, but with a highly weighted and lengthy technical question focused on potentially costly innovation or “added value”). These are points that can be readily sense checked at the tender design stage.

Overarchingly, unduly cumbersome tenders can be a turn off, especially for smaller suppliers, who may feel the opportunity is not worth the bother. Likewise, procurements that suffer from undue brevity to the extent where bidders feel that they have not been given sufficient scope or space to detail their offer in full, can invite challenge.

As a guideline of industry average, the cost of bidding should be 1% to 3% of the Total Contract Value, with lower value opportunities usually incurring a proportionately higher cost. Bear in mind that in any competition the losers outnumber the winners, and the cost of losing bids factors into supplier bid budgets and decision making.

There are exceptions to this, such as mature, high value civils procurements, where there is less certainty of total pricing at the outset, few qualified suppliers, and limits on the risk transfer that the market will accept at the point of procurement. Such procurements typically, and appropriately, operate at a lighter touch, headline level, primarily capturing each bidder’s stated overhead and profit, staff rates, proposed delivery programme and team. These established exceptions aside, the above principle still holds true.

2) There is scope to better join up Frameworks and DPSs across the public sector, with fewer, less duplicative, options, and better accessibility for SME suppliers.

Many public bodies, with encouragement from CCS / The Cabinet Office, are already positively reviewing the range and purpose of Frameworks and DPSs at their disposal. Nevertheless, too many public bodies create duplicative frameworks and DPSs, in many cases effectively serving the commissioning needs of a single public body.

Whilst the new Competitive Flexible Procedure offers the welcome potential of streamlined procurement, this is hamstrung in part by the continued profusion of frameworks. There is no definitive published figure of how many different active UK frameworks exist, but the number is estimated to be more than 1,500. Whilst devolution has many benefits, it too has arguably served as a catalyst for more frameworks and DPSs to be established.

Duplicative Frameworks generate more cost and bureaucracy for buyers and suppliers alike; for buyers to administer them, and for suppliers to submit multiple applications to join them, often with no guarantee of future business.

A wholesale review of Frameworks is needed, leveraging the new rules of PA23 to ensure that all applicable suppliers have appropriate opportunity to join them.

- Buyers need to more readily embrace existing routes to market, rather than creating new ones, even if this means using a framework/DPS established by a different public entity. This involves better and broader education of available Frameworks and routes to market, rather than prematurely concluding that there isn't already a "fit for purpose" mechanism. This may also involve better collaboration to adapt existing Frameworks, rather than create more, as well as clearer "decision trees" to help commissioners identify the right/best Framework.
- Transparency needs to be applied in distinguishing between Frameworks, DPS, and PA23's new Dynamic Market (DM) mechanism. An influx of new DMs has the potential to add further duplication to the landscape, rather than less. Anecdotally, some buyers are weighing up the benefits of coupling DMs with Competitive Flexible Procedures to fast-track certain procurements (i.e., a CFP could be as little as 10 days if preselection has been used, which could mean a DM). Whilst there are possible upsides, this practice should be monitored.
- When a new Framework is justified, there should be tools, resources, and support to establish it effectively and quickly. For example, the MoD's Digital and IT Professional Services (DIPS) Framework, created with the perceived lack of alternatives, took a long time to establish, including a name change, before it was fully up and running.
- With so many Frameworks, and associated duplication, there should be better coordination and scheduling when Frameworks are refreshed and renewed. A timetable of sorts could readily be devised and published, to help reduce the impact of overlapping Frameworks coming to market at the same time and increasing resultant pressure on suppliers. Notably there is a suggestion that the delay to PA23 has effectively created a backlog of Framework competitions (e.g. CCS TechServices 4, CCS RM6181), which may now be published simultaneously once PA23 goes live. Many smaller organisations are not resourced to respond to multiple overlapping bids, so must choose to prioritise one over another.

- At the same time, Frameworks shouldn't be too overly broad. For example, the CCS Construction Works & Associated Services (CWAS) Framework is being used across a variety of sectors and projects of significantly varying scale and complexity, but there is often a lack of recognition of the nuances between these sectors, e.g., the "going rate" of fees and staff costs when standardised rate cards are applied. Different projects require teams with different capabilities, skills, and experience. Whilst rationalisation of Frameworks is therefore desirable, resultant Frameworks must have appropriate breadth and flexibility to ensure best value for any project procured using them.
- More can be done to strengthen the opportunity for SMEs to participate as subcontractors in higher value procurements. Some Frameworks are showing better practice by mandating the use of SMEs in the supply chain (e.g., Transport for Greater Manchester mandated 20%). This was also worked into an account management question (i.e., "detail how will you evidence that the 20% minimum workshare with SME/s is being delivered").

3) Many procurements often set inappropriate terms and requirements, which create barriers to participation, and can readily be removed or revised.

Sometimes procurements can create arguably unfair terms which discriminate against certain bidders, most typically market entrants. This can arise where a buyer decrees specific assurances at the point of bidding which are not necessarily essential at this stage. Bidders can face a choice between investing to meet these requirements, which could arguably be wasted cost if their bid fails or not submitting a bid.

- A common example is that of insurances (public liability, professional indemnity, cyber security, etc.). Some procurements require bidders to evidence a minimum level of insurance in place at the point of bid submission, even if this level of insurance is above that reasonably required to cover their current operations. Furthermore, required insurance levels can sometimes feel arbitrary and disproportionate. Bidders should rightly commit to attain appropriate levels of insurance if they are awarded the contract, but they should not be expected to pay out simply for the privilege of bidding.

- A very similar example is where a buyer mandates that a supplier must already hold licences for a specific form of software at the point of bidding, creating very similar problems.
- Some procurements require bidders to provide a Certificate of Performance or Technical Ability Certificate (TAC) issued by a similar client. This presents multiple problems as a) bidders cannot influence the turnaround time in which such Certificates may be issued, meaning they can't guarantee to secure them by a set bid deadline, and b) it is the policy of some organisations not to issue such Certificates at all, even if the bidder has a good record. Whilst it is reasonable for bidders to provide details of their performance, and contact points of past customers, securing Certificates should arguably be an obligation on buyers, to be returned centrally, with dispensation for new entrants (like tailored finance questions typically applied for new companies). More broadly, proof of experience is only a truly viable concept if there is a genuine, standardised cross public sector accord nationally to promptly and openly supply Certificates, or similar, if requested. This can also help streamline the process of contract/framework extensions (some Frameworks are reportedly enabling contract extensions within 3 years as an acceptable TAC, whilst others are not).
- In the built environment, construction, and professional services sectors there are various accreditation and verification schemes that are similar in scope. Commissioners can, however, mandate that suppliers must hold a specific accreditation (e.g., Constructionline Gold) with other equivalent accreditations/verifications being rejected. Buyers should be more inclusive in counting-in like-for-like accreditations, rather than counting them out.
- A contractual requirement or suppliers to commit to uncapped liabilities is also readily a driver not to bid, especially for SMEs, but also for large suppliers having to flow down terms to SMEs. Good suppliers will always accept proportionate and appropriate liability risk in contracts, but an ask of uncapped liability will likely fail many suppliers' governance and risk appetite.

4) With PA23 promising a greater commitment to market engagement, there is an opportunity to make pre-bid exchanges between suppliers and buyers more meaningful and substantive, ultimately resulting in better procurements.

It is reassuring to see updated criteria in PA23 which will establish greater levels of market warming and market engagement between buyers and suppliers. Early sight of the mechanics of a forthcoming tender during market engagement (e.g., as achieved in the commissioning of CCC Management Consultancy Framework Four MCF4) means supplier preparations are more efficient, and quality responses improved.

Anecdotally, however, broader current market engagement practice is poor. Events are often little more than an exercise in information giving, rather than a more earnest exchange of expertise in shaping service specifications to meet the best needs of buyers and suppliers alike. A recent “market engagement event” held as a webinar in February 2025, attracting a range of suppliers, is reported to have lasted just 11 minutes, the time needed for the presenter to deliver their slides.

Buyers are, perhaps overzealously, worried about probity when pre-emptively engaging with any supplier, and there should always be safeguards to ensure a level playing field. This should not, however, be an excuse not to aspire to more purposeful engagement.

There should not necessarily be a singular medium for market engagement, but a strong buyer-to-supplier context is desirable, through in person events or interactive webinars. These should not be unduly cumbersome on buyers but ideally should allow scope for the playback of what has been learned and how this is shaping the procurement (e.g., published “you said – we did” outcomes).

By way of illustration, when applying the Sourcing Playbook, procurement teams are encouraged to think about 30 or so commissioning areas, each with significant subordinate areas equally requiring focus. The Sourcing Playbook encourages a Procurement Officer to choose the areas that offer their procurement the most benefit (rather than applying the whole Playbook). Their decision provides a strong indication therefore as to where market engagement should focus. Sharing this choice with industry encourages better and more specific input.

It’s true that some suppliers can enter these sessions not willing to share too much because they fear they will reveal their solution to their competitors. There is a learning curve on both sides, and trade associations/industry bodies have a role here too. Keeping the focus on the parameters and architecture of the procurement, more so than more crudely soliciting specific delivery solutions, should result in a more productive exchange.

Suppliers very often have a better understanding of what works best operationally and financially, and this perspective is arguably critical in designing goods and services which afford best value to taxpayers. As well as shaping requirements, good market engagement is also a key opportunity to test procurement routes, contract forms, levels of pricing, numbers of bidders and adjust these to match market sentiment to ensure a positive process. More rigour is also needed during market engagement around publishable KPI expectations given some of the challenges around measurement of success, particularly at a Framework level. More resources and training can readily be made available to buyers to improve market engagement.

Many areas of this document are included to provide suggestions where further focus and enhancements can help. The APMP Procurement Group's unique position in the industry allows it to engage more formally with the public sector in this area with a view to create improvement and better returns for the public purse and end-quality delivery.

5) There is an opportunity to improve the clarity and objectivity of scoring metrics in procurements, focused on finding the best supplier, and improving the transparency, fairness and contestability of the process.

In some procurements a clear and objective scoring criteria is not provided to bidders. This undermines supplier confidence in terms of how scores are determined and allocated and invites scepticism of the fairness of the contest. It should always be clear how points are awarded to an answer and how responses are weighted. This includes price scores, especially where these are calculated in relation to the cheapest bid, which can result in credibly priced bids achieving a score of zero (or near zero) for pricing.

- To minimise subjectivity, technical scoring ranges should be limited and simple, reflecting distinct score characteristics. For example, it is not unusual to see a tender offering a score of, say, 10 for an answer demonstrating “comprehensive” evidence, 8 for an answer demonstrating “good” evidence, and 6 for an answer demonstrating “reasonable” evidence. This leaves lots of room for interpretation as to what these words mean in the context of the scoring criteria.
- With the move from MEAT to MAT, buyers should consider, and design, scoring mechanisms geared to the most advantageous outcome. The proportionate split of score between quality, including social value, and price is integral to this, as is how aspects of the response are weighted. There is a clear possibility that MAT, if not applied diligently, can still return the lowest price bidder rather than the most advantageous.

- Recent guidance listing potential stages in new Competitive Flexible Procedures (CFPs) state that price can be negotiated on during the process up to final tender stage. This has largely arisen due to the inclusion of utilities contracts under PA23, but it is a potential concern in terms of it becoming a standard for wider procurements. If the MAT mechanism is shared at the start of CFP, then the balance of value is defined. Whilst the price should always be adjustable/negotiable as it is the second part of the value equation, this needs to be fully transparent under the new arrangements, where suppliers make bidding decisions, committing investment and resource, based on pricing assumptions from the outset.
- Historic procurement practices showing that scoring ratios (technical scores v price) within MEAT equations are often repeated from previous procurements, rather than being considered against the merits of the procurement in hand. The price/quality scoring metric can drastically affect a bidder's chosen solution, and can open the door to less scrupulous bidders, gaming their win and deliberately looking to increase their price and margin in delivery. Repeating the guidance is not enough; more training is required in this area.

6) The introduction of Assessment Summaries through PA23 is welcome, but this must ensure clear, consistent and meaningful feedback for bidders.

PA23 creates scope for buyers not to give feedback to unsuccessful bidders on certain procurements, with the introduction of Assessment Summaries. Suppliers understand that preparing feedback can be time consuming for buyers and, in putting this in writing, that it creates a greater risk that bid outcomes might be challenged (genuinely or spuriously). On the flip side, if suppliers don't know why their bid was scored down, they can't knowingly improve for the next bid, meaning that the overall quality of bids might stagnate. It would perhaps be wrong to expect buyers to give chapter and verse feedback on every occasion, but a minimum baseline of feedback would represent better practice, and for this to be applied consistently across the public sector through Assessment Summaries.

Under PA23 Assessment Summaries provided to unsuccessful suppliers must include a copy of the information provided to the successful supplier (redacted where applicable) explaining how its tender scored against each of the criteria. The two sets of information, read side by side, will outline the relative advantages, showing how the contracting authority has determined the most advantageous tender in accordance with the award criteria and assessment methodology.

Such minimum feedback would ideally include a) a full “question by question” break down of the bidder’s score, b) the comparative scores of the winning/preferred bidder, c) how many bids were received, and d) where the bidder ranked in the scoring (2nd, 3rd, 4th, etc.). Where a bidder has fallen short of the maximum score available for any part of the bid, Assessment Summaries should provide brief, yet clear and meaningful, indication as to why. This level of detail would place a minimal burden on the buyer in producing Assessment Summaries but would furnish the supplier with tangible insight to inform its future bidding strategy.

7) Suppliers are far more committed to delivering social value in their bid propositions, but there are still gains to be made in achieving better practice in this area.

For example, Sub-Criteria for MAC 2.3 of the Social Value Model (education and training) references a range of potential benefits suppliers might deliver, but this is often translated by buyers into a narrower measure of apprenticeships created. Similarly, some markets, such as vocational education and employability, are procuring “socially valuable” services, making it harder to segment over and above Social Value impact.

There is then the matter of their being differing Social Value platforms in the market (e.g. Thrive, Impact, and The Social Value Portal). Some buyers stipulate the use of a specific platform in evaluating Social Value, a challenge for suppliers who may already be using a different one. With different portals in play, there is then a challenge of comparing apples with apples where there may be differences in proxy value calculations. Advocating for a single platform jars against free market principles, but maximising alignment and standards should always be key, perhaps applying a clear and common standard regardless of the platform used.

If moving towards mission driven procurement, the exam questions themselves need to evolve so that they’re not forcing suppliers into a ‘tick boxing’ mentality. Many procurements are still applying largely generic questions around ESG principles, innovation, value for money, without reflecting any specific relevance to the scope of works or often the local geography of the project (particularly prevalent with social impact).

8) More can be done to limit the number of procurements which coincide with Christmas and other holidays, to help bidders maintain the work/life balance and wellbeing of their teams, and better help ensure the best quality in bids prevails.

Bidders accept that public procurement is a 365-day, 24/7 environment, and that new procurements may come to market at any point during the year, some with inevitable urgency. It is nevertheless a long running bone of contention for bidders when they are faced with immediate new year deadlines (those falling within the first few working days of January).

For example, Contracts Finder data lists 374 opportunities which had a closing date of 2nd or 3rd January 2024. This approach feels more than a little disingenuous. Affected suppliers are faced with a choice of cramming the bid to complete it before Christmas (and likely compromising on the quality of the submission), working over Christmas to meet the deadline, or simply not bidding. Recognising that many suppliers have shut down periods over Christmas (like their public sector counterparts), there is a strong argument to say that any procurement running over Christmas should, as a matter of both good practice and of good will, have a minimum of three working days added to the response period.

This forms part of a wider debate about due consideration of tender releases and deadlines. In an ideal world, there perhaps should be an amnesty of tenders falling over the wider Christmas period. There are also a goodly number of tenders released immediately before school holidays, (on the Friday before a half term, Easter, or summer holidays) as buyers can see these as “natural” deadlines to compete their own work (issue the tender). Such releases present obvious and immediate resource challenges for many suppliers, when key staff are more likely to be away. This might be a more of a deeper cultural challenge that is harder to fully or quickly eradicate, but it should be a consideration in procurement planning and market engagement discussions.

9) There is scope to achieve a more consistent standard of disclosure when requests are made via the Freedom of Information Act (FoI) to access submitted tenders or other details about a particular procurement competition.

It is not uncommon for FoI requests about procurements to be received, albeit interpretations about what commissioners can and should disclose can be varied. This is largely influenced by differing interpretations of what is meant by “commercial sensitivity” and the point at which the request may be made (e.g., during the standstill, during the mobilisation/pre-start period, after the start

of the contract, or once the contract has ended). Buyers recognise that there are sensitivities in this regard, but at the same time precedents have been set already in terms of what has and hasn't been disclosed in the past. This presents opportunity for clearer guidance (including legal guidance) in terms of what can and should be reasonably disclosed if requested, as opposed to an often more blanket start point of refusal.

Future Action

We are grateful for all the voluntary contributions of APMP UK Procurement Group colleagues in contributing to, and developing, this white paper.

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The Procurement Group are keen to engage with politicians, policy makers, lead procurement practitioners, and public sector suppliers in further developing and improving best practice. Please feel free to contact **Jim Carley**, who leads the Procurement Group, at jim.carley@apmpuk.co.uk. For more information about APMP and its wider work, please visit www.apmpuk.co.uk. Thank you.

