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# Global Revolution XI

A two-day international conference on public procurement regulation  
University of Nottingham East Midlands Conference Centre



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## Conference organised by the Public Procurement Group University of Nottingham

Programme directors:

**Professor Annamaria La Chimia**

Professor of Law and Development and Director PPRG  
University of Nottingham

**Dr Peter Trepte**

Senior Fellow in Public Procurement Law and Policy  
University of Nottingham



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# Programme

## Day 1 Monday 13 June 2022

**8.45am** Welcome, **Professor Annamaria La Chimia, Director PPRG, University of Nottingham**

**9.00am–10.15am** Plenary session: New Developments in International Procurement Regulation

Introduction from the Chair: <b>Professor Annamaria La Chimia, University of Nottingham</b>
An update from UNCITRAL – <b>Caroline Nicholas, UNCITRAL Secretariat</b>
An update from the World Trade Organisation (WTO) Secretariat on the Government Procurement Agreement (GPA) – <b>Reto Malacrida, World Trade Organisation</b>
An update from the MAPS Secretariat – <b>Nicolás Penagos, OECD/MAPS</b>
Transformational procurement - <b>Professor Gustavo Piga, University of Tor Vergata, Rome</b>
Procurement reform in times of crises - <b>Professor Jean-Bernard Auby, Professor emeritus Sciences Po Law School</b>
New frontiers in procurement, a perspective from Africa <b>Professor Sope Williams Elegbe, University of Stellenbosch, South Africa</b>
The World Bank's Global Procurement Partnership – <b>Snezana Mitrovic, Practice Manager, World Bank</b>

<b>Workshop stream A</b> Procurement in the UK and the EU	<b>Workshop stream B</b> Procurement in practice	<b>Workshop stream C</b> Procurement and sustainability	<b>Workshop stream D</b> Current issues	<b>Workshop stream E</b> Transforming procurement: international initiatives
<b>Workshop A1</b> <b>Social Value</b> Chair: Dr Paula Faustino	<b>Workshop B1</b> <b>The market for frameworks</b> Chair: Dr Aris Georgopoulos, University of Nottingham	<b>Workshop C1</b> <b>Sustainability and Procurement in International, European, and National Systems (SAPIENS Network)</b> Chair: Professor Martin Trybus, University of Birmingham	<b>Workshop D1</b> <b>Open Contracting approaches to improve equity, efficiency, and effectiveness in public procurement</b> Chair: Ms Camila Salazar, Lead Data Analyst, Open Contracting Partnership	<b>Workshop E1</b> <b>The World Bank's Global Procurement Partnership for Sustainable Development</b> Chair: Snezana Mitrovic, The World Bank
<ul style="list-style-type: none"> <li>▪ Pushing the boundaries: when are “social value” award criteria permissible and are they ever effective? <b>Kate Gough and Elizabeth Forster, Freshfields Bruckhaus Deringer</b></li> <li>▪ Social Value Lemonade? Strategies for Improving Transparency, Evidence Use, and Learning in Social Value and Community Benefit Clauses <b>James Ruairi Macdonald, Government Outcomes Lab (GO Lab), Blavatnik School of Government, University of Oxford</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The supply and proliferation of multi-supplier framework agreements in the UK <b>Steven Brunning, Partner Anthony Collins Solicitors LLP</b></li> <li>▪ The construction industry perspective <b>Rebecca Rees, Partner, Trowers &amp; Hamlins LLP</b></li> <li>▪ The view from local governments <b>Peter Ware, Partner, Browne Jacobson LLP</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ A stitch in time saves nine - leveraging public procurement for climate change <b>Associate Professor Marta Andhov and Marie Curie PhD Fellow Federica Muscaritoli, University of Copenhagen</b></li> <li>▪ Beyond building green - the human rights dimension of sustainable public procurement of infrastructure <b>Professor Olga Martin Ortega and Marie Curie PhD Fellow Laura Treviño Lozano, University of Greenwich</b></li> <li>▪ Facilitating Small and Medium-Sized Enterprises in public procurement <b>Professor Martin Trybus and Marie Curie PhD fellow Xinyue Xue, University of Birmingham</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Contracting in Recovery: Strengths and Weaknesses in Procurement Processes with CDBG-DR Funds <b>Issel Masses, Sembrando Sentido, Puerto Rico</b></li> <li>▪ Case studies from Colombia <b>Adriana Romero, Anti Corruption Institute, Colombia</b></li> <li>▪ Emerging and innovative uses of public procurement data: the case of the Italian Anticorruption Authority (ANAC) and of the Italian National Public Procurement Database. <b>Lorenza Ponzzone and Giuseppe Abbatino, Anti Corruption Authority (ANAC), Italy.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The motivation for the GPP <b>Omar Tiwana, World Bank</b></li> <li>▪ Sustainability issues for improved results <b>Professor Gustavo Piga, University of Rome Tor Vegata, Italy</b></li> <li>▪ The limits of the transactional approach to procurement reform <b>Peter Trepte, University of Nottingham</b></li> </ul>

11.30am–11.50am Refreshments

<p><b>Workshop A2</b>  <b>Remedies in the EU</b>                      Chair: Professor Mari Anne Simovart</p>	<p><b>Workshop B2</b>  <b>Infrastructure procurement</b>                      Chair: Ms Rebecca Rees</p>	<p><b>Workshop C2</b>  <b>Between Differentiation and Discrimination in EU Public Procurement Law: National Security and Social Return Examples from the Netherlands (Utrecht University Centre for Public Procurement)</b>                      Chair: Professor Martin Trybus, University of Birmingham</p>	<p><b>Workshop D2</b>  <b>Integrity issues</b>                      Chair: Professor William Kovacic</p>	<p><b>Workshop E2</b>  <b>The future of procurement</b>                      Chair: Caroline Nicholas</p>
<ul style="list-style-type: none"> <li>▪ The balance between damages and other remedies from the perspective of the effectiveness of review procedures in public procurement  <b>Dr Aleksandra Softysińska, Jagiellonian University, Cracow, Poland</b></li> <li>▪ Is it all worth it? Reputation and litigation in public procurement  <b>Pirkko Heikkinen and Kirsi-Maria Halonen, University of Lapland</b></li> <li>▪ What happened to the remedy of ineffectiveness? The reform of post-contractual measures and remedies in public contracts  <b>Dr Aris Christidis, University of Newcastle</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ PFI and PPP in infrastructure sector in the UK and Brazil: similar models and opposing government decisions  <b>Prof. Maria Tereza Fonseca Dias, School at Federal University of Minas Gerais (UFMG), Brazil; Researcher at CNPq; Lawyer)</b></li> <li>▪ Social Impact in Public Procurement through collaboration: measures and schemes coherent with general principles of tendering  <b>Sara Valaguzza and Michele Falcone, University of Studies, Milan, Italy</b></li> <li>▪ Gender procurement in the South African construction industry  <b>Allison Anthony, University of Cape Town</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Towards a Coherent, Efficient and ‘Just’ Public Procurement Legal System  <b>Professor Elisabetta Manunza, University of Utrecht</b></li> <li>▪ Social Commissioning for Inclusive Cities (UN SDGs number 5)  <b>Tom Huisjes LLM, University of Utrecht</b></li> <li>▪ The limits of EU Public Procurement Law in Ensuring Military-logistic Capabilities in a Changing Security Environment  <b>Nathan Meershoek LLM, University of Utrecht</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Organisational conflicts of interest in public procurement: an international perspective on concept, disclosure and mitigation strategies  <b>Johannes Schnitzer</b></li> <li>▪ Integrity responses for public procurement in the Dominican Republic  <b>Jose Calderon, ??</b></li> <li>▪ Identifying Unlawful Practices in EU Funded Public Procurement in Hungary  <b>Gábor Soós, Prime Minister's Office (Hungary)</b></li> <li>▪ Impact of anti-corruption rules on public procurement: the Portuguese case study  <b>Paula Faustino, University of Nottingham</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Transforming procurement  <b>Professor Gustavo Piga, University of Tor Vergata, Rome</b></li> <li>▪ Major Developments in EU Procurement  <b>Professor Emeritus Jean-Bernard Auby, Sciences Po Law School</b></li> <li>▪ How the world and our communities are changing  <b>Gavin Hayman, Open Contracting Partnership</b></li> </ul>

1pm–2.15pm Lunch

<p><b>Workshop A3</b>  <b>Defence and Security Procurement</b>                      Chair: Dr Aris Georgopoulos</p>	<p><b>Workshop B3</b>  <b>Practical Challenges</b>                      Chair: Professor Sara Valaguzza</p>	<p><b>Workshop C3</b>  <b>Climate change and human rights</b>                      Chair: Professor Steven Schooner</p>	<p><b>Workshop D3</b>  <b>GPA at 40/25</b>                      Chair: Honorary Professor Robert Anderson</p>	<p><b>Workshop E3</b>  <b>The onward march of MAPS</b>                      Chair: Honorary Professor Susie Smith</p>
<ul style="list-style-type: none"> <li>▪ SME and defence contracts: An EU defence procurement regime for all Member States <b>Professor Martin Trybus, University of Birmingham</b></li> <li>▪ Pathways for cross-border collaborative procurement in the internal security sector <b>Mari Ann Simovart, University of Tartu, School of Law</b></li> <li>▪ Defence Procurement in the UK Post-Brexit. Disquiet on the Western Front? <b>Luke Butler, University of Nottingham</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The binding force of public contracts and the rules on contract modifications in EU public procurement law <b>Márta Várhomoki-Molnár, Prime Minister's Office (Hungary)</b></li> <li>▪ <i>Shifty shades</i> of non-compliance in Public Procurement Law <b>Mirella Lechna PhD candidate University of Nottingham</b></li> <li>▪ Impact of the time limits for the receipt of tenders on the number of bidders: evidence from public procurement in Greece <b>Andreas Christos Pliatsidis University of Macedonia, Thessaloniki, Greece</b></li> <li>▪ Duty to allow to clarify a tender submitted in an open procedure: legal aspects and practice in Latvia <b>Džeina Gaile, University of Latvia</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring mitigation and adaptation policies to face Climate Change through Sustainable Procurement Indicators <b>Laura Carpineti, Senior Manager, Martino &amp; Partners</b></li> <li>▪ 'Climate Change Laws' as drivers of Transformation of Public Procurement and Public Contracts Law – A Comparative Overview of recent European experiences <b>Dr Miguel Assis Raimundo, Assistant Professor University of Lisbon</b></li> <li>▪ EU Public Procurement Law and <i>Business &amp; Human Rights</i>: Opportunities and Challenges to Address Human Rights Risks in the Textiles Supply Chains? <b>Giulia Botta, Phd Candidate, University of Milan</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Can the GPA Remain Relevant with Limited Membership? <b>Jean Heilman Grier (delivered by Peter Bennett)</b></li> <li>▪ The GPA/WTO and Latin America: lessons from Brazil's accession process <b>Cesar Pereira and Rafael Wallbach Schwind</b></li> <li>▪ Past and future of the GPA <b>Reto Malacrida, World Trade Organisation</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The new sustainability module and the pilot stage <b>Nicolás Penagos, OECD/MAPS</b></li> <li>▪ EBRD involvement and perspective of MAPS developments <b>Evgeny Smirnov, EBRD</b></li> </ul>

3.45pm–4.05pm Refreshments

<b>Workshop A4</b> <b>Contract management</b> Chair: Dr Baudouin Heuinckx	<b>Workshop B4</b> <b>Auditing &amp; Probity in Public Procurement</b> Chair: Mr Peter Bennett	<b>Workshop C4</b> <b>Gender Equality, Diversity and Social Inclusion</b> Chair: Ms Manjola Malo, World Bank	<b>Workshop D4</b> <b>Digitalisation</b> Chair: Professor Andrea Sundstrand	<b>Workshop E4</b> <b>Using MAPS in practice</b> Chair: Mr Nicolás Penagos
<ul style="list-style-type: none"> <li>▪ “Make or Buy?” <b>M. Simovart, C. Ginter, K. Härginen, I. Pilving, M. Sörm</b></li> <li>▪ Frustration of Contract and procurement flexibility during supply chain disruption <b>Dr. Martin Schellenberg and Marc Philip Greitens, Heuking Kühn Lüer Wojtek</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The role of external audit <b>Michael Burnett, Audit Committee Member, Solihull MBC</b></li> <li>▪ Examples from practice <b>Peter Braun, Dentons Law Firm, Germany</b></li> <li>▪ The NAO’s experience <b>Matthew Rees, Director, Commercial Hub, National Audit Office</b></li> <li>▪ A transatlantic perspective <b>Adam Walsh, Attorney, Office of Inspector-General, USAID</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ GESI-responsive procurement in crisis situations <b>Simone Gariglio, EU external program Libya</b></li> <li>▪ Gender inclusive procurement in Africa <b>Professor Sope Williams-Elegbe, Stellenbosch</b></li> <li>▪ Open Contracting for gender inclusive procurement <b>Camila Salazar, Lead Data Analyst, Open Contracting Partnership</b></li> <li>▪ The World Bank Gender Initiative <b>Manjola Malo, World Bank, and Annamaria la Chimia, University of Nottingham</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The need for digitalization and joint procurement in facing the crisis: EU and transatlantic experiences <b>Gabriella M. Racca, University of Turin and Christopher R. Yukins, George Washington University Law School</b></li> <li>▪ Public procurement, intellectual property, principle of transparency and automated public decision-making <b>Tommaso Cocchi, University of Urbino</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The drafters’ perspective <b>Susie Smith, Bevan Brittan LLP</b></li> <li>▪ The funders’ perspective <b>Kevin Moore, Asian Development Bank</b></li> </ul>

6.30pm Pre-dinner drinks

7pm Conference dinner

## Day 2 Tuesday 14 June 2022

**8.55am** Introduction from the Chair – **Dr Peter Trepte, University of Nottingham**

**9am–10.10am** Plenary session: The Future of Public Procurement in the UK

Chair – <b>Dr Peter Trepte, University of Nottingham</b>
Transforming Public Procurement in the UK - <b>Edward Green, Deputy Director, International and Reform Team, Cabinet Office</b>
Public Procurement: National Revolution - <b>Professor Emerita Sue Arrowsmith</b>
A commentary from the Procurement Lawyers' Association (PLA) – <b>Duncan Osler, MacRoberts LLP</b>



Workshop stream A: Procurement in the UK and the EU	Workshop stream B: Procurement in a crisis	Workshop stream C: Procurement and sustainability	Workshop stream D: Current issues in the international arena
<p><b>Workshop A5</b> The future of public procurement in the UK Chair: Professor Emerita Sue Arrowsmith</p>	<p><b>Workshop B5</b> Covid – Lessons learned Chair: Professor Anna Gorczynska</p>	<p><b>Workshop C5</b> Green and social procurement Chair: Ms Luana Swessons</p>	<p><b>Workshop D5</b> Reforms in Africa Chair: Ms Elinor Nippard, Crown Agents</p>
<p>Panel Discussion: The future of UK procurement law – a view from the Cabinet Office</p> <p><b>Lucy Sydney, Head of Strategic Relationships, Procurement Reform, Government Commercial Function</b></p> <p><b>Lindsay Maguire, Cabinet Office</b></p> <p><b>Tracy Pritchard, Senior Procurement Policy Advisor, International and Reform Team</b></p>	<ul style="list-style-type: none"> <li>▪ What constitutes “extreme urgency” <b>Kuldip Dhanoya, Partner and Head of Public Procurement, TLT LLP Solicitors</b></li> <li>▪ The perspective of a Multilateral Development Bank <b>Janyna Rhor, ADB</b></li> <li>▪ Managing emergency procurement in practice <b>Steve Guppy, Crown Agents</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The Swiss experience of sustainable procurement <b>Marc Steiner, Swiss Federal Administrative Court, Switzerland</b></li> <li>▪ Sustainable Procurement in the Construction Industry – towards Greener Buildings in Malaysia? <b>Grace Xavier University of Malaya Kuala Lumpur, Malaysia</b></li> <li>▪ Sustainable Development in Public Bidding Procedure: A Brazilian and EU Case Study <b>Bruno Fontenelle</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ UNCITRAL Ten Years On <b>Prof Geo Quinot, Stellenbosch University</b></li> <li>▪ <i>Volenti NonFit Injuria?</i> The Internationalization of National Public Procurement Regimes in Africa <b>Dominic Npoanlari Dagbanja, University of Western Australia Law School</b></li> <li>▪ State capture in South Africa – the road to reform <b>Songezo Mabece</b></li> </ul>

11.30am–11.50am Refreshments

<b>Workshop A6</b> <b>Procurement in practice under the new UK procurement regime (organised by the Procurement Lawyers Association)</b> Chair: Dr. Luke Butler	<b>Workshop B6</b> <b>Living with the aftermath</b> Chair: Alison Anthony, University of Cape Town	<b>Workshop C6</b> <b>Social Impact</b> Chair: Judge Mark Steiner	<b>Workshop D6</b> <b>Procurement Reform</b> Chair: Dr Peter Trepte
<p>Panel Discussion:</p> <p><b>Kate Gough, Freshfields Bruckhaus Deringer LLP</b></p> <p><b>Emily Heard, Bevan Brittan LLP</b></p> <p><b>Rebecca Rees, Trowers &amp; Hamlins LLP</b></p>	<ul style="list-style-type: none"> <li>▪ Regulating Pandemic Procurement - A metaRealist Analysis of the COVID-19 PPE Crisis <b>Margaret Satya Rose, University of Bath</b></li> <li>▪ Covid-19's side effects on Public Procurement - evidence from Italy <b>Biancamaria Raganelli and Federica Marconi, University of Rome Tor Vergata</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Fair Pay And Safe Workplaces: Reassessing The Costs And Benefits In Government Contracting <b>Désirée U. Klingler, Candidate University of St. Gallen (presented by Steve Schooner)</b></li> <li>▪ Sustainable public food procurement, <b>Luana Swensson, Policy specialist for sustainable public procurement, UN Food and Agriculture Organization (FAO)</b></li> <li>▪ Food procurement in Italy, <b>Silvia Lucciarini and Annamaria La Chimia</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Paradigms of Public Procurement Law <b>Derek McKee, Université de Montréal</b></li> <li>▪ Assessing Public Procurement in Caribbean British Overseas Territories in the COVID-19 recovery <b>Laura Panadès-Estruch, Cayman Islands Law School</b></li> <li>▪ The Quiet Revolution of Israel's Public Procurement Law <b>Dr. Adv. Hadas Peled, Bar Ilan University, Israel</b></li> <li>▪ The experience of reform in Azerbaijan <b>Elsan Hasanov, SSACMC, Azerbaijan</b></li> </ul>

1pm–2.15pm Lunch

<p><b>Workshop A7</b>  <b>Transforming Public Procurement Across the UK: What about Devolution?</b>                      Chair: Dr Aris Georgopolous</p>	<p><b>Workshop B7</b>  <b>Participation and risk</b>                      Chair: Honorary Professor Susie Smith</p>	<p><b>Workshop C7</b>  <b>Implementing sustainable procurement</b>                      Chair: Dr Paula Faustino</p>	<p><b>Workshop D7</b>  <b>International bid protest</b>                      Chair: Professor Christopher Yukins</p>
<ul style="list-style-type: none"> <li>▪ The perspective from England  <b>Luke Butler, University of Nottingham</b></li> <li>▪ The perspective from Scotland  <b>Stephen Connor, APUC</b></li> <li>▪ The perspective from Wales  <b>TBC</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ A Framework for Early Contractor Involvement, PIANC, MARCOM, Workgroup 194  <b>Kenneth Willems, Vuentica</b></li> <li>▪ One-sided contracts and the efforts to achieve a balance of position of the parties  <b>Aleksandra Stepien,</b></li> <li>▪ Fear of risk taking: an Italian problem in public contracts  <b>Martina Cardone (Phd in Law and Business at LUISS Guido Carli University)</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Procurement for Good: from Optional to Mandatory Sustainable Public Procurement Law  <b>dr. Willem Janssen, Utrecht Centre for Public Procurement (UUCePP)</b></li> <li>▪ Sustainable procurement through unequal treatment of third country bidders  <b>Dr. Florian Wolf, Berlin</b></li> <li>▪ Current Issues and Uncertainties in the EU Regulation on Sustainable Public Procurement: the Italian Perspective.  <b>Edoardo Caruso, University of Ferrara</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Capacity building in public procurement under uncertainty, and the role of international guidelines: insights from recent cross-jurisdictional analysis and experience in a southeast Asian developing economy  <b>Robert D. Anderson, Antonella Salgueiro</b></li> <li>▪ An Empirical Study of Challenge Procedures Brought by Disappointed Bidders in U.S. State Protest Forums  <b>Daniel Schoeni</b></li> </ul>

3.30pm–3.50pm Refreshments

<b>Workshop A8</b> <b>National approaches to selected issues</b> Chair: Dr Willem Janssen	<b>Workshop B8</b> <b>Selected issues</b> Chair:	<b>Workshop C8</b> <b>Other sustainability and innovative issues</b> Chair: Professor William Kovacic	<b>Workshop D8</b> <b>Arbitration and procurement</b> Chair: Ms Caroline Nicholas
<ul style="list-style-type: none"> <li>▪ The Code of public contracts in Italy between simplification objectives, criticalities, and emergency purchasing procedures <b>Valentina Marano, PhD in comparative law and integration processes, Università degli Studi della Campania</b></li> <li>▪ Public procurement and national innovation policy: evidence from Russia <b>Associate Professor Sergey Tsygankov, Southern Federal University, Rostov-on-Don, Russia</b></li> <li>▪ Public Procurement Cases in Ireland: What has twenty years of Judicial Review decisions taught us? <b>Laura Broomfield, Category Manager at the Office of Government Procurement, Ireland on secondment to the European Commission; and PhD researcher at the University of Nottingham</b></li> </ul>	<p><b>TBC</b></p>	<ul style="list-style-type: none"> <li>▪ Can a Tuna Fish become a Scapegoat? Animal and Plant Species as Technical Standards, Specific Makes or Sources or Particular Processes <b>Baudouin Heuinckx, Deputy National Armaments Director of the Belgian Armed Forces</b></li> <li>▪ Green public procurement as an implementation measure of the European Green Deal, <b>Anna Gorczynska, University of Lodz</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Private Arbitration of Bid Compliance Prior to Adjudication <b>Nicholas Jobidon, Professor of Public Law École Nationale d'Administration Publique Canada</b></li> <li>▪ Arbitration as a tool for efficiency in government contract management: why, how, and when it works <b>Cesar Pereira FCI Arb, Bettina Okinyi, Leonardo F. Souza ACI Arb</b></li> </ul>

5pm Close

We are delighted to be working with the following collaborators:

