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Global Revolution 2024

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 Research Group (PPRG) 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



For more extensive study of public procurement law – UK, EU and/or global – take a look at our distance learning (part time) postgraduate programme in Public Procurement Law and Policy (Masters/Diploma/Cert) <https://www.nottingham.ac.uk/law/study/cpd/executive-programmes/index.aspx>

Programme

Day 1 Monday 17 June 2024

8:45am Welcome, **Professor Annamaria La Chimia, Director PPRG, University of Nottingham**

8:55am–10:15am Plenary session: New Developments in International Procurement Regulation

Introduction from the Chair: Paradigm Shift in Procurement: Necessity and Opportunity Professor Annamaria La Chimia, University of Nottingham
Emerging issues at the World Bank: climate financing and procurement Jean-Jacques Verdeaux, World Bank
An update from the World Trade Organisation (WTO) Secretariat on the Government Procurement Agreement (GPA) Reto Malacrida, World Trade Organisation
Professionalisation and the OECD work on procurement Erika Bozzay, OECD
Combatting foreign subsidies Professor Leigh Hancher, Tilburg University
Artificial Intelligence (AI) in Procurement Jessica Tillipman, George Washington University and Dr. Aris Georgopoulos, University of Nottingham

10:15am – 11:30am Parallel workshops – session 1

Workshop stream A Procurement in the UK and the EU	Workshop stream B Collaboration in Procurement	Workshop stream C Procurement and Sustainability	Workshop stream D Current Issues in the International Arena	Workshop stream E Artificial Intelligence (AI) and Public Procurement
<p>Workshop A1 Sustainability in the UK and Europe: Social Value Chair: Duncan Osler</p>	<p>Workshop B1 PFI modelling and collaboration Chair: Steven van Garsse</p>	<p>Workshop C1 International and EU approaches to sustainability Chair: Steven Schooner</p>	<p>Workshop D1 International considerations Chair: Astghik Solomonyan</p>	<p>Workshop E1 AI and procurement risk management Chair: Albert Sanchez-Graells</p>
<ul style="list-style-type: none"> ▪ The “Golden Thread” of Social Value – Will it be rediscovered under the Procurement Act? Steven Brunning (Anthony Collins LLP), Rebecca Rees (Trowers and Hamlin LLP), and Mark Cook (Anthony Collins LLP) ▪ The Italian Reform: Goals Prevailing Over Constraints Sara Valaguzza and Eleonora Gregori Ferri, University of Milan ▪ Social value creation and the principle of “result”: a reasoning on the goal of public procurement procedures Eduardo Parisi, University of Milan 	<ul style="list-style-type: none"> ▪ Towards the Common Understanding of Public-Private Partnership as a Universal Legal Concept Shaimerden Chikanayev, The Chinese University of Hong Kong ▪ PFI in infrastructure projects in the UK and Brazil: similar models and opposing authorities decisions Maria Tereza Fonseca Dias, University of Minas Gerais ▪ Colonial Public-Private Partnerships – did Caribbean British Overseas Territories inherit the UK’s Private Finance Initiative? Laura Panadès-Estruch, Truman Bodden Law School, Cayman Islands 	<ul style="list-style-type: none"> ▪ Understanding the Role of the WTO Agreement on Government Procurement (GPA) in Relation to Today’s Policy Imperatives: Economic Reform, Sustainability, Good Governance and Human Rights Robert Anderson (University of Nottingham), Antonella Salgueiro (WTO), and Marc Steiner (Swiss Federal Administrative Court) ▪ The regulation of sustainability aspects under the Government Procurement Agreement Natalia Spătaru, University of Birmingham ▪ Global trade, local content and sustainable public procurement: challenges and opportunities in Africa Carol Cravero, Consultant 	<ul style="list-style-type: none"> ▪ International Procurement Commitments: Expanding and Contracting Jean Heilman Grier, Djaghe ▪ Assessing procurement systems -the MAPS experience Nicolás Penagos, OECD ▪ Federalism, Procurement Liberalization, and Domestic Review Procedures: The Implementation of Treaty Commitments in US States and Canadian Provinces Derek McKee (University of Montreal) and Dan Schoeni (United States Air Force) 	<ul style="list-style-type: none"> ▪ Using AI to reduce risk in public procurement: Panacea or problem? Jessica Tillipman, George Washington University ▪ Artificial intelligence applied to quality evaluation in public procurement Phil Woodhead and Sagar Bhujbal

11.30am–11.50am Refreshments

11:50am – 1:00pm Parallel workshops – session 2

Workshop A2 Public-public cooperation in EU public procurement: new paths and evolving shape of contractual agreements with private partners Chair: Jean-Bernard Auby	Workshop B2 Collaborative Procurement Chair: Benedetta Audia	Workshop C2 New Objectives and Impact Chair: Elisabetta Piselli	Workshop D2 International Perspectives and Experiences on Self-cleaning Chair: Sope Williams-Elegbe	Workshop E2 Procurement of AI Chair: Jessica Tillipman
<ul style="list-style-type: none"> ▪ Overview of developments in EU case law on public-public cooperation since the 2014 public procurement directives Sarah Schoenmaekers, Maastricht University ▪ The institutionalised public-private partnership (PPI): benefits and challenges Steven van Garse, SAPIENS ▪ National case studies PPI implementation in France and in Italy Stephane de La Rosa (UPEC) and Gabriella Racca (University of Torino) 	<ul style="list-style-type: none"> ▪ The ant anthology and collaboration in construction Sara Valaguzza, University of Milan ▪ Collaborative procurement to reach sustainability. A possible alternative use of the technical advisory board Guido Sorrentino, University of Salerno ▪ Collaborative procurement: opportunities and constraints Virginie Dor, CMS ▪ A Framework for Tailored Implementation of BIM in Design and Construction Process: A Case Study for Public Authorities Kavita Raj, Silvia Mastrolembo Ventura and Angelo Luigi Camillo Ciribini, University of Brescia 	<ul style="list-style-type: none"> ▪ Public spending efficiency and sustainable development in Polish public procurement law Anna Wójtowicz-Dawid, University of Rzeszów ▪ Leaving No One Behind - Integrating Considerations for Small and Medium-Sized Enterprises in Green Public Procurement Xinyue Xue, University of Birmingham & SAPIENS ▪ Impacts of Sustainable Public Procurement in Lithuania Raminta Pucetaite and Jolanta Vaiciuniene, Kaunas Technology University 	<ul style="list-style-type: none"> ▪ Self-cleaning as a legal instrument in Central and Eastern European countries Tünde Tátrai, Corvinus University of Budapest ▪ Rehabilitation of Bidders in Brazil: The Influence of Self-Cleaning as Envisaged in Directive 2014/24/EU Rafael Wallbach Schwind and Mayara Gasparoto Tonin, Justen Pereira, Oliveira & Talamini 	<ul style="list-style-type: none"> ▪ Findings from EPLG comparative research Christoph Krönke, University of Bayreuth ▪ Emerging trends and deployment of AI Tim Cummins, World Commerce & Contracting

1:00pm – 2:15pm Lunch

2:15pm – 3:45pm Parallel workshops – session 3

Workshop A3 EU Defence Procurement Chair: Martin Trybus	Workshop B3 Collaborative and innovative procurement in practice Chair: Sara Valaguzza	Workshop C3 Diversity in procurement Chair: Manjola Malo	Workshop D3 Trade Perspectives Chair: Laurence Folliot-Lalliot	Workshop E3 AI Procurement as a governance and management tool Chair: Aris Georgopoulos

<ul style="list-style-type: none"> ▪ Fast & Smart Joint Procurement of Artillery Ammunitions for EU Nations & Norway EDA Procurement Team ▪ A security-proof public procurement strategy for contracting authorities: 'The legal possibilities for national security screening within the context of the Defence and Security Procurement Directive' Niels Wittenberg, Utrecht University ▪ The Legal Foundation for a more Effective Regulation of Military Procurement within a European Security Culture Nathan Meershoek, Utrecht University 	<ul style="list-style-type: none"> ▪ Competitive Dialogue: yet an unfinished business for innovation Marcela Jabôr, Universidade Federal de Minas Gerais ▪ Public Contracts and the Possibilities for Maneuverability Erik Plas, Infense Advocaten ▪ Transformation of Government Procurement Innovation Policies in China Cao Fuguo, Professor of Law, Central University of Finance and Economics, Beijing 	<ul style="list-style-type: none"> ▪ How can MDB's promote Gender Responsive Public Procurement in it's operations? The case of the European Investment Bank. Sónia Rodrigues da Fonseca, European Investment Bank ▪ Addressing the corruption barriers to gender responsive procurement Sope Williams-Elegbe, Stellenbosch University ▪ Barriers and Solutions to Women's Participation in Public Procurement in Eastern Africa Mr. Gilbert Sendugwa, Executive Director, Africa Freedom of Information Centre 	<ul style="list-style-type: none"> ▪ The new foreign subsidies regulation (FSR) Leigh Hancher, University of Tilburg ▪ The new IPI Peter Trepte, University of Nottingham ▪ Customs and trade implications John Grayston, Grayston & Co. 	<ul style="list-style-type: none"> ▪ That's not my standard: contractual clauses for the procurement of ethical AI as a straitjacket Albert Sanchez-Graells, University of Bristol ▪ Digital supply-chain management Rajinder Bhandal, University of Leeds ▪ AI for German public procurement Marc Philip Greitens, Sascha Soyk, Charlotte Stollmann, Janwillem van de Loo, Heuking
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3:45pm – 4:05pm Refreshments

4:05pm – 5:15pm Parallel workshops – session 4

Workshop A4 Principled Procurement Chair: Jamie Thomas	Workshop B4 A question of trust and cooperation Chair: Anna Gorczynska	Workshop C4 Country approaches to GPP Chair: Marc Steiner	Workshop D4 Dispute Resolution Chair: Caroline Nicholas	Workshop E4 Use of AI and big data in procurement Co-chairs: Jessica Tillipman; Albert Sanchez-Graells
<ul style="list-style-type: none"> ▪ Conflicting demands between transparency and flexibility in framework agreements: the case of call-off contracts award with the reopening of mini-competition Atakilti H Gebremichael, University of Copenhagen ▪ Equality Qualities in Public Procurement Law Elior Korem, Utrecht University ▪ Tender clarification after the submission: main conclusions and suggestions for the future Džeina Gaile, University of Latvia 	<ul style="list-style-type: none"> ▪ The doctrine of <i>culpa in contrahendo</i> and public procurement Marta Andhov and Michal Kania, University of Copenhagen ▪ Navigating Trust in the Public Procurement Judicial Remedy System Kirsi-Maria Halonen, University of Lapland ▪ On reflection it's worse: How moderation reduces ratings and favours lowest price in bid evaluation Janet Izatt, Warwick Business School 	<ul style="list-style-type: none"> ▪ Sustainable Procurement Under EU Directive 2014/24: Lithuanian Transition to 100% Green Public Procurement Edgaras Markevicius, Sorainen ▪ Enforcement or development of green contract conditions Carina Risvig Hamer, University of Copenhagen ▪ Opportunities for Green Public Procurement in India Kabeer Arora, Gaurav Godhwani, Civic Data Labs, India 	<ul style="list-style-type: none"> ▪ Dispute avoidance and alternative dispute resolution (ADR) Cesar Pereira (Justen, Pereira, Oliveira & Talamini) and Christopher Yukins (George Washington University) ▪ Construction Adjudication: Prospects and Challenges for Internationalisation and Harmonisation Aleksander Godhe, KCL 	<ul style="list-style-type: none"> ▪ Panel Discussion Aris Georgopoulos (School of Law, University of Nottingham) Ian MakGill (Spend Network) Lindsey Marchessault/ Gavin Hayman (tbc) Open Contracting Partnership

6:15pm Pre-dinner drinks and PPRG book launch

7:00pm Conference dinner

Day 2 Tuesday 18 June 2024

8:55am Introduction from the Chair — **Dr Peter Trepte, University of Nottingham**

9:00am – 10:10am Plenary session: Topical Issues in Procurement

The new Procurement Act: A commentary from the Procurement Lawyers' Association (PLA) Ewan West KC, Monckton Chambers
Interpreting the new Procurement Act Sue Arrowsmith, Professor Emerita, University of Nottingham
Sustainable procurement as geopolitics Professor Gustavo Piga, University of Tor Vergata
Protecting earth and freedom requires a radical mindset shift: on old obligations and new responsibilities Professor Elisabetta Manunza, University of Utrecht
Reconceptualising public procurement (law and practice) globally Professor Geo Quinot, APPPL, Stellenbosch University

10:10am – 11:30am Parallel workshops – session 5

Workshop stream A: Procurement in the UK and the EU	Workshop stream B: Procurement in Practice	Workshop stream C: Procurement and sustainability	Workshop stream D: AI, Data and Procurement
Workshop A5 The new Procurement Act in the UK Chair: Ewan West KC	Workshop B5 Govt/Vendor relationships Chair: Steve Guppy	Workshop C5 Climate change Chair: Marta Andhov	Workshop D5 Procuring IT Chair: Rovena Muzhaqi
<ul style="list-style-type: none"> ▪ Conditions for Participation, Exclusion and Debarment: what are the key changes and what effect are they likely to have in practice? Totis Kotsonis, Partner, Pinsent Masons LLP ▪ Transparency: Do the Act and the associated Regulations achieve transparency, and what challenges and benefits are presented by the new rules in relation to transparency Emily Heard, Partner, Bevan Brittan LLP ▪ Modifications to existing contracts, KPIs and the implication of terms into contracts Jonathan Davey, Partner, Addleshaw Goddard LLP 	<ul style="list-style-type: none"> ▪ A peculiar approach to overseeing public procurement: collaborative supervision Giuseppe Abbatino and Lorenza Ponzone, Italian Anti-Corruption Authority ▪ Creating a Forum for Public Authorities and Private Industries to Discuss Public Procurement Law Nicholas Jobidon, École Nationale d'Administration Publique Québec 	<ul style="list-style-type: none"> ▪ Low Carbon Public Procurement in the Asia Pacific Region Jellie Molino, University of Cambridge ▪ Understanding collaboration between stakeholders in sustainable public procurement Felipe Vilaça Loureiro Santos, SAPIENS 	<ul style="list-style-type: none"> ▪ Current challenges in the public procurement of cloud services Moritz Schuchert, Blomstein ▪ Procurement of critical IT infrastructure Rika Koch, Institut Public Sector Transformation ▪ EU Innovative (Cybersecurity) Procurement as a Cybersecurity Governance Tool? Stefano Rossa, Università degli Studi del Piemonte Orientale ▪ The Danish best practice code for public procurement of IT projects. Milena Anguelova Krogsgaard, Poul Schmith

11:30am – 11:50am Refreshments

11:50am – 1:00pm Parallel workshops – session 6

<p>Workshop A6 The Procurement Act 2023: three knotty issues Chair: Emily Heard</p>	<p>Workshop B6 Performance measurement Chair: Evgeny Smirnov</p>	<p>Workshop C6 Country approaches to SPP Chair: Eliza Niewiadomska</p>	<p>Workshop D6 Digitalisation and cross-border exchange of contractor qualification information Chair: Jean Bernard Auby</p>
<ul style="list-style-type: none"> ▪ How to interpret the Procurement Act 2023? The theory and some practical implications Sue Arrowsmith, University of Nottingham ▪ From one regime to another – will the commercialisation of frameworks in the UK public sector continue under the Procurement Act? Steven Brunning, Anthony Collins LLP ▪ UK Public Procurement After Brexit – Single UK Market or Postcode Lottery? Luke Butler and Jamie Thomas, University of Nottingham 	<ul style="list-style-type: none"> ▪ Regulating the performance of public contracts: Is current EU law fit for purpose? Aris Christidis, Newcastle University ▪ The Hungarian Public Procurement Performance Measurement Framework Márta Várhomoki-Molnár Hungarian Ministry for Public Administration and Spatial Development 	<ul style="list-style-type: none"> ▪ Sustainable development in public bidding procedure: a Brazilian and EU case study Bruno Fontenelle ▪ Challenges and opportunities for Sustainable Public Procurement (SPP) in Albania Reida Kashta, Albanian Public Procurement Agency ▪ Addressing bottlenecks for the implementation of sustainable public food procurement initiatives at local level: the experience of Ecuador Luana Swensson, UN Food and Agriculture Organization ▪ Sustainable food procurement in English Higher Education Penny Giosa, University of Portsmouth 	<ul style="list-style-type: none"> ▪ EU Developments in Digitalisation Gabriella M. Racca (University of Torino) and Stéphane De La Rosa (Université Paris-Est Créteil) ▪ From Data to Digital Transformation of Public Procurement Isabel da Rosa, Portuguese Public Procurement Regulator ▪ Exclusion of Contractors Under the EU Directive Laurence Folliot-Lalliot, Université Paris-Nanterre ▪ The Infrastructures Decision (ECJ Case C-66/22) Andrea Sundstrand, Stockholm University ▪ Handling Exclusion Information Across Borders Christopher R. Yukins, George Washington University

1:00 pm – 2:15pm Lunch

2:15pm – 3:30pm Parallel workshops – session 7			
<p>Workshop A7 Defence Procurement Chair: Simone Gariglio</p>	<p>Workshop B7 Deference to contracting authority decisions in procurement disputes Chair: Tunde Tatrai</p>	<p>Workshop C7 CSR and Integrity Chair: Annamaria La Chimia</p>	<p>Workshop D7 Collaboration in information and electronic resources Chair: Steve Schooner</p>
<ul style="list-style-type: none"> ▪ Avoiding competitive tendering in defence procurement – beyond the obvious Pascal Friton and Christopher Wolters, Blomstein ▪ Research and development in the defence sector: How to close the commercialisation gap? Grith Skovgaard Ølykke, Royal Military Academy & Vrije University 	<ul style="list-style-type: none"> ▪ Panel Discussion looking at Europe, USA, Africa Geo Quinot (Stellenbosch University & APLU), François Lichère (Université Jean Moulin), Allison Anthony (University of South Africa & APLU), and Yseult Marique (University of Essex) 	<ul style="list-style-type: none"> ▪ The Implications of RBC and Due Diligence Regulation on Public Procurement Lena Diesing and Sarah Reso, OECD ▪ Establishing a Culture of Integrity Flor Rissa Ofilada, University of Philippines ▪ Due diligence a standard of conduct for public contracting bodies and business contractors Laura Treviño Lozano, University of Greenwich 	<ul style="list-style-type: none"> ▪ Sharing public procurement research Mary Kate Hunter, George Washington University ▪ Research on public procurement regulation: the Asia Link-Nottingham bibliography and some related reflections on discipline approaches to literature Sue Arrowsmith, University of Nottingham

3:30pm – 3:50pm Refreshments

3:50pm – 5:00pm Parallel workshops – session 8		
<p>Workshop A8 Rule of Law Challenges in Public Procurement Chair: Elisabetta Manunza</p>	<p>Workshop B8 Challenges in Procurement: Supplier Participation and Ensuring Sufficient Competition Chairs: Reto Malacrita and Annamaria La Chimia</p>	<p>Workshop C8 Digitalisation at country level Chair: Paula Faustino</p>
<ul style="list-style-type: none"> ▪ Has the Court of Justice just failed to protect the EU's Single Market from Eurosceptic legislation? Mirella Lechna, University of Nottingham ▪ Violation of the rule of law in the context of access to justice in public procurement Aleksandra Sołtysińska, Jagiellonian University ▪ Why does the Rule of Law Matter in Public Procurement? Piotr Bogdanowicz, University of Warsaw 	<p>Panel discussion: Erika Bozzay (OECD), Soos Gabor Gerely and Varhomoki-Molnar Marta (Ministry for Public administration and regional development, Hungary), Tunde Tatrai (Corvinus University of Budapest), Giuseppe Abbatino and Lorenza Ponzzone (Italian Anti-Corruption Authority), and Reida Kashta (Albanian Public Procurement Agency)</p>	<ul style="list-style-type: none"> ▪ Digital Government, Public Procurement, and Contracting in Brazil: A Technological Perspective on Procurement Law André Guskow Cardoso, Justen, Pereira, Oliveira & Talamini ▪ Public Procurement and AI: Cases from India Sandeep Verma, Government of Rajasthan ▪ E-procurement implementation in Brazil Proposition of a theoretical model and prognosis of the use of AI Rafael Wallbach Schwind, Justen Pereira, Oliveira & Talamini

5:00pm Close

We are delighted to be working with the following collaborators:

