




PROCUREMENT AND COMPETITION



*“Undisputed acumen
when handling
procurement cases”*

Chambers UK Bar, 2016

PROCUREMENT AND COMPETITION

Keating Chambers is recognised as a leading set for public procurement. Members of the procurement and competition group are above all expert advocates. Led by Sarah Hannaford QC, the “*doyenne of the Public Procurement Bar*” and the “*tenacious*” Fionnuala McCredie QC (both accredited mediators), they appear in many of the highest profile cases (e.g. *NATS (Services) Limited v Gatwick Airport*, *ALSTOM v Eurostar* and *Roche v Mid Yorkshire Hospital Trust*) – sometimes on both sides (e.g. *Geodesign Barriers Ltd v The Environment Agency*). In addition to claims under the procurement legislation, Keating advocates have a strong track record in procurement-related judicial review in cases such as *R (Stella Nash) v LB Barnet* and the cases relating to legal services procurement (*R (OAO Fair Crime Contract Alliance) v Lord Chancellor (Legal Aid Agency)*) and acted in the first case on new competition and procurement regulations for NHS services (*R (QSRC) v NHS England*).

In addition to their advocacy expertise, members of the procurement and competition group frequently act as strategic advisers to authorities and bidders, at all stages of the tender process from design to debrief. Described as “*commercial, un-stuffy, client-friendly, committed, personable*”, they see things from the client’s perspective.

The group has strength in depth and a “*gifted team of talented silks and juniors*”, from the “*very impressive*” Paul Darling QC to “*rising star*” Calum Lamont, Paul Bury, Tom Coulson and Harry Smith.

As former procurement and competition partners in leading law firms, Simon Taylor and David Gollancz (both members of the Attorney General’s panel of counsel) are competition as well as procurement specialists. Their years of experience encompass European Commission and CMA investigations as well as litigation, in the area of anti-competitive agreements, state aid, merger control and abuse of dominance. Both are specialists in public and utility markets where procurement, competition law, state aid and sectoral regulation meet and increasingly their cases cross the divide of these disciplines.

Members of the group regularly contribute to legal publications and are in demand as speakers in leading conferences in the field. As part of our commitment to providing training and development to clients, we offer complimentary in-house training seminars on a broad range of procurement and competition topics. Please contact our clerks for more information (clerks@keatingchambers.com).

ABOUT KEATING CHAMBERS

Keating Chambers is a leading set of commercial barristers' chambers, with a thriving domestic and international practice. Members specialise in providing their services across the areas of construction (onshore and offshore), energy, engineering, infrastructure, property, shipbuilding and marine engineering, and technology (including IT and Telecoms). The procurement and competition group also serves a range of other sectors, such as professional services, transport and health and social care.



- **NATS (Services) Limited v Gatwick Airport Limited** – Acting for NATS in a substantial procurement challenge relating to the provision of air navigation services at Gatwick Airport. Successfully maintained automatic suspension.
- **Geodesign Barriers Limited vs The Environment Agency** – Acting for both sides in a challenge to the procurement of flood barriers. Specific disclosure application.
- **Roche Diagnostics Ltd v (1) NHS Commercial Procurement Collaborative & (2) Mid Yorkshire Hospitals NHS Trust** – Acting for claimant in leading case on specific disclosure.
- **BY Development Ltd & Ors v Covent Garden Market Authority** – Challenge to procurement of a project to redevelop the New Covent Garden Market. Admissibility of expert evidence.
- **Heron Brothers Ltd v Central Bedfordshire Council** – Acting for the claimant in case concerning time limits for service of claim forms.
- **Solent NHS Trust v Hampshire County Council** – Acting for the claimant in procurement challenge concerning substance misuse services. Application to lift.
- **Counted4 CIC v Sunderland City Council** – Acting for the Council in a challenge to a tender for substance misuse services. Application to lift.
- **Airwave Solutions Ltd v Home Secretary** – Challenge arising out of the procurement of a new emergency services communication system.
- **R (OAO Nash) v LB Barnet** – Judicial review of Barnet council's award of outsourcing contracts.
- **Kent Community Health NHS Foundation Trust v NHS Swale Clinical Commissioning Group "CCG" and NHS Dartford, Gravesham and Swanley** – Acting for the CCGs in a challenge to a Community services tender. Successfully lifted automatic suspension.
- **DWF LLP v Secretary of State for Business Innovation and Skills** – Acting for the Secretary of State in Court of Appeal. Significant on limitation, the amendment of pleadings and applications to lift.
- **QSRC v NHS England** – Acting for NHS England in successfully defending application for judicial review. First case under the NHS (Competition, Procurement and Patient Choice) No 2 Regulations 2013.
- **Covanta Energy Ltd v Mersey Waste Disposal Authority** – Acting in the procurement of a multi-billion pound energy from waste plant. Novel issues on conduct of the competitive dialogue procedure. Applications to lift suspension and for specific disclosure.
- **Alstom Transport v Eurostar International Ltd & Anor** – Acting for Alstom in the high profile Eurostar litigation concerning the award of a €1.2bn contract for supply of trains. Various applications.
- **Pearson Driving Assessments Ltd. v Minister for the Cabinet Office and Secretary of State for Transport** – Acting for claimant in challenge to the award of contract for computer-assisted testing.
- **Liconic SA v UK Biocentre Ltd. and Oxford University** – Acting for claimant in procurement of storage of human blood and tissue samples for medical research.

Silks

Marcus Taverner QC
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Richard Fernyhough QC
Dr Christopher Thomas QC
John Marrin QC
Stephen Furst QC
Timothy Elliott QC
Dr Robert Gaitskill QC
Philip Boulding QC
Adrian Williamson QC

David Thomas QC
Rosemary Jackson QC
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Simon Hughes QC
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