

Procurement of Innovative Technologies and Research Bill

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Schedule – Procurement of Innovative Technologies and Research – The
Genesis Programme

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Make provision in relation to the awarding by government departments and agencies of research and development contracts for innovative technologies; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Purposes of Act

- (1) The purposes of this Act are—
- (a) to facilitate the identification of requirements for innovative new technologies with the potential to enhance the effectiveness of government departments and agencies in meeting value for money and strategic objectives, and 5
 - (b) to facilitate the solicitation and commissioning by government departments and agencies of research and development contracts with industry for the development and trialling of technologies and solutions capable of meeting those objectives. 10
- (2) The activities undertaken in pursuance of this Act shall be known as the Genesis Programme.

2 Furtherance of purposes of Act

- (1) It shall be the duty of the Secretary of State to further the purposes of this Act by taking such steps as he deems expedient to support and promote the Genesis Programme. 15
- (2) Subject to subsection (3), the Secretary of State may by order prescribe any government department or agency for the purposes of this Act.
- (3) It shall be the duty of the Secretary to prescribe under subsection (2) any government department or agency which, in his opinion, has an annual research and development budget of more than £20 million. 20
- (4) The Schedule to this Act has effect in relation to any prescribed body.

- (5) The Secretary of State may make regulations amending or varying the provisions of the Schedule.
- (6) In this Act “prescribed body” means a government department or agency which has been prescribed by an order under subsection (2).

3 Report on operation of Act 5

- (1) Two years after the coming into force of this Act, and every two years thereafter, the Secretary of State must publish an evaluation report on the operation of this Act.
- (2) Each report published in accordance with subsection (1) must contain –
- (a) aggregate statistics for each prescribed body on solicitations and contracts awarded (number and value by phase); 10
 - (b) an assessment of conformity with this Act and any associated guidelines;
 - (c) aggregate statistics for each prescribed body showing the number and volume of awards by company, together with a list of any companies to which awards have been made more than once; 15
 - (d) case studies and aggregate measures of commercial or economic impact;
 - (e) any recommendations for improvements to the Genesis Programme;
 - (f) any other matter which the Secretary of State considers appropriate. 20

4 Orders and regulations

- (1) The power of the Secretary of State to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under section 2(5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of both Houses of Parliament. 25
- (3) A statutory instrument containing –
- (a) an order under section 2(2), or
 - (b) regulations under paragraph 8(4) of the Schedule,
- is subject to annulment in pursuance of a resolution of either House of Parliament. 30

5 Short title, commencement and extent

- (1) This Act may be cited as the Procurement of Innovative Technologies and Research Act 2005.
- (2) This Act shall come into force at the end of a period of eighteen months beginning with the day on which this Act is passed, unless the Secretary of State by order appoints an earlier day. 35
- (3) This Act extends to Northern Ireland (as well as to England and Wales and Scotland).

- (f) the probability of the company’s meeting the requirements specifications, assessed according to previously successful contracts in the relevant field for public bodies in the United Kingdom or another member State;
 - (g) the likelihood of commercialisation, further research and development funding from a third party, or subsequent purchases or research and development funding from the prescribed body. 5
- 13 There shall be no restriction on the number of Innovation Contracts which may be awarded to a company in any one year, but the effectiveness with which past contracts have been undertaken or exploited further commercially may be taken into account in awarding future contracts. 10
- 14 Each prescribed body participating in the Genesis Programme must –
 - (a) ensure that processes for solicitation, award of innovation contracts and evaluation of deliverables are timely, efficient and accessible, and 15
 - (b) provide the Secretary of State with such information as he determines to be necessary for the preparation of reports to be published under section 3.
- 15 Each prescribed body participating in the Genesis Programme must maintain a website devoted to its participation in the Programme on which it must publish the following information on solicitations and awards – 20
 - (a) announcements of future solicitations, timetables and procedures, together with guidelines for submissions;
 - (b) details of requirements specifications and timetable;
 - (c) names and addresses of companies awarded contracts, together with the title and value of the contract (which information shall be published within 5 days of the award); 25
 - (d) the total number and value of contracts awarded following each solicitation.
- 16 (1) Requirements specifications must be published at least 8 weeks before the deadline for submissions. 30
- (2) Contracts must be awarded within 8 weeks of that deadline.
- 17 (1) Unless sub-paragraph (2) applies, any intellectual property generated during a contract shall belong to the contracting company.
- (2) This sub-paragraph applies if the prescribed body has contributed intellectual property to the project and has indicated that in the requirements specification. 35
- (3) If sub-paragraph (2) applies, the prescribed body may negotiate a royalty with the contracting company.
- 18 A prescribed body which is unable to comply with the requirements of paragraph 1 of this Schedule must inform the Treasury and the Secretary of State at least 3 months before the end of the relevant financial year in order that an appropriate proportion of its budget may be reallocated to other prescribed bodies for funding additional Innovation Contract submissions during the remainder of that financial year. 40
- 19 In this Schedule – 45
 - “the EU Procurement Directives” means –

- (a) Directive 93/97/EC, as amended by Directive 97/52/EC,
- (b) Directive 93/36/EC, as amended by Directive 97/52/EC,
- (c) Directive 92/50/EC, as amended by Directive 97/52/EC,
- (d) Directive 93/38/EC as amended by Directive 98/4/EC, and
- (e) Directive 89/665/EC as amended by Directive 97/52/EC.

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“the EU threshold value” means the minimum threshold value for the time being established under the EU Procurement Directives.

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supported by
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