

Procurement Act 2023

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Procurement Act 2023 – Key Changes

Central Digital Platform (CDP)

- A singular platform that integrates all procurement opportunities, notices and other relevant information.
- This replaces the Selection Questionnaire, Find a Tender and Contracts Finder.

New Procedures

- **Open Procedure** remains broadly the same.
- New **Competitive Flexible Procedure** that combines previous procedures.
- **Direct Award** remains broadly similar.

Transparency Requirements

- Contracting Authorities have increased publishing requirements with new notices across every stage of the procurement and contract life cycle.
- Compliance, ESG and KPI adherence and performance monitoring also published.

Debarment Regime

- New regime barring suppliers who violate the law and have repeated poor performance from bidding for public sector opportunities.
- Managed by Minister of the Crown and Procurement Review Unit.

Central Digital Platform (CDP)

- The CDP is an enhancement of the existing Find a Tender Service and is a singular platform that allows for the publication of new procurement opportunities, notices and other information in one place.
- It aims to reduce duplication, make it easier to participate in procurements and includes the standardisation of forms.
- Suppliers can only bid for public sector opportunities if they are registered on the CDP. Registration includes uploading core business information.
- The Government has set out guidance to help with registration for and use of the CDP: <https://www.gov.uk/government/collections/information-and-guidance-for-suppliers>

Below Threshold Tenders



All tenders below £214,904 VAT inc. for goods and services, and £5,372,609 VAT inc. for works are known as below threshold tenders.



Below threshold tenders can give regard to PPN 11/20 and limit the area that bidders must be to facilitate local SMEs bidding.



There is no selection stage or PSQ, and all tender submissions will be considered, but there might be standards that need to be met as set out in the Invitation to Tender.



There is the opportunity to greater utilise lots to break larger opportunities down into smaller packages.

Notices and New Procedures

There are now 13 notices relating to the procurement and contract life cycle, with 4 more to come later in 2025.



The Pipeline Notice will notify the market of £2 million+ tender opportunities coming in the next 12-18 months.



The Planned Procurement Notice, when out for 40 days, can limit the tendering time to 10 days.



The Procurement Termination Notice will notify the market if a procurement is ended before award.



Contract Details, Contract Performance, Contract Change and Contract Termination Notices will also be published, where appropriate.

Important Factors to be Aware of

Debarment List

Suppliers found to have committed legal violations, persistently failing to meet contract terms or breaching ESG obligations are at risk of being put on the debarment list, which excludes them from bidding on public contracts.

Suppliers will be on the list for 5 years but can appeal the decision. The List is managed by the Minister of the Crown and the Procurement Review Unit (PRU).

Conflict of Interest

There is heightened focus on conflict of interest, including new declaration forms. Suppliers may be required to assess and mitigate conflicts of interest and could be excluded from the procurement opportunity if they refuse to do so.

Negotiation & Modification

As part of the new Competitive Flexible Procedure, public sector bodies can now include negotiation as a part of their tendering process. There can also be modification of the criteria weighting throughout the process.

Contract Publication

For contracts worth over £5 million, or over the works threshold, a redacted copy of the contract will be published within 90 days from the Contract Award Notice, along with the Contracts Details Notice.

Open Frameworks

New Open Frameworks can run for up to 8 years, provided they are reopened for competition in years 3 and 5. Closed Frameworks running for 4 years are still available.

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