

New notices and publication requirements under the Procurement Act 2023

The following table summarises the new notices and publication requirements under the Procurement Act 2023 as further detailed in the [draft Procurement \(Transparency\) Regulations 202X](#). All notices/information are to be published on a **central digital platform** to be provided by the Cabinet Office on www.gov.uk, except for assessment summaries (see further below) that are only provided to the bidders in a procurement.

Notice	When used and brief details ¹	Applicable authorities/contracts
Pre-procurement notices		
Planned procurement notice	Optional notice setting out that the contracting authority (CA) intends to publish a tender notice. If published between 40 days and 12 months before publication of the contract notice, it will entitle the CA to apply an accelerated tender period.	All contracting authorities (CAs) ²
Preliminary market engagement notice	Notice must set out that the CA intends to conduct, or has conducted, preliminary market engagement.	All CAs
Pipeline notice	Notice that must be published where the CA expects to spend more than £100 million in the coming financial year. The notice must give advance notice of any public contracts with an estimated value of more than £2 million, for which the CA intends to issue a tender/ transparency notice in the next 18 months.	All CAs except private utilities and NI authorities
Tender notices		
Tender notice: open procedure	Proposed award of a public contract through an open procedure (excluding the award of framework). The notice should make clear that it is for the award of public procurement through open procedure and whether it is inviting tenders for a special regimes contract. If the CA has conducted preliminary market engagement and a preliminary market engagement notice has not been published, the CA must publish the reasons for not publishing it in the open procedure tender notice.	All CAs

¹ The brief details given in this table non-exhaustively highlight certain key elements of the content and use of notices based on the [draft Procurement \(Transparency\) Regulations 202X](#). Reference should be made to the text of those draft regulations (and the final version once made) for the full content of notices.

² References to contracting authorities exclude references to contracting authorities in relation to procurement under a devolved Welsh procurement arrangement, to which the draft Transparency Regulations do not apply.

Notice	When used and brief details ¹	Applicable authorities/contracts
Tender notice: competitive flexible procedure	<p>Proposed award of a public contract using the competitive flexible procedure (excluding the award of (i) a framework through a competitive flexible procedure or (ii) a public contract by reference to suppliers' membership of a dynamic market).</p> <p>The notice should make clear that it is for the award of public procurement through competitive flexible procedure and provide a description of the process to be followed during the procedure.</p>	All CAs
Tender notice: frameworks	<p>Proposed award of a framework.</p> <p>The notice must set out that the CA intends to award a framework. The notice should ensure that it provides reasons why frameworks exceeding four or eight years have been awarded.</p> <p>The notice should describe whether the open procedure or competitive flexible procedure is being used, the price payable, details of selection and the term of the framework. Information contained within the notice should also state whether the framework has been awarded under an open framework and if so, provide the unique identifier of the previous framework.</p>	All CAs
Tender notice: dynamic market (DM) except qualifying utilities dynamic markets	<p>Proposed award of a public contract by reference to suppliers' membership of a DM.</p> <p>The notice must provide the unique identifier for the DM against which the public contract is being awarded and a statement that the public contract is to be awarded by reference to the suppliers' membership of a DM.</p>	All CAs except utilities ³
Tender notice: qualifying utilities dynamic market (QUDM) notices	<p>Proposed award of a public contract by reference to a utilities DM established under a QUDM notice.</p> <p>The notice must set out that the CA intends to award a public contract by reference to a utilities DM. The notice should provide the unique identifier for the</p>	Utilities

³ Whilst utilities are not precluded from setting up a dynamic market by reference to the rules applicable to public authority contracting authorities, it seems unlikely that they would wish to do so where the possibility of setting up a qualifying utilities dynamic market is available. This form of tender notice is therefore unlikely to be of practical relevance to utilities.

Notice	When used and brief details ¹	Applicable authorities/contracts
	<p>DM against which the public contract is being awarded, the subject matter, how requests to participate may be submitted and the deadline for submissions.</p> <p>Whilst the draft Procurement (Transparency) Regulations 202X provide that the notice must be published on the central digital platform, the Act does not require tender notices to be published for each contract awarded under it. Instead, the Act states that the notice should be provided to existing members of the QUDM. It is to be hoped that this will be clarified in the final version of the regulations.</p>	
Dynamic market notice (inc. qualifying utilities dynamic market notices)	<p>Notice that (a) the CA intends to establish a DM, (b) the DM has been established, (c) the DM has been modified, or (d) the DM has ceased to operate (except in the case of private utilities).</p>	<p>All CAs, plus any person who sets up a utilities DM in accordance with the provisions of the Act⁴</p>
Below-threshold tender notice	<p>Notice that must be published <u>if</u> the CA decides to advertise a below-threshold contract of not less than £12,000 (central government) or not less than £30,000 (other CAs).</p>	<p>All CAs, except utilities and where the below-threshold contract is an exempted contract or a concession contract</p>
Post-tender notices		
Transparency notice	<p>Mandatory notice stating that a CA intends to make a direct award and its reasons for doing so.</p>	<p>All CAs, except where awarding a directly awarded user choice contracts</p>
Contract award notice	<p>Notice that a CA intends to enter into a public contract.</p> <p>The notice must contain details of both the successful and unsuccessful bidders.</p> <p>The contract award notice triggers a mandatory standstill period of 8 working days (rather than 10 calendar days), during which a legal challenge may be pursued before the contract is signed. Where a competitive tendering procedure has been</p>	<p>All CAs, except for contracts awarded under a defence and security framework or a directly awarded user choice contract⁵</p>

⁴ This allows third party (non-CAs or utility) entities to set up utilities DMs to replace, in particular, existing qualification systems under the present utilities rules.

⁵ NB the requirement to publish a contract award notice and provide an assessment summary (in the case of a competitive procedure) also applies to the award a specific contract under a framework.

Notice	When used and brief details ¹	Applicable authorities/contracts
	used, unsuccessful bidders must be provided with an "assessment summary" in advance.	
Assessment summary	<p>An assessment summary must be provided to any supplier that submitted an assessed tender in a competitive procurement prior to publication of a contract award notice. The summary must include the scores awarded to the recipient's tender and the reasons why particular scores were given against each criterion. Each unsuccessful bidder will also receive a copy of the winning supplier's assessment summary.</p> <p>The assessment summary is not published on the central digital platform and is only sent to bidders in the procurement.</p>	All CAs, except for contracts awarded under a defence and security framework or a directly awarded user choice contract
Contract details notice: open or competitive flexible procedure	<p>Notice that a public contract has been entered into using the open or competitive flexible procedure.</p> <p>The notice must contain details such as the estimated value of the contract, its start and end dates, and any key performance indicators (KPIs) that have been set.</p> <p>The notice must be published within 30 days of the contract being signed (120 days for a light touch contract).</p>	All CAs, except private utilities and where the contract is a directly awarded user choice contract
Contract details notice: frameworks	<p>Notice that a framework has been entered into.</p> <p>The notice must contain details such as:</p> <ul style="list-style-type: none"> • the estimated value of the framework; • the term of the framework; • whether it is an open framework (or a framework awarded under an open framework); • whether fees will be charged to framework suppliers; • the price payable or the mechanism for determining the price payable under a public contract awarded in accordance with the framework; and • details of the selection process to be applied on the award of a public contract in accordance with the framework. 	All CAs, except private utilities and where the contract is a directly awarded user choice contract

Notice	When used and brief details ¹	Applicable authorities/contracts
	<p>The notice must be published within 30 days of the contract being signed (120 days for a light touch contract).</p>	
<p>Contract details notice: public contracts awarded in accordance with frameworks</p>	<p>Notice that a public contract (awarded in accordance with a framework) has been entered into.</p> <p>The notice must contain details such as the procedure that has been used to award the contract and whether that procedure was a competitive selection procedure or direct award without further competition. Where a direct award was used, the notice must contain an explanation of why the CA considered that it was entitled to make a direct award under the terms of the framework.</p> <p>The notice must be published within 30 days of the contract being signed (120 days for a light touch contract).</p>	<p>All CAs, except private utilities and where the contract is a directly awarded user choice contract</p>
<p>Contract details notice: direct awards</p>	<p>Notice that a public contract has been entered without competition on the basis of a direct award justification.</p> <p>The notice must inter alia set out the justification for the direct award.</p> <p>The notice must be published within 30 days of the contract being signed (120 days for a light touch contract).</p>	<p>All CAs, except private utilities and where the contract is a directly awarded user choice contract</p>
<p>Contract details notice: below-threshold contracts</p>	<p>Notice that a "notifiable" below-threshold public contract has been entered into.</p> <p>A notifiable below-threshold contract is a below-threshold contract with an estimated value of not less than £12,000 (central government) or not less than £30,000 (other CAs).</p> <p>The notice must be published as soon as reasonably practicable after the contract is entered into.</p>	<p>All CAs, except utilities and where the below-threshold contract is an exempted contract or a concession contract</p>
<p>Publication of contract</p>	<p>Contracts with an estimated value of more than £5 million must be published within 90 days of the contract being entered into (180 days for a light touch contract).</p>	<p>All CAs, except private utilities, a devolved Welsh Authority, a transferred NI authority and where the contract is a directly awarded user choice contract</p>

Notice	When used and brief details ¹	Applicable authorities/contracts
In-life notices		
Procurement termination notice	Notice that a CA has decided not to award a contract following previous publication of a tender or transparency notice for the procurement.	All CAs, except private utilities
Payments compliance notice	Notice detailing how quickly CAs have paid their suppliers. The notice must be published every six months.	All CAs, except private utilities, transferred NI authorities and in relation to a public contract awarded by a school, or a concession contract
Contract performance notice	Notice setting out: (a) the supplier's performance against published key performance indicators (KPIs). Publication of KPIs – see contract details notices above - is applicable to contracts valued over £5 million except frameworks, utilities contracts awarded by private utilities, concession contracts and light touch contracts, (b) information relating to any: <ul style="list-style-type: none"> (i) serious breach of contract leading to termination, award of damages or settlement; and (ii) non-performance of the contract to the CA's satisfaction where the supplier has been given a chance to improve and has failed to do so (not light touch contracts). 	All CAs, except private utilities
Contract change notice	Notice that a CA intends to modify an existing public contract. The notice must set out the justification for modification based on the permitted contract modification set out in the Act and must be published before the modification is made. A voluntary standstill of at least 8 working days may be applied following publication before the modification is entered into.	All CAs, except in the case of defence and security contracts, light touch contract, contracts awarded by a private utility, contracts awarded by Welsh or NI authorities

Notice	When used and brief details ¹	Applicable authorities/contracts
Publication of modified contract⁶	Modifications in respect of which i) a contract change notice must be published and ii) result in a contract being valued at over £5m, must be published within 90 days of the modified contract being entered into.	All CAs, except in the case of defence and security contracts, light touch contract, contracts awarded by a private utility, contracts awarded by Welsh or NI authorities
Contract termination notice	Notice that a public contract has been terminated. This notice must be published within 30 days of a public contract being terminated.	All CAs except private utilities or in the case of directly awarded user choice contracts.

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⁶ The [draft Procurement \(Transparency\) Regulations 202X](#) do not in fact expressly require that publication of modified contracts on the central digital platform. However, since all other publication is on the central digital platform, except where information or notices are to be provided to a limited set of persons (as in the case for example of the assessment summary), we assume that this is an oversight that will be corrected in the final form of the regulations.