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DRAFT STATUTORY INSTRUMENTS

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**202X No.**

**PUBLIC PROCUREMENT**

**The Procurement (Transparency) Regulations 202X**

*Made* - - - -

*Coming into force* - -

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The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 95(1), (2) and (3), 97(1) and (2), 120(1) and (2), 121(3) and 124(1) of the Procurement Act 2023(a).

The Minister for the Cabinet Office has, in accordance with section 120(3) of the Procurement Act 2023—

- (a) consulted persons appearing to the Minister to represent the views of private utilities, and
- (b) consulted such other persons as the Minister considers appropriate,

on the provision contained in regulation 35.

These Regulations are made with the consent of the Department of Finance for Northern Ireland in accordance with section 112(4) of the Procurement Act 2023.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 121(4) of the Procurement Act 2023.

### **Introductory**

- 1.—(1) These Regulations may be cited as the Procurement (Transparency) Regulations 202X.
- (2) These Regulations come into force on X.
- (3) These Regulations extend to England and Wales, Scotland and Northern Ireland.
- (4) Regulation 36 contains an index of defined expressions.

### **Application in relation to Wales**

2.—(1) These Regulations do not apply to a contracting authority in relation to a procurement under a devolved Welsh procurement arrangement.

(2) These Regulations apply to a contracting authority that is a devolved Welsh authority only in relation to a procurement under—

- (a) a reserved procurement arrangement, and
- (b) a transferred Northern Ireland procurement arrangement.

(3) See section 113 of the Procurement Act 2023 for the meanings of “devolved Welsh procurement arrangement”, “reserved procurement arrangement” and “transferred Northern Ireland procurement arrangement”.

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(a) 2023 c X. See section 122(1) of the Procurement Act 2023 for the definition of “appropriate authority”.

### **Application in relation to Scotland**

3.—(1) These Regulations apply to a contracting authority which is a devolved Scottish authority only in relation to a procurement which is regulated in accordance with regulations made under section 114(1) of the Procurement Act 2023(a).

(2) See section 2(6) of the Procurement Act 2023 for the meaning of “devolved Scottish authority”.

### **Interpretation**

4.—(1) In these Regulations—

“contract subject-matter” means the following information, so far as it is known to the contracting authority when the information is published or provided (as the case may be)—

- (a) whether the contract is mainly for the supply of goods, services or works,
- (b) a description of the kinds of goods, services or works which will be supplied,
- (c) a summary of how those goods, services or works will be supplied,
- (d) the estimated date when the goods, services or works will be supplied,
- (e) the estimated amount of goods, services or works which will be supplied, and
- (f) the relevant CPV codes;

“contracting authority information” means—

- (a) where there is one contracting authority for a procurement, the name of the contracting authority,
- (b) where there are two or more contracting authorities acting jointly for a procurement—
  - (i) the name of the lead contracting authority, and
  - (ii) the name of each of the other contracting authorities,
- (c) a contact postal address and email address for each contracting authority,
- (d) the unique identifier for each contracting authority, and
- (e) for any person carrying out the procurement, or part of the procurement, on behalf of a contracting authority—
  - (i) the person’s name,
  - (ii) the person’s contact postal address and email address,
  - (iii) the person’s unique identifier, and
  - (iv) a summary of the person’s role;

“electronic auction” means an iterative process that involves the use of electronic means for the presentation by suppliers of either new prices, or new values for quantifiable non-price elements of the tender related to the evaluation criteria, or both, resulting in a ranking or re-ranking of tenders;

“lead authority” means the contracting authority that two or more contracting authorities acting jointly for a procurement determine is the lead authority for the procurement;

“unique identifier” means the unique number or code which—

- (a) in the case of a procurement, is allocated by the central digital platform when the first notice relating to the procurement is published on that platform,

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(a) See S.I. 2023/ X.

- (b) in the case of a contract, is information which enables a reader of the notice to distinguish the contract in question from other contracts awarded under the same procurement process,
- (c) in the case of a dynamic market, is allocated by the central digital platform when the first dynamic market notice relating to the dynamic market is published on that platform under section 39(2) of the Procurement Act 2023,
- (d) in the case of—
  - (i) a contracting authority,
  - (ii) a person carrying out a procurement, or part of a procurement, on behalf of a contracting authority, or
  - (iii) a person other than a contracting authority who is establishing a dynamic market (see section 35(3) of the Procurement Act 2023),
 is either submitted to the central digital platform as a unique number or code which the platform recognises or is allocated by the platform when the person registers on the platform, or
- (e) in the case of a supplier, may be obtained from the central digital platform.

#### **Central digital platform: publishing procurement notices**

5.—(1) A notice or document which must be published in accordance with a relevant provision of the Procurement Act 2023 must be published by publishing it on the central digital platform.

(2) The “central digital platform” is the online system provided by the Cabinet Office on [www.gov.uk](http://www.gov.uk)(a).

(3) The relevant provisions of the Procurement Act 2023 are—

- (a) section 15(1) (planned procurement notices),
- (b) section 17(1)(a) (preliminary market engagement notices),
- (c) section 21(1) (tender notices),
- (d) section 31(5) (modifications: revised tender notices or associated tender documents),
- (e) section 39(2) (dynamic market notices: intention to establish a dynamic market),
- (f) section 39(2) read together with section 40(6) (qualifying utilities dynamic market notices),
- (g) section 39(3) (dynamic market notices: establishment of a dynamic market),
- (h) section 39(4) (dynamic market notices: modifications to a dynamic market),
- (i) section 39(5) (dynamic market notices: cessation of a dynamic market),
- (j) section 44(1) (transparency notices),
- (k) section 50(1) (contract award notices),
- (l) section 53(1) (contract details notices),
- (m) section 53(3) (copies of contracts),
- (n) section 55(2) (procurement termination notices),
- (o) section 69(1) (payments compliance notices),
- (p) section 71(2)(b) (contract performance: assessment of performance against key performance indicators);

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(a) The central digital platform can be seen here: X

- (q) section 71(5) (contract performance: breach of public contract or failure to perform),
  - (r) section 75(1) (contract change notices),
  - (s) section 75(5) (contract change notices: modifications taken together),
  - (t) section 80(1) (contract termination notices),
  - (u) section 87(1) (below-threshold tender notices), and
  - (v) section 93(2) (pipeline notices).
- (4) The requirement in paragraph (1) to publish a notice or document on the central digital platform is met where the contracting authority has submitted the notice or document to the platform and—
- (a) the contracting authority has received confirmation from the Cabinet Office that the notice or document has successfully been submitted to the platform, or
  - (b) the notice or document is capable of being accessed by members of the public on the platform.
- (5) If all of the conditions in paragraph (6) are met the contracting authority may publish the notice or document on an alternative online system and in doing so the authority is to be treated as meeting for the time being the requirement in paragraph (1).
- (6) The conditions are that—
- (a) no less than 48 hours have passed since the notice or document was submitted to the central digital platform,
  - (b) the contracting authority has not received confirmation from the Cabinet Office that the notice or document has successfully been published on the platform, and
  - (c) the notice or document is not capable of being accessed by members of the public on the platform.
- (7) But the contracting authority is no longer to be treated as meeting for the time being the requirement in paragraph (1) if the Cabinet Office notifies the contracting authority that the submission of the notice or document to the central digital platform has been rejected.
- (8) A contracting authority which uses an alternative online system in accordance with paragraph (5) must cooperate with the Cabinet Office to ensure that the notice or document in question is subsequently—
- (a) published on the central digital platform, and
  - (b) capable of being accessed by members of the public on that system.
- (9) An “alternative online system” is an online system for publishing procurement information which is—
- (a) free of charge and readily accessible to suppliers,
  - (b) accessible to people with disabilities.
- (10) Nothing in this regulation prevents a contracting authority from publishing the notice or document other than on the central digital platform or alternative online system but the authority must not do so before complying with paragraph (1) or (5).
- (11) Nothing in this regulation prevents the central digital platform being used for other purposes (for example for any procurement which is not a covered procurement).

#### **Central digital platform: supplier information**

6.—(1) Before a supplier participates in a covered procurement being carried out by a contracting authority, the authority must ensure that the supplier—

- (a) has registered on the central digital platform, and
- (b) has confirmed that the supplier has submitted its core supplier information to that platform.

(2) A contracting authority which requires any core supplier information in relation to a supplier's participation in a covered procurement must use the central digital platform to obtain that information.

(3) Despite paragraph (2) a contracting authority may, after the tendering period for the covered procurement has ended, take into account updated or corrected core supplier information where the information submitted in accordance with paragraph (1)(b) is no longer up to date or correct (however that updated or corrected information is shared with the contracting authority).

(4) See section 54(5) of the Procurement Act 2023 for the meaning of "tendering period".

(5) In paragraphs (1) and (2) the reference to participating in a covered procurement is a reference to participating in—

- (a) an open procedure,
- (b) a competitive flexible procedure,
- (c) a dynamic market,
- (d) a direct award, or
- (e) a competitive selection process under section 46 of the Procurement Act 2023.

(6) In this regulation "core supplier information" means—

- (a) the unique identifier for the supplier,
- (b) the supplier's basic information (see regulation 7),
- (c) the supplier's economic and financial standing information (see regulation 8),
- (d) the supplier's connected person information (see regulation 9), and
- (e) the supplier's exclusion grounds information (see regulation 10).

(7) Nothing in this regulation or regulations 7 to 10 prevents a contracting authority from asking or requiring a supplier participating in a covered procurement to share information other than core supplier information (whether by submitting it to the central digital platform or otherwise).

(8) Nothing in this regulation or regulations 7 to 10 prevents the central digital platform from being used for sharing other information (for example sharing information in respect of a procurement which is not a covered procurement).

### **Supplier information: basic information**

7.—(1) This regulation sets out the "supplier's basic information".

(2) Where the supplier is an individual, the information is—

- (a) the supplier's name,
- (b) the unique identifier for the supplier,
- (c) the supplier's contact postal address and email address,
- (d) where the supplier has a website, the website address,
- (e) the supplier's VAT registration number (within the meaning of section 5 of the Value Added Tax Act 1994(a)), if applicable, and
- (f) details of any relevant qualification or trade assurance held by the supplier or any of its employees, including—

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(a) 1994 c. 23.

- (i) in the case of a qualification, the name of the person awarding the qualification, the name of the qualification and the date it was awarded, or
  - (ii) in the case of a trade assurance, the name of the person awarding the registration, the assurance reference number and the date of the assurance.
- (3) Where the supplier is not an individual, the information is—
  - (a) the supplier’s name,
  - (b) the unique identifier for the supplier,
  - (c) the supplier’s registered or principal office address,
  - (d) the supplier’s contact postal address and email address,
  - (e) where the supplier markets its goods, services or works online, the relevant website address,
  - (f) the supplier’s legal form and the law by which it is governed,
  - (g) where the supplier is a company registered under the Companies Act 2006<sup>(a)</sup>, the date when the supplier registered under that Act,
  - (h) where the supplier is not a company registered under the Companies Act 2006—
    - (i) any equivalent date to that mentioned in sub-paragraph (g), or
    - (ii) where there is no equivalent date, the date the supplier began trading,
  - (i) the supplier’s VAT registration number (within the meaning of section 5 of the Value Added Tax Act 1994), if applicable,
  - (j) details of any relevant qualification or professional or trade registration held by the supplier, including—
    - (i) in the case of a qualification, the name of the qualification and the date it was awarded, or
    - (ii) in the case of a trade registration, the registration number and the date of the registration,
  - (k) whether the supplier is—
    - (i) a small or medium-sized enterprise, or
    - (ii) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
    - (iii) a supported employment provider, or
    - (iv) a public service mutual.

**Supplier information: economic and financial standing**

- 8.—**(1) This regulation sets out the “supplier’s economic and financial standing information”.
- (2) The information is—
- (a) in the case of a supplier whose accounts were required to be audited for the supplier’s most recent two financial years in accordance with Part 16 of the Companies Act 2006, a copy of those accounts,
  - (b) in the case of a supplier whose accounts were required to be audited for the supplier’s most recent financial year in accordance with Part 16 of the Companies Act 2006, but not the financial year immediately preceding that, a copy of those accounts,

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(a) 2006 c. 46.

- (c) in the case of a supplier whose accounts were required to be audited for the supplier's most recent two financial years in accordance with an overseas equivalent to Part 16 of the Companies Act 2006, a copy of those accounts,
  - (d) in the case of a supplier whose accounts were required to be audited for the supplier's most recent financial year in accordance with an overseas equivalent to Part 16 of the Companies Act 2006, but not the financial year immediately preceding that, a copy of those accounts, or
  - (e) in the case of any other supplier, accounts or other information, so far as this can reasonably be given, which is equivalent to information contained in accounts audited in accordance with Part 16 of the Companies Act 2006.
- (3) In paragraph (2)(a) and (b) "financial year" has the meaning given by section 390 of the Companies Act 2006.

### **Supplier information: connected persons**

9.—(1) This regulation sets out the "supplier's connected person information" for each connected person in relation to the supplier.

- (2) Paragraph (3) sets out the information where—
  - (a) the supplier is a company registered under the Companies Act 2006,
  - (b) the connected person is a person with significant control over the supplier, and
  - (c) the connected person holds the interest in the supplier as an individual.
- (3) The information is—
  - (a) the person's name, date of birth and nationality,
  - (b) the person's service address,
  - (c) which of the specified conditions in Part 1 of Schedule 1A to the Companies Act 2006 applies,
  - (d) the date when the person became registrable as a person with significant control, if applicable, and
  - (e) the name of the PSC register on which the person is registered as a person with significant control, if applicable.
- (4) Paragraph (5) sets out the information where—
  - (a) the supplier is a company registered under the Companies Act 2006,
  - (b) the connected person is a person with significant control over the supplier, and
  - (c) the connected person is a public authority.
- (5) The information is—
  - (a) the person's name,
  - (b) the person's registered or principal office address,
  - (c) the person's service address,
  - (d) the person's legal form and the law by which it is governed,
  - (e) which of the specified conditions in Part 1 of Schedule 1A to the Companies Act 2006 applies, and
  - (f) the date when the person became registrable as a person with significant control, if applicable.
- (6) Paragraph (7) sets out the information where—
  - (a) the supplier is a company registered under the Companies Act 2006,



- (b) the connected person is a person with significant control over the supplier, and
  - (c) the connected person is not an individual or a public authority.
- (7) The information is—
- (a) the person's name,
  - (b) the person's registered or principal office address,
  - (c) the person's service address,
  - (d) the person's legal form and the law by which it is governed,
  - (e) which of the specified conditions in Part 1 of Schedule 1A to the Companies Act 2006 applies,
  - (f) the date when the person became registrable as a person with significant control, if applicable, and
  - (g) the name of the PSC register on which the person is registered as a person with significant control, if applicable.
- (8) Paragraph (9) sets out the information where—
- (a) the supplier is a company registered under the Companies Act 2006,
  - (b) the connected person is a director or shadow director of the supplier, and
  - (c) the connected person is an individual.
- (9) The information is—
- (a) the person's name, date of birth and nationality,
  - (b) the person's service address,
  - (c) the country or state (or part of the United Kingdom) in which the person is usually resident.
- (10) Paragraph (11) sets out the information where—
- (a) the supplier is a company registered under the Companies Act 2006,
  - (b) the connected person is a director or shadow director of the supplier, and
  - (c) the connected person is not an individual.
- (11) The information is—
- (a) the person's name,
  - (b) the person's registered or principal office address,
  - (c) the person's service address,
  - (d) the person's legal form and the law by which it is governed,
  - (e) where the person is a company registered under the Companies Act 2006, the person's registration number given under that Act.
- (12) Paragraph (13) sets out the information where—
- (a) the supplier is a company registered under the Companies Act 2006, and
  - (b) the connected person is a parent undertaking or a subsidiary undertaking of the supplier.
- (13) The information is—
- (a) the name of the person,
  - (b) the person's registered or principal office address,
  - (c) the person's service address,
  - (d) where the person is a company registered under the Companies Act 2006, the registration number given under that Act.

- (14) Paragraph (15) sets out the information where—
- (a) the supplier is a company registered under the Companies Act 2006, and
  - (b) the connected person is a predecessor company of the supplier.
- (15) The information is—
- (a) the name of the person,
  - (b) the person’s last registered or principal office address,
  - (c) where the person is a company registered under the Companies Act 2006, the registration number given under that Act, and
  - (d) the date when the person became insolvent and ceased to trade.
- (16) Paragraph (17) sets out the information where—
- (a) the supplier is not a company registered under the Companies Act 2006, and
  - (b) the connected person can reasonably be considered to stand in an equivalent position in relation to the supplier as a connected person of the type mentioned in paragraph (2), (4), (6), (8), (10), (12) or (14).
- (17) The information is information which can reasonably be considered to be equivalent to that referred to in paragraph (3), (5), (7), (9), (11), (13) or (15), as the case may be.
- (18) Paragraph (19) sets out the information for a connected person—
- (a) with the right to exercise, or who actually exercises, significant influence or control over the supplier, or
  - (b) over which the supplier has the right to exercise, or actually exercises, significant influence or control.
- (19) The information is—
- (a) the person’s name,
  - (b) the person’s registered or principal office address,
  - (c) the person’s service address,
  - (d) the person’s legal form and the law by which it is governed,
  - (e) where the person is a company registered under the Companies Act 2006, the registration number given under that Act,
  - (f) where the person is an overseas equivalent to a company registered under the Companies Act 2006,
  - (g) which of the specified conditions in Part 1 of Schedule 1A to the Companies Act 2006 applies, and
  - (h) the date when the person became registrable as a person with significant control, if applicable.
- (20) In this regulation—
- “PSC register” has the meaning given in section 790C(10) of the Companies Act 2006;
  - “registrable” has the meaning given in section 790C(4) of the Companies Act 2006;
  - “service address” has the meaning given in section 1141 of the Companies Act 2006.
- (21) For the meanings of “director”, “parent undertaking”, “predecessor company”, “public authority”, “shadow director”, “significant control” and “subsidiary undertaking”, see paragraph 44 of Schedule 6 to the Procurement Act 2023.

### **Supplier information: exclusion grounds**

- 10.—(1) The “supplier’s exclusion grounds information” is—
- (a) the supplier’s excluded information, and
  - (b) the supplier’s excludable information.
- (2) The “supplier’s excluded information” is the information referred to in paragraph (4) relating to mandatory exclusion grounds for each of the following persons—
- (a) the supplier,
  - (b) any associated person, and
  - (c) any connected person.
- (3) For the meaning of—
- (a) “associated person”, see section 26(4) of the Procurement Act 2023;
  - (b) “mandatory exclusion ground”, see Schedule 6 to the Procurement Act 2023.
- (4) The information is—
- (a) whether the supplier, an associated person or a connected person has been the subject of an event mentioned in Part 1 or 2 of Schedule 6 to the Procurement Act 2023,
  - (b) where the supplier, an associated person or a connected person has been the subject of such an event, the following information for each event—
    - (i) the name of the event,
    - (ii) the name of the person who is the subject of the event,
    - (iii) whether the person is—
      - (aa) the supplier itself,
      - (bb) an associated person, or
      - (cc) a connected person,
    - (iv) the person’s contact address and email address,
    - (v) the date of the event,
    - (vi) where there has been a recorded decision of a public authority which is the authoritative basis for the event—
      - (aa) the website address where the decision can be accessed, or
      - (bb) a copy of the decision,
    - (vii) the following information—
      - (aa) evidence that the person has taken the circumstances seriously, for example by paying compensation,
      - (bb) steps that the person has taken to prevent the circumstances occurring again, for example by changing staff or management, or putting procedures and training in place,
      - (cc) commitments that such steps will be taken, or to provide information or access to allow verification or monitoring of such steps, and
      - (dd) the time that has elapsed since the circumstances last occurred.
- (5) See paragraph 44 of Schedule 6 to the Procurement Act 2023 for the meaning of “event” in paragraph (4).
- (6) The “supplier’s excludable information” is the information referred to in paragraph (8) relating to discretionary exclusion grounds for each of the following persons—

- (a) the supplier,
- (b) an associated person,
- (c) a connected person.

(7) See Schedule 7 to the Procurement Act 2023 for the meaning of “discretionary exclusion ground”.

(8) The information is—

- (a) whether the supplier, an associated person or a connected person has been the subject of an event mentioned in paragraphs 1 to 14 of Schedule 7 to the Procurement Act 2023,
- (b) where the supplier, an associated person or a connected person has been the subject of such an event, the following information for each event, the following information for each ground—
  - (i) the name of the event,
  - (ii) the name of the person who is the subject of the event,
  - (iii) the person’s contact address and email address,
  - (iv) the date of the event,
  - (v) where there has been a recorded decision of a public authority which is the authoritative basis for the event—
    - (aa) the website address where the decision can be accessed, or
    - (bb) a copy of the decision,
  - (vi) the following information—
    - (aa) evidence that the person has taken the circumstances seriously, for example by paying compensation,
    - (bb) steps that the person has taken to prevent the circumstances occurring again, for example by changing staff or management, or putting procedures and training in place,
    - (cc) commitments that such steps will be taken, or to provide information or access to allow verification or monitoring of such steps, and
    - (dd) the time that has elapsed since the circumstances last occurred.

(9) See paragraph 15 of Schedule 7 to the Procurement Act 2023 for the meaning of “event” in paragraph (8).

### **Planned procurement notices**

**11.—**(1) Paragraph (3) sets out information which must be included in each of the following notices which a contracting authority may publish in accordance with section 15(1) of the Procurement Act 2023—

- (a) a planned procurement notice;
- (b) a qualifying planned procurement notice.

(2) See also section 15(2)(a) of the Procurement Act 2023 (each notice must set out that the contracting authority intends to publish a tender notice).

(3) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,

- (d) the contract subject-matter,
- (e) the estimated date when the following will be published—
  - (i) the tender notice for the public contract, or
  - (ii) the transparency notice for the public contract,
- (f) the estimated date by when suppliers will be asked to submit requests to participate in the tender procedure or tenders,
- (g) the estimated date when the public contract will be awarded,
- (h) how documents relating to the contract may be obtained,
- (i) a statement explaining how and when an interest in the contract may be expressed, and
- (j) as much of the information relating to tender notices which is referred to in regulation 13(2)(a) and (3), 14(2) and (3), 15(2) and (3), 16(2) and (3) or 17(2) and (3) (as the case may be) as is available to the contracting authority at the time of publishing the planned procurement notice.

(4) Where a contracting authority publishes a planned procurement notice or a qualifying planned procurement notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a planned procurement notice or a qualifying planned procurement notice.

#### **Preliminary market engagement notices**

**12.—**(1) Paragraph (3) sets out information which must be included in a preliminary market engagement notice which a contracting authority publishes in accordance with section 17(1)(a) of the Procurement Act 2023.

(2) See also section 17(2)(a) of the Procurement Act 2023 (notice must set out that the contracting authority intends to conduct, or has conducted, preliminary market engagement).

- (3) The information is—
  - (a) the contracting authority information,
  - (b) the title of the procurement,
  - (c) the unique identifier for the procurement,
  - (d) the contract subject-matter,
  - (e) the estimated date when the following will be published—
    - (i) the tender notice for the public contract, or
    - (ii) the transparency notice for the public contract,
  - (f) the estimated date when the public contract will be awarded,
  - (g) either—
    - (i) the date when the contracting authority intends to close the preliminary market engagement, or
    - (ii) the date when the preliminary market engagement closed, and
  - (h) a description of the process by which the contracting authority proposes to engage, or engaged, with suppliers during the preliminary market engagement, for example—
    - (i) the location, date and time of events, and

- (ii) any periods for the submission of expressions of interest and information by suppliers.

(4) Where a contracting authority publishes a preliminary market engagement notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a preliminary market engagement notice.

### **Tender notices: open procedure**

**13.—**(1) Paragraph (3) sets out information which must be included in a tender notice for the award of a public contract through an open procedure which a contracting authority publishes in accordance with section 21(1) of the Procurement Act 2023.

(2) See also—

- (a) section 21(2) of the Procurement Act 2023 (notice must set out that the contracting authority intends to award a public contract under section 19 of the Procurement Act 2023), and
- (b) section 17(2) of that Act (where preliminary market engagement was carried out but no preliminary market notice was published, notice must set out the reasons for not publishing the preliminary market notice).

(3) The information is—

- (a) the contracting authority information,
- (b) the name, postal address and email address of the person who should be contacted in the event of an enquiry about the procedure,
- (c) the title of the procurement,
- (d) the unique identifier for the procurement,
- (e) a statement that the tender notice is for the award of a public contract through an open procedure in accordance with section 20(1) and (2)(a) of the Procurement Act 2023,
- (f) whether the tender notice is being used to invite tenders for a special regime contract and, if so, whether that contract is—
  - (i) a concession contract,
  - (ii) a defence and security contract,
  - (iii) a light touch contract, or
  - (iv) a utilities contract,
- (g) the contract subject-matter,
- (h) the estimated value of the public contract,
- (i) where the public contract is for goods, services or works which the contracting authority expects will be needed after the expiry of the contract, an estimate, if possible, of the date when any subsequent tender notice will be published,
- (j) if it is possible to describe the place where the goods, services or works will be supplied by reference to the relevant geographical classification (see paragraph (7)), a description of that place,
- (k) whether an electronic auction will be used and, if so, the technical details of how suppliers may participate in the electronic auction,
- (l) how tenders may be submitted and the date by when they must be submitted,

- (m) the award criteria, or a summary of the award criteria, for the public contract,
- (n) the languages in which tenders or enquiries in connection with the tendering procedure may be submitted,
- (o) whether the public contract is a contract for which the United Kingdom has obligations under the Agreement on Government Procurement signed at Marrakesh on 15 April 1994, as amended on or before the day on which Schedule 9 to the Procurement Act 2023 comes into force,
- (p) whether the public contract is awarded by reference to lots and, if so—
  - (i) the title of each lot,
  - (ii) the distinct number given to each lot by the contracting authority,
  - (iii) whether a supplier may only submit a tender for a maximum number of lots and, if so, the maximum number,
  - (iv) whether a supplier may only be awarded a maximum number of lots and, if so, the maximum number,
  - (v) whether the authority will award multiple lots to the same supplier in accordance with criteria and, if so, a summary of the criteria,
- (q) where the contracting authority considers under section 18(2) of the Procurement Act 2023 that the public contract could be awarded by reference to lots but it is not, the reasons for this, except in the case of a utilities contract or a light touch contract,
- (r) a description of any option which will be included in the public contract—
  - (i) to supply additional goods, services or works, or
  - (ii) to extend or renew the term of the contract,
- (s) whether a reduced tendering period applies by virtue of—
  - (i) a qualifying planned procurement notice having been published (see sections 15(4) and 54(4) of the Procurement Act 2023),
  - (ii) urgency (see section 54(3) and paragraph 13 of Schedule 5 of the Procurement Act 2023), or
  - (iii) the contracting authority not being a central government authority (see section 54(4) of the Procurement Act 2023),
- (t) whether the contracting authority considers that the public contract or any lot under the contract may be particularly suitable to be awarded to either of the following—
  - (i) a small or medium-sized enterprise, or
  - (ii) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
- (u) whether any associated tender documents are being provided to supplement the tender notice and, if so, the title of each associated tender document,
- (v) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary,
- (w) a description of any technical specifications which are expected to be met or a cross reference to where they may be accessed,
- (x) a description of any conditions of participation under section 22 of the Procurement Act 2023,
- (y) any payment terms (in addition those mentioned in section 68 of the Procurement Act 2023), and
- (z) a description identifying any risk that—

- (i) the contracting authority considers—
  - (aa) could jeopardise the satisfactory performance of the public contract, but
  - (bb) because of its nature, may not be addressed in the public contract as awarded, and
- (ii) may require a subsequent modification to the public contract under paragraph 5 of Schedule 8 to the Procurement Act 2023 (modification of contract following materialisation of a known risk).

(4) Where a contracting authority publishes a tender notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) This regulation does not apply to a tender notice for the award of a framework through an open procedure (see regulation 15).

(6) An associated tender document provided in accordance with section 21(3) of the Procurement Act 2023 may include information supplementing a tender notice of the type mentioned in paragraph (1) including, where appropriate, information duplicating the information mentioned in paragraph (3).

(7) In paragraph (3)(j), “relevant geographical classification” means—

- (a) where the goods, services or works are to be supplied in the United Kingdom, the appropriate international territorial level by reference to the webpage entitled “International Geographies” on the website for the Office of National Statistics, or(a)
- (b) where the goods, services or works are to be supplied outside the United Kingdom, the name of the country and, where appropriate, the region where they are to be supplied.

(8) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a tender notice of the type mentioned in paragraph (1).

#### **Tender notices: competitive flexible procedure**

**14.—**(1) Paragraph (3) sets out information which must be included in a tender notice for the award of a public contract through a competitive flexible procedure which a contracting authority publishes in accordance with section 21(1) of the Procurement Act 2023.

(2) See also section 21(2) of the Procurement Act 2023 (notice must set out that the contracting authority intends to award a public contract under section 19 of the Procurement Act 2023).

(3) The information is—

- (a) the same information referred to in regulation 13(3) (except sub-paragraph (e)),
- (b) a statement that the tender notice is for the award of a public contract through a competitive flexible procedure in accordance with section 20(1) and (2)(b) of the Procurement Act 2023,
- (c) a description of the process to be followed during the procedure, including—
  - (i) whether the procedure may include negotiation at any stage,
  - (ii) if the contracting authority proposes to rely on section 24 of the Procurement Act 2023 (refining award criteria), a summary of how it will rely on that section,

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(a) Here is a link to this webpage: [https://www.ons.gov.uk/methodology/geography/ukgeographies/eurostat#:~:text=East-,The%20International%20Territorial%20Levels%20\(ITLs\)%20is%20a%20hierarchical%20classification%20of,Bedfordshire%20and%20Hertfordshire%2C%20and%20Essex.](https://www.ons.gov.uk/methodology/geography/ukgeographies/eurostat#:~:text=East-,The%20International%20Territorial%20Levels%20(ITLs)%20is%20a%20hierarchical%20classification%20of,Bedfordshire%20and%20Hertfordshire%2C%20and%20Essex.)



- (d) where the number of suppliers is, or may be, limited, generally or in respect of particular tendering rounds or other selection processes, the maximum number of suppliers and the criteria used to select the limited number of suppliers,
- (e) where the procedure is being used for the purpose of inviting suppliers to submit a request to participate in the procedure, how requests to participate may be submitted and the date by when they must be submitted,
- (f) where the procedure is being used for the purpose of inviting suppliers to submit their first, or only, tender as part of the procedure, how tenders may be submitted and the date by when they must be submitted, and
- (g) whether the tender notice is being used—
  - (i) to reserve a contract to supported employment providers, or
  - (ii) to reserve a contract to public service mutuals.

(4) Where a contracting authority publishes a tender notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) This regulation does not apply to—

- (a) a tender notice for the award of a framework through a competitive flexible procedure (see regulation 15), or
- (b) a tender notice for the award of a public contract by reference to suppliers' membership of a dynamic market (see regulation 16).

(6) An associated tender document provided in accordance with section 21(3) of the Procurement Act 2023 may include information supplementing a tender notice of the type mentioned in paragraph (1) including, where appropriate, information duplicating the information mentioned in paragraph (3).

(7) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a tender notice of the type mentioned in paragraph (1).

### **Tender notices: frameworks**

**15.—**(1) Paragraph (3) sets out information which must be included in a tender notice for the award of a framework in accordance with section 21(1) of the Procurement Act 2023.

(2) See also—

- (a) section 21(2) of the Procurement Act 2023 (notice must set out that the contracting authority intends to award a public contract under section 19 of the Procurement Act 2023), and
- (b) section 47(3) of the Procurement Act 2023 (notice must set out reasons if awarding a framework with a term exceeding four or eight years in accordance with section 47(2) of the Procurement Act 2023).

(3) The information is—

- (a) where the open procedure is being used, the same information referred to in regulation 13(3),
- (b) where the competitive flexible procedure is being used, the same information referred to in regulation 14(3),
- (c) the price payable, or mechanism for determining the price payable, under such contracts,
- (d) details of the selection process to be applied on the award of contracts,

- (e) the term of the framework (see section 47 of the Procurement Act 2023),
- (f) the contracting authorities entitled to award contracts in accordance with the framework (whether by listing the names of those authorities or by describing categories of authorities),
- (g) whether the framework is awarded under an open framework,
- (h) where the framework is awarded under an open framework, the unique identifier for the last framework awarded under the open framework (unless no framework has previously been awarded under the open framework),
- (i) whether the intention is to award the framework to—
  - (i) a single supplier,
  - (ii) a maximum number of suppliers, or
  - (iii) an unlimited number of suppliers,
- (j) where the intention is to award the framework to a maximum number of suppliers, the maximum number of suppliers, and
- (k) whether or not the framework provides for the charging of fees in accordance with section 45(7), and, if so, the fixed percentage of the estimated value of any contract awarded to the supplier in accordance with the framework and any other information needed in order to understand how fees will be charged.

(4) Where a contracting authority publishes a tender notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) An associated tender document provided in accordance with section 21(3) of the Procurement Act 2023 may include information supplementing a tender notice of the type mentioned in paragraph (1) including, where appropriate, information duplicating the information mentioned in paragraph (3).

(6) Nothing in this regulation prevents a contracting authority from publishing other relevant information in a tender notice of the type mentioned in paragraph (1).

**Tender notices: dynamic markets except qualifying utilities dynamic markets**

**16.—**(1) Paragraph (3) sets out information which must be included in a tender notice for the award of a public contract by reference to suppliers' membership of a dynamic market which a contracting authority publishes in accordance with sections 21(1)(b) and 34(1) of the Procurement Act 2023.

(2) See also section 21(2) of the Procurement Act 2023 (notice must set out that the contracting authority intends to award a public contract under section 19 of the Procurement Act 2023).

(3) The information is—

- (a) the same information referred to in regulation 14(3),
- (b) the unique identifier for the dynamic market against which the public contract is being awarded,
- (c) a statement that the tender notice is for the award of a public contract which is to be awarded by reference to suppliers' membership of a dynamic market, and
- (d) where the public contract is being awarded under part of a dynamic market (see section 34(1) and (6) of the Procurement Act 2023)—
  - (i) the title of the part, and

(ii) the distinct number given to the part by reference to the relevant dynamic market notice under section 39(2).

(4) Where a contracting authority publishes a tender notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) An associated tender document provided in accordance with section 21(3) of the Procurement Act 2023 may include information supplementing a tender notice of the type mentioned in paragraph (1) including, where appropriate, information duplicating the information mentioned in paragraph (3).

(6) This regulation does not apply to a tender notice of the type mentioned in regulation 17(1).

(7) Nothing in this regulation prevents a contracting authority from providing other information that relates to the same procurement in a tender notice of the type mentioned in paragraph (1).

### **Tender notices: qualifying utilities dynamic market notices**

17.—(1) Paragraph (3) sets out information which must be included in a tender notice for the award of a public contract by reference to a utilities dynamic market established under a qualifying utilities dynamic market notice which a contracting authority provides in accordance with section 40(2) or (3) of the Procurement Act 2023.

(2) See also section 21(2) of the Procurement Act 2023 (notice must set out that the contracting authority intends to award a public contract under section 19 of the Procurement Act 2023).

(3) The information is—

- (a) the contracting authority information,
- (b) the unique identifier for the dynamic market against which the public contract is being awarded,
- (c) the contract subject-matter,
- (d) where the public contract is for goods, services or works which the contracting authority expects will be needed after the expiry of the contract, an estimate, if possible, of the date when any subsequent tender notice will be published,
- (e) a description of any option which will be included in the public contract—
  - (i) to supply additional goods, services or works, or
  - (ii) to extend or renew the term of the contract,
- (f) whether an electronic auction will be used,
- (g) how requests to participate may be submitted and the date by when they must be submitted,
- (h) how tenders may be submitted and the date by when they must be submitted,
- (i) a description of the kinds of goods, services or works which will be supplied, and
- (j) the estimated amount of goods, services or works which will be supplied.

(4) Where a contracting authority has already published information mentioned in paragraph (3) in the qualifying utilities dynamic market notice to which the tender notice of the type mentioned in paragraph (1) relates (see regulation 18(3)(i)(ii)), the contracting authority is not required to publish that information in the tender notice in accordance with this regulation.

(5) Where a contracting authority provides a tender notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority

is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(6) An associated tender document provided in accordance with section 21(3) of the Procurement Act 2023 may include information supplementing a tender notice of the type mentioned in paragraph (1) including, where appropriate, information duplicating the information mentioned in paragraph (3).

(7) Nothing in this regulation prevents a contracting authority from providing other information in a tender notice of the type mentioned in paragraph (1).

### **Dynamic market notices (including qualifying utilities dynamic market notices)**

**18.—**(1) Paragraph (3) sets out information which must be included in a dynamic market notice which—

- (a) a contracting authority publishes in accordance with—
  - (i) section 39(2) of the Procurement Act 2023 (dynamic market notices: intention to establish a dynamic market), or
  - (ii) section 39(2) of the Procurement Act 2023 pursuant to section 40(6) of that Act (qualifying utilities dynamic market notices), or
- (b) any person publishes in accordance with section 39(2) of the Procurement Act pursuant to section 35(3) of that Act (certain arrangements established by any person).

(2) See also section 39(2)(a) of the Procurement Act 2023 (notice must set out that the contracting authority intends to establish a dynamic market).

(3) The information is—

- (a) the name of the person establishing the dynamic market,
- (b) where there are two or more persons who are jointly establishing the dynamic market—
  - (i) the name of the lead person, and
  - (ii) the name of each of the other persons,
- (c) a contact postal address and email address for each person mentioned in paragraph (a) or (b)(i) and (ii),
- (d) the unique identifier for each person mentioned in paragraph (a) or (b)(i) and (ii),
- (e) the name of any person establishing the dynamic market on behalf of another person and—
  - (i) that person's contact postal address and email address, and
  - (ii) that person's unique identifier,
- (f) the name, postal address and email address of any person who should be contacted in the event of an enquiry about the dynamic market,
- (g) the title of the dynamic market,
- (h) the unique identifier for the dynamic market,
- (i) in the case of a qualifying utilities dynamic market notice—
  - (i) a statement that only members of the market will be notified of a future intention to award a contract by reference to suppliers' membership of the market and provided with a tender notice in accordance with section 40(1) and (2) of the Procurement Act 2023,

- (ii) as much of the information as would be published in any tender notice published in accordance with regulation 16 as is available at the time the qualifying utilities dynamic market notice is published,
- (j) how documents relating to the dynamic market may be obtained,
- (k) how an application to join the dynamic market may be made,
- (l) whether the dynamic market is mainly for the supply of goods, services or works,
- (m) a description of the kinds of goods, services or works to which the dynamic market relates, given in such detail that a reader of the dynamic market notice can determine if they wish to apply to join the dynamic market, or appropriate part of the market,
- (n) the relevant CPV codes,
- (o) the conditions for membership of the dynamic market (see section 36 of the Procurement Act 2023),
- (p) a description of the methods the contracting authority establishing the dynamic market will use to verify if a supplier meets those conditions, including any different conditions for different kinds of goods, services or works,
- (q) whether the dynamic market may be used to award a public contract for which the United Kingdom has obligations under the Agreement on Government Procurement signed at Marrakesh on 15 April 1994, as amended on or before the day on which Schedule 9 to the Procurement Act 2023 comes into force,
- (r) whether the dynamic market may be used to award a special regime contract and, if so, whether that contract is—
  - (i) a concession contract,
  - (ii) a defence and security contract,,
  - (iii) a light touch contract, or
  - (iv) a utilities contract,
- (s) where the dynamic market is divided into parts (see section 34(1) and (6) of the Procurement Act 2023)—
  - (i) the title of each part,
  - (ii) a description of each part including any relevant CPV codes, and
  - (iii) the distinct number given to each part by the contracting authority,
- (t) information enabling a reader to identify which contracting authorities will be, or may apply to be, members of the dynamic market (either by reference to a list of authorities or a list describing categories of authorities),
- (u) in the case of a dynamic market which is not an open-ended dynamic market—
  - (i) the estimated date when the dynamic market will be established,
  - (ii) the estimated date when, and the means by which, the dynamic market will cease to operate, and
  - (iii) the estimated date when, and the means by which, the dynamic market will be renewed, if this is the case,
- (v) in the case of a dynamic market which is an open-ended dynamic market—
  - (i) the estimated date when the dynamic market will be established, and
  - (ii) a statement that the dynamic market is an open-ended market,

- (w) in the case of a dynamic market which is not a utilities dynamic market, whether or not the dynamic market provides for the charging of fees in accordance with section 38(2) of the Procurement Act 2023 and if so—
    - (i) the fixed percentage of the estimated value of any public contract awarded to a supplier by reference to the dynamic market, and
    - (ii) any other information needed in order to understand how fees will be charged,
  - (x) in the case of a utilities dynamic market—
    - (i) whether the utilities dynamic market provides for the charging of fees in accordance with section 39(3) of the Procurement Act 2023, and
    - (ii) if so, any other information needed in order to understand how fees will be charged, and
  - (y) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary.
- (4) Paragraph (6) sets out information which must be included in a dynamic market notice which a contracting authority publishes in accordance with section 39(3) of the Procurement Act 2023 (establishment of a dynamic market).
- (5) See also section 39(3)(a) of the Procurement Act 2023 (notice must set out that the dynamic market has been established).
- (6) The information is—
- (a) the same information referred to in paragraph (3)(a) to (h),
  - (b) for each supplier that is a member of the dynamic market—
    - (i) the supplier’s name,
    - (ii) the supplier’s contact postal address and email address,
    - (iii) the unique identifier for the supplier, and
  - (c) where the dynamic market is divided into parts, the part of which each of those suppliers is a member, and
  - (d) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary.
- (7) Paragraph (9) sets out information which must be included in a dynamic market notice which a contracting authority publishes in accordance with section 39(4) of the Procurement Act 2023 (modifications to a dynamic market).
- (8) See also section 39(4)(a) of the Procurement Act 2023 (notice must set out that modifications have been made to the dynamic market).
- (9) The information is—
- (a) the same information referred to in paragraph (3)(a) to (h),
  - (b) the date from when the modification has effect,
  - (c) if a supplier is being admitted to the market, a statement to that effect and—
    - (i) their name, contact postal address, email address and unique identifier,
    - (ii) where the dynamic market is divided into parts, the part of which the supplier is a member,
  - (d) if a supplier is being removed from the market, a statement to that effect and their name, contact postal address, email address and unique identifier,
  - (e) where the dynamic market is divided into parts, the part of which each of those suppliers is a member, and

(f) a summary explaining any other modification being made.

(10) Paragraph (12) sets out information which must be included in a dynamic market notice which a contracting authority publishes in accordance with section 39(5) of the Procurement Act 2023 (cessation of a dynamic market).

(11) See also section 39(5)(a) of the Procurement Act 2023 (notice must set out that the dynamic market has ceased to operate).

(12) The information is—

- (a) the same information referred to in paragraph (3)(a) to (h), and
- (b) the date when the dynamic market ceased to operate.

(13) Where a contracting authority publishes a dynamic market notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3), (6), (9) or (12) until the notice in question is subsequently published on the central digital platform (see regulation 5(8)).

(14) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a dynamic market notice.

### **Transparency notices**

**19.—**(1) Paragraph (3) sets out the other information which must be included in a transparency notice which a contracting authority publishes in accordance with section 44(1) of the Procurement Act 2023.

(2) See also—

- (a) section 44(2) of the Procurement Act 2023 (notice must set out that a contracting authority intends to award a public contract directly), and
- (b) section 47(3) of the Procurement Act 2023 (notice must set out reasons if awarding a framework with a term exceeding four or eight years in accordance with section 47(2) of the Procurement Act 2023).

(3) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,
- (d) the contract subject-matter,
- (e) whether the contract is a special regime contract and, if so, the kind of special regime contract,
- (f) whether the contract is being awarded directly to a supplier that is not an excluded supplier because a direct award justification applies (see section 41(1)(a) and Schedule 5 to the Procurement Act 2023),
- (g) if sub-paragraph (f) applies, the direct award justification in Schedule 5 to the Procurement Act 2023 which applies and an explanation of why the contracting authority considers that it applies,
- (h) whether the contract is being awarded directly to a supplier that is an excluded supplier because the contracting authority considers that there is an overriding public interest in awarding the contract to that supplier (see section 41(2) to (5) of the Procurement Act 2023),
- (i) if sub-paragraph (h) applies, which ground in section 41(5) of the Procurement Act 2023 applies and an explanation of why the contracting authority considers that it applies,

- (j) whether the contract is being awarded directly to a supplier because it is a specified public contract by virtue of regulations made under section 42 of the Procurement Act 2023 (direct award to protect life, etc)
- (k) if sub-paragraph (j) applies, the title and registration number of the statutory instrument containing those regulations,
- (l) whether the contract is being awarded directly to a supplier that is not an excluded supplier by virtue of section 43 of the Procurement Act 2023 (switching to direct award),
- (m) if sub-paragraph (l) applies, an explanation of why it has not received any suitable tenders or requests in response by reference to section 43(3) of the Procurement Act 2023 and why it considers that award under section 19 is not possible in the circumstances,
- (n) the estimated value of the public contract,
- (o) a description identifying any risk that—
  - (i) the contracting authority considers—
    - (aa) could jeopardise the satisfactory performance of the public contract, but
    - (bb) because of its nature, may not be addressed in the public contract as awarded, and
  - (ii) may require a subsequent modification to the public contract under paragraph 5 of Schedule 8 to the Procurement Act 2023 (modification of contract following materialisation of a known risk),
- (p) whether suppliers have been selected for the award of the public contract,
- (q) if suppliers have been selected for the award of the public contract—
  - (i) the name of each of those suppliers, and
  - (ii) the unique identifier for each named supplier,
- (r) the date when the public contract will be entered into, and
- (s) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary.

(4) Where a contracting authority publishes a transparency notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a transparency notice.

### **Contract award notices**

**20.—**(1) Paragraph (3) sets out information which must be included in a contract award notice which a contracting authority publishes in accordance with section 50(1) of the Procurement Act 2023.

(2) See also section 50(2)(a) of the Procurement Act 2023 (notice must set out that the contracting authority intends to enter into a public contract).

(3) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for—



- (i) the procurement,
  - (ii) where the public contract is awarded in accordance with a framework, the framework, and
  - (iii) where the public contract is awarded by reference to a suppliers' membership of a dynamic market, the dynamic market,
- (d) the contract subject-matter, described in such detail that a reader of the notice can compare the goods, services or works to those described in the relevant tender notice,
- (e) for each supplier awarded the public contract—
- (i) the supplier's name,
  - (ii) the supplier's contact postal address and email address,
  - (iii) the unique identifier for the supplier,
  - (iv) whether the supplier is an association of companies or other consortium,
  - (v) whether the supplier is a small or medium-sized enterprise,
  - (vi) whether the supplier is a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
  - (vii) the name of each connected person and associated person,
  - (viii) a contact postal and email address for each connected person and associated person,
- (f) the date when the contracting authority decided to award the public contract,
- (g) if the public contract is awarded by reference to lots, for each lot—
- (i) the title of the lot,
  - (ii) the distinct number given to the lot by the contracting authority,
  - (iii) whether the lot is mainly for the supply of goods, services or works,
  - (iv) a description of the kinds of goods, services or works which will be supplied,
  - (v) a summary of how those goods, services or works will be supplied,
  - (vi) the estimated date when the goods, services or works will be supplied,
  - (vii) the estimated amount of goods, services or works which will be supplied,
  - (viii) the estimated value of the lot, and
  - (ix) the relevant CPV codes,
- (h) where the public contract is awarded in accordance with a framework, details of which of the following procedures was used—
- (i) a competitive selection process (see section 46 of the Procurement Act 2023), or
  - (ii) an award without further competition (see section 45(4) of the Procurement Act 2023),
- (i) where the public contract is a framework or awarded other than in accordance with a framework, details of which of the following procedures was used—
- (i) an open procedure,
  - (ii) a competitive flexible procedure, or
  - (iii) a direct award,
- (j) whether the public contract is a special regime contract and, if so, whether it is—
- (i) a concession contract,
  - (ii) a defence and security contract,

- (iii) a light touch contract, or
- (iv) a utilities contract,
- (k) whether the contracting authority has provided an assessment summary to each supplier that submitted an assessed tender in accordance with section 50(3) of the Procurement Act 2023 and, if so, the date when those assessment summaries were provided,
- (l) the name of each supplier that—
  - (i) submitted a tender which was assessed for the purposes of determining the most advantageous tender under section 19(1) of the Procurement Act 2023, and
  - (ii) was not awarded the public contract,
 (“unsuccessful supplier”),
- (m) for each unsuccessful supplier—
  - (i) the supplier’s contact postal address and email address,
  - (ii) the unique identifier for the supplier,
  - (iii) whether the supplier is an association of companies or other consortium,
  - (iv) whether the supplier is a small or medium-sized enterprise, and
  - (v) whether the supplier is a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
- (n) the total number of tenders submitted by the contracting authority’s deadline for submitting tenders (discounting tenders submitted but subsequently withdrawn),
- (o) the estimated value of the public contract,
- (p) where the public contract is awarded by reference to lots, and further lots are to be awarded under future contracts under the arrangement under section 18(2)(a) of the Procurement Act 2023, the following information for each future lot—
  - (i) the title of the lot,
  - (ii) the distinct number given to the lot by the contracting authority, and
  - (iii) the estimated value of the lot,
- (q) the end date of any standstill period under section 51 of the Procurement Act 2023 or, if no standstill period applies, any date before which the contracting authority has determined not to enter into the contract, and
- (r) where—
  - (i) the public contract is awarded by reference to lots, and
  - (ii) the contracting authority is using the contract award notice to give notice that it is ceasing to procure all of the goods, services and works set out in one or more of those lots or any lots under future contracts under the arrangement under section 18(2)(a) of the Procurement Act 2023 (“ceased lots”),
 the ceased lot information.
- (4) The “ceased lot information” is—
  - (a) the following information for each ceased lot—
    - (i) where there is one contracting authority for the lot, the name of that contracting authority,
    - (ii) where there are two or more contracting authorities acting jointly for the lot, the name of each contracting authority,

- (iii) the title of the lot,
  - (iv) the distinct number given to the lot by the contracting authority, and
  - (v) the relevant CPV codes, and
- (b) the date when the contracting authority decided to cease procurement.
- (5) Where a contracting authority publishes a contract award notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) or until the notice is subsequently published on the central digital platform (see regulation 5(8)).
- (6) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract award notice.

### **Assessment summaries**

**21.—**(1) Paragraph (2) sets out information which must be included in an assessment summary provided to a supplier in accordance with section 50(3) of the Procurement Act 2023.

(2) The information is—

- (a) the name of the supplier,
- (b) a contact postal address and email address for the supplier,
- (c) the unique identifier for the supplier,
- (d) in respect the award criteria for the public contract—
  - (i) the award criteria set out in full, or
  - (ii) a summary of the award criteria together with an indication of whether the award criteria are set out in full in the relevant tender notice or an associated tender document (and if there is more than one associated tender document, which one),
- (e) a summary of the assessment methodology under section 23(3) of the Procurement Act 2023,
- (f) how the tender was assessed against each award criterion by reference to a score,
- (g) detailed reasons, with reference to all relevant information set out in the tender, for—
  - (i) the score against each award criterion (“A”),
  - (ii) the reasons why the tender was not given the score immediately above A for that criterion (except where the tender was given the highest score), and
  - (iii) in a case where a criterion is arranged into different strands for assessment, a explanation of how the tender was assessed against each of those different strands,
- (h) the total score, and any sub-total scores, for the tender against all of the award criteria,
- (i) in the case of an unsuccessful tender, an explanation of why the tender was unsuccessful including whether this was—
  - (i) because it failed to satisfy a condition of participation set under section 22 of the Procurement Act 2023, or
  - (ii) because it was disqualified under the assessment methodology under section 23(3) of the Procurement Act 2023, or
  - (iii) for any other reason, including an explanation of that reason, and
- (j) in the case of an unsuccessful tender, the same information referred to in sub-paragraphs (a) to (h) in respect of the most advantageous tender.

(3) All assessment summaries in respect of a public contract which are provided to suppliers in accordance with section 50(3) of the Procurement Act 2023 must be provided by the contracting authority to those suppliers at the same time.

(4) Nothing in paragraphs (1) to (3) prevents a contracting authority from providing other relevant information in an assessment summary.

### **Contract details notices: open or competitive flexible procedure**

**22.**—(1) Paragraph (3) sets out information which must be included in a contract details notice which a contracting authority publishes in accordance with section 53(1) of the Procurement Act 2023 where the public contract was entered into following—

- (a) an open procedure, or
- (b) a competitive flexible procedure (including by reference to a dynamic market).

(2) See also section 53(2) of the Procurement Act 2023 (notice must set out that the contracting authority has entered into a public contract).

(3) The information is—

- (a) the contracting authority information,
- (b) the name, postal address and email address of the person who should be contacted in the event of an enquiry about the public contract,
- (c) the title of the procurement,
- (d) the unique identifier for the procurement,
- (e) the unique identifier for the contract,
- (f) for each supplier party to the public contract—
  - (i) the supplier's name,
  - (ii) the supplier's contact postal address and email address,
  - (iii) the unique identifier for the supplier, and
  - (iv) whether the supplier is—
    - (aa) a small or medium-sized enterprise, or
    - (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
- (g) whether the public contract was awarded following—
  - (i) an open procedure, or
  - (ii) a competitive flexible procedure,
- (h) the contract subject-matter, described in such detail that a reader of the notice can compare the goods, services or works to those described in the relevant tender notice,
- (i) whether the public contract is awarded by reference to lots,
- (j) if the public contract is awarded by reference to lots, for each lot—
  - (i) the title of the lot,
  - (ii) the distinct number given to the lot by the contracting authority,
  - (iii) whether the lot is mainly for the supply of goods, services or works,
  - (iv) a description of the kinds of goods, services or works which will be supplied,
  - (v) a summary of how those goods, services or works will be supplied,
  - (vi) the estimated date when the goods, services or works will be supplied,

- (vii) the estimated amount of goods, services or works which will be supplied,
- (viii) the estimated value of the lot, and
- (ix) the relevant CPV codes,
- (k) the estimated value of the public contract,
- (l) the date when the contract award notice for the public contract was published,
- (m) the date when the public contract was entered into,
- (n) where the public contract sets out a date when it will end, that date,
- (o) a description of any option in the public contract—
  - (i) to supply additional goods, services or works, or
  - (ii) to extend or renew the term of the contract,
- (p) where section 52 of the Procurement Act 2023 applies and key performance indicators were set—
  - (i) a description of each key performance indicator, and
  - (ii) how often the contracting authority will assess performance against the key performance indicators in accordance with section 71(2) of the Procurement Act 2023,
- (q) where section 52 of the Procurement Act 2023 applies and key performance indicators were not set (see subsection (2) of that section), an explanation of why key performance indicators were not set, and
- (r) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary.

(4) Where a contracting authority publishes a contract details notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) This regulation does not apply to a contract details notice where the public contract is a framework (see regulation 23).

(6) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract details notice of the type mentioned in paragraph (1).

### **Contract details notices:frameworks**

**23.—**(1) Paragraph (3) sets out information which must be included in a contract details notice which a contracting authority publishes in accordance with section 53(1) of the Procurement Act 2023 where the public contract is a framework.

(2) See also section 53(2) of the Procurement Act 2023 (notice must set out that the contracting authority has entered into a public contract).

(3) The information is—

- (a) the same information referred to in regulation 22(3)(a) to (o),
- (b) the contracting authorities entitled to award public contracts in accordance with the framework (whether by listing the names of those authorities or by describing categories of authorities),
- (c) the term of the framework (see section 47 of the Procurement Act 2023),
- (d) the estimated value of the framework (see Schedule 3 to the Procurement Act 2023),

- (e) whether the framework is—
  - (i) an open framework, or
  - (ii) awarded under an open framework,
- (f) details of how the successive frameworks under an open framework will be awarded,
- (g) whether the framework provides for fees to be charged to a supplier in accordance with the framework and, if so, details of the fixed percentage by which they will be charged in accordance with section 45(7) of the Procurement Act 2023,
- (h) the price payable, or mechanism for determining the price payable, under a public contract awarded in accordance with the framework,
- (i) details of the selection process to be applied on the award of a public contract in accordance with the framework, and
- (j) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary.

(4) Where a contracting authority publishes a contract details notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier pursuant to paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract details notice of the type mentioned in paragraph (1).

#### **Contract details notices: public contracts awarded in accordance with frameworks**

**24.—**(1) Paragraph (3) sets out information which must be included in a contract details notice which a contracting authority publishes in accordance with section 53(1) of the Procurement Act 2023 where the public contract was awarded in accordance with a framework.

(2) See also section 53(2) of the Procurement Act 2023 (notice must set out that the contracting authority has entered into a public contract).

(3) The information is—

- (a) the same information referred to in regulation 22(3)(a) to (r) (except sub-paragraph (g)),
- (b) the unique identifier for the framework,
- (c) details of which of the following procedures was used to award the public contract—
  - (i) a competitive selection process (see section 46 of the Procurement Act 2023), or
  - (ii) an award without further competition (see section 45(4) of the Procurement Act 2023), and
- (d) if sub-paragraph (c)(ii) applies, an explanation of why the contracting authority considered that it applies by reference to section 45(4) of the Procurement Act 2023.

(4) Where a contracting authority publishes a contract details notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier pursuant to paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract details notice of the type mentioned in paragraph (1).

### **Contract details notices: direct award**

25.—(1) Paragraph (3) sets out information which must be included in a contract details notice which a contracting authority publishes in accordance with section 53(1) of the Procurement Act 2023 where the public contract was awarded directly—

- (a) in accordance with section 41 of the Procurement Act 2023 (direct award in special cases),
- (b) in accordance with section 42 of the Procurement Act 2023 (direct award to protect life, etc), or
- (c) in accordance with section 43 of the Procurement Act 2023 (switching to direct award).

(2) See also section 53(2) of the Procurement Act 2023 (notice must set out that the contracting authority has entered into a public contract).

(3) The information is—

- (a) the information in regulation 22(3)(a) to (r) (except sub-paragraph (g)),
- (b) whether the contract is being awarded directly to a supplier that is not an excluded supplier because a direct award justification applies (see section 41(1)(a) and Schedule 5 to the Procurement Act 2023),
- (c) if sub-paragraph (b) applies, the direct award justification in Schedule 5 which applies and an explanation of why the contracting authority considers that it applies,
- (d) whether the contract is being awarded directly to a supplier that is an excluded supplier because the contracting authority considers that there is an overriding public interest in awarding the contract to that supplier (see section 41(2) to (5) of the Procurement Act 2023),
- (e) if sub-paragraph (d) applies, which ground in section 41(5) of the Procurement Act 2023 applies and an explanation of why the contracting authority considers that it applies,
- (f) whether the contract is being awarded directly to a supplier because it is a specified public contract by virtue of regulations made under section 42 of the Procurement Act (direct award to protect life, etc)
- (g) if sub-paragraph (f) applies, the title and registration number of the statutory instrument containing those regulations,
- (h) whether the contract is being awarded directly to a supplier that is not an excluded supplier by virtue of section 43 of the Procurement Act 2023 (switching to direct award), and
- (i) if sub-paragraph (h) applies, an explanation of why it has not received any suitable tenders or requests in response by reference to section 43(3) of the Procurement Act 2023 and why it considers that award under section 19 is not possible in the circumstances.

(4) Where a contracting authority publishes a contract details notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier pursuant to paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract details notice of the type mentioned in paragraph (1).

### **Contract details notices: below-threshold contracts**

26.—(1) Paragraph (3) sets out information which must be included in a contract details notice which a contracting authority publishes in accordance with section 87(3) of the Procurement Act 2023.

(2) See also section 53(2) of the Procurement Act 2023 (notice must set out that the contracting authority has entered into a public contract).

(3) The information is—

- (a) the contracting authority information,
- (b) the name, postal address and email address of the person who should be contacted in the event of an enquiry about the contract,
- (c) the title of the procurement,
- (d) the unique identifier for the procurement,
- (e) the unique identifier for the contract,
- (f) for each supplier party to the contract—
  - (i) the supplier's name,
  - (ii) the supplier's contact postal address and email address,
  - (iii) the unique identifier for the supplier, and
  - (iv) whether the supplier is—
    - (aa) a small or medium-sized enterprise, or
    - (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
- (g) the contract subject-matter,
- (h) whether the contract is awarded by reference to lots and, if so—
  - (i) the title of each lot under the contract,
  - (ii) the distinct number given to each lot by the contracting authority,
- (i) the estimated value of the contract,
- (j) the date when the contract was entered into,
- (k) where the contract sets out a date when it will end, that date, and
- (l) a description of any option in the contract—
  - (i) to supply additional goods, services or works, or
  - (ii) to extend or renew the term of the contract

(4) Where a contracting authority publishes a contract details notice of the type mentioned in paragraph (1) on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract details notice of the type mentioned in paragraph (1).



### **Procurement termination notices**

27.—(1) Paragraph (2) sets out information which must be included in a procurement termination notice which a contracting authority publishes in accordance with section 55(2) of the Procurement Act 2023.

(2) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,
- (d) a statement to the effect that, following the publication of the preceding tender or transparency notice, the contracting authority has decided not to award the contract, and
- (e) the date when the contracting authority decided not to award the public contract.

(3) Where a contracting authority publishes a procurement termination notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned paragraph (2) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(4) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a procurement termination notice.

### **Payments compliance notices**

28.—(1) Paragraph (2) sets out information which must be included in a payments compliance notice which a contracting authority publishes in accordance with section 69(1) of the Procurement Act 2023.

(2) The information is—

- (a) the contracting authority information,
- (b) the dates of the first and the last days of the reporting period to which the payments compliance notice relates,
- (c) in respect of sums paid by the contracting authority under public contracts during the reporting period—
  - (i) the average number of days taken to make those payments, where day 1 is the first day after the invoice day;
  - (ii) the percentage of those payments which were made, where day 1 is the first day after the invoice day—
    - (aa) within the period beginning on day 1 and ending with day 30;
    - (bb) within the period beginning on day 31 and ending with day 60;
    - (cc) on or after day 61,
- (d) in respect of sums which became payable under public contracts during the reporting period, the percentage of those payments which were not made within the reporting period, and
- (e) a statement of the director or similar officer of the contracting authority who is responsible for the contracting authority's finances setting out that the person approves the payments compliance notice and that person's name, job title and signature.

(3) Where a contracting authority publishes a payments compliance notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (2) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(4) In paragraph (2)—

“average” means the arithmetic mean;

“invoice day” means the day on which a contracting authority receives an invoice.

(5) For the purposes of paragraph (2), a payment is made—

(a) when it is received by the supplier;

(b) if there is any delay in the sum being received for which the contracting authority is not responsible, when it would have been received without that delay.

(6) In paragraphs (4) and (5) the reference to a contracting authority receiving an invoice includes a reference to an invoice being delivered to an address, or through an electronic invoicing system, specified in the contract for the purpose.

(7) Nothing in this regulation prevents a contracting authority from publishing other relevant information in a payments compliance notice.

### **Contract performance notices**

**29.—**(1) A contracting authority publishing information in accordance with either of the following provisions must publish the information in the form of a notice called a “Contract Performance Notice”—

(a) section 71(2)(b) of the Procurement Act 2023 (assessment of performance against key performance indicators);

(b) section 71(5) of that Act (breach of public contract or failure to perform).

(2) Paragraph (3) sets out information which must be included in a Contract Performance Notice setting out an assessment of performance against key performance indicators under section 71(2)(b) of the Procurement Act 2023.

(3) The information is—

(a) the contracting authority information,

(b) the title of the procurement,

(c) the unique identifier for—

(i) the procurement, and

(ii) the public contract,

(d) for each supplier party to the public contract—

(i) the supplier’s name,

(ii) the supplier’s contact postal address and email address, and

(iii) the unique identifier for the supplier,

(e) a statement that the notice is being used to set out the contracting authority’s assessment of performance against key indicators in accordance with section 71(2) of the Procurement Act 2023,

(f) the key performance indicators together with the contracting authority’s assessment of performance against those indicators in accordance with the ratings set out in paragraph (4), and

(g) the time period to which the contracting authority’s assessment applies.

(4) The ratings are—

<i>Rating</i>	<i>Description</i>
Good	Performance is meeting or exceeding the key performance indicators
Approaching target	Performance is close to meeting the key performance indicators
Requires improvement	Performance is below the key performance indicators
Inadequate	Performance is significantly below the key performance indicators
Other	Performance cannot be described as good, approaching target, requires improvement or inadequate

(5) Paragraph (6) sets out information which must be included in a Contract Performance Notice setting out—

- (a) that a supplier has breached a public contract (see section 71(3) of the Procurement Act 2023), or
  - (b) that a supplier is not performing a public contract to the contracting authority's satisfaction (see section 71(4)) of that Act).
- (6) The information is—
- (a) the contracting authority information,
  - (b) the title of the procurement,
  - (c) the unique identifier for—
    - (i) the procurement, and
    - (ii) the public contract,
  - (d) for each supplier party to the public contract—
    - (i) the supplier's name,
    - (ii) the supplier's contact postal address and email address, and
    - (iii) the unique identifier for the supplier,
  - (e) the information referred to in section 71(5)(a) of the Procurement Act 2023 (that section 71(5) of that Act applies),
  - (f) the information referred to in section 71(5)(b) of the Procurement Act 2023 (the circumstances giving rise to the application of section 71(5) of that Act),
  - (g) a statement that the information is being published because—
    - (i) the supplier has breached the public contract and the breach resulted in one of the events referred to in section 71(3)(b), or
    - (ii) the supplier is not performing a public contract to the contracting authority's satisfaction.
  - (h) where the supplier has breached the public contract, which of the following resulted from the breach—
    - (i) a partial termination of the public contract;
    - (ii) the award of damages;
    - (iii) a settlement agreement between the supplier and the contracting authority,
  - (i) where the supplier has breached the public contract, the date of any—
    - (i) partial termination of the public contract,

- (ii) award of damages, or
  - (iii) settlement,
- (as the case may be),
- (j) where the supplier is not performing the public contract to the contracting authority's satisfaction, the date when the contracting authority is first aware that the supplier is not performing the contract to the contracting authority's satisfaction having been given an opportunity to improve performance,
  - (k) an explanation of the nature of the contractual obligation which has been breached or is not being performed to the contracting authority's satisfaction,
  - (l) an explanation of the nature of the breach or failure to perform including—
    - (i) an explanation of the impact or consequences of the breach or failure to perform,
    - (ii) the duration of the breach or failure to perform and whether it is ongoing,
    - (iii) an explanation of any steps taken by the supplier to mitigate the impact or consequences of the breach or failure to perform,
    - (iv) the steps that the contracting authority has taken to notify the supplier of the breach or failure to perform and encourage them to improve the situation, including—
      - (aa) any warning notices given under the public contract, or
      - (bb) any opportunity to improve performance given in accordance with paragraph 12(3) of Schedule 7 to the Procurement Act 2023,
    - (v) what steps were taken by the supplier to improve the situation and why these were not sufficient,
  - (m) where the breach has resulted in partial termination of the public contract, a description of which part of, or to what extent, the contract has been partially terminated,
  - (n) where there has been an award of damages following the breach or failure to perform—
    - (i) confirmation that this is the case,
    - (ii) the amount of damages,
    - (iii) the basis on which the damages were awarded, for example—
      - (aa) in accordance with the public contract,
      - (bb) in accordance with a decision of a court or tribunal, or
      - (cc) in accordance with a negotiated settlement,
    - (iv) where there has been a recorded decision of a court or tribunal finding a breach—
      - (aa) the website address where the decision can be accessed, or
      - (bb) a copy of the decision, and
    - (v) where there is a negotiated settlement, the terms of the settlement.

(7) This regulation does not apply to information required to be published in accordance with section 71(5) of the Procurement Act 2023 where a breach resulted in the full termination of a public contract (see instead regulation 31 which makes provision about contract termination notices).

(8) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract performance notice.

### **Contract change notices**

**30.**—(1) Paragraph (3) sets out information which must be included in a contract change notice which a contracting authority publishes in accordance with section 75(1) or (5) of the Procurement Act 2023 before modifying a public contract or convertible contract.

(2) See also section 75(3)(a) of the Procurement Act 2023 (notice must set out that the contracting authority intends to modify the public contract or convertible contract).

(3) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,
- (d) the unique identifier for the contract,
- (e) for each supplier party to the public contract or convertible contract—
  - (i) the supplier's name,
  - (ii) the supplier's contact postal address and email address, and
  - (iii) the unique identifier for the supplier,
- (f) whether the contracting authority is permitted to make the modification to the public contract or convertible contract because the modification is (by virtue of section 73(1)(a) of the Procurement Act 2023) one which is described—
  - (i) in paragraph 1 of Schedule 8 to the Procurement Act 2023 (provided for in the public contract),
  - (ii) in paragraphs 2 and 3 of Schedule 8 to that Act (urgency and the protection of life, etc),
  - (iii) in paragraph 4 of Schedule 8 to that Act (unforeseeable circumstances),
  - (iv) in paragraphs 5 to 7 of Schedule 8 to that Act (materialisation of a known risk),
  - (v) in paragraph 8 of Schedule 8 to that Act (additional goods, services or works), or
  - (vi) in paragraph 9 of Schedule 8 to that Act (transfer on corporate restructuring),(where the modification is permitted under one of those provisions),
- (g) an explanation of why the modification falls within one of the kinds of modifications mentioned in sub-paragraph (f),
- (h) details of any change as a result of the modification—
  - (i) to the estimated value of the public contract immediately prior to the modification,  
or
  - (ii) to the term of the public contract or convertible contract,
- (i) where the modification is one which is described in paragraph 9 of Schedule 8 to that Act (transfer on corporate restructuring)—
  - (i) the name of each new supplier party to the public contract or convertible contract,
  - (ii) a postal address and email address for each new supplier, and
  - (iii) the unique identifier for each new supplier,
- (j) the estimated date when—
  - (i) the public contract or convertible contract will be modified, and
  - (ii) the modification will have effect,

(k) confirmation that any conflicts assessment required under section 83 of the Procurement Act 2023 has been prepared and revised as necessary, and

(l) whether a voluntary standstill period applies (see section 76(1) of the Procurement Act 2023), and if so, the duration of that period.

(4) Where a contracting authority publishes a contract change notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) See section 74(1) of the Procurement Act 2023 for the meaning of “convertible contract”.

(6) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract change notice.

### **Contract termination notices**

**31.**—(1) Paragraph (3) sets out information which must be included in a contract termination notice which a contracting authority publishes in accordance with section 80(1) of the Procurement Act 2023.

(2) See also section 80(2)(a) of the Procurement Act 2023 (notice must set out that the public contract has been terminated).

(3) The information is—

(a) the contracting authority information,

(b) the title of the procurement,

(c) the unique identifier for—

(i) the procurement,

(ii) the contract,

(d) for each supplier party to the public contract—

(i) the supplier’s name,

(ii) the supplier’s contact postal address and email address, and

(iii) the unique identifier for the supplier,

(e) the reasons for terminating the public contract (including any reason mentioned in section 80(3) of the Procurement Act 2023),

(f) the date when the contract was terminated, and

(g) the estimated value of the public contract,

(h) where information is being published in accordance with section 71(5) of the Procurement Act 2023 where a breach resulted in the full termination of the public contract—

(i) the information referred to in section 71(5)(a) of the Procurement Act 2023 (that section 71(5) of that Act applies),

(ii) the information referred to in section 71(5)(b) of the Procurement Act 2023 (the circumstances giving rise to the application of section 71(5) of that Act), and

(iii) the same information referred to in regulation 29(6).

(4) Where a contracting authority publishes a contract termination notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in a contract termination notice.

### **Below-threshold tender notices**

32.—(1) Paragraph (3) sets out information which must be included in a below-threshold tender notice which a contracting authority publishes in accordance with section 87(1) of the Procurement Act 2023.

(2) See also section 87(5)(a) of the Procurement Act 2023 (notice must set out that the contracting authority intends to award a contract).

(3) The information is—

- (a) the contracting authority information,
- (b) the name, postal address and email address of the person who should be contacted in the event of an enquiry about the procedure,
- (c) the title of the procurement,
- (d) the unique identifier for the procurement,
- (e) where the contract is awarded by reference to a dynamic market, the unique identifier for that dynamic market,
- (f) the contract subject-matter,
- (g) the estimated value of the contract,
- (h) if it is possible to describe the place where the goods, services or works will be supplied by reference to the relevant geographical classification, a description of that place,
- (i) how expressions of interest may be submitted and the date by when they must be submitted,
- (j) how tenders may be submitted and the date by when they must be submitted,
- (k) whether the notice is being used to invite tenders for a special regime contract and, if so, whether that contract is—
  - (i) a concession contract,
  - (ii) a defence and security contract,
  - (iii) a light touch contract, or
  - (iv) a utilities contract,
- (l) an explanation of the criteria against which the award of the contract will be assessed, and
- (m) a description of any conditions of participation in relation to the award of the contract.

(4) Where a contracting authority publishes a below-threshold tender notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (3) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(5) In paragraph (3)(h), “geographical classification” has the same meaning as in regulation 13(7).

(6) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a below-threshold tender notice.

## Pipeline notices

**33.**—(1) Paragraph (2) sets out information which must be included in a pipeline notice which a contracting authority publishes in accordance with section 93(2) of the Procurement Act 2023.

(2) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,
- (d) the contract subject-matter,
- (e) the estimated date when the following will be published—
  - (i) the tender notice for the public contract, or
  - (ii) the transparency notice for the public contract, and
- (f) the estimated date when the public contract will be awarded.

(3) Where a contracting authority publishes a pipeline notice on an alternative online system in accordance with regulation 5(5), the contracting authority is not required to publish any unique identifier mentioned in paragraph (2) until the notice is subsequently published on the central digital platform (see regulation 5(8)).

(4) Nothing in this regulation prevents a contracting authority from publishing other relevant information in a pipeline notice.

## Defence authorities

**34.** For the purposes of section 7(5) of the Procurement Act 2023, each of the following contracting authorities is a defence authority—

- (a) the Secretary of State for Defence;
- (b) AWE PLC<sup>(a)</sup>;
- (c) the National Crime Agency<sup>(b)</sup>;
- (d) the Oil and Pipelines Agency<sup>(c)</sup>.

## Amendment of the Procurement Act 2023 in relation to private utilities

**35.**—(1) The Procurement Act 2023 is amended as follows.

(2) In section 17 (preliminary market engagement notices), after subsection (2) insert—

“(3) This section does not apply to a private utility that is not a devolved Welsh authority.”

## Index of defined expressions

**36.** In these Regulations the expressions listed in the left-hand column of the table have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

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alternative online system	regulation 5
award criteria	section 23 of the Procurement Act 2023

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(a) Company registration no. 02763902.

(b) The National Crime Agency was established by section 1 of the Crime and Courts Act 2013 (c. 22).

(c) The Oil and Pipelines Agency was established by section 1 of the Oil and Pipelines Act 1985 (c. 62).



central digital platform	regulation 5
competitive flexible procedure	section 20 of the Procurement Act 2023
contracting authority information	regulation 4
contracting authority	section 2 of the Procurement Act 2023
connected person	paragraph 44 of Schedule 6 to the Procurement Act 2023
contract subject-matter	regulation 4
covered procurement	section 1 of the Procurement Act 2023
CPV code	see the Common Procurement Vocabulary as adopted by Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary <sup>(a)</sup>
dynamic market	section 34 of the Procurement Act 2023
estimated value of the public contract	Schedule 3 to the Procurement Act 2023
framework	section 45 of the Procurement Act 2023
key performance indicator	section 52(3) of the Procurement Act 2023
lead authority	regulation 4
light touch contract	section 9 of the Procurement Act 2023
open framework	section 49 of the Procurement Act 2023
open procedure	section 20 of the Procurement Act 2023
preliminary market engagement	section 16(2) of the Procurement Act 2023
procurement	section 1 of the Procurement Act 2023
public contract	section 3 of the Procurement Act 2023
public service mutual	section 33 of the Procurement Act 2023
qualifying utilities dynamic market notice	section 40 of the procurement Act 2023
small or medium-sized enterprise	section 122 of the Procurement Act 2023
special regime contract	section 10 of the Procurement Act 2023
supported employment provider	section 32 of the Procurement Act 2023
unique identifier	regulation 4
utilities contract	section 6 of the Procurement Act 2023

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(a) OJ No. L 340, 16.12.2002, p.1, last amended by Commission Regulation (EC) No. 213/2008 (OJ No. L 74, 15.3.2008, p.1).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations supplement the Procurement Act 2023 (c. X).

Regulation 5 provides that central digital platform provided by the Cabinet Office on [www.gov.uk](http://www.gov.uk) is an online system pursuant to section 95(2)(b) of the Procurement Act 2023. Certain notices or documents listed in regulation 3, which must be published in accordance with provisions of the Procurement Act 2023 or these Regulations, must be published by publishing it on the central digital platform.

Regulation 6 provides that the central digital platform is also an online system pursuant to section 97(1) of the Procurement Act 2023. Before a supplier participates in a covered procurement being carried out by a contracting authority, the authority must ensure that the supplier has registered on the central digital platform and submitted certain core supplier information to the central digital platform. Regulations 7 to 10 make further provision about what supplier information must be submitted to the central digital platform.

Regulations 11 to 33 provide for what information must be included in certain notices or documents which must be published or provided in accordance with certain provisions the Procurement Act 2023 or these Regulations.

Regulation 34 sets out, for the purposes of section 7(5) of the Procurement Act 2023, each contracting authority that is a defence authority.

Regulation 35 amends section 17 of the Procurement Act 2023 with the effect that the duty to publish preliminary market engagement notices under that section does not apply to private utilities.

Regulation 36 contains an index of defined expressions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.