



Llywodraeth Cymru
Welsh Government

Procurement Bill: Notice Flowchart



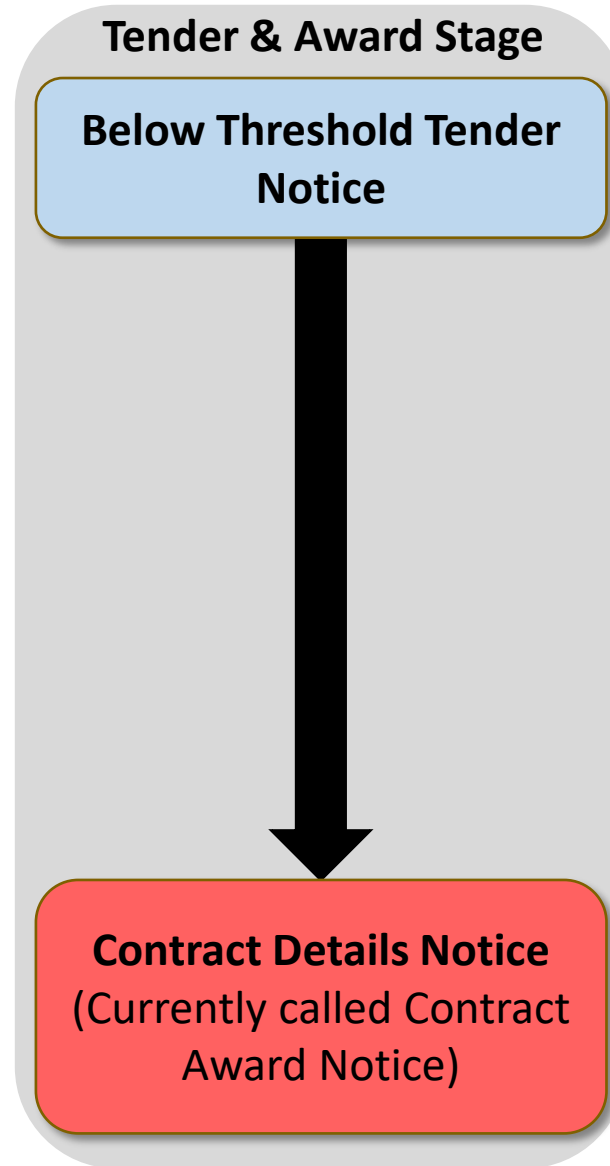


Notices required under the Procurement Bill Key

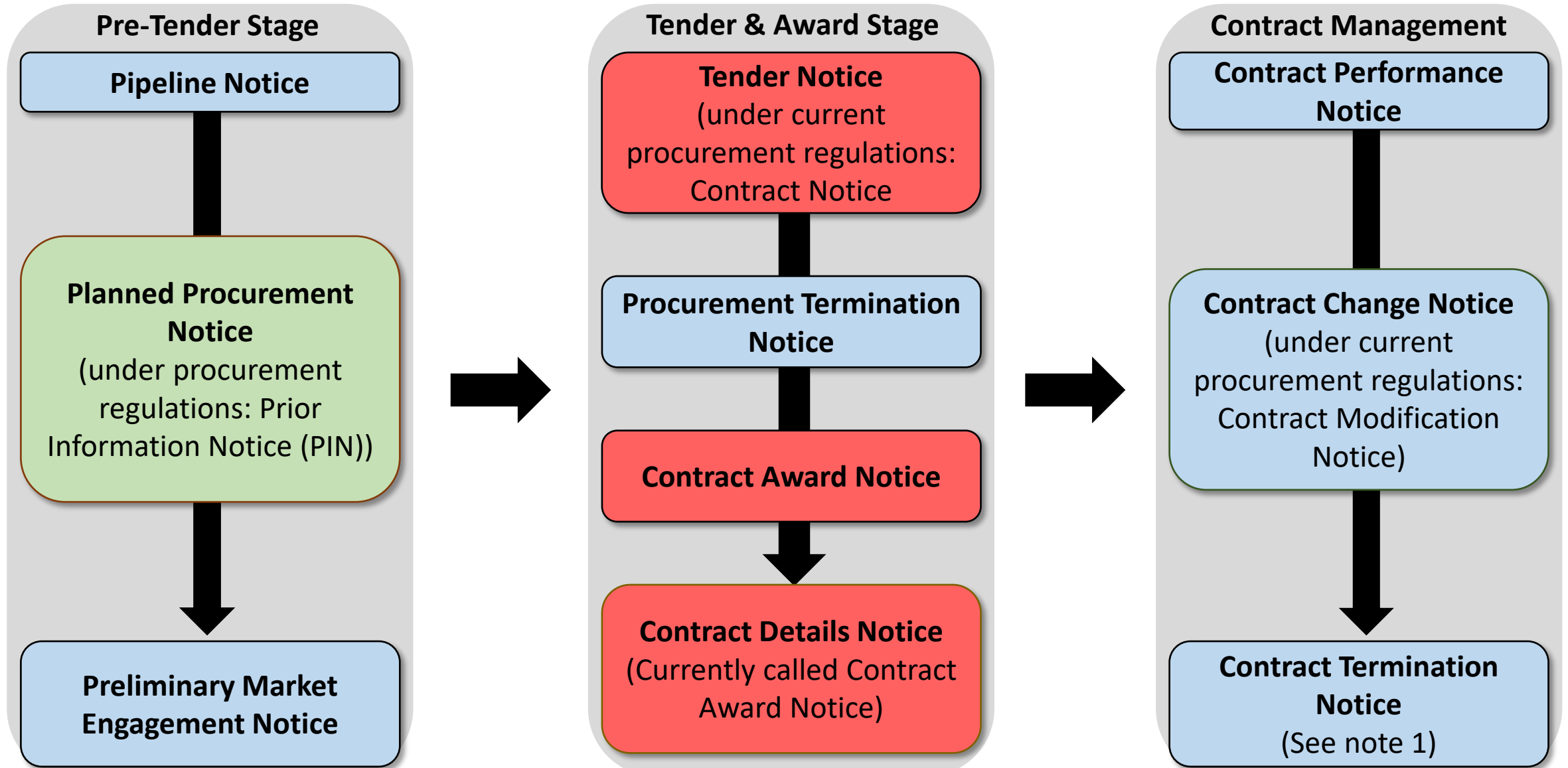
- **Mandatory notices in Red**
- **Optional notices in Green**
- **Notices required in certain circumstances in Blue**



Notifiable Below Threshold

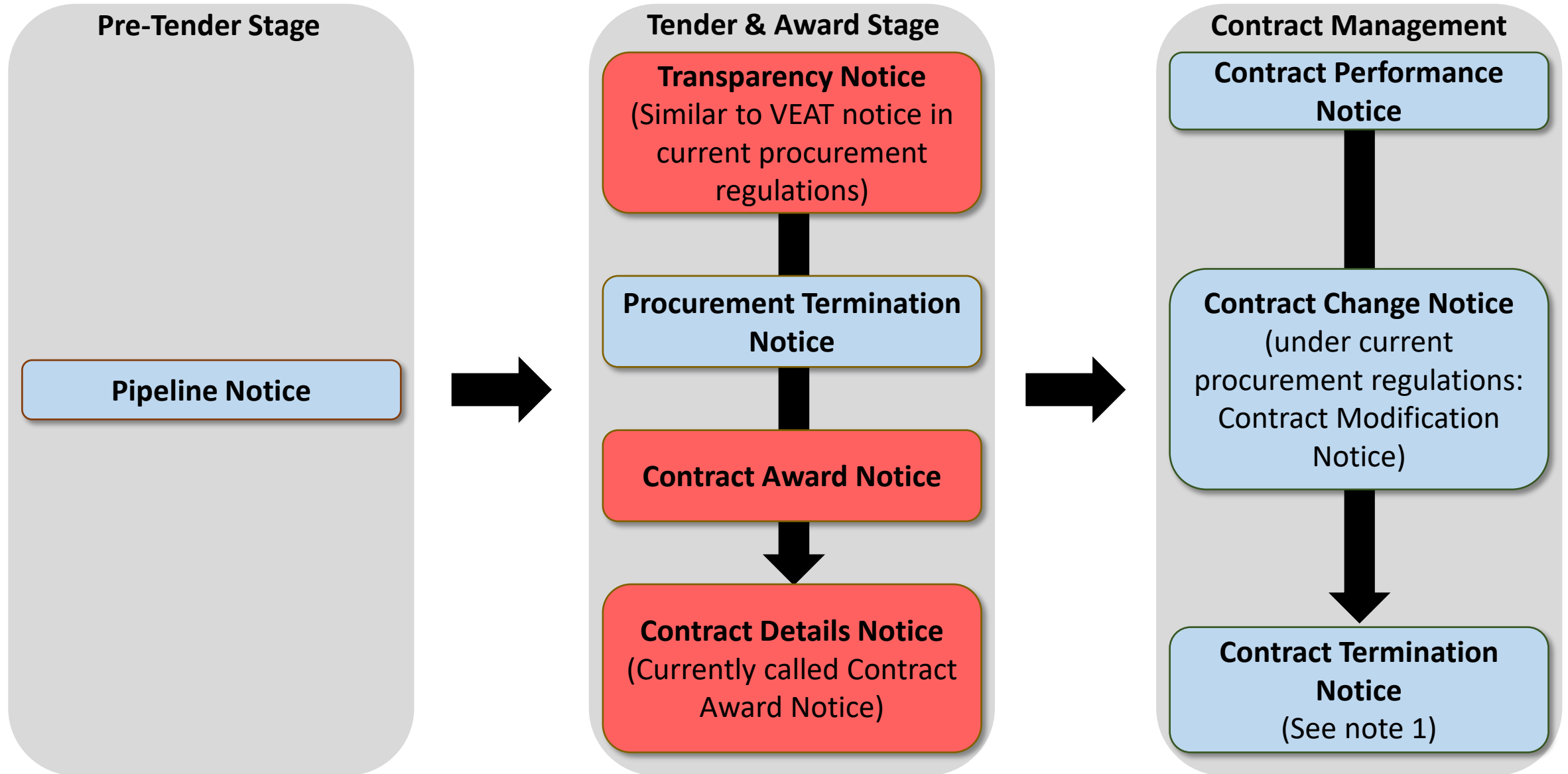


Open Procedure/Competitive Flexible Procedure



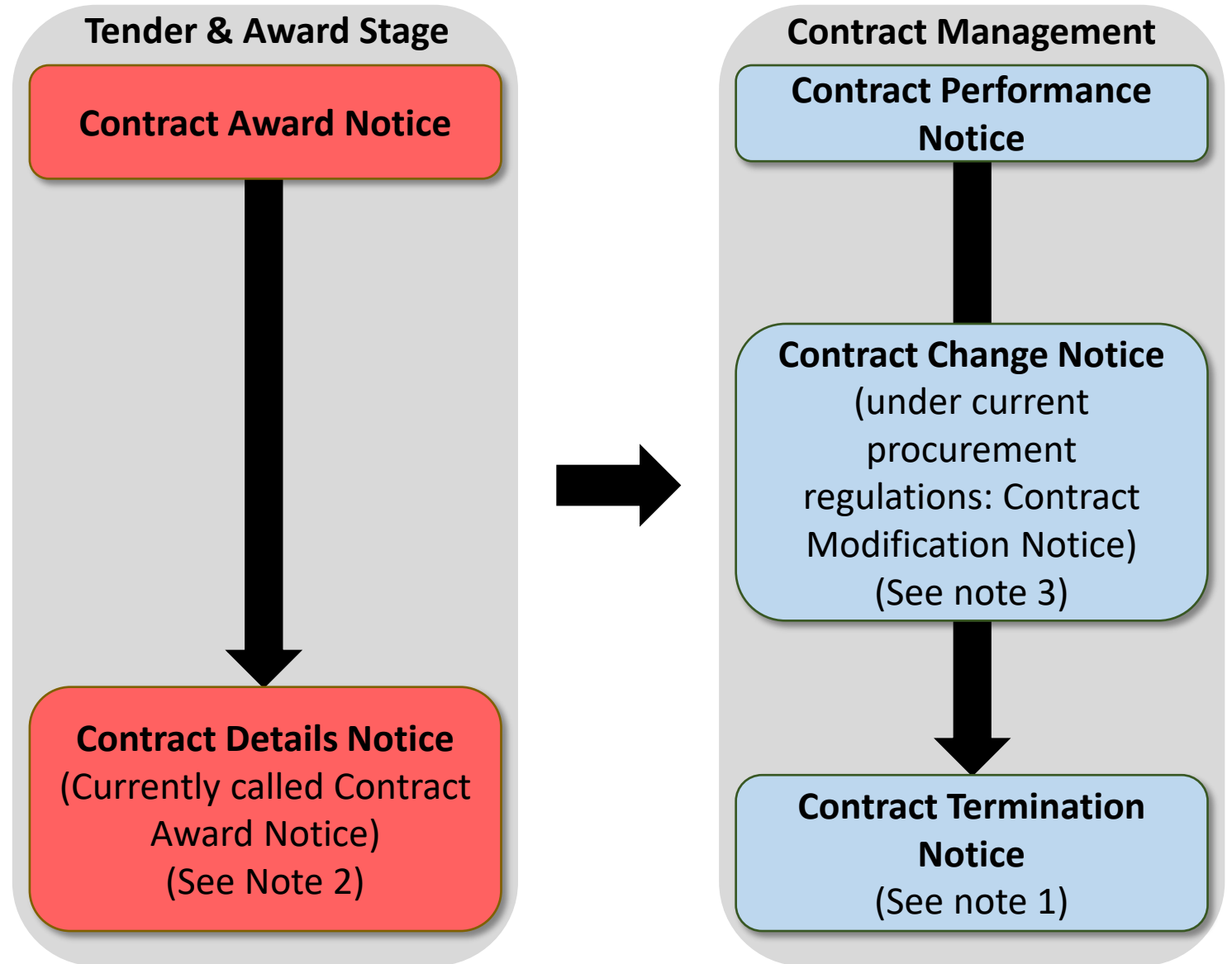


Direct Award



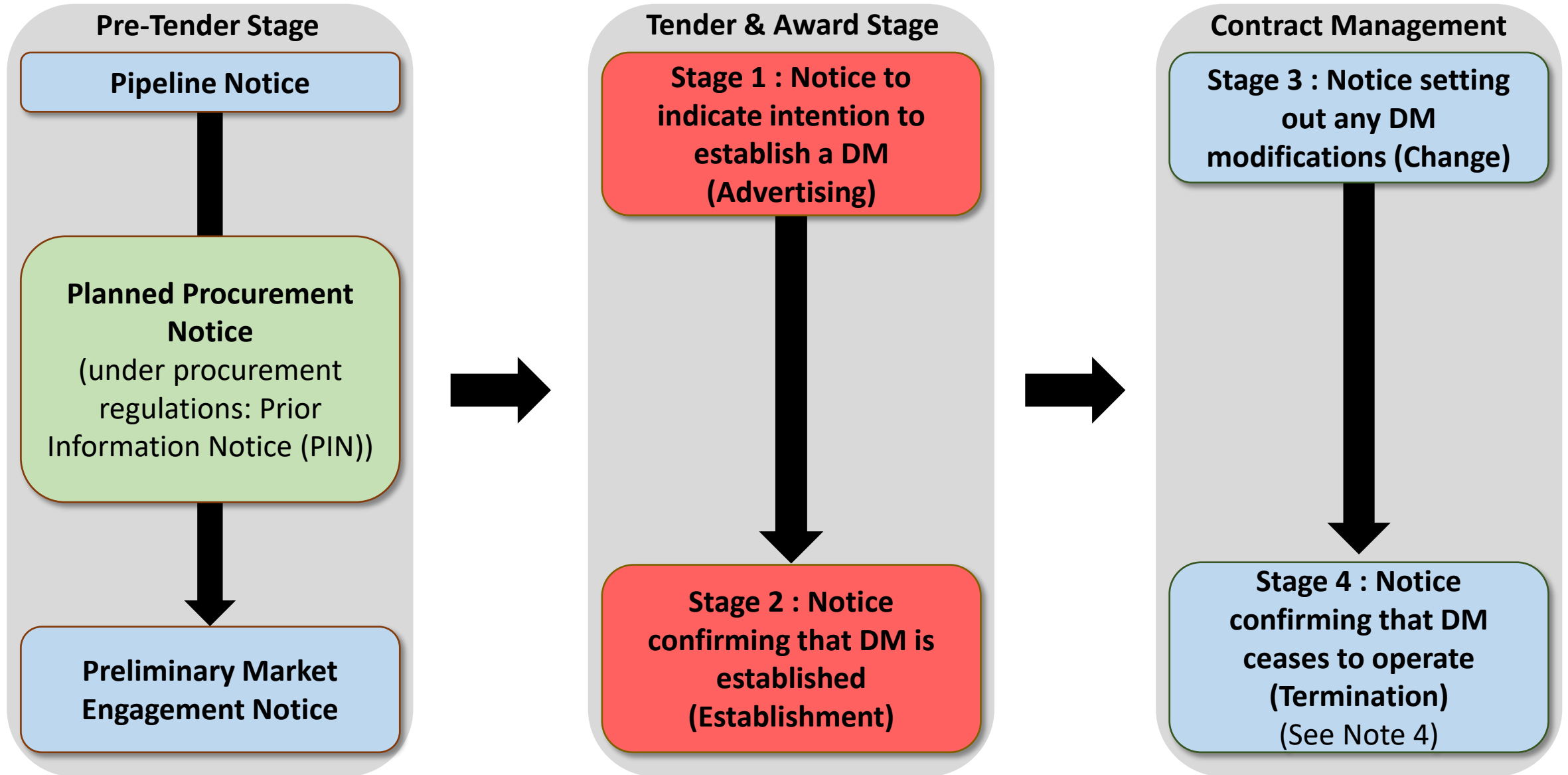


Call-offs from frameworks



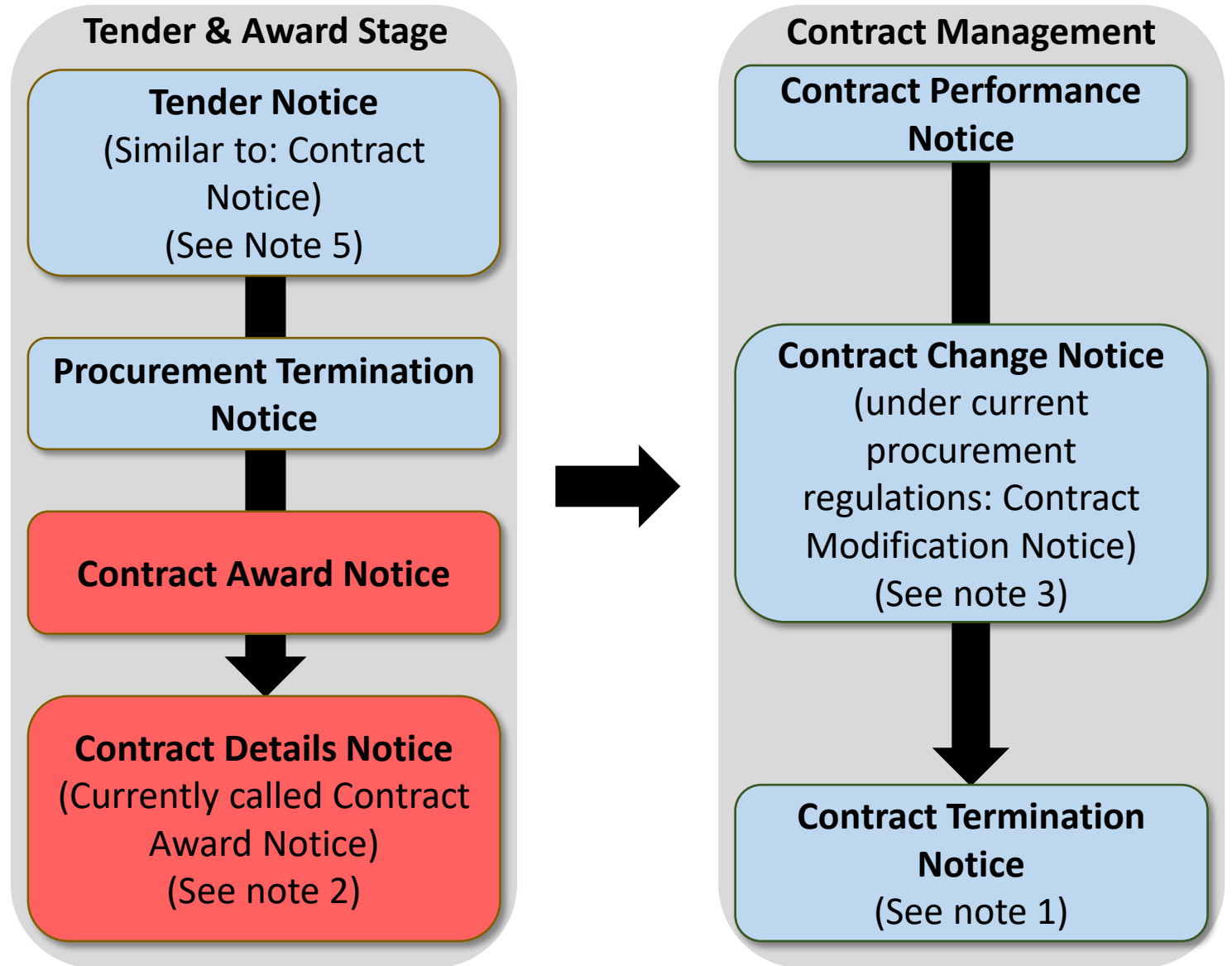


Dynamic Markets (DM)





Call-off from dynamic markets (DM)





Organisational Notices

Contract Management

Payment's compliance notices (Under current procurement regulations: Regulation 113 of The Public Contracts Regulations 2015 requires contracting authorities to publish how far they have complied with their obligations under this regulation to make payments within 30 days.)



Notes

- 1. Contract Termination Notices are compulsory for a public contract, however they do not apply to private utilities, or in relation to a contract awarded under section 41 by reference to paragraph 15 of Schedule 5 (direct award: user choice contracts).**
- 2. Welsh contracting authorities are required to publish redacted contracts only if the contract was awarded as part of a procurement under a reserved procurement arrangement (i.e a framework or Dynamic Market awarded by an English / non-devolved contracting authority) and the value of the call off is over £5m.**
- 3. Welsh contracting authorities are required to publish redacted modified contracts or the modification only if the contract was awarded as part of a procurement under a reserved procurement arrangement (i.e a framework or Dynamic Market awarded by an English / non-devolved contracting authority) and the value of the call off is over £5m.**
- 4. The notice confirming that a Dynamic Market ceases to operate is not required if the Dynamic Market was established by a private utility.**
- 5. A tender notice for a call off from a Dynamic Market does not apply if the call-off relates to:**
 - a) A qualifying utilities DM; or**
 - b) For below threshold call-offs put in place by a Welsh contracting authority**



Description of all notices under the Procurement Bill

1. **Pipeline Notice** – Compulsory for contracting authorities (CA's) who consider that they will pay more than £100m under relevant contracts in the coming financial year and if the contract will be over £2m.
2. **Planned Procurement Notice** – Voluntary – equivalent of a PIN (although not used as a means to call for competition).
3. **Preliminary Market Engagement (PME) Notice** – Compulsory if a CA plans to conduct or has conducted PME. CA's don't have to conduct PME, but if they do then they must publish a PME notice or provide reasons for doing so in the Tender Notice.
4. **Tender Notice** – Compulsory where a contracting authority intends to award a public contract under Clause 19. This does not apply if the DM call-off relates to a qualifying utilities DM or for below threshold DM call-offs put in place by a Welsh Contracting Authority.
5. **Procurement Termination Notice** – Compulsory if, after publishing a tender or transparency notice in respect of a public contract, a contracting authority decides not to award the contract. Please note, this does not apply to private utilities.
6. **Contract Award Notice** – Compulsory before entering into a public contract – sets out intention to enter into a contract.
7. **Contract Details Notice (CDN)** – Compulsory – sets out that a contract has been entered into. The CDN will need to include a copy of the contract (redacted) only if it is a call-off contract over £5m procured under a reserved procurement arrangement (i.e. a framework or dynamic market awarded by an English/ non- devolved CA.)
8. **Contract Change Notice** – Compulsory if certain thresholds stated in the Bill are met – must publish before modifying an existing public contract (except in prescribed circumstances). The updated CCN will need to include a copy of the modified contract (redacted) or the modification only if the modified contract is a call-off contract over £5m procured under a reserved procurement arrangement (i.e. a framework or dynamic market awarded by an English/ non- devolved CA.)



Description of all notices under the Procurement Bill

8. Contract Termination Notice (CTN) – Compulsory for a public contract – must publish within 30 days of termination (including termination by a party, discharge, expiry, rescission and set aside by a court order.) A CTN does not apply – (a) – to private utilities, or (b) in relation to a contract awarded under section 41 by reference to paragraph 15 of Schedule 5 (direct award: user choice contracts).

9. Dynamic Market (DM) Notices – Compulsory where a dynamic market is to be advertised, established, awarded, modified or cease to operate. There will be one notice called Dynamic Market Notice, which then gets updated as it flows through each of the stages. 1 – Advertising, 2 – Establishment, 3 – Change, 4 - Termination. Note that Stage 4 does not apply if the DM was established by a private utility.

10. Transparency Notice – Compulsory where there is a direct award under Clause 41 or Clause 43.

11. Payments Compliance Notices – Compulsory – must publish payment compliance information every 6 months and confirm compliance with prompt payment provisions. The notice will only show compliance with the 30-day payment term and is to be issued once every 6 months in relation to all public contracts as defined in the bill.

12. Below Threshold Tender Notice – Compulsory where a contracting authority intends to advertise for the purpose of inviting tenders for a below threshold procurement.

13. Contract Performance Notice – Compulsory – In the contract management stage there will need to be a contract performance notice for all contracts where KPI's were published. It must be published at least once a year and for contracts over £5m. It must also be published if there is a breach or failure to perform, except for light touch contracts. Contract performance notices are not required for private utilities.