



Llywodraeth Cymru  
Welsh Government



Unpublished

PUBLICATION, DOCUMENT

# Procurement Act 2023 guidance: notice sequencing and flowcharts

Notices required under the Procurement Act 2023.

**First published:** 23 January 2025

**Last updated:** 23 January 2025

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

# Contents

**Notices under the Act** (<https://www.gov.wales#163286>)

**Notice flowcharts** (<https://www.gov.wales#163297>)

**Notices key** (<https://www.gov.wales#163299>)

**Notifiable below threshold** (<https://www.gov.wales#163307>)

**Public contracts** (<https://www.gov.wales#163315>)

**Open Procedure/Competitive Flexible Procedure**  
(<https://www.gov.wales#163321>)

**Direct Award** (<https://www.gov.wales#163323>)

**Call-offs from Frameworks** (<https://www.gov.wales#163325>)

**Dynamic Markets** (<https://www.gov.wales#163327>)

**Call-off from Dynamic Markets** (<https://www.gov.wales#163329>)

**Notes** (<https://www.gov.wales#163331>)

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

# Description of all notices under the Procurement Act 2023

1. Below is a description of all notices required under the Procurement Act 2023 (the Act). We have highlighted which notices are compulsory and which are voluntary. All values quoted within this document are inclusive of VAT.

## a. Pipeline Notice

Compulsory for contracting authorities (CAs) who consider that they will pay more than £100 million under relevant contracts in the coming financial year and if the contract will be over £2 million. The pipeline notice must be published within 56 days of the first day of the relevant financial year, which is the period of 12 months beginning on 1 April.

## b. Planned Procurement Notice

This is a voluntary notice that is equivalent to the Prior Information Notice (PIN) under the previous Regulations, although not used as a means to call for competition.

## c. Preliminary Market Engagement (PME) Notice

Compulsory if a CA plans to conduct or has conducted PME. CAs don't have to

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

conduct PME, but if they do then they must publish a PME notice or provide reasons for not doing so in the Tender Notice.

## **d. Tender Notice**

Compulsory where a CA intends to award a public contract under section 19 of the Act ('public contract' is defined at Section 3 of the Act). This does not apply if a Dynamic Market (DM) call-off relates to a qualifying utilities DM or for below threshold DM call-offs put in place by a devolved Welsh authority.

## **e. Procurement Termination Notice**

Compulsory if, after publishing a tender or transparency notice in respect of a public contract a CA decides not to award the contract. Please note, this does not apply to private utilities.

## **f. Contract Award Notice**

This is a compulsory notice which establishes the CA's intention to enter into, and must be published before entering into, a public contract.

## **g. Contract Details Notice (CDN)**

This is a compulsory notice which sets out that a public contract has been

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

entered into. When publishing a CDN devolved Welsh authorities do not need to publish a copy of the (redacted) contract, unless they are procuring a public contract with an estimated value of more than £5 million under a reserved procurement arrangement, (i.e. a framework or dynamic market awarded by an English / non- devolved CA).

## **h. Contract Change Notice (CCN)**

Compulsory if certain thresholds stated in the Act are met. A CA must publish a CCN before modifying an existing public contract (except in prescribed circumstances). Please refer to the guidance on 'Contract Modifications' for the circumstances under which a CA must publish a CCN and any associated documents. Devolved Welsh authorities should note that, if they are procuring under a reserved procurement arrangement, they may need to publish a copy of the (redacted) modified public contract, should the contract modification meet certain thresholds (as outlined in the 'Contract Modifications' guidance).

## **i. Contract Termination Notice (CTN)**

This is a compulsory notice for a public contract, and it must be published 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:

- i. to private utilities, or

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

- ii. in relation to user choice contracts (see section 41 and Schedule 5, paragraph 15 of the Act).

## **j. Dynamic Market (DM) Notices**

Compulsory where a dynamic market is to be advertised, established, awarded, modified or ceases 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.

## **k. Transparency Notice**

Compulsory where there is a direct award under section 41 or section 43 of the Act.

## **l. Below Threshold Tender Notice**

Compulsory where a contracting authority intends to advertise for the purpose of inviting tenders for a below threshold procurement.

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

## m. Contract Performance Notice (CPN)

This is a compulsory notice in the circumstances outlined below and fulfils two actions during the contract management stage (please note however, that a CPN is not required for a utilities contract awarded by a private utility):

- **Key Performance Indicators:** There will need to be a contract performance notice for all contracts valued over £5 million where key performance indicators (KPIs) have been set (as outlined in the KPIs guidance). It must be published at least once in every 12 month period during the life-cycle of the contract and on termination of the contract, and must assess the supplier's performance against the set KPIs.
- **Breach/Failure to Perform:** The CPN must also be published if there is a breach or failure to perform, (as outlined in the Contract Performance Notice guidance). The requirement to publish a CPN for breaches of contract or poor performance applies to most public contracts, not just those valued above £5 million. However, if the contract is terminated in full a contract termination notice is required.

## Notice flowcharts

2. The information on the following pages is adapted from the '**Notice Flowchart** (<https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts>)' (available here).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get **information on copyright** (<https://www.gov.wales/copyright-statement>).

3. Please note that all values quoted within this document are inclusive of VAT.

## 4. Notices required under the Procurement Act 2023: key

4. The following key is for all the flowcharts below:

**Key:**



Notices required in certain circumstances in blue.



Mandatory notices in red.



Optional notices in green.

- Notices required in certain circumstances in blue.
- Mandatory notices in red.
- Optional notices in green.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).



## Notifiable below threshold

5. Differences for notifiable below-threshold contracts in Wales:

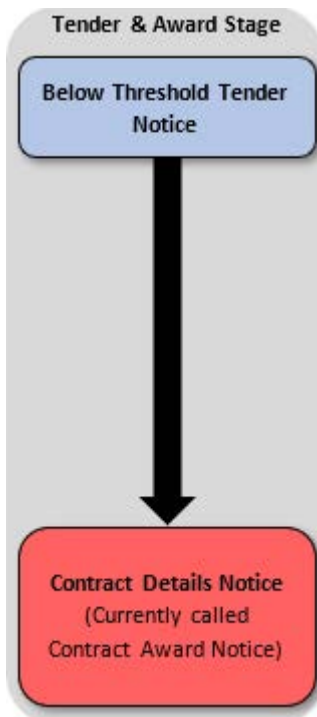
- a. For devolved Welsh authorities a “notifiable below-threshold contract” is a regulated below-threshold contract with an estimated value above £30,000. This threshold will apply equally to Welsh central government authorities (CGAs) and non-CGAs.
- b. If a Welsh CGA is procuring under a reserved procurement arrangement, for example a Framework established by Crown Commercial Service, then the below-threshold value that would apply is £12,000.

6. The flowchart below shows the sequence of notices to be published for a notifiable below threshold procurement.

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).



### Tender and Award Stage:

- Below Threshold Tender Notice - required in certain circumstances.
- Contract Details Notice (Currently called Contract Award Notice) – mandatory.

### Relevant Guidance for Notifiable Below Thresholds:

- Guidance on below-threshold contracts
- Guidance on contract details notice and contract documents

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

## Public contracts

7. All notices in the following sections of this guidance refer to Public Contracts.

8. A public contract is defined within Section 3 of the Act, which states:

**Any contract for the supply, for pecuniary interest, of goods, services or works to a contracting authority which:**

- a. has an estimated value of not less than the threshold amount for the type of contract, and
- b. is not an exempted contract.

**Any framework which:**

- a. has an estimated value of not less than the threshold amount for the type of contract, and
- b. is not an exempted contract.

**Any concession contract which:**

- a. has an estimated value of not less than the threshold amount for the type of contract, and
- b. is not an exempted contract.

## Relevant guidance for public contracts:

- Guidance on covered procurement
- Guidance on thresholds

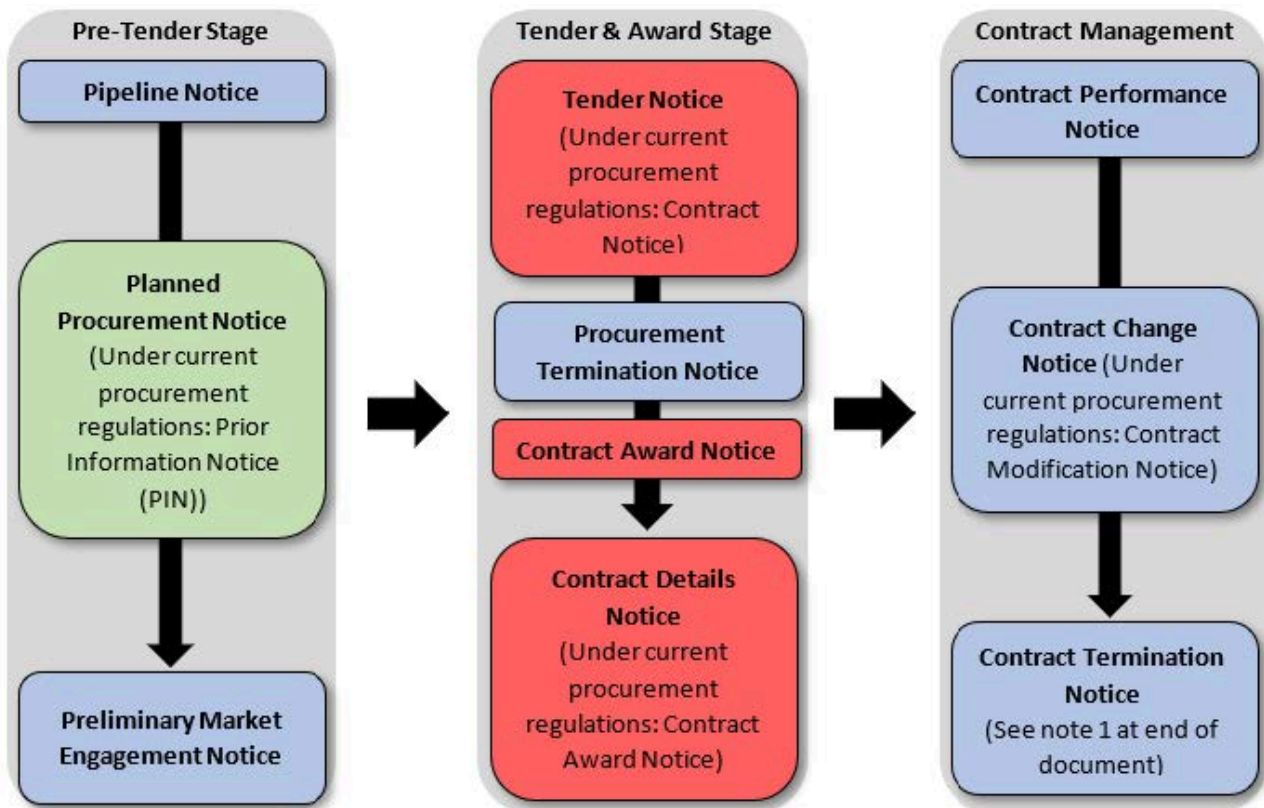
## Open Procedure/Competitive Flexible Procedure

9. The flowchart below shows the sequence of notices to be published for an open procedure/competitive flexible procedure.

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).



#### Pre-Tender Stage:

- Pipeline Notice - required in certain circumstances.
- Planned Procurement Notice (Under current procurement regulations: Prior Information Notice (PIN)) – optional.
- Preliminary Market Engagement Notice - required in certain circumstances.

#### Tender and Award Stage:

- Tender Notice (Under current procurement regulations: Contract Notice) – mandatory.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

- Procurement Termination Notice - required in certain circumstances.
- Contract Award Notice – mandatory.
- Contract Details Notice - Under current procurement regulations: Contract Award Notice) – mandatory.

#### Contract Management:

- Contract Performance Notice - required in certain circumstances.
- Contract Change Notice (Under current procurement regulations: Contract Modification Notice) - required in certain circumstances.
- Contract Termination Notice (See note 1 at end of document) - required in certain circumstances.

## Relevant Guidance for Open Procedure/Competitive Flexible Procedure

- Guidance on competitive tendering procedures and tender notices
- Guidance on pipeline notice
- Guidance on planned procurement notices
- Guidance on preliminary market engagement
- Guidance on procurement termination notice
- Guidance on contract award notices and standstill
- Guidance on contract details notice and contract documents
- Guidance on contract performance notices
- Guidance on contract modifications
- Guidance on contract termination

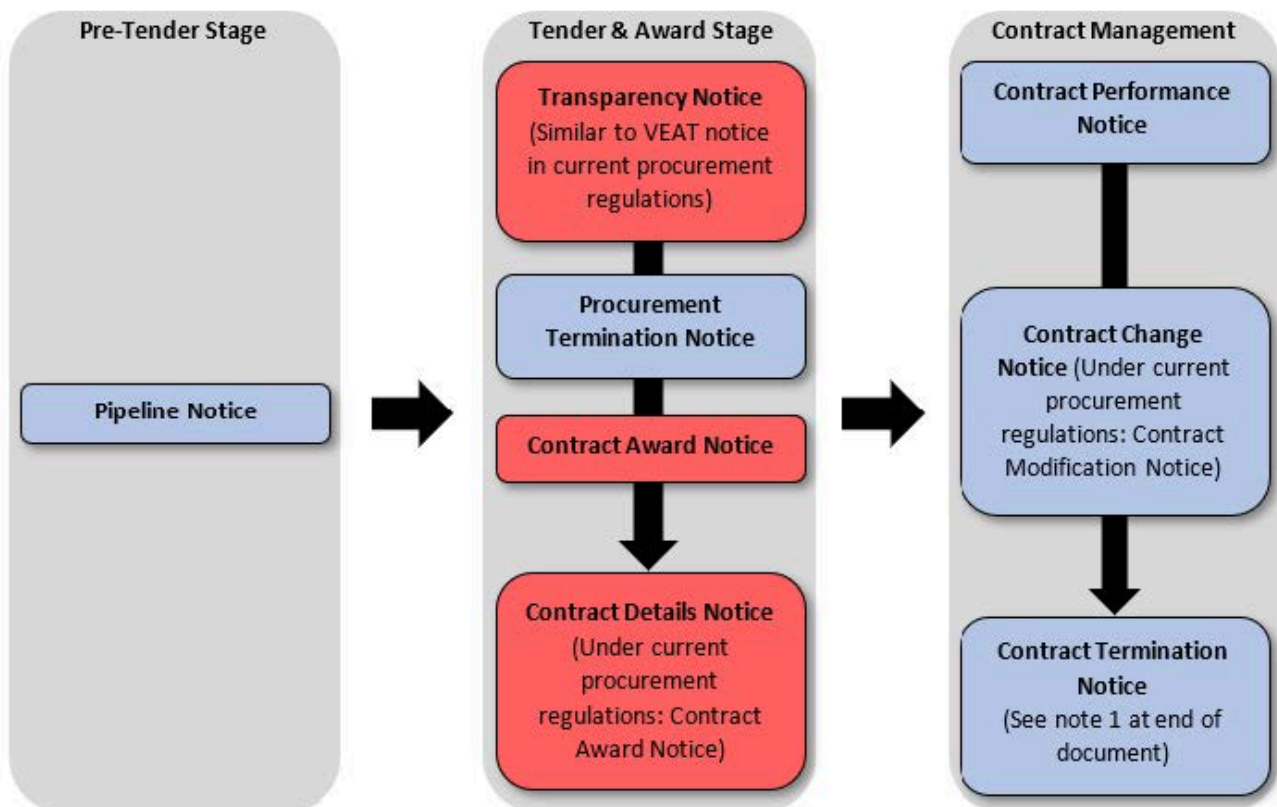
This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

# Direct Award

10. The flowchart below shows the sequence of notices to be published for a direct award.



Pre-Tender Stage:

- Pipeline Notice - required in certain circumstances.

Tender and Award Stage:

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

- Transparency Notice (similar to VEAT notice in current procurement regulations) – mandatory.
- Procurement Termination Notice - required in certain circumstances.
- Contract Award Notice – mandatory.
- Contract Details Notice (Under current procurement regulations: Contract Award Notice) – mandatory.

#### Contract Management:

- Contract Performance Notice - required in certain circumstances.
- Contract Change Notice (Under current procurement regulations: Contract Modification Notice) - required in certain circumstances.
- Contract Termination Notice (See note 1 at end of document) - required in certain circumstances.

## Relevant guidance for Direct Award

- Guidance on direct award
- Guidance on pipeline notice
- Guidance on procurement termination notice
- Guidance on contract award notices and standstill
- Guidance on contract details notice and contract documents
- Guidance on contract performance notices
- Guidance on contract modifications
- Guidance on contract termination

**This document was downloaded from GOV.WALES and may not be the latest version.**

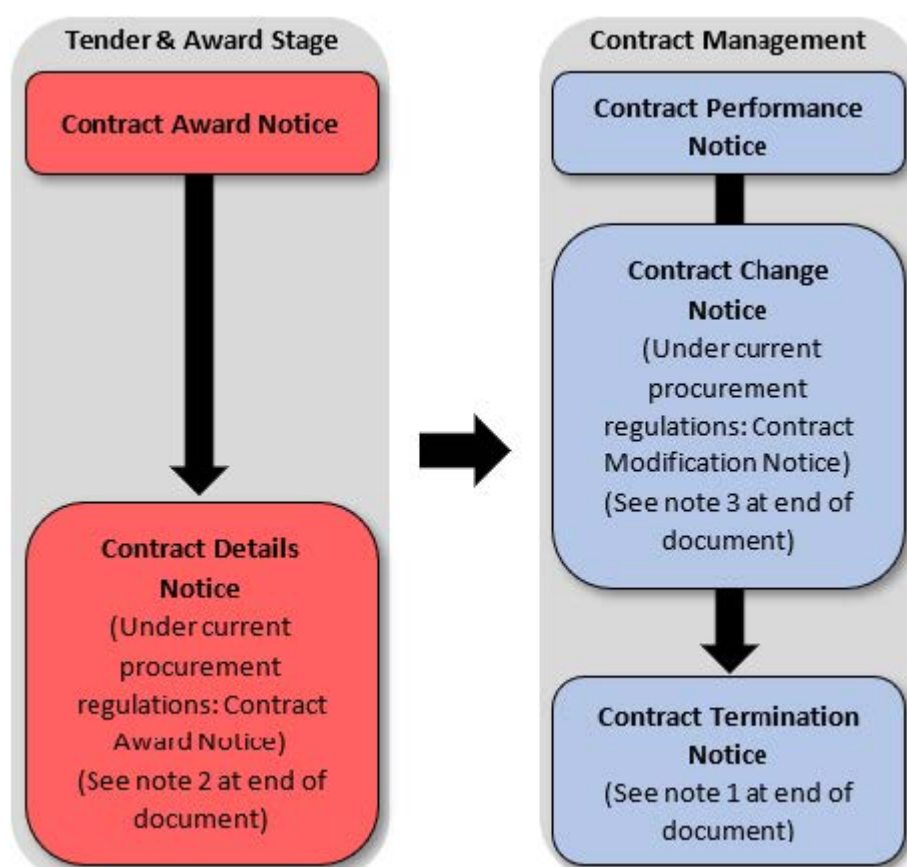
Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).



## Call-offs from Frameworks

11. The flowchart below shows the sequence of notices to be published for call-offs from frameworks.



Tender & Award Stage:

- Contract Award Stage – mandatory.
- Contract Details Notice (Under current procurement regulations: Contract

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

Award Notice) (See note 2 at end of document) – mandatory.

Contract Management:

- Contract Performance Notice - required in certain circumstances.
- Contract Change Notice (Under current procurement regulations: Contract Modification Notice) (See note 3 at end of document) - required in certain circumstances.
- Contract Termination Notice (See note 1 at end of document) - required in certain circumstances.

## Relevant guidance for Call-offs from Frameworks

- Guidance on frameworks
- Guidance on contract award notices and standstill
- Guidance on contract details notice and contract documents
- Guidance on contract performance notices
- Guidance on contract modifications
- Guidance on contract termination

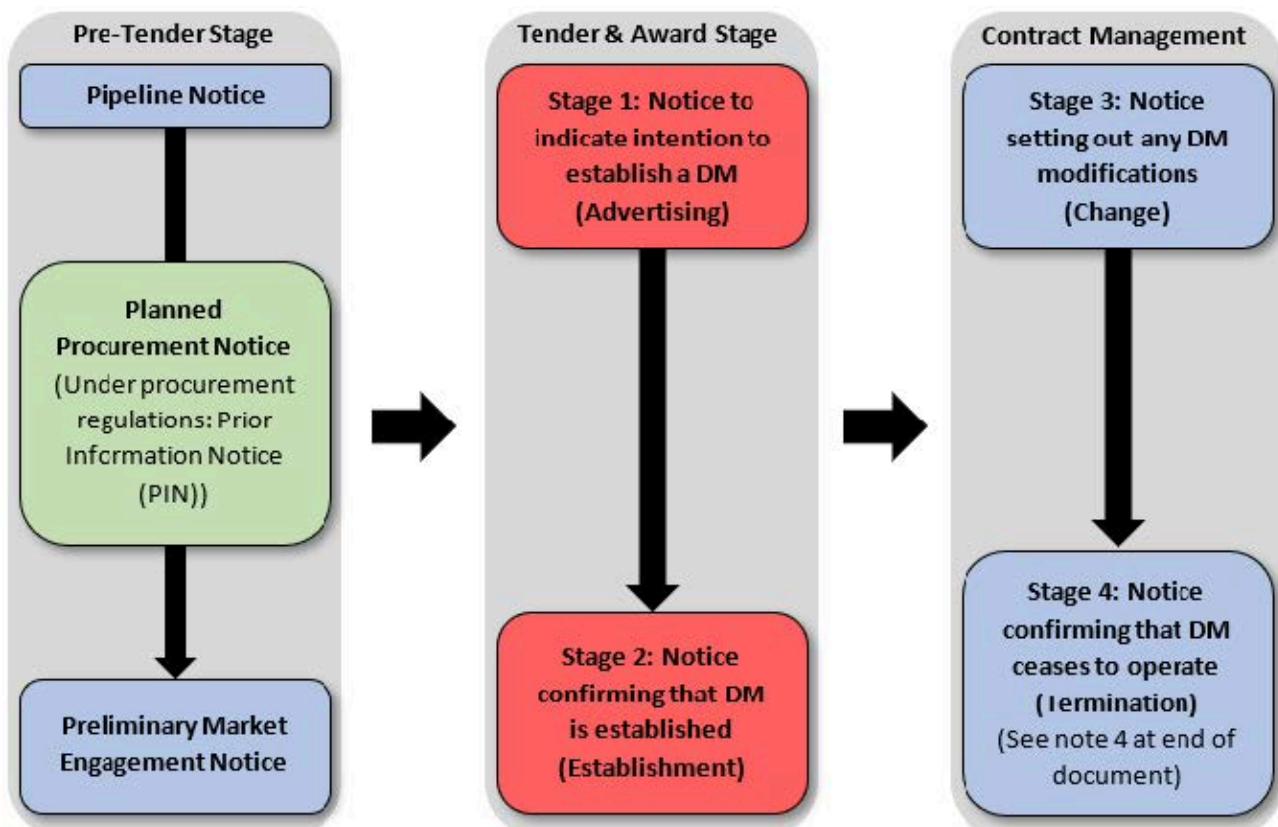
## Dynamic Markets (DM)

12. The flowchart below shows the sequence of notices to be published for dynamic markets (DM).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).



#### Pre-Tender Stage:

- Pipeline Notice - required in certain circumstances.
- Planned Procurement Notice (Under procurement regulations: Prior Information Notice (PIN)) – optional.
- Preliminary Market Engagement Notice - required in certain circumstances.

#### Tender and Award Stage:

- Stage 1: Notice to indicate intention to establish DM (Advertising) – mandatory.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

- Stage 2 Notice confirming that DM is established (Establishment) – mandatory.

#### Contract Management:

- Stage 3: Notice setting out any DM modifications (change) - required in certain circumstances.
- Stage 4: Notice confirming that DM ceases to operate (Termination) (See note 4 at end of document) - required in certain circumstances.

## Relevant guidance for Dynamic Markets (DM)

- Guidance on pipeline notice
- Guidance on planned procurement notice
- Guidance on preliminary market engagement
- Guidance on dynamic markets

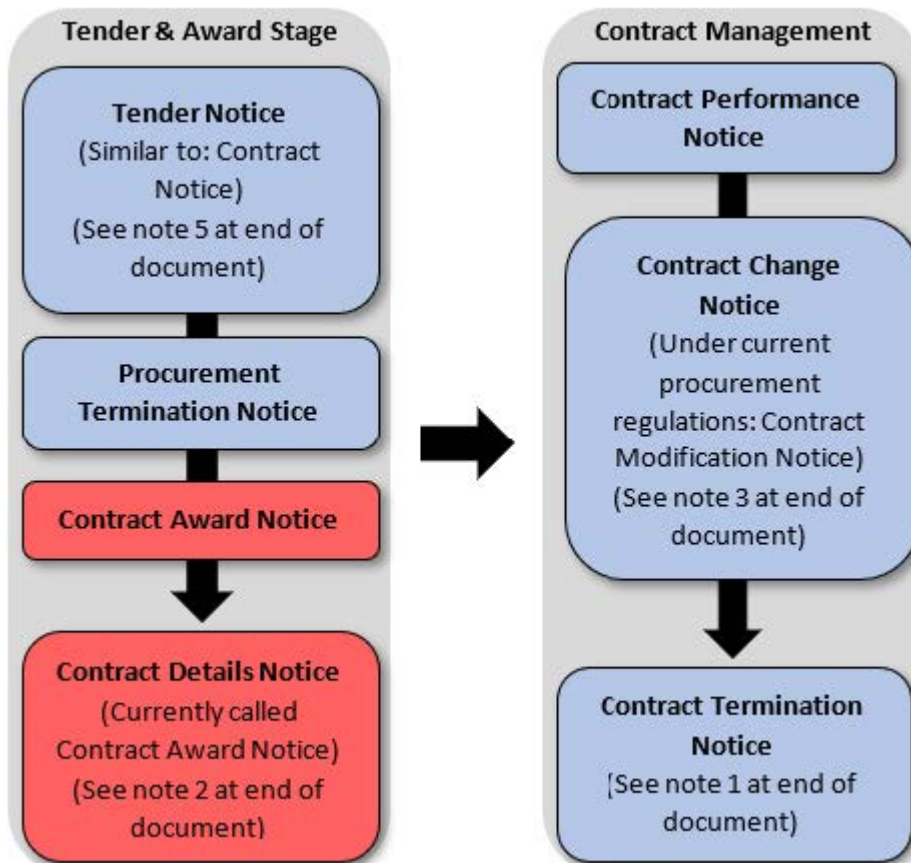
## Call-off from Dynamic Markets

13. The flowchart below shows the sequence of notices to be published for a call-off from dynamic markets.

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).



#### Tender & Award Stage:

- Tender Notice (similar to: Contract Notice) (See note 5 at end of document) - required in certain circumstances.
- Procurement Termination Notice - required in certain circumstances.
- Contract Award Notice – mandatory.
- Contract Details Notice (Currently called Contract Award Notice) (See note 2 at end of document) – mandatory.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

## Contract Management:

- Contract Performance Notice - required in certain circumstances.
- Contract Change Notice (Under current procurement regulations: Contract Modification Notice) (See note 3 at end of document) - required in certain circumstances.
- Contract Termination Notice (See note 1 at end of document) - required in certain circumstances.

## Relevant guidance for Call-offs from Dynamic Markets:

- Guidance on procurement termination notice
- Guidance on contract award notices and standstill
- Guidance on contract details notice and contract documents
- Guidance on contract performance notices
- Guidance on contract modifications
- Guidance on contract termination
- Guidance on dynamic markets

## Notes

14. Please see below notes 1 - 5 which are extracted from the Notes page in the 'Notice Flowchart' available here.

Note 1: Contract Termination Notices are compulsory for a public contract,

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (<https://www.gov.wales/copyright-statement>).

however they do not apply to private utilities, or user choice contracts (see section 41 and Schedule 5, paragraph 15 of the Act).

Note 2: Devolved Welsh 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 £5 million.

Note 3: Devolved Welsh 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 £5 million.

Note 4: The notice confirming that a Dynamic Market has ceased to operate is not required if the Dynamic Market was established by a private utility.

Note 5: A tender notice for a call off from a Dynamic Market (DM) 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 devolved Welsh authority.

**This document may not be fully accessible.**

For more information refer to our [accessibility statement](https://www.gov.wales/accessibility-statement-govwales) (https://www.gov.wales/accessibility-statement-govwales).

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-act-2023-guidance-notice-sequencing-and-flowcharts-html> for the latest version.

Get [information on copyright](https://www.gov.wales/copyright-statement) (https://www.gov.wales/copyright-statement).