

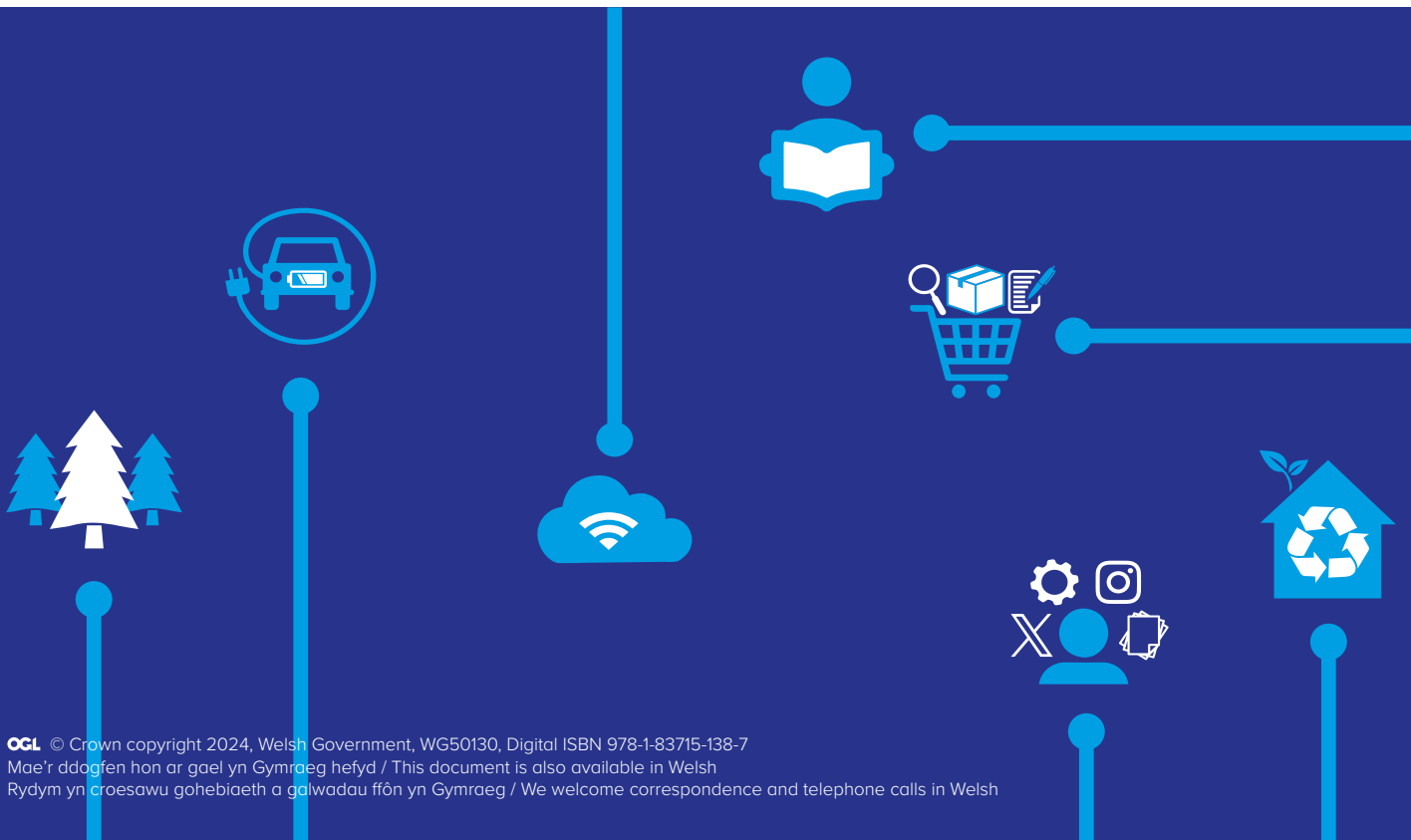


Llywodraeth Cymru  
Welsh Government

# Guidance

## Utilities Contracts

December 2024





## Guidance: Utilities Contracts

### What are utilities and utilities contracts?

1. Utilities are public authorities, public undertakings or other entities ('private utilities') that carry out 'utility activities' in the energy, water and transport sectors. They are regulated by the [Procurement Act 2023 \(the Act\)](#) when carrying out utility activities as they are not exposed to competitive forces in the market (refer to section 6(5) and 6(6) of the Act) and the UK is required by various international agreements to allow 'treaty state suppliers' with certain rights under relevant international agreements to participate in procurements for 'utilities contracts'.

### What is the legal framework that governs utilities contracts?

2. The rules governing utilities procurement in the UK are contained in the Act and replace the repealed Utilities Contracts Regulations 2016 (UCR). Utility activities and utilities contracts are defined at section 6, and utilities at section 35 of the Act.
3. Contracting authorities awarding utilities contracts are generally governed by the provisions in the Act, just like any other contracting authority. This guidance provides an overview of the specific provisions in the Act that relate to utilities.
4. It should be read alongside other guidance on the Act that applies to all contracting authorities and that will, unless otherwise set out, apply to utilities.
5. The general rule is that the Act will apply to utilities in the same way as it applies to other contracting authorities. However, there are exceptions to the general rule and some specific provisions provide additional flexibility for utilities. In some cases, these provisions apply to all utilities and in others they only apply to particular types of utilities, e.g. private utilities. These are set out at Annex A.
6. Some mixed contracts will contain elements which, if procured separately, would be subject to special rules, such as those applicable to utilities contracts. Section 10 of the Act provides for when those contracts are to be treated according to the rules that reflect the special nature of one element (i.e. when they are to be treated as a 'special regime contract' as defined in section 10), or when they are to be treated as subject to the standard rules in the Act.



## What has changed?

7. Whereas utilities contracts were previously regulated separately (under the UCR), the Act regulates utilities contracts and other types of contracts. This consolidation serves to reduce the overall volume of procurement legislation and simplifies the rules for contracting authorities.
8. Schedule 4 of the Act sets out the utility activities covered by the Act and aligns with the scope of utility activities covered by the previous legislation, with the exception of postal services which are not regulated under the Act.
9. The exemptions at Part 2 of Schedule 4 reflect the exemptions set out in three EU Commission Decisions:
  - [2006/211/EC](#),
  - [2007/141/EC](#), and
  - [2010/192/EU](#)
10. The specific utility provisions provide flexibility for utilities that reflect their commercial nature. In particular, a utilities dynamic market established under a qualifying utilities dynamic market notice will replace qualification systems in the UCR to speed up utilities procurement.
11. Utilities are the same types of bodies under the Act as were covered under the UCR.
12. Regarding the definition of a public undertaking, the express commercial operating requirement at section 2(2)(b) of the Act is a change from the UCRs where there is a control (dominant influence) requirement, but there is no express requirement that the entity operates commercially, although many do so.
13. The addition of this commercial operating requirement may mean some bodies classed as public undertakings in the UCRs may be classed as public authorities under the Act. There is generally no practical impact of this re-categorisation as the rules for public authorities and public undertakings in the Act are similar. The differences are highlighted at Annex A.



## Key points and policy intent

### Application

14. The utilities provisions in the Act apply to utilities contracts that are public contracts. A utilities contract is a public contract where:
- a. the estimated value of the contract exceeds the relevant thresholds; and
  - b. the contract is not an exempted contract.

### What is a utility?

15. The Act regulates utilities procurement carried out by public authorities, public undertakings and private utilities, referred to as utilities in the definition at section 35(4).
16. It will be for organisations to determine whether they are a public authority, public undertaking or private utility, applying the definitions in section 2(2) of the Act. It is not appropriate or possible to have a definitive list of entities as structures can be complex and change over time and entities leave and enter the sector. Utilities can range from, for example, private companies that operate electricity transmission networks to local authorities that own district heating networks.

### Public authorities and undertakings

17. **Public authorities** are funded wholly or mainly out of public funds or are subject to public authority oversight, and (in each case) do not operate on a commercial basis.
18. **Public undertakings** are subject to public authority oversight although, unlike public authorities, they do operate commercially.
19. Taking public authority oversight and operating commercially in turn:
- a. **Public authority oversight** applies equally to public authorities and public undertakings. The Act defines public authority oversight at section 2(3) as being subject to the management or control of one or more public authorities or a board of which more than half of the members are appointed by one or more public authorities.



The principle of management and control is well established and understood in procurement law and analogous within existing UK company law. The Act does not change this interpretation.

Utility regulators, such as OFGEM and OFWAT, in performing their statutory duties, are not considered to manage or control a utility. Being subject to utility regulators is therefore, by itself, not sufficient to satisfy section 2(2)(a) of the Act for public undertakings. If a utility meets the definition of a private utility then it is a private utility covered by the Act.

- b. **Operating commercially** - public undertakings operate on a commercial basis. Section 2(4) of the Act sets out examples of the factors to be taken into account in determining whether an entity operates on a commercial basis (this is not a definitive list and there may be other factors in the circumstances).

### Private utilities

- 20. Private utilities are other entities (i.e. not public authorities or public undertakings) that carry out a utility activity. Private utilities only carry out utility activities that are regulated under the Act where they have been granted a special or exclusive right to do so (refer to section 6(2)(d) of the Act).
- 21. Section 6(3) of the Act provides that carrying out a utility activity pursuant to a special or exclusive right means that the person does so pursuant to a right granted by a statutory, regulatory or administrative provision that has the effect of substantially limiting other entities (who have not been granted such a right) from carrying out those activities. Private utilities which enjoy special or exclusive rights are, to an extent, in a monopoly position and therefore could, however unlikely it is, without regulation, engage in preferential treatment that, for example, favours their own affiliates or strategic partners and discriminates against other suppliers bidding for their contracts.
- 22. Section 6(4) of the Act provides that rights are not special or exclusive when they are granted following a competitive tendering procedure under the Act or where the opportunity was adequately publicised and the rights were granted on the basis of objective, non-discriminatory criteria. However, section 6(4) does not apply if an incumbent has an existing special or exclusive right that is renewed or replaced in a manner that does not comply with the section; in this case, the new grant or replacement of the right will mean that section 6(3) applies and the supplier is a private utility under the Act.



23. Similarly, where a contract is awarded following a procedure that complies with section 6(4) (whether before or after the entry into force of the Act), but the incumbent is subsequently directly awarded a new or replacement contract, that will also amount to the grant of a special or exclusive right. An example of this is where a direct award is made to an incumbent under the public service obligations regulations (as defined at Schedule 2, paragraph 21(2) of the Act) where the original contract had been awarded following a competitive process.

#### What is a utilities contract?

24. A utilities contract is a contract for the supply of goods, services or works wholly or mainly for the purpose of a 'utility activity'.

#### What are utility activities?

25. Utility activities are defined in section 6(2) of the Act and are activities that are:
- a. specified in Part 1 of Schedule 4;
  - b. not specified in Part 2 of Schedule 4;
  - c. not carried out wholly outside of the UK; and
  - d. in the case of private utilities, are carried out pursuant to a special or exclusive right (as explained above).
26. Schedule 4 of the Act sets out the scope of utilities activities and is made up of two parts. Part 1 sets out the activities that are utility activities (and therefore covered by the Act), and Part 2 sets out the activities that are not utility activities (and are therefore not covered by the Act). In summary, utility activities are activities connected with the:
- a. provision or operation of gas and heat, electricity and water networks and the supply to those networks;
  - b. provision or operation of public transport networks, ports and airports; or
  - c. extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels.
27. In certain circumstances the supply of gas or heat, electricity and drinking water (respectively) is not a utility activity. Refer to paragraphs:
- 1(2)(c)
  - 2(2)(d), and
  - 3(4)(d) of the Act.



In order for this to be the case, conditions apply that require a calculation of the percentage of gas or heat, electricity and drinking water supplied. In each case, the Act provides that an 'appropriate authority', which is a Minister of the Crown, Welsh Ministers or a Northern Ireland department) may make regulations about how to calculate the relevant percentage.

28. Following consultation, these regulations have not been included in the Procurement (Wales) Regulations 2024 and will instead be included in another statutory instrument, expected to go live prior to the Act coming into force. This guidance will be updated to incorporate the relevant regulations.
29. The utility activities that are set out in Part 2 of Schedule 4 are summarised in Annex B. An appropriate authority may specify activities to be included in Part 2 of Schedule 4 if they are exposed to competition in open markets (refer to sections 6(5) and 6(6)) of the Act). The effect of this is that those specified activities will not be utility activities and therefore will not be regulated by the Act. Any such activities will be set out in regulations and be added to Part 2 of the Act.

#### What are the financial thresholds for utility contracts?

30. The threshold amounts are set out in Schedule 1 of the Act. The table below sets out the thresholds for utilities contracts that have applied since 1 January 2024. The thresholds in the Act reflect those in place at the time of Royal Assent and will be updated by the Procurement (Miscellaneous Amendments) (Wales) Regulations prior to the Act coming into force.

<b>Utilities contract</b>	<b>Threshold</b>
Goods	£429,809
Services	£429,809
Works	£5,372,609
Light touch	£884,720

31. The thresholds reflect the thresholds in our international agreements and are revised on the first of January of every even year to reflect currency fluctuations and inflation.



32. The rules on estimating the contract value are set out in Schedule 3 of the Act. The overriding principle is that the estimate must reflect the total likely amount the contracting authority could expect to pay under the contract, inclusive of VAT (refer to section 123(2) of the Act). Schedule 3 sets out a non-exhaustive list of what could be relevant when estimating the amount expected to be paid.

#### What exemptions are available to utilities?

33. Schedule 2 of the Act sets out the types of 'exempted contracts' to which the rules on covered procurement do not apply. Provided the relevant conditions are met, they can all be used by utilities unless stated otherwise. The exemptions that apply specifically to utilities are summarised in this guidance. For other exemptions refer to [guidance on exempted contracts](#).

#### Relevant joint adventure

34. Schedule 2, paragraph 5 of the Act exempts utilities contracts awarded by a 'relevant joint venture' to one of the joint venture members, and by a joint venture member to the relevant joint venture. A relevant joint venture is a joint venture formed for the purpose of carrying out a utility activity and comprised only of members that are utilities.
35. Utilities may come together to form a relevant joint venture to deliver a particular utility activity, for example, operation of an integrated transport system, where different utilities bring different expertise or resources, for example, financial, technical, marketing or employee. This provision would exempt, for example, a contract under which a member utility provides specialised works to the relevant joint venture in order to deliver the contract. This ensures that these arrangements remain attractive and viable, which may not be the case if utilities are required to carry out the procurements under the Act.
36. Schedule 2, paragraph 6 of the Act exempts utilities contracts awarded by a utility to a person 'affiliated' with the utility and by a utility that is a relevant joint venture to a person affiliated with any member of that joint venture. Utilities may be part of a group where it or a company at the top of the structure (the parent company) owns (either directly or indirectly) one or more subsidiaries beneath it.
37. Schedule 2, paragraph 6 of the Act also provides that a person is affiliated with another if the person falls within the definition of a 'group undertaking' of the other person, as that term is defined in section 1161(5) of the [Companies Act 2006](#).





38. This is the case regardless of whether either of them is an 'undertaking' as defined in section 1161(1) of the Companies Act. In summary, a relationship between affiliates arises where, in relation to an 'undertaking (A)', another undertaking is:
- a. a parent undertaking or a subsidiary undertaking of undertaking (A); or
  - b. a subsidiary undertaking of any parent undertaking of undertaking (A).
39. The terms 'subsidiary undertaking' and 'parent undertaking' are defined in section 1162 of the Companies Act. By applying those terms when considering what is meant by a group undertaking under section 1161(5) of the Companies Act, the affiliates exemption would be available (provided all of the relevant requirements are met), for example, to utilities contracts awarded by:
- a. a utility to its subsidiary;
  - b. a utility that is itself a subsidiary, to a fellow subsidiary controlled by the same parent (sometimes referred to as a 'sister' subsidiary); and
  - c. a utility ('utility A') to a subsidiary controlled by utility A's subsidiary (sometimes referred to as a 'grandchild' subsidiary).
40. The exemption applies only where the 'turnover test' at paragraph 6(3) of Schedule 2 of the Act is met. The turnover test ensures that the exemption cannot be abused by providing that it applies only when the provision of goods, services or works to the utility and others affiliated with the utility is a substantial part of the affiliated person's business.
41. The turnover test requires a calculation of the percentage of the relevant turnovers comprising the 'affiliated turnover amount' as a percentage of their total turnover amount.
42. The Act provides that an appropriate authority may make regulations about how to calculate a person's affiliated turnover amount and total turnover amount. Following consultation, these provisions have not been included in the Regulations and will instead be included in the Procurement (Miscellaneous Amendments) (Wales) Regulations, which are expected to go live prior to the Act coming into force. This guidance will be updated to incorporate the relevant regulations.
43. Schedule 2, paragraph 21 of the Act exempts contracts for public passenger transport services that are awarded under separate legislation; the legislation is specified at section 136(11) of the [Railways Act 1993](#). The practical effect of this exemption is that the rules on covered procurement do not apply to the award of contracts for rail and metro, and rail and metro concessions, although they do apply to contracts for bus and tram that are not concessions.



44. Schedule 2, paragraph 37 of the Act exempts concession contracts for public passenger transport services.
45. Schedule 2, paragraph 31 of the Act exempts utilities contracts awarded for the purpose of further sale or lease to third parties, provided the utility does not have a special or exclusive right to sell or lease the goods, services or works purchased and the market is open. The reason for this exemption is that the purpose of acquiring the goods, services or works is not for the utility to carry out a utility activity itself. This exemption is not available where the utility awarding the contract is acting as a central purchasing authority.
46. Schedule 2, paragraph 32 of the Act exempts utilities contracts for the purchase of water awarded by utilities carrying out a utility activity in Schedule 4, paragraph 3(1) (provision or operation of a fixed network or the supply of drinking water to such a fixed network).
47. Paragraph 33 of the Act exempts utilities contracts for purchases of energy, or fuel for the production of energy, awarded by utilities carrying out a utility activity in Schedule 4, paragraphs 1, 2 or 6 (gas and heat, electricity and extraction of oil and gas and exploration for, or extraction of, coal or other solid fuels). The exemption applies only to purchases of energy or fuel for the production of energy, and not to purchases made for other reasons, e.g. purchases of fuel for transport purposes unrelated to the utility activity.
48. Paragraph 34 of the Act exempts contracts for the purpose of the activities set out in Part 2 of Schedule 4, that would be utility activities if they were not set out in Part 2.

## Carrying out utilities procurement, including under utilities dynamic markets

### Excluding suppliers from a competitive tendering procedure

49. With the exception of private utilities, the provisions in the Act relating to excluded and excludable suppliers apply to procurements carried out by utilities in the same way as they apply to other contracting authorities.
50. For private utilities, any reference in the Act to excluded suppliers is treated as a reference to excludable suppliers and any reference to excludable suppliers is treated as including excluded suppliers (refer to section 57(4)). This means that private utilities can treat suppliers subject to a mandatory exclusion ground as being subject to a discretionary exclusion ground.



## Competitive tendering procedures

51. Generally, contracting authorities awarding utilities contracts must use the same procurement procedures as are used by other contracting authorities. Section 20 of the Act sets out the provisions relating to competitive tendering procedures. Please refer to the guidance on [competitive tendering procedures](#) for more information.

## Direct award

52. Section 41 of the Act permits a contracting authority to award a contract directly, without first running a competitive tendering procedure when a direct award justification applies. Direct award justifications are set out in Schedule 5 of the Act. Please refer to the guidance on direct award for more information.

## Utilities dynamic markets (refer also to guidance on dynamic markets)

53. Sections 34 and 35 of the Act provide that dynamic markets, including utilities dynamic markets, may be established and contracts may be awarded to suppliers on dynamic markets following a competitive flexible procedure.
54. Dynamic markets are essentially up to date lists of suppliers that have met the conditions necessary to participate in procurements for the award of the types of contracts covered by the market. Suppliers must be able to apply at any time to be admitted to the market and if successful, be admitted as soon as reasonably practicable (refer to section 36(6)(a) and (c)).
55. A utilities dynamic market is a dynamic market established solely for the award of utilities contracts by utilities. This means that any reference in the Act to a dynamic market includes a utilities dynamic market, unless it is stated not to (but references to utilities dynamic markets do not include other dynamic markets).
56. Section 35(3) of the Act allows utilities to award utilities contracts under a utilities dynamic market established by any person (which would include a person that is not a contracting authority under the Act, e.g. a private company who provides qualification services), provided the market has been established in accordance with the rules in the Act applicable to utilities dynamic markets established by private utilities.
57. Section 36 of the Act sets out how suppliers can become members of dynamic markets. Section 36(1) of the Act allows contracting authorities to set conditions of membership that suppliers must meet in order to be admitted to a dynamic market. The conditions of membership must be a proportionate way of assessing



suppliers' legal and financial capacity and technical ability to deliver contracts that might be awarded under the market.

58. Section 38 of the Act allows contracting authorities to charge fees to suppliers. For utilities dynamic markets, fees can only be charged in connection with obtaining and maintaining membership of the market. For other dynamic markets, fees can only be charged to suppliers that are awarded a contract under a dynamic market and not for membership.
59. Section 39 of the Act deals with various dynamic market notices. These apply to all contracting authorities, including utilities, except in the case of the notice required under section 39(5) relating to the market ceasing to operate. In this instance, private utilities are not required to publish a notice.

#### Qualifying utilities dynamic market notice

60. A utilities dynamic market established under a qualifying utilities dynamic market notice permits utilities to limit participation in competitive flexible procedures to suppliers that are registered on the market. Suppliers are able to apply to be admitted to the market at any time.
61. Section 40 of the Act has the effect of speeding up procurements and reducing the burden for utilities procuring under a utilities dynamic market that has been established using a qualifying utilities dynamic market notice.
62. Where this notice is used, utilities are required to provide tender notices for upcoming procurements to suppliers already on the utilities dynamic market, or appropriate part of the utilities dynamic market, instead of publishing the notice (which is the case for other dynamic markets). In practice, that means utilities can, for example, provide the tender notice to suppliers on the utilities dynamic market as part of the associated tender documents as each procurement under the utilities dynamic markets is commenced.
63. In order to take advantage of this flexibility, the qualifying utilities dynamic market notice must specify that only members of the utilities dynamic market will be provided with tender notices and meet minimum information requirements, which are set out in the Regulations (refer to section 40(6) of the Act). New members joining the utilities dynamic market are entitled to receive future tender notices.



## Reduced timescales for utilities

64. Sections 54(4) and 54(5) of the Act allow shorter time periods for submission of tenders in procurements carried out by utilities where the suppliers are 'pre-selected suppliers'. Suppliers are pre-selected suppliers where they are invited to submit a tender after previously satisfying conditions of participation as part of a competitive tendering procedure or where they are on a utilities dynamic market and invited to submit a tender for a procurement under the utilities dynamic market.
65. Under section 54 of the Act, utilities can agree a suitable time period with all pre-selected suppliers (in which case there is no minimum time period); or, in the absence of agreement, set a time period that must be at least 10 days.

## Frameworks

66. Section 47 of the Act sets out the maximum term for frameworks. It provides under section 47(1)(a) that the maximum term for a 'utilities framework' awarded by a public authority or public undertaking (or for a defence and security framework) is eight years.
67. There is no maximum term for frameworks awarded by private utilities (refer to section 47(5)(b) of the Act).
68. The Act defines under section 47(4)(b) a utilities framework as a framework that provides for the future award of public contracts that are utilities contracts and no other public contracts.
69. The maximum term for frameworks that are not utilities frameworks (or defence and security frameworks) is four years. The longer term reflects the complexities of the defence and utilities markets, where longer terms are more appropriate.
70. In all cases, the maximum term may be longer if the contracting authority considers the nature of the goods, services or works to be supplied under contracts awarded under the framework means a longer term is required.

## Standstill

71. Section 50 of the Act requires contracting authorities to publish a contract award notice before entering into a public contract. The notice will include details about the outcome of the procurement, alert the market to the fact that a contract is to be entered into and, where there is one, start the relevant standstill period.



72. Section 51 of the Act deals with the standstill period. The standstill period commences on the day the contract award notice is published and the minimum period for the 'mandatory standstill period' is eight working days. The standstill period may be longer if a longer period is set out in the contract award notice (refer to section 51(1) of the Act).
73. The standstill period is a mandatory pause before the contracting authority can enter into the contract, although there are certain exceptions as set out in section 51(3) of the Act. This includes where a direct award is made by a private utility. Private utilities may, in these circumstances, choose to apply a voluntary standstill period by setting this out in the contract award notice.
74. Where a voluntary standstill period is implemented, section 51(4) of the Act sets out that it must be fully observed, and the contract not entered into before the expiry of the period. Any voluntary standstill period must not be less than eight working days beginning on the day the contract award notice is published, and can be longer if it is appropriate to do so.

### What are the primary notices linked to this aspect of the Act?

75. Utilities procurement is generally governed by the same notice requirements as other procurement under the Act including, for example, the publication of a contract award notice for contracts awarded under a utilities framework.
76. Particular rules apply when a utilities dynamic market is established by reference to a qualifying utilities dynamic market notice. There are further exemptions from certain provisions or publication requirements for utilities or private utilities which are set out below.

### Tender notice

77. Utilities dynamic markets may be established using a:
- a. dynamic market notice, in the usual way (refer to section 39 of the Act); or
  - b. qualifying utilities dynamic market notice (refer to section 40 of the Act).
78. Section 40(2) of the Act provides an exception to the duty to publish a tender notice as part of an open procedure or competitive flexible procedure when contracts are procured under a utilities dynamic market established by reference to a qualifying utilities dynamic market notice.
79. Section 40(2) provides that the tender notice must instead be provided to all suppliers that are members of the dynamic market, or the relevant part of the



market, and provides discretion to provide a tender notice to suppliers that are still being considered for membership of the utilities dynamic market or part of the market.

80. The effect of section 40(4) of the Act is that in the case of a utilities dynamic market established by reference to a qualifying utilities dynamic market notice, the tender notice provided to suppliers, associated tender documents or qualifying utilities dynamic market notice must contain the level of sufficiency of information required by section 21(5) of the Act in order to invite suppliers to submit a tender.
81. Section 40(5) of the Act provides that, for a dynamic market that has been established by reference to a qualifying utilities dynamic market notice, there is no obligation for contracting authorities to consider new applications for membership of a utilities dynamic market, or part of a market, before excluding suppliers or disregarding tenders because the supplier is not a member of the market.
82. As set out in section 40(7) of the Act, references elsewhere in the Act to 'publication of a tender notice' include the provision of a tender notice to suppliers on, or applying to be admitted to, a utilities dynamic market.

#### Qualifying utilities dynamic market notice

83. Section 40(6) of the Act provides that in the case of a qualifying utilities dynamic market notice, the notice must include a statement that only members of the market will be notified of a future intention to award a contract under the utilities dynamic market (because a tender notice is not published).
84. Regulation 26(2)(i) of the Regulations requires that the notice must include as much of the information as would be published in any tender notice under regulation 22(2), to the extent that this is available at the time the qualifying utilities dynamic market notice is published.
85. When providing a tender notice to the members of the dynamic market, only information that has not already been provided in the qualifying utilities dynamic market notice will need to be included in the tender notice.





## Exemptions to publish notices for private utilities

86. Private utilities are not required to publish the following:

<b>Publication exemptions</b>	<b>Sections of the Act</b>
Preliminary market engagement notices	Section 17 of the Act has been amended by the Procurement (Wales) Regulations 2024 to disapply this section for private utilities
Notices specifying that a dynamic market has ceased to operate	Refer to section 39(6) of the Act
Key performance indicators	Section 52(6)(b) of the Act provides that the requirement to set and publish key performance indicators does not apply to utilities contracts awarded by a private utility
Contract details notices or Contracts	Refer to section 53(6)(a) of the Act
Procurement termination notices	Refer to section 55(3) of the Act
Payments compliance notices	Refer to section 69(6)(b) of the Act
Information about payments under public contracts	Refer to section 70(4)(a) of the Act
Contract change notices	Section 75(6)(c) of the Act provides that the requirement to publish a contract change notice prior to modifying a public contract or a 'convertible contract' (refer to section 74(1) of the Act) does not apply to a private utility
A copy of a modified contract or the relevant modification.	Only 'qualifying modifications' must be published and modifications to contracts awarded by private utilities do not fall within this definition because there is no requirement to publish a contract change notice (refer to section 77 of the Act)
Contract termination notices	Refer to section 80(4)(a) of the Act
Pipeline notices	Refer to section 93(6) of the Act





## Procurement (Wales) Regulations 2024

87. The Regulations include provisions on the contents of the different procurement notices established under the Act. There are some differences in the notice contents for utilities contracts (and also private utilities). Details of these can be found in Annex A.

### What other guidance is of particular relevance to this topic area?

88. Utilities will need to understand the whole of the Act, as, save for minor differences in the provisions, it applies equally to utilities and utility contracts as to contracting authorities awarding other types of contract.