

# Procurement Act 2023

Changes to public sector procurement legislation



# Background

- The Procurement Act 2023 is a new set of rules which govern the procurement of goods, services and/or works in the public sector (other than Health Care services covered by the Provider Selection Regime).
- The new Act and supplementary Procurement Regulations 2024 were set to come in to force on 28 October 2024 but have been delayed to 24 February 2025.



# Transition

- Contracts entered in to, or advertised as a tender prior to, 24 February 2025 will be administered by the current legislation (Public Contracts Regulations 2015) and will not be subject to the requirements of the Act.
- For the next 14 years (min.), the Council will be administering contracts under multiple sets of public sector procurement legislation (including PCR2015, CCR2016, PSR, PA2023).



# Changes

- 4 competitive processes amalgamated into 2 – Open Procedure and Competitive Flexible Procedure, giving Authorities flexibility in designing competitions “to drive innovation and VfM”.
- MEAT to MAT
- Changes to timescales
- Establishment of ‘Open’ Frameworks
- Introduction of Dynamic Markets (no longer Dynamic Purchasing System) – significantly impacts Local Authorities.



# Changes continued...

- Significantly increased transparency notice regime.
- Introduction of debarment list and expanded supplier exclusion grounds.
- Pipeline publication.
- National Procurement Policy Statement and duty to consider the priorities in procurement activity.
- Duty to consider barriers to entry for below threshold procurement exercises.



# Transparency, transparency, transparency

- New notice regime expands current requirement of 5 notice types (Contract Notice, Contract Award Notice etc) to 14, covering multiple stages of procurement and contract management.
- Increased payments compliance notice requirements, also requiring Finance Director sign off.
- Requirement to publish copy of contract, KPIs and KPI performance for contracts valued over £5m.



# Governance and document requirements

- Changes to Contract Procedure Rules (Council Oct. 24)
- Updated PROC suite
  - Updated tender suite
- Updated associated documents (letters, templates, guidance)
  - Updated T&Cs to embed implied terms
  - Roll out of below-threshold templates
  - Ongoing KPI monitoring of contracts
  - Establishment of expanded procurement pipeline
  - Contract Management Framework refresh
  - Procurement Strategy refresh

