



‘Transforming Public Procurement’

PROCUREMENT ACT 2023

**Go live date – 24th February 2025
(put back from 28th October 2024)**

New Procurement Legislation



Previous Government's agenda: *'Transforming Public Procurement (TPP)'*

'The reforms will shake up our outdated system and improve the way procurement is done, so that every pound goes further for our public service'

Reality: *'Brexit was in 2016 so we shouldn't still be under EU procurement law'*

New Procurement Act 2023 to show UK in charge of its own destiny
- repeals the Public Contracts Regulations 2015

Largely re-enacts EU law: small number of substantive changes

Cabinet Office Agenda



Cabinet Office statement

The new legislation is designed to:

'Streamline processes, enhance transparency, stimulate innovation, enhance accountability and create a more inclusive and competitive environment for suppliers of all sizes'

The Reality.

- small number of substantive improvements
- increased central control
- increased administrative burden

Changes For Contracting Authorities

Pre-market engagement now a requirement

Planned Procurement Notice

- Informing the market a tender is to be published

Publish procurement 18-month pipeline at start of each year

- Best practice for all procurements over £10K

Procurements can be restricted to:

- Public Service Mutuels: ex-public sector organisations still delivering public services
- Suppliers in a Council's county area
 - = Greater Manchester: can't restrict to just Bury MBC

Changes For Contracting Authorities

Simplified procedures - 8 reduced to 2

- Open Procedure
 - Competitive Flexible Procedure
- = must be proportionate to supply base, transparent, fair and non-discriminatory

New selection test MAT: Most Advantageous Tender

- This is a Best Value test
- Mix of Price, Quality and Social Value
- Price Only not permitted

Minimum 3 KPI's - performance against them to be published annually

- Serious incidents of poor performance to be reported

Changes For Contracting Authorities

Notices up from 4 to 14 served during 6 stages of procurement process

- Planning, Tender, Award, Contract Management, Implementation and Contract End

Contracts above £5M to be published within 90 days

Substantial modifications to be published

Direct Awards above £5M to be published

- Alerts the market, increases risk of challenge

Payment compliance statistics notices to be served

Enhanced Procurement Review Unit in Cabinet Office