

Procurement Act Snapshot

Our quick overview of the changes you need to be aware of in the new procurement regime for England, Wales and NI.

Single Act



in place of multiple existing sources. The objective is not just a simplified regime but 'plain English' provisions, moving away from existing EU terms, to be fleshed out by (presently unpublished) Regulations and guidance beneath it.

Overhauled exclusions regime

based around concepts of 'excluded' and 'excludable' suppliers (or 'associated suppliers') and a centralised Debarment List (including processes for additions, removals and appeals from the list).



Principles and objectives



which permeate through the Act and substantively differ from current core principles. In particular Contracting Authorities will have to show they 'had regard' to specific procurement 'objectives' when taking decisions.

Multitude of Notices

The Act envisages some 18 new or changed notices, each with their own format, prescribed content, & publication / notice requirements, said to be 'the foundations for the new standards of transparency'.



Conditions & criteria



for competitions retain a level of continuity with the current regime but with some simplifications in the language around what is permissible.

Procurement oversight

giving 'appropriate authorities' power to require contracting authorities to provide information in order to investigate compliance with the Act.



In-life contract management



A 'procurement' will expressly include subsequent management of the awarded contract, including circumstances where KPIs must be set, monitored and publically reported.

In-life contract modification

An expanded set of circumstances in which modifications can be made, but allied to a regime requiring (in most cases) notification of the modifications and of the specific grounds relied upon.



More flexible procedures



A single 'competitive flexible procedure' much lighter on prescriptive steps allowing greater room for design on a case by case basis and opportunities for reducing procurement timeframes.

An expanded set of Direct Award justifications, 'Open Frameworks' (suppliers can join while live) & Dynamic Markets.

New definitions

including for fundamental concepts, defining what is a 'public authority' 'procurement' and 'public contract', with impacts that span across the new Act.



Find out how we can help you prepare for the new regime with our newsletter and training offerings by contacting procurement@burgess-salmon.com.