

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Procurement Act 2023, SCHEDULE 3 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

PROSPECTIVE

SCHEDULE 3

Section 4

ESTIMATING THE VALUE OF A CONTRACT

General rule

- 1 (1) A contracting authority must estimate the value of a contract as the maximum amount it could expect to pay under the contract including, where applicable, amounts already paid.
- (2) The amount a contracting authority could expect to pay includes the following—
 - (a) the value of any goods, services or works provided by the contracting authority under the contract other than for payment;
 - (b) amounts that would be payable if an option in the contract to supply additional goods, services or works were exercised;
 - (c) amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised;
 - (d) amounts representing premiums, fees, commissions or interest that could be payable under the contract;
 - (e) amounts representing prizes or payments that could be payable to participants in the procurement.
- (3) In estimating the value of a contract, a contracting authority must take into account all of the facts which are material to the estimate and available to the authority at the time it makes the estimate.
- (4) This paragraph is subject to the rest of this Schedule.

Commencement Information

- II** Sch. 3 para. 1 not in force at Royal Assent, see [s. 127\(2\)](#)

Frameworks

- 2 (1) A contracting authority must estimate the value of a framework as the sum of the estimated values of all the contracts that have or may be awarded in accordance with that framework.
- (2) In the case of a framework awarded under an open framework, the value of the framework is to be treated as including the value of all frameworks awarded, or to be awarded, under the open framework.
- (3) In this Schedule, “framework” has the meaning given in section 45(2).

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Commencement Information

I2 Sch. 3 para. 2 not in force at Royal Assent, see [s. 127\(2\)](#)

Concession contracts

- 3 (1) Paragraph 1 does not apply to the estimation of the value of a concession contract.
- (2) A contracting authority must estimate the value of a concession contract as the maximum amount the supplier could expect to receive under or in connection with the contract including, where applicable, amounts already received.
- (3) The amount a supplier could expect to receive includes the following—
- (a) amounts representing revenue (whether monetary or non-monetary) receivable pursuant to the exploitation of the works or services to which the contract relates (whether from the contracting authority or otherwise);
 - (b) the value of any goods, services or works provided by the contracting authority under the contract other than for payment;
 - (c) amounts that would be receivable if an option in the contract to supply additional services or works were exercised;
 - (d) amounts that would be receivable if an option in the contract to extend or renew the term of the contract were exercised;
 - (e) amounts representing premiums, fees, commissions or interest that could be receivable under the contract;
 - (f) amounts received on the sale of assets held by the supplier under the contract.

Commencement Information

I3 Sch. 3 para. 3 not in force at Royal Assent, see [s. 127\(2\)](#)

Anti-avoidance

- 4 (1) Sub-paragraph (2) applies where—
- (a) a contracting authority estimates the value of two or more contracts, and
 - (b) the goods, services or works to be supplied under the contracts could reasonably be supplied under a single contract.
- (2) The contracting authority must estimate the value of each of the contracts as including the value of all of the contracts, unless the authority has good reasons not to do so.

Commencement Information

I4 Sch. 3 para. 4 not in force at Royal Assent, see [s. 127\(2\)](#)

Cases where estimate not possible

- 5 If a contracting authority is unable to estimate the value of a contract in accordance with this Schedule (for example because the duration of the contract is unknown),

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the authority is to be treated as having estimated the value of the contract as an amount of more than the threshold amount for the type of contract.

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Commencement Information

I5 Sch. 3 para. 5 not in force at Royal Assent, see [s. 127\(2\)](#)

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Changes and effects yet to be applied to :

- Sch. 3 para. 1 coming into force by [S.I. 2024/716 Sch.](#)
- Sch. 3 para. 2 coming into force by [S.I. 2024/716 Sch.](#)
- Sch. 3 para. 3 coming into force by [S.I. 2024/716 Sch.](#)
- Sch. 3 para. 4 coming into force by [S.I. 2024/716 Sch.](#)
- Sch. 3 para. 5 coming into force by [S.I. 2024/716 Sch.](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded by [S.I. 2024/692 reg. 43](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 115A inserted by [S.I. 2024/692 reg. 47\(3\)](#)
- Sch. 9A inserted by [S.I. 2024/692 reg. 47\(4\)](#)