



Procurement Act 2023

2023 CHAPTER 54

PART 3

AWARD OF PUBLIC CONTRACTS AND PROCEDURES

CHAPTER 5

AFTER AWARD, STANDSTILL PERIODS AND NOTICES

50 Contract award notices and assessment summaries

- (1) Before entering into a public contract, a contracting authority must publish a contract award notice.
- (2) A “contract award notice” means a notice setting out—
 - (a) that the contracting authority intends to enter into a contract, and
 - (b) any other information specified in regulations under section 95.
- (3) Before publishing a contract award notice in respect of a contract awarded under section 19 (award following competitive tendering procedure), a contracting authority must provide an assessment summary to each supplier that submitted an assessed tender.
- (4) An “assessment summary” means, in relation to an assessed tender, information about the contracting authority’s assessment of—
 - (a) the tender, and
 - (b) if different, the most advantageous tender submitted in respect of the contract.
- (5) In this section, an “assessed tender” is a tender which—
 - (a) was submitted in respect of the contract and assessed for the purposes of determining the most advantageous tender under section 19(1), and
 - (b) was not disregarded in the assessment of tenders.
- (6) Subsection (1) does not apply in relation to—

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- (a) a defence and security contract awarded under a defence and security framework;
- (b) a contract awarded under section 41 by reference to paragraph 15 of Schedule 5 (direct award: user choice contracts).

51 Standstill periods on the award of contracts

- (1) A contracting authority may not enter into a public contract before—
 - (a) the end of the mandatory standstill period, or
 - (b) if later, the end of another standstill period provided for in the contract award notice.
- (2) The “mandatory standstill period” is the period of eight working days beginning with the day on which a contract award notice is published in respect of the contract.
- (3) Subsection (1) does not apply in relation to a contract that is—
 - (a) awarded under section 41 by reference to paragraph 13 of Schedule 5 (direct award: extreme and unavoidable urgency);
 - (b) awarded under section 41 by reference to regulations under section 42 (direct award to protect life, etc);
 - (c) awarded under section 41 or 43 (direct award and switching to direct award) by a private utility;
 - (d) awarded in accordance with a framework;
 - (e) awarded by reference to a dynamic market;
 - (f) a light touch contract.
- (4) If a contract is of a kind described in subsection (3), a contracting authority may not enter into the contract before the end of any standstill period (a “voluntary standstill period”) provided for in the contract award notice.
- (5) A voluntary standstill period may not be less than a period of eight working days beginning with the day on which the contract award notice is published.

52 Key performance indicators

- (1) Before entering into a public contract with an estimated value of more than £5 million, a contracting authority must set at least three key performance indicators in respect of the contract.
- (2) Subsection (1) does not apply if the contracting authority considers that the supplier’s performance under the contract could not appropriately be assessed by reference to key performance indicators.
- (3) A contracting authority must publish any key performance indicators set under subsection (1).
- (4) A “key performance indicator” is a factor or measure against which a supplier’s performance of a contract can be assessed during the life-cycle of the contract.
- (5) An appropriate authority may by regulations amend this section for the purpose of changing the financial threshold.
- (6) This section does not apply in relation to a public contract that is—
 - (a) a framework,

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- (b) a utilities contract awarded by a private utility,
 - (c) a concession contract, or
 - (d) a light touch contract.
- (7) See section 71 for provision about assessing performance against, and publishing information about, key performance indicators.

53 Contract details notices and publication of contracts

- (1) A contracting authority that enters into a public contract must publish a contract details notice—
- (a) if the contract is a light touch contract, before the end of the period of 120 days beginning with the day on which the contract is entered into;
 - (b) otherwise, before the end of the period of 30 days beginning with the day on which the contract is entered into.
- (2) A “contract details notice” means a notice setting out—
- (a) that the contracting authority has entered into a contract, and
 - (b) any other information specified in regulations under section 95.
- (3) A contracting authority that enters into a public contract with an estimated value of more than £5 million must publish a copy of the contract—
- (a) if the contract is a light touch contract, before the end of the period of 180 days beginning with the day on which the contract is entered into;
 - (b) otherwise, before the end of the period of 90 days beginning with the day on which the contract is entered into.
- (4) Subsection (3) does not apply in relation to a contract—
- (a) awarded by a devolved Welsh authority or a transferred Northern Ireland authority, unless it is awarded under a reserved procurement arrangement, or
 - (b) awarded under a devolved Welsh procurement arrangement or a transferred Northern Ireland procurement arrangement.
- (5) A Minister of the Crown may by regulations amend this section for the purpose of changing the financial threshold.
- (6) This section does not apply—
- (a) to private utilities, or
 - (b) in relation to a contract awarded under section 41 by reference to paragraph 15 of Schedule 5 (direct award: user choice contracts).