

Status: This version of this provision is prospective.

Changes to legislation: Procurement Act 2023, Section 27 is up to date with all changes known to be in force on or before 07 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



Procurement Act 2023

2023 CHAPTER 54

PART 3

AWARD OF PUBLIC CONTRACTS AND PROCEDURES

CHAPTER 2

COMPETITIVE AWARD

Exclusions and modifications

PROSPECTIVE

27 Excluding suppliers from a competitive flexible procedure

- (1) Before permitting a supplier to participate in a competitive flexible procedure, a contracting authority must determine whether the supplier is—
 - (a) an excluded supplier, or
 - (b) an excludable supplier.
- (2) The contracting authority must exclude an excluded supplier from participating in, or progressing as part of, the competitive flexible procedure.
- (3) The contracting authority may exclude an excludable supplier from participating in, or progressing as part of, the competitive flexible procedure.
- (4) Before excluding a supplier that is an excluded supplier or excludable supplier only by virtue of an associated person, a contracting authority must—
 - (a) notify the supplier of its intention, and
 - (b) provide the supplier with reasonable opportunity to replace the associated person.

Status: This version of this provision is prospective.

Changes to legislation: Procurement Act 2023, Section 27 is up to date with all changes known to be in force on or before 07 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](#)

- (5) In this section, a reference to a supplier participating in a competitive flexible procedure is a reference to a supplier participating beyond the initial submission of tenders or requests to participate.

Commencement Information

- II** S. 27 not in force at Royal Assent, see [s. 127\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

Procurement Act 2023, Section 27 is up to date with all changes known to be in force on or before 07 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 27 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\(4\)](#)