



# Procurement Act 2023

## 2023 CHAPTER 54

### PART 3

#### AWARD OF PUBLIC CONTRACTS AND PROCEDURES

### CHAPTER 6

#### GENERAL PROVISION ABOUT AWARD AND PROCEDURES

#### *Technical specifications*

#### **56 Technical specifications**

- (1) This section applies in relation to—
  - (a) a competitive tendering procedure;
  - (b) an award of a public contract in accordance with a framework;
  - (c) a process to become a member of a dynamic market.
- (2) The procurement documents may not refer to design, a particular licensing model or a description of characteristics in circumstances where they could appropriately refer to performance or functional requirements.
- (3) The procurement documents may not refer to a United Kingdom standard unless—
  - (a) the standard adopts an internationally-recognised equivalent, or
  - (b) there is no internationally-recognised equivalent.
- (4) If the procurement documents refer to a United Kingdom standard, they must provide that tenders, proposals or applications that the contracting authority considers satisfy an equivalent standard from another state, territory or organisation of states or territories will be treated as having satisfied the United Kingdom standard.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) In considering whether a standard is equivalent to a United Kingdom standard for the purposes of subsection (4), a contracting authority may have regard to the authority's purpose in referring to the standard.
- (6) A contracting authority may require certification, or other evidence, for the purpose of satisfying itself that a standard is satisfied or equivalent.
- (7) Unless the contracting authority considers it necessary in order to make its requirements understood, the procurement documents may not refer to a particular—
- (a) trademark, trade name, patent, design or type,
  - (b) place of origin, or
  - (c) producer or supplier.
- (8) If the matters mentioned in subsection (7) are referred to, the procurement documents must also provide that tenders, proposals or applications demonstrating equivalent quality or performance will not be disadvantaged.
- (9) In this section—
- “procurement documents” means—
- (a) the tender notice or associated tender documents, including any requirements of a competitive tendering procedure, conditions of participation or award criteria;
  - (b) documents inviting suppliers to participate in a competitive selection process under a framework, including details of the process, any conditions of participation or criteria for the award of the contract;
  - (c) documents inviting suppliers to apply for membership of a dynamic market, including any conditions for membership;
- “United Kingdom standard” means a standard that is—
- (a) set by the British Standards Institution, or
  - (b) primarily developed for use in the United Kingdom, or part of the United Kingdom.