
STATUTORY INSTRUMENTS

2023 No. 1117

The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2023

Transitional provisions

5.—(1) Nothing in these Regulations affects any procurement commenced before these Regulations come into force.

(2) For the purposes of paragraph (1), a procurement is commenced before these Regulations come into force if, before that date, in accordance with the applicable Procurement Regulations—

- (a) a notice has been submitted to the UK e-notification service in order to—
 - (i) invite offers or requests to be selected to tender for or to negotiate in respect of a proposed contract, framework agreement or dynamic purchasing system; or
 - (ii) publicise an intention to hold a design contest;
- (b) the contracting authority or utility has had published any form of advertisement seeking offers or expressions of interest in a proposed contract, framework agreement or dynamic purchasing system; or
- (c) the contracting authority or utility has contacted any economic operator in order to—
 - (i) seek expressions of interest or offers in respect of a proposed contract, framework agreement or dynamic purchasing system; or
 - (ii) respond to an unsolicited expression of interest or offer received from that economic operator in relation to a proposed contract, framework agreement or dynamic purchasing system.

(3) For the purposes of this regulation, a procurement covers the whole of the procedures which, in accordance with the applicable Procurement Regulations, stem from that commencement.

(4) Procedures taken for the purpose of modifying a contract or framework agreement are not to be regarded, for the purposes of paragraph (3), as stemming from the commencement of the procurement from which the award of that contract or framework agreement had itself stemmed.

(5) A procedure commenced as described in paragraph (2)(a)(i), (b) or (c) is not to be regarded, for the purposes of paragraph (3), as stemming from the commencement of any design contest that had previously been held in relation to the subject-matter of the procurement.

(6) In this regulation—

- (a) “Procurement Regulations” means the following and, in relation to any procedure, means whichever of the following applies to that procedure—
 - (i) the Defence and Security Public Contracts Regulations 2011⁽¹⁾;
 - (ii) the Public Contracts Regulations 2015;
 - (iii) the Concession Contracts Regulations 2016;
 - (iv) the Utilities Contracts Regulations 2016;

⁽¹⁾ [S.I. 2011/1848](#). Regulation 9 (thresholds) was amended by [S.I. 2019/607](#), [S.I. 2020/1450](#) and [S.I. 2021/1221](#).

- (b) the following have the same meaning as in the applicable Procurement Regulations—
- (i) contracting authority;
 - (ii) design contest;
 - (iii) dynamic purchasing system;
 - (iv) economic operator;
 - (v) framework agreement;
 - (vi) procurement;
 - (vii) UK e-notification service;
 - (viii) utility.