
STATUTORY INSTRUMENTS

2024 No. 716

The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024

Transitional provisions relating to repeat services or works supplied under a contract awarded under the 2015 Regulations

6.—(1) This regulation applies for the purposes of determining whether a contracting authority may award a public contract directly under section 41 of the Act (direct award in special cases) in a case where—

- (a) the public contract concerns the supply of services or works by the existing supplier that are similar to existing services or works, and
- (b) the existing services or works were supplied under a public contract or framework agreement that was awarded in accordance with the 2015 Regulations.

(2) The direct award justification in paragraph 8 of Schedule 5 to the Act (direct award justifications) has effect as if—

- (a) in the words before paragraph (a), “goods,” in each place it occurs, were omitted,
- (b) in paragraph (a)—
 - (i) “goods,” were omitted, and
 - (ii) for “a competitive tendering procedure” there were substituted “regulation 26(1) and (2) of the Public Contracts Regulations 2015”,
- (c) for paragraph (b) there were substituted—
 - “(b) there was a disclosure as soon as that earlier contract was put up for tender that met the requirements of regulation 32(11) of the Public Contracts Regulations 2015.”, and
- (d) in paragraph 9 of that Schedule—
 - (i) for “paragraphs 7 and” there were substituted “paragraph”, and
 - (ii) “goods,” in each place it occurs in the first definition, and where it occurs in the second definition were omitted.

(3) In paragraph (1)—

“existing services or works” means services or works already supplied, or contracted to be supplied, to the contracting authority;

“existing supplier” means the supplier that has already supplied, or contracted to supply, the existing services or works.