
WELSH STATUTORY INSTRUMENTS

2024 No. 782

The Procurement (Wales) Regulations 2024

PART 1

Introductory

Title and coming into force

- 1.—(1) The title of these Regulations is the Procurement (Wales) Regulations 2024.
- (2) These Regulations, except for Part 1 and regulation 47(1) and (2), come into force at the same time at which section 11 of the Procurement Act 2023 comes into force for any purpose (1).
- (3) Part 1 and regulation 47(1) and (2) come into force on the day after the day on which these Regulations are made.

Application

- 2.—(1) These Regulations apply to—
- (a) a contracting authority that is a devolved Welsh authority, including in relation to a procurement under a devolved Welsh procurement arrangement, and
 - (b) a contracting authority that is to be treated as a devolved Welsh authority under section 111 of the Procurement Act 2023.
- (2) In this regulation—
- “devolved Welsh authority” (“*awdurdod Cymreig datganoledig*”) has the meaning given by section 157A of the Government of Wales Act 2006(2);
- “devolved Welsh procurement arrangement” (“*trefniant caffael Cymreig datganoledig*”) has the meaning given in section 114(2) of the Procurement Act 2023.

Interpretation

3. In these Regulations—
- “the 2023 Act” (“*Deddf 2023*”) means the Procurement Act 2023;
- “contracting authority” (“*awdurdod contractio*”) has the meaning given by section 2(1) of the 2023 Act;
- “CPV” (“*GGG*”) means the Common Procurement Vocabulary as adopted by Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary(3).

(1) Section 11 comes into force on such day as a Minister of the Crown may by regulations appoint; and different days may be appointed for different purposes. See section 127(2) of the Procurement Act 2023.

(2) 2006 c. 32. Section 157A was inserted by the Wales Act 2017 (c. 4) Pt 1 s.4(1), then amended by Senedd and Elections (Wales) Act 2020 (anaw 1) Schedule 1 paragraph 2(19), and the Fisheries Act 2020 (c. 22) s.45(3).

(3) EUR 2195/2002, as amended by S.I. 2020/1319; this is a reference to the retained version of Regulation (EC) 2195/2002. That retained version is available online at <https://www.legislation.gov.uk/eur/2002/2195/contents>.

PART 2

Transparency

Interpretation of Part 2

4. In this Part—

“CA 2006” (“*Deddf 2006*”) means the Companies Act 2006⁽⁴⁾;

“alternative online system” (“*system ar-lein arall*”) has the meaning given by regulation 5(11);

“appropriate authority” (“*awdurdod priodol*”) has the meaning given by section 123 of the 2023 Act; “associated tender document” (“*dogfen dendro gysylltiedig*”) has the meaning given by section 21(4) of the 2023 Act;

“award criteria” (“*meini prawf dyfarnu*”) has the meaning given by section 23(1) of the 2023 Act;

“Cabinet Office” (“*Swyddfa'r Cabinet*”) means the UK government department with responsibility for supporting the prime minister and Cabinet of the United Kingdom acting on behalf of the Minister for the Cabinet Office;

“central digital platform” (“*plattform digidol canolog*”) means the online system established by the Minister for the Cabinet Office⁽⁵⁾;

“competitive flexible procedure” (“*gweithdrefn hyblyg gystadleuol*”) has the meaning given by section 20(2)(b) of the 2023 Act;

“competitive selection process” (“*proses ddethol gystadleuol*”) has the meaning given by section 46(10) of the 2023 Act;

the “Comprehensive and Progressive Agreement for Trans-Pacific Partnership” (“*Cytundeb Cynhwysfawr a Blaengar ar gyfer Partneriaeth y Môr Tawel*”) means the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018, including the Accession Protocol of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Auckland and Bandar Seri Begawan on 16 July 2023⁽⁶⁾, as amended from time to time;

“concession contract” (“*contract consesiwn*”) has the meaning given by section 8 of the 2023 Act;

“connected person” (“*person cysylltiedig*”) has the meaning given by paragraph 45 of Schedule 6 to the 2023 Act;

“contract award notice” (“*hysbysiad dyfarnu contract*”) has the meaning given by section 50(2) of the 2023 Act;

“contract details notice” (“*hysbysiad manylion contract*”) has the meaning given by section 53(2) of the 2023 Act;

“contract subject-matter” (“*pwnc y contract*”) has the meaning given by regulation 15;

“contracting authority information” (“*gwybodaeth yr awdurdod contractio*”) has the meaning given by regulation 14;

“convertible contract” (“*contract trosadwy*”) has the meaning given by section 74(1) of the 2023 Act;

(4) 2006 c. 46.

(5) The central digital platform which may be accessed at <https://www.gov.uk/find-tender>.

(6) The Agreement can be found online at: <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-in-force/cptpp/comprehensive-and-progressive-agreement-for-trans-pacific-partnership-text-and-resources/>

“core supplier information” (“*gwybodaeth graidd y cyflenwr*”) has the meaning given by regulation 6(9);

“dynamic market” (“*marchnad ddynamig*”) has the meaning given by section 34(8) of the 2023 Act;

“dynamic market notice” (“*hysbysiad marchnad ddynamig*”) has the meaning given by section 39 of the 2023 Act;

“estimated value” (“*amcangyfrif o werth*”) has the meaning given by section 4 of the 2023 Act;

“excluded supplier” (“*cyflenwr gwaharddedig*”) has the meaning given by section 57(1) of the 2023 Act;

“framework” (“*fframwaith*”) has the meaning given by section 45(2) of the 2023 Act;

“geographical classification” (“*dosbarthiad daearyddol*”) has the meaning given by regulation 15(2);

the “GPA” (“*Cytundeb ar Gaffael gan Lywodraethau*”) means Agreement on Government Procurement signed at Marrakesh on 15 April 1994(7), as amended from time to time;

“key performance indicators” (“*dangosyddion perfformiad allweddol*”) has the meaning given by section 52(4) of the 2023 Act

“light touch contract” (“*contract cyffyrddiad ysgafn*”) has the meaning given by section 9 of the 2023 Act;

“open framework” (“*fframwaith agored*”) has the meaning given by section 49(1) of the 2023 Act;

“open procedure” (“*gweithdrefn agored*”) has the meaning given by section 20(2)(a) of the 2023 Act;

“pipeline notice” (“*hysbysiad piblinell*”) has the meaning given by section 93(3) of the 2023 Act;

“planned procurement notice” (“*hysbysiad caffael arfaethedig*”) has the meaning given by section 15(2) of the 2023 Act;

“preliminary market engagement notice” (“*hysbysiad ymgysylltu rhagarweiniol â'r farchnad*”) has the meaning given by section 17(2) of the 2023 Act;

“private utility” (“*cyfleustod preifat*”) has the meaning given by section 2(2) of the 2023 Act;

“procurement” (“*caffaeliad*”) has the meaning given by section 1(1) of the 2023 Act;

“PSC register” (“*cofrestr pobl â rheolaeth sylweddol*”) means the register that a company is required to keep under section 790M of the CA 2006 (duty to keep register)(8);

“public contract” (“*contract cyhoeddus*”) has the meaning given by section 3 of the 2023 Act;

“public service mutual” (“*cwmni cydfuddiannol gwasanaethau cyhoeddus*”) has the meaning given by section 33(6) of the 2023 Act;

“qualifying utilities dynamic market notice” (“*hysbysiad marchnad ddynamig cyfleustodau cymhwysol*”) has the meaning given by section 40(6) of the 2023 Act;

“significant control” (“*rheolaeth sylweddol*”) has the meaning given by section 790C(2) of the CA 2006(9);

“small and medium-sized enterprise” (“*menter fach a chanolig ei maint*”) has the meaning given by section 123(1) of the 2023 Act;

(7) The Agreement can be seen here: https://www.wto.org/english/tratop_e/gproc_e/gpa_1994_e.htm

(8) Amended by the Small Business, Enterprise and Employment Act 2015 (c. 26) Schedule 3(1) paragraph 1; and S.I. 2017/693.

(9) Inserted by the Small Business, Enterprise and Employment Act 2015 (c. 26) Schedule 3(1) paragraph 1.

“special regime contract” (“*contract cyfundrefn arbennig*”) has the meaning given by section 10(6) of the 2023 Act;

“supported employment provider” (“*darparwr cyflogaeth â chymorth*”) has the meaning given by section 32(4) of the 2023 Act;

“tender notice” (“*hysbysiad tendro*”) has the meaning given by section 21(2) of the 2023 Act;

“tendering period” (“*cyfnod tendro*”) has the meaning given by section 54(5) of the 2023 Act;

“transparency notice” (“*hysbysiad tryloywder*”) has the meaning given by section 44(2) of the 2023 Act;

“unavailable” (“*heb fod ar gael*”) means that the Welsh digital platform has not been operational for not less than 4 hours;

“unique identifier” (“*cod adnabod unigryw*”) has the meaning given by regulation 9;

“utilities contract” (“*contract cyfleustodau*”) has the meaning given by section 6 of the 2023 Act;

“utility” (“*cyfleustod*”) has the meaning given by section 35(4) of the 2023 Act; “Welsh digital platform” (“*platfform digidol Cymreig*”) means the online system provided by the Welsh Government for use by contracting authorities to whom regulation 2 applies;

“works” (“*gweithiau*”) has the meaning given by regulation 45.

Publication of notices on central digital platform

5.—(1) A notice, document or information which is published or given under a provision of the 2023 Act listed in paragraph (5) must first be published or given, by the contracting authority publishing it on the central digital platform.

(2) Unless paragraph (3) or paragraph (6) apply, the requirement in paragraph (1) for the contracting authority to first publish or give a notice, document or information on the central digital platform is met where the contracting authority has submitted the notice, document or information to the Welsh digital platform and—

- (a) the Minister for the Cabinet Office has informed the contracting authority that the notice, document or information has successfully been submitted for publication to the central digital platform, or
- (b) the notice, document or information is capable of being accessed by suppliers and members of the public on the central digital platform.

(3) If the Welsh digital platform is unavailable so that the requirement in paragraph (2) cannot be met, a contracting authority may publish a notice, document or information—

- (a) on the central digital platform, or
- (b) on the central digital platform by using an alternative online system.

(4) Where paragraph (3) applies the requirement in paragraph (1) will be met where—

- (a) the Minister for the Cabinet Office has informed the contracting authority that the notice, document or information has successfully been submitted for publication to the central digital platform, or
- (b) the notice, document or information is capable of being accessed by suppliers and members of the public on the central digital platform.

(5) The relevant provisions of the 2023 Act are—

- (a) section 15(1) (planned procurement notices)(**10**),

(10) Planned procurement notices include qualifying planned procurement notices (see section 15(3) of the 2023 Act).

- (b) section 17(1)(a) (preliminary market engagement notices),
- (c) section 21(1) (tender notices),
- (d) section 24(4) (refining award criteria), in respect of republishing tender notices only,
- (e) section 31(5) (modifying a section 19 procurement), in respect of republishing tender notices only,
- (f) section 39(2) (dynamic market notices: intention to establish a dynamic market)(**11**),
- (g) section 39(3) (dynamic market notices: establishment of a dynamic market),
- (h) section 39(4) (dynamic market notices: modifications to a dynamic market),
- (i) section 39(5) (dynamic market notices: cessation of a dynamic market),
- (j) section 44(1) (transparency notices),
- (k) section 50(1) (contract award notices),
- (l) section 52(3) (key performance indicators),
- (m) section 53(1) (contract details notices),
- (n) section 53(3) (copies of contracts),
- (o) section 55(2) (procurement termination notices),
- (p) section 69(1) (payments compliance notices),
- (q) section 71(2)(b) (contract performance: assessment of performance against key performance indicators),
- (r) section 71(5) (contract performance: breach of public contract or failure to perform),
- (s) section 75(1) (contract change notices),
- (t) section 75(5) (contract change notices: modifications taken together),
- (u) section 77(1) (publication of modifications),
- (v) section 80(1) (contract termination notices),
- (w) section 87(1) (below-threshold tender notices),
- (x) section 87(3) (contract details notices following notifiable below-threshold contracts),
- (y) section 93(2) (pipeline notices), and
- (z) section 94(3) (general exemptions from duties to publish or disclose information: information being withheld).

(6) If all of the conditions that apply in paragraph (7) are met the contracting authority may publish or give the notice, document or information on the Welsh digital platform or, if unavailable, on an alternative online system and in doing so the authority is to be treated as meeting for the time being the requirement in paragraph (1).

(7) The conditions are that—

- (a) in the case of a notice mentioned in paragraph (8), no less than 4 hours have passed since the notice was submitted for publication to the central digital platform,
- (b) in the case of any other notice, or a document or information, no less than 48 hours have passed since the notice, document or information was submitted for publication to the central digital platform,

(11) Dynamic market notices under section 39(2) include qualifying utilities dynamic market notices (see section 40(6) of the 2023 Act.).

- (c) the contracting authority has not received confirmation from the Minister for the Cabinet Office that the notice, document or information has successfully been published on the central digital platform, and
 - (d) the notice, document or information is not capable of being accessed by members of the public on the central digital platform.
- (8) The notices are a transparency notice, contract award notice or contract details notice relating to—
- (a) the direct award of a public contract under paragraphs 13 and 14 of Schedule 5 to the 2023 Act (urgency), or
 - (b) the direct award of a public contract under section 42 of the 2023 Act (direct award to protect life, etc.).
- (9) But the contracting authority is no longer to be treated as meeting for the time being the requirement in paragraph (1) if the Minister for the Cabinet Office informs the contracting authority that the submission of the notice, document or information to the central digital platform has been rejected.
- (10) A contracting authority which uses the Welsh digital platform or an alternative online system in accordance with paragraph (6) must cooperate with the Minister for the Cabinet Office to ensure that the notice, document or information in question is subsequently—
- (a) published on the central digital platform, and
 - (b) capable of being accessed by members of the public on that system.
- (11) An “alternative online system” is an online system for publishing procurement information which is—
- (a) free of charge and readily accessible to suppliers and members of the public,
 - (b) accessible to disabled people, and
 - (c) not the central digital platform or the Welsh digital platform.
- (12) Nothing in this regulation prevents a contracting authority from publishing the notice, document or information somewhere other than on the central digital platform, the Welsh digital platform or alternative online system but the authority must not do so before complying with the requirements of paragraph (1) or (6).

Sharing core supplier information through central digital platform

6.—(1) This regulation applies to a contracting authority where a supplier shares core supplier information with the authority during a procedure listed in paragraph (2) with a view to the award of a public contract.

- (2) The procedures are—
- (a) an open procedure,
 - (b) a competitive flexible procedure,
 - (c) a direct award under section 41 or 43 of the 2023 Act, or
 - (d) a competitive selection process for frameworks under section 46 of the 2023 Act.
- (3) If the core supplier information is shared—
- (a) during an open procedure, or
 - (b) a competitive flexible procedure,

the contracting authority must obtain confirmation from the supplier of the matters in paragraph (5) before the end of the tendering period.

- (4) If the core supplier information is shared—
- (a) before a direct award under section 41 or 43 of the 2023 Act, or
 - (b) during a competitive selection process for frameworks under section 46 of that Act,
- the contracting authority must obtain confirmation from the supplier of the matters in paragraph (5) before the award of the public contract.
- (5) The matters are that the supplier—
- (a) has registered on the central digital platform,
 - (b) has submitted its up-to-date core supplier information to that platform, and
 - (c) has shared that up-to-date core supplier information with the contracting authority by means of a facility provided on that platform for the purpose of sharing core supplier information.
- (6) Paragraph (7) applies where—
- (a) a supplier has shared up-to-date core supplier information with a contracting authority during a procedure listed in paragraph (2), and
 - (b) the supplier’s core supplier information subsequently changes, and the supplier shares updated or corrected core supplier information with the contracting authority before the award of the public contract.
- (7) The contracting authority must obtain a further confirmation from the supplier of the matters in paragraph (8) before the award of the public contract.
- (8) The matters are that the supplier—
- (a) has submitted the updated or corrected core supplier information to the central digital platform, and
 - (b) has shared the updated or corrected core supplier information with the contracting authority by means of a facility provided on that platform for the purpose of sharing core supplier information.
- (9) In this Part, “core supplier information” means—
- (a) the supplier’s basic information set out in regulation 10,
 - (b) the supplier’s economic and financial standing information set out in regulation 11,
 - (c) the supplier’s connected person information set out in regulation 12, and
 - (d) the supplier’s exclusion grounds information set out in regulation 13.
- (10) In this regulation a reference to a facility provided on the central digital platform includes a reference to a facility to download information to be forwarded on to a contracting authority by a supplier.
- (11) This regulation is subject to regulation 8.

Supplier information for notifiable below-threshold contracts

7.—(1) Before a supplier participates in a notifiable below-threshold procurement carried out by a contracting authority, the authority must ensure that the supplier has registered on the central digital platform.

(2) The contracting authority must obtain confirmation of registration from the supplier before the award of the notifiable below-threshold contract.

(3) In this regulation—

“notifiable below-threshold contract” (*“contract hysbysadwy sydd o dan y trothwy”*) has the meaning given by section 87(4) of the 2023 Act;

“notifiable below-threshold procurement” (“*caffaeliad hysbysadwy sydd o dan y trothwy*”) means the award, entry into and management of a notifiable below-threshold contract.

Core supplier information: platform not working, urgency, private utilities

8.—(1) Where, in respect of core supplier information shared during an open procedure or a competitive flexible procedure, a contracting authority cannot obtain confirmation from the supplier of the matters in regulation 6(5) before the end of the tendering period due to the reason in paragraph (2), paragraph (3) applies.

(2) The reason is that the supplier could not reasonably register on, submit information to, or use a facility for sharing information through, the central digital platform because that platform was not working properly during any period before the end of the tendering period.

(3) The contracting authority must obtain confirmation from the supplier of the matters in regulation 6(5) as soon as practicable and in any event before the award of the contract.

(4) Regulation 6 applies in the case of a direct award of a public contract pursuant to paragraphs 13 and 14 of Schedule 5 to the 2023 Act (urgency), but reading regulation 6 as if—

- (a) the reference in paragraph (4) to the contracting authority obtaining confirmation before the award of the public contract were a reference to the authority obtaining confirmation as soon as practicable and in any event before the date when the contract details notice is published, and
- (b) paragraphs (6) to (8) were omitted.

(5) Regulation 6 does not apply to a private utility in the case of a direct award of a public contract pursuant to paragraphs 13 and 14 of Schedule 5 to the 2023 Act (urgency).

Unique identifiers and exemption from publishing them on the Welsh digital platform or alternative online system

9.—(1) In this Part, “unique identifier” means—

- (a) in the case of a procurement, the unique code allocated by the central digital platform when the first notice relating to the procurement is published on that platform, other than in the circumstances set out in sub-paragraph (b),
- (b) in the case of a procurement where there has been a switch to a direct award in accordance with section 43 of the 2023 Act, the unique code allocated by the central digital platform when the transparency notice relating to the contract is published on that platform,
- (c) in the case of a contract, the unique code which enables a reader of a notice referring to the contract to distinguish the contract from other contracts awarded under the same procurement process,
- (d) in the case of a dynamic market, the unique code allocated by the central digital platform when the first of the following notices is published on that platform in relation to the dynamic market—
 - (i) any pipeline notice,
 - (ii) any preliminary market engagement notice, or
 - (iii) the first dynamic market notice, and
- (e) in the case of—
 - (i) a supplier,
 - (ii) a contracting authority,

(iii) a person carrying out a procurement, or part of a procurement, on behalf of a contracting authority, or

(iv) a person other than a contracting authority who is establishing a dynamic market in accordance with section 35(3) of the 2023 Act,

the unique code which is submitted to the central digital platform and is recognised by that platform or, where no such code is submitted and recognised, the unique code which is allocated by that platform when the person registers on that platform.

(2) Paragraph (3) applies where a contracting authority publishes a notice, document or information mentioned in regulation 5(5) on the Welsh digital platform or, if unavailable, on an alternative online system under regulation 5(6).

(3) The contracting authority is not required to publish any unique identifier in accordance with this Part until that notice, document or information is subsequently published on the central digital platform under regulation 5(10).

Supplier's basic information

10.—(1) This regulation sets out the supplier's basic information.

(2) Where the supplier is an individual, the information is—

- (a) the supplier's name,
- (b) the unique identifier for the supplier,
- (c) the supplier's contact postal address and email address,
- (d) where the supplier has a website, the website address,
- (e) the supplier's VAT registration number (within the meaning of section 5A(6) of the Value Added Tax Act 1994(12)), if applicable, and
- (f) details of any relevant qualification or trade assurance held by the individual, including—
 - (i) in the case of a qualification, the name of the person or body which awarded the qualification, the name of the qualification and the date it was awarded, or
 - (ii) in the case of a trade assurance, the name of the person or body which awarded the registration, the assurance reference number and the date the assurance was given.

(3) Where the supplier is not an individual, the information is—

- (a) the supplier's name,
- (b) the unique identifier for the supplier,
- (c) the supplier's registered or principal office address,
- (d) the supplier's contact postal address and email address,
- (e) where the supplier markets its goods, services or works online, the relevant website address,
- (f) the supplier's legal form and the law by which it is governed,
- (g) where the supplier is a company registered under the CA 2006, the date when the supplier registered under that Act,
- (h) where the supplier is not a company registered under the CA 2006—
 - (i) any equivalent date to that mentioned in sub-paragraph (g), or
 - (ii) where there is no equivalent date, the date the supplier began trading,

- (i) the supplier’s VAT registration number (within the meaning of section 5A(6) of the Value Added Tax Act 1994), if applicable,
- (j) details of any relevant qualification or trade assurance held by the supplier, including—
 - (i) in the case of a qualification, the name of the person or body which awarded the qualification, the name of the qualification and the date it was awarded, or
 - (ii) in the case of a trade assurance, the name of the person or body which awarded the registration, the assurance reference number and the date the assurance was given, and
- (k) whether the supplier is—
 - (i) a small and medium-sized enterprise,
 - (ii) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
 - (iii) a supported employment provider, or
 - (iv) a public service mutual.

Supplier’s economic and financial standing information

11.—(1) This regulation sets out the supplier’s economic and financial standing information.

(2) The information is—

- (a) in the case of a supplier whose accounts were required to be audited for both of the supplier’s most recent two financial years in accordance with Part 16 of the CA 2006, a copy of those accounts,
- (b) in the case of a supplier whose accounts were required to be audited for the supplier’s most recent financial year in accordance with Part 16 of the CA 2006, but not the financial year immediately preceding that, a copy of those accounts,
- (c) in the case of a supplier whose accounts were required to be audited for both of the supplier’s most recent two financial years in accordance with an overseas equivalent to Part 16 of the CA 2006, a copy of those accounts,
- (d) in the case of a supplier whose accounts were required to be audited for the supplier’s most recent financial year in accordance with an overseas equivalent to Part 16 of the CA 2006, but not the financial year immediately preceding that, a copy of those accounts, or
- (e) in the case of any other supplier—
 - (i) if the supplier was in business for both of the supplier’s most recent financial years, accounts or other information for both of those years, or
 - (ii) if the supplier was in business for the supplier’s most recent financial year but not the financial year immediately preceding that, accounts or other information for the supplier’s most recent financial year,

which is equivalent to information contained in accounts audited in accordance with Part 16 of the CA 2006, so far as those accounts or that other information can reasonably be given.

(3) In paragraph (2)(a) and (b) “financial year” has the same meaning as in section 390 of the CA 2006.

Supplier’s connected person information

12.—(1) This regulation sets out the supplier’s connected person information.

(2) The information is the information in this regulation for each connected person of the supplier.

- (3) Paragraph (4) sets out the information where—
 - (a) the supplier is a company registered under the CA 2006,
 - (b) the connected person is a person with significant control over the supplier, and
 - (c) the connected person is registrable.
- (4) The information is—
 - (a) the connected person’s name, date of birth and nationality,
 - (b) the connected person’s service address,
 - (c) which of the specified conditions in Part 1 of Schedule 1A to the CA 2006 applies,
 - (d) the date when the connected person became registrable as a person with significant control, if applicable, and
 - (e) the name of the PSC register on which the connected person is registered as a person with significant control, if applicable.
- (5) Paragraph (6) sets out the information where—
 - (a) the supplier is a company registered under the CA 2006,
 - (b) the connected person is a relevant legal entity, and
 - (c) the connected person is registrable.
- (6) The information is—
 - (a) the connected person’s name,
 - (b) the connected person’s registered or principal office address,
 - (c) the connected person’s service address,
 - (d) the connected person’s legal form and the law by which it is governed,
 - (e) which of the specified conditions in Part 1 of Schedule 1A to the CA 2006 applies,
 - (f) the date when the connected person became registrable as a relevant legal entity, if applicable, and
 - (g) the name of the PSC register on which the connected person is registered as a relevant legal entity, if applicable.
- (7) Paragraph (8) sets out the information where—
 - (a) the supplier is a company registered under the CA 2006, and
 - (b) the connected person is—
 - (i) a director or shadow director of the supplier, and
 - (ii) an individual.
- (8) The information is—
 - (a) the connected person’s name, date of birth and nationality,
 - (b) the connected person’s service address, and
 - (c) the country or state (or part of the United Kingdom) in which the connected person is usually resident.
- (9) Paragraph (10) sets out the information where—
 - (a) the supplier is a company registered under the CA 2006, and
 - (b) the connected person is—
 - (i) a director or shadow director of the supplier, and
 - (ii) not an individual.

- (10) The information is—
- (a) the connected person's name,
 - (b) the connected person's registered or principal office address,
 - (c) the connected person's service address,
 - (d) the connected person's legal form and the law by which it is governed, and
 - (e) where the connected person is a company registered under the CA 2006, the person's registration number given under that Act.
- (11) Paragraph (12) sets out the information where—
- (a) the supplier is a company registered under the CA 2006, and
 - (b) the connected person is a parent undertaking or a subsidiary undertaking of the supplier.
- (12) The information is—
- (a) the name of the connected person,
 - (b) the connected person's registered or principal office address,
 - (c) the connected person's service address, and
 - (d) where the connected person is a company registered under the CA 2006, the registration number given under that Act.
- (13) Paragraph (14) sets out the information where—
- (a) the supplier is a company registered under the CA 2006, and
 - (b) the connected person is a predecessor company of the supplier.
- (14) The information is—
- (a) the name of the connected person,
 - (b) the connected person's last registered or principal office address,
 - (c) where the connected person is a company registered under the CA 2006, the registration number given under that Act, and
 - (d) the date when the connected person became insolvent and ceased to trade.
- (15) Paragraph (16) sets out the information where—
- (a) the supplier is not a company registered under the CA 2006, and
 - (b) the connected person can reasonably be considered to stand in an equivalent position in relation to the supplier as the connected person described in paragraph (3), (5), (7), (9), (11) or (13).
- (16) The information is information which can reasonably be considered to be equivalent to that referred to in paragraph (4), (6), (8), (10), (12) or (14) (as the case may be).
- (17) Paragraph (18) sets out the information for a connected person to whom none of paragraphs (3), (5), (7), (9), (11), (13) or (15) apply—
- (a) with the right to exercise, or who actually exercises, significant influence or control over the supplier, or
 - (b) over which the supplier has the right to exercise, or actually exercises, significant influence or control.
- (18) The information is—
- (a) the connected person's name,
 - (b) the connected person's registered or principal office address,
 - (c) the connected person's service address,

- (d) the connected person’s legal form and the law by which it is governed,
 - (e) where the connected person is a company registered under the CA 2006, the registration number given under that Act,
 - (f) where the connected person is an overseas equivalent to a company registered under the CA 2006, the registration number which is equivalent to those issued under the CA 2006,
 - (g) which of the specified conditions in Part 1 of Schedule 1A to the CA 2006 applies, and
 - (h) the date when the connected person became registrable as a person with significant control, if applicable.
- (19) In this regulation—
- “registrable” (“*cofrestradwy*”)—
- (a) in respect of a person with significant control, has the meaning given by section 790C(4) of the CA 2006;
 - (b) in respect of a relevant legal entity, has the meaning given by section 790C(8) of the CA 2006;
- “relevant legal entity” (“*endid cyfreithiol perthnasol*”) has the meaning given by section 790C(6) of the CA 2006;
- “service address” (“*cyfeiriad cyflwyno*”) has the meaning given by section 1141 of the CA 2006;
- the terms “director” (“*cyfarwyddwr*”), “parent undertaking” (“*rhiant-ymgymeriad*”), “subsidiary undertaking” (“*is-ymgymeriad*”), “predecessor company” (“*cwmni rhagflaenol*”) and “shadow director” (“*cyfarwyddwr cysgodol*”) have the same meaning given by paragraph 45 of Schedule 6 to the 2023 Act.

Supplier’s exclusion grounds information

- 13.**—(1) Paragraphs (2) to (13) set out the supplier’s exclusion grounds information.
- (2) Whether the supplier or a connected person has been convicted of an offence referred to in the following paragraphs of Schedule 6 to the 2023 Act—
- (a) paragraph 2 (corporate manslaughter or corporate homicide);
 - (b) paragraph 3 (terrorism);
 - (c) paragraphs 4 to 18 (theft, fraud, bribery etc.);
 - (d) paragraphs 19 to 26 (labour market, slavery and human trafficking offences);
 - (e) paragraphs 27 and 28 (organised crime);
 - (f) paragraphs 29 to 31 (tax offences);
 - (g) paragraph 32 (cartel offence);
 - (h) paragraph 33 (ancillary offences);
 - (i) paragraph 34 (offences committed outside the United Kingdom).
- (3) Whether the supplier or a connected person has been the subject of an event referred to in the following paragraphs of Schedule 6 to the 2023 Act—
- (a) paragraph 36 (penalties for transactions connected with VAT fraud and evasion of tax or duty);
 - (b) paragraph 37 (penalties payable for errors in tax documentation and failure to notify and certain VAT and excise wrongdoing);
 - (c) paragraph 38 (adjustments for tax arrangements that are abusive);

- (d) paragraph 39 (finding by HMRC, in exercise of its powers in respect of VAT, of abusive practice);
 - (e) paragraph 40 (defeat in respect of notifiable tax arrangements);
 - (f) paragraph 41 (competition law infringements);
 - (g) paragraph 42 (equivalents outside the United Kingdom).
- (4) Whether, in respect of paragraph 43 of Schedule 6 to the 2023 Act (failure to cooperate with investigation)—
- (a) an appropriate authority has given the supplier or a connected person notice under section 60(6) of the 2023 Act, and
 - (b) the supplier or connected person has failed to comply with the notice before the end of the period specified in the notice.
- (5) Whether the supplier or a connected person has been the subject of an event referred to in the following paragraphs of Schedule 7 to the 2023 Act—
- (a) paragraph 1 (orders relating to labour market misconduct);
 - (b) paragraph 4 (offence relating to environmental misconduct);
 - (c) paragraph 5 (insolvency, bankruptcy, etc.);
 - (d) paragraph 6 (suspension or ceasing to carry on all or a substantial part of business);
 - (e) paragraph 9 (infringement of Competition Act 1998, Chapter 2 prohibition or equivalent outside United Kingdom);
 - (f) paragraph 11(2) (court etc. ruling of professional misconduct);
 - (g) paragraph 12 (breach of contract and poor performance).
- (6) Whether, in respect of paragraph 2 of Schedule 7 to the 2023 Act (labour market misconduct), the supplier or a connected person—
- (a) has been, or is being, investigated for conduct outside the United Kingdom that could result in an order mentioned in paragraph 1 of Schedule 7 to the 2023 Act being made if the conduct occurred in the United Kingdom, or
 - (b) has engaged in such conduct.
- (7) Whether, in respect of paragraph 3 of Schedule 7 to the 2023 Act (labour market misconduct), the supplier or a connected person—
- (a) has been, or is being, investigated for conduct (whether in or outside the United Kingdom) constituting (or that would, if it occurred in the United Kingdom, constitute) an offence referred to in—
 - (i) section 1, 2, 4 or 30 of the Modern Slavery Act 2015⁽¹³⁾,
 - (ii) section 1, 4 or 32 of the Human Trafficking and Exploitation (Scotland) Act 2015⁽¹⁴⁾, or
 - (iii) section 1, 2 or 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015⁽¹⁵⁾, or paragraph 16 of Schedule 3 to that Act, or
 - (b) has engaged in such conduct.
- (8) Whether, in respect of paragraph 7 of Schedule 7 to the 2023 Act (potential competition infringements)—

⁽¹³⁾ 2015 c. 30.

⁽¹⁴⁾ 2015 asp 12.

⁽¹⁵⁾ 2015 c. 2 (N.I.).

- (a) the supplier or a connected person has been, or is being, investigated over whether an agreement or concerted practice to which the supplier or a connected person is party has infringed—
 - (i) the Chapter 1 prohibition (within the meaning given by section 2 of the Competition Act 1998⁽¹⁶⁾),
 - (ii) any substantially similar prohibition applicable in a jurisdiction outside the United Kingdom, or
 - (b) an agreement or concerted practice to which the supplier or a connected person is party has infringed such prohibitions,
- except in the circumstances mentioned in sub-paragraph (2) of paragraph 7.
- (9) Whether, in respect of paragraph 8 of Schedule 7 to the 2023 Act (potential competition infringements), the supplier or a connected person—
- (a) has been, or is being, investigated over whether the supplier or a connected person has infringed—
 - (i) the Chapter 2 prohibition (within the meaning given by section 18 of the Competition Act 1998), or
 - (ii) any substantially similar prohibition applicable in a jurisdiction outside the United Kingdom, or
 - (b) has infringed such prohibitions.
- (10) Whether, in respect of paragraph 10 of Schedule 7 to the 2023 Act (potential competition law infringements), the supplier or a connected person—
- (a) has been, or is being, investigated for conduct constituting—
 - (i) an offence under section 188 of the Enterprise Act 2002⁽¹⁷⁾ (cartel offence), or
 - (ii) a substantially similar offence under the law of a country or territory outside the United Kingdom, or
 - (b) has engaged in such conduct,
- except in the circumstances mentioned in sub-paragraph (2) of paragraph 10 of Schedule 7 to the 2023 Act.
- (11) Whether, in respect of paragraph 11 of Schedule 7 to the 2023 Act (professional misconduct), the supplier or a connected person—
- (a) has been, or is being, investigated for professional misconduct which brings into question the supplier’s integrity, or
 - (b) has engaged in such misconduct.
- (12) Whether, in respect of paragraph 13 of Schedule 7 to the 2023 Act (acting improperly in procurement), the supplier or a connected person—
- (a) has been, or is being, investigated over whether the supplier acted improperly in relation to any procurement, and in so doing, put itself at an unfair advantage in relation to the award of a public contract, or
 - (b) has acted improperly in that way.
- (13) If the supplier or a connected person has been the subject of an event mentioned in paragraphs (2) to (12), the following information in respect of each person who has been the subject of an event—
- (a) a short description of the event,

⁽¹⁶⁾ 1998 c. 41.

⁽¹⁷⁾ 2002 c. 40.

- (b) the name of the person who is the subject of the event,
 - (c) the person's name, contact postal address and email address,
 - (d) in the case of a conviction or other event where there is a recorded decision of a public authority which is the authoritative basis for the conviction or other event—
 - (i) a link to the web page where the decision can be accessed, or
 - (ii) a copy of the decision,
 - (e) any evidence that the person who is the subject of the event—
 - (i) took the event seriously, for example by paying any fine or compensation,
 - (ii) took steps to prevent the event occurring again, for example by changing staff or management, or putting procedures or training in place, and
 - (iii) committed to taking further preventative steps, where appropriate, and
 - (f) if the circumstances which led to the event have ended, the date when they ended.
- (14) In this regulation the meaning of “event”—
- (a) in relation to a provision of Schedule 6 to the 2023 Act, is in paragraph 45 of that Schedule;
 - (b) in relation to a provision of Schedule 7 to the 2023 Act, is in paragraph 16 of that Schedule.
- (15) In this regulation, “professional misconduct” has the meaning given by paragraph 11(3) of Schedule 7 to the 2023 Act.

Contracting authority information

- 14.** In this Part, “contracting authority information” means—
- (a) where there is one contracting authority for a procurement, the name of the contracting authority,
 - (b) where there are two or more contracting authorities acting jointly for a procurement—
 - (i) the name of the contracting authority that the contracting authorities acting jointly determine is the lead authority for the procurement, and
 - (ii) the name of each of the other contracting authorities,
 - (c) a contact postal address and email address for each contracting authority,
 - (d) the unique identifier for each contracting authority, or for each contracting authority acting jointly,
 - (e) for any person carrying out the procurement, or part of the procurement, on behalf of a contracting authority, or one or more of the contracting authorities acting jointly—
 - (i) the person's name,
 - (ii) the person's contact postal address and email address,
 - (iii) the person's unique identifier, and
 - (iv) a summary of the person's role, and
 - (f) in respect of a notice published by the contracting authority, the name, contact postal address and email address of the person who should be contacted in the event of an enquiry about the notice.

Contract subject-matter

- 15.—(1)** In this Part, “contract subject-matter” means the following information, so far as it is known to the contracting authority when the information is published—

- (a) whether the contract is mainly for the supply of goods, services or works,
 - (b) a description of the kinds of goods, services or works which will be supplied,
 - (c) a summary of how those goods, services or works will be supplied,
 - (d) the estimated date when, or period over which, the goods, services or works will be supplied,
 - (e) the estimated amount of goods, services or works which will be supplied,
 - (f) the relevant CPV codes, and
 - (g) the geographical classification, where it is possible to describe this.
- (2) In this Part, “geographical classification” means—
- (a) the area where the goods, services or works are to be supplied in the United Kingdom, by reference to the relevant ITL 1, ITL 2, and ITL 3 areas listed on the webpage entitled “International Geographies” on the website for the Office of National Statistics⁽¹⁸⁾ as amended from time to time, or
 - (b) where the goods, services or works are to be supplied outside the United Kingdom, the name of the country and, where appropriate, the region where they are to be supplied.

Pipeline notices

16.—(1) This regulation sets out what information must be included in a pipeline notice published under section 93(2) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) the contract subject-matter, and
 - (e) the estimated date when the following will be published—
 - (i) the tender notice for the public contract, or
 - (ii) the transparency notice for the public contract.

(3) Nothing in this regulation prevents a contracting authority from publishing other relevant information in the notice.

Planned procurement notices

17.—(1) This regulation sets out other information which must be included in a planned procurement notice published under section 15(1) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) the contract subject-matter,
 - (e) the estimated date when the tender notice for the public contract will be published,

⁽¹⁸⁾ The website can be found at: [https://www.ons.gov.uk/methodology/geography/ukgeographies/eurostat#:~:text=East,The%20International%20Territorial%20Levels%20\(ITLs\)%20is%20a%20hierarchical%20classification%20of,Bedfordshire%20and%20Hertfordshire%2C%20and%20Essex](https://www.ons.gov.uk/methodology/geography/ukgeographies/eurostat#:~:text=East,The%20International%20Territorial%20Levels%20(ITLs)%20is%20a%20hierarchical%20classification%20of,Bedfordshire%20and%20Hertfordshire%2C%20and%20Essex)

- (f) the estimated date by when suppliers will be asked to submit requests to participate in any tender procedure or tenders,
 - (g) which of the following procedures is expected to be used—
 - (i) an open procedure, or
 - (ii) a competitive flexible procedure,
 - (h) whether the public contract will be awarded by reference to suppliers' membership of a dynamic market,
 - (i) the estimated date when the public contract will be awarded,
 - (j) how documents relating to the procurement may be obtained,
 - (k) a statement explaining how and when an interest in the contract may be expressed, and
 - (l) as much of the information relating to tender notices which is referred to in regulation 19(2), 20(2), 21(2), 22(2) or 23(2) as is available to the contracting authority at the time of publishing the planned procurement notice.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a planned procurement notice.

Preliminary market engagement notices

18.—(1) This regulation sets out other information which must be included in a preliminary market engagement notice published under section 17(1)(a) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) the contract subject-matter,
 - (e) either—
 - (i) the date when the contracting authority intends to close the preliminary market engagement, or
 - (ii) the date when the preliminary market engagement closed, and
 - (f) a description of the process by which the contracting authority proposes to engage, or engaged, with suppliers during the preliminary market engagement, for example—
 - (i) the location, date and time of events, and
 - (ii) any periods for the submission of expressions of interest and information by suppliers.

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Tender notices: open procedure

19.—(1) This regulation sets out other information which must be included in a tender notice for the award of a public contract through an open procedure published under section 21(1)(a) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,

- (c) the unique identifier for the procurement,
- (d) a statement that the tender notice is for the award of a public contract through an open procedure in accordance with section 20(1) and (2)(a) of the 2023 Act,
- (e) whether the tender notice relates to a special regime contract and, if so, whether that contract is—
 - (i) a concession contract,
 - (ii) a light touch contract, or
 - (iii) a utilities contract,
- (f) the contract subject-matter,
- (g) the estimated value of the public contract,
- (h) where the public contract is for goods, services or works which the contracting authority expects will be needed after the expiry of the contract—
 - (i) whether the contracting authority intends to carry out a subsequent procurement of similar goods, services or works in reliance on the direct award justification in paragraph 8 of Schedule 5 to the 2023 Act, or
 - (ii) an estimate, if possible, of the date when any subsequent tender notice will be published,
- (i) whether an electronic auction will be used and, if so, the technical details of how suppliers may participate in the electronic auction,
- (j) how tenders may be submitted and the date by when they must be submitted,
- (k) the award criteria, or a summary of the award criteria, for the public contract,
- (l) the languages in which tenders or enquiries in connection with the tendering procedure may be submitted,
- (m) whether the public contract is a contract for which the United Kingdom has obligations under the GPA,
- (n) from the date when the Comprehensive and Progressive Agreement for Trans-Pacific Partnership enters into force for the United Kingdom, whether the public contract is a contract for which the United Kingdom has obligations under that Agreement,
- (o) whether the public contract is awarded by reference to lots and, if so, for each lot—
 - (i) the title of the lot,
 - (ii) the distinct number given to the lot by the contracting authority,
 - (iii) the following information, so far as it is known to the contracting authority when the tender notice is published—
 - (aa) a description of the kinds of goods, services or works which will be supplied,
 - (bb) a summary of how those goods, services or works will be supplied,
 - (cc) the estimated date when, or period over which, the goods, services or works will be supplied,
 - (dd) the estimated amount of goods, services or works which will be supplied,
 - (ee) the estimated value of the lot,
 - (ff) the relevant CPV codes,
 - (gg) the relevant award criteria in relation to the lot,
 - (hh) any option in relation to the lot, and
 - (ii) the geographical classification, where it is possible to describe this,

- (p) where the public contract is awarded by reference to lots—
 - (i) whether a supplier may only submit a tender for a maximum number of lots and, if so the maximum number,
 - (ii) whether a supplier may only be awarded a maximum number of lots and, if so, the maximum number, and
 - (iii) whether the contracting authority will award multiple lots to the same supplier in accordance with criteria and, if so, a summary of the criteria,
- (q) where the contracting authority considers under section 18(2) of the 2023 Act that the public contract could be awarded by reference to lots but it is not, the reasons for this, except in the case of a utilities contract or a light touch contract,
- (r) a description of any option which will be included in the public contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract,
- (s) whether the contracting authority proposes to set the shortest minimum tendering period by reference to one of the following entries in the table in section 54(4) of the 2023 Act and, if so, which entry—
 - (i) second entry (utilities contracts or contracts awarded by a contracting authority which is not a central government authority subject to a negotiated tender period; no minimum period),
 - (ii) third entry (utilities contracts or certain contracts awarded by a contracting authority which is not a central government authority, where tenders may be submitted only by preselected suppliers; 10 days),
 - (iii) fourth entry (a qualifying planned procurement notice has been issued;10 days), or
 - (iv) fifth entry (state of urgency; 10 days),
- (t) whether the contracting authority considers that the public contract or any lot forming part of the contract may be particularly suitable to be awarded—
 - (i) to a small and medium-sized enterprise, or
 - (ii) to a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
- (u) whether associated tender documents are being provided in accordance with the tender notice at the same time that the notice is published and, if so—
 - (i) the title of each associated tender document,
 - (ii) whether each associated tender document is attached to the tender notice, and
 - (iii) if an associated tender document is not attached to the tender notice, a link to the web page where it is provided,
- (v) whether an associated tender document is being, or may be, provided in accordance with the tender notice after the date when that notice is published and, if so, a link to the web page where it will be provided, or an explanation of how the document will be provided,
- (w) a description of any technical specifications which are expected to be met or a cross reference to where they can be accessed,
- (x) a description of any conditions of participation under section 22 of the 2023 Act,
- (y) any payment terms (in addition to those set out in section 68 of the 2023 Act),
- (z) a description identifying any risk that—

- (i) the contracting authority considers could jeopardise the satisfactory performance of the public contract, but because of its nature, may not be addressed in the public contract as awarded, and
 - (ii) may require a subsequent modification to the public contract under paragraph 5 of Schedule 8 to the 2023 Act (modification of contract following materialisation of a known risk), and
- (z1) the estimated date when the public contract will be awarded.
- (3) In paragraph (2), “electronic auction” means an iterative process that involves the use of electronic means for the presentation by suppliers of either new prices, or new values for quantifiable non-price elements of the tender related to the evaluation criteria, or both, resulting in a ranking or re-ranking of tenders.
- (4) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.
- (5) This regulation does not apply to a tender notice for the award of a framework through an open procedure (see instead regulation 21).

Tender notices: competitive flexible procedure

20.—(1) This regulation sets out other information which must be included in a tender notice for the award of a public contract through a competitive flexible procedure published in accordance with section 21(1)(b) of the 2023 Act.

- (2) The information is—
- (a) the same information referred to in regulation 19(2) except sub-paragraphs (d) and (j),
 - (b) a statement that the tender notice is for the award of a public contract through a competitive flexible procedure in accordance with section 20(1) and (2)(b) of the 2023 Act,
 - (c) a description of the process to be followed during the procedure, including—
 - (i) whether the procedure may include negotiation at any stage, and
 - (ii) if the contracting authority proposes to rely on section 24 of the 2023 Act (refining award criteria), a summary of how it will rely on that section,
 - (d) where the number of suppliers is, or may be, no more than a maximum number of suppliers, generally or in respect of particular tendering rounds or other selection processes, the maximum number of suppliers and the criteria used to select the limited number of suppliers,
 - (e) where the number of suppliers is, or may be, no less than an intended minimum number of suppliers, generally or in respect of particular tendering rounds or other selection processes, the intended minimum number of suppliers,
 - (f) where the tender notice is being used for the purpose of inviting suppliers to submit a request to participate, how requests to participate may be submitted and the date by when they must be submitted,
 - (g) where the tender notice is being used for the purpose of inviting suppliers to submit their first, or only, tender, how tenders may be submitted and the date by when they must be submitted, and
 - (h) whether the tender notice is being used—
 - (i) to reserve a contract to supported employment providers in accordance with section 32 of the 2023 Act, or
 - (ii) to reserve a contract to public service mutuals in accordance with section 33 of the 2023 Act.

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

(4) This regulation does not apply to—

- (a) a tender notice for the award of a framework through a competitive flexible procedure (see instead regulation 21), or
- (b) a tender notice for the award of a public contract by reference to suppliers' membership of a dynamic market (see instead regulation 22).

Tender notices: frameworks

21.—(1) This regulation sets out other information which must be included in a tender notice for the award of a framework published under section 21(1) of the 2023 Act.

(2) The information is—

- (a) where the open procedure is being used, the same information referred to in regulation 19(2),
- (b) where the competitive flexible procedure is being used, the same information referred to in regulation 20(2),
- (c) details of the selection process to be applied on the award of contracts,
- (d) the term of the framework,
- (e) the contracting authorities entitled to award contracts in accordance with the framework (whether by listing the names of those authorities or by describing categories of authorities),
- (f) whether the framework is being awarded under an open framework,
- (g) where the framework is being awarded under an open framework, the unique identifier for the procurement of the last framework awarded under the open framework (unless no framework has previously been awarded under the open framework),
- (h) where the framework is being awarded under an open framework, the estimated end date of the open framework,
- (i) whether the intention is to award the framework to—
 - (i) a single supplier,
 - (ii) a maximum number of suppliers, or
 - (iii) an unlimited number of suppliers,
- (j) where the intention is to award the framework to a maximum number of suppliers, the maximum number of suppliers,
- (k) whether the framework provides for the charging of fees in accordance with section 45(7) of the 2023 Act, and, if so, the fixed percentage of the estimated value of any contract awarded to the supplier in accordance with the framework and any other information needed in order to understand how fees will be charged, and
- (l) where the framework is being awarded by reference to suppliers' membership of a dynamic market—
 - (i) the unique identifier for the dynamic market against which the public contract is being awarded,
 - (ii) a statement that the tender notice is for the award of a public contract which is to be awarded by reference to suppliers' membership of a dynamic market, and
 - (iii) where the public contract is being awarded under an appropriate part of a dynamic market—

- (aa) the title of the part, and
- (bb) the distinct number given to the part by the person who established the dynamic market.

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Tender notices: dynamic markets except qualifying utilities dynamic markets

22.—(1) This regulation sets out other information which must be included in a tender notice for the award of a public contract by reference to suppliers’ membership of a dynamic market published under sections 21(1)(b) and 34(1) of the 2023 Act.

- (2) The information is—
- (a) the same information referred to in regulation 20(2),
 - (b) the unique identifier for the dynamic market against which the public contract is being awarded,
 - (c) a statement that the tender notice is for the award of a public contract which is to be awarded by reference to suppliers’ membership of a dynamic market, and
 - (d) where the public contract is being awarded under an appropriate part of a dynamic market—
 - (i) the title of the part, and
 - (ii) the distinct number given to the part by the appropriate authority.

(3) Nothing in this regulation prevents a contracting authority from providing other information that relates to the same procurement in the notice.

(4) This regulation does not apply to a tender notice of the type mentioned in regulation 23(1).

Tender notices: qualifying utilities dynamic market notices

23.—(1) This regulation sets out other information which must be included in a tender notice for the award of a public contract by reference to a utilities dynamic market established under a qualifying utilities dynamic market notice provided under section 40(2) or (3) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the unique identifier for the dynamic market against which the public contract is being awarded,
 - (c) the contract subject-matter,
 - (d) where the public contract is for goods, services or works which the contracting authority expects will be needed after the expiry of the contract, an estimate, if possible, of the date when any subsequent tender notice will be provided,
 - (e) a description of any option which will be included in the public contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract,
 - (f) whether an electronic auction will be used,
 - (g) how requests to participate may be submitted and the date by when they must be submitted,
 - (h) how tenders may be submitted and the date by when they must be submitted,

- (i) whether the contracting authority proposes to rely on one of the following minimum tendering periods mentioned in the table in section 54(4) of the 2023 Act and, if so, which entry—
 - (i) first entry (contract being awarded is a light touch contract; no minimum period),
 - (ii) second entry (utilities contracts or contracts awarded by a contracting authority which is not a central government authority subject to a negotiated tender period; no minimum period),
 - (iii) third entry (utilities contracts or contracts awarded by a contracting authority which is not a central government authority where tenders may be submitted only by preselected suppliers; 10 days), or
 - (iv) fifth entry (state of urgency; 10 days),
- (j) a description of the kinds of goods, services or works which will be supplied, and
- (k) the estimated amount of goods, services or works which will be supplied.

(3) Where a contracting authority has already published information mentioned in paragraph (2) in the qualifying utilities dynamic market notice to which the notice relates in accordance with regulation 26(2)(i)(ii), the contracting authority is not required to provide that information in the notice.

(4) In paragraph (2), “electronic auction” has the meaning given by regulation 19(3).

(5) Nothing in this regulation prevents a contracting authority from providing other information in the notice.

Associated tender documents

24.—(1) This regulation sets out what information may be included in an associated tender document provided under section 21(3) of the 2023 Act in accordance with a tender notice.

(2) The document may include any information supplementing the tender notice including, where appropriate, information duplicating the information mentioned in—

- (a) regulation 19(2),
- (b) regulation 20(2),
- (c) regulation 21(2),
- (d) regulation 22(2), or
- (e) regulation 23(2).

Below-threshold tender notices

25.—(1) This regulation sets out other information which must be included in a below-threshold tender notice published under section 87(1) of the 2023 Act.

(2) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,
- (d) where the contract is being awarded by reference to a dynamic market, the unique identifier for that dynamic market,
- (e) where the contract will be awarded under an appropriate part of a dynamic market, the distinct number given to that part by the contracting authority,
- (f) the contract subject-matter,

- (g) the estimated value of the contract,
 - (h) how tenders may be submitted and the date by when they must be submitted,
 - (i) whether the notice is being used to invite tenders for a special regime contract and, if so, whether that contract is a light touch contract,
 - (j) whether the contracting authority considers that the contract or any lot forming part of the contract may be particularly suitable to be awarded—
 - (i) to a small and medium-sized enterprise, or
 - (ii) to a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
 - (k) an explanation of the criteria against which the award of the contract will be assessed, and
 - (l) a description of any conditions of participation in relation to the award of the contract.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.
- (4) In this regulation “below-threshold tender notice” has the meaning given by section 87(5) of the 2023 Act.

Dynamic market notices (including qualifying utilities dynamic market notices)

26.—(1) Paragraph (2) sets out other information which must be included in a dynamic market notice published under section 39(2) of the 2023 Act (dynamic market notices: intention to establish a dynamic market).

- (2) The information is—
- (a) the name of the person establishing the dynamic market,
 - (b) where there are two or more persons who are jointly establishing the dynamic market—
 - (i) the name of the lead person, and
 - (ii) the name of each of the other persons,
 - (c) a contact postal address and email address for each person mentioned in sub-paragraph (a) or (b),
 - (d) the unique identifier for each person mentioned in sub-paragraph (a) or (b),
 - (e) the name of any person (“A”) establishing the dynamic market on behalf of another person and—
 - (i) A’s contact postal address and email address,
 - (ii) A’s unique identifier, and
 - (iii) a summary of A’s role in relation to the dynamic market,
 - (f) the name, contact postal address and email address of any person who can be contacted in the event of an enquiry about the dynamic market,
 - (g) the title of the dynamic market,
 - (h) the unique identifier for the dynamic market,
 - (i) in the case of a qualifying utilities dynamic market notice—
 - (i) a statement that only members of the market, or part of the market, will be notified of a future intention to award a contract by reference to suppliers’ membership of the market, or part of the market, and provided with a tender notice in accordance with section 40(1) and (2) of the 2023 Act, and

- (ii) as much of the information as would be published in any tender notice published in accordance with regulation 23(2) that is available when the qualifying utilities dynamic market notice is published,
- (j) how documents relating to the dynamic market may be obtained,
- (k) how an application to join the dynamic market may be made,
- (l) whether the dynamic market is mainly for the supply of goods, services or works,
- (m) a description of the kinds of goods, services or works to which the dynamic market relates, given in such detail that a reader of the dynamic market notice can determine if they wish to apply to join the dynamic market, or appropriate part of the market,
- (n) the relevant CPV codes,
- (o) the conditions for membership of the dynamic market, or part of the market, set in accordance with section 36 of the 2023 Act,
- (p) a description of the methods that will be used to verify whether a supplier meets those conditions, including any different conditions for different kinds of goods, services or works,
- (q) whether the dynamic market may be used to award a public contract for which the United Kingdom has obligations under the GPA,
- (r) from the date when the Comprehensive and Progressive Agreement for Trans-Pacific Partnership enters into force for the United Kingdom, whether the dynamic market is one for which the United Kingdom has obligations under that Agreement,
- (s) whether the dynamic market may be used to award a special regime contract and, if so, whether that contract is—
 - (i) a concession contract,
 - (ii) a light touch contract, or
 - (iii) a utilities contract,
- (t) where the dynamic market is divided into appropriate parts for the purpose of excluding suppliers that are not members of an appropriate part—
 - (i) the title of each part,
 - (ii) a description of each part including any relevant CPV codes, and
 - (iii) the distinct number given to each part by the person establishing the dynamic market,
- (u) information enabling a reader to identify which contracting authorities will, or may apply to, use the dynamic market (either by reference to a list of authorities or a list describing categories of authorities),
- (v) the geographical classification, where it is possible to describe this,
- (w) in the case of a dynamic market with an estimated date when it will cease to operate—
 - (i) the estimated date when the dynamic market will be established, and
 - (ii) the estimated date when the dynamic market will cease to operate,
- (x) in the case of a dynamic market without an estimated date when it will cease to operate—
 - (i) the estimated date when the dynamic market will be established, and
 - (ii) a statement that the dynamic market is an open-ended market,
- (y) in the case of a dynamic market which is not a utilities dynamic market, whether the dynamic market provides for the charging of fees in accordance with section 38(1) of the 2023 Act and if so—

- (i) the fixed percentage to be applied to the estimated value of any public contract awarded to a supplier by reference to the dynamic market, and
 - (ii) any other information needed in order to enable suppliers to understand how fees will be charged, and
 - (z) in the case of a utilities dynamic market—
 - (i) whether the utilities dynamic market provides for the charging of fees in accordance with section 38(3) of the 2023 Act, and
 - (ii) if so, any other information needed in order to enable suppliers to understand how fees will be charged.
- (3) Paragraph (4) sets out other information which must be included in a dynamic market notice published under section 39(3) of the 2023 Act (establishment of a dynamic market).
- (4) The information is—
- (a) the same information referred to in paragraph (2)(a) to (h),
 - (b) the date on which the dynamic market was established,
 - (c) for each supplier that is a member of the dynamic market—
 - (i) the supplier’s name,
 - (ii) the supplier’s contact postal address and email address,
 - (iii) the unique identifier for the supplier, and
 - (iv) whether the supplier is—
 - (aa) a small and medium-sized enterprise, or
 - (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives, and
 - (d) where the dynamic market is divided into parts, the part of which each of those suppliers is a member.
- (5) Paragraph (6) sets out other information which must be included in a dynamic market notice published under section 39(4) of the 2023 Act (modifications to a dynamic market).
- (6) The information is—
- (a) the same information referred to in paragraph (2)(a) to (h),
 - (b) the date from when the modification has effect,
 - (c) if a supplier is being admitted to the market, a statement to that effect and—
 - (i) their name, contact postal address, email address and unique identifier, and
 - (ii) where the dynamic market is divided into parts, the part of which the supplier is a member,
 - (d) whether the supplier is—
 - (i) a small and medium-sized enterprise, or
 - (ii) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
 - (e) if a supplier is being removed from the market, a statement to that effect and—
 - (i) their name, contact postal address, email address and unique identifier, and
 - (ii) where the dynamic market is divided into parts, the part of which the supplier is a member,

- (f) a summary of any other modification being made, and
 - (g) confirmation that a conflicts assessment was prepared and revised in accordance with section 83 of the 2023 Act.
- (7) Paragraph (8) sets out other information which must be included in a dynamic market notice published under section 39(5) of the 2023 Act (cessation of a dynamic market).
- (8) The information is—
- (a) the same information referred to in paragraph (2)(a) to (h), and
 - (b) the date when the dynamic market ceased to operate.
- (9) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a dynamic market notice.

Transparency notices

27.—(1) This regulation sets out other information which must be included in a transparency notice published under section 44(1) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) in the case of a procurement where there has been a switch to a direct award in accordance with section 43 of the 2023 Act, the unique identifier allocated to the procurement before the switch to direct award,
 - (e) the unique identifier for the contract, if this is known when the transparency notice is published,
 - (f) the contract subject-matter,
 - (g) whether the contract is a special regime contract and, if so, whether it is—
 - (i) a concession contract,
 - (ii) a light touch contract, or
 - (iii) a utilities contract,
 - (h) whether the contract is being awarded directly to a supplier that is not an excluded supplier because a direct award justification applies in accordance with section 41(1)(a) of the 2023 Act,
 - (i) if sub-paragraph (h) applies, the direct award justification in Schedule 5 to the 2023 Act which applies and an explanation of why the contracting authority considers that it applies,
 - (j) whether the contract is being awarded directly to a supplier that is an excluded supplier because the contracting authority considers that there is an overriding public interest in awarding the contract to that supplier in accordance with section 41(2) to (5) of the 2023 Act,
 - (k) if sub-paragraph (j) applies—
 - (i) the offence or other event mentioned in Schedule 6 to the 2023 Act by virtue of which the supplier is an excluded supplier, and
 - (ii) which ground in section 41(5) of the 2023 Act applies and an explanation of why the contracting authority considers that it applies,
 - (l) whether the contract is being awarded directly to a supplier pursuant to regulations made under section 42 of the 2023 Act (direct award to protect life, etc.),

- (m) if sub-paragraph (l) applies, the title and registration number of the statutory instrument containing those regulations,
- (n) whether the contract is being awarded directly to a supplier that is not an excluded supplier by virtue of section 43 of the 2023 Act (switching to direct award),
- (o) if sub-paragraph (n) applies, the reason the contracting authority considers there were no suitable tenders or requests to participate by reference to section 43(2) of the 2023 Act and why it considers that an award under section 19 of that Act is not possible in the circumstances,
- (p) whether the contract is being awarded by reference to lots and, if so—
 - (i) the title of each lot, and
 - (ii) the distinct number given to each lot by the contracting authority,
- (q) the estimated value of the contract,
- (r) whether the contracting authority considers that the contract or any lot forming part of the contract may be particularly suitable to be awarded—
 - (i) to a small and medium-sized enterprise, or
 - (ii) to a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
- (s) a description identifying any risk that—
 - (i) the contracting authority considers could jeopardise the satisfactory performance of the contract, but because of its nature, may not be addressed in the contract as awarded, and
 - (ii) may require a subsequent modification to the contract under paragraph 5 of Schedule 8 to the 2023 Act (modification of contract following materialisation of a known risk),
- (t) whether suppliers have been selected for the award of the contract,
- (u) if suppliers have been selected for the award of the contract, for each supplier selected—
 - (i) the supplier's name,
 - (ii) either—
 - (aa) the unique identifier for the supplier, or
 - (bb) in the case of a direct award of a public contract pursuant to paragraphs 13 and 14 of Schedule 5 to the 2023 Act (urgency) where the supplier has not been allocated a unique identifier when the transparency notice is published but can instead provide unique information (for example a company registration number given under the CA 2006) which can be recognised by the central digital platform as the basis for a unique identifier allocated by that platform, that unique information, and
 - (iii) the supplier's contact postal address and email address,
- (v) the estimated date when the contract will be entered into, and
- (w) where the contract is a framework—
 - (i) the term of the framework,
 - (ii) whether the framework provides for fees to be charged to a supplier in accordance with the framework and, if so, details of the fixed percentage by which they will be charged in accordance with section 45(7) of the 2023 Act, and

- (iii) the contracting authorities entitled to award contracts in accordance with the framework (whether by listing the names of those authorities or by describing categories of authorities).

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Contract award notices except those published by private utilities

28.—(1) This regulation sets out other information which must be included in a contract award notice published by a contracting authority under section 50(1) of the 2023 Act.

(2) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for—
 - (i) the procurement,
 - (ii) the public contract,
 - (iii) where the public contract is being awarded in accordance with a framework, the procurement of the framework in accordance with which the public contract is being awarded, and
 - (iv) where the public contract is being awarded by reference to a suppliers' membership of a dynamic market, the dynamic market,
- (d) the contract subject-matter,
- (e) for each supplier awarded the public contract—
 - (i) the supplier's name,
 - (ii) the supplier's contact postal address and email address,
 - (iii) either —
 - (aa) the unique identifier for the supplier, or
 - (bb) in the case of a direct award of a public contract pursuant to paragraphs 13 and 14 of Schedule 5 to the 2023 Act (urgency) where the supplier has not been allocated a unique identifier when the contract award notice is published but can instead provide unique information (for example a company registration number given under the CA 2006) which can be recognised by the central digital platform as the basis for a unique identifier allocated by that platform, that unique information,
 - (iv) whether the supplier is an association of companies or other consortium,
 - (v) whether the supplier is—
 - (aa) a small and medium-sized enterprise,
 - (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
 - (cc) a supported employment provider, or
 - (dd) a public service mutual,
 - (vi) for each associated person of the supplier, the person's name and contact postal address ("associated person" ("*person â chyswllt*") has the meaning given by section 26(4) of the 2023 Act), and

- (vii) the supplier's connected person information in accordance with regulation 12, but reading paragraphs (4)(a) and (8)(a) of that regulation as if each reference to date of birth were a reference to month and year of birth, subject to paragraph (4) of this regulation,
- (f) the date when the contracting authority decided to award the public contract,
- (g) if the public contract is being awarded by reference to lots, for each lot—
 - (i) the name of the supplier that is being awarded the lot,
 - (ii) the title of the lot,
 - (iii) the distinct number given to the lot by the contracting authority,
 - (iv) a description of the kinds of goods, services or works which will be supplied,
 - (v) a summary of how those goods, services or works will be supplied,
 - (vi) the estimated date when, or period over which, the goods, services or works will be supplied,
 - (vii) the estimated amount of goods, services or works which will be supplied,
 - (viii) the estimated value of the lot,
 - (ix) the relevant CPV codes, and
 - (x) the geographical classification, where it is possible to describe this,
- (h) where the public contract is being awarded in accordance with a framework, details of which of the following procedures was used—
 - (i) a competitive selection process for frameworks under section 46 of the 2023 Act, or
 - (ii) an award without further competition under section 45(4) of the 2023 Act,
- (i) where the public contract is a framework that is being awarded under an open framework, the unique identifier for the procurement of the last framework awarded under the open framework (unless no framework has previously been awarded under the open framework),
- (j) where the public contract is being awarded under an appropriate part of a dynamic market, the distinct number given to that part by the person who established the dynamic market,
- (k) whether the public contract is a special regime contract and, if so, whether it is—
 - (i) a concession contract,
 - (ii) a light touch contract, or
 - (iii) a utilities contract,
- (l) whether the contracting authority has provided an assessment summary to each supplier that submitted an assessed tender in accordance with section 50(3) of the 2023 Act and, if so, the date when those assessment summaries were provided,
- (m) the estimated value of the public contract,
- (n) in respect of all public contracts—
 - (i) the total number of tenders submitted by the contracting authority's deadline for submitting tenders (discounting tenders submitted but subsequently withdrawn),
 - (ii) the total number of tenders assessed by the contracting authority, and
 - (iii) the total number of unsuccessful tenders assessed by the contracting authority which were submitted by—
 - (aa) a small and medium-sized enterprise, and

- (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives, except in the case of a direct award under section 41 or 43 of the 2023 Act,
 - (o) where the public contract is a framework or awarded other than in accordance with a framework, details of which of the following procedures was used—
 - (i) an open procedure,
 - (ii) a competitive flexible procedure, or
 - (iii) a direct award under section 41 or 43 of the 2023 Act,
 - (p) whether a tender notice was used to reserve the contract to supported employment providers in accordance with section 32 of the 2023 Act, and whether the contract was awarded to such a supplier,
 - (q) whether a tender notice was used to reserve the contract to public service mutuals in accordance with section 33 of the 2023 Act, and whether the contract was awarded to such a supplier,
 - (r) the end date of any standstill period under section 51 of the 2023 Act or, if no standstill period applies, any date before which the contracting authority has determined not to enter into the contract,
 - (s) the estimated date when the contract will be entered into,
 - (t) where the public contract is being awarded directly under section 41 or 43 of the 2023 Act, the same information referred to in regulation 27(2)(h) to (o),
 - (u) where the public contract is being awarded in accordance with a framework which is arranged by reference to lots, the distinct number given by the contracting authority to the lot under which the contract is being awarded, and
 - (v) where—
 - (i) the public contract is being awarded by reference to lots, and
 - (ii) the contracting authority is using the contract award notice to give notice that it is ceasing to procure all of the goods, services and works set out in one or more of those lots or any lots under future contracts under the arrangement under section 18(2)(a) of the 2023 Act,
 the ceased lot information.
- (3) In this regulation “ceased lot information” is—
- (a) the following information for each ceased lot—
 - (i) the title of the lot,
 - (ii) the distinct number given to the lot by the contracting authority,
 - (iii) the relevant CPV codes, and
 - (iv) a description of the kinds of goods, services or works which were to have been supplied under the lot, and
 - (b) the date when the contracting authority decided to cease the procurement under the lot.
- (4) A contracting authority is not required to publish, in accordance with paragraph (2)(e)(vii), connected person information which is secured information in relation to—
- (a) a connected person who is an individual who meets the description in regulation 12(3)(b) and (c), or
 - (b) a connected person who is an individual who meets the description in regulation 12(15)(b).
- (5) In this regulation “Secured information” is information which—

- (a) in relation to an individual mentioned in paragraph (4)(a) or (b), is for the time being omitted from a PSC register in accordance with regulation 33(1) of the Register of People with Significant Control Regulations 2016(19), or
- (b) in relation to an individual mentioned in paragraph (4)(b), is information regarding which the individual—
 - (i) is reasonably of the view set out in paragraph (6), and
 - (ii) has confirmed that view in writing to the contracting authority.
- (6) The view is that if the information is published—
 - (a) the activities of the company, or
 - (b) one or more characteristics or personal attributes of the applicant when associated with that company,

will put the applicant or a person living with the applicant at serious risk of being subjected to violence or intimidation.

(7) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

- (8) This regulation does not apply to a contracting authority that is a private utility.

Contract award notices published by private utilities

29.—(1) This regulation sets out other information which must be included in a contract award notice published by a private utility under section 50(1) of the 2023 Act.

- (2) The information is—
 - (a) the same information referred to in regulation 28(2)(a) to (q), except sub-paragraphs (h) and (n),
 - (b) the estimated date when the contract will be entered into, and
 - (c) a description of any option in the public contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract.

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement (including information that relates to other contracts awarded under the same procurement) in the notice.

- (4) This regulation does not apply to—
 - (a) the direct award of a public contract under section 41 or 43 of the 2023 Act (see instead regulation 30), or
 - (b) the award of a public contract in accordance with a framework (see instead regulation 31).

Contract award notices published by private utilities: direct awards

30.—(1) This regulation sets out other information which must be included in a contract award notice published by a private utility under section 50(1) of the 2023 Act where the contract was awarded directly in accordance with section 41 or 43 of the 2023 Act.

- (2) The information is—
 - (a) the same information referred to in regulation 28(2)(a) to (q), except sub-paragraphs (c) (iii), (c)(iv), (h) to (j), (l) and (n),

- (b) the estimated date when the contract will be entered into,
 - (c) a description of any option in the public contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract,
 - (d) whether the contract is being awarded directly to a supplier that is not an excluded supplier because a direct award justification applies in accordance with section 41(1)(a) of the 2023 Act,
 - (e) if sub-paragraph (d) applies, the direct award justification in Schedule 5 to the 2023 Act which applies and an explanation of why the contracting authority considers that it applies,
 - (f) whether the contract is being awarded directly to a supplier that is an excluded supplier because the contracting authority considers that there is an overriding public interest in awarding the contract to that supplier in accordance with section 41(2) to (5) of the 2023 Act,
 - (g) if sub-paragraph (f) applies—
 - (i) the offence or other event mentioned in Schedule 6 to the 2023 Act by virtue of which the supplier is an excluded supplier, and
 - (ii) which ground in section 41(5) of the 2023 Act applies and an explanation of why the contracting authority considers that it applies,
 - (h) whether the contract is being awarded directly to a supplier pursuant to regulations made under section 42 of the 2023 Act (direct award to protect life, etc.),
 - (i) if sub-paragraph (h) applies, the title and registration number of the statutory instrument containing those regulations,
 - (j) whether the contract is being awarded directly to a supplier that is not an excluded supplier by virtue of section 43 of the 2023 Act (switching to direct award), and
 - (k) if sub-paragraph (j) applies, the reason the contracting authority considers there were no suitable tenders or requests to participate by reference to section 43(2) of the 2023 Act and why it considers that an award under section 19 of that Act is not possible in the circumstances.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Contract award notices published by private utilities: frameworks

31.—(1) This Regulation sets out other information which must be included in a contract award notice published by a private utility under section 50(1) of the 2023 Act where the contract is being awarded in accordance with a framework.

- (2) The information is—
 - (a) the same information referred to in regulation 28(2)(a) to (q), except sub-paragraphs, (c) (iv), (i), (j), (n) and (o),
 - (b) the estimated date when the contract will be entered into,
 - (c) a description of any option in the public contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract,
 - (d) where the framework is arranged by reference to lots, the distinct number given by the contracting authority to the lot under which the contract is being awarded,
 - (e) details of which of the following procedures was used to award the public contract—

- (i) a competitive selection process for frameworks under section 46 of the 2023 Act, or
 - (ii) an award without further competition under section 45(4) of the 2023 Act, and
 - (f) if sub-paragraph (e)(ii) applies, an explanation of why the contracting authority considered that it applies by reference to section 45(4) of the 2023 Act.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Assessment summaries

32.—(1) This regulation sets out what information must be included in an assessment summary provided to a supplier under section 50(3) of the 2023 Act.

- (2) In the case of the most advantageous tender, the information is—
- (a) the name of the supplier,
 - (b) a contact postal address and email address for the supplier,
 - (c) the unique identifier for the supplier,
 - (d) in respect of the award criteria for the public contract—
 - (i) the award criteria, including the assessment methodology, set out in full, or a summary of the award criteria including—
 - (aa) the title of each criterion,
 - (bb) the relative importance of each criterion, and
 - (cc) how each criterion was to have been assessed by reference to scores and what scores were to have been available for each criterion, and
 - (ii) if the award criteria, including the assessment methodology, are not set out in full in the assessment summary, an indication of where the full version can be accessed, and
 - (e) how the tender was assessed against the award criteria by reference to scores including—
 - (i) the score determined for each award criterion and—
 - (aa) an explanation for that score by reference to relevant information in the tender, and
 - (bb) where an award criterion includes sub-criteria for assessment, an explanation of how the tender was assessed by reference to each sub-criterion, and
 - (ii) the total score and any sub-total scores.
- (3) In the case of any other assessed tender, the information is—
- (a) the same information as that referred to in paragraph (2)(a) to (d),
 - (b) the same information as that referred to in paragraph (2)(e), but only to the extent that the tender was assessed against the award criteria,
 - (c) any further explanation of why the public contract is not being awarded to the supplier including, where the tender was disqualified under the assessment methodology under section 23(3) of the 2023 Act, the reasons for that disqualification, and
 - (d) the same information referred to in paragraph (2)(e) in respect of the most advantageous tender.

(4) All assessment summaries in respect of a public contract which are provided by a contracting authority to suppliers in accordance with section 50(3) of the 2023 Act must be provided at the same time.

(5) Nothing in this regulation prevents a contracting authority from providing other information that relates to the same procurement in an assessment summary.

Contract details notices: open or competitive flexible procedure

33.—(1) This regulation sets out other information which must be included in a contract details notice published under section 53(1) of the 2023 Act where the public contract was entered into following—

- (a) an open procedure, or
- (b) a competitive flexible procedure (including by reference to a dynamic market).

(2) The information is—

- (a) the contracting authority information,
- (b) the title of the procurement,
- (c) the unique identifier for the procurement,
- (d) the unique identifier for the public contract,
- (e) where the public contract was awarded by reference to suppliers' membership of a dynamic market, the unique identifier for that dynamic market,
- (f) the contract subject-matter,
- (g) for each supplier party to the public contract—
 - (i) the supplier's name,
 - (ii) the supplier's contact postal address and email address,
 - (iii) the unique identifier for the supplier, and
 - (iv) whether the supplier is—
 - (aa) a small and medium-sized enterprise,
 - (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
 - (cc) a supported employment provider, or
 - (dd) a public service mutual,
- (h) whether the public contract was awarded following—
 - (i) an open procedure, or
 - (ii) a competitive flexible procedure,
- (i) whether the contract was reserved—
 - (i) to supported employment providers in accordance with section 32 of the 2023 Act, or
 - (ii) to public service mutuals in accordance with section 33 of the 2023 Act,
- (j) if the public contract was awarded by reference to a lot—
 - (i) the title of the lot,
 - (ii) the distinct number given to the lot by the contracting authority,
 - (iii) a description of the kinds of goods, services or works which will be supplied,
 - (iv) a summary of how those goods, services or works will be supplied,
 - (v) the estimated date when, or period over which, the goods, services or works will be supplied,
 - (vi) the estimated amount of goods, services or works which will be supplied,

- (vii) the estimated value of the lot, and
 - (viii) the relevant CPV codes,
 - (k) the estimated value of the public contract,
 - (l) the date when the public contract was entered into,
 - (m) a description of any option in the public contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract,
 - (n) where the public contract was awarded under an appropriate part of a dynamic market, the distinct number given to that part by the person who established the dynamic market,
 - (o) whether the public contract is a special regime contract and, if so, whether it is—
 - (i) a concession contract,
 - (ii) a light touch contract, or
 - (iii) a utilities contract,
 - (p) whether the public contract is a contract for which the United Kingdom has obligations under the GPA,
 - (q) from the date when the Comprehensive and Progressive Agreement for Trans-Pacific Partnership enters into force for the United Kingdom, whether the public contract is a contract for which the United Kingdom has obligations under that Agreement,
 - (r) where the key performance indicators were set in accordance with section 52(1) of the 2023 Act—
 - (i) a description of each key performance indicator, and
 - (ii) how often the contracting authority will assess performance against the key performance indicators in accordance with section 71(2) of the 2023 Act, and
 - (s) where key performance indicators were not set by virtue of section 52(2) of the 2023 Act, an explanation of why the contracting authority considers that the supplier's performance under the contract could not appropriately be assessed by reference to key performance indicators.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.
- (4) This regulation does not apply to a contract details notice where the public contract is a framework (see instead regulation 34).

Contract details notices: frameworks

34.—(1) This regulation sets out other information which must be included in a contract details notice published under section 53(1) of the 2023 Act where the public contract is a framework.

- (2) The information is—
- (a) the same information referred to in regulation 33(2)(a) to (q), except sub-paragraph (h),
 - (b) the contracting authorities entitled to award public contracts in accordance with the framework (whether by listing the names of those authorities or by describing categories of authorities),
 - (c) the term of the framework,
 - (d) whether the framework is awarded under an open framework,

- (e) where the framework was awarded under an open framework, the unique identifier for the procurement of the last framework awarded under the open framework (unless no framework has previously been awarded under the open framework),
 - (f) where the framework was awarded under an open framework, the estimated end date of the open framework,
 - (g) whether the public contract was awarded following—
 - (i) an open procedure,
 - (ii) a competitive flexible procedure, or
 - (iii) directly, in accordance with section 41 or 43 of the 2023 Act,
 - (h) whether the framework provides for fees to be charged to a supplier in accordance with the framework and, if so, details of the fixed percentage by which they will be charged in accordance with section 45(7) of the 2023 Act,
 - (i) the price payable, or mechanism for determining the price payable, under a public contract awarded in accordance with the framework, and
 - (j) details of the selection process to be applied on the award of a public contract in accordance with the framework.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Contract details notices: public contracts awarded in accordance with frameworks

35.—(1) This regulation sets out other information which must be included in a contract details notice published under section 53(1) of the 2023 Act where the public contract was awarded in accordance with a framework.

- (2) The information is—
 - (a) the same information referred to in regulation 33(2), except sub-paragraphs (e), (h), (n), (p) and (q),
 - (b) the unique identifier for the procurement of the framework in accordance with which the public contract is being awarded,
 - (c) where the framework is arranged by reference to lots, the distinct number given by the contracting authority to the lot under which the contract is being awarded,
 - (d) details of which of the following procedures was used to award the public contract—
 - (i) a competitive selection process for frameworks under section 46 of the 2023 Act, or
 - (ii) an award without further competition under section 45(4) of the 2023 Act, and
 - (e) if sub-paragraph (d)(ii) applies, an explanation of why the contracting authority considered that it applies by reference to section 45(4) of the 2023 Act.

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Contract details notices: direct award

36.—(1) This regulation sets out other information which must be included in a contract details notice published under section 53(1) of the 2023 Act where the public contract was awarded directly in accordance with section 41 or 43 of the 2023 Act.

- (2) The information is—
 - (a) the same information referred to in regulation 33(2), except sub-paragraphs (e), (h) and (n),

- (b) whether the contract was awarded directly to a supplier that is not an excluded supplier because a direct award justification applies in accordance with section 41(1)(a) of the 2023 Act,
 - (c) if sub-paragraph (b) applies, the direct award justification in Schedule 5 to the 2023 Act which applies and an explanation of why the contracting authority considers that it applies,
 - (d) whether the contract was awarded directly to a supplier that is an excluded supplier because the contracting authority considered that there was an overriding public interest in awarding the contract to that supplier in accordance with section 41(2) to (5) of the 2023 Act,
 - (e) if sub-paragraph (d) applies, which ground in section 41(5) of the 2023 Act applies and an explanation of why the contracting authority considers that it applies,
 - (f) whether the contract was awarded directly to a supplier pursuant to regulations made under section 42 of the 2023 Act (direct award to protect life, etc.),
 - (g) if sub-paragraph (f) applies, the title and registration number of the statutory instrument containing those regulations,
 - (h) whether the contract was awarded directly to a supplier that is not an excluded supplier by virtue of section 43 of the 2023 Act (switching to direct award),
 - (i) if sub-paragraph (h) applies, an explanation of why the contracting authority considers there were no suitable tenders or requests to participate by reference to section 43(2) of the 2023 Act and why it considers that an award under section 19 of that Act is not possible in the circumstances,
 - (j) whether the contract was awarded to a supplier that is an excluded supplier by virtue of section 41(2) of the 2023 Act, and
 - (k) if sub-paragraph (j) applies, the offence or other event mentioned in Schedule 6 to the 2023 Act in question.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.
- (4) This regulation does not apply to a contract details notice where the public contract is a framework (see instead regulation 34).

Contract details notices: below-threshold contracts

37.—(1) This regulation sets out other information which must be included in a contract details notice published under section 87(3) of the 2023 Act.

- (2) The information is—
 - (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) the unique identifier for the contract,
 - (e) for each supplier party to the contract—
 - (i) the supplier’s name,
 - (ii) the supplier’s contact postal address and email address,
 - (iii) the unique identifier for the supplier, and
 - (iv) whether the supplier is—
 - (aa) a small and medium-sized enterprise, or

- (bb) a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives,
 - (f) the contract subject-matter,
 - (g) whether the contract was awarded by reference to lots and, if so—
 - (i) the title of each lot under the contract,
 - (ii) the distinct number given to each lot by the contracting authority,
 - (h) whether the contract is a light touch contract,
 - (i) whether the contract was awarded by reference to the suppliers' membership of a dynamic market and, if so—
 - (i) the unique identifier for the dynamic market, and
 - (ii) where the public contract was awarded under an appropriate part of a dynamic market (see section 34(1) and (6) of the 2023 Act), the distinct number given to that part by the contracting authority,
 - (j) the estimated value of the contract,
 - (k) the date when the contract was entered into, and
 - (l) a description of any option in the contract—
 - (i) to supply additional goods, services or works, or
 - (ii) to extend or renew the term of the contract.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

Procurement termination notices

38.—(1) This regulation sets out what information must be included in a procurement termination notice published under section 55(2) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) a statement to the effect that, following the publication of a tender or transparency notice in respect of a contract, the contracting authority has decided not to award the contract, and
 - (e) the date when the contracting authority decided not to award the public contract.
- (3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in a procurement termination notice.

Payments compliance notices

39.—(1) This regulation sets out what information must be included in a payments compliance notice published under section 69(1) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the dates of the first and the last days of the reporting period to which the payments compliance notice relates,

- (c) in respect of sums paid by the contracting authority under public contracts during the reporting period—
 - (i) the average number of days taken to make those payments, where day 1 is the first day after the invoice day;
 - (ii) the percentage of those payments which were made, where day 1 is the first day after the invoice day—
 - (aa) within the period beginning on day 1 and ending with day 30;
 - (bb) within the period beginning on day 31 and ending with day 60;
 - (cc) on or after day 61,
 - (d) in respect of sums which became payable under public contracts during the reporting period, the percentage of those payments which were not made within the reporting period, and
 - (e) a statement of the director or similar officer of the contracting authority who is responsible for the contracting authority’s finances setting out that the person approves the payments compliance notice and that person’s name and job title.
- (3) In paragraph (2)—
- “average” (“*cyfartalog*”) means the arithmetic mean;
 - “invoice day” (“*diwrnod anfonebu*”) means the day on which a contracting authority receives an invoice.
- (4) For the purposes of paragraph (2), a payment is made—
- (a) when it is received by the supplier, or
 - (b) if there is any delay in the sum being received for which the contracting authority is not responsible, when it would have been received without that delay.
- (5) In paragraph (3) the reference to a contracting authority receiving an invoice is to the invoice being delivered to an address, or through an electronic invoicing system, specified in the contract for the purpose.
- (6) Nothing in this regulation prevents a contracting authority from publishing other relevant information in the notice.
- (7) In this regulation “payments compliance notice” (“*hysbysiad cydymffurfedd taliadau*”) and “reporting period” (“*cyfnod adrodd*”) have the meaning given by section 69 of the 2023 Act.

Contract performance notices except in relation to full termination

- 40.**—(1) This regulation makes provision about information published under either of the following provisions—
- (a) section 71(2)(b) of the 2023 Act (assessment of performance against key performance indicators);
 - (b) section 71(5) of that Act (breach of public contract or failure to perform).
- (2) The information must be published in the form of a notice called a “Contract Performance Notice”.
- (3) Where the information is being published under section 71(2)(b) of the 2023 Act, the notice must include the information set out in paragraph (4).
- (4) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,

- (c) the unique identifier for—
 - (i) the procurement, and
 - (ii) the public contract,
 - (d) the key performance indicators set in accordance with section 52(1) of the 2023 Act,
 - (e) a statement that the notice is being used to set out the contracting authority’s assessment of performance against the key performance indicators,
 - (f) for each supplier whose performance has been assessed against the key performance indicators—
 - (i) the supplier’s name,
 - (ii) the supplier’s contact postal address and email address, and
 - (iii) the unique identifier for the supplier,
 - (g) the contracting authority’s assessment of performance against the indicators in accordance with the ratings set out in paragraph (5), and
 - (h) the time period to which the contracting authority’s assessment applies.
- (5) The ratings are—

<i>Rating</i>	<i>Description</i>
Good	Performance is meeting or exceeding the key performance indicators
Approaching target	Performance is close to meeting the key performance indicators
Requires improvement	Performance is below the key performance indicators
Inadequate	Performance is significantly below the key performance indicators
Other	Performance cannot be described as good, approaching target, requires improvement or inadequate

(6) Where the information is being published under section 71(5) of the 2023 Act, the notice must include the information set out in paragraph (7).

- (7) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for—
 - (i) the procurement, and
 - (ii) the public contract,
 - (d) for each supplier that has committed the breach or failure to perform set out in the notice—
 - (i) the supplier’s name,
 - (ii) the supplier’s contact postal address and email address, and
 - (iii) the unique identifier for the supplier,
 - (e) the information referred to in—

- (i) section 71(5)(a) of the 2023 Act (that section 71(5) of that Act applies), and
- (ii) section 71(5)(b) of the 2023 Act (the circumstances giving rise to the application of section 71(5) of that Act),
- (f) a statement that the information is being published because—
 - (i) the supplier has breached the public contract and the breach resulted in one of the events referred to in section 71(3)(b), or
 - (ii) the supplier is not performing a public contract to the contracting authority's satisfaction,
- (g) where the supplier has breached the public contract, which of the following resulted from the breach—
 - (i) partial termination of the public contract;
 - (ii) the award of damages;
 - (iii) a settlement agreement between the supplier and the contracting authority,
- (h) where the supplier has breached the public contract, the date of any—
 - (i) partial termination of the public contract,
 - (ii) award of damages, or
 - (iii) settlement,
- (i) where the supplier is not performing the public contract to the contracting authority's satisfaction, the date when the contracting authority considered that the supplier had failed to improve its performance in accordance with section 71(4)(c),
- (j) an explanation of the nature of the contractual obligation which has been breached or is not being performed to the contracting authority's satisfaction,
- (k) an explanation of the nature of the breach or failure to perform including—
 - (i) an explanation of the impact or consequences of the breach or failure to perform,
 - (ii) the duration of the breach or failure to perform and whether it is ongoing,
 - (iii) an explanation of any steps taken by the supplier to mitigate the impact or consequences of the breach or failure to perform,
 - (iv) any steps that the contracting authority has taken to notify the supplier of the breach or failure to perform and encourage them to improve the situation, including—
 - (aa) any warning notices given under the public contract, or
 - (bb) any opportunity to improve performance, and
 - (v) what steps, if any, were taken by the supplier to improve the situation and why these were not sufficient,
- (l) where the breach has resulted in partial termination of the public contract, a description of which part of, or to what extent, the contract has been partially terminated, and
- (m) where there has been an award of damages or payment of other monies following the breach or failure to perform—
 - (i) confirmation that this is the case,
 - (ii) the amount of damages or other monies,
 - (iii) the basis on which any damages were awarded or other monies paid, for example—
 - (aa) in the case of damages, in accordance with the public contract,
 - (bb) in the case of damages, in accordance with a decision of a court or tribunal,or

- (cc) in the case of other monies, in accordance with a negotiated settlement, and
- (iv) where there has been a recorded decision of a court or tribunal finding a breach—
 - (aa) a link to the web page where the decision can be accessed, or
 - (bb) a copy of the decision.

(8) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

(9) This regulation does not apply to information required to be published in accordance with section 71(5) of the 2023 Act where a breach resulted in the full termination of a public contract (see instead regulation 42).

Contract change notices

41.—(1) This regulation sets out other information which must be included in a contract change notice published under section 75(1) or (5) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for the procurement,
 - (d) the unique identifier for the contract,
 - (e) for each supplier party to the public contract or convertible contract—
 - (i) the supplier’s name,
 - (ii) the supplier’s contact postal address and email address, and
 - (iii) the unique identifier for the supplier,
 - (f) whether the contracting authority is permitted to make the modification to the public contract or convertible contract because the modification is, by virtue of section 74(1)(a) of the 2023 Act, one which is described—
 - (i) in paragraphs 2 and 3 of Schedule 8 to that Act (urgency and the protection of life, etc.),
 - (ii) in paragraph 4 of Schedule 8 to that Act (unforeseeable circumstances),
 - (iii) in paragraphs 5 to 7 of Schedule 8 to that Act (materialisation of a known risk),
 - (iv) in paragraph 8 of Schedule 8 to that Act (additional goods, services or works), or
 - (v) in paragraph 9 of Schedule 8 to that Act (transfer on corporate restructuring),
 (where the modification is permitted under one of those provisions),
 - (g) an explanation of why the modification falls within one of the types of modifications mentioned in sub-paragraph (f),
 - (h) details of any change as a result of the modification—
 - (i) to the estimated value of the public contract or convertible contract immediately prior to the modification, or
 - (ii) to the term of the public contract or convertible contract,
 - (i) where the modification is one which is described in paragraph 9 of Schedule 8 to that Act (transfer on corporate restructuring)—
 - (i) for each new supplier party to the public contract or convertible contract—
 - (aa) the supplier’s name,

- (bb) the supplier’s contact postal address and email address, and
 - (cc) the unique identifier for the supplier, and
 - (ii) for each supplier that will no longer be party to the public contract or convertible contract, the same information referred to in paragraph (i)(aa) to (cc),
 - (j) the estimated date when—
 - (i) the public contract or convertible contract will be modified, and
 - (ii) the modification will have effect, and
 - (k) whether a voluntary standstill period applies in accordance with section 76(1) of the 2023 Act, and, if so, the duration of that period.
- (3) For provision which requires contracting authorities to publish contracts as modified or modifications in certain cases, see section 77 of the 2023 Act.
- (4) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.
- (5) In this regulation “contract change notice” (“*hysbysiad newid contract*”) has the meaning given by section 75(3) of the 2023 Act.

Contract termination notices

42.—(1) This regulation sets out other information which must be included in a contract termination notice published under section 80(1) of the 2023 Act.

- (2) The information is—
- (a) the contracting authority information,
 - (b) the title of the procurement,
 - (c) the unique identifier for—
 - (i) the procurement, and
 - (ii) the public contract,
 - (d) for each supplier party to the public contract—
 - (i) the supplier’s name,
 - (ii) the supplier’s contact postal address and email address, and
 - (iii) the unique identifier for the supplier,
 - (e) the reasons for terminating the public contract (including any reason mentioned in section 80(3) of the 2023 Act),
 - (f) the date when the public contract was terminated,
 - (g) the estimated value of the public contract,
 - (h) where the termination of the public contract was the result of the supplier breaching the contract—
 - (i) a statement that section 71(5) of the 2023 Act applies because the supplier breached the contract,
 - (ii) whether the breach resulted in—
 - (aa) the award of damages, or
 - (bb) a settlement agreement between the supplier and the contracting authority,
 - (iii) the date of—
 - (aa) any award of any damages, or

- (bb) any settlement,
- (iv) where the supplier did not perform the public contract to the contracting authority's satisfaction, the date when the contracting authority considered that the supplier had failed to improve its performance in accordance with section 71(4)(c),
- (v) an explanation of the nature of the contractual obligation which was breached or was not being performed to the contracting authority's satisfaction,
- (vi) an explanation of the nature of the breach or failure to perform including—
 - (aa) an explanation of the impact or consequences of the breach or failure to perform,
 - (bb) the duration of the breach or failure to perform,
 - (cc) an explanation of any steps taken by the supplier to mitigate the impact or consequences of the breach or failure to perform,
 - (dd) any steps that the contracting authority took to notify the supplier of the breach or failure to perform and encourage them to improve the situation, including any warning notices given under the public contract or other proper opportunity to improve performance pursuant to section 71(4)(b) of the 2023 Act,
 - (ee) what steps, if any, were taken by the supplier to improve the situation and why these were not sufficient, and
- (vii) where there has been an award of damages or other monies paid following the breach or failure to perform—
 - (aa) confirmation that this is the case,
 - (bb) the amount of damages or other monies paid,
 - (cc) the basis on which the damages were awarded or other monies paid, for example in accordance with the public contract, a decision of a court or tribunal or a negotiated settlement, and
 - (dd) where there is a recorded decision of a court or tribunal finding that there was a breach, a link to the web page where the decision can be accessed or a copy of the decision.

(3) Nothing in this regulation prevents a contracting authority from publishing other information that relates to the same procurement in the notice.

(4) In this regulation “contract termination notice” (“*hysbysiad terfynu contract*”) has the meaning given by section 80(2) of the 2023 Act.

PART 3

Other provisions supplementing the 2023 Act

Specification of light touch and reservable light touch services

43.—(1) For the purposes of section 9(1) of the 2023 Act (light touch contracts) the services which are covered by the CPV codes set out in column (1) of the Table in Schedule 1 to these Regulations and described in column (2) of that Table are specified as light touch services.

(2) For the purposes of section 33(7) of the 2023 Act (reserving contracts to public service mutuels), a service specified in columns (1) and (2) of the Table in Schedule 1 to these Regulations

is specified as a reservable light touch service where in the entry corresponding to that service in column (3), the letter “R” appears.

Central government authorities

44.—(1) All the entities listed in column (1) or (2) of the Table in Schedule 2 to these Regulations are specified for the purposes of the definition of “central government authority” in paragraph 5(1) of Schedule 1 to the 2023 Act.

(2) Where an entity listed in Schedule 2 to these Regulations is succeeded by another entity, which is itself a contracting authority, the successor entity is deemed to be included in the Schedule.

Meaning of “works” in paragraph 5(1) of Schedule 1 to the 2023 Act

45. For the purposes of the definition of “works” in paragraph 5(1) of Schedule 1 to the 2023 Act, “works” means any of the activities coming within a CPV code listed in Schedule 3 to these Regulations.

PART 4

Consequential amendments

Amendments to the Social Partnership and Public Procurement (Wales) Act 2023

46.—(1) The Social Partnership and Public Procurement (Wales) Act 2023⁽²⁰⁾ is amended as follows.

(2) In section 25 (socially responsible procurement duty: major construction contracts), in subsection (2), for “with” to the end substitute—

“that is a works contract with an estimated value equal to or greater than £2,000,000.”

(3) In section 45 (interpretation of Part 3), in subsection (1)—

(a) omit the definitions of—

- (i) “the Concession Contracts Regulations”,
- (ii) “the Public Contracts Regulations”,
- (iii) “public works contract”,
- (iv) “the Utilities Contracts Regulations”, and
- (v) “works concession contract”;

(b) in the definition of “works” (“*gweithiau*”), for “paragraph 2 of regulation 2(1) of the Public Contracts Regulations” substitute “regulation 45 of and Schedule 3 to the Procurement (Wales) Regulations 2024⁽²¹⁾”;

(c) in the definition of “works contract” (“*contract gweithiau*”), for “regulation 2(1) of the Utilities Contracts Regulations” substitute “paragraph 4 of Schedule 1 to the Procurement Act 2023 (c. 54)”.

(4) In section 45 (interpretation of Part 3), in subsection (2), for “regulation 6(1) of the Public Contracts Regulations” substitute “section 4 of the Procurement Act 2023”.

⁽²⁰⁾ 2023 asc 1.

⁽²¹⁾ S.I. 2024/782 (W. 121).

Amendments to the 2023 Act

47.—(1) The 2023 Act is amended as follows.

(2) In section 17 (preliminary market engagement notices), in subsection (3) omit the following words “other than to a private utility which is a devolved Welsh authority that is not carrying out procurement under a reserved procurement arrangement or a transferred Northern Ireland procurement arrangement.”.

(3) In section 87 (regulated below-threshold contracts: notices), for subsection (4)(a) substitute—

“(a) in the case of a contract to be awarded by—

- (i) a central government authority that is not a devolved Welsh authority, not less than £12,000;
- (ii) a central government authority that is a devolved Welsh authority, not less than £30,000, or”.

Amendment to the Schools Forums (Wales) Regulations 2003

48. In the Schools Forums (Wales) Regulations 2003(22), in regulation 9(1) (consultation on contracts), for “regulation 5 of the Public Contracts Regulations 2015” substitute “section 3 of the Procurement Act 2023”.

Amendment to the Service Charges (Consultation Requirements) (Wales) Regulations 2004

49. In the Service Charges (Consultation Requirements) (Wales) Regulations 2004(23), in regulation 2(1) (interpretation), in the definition of “public notice” (“*hysbysiad cyhoeddus*”), for “means notice published pursuant to the Public Contracts Regulations 2015, on the UK e-notification service (as defined by those Regulations)” substitute “means any notice published, pursuant to the Procurement Act 2023 which relates to a public contract (within the meaning of section 3 of that Act)”.

Amendments to the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

50.—(1) The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011(24) are amended as follows.

(2) In regulation 18 (public procurement)—

- (a) in paragraph (1), for “enter into a relevant agreement on the basis of an offer which is the most economically advantageous” substitute “award a public contract following a competitive tendering procedure”;
- (b) in paragraph (2), for “relevant agreement” substitute “public contract”;
- (c) for paragraph (3) substitute—

“(3) In this regulation, “award criteria” (“*meini prawf*”), “competitive tendering procedure” (“*gweithdrefn dendro gystadleuol*”), “contracting authority” (“*awdurdod contractio*”), and “public contract” (“*contract cyhoeddus*”) have the same meaning as in the Procurement Act 2023.”

(22) S.I. 2003/2909 (W. 275). Regulation 9(1) was amended by S.I. 2006/5 Schedule 7(1) paragraph 4; and S.I. 2015/102 Schedule 6(2) paragraph 13.

(23) S.I. 2004/684 (W. 72). Regulation 2(1) was amended by S.I. 2006/5 Schedule 7(1) paragraph 5; and S.I. 2019/116 regulation 2;

(24) S.I. 2011/1064 (W. 155). Regulation 18 was amended by S.I. 2019/120 regulation 2.

Amendment to the Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018

51. In the Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018(25), omit regulation 2.

Amendment to the Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

52. In the Agricultural Support (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021(26), in regulation 6, omit paragraph (27)(ii).

Amendments to the Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023

53. In the Public Procurement (International Trade Agreements) (Amendment) (Wales) (No. 2) Regulations 2023(27), omit regulations 2 to 5.

Amendment to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013

54. In Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013(28), in Article 68a(1), for “the threshold set out in regulation 5 of the Public Contracts Regulations 2015” substitute “the relevant threshold amount set out in Schedule 1 to the Procurement Act 2023”.

3 July 2024

Rebecca Evans
The Cabinet Secretary for Finance, Constitution,
and Cabinet Office, one of the Welsh Ministers

(25) S.I. 2018/285 (W. 54).

(26) S.I. 2021/400 (W. 129).

(27) S.I. 2023/567 (W. 88).

(28) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013.