

The Procurement Act 2023 – Publication Of Notices Under The Act

Pre-procurement Notices

Notice	Procurement Act 2023	Overview	Compulsory	Voluntary
Pipeline Notice	Section 93	A notice setting out specified information about any proposed public contract with an estimated value of more than £2m.	Yes - where the authority anticipates a total spend of over £100m in a financial year.	
Preliminary Market Engagement	Section 17	A notice setting out that a contracting authority intends to engage in preliminary market engagement.	Yes, unless the contracting authority has published reasoning for not publishing a pre-market engagement notice in the Tender Notice.	
Planned Procurement Process	Section 15	A notice advertising a contracting authority's intention to publish a tender notice.	No	Yes

Notices during the Tender Stage

Notice	Procurement Act 2023	Overview	Compulsory	Voluntary
Tender Notice	Section 21	A notice setting out a contracting authority's intention to commence a procurement process.	Yes	
Transparency Notice	Section 44	A notice setting out that a contracting authority intends to direct award a contract.	Yes - before directly awarding a contract.	
Assessment Summary	Section 50	The contracting authority must provide an assessment summary to each supplier that submitted an assessed tender.	Yes - before the award of the public contract.	
Procurement Termination Notice	Section 55	A notice that a contracting authority has decided not to award a contract after publishing a tender / transparency notice	Yes – unless the procurement relates to private utilities.	
Contract Award Notice	Section 50	A notice setting out that a contracting authority intends to enter into a public contract with a supplier.	Yes – unless a defence and security contract is awarded under a defence and security framework or 'user choice' direct awards.	
Contract Details Notice	Section 53	A notice setting out that a contracting authority has entered into a contract.	Yes - Within 30 days of entering into a public contract or 120 days for light touch. This does not apply to private utilities or user choice contracts.	
Publication of Contract	Section 53	A copy of the contract must be published within specified timescales.	Yes - within 90 days of the public contract being entered into or 180 days for light touch. This does not apply to private utilities, user choice contracts, or to some devolved administration contracts.	

Contract Management Notices

Notice	Procurement Act 2023	Overview	Compulsory	Voluntary
Contract Change Notice	Section 75	A notice which sets out that the contracting authority intends to modify the contract.	Yes – where a contract is modified unless modifications: increase/decrease the value by more than 10% for goods and services and 15% for works contracts or increase/decrease the contract by more than 10% of the max term.	
Modified Contract Copy	Section 77	Within 90 days of a qualifying modification, a copy of the modified contract or details of the modification must be published.	Yes – for qualifying modifications being any modification to a contract with an estimated value of (or modified to be) over £5 million where a Contract Change Notice is required.	
Payments Compliance Notices	Section 69	A notice setting out specified information about a contracting authority's compliance with the payment terms under a public contract.	Yes - where a payment has been made/ sum has become payable under a public contract unless the contract relates to a transferred Northern Ireland authority, private utilities, a concession contract or a public contract awarded by a school.	
Contract Performance Notice	Section 71		Yes - where a contracting authority has set KPIs and where the contract does not relate to private utilities.	
Contract Termination Notice	Section 80	The notice must be published with 30 days of the termination of the Contract. Termination includes: discharge, expiry, termination, rescission or being set aside.	Yes – whenever a public contract is terminated. This does not apply to private utilities or 'user choice' direct awards.	

Notices for below threshold contracts

Notice	Procurement Act 2023	Overview	Compulsory	Voluntary
Below-threshold Tender Notice	Section 87(1)	A notice setting out that a contracting authority intends to award a contract for a “notifiable below-threshold contract”.	Yes - unless the authority advertises only from preselected suppliers.	
Below Threshold Contract Details Notice	Section 87(3)	A notice setting out the details of the contract, which must be published as soon as reasonably practicable after the contract has been entered into.	Yes – as soon as reasonably practicable after the contract has been completed.	