

The Procurement Act 2023

Chanelle Busby

Deputy Head of Commercial Services

Tracey Field

Head of Commercial Services

Overview

- The Procurement Act 2023
- 'Go-live' Monday 24 February 2025
- Significant change to the way the public procures
- Existing rules will apply for procurements already in progress
- Post February the new regime will take effect

How will the changes affect you?

Central Digital Platform

- Public procurement opportunities advertised in one place
- Improved visibility including below threshold opportunities
- Greater transparency of who is bidding for and winning contracts above £5 million
- Supplier Information System

How will the changes affect you?

Supplier Information System

- Enter, store and update your core business information, including:
 - Basic organisational information
 - Self-declaration in relation to meeting mandatory and discretionary exclusion grounds
 - Some economic and financial standing information
 - Details of connected persons and beneficial ownership
- Registration essential to award of above threshold contracts

How will the changes affect you?

- Simplified bidding processes
- Greater focus on preliminary market engagement
- More flexible Frameworks
- Levelling of the playing field for SMEs and VCSEs
- Prompt payment throughout the supply chain
- Stronger exclusions framework
- Conditions of participation

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What are we doing?

- Finalising Implementation plan
- Developing Communications plan
- Training
- Review of processes and documentation
- Adoption of standardised templates
- Talking to our eSender
- Publication of procurement pipeline

How will the changes affect you?

Debarment list:

- New single, accessible, public debarment list
- Supplier's duty to co-operate with Procurement Review Unit investigations
- Right of appeal and application for removal
- Contracting authority's duty to check debarment list
- Excluded and excludable suppliers
- Sits alongside the mandatory and discretionary exclusion regime
- Contracting authority duty to notify Cabinet Office of supplier exclusions

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How will the changes affect you?

Remedies and procurement oversight

- Clarity on remedies available to suppliers where a contracting authority has breached a duty under the Procurement Act (above threshold procurements)
- Explicit inclusion of remedies for contract modifications
- Increased opportunity to identify and resolve issues earlier
- New Compliance Service within the Procurement Review Unit
- Continuation of Public Procurement Review Service and transfer to the Procurement Review Unit

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How will the changes affect you?

New and extended exclusion grounds

Ground	New	Extended	Mandatory	Discretionary
Corporate manslaughter or corporate homicide	X		X	
Theft, fraud and blackmail	X	X	X	
Labour market slavery and human trafficking		X	X	
Tax offences and misconduct in relation to tax		X	X	
Failure to co-operate with a debarment investigation	X		X	
Equivalents outside the UK		X	X	

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New and extended exclusion grounds

Ground	New	Extended	Mandatory	Discretionary
National security	X		X	X
Labour market misconduct	X			X
Environmental misconduct	X			X
Breach of contract and poor performance		X		X
Acting improperly in a procurement		X		X

How will the changes affect you?

Self-cleaning

- More flexible list of factors that can be considered as evidence of self-cleaning:
 - evidence the supplier has taken the circumstances seriously
 - steps taken by the supplier to prevent re-occurrence
 - commitments that such steps will be taken, or to provide information or access to allow verification or monitoring of such steps
 - the time elapsed since the circumstances last occurred
 - any other evidence, explanation or factor the contracting authority considers appropriate

How will the changes affect you?

Performance notices:

- Providing data on a supplier's Key Performance Indicator (KPI) scores

Score	Criteria
Good	Performance meeting or exceeding KPIs
Approaching target	Performance close to meeting KPIs
Requires improvement	Performance below KPIs
Inadequate	Performance significantly below KPIs
Other	Where performance cannot be described as any of the above

- Reporting certain serious incidents of supplier poor performance or breach of contract

Next Steps

- Cabinet Office is working with leading business groups and trade associations to make sure information is available for suppliers.
- Watch the [‘Knowledge Drop’ videos](#)
- Sign up for regular updates [here](#)
- Transforming Public Procurement [landing page](#)
- Talk to us commercial.services@torbay.gov.uk
- Transforming Public Procurement helpdesk procurement.reform@cabinetoffice.gov.uk

Any
Questions?

