

PROCUREMENT ACT 2023 – UPDATE FOR COUNCIL

The Public Contracts Regulations 2015 articulated a procurement threshold of £30,000 including VAT above which opportunities had to be published on the government's Contracts Finder platform (ref. Section 110 as revoked).

The Procurement Act 2023 revokes the Public Contracts Regulations 2015 in their entirety (ref. Section 119 and Schedule 11) and Section 87 deals with contract notices over £30,000, but does not specifically mention Contracts Finder. The Act only confirms a higher-level threshold of £214,904 for goods and services, above which opportunities have to be published on the government's Find a Tender service, as well as a threshold of £5,372,609 for works.

For procurement exercises below a value of £214,904, the Procurement Act 2023 suggests using a more flexible approach to advertising; even though not mandatory, contracting authorities can still post on the Contracts Finder platform and it is informally understood that the government may launch a single platform for public procurement in the future.

The Contracts Finder website still states that “*Contracts Finder lets you search for information about contracts worth over £12,000 (including VAT) with the government and its agencies [this is the threshold for central government authorities and not for local government]. You can use Contracts Finder to:*

- *search for contract opportunities in different sectors*
- *find out what's coming up in the future*
- *look up details of previous tenders and contracts”*

The updated model financial regulations which were published by the National Association of Local Councils in May 2024 state in section 5.7 that “For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the advertising of contract opportunities and the publication of notices about the award of contracts”.

In summary, nothing appears change from the Council's perspective when the Procurement Act 2023 comes into effect on 24 February 2025 and the Council is invited to continue to advertise opportunities above a value of £30,000 on the Contracts Finder platform.

Recommendation(s)

To note the update.