

Getting your house in order

Navigating the changes under
the Procurement Act



Triggers and timescales for challenges to public procurement decisions are changing under the Procurement Act 2023.

The window for challenging remains very tight.

Do you know what assessment information must be provided to tenderers, and what the deadlines are for challenging?

Award Notification

Standstill letters are being replaced by two documents:

- **Assessment Summaries**
- **Contract Award Notices**

In practice, these may arrive almost simultaneously.



Assessment Summaries:

- **will include** an explanation of a bidder's score and (if unsuccessful) an explanation of the winning bidder's score;
- **will not include** a comparison of the relative advantages of an unsuccessful bid against those of the winning bid.

Contract Award Notices must now come before the contract is signed and they trigger the standstill period.



Standstill

You must challenge within 8 working days of the Contract Award Notice to trigger an automatic suspension of the contract - even if the contract is signed later than that (previously it was any time before contract signature).

Remember, standstill does not start until the Contract Award Notice is published.



Lifting an automatic suspension

Suppliers may have concerns about the publication of sensitive information.

There's a new statutory test that a court must follow in deciding whether to lift the automatic suspension, taking into account:

- Public interest
- Interests of suppliers (are damages an adequate remedy?)
- Matters considered appropriate by the Court

Want to make sure that you know what to expect from contract awards received from October 2024?

Check our microsite for more details, and contact our team for more information.

Contact our experts

