



Cabinet Office

Procurement Policy Note – update to legal and policy requirements to publish procurement information on Contracts Finder

Action Note PPN 07/21

June 2021

Issue

1. This PPN provides consolidated guidance that reminds public bodies of the requirements of the Public Contracts Regulations 2015 (PCRs 2015) to publish information about opportunities and awards over certain low value thresholds on Contracts Finder (CFS). The guidance incorporates additional policy requirements on Central Government to publish procurement and contract documents.

Dissemination and Scope

2. The attached “Guidance on transparency requirements for publishing on Contracts Finder - May 2021” is in two parts and applies to the following organisations (which together are referred to as ‘In-Scope Organisations’):

Part 1 replaces PPN 07/16 and the associated “Guidance on the new transparency requirements for publishing on Contracts Finder”. It applies to all contracting authorities across the public sector other than those set out in section 3 who are exempt. There are different contract value limits for publication of information by central contracting authorities and sub-central contracting authorities as defined in the PCRs 2015.

Part 2 replaces previous guidance on “Publication of Central Government Tenders and Contracts” and covers requirements on central government authorities to publish the tender and contract documents on Contracts Finder with the appropriate notice at certain stages of the procurement. Central Government authorities are defined in Schedule 1 of the PCRs 2015. Contracting Authorities who are exempt from Part 2 publication requirements are set out in section 3.

3. The following public bodies are exempt from the requirements of both Part 1 and Part 2 of the guidance to publish to Contracts Finder:

- Contracting authorities whose functions are devolved or mainly devolved functions of Scotland, Wales or Northern Ireland;

- The procurement of health care services for the purposes of the NHS within the meaning and scope of the National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013(b);
- Maintained schools, academies and sixth form college corporations.

NHS trusts are considered as sub-central contracting authorities for the purposes of Part 1 and are exempt from applying Part 2.

Timing

4. In-scope organisations should apply the relevant provisions of the guidance with immediate effect.

Action

5. All In-Scope Organisations should apply Part 1 of this guidance to publish information about opportunities and contract awards over certain contract value limits on Contracts Finder within the timescales set out in the guidance.

6. Central government authorities, excluding NHS Trusts, should also apply Part 2 of the guidance to publish associated documents with the relevant notice on Contracts Finder.

Background

7. This guidance has been re-issued to reflect changes following the end of the transition period and to provide further clarity to enable In-Scope Organisations to meet their transparency obligations. The key changes are:

- References to OJEU/TED have been replaced with Find a Tender service (FTS), reflecting the UK's departure from the EU. Additional information has been provided on publishing to FTS and Contracts Finder.
- The term "Contract award" has been further defined as the date on which the contract is signed by the last contracting party, to avoid varying interpretations. Timescales should now be taken to commence on the day after the contract has been signed by the last contracting party and, if the deadline for publication of the information falls on a non-working day, the guidance clarifies that the contracting authority has until the end of the next working day to publish the information on Contracts Finder.
- The definition of Central Government has been aligned to have the same meaning as the definition of central government authorities in regulation 2 (i.e. schedule 1 of the PCRs 2015)
- For the purposes of Part 2 of the guidance, departments may include other Executive Agencies and bodies for which they are responsible, that are not explicitly listed on Schedule 1, as central government authorities and should encourage their wider families of Arms Length Bodies (ALBs) and Non Departmental Public Bodies (NDPBs) to adopt this transparency policy on a voluntary basis as appropriate. Departments should keep this coverage under review.
- The requirement to publish details of the award and the awarded contracts within central government has been amended from 20 days following the end of the ten-day standstill period (where applicable) to a fixed 30 calendar days of award. This brings the timescale for publication of award information on Contracts Finder in line with requirements to publish contract award notices on FTS.

- Further clarity has been provided for redactions, framework agreements and contract modifications.

Contact

8. Enquiries about this PPN should be directed to the Crown Commercial Service Helpdesk on 0345 410 2222 or info@crownccommercial.gov.uk.