



Cabinet Office

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

Action Note PPN 09/21

December 2021

## Issue

1. This PPN provides consolidated guidance that reminds public bodies of the requirements of the Public Contracts Regulations 2015 (PCR 2015) to publish information about opportunities and awards, over certain value thresholds, on Contracts Finder (CFS). The guidance incorporates additional policy requirements for Central Government to publish procurement and contract documents.
2. This PPN and associated guidance replaces PPN 07/21 and clarifies that NHS Foundation Trusts should follow the same publication value thresholds as central government authorities (i.e. £10,000 and above), but need only publish the minimum information required by the PCR 2015, and to the 90 day timescale.
3. All contracting authorities should also note that the contract value limits are to be calculated inclusive of VAT with effect from 1 Jan 2022.

## Dissemination and Scope

4. The attached “Guidance on transparency requirements for publishing on Contracts Finder” is in two parts. Part 1 replaced PPN 07/16 and the associated “Guidance on the new transparency requirements for publishing on Contracts Finder”. Part 2 replaced previous guidance on “Publication of Central Government Tenders and Contracts” and places 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.
5. The guidance applies to the organisations as detailed below (which together are referred to as ‘In-Scope Organisations’).
6. **Part 1** of the guidance applies to all contracting authorities across the public sector other than (as set out in section 6 of Part 1):
  - contracting authorities whose functions are wholly or mainly Northern Ireland, Welsh or Scottish devolved functions (as defined by regulation 1(8) PCR 2015);

- 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;
- maintained schools, academies and sixth form college corporations.

7. In addition, in respect of below-threshold procurements, the Part 1 publication of information requirements only apply to In-Scope Organisations that are also (as set out in section 3 of Part 1):

- central government authorities, including NHS Foundation Trusts, where the contract value is at least £10,000 (inc VAT); and
- sub-central contracting authorities and NHS Trusts, where the contract value is at least £25,000 (inc of VAT).

8. **Part 2** of the guidance applies to all central government authorities other than (as set out in section 5 of Part 2):

- contracting authorities whose functions are wholly or mainly Northern Ireland, Welsh or Scottish devolved functions (as defined by regulation 1(8) PCR 2015);
- 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;
- maintained schools, academies and sixth form college corporations (which are generally not considered central government authorities);
- NHS Trusts and NHS Foundation Trusts.

### Timing

9. In-Scope Organisations should apply the relevant provisions of the guidance with immediate effect.

### Action

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

11. Relevant central government authorities considered an 'In Scope Organisation' for Part 2 of the guidance should also publish associated documents with the relevant notice on Contracts Finder.

12. NHS Foundation Trusts should note their obligations to publish information on Contracts Finder following the inclusion of NHS Foundation Trusts as central government authorities in Schedule 1 of the Public Contracts Regulations (UK Statutory Instruments 2021 No. 872). These changes have been reflected in the consolidated guidance that reminds public bodies of the requirements of the PCR 2015 to publish information about opportunities and awards over certain low value thresholds on Contracts Finder (CFS).

### Background

13. Previous policy and guidance was last issued in June 2021 under PPN 07/21 to reflect changes following the end of the transition period, subsequent updates to Schedule 1 of the

PCR 2015 and to provide further clarity to enable In-Scope Organisations to meet their transparency obligations. The key changes then were:

- 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 date" 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 (which includes the bodies listed in schedule 1 to 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 in 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 by central government authorities has been amended from 20 days following the end of the ten-day standstill period (where applicable) to a fixed 30 calendar days of contract award date. 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

14. Enquiries about this PPN should be directed to the Crown Commercial Service Helpdesk on 0345 410 2222 or [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk).