**Annex A**

**Frequently asked Questions: End of Transition Period (TP) December 2020**

**Find a Tender (UK e-notification Service)**

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| **Question** | **Answer** |
| What is the url for the new OJEU- replacement portal? | The URL of the new UK e-notification service, Find a Tender (FTS) is [www.find-tender.service.gov.uk](http://www.find-tender.service.gov.uk/) |
| If I have already started my procurement before the end of the TP, will I have to republish all of my previous notices on the new portal? | No. Procurements that were launched and not finalised before the end of the TP are to continue to follow the same rules. Consequently, you have to continue to publish any notices for these procurements in OJEU/TED.  You must still send details of the contract award to Contracts Finder or the relevant Devolved or Defence portal in line with relevant legal and policy requirements.  For ease of use, notices which are required to be sent to OJEU/TED for publication, should also be sent to FTS so that suppliers have only one place to look for UK opportunities.  In these cases, details of the results of the procurement must still be published first to OJEU/TED before they appear elsewhere. |
| When publishing to both Find a Tender and Contracts Finder, do I have to publish to FTS first? | Yes. The publication of notices for new procurements that were launched after 11pm on the 31st December must be published on FTS before Contracts Finder or any other portal.  Therefore, as with the current arrangements, UK e-notification publication on FTS takes precedence over publication on other portals. Unlike the OJEU/TED, in practice, there should be minimal delay between submitting a notice to FTS and publication of the notice on the site. |
| How do I correctly reference things that were on the OJEU portal and when should I do this? | A notice submitted on Find a Tender will include fields where reference numbers of OJEU/TED notices are to be added. |
| What will happen to any OJEU notices currently in progress / live as of 11pm on 31 December 2020? | Procurement procedures that have already been launched but are not yet finalised will continue in accordance with the same rules. Consequently, you have to continue to publish any notices for these procurements in OJEU/TED.  You must still send details of the contract award to Contracts Finder or the relevant Devolved or Defence portal in line with relevant legal and policy requirements. For ease of use, notices which are required to be sent to OJEU/TED for publication, should also be sent to FTS so that suppliers have only one place to look for UK opportunities (see guidance in PPN [08/20](https://www.gov.uk/government/publications/procurement-policy-note-0820-introduction-of-find-a-tender)). In these cases, details of the results of the procurement must still be published first to OJEU/TED before they appear elsewhere. |
| Will historic information on OJEU remain the same? | The standard practice of the EU Publications Office is that it will maintain data in the OJEU/TED system for two years. |
| Why do we have a new system at all? Why not just extend Contracts Finder? | To comply with international agreements such as the Government Procurement Agreement (GPA), relevant procurements in the UK must be advertised through a single point of access available free of charge. After the end of the TP, a UK-wide service is necessary to replace OJEU. Existing portals such as Contracts Finder, Sell2Wales, eTendersNI, Public Contracts Scotland will continue to operate in the same way as they do now. |
| When will the new portal be available to use? | Find a Tender will be available for active use from 11pm on 31st December 2020. Should you wish to find out more about this please contact the CCS service desk on 0345 410 2222 or info@crowncommercial.gov.uk. |

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| I use a specialist provider to place my notices. What do I need to do? | Contracting authorities which are currently working with a third party provider (i.e. an ‘e-sender’) to submit notices to the EU Publications Office should be able to continue to use them providing the e-sender has successfully completed integration work to post notices to Find a Tender (FTS). FTS is currently private and running in parallel with the EU IT system (OJEU/TED) in readiness for use at the end of the TP.    The following e-Senders have completed testing and have told Cabinet Office that they **will** be ready to switch over to FTS at the end of the TP:    •ADB (UK) Limited  •Atamis Limited  •EU Supply  •In-Tend Ltd  •Jaggaer  •Sourcedogg  •Wax Digital    The following eSenders advised they will not be ready to switch over to FTS at the end of the TP. Customers of these eSenders should follow the instructions for direct registration set out in  [PPN 08/20](https://www.gov.uk/government/publications/procurement-policy-note-0820-introduction-of-find-a-tender).   * Curtis Fitch * Geometra Systems (Xantive) * IBM (Emptoris) |
| Who do I contact, if I have a problem publishing a notice to Find a Tender? | If you publish via an e-sender, contact them in the first instance. If you publish directly to Find a Tender and require further assistance, please contact the CCS service desk on 0345 410 2222 or [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk) |
| Do I still have to publish my notices to Contracts Finder? | Yes. The requirement for contracting authorities to publish to [Contracts Finder](https://www.contractsfinder.service.gov.uk/Search) remains unchanged. These contracting authorities must publish opportunities and awards on [Contracts Finder](https://www.contractsfinder.service.gov.uk/Search)7 in addition to other portals or sites.  Details of the requirements in respect of sub-threshold contracts are described in [PPN 07/16](https://www.gov.uk/government/publications/procurement-policy-note-0716-legal-requirement-to-publish-on-contracts-finder). |
| Will there be a link from the new portal to Contracts Finder or will we have to submit notices to both sites like we currently do? | There will be no automated link to republish a notice from Find a Tender onto Contracts Finder. Contracting authorities will need to submit notices to both sites as they currently do, either directly through the user interface or through their existing e-sender service. |
| I want to use FTS in Welsh, what do I do? | Find a Tender will be available in English and Welsh. This means that all the menus and other static content of the site will be available in English/Welsh via a toggle switch. |
| How will Welsh notices appear on FTS? (Checking with FTS) | Notices must be provided in English. Notices may additionally provide duplicate descriptive content in the Welsh language. If the notice is written in both Welsh and English, it will be published in both languages, but if it is published in English only, then the notice will still appear in English, with the exception of the headings and other static elements of the site, which will appear in Welsh. |

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| At the moment we can post a VEAT notice to inform the market where we intend to award a contract without having published a contract notice - will there be similar processes in place on Find a Tender? | Yes, the Voluntary Ex-Ante Transparency Notices (VEAT) are built into Find a Tender and will still be available for contracting authorities and entities to use. |
| Will the notices all be the same as they were before? | All the current procurement notices will exist and be available on Find a Tender. |
| What extra costs will there be for businesses applying for public contracts? Will it be more complicated to do? | Find a Tender will be free and accessible for all users. The information contained in the procurement notices will remain the same as the notices that were sent to OJEU/TED. There will be no changes to the publication of notices at a local level, for example, on [Contracts Finder](https://www.contractsfinder.service.gov.uk/Search), [Public Contracts Scotland](https://www.publiccontractsscotland.gov.uk/) , [Sell2Wales](https://www.sell2wales.gov.wales/) and [e-TendersNI.](https://etendersni.gov.uk/) |
| How do I deal with notices I have already sent to OJEU TED that have not been published at the end of the TP? | It can take up to 48 hours (or longer in exceptional circumstances) for notices submitted to the EU Publications office to be visible on TED, so there may be a short lag in actual visibility of the notice on OJEU/ TED. For notices that are sent very close to the end of the TP, to ensure that your contracts are properly advertised and that wider transparency principles are complied with, we would recommend that you check to see that they have been published and, if not, that you re-send the notice to FTS, if you are commencing a new procurement, or to OJEU/TED, (and to FTS and Contracts Finder in line with relevant legal and policy guidance), if continuing a procurement started before the end of the TP.  . |

**Thresholds**

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| **Question** | **Answer** |
| Who will set the thresholds when we have left the EU? | The Minister for the Cabinet Office will be responsible for reviewing and revaluing the financial thresholds in the light of currency fluctuations. Thresholds will remain aligned to those in the WTO Agreement on Government Procurement (GPA). |
| Will the thresholds be changing? How will I know that they are changing? | The thresholds will be aligned to the GPA [thresholds](https://www.gov.uk/government/publications/procurement-policy-note-new-thresholds-2020). The next review of the thresholds will be implemented by January 2022 by amendments to the public procurement regulations. A Procurement Policy Notice (PPN) will be published advising you of the changed thresholds. |
| How will I know what the value of the public procurement threshold is? | The threshold values have not changed, instead they are quoted in £ sterling. Future changes will be notified via Procurement Policy Notes (PPNs). [PPN 06/19](https://www.gov.uk/government/publications/procurement-policy-note-new-thresholds-2020) describes the current thresholds. |
| Will the thresholds be quoted in £ sterling in future? | Yes, the £ sterling value of the thresholds in the Public Contracts Regulations 2015 as at the end of the TP will be:   * for works: £4,733,252 for everyone; * for central government goods and services: £122,976; * for sub-central government goods and services: £189,330. * in the light touch regime the threshold will be £663,540 for all bodies.   The thresholds in the Utilities Contracts Regulations 2016 will be:   * for works: £4,733,252 for everyone; * supplies and services: £378,660 all sectors.   The thresholds in the Concession Contracts Regulations 2016 will be £4,733,252. |
| Will we be able to alter and particularly, raise the procurement thresholds to reduce the burden on public procurement? | The thresholds will be aligned to the GPA thresholds. The next review of the thresholds will be implemented by January 2022 by amendments to the public procurement regulations. A PPN will be published advising you of changes in the thresholds. |

**Timings**

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| **Question** | **Answer** |
| I started a procurement before the end of the TP, which procurement rules apply? | For any procurement procedures ongoing at the end of the TP, effectively, the public procurement regulations as they applied at the time the procurement commenced, will continue to apply.  A procurement is considered as having started if a call for competition or any other invitation to submit applications has been made in accordance with the public procurement regulations. A procurement is considered to be finalised when an award notice has been published in OJEU, or if no award notice is required, then at the conclusion of the contract, or if no contract is to be awarded, then when tenderers have been advised of the reasons that a contract is not to be awarded. |
| I awarded a framework agreement before the end of the TP, which procurement rules apply to the call-off contracts? | The public procurement regulations as they applied at the time the framework agreement commenced will apply. In accordance with the Withdrawal Agreement, this includes framework agreements concluded before the end of the TP and call-off procedures in respect of such framework agreements until the framework agreement expires or is terminated. |
| I advertised a DPS agreement before the end of the TP, which procurement rules apply to subsequent contracts? | The public procurement regulations as they applied at the time the DPS agreement was advertised will apply. |

**Procedures**

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| **Question** | **Answer** |
| If the EU introduces any new procedures, will they be relevant to new procedures commenced after the end of the TP? | Generally, no, unless coming within the scope of the Withdrawal Agreement or a Future Relationship Agreement with the EU, we will not be required to give effect to any further EU Directives or regulations in the field of public procurement. |
| What references do I use in my FTS notices? I used to use NUTS and CPV codes. Are they being replaced? | We are retaining CPV codes in their current format. NUTS codes, as referred to in the Directives will continue to be used for the time being. |
| In a procurement I am doing that spans the end of TP how will decisions I have made on exclusions be affected? | For procurements launched before the end of the TP there is no change. For procurements launched after the end of the TP, the exclusion grounds based on convictions for offences relating to fraud affecting the European Communities’ financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities do not apply. |
| How do I deal with the need to specify and refer to membership of a European professional or trade register? I am currently able to require such membership (which is typically on a register held outside of the UK), as part of the bid process? | For procurements launched before the end of the TP, businesses could still be expected to be enrolled in one of the professional or trade registers kept in their member State.  For procurements started after the end of the TP a requirement for a business to be enrolled in one of the professional or trade registers kept in their Member State would not be appropriate, although there is always the option to recognise those registers. The provision in the public procurement regulations to recognise the official lists of approved economic operators and certification by certification bodies will be removed for such procurements. |
| What happens to the European Single Procurement Document (ESPD)? | The ESPD will be renamed the Single Procurement Document (SPD) for new procurements. There are no differences in how it operates. |
| How do I conduct my supplier engagement under the new rules? | There is no change to the way supplier engagement should be conducted. |
| I am aware that I have to meet mandatory accessibility guidelines when I am writing technical specifications, to ensure that accessibility criteria for disabled people are met. How will this be different in future? | Where there is a requirement to include accessibility guidelines to ensure accessibility for disabled people currently then they will remain. |
| How will the remedies regime be affected at the end of the TP? | There is no effective change to the remedies regime. |
| If I receive an abnormally low tender and I think it might be because the bidder has received EU State Aid - what action should I take since the facility to exclude just on the grounds of State Aid has been omitted? | Unless coming within the scope of the Withdrawal Agreement and in particular, the Northern Ireland Protocol, from the end of the TP, for new procurements, the UK will no longer be subject to the EU’s State aid regime, and will not be required to report instances to the EU Commission. The UK will have its own subsidy framework.  After the end of the TP, should a contracting authority consider that a bid appears to be abnormally low there is still a duty on the contracting authority to require the bidder to explain its price or costs, and for that explanation to be assessed applying the principles of fairness, equality of treatment, objectivity, transparency and proportionality. Although the facility to reject a tender solely because the bidder has obtained incompatible State aid has been removed, bidders can still be asked to explain the abnormally low bid.  Further detailed guidance will be provided on State aid and the UK subsidy framework. |

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| **Question** | **Answer** |
| Will UK companies be restricted as to what they can bid on after the TP ends? | UK companies will be able to continue to bid for UK opportunities in OJEU and read UK notices on Find a Tender.  The WTO has agreed to the UK joining the GPA. In light of this, it is anticipated that UK suppliers will continue to have substantially the same access to government procurement markets in the other GPA parties’ countries. UK suppliers will have access to EU markets to the extent the procurement is covered by the [EU's coverage schedules to the GPA](https://www.wto.org/english/tratop_e/gproc_e/gp_app_agree_e.htm). UK suppliers will continue to be able to search for public contract opportunities throughout the EU via OJEU/TED.  The Government is also seeking continuity of existing bilateral EU trade agreements as we leave the EU. The aim is to ensure that procurement provisions in these agreements are replicated as far as possible, in new bilateral UK agreements. |
| Can I just buy British? What do I do with non-UK bidders? | No - this would not be consistent with the UK’s obligations under the GPA and other international agreements. In addition, it is our policy that all suppliers should continue to be treated equally and fairly through open competition. Keeping our procurement market open to international competition ensures better value for money for the taxpayer and facilitates UK suppliers being offered reciprocal rights to participate in procurements abroad. |

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| How do I know which services or goods are covered by the WTO GPA rules? | The coverage schedules for the GPA can be found [here](https://www.wto.org/english/tratop_e/gproc_e/gp_app_agree_e.htm).  The schedule of each party contains several annexes which define the concerned party's commitment with respect to the following areas of coverage:   * the procuring entities covered by the GPA * the goods, services and construction services covered by the GPA * the threshold values above which procurement activities are covered by the GPA * exceptions to the coverage.   All suppliers should continue to be treated equally and fairly through open competition. |

**Standards**

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| **Question** | **Answer** |
| I refer to ‘British standards or equivalent’ in my specifications. Do I need to change how I do this in future? | No, we still refer to EU standards that are transposed to UK ones. This means that standards that are published by BSI will remain the standards to quote. |
| I used to use E-Certis to check certificates. Will this be replaced? Can I still use it? | You can still access E-Certis to check equivalency for EU member states' certificates. However, information on UK certificates will no longer feature for new procurements. |
| Can we confirm the status of the ‘CE’ Mark?  Will it have a UK equivalent? How does this affect technical assessments? How might this all change in future? | For the time being there will be no material change in how technical specifications in procurement documents are to be formulated. The public procurement regulations continue to allow for technical specifications to be formulated by reference to national standards transposing European standards, and, in respect of construction products, European Technical Assessments.    A new UK Conformity Assessed (UKCA) marking is to be introduced for certain goods to be placed on the UK market.  CE marked products will, in the majority of cases, continue to be accepted for circulation in the UK after the end of the TP, but this arrangement will end on 1 January 2022, and businesses should ensure they are prepared for the new system before it comes into effect. Further information can be found [here](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fplacing-manufactured-goods-on-the-uk-market-if-theres-no-brexit-deal%23new-approach-goods&data=02%7C01%7CAhad.Sayed%40communities.gov.uk%7Ca68f1954f069473843a808d8690828ad%7Cbf3468109c7d43dea87224a2ef3995a8%7C0%7C0%7C637374831624995417&sdata=JKH8m40JL4F9VOnCOAbXN8E3GiussE%2B5LqP%2FKGoTNfM%3D&reserved=0) and more information on this will be provided in due course.    For construction products not fully covered by a designated standard, UK Technical Assessment Bodies will issue manufacturers with a UK Technical Assessment. For the purposes of formulating technical specifications in procurement documents these are equivalent to European Technical Assessments. A list of current European Technical Assessments can be found [here](https://www.eota.eu/pages/etassessments/default.aspx) |

**Further information**

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| **Question** | **Answer** |
| I still don’t understand something. Who do I talk to about operational questions? | In the first instance, you should speak with your legal advisers. Cabinet Office is not able to offer operational or legal advice. Should your question relate to UK procurement policy or Find a Tender, please contact the CCS Customer Service Centre on Email: info@crowncommercial.gov.uk or Tel: 0345 410 2222. |