



Procurement Act 2023 Knowledge Drop for contracting authorities

Defence and security

Accompanying factsheet for **defence and security** contracts designed to be reviewed alongside the 6 parts of the Procurement Act 2023 Knowledge Drop for contracting authorities.

This factsheet is intended to highlight some of the **exemptions** or **differences** to the main rules of the act for **defence and security contracts** and **defence contracting authorities**. You should assume that the obligations detailed in the Knowledge Drop series apply unless stated within this factsheet.



Knowledge Drop 1 part 1: Understanding the purpose of the Procurement Act

Exemptions

The following organisations are exempt from the Procurement Act: the Security Service, the Secret Intelligence Service and the Government Communications Headquarters.

Various defence and security contracts are also fully exempt from the Procurement Act - see **schedule 2** of the act for details.

Differences

Defence and security contracts have higher thresholds for the following types of contracts:

- 1. non-works
- 2. light touch
- 3. concessions

Knowledge Drop 1 part 2: Pre procurement considerations under the Procurement Act

Exemptions	Differences
N/A	N/A

Knowledge Drop 1 part 3:

Changes to procurement procedures and routes to market

Exemptions	Differences
N/A	The maximum term for a defence and security framework is eight years (these only allow for the award of defence and security contracts).
	Additional grounds for direct award (set out in schedule 5 of the act) apply specifically to certain defence and security contracts.

Knowledge Drop 1 part 4: Changes to assessment and award

Exemptions

The requirement to publish a contract award notice does not apply to the award of a contract under a defence and security framework.

Differences

Contracts may be awarded to an excluded supplier where there is "overriding public interest", including defence and security considerations.

Knowledge Drop 1 part 5: Greater contract governance

Exemptions

The requirement to publish a contract change notice (or a copy of the amended contract) does not apply to defence and security contracts.

Differences

Additional grounds under which contract modifications may be made (set out in **schedule 8** of the act) apply specifically to certain defence authority contracts.



Knowledge Drop 1 part 6: Preparing for the Procurement Act

What additional action do you need to take if you will be procuring defence and security contracts?

Familiarise yourself with the definitions of 'defence and security contract', 'defence authority' and 'defence authority contract' under the act.

https://www.legislation.gov.uk/ukpga/2023/54/contents/enacted

Familiarise yourself with the rules surrounding exclusion grounds and contract modifications, as these now apply to contracts that would have previously been procured under the DSPCRs.

https://www.legislation.gov.uk/ukpga/2023/54/contents/enacted

Further information and detail is available at https://www.gov.uk/government/collections/transforming-public-procurement

