



Procurement Act 2023 Knowledge Drop for contracting authorities

Northern Ireland

Accompanying factsheet for **Northern Ireland** 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 contracting authorities that are transferred **Northern Ireland authorities** and procurements under a transferred **Northern Ireland procurement arrangement**. 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 national procurement policy statement and the Wales procurement policy statement do not apply to a procurement under a transferred Northern Ireland procurement arrangement or a transferred Northern Ireland authority (except in relation to a procurement under a reserved procurement arrangement).

Differences

N/A

Knowledge Drop 1 part 2:

Pre procurement considerations under the Procurement Act

Exemptions

The requirement to publish pipeline notices do not apply to a transferred Northern Ireland authority.

Differences

N/A

Knowledge Drop 1 part 3:

Changes to procurement procedures and routes to market

Exemptions

N/A

Differences

N/A

Knowledge Drop 1 part 4: Changes to assessment and award

Exemptions

The requirement to publish a copy of the contract along with the contract details notice does not apply to a contract awarded by a transferred Northern Ireland authority (unless it is awarded under a reserved procurement arrangement) or under a transferred Northern Ireland procurement arrangement.

Differences

N/A

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 a contract that was awarded by a transferred Northern Ireland authority (unless it is awarded under a reserved procurement arrangement or a devolved Welsh procurement arrangement) or under a transferred Northern Ireland procurement arrangement.

The requirement to publish details of contract payments over £30,000 does not apply to a public contract awarded by a transferred Northern Ireland authority (unless it is awarded under a reserved procurement arrangement or a devolved Welsh procurement arrangement) or under a transferred Northern Ireland procurement arrangement.

Differences

N/A

Additional prompt payment measures (the inclusion by default of implied 30-day payment terms into public contracts and associated subcontracts and the requirement to publish payment compliance notices) does not apply to a transferred Northern Ireland authority.

Procurement investigations do not apply to a Northern Ireland department however they may be bound by any recommendations issued.

Knowledge Drop 1 part 6: Preparing for the Procurement Act

What additional action do you need to take if you will be procuring a transferred Northern Ireland authority contract or contracts under a transferred Northern Ireland procurement arrangement?

Be aware that part 6 of the Procurement Act (Regulated Below - Threshold Contracts) does not apply to transferred Northern Ireland Authorities or procurements under a transferred Northern Ireland procurement arrangement.

Familiarise yourself with which contracting authorities should be treated as a transferred Northern Ireland authority for the purposes of this act.

- A contracting authority is to be treated as a transferred Northern Ireland authority for the purposes of this act if the authority's functions:
 - a. are exercisable only in or as regards Northern Ireland, and
 - b. are wholly or mainly functions that do not relate to reserved or excepted matters (within the meaning given by the Northern Ireland Act 1998)

Familiarise yourself with the definition of a procurement arrangement.

- A procurement as part of which the contract is awarded:
 - a. in accordance with a framework or similar arrangement,

- b. by reference to a dynamic market or similar arrangement, or
- c. following a procedure or other selection process carried out:
 - i. jointly by two or more authorities, or
 - ii. by a centralised procurement authority or equivalent body

Familiarise yourself with the definition of a transferred Northern Ireland procurement arrangement.

- A procurement arrangement is a transferred Northern Ireland procurement arrangement if:
 - a. the framework was awarded by a transferred Northern Ireland authority,
 - b. the dynamic market was established by a transferred Northern Ireland authority,
 - c. the centralised procurement authority is a transferred Northern Ireland authority, or
 - d. a transferred Northern Ireland authority is designated the lead authority in the tender or transparency notice

Familiarise yourself with the definition of a reserved procurement arrangement.

- A procurement arrangement is a reserved procurement arrangement if it is not
 - a. a devolved Welsh procurement arrangement,
 - b. a transferred Northern Ireland procurement arrangement, or
 - c. a devolved Scottish procurement arrangement

Further information and detail is available at

<https://www.gov.uk/government/collections/transforming-public-procurement>