

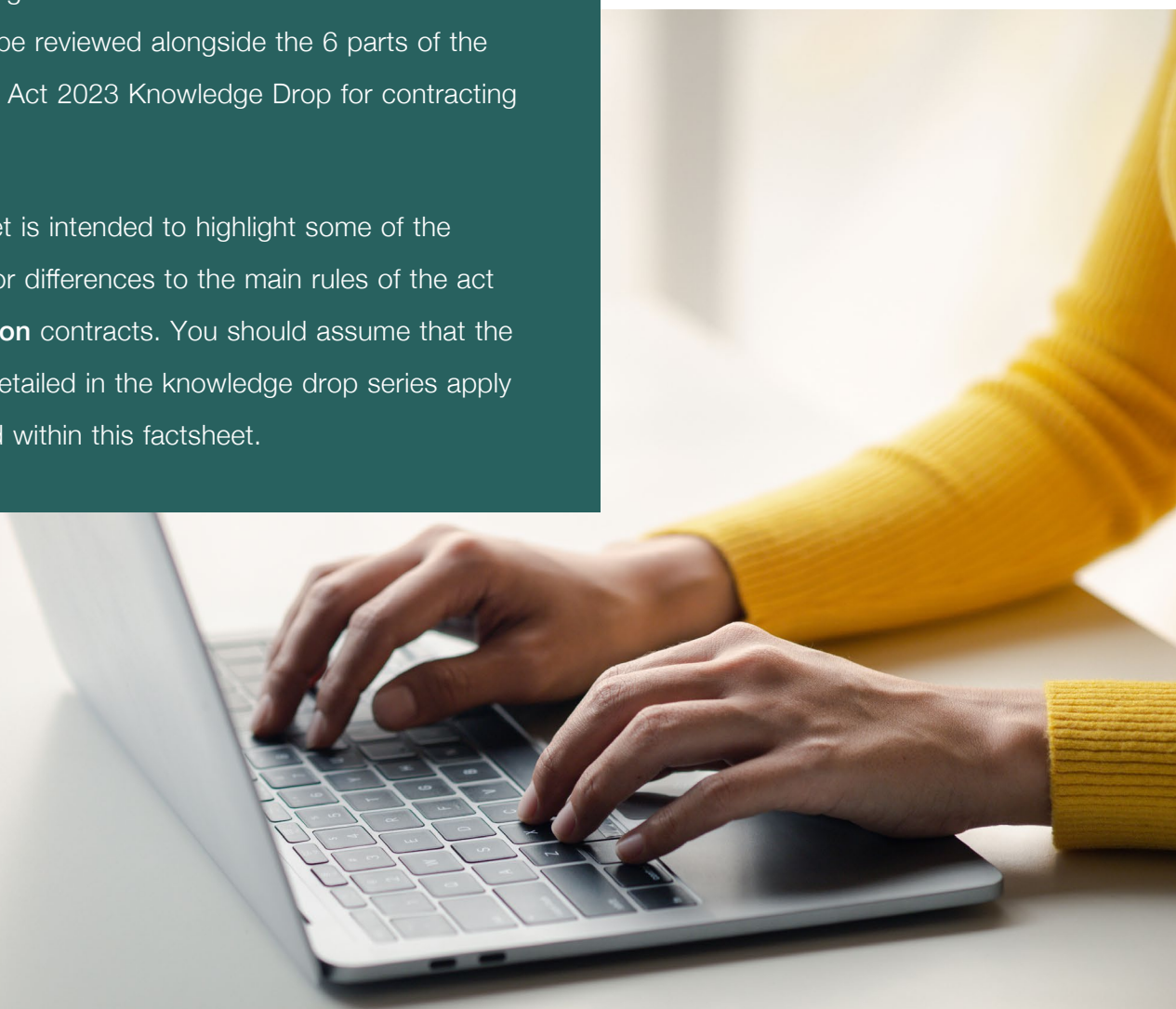


# Procurement Act 2023 Knowledge Drop for contracting authorities

## Concession

Accompanying factsheet for **concession** 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 **concession** contracts. 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

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#### Exemptions

N/A

#### Differences

Concession contracts have a higher threshold and there is a different methodology for calculating the value of a concession contract.

## Knowledge Drop 1 part 2:

### Pre procurement considerations under the Procurement Act

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#### Exemptions

N/A

#### Differences

N/A

## Knowledge Drop 1 part 3:

### Changes to procurement procedures and routes to market

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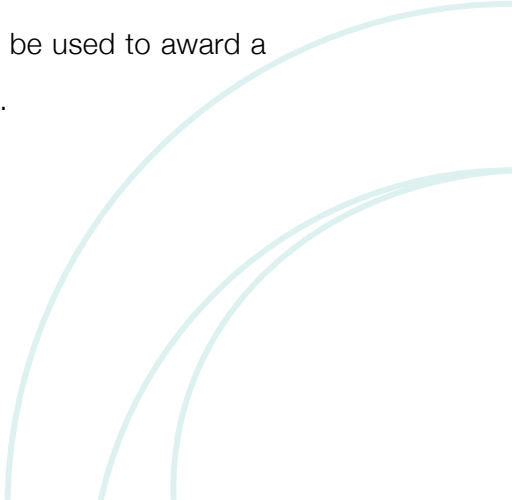
#### Exemptions

N/A

#### Differences

Dynamic markets cannot be used to award a concession contract. A concession contract that is also a utilities contract can be awarded under a utilities dynamic market.

A framework cannot be used to award a concession contract.



## Knowledge Drop 1 part 4: Changes to assessment and award

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### Exemptions

N/A

### Differences

N/A

## Knowledge Drop 1 part 5: Greater contract governance

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### Exemptions

Setting, assessing and publishing KPIs does not apply to a concession contract.

The requirement to publish details of contract payments over £30,000 does not apply to a concession contract.

Additional prompt payment measures (30-day payment terms being implied into public contracts and associated subcontracts and the requirement to publish payment compliance notices) do not apply to a concession contract.

### Differences

N/A

## Knowledge Drop 1 part 6: Preparing for the Procurement Act

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### What additional action do you need to take if you will be procuring concession contracts?

Familiarise yourself with the definition of concession contracts under the Procurement Act 2023.

Section 8 (1) “concession contract” means a contract for the supply, for pecuniary interest, of works or services to a contracting authority where—

- a. at least part of the consideration for that supply is a right for the supplier to exploit the works or services, and
- b. under the contract the supplier is exposed to a real operating risk

Further information and detail is available at

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