
The Procurement Act 2023 – provisions which do not apply to the light touch regime

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The Procurement Act 2023 applies the light touch regime, under which certain specified services are subject to different, more flexible rules and thresholds than ordinary public contracts. There is an ongoing consultation on the services which should fall under the light touch regime; it is therefore still subject to change, but the following table sets out the provisions of the Act which provide flexibilities in the light touch context.



Section of the Procurement Act 2023	Section number	Derogations and flexibilities under the Light Touch Regime
Award criteria	23	The award criteria for a light touch contract includes the views and needs of service users (as well as those of the contracting authority)
Modifying a section 19 procurement	31	The terms and conditions of a light touch procurement can be modified following publication of the Tender Notice and prior to the tender deadline
Reserving contracts to public service mutuals	33	The Act allows certain “reservable light touch services” (as defined) to be directly awarded to/reserved for public service mutual organisations only
Frameworks	45(3) – (5)	Rules around the circumstances in which a direct award can be made under a framework without holding a mini-competition, and around the information that must be included in the framework agreement; these rules do not apply to light touch contracts
Frameworks: competitive selection process	46	Rules around setting conditions of participation for procurement of frameworks; these rules do not apply to light touch contracts
Frameworks: maximum terms	47	Rules around maximum terms for frameworks (meaning that there is no limit on the term of a light touch framework agreement)
Standstill periods on the award of contracts	51(1)	There is no requirement to hold a standstill period prior to award of light touch contracts
Key performance indicators	52	The requirement, where contracts are valued at over £5m, to set and report on KPIs, does not apply to light touch contracts
Contract details notices and publication of contracts	53	The time limit for publication is much longer in the light touch regime (180 days rather than 30 days)
Time limits	54	Minimum periods for inviting the submission of requests to participate in a competitive flexible procedure (there is no minimum for the light touch regime)

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Assessment of contract performance	71(5)	The requirement to publish certain information in relation to a breach of or failure to perform the contract, does not apply in the light touch context
Contract change notices	75	There is no requirement under the light touch regime to publish a contract change notice before modifying a public contract or convertible contract
Direct award justifications	Schedule 5(15-17)	It is permitted to make a direct award without competition where the contract is for a light touch service and meets the test to be a “user choice” service