
Find your way around the Procurement Act 2023 with our Procurement Phrasebook

October 2023

The Procurement Act 2023 introduces several new concepts into procurement law, as well adopting some new terminology for concepts we are already familiar with. Our Procurement Phrasebook helps you make sense of the new language.



PCR 2015	Procurement Act 2023	Section	Explanation
n/a	Below-Threshold Tender Notice	Section 87(5)	A notice setting out that the contracting authority intends to award a contract whose value is below the threshold for the application of the Act.
n/a	Debarment List	Section 62	A list of suppliers excluded by virtue of a mandatory or discretionary exclusion ground. The length of the debarment may vary in each case and is decided by a government minister. An appeal process is available to suppliers.
n/a	Conflicts Assessment	Section 83	An assessment of the conflicts and potential conflicts in relation to a procurement or a dynamic market, including steps the contracting authority have taken or will take to mitigate.
n/a	Contract Termination Notice	Section 80	A notice setting out that the contract has been terminated.
n/a	Convertible Contract	Section 74(1)	A contract that, because of the modification, will become a public contract.
n/a	Dynamic Market Notice	Section 39	A notice setting out the establishment or modification of a dynamic market.
n/a	Preliminary Market Engagement Notice	Section 17	A notice setting out that the contracting authority intends to conduct, or has conducted, preliminary market engagement.

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n/a	Procurement Termination Notice	Section 55	A notice that a public authority has decided not to award the contract.
A prompt payment report (under Reg 113 PCR 2015)	Payments Compliance Notice	Section 69(2)	A notice setting out specified information about the contracting authority's compliance with the payment terms.
Award Decision Notice (aka Standstill Letter)	Contract Award Notice	Section 50(2)	A notice setting out that the contracting authority intends to enter into a contract.
Below-Threshold Procurement	Regulated Below-Threshold Contract	Section 84	A below-threshold contract which is not an exempted contract, concession contract or utilities contract.
Central Purchasing Body	Centralised Procurement Authority	Section 1(4)	A contracting authority that is in the business of carrying out procurement for or on behalf of, or for the purpose of supplying goods, services or works to, other contracting authorities.
Characteristics and Relative Advantages (provided as part of the Award Decision Notice/Standstill Letter)	Assessment Summary	Section 50(4)	Information about the contracting authority's assessment of the tender and, if different, the most advantageous tender submitted in respect of the contract.
Contract Award Notice	Contract Details Notice	Section 53(2)	A notice setting out that the contracting authority has entered into a contract.
Contract Notice	Tender Notice	Section 21(2)	A notice setting out that the contracting authority intends to award a public contract and

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			commencing a procurement process.
Direct Award (under a framework, no mini competition)	Award Without Competition	Section 45(4)	A direct award under a framework without competition between suppliers in certain circumstances.
Dynamic Purchasing System	Dynamic Market	Section 34(8), Section 35(1)	An arrangement for the purpose of a contracting authority awarding public contracts by reference to the suppliers' participation in the arrangements.
Economic and Financial Standing	Legal and Financial Capacity	Section 22(1)(a)	One factor by which a supplier will be assessed when being considered for a public contract.
Evaluation Methodology	Assessment Methodology	Section 23(3)	How tenders are to be assessed by reference to the award criteria.
Framework Agreement	Frameworks	Section 45, Section 49	A contract between a contracting authority and one or more suppliers that provides for the potential future award of contracts by the contracting authority to that or those supplier(s).
Hamburg / Collaboration	Horizontal Arrangement	Schedule 2 Part 1 Section 3(2)	An arrangement between two or more authorities, with the aim of achieving common objectives in connection with the exercise of their public functions and solely in the public interest in which no more than 20% of the activities contemplated are intended to be carried out other than for the purposes of the authorities' public functions.

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Modification Notice	Contract Change Notice	Section 75(3)	A notice setting out that the contracting authority intends to modify a contract.
Most Economically Advantageous Tender	Most Advantageous Tender	Section 19(2)	The tender that the contracting authority considers satisfies the contracting authorities' requirements and best satisfies the award criteria.
Negotiated procedure without Notice	Direct Award	Section 41	A public contract awarded directly to a supplier where a direct award justification applies.
Pre-Market Engagement	Preliminary Market Engagement	Section 16	Engagement with suppliers or other persons before publishing a tender notice for a defined opportunity.
Prior Information Notice	Pipeline Notice	Section 93(3)	A notice setting out specified information about any proposed public contract with a value of more than £2 million. Required where the authority anticipates a total spend of over £100 million in a financial year.
	Planned Procurement Notice	Section 15	A notice setting out that the contracting authority intends to publish a tender notice to commence a procurement.
Procurement Process/Procedure	Competitive Tendering Procedure	Section 20(2)	Either (1) a single-stage tendering procedure without restriction on who can submit tenders, or (2) some other competitive tendering procedure considered appropriate by the authority (subject to certain parameters).

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Qualifying Organisation (Reg 77 PCR 2015)	Public Service Mutual	Section 33(6)	A body that operates for the purpose of delivering public services and mainly for the purpose of delivering one or more light touch services, is run on a not-for-profit basis or distributes profits only to members and is under the management and control of its employees.
Restricted Procedure/Competitive Dialogue/Competitive Procedure with Negotiation	Multi-Staged Procedure	Paragraph 146 of the Explanatory Notes	A procedure other than a single-stage procedure.
Selection Criteria	Conditions of Participation	Section 22(2)	A condition that a supplier must satisfy if the supplier is to be awarded the public contract.
Selection Stage	Participation Period	Section 54(3)	A period equal to or longer the shortest minimum period specified in relation to the circumstance as set out in the table.
Supplier subject to Discretionary Exclusion	Excludable Supplier	Section 57(2)	A supplier or associated person that the contracting authority considers a discretionary exclusion ground applies to, or where the supplier or an associated person is on the debarment list by virtue of a discretionary exclusion ground.
Supplier subject to Mandatory Exclusion	Excluded Supplier	Section 57(1)	A supplier or associated person to which the contracting authority considers that a mandatory exclusion ground applies, or where the supplier or an associated person

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			is on the debarment list by virtue of a mandatory exclusion ground.
Technical and Professional Ability	Technical Ability	Section 22(1), Section 36(1)(b) and Section 85	One factor by which a supplier will be assessed when being considered for a public contract.
Teckal / In-House Contracts	Vertical Arrangement	Schedule 2 (exempted contracts) (2) and paragraph 696 of the Explanatory Notes	A contract between a contracting authority and a person controlled by the contracting authority (or by that authority acting jointly with one or more other contracting authorities).
Tender Stage	Tendering Period	Section 54(5)	The period beginning with the day following the day on which a contracting authority invites the submission of tenders as part of a competitive tendering procedure and ending with the day by which tenders must be submitted.
Voluntary Ex Ante Transparency Notice (VEAT)	Transparency Notice	Section 44(2)	A notice setting out that a contracting authority intends to award a contract directly without running a competitive tendering procedure.

