

In preparation for the end of the Brexit transition period, the Cabinet Office has published a Procurement Policy Note, [PPN 08/20](#), reminding contracting authorities and suppliers that the new UK e-notification service “Find a Tender” (FTS) will go live from 11 p.m. on 31 December 2020.

Changes to Public Procurement Triggered by Brexit

Currently, contracting authorities across the EU, including those in the UK, are required to publish contract opportunities above certain threshold values in the Official Journal of the European Union’s Tenders Electronic Daily (OJEU/TED). When the Brexit transition period ends, authorities in the UK will instead be required to publish procurement notices on FTS. Although there will be relatively few substantive changes to the procurement rules after the transition period – e.g. the thresholds above which contracts must be advertised will remain the same – this is arguably the most significant change in terms of procedure.

The FTS website is already [online](#), but it will officially go live at 11 p.m. on 31 December 2020. Although the form and content of notices will stay the same, authorities should no longer refer to the ‘OJEU notices’ that they are familiar with.

Timing and Transition to the New System

Procurements that are launched before 31 December 2020 must still be advertised in OJEU/TED. This means that any contracting authority that wants to publish a new contract notice or Prior Information Notice before that date must use OJEU/TED to do so. They must also continue to use OJEU/TED to publish subsequent notices for the same tender, e.g. a contract award notice that is published after 31 December 2020. The Cabinet Office has asked authorities in this situation to also publish the same notices on FTS (although there is no legal requirement to do so).

For all other tenders for which the contract notice or PIN is published after 31 December 2020, UK authorities are required to use FTS.

Third-party Providers and Other Resources

Authorities that currently use a third-party provider or “eSender” to publish contract notices are likely to be able to continue doing so. PPN 08/20 includes a list of eSenders that have already integrated their systems to work with FTS, such as BiP Solutions and Proactis. Contracting authorities that want to publish notices on FTS directly will need to register with Contracts Finder in order to do so (or use their existing Contracts Finder account).

The launch of FTS to replace OJEU/TED does not alter any existing requirements to advertise on other platforms or devolved administration systems, such as MOD Defence Contracts Online, Public Contracts Scotland, Sell2Wales and eTendersNI.

Key Takeaways for Authorities

- From 11 p.m. on 31 December 2020, all contract notices for new tenders must be published on FTS.
- For tenders that are launched (i.e. advertised) before this time, OJEU/TED must still be used.
- If you use a third-party eSender, check that they have taken the necessary steps to switch to FTS.
- Current portals such as Contracts Finder, MOD Defence Contracts Online, Public Contracts Scotland, Sell2Wales and eTendersNI should still be used as they are today.
- FTS will be free to use and notices should be published instantly – avoiding the delays that sometimes affected OJEU/TED, and providing greater clarity regarding deadlines (e.g. for the end of the standstill period).
- Thresholds, timelines and all other substantive provisions of the procurement rules will remain unchanged for the time being.

Key Takeaways for Businesses

- From 11 p.m. on 31 December 2020, use FTS to search for public sector contract opportunities across the whole of the UK.
- You can also continue to access contract opportunities via Contracts Finder and other domestic portals, such as MOD Defence Contracts Online, Public Contracts Scotland, Sell2Wales and eTendersNI.
- Businesses that wish to continue accessing contract opportunities in the EU via OJEU/TED will still be able to do so next year. However, suppliers from the UK will have the same status as suppliers based in other third countries that are party to the WTO Government Procurement Agreement (GPA). This may limit some UK businesses’ access to certain contracts in the utilities and defence and security sectors.

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