

Frameworks are a key aspect of the UK public procurement regime, providing a streamlined way for contracting authorities to acquire goods, services and works over a period of time without repetitive tendering. The new [Procurement Act 2023](#) introduces important changes to the existing rules governing frameworks, with the goal of improving the procurement process and increasing flexibility and transparency.

What Are Frameworks?

A framework is a type of contract between a contracting authority and one or more suppliers that outlines the terms for the future award of contracts. These agreements allow contracting authorities to award contracts with or without a competitive selection process to suppliers who have been pre-approved and evaluated for a specific range of goods, services or works. For suppliers, being part of a framework means having access to contract opportunities that are not otherwise available to companies outside the framework agreement. Although suppliers on the framework are not guaranteed a minimum level of work, they are eligible to be selected for so-called “call-off” contracts on pre-agreed terms. Typically, frameworks can last up to four years, with some exceptions like defence and utilities frameworks, which may extend up to eight years.

Important changes to the framework regime under the Procurement Act 2023 include the introduction of so-called “open frameworks” and the establishment of [enhanced transparency requirements](#).

Introduction of Open Frameworks

The Procurement Act 2023 introduces the concept of open frameworks, which offer considerably more flexibility compared to traditional frameworks. Unlike the current system, which prevents new suppliers from joining once a framework has been established, open frameworks allow new suppliers to be added periodically throughout their term. Like traditional frameworks, open frameworks still require suppliers to bid for entry, but the flexibility of adding new suppliers during its lifetime makes them more dynamic. Using an open framework could be particularly helpful when buying services or goods in a rapidly developing market where new suppliers are entering the market often.

The key rules for open frameworks are as follows:

- They must reopen for new suppliers at least twice during their term, with the first reopening taking place within the first three years
- There is no maximum number of times the framework can be reopened (so this could, for instance, take place annually)
- They can exist for a total of eight years, which is twice the length of a typical framework, allowing for longer-term arrangements with more flexibility

Open frameworks could be advantageous for both contracting authorities and suppliers. The changes enable contracting authorities to refresh their pool of suppliers and adapt to changing requirements. On the supplier side, the lowering of entry barriers provides for more inclusion and particularly benefits small and medium-sized enterprises (SMEs), as well as new entrants, and prevents suppliers from being locked out for the entire term of a framework. However, this comes with a trade-off, as suppliers face the risk of losing their position on the panel if they do not remain competitive.

New Transparency Requirements

The Procurement Act 2023 introduces changes to address concerns of lack of transparency particularly around the award of call-off contracts. Until now, obligations on contracting authorities to publish information about contract awards under frameworks have been limited.

A notable change to the call-off process under the Procurement Act 2023 is the mandatory publication of a “contract award notice”. Until now, it has been possible for contracting authorities to make awards of contracts under a framework without notifying the public that the award has been made. The Procurement Act 2023 provides that contracting authorities must publish a contract award notice following the award decision, but before the contract is formally entered into.

Unlike non-framework contracts, contracting authorities are not required to enforce a mandatory eight-working-day standstill period following the publication of the contract award notice. Nonetheless, they may choose to implement a voluntary standstill period.

Contracting authorities will also have to publish a “contract details notice” after entering into a call-off contract under a framework. Again, this aligns the position of call-off contracts with standalone public contracts. In addition to the information published in an open procedure, such as details on the supplier, the contract value and duration, the contract details notice will need to specify the type of framework and the procedure used to award the contract. There is also a requirement to publish the call-off contract itself if its value exceeds £5 million.

Conclusion

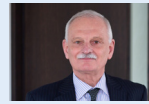
The Procurement Act 2023 brings changes to the UK's public procurement framework landscape, with open frameworks and enhanced transparency requirements at its core. These changes aim to improve engagement with SMEs and foster a more inclusive and competitive market. For more comprehensive information on frameworks and additional guidelines, please refer to the official guidance available [here](#) or get in touch with one of our team members.

If you would like to discuss anything in this alert or if you have any other public procurement-related queries, including how the Procurement Act 2023 may impact your organisation, please reach out to one of our contacts.



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