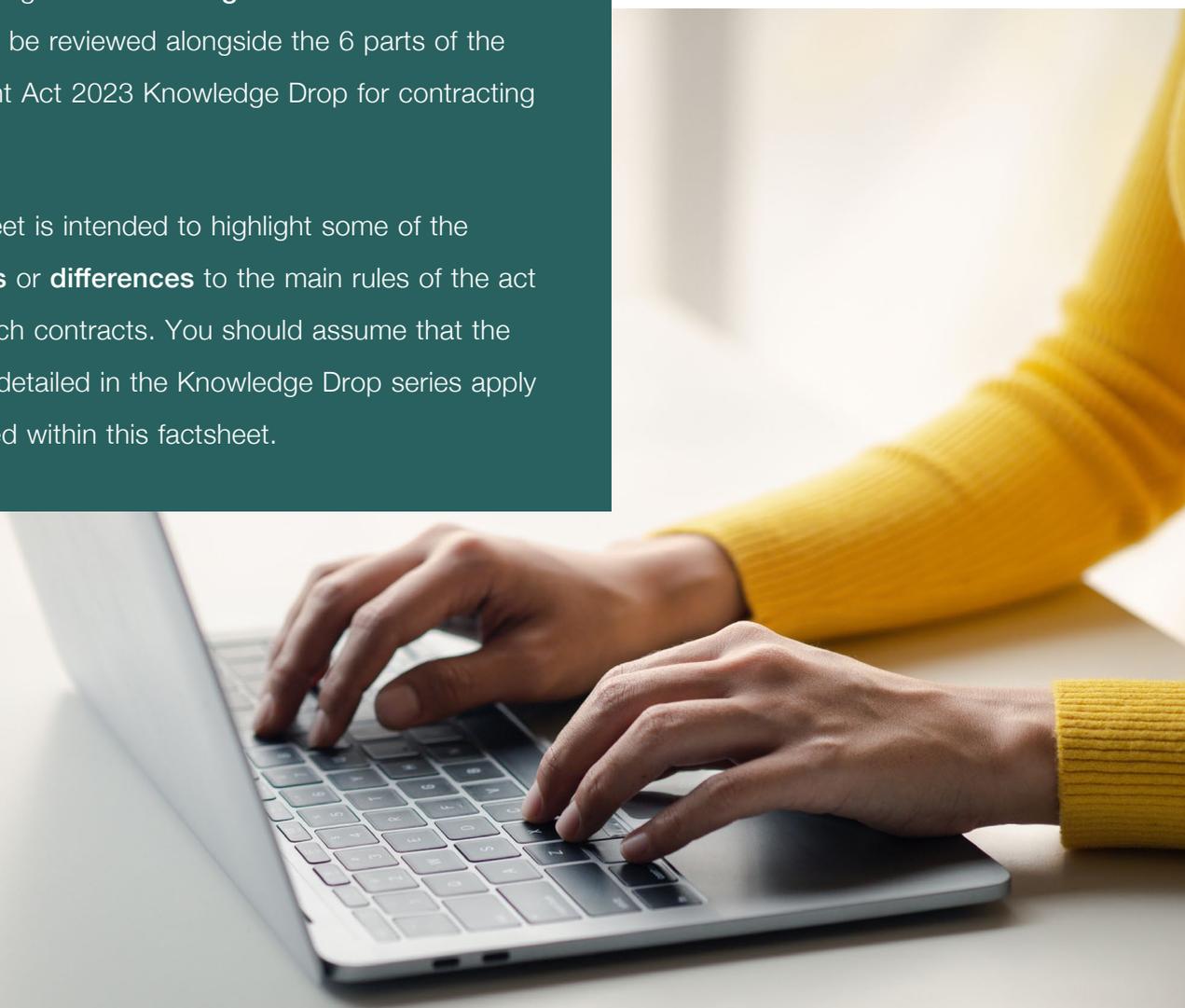


# Procurement Act 2023 Knowledge Drop for contracting authorities

## Light touch

Accompanying factsheet for **light touch 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 light touch 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

Light touch contracts are defined by CPV codes and are exempted from certain parts of the act.

For healthcare procurement there will be further exemptions where the act will be disapplied in relation to healthcare procurement by NHS in England (where The Health Care Services (Provider Selection Regime) Regulations 2023 will apply <https://www.legislation.gov.uk/ukdsi/2023/9780348252613/contents>).

#### Differences

Light touch contracts have different thresholds.

## Knowledge Drop 1 part 2:

### Pre procurement considerations under the Procurement Act

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#### Exemptions

N/A

#### Differences

Light touch contracts may also include the needs of the end user in the award criteria often referred to as 'user choice'.

## Knowledge Drop 1 part 3:

### Changes to procurement procedures and routes to market

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#### Exemptions

The requirement to publish the transparency notice does not apply to direct awards for user choice contracts.

#### Differences

Minimum timescales for light touch contracts are not mandated.

There is no maximum term specified for a framework that is a light touch contract.

Light touch contracts also have the benefit of undertaking a direct award on the basis of user choice.

## Knowledge Drop 1 part 4:

### Changes to assessment and award

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#### Exemptions

The requirement to observe a standstill period does not apply to light touch contracts though you may choose to have a voluntary one.

#### Differences

The contract details notice must be published within 120 days, rather than 30 days.

## Knowledge Drop 1 part 5:

### Greater contract governance

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#### Exemptions

Setting, assessing and publishing KPIs does not apply for light touch contracts.

The requirement to publish contract performance

#### Differences

There are increased flexibilities for modifications made to light touch contracts during their term, which may be substantial or above threshold or outside the scope of permitted modifications.

notices for poor performance or breaches of contract does not apply to light touch contracts.

The requirement to publish a contract change notice (or a copy of the amended contract) does not apply to light touch contracts.

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

### **What additional action do you need to take if you will be procuring light touch contracts?**

Familiarise yourself with the CPV codes for light touch contracts once the regulations are confirmed and the Health Care Services (Provider Selection Regime) Regulations 2023 if they apply to you.

If it applies to you, obtain further information on the Provider Selection Regime to understand which of your contracts may sit under that regime rather than the Procurement Act.

Familiarise yourself with the exclusion grounds in the Procurement Act 2023 as these will apply in full to light touch contracts.

<https://www.legislation.gov.uk/ukpga/2023/54/contents/enacted>

Familiarise yourself with the user choice assessment criteria so you understand when you might want to make use of it.

**Further information and detail is available at**

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