



# Procurement Act 2023

## 2023 CHAPTER 54

### PART 3

#### AWARD OF PUBLIC CONTRACTS AND PROCEDURES

### CHAPTER 2

#### COMPETITIVE AWARD

#### *Terms of a procurement*

#### **21 Tender notices and associated tender documents**

- (1) A contracting authority must publish a tender notice for the purpose of—
  - (a) inviting suppliers to submit a tender as part of an open procedure, or
  - (b) in the case of a competitive flexible procedure—
    - (i) inviting suppliers to submit a request to participate in the procedure, or
    - (ii) where no such invitation is made, inviting suppliers to submit their first, or only, tender as part of the procedure.
- (2) A “tender notice” means a notice setting out—
  - (a) that a contracting authority intends to award a public contract under section 19, and
  - (b) any other information specified in regulations under section 95.
- (3) A contracting authority must provide any associated tender documents in accordance with the tender notice.
- (4) “Associated tender document” means, in relation to a tender notice, a document setting out information specified in regulations under section 95 that supplements that set out in the tender notice.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A contracting authority may not invite suppliers to submit a tender as part of a competitive tendering procedure unless it is satisfied that the tender notice or associated tender documents contain—
  - (a) information sufficient to allow suppliers to prepare such a tender, and
  - (b) in particular, details of the goods, services or works required by the contracting authority.
- (6) In detailing its requirements, a contracting authority must be satisfied that they—
  - (a) are sufficiently clear and specific, and
  - (b) do not break the rules on technical specifications in section 56.
- (7) See section 40 for an exception to the duty in subsection (1) for contracts awarded by reference to suppliers' membership of certain utilities dynamic markets.