



Procurement Act 2023

2023 CHAPTER 54

PART 4

MANAGEMENT OF PUBLIC CONTRACTS

Notices about payments and performance

71 Assessment of contract performance

- (1) Subsection (2) applies where a contracting authority has set key performance indicators in accordance with section 52(1).
- (2) At least once in every period of twelve months during the life-cycle of the contract and on termination of the contract the contracting authority must —
 - (a) assess performance against the key performance indicators, and
 - (b) publish information specified in regulations under section 95 in relation to that assessment.
- (3) Subsection (5) applies if—
 - (a) a supplier has breached a public contract, and
 - (b) the breach results in—
 - (i) termination (or partial termination) of the contract,
 - (ii) the award of damages, or
 - (iii) a settlement agreement between the supplier and the contracting authority.
- (4) Subsection (5) also applies if a contracting authority considers that a supplier—
 - (a) is not performing a public contract to the authority's satisfaction,
 - (b) has been given proper opportunity to improve performance, and
 - (c) has failed to do so.

Status: This is the original version (as it was originally enacted).

- (5) Before the end of the period of 30 days beginning with the day on which this subsection first applies in relation to a particular breach or failure to perform, the contracting authority concerned must publish the following information—
- (a) that this subsection applies,
 - (b) the circumstances giving rise to its application, and
 - (c) any other information specified in regulations under section 95.
- (6) Subsection (5) does not apply in relation to a light touch contract.
- (7) This section does not apply to private utilities.