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STATUTORY INSTRUMENTS

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**2023 No. 484**

**The Public Procurement (International Trade Agreements) (Amendment) Regulations 2023**

**Amendments to the Public Contracts Regulations 2015**

- 2.—(1) The Public Contracts Regulations 2015 are amended as follows.
- (2) In regulation 2 (definitions), in paragraph (1)—
- (a) omit the definition of “invitation to confirm interest”;
  - (b) in the definition of “procurement document”, omit “the prior information notice where it is used as a means of calling for competition”.
- (3) In regulation 6 (methods for calculating the estimated value of procurement)—
- (a) in paragraph (14), for “paragraph (15)” substitute “paragraphs (15) and (15A)”;
  - (b) after paragraph (15), insert—

“(15A) Where a contracting authority that is not a devolved Welsh authority is unable to estimate in accordance with this regulation the value of one or more lots into which a proposed work, proposed acquisition of similar supplies or proposed provision of services has been divided, the aggregate value of the lots awarded in reliance on paragraph (14) shall not exceed 20 per cent of the aggregate value of all the lots that can be so estimated.”;
  - (c) after paragraph (19), insert—

“(20) If a contracting authority that is not a devolved Welsh authority is unable to estimate the value of a procurement in accordance with this regulation, the estimated value of the procurement inclusive of VAT is deemed to be equal to the relevant threshold amount in regulation 5 (threshold amounts).”.
- (4) In regulation 18 (principles of procurement), after paragraph (3), insert—

“(4) Contracting authorities that are not devolved Welsh authorities shall not terminate public contracts in a manner that circumvents their obligations under Parts 2 and 3.”.
- (5) In regulation 22 (rules applicable to communication)—
- (a) in paragraph (14)(a), omit “or from the date when the invitation to confirm interest is sent”;
  - (b) in paragraph (15)(b), omit “or the invitation to confirm interest”.
- (6) In regulation 26 (choice of procedures)—
- (a) in paragraph (8), for “Subject to paragraph (9), the” substitute “The”;
  - (b) omit paragraphs (9) and (10).
- (7) In regulation 27 (open procedure), in paragraph (4), omit “which was not itself used as a means for calling for competition”.
- (8) In regulation 28 (restricted procedure)—
- (a) in paragraph (2), omit sub-paragraph (b) and the preceding “, or”;
  - (b) in paragraph (6), omit “which was not itself used as a means of calling for competition”.
- (9) In regulation 29 (competitive procedure with negotiation)—

- (a) in paragraph (4), omit sub-paragraph (b) and the preceding “, or”;
  - (b) in paragraph (6), omit “which was not itself used as a means of calling for competition”;
  - (c) in paragraph (15), omit “or in the invitation to confirm interest”;
  - (d) in paragraph (19), omit “, in the invitation to confirm interest”;
  - (e) in paragraph (20), omit “, the invitation to confirm interest”.
- (10) In regulation 33 (framework agreements), in paragraph (5), omit “or the invitation to confirm interest”.
- (11) In regulation 34 (dynamic purchasing systems)—
- (a) in paragraph (9), omit sub-paragraph (b) and the preceding “, or”;
  - (b) in paragraph (23), omit “or in the invitation to confirm interest”.
- (12) In regulation 35 (electronic auctions), in paragraph (7), omit “or in the invitation to confirm interest”.
- (13) In regulation 36 (electronic catalogues), in paragraph (5)(a), omit “or in the invitation to confirm interest”.
- (14) In regulation 45 (variants), in paragraph (2), omit “or in the invitation to confirm interest”.
- (15) In regulation 46 (division of contracts into lots), in each of paragraphs (3), (4) and (6), omit “or in the invitation to confirm interest”.
- (16) In regulation 48 (prior information notices), omit paragraphs (5), (6) and (8).
- (17) In regulation 50 (contract award notices), omit paragraph (3).
- (18) In regulation 53 (electronic availability of procurement documents)—
- (a) in paragraph (1), omit “or the date on which an invitation to confirm interest is sent”;
  - (b) in each of paragraphs (2), (3) and (4), omit “or the invitation to confirm interest”.
- (19) In regulation 54 (invitations to candidates)—
- (a) omit paragraph (2);
  - (b) in paragraph (3), for “paragraphs (1) and (2)” substitute “paragraph (1)”;
  - (c) in paragraph (4), in sub-paragraph (e), omit “in the invitation to confirm interest.”;
  - (d) omit paragraph (6).
- (20) In regulation 56 (general principles in awarding contracts etc), in paragraph (1)(a), omit “or the invitation to confirm interest”.
- (21) In regulation 58 (selection criteria), in paragraph (19), omit “or in the invitation to confirm interest”.
- (22) In regulation 65 (reduction of the number of otherwise qualified candidates to be invited to participate), in paragraph (2), omit “or in the invitation to confirm interest”.
- (23) In regulation 75 (publication of notices), in paragraph (1), omit sub-paragraph (b) and the preceding “; or”.
- (24) In regulation 76 (principles of awarding contracts), in paragraph (3), omit “or prior information notice”.
- (25) In regulation 110 (publication of contract award opportunities on Contracts Finder), omit paragraph (7).
- (26) In Schedule 4A (international trade agreements), after the last entry (for Iceland, the Principality of Liechtenstein and the Kingdom of Norway), insert—
- “For contracting authorities that are not devolved Welsh authorities:

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and Australia, signed at London on 16th December 2021 and Adelaide on 17th December 2021.

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand, signed at London on 28th February 2022.”.