

THE PROCUREMENT ACT ONE YEAR ON: MOMENTUM, MODERNISATION, MATURITY AND CONTINUED OPTIMISM

Introduction - momentum

In what feels like the blink of an eye, we have already reached the first anniversary of the Procurement Act 2023 (the 'Act'), and the momentum of those initial 12 months has been striking. After a staggered start, both the public sector and contractors alike have really started to embrace the opportunities the Act has provided. This has been characterised by momentum, adjustment, and a gradual bedding-in of the new regulations in what is likely to be a continual learning curve for quite a while yet.

In the second instalment of our mini-series, Chris Robinson (operations director - UK & Europe) and Fleur Summers (associate director - regulated procurement) of Mace examine the initial year of the Act's implementation and outline the continued grounds for optimism moving forward.

What we have seen - modernisation

Let's start off by making sure we do not lose sight of the fundamental aspirations and targets of the Act. It promised to be a driver that designed and implemented a simpler, more transparent and outcome-focused public procurement system, with four core objectives at its heart:

- delivering value for money,
- maximising public benefit,
- sharing information to allow proper scrutiny, and
- acting with integrity.

It's fair to say that the implementation of the Act is less of a 'sprint' and more of a 'marathon' and that was immediately apparent when we attended the *Procurement Act 2025 Live!* event a mere three days after its launch. There several hundred contracting authorities and contractors packed into the various halls of the National

Exhibition Centre in Birmingham, eagerly wanting to obtain early insights and best practice approaches from those keynote speakers.

Whilst 72 hours post launch might not be the optimal time to host a national event, what it did demonstrate was a desire to learn more about the Act. So that's the positive, and it's only right that we talk about the few days prior to the launch of the Act to add some balance to this article.

It was well documented and, in some quarters, scrutinised by commentators on LinkedIn, which is quickly becoming the fountain of all knowledge pertaining to the Act, that record numbers of contract notices were published (more than a 1,000) during the final few days of the outgoing Public Contract Regulations 2015 (PCR 2015) with many questioning why that was the case. The answer is reasonably straightforward: contracting authorities were very familiar with PCR 2015 and as such wanted to get every drop out of those regulations before embracing something that was new and untested.

Contracting authorities, however, had absolute clarity on one thing: any and every new procurement that commenced on or after **24 February 2025** would have to be procured via the regulations that form the Act. This was the natural turning point for the sector and whilst the learning curve for both contracting authorities and contractors is a continual one, the first 12 months of the Act was always going to be a slow burn.

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A promising start - maturity

It is often said that knowledge is power and a big part of that knowledge is based on analytical data. In a profession where Fleur and I are surrounded by numbers, when reflecting on the first 12 months of the Act, there is no better place to start than the Find a Tender platform/central digital platform.

[Find a Tender service](#) or the Central Digital Platform (under the Act) is the main system used by all contracting authorities to advertise their procurement opportunities. For contractors, this is the place where you will be able to access and watch the different notices being published. For example, the system will include pipeline notices at the very beginning right the way through to the expiry of a contract. If you are interested in working with contracting authorities, this is the system to start using as it will enable you to identify those procurement opportunities that are of most interest.

Since the Act went 'live', over **61,000 notices** have been published on Find a Tender (at the time of the publication of this article) – a remarkable volume for the first year and a clear sign of increasing transparency across public procurement. This visibility will only grow further as areas like contract management reporting become fully embedded.

A notable trend is the significant use of [Preliminary Market Engagement \(PME\)](#), with approximately **7,050 notices** published. This demonstrates how widely the public sector is now embracing early market engagement to gather insight and shape procurement strategies before tendering. Effective PME ensures that requirements reflect real market conditions, supports SME participation, and contributes to the error reduction principles championed by GIRI by helping contracting authorities design realistic, deliverable procurements from the outset.

The introduction of the **Competitive Flexible Procedure (CFP)** is another major shift. Over **600 notices** have referenced the CFP, but the extent of its full adoption and innovative use is still emerging. Many early processes mirror traditional two-stage or restricted approaches, suggesting that some comfort-building is still underway. However, examples incorporating dialogue or negotiation show that contracting authorities are beginning to test the flexibility the procedure allows. As experience grows, we are likely to see more tailored, creative processes that better align with project needs and further support improved outcomes.

The growing number of notices on Find a Tender shows that the Act's defined transparency ambitions are now becoming a reality. A key benefit is the emerging **golden thread**, which will link all notices for a procurement and its contract management stages, making it far easier for contracting authorities and contractors alike to track activity in one place. This visibility will only strengthen as more procurements move into the contract management phase.

In contrast, very few **dynamic markets** have been created so far, likely due to issues with using them for below-threshold requirements. It's hoped that recent consultation feedback will lead to updates, as wider use of dynamic markets could offer significant advantages. This is definitely an area to watch. It's hoped that recent consultation feedback will lead to updates, as wider use of dynamic markets could offer significant advantages.

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Overall, the first year of the Procurement Act highlights increased transparency, stronger early engagement, and the early stages of procedural innovation – foundations that will continue to shape more effective procurement practice.

Year two and beyond – continued optimism

This theme warrants its own standalone article and will continue to feature throughout this miniseries. As a forward look, preparing for these emerging 'conditions' will be essential for both contracting authorities and suppliers to get it right – ensuring procurement exercises are well-designed, deliver effectively, and maximise wider community benefits. Let's have a look at some of those 'conditions' now:

Contract management

We can certainly expect more of the Act's requirements coming to the fore during its second year of implementation, particularly around contract management. Although **contract performance notices** will only appear annually, the first examples will begin to emerge as current procurements move into the contract management phase. This has raised understandable questions about how it will work in practice and the level of detail that will be published, but ultimately it will strengthen the Act's core focus on transparency. Making contract performance data public should also help highlight issues against KPIs earlier, allowing authorities and suppliers to take corrective action sooner – aligning closely with GIRI's emphasis on error reduction and supporting better contract outcomes from the outset.

PA23 case law

With contract performance notices beginning to surface, it is likely that new performance-management case law will emerge, shaping procurements undertaken via the Act. As these rulings develop, they may help define and refine how the Act is interpreted in practice. Over time, this body of case law will provide a clear and reliable handrail for both contracting authorities and suppliers, helping them navigate the regulations confidently and remain firmly on the right side of compliance.

Debarment list

As painful as this reads for contractors, be aware, the purpose of the debarment list is to act as a central, publicly available register of suppliers who are not permitted (or may not be permitted) to participate in public procurements because their past behaviour or circumstances indicate a risk to the integrity, reliability or legality of public contracting. Essentially, this protects the public sector from high-risk or non-compliant suppliers.

We don't wish to focus on poor performance, contractual disputes and 'mister-meaners', and although it's to be expected that contractors will start to appear on the debarment list, the key is to ensure, as contractors reading this article, that *you* do not feature.

New framework agreements/approaches

As the Act went live, it was clear that a significant transition period would follow, with many existing contracts and framework agreements still operating under earlier regulations such as PCR 2015. This has provided contracting authorities with a familiar route during the early months of the new regime. However, as we move through 2026, many legacy frameworks will begin to expire, and new versions procured and managed under the Act will start to emerge.

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“THE CONSULTATION AIMED TO ENSURE PROCUREMENT PLAYS A MORE STRATEGIC ROLE IN SUPPORTING UK SUPPLY CHAINS AND DELIVERING STRONGER ECONOMIC OUTCOME.”

Contractors take note: This shift will be important to watch, particularly in how contracting authorities choose to structure and manage these frameworks and the obligations placed on contracting authorities when using them. For contractors, this is a crucial moment to stay close: maintaining regular engagement, attending early market engagement events, monitoring upcoming pipeline publications, and strengthening relationships through proactive communication will ensure you remain informed and well-positioned as new opportunities and frameworks take shape.

Consultation exercise outcome

The September 2025 consultation sought to build on the Act by strengthening the UK's economic resilience and better using public procurement to support British industry, local jobs and skills. Key proposals included mandatory SME/VCSE spend targets for large contracting authorities, stricter prompt-payment rules for major suppliers, and greater transparency over spend data to widen access for smaller organisations. The Government also proposed measures to boost national capability, allowing ministers to designate certain goods or services as critical to economic security, influencing how procurements are conducted. Overall, the consultation aimed to ensure procurement plays a more strategic role in supporting UK supply chains and delivering stronger economic outcome.

There were over 600 responses received and whilst the impact of the exercise is yet to be announced on the narrative of the regulations, questions (or in this case a consultation) are only asked to achieve one thing - eliciting information. Contractors and contracting authorities must stay alert for the release of the findings and impacts of this once made available.

More from GIRI on procurement

As part of *A Procurement Podcast - The Reform Rundown*, which is hosted by both Chris Robinson and Fleur Summers, they were recently joined by Cliff Smith from GIRI as part of Episode 39. You can listen to this episode via the following links:

- [Spotify](#)
- [Apple Podcasts](#)
- [Amazon Music](#)

GIRI research has shown that errors in design and construction contribute to between 10 and 25% of project cost, depending on size and complexity, amounting to roughly £10-25 billion annually in the UK construction sector.

Please follow [@GIRI on LinkedIn](#) for news of forthcoming events in relation to the Procurement Act 2023. If you have any questions regarding the topics discussed in this article, you can reach out to the authors here:

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