



PROCUREMENT ACT 2023

A Bid Prompts card deck for firms who sell to the public sector.

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Consider this legislation in your bids
with these critical question prompts.

Getting started

HOW TO USE THESE QUESTION PROMPTS

These cards are designed to help those targeting the public sector consider the effects of the Procurement Act 2023.

Each card contains a number of high-level prompts, from maximising pre-market engagement to avoiding potential conflicts of interest.

Using these cards in bid reviews can ensure that your bid considers aspects such as light touch contracts, flexible frameworks, mixed procurements, notices, remedies and exclusions.

Through their repeated use you can increase your chances of bid success.

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BIDDING & FLEXIBLE FRAMEWORKS

Key questions to consider are:

- Do we understand the criteria for selection and how to meet them within flexible frameworks?
- How can we ensure our bids are responsive to both fixed and variable framework elements?
- Can we deliver across multiple call-offs and / or contracts effectively?
- How do we track and report on performance and compliance across different framework agreements?

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AVOIDING CONFLICTS OF INTEREST UPFRONT

Key questions to consider are:

- Do we have possible conflicts within our team or our external partners?
- How do we ensure transparency and avoid perception of bias in our bid?
- Are we documenting any conflicts of interest to maintain compliance?
- What procedures do we have in place to handle possible conflicts?
- Does our team know how to spot and handle potential conflicts during the bid and / or contract lifecycle?

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MAXIMISING PRE-MARKET ENGAGEMENT

Key questions to consider are:

- Have we identified key stakeholders and decision-makers to engage with?
- Have we engaged with buyers to learn their needs before bidding?
- Are we tracking and documenting pre-market interactions to enhance our bid submissions?
- How will we leverage pre-market insights to shape our bid strategy?
- What independent sources of pre-tender intelligence do we have?

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CONSIDERING OUR VALUE FOR MONEY

Key questions to consider are:

- Have we clearly defined what value for money means for this contract?
- Does our proposal offer the best balance of cost and quality?
- Are we able to justify our pricing and value proposition in our bid?
- Have we included all relevant costs to avoid unexpected expenses?
- Have we ensured that our pricing is competitive yet sustainable?

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PLUGGING OUR SKILLS & TRAINING GAPS

Key questions to consider are:

- How will we ensure that our staff are up to date with the latest industry standards and regulations?
- Do we have any skills or knowledge gaps? Could they affect our delivery?
- Do our current training initiatives meet the demands of the Act?
- How do we ensure continuous learning and development?
- Can we use partners or experts to fill specialised skills gaps?

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USING INNOVATION & CREATIVITY IN BIDS

Key questions to consider are:

- Are we leveraging new technologies or methods to improve our offering?
- How will we help our teams embrace new ideas and experimentation?
- Do we show how our innovations will deliver better outcomes?
- What best practices can we learn from bid teams elsewhere?
- How do we ensure our innovation meets the regulatory and compliance requirements?

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FOCUS ON QUALITY ASSURANCE

Key questions to consider are:

- Your bid quality is a mirror, trained on your firm. What quality standards have we set for our bids, if any?
- What processes do we have to review and improve our bid quality?
- How will we incorporate customer feedback and lessons learned into our quality assurance? How can we learn from the experience of others?
- How will we measure and report on our bid quality performance?

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UNDERSTANDING AND MANAGING KPI'S

Key questions to consider are:

- Do we know the KPIs that will measure contract performance?
- Are we confident we can meet them? If not, should we be bidding?
- How will we identify, report on, and address underperformance early?
- What tools or systems will we need to put in place to aid monitoring?
- How will we ensure the team knows the importance of these KPIs?

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USING THE NEW CENTRAL PLATFORM

Key questions to consider are:

- Does the bid team understand the platform's role in communication and contract management?
- Is the team familiar with the features and functionalities of the platform?
- Have we changed our processes to allow for submitting bids this way?
- Have we registered and verified our company details on the platform?
- Are we consistently monitoring the platform for new opportunities?

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TRANSITIONAL & SAVING ARRANGEMENTS

Key questions to consider are:

- How will the transition impact our current bid pipeline?
- How will we ensure that our team remains informed about both old and new regulatory requirements?
- Have we reviewed how our current contracts are affected by the new transitional provisions?
- How will we manage the transition of ongoing projects to ensure compliance with the Act?

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ARE OUR INVOICES FIT FOR THE NEW ACT?

Key questions to consider are:

- Do our invoices contain all the required information to be considered valid under the Act?
- Can we ensure timely submission of invoices in the correct format to avoid payment delays?
- How do we verify that our e-invoices are accurately processed and recorded by the buyer?
- Have we established a clear process for addressing any disputes over invoice validity?

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SUSTAINABILITY NEEDS TO BE FRONT & CENTRE

Key questions to consider are:

- Do we have a plan to reduce our environmental impact?
- How will we ensure our sustainability efforts align with stakeholders' priorities? Are we able to adapt if expectations evolve during the contract period?
- How will we measure and report on this aspect of our contracts?
- What sustainability standards or certifications do we have to include?

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TECHNOLOGY & AUTOMATION IN BIDS

Key questions to consider are:

- The Act accelerates digitisation in procurement and increases both opportunities and competition. How can we use tech in our bid process?
- What opportunities exist for automating repetitive bid tasks?
- What bid tools should we invest in?
- How will we ensure our teams are proficient in using bid technology?
- How do we ensure data security and confidentiality in our use of tech?

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QUERIES FOR SUPPORTED EMPLOYMENT PROVIDERS

Key questions to consider are:

- Do our practices meet the equality and diversity criteria of The Equality Act 2010, as referenced in the Cabinet Office's supporting documentation for the Procurement Act 2023?
- Can we show the right % of our team meet the diversity criteria?
- If we are working in collaboration with other suppliers, are we able to meet diversity requirements collectively?

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KEEPING OUR CONTRACTORS CLOSE

Key questions to consider are:

- Have we thoroughly vetted third-party contractors for compliance with public sector requirements?
- Are we confident that our contractors can deliver to standard and within the agreed timeframe?
- Do our contracts with third parties clearly outline responsibilities, risks, standards, and accountability?
- Are we prepared to address any issues arising from the use of third parties swiftly and effectively?

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DIRECT AWARDS UNDER THE PROCUREMENT ACT

Key questions to consider are:

- Have we evaluated if a direct award is legally justifiable in our situation?
- Can we show that our solution offers clear value for money?
- Is our pricing transparent and compliant with public standards?
- Are we certain no other suppliers could meet the requirement better or more competitively?
- Are we prepared to justify our bid if challenged by competitors?

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EFFECTIVE USE OF DYNAMIC MARKETS

Key questions to consider are:

- Are we prepared for the flexibility required by dynamic markets?
- Can we monitor, respond and adapt to dynamic opportunities at pace?
- What tools or systems do we need to track and analyse markets?
- How can we best optimise our entry and exit in dynamic markets?
- How will dynamic market conditions affect our pricing and bid strategies?

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SPOTLIGHT ON LIGHT TOUCH CONTRACTS

Key questions to consider are:

- How can we leverage the flexibility of these contracts to our advantage?
- What are the specific criteria for these contracts, and how can we align our offerings to meet them?
- Are our bid strategies adapted for the streamlined procedures associated with these contracts?
- How will the light touch approach impact our contract management and performance monitoring?

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PIPELINE & PLANNED PROCUREMENT NOTICES

Key questions to consider are:

- Are we tracking pipeline and planned procurement notices to anticipate upcoming opportunities?
- How can we integrate pipeline information into our planning?
- Do we have the resources needed to respond to notices efficiently?
- Are we using pipeline data to align our capabilities with future needs?
- How can we use pipeline insights to build stronger buyer relationships?

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REMEDIES UNDER THE PROCUREMENT ACT

Key questions to consider are:

- Are we familiar with the remedies process for procurement disputes?
- How can we prepare our bid team to anticipate potential legal issues?
- How do we ensure our compliance to avoid legal challenges?
- Are we clear on the timeframe for raising procurement challenges?
- What strategies do we have to handle any potential claims and disputes efficiently?

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TERMINATION NOTICES IN FOCUS

Key questions to consider are:

- What steps should we take to prepare for a potential termination notice scenario?
- What impact might termination notices have on our current and future contracts?
- Have we updated our procedures to handle termination notices?
- Are we ready to manage any disputes or claims arising from a termination notice?

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MANAGING THE RISK OF EXCLUSION

Key questions to consider are:

- What processes do we have to address potential exclusion issues?
- What measures are we taking to proactively prevent situations that could lead to exclusion?
- How can we communicate exclusion risks and mitigation strategies to our bid and operations teams?
- Are we prepared to handle any exclusion-related disputes or appeals?

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MANAGING CONTRACT PERFORMANCE NOTICES

Key questions to consider are:

- How are we tracking performance?
- What processes do we have to resolve any issues flagged by Contract Performance Notices?
- Is our team trained in the standards required and the implications of non-compliance?
- Are we using data to improve our services and prevent future notices?
- Do we know how to appeal an unjust Contract Performance Notice?

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INCORPORATING SOCIAL VALUE IN BIDS

Key questions to consider are:

- Have we clearly defined social value objectives in our bid proposals?
- Can we show past achievements and outcomes in delivering social value?
- Are our goals aligned with the social value priorities of the buyer?
- Are we involving local stakeholders in our social value initiatives?
- How do we track our social impact and improve our efforts over time?

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GETTING OUR OWN SUPPLIERS PAID

Key questions to consider are:

- Do we understand our obligations regarding payment terms?
- How do we ensure subcontractor payments are prompt and recorded?
- Can our financial systems show our adherence to payment rules?
- How will we handle disputes?
- Are we prepared to report any payment compliance breaches to the relevant authorities?

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IS OUR TENDER TRULY COMPETITIVE?

Key questions to consider are:

- Have we adequately addressed all the evaluation criteria in our bid?
- How do we benchmark our bids against others in the market?
- Do we understand the competition?
- How do we balance quality with cost-effectiveness to ensure our bids are keen but sustainable?
- Have we identified and mitigated any potential risks in our bid?

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UNDERSTANDING MIXED PROCUREMENT

Key questions to consider are:

- Are we prepared to manage the complexities involved when a contract combines different types of goods, services, or works?
- Can we segment our bid?
- Are we aligning our bid with the overall objectives and outcomes expected from the procurement?
- How do we ensure our bid complies with all relevant regulations for each component of the procurement?

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HANDLING DEFENCE & SECURITY CONTRACTS

Key questions to consider are:

- Are our security protocols and systems robust enough to bid for a defence or security contract?
- Are we equipped to handle sensitive and classified information properly?
- Is our risk management adequate for these high-stakes contracts?
- Do we have relevant experience and expertise to effectively compete for these contracts?

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UNDERSTANDING THE USE OF LOTS IN THE ACT

Key questions to consider are:

- Have we fully grasped how the new Act impacts the structuring and presentation of lots in tenders?
- Can we effectively manage and deliver on smaller lots or multiple lots if required by the new Act?
- Have we developed a plan to track and manage multiple lots, ensuring compliance and efficiency?
- Do we understand how each lot will affect the evaluation criteria so we can ensure our bids are competitive?

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USING ELECTRONIC COMMUNICATIONS

Key questions to consider are:

- Have we set up reliable methods to ensure we meet all deadlines for electronic submission and response?
- Are we confident that our electronic communications are secure and that we comply with data protection requirements?
- Are our electronic communication systems accessible and user-friendly for all stakeholders, including those with disabilities?

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