



Government
Commercial
Function

Direct Award Justification Report

[Insert procurement/contract title]

[Insert procurement/contract reference number]

[Insert name of procurement lead]

[MONTH YYYY] [Insert date of publication or any other additional text]

Version control

Version number	Author	Date	Changes

*Add rows as required



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[This is an automated contents table, based on text in the styles Heading 1 and Heading 2. To update this table, right-click on it and select Update Field. Delete this text before publishing]

Introduction

[Delete this instructional text before issuing]

1. Replace the GCF logo with your own departmental logo.
2. Refer to guidance section at the end of this template.
3. Include appropriate [Government security classification](#).
4. The official should only complete the relevant section to their type of award (i.e. switching to direct award). Any sections which are not relevant can be deleted.

Disclaimer

Whilst we have made every effort to ensure this template is aligned to policy, regulations and best practice, you should always seek commercial and legal advice in the context of specific procurements.

It is only intended to serve as a guide and should be supplemented and or, adapted where relevant and proportionate to each individual procurement, based on risk, complexity and novelty.

To assist with the completion of certain sections within this template, Guidance Notes are provided at the end of this template.

Timing

This template should be used for procurements where the tender notice will be published on or after 24 February 2025 and is subject to the Procurement Act 2023.

Confidentiality and classification

Contracting Authorities must ensure that appropriate protective security markings are applied to this document when completed, in conjunction with a classification as detailed in the [Government Security Classifications](#).

Section 1: Contract details

[Refer to the Guidance Notes section at the end of this template for information required for '2. Section1: Contract details']

Key details

Contracting Authority

**Name of
procurement/contract**

Reference number

Type of direct award

- Delete as appropriate:
- Switching to direct award
 - Direct award in special cases
 - Direct award to protect life, etc.

**Direct award assessment
completed by (name and role)**

**Direct award assessment
approved by (name and role)**

Date of approval

Section 2: Switching to direct award

[Refer to the Guidance Notes section at the end of this template for information required for 'Section 2: Switching to direct award']

2.1. Have you invited suppliers to submit tenders as part of, or requests to participate in, a competitive tendering procedure in respect of the contract?

Enter yes/no]
[If yes, then please provide details e.g. tender notice reference]
[If no, switching to direct award is not possible]

2.2. Have you received any suitable tenders or requests in response?

[Enter yes/no]
[If yes, switching to direct award is not possible]
[If no, then please state the reason there were no suitable tenders or requests to participate with reference to [section 43\(2\) of the PA 2023](#)].

2.3. Do you consider that an award under section 19 is possible? See guidance note Section 2 2.3

[Enter yes/no]
[Provide details as appropriate]

2.4. Is the direct award to an excluded supplier? See guidance note Section 2 2.4

[Enter yes/no]
[If yes, switching to direct award is not possible]

2.5. Is the direct award to a supplier who submitted an unsuitable tender or request in response to the invite under the competitive tendering procedure? See guidance note Section 2 2.5

[Enter yes/no]
[Provide details as appropriate]

2.6. Are you directly awarding either wholly or partly, the supply of goods, services or works under the contract to a sub-contractor? See Guidance note section 2 2.6

[Enter yes/no]
[If yes, please state which justification under Schedule 5 of the PA 2024 applies and an explanation of why you consider it applies].

2.7. Is the direct award discriminatory towards treaty state suppliers as listed in Schedule 9 of the PA 2023? See Guidance note Section 2 2.7

[Enter yes/no]
[If yes, switching to direct award is not possible]
[If no, provide details as appropriate].

Section 3: Direct award in special cases

[Refer to the Guidance Notes section at the end of this template, for information required for '4. Stakeholder management'. Add additional paragraphs as necessary]

3.1. Is the direct award justified as a special case? See Guidance note Section 3 3.1

[Enter yes/no]

[If yes, please state which justification under Schedule 5 of the PA 2024 applies and an explanation of why you consider it applies].

3.2. Is the direct award to an excluded supplier? See Guidance note Section 3 3.2

[Enter yes/no]

If yes:

- Which supplier (when awarding to more than one supplier) is excluded?
- Why the supplier was excluded with reference to Schedule 6 and 7 of PA 2023
- State the overriding public interest ground in awarding a public contract to that excluded supplier with reference to section 41 (5) of the PA 2023.
- State why you believe there is an overriding public interest to award the contract to that supplier?

3.3. Are you directly awarding either wholly or partly, the supply of goods, services or works under the contract to a sub-contractor? See Guidance note Section 3 3.3

[Enter yes/no]

[If yes, please state which justification under Schedule 5 of the PA 2024 applies and an explanation of why you consider it applies].

3.4. Is the direct award discriminatory towards treaty state suppliers as listed in Schedule 9 of the PA 2023? See Guidance note Section 3 3.4

[Enter yes/no]

[If yes, switching to direct award is not possible]

[If no, provide details as appropriate].

Section 4: Direct award to protect life

[Refer to the Guidance Notes section at the end of this template, for information required for 'Section 4: Direct award to protect life.].

4.1. Is the direct award being made to protect human, animal or plant life or health or to protect public order or safety under section 42 of the PA 2023?

[Enter yes/no]
If yes, provide the title and registration number of the statutory instrument containing those regulations.

4.2. Are you directly awarding either wholly or partly, the supply of goods, services or works under the contract to a sub-contractor? See Guidance note section 4 4.2

[Enter yes/no]
[If yes, please state which justification under Schedule 5 of the PA 2024 applies and an explanation of why you consider it applies].

4.3. Is the direct award discriminatory towards treaty state suppliers as listed in Schedule 9 of the PA 2023? See Guidance note section 4 4.3

[Enter yes/no]
[If yes, switching to direct award is not possible]
[If no, provide details as appropriate].

Section 5: Checklist of notices

[Refer to the Guidance Notes section 5: Checklist of notices at the end of this template, for explanation of notices, and information required.]

Transparency notice

Date of expected issue	[DD Month YYYY]
------------------------	-----------------

Date of issue	[DD Month YYYY]
---------------	-----------------

Contract award notice

Date of expected issue	[DD Month YYYY]
------------------------	-----------------

Date of issue	[DD Month YYYY]
---------------	-----------------

Contract details notice

Date of expected issue	[DD Month YYYY]
------------------------	-----------------

Date of issue	[DD Month YYYY]
---------------	-----------------

Section 6: Internal approvals

[Refer to the Guidance Notes section at the end of this template, for information required for '6. Internal Approvals'. Add or delete sections as necessary]

Technical approval

Technical lead / SRO

Name	<input type="text"/>
Position	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

Commercial approval

Commercial lead/director

Name	<input type="text"/>
Position	<input type="text"/>
Signed	<input type="text"/>
Date	<input type="text"/>

Guidance Notes

Section	Guidance
Introduction	
Additional support	<p>There are many sources of supporting information and guidance available. You should refer to and apply these where it is relevant and proportionate to do so.</p> <p>Direct Award Guidance</p> <p>The Procurement Act 2023</p> <p>The Procurement Regulations 2024</p> <p>The Procurement Act - Guidance documents</p> <p>Government Commercial Function: Standards</p> <p>The Consultancy Playbook</p> <p>The Digital, Data and Technology Playbook</p> <p>The Sourcing Playbook</p> <p>The Knowledge Hub</p> <p>Note: This list is not exhaustive and you should seek support from your commercial department where necessary.</p>
Section 2: Switching to direct award	
2.3	<p>Note: When deciding to switch to direct award and determining whether an award is possible under section 19, you should consider whether the reason for not receiving any suitable tenders or requests is because the documentation was not clear or there was an error, which if corrected and time still permitted, could result in a successful award.</p>
2.4	<p>Note: A direct award cannot be made to an excluded supplier (see section 43 and 57 of the Procurement Act (PA) 2023). The public interest test in section 41(2) does not apply.</p>
2.5	<p>Note: It may not be appropriate in certain circumstances for such a supplier to be directly awarded the public contract. Although it is not an absolute prohibition and it would depend on the particular circumstances. See Direct Award Guidance.</p>
2.6	<p>Note: Refer to section 25 of the PA 2023.</p>
2.7	<p>Note: Refer to section 90 of the PA 2023. Contracting authorities must ensure that in making a direct award they do not discriminate against treaty state suppliers.</p>

Section	Guidance
Section 3: Direct award in special cases	
3.1	Note: The list of justifications for direct award in special cases are listed in Schedule 5 of the PA 2023.
3.2	Note: Section 41 of the PA 2023 states that a direct award must not be made to an excluded supplier unless there is an overriding public interest in awarding the contract to the supplier. Excluded suppliers are defined in section 57(1) of the PA 2023
3.3	Note: Refer to section 25 of the PA 2023 .
3.4	Note: Refer to section 90 of the PA 2023. Contracting authorities must ensure that in making a direct award they do not discriminate against treaty state suppliers.
Section 4: Direct award to protect life	
4.2	Note: Refer to section 25 of the PA 2023 .
4.3	Note: Refer to section 90 of the PA 2023. Contracting authorities must ensure that in making a direct award they do not discriminate against treaty state suppliers.
5. Checklist of notices	
Transparency notice	<p>The transparency notice is mandatory for direct awards (except in the case of direct award under Schedule 5, paragraphs 15-17 (user choice contracts)).</p> <p>It is recommended that the transparency notice is published as soon as the decision to directly award the contract is made. Publishing as early as possible will mean that, if there is a challenge to the basis of the decision to directly award the contract, it will generally be made when it is less disruptive to the procurement. This is because a supplier has only 30 days (under section 106 (time limits on claims)) to make a claim from the point at which it knew, or ought to have known, of the circumstances of the direct award).</p> <p>Section 44 of the PA 2023 and regulation 5 requires a contracting authority to publish a transparency notice on the central digital platform before directly awarding a contract.</p>

Section	Guidance
Contract award notices	<p>A contract award notice is mandatory for all direct awards except when the direct award is based on the justification for user choice contracts (section 50(6)(b)).</p> <p>The contracting authority is not permitted to enter into the contract during the standstill period of 8 days (section 51(1)).</p> <p>There are exceptions to the mandatory standstill period when a direct award is made under section 41 pursuant to Schedule 5, paragraph 13 (extreme and unavoidable urgency); under regulations made under section 42 (direct award to protect life, etc.); and under section 41, section 42 or section 43 by private utilities.</p> <p>Where an exception to the mandatory standstill period applies, the contracting authority may still choose to implement a voluntary standstill period.</p> <p>Guidance: Contract award notices and standstill</p>
Contract details notice	<p>This notice provides interested parties with details of the contract that has been entered into and is mandatory, except where the contract has been directly awarded pursuant to Schedule 5, paragraph 15 (user choice contracts) or where it has been directly awarded by a private utility (section 53(6)(a)).</p> <p>Guidance: Contract details notice</p>
6. Internal Approvals	
	<p>Approvals should satisfy the organisation's commercial governance and management framework, financial management controls (including delegations of authority), government and commercial policy and the commercial strategy and plan. Add additional lines in each section as required.</p>