

PA2023.org Network Training

Below Threshold Contracts

16 October 2025

Getting you ready - Training

In2
the bargain



Join our growing community

Network PA2023.org - providing expert advice, guidance, support and fellowship in public procurement

What PA2023.org membership includes

Advice

Phone or email an expert helpdesk for technical support. Answering your questions on procurement as they arise. An expert on the line to talk things through with.

Training

A programme of PA2023.org exclusive network member training. Supporting CPD. In addition, discounts on paid-for open training events.

Updates

Timely technical procurement updates on latest developments and new regulations. Full access to PA2023.org website resources.

The membership package is designed around three key areas; helpdesk expert advice, training and technical updates. It will be invaluable to experienced practitioners as well as those starting out in the profession. This is particularly important in this period of change as we all move to operate under the new Procurement Act and Provider Selection Regime. Additional benefits of membership include; discounted attendance fees on open training, conferences and summits; access to all PA2023.org website resources; and meeting and networking with other members.

Contact walter.akers@in2thebargain.com for details on benefits and pricing.

What PA2023.org membership offers

For your organization

- Supporting you and your teams in getting procurement right
- Helping you deliver better value-for-money whilst being compliant with the new procurement legislation
- Keeping you and your teams up to date with best practice

For you

- Supporting your career development and knowledge
- Giving you access to our experts, resources, events, insights and training
- Investing in your career and professional development
- Networking across your profession

How subscriptions work

Subscription fees cover a 12-month period. Pricing is based on the number of delegate training tickets purchased. Within your subscription, you get full access to the advice helpdesk, free attendance on all PA2023.org training for the delegate tickets purchased and free technical updates for a year. The fees also include full access to the PA2023.org website resources. For full details see [PA2023.org Membership Terms & Conditions](#).

Contact walter.akers@in2thebargain.com for details on benefits and pricing.

Winter 2025 PA2023.org training

Procurement Act 2023 bite-size PA2023.org members training programme	
16 October 2025 10:30 am to 12:30 pm	Regulated Below Threshold Contracts
14 November 2025 1:30 pm to 3:30 pm	Award Criteria, Evaluation & Assessment
8 December 2025 1:30 pm to 3:30 pm	Competitive Award Under Sec 19 (Open & Competitive Flexible Procedure)
8 January 2026 1:30 pm to 3:30 pm	Direct Awards & Implied Terms
17 February 2026 10:30 am to 12:30 pm	Light Touch Contracts & Concession Contracts

Agenda

Below Threshold Contracts

1. Technical & news update
2. Main topic deep dive

Timings for today 16 October 2025

10:30	Start & Welcome
12:30	Close

Technical & news update 16 October 2025

1. [Act Now - A guide for suppliers: How to set up consortia on Find a Tender.](#)
2. [Sustainable procurement: the Government Buying Standards \(GBS\) - GOV.UK](#)
3. [Independent Patient Choice and Procurement Panel Report CR0021-25 and CR0022-25](#)
4. [Guide to the FMS comparison matrix - GOV.UK](#)
5. [Event - Webinar: Carbon Reduction Plans – training for public sector buyers - CCS](#)
6. ['Money-saving' UK procurement platform racks up monster tab • The Register](#)
7. Procurement Compliance Service planned to go live in Feb 2026

Technical & news update 16 October 2025

Update on notices

- UK 9 Contract Performance Notice live from 1 Nov 2025
- UK 9 Assessment of performance against KPIs - First notice required on or after 24th February 2026
- UK 9 Poor performance and breach of contract – First notices should appear 30 days after 1st November 2025
- UK 17 Payments Compliance Notice: reporting period from 1 Oct 2025, notices due 30 April 2026 and 30 October 2026
- Register of Commercial Tools from autumn 2025
- Section 70 Information about Payments - Implementation by 31 March 2026

Central Digital Platform Update - Ability to create organisation hierarchies (parent and child)

Add child organisations

This section allows you to add child organisations to your organisation's profile. Once added, child organisations will appear below. You can add new child organisations or remove them at any time.

- only a parent organisation can add its child organisations
- a child organisation can only be added if it is registered on [Find a Tender](#) (opens in a new tab)

▼ What is a child organisation?

Some organisations are arranged in a hierarchical structure that connects them together. A parent organisation can manage, own or sponsor one or more child organisations.

Add

[Complete supplier information](#)

Complete and share your supplier information to bid for procurements.

[Manage API keys \(for buyers\)](#)

Create an API key and share it with the e-Sender you use to publish procurement notices.

Search for your child organisation

Enter the name or PPON of your child organisation

You can only add an immediate child organisation, which is the next level down in your organisation's hierarchy. If you do not know the child organisation's PPON, you can find it on the [Search Registry of PPON \(opens in new tab\)](#)

Central Digital Platform Update - PPON search to look up and see if Suppliers are registered



Public procurement organisation number (PPON)

A PPON is a unique identifier assigned to organisations that participate in public procurement, generated when an organisation registers on the [Find a Tender](#) (opens in a new tab). It is used to manage and publish notices related to public procurement and connects information about the organisation digitally.

Your PPON is a combination of 12 letters and numbers, separated by hyphens. For example, EFGH-1234-IJKL.

► [What does 'Tenderer' mean?](#)

Search results

We've found 219 organisations

Sort results
Relevance

AH Test Supplier

PPON PGLZ-3155-TCNQ

Tenderer

AH Test Supplier 2

PPON PVNL-6698-XVZL

Tenderer

PPON search:

- Enables Buyers to look up suppliers and check if they are registered on the CDP.
- Buyer only functionality.

Below Threshold Contracts

The Syllabus – The Legislation

Primary focus of this training	
Procurement Act	Procurement Act 2023 (legislation.gov.uk)
The Procurement Regulations	The Procurement Regulations 2024
The Procurement (Wales) Regulations	The Procurement (Wales) Regulations 2024
Procurement Policy Notes	Procurement policy notes - GOV.UK (www.gov.uk)
Welsh Procurement Policy Notes	Procurement policy notes GOV.WALES
Procurement Act Guidance Documents	Procurement Act 2023 guidance documents - GOV.UK (www.gov.uk)
Welsh Procurement Act Guidance Documents	Procurement Act 2023: guidance documents GOV.WALES

Our focus is not on the following:

- Public Contracts Regulations 2015 and related pre 24 February 2025 law
- Utility Contracts and Utility Providers, Defence & Security

The screenshot shows the legislation.gov.uk website. At the top, there is a navigation bar with links to Home, Browse Legislation, New Legislation, Coronavirus Legislation, and Changes To Legislation. On the right, there are language options for English and Cymraeg. Below the navigation is a search bar with fields for Title, Year, Number, and Type, and a dropdown for 'All UK Legislation (excluding originating from the EU)'. A 'Search' button is also present. The main content area displays the 'Procurement Act 2023'. On the left, there is a sidebar with 'Table of Contents' (selected), 'Content', 'Explanatory Notes', and 'More Resources'. Below this, there are sections for 'What Version' (with 'Latest available (Revised)' and 'Original (As enacted)' options), 'Opening Options', and 'More Resources'. The main content area shows the 'Status' of the act as 'This is the original version (as it was originally enacted)'. There are also links for 'Introductory Text' and 'PART 1 Key definitions'.

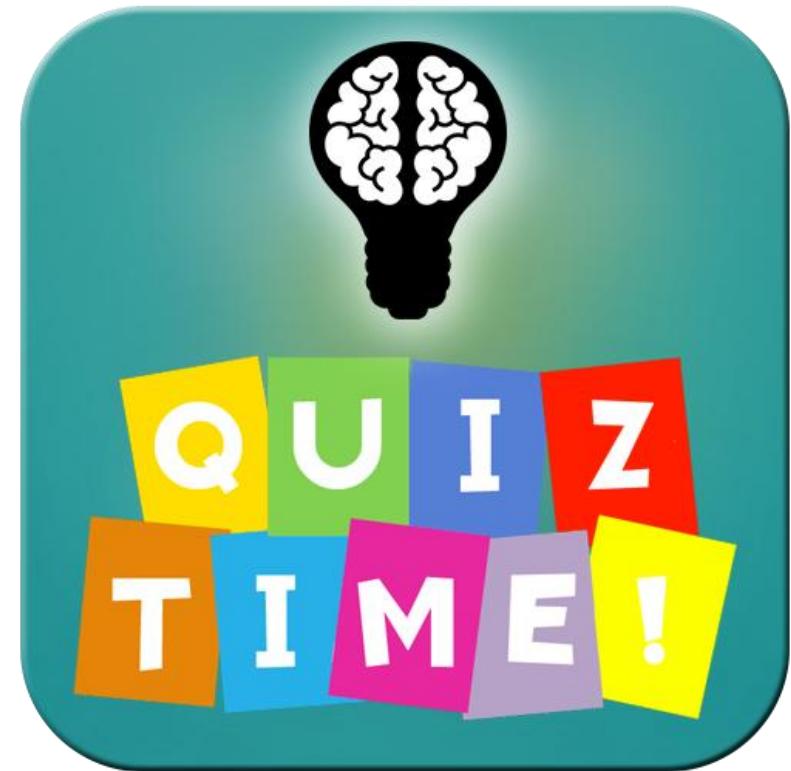
Reference

[Act 2023 Part 1](#)

To get the most from this training the slides may include a reference box with links to the specific text part of the Act and other documents.

Chose your answer: Yes, No, Don't Know

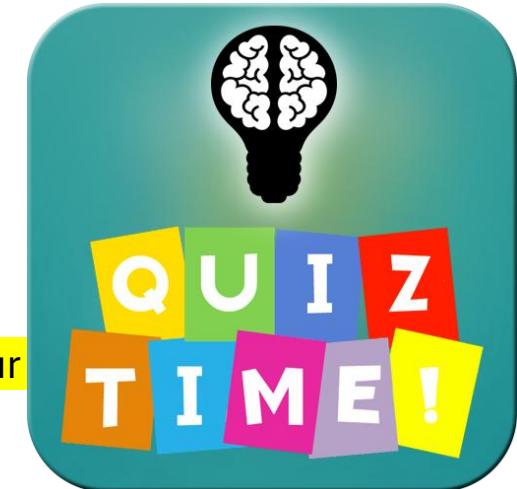
1. Do the PA2023 Conflict of Interest rules apply to below-threshold procurements?
2. Can you use conditions of participation for below threshold procurements?
3. Standstill periods for below threshold procurement – does it apply?
4. Are you required to publish a Contract Award Notice for below threshold contracts?
5. Do you have to issue a transparency notice for a below threshold direct award above £30k contract?
6. Do you have to check if a supplier is excluded or excludable?
7. If a contracting authority buys the service every year from the same supplier using the 3 quotes process and not a full competition, do they need to aggregate the value over the years to consider whether the spend is above or below threshold?



Regulated Below Threshold Contracts

Chose your answer: Yes, No, Don't Know

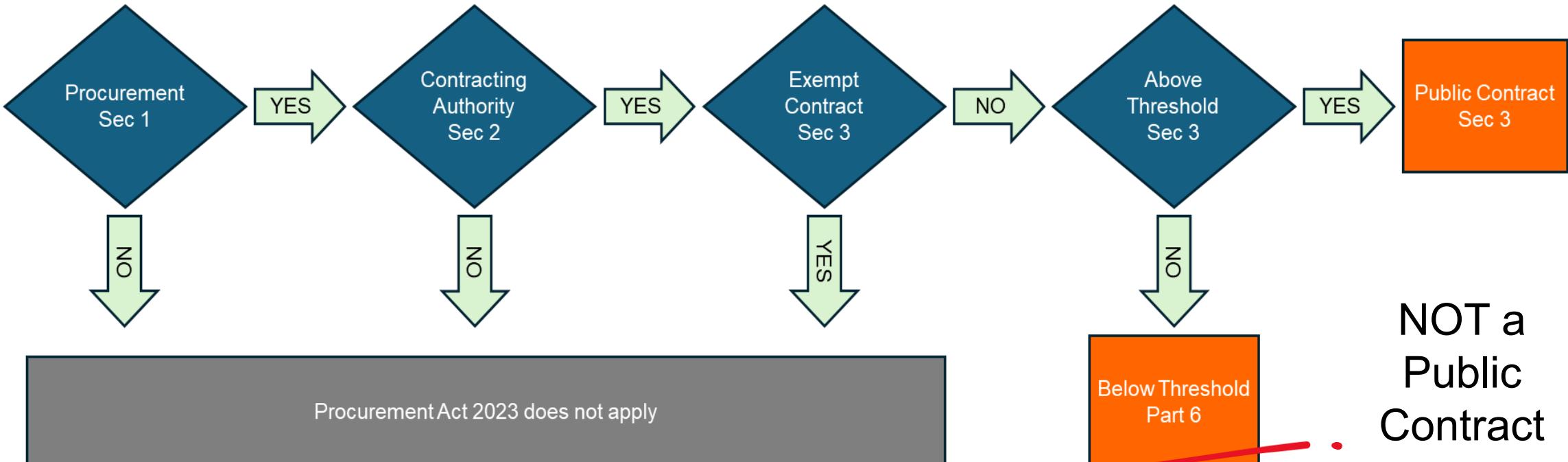
1. Do the PA2023 Conflict of Interest rules apply to below-threshold procurements ? [Conflict of Interest PA2023 requirements only apply to Public Contracts not below threshold contracts, although other law and governance will apply]
2. Can you use conditions of participation for below threshold procurements? [Yes, you can base your suitability criteria on conditions of participation when you are assessing tenders, but you cannot down-select or limit participation. You cannot restrict participation based on assessment of suitability]
3. Standstill periods for below threshold procurement – does it apply? [No]
4. Are you required to publish a Contract Award Notice for below threshold contracts? [No]
5. Do you have to issue a transparency notice for a below threshold direct award above £30k contract? [No]
6. Do you have to check if a supplier is excluded or excludable? [No, but it is best practice to do so]
7. If a contracting authority buys the service every year from the same supplier using the 3 quotes process and not a full competition, do they need to aggregate the value over the years to consider whether the spend is above or below threshold? [Yes, the aggregation rules must be considered]

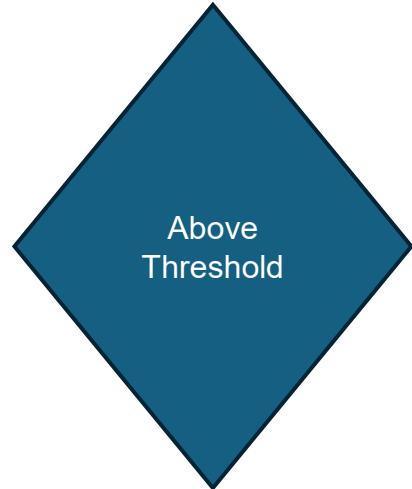


Which part of the Act applies

Reference

[Act 2023 Part 1](#)





Threshold Amounts – Sch 1

Type of contract	Thresholds (including VAT): 1 January 2024 to 31 December 2025	Reference
Utility works contract	£5,372,609	Act 2023 Part 1
Utility contract that is not a works contract, a defence and security contract or a light touch contract	£429,809	Act 2023 Sch 1
Concession works and services contract	£5,372,609	
Works contract	£5,372,609	
Contract for the supply of goods or services (which may be mixed contracts that contain some works elements) to a central government authority not within any other row	£139,688	
Contract for the supply of goods or services (which may be mixed contracts that contain some works elements) to a sub-central government authority not within any other row	£214,904	
Light touch utilities contract	£884,720	
Light touch concession contract	£5,372,609	
All other light touch contracts	£663,540	

Reference

[Act 2023 Part 6](#)

Which parts of PA2023 apply to below threshold contracts?

- Generally, the only provisions in the Act that are relevant to the procurement of below-threshold contracts are those set out in **Part 6**
- Section 13(1) to have regard to the **national procurement policy statement (NPPS)** or **Welsh procurement policy statement** (where applicable) and
- Section 90(1) to **not discriminate against a treaty supplier** (but only to the extent that below threshold procurements are covered by an international agreement set out in Schedule 9 of the Act).
- Other guidance and specific **department requirements** (example DfE handbook)
- Other Law for example: Misconduct in public office criminal offence.

Importantly: Remedies Part 9 of PA2023 does not apply to below threshold contracts. Although an unhappy supplier can always bring a Judicial Challenge.

Regulated Below Threshold Contracts – Sec 84

Means a below threshold contract which is not:

- Exempt contract
- Concession contract
- Awarded by a School
- Transferred Northern Ireland Authority or Northern Ireland arrangement

Reference

[Act 2023 Part 6](#)

Regulated Below Threshold Contracts Procedure - Sec 85

- If CA invites tenders, they cannot restrict participation based on assessment of suitability.
i.e. cannot have pre-selected suppliers / two stage process
- Excluded :
 - Works contract not less than (above) £139,688 for Central Government Authority and £214,904 for Sub-central Government Authority
 - If awarding in accordance with Framework
 - Devolved Welsh Authority or Devolved Welsh arrangement

Effect is to include all Regulated Below Threshold contracts from £1 to £139,688 / £214,904

Must consider removing barriers to SME's – Sec 86

Implied payment terms of 30 days – Sec 88

Reference

[Act 2023 Part 6](#)

Regulated Below Threshold Contracts Notices – Sec 87

Notifiable Below Threshold Contract is a regulated Below Threshold Contract not less than £12,000 (£30,000 in Wales) for Central Government Authority, including NHS, and £30,000 for Sub-central Government Authority

Below Threshold
Tender Notice
Sec 87

Below Threshold Tender Notice

- Required if advertising inviting tenders for Notifiable Below Threshold Contracts
- No Below Threshold Tender Notice if only inviting particular or preselected supplier(s)

(Below
Threshold)
Details Notice
Sec 87

(Below Threshold) Details Notice

Details Notice required for every Notifiable Below Threshold Contract
Publish as soon as reasonably practicable

Key change from PCR2015: NHS Trusts are now subject to the £12,000 central government threshold whereas, under the PCR, they were treated as a sub-central authority with a £30,000 threshold.

Regulated Below Threshold Contracts

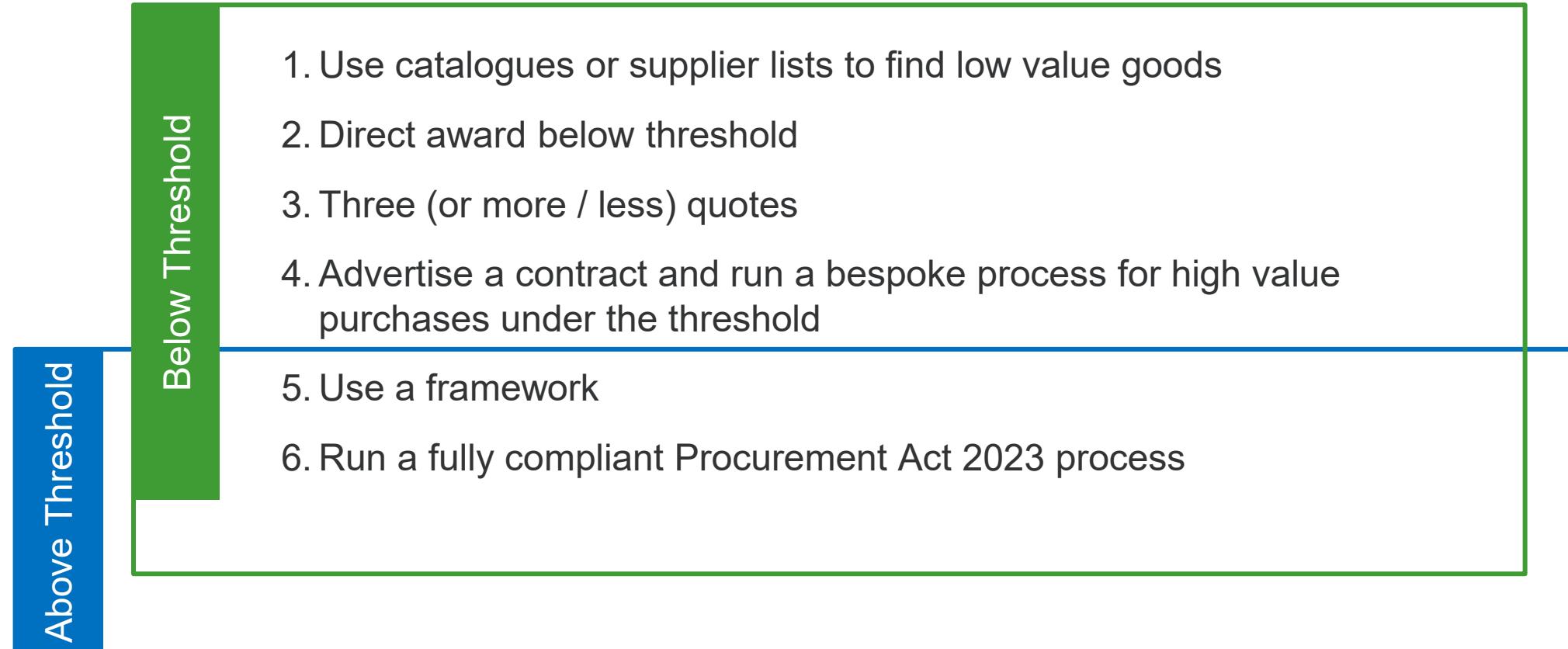
Reference

[Act 2023 Part 6](#)

Except for all of Part 6	Advertising & Competition	Notices Sec 87	Procedure: Shortlisting and Selection Sec 85
<ul style="list-style-type: none"> • Exempt Contract • Concession Contracts • Schools • Transferred Northern Ireland authority / arrangement 	Not required to advertise or have competition	For contracts above £12,000 / £30,000	For contracts (goods, services, works) less than £139,688 / £214,904
	Follow your internal rules	If advertise then must issue Below Threshold Tender notice. Not apply if inviting particular / preselected suppliers.	If advertise - may not restrict the submission of tenders by reference to an assessment of a supplier's suitability to perform the contract. i.e. legal and financial capacity; and technical ability.
		Must publish a Contract Details Notice	If advertise - Duty to consider SMEs
		Timing of Notices: Reasonable and the same for all	Exceptions: <ul style="list-style-type: none"> - Framework call off - Devolved Welsh authority / arrangement

Contract standing orders / Contract procedure rules

What could your internal rules require - a practical view



Contract standing orders / Contract procedure rules

- Public sector organisations are required to have CSO / CPR by law (either implied or expressly)
- Should be available on their websites
- Sets out how the authority will engage with suppliers
- Local Government Act 1972 – Section 135



Contract Standing Orders

SECTION A – SCOPE OF THE CONTRACT STANDING ORDERS

1. BASIC PRINCIPLES

- 1.1. These Contract Standing Orders ("CSOs") are made pursuant to [Section 135](#) of the Local Government Act 1972. They apply to all Council staff and external consultants with responsibility for letting Contracts.
- 1.2. Words or phrases that begin with an initial capital letter, initialisms and acronyms are defined in Appendix 1: Glossary.
- 1.3. Clear and consistent lines of management accountability must be demonstrable and enforced. We need to embed a ruthlessly financially efficient mindset which shows we have zero tolerance right across the Council, for non-compliance with CSOs, Financial Regulations, and controls.
- 1.4. Officers with responsibility for buying goods or purchasing services or procuring works, entering into concession arrangements, modifying or extending Contracts or otherwise dealing with Contract arrangements must comply with the minimum requirements established by these CSOs. The aims of these CSOs are to promote good purchasing practice, public accountability and transparency, to support the delivery of the Council's objectives and priorities, to ensure that the Council obtains Value for Money, compliance with legislation and to prevent corruption. Following the rules is the best defence against allegations that a decision has been made incorrectly or fraudulently. Failure to follow them may result in disciplinary action being taken or even criminal proceedings.
- 1.5. Every Contract entered into by the Council must be in connection with a Council function and shall be procured in accordance with all relevant legislation

SECTION B – LOW VALUE CONTRACTS BELOW £30,000 (INCLUDING VAT)

8. LOW VALUE CONTRACTS

8.1. Contracts valued at below £30,000 (including VAT) are to be procured and awarded as set out in this [Section B](#). However, there are exempted Contracts set out in [Section H and special procedures set out in Section I](#).

8.2. Before any Contract is considered the SLT Member must:

8.2.1 be satisfied there is a business need for the Contract (see [CSO 4.1](#)); and

8.2.2 ensure that a Contract estimate is calculated and recorded and be satisfied that the estimated Contract value is below £30,000 (including VAT).

If the Contract value could be £30,000 (including VAT) or greater, the process for Medium Value Contracts must be followed.

9. ADVERTISING PROCESS AND COMPETITION REQUIREMENT FOR ALL LOW VALUE CONTRACTS

9.1. The SLT Member is responsible for ensuring Value for Money in all procurement matters. The following competition requirements have been set considering the Contract value and to achieve Value for Money. The SLT Member must meet these requirements for all Low Value Contracts:

Estimated Value	Advertising Requirement	Competition requirement ¹
£1 to £29,999 inclusive of VAT	None	Either: <ul style="list-style-type: none">• Call-off from suitable third party or <small>Hammondsworth & Fulham</small>

Contract standing
orders / Contract
procedure rules

SECTION C – MEDIUM VALUE CONTRACTS – £30,000 (INCLUDING VAT) TO SERVICES THRESHOLD OR TO LIGHT TOUCH THRESHOLD FOR LIGHT TOUCH CONTRACTS

11. MEDIUM VALUE CONTRACTS

11.1. Contracts valued between £30,000 (including VAT) and the Services Threshold and Light Touch Contracts between £30,000 (including VAT) and up to the Light Touch Threshold are to be deemed “Medium Value Contracts” and procured and awarded as set out in this [Section C](#). However, there are exempted contracts set out in [Section H](#) and special procedures set out in [Section I](#).

11.2. Before any Medium Value Contract is considered the SLT Member must:

- 11.2.1 be satisfied there is a business need for the Contract (see [CSO 4.1](#));
- 11.2.2 ensure that a Contract estimate is calculated and recorded and be satisfied that the estimated Contract value is between £30,000 (including VAT) and up to Services Threshold or up to Light Touch Threshold for Light Touch Contracts. If it could be greater the process for High Value Contracts must be followed;
- 11.2.3 make an assessment in accordance with [CSO 4.9](#) to [CSO Error! Reference source not found.](#) as to whether the Contract may be reserved to [Local and SME/VCSE suppliers](#)

12. PROCUREMENT STRATEGY FOR MEDIUM VALUE CONTRACTS

12.1. The SLT Member decides upon the most appropriate Procurement Strategy. Once the Procurement Strategy is decided upon, a Project Team must be established to take responsibility for managing all aspects of the procurement process. The provisions of [paragraph 6 of Appendix 8](#) shall apply to the Project Team and the procurement process.

12.2. The SLT Member will ensure that the Council's conflict of interest paperwork is completed at the commencement of the procurement process and any changes to actual, potential, and/or perceived conflicts are considered again, prior to

Contract standing
orders / Contract
procedure rules

Reference

[Act 2023 Part 6](#)

Planning Stage	Pipeline Notice Sec 93 UK1	Planned procurement Notice - Sec 15 UK3	Preliminary market engagement notice - Sec 17 UK2	Dynamic Market Notices (Intend to Establish) - Sec 39 UK13
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Publication of Information

Mandatory	Voluntary
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Tender Stage	Tender notice - Sec 21 UK4	Below-threshold tender Notice - Sec 87 UK4	Transparency notice - Sec 44 UK5	Notification of exclusion of supplier – Sec 59	Procurement Termination Notice - Sec 55 UK12	Contract award notice - Sec 50 UK6	Contract details notice - Sec 53 UK7	Below-threshold Contract details notice - Sec 87 UK7	Key performance indicators – Sec 52 UK7	Full contract - Sec 53 (3) UK7	Dynamic Market Notices (Has been Established) - Sec 39 UK14
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Managing Stage	Contract change notice - Sec 75 UK10	Publication of modifications – Sec 77 UK10	Payments compliance Notice - Sec 69 UK17	Information about payments under public contracts - Section 70 UK8	Assessment of contract performance KPIs - Sec 71 (1) & (2) UK9	Assessment of contract performance Breach Poor Performance - Sec 71(3 to 6) UK9	Contract Termination Notice - Sec 80 UK11	Dynamic Market Notices (Modification) - Sec 39 UK15	Dynamic Market Notices (Ceases) - Sec 39 UK16
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Below Threshold Contracts

[Procurement Policy Note – PPN 013 \(PA 2023\) Using Standard Contracts – In2 the bargain](#)

[Short Form Contract - GOV.UK](#)

- A set of fixed terms
- For the provision of non complex goods or services
- Total contract value is below the relevant procurement thresholds
- Not for Works / construction contracts
- Not for when you need to transfer assets or people
- Not for concession contracts
- Not for Provider Selection Regime

Regulated Below Threshold Contracts

Below Threshold Contracts

Short Form Contract - GOV.UK**II. Cover Letter**

[Insert Buyer letterhead]

[Insert Supplier name]

[Insert Supplier address]

Attn: [Insert Supplier contact name]

By email to: [Insert Supplier contact email address]

Date: [Insert date]

Your ref: [Insert Supplier's reference, if any]

Our ref: [Insert Buyer's reference]

Dear [Insert Supplier contact name],

Following your tender/proposal for the supply of [Insert details of Deliverables] to [Insert Buyer's name], we are pleased to confirm our intention to award this Contract to you.

The attached Order Form, Contract Conditions and the [Annex/Annexes] set out the terms of the Contract between [Insert Buyer's name] and [Insert Supplier's name] for the provision of the Deliverables set out in the Order Form.

We thank you for your co-operation to date, and look forward to forging a successful working relationship resulting in a smooth and successful Delivery of the Deliverables. Please confirm your acceptance of this Contract by signing and returning the Order Form to [Insert name] at the following email address: [Insert Buyer contact email address] within [7] days from the date of the Order Form. No other form of acknowledgement will be accepted. Please remember to include the reference number(s) above in any future communications relating to this Contract.

[We will then arrange for the Order Form to be countersigned which will create a binding contract between us/You should arrange for the Order Form to be countersigned which will create a binding contract between us]

Yours faithfully,

[Insert Buyer contact name]

III. Order Form

1. Contract Reference	[Insert Buyer's contract reference number, if any]	
2. Buyer	[Insert Buyer's name and address]. In entering into this Contract, the Buyer is acting as part of the Crown and the Supplier shall be treated as contracting with the Crown as a whole.	
3. Supplier	[Insert Supplier's name, registered address (if registered), and registration number (if registered)]	
4. The Contract	<p>This Contract between the Buyer and the Supplier is for the supply of Deliverables. The Supplier shall supply the Deliverables described below on the terms set out in this Order Form and the attached contract conditions ("Conditions") and [Annex/Annexes].</p> <p>Unless the context otherwise requires, capitalised expressions used in this Order Form have the same meanings as in the Conditions.</p> <p>[Guidance: Please do not attach any Supplier terms and conditions to this Order Form as they will not be accepted by the Buyer and may delay conclusion of the Contract.]</p>	
5. Deliverables	Goods	<p>[Insert None]</p> <p>[Or insert Description: as set out [Guidance: Select as relevant]</p> <ul style="list-style-type: none"> • below [Guidance: fill in below] / • in [(Annex 2 – Specification) (Optional)] / • in the Supplier's tender as set out in [(Annex 4 – Supplier Tender) (Optional)] <p>The Goods are to be Delivered in accordance with the following instructions:</p> <p>Delivery Address: [Insert delivery address, including telephone]</p>

Below Threshold Contracts

Short Form Contract - GOV.UK

SHORT FORM CONTRACT FOR THE SUPPLY OF GOODS AND/OR SERVICES

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Reference

[Act 2023 Part 6](#)

Using dynamic markets below threshold - Find a Tender

Using dynamic markets

Above-threshold use of dynamic markets must be through a competitive flexible procedure. Dynamic markets can also be used below threshold, but conditions for membership are not allowed below threshold, except for works contracts above certain values (see [Section 85 of the Procurement Act 2023](#)), for schools, or if Welsh or Northern Irish rules apply.

Below Threshold Contracts – CDP

- When a contracting authority intends to advertise a notifiable below-threshold contract, it must **first** publish a below-threshold tender notice (UK4) on the central digital platform.
- **No requirement** to use the central digital platform for supplier information in below-threshold procurement. However, there are plans (2026) to change this with simple registration process on CDP (full Supplier Information not required) for Notifiable Below threshold Contracts. Will include light-touch compliance check.
- If known, contracting authorities should include the **supplier identifier** from the central digital platform in the notice. However supplier identifiers are optional in below-threshold notices; they can be left blank
- Contracting authorities may request supplier information even if not required.

Below Threshold Contracts – Aggregation & Anti-avoidance

Cannot exercise discretion about contract value to disapply any requirement of the Act

Reference

[Act 2023 Part 1](#)

[Act 2023 Sch 3](#)

Schedule 3 para 4 Anti-avoidance:

Where — a contracting authority estimates the value of two or more contracts, and the goods, services or works to be supplied under the contracts could reasonably be supplied under a single contract. The contracting authority must estimate the value of each of the contracts as including the value of all of the contracts, unless the authority has good reasons not to do so.

- Aggregation rules prevent artificial splitting of contracts for the purposes of evading the requirements of the Act
- Authorities must consider the total estimated value of multiple similar below-threshold contracts over time
- Example: For five separate contracts of £50,000 each for IT consultancy, if combined value exceeds the threshold (£213,477), a covered procurement process is required, for a combined contract or each (£50,000) contract.

Valuation of contracts – Sec 4

- **If cannot estimate**, then must be treated as over the threshold

Reference

[Act 2023 Part 4](#)

Convertible Contract – Sec 74(1)

A Convertible Contract is a contract that becomes a Public Contract as a result of a modification.

This can happen when a regulated below threshold contract goes above the threshold for that type of contract due to the modification.

Modification of a Convertible Contract is only permitted using the grounds in Sec 74 and/ or Schedule 8

Once the modification has taken place the Convertible Contract becomes a Public Contract and after modification, the contract will be subject to all of the provisions in the Act that apply to public contracts.

When a convertible contract becomes a public contract, there is no requirement to set and assess performance against key performance indicators (KPIs) for that contract even if, once modified, the contract is valued at over £5 million. This is because the requirement to set key performance indicators under section 52(1) arises before a public contract is entered into.

Buying local for below-threshold contracts

PPN 005: Reserving below threshold

Central government departments, their executive agencies and non-departmental public bodies may for the procurement of below threshold contracts: - reserve the procurement by supplier location and /or reserve the procurement for small and medium sized enterprises (SMEs) and voluntary, community and social enterprises (VCSEs). Other public sector contracting authorities may wish to apply the approach set out in this PPN. However, application of the PPN should be considered in the light of authorities' relevant legal obligations.

The option to reserve procurements on the basis of location should not be used in relation to procurements which are of cross-border interest (i.e. which may be of potential interest to suppliers from EU Member States including the Republic of Ireland) that involve the provision of goods into Northern Ireland.

Local Government Act 1988

Section 17 of the Local Government Act 1988 (LGA 1988) prohibits consideration of a wide range of "non-commercial matters" in procurement processes. This prohibition applies to all tiers of local government as well as some further specified public bodies such as Homes England and National Park Authorities. However, Section 17 is already limited and does not prevent an authority from considering non-commercial matters in their procurements to the extent that the authority considers it necessary to comply with the Public Services (Social Value) Act 2012 and the Equality Act 2010. So contracting authorities should use their own judgement when applying section 17. This remains a complex area.

This is an area of change from PCR2015: The Act allows below-threshold contracts to be reserved for UK or local suppliers, which was not possible under the PCR.

Reference

[PPN 005: Reserving below threshold](#)

In summary: Local Authorities need to consider S.17 Local Government Act 1988, although this may not prevent them reserving below threshold procurements by supplier location, SME & VCSEs. All other contracting authorities can reserve below threshold procurement by supplier location, SME & VCSEs as long as they comply with the guidance in PPN005

Below threshold contracts checklist

Reference

[Act 2023 Part 6](#)

Action:

1. Confirm your total estimated contract value is below the thresholds set out in the Procurement Act schedule 1 (ensuring you are not artificially subdividing contracts).
2. Undertake pre-market engagement where appropriate and proportionate.
3. Have regard to the fact that small- and medium-sized enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced.
Does not apply to the award of a contract in accordance with a framework.

Below threshold contracts checklist

Reference

[Act 2023 Part 6](#)

4. Design the procurement process without restricting tenders by suppliers suitability to perform the contract (no intermediary conditions of participation stage as a way of reducing the number of suppliers to invite, previously known as 'selection stage' or 'pre-qualification stage'). Does not apply to a works contract above £139,688 (central government), or £214,904 (others). Also does not apply to a contract awarded:

- by a devolved Welsh authority, unless it is awarded under a reserved procurement arrangement
- under a devolved Welsh procurement arrangement, or
- in accordance with a framework

Below threshold contracts checklist

Reference

[Act 2023 Part 6](#)

5. Design the procurement process with reasonable timescales which are the same for every supplier.
6. Publish a below-threshold tender notice on the central digital platform before advertising anywhere else. Does not apply to contracts with an estimated value of less than £12,000 (central government), or £30,000 (others).
7. Assess tenders.
8. Publish a contract details notice on the central digital platform as soon as reasonably practicable after entering into the contract.

Below threshold contracts checklist

Reference

[Act 2023 Part 6](#)

9. Ensure successful supplier is set up on 30 days (or less) payment terms.
10. Understand the contract modification rules and debrief the contract manager as required.
11. Ensure total contract value remains under the threshold for the lifetime of the contract

(including where any modifications are made) otherwise it will become a 'convertible contract'.

A regulated below threshold contract that, following modification, exceeds the relevant

threshold set out in schedule 1 of the act and is now a public contract.

Reference

[Act 2023 Part 6](#)

Regulated Below Threshold Contracts

Summary

- Not required to advertise or have competition, but if do advertise then cannot have two stage process i.e. no separate preselection / participation phase
- The prohibition on restricting the submission of tenders by reference to an assessment of suitability does not apply to the award of contracts under a framework. In addition, for works contracts, the prohibition does not apply if the estimated value of the contracts is above the goods and services threshold
- Not required to advertise or have competition – but if you do advertise must publish Below Threshold Tender Notice (above £12,000 / £30,000)
- Must always publish Below Threshold Details Notice (above £12,000 / £30,000)

Reference

[Act 2023 Part 6](#)

Focus areas for Contracting Authorities

Moving forward, authorities should:

1. Apply the thresholds in Schedule 1 correctly to determine their obligations under the Act;
2. Recognise that advertising for low-value procurements is discretionary, but if a notifiable below-threshold contract is advertised, a Below-Threshold Tender Notice must be published;
3. Avoid unnecessary notices that are not required for low-value procurements (such as such as Contract Change or Termination Notices);
4. Remove pre-qualification hurdles for a competitive low-value procurement and instead assess suitability at award stage; and
5. Monitor contract modifications carefully to avoid inadvertently converting a below-threshold contract into a public contract.

Final thoughts & close

We really value your feedback on the training today: [Feedback – In2 the bargain](#)

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Winter 2025 PA2023.org training

Procurement Act 2023 bite-size PA2023.org members training programme	
16 October 2025 10:30 am to 12:30 pm	Regulated Below Threshold Contracts
14 November 2025 1:30 pm to 3:30 pm	Award Criteria, Evaluation & Assessment
8 December 2025 1:30 pm to 3:30 pm	Competitive Award Under Sec 19 (Open & Competitive Flexible Procedure)
8 January 2026 1:30 pm to 3:30 pm	Direct Awards & Implied Terms
17 February 2026 10:30 am to 12:30 pm	Light Touch Contracts & Concession Contracts



Walter Akers

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