

# Public Procurement Newsletter & Technical Update

## January 2026

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the bargain

Welcome to our January 2026 newsletter and technical update. This brief is designed to help UK public procurement professionals keep abreast with current practice, recent court decisions and changes in the law. We hope you find it useful.

### 1. PA2023.org Training - Direct Award of Public Contracts

Our PA2023.org members training session on Thursday 8 January 2026 focused on Direct Awards under S.41, S.42 and S.43 of the Procurement Act. We looked at some real UK5 Transparency Notices published over the last few weeks on find-a-tender. It is clear that many of these Direct Awards do not comply with the Procurement Act's requirements. The interesting question is why are so many non-compliant? Well real life and the law don't always work well together, and this is definitely true with direct awards. The reality is that often we are forced into a non-compliant situation due to operational failure. We have all been faced with the conversation that goes: "we are out of contract but must sign a new one today so that the service continues." What option do we have? The inevitable answer is – a non-compliant direct award. During the training we looked at the practical steps you can take to mitigate risk in this difficult situation. The main tool we can deploy is starting that claim clock ticking ASAP by publishing a comprehensive UK5 Transparency Notice. What else would you do?

Our next PA2023.org members training is on 17 February 2026 when we will be looking at Light Touch Contracts and Concession Contracts under the Procurement Act. If you are interested in attending or would like to join our PA2023.org subscription membership, please write to me at [walter.akers@in2thebargain.com](mailto:walter.akers@in2thebargain.com)

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**Here are some of the technical & news matters we discussed during our December 2025 & January 2026 PA2023.org members' meetings:**

## 2. Procurement Act notices go live dates confirmed

We have final confirmation that the following notices will go live on these dates:

### From 1 January 2026:

- Section 69 – Payment Compliance Notices other than in respect of a procurement regulated by the Welsh Ministers
- Section 71 – Contract Performance Assessment

### From 1 April 2026:

- Section 69 – for Welsh-regulated procurements
- Section 70 – Information about Payments other than in respect of a procurement regulated by the Welsh Minister

For details and guidance see:

[The Procurement Act 2023 \(Commencement No. 4\) Regulations 2025](#)

[Guidance – Linking payments to contracts \(Section 70 of Procurement Act 2023\)](#)

## 3. New Procurement Act Thresholds

We have new thresholds applicable from 1 January 2026. The works, goods & services amounts have decreased slightly with light touch contracts remaining the same. You can find the PPN and full secondary legislation here: [Procurement Act Schedule 2 – Thresholds 1 January 2026 to 31 December 2027](#).

Type of contract	Thresholds 1 January 2026 to 31 December 2027	
	Including VAT	Excluding VAT
Works contract	£5,193,000	£4,327,500
Goods or services to a central government authority	£135,018	£112,515
Goods or services to a sub-central government authority	£207,720	£173,100
Light touch contracts	£663,540	£552,950
Concession Contracts	£5,193,000	£4,327,500

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## 4. Local Authorities are now able to reserve below threshold contracts to local businesses and SMEs

Some important news for Local Authorities: Section 17(5) of the Local Government Act 1988 is to be amended allowing Local Authorities to reserve below threshold contracts for supplies in the United Kingdom or the local area and also to SMEs & VCSEs. For details see here: [The Local Government \(Exclusion of Non-commercial Considerations\) \(England\) Order 2026 DRAFT](#)

This change has been anticipated for some time. That said, you will need to pay watchful attention to the specific rules on defining the reserved area. To me this is more complex and restrictive than is necessary, but this new flexibility is welcome all the same.

## 5. SRCL Ltd (t/a Stericycle) v NHS South Yorkshire Integrated Care Board & Ors [2025] EWHC 2964 (TCC)

In this Court case the automatic suspension was lifted under PCR2015.

The Court found that damages would be an adequate remedy for SRCL. On that basis alone, the application to lift was successful. The Court was not persuaded by arguments to the contrary advanced by SRCL, commenting that the contracts were not “prestigious in any real way; there is simply a large number of them”. It was not a “reference” contract (unlike the previous cases of Alstom and Bombardier). Other points concerning SRCL becoming less resilient and having to reduce their fleet were described as “highly speculative and uncertain”. Similarly, the Court did “not accept that the possible departure of some staff here renders damages inadequate”. The full judgement is here: [SRCL Ltd \(t/a Stericycle\) v NHS South Yorkshire Integrated Care Board & Ors \[2025\] EWHC 2964 \(TCC\)](#)

## 6. The Social Partnership and Public Procurement (Wales) Act

Significant provisions of the Act are now coming into force in Wales. The Act aims to enhance public service delivery and well-being in Wales through social partnership and responsible procurement practices.

Key sections of the Act will come into force on 26 March and 1 April 2026. Interestingly this includes the requirement for annual socially responsible procurement reports.

Here is the guidance and legislation: [The Social Partnership and Public Procurement \(Wales\) Act 2023 \(Commencement No. 4\) Order 2025](#)

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## 7. Independent Patient Choice and Procurement Panel Issues Log – Nov 2025

Since its establishment in January 2024, the Independent Patient Choice and Procurement Panel has issued advice and recommendations in response to 18 representations about provider selection processes under the Provider Selection Regime. The Panel has found that certain issues have arisen on multiple occasions during its reviews. As a result, they have put together an issues log to track these commonly arising problems across its different reports.

Interesting that some of the areas highlighted are also common problems under PCR2015 and the Procurement Act; i.e. evaluation, feedback, record keeping and transparency. A useful summary:

[Independent Patient Choice and Procurement Panel Issues Log – November 2025](#)

## 8. What businesses are saying about the barriers that SMEs face

The Federation of Small Businesses (FSB) has issued their report examining the issues and opportunities available to small businesses in public procurement. What I found thought-provoking here is that this is not government's view on the matter, but what businesses themselves are saying about the difficulties they experience in selling to the public sector and what they think could be done to help. Whilst some of the recommendations will fall to the Cabinet Office to address, there are many suggestions which individual Contracting Authorities can embrace in their day-to-day procurement activity. A useful resource for all wanting to see more SMEs winning public sector tenders. [Policy Report | Signed, sealed, delivered](#)

## 9. The Public Procurement Review Service reporting

The Public Procurement Review Service (PPRS) has issued their report on cases and outcomes. The PPRS provides a route for suppliers to raise concerns about public procurement practice. Concerns can relate to any stage of a procurement or can relate to the late payment of invoices. PPRS publishes findings, makes recommendations and aims to improve standards in public procurement practice.

Not surprising to see the same problem areas recurring; payment terms, assessment & evaluation and transparency. Will this change under the new regime? Don't hold your breath.....

[Public Procurement Review Service Referrals and Case Resolutions - GOV.UK](#)

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## **10. Independent Patient Choice and Procurement Panel Review CR0029-25**

This involves mandatory dental services in Oxfordshire. The complaint was brought by a bidder who was the original winner of a competitive tender, but after several questions were re-evaluated (prompted by representations from the second placed bidder) the original winner was ranked second. The complainant raised concerns with the commissioner about the re-evaluation but these were rejected, leading to a request for the Panel's advice.

The Panel identified several breaches of the PSR regulations, particularly in terms of how the commissioner handled the representations from the bidder originally ranked second. The commissioner has been advised to return to an earlier step in the provider selection process to rectify these breaches. Here is the full report: [Independent Patient Choice and Procurement Panel Review CR0029-25](#)

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### What PA2023.org membership includes

Advice	Training	Updates
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.	A programme of PA2023.org exclusive network member training. Supporting CPD. In addition, half price attendance on paid-for open training events and when purchasing additional places.	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](mailto:walter.akers@in2thebargain.com) for details on benefits and pricing.