Winning Public Sector Tenders Under the Procurement Act 2023:

A Supplier's Guide

This guide has been drafted to assist Suppliers who currently bid for work through Public Procurement Tenders, to understand the requirements as set out and how to best set out their tender submission.

The **Procurement Act 2023** introduced a more transparent and flexible procurement regime in the UK.

It simplifies the procurement landscape by introducing two core procedures: the Open Procedure and the Competitive Flexible Procedure. The Open Procedure is a straightforward, single-stage process open to all suppliers, ideal for standard procurements. In contrast, the Competitive Flexible Procedure allows for greater adaptability, enabling authorities to engage in multi-stage processes, including negotiation and dialogue. Suppliers should familiarise themselves with both formats and be prepared to adapt their approach depending on the procedure used, particularly where iterative engagement or presentations may be required.

To succeed, suppliers must understand the new **Procurement Specific Questionnaire (PSQ)**, how to craft compelling quality responses, and ensure full compliance.

1. Understanding the Procurement Act 2023

The Act is built around five key principles:

- **Value for Money**: Authorities must consider whole-life costs, not just the cheapest price.
  Example: If your product has a longer lifespan or lower maintenance costs, highlight this in your bid.
- **Public Benefit**: Contracts should deliver social, economic, and environmental value.
  Example: If you employ local apprentices or use sustainable materials, explain how this benefits the community.
- **Integrity**: Fair and honest dealings are expected throughout the process.
  Example: Declare any conflicts of interest and demonstrate ethical practices.
- **Transparency**: Procurement processes and decisions must be open and justifiable.
  Example: Keep clear records of your bid development and decision-making.
- **Fair Treatment of Suppliers**: All suppliers must be treated equally.
  Example: If you feel a tender is unfairly biased, you can raise a clarification or challenge.

NB The Act reinforces the requirement for 30-day payment terms throughout the public sector supply chain. Contracting authorities must ensure that prime contractors pass on these terms to their subcontractors, promoting financial stability and fairness. Suppliers should highlight their own prompt payment practices in their submissions and be prepared to demonstrate compliance. This not only aligns with the Act's requirements but also builds trust with contracting authorities.

2. Navigating the Procurement Specific Questionnaire (PSQ)

The PSQ is now the standard pre-qualification tool under the Procurement Act 2023. It is structured into three parts; each aligned with the legal and regulatory requirements for supplier selection.

Part 1: Core Supplier Information

- Auto-populated via the Central Digital Platform (CDP) when completed through a portal. Manual completion is required if not populated.
- Covers company registration, trading status, financial standing, and Persons of Significant Control (PSC).
- Includes mandatory declarations such as SME status, professional registrations, and PSC details.

Example: Ensure your Companies House data is current and upload valid insurance certificates and DUNS registration.

NB The Procurement Act 2023 introduces a legal obligation for contracting authorities to actively reduce barriers for Small and Medium Enterprises (SMEs) and Voluntary, Community and Social Enterprises (VCSEs). This includes ensuring that requirements such as turnover thresholds, insurance levels, and accreditations are proportionate to the contract value. Suppliers who believe a requirement is excessive or exclusionary are encouraged to raise a clarification. This shift aims to level the playing field and increase participation from diverse and innovative suppliers.

The Central Digital Platform (CDP) is now the cornerstone of public procurement in the UK, expanding upon the Find a Tender Service. Suppliers must register once and can then reuse their profile across multiple tenders, streamlining the bidding process. The platform also allows suppliers to set up alerts for relevant opportunities through CPV codes and manage their compliance documentation centrally. Maintaining an accurate and up-to-date profile on the CDP is essential, as inconsistencies or outdated information can lead to disqualification or missed opportunities.

Part 2: Exclusions and Associated Persons

- Mandatory and discretionary exclusion grounds must be declared, including:
    - Criminal convictions (e.g. corruption, money laundering, cartel activity)
    - Tax and social security compliance
    - Modern slavery compliance
    - Conflict of interest declarations (new and required under the Act)
    - Prior performance issues or undue influence in procurement
- Conflict of Interest Declarations:
    - Suppliers must declare any actual, potential, or perceived conflicts.
    - This includes relationships with the contracting authority, involvement in the preparation of the procurement, or any undue influence.
    - If a conflict exists, suppliers must provide a self-cleaning explanation, detailing measures taken to restore reliability.

Example: If bidding with a delivery partner who previously advised the authority, declare this and explain how impartiality will be maintained.

Part 3: Conditions of Participation

- Evidence required for:
    - Financial standing (e.g. D&B Risk Indicator score of 1–3 = Pass)
    - Insurance (e.g. £10M public liability and employer's liability)
    - Technical ability (e.g. 3 relevant case studies)
    - Additional compliance: GDPR readiness, DBS checks, and payment terms

Example: For a cleaning contract, include a case study showing how you mobilised a similar site within 2 weeks, achieved 98% satisfaction, and reduced complaints by 40%.

3. Answering Quality Questions Effectively

These are often the most heavily weighted part of the tender. Here's how to stand out:

a) **Follow the Structure**

Use the question's headings and subheadings.

Example: If asked about mobilisation, structure your answer as: Planning → Resourcing → Risk Mitigation → Timeline.

b) **Be Specific**

Avoid vague claims. Use data and examples.

Bad: "We always deliver on time."
Good: "In 2024, we delivered 96% of contracts on time across 18 NHS sites, using a dedicated mobilisation team."

c) **Demonstrate Understanding**

Show you've read the spec and understand the authority's goals.

Example: "We understand the council's priority is reducing carbon emissions. Our electric fleet and local depot will cut transport emissions by 80%."

d) **Add Value**

Go beyond the spec.

Example: "We offer free quarterly training for your staff on safe product use, reducing accidents and improving compliance."

e) **Use the STAR Method**

Structure case studies as:

- **Situation**: What was the challenge?
- **Task**: What were you responsible for?
- **Action**: What did you do?
- **Result**: What was the outcome?

4. Ensuring Compliance and a Complete Submission

Read All Documents Carefully

Example: If the tender requires ISO 13485, don't assume ISO 9001 will suffice.

Use the Correct Format

Example: If the portal requires PDFs under 10MB, don't upload Word files or exceed the limit. Ensure that you use the Desktop Versions of the Apps, as there is discrepancy between the Web and Desktop versions when it comes to page length.

Submit All Required Documents

Example: If 3 case studies are requested, don't submit 2 and hope it's enough.

Check Mandatory Requirements

Example: If the contract requires £10M PI insurance and you only have £5M, you may be excluded.

Use the Checklist

Example: Many tenders include a checklist—use it to confirm you've included everything.

Submit Early

Example: Don't risk a last-minute upload failure. Aim to submit at least 24 hours before the deadline.

5. Common Pitfalls to Avoid

- **Generic Responses**: "We are a leading provider…" won't score. Use tailored, evidence-based answers.
- **Incomplete PSQ**: Missing subcontractor details or outdated financials can lead to automatic rejection.
- **Non-compliance with Formatting**: Ignoring word limits or font sizes can disqualify your bid.
- **Ignoring Clarifications**: Always check the portal for updates and Q&A responses.

NB The Procurement Review Unit (PRU) introduces a formal mechanism for suppliers to raise concerns about unfair procurement practices. Replacing the Public Procurement Review Service, the PRU investigates issues such as biased specifications, unfair scoring, or late payments. Suppliers can submit concerns anonymously, and the PRU can intervene to ensure compliance with the Procurement Act. This unit empowers suppliers to hold contracting authorities accountable and promotes a fairer, more transparent procurement environment.

Transparency is a key principle of the Procurement Act, and authorities are now required to publish contract award notices and key contract details. Importantly, they must also provide feedback to all bidders, including evaluation scores and reasons for award decisions. Suppliers should always request and review this feedback, as it offers valuable insights into how their submission was assessed and where improvements can be made for future bids.

6. Final Thoughts

The Procurement Act 2023 is designed to open up public procurement to more suppliers. By understanding the PSQ, crafting strong quality responses, and ensuring full compliance, you'll be well-positioned to win more work.

If you would like to speak to us regarding support with tendering, please contact Altair Procurement at procurementaltair@altairltd.co.uk to book in your consultation.