

Accessing public sector contracts if there's no Brexit deal

Summary

To explain how existing or potential bidders for UK public contracts and public sector buyers would be able to access and publish future public procurement contract opportunities if the UK leaves the EU with no deal

Detail

If the UK leaves the EU in March 2019 with no deal, find out how this would affect access to, and publishing of, public procurement contract opportunities for:

- UK suppliers
- contracting authorities and entities
- E-Senders

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an overarching framing notice [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Before 29 March 2019

Under the UK's EU membership, all procurement opportunities that fall within the scope of the EU procurement directives are advertised on the Official Journal of the European Union (OJEU) via Tenders Electronic Daily (TED).

Procurement opportunities for below threshold contracts not falling within the scope of the EU procurement directives are advertised on 'domestic' portals such as:

- Contracts Finder
- Public Contracts Scotland
- Sell2Wales
- eTendersNI

After March 2019 if there's no deal

If the UK leaves the EU in March 2019 with no deal in place regarding future arrangements on access to OJEU/TED, a replacement UK-specific e-notification service will be made available. Changes to the procurement rules will be made via amendments to existing legislation, to ensure continued operability.

All contract opportunities that would currently be published on OJEU/TED would be published on the new UK e-notification service. This would be in line with the current requirements to send notices to the EU Publications Office for publication on OJEU/TED. Publication would take place electronically and the service will be free for all users.

The UK is also aiming to accede to the WTO Agreement on Government Procurement (GPA). The UK currently participates in the GPA by virtue of its EU membership.

Implications

Contracting authorities and entities

Contracting authorities and entities would need to ensure their contract notices are published on the UK e-notification service rather than OJEU/TED.

The requirement to advertise in Contracts Finder, MOD Defence Contracts Online, Public Contracts Scotland, Sell2Wales and eTendersNI would remain.

Those contracting authorities and entities who are currently working with a third party such as an 'E-Sender' or 'E-Publisher' to publish to OJEU/TED should be able to continue to work with their provider to publish on the UK e-notification service.

Contracting authorities and entities that place their contract opportunities directly on to OJEU/TED will be contacted to ensure that they are familiar with the new UK e-notification service.

There will be more engagement on about how to deal with ongoing procurement procedures in the handover period between the two systems nearer the time. This will be described via appropriate communication channels and in guidance, which will be made available on GOV.UK

Suppliers

Suppliers wishing to access contract opportunities from the UK public sector will need to access the new UK e-notification service. The UK e-notification service will be available from Exit day.

Suppliers can continue to access the relevant domestic portal, such as Contracts Finder, MOD Defence Contracts Online, Public Contracts Scotland, Sell2Wales and eTendersNI.

Suppliers who wish to access contract opportunities from the EU may continue to do so via OJEU/TED. [Additional information](https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en) on this has been [published by the EU](<https://ec.europa.eu/info/sites/info/files/communication-preparing-withdrawal-brexit-preparedness.pdf>).

E-Senders

E-Senders are involved in the technical changes being made and participating in testing to allow them to make any changes that are required to ensure continued operability.

Further information

We will publish more information in a series of guidance notes on GOV.UK nearer to the time. You can find more technical information in the [Statutory Instruments](<https://www.legislation.gov.uk/uksi/2018>) once they're published.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.