



New Standard Forms for Public Procurement Notices

The European Commission recently published a set of new and revised standard forms for publishing public procurement notices.¹

Contracting authorities in England and Wales should use the new forms as follows:

- for public sector contracts - from 2 December 2015;
- for concession contracts, and utilities contracts - from 18 April 2016 or the implementation date of each of the new Concessions Directive² and Utilities Directive³ if earlier;⁴
- for defence and security contracts- from 18 April 2016.

The New Forms

The new public procurement Directives introduced a new regime for concession contracts as well as two new procedures, the competitive procedure with negotiation (available under the public sector directive) and the innovation partnership procedure (available under the public sector and utilities directives). In addition there are revised rules and information that must be included in notices when advertising contracts.

To comply with these requirements, the Commission has revised the previous set of standard forms⁵ and has included some new standard forms for publishing public procurement notices (the "New Forms").

Date of Application

The previous set of standard forms will be repealed from 18 April 2016 (the "Old Forms") and the New Forms will apply to all public procurement notices from that date.

However where the new public procurement Directives have been transposed into national law before 18 April 2016, the New Forms apply from their respective implementation dates.

The Public Contracts Regulations 2015 came into force earlier this year and so the New Forms will apply to public sector contracts from 2 December 2015.

Draft versions of the Utilities Contracts Regulations 2016 and the Concession Contracts Regulations 2016 have been published

and must be implemented by 18 April 2016. Accordingly the New Forms will apply to concession contracts and utilities contracts from 18 April 2016, or the implementation date of the new regulations if sooner. In the meantime the Old Forms will continue to apply.

The existing defence and security Directive has not been amended and so the Old Forms will continue to apply to defence and security contracts until 18 April 2016.

Using the New Forms

The New Forms are intended to be used electronically. Contracting authorities should therefore transmit the New Forms via the eNotices online application or via the TED eSender system. Notices sent in this way will be published within 5 days of their receipt by the Publications Office of the EU.

The Old Forms may still be submitted in non-structured format by fax, e-mail or post, but can take up to 12 days to be published.

A comparison of the Old Forms and the New Forms can be accessed [here](#).

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¹Commission Implementing Regulation (EU) 2015/1986 ²Directive 2014/23 ³Directive 2014/25 ⁴We covered the proposed UK implementation of the New Directives in our August 2015 update: [Cabinet Office Consultations: Transposition of Concessions Directive and Utilities Directive](#) ⁵annexed to Implementing Regulation 842/2011 ⁶Directive 2009/81