



# Procurement Bill podcast:

## Episode 3 – Frameworks and dynamic markets

### Open frameworks

The **open framework** is a new concept where the framework will be “open” so that new suppliers can join at certain points.

This will be a series of frameworks, with each framework replacing the previous ones. The maximum overall duration will be eight years.

### Joining an open framework

Suppliers will be able to apply to join the open framework at different points when the framework is “re-opened”. For the first framework set up, this must be at least once in the first three years. After this, the framework must be opened at least once in every five years. These are the minimum periods; contracting authorities could open the framework more frequently (e.g. annually).

### Existing suppliers on an open framework

It will need to be clear how opening up the framework impacts on those suppliers already appointed to the framework. Where there is an unlimited number of suppliers, the supplier could simply be readmitted or they could be required to “win” their place using their original tender or a new one. If there is a limited number of suppliers on the open framework, then the existing suppliers will need to win a place using their original tender or a new one.

### Framework transparency

Contacting authorities will need to apply the new notices and transparency requirements when setting up the framework. This includes publishing a **tender notice** and, in relation to award, an **assessment summary, contract award notice, contract details notice** and the framework itself (if over £2m). It looks like these notices will apply to open frameworks (each time one is awarded in the series) and for contracts awarded under frameworks – more guidance is required here.

### Charging fees

Suppliers can be charged fees under frameworks and dynamic systems – this must be a fixed percentage of the value of an awarded contract. At the moment, this does not appear to apply to open frameworks.

### Dynamic markets

This replaces Dynamic Purchasing Systems (DPS) under the Public Contracts Regulations 2015. As with the current DPS, suppliers can apply to join the dynamic market at any time and there is no limit to the number of suppliers who can join. Unlike the DPS, the dynamic market is not limited to use for commonly purchased items only.

### Dynamic market notices

There are new notices for dynamic markets. This includes a **dynamic market notice** when setting the dynamic market up and a notice once it has been established. Notices also have to be issued if the dynamic market is modified or ceases to operate. Notices are also going to be required when contracts are awarded under the dynamic market – it looks like these apply in full but more guidance is needed here.

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