

Provider Selection Regime: Customer Guidance

NHS Shared Business Services

PSR Applicability Checklist



Shared Business Services

Is your need a healthcare service?

PSR applies only to the arrangement of healthcare and public health services for the NHS in England.

Does your requirement fall into the relevant health care services CPV Codes?

The PSR requires identification of the most relevant CPV code(s) for the healthcare service in scope ([The Health Care Services \(Provider Selection Regime\) Regulations 2023](#))

Are you a Relevant Authority?

Relevant authorities include: NHS England, Integrated Care Boards (ICBs), NHS Trusts and Foundation Trusts, Local Authorities and Combined Authorities. These bodies must follow PSR when procuring healthcare services.

Is the service provided in England?

The PSR applies only to services arranged for the health service in England.

If you have answered YES to all of the above → PSR applies.

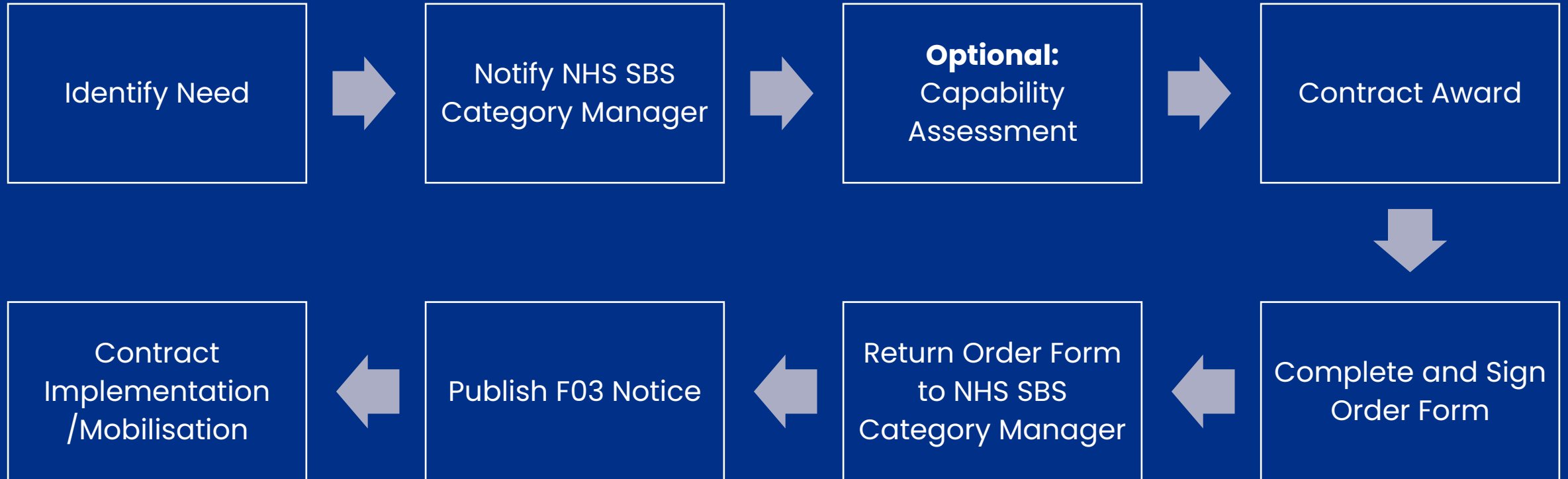
Further Competition



Award without competition ('direct award')



Shared Business Services



PSR Framework 'Direct Award' Definition



Shared Business Services

Under the PSR, the direct award processes A, B, and C are distinct from the procedures for calling off contracts from a framework agreement.

While both involve "direct award," the context and underlying rules differ. Under PSR, direct award processes A, B, and C are specific legal mechanisms for awarding contracts based on unique circumstances (single capable provider, patient choice, or continuation with a satisfactory provider) whereas for a framework the direct award is without reopening competition for a specific service.

Therefore, it's crucial for customers understand that using a direct award mechanism under the PSR differs from calling off directly from a framework agreement, as the legal basis and specific requirements for each are distinct. In my view it's important to emphasise in the framework guidance the permitted routes under the framework to call off.

Publishing Contract Award Notices (CANs) Under PSR



Shared Business Services

The processes that must be followed when awarding a contract based on a framework agreement are defined in Regulation 18.

When awarding a contract via a framework:

Under the Provider Selection Regime (PSR), Relevant Authorities must publish a Contract Award Notice (CAN) when awarding a contract via a framework agreement within **30 days** of the contract being awarded.

Key Requirements:

- Relevant authorities must award a contract under a framework agreement in accordance with the terms and conditions of that framework agreement.
 - A **CAN** must be published on Contract Finder (and Find a Tender if above threshold)

Applies to:

- Award without competition under a framework
- Further competitions under a framework
- Call-off contracts of any value where publication is mandated

Which Terms and Conditions Should I Use?



Shared Business Services

Option 1 – NHS SBS Call-Off Terms and Conditions

(“Call-off Terms and Conditions for the Supply of Goods and the Provision of Services”)

- Suitable for goods and non-clinical services
- Fully compliant with the Procurement Act / PSR
- Can be used instead of the NHS Standard Contract where appropriate
- This flexibility was included in the Instructions to Bidders

Option 2 – NHS Standard Contract

- The NHS Standard Contract must continue to be used by NHS England and ICBs when awarding contracts for relevant health care services other than primary care services
- Mandatory where the service falls within NHS England’s definition of clinical activity
- The framework was built using the NHS Standard Contract, so this requirement is fully satisfied

Key Point for Customers:

Because PSR frameworks explicitly allows either route, customers may choose the contract form that best fits the nature of their call-off:

- Clinical services → **NHS Standard Contract**
- Goods / non-clinical services → **NHS SBS Call-Off Terms**
- Where the service is borderline or mixed, the SBS Call-Off Terms can be used instead, provided the service does not fall under NHS England’s mandatory clinical scope

References

- [NHS England » The Provider Selection Regime: statutory guidance](#)
- <https://www.england.nhs.uk/publication/provider-selection-regime-toolkit-products/#heading-2>