**Notice of a positive QSC assessment**

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| Regulation 61 of the Single Source Contract Regulations 2014 (the Regulations) requires that a contracting authority who proposes to enter into a contract with another person for the provision of anything for the purposes of a qualifying defence contract (QDC) or qualifying sub-contract (QSC) to which the contracting authority is (or expects to be) a party must assess whether that contract would be a QSC if entered into. The Single Source Regulations Office (SSRO) provides guidance on undertaking a QSC assessment on its [website](https://www.gov.uk/government/publications/guidance-on-how-the-single-source-regulatory-framework-applies-to-qualifying-sub-contracts).  The person carrying out a QSC assessment must:   * make and keep a written record of that assessment; * in all cases, give written notice to the Ministry of Defence (MOD) and the SSRO that a QSC assessment has been undertaken;[[1]](#footnote-2) and * following a positive QSC assessment, give written notice to the MOD and the prospective sub-contractor that the contract would be a QSC if entered into.   When completed, this form may be used by a contracting authority to notify the MOD and the person with whom the contracting authority intends to enter into a contract (the prospective sub-contractor) that the contracting authority considers the proposed contract would be a QSC if entered into. **The completed form should be given to the MOD and the prospective sub-contractor at the earliest opportunity.**  Until a notice of a positive QSC assessment (where made) is provided to the MOD and prospective sub-contractor the requirements of the regulatory framework will not apply to that contract. Where a contracting authority fails to provide the notifications required by the Regulations, the Secretary of State may take enforcement action against the contracting authority pursuant to sections 31(3)(f) and 32(1) of the Defence Reform Act 2014.  While there is no requirement to provide notice of a positive QSC assessment to the SSRO, it is beneficial for the SSRO to be notified of a positive QSC assessment in order that it can provide support and advice to the prospective sub-contractor on the fulfilment of its statutory obligations under the regulatory framework. A copy of the completed form can be provided to the SSRO:   * by email to [helpdesk@ssro.gov.uk](mailto:helpdesk@ssro.gov.uk) (preferred); * by post to SSRO, 100 Parliament Street, London, SW1A 2BQ; or * by upload to the Defence Contract Analysis and Reporting System (DefCARS).[[2]](#footnote-3)   **Where the completed form contains commercially or otherwise sensitive information, the originator should include an appropriate security marking in the document and in its filename and provide appropriate protection for the information during transmission.** |

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| Contracting authority name | [Enter name] |
| Contracting authority company number | [Enter company number] |
| Contracting authority contract title | [Enter title] |
| Contracting authority contract reference | [Enter reference] |
| Prospective sub-contractor name | [Enter name] |
| Prospective sub-contractor company number | [Enter company number] |
| Proposed sub-contract title | [Enter title] |
| Proposed sub-contract reference number | [Enter reference] |
| Proposed sub-contract value | [Confirm whether the proposed sub-contract value is £50m or greater] |

Through the provision of this completed form to the MOD and the above-named Prospective sub-contractor, the above-named Contracting authority gives notice that the above named Proposed sub-contract has been assessed as meeting, if entered into, the requirements to be a qualifying sub-contract (QSC) under the Defence Reform Act 2014 and Single Source Contract Regulations 2014. The Act and Regulations define when a contract is a QSC and confer a number of related obligations, rights, and powers, where specified, on the MOD (acting for the Secretary of State), the parties to qualifying contracts and the Single Source Regulations Office (SSRO).

The SSRO has published guidance to assist the MOD, the holders of qualifying contracts under the Act and Regulations, and any person who expects to enter into such a contract to understand the regulatory provisions that apply in relation to QSCs. The SSRO’s guidance can be found on its website at: <https://www.gov.uk/government/publications/guidance-on-how-the-single-source-regulatory-framework-applies-to-qualifying-sub-contracts>

**Appeal against a positive QSC assessment**

The Prospective sub-contractor has a right to appeal against the positive QSC assessment to the SSRO, who must determine the appeal if the conditions for a referral have been met.

A notice of appeal, containing specified information, must be sent to the SSRO and, at the same time, copied to the MOD and the person who made the assessment. The notice of appeal must be received by the SSRO no later than six months after the person bringing the appeal received the notice of assessment. **No appeal may be brought after the contract to which the notice relates is entered into.**

The SSRO has prepared guidance on the procedures it will follow when determining such an appeal which can be found on its website at [SSRO appeals guidance](https://assets.publishing.service.gov.uk/media/6613b4ac213873b991031b11/SSRO_appeals_guidance_2024.pdf).

1. A separate form that may be used to notify the MOD and the SSRO that a QSC assessment has been undertaken is available on the [SSRO’s website](https://www.gov.uk/government/publications/guidance-on-how-the-single-source-regulatory-framework-applies-to-qualifying-sub-contracts). [↑](#footnote-ref-2)
2. This can be done via the sub-contracts page of the next applicable Contract Notification Report, Quarterly Contract Report, Interim Contract Report or Contract Completion Report for the parent contract, although contracting authorities remain free to adopt other approaches should they wish. [↑](#footnote-ref-3)