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Social Partnership and Public Procurement (Wales) Act

Thursday 5th December 2024

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Procurement Act 2023 updates

Monday 24th February 2025

- ✦ 2.66 months
- ✦ 11 weeks
- ✦ 80 days
- ✦ 1,924 hours
- ✦ 116,040 minutes
- ✦ 6,962,401 seconds



Procurement Act 2023 updates

**Welsh
Government
guidance**
32/50

**Cabinet Office
guidance**
45/48

Procurement Act 2023 updates

★ Procurement Pathway Tool – now live! <https://www.procurementpathway.civilservice.gov.uk/>

The image displays seven document templates from the Procurement Pathway Tool:

- Pre-procurement checklist**: Includes fields for procurement/contract title, reference number, and name of procurement lead.
- Assessment Summary – Assessed Tender**: Contains instructions for completing the assessment, including references, dates, and contact information.
- Conflict of Interest Declaration Form**: Includes instructions for declaring interests and a table for unique identifiers.
- Competitive Flexible Procedure Template (Procurement Act 2023)**: A template for procurement documents with fields for title and reference number.
- Direct Award Justification Report**: A report template for direct awards, including fields for title, reference number, and name of procurement lead.
- Assessment Summary – Most Advantageous Tender**: Similar to the assessed tender template but for most advantageous tenders.
- Conflicts Assessment**: A table for recording conflicts of interest, including fields for name, role, and date of approval.

★ Commercial sourcing strategy

★ Contract award and recommendation report



What is the Social Partnership and Public Procurement (Wales) Act 2023 (SPPPA)

“The [Act] fulfills a key programme for government commitment to place social partnership on a statutory footing in Wales. It provides for a framework to enhance the well-being of the people of Wales, including by improving public services and through social partnership working, promoting fair work and carrying out socially responsible public procurement.”

Social Partnership and Public Procurement (Wales) Act 2023 (SPPPA)



Social Partnership Council [Part 1: s1 – 14]

- ✦ Social Partnership Council for Wales (“SPC”) formed
- ✦ SPC provides information and advice (either on request or of one’s own volition) to the Welsh Ministers in relation to
 - the social partnership duties
 - the pursuit of the “A prosperous Wales” well-being goal by public bodies when carrying out sustainable development under the WFGA 2015
 - the socially responsible public procurement functions conferred on contracting authorities under Part 3
- ✦ WG members (including First Minister as chair), 9 employer representatives and 9 worker representatives (as appointed by FM following nominations) – 3 year appointment
- ✦ Meet at least 3 times in each 12 month

Social partnership and sustainable development [Part 2: s15 – 20]

- ✦ “Public bodies” – those in s6 WFGA 2015 (not include those in Schedule 1 of SPPPWA)
- ✦ Social partnership duty – in undertaking the process of seeking to improve the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, public bodies must (in so far as is reasonable) seek consensus or compromise with its recognised trade unions (or other representatives where there are no such recognised trade unions) of its staff (including consulting them at a formative stage of the process and then involving them throughout the process) - on:
 - The well-being objectives under s3(2)(a) of WFGA 2015
 - Decisions of a strategic nature to be made about the reasonable steps the body takes to meet those objectives
- ✦ Social partnership reports – public bodies must prepare an annual report of what it has done to comply with duty

Social partnership and sustainable development [Part 2: s15 – 20]

s6 WCFGWA 2015 (*also public bodies for Part 2)

- ★ Welsh Ministers
- ★ Local authorities
- ★ corporate joint committees
- ★ Local Health Boards
- ★ Public Health Wales NHS Trust
- ★ Velindre NHS Trust
- ★ Welsh Ambulance Services University NHS Trust
- ★ Digital Health and Care Wales
- ★ Health Education and Improvement Wales
- ★ National Park authority for a National Park in Wales
- ★ Welsh fire and rescue authorities
- ★ Natural Resources Body for Wales
- ★ Commission for Tertiary Education and Research (Medr)
- ★ Arts Council of Wales
- ★ Sports Council for Wales
- ★ National Library of Wales
- ★ National Museum of Wales.
- ★ Social Care Wales
- ★ Welsh Revenue Authority
- ★ Transport for Wales
- ★ Centre for Digital Public Services Limited
- ★ Qualifications Wales

~~Schedule 1 of SPPPWA (*not public bodies for Part 2)~~

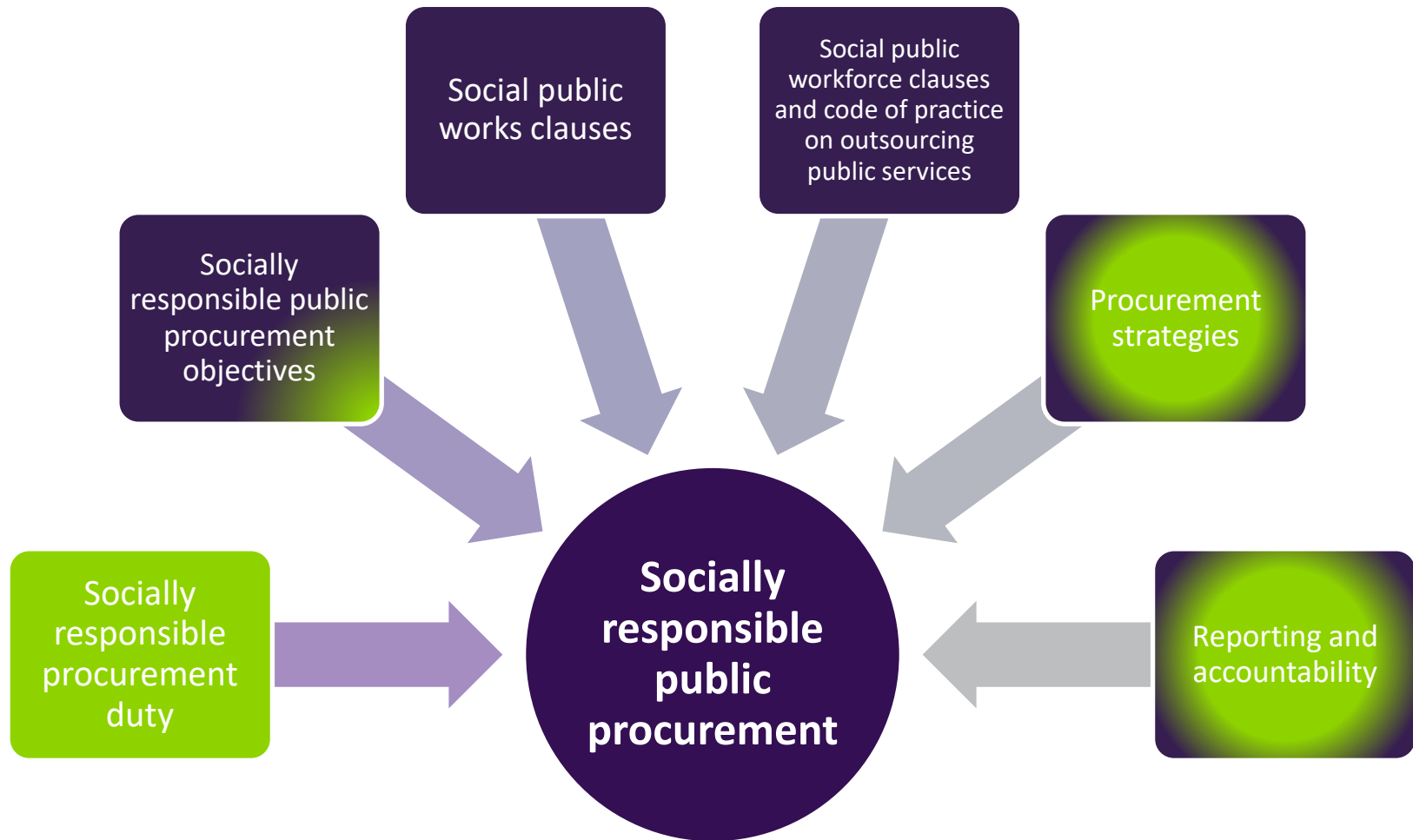
- ~~★ Senedd Cymru~~
- ~~★ Comisiynydd y Gymraeg~~
- ~~★ Future Generations Commissioner for Wales~~
- ~~★ Children's Commissioner for Wales~~
- ~~★ Social Care Wales~~
- ~~★ Royal Commission on the Ancient and Historical Monuments of Wales~~
- ~~★ Estyn~~
- ~~★ Meat Promotion Wales~~
- ~~★ Qualifications Wales~~
- ~~★ Education Workforce Council~~
- ~~★ Democracy and Boundary Commission Cymru~~

Socially Responsible Procurement

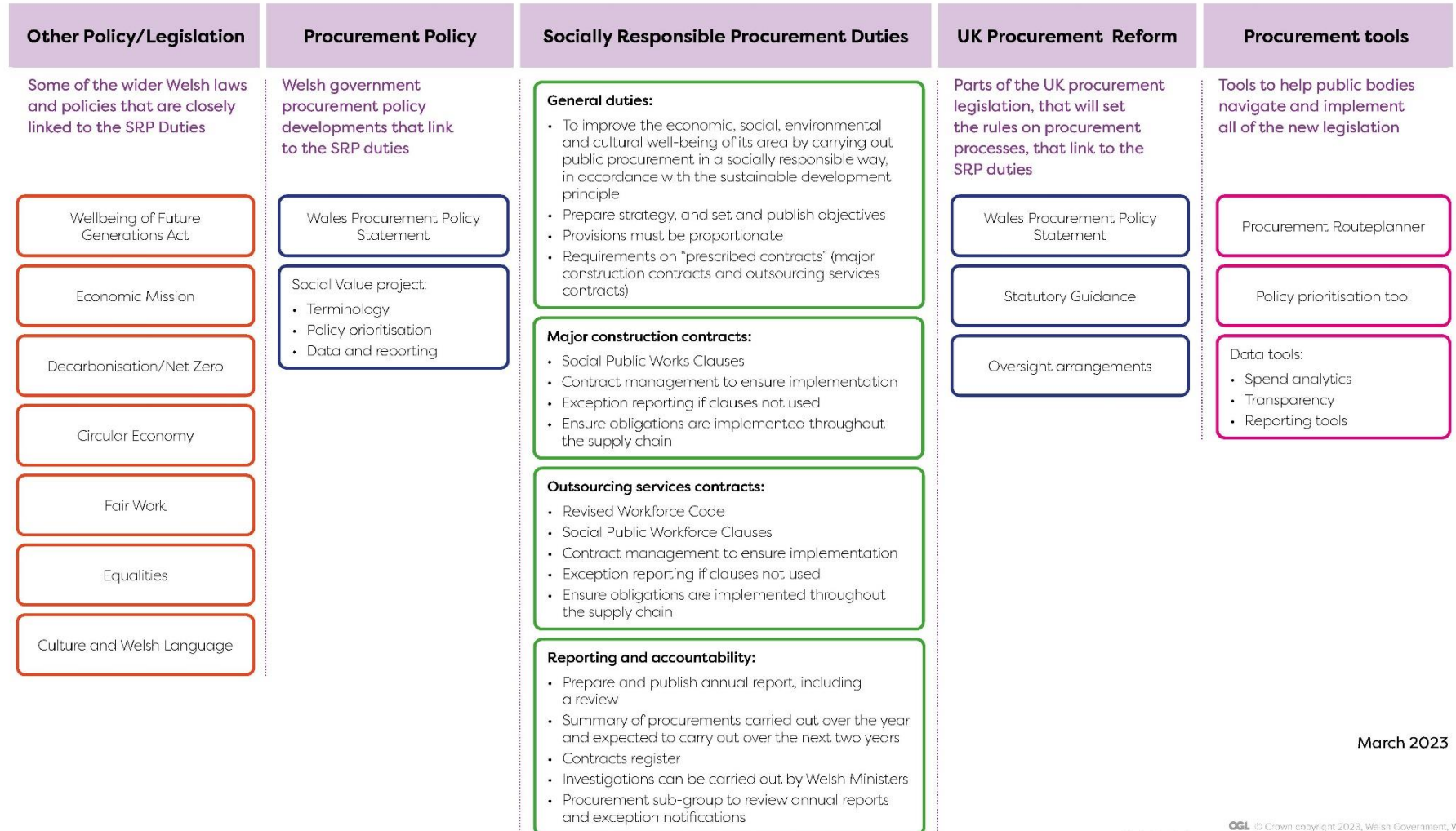


Socially responsible public procurement

[Part 3: s21 - 37]



How the Socially Responsible Procurement Duties link into wider procurement reform in Wales



March 2023

Key concepts

Public contract

- Contract (including framework agreement)
- Between one or more economic operator and one or more contracting authority
- Has as its object the executing of works / supply of products / provision of services
- **No threshold***

Contracting authority

- Listed in Schedule 1 (next slide)
- CA's "areas" – the area by reference to which the authority primarily exercises its functions (in Wales)

Public procurement

- Designing any carrying out any procedure preceding the award of a public contract (including seeking bids / selecting economic operators)
- Drafting / negotiating / awarding a public contract
- Managing a public contract after it has been awarded

Major construction contract

- Public contract
- That is a public works contract / works contract / works concession contract
- Estimated value equal to or greater than £2m (inc. VAT)

Outsourcing services contract

- Contract (not public contract?)
- Under which a
 - requirement to provide a public service provided by, or previously provided by, a CA is transferred to another person or
 - another person agrees to undertake any other function undertaken by, or previously undertaken by, a contracting authority
 - **No threshold**

Prescribed contracts

- Major construction contract
- Outsourcing services contract
- Any other public contract prescribed by Welsh Ministers by regulations***

“Contracting authorities” [s22]

s6 WBFOWA 2015 (*also public bodies for Part 2)

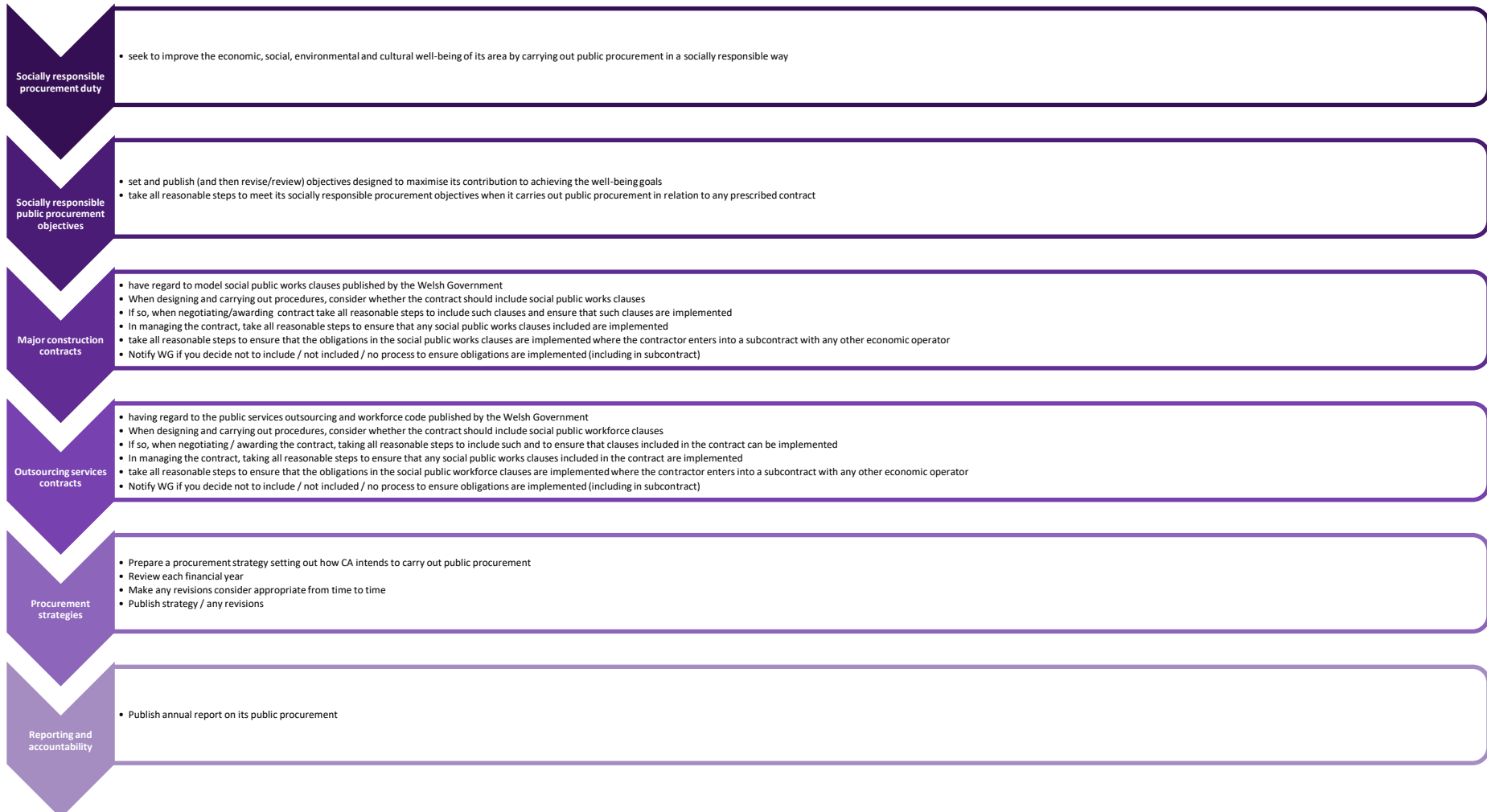
- ★ Welsh Ministers
- ★ Local authorities
- ★ corporate joint committees
- ★ Local Health Boards
- ★ Public Health Wales NHS Trust
- ★ Velindre NHS Trust
- ★ Welsh Ambulance Services University NHS Trust
- ★ Digital Health and Care Wales
- ★ Health Education and Improvement Wales
- ★ National Park authority for a National Park in Wales
- ★ Welsh fire and rescue authorities

- ★ Natural Resources Body for Wales
- ★ Commission for Tertiary Education and Research (Medr)
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- ★ Transport for Wales
- ★ Centre for Digital Public Services Limited
- ★ Qualifications Wales

Schedule 1 of SPPPWA (*not public bodies for Part 2)

- ★ Senedd Cymru
- ★ Comisiynydd y Gymraeg
- ★ Future Generations Commissioner for Wales
- ★ Children’s Commissioner for Wales
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- ★ Qualifications Wales
- ★ Education Workforce Council
- ★ Democracy and Boundary Commission Cymru

Socially responsible public procurement



“Socially responsible procurement duty” [s24]

✦ Contracting Authorities must seek to improve the economic, social, environmental and cultural well-being of its area by carrying out public procurement in a socially responsible way

✦ What is “socially responsible way”?

Taking action, in accordance with the sustainable development principle (meaning that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs) aimed at contributing to the achievement of the well-being goals listed in section 4 of the Well-Being of Future Generations Act 2015 (the “Well-Being Goals”).



“Socially responsible procurement duty” [s24]

When carrying out public procurement, contracting authority must:

- a) seek to improve the economic, social, environmental and cultural well-being of its area
- b) in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs
- c) which is aimed at contributing to the achievement of the well-being goals listed in section 4 of the Well-Being of Future Generations Act 2015 (the “**Well-Being Goals**”).

Goal	Description of the goal
A prosperous Wales.	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing fair work .
A resilient Wales.	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
A healthier Wales.	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
A more equal Wales.	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).
A Wales of cohesive communities.	Attractive, viable, safe and well-connected communities.
A Wales of vibrant culture and thriving Welsh language.	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.
A globally responsible Wales.	A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

“Socially responsible procurement duty” [s24]

- ★ In taking action aimed at contributing to the achievement of the well-being goals, a contracting authority must—
 - take all reasonable steps to meet its socially responsible procurement objectives when it carries out public procurement in relation to any **prescribed contract***;
 - take the particular actions referred to in section 25 when it carries out public procurement in relation to a **major construction contract**;
 - take the particular actions referred to in section 26 when it carries out public procurement in relation to an **outsourcing services contract**.
- ★ However, a contracting authority must not include provisions in a prescribed contract that (a) are not proportionate (taking into account the estimated value of the contract) and/or (b) would conflict with any other enactment or rule of law relating to public procurement.
- ★ If the well-being goals are amended, a contracting authority must review its socially responsible procurement objectives – if determines that one or more of its socially responsible procurement objectives are no longer appropriate, it must revise the objective or objectives concerned.

Socially responsible procurement objectives

[s24]

- ★ Contracting Authorities must set and publish socially responsible procurement objectives - designed to maximise its contribution to achieving the Well-Being Goals
- ★ take all reasonable steps to meet its socially responsible procurement objectives when it carries out public procurement in relation to any **prescribed contract***
- ★ If Well-Being Goals amended, CA must review objectives and if objective no longer appropriate must revise the objective(s)
- ★ May at any other time review and revise

Social public works clauses [s27 – 31]

- ★ Welsh Government must publish model clauses for major construction contract
- ★ Clauses designed to bring about the improvements to economic, social, environmental and cultural well-being listed under the table on next slide



Social public works clauses [s27 – 31]

Category	Improvement
Payments	Ensuring and enforcing prompt payments.
Employment	Providing employment opportunities to younger people, older people, the long term unemployed, people with disabilities or people who may otherwise be disadvantaged (for example because of their race, religion or belief, sex, gender identity or sexual orientation).
Compliance	health and safety, and trade union representation.
Training	Providing appropriate training for workers.
Sub-contracting	Providing opportunities to small and medium sized enterprises and voluntary organisations to execute works, supply products or provide services.
Environment	Requiring sustainable management of natural resources, use of sustainable materials, resilience to the impact of climate change, reduction of greenhouse gas emissions, and enhancement of the natural environment and biodiversity.

★ Welsh Government can add, remove or amend these categories by regulations

Major construction contracts [s25]



Social public works clauses [s27 – 31]

- ★ “Including” – is a reference to all of the model contract clauses published and means incorporating clauses that have the same or substantially the same effect as the publish model contract clauses
- ★ However, a contracting authority must not include provisions in a prescribed contract that (a) are not proportionate (taking into account the estimated value of the contract) and/or (b) would conflict with any other enactment or rule of law relating to public procurement.

Social public works clauses [s27 – 31] – sub-contracts

- ★ CA must take all reasonable steps to ensure that the obligations in the social public works clauses are implemented in subcontracts
- ★ What are “reasonable steps”? *Examples:*
 - a) ensuring that social public works clauses having the same or substantially the same effect as those in the major construction contract are included in any subcontract (cascading throughout supply chain)
 - b) ensuring can enforce the obligations
 - c) requiring the contractor to obtain the contracting authority’s consent before entering into a subcontract (with consent being made conditional upon “flow down” of clauses)
 - d) requiring contractor to inform the authority if it intends to enter into a subcontract which does not include social public works;
 - e) requiring the contractor to monitor the extent any obligations in social public works clauses are implemented where the contractor has entered into a subcontract with any other economic operator.

Social public works clauses [s27 – 31] - notification

- ★ CA must notify Welsh Government* (as soon as reasonably practicable) and give the CA's reasons if, in relation to major construction contract:
 - a) does not intend to include social public works clauses in the contract (despite having considered whether to do so in accordance with section 25(1)(b));
 - b) social public works clauses are not included in the contract (despite the authority having taken all reasonable steps in accordance with section 25(1)(c)(i));
 - c) there is no process in place for ensuring that obligations in social public works clauses are implemented (despite the authority having taken all reasonable steps in accordance with section 25(1)(c)(ii));
 - d) there is no process in place for ensuring that obligations in social public works clauses are implemented where the contract is subcontracted (despite the authority having taken all reasonable steps in accordance with section 28(2)).

Social public works clauses [s27 – 31] - notification

- ★ Following such notification, Welsh Government *must*:
 - a) Publish a summary of the notification
 - b) Consider whether they are satisfied with the reasons given in it (and may consult, require CA to provide any documents or information, provide the Social Partnership Council’s public procurement subgroup with a copy of the notice and any information and consult with the sub-group)
 - c) If satisfied, must publish summary of reasons for being satisfied and inform SPC public procurement subgroup
 - d) If not satisfied, may direct CA (and if do so, must publish copy of such direction) to take reasonable steps to:
 - i. include social public works clauses in the major construction contract,
 - ii. put processes in place for ensuring that obligations in social public works clauses are implemented, or
 - iii. put processes in place for ensuring that obligations in social public works clauses are implemented where the contract is subcontracted
- If don’t give direction, must and inform SPC public procurement subgroup and publish summary of reasons for not being satisfied and their reasons for not giving direction

Social public workforce clauses and code of practice on outsourcing public services [s32 – 37]

- ★ Welsh Government must prepare and publish code of practice about employment and pensions matters related to outsourcing services contract [cf. Code of Practice on Workforce Matters – the “two-tier” code)
- ★ For purposes of maintaining and improving the quality of public services or other functions outsourced by CAs
- ★ Code must be laid before the Senedd



Social public workforce clauses and code of practice on outsourcing public services [s32 – 37]

★ Code must include social public workforce clauses which:

- a) are designed to ensure that members of staff employed by contracting authorities in providing services, or undertaking functions, to be outsourced will, if they wish, become employed by the person providing those services, or undertaking those functions, when they are outsourced (“transferring staff”)
- b) are designed to protect the terms and conditions and pensions arrangements of transferring staff
- c) are designed to ensure that the terms and conditions of other members of staff employed by the person providing the services, or undertaking the functions, who are involved in providing those services, or undertaking those functions, are no less favourable overall than those of transferring staff, and that the pensions arrangements of those other members of staff are reasonable
- d) make provision supplementary to the matters referred to in paragraphs (a) to (c).

Outsourcing services contract [s32]



Social public workforce clauses and code of practice on outsourcing public services [s32 – 37] – sub-contracts

- ★ CA must take all reasonable steps to ensure that the obligations in the social public workforce clauses are implemented in subcontracts
- ★ What are “reasonable steps”? *Example:*
 - a) ensuring that social public workforce clauses having the same or substantially the same effect as those in the outsourcing services contract are included in any subcontract (and cascading throughout supply chain)
 - b) ensuring that the contracting authority may enforce the obligations in social public workforce clauses under the outsourcing services contract or under a subcontract;
 - c) requiring the contractor to obtain the contracting authority’s consent before entering into a subcontract, with consent being made conditional upon social public workforce clauses having the same or substantially the same effect as those included in the outsourcing services contract being included in any subcontract;
 - d) requiring the contractor to inform the contracting authority if it intends to enter into a subcontract which does not include social public workforce clauses having the same or substantially the same effect as those included in the outsourcing services contract;
 - e) requiring the contractor to monitor the extent any obligations in social public workforce clauses are implemented where the contractor has entered into a subcontract with any other economic operator.

Social public workforce clauses and code of practice on outsourcing public services [s32 – 37]

- ★ Does not have same express provision as construction clauses about what “including” means – does it include mean all of the model contract clauses published / incorporating clauses that have the same or substantially the same effect as the publish model contract clauses?
- ★ However, a contracting authority must not include provisions in a prescribed contract that (a) are not proportionate (taking into account the estimated value of the contract) and/or (b) would conflict with any other enactment or rule of law relating to public procurement.

Social public workforce clauses and code of practice on outsourcing public services [s32 – 37] - notification

- ✧ CA must notify Welsh Government* (as soon as reasonably practicable) and give the CA's reasons if, in relation to an outsourcing services contract:
 - a) the authority does not intend to include social public workforce clauses in the contract (despite having considered whether to do so);
 - b) social public workforce clauses are not included in the contract (despite the authority having taken all reasonable steps to do so);
 - c) there is no process in place for ensuring that obligations in social public workforce clauses are implemented (despite the authority having taken all reasonable steps);
 - d) there is no process in place for ensuring that obligations in social public workforce clauses are implemented where the contract is subcontracted (despite the authority having taken all reasonable steps .

Social public workforce clauses and code of practice on outsourcing public services [s32 – 37] - notification

★ Following such notification, Welsh Government must:

- a) Publish a summary of the notification
- b) Consider whether they are satisfied with the reasons given in it (and may consult, require CA to provide any documents or information, provide the Social Partnership Council's public procurement subgroup with a copy of the notice and any information and consult with the subgroup)
- c) If satisfied, must publish summary of reasons for being satisfied
- d) If not satisfied, may direct CA (and if do so, must publish copy of such direction and inform SPC public procurement subgroup) to take reasonable steps to:
 - i. include social public workforce clauses in the outsourcing services contract,
 - ii. put processes in place for ensuring that obligations in social public workforce clauses are implemented, or
 - iii. put processes in place for ensuring that obligations in social public workforce clauses are implemented where the contract is subcontracted

If don't give direction, must and inform SPC public procurement subgroup and publish summary of reasons for not being satisfied and their reasons for not giving direction

Procurement strategy [s38]

- ★ CAs must prepare a procurement strategy setting out how it intends to carry out public procurement
- ★ Procurement statement must:
 - a) state how the authority intends to ensure that it will carry out public procurement in a socially responsible way
 - b) state how the authority intends to take all reasonable steps to meet its socially responsible procurement objectives when it carries out public procurement in relation to any prescribed contract
 - c) state how the authority intends to make payments due under a contract promptly and, unless this is not reasonably practicable, no later than 30 days after an invoice (or similar claim) is submitted.
- ★ CA must:
 - a) review its procurement strategy each financial year
 - b) Make any revisions it considers appropriate from time to time
 - c) Publish the strategy (and any revisions) as soon as reasonably practicable after it is prepared/revised
- ★ 2+ CAs may fulfil their obligations by preparing joint procurement strategy

Reporting and accountability [s39 – 42] – annual reports

- ✦ If awarded any prescribed contract during a financial year must prepare and publish an annual report on its public procurement as soon as reasonably practicable after the end of that year
- ✦ Report must include:
 - a) a summary of the public procurement exercises during the year that led to the award of a prescribed contract or were intended to lead to the award of such a contract
 - b) a review of the extent to which all reasonable steps were taken in those public procurement exercises to meet the authority's socially responsible procurement objectives
 - c) in so far as the authority considers that further steps could reasonably be taken in future public procurement exercises to meet its socially responsible procurement objectives, a statement of how it intends to take those steps
 - d) a summary of the public procurement the authority expects to carry out in the next two financial years
 - e) information of the kind mentioned in subsection (3) that must be specified by regulations made by the Welsh Ministers
 - f) other information as may be specified by regulations made by the Welsh Ministers.

Reporting and accountability [s39 – 42] – contract register

- ★ A contracting authority must create, maintain and publish a contracts register
- ★ Register of public contracts entered into by the contracting authority that are of a description prescribed by the Welsh Ministers by regulations***
- ★ In relation to each registrable contract, a contracts register must contain—
 - a) the date of award of the contract;
 - b) the name of the contractor;
 - c) the address of the contractor’s principal place of business;
 - d) the subject matter;
 - e) the estimated value;
 - f) the start date;
 - g) the end date provided for in the contract (disregarding any option to extend the contract) or, where there is no date specified, a description of the circumstances in which the contract will end;
 - h) the duration of any period for which the contract can be extended;
 - i) such other information as prescribed by the Welsh Ministers by regulations.
- ★ Can withhold an entry (in part or in whole) if considers publishing it would impede enforcement of the law or otherwise be contrary to the public interest, prejudice the commercial interests of any person, prejudice fair competition between economic operators, or disclose a residential address
- ★ CA may delete an entry in its contracts register only after the contract to which it relates has expired or been terminated

Reporting and accountability [s39 – 42] – investigations

- ★ The Welsh Ministers may investigate how a contracting authority carries out public procurement – either a specific procurement exercise or its procurement activities more generally
- ★ Welsh Government may require CA to provide documents and information for purposes of investigation and CA must provide reasonable assistance
- ★ On conclusion of investigation, Welsh Government may:
 - a) make recommendations to the contracting authority;
 - b) publish a report of the results of the investigation;
 - c) lay a copy of any report published before the Senedd.

Reporting and accountability [s39 – 42] – Welsh Government’s annual report on public procurement

- ★ Welsh Government must prepare a report on public procurement in Wales (as soon as reasonably practicable after the end of a financial year) for that year
- ★ Must include information about:
 - a) the annual procurement reports published by CAs
 - b) the results of any investigations

Social Partnership Council for Wales – Public procurement subgroup [s9 and 10]

- ★ SPC must take all reasonable steps to establish a public procurement subgroup (within 6 months of s9 coming into effect, including publishing quorum and procedures)
- ★ Public procurement subgroup may provide information and advice to the SPC about the functions conferred on contracting authorities and Welsh Government (and SPC may provide to Welsh Government such information or advice, as received or revised)
- ★ Welsh Government can request information or advice from the SPC about the functions conferred on contracting authorities and Welsh Government – if so, SPC must seek that information or advice from the public procurement subgroup and provide it to Welsh Government as soon as reasonably practicable
- ★ Where Welsh Government consult subgroup upon receipt of notice that CA not intending on including social public works clauses or social public workforce clauses, then must provide information and advise as it considers appropriate as soon as reasonably practicable

Guidance [s43]

- ★ Welsh Government *may* issue guidance about socially responsible public procurement obligations under Part 3
- ★ May make provisions about:
 - a) meeting the requirement to carry out public procurement in a socially responsible way
 - b) setting socially responsible procurement objectives
 - c) taking all reasonable steps to meet socially responsible procurement objectives
 - d) social public works clauses
 - e) the public services outsourcing and workforce code
 - f) social public workforce clauses
 - g) consultation during the preparation of a procurement strategy
 - h) the form and content of procurement strategies and annual procurement reports
 - i) the process by which a contracting authority approves its procurement strategy
 - j) joint procurement strategies
- ★ Before publishing, must consult the SPC and any other person consider appropriate
- ★ CAs **must have regard to** guidance

Regulations – watch this space?

- ✦ Amend Schedule 1 [Contracting Authorities]
- ✦ *Prescribe other public contracts as “prescribed contracts”*
- ✦ Amend the meaning of “major construction contract”
- ✦ Add, remove or amend categories of improvement for social public works clauses
- ✦ Specify other matters procurement strategies must address or reduce the minimum number of days for prompt payments
- ✦ Prescribe additional information for annual reports
- ✦ *Prescribe description of public contracts which fall within “registrable contracts” that must be entered into contracts register*
- ✦ Prescribe additional information for contracts register



Llywodraeth Cymru
Welsh Government

Caffael Cymdeithasol Gyfrifol

Socially Responsible Procurement

Sue Hurrell





Y ddyletswyddau caffael The procurement duties

Beth?

- Nodau lles.
- Lles cymdeithasol, amgylcheddol, economaidd a diwylliannol

Ar bwy?

- Rhai o'r Awdurdodau Datganoledig Cymreig...gyda'r potensial i fynd yn ehangach.

Sut bydd hon yn gweithio gyda diwygiant o'r broses caffael ar draws y DU?

- Ffocws ar polisi/canlyniad

What?

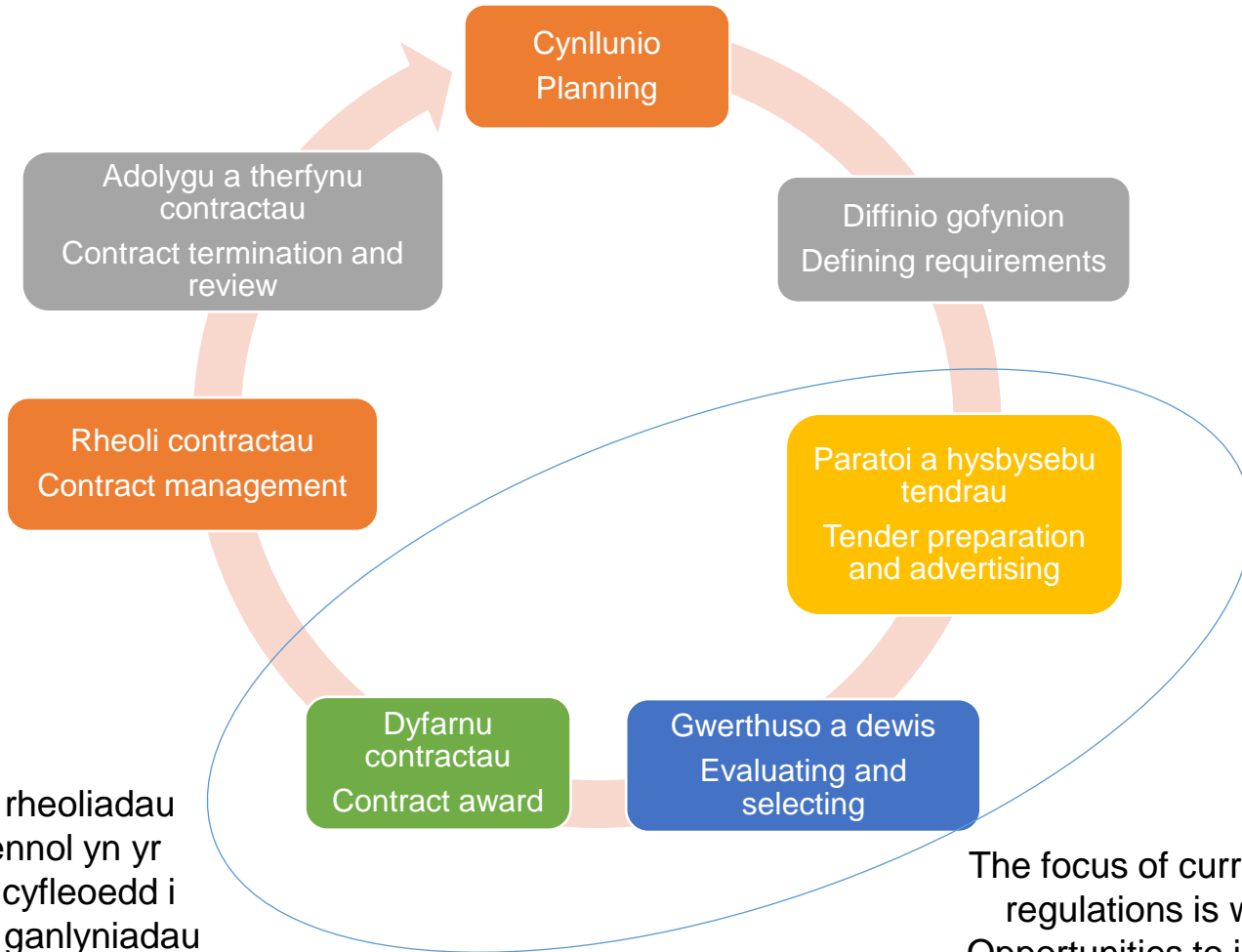
- well-being goals.
- Social, environmental, economic and cultural well-being

Who?

- Some of the devolved Welsh Authorities... with scope to widen.

How will this fit with reform of the procurement process across UK?

- Focus on policy/outcome



Mae ffocws y rheoliadau caffael presennol yn yr hirgrwn. Mae cyfleoedd i ddylanwadu ar ganlyniadau sy'n gymdeithasol gyfrifol yn fwy y tu allan i'r hirgrwn.

The focus of current procurement regulations is within the oval. Opportunities to influence socially responsible outcomes are greater outside the oval.



“Dyletswydd Caffael Cymdeithasol Gyfrifol”

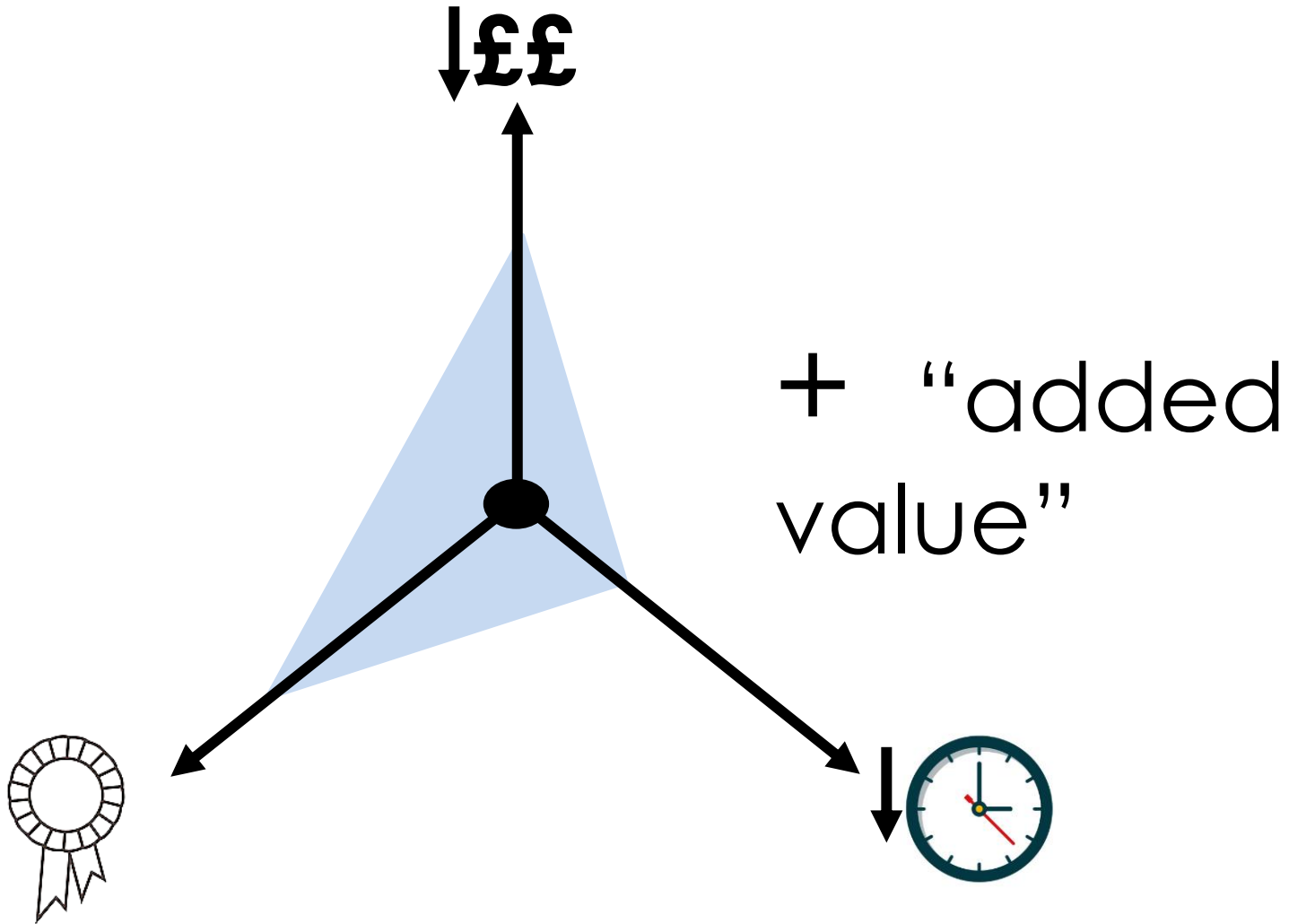
- Dyletswydd ochr i ochr hollgyffredinol ar sefydliadau
- .. wrth *gynllunio, drafftio, trafod, dyfarnu a rheoli* contract..
- Anelu at wella llesiant cymdeithasol, economaidd ac amgylcheddol, drwy
- Sefydlu a chyhoeddi amcanion.

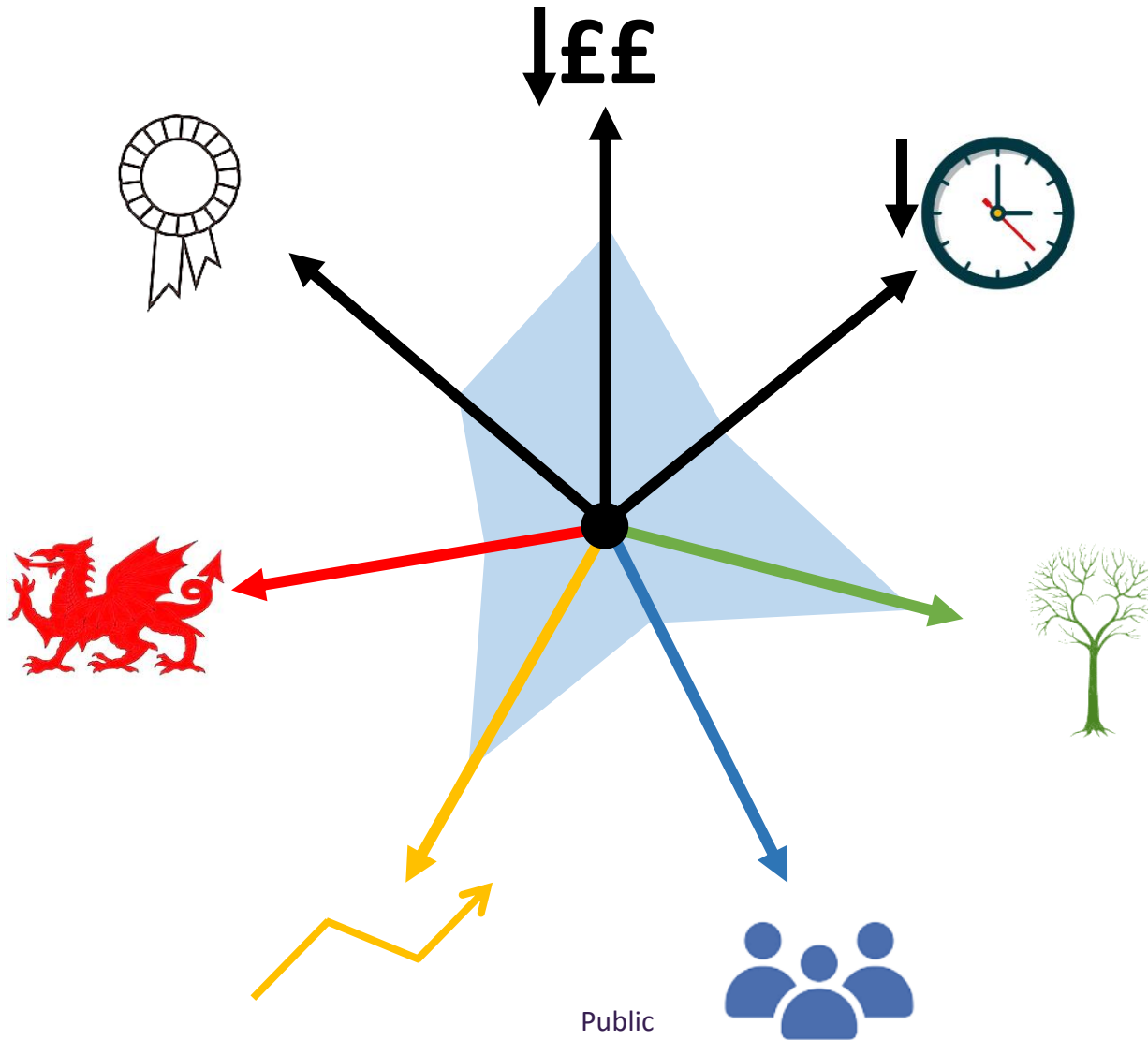
“Socially Responsible Procurement Duty”

- End-to-end, overarching duty on organisations
- .. in *designing, drafting, negotiating, awarding and managing* a contract..
- to seek to improve economic, social, environment and cultural well-being, by
- Setting and publishing objectives for all procurement











“Camau penodol”

Ar gyfer contractau adeiladau mawr (1) a gwasanaethau allanoli (2) uwchben:

1. Cymalau cyhoeddus cymdeithasol gyfrifol
2. Cymalau gweithlu cyhoeddus cymdeithasol

Rhoi gwybod i Lywodraeth Cymru os NI FYDD y rhain yn cael eu chynnwys

Gallu arwain at adolygiad gan y CPG

Gallu arwain at gyfarwydd gan

Weinidogion

Gallu arwain at adroddiad cyhoeddus

“Particular actions”

For major construction (1) and outsourcing services (2) above:

1. Social public works clauses
2. Social public workforce clauses

Three steps needed:

1. Include in contracts
2. Include throughout supply chains
3. Put a process in place to ensure these are implemented

Notify Welsh Government if they are NOT included

May result in ministerial direction, or a published report.



Cymalau contract - categoriâu

Cymalau cyhoeddus cymdeithasol
gyfrifol:

- Taliad prydlon
- Cyfleoedd cyflogaeth
- Cydymffurfiaeth â rheoliadau cyflogaeth
- Hyfforddiant
- Cyfleoedd i fusnesau bach a chanolig
- Rheoli amgylcheddol

Contract clauses - categories

Social public works clauses:

- Prompt payment
- Employment opportunities
- Compliance with employment regulations
- Training
- Opportunities for SMEs
- Environmental management



Strategaethau ac adroddiadau

- Cyhoeddi Strategaeth Caffael
- Adroddiad blynyddol
 - Crynodeb o “gontractau a ragnodir” – canlyniadau ac ardaloedd lle mae angen gwella.
- Adroddiad cryno gan Lywodraeth Cymru

Strategies and Reports

- Publish a Procurement Strategy
- Annual report
 - Summary of “prescribed contracts” – outcomes and areas where improvements are needed.
- Welsh Government summary report



Arolygiaeth, ymchwiliadau ac adborth

- Pwerau ymchwilio i Weinidogion Cymru
- Cyngor Y Bartneriaeth Gymdeithasol – her ac adborth i Weinidogion
 - Yr is-grŵp statudol ar gaffael
- Gwasanaeth adborth
 - caffael a rheoli contractau
 - Ymestyn y rhain sy'n gallu codi cwestiynau

Oversight, investigations and feedback

- Investigatory powers to Welsh Ministers
- Social Partnership Council - challenge and advice to Ministers
 - Statutory procurement subgroup
- Feedback Service
 - procurement and contract management
 - Extending organisations that can raise questions



Crynodeb

- Yn cwmpasu'r holl gylch caffael
- Yn rhoi caffael mewn cyd-destun strategol
- Yn canolbwyntio ar fesuro a chanlyniadau
- Darparu amcanion lles
- Canolbwyntio ar reoli cadwyn gyflenwi ar gyfer contractau adeiladu a gweithlu
- Tryloywder, a chymorth i gefnogi gweithrediad yw'r mecanwaith i yrru gwelliant

In summary

- Covers the procurement cycle as
- Places procurement within strategic context
- Focus on measuring and delivering outcomes
- Delivering well-being goals
- Focus on supply chain management in works and workforce contracts
- Transparency and challenge are the primary mechanisms for driving improvement



Procurement is changing. Get ready with Blake Morgan.



Date	Topic
18th April 2024 (available “on demand”)	<i>Are you a “contracting authority”? Are you sure?</i>
16th May 2024 (available “on demand”)	<i>Whistlestop tour of the Procurement Act 2023</i>
6th June 2024 (available “on demand”)	<i>Standstill, challenges and remedies under the Procurement Act 2023</i>
12th September 2024 (available “on demand”)	<i>Exclusion and debarment Procurement Act 2023</i>
3rd October 2024 (available “on demand”)	Social value opportunities under the Procurement Act 2023
5th December 2024 (available “on demand”)	Social Partnership and Public Procurement (Wales) Act

www.blakemorgan.co.uk/procurement-act



SEASON'S GREETINGS CYFARCHION Y TYMOR



**FROM EVERYONE AT BLAKE MORGAN
ODDI WRTH PAWB YMA YN BLAKE MORGAN**

Wishing you a very happy festive season, and every success in the new year

Gan ddymino tymor y Nadolig hapus iawn i chi a phob dymuniad da am y flwyddyn newydd.

We are looking forward to working with you in the coming year, using our experience, expertise, and commercial insight to help you to achieve your ambitions in 2025.

Rydym yn edrych ymlaen i weithio gyda chi yn ystad y flwyddyn i ddod ac i ddefnyddio ein profiad, arbenigedd a mewnwleidiad masnachol i helpu chi gyflawni eich uchelgeisiau yn 2025.



We support the following charities:
Rydym yn cefnogi'r elusennau canlynol:

