



Llywodraeth Cymru
Welsh Government

GUIDANCE

Welsh Procurement Policy Note WPPN 02/22: Transparency – publication of contract award notices

This WPPN sets out Welsh Government's commitment to publish information about awards over certain low value thresholds on Sell2Wales and to promote this approach as best practice to Welsh Public Sector bodies.

First published: 3 May 2022

Last updated: 19 April 2023

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The Well-being of Future Generations Act's well-being goals supported by this WPPN



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- A prosperous Wales
- A more equal Wales
- A Wales of more cohesive communities
- A globally responsible Wales

Points to note

- The information set out in this document is neither legal advice nor statutory guidance and is not intended to be exhaustive. Nor is it intended to override existing legal obligations applicable to Welsh Public Sector (WPS) bodies – contracting parties should seek their own independent legal advice as appropriate. Please also note that the law is subject to constant change and advice should be sought in individual cases. This document reflects the position as at February 2023.
- This Welsh Procurement Policy Note (WPPN) builds on, and is consistent with, the Wales Procurement Policy Statement and the Public Contracts Regulations 2015 (SI 2015/102) as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (SI 2020/1319).
- This note assumes a certain level of knowledge of public procurement. It is available via the **Welsh Government website GOV.WALES** and any queries should be directed to **CommercialProcurement.DigitalDataICT@gov.wales** or via the **Welsh Governments' customer services**.

1. Purpose or issue

1.1 This WPPN sets out Welsh Government's commitment to publish information about awards over certain low value thresholds on Sell2Wales (S2W) and to promote this approach as best practice to WPS contracting authorities in Wales.

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2. Dissemination and scope

2.1 This WPPN has been published to assist all WPS contracting authorities in Wales, including Welsh Government departments, NHS Wales bodies, Welsh Government sponsored bodies, local authorities and the wider public sector. This WPPN covers goods, services and works contracts being delivered in Wales.

2.2 Please circulate this WPPN across your organisation and to other relevant organisations that you are responsible for, drawing it to the specific attention of those in procurement, commercial and finance roles.

3. Background

3.1 Procurement reform will result in a step change to working practices and tools as well as the introduction of new legislation.

3.2 Transparency is key to ensuring that the WPS supports the 'digital' concept, which will help to improve tracking and detection of positive/negative trends throughout the procurement lifecycle.

3.3 Based on the recommendations of a review by Lord Young, Part 4 of the PCR 2015 sets out additional rules to be followed for certain below-threshold procurements with an estimated value (inclusive of VAT) of £12,000 or more (for central government authorities), or £30,000 or more (for sub-central authorities and NHS trusts). Except for the provisions specified in Regulation 1(8B) of the PCR 2015, Part 4 of the PCR 2015 does not apply to a Welsh Public Sector body if its functions are wholly or mainly Welsh devolved functions.

3.4 This guidance has been issued to support changes that are being introduced

within the WPS to enable Contracting Authorities to meet upcoming transparency requirements. In addition to meeting these transparency requirements, this guidance will also support the introduction of the **Open Contracting Data Standard (OCDS)** throughout the procurement lifecycle. This is consistent with the Welsh government's decision to align itself with the UK government's Procurement Bill.

3.5 The OCDS enables disclosure of data and documents at all stages of the contracting process by defining a common data model. It was created to support organisations to increase contracting transparency, and allow deeper analysis of contracting data by a wide range of users.

3.6 In terms of advertising opportunities, WPS bodies should refer to Welsh Procurement Policy Note WPPN 07/21: Small and Medium sized Enterprises (SMEs)-friendly procurement which makes a commitment to advertise contracts over £30,000 (inclusive of VAT) in value, making best use of the Sell2Wales portal.

Please note under the Procurement Reform Bill, any future opportunities openly advertised above £12,000/£30,000 (inclusive of VAT) must be detailed on Sell2Wales as a below threshold tender notice if the opportunity is openly advertised anywhere. As a consequence the details of award builds on from the below threshold tender notice as detailed in paragraph 4.6.

4. Guidance

4.1 The following guidance should be applied to Welsh Government procurements and is deemed as best practice for WPS contracting authorities.

4.2 It is recommended that contract award notices are issued as set out below:

Welsh Central Government Bodies, including those listed in Schedule 1 of the PCR 2015

Where the contract value is at least £12,000 inclusive of VAT*

Welsh Sub Central Government Bodies, all Welsh Public Sector bodies which are not central government authorities

Where the contract value is at least £30,000 inclusive of VAT

* Welsh Central Government Bodies, including those listed in Schedule 1 of the PCR 2015 will implement the threshold in a phased approach, starting with the application to contracts valued at least £30,000 inclusive of VAT.

4.3 The intention of these additional policy requirements is to provide greater visibility to the public of government contracting by publishing contract award notices on Sell2Wales.

4.4 Once a contract has been awarded via any of the following methods or otherwise:

- Open competition
- Framework Agreement (e.g. as a result of a mini competition), or
- Direct award without competition (e.g. where quotations have been sought, single tender action has been undertaken etc.),

4.5 as a minimum, the following information must be published on Sell2Wales:

- the full name of the winning contractor
- the date on which the contract was entered into (award date)

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- the total value of the contract in pounds sterling, and
- an indication of whether the contractor is an SME or a VCSE (as defined in **WPPN 05/21: Guidance on reserving below threshold procurements for Welsh public sector contracting authorities**).

4.6 If an opportunity notice already exists on Sell2Wales, this should be updated with the contract award details. If no opportunity notice exists on Sell2Wales (for example if the contract was not openly competed (i.e. closed quotation exercise), or is a direct award or mini competition call off from a framework agreement or via a dynamic purchasing system), then a separate contract award notice should be published.

4.7 Contract award notices must be published on Sell2Wales within 30 calendar days of the contract award date.

4.8 For the purpose of this guidance, 'award date' means the date on which the contract was signed by the last contracting party. The first calendar day after the contract is signed counts as day 1.

4.9 Where the deadline date for publication ends on a non-working day, the authority has until the end of the next working day to publish the award.

5. Actions required by WPS contracting authorities

5.1 WPS contracting authorities are advised to apply this guidance as best practice to meet transparency requirements in readiness for the introduction of the OCDS throughout the procurement lifecycle.

6. Legislation

- The Well-being of Future Generations (Wales) Act 2015
- The Public Contracts Regulations 2015
- The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020

7. Timing

7.1 This WPPN is effective from the date of publication 28 April 2022 until it is superseded or cancelled.

8. Wales Procurement Policy Statement (WPPS) relevance

8.1 This WPPN aligns with the following WPPS principles:

Principle 2

We will integrate procurement into the heart of Welsh policy development and implementation.

Principle 7

We will improve the integration and user experience of our digital solutions and applications, maximising the use of our procurement data to support decision making.

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9. Additional information

9.1 This WPPN supports the [Digital Strategy for Wales](#).

Mission 4: digital economy

Procurement practices and policies support innovation and economic prosperity, allowing businesses in Wales to thrive and we support public sector in working with a responsive market of companies.

Mission 6: data and collaboration

Public sector data is made available and published openly, where it is appropriate (i.e not personal data), in formats that support transparency, re-use and accountability.

9.2 Please refer to [WPPN 03/20: Post-EU Transition Public Procurement including Find a Tender Service \(FTS\)](#) for further guidance on the use of Sell2Wales and the UK e-notification service.

10. Contact details

10.1 If you have any questions about this WPPN, please contact:
CommercialProcurement.DigitalDataICT@gov.wales

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