



Llywodraeth Cymru
Welsh Government

PUBLICATION

Wales consultation on Public Procurement Secondary Legislation: Part 1

We want your views on the secondary legislation needed to implement the new procurement regime established by the Procurement Bill.

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Contents

[Introduction](#)

[Background](#)

[About this consultation](#)

[Subjects](#)

[How to respond](#)

[Your rights](#)

[Further information](#)

[Annex 1](#)

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Introduction

The Welsh Government is consulting on the secondary legislation required to implement the new public procurement regime established by the Procurement Bill. This is a technical consultation, split into 2 parts. This first part of the consultation refers predominantly to areas of the Bill which require lists, calculations or further definitions to be used in practice and covers the following subjects:

1. Scope of Light Touch Regime Contracts and Reservable Light Touch Services
2. Exempt Contracts: Vertical and Horizontal Activities Calculations
3. Exempt Contracts: Utilities Intra-group Turnover Calculations
4. Utility Turnover and Supply Tests
5. Intra-UK Procurement
6. Definitions of 'Central Government Authority' and 'Works' for Thresholds, and
7. Disapplication of section 17 of the Local Government Act 1988
8. Welsh Language

The Welsh Government and the UK government have worked closely on the development of their respective statutory instruments (SI) to ensure there is maximum alignment between the legislation and to minimise any risk of potential divergence. It is also important that the timetables for laying the SIs are aligned which is a key reason for mirroring the timing of this consultation with UK government's.

This consultation will use the draft statutory instrument that has been developed by the UK government.

The draft SI being prepared by the Welsh Government will mirror the provisions contained within the UK government's SI as much as possible, other than in the

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few areas where there are derogations or Wales-specific differences. Also, the SI being developed by the Welsh Government will be available in both Welsh and English.

It should be noted that the key areas of Wales-specific differences in the regulations covered by this first part of the consultation are:

- Part 7 of the UK government's draft SI concerning "Disapplication in relation to NHS Procurement" will not form part of the Welsh Government's statutory instrument. This part of the UK government's SI relates to the NHS in England specifically and, as such, respondents to this consultation should disregard this section of the draft statutory instrument.
- The Welsh Government's SI will not include regulations on cross-border procurement as the UK government's SI will allow Scottish devolved authorities access to procurement arrangements, including frameworks and dynamic markets, undertaken by all authorities covered by the Procurement Bill. Respondents to this consultation should therefore consider Part 5 and Schedule 2 of the UK government's SI.
- The list of Central Government Authorities (CGAs) attached to the UK government's SI at Schedule 3 is not relevant to Wales as it does not include any Welsh contracting authorities. The CGAs which are Welsh contracting authorities are detailed in Annex 1 of this document.

The consultation opens on 19 June and closes on 28 July at 23:45.

Background to the legislation

Over £8 billion is spent on public procurement each year in Wales, accounting for almost a third of all public sector expenditure. Improving the way public procurement is regulated can drive innovation and resilience, and deliver benefits across Wales by supporting our local economy and saving the taxpayer

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money.

Procurement is one of the most important levers we have to support the more equal, more sustainable and more prosperous Wales we all want to see over the next few years. The Procurement Bill helps deliver the Welsh Government's Programme for Government aspirations in relation to procurement whilst providing certainty and stability for organisations who conduct business across the borders.

The changes being introduced as a result of the Procurement Bill will make public procurement more accessible to businesses including our SMEs, will deliver greater value for money for Welsh taxpayers, and will maximises opportunities to deliver social, environmental, economic and cultural outcomes for Wales.

The new regime will replace the current rules for public procurement by:

- Creating a simpler and more flexible commercial system that better meets our country's needs while remaining compliant with our international obligations.
- Opening up Welsh public procurement to new entrants such as small businesses and social enterprises so that they can bid for more public contracts.
- Taking tougher action on underperforming suppliers and excluding suppliers who pose unacceptable risks.
- Embedding transparency throughout the commercial lifecycle so that the spending of Welsh taxpayers' money can be properly scrutinised.

The main benefits of the new regime are:

- Delivering greater value for money.
- Promoting innovation by allowing users to tailor procurement to their exact needs, building in stages such as demonstrations and testing prototypes.

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- Making it easier to do business with the public sector by creating more competitive bidding opportunities for Welsh SMEs, and improved prompt payment rules.
- Delivering Welsh procurement policy ambitions through Welsh contracting authorities having regard to the Wales Procurement Policy Statement.
- Taking tougher action on underperforming suppliers making it easier to exclude suppliers who have underperformed on other contracts.
- Creating an open and transparent system will strengthen accountability and potential collaboration opportunities.
- Effective emergency procurement allowing a faster, more transparent competition processes for emergency buying.
- Protecting national security includes provisions to exclude suppliers from procurements if they present a threat to national security.
- Strengthening exclusion grounds allowing suppliers to be excluded where there is evidence of modern slavery.
- International Trade ensuring that UK businesses can continue to be successful in competing for public contracts in other countries around the world.

About this consultation

This consultation seeks feedback on the secondary legislation that sits under the Procurement Bill and brings many of its provisions to life. The consultation is split into 2 parts with this first part of the process focusing on policy areas which require specific detail in secondary legislation and the second on the transparency provisions and notices that will be used by Welsh contracting authorities to comply with the legal requirements under the Bill.

This consultation is very technical and requires understanding of the current procurement regime. Views are not sought on the policy intent itself which has already been subject to consultation via the green paper and has been

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established by the Bill, but on whether the information provided is appropriately reflected in the drafting of the regulations.

Mandatory questions will ask respondents to state to what extent they agree or disagree with the question posed under each section. There are 8 questions of this nature. Where respondents disagree or strongly disagree that the intent as stated is delivered through the drafting, they have the opportunity to explain why they believe this to be the case. Comments should be limited to whether this intent has been translated into the Statutory Instrument and on whether the drafting causes any inconsistencies, gaps or overlaps with provisions elsewhere in the Bill or the SI. In addition there are 2 Mandatory questions relating to the Welsh Language.

Next steps

Following this and the forthcoming Part 2 consultation, the final version of the secondary legislation will be laid in the Senedd. The UK government has committed to providing a minimum of 6 months' advance notice of go-live of the new regime and we expect that the laying of the secondary legislation would be the earliest point that this notice would be given.

Subjects

1. Light Touch – scope of light touch contracts and reservable light touch services (Part 4 of the SI)

Light touch contracts reflect that certain services require different treatment, particularly those that are individual, locally or community-focused. Section 9 of the Bill sets out the considerations that must be taken into account when specifying services as light touch services; this includes the extent to which:

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- suppliers from outside the United Kingdom are likely to want to compete for contracts for the supply of the services
- the services are supplied for the benefit of individuals (for example, health or social care services) or the community generally
- proximity between the supplier and the recipient of the services is necessary or expedient for the effective and efficient supply of the services.

The SI, at Part 4 and Schedule 1, uses Common Procurement Vocabulary (CPV) codes to specify the services that can be procured as a light touch contract for the purposes of the Bill. The CPV codes are the same as those referred to in the existing Public Contracts Regulations 2015 (PCR) but they also incorporate certain Defence-specific codes which were Part B services under the Defence and Security Contracts Regulations 2011 (these will continue to only be applicable for defence and security contracts). Defence is a reserved matter and therefore Defence specific codes will not be detailed in Welsh regulations.

This reflects the previous consultation response which confirmed that we would retain a light touch approach for certain services in line with those afforded the same treatment under the PCR.

The draft SI also makes clear which services are ‘reservable light touch services’ under the Bill. These are services which under section 33 may be awarded via a competitive flexible procedure, where the field of suppliers is limited to public service mutuals. To continue to recognise the benefits brought by these organisations, the full scope of reservable services (identified by CPV codes) in line with PCR regulation 77 has been maintained.

Consultation questions

1. To what extent do you agree or disagree that CPV codes set out in the SI accurately capture those services which can be supplied via a light touch contract under the new regime?

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1a. If you disagree or strongly disagree, please indicate which services should be included or excluded, or clarify any other perceived issues with the list such as inconsistencies with other areas of the Bill or SI.

2. To what extent do you agree or disagree that the SI accurately captures those services which should be 'reservable' to public service mutuals under the new regime?

2a. If you disagree or strongly disagree, please indicate which services should be included or excluded, or clarify any other perceived issues with the list such as inconsistencies with other areas of the Bill or SI.

2. Exempt Contracts: Vertical and horizontal activities calculations (Part 2 of the SI)

The 'vertical exemption' at paragraph 2 of Schedule 2 of the Bill replicates the exemption at regulation 12(1) - 12(6) of the PCR (often referred to as the "Teckal" exemption). This exemption allows a contracting authority that is a public authority to award a contract to an entity that is connected "vertically" with the contracting authority, i.e. with a body which has a separate legal personality but is under its control, provided various tests are met. Guidance will be provided to assist contracting authorities in the application of these provisions.

The primary test to be met as set out in Schedule 2 is that the contracting authority must "control" the other entity. Schedule 2 paragraphs 2(2) and 2(3) set out what this 'control' means.

The test includes an 'activity threshold'. This requires that the controlled entity carries out more than 80% of its activities for the contracting authority (or authorities) or other persons also controlled by the contracting authority (or authorities).

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The 'horizontal exemption' at paragraph 3 of Schedule 2 to the Bill replicates the exemption at regulation 12(7) of the PCR (often referred to as the 'Hamburg' exemption). This exemption allows a contracting authority to award a contract to another contracting authority provided various tests are met.

The first test is that the parties have entered into an arrangement with the aim of achieving common objectives in carrying out their public functions and the arrangement is solely in the public interest.

The second test is an 'activity threshold'. This requires that no more than 20% of the activities contemplated by the arrangement are intended to be carried out for other (non-public function) purposes.

Part 2 of the SI establishes how the 'activity threshold' for both the horizontal and vertical exemptions is calculated, which should replicate the effect of regulation 12(8) and (9) of the PCR. This is key as contracting authorities will benefit from continuity in this technical aspect of the procurement regime.

Consultation questions

3. To what extent do you agree or disagree that the methodology of calculating the percentages of the activity thresholds set out in the SI is clear and meets the policy intent to exempt horizontal and vertical procurement from the requirements of the Bill?

3a. If you disagree or strongly disagree, please explain why you believe the calculation is not clear or does not otherwise meet the policy intent.

3. Exempt contracts: Utilities intra-group turnover calculations (Part 2, Regulation 6 of the SI)

Utilities, like many organisations, sometimes rely on separate entities within their group to carry out certain activities when delivering a contract. This may be within a “traditional” group arrangement or within a joint venture arrangement and can cover a variety of activities, such as “back office” services or specialist technical services. This arrangement may be for tax or management reasons. This is referred to as an arrangement between “affiliated” persons and an exemption from the procurement regime is available where a utilities contract is awarded by a relevant utility to a relevant affiliated person provided the “turnover test” is met. The exemption is available where a utility awards a contract to an affiliate or, where the utility is a joint venture, to a person affiliated with any member of the joint venture and reflects the exemption that exists currently in regulation 29 of the UCR.

The turnover test requires that the affiliate awarded the contract receives more than 80% of its relevant turnover from supplying the utility awarding it the contract.

The SI, at Part 2 Regulation 6, sets out the steps to be taken to calculate the affiliate’s percentage turnover from the supply to the utility and its total turnover for the purposes of determining whether it meets the turnover test. The conditions to be met for the exemption to apply are that:

- in respect of service contracts, at least 80% of the average total turnover of the affiliated undertaking over the preceding 3 years, taking into account all services provided by that undertaking, must derive from the provision of services to the utility or one or more of its affiliated undertakings
- in respect of supply contracts, at least 80% of the average total turnover of the affiliated undertaking over the preceding 3 years, taking into account all supplies provided by that undertaking, must derive from the provision of

- supplies to the utility or one or more of its affiliated undertakings
- in respect of works contracts, at least 80% of the average total turnover of the affiliated undertaking over the preceding 3 years, taking into account all works provided by that undertaking, must derive from the provision of works to the utility or one or more of its affiliated undertakings.

In respect of an affiliated undertaking less than 3 years old, it will be sufficient for that undertaking to show that the turnover is credible by means of business projections.

In respect of more than one affiliated undertaking providing similar or the same services, works or goods, this forms an economic group for which the turnover calculation applies.

Consultation questions

4. To what extent do you agree that the methodology of calculating the percentages of the affiliated turnover test as set out in the SI is clear and meets the policy intent to exempt contracts to affiliates as described in Schedule 2, paragraph 6?

4a. If you disagree or strongly disagree, please explain why you do not believe that the calculation will deliver the policy intent.

4. Utility Turnover and Supply Tests (Part 3 of the SI)

The provisions below are consistent with the existing Utilities Contracts Regulations (UCR) 2016 legislation, in particular the calculations that an organisation must use to determine whether the commodity they produce is subject to the rules of the new regime or can be exempted.

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Sale of gas or heat to a network where the gas or heat sold is a by-product of some other activity

Schedule 4, paragraph 1(2) of the Bill exempts from the provisions of the Bill the supply to a network by a private utility or public undertaking (the operator) of gas or heat which is an unavoidable by-product of carrying out an activity that is not a specified activity in paragraph 7 of the Schedule. For example, steam or hot water generated by a waste incinerator may be supplied to a district heating network to heat homes. The exemption is available only provided the amount of gas or heat supplied by the operator to the network is no more than 20% of its turnover amount.

The purpose of the SI is to set out how to calculate 20% of the operator's turnover amount in order to determine whether the supply of the gas or heat amounts to a utility activity and therefore whether procurements for contracts relating to that activity should be subject to the new procurement regime or are exempt.

In providing how to calculate the operator's turnover amount, the SI specifies that the amount is to be calculated by reference to an average amount over a specified period. The period specified in the SI is the preceding 3 full financial years, including the current year.

Sale of electricity to a network where the electricity sold is the excess that has not been consumed

Schedule 4, paragraph 2(2) of the Bill exempts the supply to a network of electricity by a private utility or public undertaking (the operator) where the supply is only the excess electricity that it has produced in order to do something that is not a specified activity in paragraph 7 of the Schedule but not used. For example, a port may generate its own electricity using wind turbines for use in

carrying out various port activities, such as the operation of certain machinery and supply the surplus to the national grid network. The exemption is available only provided the amount of electricity supplied is no more than 30% of the amount of energy produced by the operator.

The purpose of the SI is to set out how to calculate the amount of electricity supplied in order to determine whether the supply of the electricity amounts to a utility activity and therefore whether procurements for contracts relating to that activity should be subject to the new procurement regime or are exempt.

In providing how to calculate the amount of electricity supplied, the SI specifies that the amount is to be calculated by reference to an average amount over a specified period. The period specified in the SI is the preceding 3 full financial years, including the current year.

The SI sets out that the assessment will have regard to the average of:

1. energy produced, and
2. electricity produced and supplied to the public network,

for the preceding 3 years from the point of assessment in the current year. If all or part of the figures for energy and/or electricity are not available for the required 3 years, the utility is required only to show that it is reasonable to expect that electricity supply to the public network has not exceeded 30% of the entity's total production of energy. This could draw on what metering information exists and/or business projections of activities in current and future years.

Sale of drinking water to a network where the water sold is the excess that has not been consumed

Schedule 4, paragraph 3(4) exempts the supply to a network (as described in sub-paragraph 3(1)(b) of the Schedule) of drinking water by a private utility or

public undertaking (the operator) where the supply is only the excess drinking water that it has produced in order to do something that is not a specified activity in paragraph 7 of the Schedule but not used. For example, ports may produce drinking water in order to supply ships when they are in port and supply the surplus to a drinking water network. The exemption is only available provided the amount of drinking water supplied is no more than 30% of the amount of drinking water produced by the operator.

The purpose of the SI is to set out how to calculate the amount of drinking water supplied in order to determine whether the supply of the drinking water amounts to a utility activity and therefore whether procurements for contracts relating to that activity should be subject to the new procurement regime or are exempt.

In providing how to calculate the amount of drinking water supplied, the SI specifies that the amount is to be calculated by reference to an average amount over a specified period. The period specified in the SI is the preceding 3 full financial years, including the current year.

At the point of assessment we would expect the utility to look back from that point over the last 3 years, determine in each of those 3 years how much drinking water it supplied to the public network, then add those 3 totals together and divide by 3 to create an average. This average supply figure is then to be compared against the average of how much drinking water the utility produced based on the last 3 years.

Consultation questions

5. To what extent do you agree or disagree that the methodology to make the appropriate calculations for the relevant exemptions in paragraphs 1(2), 2(2) and 3(4) of Schedule 4 is clear and meets the policy intent to exempt the supply of gas, heat, electricity and drinking water where the relevant conditions apply?

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5a If you disagree or strongly disagree, please explain why you believe the calculation is not clear or does not otherwise meet the policy intent.

5. Intra-UK procurement (Part 5 and Schedule 2 of the SI)

As Scotland has chosen to retain their present procurement rules we need to ensure we can continue to procure goods, works and services between the 4 nations.

The Bill contains a power (section 114) to make regulations to allow for cross-border access to commercial tools such as frameworks, and to manage joint procurements undertaken by authorities subject to the Scotland and UK legislation. The intention of this power is to ensure that bodies subject to the Scottish regulations can continue to take advantage of commercial arrangements put in place by – and with – bodies subject to the legislation in operation throughout the rest of the UK.

This will, for example, ensure that Scottish contracting authorities will continue to have access to frameworks and dynamic markets established under the new regime and vice-versa. There is a shared interest in ensuring that such collaboration can continue for the purposes of cooperation and achieving value for money; and that access to such commercial tools is not restricted by which regime the contracting authority is subject to.

The regulation, included at Part 5 of the SI, is to allow Scottish devolved authorities to carry out a joint procurement under the Bill and/or make use of a commercial tool established under its provisions.

The Scottish Government will also be tabling its own SI to disapply, where appropriate, Scottish legislation where procurement by devolved authorities is regulated under these regulations. It will also legislate to ensure that reserved authorities, devolved Welsh, and transferred Northern Ireland bodies can access

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tools and procurements established under the Scottish regulations.

Welsh Ministers will not be taking forward its own regulations in this area because the UK government's regulations will allow Scottish devolved authorities access to procurement arrangements, including Frameworks and Dynamic Markets, undertaken by all authorities covered by the Procurement Bill.

Consultation questions

6. To what extent do you agree or disagree that the regulation meets the policy intent of permitting Scottish devolved authorities to undertake joint procurement or collaborate with other authorities across the UK under the auspices of the Procurement Bill?

6a. If you disagree or strongly disagree, please explain why you do not think that the regulation will provide Scottish devolved authorities with this opportunity.

6. 'Central Government Authority' and 'Works' for thresholds (Part 8 and Schedules 3 and 4 of the SI)

The Procurement Bill establishes that certain obligations under the Bill are triggered at set financial thresholds. There are many thresholds in the Bill, some of which are derived from international trade commitments, whereas others are domestically-driven policies in support of current government priorities such as improving transparency and facilitating SME access to public procurement opportunities. The threshold for a certain obligation, such as publication of a specified notice, or, indeed, to determine whether a procurement is a covered procurement bound by the main provisions of the Bill, may vary according to the scope of the intended contract and the categorisation of the contracting authority undertaking the procurement.

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The 'main' financial thresholds (i.e. those that are derived from the World Trade Organisation's Agreement on Government Procurement (GPA) and determine whether or not a procurement is a covered procurement bound by the main provisions of the Bill) have one threshold that applies to 'Central Government Authorities' for the procurement of goods and services (currently £138,760) and another for the procurement of goods and services by local government and wider public sector bodies (currently £213,477). Goods and services procurements resulting in contracts over these thresholds are required to comply with the full provisions of the Bill unless any exceptions/exemptions apply. This includes the authority being required to advertise the contract opportunity publicly to the marketplace on the UK's online platform, Find-A-Tender, which is published via Sell2Wales for Welsh contracts. Similarly, a specific threshold applies to procurements for 'Works' (currently £5,336,937) which reflects the generally high monetary values involved with procuring construction. The works threshold is the same regardless of whether the body is a central government or sub-central authority.

Schedule 1 to the Procurement Bill provides that the definitions of 'Central Government Authority' and 'Works' shall be set out in regulations. Setting these (often lengthy) lists in regulations rather than in the Bill itself means that they are more easily updated; updates are required periodically as bodies are created, disbanded and re-named. Please note that the list of Central Government Authorities (CGAs) attached to the UK government's SI at Schedule 3 is not relevant to Wales as it does not include any Welsh contracting authorities. The CGAs which are Welsh contracting authorities are detailed in Annex 1 of this document.

The concepts themselves are not changing from those which apply under the existing regime, although there have been some adjustments in language where appropriate, e.g. to adapt the wording in line with UK legal drafting practice and to change references to 'His' rather than 'Her Majesty'.

It is important that the list reflect the commitments we have made under the GPA

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and other International Agreements as to which bodies are covered; as such, the list that will be published in the Welsh Regulations will include authorities in Wales which may no longer exist or are about to be replaced (such As Higher Education Funding Council for Wales), but ensures that the functions of those authorities, wherever they now sit, are covered for GPA purposes.

Essentially this means, as is the case in preceding regulatory schemes, that there will be:

- a general definition of ‘Central Government Authorities’ supported by a list of bodies that will be updated from time to time, and
- a general definition of works / works contracts, supported by a list of relevant CPV codes representing the actual activities that constitute works.

Consultation questions

7. To what extent do you agree or disagree that this approach achieves the policy objective of ensuring a clear, consistent and familiar approach to defining Central Government Authorities and Works?

7a. If you disagree or strongly disagree, please explain why you do not believe that the definitions are clear, consistent and/or familiar.

7. Disapplication of Section 17 of Local Government Act (Part 6 of the SI)

Under the current regime, Welsh contracting authorities are able to take advantage of government policy (as set out in Welsh Procurement Policy Note 05/21) which allows them to reserve below-threshold contracts to a specific geographic location and (if the contracting authority chooses) to SMEs or voluntary, community and social enterprises (VCSEs). However, local

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government and other authorities that are subject to the Local Government Act 1988 (LGA 1988) are currently unable to implement this policy as section 17 of that legislation precludes them from awarding procurement contracts on the basis of 'non-commercial considerations', including that of supplier location.

The Procurement Bill has been designed to improve SMEs' ability to bid for government contracts and contains a power (at section 115) for Welsh Ministers to make regulations to disapply section 17 of the LGA 1988 when required.

This regulation is included at Part 6 of the SI. Its purpose is to use this power so that local government and other authorities subject to the LGA 1988 can take advantage of the policy for below-threshold contracts and boost UK or local suppliers and SME/VCSE participation in public procurement. The provisions are drafted to disapply section 17(5)(e) of the LGA 1988 in particular, which is the part that prevents contracting authorities from taking into account a supplier's location when awarding contracts. This will only apply to below-threshold contracts that are procured under Part 6 of the Procurement Bill or entered into after the new regime under the Act takes effect.

The Wales Procurement Policy Note 05/21: Guidance on reserving below threshold procurements for Welsh public sector bodies will be updated when the regulations come into effect to ensure policy alignment.

Consultation questions

8. To what extent do you agree or disagree that the regulations permit local authorities and other bodies subject to the Local Government Act 1998 to take advantage of policy on reserving below-threshold contracts for suppliers in a specific geographic location and (if the contracting authority chooses) are SMEs or VCSEs?

8a. If you disagree or strongly disagree please explain why you do not think the

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regulations will allow the below-threshold policy to be applied by authorities subject to the LGA 1988.

8. Welsh Language

The Welsh Government has a statutory duty when consulting to seek your views on the effects of our policies, legislation and initiatives on the Welsh language. This is to ensure we consider any effects our policies have on, firstly, not treating the Welsh language less favourably than English and secondly, promoting opportunities to use the Welsh language in line with our vision as set out in the Welsh language strategy, Cymraeg 2050, to see a million Welsh speakers and increased use of the language.

The Welsh Government and the UK government have worked closely on the development of their respective statutory instruments to ensure there is maximum alignment between the legislation and to minimise any risk of potential divergence. Whilst this consultation uses the draft statutory instrument that has been developed by the UK government, the Welsh SI (when published) will be available bilingually in accordance with Senedd Cymru Standing Orders.

Consultation questions

9. We would like to know your views on the effects that the proposed Secondary Legislation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

10. Please also explain how you believe the proposed technical detail of the

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drafting could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

How to respond

Submit your comments by 28 July 2023, in any of the following ways:

- [complete our online form](#)
- download, complete our [response form](#) and email ProcurementReform.ConsultationPart1@gov.wales
- download, complete our [response form](#) and post to:

Chief Operating Officer's Group

Commercial Procurement Division
Procurement Reform Team
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

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- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer

Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Email: dataprotectionofficer@gov.wales

Rydym yn croesawu gohebiaeth yn Gymraeg / We welcome correspondence in Welsh.

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

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UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than 3 years.

Further information and related documents

Number: 47704

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Annex 1: List of Central Government Authorities (Wales)

- The Welsh Ministers
 - Agricultural Dwelling House Advisory Committees (Wales)
 - Agricultural Land Tribunal for Wales
 - Higher Education Funding Council for Wales
 - Local Democracy and Boundary Commission for Wales
 - Rent Assessment Committee (Wales)
 - The Royal Commission on the Ancient and Historical Monuments of Wales
 - Valuation Tribunals for Wales
 - Welsh National Health Service Trusts and Local Health Boards
-
- Arts Council of Wales

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- Care Council for Wales*
- National Library of Wales
- National Museum Wales
- Natural Resources Wales
- Sports Council for Wales*
- The National Assembly for Wales Commission*
- Welsh Revenue Authority
- Welsh Language Commissioner
- Welsh NHS bodies

* Please note we are aware that the names for these Central Government Authorities have changed since being added to this list, we are unable to amend these details in line with Current International Obligations. Information is provided on this at Section 6 above.

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