



SUBJECT: TRANSPARENCY – PUBLICATION OF CONTRACT AWARD NOTICES

REPORT BY: IAN EVANS, PROCUREMENT AND INFORMATION MANAGER

1. PURPOSE OF REPORT

- 1.1 To advise on the guidance issued by Welsh Government via the Welsh Procurement Policy Note (WPPN) 02/22: Transparency – publication of contract award notices.

2. SUMMARY

- 2.1 The WPPN recommends that all Contracting Authorities that are not Central Government Authorities such as Caerphilly CBC publish all contracts awarded where the value is at least **£30,000 inclusive of VAT**. The intention is to provide greater visibility to the public by publishing contract award notices on Sell2Wales. *It should be noted that Welsh Central Government Bodies will be required to publish all contracts awarded where the value is at least £12,000 inclusive of VAT.*
- 2.2 The WPPN 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 Green Paper: Transforming Public Procurement **.

3. RECOMMENDATIONS

- 3.1 The content of the report is noted.
- 3.2 Agree to implement the WPPN in preparation for the new Procurement Legislation that is planned to come into effect during the autumn of 2023.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that the Council continuously improves its Procurement and Governance arrangements in accordance with the associated Procurement Legislation and best practice.

5. THE REPORT

- 5.1 The Procurement Reform agenda will result in a step change to working practices and tools as well as the introduction of new Legislation.
- 5.2 Transparency is key to ensuring that Contracting Authorities supports the 'digital' concept, which will help to improve tracking and detection of positive/negative trends throughout the Procurement lifecycle.

Link to Open Contracting Data Standard

Link to Gov.UK Consultations Green-paper- Transforming Public Procurement

- 5.3 Based on the recommendations of a review by Lord Young, Part 4 of the Public Contract Regulations 2015 (PCR 2015) set out additional rules to be followed for certain below-threshold Procurements with an estimated value (inclusive of VAT) of £10,000 or more (for central government authorities), or £25,000 or more (for sub-central authorities and NHS Trusts).
- 5.4 Except for certain provisions specified in Regulation 1(8A) of the PCR 2015, Part 4 of the PCR 2015 does not apply to a Contracting Authority if its functions are wholly or mainly Welsh devolved functions such as Caerphilly CBC. However, it is envisaged that the above provisions will apply to Welsh devolved functions via the new UK Procurement Legislation, which is currently being considered by Parliament, House of Lords and Welsh Government. A separate briefing paper will be produced and circulated within the Council on the wider Procurement Legislation in due course.
- 5.5 The intention of the WPPN is to provide greater visibility to the public of Contracting by publishing contract award notices on Sell2Wales. 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.),

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

1. the full name of the winning contractor
 2. the date on which the contract was entered into (Award Date)
 3. the total value of the contract in pounds sterling, and
 4. an indication of whether the contractor is a Small Medium Enterprise (SME) or a Voluntary, Community, Social Enterprise (VCSE).
- 5.6 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.
- 5.7 If a Contract Opportunity Notice already exists on Sell2Wales, this should be updated with the award details. If no opportunity notice exists on Sell2Wales (for example if the contract was not openly competed 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.
- 5.8 Contract Award Notices must be published on Sell2Wales within thirty (30) calendar days of the Contract Award Date. '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 one (1). 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.
- 5.9 The Council has a mature and well embedded approach to Procurement across the organisation. However, there will be a need to ensure budget holders and authorised officers with responsibility for third party spend are aware of this requirement. Furthermore,

there will be a need to ensure all Contract Awards are inputted into the Council's contract management module (CMM) within Proactis. This requirement is in accordance with the Council's Standing Orders for Contracts.

- 5.10 There are on going discussions between key stakeholders such as Welsh Government, Councils and third-party system providers, namely Proactis exploring the possibility of integrating systems such as Proactis and Sell2Wales. It is envisaged that this will reduce the administrative burden on organisations together with having consideration for the wider introduction of the new Procurement Legislation. However, in the short-term additional processes will need to be implemented by the Corporate Procurement Unit to meet this requirement.

5.11 **Conclusion**

The WPPN advises Contracting Authorities such as Caerphilly CBC to apply this guidance as best practice to meet transparency requirements in readiness for the introduction of the new Procurement Legislation (including OCDS).

6. **ASSUMPTIONS**

- 6.1 There are no assumptions associated with this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 The Council will be unable to deliver its Well-being objectives in the absence of effective Procurement arrangements.
- 7.2 Strong corporate governance arrangements are a key element in ensuring that the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 are met. The Well-being goals supported by this approach includes; ***a prosperous Wales, a more equal Wales, a Wales of more cohesive communities and a globally responsible Wales.***
- 7.3 The approach supports the Digital Strategy for Wales and specifically; ***Mission 4: digital economy***, Procurement practices and policies support innovation and economic prosperity, allowing businesses in Wales to thrive and support public sector in working with a responsive market of companies and ***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.
- 7.4 There are no other equalities implications arising from this report in relation to other equalities issues.

8. **FINANCIAL IMPLICATIONS**

- 8.1 There are no direct financial implications arising from this report.

9. **PERSONNEL IMPLICATIONS**

- 9.1 There are no direct personnel implications arising from this report.

10. CONSULTATIONS

10.1 All comments have been reflected in this report.

11. STATUTORY POWER

11.1 Local Government and Elections Act 2021.

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Dated: 27 July 2022