



Procurement Act 2023 Knowledge Drop for contracting authorities

Wales

Accompanying factsheet for **Wales** designed to be reviewed alongside the 6 parts of the Procurement Act 2023 Knowledge Drop for contracting authorities.

This factsheet is intended to highlight some of the **exemptions** or **differences** to the main rules of the act for contracting authorities that are **devolved Welsh authorities** and procurements under a devolved Welsh procurement arrangement. You should assume that the obligations detailed in the Knowledge Drop series apply unless stated within this factsheet.

Knowledge Drop 1 part 1: Understanding the purpose of the Procurement Act

Exemptions

N/A

The national procurement policy statement (NPPS) does not apply to a procurement under a devolved Welsh procurement arrangement or a devolved Welsh authority (except in relation to a procurement under a reserved procurement arrangement).

Differences

The Wales procurement policy statement (WPPS) applies to a devolved Welsh authority (except in relation to procurement under a reserved procurement arrangement or transferred Northern Ireland procurement arrangement) or a procurement under a devolved Welsh procurement arrangement.

Knowledge Drop 1 part 2:

Pre procurement considerations under the Procurement Act

Exemptions	Differences

Knowledge Drop 1 part 3:

Changes to procurement procedures and routes to market

Exemptions	Differences
N/A	N/A

N/A

Knowledge Drop 1 part 4: Changes to assessment and award

Exemptions

For contracts awarded by a devolved Welsh authority, there is a requirement to publish a contract details notice. However, the requirement to publish a copy of the contract where the estimated value of the contract is more than £5 million does not apply, unless the contract was awarded as part of a procurement under a reserved procurement arrangement.

Differences

N/A

Knowledge Drop 1 part 5: Greater contract governance

Exemptions

The requirement to publish a copy of the amended contract or the modification, along with the contract change notice does not apply, unless the contract was awarded as part of a procurement under a reserved procurement arrangement.

Differences

N/A

Knowledge Drop 1 part 6: Preparing for the Procurement Act

What additional action do you need to take if you will be procuring a devolved Welsh authority contract or contracts under a devolved Welsh procurement arrangement?

Be aware that some requirements of part 6 of the Procurement Act (Regulated Below - Threshold Contracts) do not apply to a devolved Welsh authority or a procurement under a devolved Welsh procurement arrangement. For example, a devolved Welsh authority will not be prohibited from restricting the submission of tenders by reference to an assessment of a supplier's suitability to perform the contract.

Familiarise yourself with which contracting authorities should be treated as a devolved Welsh authority for the purposes of this act, see https://www.legislation.gov.uk/ukpga/2006/32/section/157A.

Familiarise yourself with the definition of a procurement arrangement:

- a procurement as part of which the contract is awarded:
 - a. in accordance with a framework or similar arrangement,
 - b. by reference to a dynamic market or similar arrangement, or
 - c. following a procedure or other selection process carried out:
 - i. jointly by two or more authorities, or
 - ii. by a centralised procurement authority or equivalent body

Familiarise yourself with the definition of a devolved Welsh procurement arrangement:

- a procurement arrangement is a devolved Welsh procurement arrangement if:
 - a. the framework was awarded by a devolved Welsh authority,
 - b. the dynamic market was established by a devolved Welsh authority,
 - c. the centralised procurement authority is a devolved Welsh authority, or
 - d. a devolved Welsh authority is designated the lead authority in the tender or transparency notice

Familiarise yourself with the definition of a reserved procurement arrangement

- a procurement arrangement is a reserved procurement arrangement if it is not:
 - a. a devolved Welsh procurement arrangement,
 - b. a transferred Northern Ireland procurement arrangement, or
 - c. a devolved Scottish procurement arrangement

Further information and detail is available at
https://www.gov.uk/government/collections/transforming-public-procurement