



Llywodraeth Cymru
Welsh Government

GUIDANCE

Supplier Feedback Service: guidance for suppliers

Guidance for suppliers on the services offered by the Supplier Feedback Service (SFS).

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Purpose of the Supplier Feedback Service (SFS)

The SFS enables suppliers to ask questions, provide feedback and improve understanding about procurement in the Welsh public sector. We want to ensure that public sector procurement in Wales is being carried out in a fair, open and consistent manner and is in line with the Welsh Procurement Policy Statement. By providing feedback you can work with the public sector to drive further improvements through procurement.

We also want to ensure that suppliers are able to engage with the procurement process easily. By asking us questions and seeking clarification on procurement

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rules, regulations and policy hopefully we will help you to develop your own knowledge and understanding of public procurement in Wales. Our intention is that by providing a single point of contact for suppliers, public procurement issues can be dealt with effectively by an independent and impartial team.

Scope of the SFS

If you are a supplier, you can use the SFS regardless of your size or whether or not you are based in Wales to:

- ask a question or seek clarification
- provide feedback
- raise an issue or concern.

You can contact us about:

- procurement policy in Wales
- Welsh public sector procurement regulations and rules
- a Welsh public sector procurement exercise
- a Welsh public sector contract or framework.

Where your feedback is in relation to a specific procurement exercise, contract or framework, we recommend that you try to resolve issues directly with the contracting authority in the first instance.

Please note that the SFS should not be used as a substitute for legal advice. We cannot provide legal advice to you or help you to seek compensation. Any written outcome published by us in respect of your or any case is our non-binding view and should not be relied upon as legal advice or as evidence.

You should also not use the SFS as a precursor to legal action or rely on it as an alternative to legal action. If you are considering whether or not seek legal redress, we advise that you obtain your own legal advice to determine the most appropriate course of action for you.

No case received by the SFS will constitute, or be regarded as, a formal

challenge to a procurement process. If you want to do this you must deal directly with the contracting authority.

Limitations

There are some limitations on the types of cases we will be able to review:

Any contact we receive relating to procurement activities undertaken by non-Welsh public sector bodies will be redirected to the appropriate service.

- The case must relate to procurement activities undertaken by a Welsh public body whose functions are wholly or mainly Welsh devolved. This covers the following sectors:
 - Welsh Government, including the National Procurement Service
 - Welsh Government sponsored bodies
 - Health
 - Local Government
 - Higher & Further Education
 - Emergency Services (excluding the Police)
 - Social Partners, such as the Third sector, not-for-profit organisations and Registered Social Landlords

Any contact we receive relating to procurement activities undertaken by non-Welsh public sector bodies will be redirected to the appropriate service.

- Your issue or concern must have arisen within the last 12 months.
- The procurement exercise must not be in the mandatory standstill period.
- The matter must not be the subject of any formal or legal proceedings (which shall include sending a pre-action letter). If we are reviewing a matter for you, you must inform us immediately if legal proceedings are commenced.
- The matter must not be the subject of any planned, ongoing or concluded investigation by a body with powers to investigate complaints, for example, an ombudsman or other statutory body.
- The SFS will not respond to requests for information about specific procurements or contracts / frameworks, for example, to ask who a contract has been awarded to. These should be directed to the relevant contracting authority.

If you submit a case which we believe falls within the category of whistleblowing, we will signpost you to an appropriate body or function.

Advice on how to tender for public sector contracts should be directed to the Business Wales support service (see useful contacts below).

We will not respond to any case received which is perceived to be abusive, threatening, malicious or vexatious.

Submitting enquiries

Upon submitting an enquiry you will receive a confirmation email within 2 working days. This will also detail whether you have provided us with enough information in order for us to proceed.

Once we have all information, we will (depending up on the nature of your contact) either:

- reply with an answer to your question or clarification, sending any relevant information, or
- review your concerns and provide a written outcome (which may include recommendations) to all parties.

We aim to send you a final response within 30 working days from the point at which we have all information to take your case forward. Once a final response has been provided the case will be considered closed. We are not able to revisit closed cases.

Raising an issue or a complaint

If you raise an issue or complaint we will review this and provide you with our professional view on the matter. We will do this by:

- contacting the contracting authority involved, requesting they provide us with copies of relevant documentation

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- asking the contracting authority to respond to the concerns raised, providing evidence to support their view
- undertake online research, for example reviewing notices and documents published on sell2wales or on the contracting authority's own website.

If the case involves a main contractor or sub-contractor, all of our communication will be through the contracting authority.

Remit of the SFS

The SFS is able to review and respond to all cases received, including requesting information from the different parties involved. However, we cannot insist that the information requested is provided.

Similarly, whilst we can make recommendations, we do not have the authority to require the contracting authority to act upon the recommendations made.

We do not have the authority to require a contracting authority to award, or refrain from awarding a contract, to a specified bidder.

Anonymity

The names of suppliers who use the SFS (both organisation and any individual's name) will be withheld from any published information.

When contacting the SFS you can also request to remain anonymous during any possible investigation. If you choose this, we will wherever possible preserve your anonymity by not referring to you by name in any communication outside of the SFS team. If during a review the other parties involved identify you from the nature of the issue, we will not confirm your name.

Freedom of Information Act

The Welsh Government is subject to the Freedom of Information Act 2000 (Fol

Act) and this covers all information provided to the SFS.

Should we receive a request that captures information provided by you we will normally contact you, as well as contracting authorities, to discuss the request and potential release of the information. To assist with this, if you consider any of the information you are providing to be particularly sensitive you should clearly identify it when submitting the information.

Please note that the decision on whether information can or cannot be released rests with us. The decision can only be taken once a request is received and is based upon the facts at that time. When releasing information under the FOI Act we may not be able to preserve your anonymity.

Useful contacts

Business Wales

Advice and support for businesses in Wales

Email: businesssupport@gov.wales

Tel: 0300 060 3000 (Mon-Fri 8:30-17:30)

For public sector customers based outside of Wales:

- England – [Public Procurement Review Service](#)
- N. Ireland – [Central Procurement Directorate Supplier Charter](#)
- Scotland – [Single Point of Enquiry](#)

Gangmasters Licensing Authority

Email: intelligence@gla.gov.uk

Tel: 0345 602 5020 (Mon-Fri 9:00-17:00)

Citizens Advice Bureau

Tel: +44 (0)20 7833 2181

Health and Safety Executive

Tel: +44 (0) 845 345 0055

Crimestoppers

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Tel: +44 (0) 800 555 111

Whistleblowing

- [List of prescribed people and bodies](#)
- [A guide to whistleblowing](#)

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