



Llywodraeth Cymru
Welsh Government

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Welsh Procurement Policy Note WPPN 01/24: Transparency – publication of contract award notices

This WPPN deals with a change to the thresholds for publishing Contract Award notices on Sell2Wales.

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



- A prosperous Wales

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1. 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 March 2024.
- 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) (PCR 2015) as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (SI 2020/1319).
- The note therefore assumes a certain level of knowledge of public procurement. It is available via the Welsh Government website [GOV.WALES](https://gov.wales) and any queries should be directed to the [Welsh Government's customer services](#).
- Please note that **all** thresholds in this WPPN include VAT. Also please note that VAT is only applicable to certain goods and services.

1. Purpose or issue

1.1 This WPPN deals specifically with a change to the thresholds for publishing Contract Award notices on Sell2Wales (S2W) and to promote this approach as best practice to WPS contracting authorities in Wales.

1.2 It deals specifically with thresholds for publishing Contract Award notices which support the transparency requirements of the Procurement Act 2023 (“the Act”) required of the Welsh Public Sector (WPS) that will be effective from October 2024.

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1.3 Even though the Procurement Act regulations will not be in force until October 2024, we would encourage CGAs to begin the process of moving to the new £30,000 threshold before October to ensure a smooth transition from the old regime to the new.

1.4 Please note that the Procurement Act will utilise some new terminology. This will include a change of name for a Contract Award notice, to 'Contract Details notice'. For the purpose of this WPPN, it will be referred to as a Contract Award Notice as the regulations are not yet in force.

1.5 The regulations for Wales will state that Central Government Authorities ("CGAs") must publish Contract Details notices for all procurements above the value of £30,000 and Sub-central Government Authorities ("SGAs") above £30,000.

1.6 This is an increase in the threshold for CGAs whilst the threshold for SGAs remains the same (see 3.2 below for further information).

1.7 Please note that if you are calling off from a procurement agreement established by a reserved contracting authority, for example Crown Commercial Services, WCAs will need to follow the UK government's procurement legislation. This will mean in the case of this WPPN that CGAs would need to publish a contract award notice for any call-offs valued over £12,000.

1.8 WPS bodies are also reminded of commitments to advertise contracts over £30,000 set out in Welsh Procurement Policy Note WPPN 07/21: Small and Medium sized Enterprises (SMEs)-friendly procurement.

2. Dissemination and scope

2.1 This WPPN has been published to assist all WPS bodies, including Welsh

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Government departments, NHS Wales bodies, Welsh Government sponsored bodies, local authorities and the wider public sector.

2.2 This WPPN covers goods, services and works contracts being delivered in Wales.

2.3 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 The Procurement Act establishes transparency thresholds that apply to procurements undertaken by Central Government Authorities (“CGAs”) and Sub-Central Authorities. The transparency threshold is the value above which a Contract Details notice must be published.

3.2 It was originally intended that the applicable threshold for Below Threshold Contracts in Wales would be raised from £12,000 (which is the value applicable to non-Welsh contracting authorities) to £24,000 for CGAs, with the threshold for Sub Central Organisations remaining the same as UKG at £30,000.

3.3 Following the results of our public consultation last summer and continued representation from a number of Welsh Public Sector Organisations, Welsh Government have revisited the below transparency threshold values applicable to Wales in the Procurement Act 2023 and intend on including a single consistent transparency threshold for all Welsh contracting authorities at £30,000 in our Regulations.

3.4 The view being communicated is that it is essential to support the ethos of ‘one Welsh public service’, to encourage collaborative working. We therefore

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need to retain consistency wherever possible and a single transparency threshold for Wales supports this approach.

3.5 A single threshold will also support delivery of the Well Being of Future Generations Act's 5 ways of working, working together, sharing common principles and collaborating for the benefit of Wales - within and across organisational boundaries and sectors as one Welsh Public Service.

3.6 The Welsh Government therefore revisited the below transparency threshold values applicable to Wales in the Procurement Act 2023.

4. Guidance

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

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

as 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)
- the total value of the contract in pounds sterling, and
- an indication of whether the contractor is an SME or a VCSE (see Annex 1 for definitions of SME and VCSE)

4.2 If a sub-contract opportunity notice already exists on Sell2Wales, this should be updated with the contract award details. If no opportunity notice exists on

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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.

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

4.4 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.

4.5 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 Contract Award notice.

4.6 Should the Contracting Authority determine that an exemption to the requirement to publish a Contract Award Notice in compliance with the Procurement Regulations, then the decision to not publish Contract Award Notice, and the rationale for that decision, should be fully recorded by the Contracting Authority at the time the decision is made.

5. Actions required by WPS bodies

5.1 WPS bodies are advised to apply this guidance to meet transparency requirements in readiness for the introduction of the Procurement Act.

6. Legislation

- The Procurement Act 2023

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- 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.

7.2 This guidance will be applicable until the procurement Act regulations come into force after which time this WPPN will be cancelled, and the regulations will supersede it.

8. Wales Procurement Policy Statement (WPPS) relevance

8.1 This WPPN aligns with the following WPPS (as published 2021) 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:

CommercialPolicy@gov.wales.

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Annex 1: Definitions

SME

Procurement Act 2023, Clause 122:

“ “small and medium-sized enterprises” means suppliers that— (a) have fewer than 250 staff, and (b) have a turnover of an amount less than or equal to £44 million, or a balance sheet total of an amount less than or equal to £38 million. ”

Source: Department for Business and Trade (formerly part of BEIS), [small and medium enterprises \(SMEs\) action plan: 2022 to 2025](#) (accessible webpage) - GOV.UK

VCSE

There is no single formal definition of a VCSE, but a useful working definition is that VCSE organisations are those ‘with a social or environmental purpose, including charities, public service mutuals, social enterprises, and other non-profits.’

Source: [The role of Voluntary, Community, and Social Enterprise \(VCSE\) organisations in public procurement](#) - GOV.UK

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