



Llywodraeth Cymru
Welsh Government

Parc Cathays/Cathays Park
Caerdydd/Cardiff
CF10 3NQ

Dyddiad/Date: 11th February 2021

Dear

ATISN 14771 - Businesses removed from supplier matrix

Information requested

Thank you for your request which I received on 16th January 2021. You asked for:

1. The details of any company that has been asked to leave or have been removed from any of the Welsh Government supplier matrixes during the period of the 1st of March 2020 and now, the 16th of January 2021. Supply their trading names and confirm what matrices they were included on.
2. The specific details concerning what legislative policies the Welsh Government has in place through its procurement concerning the ability for a supplier to not be, or to be, allowed to continue to supply the Welsh Government should that company get into financial difficulties and be forced clearly through Covid 19 and the government's own policies to restructure.

In particular if an in contract supplier company has been through a restructuring process where the company's assets, goodwill and continuing contracts have be assigned through purchase as part of this process, whether or not the outstanding and forward contracts to the Welsh Government in place at that time, will , or will not, be honoured in full.

3. The specific details (names and addresses) of any companies that have been allowed to continue trading with the Welsh Government within the Communications (and any other relevant creative) contract matrices from the year 2000 to the present day after they restructured either through an insolvency or an administration process.

Following clarification on 19th January 2021, you confirmed that, the information required across the three points above, relates solely to the Communication and Marketing Framework, Reference number: F385/2017/2018, awarded in 2018.

Our response

The information you requested is enclosed.

1. During the period of the 1st of March 2020 and the 16th of January 2021, one supplier has been removed from the Communication and Marketing Framework, Reference number: F385/2017/2018. The detail is as follows:

- Event Exhibition & Design Ltd

2. The Communication and Marketing Framework, Reference number: F385/2017/2018, was awarded under the following terms and conditions:

Welsh Government's Standard Conditions for the Supply of Services, 2018 (VWCPS SCON - SERVICES – Version 1.0 May 2018).

Consequently, these terms and conditions would apply to the Framework (F385/201/2018).

In these circumstances the relevant clause would be *Condition 44 Termination, specifically conditions 44.1 and 44.1.3*, which are copied below for reference:

44.1 The Client may at any time by notice terminate this Contract as from the date of deemed receipt of such notice (as provided in Condition 53.5) if:

44.1.3 the Supplier, being a company, passes a resolution, or the Court makes an order that the Supplier or its Parent Company be wound up otherwise than for the purpose of a bona fide reconstruction or amalgamation, or a receiver, manager or administrator on behalf of a creditor is appointed in respect of the business or any part thereof of the Supplier or the Parent Company, or circumstances arise which entitle the Court or a creditor to appoint a receiver, manager or administrator or which entitle the Court otherwise than for the purpose of a bona fide reconstruction or amalgamation to make a winding up order, or the Supplier or its Parent Company is unable to pay its debts within the meaning of Section 123 of the Insolvency Act 1986 or any similar event occurs under the law of any other jurisdiction; or

Conditions 44.1 and 44.1.3 permit Welsh Government to terminate the contract in the circumstances where the supplier is restructured or enters financial difficulties.

3. In respect of your request concerning the specific details of any companies that have been allowed to continue trading with the Welsh Government within the Communication and Marketing Framework, Reference number: F385/2017/2018 from 2000 to the present day after they restructured either through an insolvency or an administration process, the response is nil.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely