



Llywodraeth Cymru
Welsh Government

Sesiwn Sbotolau: Bil Caffael Llywodraeth y Deyrnas Unedig

Spotlight Session: The UK Government's Procurement Bill

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Yr hyn y byddwn yn ei drafod

What we will cover

- Cefndir i ddiwygiadau caffael arfaethedig Llywodraeth y DU
- Crynodeb o'r prif newidiadau sy'n effeithio ar Landlordiaid Cymdeithasol Cofrestredig (LCC)
- Perthynas â Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) a Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015
- Cyfleoedd i LCC yng Nghymru
- Background to the UK Government's proposed procurement reforms
- Summary of the main changes affecting RSLs
- Interaction with the Social Partnership and Public Procurement (Wales) Bill and the Well-being of Future Generations (Wales) Act 2015
- Opportunities for RSLs in Wales



Y dirwedd gaffael newidiol ar gyfer LCC yng Nghymru

The changing procurement landscape for RSLs in Wales

Procurement Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office, have been ordered to be published as HL Bill 4 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord True has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Procurement Bill [HL] are compatible with the Convention rights.

ACCOMPANYING DOCUMENTS
Explanatory Notes and an Explanatory Memorandum are printed separately.

Social Partnership and Public Procurement (Wales) Bill [AS INTRODUCED]

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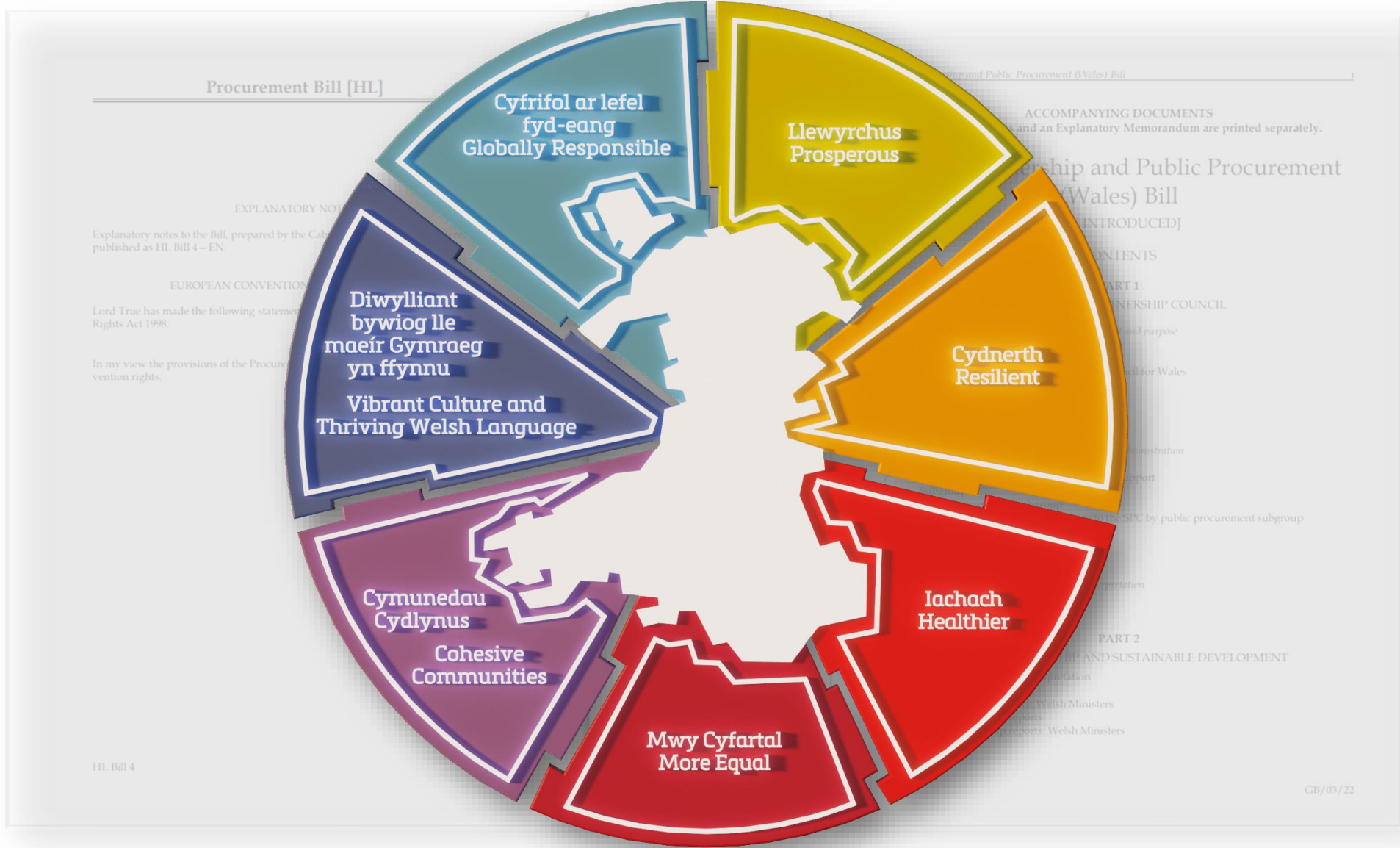
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Y dirwedd gaffael newidiol ar gyfer LCC yng Nghymru

The changing procurement landscape for RSLs in Wales





Bil Caffael – Crynodeb o'r prif newidiadau

Procurement Bill – Summary of main changes

- Llai o weithdrefnau ar gael
- Dyfarnu contractau ar sail “Tendr Mwyaf Manteisiol”
- Rhaid i Awdurdodau Contractio Cymru roi sylw i Ddatganiad Polisi Caffael Cymru
- Cytundebau Fframwaith
- Cyfnod segur
- Tryloywder a Llwyfan Canolog
- Atal a Gwahardd
- Goruchwyliaeth caffael
- Fewer procedures available
- Contracts awarded on the basis of “Most Advantageous Tender”
- Welsh Contracting Authorities must have regard to the Wales Procurement Policy Statement
- Framework Agreements
- Standstill Period
- Transparency and Central Platform
- Debarment and Exclusion
- Procurement oversight



Bil Caffael – Gweithdrefnau Procurement Bill – Procedures

- Tair gweithdrefn yn lle'r saith presennol:
 - ✓ Gweithdrefn agored
 - ✓ Gweithdrefn gystadleuol hyblyg
 - ✓ Gweithdrefn dyfarnu uniongyrchol
- Seven existing procurement procedures replaced with three:
 - ✓ Open procedure
 - ✓ Flexible competitive procedure
 - ✓ Direct award procedure



Bil Caffael – Datganiad Polisi Caffael Cymru

Procurement Bill – Wales Procurement Policy Statement





Bill Caffael - Fframweithiau Procurement Bill – Frameworks

- Fframweithiau Agored
 - ✓ Rhaid ail-agor y gystadleuaeth o leiaf unwaith yn ystod y 3 blynedd gyntaf, ac yna o leiaf unwaith ym mhob cyfnod dilynol o 5 mlynedd
 - ✓ Uchafswm tymor o 8 mlynedd (neu 4 blynedd os dyfernir fframwaith agored i 1 cyflenwr yn unig)
- Fframweithiau Caeedig
 - ✓ Uchafswm tymor o 4 blynedd*
- Open Frameworks
 - ✓ Must reopen competition at least once in first 3 years, and then at least once in each subsequent 5 year period
 - ✓ Maximum term of 8 years (or 4 years if open framework is only awarded to 1 supplier)
- Closed Frameworks
 - ✓ Maximum term of 4 years*



Bil Caffael - Tryloywder

Procurement Bill – Transparency

- Mae'r Bil yn cynnwys hysbysiadau newydd y bydd angen i WCA eu cyhoeddi, gan gynnwys:
 - ✓ Hysbysiad ymgysylltu â'r farchnad rhagarweiniol
 - ✓ Hysbysiad tryloywder (cyn unrhyw ddyfarniad uniongyrchol)
 - ✓ Hysbysiad cydymffurfio â thaliad
 - ✓ Hysbysiad newid contract
 - ✓ Hysbysiad terfynu contract
 - ✓ Hysbysiad tendro islaw'r trothwy
 - ✓ Hysbysiad piblinell
- Bill includes new notices that WCA will need to publish, including:
 - ✓ Preliminary market engagement notice
 - ✓ Transparency notice (before any direct award)
 - ✓ Payment compliance notice
 - ✓ Contract change notice
 - ✓ Contract termination notice
 - ✓ Below-threshold tender notice
 - ✓ Pipeline notice



Bil Caffael – Atal a Gwahardd Procurement Bill – Debarment and Exclusion

- Seiliau gwahardd gorfodol a dewisol wedi'u nodi mewn Atodlenni manwl
- Sail gwahardd dewisol am “dorri contract a pherfformiad gwael”
- Rhestr atal a reolir yn ganolog
- Mandatory and discretionary exclusion grounds set out in detailed Schedules
- Discretionary exclusion ground for “breach of contract and poor performance”
- Centrally managed debarment list



Diwygio'r DU a Biliau Cymru UK Reform and Wales' Bills

- Mae'r 'Ddyletswydd Caffael Cymdeithasol Gyfrifol' ym **Mil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru)** (*a gyflwynwyd ar 7 Mehefin 2022*), yn sicrhau bod caffael cyhoeddus yn arf mwy effeithiol ar gyfer cyflawni gwerth cymdeithasol a chefnogi canlyniadau polisi strategol allweddol yng Nghymru.
- Bydd y system symlach, hyblyg a mwy tryloyw a nodir **yn y Bil Caffael** yn caniatáu mwy o ffocws ar werth cymdeithasol ac yn helpu i leihau rhwystrau i fynediad i fusnesau llai a mentrau cymdeithasol.
- The 'Socially Responsible Procurement Duty' in **Social Partnership and Public Procurement (Wales) Bill** (*introduced 7 June 2022*), ensures public procurement is a more effective tool for delivering social value and supporting key strategic policy outcomes in Wales.
- The simpler, flexible and more transparent system set out in **the Procurement Bill** will allow for more focus on social value and help reduce barriers to entry for smaller businesses and social enterprises.



Diwygio'r DU a Biliau Cymru UK Reform and Wales' Bills

- Mae'r 'Ddyletswydd Caffael Cymdeithasol Gyfrifol' ym **Mil Partneriaeth Gymdeithasol a Chaffael Cymdeithasol a Chaffael Cymdeithasol (Cymru)** (a gyflwynwyd a 2022), yn sicrhau bod cael cerbydau arf mwy effeithiol ar gyfer cymdeithasol a chefnoga strategol allweddol yng

- Bydd y system symlach tryloyw a nodir yn y **Bil** caniatáu mwy o ffocws ar cymdeithasol ac yn helpu i rhwystrau i fynediad i fusnesau mentrau cymdeithasol.



Bil Caffael - Cyfleoedd i Gymru

Procurement Bill - Opportunities for Wales

Cyfleoedd:

- Agwedd gyson at ddiwygio caffael.
- Bydd data caffael mwy tryloyw yn cefnogi dadansoddiad o sut mae arian cyhoeddus Cymru yn cael ei wario.
- Bydd gan Landlordiaid Cymdeithasol Cofrestredig yng Nghymru fwy o hyblygrwydd i ddefnyddio caffael i gyflawni eu nodau a'u hamcanion llesiant sefydliadol eu hunain.

Opportunities:

- A consistent approach to procurement reform.
- More transparent procurement data will support analysis of how Welsh public money is spent.
- RSLs in Wales will have more flexibility to use procurement to achieve their own organisational well-being goals and objectives.



Y Bil Caffael - Cyfleoedd i LCC

Procurement Bill - Opportunities for RSLs

Cyfleoedd:

- Fframweithiau Agored
- Tendr mwyaf Manteisiol
- Datganiad Polisi Caffael Cymru
- Buddion i fusnesau bach a chanolig

Opportunities:

- Open Frameworks
- Most Advantageous Tender
- Wales Procurement Policy Statement
- Benefits for SMEs



Bil Caffael – ble'r ydyn ni arni?

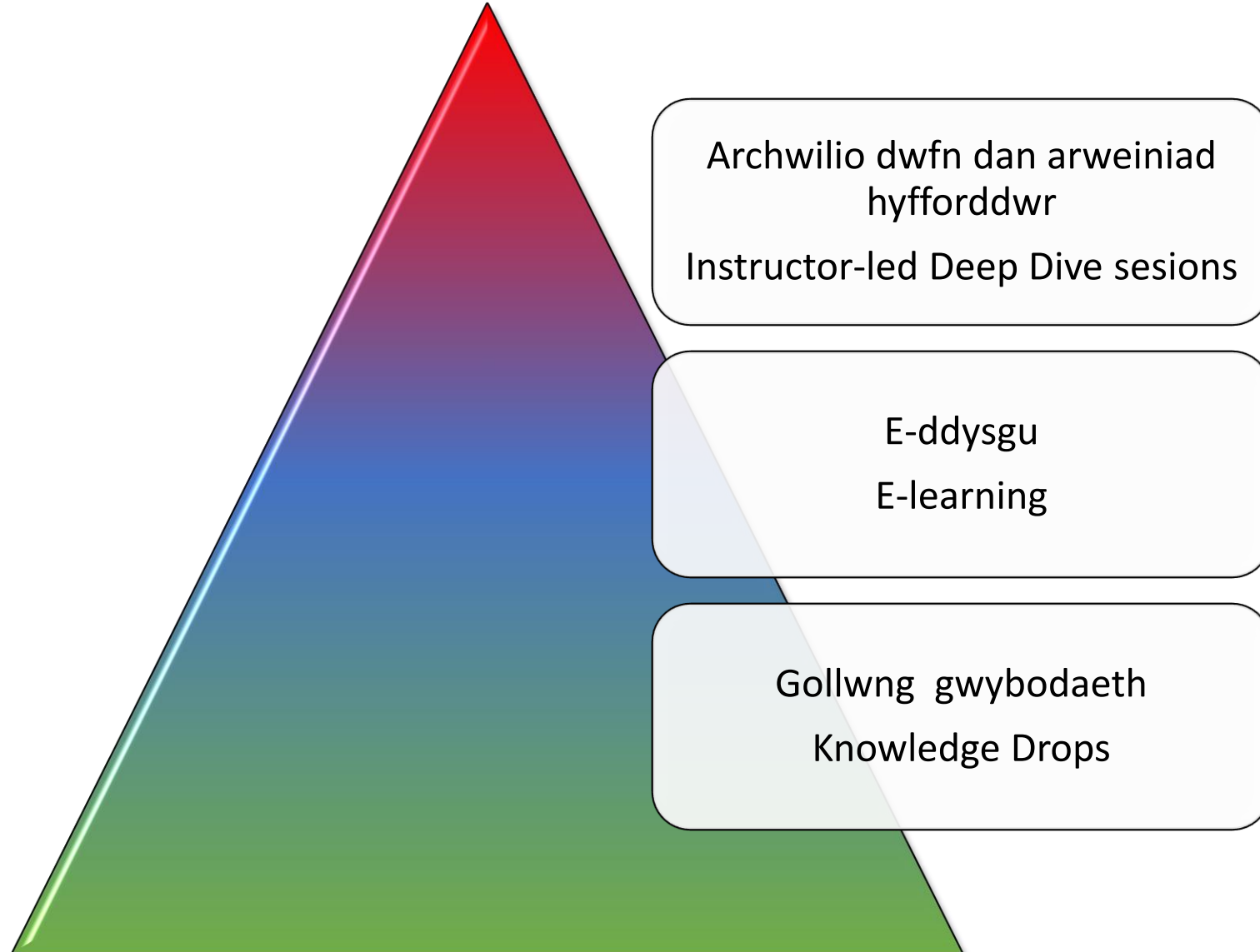
Procurement Bill – where are we now?

- Gosod Memoranda Cydsyniad Deddfwriaethol yn y Senedd ym mis Mehefin a mis Gorffennaf
- Yn San Steffan, mae'r Bil yn mynd drwy '**gyfnod Pwyllgor Tŷ'r Arglwyddi**' – archwiliad fesul llinell o'r Bil.
- Y Bil diwygiedig yn symud i'r cyfnod adrodd ar gyfer craffu pellach.
- Is-ddeddfwriaeth yn cael ei drafftio ar hyn o bryd.
- Legislative Consent Memoranda laid in Senedd in June and July
- In Westminster, Bill is going through the '**Lords' Committee stage**' - line by line examination of the Bill.
- Amended Bill moves to report stage for further scrutiny.
- Secondary legislation currently being drafted.



Y Bil Caffael – cefnogaeth yn y dyfodol

Procurement Bill – future support





Cymryd rhan Get involved

- Rydym yn parhau â'n hymrwymiad i weithio gyda rhanddeiliaid ledled Cymru.
- Gallwn nawr gasglu adborth mwy penodol a chael dealltwriaeth gliriach o'r effaith arnoch chi.
- Ac yn eich cadw mewn cysylltiad â chymorth, arweiniad a gwybodaeth newydd
- I rannu mewnwelediadau a chofrestru ar gyfer diweddariadau rheolaidd e-bostiwrch ni yn:
TimDiwygiorBrosesGaffael@llyw.cymru
- We are continuing our commitment to work with stakeholders across Wales.
- We can now gather more focussed feedback and get a clearer understanding of the impact on you.
- And keep you in touch with new support, guidance and information
- To share insights and sign up for regular updates email us at:
ProcurementReformTeam@gov.wales