



# Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1

## PART 3

### SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT

#### CHAPTER 3

##### REPORTING AND ACCOUNTABILITY

#### **39 Annual socially responsible procurement reports**

- (1) A contracting authority that has awarded any prescribed contracts during a financial year must prepare and publish an annual report on its public procurement as soon as reasonably practicable after the end of that year.
- (2) The report must include—
  - (a) a summary of the public procurement exercises during the year that led to the award of a prescribed contract or were intended to lead to the award of such a contract;
  - (b) a review of the extent to which all reasonable steps were taken in those public procurement exercises to meet the authority's socially responsible procurement objectives;
  - (c) in so far as the authority considers that further steps could reasonably be taken in future public procurement exercises to meet its socially responsible procurement objectives, a statement of how it intends to take those steps;
  - (d) a summary of the public procurement the authority expects to carry out in the next two financial years;
  - (e) information of the kind mentioned in subsection (3) that must be specified by regulations made by the Welsh Ministers;

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- (f) other information as may be specified by regulations made by the Welsh Ministers.
- (3) The information referred to in subsection (2)(e) is information that the Welsh Ministers consider they require in order to assess the extent to which—
- (a) a contracting authority meeting its socially responsible procurement objectives contributes to the achievement of the well-being goals;
  - (b) a contracting authority's public procurement, generally, contributes to the achievement of the well-being goals, for example by—
    - (i) benefitting the economy of its area, including through the award of contracts to small and medium sized enterprises;
    - (ii) taking environmental considerations into account;
    - (iii) taking (other) social considerations into account;
    - (iv) promoting and facilitating use of the Welsh language.

#### **40 Contracts register**

- (1) A contracting authority must create, maintain and publish a contracts register.
- (2) A contracts register is a register of public contracts entered into by the contracting authority that are of a description prescribed by the Welsh Ministers by regulations ("registrable contracts").
- (3) In relation to each registrable contract, a contracts register must contain—
  - (a) the date of award of the contract;
  - (b) the name of the contractor;
  - (c) the address of the contractor's principal place of business;
  - (d) the subject matter;
  - (e) the estimated value;
  - (f) the start date;
  - (g) the end date provided for in the contract (disregarding any option to extend the contract) or, where there is no date specified, a description of the circumstances in which the contract will end;
  - (h) the duration of any period for which the contract can be extended;
  - (i) such other information as prescribed by the Welsh Ministers by regulations.
- (4) But an authority may withhold from publication an entry, or part of an entry, in the register if it considers that publishing it would—
  - (a) impede enforcement of the law or otherwise be contrary to the public interest,
  - (b) prejudice the commercial interests of any person,
  - (c) prejudice fair competition between economic operators, or
  - (d) disclose a residential address (in the case of information referred to in subsection (3)(c)).
- (5) An authority may delete an entry in its contracts register only after the contract to which it relates has expired or been terminated.

#### **41 Procurement investigations**

- (1) The Welsh Ministers may investigate how a contracting authority carries out public procurement.

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- (2) An investigation may relate to a specific public procurement exercise carried out by a contracting authority or to its public procurement activities more generally.
- (3) The Welsh Ministers may, by notice, require a contracting authority to provide such documents or other information as the Welsh Ministers may require for the purposes of an investigation under this section, in such form or manner as may be specified in the notice.
- (4) A contracting authority must—
  - (a) provide reasonable assistance to the Welsh Ministers in relation to an investigation;
  - (b) comply with a notice under subsection (3) as soon as reasonably practicable.
- (5) After completing the investigation, the Welsh Ministers may—
  - (a) make recommendations to the contracting authority;
  - (b) publish a report of the results of the investigation;
  - (c) lay a copy of any report published before the Senedd.

#### **42 Welsh Ministers' annual report on public procurement**

- (1) As soon as reasonably practicable after the end of a financial year, the Welsh Ministers must prepare a report on public procurement in Wales that year.
- (2) The report must, in particular, include information about—
  - (a) the annual procurement reports published under section 39;
  - (b) the results of any investigations under section 41.
- (3) The Welsh Ministers must publish the report and lay a copy of it before the Senedd.