



Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023

2023 dsc 1

Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

£11.50



Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023

2023 dsc 1

Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1



Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023

2023 dsc 1

CYNNWYS

RHAN 1

Y CYNGOR PARTNERIAETH GYMDEITHASOL

Ei sefydlu a'i ddiben

- 1 Cyngor Partneriaeth Gymdeithasol Cymru
- 2 Aelodaeth Cyngor Partneriaeth Gymdeithasol Cymru
- 3 Cynrychiolwyr cyflogwyr
- 4 Cynrychiolwyr gweithwyr
- 5 Enwebu aelodau penodedig
- 6 Cyfnod penodiadau

Ei weithredu a'i weinyddu

- 7 Cyfarfodydd, gweithdrefnau a chymorth gweinyddol
- 8 Is-grwpiau
- 9 Is-grŵp caffael cyhoeddus
- 10 Darparu gwybodaeth a chyngor i'r CPG gan yr is-grŵp caffael cyhoeddus
- 11 Cyfarfod o bell
- 12 Treuliau
- 13 Pwerau atodol

Dehongli

- 14 Dehongli Rhan 1



Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1

CONTENTS

PART 1

THE SOCIAL PARTNERSHIP COUNCIL

Establishment and purpose

- 1 Social Partnership Council for Wales
- 2 Membership of the Social Partnership Council for Wales
- 3 Employer representatives
- 4 Worker representatives
- 5 Nomination of appointed members
- 6 Duration of appointments

Operation and administration

- 7 Meetings, procedures and administrative support
- 8 Subgroups
- 9 Public procurement subgroup
- 10 Provision of information and advice to the SPC by public procurement subgroup
- 11 Meeting remotely
- 12 Expenses
- 13 Supplementary powers

Interpretation

- 14 Interpretation of Part 1

RHAN 2**PARTNERIAETH GYMDEITHASOL A DATBLYGU CYNALIADWY**

- 15 Trosolwg o'r Rhan a dehongli
 16 Dyletswydd partneriaeth gymdeithasol
 17 Dyletswydd partneriaeth gymdeithasol: Gweinidogion Cymru
 18 Adroddiadau partneriaeth gymdeithasol
 19 Adroddiadau partneriaeth gymdeithasol: Gweinidogion Cymru
 20 Gwaith teg

RHAN 3**CAFFAEL CYHOEDDUS CYMDEITHASOL GYFRIFOL****PENNOD 1****CYFLWYNIAD***Cysyniadau allweddol*

- 21 Contractau cyhoeddus
 22 Awdurdodau contractio
 23 Caffael cyhoeddus

PENNOD 2**DYLETSWYDD CAFFAEL CYMDEITHASOL GYFRIFOL***Y ddyletswydd caffael cymdeithasol gyfrifol*

- 24 Dyletswydd caffael cymdeithasol gyfrifol
 25 Dyletswydd caffael cymdeithasol gyfrifol: contractau adeiladu mawr
 26 Dyletswydd caffael cymdeithasol gyfrifol: contractau allanoli gwasanaethau

Cymalau gweithiau cyhoeddus cymdeithasol

- 27 Cymalau gweithiau cyhoeddus cymdeithasol mewn contractau adeiladu mawr
 28 Cymalau gweithiau cyhoeddus cymdeithasol mewn is-gontractau
 29 Cymalau gweithiau cyhoeddus cymdeithasol: hysbysu Gweinidogion Cymru
 30 Cymalau gweithiau cyhoeddus cymdeithasol: ymateb Gweinidogion Cymru
 31 Cymalau gweithiau cyhoeddus cymdeithasol: contractau Gweinidogion Cymru

Cymalau gweithlu cyhoeddus cymdeithasol a chod ymarfer allanoli gwasanaethau cyhoeddus

- 32 Y cod allanoli gwasanaethau cyhoeddus a'r gweithlu
 33 Cymalau gweithlu cyhoeddus cymdeithasol mewn contractau allanoli gwasanaethau
 34 Cymalau gweithlu cyhoeddus cymdeithasol mewn is-gontractau
 35 Cymalau gweithlu cyhoeddus cymdeithasol: hysbysu Gweinidogion Cymru
 36 Cymalau gweithlu cyhoeddus cymdeithasol: ymateb Gweinidogion Cymru
 37 Cymalau gweithlu cyhoeddus cymdeithasol: contractau Gweinidogion Cymru

PART 2

SOCIAL PARTNERSHIP AND SUSTAINABLE DEVELOPMENT

- 15 Overview of Part and interpretation
- 16 Social partnership duty
- 17 Social partnership duty: Welsh Ministers
- 18 Social partnership reports
- 19 Social partnership reports: Welsh Ministers
- 20 Fair work

PART 3

SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT

CHAPTER 1

INTRODUCTION

Key concepts

- 21 Public contracts
- 22 Contracting authorities
- 23 Public procurement

CHAPTER 2

SOCIALLY RESPONSIBLE PROCUREMENT DUTY

The socially responsible procurement duty

- 24 Socially responsible procurement duty
- 25 Socially responsible procurement duty: major construction contracts
- 26 Socially responsible procurement duty: outsourcing services contracts

Social public works clauses

- 27 Social public works clauses in major construction contracts
- 28 Social public works clauses in subcontracts
- 29 Social public works clauses: notifying the Welsh Ministers
- 30 Social public works clauses: Welsh Ministers' response
- 31 Social public works clauses: Welsh Ministers' contracts

Social public workforce clauses and code of practice on outsourcing public services

- 32 Public services outsourcing and workforce code
- 33 Social public workforce clauses in outsourcing services contracts
- 34 Social public workforce clauses in subcontracts
- 35 Social public workforce clauses: notifying the Welsh Ministers
- 36 Social public workforce clauses: Welsh Ministers' response
- 37 Social public workforce clauses: Welsh Ministers' contracts

Strategaethau caffael

38 Strategaeth gaffael

PENNOD 3**ADRODD AC ATEBOLRWYDD**

- 39 Adroddiadau caffael cymdeithasol gyfrifol blynyddol
40 Cofrestr contractau
41 Ymchwiliadau caffael
42 Adroddiad blynyddol Gweinidogion Cymru ar gaffael cyhoeddus

PENNOD 4**CYFFREDINOL**

- 43 Canllawiau
44 Rheoliadau
45 Dehongli Rhan 3

RHAN 4**DARPARIAETHAU TERFYNOL**

- 46 Dehongli cyffredinol
47 Mân ddiwygiad i DLICD 2015
48 Dod i rym
49 Enw byr

Atodlen 1 - Awdurdodau contractio

Atodlen 2 - Amcanion caffael cymdeithasol gyfrifol

Procurement strategies

38 Procurement strategy

CHAPTER 3

REPORTING AND ACCOUNTABILITY

39 Annual socially responsible procurement reports

40 Contracts register

41 Procurement investigations

42 Welsh Ministers' annual report on public procurement

CHAPTER 4

GENERAL

43 Guidance

44 Regulations

45 Interpretation of Part 3

PART 4

FINAL PROVISIONS

46 General interpretation

47 Minor amendment of the WFGA 2015

48 Coming into force

49 Short title

Schedule 1 – Contracting authorities

Schedule 2 – Socially responsible procurement objectives



Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023

Deddf gan Senedd Cymru i wneud darpariaeth ynghylch datblygu cynaliadwy yn unol ag egwyddor partneriaeth gymdeithasol; ynghylch caffael cyhoeddus gymdeithasol gyfrifol; i sefydlu Cyngor Partneriaeth Gymdeithasol Cymru, ac at ddibenion cysylltiedig. [24 Mai 2023]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:

RHAN 1

Y CYNGOR PARTNERIAETH GYMDEITHASOL

Ei sefydlu a'i ddiben

1 Cyngor Partneriaeth Gymdeithasol Cymru

- (1) Sefydlir Cyngor Partneriaeth Gymdeithasol Cymru (“CPG”).
- (2) At ddibenion gwella llesiant economaidd, amgylcheddol, cymdeithasol a diwylliannol (gan gynnwys drwy wella gwasanaethau cyhoeddus) yng Nghymru, caiff yr CPG ddarparu gwybodaeth a chynghor i Weinidogion Cymru mewn perthynas ag—
 - (a) y dyletswyddau partneriaeth gymdeithasol y mae’r Ddeddf hon yn eu gosod ar gyrff cyhoeddus ac ar Weinidogion Cymru (gweler Rhan 2);
 - (b) ymgynraedd at nod llesiant “Cymru lewyrchus” gan gyrff cyhoeddus wrth ymgymryd â datblygu cynaliadwy o dan DLICD 2015 (gweler Rhan 2);
 - (c) y swyddogaethau a roddir i awdurdodau contractio a Gweinidogion Cymru o dan Ran 3 (caffael cyhoeddus gymdeithasol gyfrifol).
- (3) Caiff yr CPG ddarparu gwybodaeth neu gynghor ar fater y cyfeirir ato yn is-adran (2) ohono’i hun neu mewn ymateb i gais a wneir gan Weinidogion Cymru.
- (4) Pan fo’r CPG yn cael cais gan Weinidogion Cymru o dan is-adran (3), rhaid i’r CPG ddarparu’r wybodaeth neu’r cynghor cyn gynted ag y bo’n rhesymol ymarferol.



Social Partnership and Public Procurement (Wales) Act 2023

An Act of Senedd Cymru to make provision about sustainable development in accordance with a principle of social partnership; about socially responsible public procurement; establishing a Social Partnership Council for Wales; and for connected purposes. [24 May 2023]

Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:

PART 1

THE SOCIAL PARTNERSHIP COUNCIL

Establishment and purpose

1 Social Partnership Council for Wales

- (1) There is to be a Social Partnership Council for Wales (“SPC”).
- (2) For the purposes of improving economic, environmental, social, and cultural well-being (including by improving public services) in Wales, the SPC may provide information and advice to the Welsh Ministers in relation to—
 - (a) the social partnership duties which this Act imposes on public bodies and the Welsh Ministers (see Part 2);
 - (b) the pursuit of the “A prosperous Wales” well-being goal by public bodies when carrying out sustainable development under the WFGA 2015 (see Part 2);
 - (c) the functions conferred on contracting authorities and the Welsh Ministers under Part 3 (socially responsible public procurement).
- (3) The SPC may provide information or advice on a matter referred to in subsection (2) of its own accord or in response to a request made by the Welsh Ministers.
- (4) Where the SPC receives a request from the Welsh Ministers under subsection (3), the SPC must provide the information or advice as soon as reasonably practicable.

2 Aelodaeth Cyngor Partneriaeth Gymdeithasol Cymru

- (1) Mae'r CPG i gynnwys yr aelodau a ganlyn—
 - (a) aelodau o Lywodraeth Cymru ("aelodau Llywodraeth Cymru"),
 - (b) 9 cynrychiolydd cyflogwyr yng Nghymru ("cynrychiolwyr cyflogwyr"), ac
 - (c) 9 cynrychiolydd gweithwyr yng Nghymru ("cynrychiolwyr gweithwyr").
- (2) Mae aelodau Llywodraeth Cymru i gynnwys y Prif Weinidog a, phan wahoddir hwy gan y Prif Weinidog o bryd i'w gilydd—
 - (a) unrhyw un neu ragor o Weinidogion eraill Cymru;
 - (b) unrhyw un neu ragor o Ddirprwy Weinidogion Cymru;
 - (c) y Cwnsler Cyffredinol;
 - (d) unrhyw aelod o staff Llywodraeth Cymru.
- (3) Rhaid i'r Prif Weinidog benodi pob cynrychiolydd cyflogwyr a phob cynrychiolydd gweithwyr (gyda'i gilydd, "aelodau penodedig").
- (4) Rhaid i'r Prif Weinidog gymryd pob cam rhesymol i benodi'r 9 cynrychiolydd cyflogwyr cychwynnol a'r 9 cynrychiolydd gweithwyr cychwynnol o fewn 6 mis gan ddechrau â thrannoeth y diwrnod y daw'r is-adran hon i rym.
- (5) Yn y Ddeddf hon, mae cyfeiriad at "Cyngor Partneriaeth Gymdeithasol Cymru" neu "CPG" yn gyfeiriad at aelodau'r CPG yn gweithredu ar y cyd; yn unol â hynny, mae swyddogaeth a fynegir fel un o swyddogaethau'r CPG yn swyddogaeth i bob aelod na chaniateir ei harfer ond ar y cyd â'r aelodau eraill.

3 Cynrychiolwyr cyflogwyr

Mae'r cynrychiolwyr cyflogwyr i gynnwys unigolion y mae'r Prif Weinidog yn ystyried eu bod yn cynrychioli cyflogwyr cyrff cyhoeddus, cyflogwyr sector preifat, cyflogwyr sefydliadau gwirfoddol, cyflogwyr addysg uwch a chyflogwyr addysg bellach.

4 Cynrychiolwyr gweithwyr

Mae'r cynrychiolwyr gweithwyr i gynnwys unigolion y mae'r Prif Weinidog yn ystyried eu bod yn cynrychioli staff sy'n gweithio i bob categori o gyflogwr y cyfeirir ato yn adran 3.

5 Enwebu aelodau penodedig

- (1) Cyn penodi cynrychiolwyr cyflogwyr, rhaid i'r Prif Weinidog geisio enwebiadau gan bersonau neu gyrff y mae'r Prif Weinidog yn ystyried eu bod yn cynrychioli barn y categorïau o gyflogwr y cyfeirir atynt yn adran 3.
- (2) Cyn penodi cynrychiolwyr gweithwyr, rhaid i'r Prif Weinidog geisio enwebiadau gan y corff sy'n cynrychioli undebau llafur yng Nghymru a adnabyddir fel Wales TUC Cymru.
- (3) Wrth benodi cynrychiolwyr cyflogwyr, rhaid i'r Prif Weinidog roi sylw i unrhyw enwebiadau a wnaed o dan is-adran (1).
- (4) Wrth benodi cynrychiolwyr gweithwyr, ni chaiff y Prif Weinidog ond penodi unigolion sydd wedi eu henwebu o dan is-adran (2).

2 Membership of the Social Partnership Council for Wales

- (1) The SPC is to consist of the following members –
 - (a) members from the Welsh Government (“Welsh Government members”),
 - (b) 9 representatives of employers in Wales (“employer representatives”), and
 - (c) 9 representatives of workers in Wales (“worker representatives”).
- (2) The Welsh Government members are to include the First Minister and, where invited by the First Minister from time to time –
 - (a) any other Welsh Minister;
 - (b) any Deputy Welsh Minister;
 - (c) the Counsel General;
 - (d) any member of staff of the Welsh Government.
- (3) The First Minister must appoint all the employer representatives and worker representatives (collectively, “appointed members”).
- (4) The First Minister must take all reasonable steps to appoint the initial 9 employer representatives and the initial 9 worker representatives within 6 months beginning with the day after this subsection comes into force.
- (5) In this Act, a reference to the “Social Partnership Council for Wales” or “SPC” is a reference to the members of the SPC acting jointly; accordingly, a function expressed as a function of the SPC is a function of each member that may only be exercised jointly with the other members.

3 Employer representatives

The employer representatives are to consist of individuals who the First Minister considers represent public body employers, private sector employers, voluntary organisation employers, higher education employers and further education employers.

4 Worker representatives

The worker representatives are to consist of individuals who the First Minister considers represent staff working for each category of employer referred to in section 3.

5 Nomination of appointed members

- (1) Before appointing employer representatives, the First Minister must seek nominations from persons or bodies who the First Minister considers represent the views of the categories of employer referred to in section 3.
- (2) Before appointing worker representatives, the First Minister must seek nominations from the body representing trade unions in Wales known as Wales TUC Cymru.
- (3) When appointing employer representatives, the First Minister must have regard to any nominations made under subsection (1).
- (4) When appointing worker representatives, the First Minister must only appoint individuals who have been nominated under subsection (2).

6 Cyfnod penodiadau

- (1) Penodir aelodau penodedig am 3 blynedd oni bai—
 - (a) bod y Prif Weinidog yn terfynu'r penodiad drwy hysbysu'r aelod yn ysgrifenedig, neu
 - (b) bod yr aelod penodedig yn ymddiswyddo drwy hysbysu'r Prif Weinidog yn ysgrifenedig.
- (2) Rhaid i'r Prif Weinidog lenwi unrhyw swyddi gwag cyn gynted ag y bo'n rhesymol ymarferol.

Ei weithredu a'i weinyddu

7 Cyfarfodydd, gweithdrefnau a chymorth gweinyddol

- (1) Rhaid i'r CPG gyfarfod o leiaf 3 gwaith ym mhob cyfnod o 12 mis sy'n dechrau drannoeth y diwrnod y gwnaeth y Prif Weinidog yr holl benodiadau cychwynnol a grybwyllir yn adran 2.
- (2) Pan fo hynny'n bosibl, rhaid i'r Prif Weinidog gadeirio cyfarfodydd yr CPG.
- (3) Pan na fo'n bosibl i'r Prif Weinidog gadeirio cyfarfod, rhaid i un o Weinidogion Cymru neu un o Ddirprwy Weinidogion Cymru a enwebwyd gan y Prif Weinidog gadeirio'r cyfarfod.
- (4) O fewn 6 mis gan ddechrau â thrannoeth y diwrnod y daw'r is-adran hon i rym, rhaid i Weinidogion Cymru bennu a chyhoeddi—
 - (a) y cworwm ar gyfer cyfarfodydd yr CPG, a
 - (b) y gweithdrefnau i'w dilyn gan yr CPG, i'r graddau nad ydynt wedi eu pennu yn y Ddeddf hon.
- (5) Caiff Gweinidogion Cymru, ar ôl ymgynghori â'r CPG, ddiwygio unrhyw beth a bennir o dan is-adran (4) a rhaid iddynt gyhoeddi unrhyw ddiwygiadau o'r fath.
- (6) Rhaid i weithdrefnau'r CPG gynnwys—
 - (a) y gweithdrefnau ar gyfer trefnu cyfarfodydd gan gynnwys y rhybudd sydd i'w roi i'r mynychwyr a sut y caiff mynychwyr ychwanegu eitemau at agenda cyfarfodydd;
 - (b) y weithdrefn ar gyfer datrys anghytuno rhwng aelodau mewn perthynas ag arfer swyddogaethau'r CPG;
 - (c) y gweithdrefnau ar gyfer darparu gwybodaeth a chyngor i Weinidogion Cymru.
- (7) Rhaid i Weinidogion Cymru beri bod cymorth gweinyddol ar gael i'r CPG.

8 Is-grwpiau

- (1) Caiff yr CPG sefydlu is-grwpiau.
- (2) Caiff is-grŵp—
 - (a) cyflawni unrhyw swyddogaeth a ddirprwyir iddo gan yr CPG;
 - (b) cynorthwyo'r CPG i gyflawni ei swyddogaethau mewn unrhyw ffyrdd a bennir gan yr CPG.

6 Duration of appointments

- (1) Appointed members are appointed for 3 years unless –
 - (a) the First Minister terminates the appointment by notifying the member in writing, or
 - (b) the appointed member resigns by notifying the First Minister in writing.
- (2) The First Minister must fill any vacancies as soon as reasonably practicable.

Operation and administration

7 Meetings, procedures and administrative support

- (1) The SPC must meet at least 3 times in each 12 month period beginning with the day after the First Minister has made all the initial appointments mentioned in section 2.
- (2) Where possible, the First Minister must chair the SPC's meetings.
- (3) Where it is not possible for the First Minister to chair a meeting, the meeting must be chaired by a Welsh Minister or Deputy Welsh Minister nominated by the First Minister.
- (4) Within 6 months beginning with the day after this subsection comes into force, the Welsh Ministers must specify and publish –
 - (a) the quorum for SPC meetings, and
 - (b) the procedures to be followed by the SPC, in so far as they are not specified in this Act.
- (5) The Welsh Ministers may, after consulting the SPC, revise anything specified under subsection (4) and must publish any such revisions.
- (6) The SPC's procedures must include –
 - (a) the procedures for arranging meetings including notice to be given to attendees and how attendees may add items to the agenda for meetings;
 - (b) the procedure for resolving a disagreement between members relating to the exercise of the SPC's functions;
 - (c) the procedures for providing information and advice to the Welsh Ministers.
- (7) The Welsh Ministers must make administrative support available to the SPC.

8 Subgroups

- (1) The SPC may establish subgroups.
- (2) A subgroup may –
 - (a) carry out any function delegated to it by the SPC;
 - (b) help the SPC carry out its functions in any ways specified by the SPC.

- (3) O ran is-grŵp –
- (a) rhaid i aelod o'r CPG ei gadeirio, a
 - (b) caiff gynnwys aelodau eraill o'r CPG ac unigolion eraill.

9 Is-grŵp caffael cyhoeddus

- (1) Rhaid i'r CPG gymryd pob cam rhesymol i sefydlu is-grŵp caffael cyhoeddus o fewn 6 mis gan ddechrau drannoeth y diwrnod y daw'r is-adran hon i rym.
- (2) O fewn 6 mis gan ddechrau â thrannoeth y diwrnod y daw'r is-adran hon i rym, rhaid i Weinidogion Cymru bennu a chyhoeddi –
 - (a) y cworwm ar gyfer cyfarfodydd yr is-grŵp caffael cyhoeddus, a
 - (b) y gweithdrefnau i'w dilyn gan yr is-grŵp caffael cyhoeddus, i'r graddau nad ydynt wedi eu pennu yn y Ddeddf hon.
- (3) Caiff Gweinidogion Cymru ddiwygio unrhyw beth a bennir o dan is-adran (2) a rhaid iddynt gyhoeddi unrhyw ddiwygiadau o'r fath.
- (4) Rhaid i weithdrefnau'r is-grŵp caffael cyhoeddus gynnwys –
 - (a) y gweithdrefnau ar gyfer trefnu cyfarfodydd gan gynnwys y rhybudd sydd i'w roi i'r mynychwyr a sut y caiff mynychwyr ychwanegu eitemau at agenda cyfarfodydd;
 - (b) y weithdrefn ar gyfer datrys anghytuno rhwng aelodau mewn perthynas ag arfer swyddogaethau'r is-grŵp;
 - (c) y gweithdrefnau ar gyfer darparu gwybodaeth a chyngor i'r CPG a Gweinidogion Cymru.
- (5) Rhaid i Weinidogion Cymru ddyroddi canllawiau ynghylch cyfansoddiad yr is-grŵp caffael cyhoeddus (gan gynnwys at ddiben sicrhau aelodaeth sydd â chynrychiolaeth briodol), a rhaid i'r CPG roi sylw i'r canllawiau hynny.

10 Darparu gwybodaeth a chyngor i'r CPG gan yr is-grŵp caffael cyhoeddus

- (1) Caiff yr is-grŵp caffael cyhoeddus ddarparu gwybodaeth a chyngor i'r CPG ynghylch y swyddogaethau a roddir i awdurdodau contractio a Gweinidogion Cymru o dan Ran 3 (caffael cyhoeddus cymdeithasol gyfrifol).
- (2) Caiff yr CPG –
 - (a) darparu i Weinidogion Cymru wybodaeth neu gyngor a gafwyd oddi wrth yr is-grŵp caffael cyhoeddus, neu
 - (b) diwygio gwybodaeth neu gyngor o'r fath a darparu'r wybodaeth neu'r cyngor fel y'i diwygiwyd i Weinidogion Cymru.
- (3) Os yw Gweinidogion Cymru yn gofyn am wybodaeth neu gyngor gan yr CPG ynghylch mater y cyfeirir ato yn is-adran (1), rhaid i'r CPG –
 - (a) ceisio'r wybodaeth honno neu'r cyngor hwnnw gan yr is-grŵp caffael cyhoeddus, a
 - (b) darparu'r wybodaeth neu'r cyngor, neu ddiwygio'r wybodaeth neu'r cyngor a'i darparu neu ei ddarparu fel y'i diwygiwyd, cyn gynted ag y bo'n rhesymol ymarferol.

- (3) A subgroup—
 - (a) must be chaired by a member of the SPC, and
 - (b) may include other members of the SPC and other individuals.

9 Public procurement subgroup

- (1) The SPC must take all reasonable steps to establish a public procurement subgroup within 6 months beginning with the day after this subsection comes into force.
- (2) Within 6 months beginning with the day after this subsection comes into force, the Welsh Ministers must specify and publish—
 - (a) the quorum for public procurement subgroup meetings, and
 - (b) the procedures to be followed by the public procurement subgroup, in so far as they are not specified in this Act.
- (3) The Welsh Ministers may revise anything specified under subsection (2) and must publish any such revisions.
- (4) The public procurement subgroup's procedures must include—
 - (a) the procedures for arranging meetings including notice to be given to attendees and how attendees may add items to the agenda for meetings;
 - (b) the procedure for resolving a disagreement between members relating to the exercise of the subgroup's functions;
 - (c) the procedures for providing information and advice to the SPC and the Welsh Ministers.
- (5) The Welsh Ministers must issue guidance about the composition of the public procurement subgroup (including for the purpose of achieving an appropriately representative membership), and the SPC must have regard to that guidance.

10 Provision of information and advice to the SPC by public procurement subgroup

- (1) The public procurement subgroup may provide information and advice to the SPC about the functions conferred on contracting authorities and the Welsh Ministers under Part 3 (socially responsible public procurement).
- (2) The SPC may—
 - (a) provide to the Welsh Ministers information or advice received from the public procurement subgroup, or
 - (b) revise such information or advice and provide it as revised to the Welsh Ministers.
- (3) If the Welsh Ministers request information or advice from the SPC about a matter referred to in subsection (1), the SPC must—
 - (a) seek that information or advice from the public procurement subgroup, and
 - (b) provide it, or revise it and provide it as revised, as soon as reasonably practicable.

- (4) Os yw Gweinidogion Cymru yn ymgynghori â'r is-grŵp caffael cyhoeddus o dan adran 30(2)(d) neu 36(2)(d), rhaid i'r is-grŵp caffael ddarparu i Weinidogion Cymru unrhyw wybodaeth a chyngor y mae'n ystyried eu bod yn briodol cyn gynted ag y bo'n rhesymol ymarferol.
- (5) Os nad oes is-grŵp caffael cyhoeddus wedi ei sefydlu eto o dan adran 9(1), caiff yr CPG serch hynny ddarparu gwybodaeth a chyngor i Weinidogion Cymru ynghylch mater y cyfeirir ato yn is-adran (1).

11 Cyfarfod o bell

Caiff yr CPG neu is-grŵp gynnal cyfarfod drwy gyfrwng unrhyw gyfarpar neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle i siarad â'i gilydd ac i gael eu clywed gan ei gilydd (pa un a yw'r cyfarpar neu'r cyfleuster yn galluogi'r personau hynny i weld ei gilydd ac i gael eu gweld gan ei gilydd ai peidio).

12 Treuliau

Caiff Gweinidogion Cymru dalu treuliau –

- (a) cynrychiolydd cyflogwyr;
- (b) cynrychiolydd gweithwyr;
- (c) aelod o is-grŵp.

13 Pwerau atodol

Caiff yr CPG wneud unrhyw beth y bwriedir iddo hwyluso arfer ei swyddogaethau neu swyddogaethau is-grŵp, neu sy'n ffafriol i hynny neu'n gysylltiedig â hynny.

Dehongli

14 Dehongli Rhan 1

Yn y Rhan hon –

mae i "cyflogwr" yr un ystyr ag "employer" yn Neddf Hawliau Cyflogaeth 1996 (p. 18);

ystyr "cyflogwr addysg bellach" ("*further education employer*") yw cyflogwr yn y sector addysg bellach o fewn ystyr adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13);

ystyr "cyflogwr addysg uwch" ("*higher education employer*") yw cyflogwr yn y sector addysg uwch o fewn ystyr adran 91(5) o Ddeddf Addysg Bellach ac Uwch 1992;

ystyr "cyflogwr corff cyhoeddus" ("*public body employer*") yw cyflogwr sy'n un o'r personau a restrir fel "corff cyhoeddus" yn adran 6(1) o DLICD 2015, heblaw am Weinidogion Cymru;

ystyr "cyflogwr sector preifat" ("*private sector employer*") yw cyflogwr nad yw –

- (a) yn gorff, yn swydd neu'n ddeiliad swydd y mae ei swyddogaethau'n gyfan gwbl neu'n bennaf o natur gyhoeddus,
- (b) yn gyflogwr sefydliad gwirfoddol,
- (c) yn gyflogwr addysg bellach, na

- (4) If the Welsh Ministers consult the public procurement subgroup under section 30(2)(d) or 36(2)(d), the procurement subgroup must provide the Welsh Ministers with such information and advice as it considers appropriate as soon as reasonably practicable.
- (5) If a public procurement subgroup has not yet been established under section 9(1), the SPC may nevertheless provide information and advice to the Welsh Ministers about a matter referred to in subsection (1).

11 Meeting remotely

The SPC or a subgroup may hold a meeting by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).

12 Expenses

The Welsh Ministers may meet the expenses of—

- (a) an employer representative;
- (b) a worker representative;
- (c) a member of a subgroup.

13 Supplementary powers

The SPC may do anything which is calculated to facilitate, or which is conducive or incidental to, the exercise of its functions or the functions of a subgroup.

Interpretation

14 Interpretation of Part 1

In this Part—

“Deputy Welsh Minister” (*“un o Ddirprwy Weinidogion Cymru”*) means a person holding office under section 50 of the Government of Wales Act 2006 (c. 32);

“employer” (*“cyflogwr”*) has the same meaning as in the Employment Rights Act 1996 (c. 18);

“further education employer” (*“cyflogwr addysg bellach”*) means an employer in the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992 (c. 13);

“higher education employer” (*“cyflogwr addysg uwch”*) means an employer in the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992;

“private sector employer” (*“cyflogwr sector preifat”*) means an employer that is not—

- (a) a body, office or holder of an office whose functions are wholly or mainly of a public nature,
- (b) a voluntary organisation employer,
- (c) a further education employer, nor

(d) yn gyflogwr addysg uwch;

ystyr “cyflogwr sefydliad gwirfoddol” (“*voluntary organisation employer*”) yw cyflogwr sy’n sefydliad gwirfoddol perthnasol o fewn ystyr “relevant voluntary organisations” yn adran 74(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32);

ystyr “un o Ddirprwy Weinidogion Cymru” (“*Deputy Welsh Minister*”) yw person sy’n dal swydd o dan adran 50 o Ddeddf Llywodraeth Cymru 2006 (p. 32).

RHAN 2

PARTNERIAETH GYMDEITHASOL A DATBLYGU CYNALIADWY

15 Trosolwg o’r Rhan a dehongli

- (1) At ddibenion gwella llesiant economaidd, amgylcheddol, cymdeithasol a diwylliannol (gan gynnwys drwy wella gwasanaethau cyhoeddus) yng Nghymru, mae’r Rhan hon –
 - (a) yn gosod dyletswyddau partneriaeth gymdeithasol newydd fel rhan o’r ddyletswydd llesiant yn adran 3(1) o DLICD 2015;
 - (b) yn diwygio’r nod llesiant “Cymru lewyrchus” y mae cyrff cyhoeddus i ymgymrydd ato wrth ymgymryd â datblygu cynaliadwy o dan DLICD 2015 fel bod sicrhau gwaith teg yn rhan o’r disgrifiad o’r nod.
- (2) At ddibenion y Rhan hon, mae i “datblygu cynaliadwy” yr ystyr a roddir gan adran 2 o DLICD 2015.
- (3) Yn y Rhan hon, ystyr “corff cyhoeddus” yw person a restrir fel “corff cyhoeddus” yn adran 6(1) o DLICD 2015, ond at ddibenion adrannau 16 a 18 nid yw’n cynnwys Gweinidogion Cymru.

16 Dyletswydd partneriaeth gymdeithasol

- (1) Wrth ymgymryd â datblygu cynaliadwy, rhaid i gorff cyhoeddus, i’r graddau y bo’n rhesymol, geisio consensws neu gyfaddawd â’i undebau llafur cydnabyddedig neu (pan nad oes undeb llafur cydnabyddedig) gynrychiolwyr eraill ei staff ar –
 - (a) yr amcanion llesiant sydd i’w gosod o dan adran 3(2)(a) o DLICD 2015;
 - (b) gwneud penderfyniadau o natur strategol ynghylch y camau rhesymol y mae’r corff yn eu cymryd (wrth arfer ei swyddogaethau) i gyflawni’r amcanion hynny o dan adran 3(2)(b) o DLICD 2015.
- (2) At ddibenion is-adran (1), er mwyn ceisio consensws neu gyfaddawd rhaid i gorff cyhoeddus gynnwys ei undebau llafur cydnabyddedig neu gynrychiolwyr eraill ei staff yn y broses o bennu amcanion neu wneud penderfyniadau, drwy (yn benodol) –
 - (a) ymgynghori â hwy yng nghyfnod ffurfiannol y broses, a
 - (b) eu cynnwys fel arall drwy gydol y broses drwy –
 - (i) darparu gwybodaeth ddigonol i’w galluogi i ystyried yn briodol yr hyn sy’n cael ei gynnig, a
 - (ii) darparu amser digonol i’w galluogi i ystyried yn ddigonol yr hyn sy’n cael ei gynnig ac ymateb.

(d) a higher education employer;

“public body employer” (“*cyflogwr corff cyhoeddus*”) means an employer that is one of the persons listed as a “public body” in section 6(1) of the WFGA 2015, other than the Welsh Ministers;

“voluntary organisation employer” (“*cyflogwr sefydliad gwirfoddol*”) means an employer that is a “relevant voluntary organisation” within the meaning of section 74(2) of the Government of Wales Act 2006 (c. 32).

PART 2

SOCIAL PARTNERSHIP AND SUSTAINABLE DEVELOPMENT

15 Overview of Part and interpretation

- (1) For the purposes of improving economic, environmental, social, and cultural well-being (including by improving public services) in Wales, this Part –
 - (a) imposes new social partnership duties as part of the well-being duty in section 3(1) of the WFGA 2015;
 - (b) amends the “A prosperous Wales” well-being goal to be pursued by public bodies when carrying out sustainable development under the WFGA 2015 so that securing fair work is part of the description of the goal.
- (2) For the purposes of this Part, “sustainable development” has the meaning given by section 2 of the WFGA 2015.
- (3) In this Part, a “public body” means a person listed as a “public body” in section 6(1) of the WFGA 2015, but for the purposes of sections 16 and 18 it does not include the Welsh Ministers.

16 Social partnership duty

- (1) In carrying out sustainable development, a public body must, in so far as is reasonable, seek consensus or compromise with its recognised trade unions or (where there is no recognised trade union) other representatives of its staff on –
 - (a) the well-being objectives to be set under section 3(2)(a) of the WFGA 2015;
 - (b) decisions of a strategic nature to be made about the reasonable steps the body takes (in the exercise of its functions) to meet those objectives under section 3(2)(b) of the WFGA 2015.
- (2) For the purposes of subsection (1), in order to seek consensus or compromise a public body must include its recognised trade unions or other representatives of its staff in the process of setting objectives or making decisions, by (in particular) –
 - (a) consulting them at a formative stage of the process, and
 - (b) otherwise involving them throughout the process by –
 - (i) providing sufficient information to enable them to properly consider what is proposed, and
 - (ii) providing sufficient time to enable them to adequately consider what is proposed and respond.

- (3) Wrth ystyried beth sy'n rhesymol o dan is-adran (1) rhaid i gorff cyhoeddus gymryd i ystyriaeth ganllawiau a gyhoeddir gan Weinidogion Cymru.
- (4) Rhaid i Weinidogion Cymru ymgynghori â'r CPG cyn cyhoeddi'r canllawiau y cyfeirir atynt yn is-adran (3).

17 Dyletswydd partneriaeth gymdeithasol: Gweinidogion Cymru

Wrth wneud penderfyniadau o natur strategol ynghylch y camau rhesymol y mae Gweinidogion Cymru yn eu cymryd (wrth arfer eu swyddogaethau) o dan adran 3(2)(b) o DLICD 2015 (i gyflawni'r amcanion a osodir o dan adran 3(2)(a) o DLICD 2015), rhaid i Weinidogion Cymru ymgynghori â'r CPG.

18 Adroddiadau partneriaeth gymdeithasol

- (1) Rhaid i gorff cyhoeddus lunio, mewn cysylltiad â phob blwyddyn ariannol, adroddiad ynglŷn â'r hyn y mae wedi ei wneud i gydymffurfio â'r ddyletswydd a osodir o dan adran 16.
- (2) Rhaid cytuno ar yr adroddiad gydag undebau llafur cydnabyddedig y corff cyhoeddus neu (pan nad oes undeb llafur cydnabyddedig) gynrychiolwyr eraill ei staff, neu rhaid i'r adroddiad gynnwys datganiad yn egluro pam na chytunwyd arno.
- (3) Rhaid i'r corff cyhoeddus gyhoeddi'r adroddiad, a'i gyflwyno i'r CPG, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y flwyddyn ariannol.

19 Adroddiadau partneriaeth gymdeithasol: Gweinidogion Cymru

- (1) Rhaid i Weinidogion Cymru lunio, mewn cysylltiad â phob blwyddyn ariannol, adroddiad ynglŷn â'r hyn y maent wedi ei wneud i gydymffurfio â'r ddyletswydd a osodir o dan adran 17.
- (2) Rhaid cytuno ar yr adroddiad gyda'r CPG neu rhaid i'r adroddiad gynnwys datganiad yn egluro pam na chytunwyd arno.
- (3) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y flwyddyn ariannol –
 - (a) cyhoeddi'r adroddiad, a'i gyflwyno i'r CPG;
 - (b) gosod yr adroddiad gerbron y Senedd.

20 Gwaith teg

Yn adran 4 (nodau llesiant) o DLICD 2015, yn Nhabl 1, yn y disgrifiad o nod "Cymru lewyrchus", yn lle "waith addas" rhodder "waith teg".

- (3) In considering what is reasonable under subsection (1) a public body must take into account guidance published by the Welsh Ministers.
- (4) The Welsh Ministers must consult with the SPC before publishing the guidance referred to in subsection (3).

17 Social partnership duty: Welsh Ministers

When making decisions of a strategic nature about the reasonable steps the Welsh Ministers take (in the exercise of their functions) under section 3(2)(b) of the WFGA 2015 (to meet the objectives set under section 3(2)(a) of the WFGA 2015), the Welsh Ministers must consult with the SPC.

18 Social partnership reports

- (1) A public body must prepare, in respect of each financial year, a report of what it has done to comply with the duty imposed under section 16.
- (2) The report must be agreed with the public body's recognised trade unions or (where there is no recognised trade union) other representatives of its staff, or contain a statement explaining why it was not agreed.
- (3) The public body must publish the report, and submit it to the SPC, as soon as reasonably practicable after the end of the financial year.

19 Social partnership reports: Welsh Ministers

- (1) The Welsh Ministers must prepare, in respect of each financial year, a report of what they have done to comply with the duty imposed under section 17.
- (2) The report must be agreed with the SPC or contain a statement explaining why it was not agreed.
- (3) The Welsh Ministers must, as soon as reasonably practicable after the end of the financial year –
 - (a) publish the report, and submit it to the SPC;
 - (b) lay the report before the Senedd.

20 Fair work

In section 4 (well-being goals) of the WFGA 2015, in Table 1, in the description of the "A prosperous Wales" goal, for "decent work" substitute "fair work".

RHAN 3**CAFFAEL CYHOEDDUS CYMDEITHASOL GYFRIFOL****PENNOD 1****CYFLWYNIAD***Cysyniadau allweddol***21 Contractau cyhoeddus**

- (1) Yn y Rhan hon, ystyr “contract cyhoeddus” yw contract rhwng un neu ragor o weithredwyr economaidd ac un neu ragor o awdurdodau contractio; ac sy’n gcontract sydd â’r nod o gyflawni gweithiau, cyflenwi cynhyrchion neu ddarparu gwasanaethau.
- (2) At ddibenion y Rhan hon, mae cytundeb fframwaith i’w drin fel contract cyhoeddus (ac mae cyfeiriadau at “contract cyhoeddus” i’w dehongli yn unol â hynny).

22 Awdurdodau contractio

- (1) Yn y Rhan hon, ystyr “awdurdod contractio” yw corff, deiliad swydd neu berson arall a restrir yn Atodlen 1.
- (2) Ond nid yw Gweinidogion Cymru yn awdurdod contractio at ddibenion adrannau 29, 30, 35, 36 a 41.
- (3) Yn y Rhan hon, ardal awdurdod contractio yw’r ardal y mae’r awdurdod yn arfer ei swyddogaethau ynddi yn bennaf, gan ddiystyru unrhyw ardaloedd y tu allan i Gymru.
- (4) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio’r adran hon, ac Atodlen 1, er mwyn addasu ystyr awdurdod contractio.

23 Caffael cyhoeddus

At ddibenion y Rhan hon, mae cyfeiriadau at “caffael cyhoeddus” yn gyfeiriadau at awdurdod contractio—

- (a) yn cynllunio ac yn cyflawni unrhyw weithdrefn cyn dyfarnu contract cyhoeddus gan gynnwys, yn benodol, wahodd ceisiadau a dethol gweithredwyr economaidd;
- (b) yn drafftio, yn negodi ac yn dyfarnu contract cyhoeddus;
- (c) yn rheoli contract cyhoeddus ar ôl ei ddyfarnu;

ac mae cyfeiriadau at “caffael” i’w dehongli yn unol â hynny.

PENNOD 2**DYLETSWYDD CAFFAEL CYMDEITHASOL GYFRIFOL***Y ddyletswydd caffael cymdeithasol gyfrifol***24 Dyletswydd caffael cymdeithasol gyfrifol**

- (1) Rhaid i awdurdod contractio geisio gwella llesiant economaidd, cymdeithasol, amgylcheddol a diwylliannol ei ardal drwy gynnal caffael cyhoeddus mewn ffordd gymdeithasol gyfrifol.

PART 3

SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT

CHAPTER 1

INTRODUCTION

Key concepts

21 Public contracts

- (1) In this Part, a “public contract” means a contract between one or more economic operators and one or more contracting authorities; and having as its object the execution of works, the supply of products or the provision of services.
- (2) For the purposes of this Part, a framework agreement is treated as a public contract (and references to “public contract” are to be construed accordingly).

22 Contracting authorities

- (1) In this Part, a “contracting authority” means a body, office-holder or other person listed in Schedule 1.
- (2) But the Welsh Ministers are not a contracting authority for the purposes of sections 29, 30, 35, 36 and 41.
- (3) In this Part, a contracting authority’s area is the area by reference to which the authority primarily exercises its functions, disregarding any areas outside Wales.
- (4) The Welsh Ministers may by regulations amend this section, and Schedule 1, so as to modify the meaning of a contracting authority.

23 Public procurement

For the purposes of this Part, references to “public procurement” are to a contracting authority –

- (a) designing and carrying out any procedure preceding the award of a public contract including, in particular, seeking bids and selecting economic operators;
 - (b) drafting, negotiating and awarding a public contract;
 - (c) managing a public contract after it has been awarded;
- and references to “procurement” are to be construed accordingly.

CHAPTER 2

SOCIALLY RESPONSIBLE PROCUREMENT DUTY

The socially responsible procurement duty

24 Socially responsible procurement duty

- (1) A contracting authority must seek to improve the economic, social, environmental and cultural well-being of its area by carrying out public procurement in a socially responsible way.

- (2) Mae awdurdod contractio yn cynnal caffael cyhoeddus mewn ffordd gymdeithasol gyfrifol drwy gymryd camau gweithredu, yn unol â'r egwyddor datblygu cynaliadwy, sydd â'r nod o gyfrannu at gyflawni'r nodau llesiant a restrir yn adran 4 o DLICD 2015 (y cyfeirir atynt at ddibenion y Rhan hon fel y "nodau llesiant").
- (3) Rhaid i awdurdod contractio osod a chyhoeddi amcanion ("amcanion caffael cymdeithasol gyfrifol") sydd wedi eu cynllunio i sicrhau'r cyfraniad mwyaf posibl ganddo at gyflawni'r nodau llesiant.
- (4) Mae Atodlen 2 yn gwneud darpariaeth ynghylch diwygio ac adolygu amcanion caffael cymdeithasol gyfrifol.
- (5) Wrth gymryd camau gweithredu sydd â'r nod o gyfrannu at gyflawni'r nodau llesiant, rhaid i awdurdod contractio –
 - (a) cymryd pob cam rhesymol i gyflawni ei amcanion caffael cymdeithasol gyfrifol pan fo'n cynnal caffael cyhoeddus mewn perthynas ag unrhyw gontract rhagnodedig;
 - (b) cymryd y camau gweithredu penodol y cyfeirir atynt yn adran 25 pan fo'n cynnal caffael cyhoeddus mewn perthynas â chontract adeiladu mawr;
 - (c) cymryd y camau gweithredu penodol y cyfeirir atynt yn adran 26 pan fo'n cynnal caffael cyhoeddus mewn perthynas â chontract allanoli gwasanaethau.
- (6) Er gwaethaf is-adran (1), ni chaniateir i awdurdod contractio gynnwys darpariaethau mewn contract rhagnodedig –
 - (a) nad ydynt yn gymesur (gan ystyried gwerth amcangyfrifedig y contract);
 - (b) a fyddai'n gwrthdaro ag unrhyw ddeddfiad arall neu unrhyw reol gyfreithiol sy'n ymwneud â chaffael cyhoeddus.
- (7) At ddibenion is-adran (2), mae i'r "egwyddor datblygu cynaliadwy" yr ystyr a roddir gan adran 5 o DLICD 2015.
- (8) Yn y Rhan hon, ystyr "contract rhagnodedig" yw –
 - (a) contract adeiladu mawr (gweler adran 25),
 - (b) contract allanoli gwasanaethau (gweler adran 26), ac
 - (c) unrhyw gontract cyhoeddus arall o ddisgrifiad a ragnodir gan Weinidogion Cymru drwy reoliadau.

25 Dyletswydd caffael cymdeithasol gyfrifol: contractau adeiladu mawr

- (1) Y camau gweithredu penodol a grybwyllir yn adran 24(5)(b) yw –
 - (a) rhoi sylw i gymalau gweithiau cyhoeddus cymdeithasol enghreifftiol a gyhoeddir gan Weinidogion Cymru o dan adran 27;
 - (b) wrth lunio a chynnal gweithdrefnau cyn dyfarnu'r contract adeiladu mawr, ystyried pa un a ddylai'r contract gynnwys cymalau gweithiau cyhoeddus cymdeithasol;
 - (c) wrth negodi a dyfarnu'r contract, cymryd pob cam rhesymol –
 - (i) i gynnwys unrhyw gymalau gweithiau cyhoeddus cymdeithasol y mae'n ystyried y dylent gael eu cynnwys;

- (2) A contracting authority carries out public procurement in a socially responsible way by taking action, in accordance with the sustainable development principle, aimed at contributing to the achievement of the well-being goals listed in section 4 of the WFGA 2015 (referred to for the purposes of this Part as the “well-being goals”).
- (3) A contracting authority must set and publish objectives (“socially responsible procurement objectives”) designed to maximise its contribution to achieving the well-being goals.
- (4) Schedule 2 makes provision about revising and reviewing socially responsible procurement objectives.
- (5) In taking action aimed at contributing to the achievement of the well-being goals, a contracting authority must –
 - (a) take all reasonable steps to meet its socially responsible procurement objectives when it carries out public procurement in relation to any prescribed contract;
 - (b) take the particular actions referred to in section 25 when it carries out public procurement in relation to a major construction contract;
 - (c) take the particular actions referred to in section 26 when it carries out public procurement in relation to an outsourcing services contract.
- (6) Despite subsection (1), a contracting authority must not include provisions in a prescribed contract that –
 - (a) are not proportionate (taking into account the estimated value of the contract);
 - (b) would conflict with any other enactment or rule of law relating to public procurement.
- (7) For the purposes of subsection (2), “the sustainable development principle” has the meaning given by section 5 of the WFGA 2015.
- (8) In this Part, a “prescribed contract” means –
 - (a) a major construction contract (see section 25),
 - (b) an outsourcing services contract (see section 26), and
 - (c) any other public contract of a description prescribed by the Welsh Ministers by regulations.

25 Socially responsible procurement duty: major construction contracts

- (1) The particular actions mentioned in section 24(5)(b) are –
 - (a) having regard to model social public works clauses published by the Welsh Ministers under section 27;
 - (b) in designing and carrying out procedures preceding the award of the major construction contract, considering whether the contract should include social public works clauses;
 - (c) in negotiating and awarding the contract, taking all reasonable steps –
 - (i) to include any social public works clauses it considers should be included;

- (ii) i sicrhau bod modd gweithredu cymalau sydd wedi eu cynnwys yn y contract;
 - (d) wrth reoli'r contract, cymryd pob cam rhesymol i sicrhau bod unrhyw gymalau gweithiau cyhoeddus cymdeithasol sydd wedi eu cynnwys yn y contract yn cael eu gweithredu;
- (gweler adrannau 27 i 31 am ddarpariaeth bellach ynghylch ystyr "cymalau gweithiau cyhoeddus cymdeithasol" a chymhwyso'r cymalau hynny i gontractau adeiladu mawr).
- (2) Yn y Rhan hon, ystyr "contract adeiladu mawr" yw contract cyhoeddus sydd â gwerth amcangyfrifedig o £2,000,000 neu fwy, sydd –
 - (a) yn gontract gweithiau cyhoeddus,
 - (b) yn gontract gweithiau, neu
 - (c) yn gontract consesiwn gweithiau.
 - (3) Caiff Gweinidogion Cymru ddiwygio'r adran hon drwy reoliadau i addasu ystyr contract adeiladu mawr.

26 Dylatswydd caffael cymdeithasol gyfrifol: contractau allanoli gwasanaethau

- (1) Y camau gweithredu penodol a grybwyllir yn adran 24(5)(c) yw –
 - (a) rhoi sylw i'r cod allanoli gwasanaethau cyhoeddus a'r gweithlu a gyhoeddir gan Weinidogion Cymru o dan adran 32;
 - (b) wrth lunio a chynnal gweithdrefnau cyn dyfarnu'r contract allanoli gwasanaethau, ystyried pa un a ddylai'r contract gynnwys cymalau gweithlu cyhoeddus cymdeithasol;
 - (c) wrth negodi a dyfarnu'r contract, cymryd pob cam rhesymol –
 - (i) i gynnwys unrhyw gymalau gweithlu cyhoeddus cymdeithasol y mae'n ystyried y dylent gael eu cynnwys;
 - (ii) i sicrhau bod modd gweithredu cymalau sydd wedi eu cynnwys yn y contract;
 - (d) wrth reoli'r contract, cymryd pob cam rhesymol i sicrhau bod unrhyw gymalau gweithlu cyhoeddus cymdeithasol sydd wedi eu cynnwys yn y contract yn cael eu gweithredu;

(gweler adrannau 32 i 37 am ddarpariaeth bellach ynghylch y cod allanoli gwasanaethau cyhoeddus a'r gweithlu, ystyr "cymalau gweithlu cyhoeddus cymdeithasol" a chymhwyso'r cymalau hynny i gontractau allanoli gwasanaethau).

- (2) Yn y Rhan hon, ystyr "contract allanoli gwasanaethau" yw contract –
 - (a) y mae gofyniad i ddarparu gwasanaeth cyhoeddus sy'n cael ei ddarparu gan, neu a ddarparwyd yn flaenorol gan, awdurdod contractio yn cael ei drosglwyddo i berson arall odano, neu
 - (b) y mae person arall yn cytuno i gyflawni unrhyw swyddogaeth arall sy'n cael ei gyflawni gan, neu a gyflawnwyd yn flaenorol gan, awdurdod contractio odano;

ac mae "allanoli" i'w ddehongli yn unol â hynny.

- (ii) to ensure that clauses included in the contract can be implemented;
 - (d) in managing the contract, taking all reasonable steps to ensure that any social public works clauses included in the contract are implemented;
- (see sections 27 to 31 for further provision about the meaning of “social public works clauses” and their application to major construction contracts).
- (2) In this Part, a “major construction contract” is a public contract with an estimated value equal to or greater than £2,000,000, which is—
 - (a) a public works contract,
 - (b) a works contract, or
 - (c) a works concession contract.
- (3) The Welsh Ministers may by regulations amend this section to modify the meaning of a major construction contract.

26 Socially responsible procurement duty: outsourcing services contracts

- (1) The particular actions mentioned in section 24(5)(c) are—
 - (a) having regard to the public services outsourcing and workforce code published by the Welsh Ministers under section 32;
 - (b) in designing and carrying out procedures preceding the award of the outsourcing services contract, considering whether the contract should include social public workforce clauses;
 - (c) in negotiating and awarding the contract, taking all reasonable steps—
 - (i) to include any social public workforce clauses it considers should be included;
 - (ii) to ensure that clauses included in the contract can be implemented;
 - (d) in managing the contract, taking all reasonable steps to ensure that any social public workforce clauses included in the contract are implemented;
- (see sections 32 to 37 for further provision about the public services outsourcing and workforce code, the meaning of “social public workforce clauses” and their application to outsourcing services contracts).
- (2) In this Part, “an outsourcing services contract” means a contract under which—
 - (a) a requirement to provide a public service provided by, or previously provided by, a contracting authority is transferred to another person, or
 - (b) another person agrees to undertake any other function undertaken by, or previously undertaken by, a contracting authority;and “outsourced” is to be construed accordingly.

*Cymalau gweithiau cyhoeddus cymdeithasol***27 Cymalau gweithiau cyhoeddus cymdeithasol mewn contractau adeiladu mawr**

- (1) Rhaid i Weinidogion Cymru gyhoeddi cymalau enghreifftiol ar gyfer contractau adeiladu mawr (“cymalau gweithiau cyhoeddus cymdeithasol”) sydd wedi eu cynllunio i sicrhau’r gwelliannau o ran llesiant economaidd, cymdeithasol, amgylcheddol a diwylliannol a restrir o dan bob categori yn y Tabl yn is-adran (2).
- (2) Y categorïau a’r gwelliannau yw –

TABL 1

Categori	Gwelliannau
Taliadau	Sicrhau a gorfodi taliadau prydlon.
Cyflogaeth	Darparu cyfleoedd cyflogaeth i bobl ifanc, pobl hŷn, pobl ddi-waith hirdymor, pobl ag anableddau neu bobl a all fel arall fod o dan anfantais (er enghraifft oherwydd eu hil, eu crefydd neu eu cred, eu rhyw, eu hunaniaeth rhywedd neu eu cyfeiriadedd rhywiol).
Cydymffurfedd	Sicrhau cydymffurfedd â rhwymedigaethau cyfreithiol mewn perthynas â hawliau cyflogaeth (gan gynnwys yr isafswm cyflog a chyflog byw), iechyd a diogelwch, a chynrychiolaeth undebau llafur.
Hyfforddiant	Darparu hyfforddiant priodol i weithwyr.
Is-gontractio	Darparu cyfleoedd i fusnesau bach a chanolig a sefydliadau gwirfoddol i gyflawni gweithiau, cyflenwi cynhyrchion neu ddarparu gwasanaethau.
Yr amgylchedd	Gwneud rheoli adnoddau naturiol yn gynaliadwy, defnyddio deunyddiau cynaliadwy, cydnerthedd rhag effaith newid hinsawdd, lleihau allyriadau nwyon tŷ gwydr, a gwella’r amgylchedd naturiol a bioamrywiaeth yn ofynnol.

- (3) Mae cyfeiriad yn y Rhan hon at awdurdod contractio yn cynnwys cymalau gweithiau cyhoeddus cymdeithasol mewn contractau adeiladu mawr –
- yn gyfeiriad at yr holl gymalau contract enghreifftiol a gyhoeddir mewn cysylltiad â phob un o’r gwelliannau o dan y categorïau yn is-adran (2), a
 - yn golygu ymgorffori cymalau sydd â’r un effaith neu’r un effaith yn sylweddol â’r cymalau contract enghreifftiol cyhoeddedig.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio is-adran (2) –
- er mwyn ychwanegu categori, a gwelliannau o dan y categori hwnnw, at y Tabl;
 - er mwyn dileu categori, a gwelliannau o dan y categori hwnnw, o’r Tabl;
 - er mwyn diwygio categori neu welliannau o dan gategori yn y Tabl.

*Social public works clauses***27 Social public works clauses in major construction contracts**

- (1) The Welsh Ministers must publish model clauses for major construction contracts (“social public works clauses”) designed to bring about the improvements to economic, social, environmental and cultural well-being listed under each category in the Table in subsection (2).
- (2) The categories and improvements are –

TABLE 1

Category	Improvements
Payments	Ensuring and enforcing prompt payments.
Employment	Providing employment opportunities to younger people, older people, the long term unemployed, people with disabilities or people who may otherwise be disadvantaged (for example because of their race, religion or belief, sex, gender identity or sexual orientation).
Compliance	Ensuring compliance with legal obligations in relation to employment rights (including the minimum and living wage), health and safety, and trade union representation.
Training	Providing appropriate training for workers.
Sub-contracting	Providing opportunities to small and medium sized enterprises and voluntary organisations to execute works, supply products or provide services.
Environment	Requiring sustainable management of natural resources, use of sustainable materials, resilience to the impact of climate change, reduction of greenhouse gas emissions, and enhancement of the natural environment and biodiversity.

- (3) A reference in this Part to a contracting authority including social public works clauses in major construction contracts –
- (a) is a reference to all of the model contract clauses published in respect of each of the improvements under the categories in subsection (2), and
 - (b) means incorporating clauses that have the same or substantially the same effect as the published model contract clauses.
- (4) The Welsh Ministers may by regulations amend subsection (2) –
- (a) to add a category, and improvements under that category, to the Table;
 - (b) to remove a category, and improvements under that category, from the Table;
 - (c) to amend a category or improvements under a category in the Table.

28 Cymalau gweithiau cyhoeddus cymdeithasol mewn is-gontractau

- (1) Mae is-adran (2) yn gymwys os yw awdurdod contractio yn bwriadu cynnwys cymalau gweithiau cyhoeddus cymdeithasol mewn contract adeiladu mawr y mae'n cytuno arno gyda gweithredwr economaidd ("contractiwr") (ar ôl i'r awdurdod ystyried pa un ai i wneud hynny yn unol ag adran 25(1)(b)).
- (2) Rhaid i'r awdurdod gymryd pob cam rhesymol i sicrhau bod y rhwymedigaethau yn y cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contractiwr yn ymrwmo i is-gontract gydag unrhyw weithredwr economaidd arall ("is-gontractiwr").
- (3) Mae enghreifftiau o'r camau rhesymol y gellir eu cymryd o dan is-adran (2) yn cynnwys –
 - (a) sicrhau bod cymalau gweithiau cyhoeddus cymdeithasol sy'n cael yr un effaith neu'r un effaith yn sylweddol â'r cymalau yn y contract adeiladu mawr yn cael eu cynnwys mewn unrhyw is-gontract –
 - (i) y mae'r contractiwr yn ymrwmo iddo gydag is-gontractiwr, a
 - (ii) y mae'r is-gontractiwr yn ymrwmo iddo gydag is-gontractiwr dilynol (ac yn y blaen);
 - (b) sicrhau y gall yr awdurdod contractio orfodi'r rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol o dan y contract adeiladu mawr neu o dan is-gontract;
 - (c) ei gwneud yn ofynnol i'r contractiwr gael cydsyniad yr awdurdod contractio cyn ymrwmo i is-gontract, gyda chydsyniad yn cael ei roi ar yr amod bod cymalau gweithiau cyhoeddus cymdeithasol sy'n cael yr un effaith neu'r un effaith yn sylweddol â'r cymalau sydd wedi eu cynnwys yn y contract adeiladu mawr yn cael eu cynnwys mewn unrhyw is-gontract;
 - (d) ei gwneud yn ofynnol i'r contractiwr hysbysu'r awdurdod contractio os yw'n bwriadu ymrwmo i is-gontract nad yw'n cynnwys cymalau gweithiau cyhoeddus cymdeithasol sy'n cael yr un effaith neu'r un effaith yn sylweddol â'r cymalau sydd wedi eu cynnwys yn y contract adeiladu mawr;
 - (e) ei gwneud yn ofynnol i'r contractiwr fonitro i ba raddau y mae unrhyw rwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contractiwr wedi ymrwmo i is-gontract gydag unrhyw weithredwr economaidd arall.

29 Cymalau gweithiau cyhoeddus cymdeithasol: hysbysu Gweinidogion Cymru

- (1) O ran contract adeiladu mawr, rhaid i awdurdod contractio hysbysu Gweinidogion Cymru –
 - (a) os nad yw'r awdurdod yn bwriadu cynnwys cymalau gweithiau cyhoeddus cymdeithasol yn y contract (er ei fod wedi ystyried pa un ai i wneud hynny yn unol ag adran 25(1)(b));
 - (b) os nad oes cymalau gweithiau cyhoeddus cymdeithasol wedi eu cynnwys yn y contract (er bod yr awdurdod wedi cymryd pob cam rhesymol yn unol ag adran 25(1)(c)(i));

28 Social public works clauses in subcontracts

- (1) Subsection (2) applies if a contracting authority intends to include social public works clauses in a major construction contract it agrees with an economic operator (a “contractor”) (the authority having considered whether to do so in accordance with section 25(1)(b)).
- (2) The authority must take all reasonable steps to ensure that the obligations in the social public works clauses are implemented where the contractor enters into a subcontract with any other economic operator (a “subcontractor”).
- (3) Examples of the reasonable steps that could be taken under subsection (2) include—
 - (a) ensuring that social public works clauses having the same or substantially the same effect as those in the major construction contract are included in any subcontract—
 - (i) the contractor enters into with a subcontractor, and
 - (ii) the subcontractor enters into with a subsequent subcontractor (and so on);
 - (b) ensuring that the contracting authority can enforce the obligations in social public works clauses under the major construction contract or under a subcontract;
 - (c) requiring the contractor to obtain the contracting authority’s consent before entering into a subcontract, with consent being made conditional upon social public works clauses having the same or substantially the same effect as those included in the major construction contract being included in any subcontract;
 - (d) requiring the contractor to inform the contracting authority if it intends to enter into a subcontract which does not include social public works clauses having the same or substantially the same effect as those included in the major construction contract;
 - (e) requiring the contractor to monitor the extent any obligations in social public works clauses are implemented where the contractor has entered into a subcontract with any other economic operator.

29 Social public works clauses: notifying the Welsh Ministers

- (1) A contracting authority must notify the Welsh Ministers if, in relation to a major construction contract—
 - (a) the authority does not intend to include social public works clauses in the contract (despite having considered whether to do so in accordance with section 25(1)(b));
 - (b) social public works clauses are not included in the contract (despite the authority having taken all reasonable steps in accordance with section 25(1)(c)(i));

- (c) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu (er bod yr awdurdod wedi cymryd pob cam rhesymol yn unol ag adran 25(1)(c)(ii));
 - (d) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contract yn cael ei is-gontractio (er bod yr awdurdod wedi cymryd pob cam rhesymol yn unol ag adran 28(2)).
- (2) Rhaid gwneud hysbysiad o dan is-adran (1) cyn gynted ag y bo'n rhesymol ymarferol, a rhaid iddo nodi rhesymau'r awdurdod.

30 Cymalau gweithiau cyhoeddus cymdeithasol: ymateb Gweinidogion Cymru

- (1) Pan fo Gweinidogion Cymru yn cael hysbysiad oddi wrth awdurdod contractio o dan adran 29(1), rhaid iddynt –
- (a) cyhoeddi crynodeb o'r hysbysiad, a
 - (b) ystyried a ydynt yn fodlon ar y rhesymau a roddwyd ynddo.
- (2) Wrth ystyried a ydynt yn fodlon ar y rhesymau, caiff Gweinidogion Cymru –
- (a) ymgynghori â'r awdurdod;
 - (b) drwy hysbysiad ei gwneud yn ofynnol i'r awdurdod ddarparu unrhyw ddogfennau neu wybodaeth arall sy'n ofynnol gan Weinidogion Cymru at ddibenion is-adran (1) ar unrhyw ffurf neu mewn unrhyw fodd a bennir yn yr hysbysiad;
 - (c) darparu copi o'r hysbysiad o dan adran 29(1), ac unrhyw ddogfennau eraill neu wybodaeth arall a geir o dan baragraff (b), i is-grŵp caffael cyhoeddus yr CPG (gweler adran 9);
 - (d) ymgynghori ag is-grŵp caffael cyhoeddus yr CPG.
- (3) Os yw Gweinidogion Cymru yn fodlon, ar ôl ystyried y rhesymau o dan is-adran (1), rhaid iddynt gyhoeddi crynodeb o'r rhesymau pam eu bod yn fodlon.
- (4) Os nad yw Gweinidogion Cymru yn fodlon, ar ôl ystyried y rhesymau o dan is-adran (1), cânt roi cyfarwyddyd i'r awdurdod contractio i gymryd pob cam rhesymol i –
- (a) cynnwys cymalau gweithiau cyhoeddus cymdeithasol yn y contract adeiladu mawr,
 - (b) rhoi prosesau ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu, neu
 - (c) rhoi prosesau ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contract yn cael ei is-gontractio.
- (5) Pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan is-adran (4), rhaid iddynt –
- (a) hysbysu is-grŵp caffael cyhoeddus yr CPG eu bod wedi rhoi'r cyfarwyddyd, a
 - (b) cyhoeddi'r cyfarwyddyd.
- (6) Pan na fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan is-adran (4) er nad ydynt yn fodlon, rhaid iddynt –

- (c) there is no process in place for ensuring that obligations in social public works clauses are implemented (despite the authority having taken all reasonable steps in accordance with section 25(1)(c)(ii));
 - (d) there is no process in place for ensuring that obligations in social public works clauses are implemented where the contract is subcontracted (despite the authority having taken all reasonable steps in accordance with section 28(2)).
- (2) A notification under subsection (1) must be made as soon as reasonably practicable and give the authority's reasons.

30 Social public works clauses: Welsh Ministers' response

- (1) Where the Welsh Ministers receive a notification from a contracting authority under section 29(1), they must—
- (a) publish a summary of the notification, and
 - (b) consider whether they are satisfied with the reasons given in it.
- (2) In considering whether they are satisfied with the reasons, the Welsh Ministers may—
- (a) consult the authority;
 - (b) by notice require the authority to provide any documents or other information as the Welsh Ministers may require for the purposes of subsection (1) in such form or manner as may be specified in the notice;
 - (c) provide the SPC public procurement subgroup (see section 9) with a copy of the notification under section 29(1) and any documents or other information received under paragraph (b);
 - (d) consult the SPC public procurement subgroup.
- (3) If, following consideration under subsection (1), the Welsh Ministers are satisfied, they must publish a summary of their reasons for being satisfied.
- (4) If, following consideration under subsection (1), the Welsh Ministers are not satisfied, they may direct the contracting authority to take all reasonable steps to—
- (a) include social public works clauses in the major construction contract,
 - (b) put processes in place for ensuring that obligations in social public works clauses are implemented, or
 - (c) put processes in place for ensuring that obligations in social public works clauses are implemented where the contract is subcontracted.
- (5) Where the Welsh Ministers give a direction under subsection (4), they must—
- (a) inform the SPC public procurement subgroup that they have given the direction, and
 - (b) publish the direction.
- (6) Where the Welsh Ministers do not give a direction under subsection (4) despite not being satisfied, they must—

- (a) hysbysu is-grŵp caffael cyhoeddus yr CPG nad ydynt wedi rhoi cyfarwyddyd, a
- (b) cyhoeddi crynodeb o—
 - (i) y rhesymau pam nad ydynt yn fodlon, a
 - (ii) y rhesymau pam nad ydynt yn rhoi cyfarwyddyd er nad ydynt yn fodlon.
- (7) Rhaid i Weinidogion Cymru gymryd unrhyw gamau o dan is-adrannau (2)(a) neu (b) cyn gynted ag y bo'n rhesymol ymarferol.
- (8) Rhaid i awdurdod contractio ddarparu unrhyw ddogfennau neu wybodaeth arall y mae'n ofynnol iddo eu darparu neu ei darparu o dan is-adran (2)(b) cyn gynted ag y bo'n rhesymol ymarferol.
- (9) Nid oes dim yn yr adran hon yn ei gwneud yn ofynnol i Weinidogion Cymru gyhoeddi gwybodaeth y mae Gweinidogion Cymru yn ystyried, ar ôl ymgynghori â'r awdurdod contractio priodol, y byddai'n esempt rhag cael ei datgelu pe bai'n destun cais am wybodaeth o dan Ddeddf Rhyddid Gwybodaeth 2000 (p. 36).

31 Cymalau gweithiau cyhoeddus cymdeithasol: contractau Gweinidogion Cymru

- (1) O ran contract adeiladu mawr, rhaid i Weinidogion Cymru gyhoeddi datganiad—
 - (a) os nad ydynt yn bwriadu cynnwys cymalau gweithiau cyhoeddus cymdeithasol yn y contract (er eu bod wedi ystyried pa un ai i wneud hynny yn unol ag adran 25(1)(b));
 - (b) os nad oes cymalau gweithiau cyhoeddus cymdeithasol wedi eu cynnwys yn y contract (er eu bod wedi cymryd pob cam rhesymol yn unol ag adran 25(1)(c)(i));
 - (c) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu (er eu bod wedi cymryd pob cam rhesymol yn unol ag adran 25(1)(c)(ii));
 - (d) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithiau cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contract yn cael ei is-gontractio (er eu bod wedi cymryd pob cam rhesymol yn unol ag adran 28(2)).
- (2) Rhaid i ddatganiad a wneir o dan is-adran (1) gael ei wneud cyn gynted ag y bo'n rhesymol ymarferol a rhaid iddo nodi rhesymau Gweinidogion Cymru.

Cymalau gweithlu cyhoeddus cymdeithasol a chod ymarfer allanoli gwasanaethau cyhoeddus

32 Y cod allanoli gwasanaethau cyhoeddus a'r gweithlu

- (1) At ddibenion cynnal neu wella ansawdd gwasanaethau cyhoeddus neu swyddogaethau eraill a allanolir gan awdurdodau contractio, rhaid i Weinidogion Cymru lunio a chyhoeddi cod ymarfer ("y cod allanoli gwasanaethau cyhoeddus a'r gweithlu") ynghylch materion cyflogaeth a phensiynau sy'n gysylltiedig â chontractau allanoli gwasanaethau.
- (2) Caiff Gweinidogion Cymru ddiwygio'r cod a rhaid iddynt gyhoeddi'r cod diwygiedig.
- (3) Wrth lunio'r cod neu unrhyw ddiwygiad rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (4) Rhaid i Weinidogion Cymru osod copi o'r cod ac unrhyw ddiwygiadau iddo gerbron y Senedd.

- (a) inform the SPC public procurement subgroup that they have not given a direction, and
 - (b) publish a summary of—
 - (i) their reasons for not being satisfied, and
 - (ii) their reasons for not giving a direction despite not being satisfied.
- (7) The Welsh Ministers must take any action taken under subsections (2)(a) or (b) as soon as reasonably practicable.
- (8) A contracting authority must provide any documents or other information it is required to provide under subsection (2)(b) as soon as reasonably practicable.
- (9) Nothing in this section requires the Welsh Ministers to publish information which, following consultation with the appropriate contracting authority, the Welsh Ministers consider would be exempt from disclosure were it to be subject to a request for information under the Freedom of Information Act 2000 (c. 36).

31 Social public works clauses: Welsh Ministers' contracts

- (1) The Welsh Ministers must publish a statement if, in relation to a major construction contract—
- (a) they do not intend to include social public works clauses in the contract (despite having considered whether to do so in accordance with section 25(1)(b));
 - (b) social public works clauses are not included in the contract (despite having taken all reasonable steps in accordance with section 25(1)(c)(i));
 - (c) there is no process in place for ensuring that obligations in social public works clauses are implemented (despite having taken all reasonable steps in accordance with section 25(1)(c)(ii));
 - (d) there is no process in place for ensuring that obligations in social public works clauses are implemented where the contract is subcontracted (despite having taken all reasonable steps in accordance with section 28(2)).
- (2) A statement made under subsection (1) must be made as soon as reasonably practicable and give the Welsh Ministers' reasons.

Social public workforce clauses and code of practice on outsourcing public services

32 Public services outsourcing and workforce code

- (1) For the purposes of maintaining or improving the quality of public services or other functions outsourced by contracting authorities, the Welsh Ministers must prepare and publish a code of practice (the "public services outsourcing and workforce code") about employment and pensions matters related to outsourcing services contracts.
- (2) The Welsh Ministers may revise the code and must publish the revised code.
- (3) In preparing the code or any revision the Welsh Ministers must consult such other persons as they consider appropriate.
- (4) The Welsh Ministers must lay a copy of the code and any revision before the Senedd.

33 Cymalau gweithlu cyhoeddus cymdeithasol mewn contractau allanoli gwasanaethau

Rhaid i'r cod allanoli gwasanaethau cyhoeddus a'r gweithlu gynnwys cymalau contract enghreifftiol ("cymalau gweithlu cyhoeddus cymdeithasol") sydd, yn benodol –

- (a) wedi eu cynllunio i sicrhau y bydd aelodau o staff a gyflogir gan awdurdodau contractio i ddarparu'r gwasanaethau, neu gyflawni'r swyddogaethau, sydd i'w hallanoli yn cael eu cyflogi, os ydynt yn dymuno, gan y person sy'n darparu'r gwasanaethau hynny, neu sy'n cyflawni'r swyddogaethau hynny, pan gânt eu hallanoli ("staff sy'n trosglwyddo");
- (b) wedi eu cynllunio i ddiogelu telerau ac amodau cyflogaeth a threfniadau pensiwn staff sy'n trosglwyddo;
- (c) wedi eu cynllunio i sicrhau nad yw telerau ac amodau aelodau eraill o staff a gyflogir gan y person sy'n darparu'r gwasanaethau, neu sy'n cyflawni'r swyddogaethau, sy'n ymwneud â darparu'r gwasanaethau hynny, neu gyflawni'r swyddogaethau hynny, yn llai ffafriol ar y cyfan na thelerau ac amodau'r staff sy'n trosglwyddo, a bod trefniadau pensiwn yr aelodau eraill o staff hynny yn rhesymol;
- (d) yn gwneud darpariaeth atodol i'r materion y cyfeirir atynt ym mharagraffau (a) i (c).

34 Cymalau gweithlu cyhoeddus cymdeithasol mewn is-gontractau

- (1) Mae is-adran (2) yn gymwys os yw awdurdod contractio yn bwriadu cynnwys cymalau gweithlu cyhoeddus cymdeithasol mewn contract allanoli gwasanaethau y mae'n cytuno arno gyda gweithredwr economaidd ("contractiwr") (ar ôl i'r awdurdod ystyried pa un ai i wneud hynny yn unol ag adran 26(1)(b)).
- (2) Rhaid i'r awdurdod gymryd pob cam rhesymol i sicrhau bod y rhwymedigaethau yn y cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contractiwr yn ymrwymo i is-gontract gydag unrhyw weithredwr economaidd arall ("is-gontractiwr").
- (3) Mae enghreifftiau o'r camau rhesymol y gellir eu cymryd o dan is-adran (2) yn cynnwys –
 - (a) sicrhau bod cymalau gweithlu cyhoeddus cymdeithasol sy'n cael yr un effaith neu'r un effaith yn sylweddol â'r cymalau yn y contract allanoli gwasanaethau yn cael eu cynnwys mewn unrhyw is-gontract –
 - (i) y mae'r contractiwr yn ymrwymo iddo gydag is-gontractiwr, a
 - (ii) y mae'r is-gontractiwr yn ymrwymo iddo gyda chontractiwr dilynol (ac yn y blaen);
 - (b) sicrhau y caniateir i'r awdurdod contractio orfodi'r rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol o dan y contract allanoli gwasanaethau neu o dan is-gontract;
 - (c) ei gwneud yn ofynnol i'r contractiwr gael cydsyniad yr awdurdod contractio cyn ymrwymo i is-gontract, gyda chydsyniad yn cael ei roi ar yr amod bod cymalau gweithlu cyhoeddus cymdeithasol sy'n cael yr un effaith neu'r un effaith yn sylweddol â'r cymalau sydd wedi eu cynnwys yn y contract allanoli gwasanaethau yn cael eu cynnwys mewn unrhyw is-gontract;

33 Social public workforce clauses in outsourcing services contracts

The public services outsourcing and workforce code must include model contract clauses (“social public workforce clauses”), which in particular –

- (a) are designed to ensure that members of staff employed by contracting authorities in providing services, or undertaking functions, to be outsourced will, if they wish, become employed by the person providing those services, or undertaking those functions, when they are outsourced (“transferring staff”);
- (b) are designed to protect the terms and conditions and pensions arrangements of transferring staff;
- (c) are designed to ensure that the terms and conditions of other members of staff employed by the person providing the services, or undertaking the functions, who are involved in providing those services, or undertaking those functions, are no less favourable overall than those of transferring staff, and that the pensions arrangements of those other members of staff are reasonable;
- (d) make provision supplementary to the matters referred to in paragraphs (a) to (c).

34 Social public workforce clauses in subcontracts

- (1) Subsection (2) applies if a contracting authority intends to include social public workforce clauses in an outsourcing services contract it agrees with an economic operator (a “contractor”) (the authority having considered whether to do so in accordance with section 26(1)(b)).
- (2) The authority must take all reasonable steps to ensure that the obligations in the social public workforce clauses are implemented where the contractor enters into a subcontract with any other economic operator (a “subcontractor”).
- (3) Examples of the reasonable steps that could be taken under subsection (2) include—
 - (a) ensuring that social public workforce clauses having the same or substantially the same effect as those in the outsourcing services contract are included in any subcontract—
 - (i) the contractor enters into with a subcontractor, and
 - (ii) the subcontractor enters into with a subsequent contractor (and so on);
 - (b) ensuring that the contracting authority may enforce the obligations in social public workforce clauses under the outsourcing services contract or under a subcontract;
 - (c) requiring the contractor to obtain the contracting authority’s consent before entering into a subcontract, with consent being made conditional upon social public workforce clauses having the same or substantially the same effect as those included in the outsourcing services contract being included in any subcontract;

- (d) ei gwneud yn ofynnol i'r contractiwr hysbysu'r awdurdod contractio os yw'n bwriadu ymrwymo i is-gontract nad yw'n cynnwys cymalau gweithlu cyhoeddus cymdeithasol sy'n cael yr un effaith neu'r un effaith yn sylweddol â'r cymalau sydd wedi eu cynnwys yn y contract allanoli gwasanaethau;
- (e) ei gwneud yn ofynnol i'r contractiwr fonitro i ba raddau y mae unrhyw rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contractiwr wedi ymrwymo i is-gontract gydag unrhyw weithredwr economaidd arall.

35 Cymalau gweithlu cyhoeddus cymdeithasol: hysbysu Gweinidogion Cymru

- (1) O ran contract allanoli gwasanaethau, rhaid i awdurdod contractio hysbysu Gweinidogion Cymru –
 - (a) os nad yw'r awdurdod yn bwriadu cynnwys cymalau gweithlu cyhoeddus cymdeithasol yn y contract (er ei fod wedi ystyried pa un ai i wneud hynny yn unol ag adran 26(1)(b));
 - (b) os nad oes cymalau gweithlu cyhoeddus cymdeithasol wedi eu cynnwys yn y contract (er bod yr awdurdod wedi cymryd pob cam rhesymol yn unol ag adran 26(1)(c)(i));
 - (c) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu (er bod yr awdurdod wedi cymryd pob cam rhesymol yn unol ag adran 26(1)(c)(ii));
 - (d) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contract yn cael ei is-gontractio (er bod yr awdurdod wedi cymryd pob cam rhesymol yn unol ag adran 34(2)).
- (2) Rhaid gwneud hysbysiad o dan is-adran (1) cyn gynted ag y bo'n rhesymol ymarferol, a rhaid iddo nodi rhesymau'r awdurdod.

36 Cymalau gweithlu cyhoeddus cymdeithasol: ymateb Gweinidogion Cymru

- (1) Pan fo Gweinidogion Cymru yn cael hysbysiad o dan adran 35(1), rhaid iddynt –
 - (a) cyhoeddi crynodeb o'r hysbysiad, a
 - (b) ystyried a ydynt yn fodlon ar y rhesymau a roddwyd yn yr hysbysiad.
- (2) Wrth ystyried a ydynt yn fodlon ar y rhesymau, caiff Gweinidogion Cymru –
 - (a) ymgynghori â'r awdurdod contractio;
 - (b) drwy hysbysiad ei gwneud yn ofynnol i'r awdurdod ddarparu unrhyw ddogfennau neu wybodaeth arall sy'n ofynnol gan Weinidogion Cymru at ddibenion is-adran (1) ar unrhyw ffurf neu mewn unrhyw fodd a bennir yn yr hysbysiad;
 - (c) darparu copi o'r hysbysiad o dan adran 35(1), ac unrhyw ddogfennau neu wybodaeth arall a geir o dan baragraff (b), i is-grŵp caffael yr CPG;
 - (d) ymgynghori ag is-grŵp caffael yr CPG.

- (d) requiring the contractor to inform the contracting authority if it intends to enter into a subcontract which does not include social public workforce clauses having the same or substantially the same effect as those included in the outsourcing services contract;
- (e) requiring the contractor to monitor the extent any obligations in social public workforce clauses are implemented where the contractor has entered into a subcontract with any other economic operator.

35 Social public workforce clauses: notifying the Welsh Ministers

- (1) A contracting authority must notify the Welsh Ministers if, in relation to an outsourcing services contract –
 - (a) the authority does not intend to include social public workforce clauses in the contract (despite having considered whether to do so in accordance with section 26(1)(b));
 - (b) social public workforce clauses are not included in the contract (despite the authority having taken all reasonable steps in accordance with section 26(1)(c)(i));
 - (c) there is no process in place for ensuring that obligations in social public workforce clauses are implemented (despite the authority having taken all reasonable steps in accordance with section 26(1)(c)(ii));
 - (d) there is no process in place for ensuring that obligations in social public workforce clauses are implemented where the contract is subcontracted (despite the authority having taken all reasonable steps in accordance with section 34(2)).
- (2) A notification under subsection (1) must be made as soon as reasonably practicable and must give the authority's reasons.

36 Social public workforce clauses: Welsh Ministers' response

- (1) Where the Welsh Ministers receive a notification under section 35(1), they must –
 - (a) publish a summary of the notification, and
 - (b) consider whether they are satisfied with the reasons given in the notification.
- (2) In considering whether they are satisfied with the reasons, the Welsh Ministers may –
 - (a) consult the contracting authority;
 - (b) by notice require the authority to provide any documents or other information as the Welsh Ministers may require for the purposes of subsection (1) in such form or manner as may be specified in the notice;
 - (c) provide the SPC procurement subgroup with a copy of the notification under section 35(1) and any documents or other information received under paragraph (b);
 - (d) consult the SPC procurement subgroup.

- (3) Os yw Gweinidogion Cymru yn fodlon, ar ôl ystyried y rhesymau o dan is-adran (1), rhaid iddynt gyhoeddi crynodeb o'r rhesymau pam eu bod yn fodlon.
- (4) Os nad yw Gweinidogion Cymru yn fodlon, ar ôl ystyried y rhesymau o dan is-adran (1), caiff Gweinidogion Cymru roi cyfarwyddyd i'r awdurdod contractio i gymryd pob cam rhesymol i—
 - (a) cynnwys cymalau gweithlu cyhoeddus cymdeithasol yn y contract allanoli gwasanaethau,
 - (b) rhoi prosesau ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu, neu
 - (c) rhoi prosesau ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contract yn cael ei is-gontractio.
- (5) Pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan is-adran (4), rhaid iddynt—
 - (a) hysbysu is-grŵp caffael yr CPG eu bod wedi rhoi'r cyfarwyddyd, a
 - (b) cyhoeddi'r cyfarwyddyd.
- (6) Pan na fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan is-adran (4) er nad ydynt yn fodlon, rhaid iddynt—
 - (a) hysbysu is-grŵp caffael cyhoeddus yr CPG nad ydynt wedi rhoi cyfarwyddyd, a
 - (b) cyhoeddi crynodeb o—
 - (i) y rhesymau pam nad ydynt yn fodlon, a
 - (ii) y rhesymau pam nad ydynt yn rhoi cyfarwyddyd er nad ydynt yn fodlon.
- (7) Rhaid i Weinidogion Cymru gymryd unrhyw gamau o dan is-adrannau (2)(a) neu (b) cyn gynted ag y bo'n rhesymol ymarferol.
- (8) Rhaid i awdurdod contractio ddarparu unrhyw ddogfennau neu wybodaeth arall y mae'n ofynnol iddo eu darparu neu ei darparu o dan is-adran (2)(b) cyn gynted ag y bo'n rhesymol ymarferol.
- (9) Nid oes dim yn yr adran hon yn ei gwneud yn ofynnol i Weinidogion Cymru gyhoeddi gwybodaeth y mae Gweinidogion Cymru yn ystyried, ar ôl ymgynghori â'r awdurdod contractio priodol, y byddai'n esempt rhag cael ei datgelu pe bai'n destun cais am wybodaeth o dan Ddeddf Rhyddid Gwybodaeth 2000 (p. 36).

37 Cymalau gweithlu cyhoeddus cymdeithasol: contractau Gweinidogion Cymru

- (1) O ran contract allanoli gwasanaethau, rhaid i Weinidogion Cymru gyhoeddi datganiad—
 - (a) os nad ydynt yn bwriadu cynnwys cymalau gweithlu cyhoeddus cymdeithasol yn y contract (er eu bod wedi ystyried pa un ai i wneud hynny yn unol ag adran 26(1)(b));
 - (b) os nad oes cymalau gweithlu cyhoeddus cymdeithasol wedi eu cynnwys yn y contract (er eu bod wedi cymryd pob cam rhesymol yn unol ag adran 26(1)(c)(i));
 - (c) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu (er eu bod wedi cymryd pob cam rhesymol yn unol ag adran 26(1)(c)(ii));

- (3) If, following consideration under subsection (1), the Welsh Ministers are satisfied, they must publish a summary of their reasons for being satisfied.
- (4) If, following consideration under subsection (1), the Welsh Ministers are not satisfied, they may direct the contracting authority to take all reasonable steps to—
 - (a) include social public workforce clauses in the outsourcing services contract,
 - (b) put processes in place for ensuring that obligations in social public workforce clauses are implemented, or
 - (c) put processes in place for ensuring that obligations in social public workforce clauses are implemented where the contract is subcontracted.
- (5) Where the Welsh Ministers give a direction under subsection (4), they must—
 - (a) inform the SPC procurement subgroup that they have given the direction, and
 - (b) publish the direction.
- (6) Where the Welsh Ministers do not give a direction under subsection (4) despite not being satisfied, they must—
 - (a) inform the SPC public procurement subgroup that they have not given a direction, and
 - (b) publish a summary of—
 - (i) their reasons for not being satisfied, and
 - (ii) their reasons for not giving a direction despite not being satisfied.
- (7) The Welsh Ministers must take any action taken under subsections (2)(a) or (b) as soon as reasonably practicable.
- (8) A contracting authority must provide any documents or other information it is required to provide under subsection (2)(b) as soon as reasonably practicable.
- (9) Nothing in this section requires the Welsh Ministers to publish information which, following consultation with the appropriate contracting authority, the Welsh Ministers consider would be exempt from disclosure were it to be subject to a request for information under the Freedom of Information Act 2000 (c. 36).

37 Social public workforce clauses: Welsh Ministers' contracts

- (1) The Welsh Ministers must publish a statement if, in relation to an outsourcing services contract—
 - (a) they do not intend to include social public workforce clauses in the contract (despite having considered whether to do so in accordance with section 26(1)(b));
 - (b) social public workforce clauses are not included in the contract (despite having taken all reasonable steps in accordance with section 26(1)(c)(i));
 - (c) there is no process in place for ensuring that obligations in social public workforce clauses are implemented (despite having taken all reasonable steps in accordance with section 26(1)(c)(ii));

- (d) os nad oes unrhyw broses ar waith i sicrhau bod rhwymedigaethau mewn cymalau gweithlu cyhoeddus cymdeithasol yn cael eu gweithredu pan fo'r contract yn cael ei is-gontractio (er eu bod wedi cymryd pob cam rhesymol yn unol ag adran 34(2)).
- (2) Rhaid i ddatganiad a wneir o dan is-adran (1) gael ei wneud cyn gynted ag y bo'n rhesymol ymarferol a rhaid iddo nodi rhesymau Gweinidogion Cymru.

Strategaethau caffael

38 Strategaeth gaffael

- (1) Rhaid i awdurdod contractio lunio strategaeth ("strategaeth gaffael") sy'n nodi sut y mae'r awdurdod yn bwriadu cynnal caffael cyhoeddus.
- (2) Rhaid i strategaeth gaffael, yn benodol –
 - (a) datgan sut y mae'r awdurdod yn bwriadu sicrhau y bydd yn cynnal caffael cyhoeddus mewn ffordd gymdeithasol gyfrifol yn unol ag adran 24(1);
 - (b) datgan sut y mae'r awdurdod yn bwriadu cymryd pob cam rhesymol i gyflawni ei amcanion caffael cymdeithasol gyfrifol pan fo'n cynnal caffael cyhoeddus mewn perthynas ag unrhyw gontract rhagnodedig;
 - (c) datgan sut y mae'r awdurdod yn bwriadu gwneud taliadau sy'n ddyledus o dan gontract yn brydlon ac, oni bai nad yw hyn yn rhesymol ymarferol, yn ddim hwyrach na 30 o ddiwrnodau ar ôl cyflwyno anfoneb (neu hawliad tebyg).
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio is-adran (2) –
 - (a) er mwyn pennu materion eraill y mae rhaid i strategaethau caffael ymdrin â hwy;
 - (b) er mwyn lleihau nifer y diwrnodau a grybwyllir yn is-adran (2)(c).
- (4) Rhaid i awdurdod contractio –
 - (a) adolygu ei strategaeth gaffael bob blwyddyn ariannol,
 - (b) gwneud unrhyw ddiwygiadau y mae'r awdurdod yn ystyried eu bod yn briodol o bryd i'w gilydd, ac
 - (c) cyhoeddi'r strategaeth, ac unrhyw ddiwygiadau, cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddi gael ei llunio neu ei diwygio.
- (5) Caniateir i ddau neu ragor o awdurdodau contractio gyflawni eu rhwymedigaethau o dan yr adran hon drwy lunio strategaeth gaffael ar y cyd.

PENNOD 3

ADRODD AC ATEBOLRWYDD

39 Adroddiadau caffael cymdeithasol gyfrifol blynyddol

- (1) Rhaid i awdurdod contractio sydd wedi dyfarnu unrhyw gontractau rhagnodedig yn ystod blwyddyn ariannol lunio a chyhoeddi adroddiad blynyddol ar ei gaffael cyhoeddus cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y flwyddyn honno.
- (2) Rhaid i'r adroddiad gynnwys –
 - (a) crynodeb o'r ymarferion caffael cyhoeddus a arweiniodd yn ystod y flwyddyn at ddyfarnu contract rhagnodedig neu y bwriadwyd iddynt arwain at ddyfarnu contract o'r fath;

- (d) there is no process in place for ensuring that obligations in social public workforce clauses are implemented where the contract is subcontracted (despite having taken all reasonable steps in accordance with section 34(2)).
- (2) A statement under subsection (1) must be made as soon as reasonably practicable and give the Welsh Ministers' reasons.

Procurement strategies

38 Procurement strategy

- (1) A contracting authority must prepare a strategy (a "procurement strategy") setting out how the authority intends to carry out public procurement.
- (2) A procurement strategy must, in particular –
 - (a) state how the authority intends to ensure that it will carry out public procurement in a socially responsible way in accordance with section 24(1);
 - (b) state how the authority intends to take all reasonable steps to meet its socially responsible procurement objectives when it carries out public procurement in relation to any prescribed contract;
 - (c) state how the authority intends to make payments due under a contract promptly and, unless this is not reasonably practicable, no later than 30 days after an invoice (or similar claim) is submitted.
- (3) The Welsh Ministers may by regulations amend subsection (2) –
 - (a) to specify other matters which procurement strategies must address;
 - (b) to reduce the number of days mentioned in subsection (2)(c).
- (4) A contracting authority must –
 - (a) review its procurement strategy each financial year,
 - (b) make any revisions that the authority considers appropriate from time to time, and
 - (c) publish the strategy, and any revision, as soon as reasonably practicable after it has been prepared or revised.
- (5) Two or more contracting authorities may fulfil their obligations under this section by preparing a joint procurement strategy.

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) adolygiad sy'n ystyried i ba raddau y cymerwyd pob cam rhesymol yn yr ymarferion caffael cyhoeddus hynny i gyflawni amcanion caffael cymdeithasol gyfrifol yr awdurdod;
 - (c) i'r graddau y mae'r awdurdod yn ystyried y gellir cymryd yn rhesymol gamau pellach mewn ymarferion caffael cyhoeddus yn y dyfodol i gyflawni ei amcanion caffael cymdeithasol gyfrifol, datganiad o sut y mae'n bwriadu cymryd y camau hynny;
 - (d) crynodeb o'r gwaith caffael cyhoeddus y mae'r awdurdod yn disgwyl ei gynnal yn ystod y ddwy flwyddyn ariannol nesaf;
 - (e) gwybodaeth o'r math a grybwyllir yn is-adran (3) y mae rhaid ei phennu drwy reoliadau a wneir gan Weinidogion Cymru;
 - (f) gwybodaeth arall a bennir drwy reoliadau a wneir gan Weinidogion Cymru.
- (3) Yr wybodaeth y cyfeirir ati yn is-adran (2)(e) yw gwybodaeth y mae Gweinidogion Cymru yn ystyried bod arnynt ei hangen er mwyn asesu i ba raddau –
- (a) y mae awdurdod contractio sy'n cyflawni ei amcanion caffael cymdeithasol gyfrifol yn cyfrannu at gyflawni'r nodau llesiant;
 - (b) y mae caffael cyhoeddus awdurdod contractio, yn gyffredinol, yn cyfrannu at gyflawni'r nodau llesiant, er enghraifft drwy –
 - (i) bod o fudd i economi ei ardal, gan gynnwys drwy ddyfarnu contractau i fusnesau bach a chanolig;
 - (ii) ystyried materion amgylcheddol;
 - (iii) ystyried materion cymdeithasol (eraill);
 - (iv) hybu a hwyluso defnyddio'r Gymraeg.

40 Cofrestr contractau

- (1) Rhaid i awdurdod contractio greu, cynnal a chyhoeddi cofrestr contractau.
- (2) Mae cofrestr contractau yn gofrestr o contractau cyhoeddus yr ymrwymwyd iddynt gan yr awdurdod contractio sydd o ddisgrifiad a ragnodwyd gan Weinidogion Cymru drwy reoliadau ("contractau cofrestradwy").
- (3) Mewn perthynas â phob contract cofrestradwy, rhaid i gofrestr contractau gynnwys –
 - (a) dyddiad dyfarnu'r contract;
 - (b) enw'r contractiwr;
 - (c) cyfeiriad prif fan busnes y contractiwr;
 - (d) y pwnc;
 - (e) y gwerth amcangyfrifedig;
 - (f) y dyddiad cychwyn;
 - (g) y dyddiad terfynu y darperir ar ei gyfer yn y contract (gan ddiystyru unrhyw opsiwn i estyn y contract) neu, pan na fo dyddiad wedi ei bennu, ddisgrifiad o'r amgylchiadau y bydd y contract yn terfynu odanynt;
 - (h) hyd unrhyw gyfnod y gellir estyn y 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;
 - (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) unrhyw wybodaeth arall a ragnodir gan Weinidogion Cymru drwy reoliadau.
- (4) Ond caiff awdurdod atal cyhoeddi cofnod, neu ran o gofnod, yn y gofrestr os yw'n ystyried y byddai ei gyhoeddi neu ei chyhoeddi—
 - (a) yn rhwystro gorfodi'r gyfraith neu fel arall yn groes i fudd y cyhoedd,
 - (b) yn rhagfarnu buddiannau masnachol unrhyw berson,
 - (c) yn rhagfarnu cystadleuaeth deg rhwng gweithredwyr economaidd, neu
 - (d) yn datgelu cyfeiriad preswyl (yn achos yr wybodaeth y cyfeirir ati yn is-adran (3)(c)).
- (5) Ni chaiff awdurdod ddileu cofnod yn ei gofrestr gcontractau ond ar ôl i'r contract y mae'r cofnod yn ymwneud ag ef ddod i ben neu gael ei derfynu.

41 Ymchwiliadau caffael

- (1) Caiff Gweinidogion Cymru ymchwilio i'r modd y mae awdurdod contractio yn cynnal caffael cyhoeddus.
- (2) Caiff ymchwiliad ymwneud ag ymarfer caffael cyhoeddus penodol a gynhaliwyd gan awdurdod contractio neu â'i weithgarwch caffael cyhoeddus cyffredinol.
- (3) Caiff Gweinidogion Cymru, drwy hysbysiad, ei gwneud yn ofynnol i awdurdod contractio ddarparu'r dogfennau hynny neu'r wybodaeth arall honno sy'n ofynnol gan Weinidogion Cymru at ddibenion ymchwiliad o dan yr adran hon, ar unrhyw ffurf neu mewn unrhyw fodd a bennir yn yr hysbysiad.
- (4) Rhaid i awdurdod contractio—
 - (a) rhoi cymorth rhesymol i Weinidogion Cymru mewn perthynas ag ymchwiliad;
 - (b) cydymffurfio â hysbysiad o dan is-adran (3) cyn gynted ag y bo'n rhesymol ymarferol.
- (5) Ar ôl cwblhau'r ymchwiliad, caiff Gweinidogion Cymru—
 - (a) gwneud argymhellion i'r awdurdod contractio;
 - (b) cyhoeddi adroddiad ar ganlyniadau'r ymchwiliad;
 - (c) gosod copi o unrhyw adroddiad a gyhoeddwyd gerbron y Senedd.

42 Adroddiad blynyddol Gweinidogion Cymru ar gaffael cyhoeddus

- (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd blwyddyn ariannol, rhaid i Weinidogion Cymru lunio adroddiad ar gaffael cyhoeddus yng Nghymru yn ystod y flwyddyn honno.
- (2) Rhaid i'r adroddiad, yn benodol, gynnwys gwybodaeth ynghylch—
 - (a) yr adroddiadau caffael blynyddol a gyhoeddir o dan adran 39;
 - (b) canlyniadau unrhyw ymchwiliadau o dan adran 41.
- (3) Rhaid i Weinidogion Cymru gyhoeddi'r adroddiad a gosod copi ohono gerbron y Senedd.

- (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.
- (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.

PENNOD 4
CYFFREDINOL

43 Canllawiau

- (1) Caiff Gweinidogion Cymru ddyroddi canllawiau ar weithrediad y Rhan hon.
- (2) Caiff canllawiau, yn benodol, wneud darpariaeth ynghylch –
 - (a) bodloni'r gofyniad yn adran 24(1) i gynnal caffael cyhoeddus mewn ffordd gymdeithasol gyfrifol;
 - (b) gosod amcanion caffael cymdeithasol gyfrifol;
 - (c) cymryd pob cam rhesymol i fodloni amcanion caffael cymdeithasol gyfrifol;
 - (d) cymalau gweithiau cyhoeddus cymdeithasol;
 - (e) y cod allanoli gwasanaethau cyhoeddus a'r gweithlu;
 - (f) cymalau gweithlu cyhoeddus cymdeithasol;
 - (g) ymgynghori wrth lunio strategaeth gaffael;
 - (h) ffurf a chynnwys strategaethau caffael ac adroddiadau caffael blynyddol;
 - (i) y broses a ddefnyddir gan awdurdod contractio i gymeradwyo ei strategaeth gaffael;
 - (j) strategaethau caffael ar y cyd.
- (3) Rhaid i awdurdod contractio roi sylw i ganllawiau perthnasol a gyhoeddir gan Weinidogion Cymru.
- (4) Cyn dyroddi canllawiau o dan y Rhan hon, rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
 - (a) yr CPG;
 - (b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

44 Rheoliadau

- (1) Mae pŵer i wneud rheoliadau o dan y Rhan hon –
 - (a) yn arferadwy drwy offeryn statudol;
 - (b) yn cynnwys y pŵer i wneud darpariaeth wahanol at ddibenion gwahanol;
 - (c) yn cynnwys y pŵer i wneud darpariaeth ddeilliadol, darpariaeth atodol, darpariaeth ganlyniadol, darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.
- (2) Ni chaniateir gwneud offeryn statudol sy'n cynnwys rheoliadau a wnaed o dan adran 22(4), 24(8)(c), 25(3) neu 27(4) oni bai bod drafft o'r offeryn wedi ei osod gerbron y Senedd ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (3) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau a wnaed o dan y Rhan hon yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan y Senedd.

CHAPTER 4

GENERAL

43 Guidance

- (1) The Welsh Ministers may issue guidance about the operation of this Part.
- (2) Guidance may, in particular, make provision about –
 - (a) meeting the requirement in section 24(1) to carry out public procurement in a socially responsible way;
 - (b) setting socially responsible procurement objectives;
 - (c) taking all reasonable steps to meet socially responsible procurement objectives;
 - (d) social public works clauses;
 - (e) the public services outsourcing and workforce code;
 - (f) social public workforce clauses;
 - (g) consultation during the preparation of a procurement strategy;
 - (h) the form and content of procurement strategies and annual procurement reports;
 - (i) the process by which a contracting authority approves its procurement strategy;
 - (j) joint procurement strategies.
- (3) A contracting authority must have regard to relevant guidance published by the Welsh Ministers.
- (4) Before issuing guidance under this Part, the Welsh Ministers must consult –
 - (a) the SPC;
 - (b) such other persons as they consider appropriate.

44 Regulations

- (1) A power to make regulations under this Part –
 - (a) is exercisable by statutory instrument;
 - (b) includes the power to make different provision for different purposes;
 - (c) includes the power to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (2) A statutory instrument containing regulations made under section 22(4), 24(8)(c), 25(3) or 27(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.
- (3) Any other statutory instrument containing regulations made under this Part is subject to annulment in pursuance of a resolution of the Senedd.

45 Dehongli Rhan 3

(1) Yn y Rhan hon –

mae i “awdurdod contractio” (“*contracting authority*”) yr ystyr a roddir yn adran 22;

mae i “caffael cyhoeddus” (“*public procurement*”) yr ystyr a roddir yn adran 23;

mae i “y cod allanoli gwasanaethau cyhoeddus a’r gweithlu” (“*the public services outsourcing and workforce code*”) yr ystyr a roddir yn adran 32(1);

mae i “contract allanoli gwasanaethau” (“*outsourcing services contract*”) yr ystyr a roddir yn adran 26(2);

mae i “contract consesiwn gweithiau” yr ystyr a roddir i “works concession contract” gan reoliadau 2(1) a 3(2) o’r Rheoliadau Contractau Consesiwn;

mae i “contract gweithiau” yr ystyr a roddir i “works contracts” gan reoliad 2(1) o’r Rheoliadau Contractau Cyfleustodau;

mae i “contract gweithiau cyhoeddus” (“*public works contract*”) yr ystyr a roddir gan reoliad 2(1) o’r Rheoliadau Contractau Cyhoeddus;

mae i “contract rhagnodedig” (“*prescribed contract*”) yr ystyr a roddir yn adran 24(8);

mae i “cymalau gweithiau cyhoeddus cymdeithasol” (“*social public works clauses*”) yr ystyr a roddir yn adran 27;

mae i “cymalau gweithlu cyhoeddus cymdeithasol” (“*social public workforce clauses*”) yr ystyr a roddir yn adran 33;

ystyr “cytundeb fframwaith” (“*framework agreement*”) yw cytundeb rhwng un neu ragor o awdurdodau contractio ac un neu ragor o weithredwyr economaidd, gyda’r diben o sefydlu’r prif delerau sy’n llywodraethu contractau cyhoeddus (contractau yn ôl y gofyn) sydd i’w dyfarnu yn ystod cyfnod penodol, yn enwedig o ran prisio’r pethau y rhagwelir y cânt eu caffael a, lle y bo’n briodol, eu nifer;

mae i “gweithiau” yr ystyr a roddir i “works” gan baragraff 2 o reoliad 2(1) o’r Rheoliadau Contractau Cyhoeddus;

ystyr “gweithredwr economaidd” (“*economic operator*”) yw unrhyw berson sy’n cynnig cyflawni gweithiau, cyflenwi cynhyrchion neu ddarparu gwasanaethau ar y farchnad;

ystyr “y Rheoliadau Contractau Consesiwn” (“*the Concession Contracts Regulations*”) yw Rheoliadau Contractau Consesiwn 2016 (O.S. 2016/273);

ystyr “y Rheoliadau Contractau Cyfleustodau” (“*the Utilities Contracts Regulations*”) yw Rheoliadau Contractau Cyfleustodau 2016 (O.S. 2016/274);

ystyr “y Rheoliadau Contractau Cyhoeddus” (“*the Public Contracts Regulations*”) yw Rheoliadau Contractau Cyhoeddus 2015 (O.S. 2015/102);

mae i “sefydliadau gwirfoddol” yr ystyr a roddir i “relevant voluntary organisations” o fewn ystyr adran 74(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) At ddibenion y Rhan hon mae gwerth amcangyfrifedig contract i’w ganfod yn unol â rheoliad 6(1) o’r Rheoliadau Contractau Cyhoeddus.

45 Interpretation of Part 3

(1) In this Part—

“the Concession Contracts Regulations” (“*y Rheoliadau Contractau Consesiwn*”) means the Concession Contracts Regulations 2016 (S.I. 2016/273);

“contracting authority” (“*awdurdod contractio*”) has the meaning given in section 22;

“economic operator” (“*gweithredwr economaidd*”) means any person who offers the execution of works, the supply of products or the provision of services on the market;

“framework agreement” (“*cytundeb fframwaith*”) means an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the main terms governing public contracts (call-off contracts) to be awarded during a given period, in particular with regard to pricing the things envisaged to be procured and, where appropriate, their quantity;

“outsourcing services contract” (“*contract allanoli gwasanaethau*”) has the meaning given in section 26(2);

“prescribed contract” (“*contract rhagnodedig*”) has the meaning given in section 24(8);

“the Public Contracts Regulations” (“*y Rheoliadau Contractau Cyhoeddus*”) means the Public Contracts Regulations 2015 (S.I. 2015/102);

“public procurement” (“*caffael cyhoeddus*”) has the meaning given in section 23;

“the public services outsourcing and workforce code” (“*y cod allanoli gwasanaethau cyhoeddus a’r gweithlu*”) has the meaning given in section 32(1);

“public works contract” (“*contract gweithiau cyhoeddus*”) has the meaning given by regulation 2(1) of the Public Contracts Regulations;

“social public workforce clauses” (“*cymalau gweithlu cyhoeddus cymdeithasol*”) has the meaning given in section 33;

“social public works clauses” (“*cymalau gweithiau cyhoeddus cymdeithasol*”) has the meaning given in section 27;

“the Utilities Contracts Regulations” (“*y Rheoliadau Contractau Cyfleustodau*”) means the Utilities Contracts Regulations 2016 (S.I. 2016/274);

“voluntary organisations” (“*sefydliadau gwirfoddol*”) has the same meaning as “relevant voluntary organisations” within the meaning of section 74(2) of the Government of Wales Act 2006 (c. 32);

“works” (“*gweithiau*”) has the meaning given by paragraph 2 of regulation 2(1) of the Public Contracts Regulations;

“works concession contract” (“*contract consesiwn gweithiau*”) has the meaning given by regulations 2(1) and 3(2) of the Concession Contracts Regulations;

“works contract” (“*contract gweithiau*”) has the meaning given by regulation 2(1) of the Utilities Contracts Regulations.

(2) For the purposes of this Part, the estimated value of a contract is to be determined in accordance with regulation 6(1) of the Public Contracts Regulations.

RHAN 4**DARPARIAETHAU TERFYNOL****46 Dehongli cyffredinol**

Yn y Ddeddf hon –

ystyr “blwyddyn ariannol” (“*financial year*”) yw –

- (a) mewn perthynas â chorff cyhoeddus heblaw Bwrdd Iechyd Lleol neu ymddiriedolaeth GIG, y cyfnod o 12 mis sy’n dod i ben â 31 Mawrth;
- (b) mewn perthynas â Bwrdd Iechyd Lleol, blwyddyn gyfrifyddu o fewn yr ystyr a roddir gan y gorchymyn a wnaed o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42) sy’n sefydlu’r Bwrdd;
- (c) mewn perthynas ag ymddiriedolaeth GIG, blwyddyn gyfrifyddu o fewn yr ystyr a roddir gan y gorchymyn a wnaed o dan adran 18 o’r Ddeddf honno sy’n sefydlu’r ymddiriedolaeth;

ystyr “CPG” (“*SPC*”) yw’r Cyngor Partneriaeth Gymdeithasol a sefydlir gan adran 1;

ystyr “DLICD 2015” (“*the WFGA 2015*”) yw Deddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (dccc 2);

ystyr “y Senedd” (“*the Senedd*”) yw Senedd Cymru;

mae i “undeb llafur” yr ystyr a roddir i “trade union” gan adran 1 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52) (ac mae i “cydnabyddedig” mewn perthynas ag undeb llafur yr ystyr a roddir i “recognised” gan adran 178(3) o’r Ddeddf honno).

47 Mân ddiwygiad i DLICD 2015

Yn adran 9(6) o DLICD 2015 (cyhoeddi amcanion llesiant diwygiedig corff cyhoeddus), yn lle “(3) neu (4)” rhodder “(4) neu (5)”.

48 Dod i rym

- (1) Daw’r Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn; ac eithrio’r adran hon, a ddaw i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (2) Caiff gorchymyn o dan is-adran (1) bennu diwrnodau gwahanol at ddibenion gwahanol.
- (3) Mae pŵer Gweinidogion Cymru i wneud gorchymyn o dan is-adran (1) yn arferadwy drwy offeryn statudol.

49 Enw byr

Enw byr y Ddeddf hon yw Deddf Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2023.

PART 4
FINAL PROVISIONS

46 General interpretation

In this Act—

“financial year” (*“blwyddyn ariannol”*) means—

- (a) in relation to a public body other than a Local Health Board or NHS trust, the period of 12 months ending with 31 March;
- (b) in relation to a Local Health Board, an accounting year within the meaning given by the order made under section 11 of the National Health Service (Wales) Act 2006 (c. 42) establishing the Board;
- (c) in relation to an NHS trust, an accounting year within the meaning given by the order made under section 18 of that Act establishing the trust;

“the Senedd” (*“y Senedd”*) means Senedd Cymru;

“SPC” (*“CPG”*) means the Social Partnership Council established by section 1;

“trade union” (*“undeb llafur”*) has the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (and “recognised” (*“cydnabyddedig”*) in relation to a trade union has the meaning given by section 178(3) of that Act);

“the WFGA 2015” (*“DLICD 2015”*) means the Well-being of Future Generations (Wales) Act 2015 (anaw 2).

47 Minor amendment of the WFGA 2015

In section 9(6) of the WFGA 2015 (publication of public body’s revised well-being objectives), for “(3) or (4)” substitute “(4) or (5)”.

48 Coming into force

- (1) This Act comes into force on such day as the Welsh Ministers may by order appoint; except for this section, which comes into force on the day after the day this Act receives Royal Assent.
- (2) An order under subsection (1) may appoint different days for different purposes.
- (3) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.

49 Short title

The short title of this Act is the Social Partnership and Public Procurement (Wales) Act 2023.

ATODLEN 1

(fel y'i cyflwynir gan adran 22)

AWDURDODAU CONTRACTIO

- 1 Comisiwn y Senedd.
- 2 Person a restrir fel "corff cyhoeddus" yn adran 6(1) o DLICD 2015.
- 3 Comisiynydd y Gymraeg.
- 4 Comisiynydd Cenedlaethau'r Dyfodol Cymru.
- 5 Comisiynydd Plant Cymru.
- 6 Comisiynydd Pobl Hŷn Cymru.
- 7 Gofal Cymdeithasol Cymru.
- 8 Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru.
- 9 Iechyd a Gofal Digidol Cymru.
- 10 Awdurdod Cyllid Cymru.
- 11 Trafnidiaeth Cymru.
- 12 Comisiwn Brenhinol Henebion Cymru.
- 13 Prif Arolygydd Ei Fawrhydi dros Addysg a Hyfforddiant yng Nghymru.
- 14 Hybu Cig Cymru.
- 15 Cymwysterau Cymru.
- 16 Addysg a Gwella Iechyd Cymru.
- 17 Cyngor y Gweithlu Addysg.
- 18 Comisiwn Ffiniau a Democratiaeth Leol Cymru.

SCHEDULE 1
(as introduced by section 22)

CONTRACTING AUTHORITIES

- 1 The Senedd Commission.
- 2 A person listed as a “public body” in section 6(1) of the WFGA 2015.
- 3 The Welsh Language Commissioner.
- 4 The Future Generations Commissioner for Wales.
- 5 The Children’s Commissioner for Wales.
- 6 The Commissioner for Older People in Wales.
- 7 Social Care Wales.
- 8 The Welsh Ambulance Services NHS Trust.
- 9 Digital Health and Care Wales.
- 10 The Welsh Revenue Authority.
- 11 Transport for Wales.
- 12 The Royal Commission on the Ancient and Historical Monuments of Wales.
- 13 His Majesty’s Chief Inspector of Education and Training in Wales.
- 14 Meat Promotion Wales.
- 15 Qualifications Wales.
- 16 Health Education and Improvement Wales.
- 17 The Education Workforce Council.
- 18 The Local Democracy and Boundary Commission for Wales.

ATODLEN 2

(fel y'i cyflwynir gan adran 24(4))

AMCANION CAFFAEL CYMDEITHASOL GYFRIFOL

- 1 Os caiff y nodau llesiant eu diwygio, rhaid i awdurdod contractio adolygu ei amcanion caffael cymdeithasol gyfrifol.
- 2 Os yw awdurdod contractio, wrth gynnal adolygiad o dan baragraff 1, yn penderfynu nad yw un neu ragor o'i amcanion caffael cymdeithasol gyfrifol yn briodol mwyach, rhaid iddo ddiwygio'r amcan neu'r amcanion o dan sylw.
- 3 Caiff awdurdod contractio adolygu a diwygio ei amcanion caffael cymdeithasol gyfrifol ar unrhyw adeg arall.
- 4 Pan fo awdurdod contractio yn diwygio ei amcanion caffael cymdeithasol gyfrifol o dan baragraff 2 neu 3, rhaid iddo eu cyhoeddi cyn gynted ag y bo'n rhesymol ymarferol.

© 2023 Hawlfraint y Goron 2023

Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin..

SCHEDULE 2

(as introduced by section 24(4))

SOCIALLY RESPONSIBLE PROCUREMENT OBJECTIVES

- 1 If the well-being goals are amended, a contracting authority must review its socially responsible procurement objectives.
- 2 If, on a review under paragraph 1, a contracting authority determines that one or more of its socially responsible procurement objectives are no longer appropriate, it must revise the objective or objectives concerned.
- 3 A contracting authority may at any other time review and revise its socially responsible procurement objectives.
- 4 Where a contracting authority revises its socially responsible procurement objectives under paragraph 2 or 3, it must publish them as soon as reasonably practicable.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James,
Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.



a Williams Lea company

Cyhoeddwyd gan TSO (Y Llyfrfa), cwmni Williams Lea,
ac ar gael o:

Arlein

www.tsoshop.co.uk

Post, Ffôn, Ffacs ac E-bost

TSO

Blwch Post 29, Norwich, NR3 1GN

Archebionf ffôn/ Ymholiadau cyffredinol 0333 202 5070

Archebion ffacs: 0333 202 5080

E-bost: customer.services@tso.co.uk

Ffôn Testun: 0333 202 5077

TSO@Blackwell ac Asiantau Achrededig eraill

Published by TSO (The Stationery Office), a Williams Lea company,
and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0333 202 5070

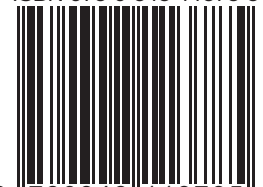
Fax orders: 0333 202 5080

E-mail: customer.services@tso.co.uk

Textphone: 0333 202 5077

TSO@Blackwell and other Accredited Agents

ISBN 978-0-348-11378-5



9 780348 113785