

These notes refer to the Social Partnership and Public Procurement (Wales) Act 2023 (c.1) which received Royal Assent on 24 May 2023

SOCIAL PARTNERSHIP AND PUBLIC PROCUREMENT (WALES) ACT 2023

EXPLANATORY NOTES

GENERAL OVERVIEW OF THE ACT

Part 3 – Socially Responsible Public Procurement

Chapter 2

Section 25 - Socially responsible procurement duty: major construction contracts

66. This section introduces particular actions that are required in respect of a “major construction contract”.
67. Major construction contracts are defined as public works contracts or works contracts or works concession contracts with an estimated total value over £2m (inclusive of VAT). This includes both framework agreements and contracts entered into as a result of a framework agreement where the estimated value exceeds £2m. Public works contracts, works contracts and works concession contracts are all defined in section 45(1).
68. The main action is a duty on contracting authorities to consider whether “social public works clauses” (as published by the Welsh Ministers under section 27) should be included in any major construction contract they propose to award, and to take reasonable steps to ensure they can be implemented. The clauses are designed to bring about improvements to economic, social, environmental and cultural well-being listed under categories as set out in section 27.
69. If a decision is taken to include the clauses, in the subsequent management of the contract the contracting authority must take all reasonable steps to ensure that the obligations in the clauses are implemented.