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| Senedd Cymru  | Welsh Parliament                                       |
| Y Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus | Public Accounts and Public Administration Committee    |
| Y Memorandwm Cydsyniad Deddfwriaethol ar y Bil Caffael  | Legislative Consent Memorandum on the Procurement Bill |
| Ymateb gan Gyngor Bwrdeistref Sirol Caerffili           | Evidence from Caerphilly County Borough Council        |

## **Caerphilly County Borough Council Response – September 2022**

### **Public Accounts and Public Administration Committee - Legislative Consent Memorandums in relation to the UK Procurement Bill**

1. The consideration given by the Welsh Government to using the time it has identified for the Social Partnership and Public Procurement (Wales) Bill to bring forward a wider procurement Bill that covered the scope of both the UK Procurement Bill and the Social Partnership and Public Procurement (Wales) Bill.

**Answer:** - Procurement reform should be formulated into one bill that covers all aspects of procurement across UK/Wales and supports the well-being and future generation act. The principles of procurement need to remain across the UK, however with aspects of the social partnership and procurement Bill that could strengthen the UK procurement Bill. This was highlighted as part of early consultation on the social partnership and procurement bill. Local government in Wales were consulted on options for a UK and Wales Bill on Public procurement. For clarity, it is felt Wales should adopt the UK Bill in entirety, to have more than one procurement regime across the UK would cause confusion amongst the supply chain and in some cases may reduce bidders for Welsh contracts, which will impact best value. The application of more than one procurement regime will cause confusion in what is already an over legislative policy area, which lacks resource and resilience.

2. The lack of scope and constrained timeframes for detailed legislative scrutiny by the Senedd, including thorough engagement with Welsh stakeholders, on such an important area of public policy.

**Answer:** - In relation to stakeholder engagement and consultation, UK Government held extensive consultation on the draft legislation. However, it is understood that the Bill has been subject to a number of amendments via the

house of Lords therefore current direction of travel for the UK procurement Bill lacks detail and consultation.

3. The accessibility of the new procurement regime when it is split over two Bills.

**Answer:** - It is concerning that procurement within Wales may have long term confusion due to process being covered by two Bills. For consistency and simplicity one Bill which mirrors that of the UK government will provide transparency and confidence for both the buyer and seller. It is a concern that the amount of process and reporting that could be generated by two bills in an area of public procurement which is already over scrutinised and constantly reviewed within Wales. Currently, there is far too much duplication and uncertainty on procurement policy within Wales, as detailed in question 1 above.

4. The degree of involvement the Minister for Finance and Local Government and her officials have had in shaping and drafting clauses of the UK Procurement Bill and the processes relating to this.

**Answer:** - We would not know the level of detail of engagement from Welsh Ministers and Officers, however, there has been adequate consultation and awareness raising on these matters. Stakeholders have provided feedback when requested. Stakeholders have been assured by Officers of Welsh Government that Welsh Government have participated in the development of the proposed UK Procurement Bill.

5. The role the provisional common framework for public procurement had in the development of the Bill.

**Answer:** - This question is for Welsh Government Officials to answer.

6. The level, if any, of consultation undertaken with Welsh stakeholders to inform the drafting process.

**Answer:** - As above, adequate consultation undertaken at all junctures.

7. Whether clauses of the Bill differ from or replicate the current legislative position.

**Answer:** - In many cases the clauses of the Bill differ from those of current legislation, however the outcomes could remain the same. The current legislation has clear linkages with policy and wider Welsh legislation. It is hoped that the proposed new legislation will provide more flexibility and clarity

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on delivering key outcome objectives associated with the Well Being and Future Generation Act.

8. The involvement of the Minister and her officials throughout the scrutiny and amending process in Westminster.

**Answer:** - This question is for Welsh Government Officials to answer; however, stakeholders have been assured that Officers have been participating in all aspects of the development of the Bill.

9. The regulations potentially necessary to implement the reforms under the Bill and under which powers (and procedures) in the Bill.

**Answer:** - This level of detail is currently unknown at the moment due to the fact that the amendments to the proposed bill are not fully known. As with the introduction of any new legislation extensive regulations and training will be required. It is important that Welsh Government allows sufficient time, resource, and funding for the upskilling of Procurement professionals and other professionals impacted by this legislation. The current proposals of the UK Legislation and the Welsh Government Social Partnership & Procurement Bill is a fundamental change in mind set and culture, therefore, dedicated support will be required on the buyer and supplier side. Consideration needs to be given how this element is supported by the work of the proposed Procurement Centre of Excellence-Wales.