



## PROCUREMENT POLICY

### Qualifications Wales

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## Version control

This version (3) of Qualifications Wales' Procurement Policy was approved on 13 April 2023 by the Executive Director Corporate Resources.

A formal review of this document will take place at least once every two years, and will include a review of the effectiveness of the policy, and its currency. Its next review is due to take place no later than 13 April 2025. Feedback on this policy is welcomed in the meantime. Please send your comments to [procurement@qualifications.wales](mailto:procurement@qualifications.wales)

## Review Notes 2023

1. Updated to reflect the [Wales procurement policy statement \(WPPS\)](#) updated August 2022.
2. Reference to procurement reform.
3. Updated procurement email address.

## General principles of our Procurement Policy

This policy is for Qualifications Wales staff, its suppliers (including subject matter experts and research organisations, awarding bodies where we commission the development of qualifications) and potential providers of goods and services to Qualifications Wales. It explains the principles we follow for our procurement and commissioning activity.

Qualifications Wales was established through the Qualifications Wales Act as the regulator of non-degree qualifications and the qualifications system in Wales. Our principal aims and the matters to which we must have regard in carrying out our duties are covered in the [Qualifications Wales Act 2015](#).

We are a Welsh Government Sponsored Body (WGSB), independent of government and accountable to the Senedd for delivery of our statutory duties.

Our procurement and commissioning activity is subject to [Managing Welsh Public Money](#), the [Public Contracts Regulations 2015](#), the [Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020](#), the [Public Contracts \(Amendment\) Regulations 2022](#) or the [Concession Contracts Regulations 2016](#).

We help to deliver our organisational objectives relating to Welsh language, equalities, Well-being of Future Generations, net zero and anti-racism via our procurement and contract management activity. We will comply with the requirements of the Social Partnership and Public Procurement (Wales) Bill when enacted (see section below on Procurement Reform).

The aim of this policy is to explain the principles against which we will carry out our procurement and commissioning processes. Our Procurement Strategy describes how we will support our organisational objectives and undertake procurement activity guided by the principles detailed below.

## Definition of Procurement

The process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation but also to society and the economy whilst minimising damage to the environment.

## Definition of Commissioning

The process of identifying needs within the population and of developing policy directions, service models and the market, to meet those needs in the most appropriate and cost effective way.

*Institute of Public Care*

We **procure** goods and services for use by QW. We **commission** the development and delivery of restricted approved qualifications for the benefit of learners in Wales.

## Public Procurement Reform

Wales and the UK are introducing new legislation related to public procurement:

- the [Procurement Bill](#)
- the [Social Partnership and Public Procurement \(Wales\) Bill](#)

**The Procurement Bill** will replace the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016. The Bill covers the procedures that will apply to contracting authorities in Wales, England and Northern Ireland when conducting procurement. It aims to:

- ensure contracting authorities have regard to delivering value for money, maximising public benefit, and acting with integrity;
- create a simpler and more flexible commercial system;
- open up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts;
- embed transparency throughout the commercial lifecycle so that the spending of taxpayers' money can be properly scrutinised.

It is anticipated that the Procurement Bill will go live in Spring 2024 at the earliest.

**The Social Partnership and Public Procurement (Wales) Bill** brings together four principles:

- Socially responsible procurement – taking action when purchasing goods, services and works, to improve economic, social, environmental and cultural wellbeing;
- Social partnership – working to achieve a mutually agreed goal, to the benefit of all involved groups;
- Sustainable development – doing things now in a way that takes into account the impact on people living their lives in Wales in the future;
- Fair work – a fair deal for workers which is essential to a fairer, more equal and prosperous Wales.

There will be a statutory duty on Qualifications Wales to:

- seek to improve the economic, social, environmental and cultural well-being of our area by carrying out public procurement in a socially responsible way;
- set and publish objectives designed to maximise our contribution to achieving the well-being goals;
- publish a procurement strategy that sets out how we intend to carry out public procurement. The strategy will include how we intend to ensure that we undertake public procurement in a socially responsible way; how we will take all reasonable steps to meet our socially responsible procurement

activities in relation to any prescribed contract <sup>1</sup> and how we intend to make payments due under a contract promptly and, unless this is not reasonably practical, no later than 30 days after an invoice is submitted. We will review the procurement strategy annually.

- publish an annual report where we have awarded any prescribed contracts during a financial year.
- maintain and publish a contracts register.
- carry out contract management duties to ensure that socially responsible outcomes are pursued through supply chains.

For major construction (over £2m) and outsourcing services contracts (prescribed contracts) we will include social public works clauses or social public workforce clauses. These will be included in the relevant contracts and throughout supply chains. Social public works clauses will include requirements relating to:

- prompt payment;
- employment opportunities;
- compliance with employment regulations;
- training;
- opportunities for small and medium sized enterprises (SMEs); and
- environmental management.

A process will be put in place to ensure these clauses are implemented. We will be required to notify Welsh Government if such clauses are not included. This may result in ministerial direction or a published report.

The Bill was passed by the Senedd on 14 March 2023. Once Royal Assent is given, statutory guidance will be published.

The focus of the Procurement Bill is process and procedure whilst the The Social Partnership and Public Procurement (Wales) Bill seeks to deliver Welsh Government policy outcomes via procurement.

We will update this Policy as both sets of legislation are live and guidance is published.

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<sup>1</sup> A prescribed contract means a major construction contract of £2m and above; an outsourcing services contract where the service provided by, or previously provided by, the contracting authority is transferred to another person or another person agrees to undertake any other function undertaken by, or previously undertaken by, a contracting authority; or any other public contract of a description prescribed by Welsh Minister by regulations.

## Procurement Policy Principles

In carrying out procurement and commissioning activity, we will adopt the following policy principles in line with the WPPS as is appropriate for a small organisation and relevant to each procurement exercise:

### WPPS Principle 1

We will leverage collaborative procurement activity in Wales to maximise long-term sustainable social and economic value outcomes from public spend.

#### What we will do

- We support collaborative approaches to our procurement activity to maximise economic value outcomes from public spend and to avoid inefficiency as a result of duplication of effort.
- We will always consider existing collaborative framework agreements when agreeing a procurement route for a contract requirement.
- We will use a framework agreement let by Welsh Government Commercial Delivery, Crown Commercial Services or other purchasing organisations if it meets our specific needs and offers us value for money.
- We will seek to lead or participate in collaborative opportunities with other WGSBs and the wider Welsh public procurement community where appropriate.
- We will encourage Small and Medium-sized Enterprises (SMEs) and Voluntary Community and Social Enterprises (VCSEs) to bid for our goods and services.
- To enable potential suppliers to plan for our future needs and to consider how they may collaborate with other suppliers, we will publish our procurement pipeline on Sell2Wales once the functionality is available.

### WPPS Principle 2

We will integrate procurement into the heart of Welsh policy development and implementation.

#### What we will do

- We will continue to keep up to date on Welsh policy and legislation that impacts our procurement by implementing and applying Wales Procurement Policy Notes, subscribing to newsletters, attending training and using tools and guidance provided by Welsh Government. We also implement UK Government Procurement Policy Notes where applicable to Welsh Contracting Authorities.
- We will collaborate with other WGSBs on policy development and implementation where appropriate.
- We will embed policy objectives into our procurement strategy.
- We will state how our procurement activity aligns with our organisational corporate policies and objectives in our procurement strategy.
- Our procurement professionals will help our internal customers to build in policy objectives to invitations to tender and support their delivery through contract management.
- We will keep under review our procurement and contract management procedures and templates to ensure that policy related considerations are appropriately reflected.
- We will monitor performance and outcomes relating to these policies.

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### WPPS Principle 3

We will progress long-term sustainable procurement, which builds on and scales best practice and sets clear steps that show how procurement is supporting the delivery of organisational well-being objectives.

#### What we will do

- We will consider the [Well-being of Future Generations \(Wales\) Act](#) five ways of working (long-term, prevention, integration, collaboration, and involvement) through our tender and contract management processes.
- We will pay regard to the six principles contained in the Procurement Bill: maximising public benefit, delivering value for money, transparency, integrity, fair treatment of suppliers, and non-discrimination.
- We will keep under review our third party expenditure and contract performance to make the most of the reforms.
- We will take account of social, environmental, economic and cultural impacts in our procurement activity and monitor and report on the outcomes.
- We will use the Sustainable Risk Assessment tool in our decision making.

### WPPS Principle 4

We will raise the long-term standing and profile of the procurement profession and its role as an enabler for procurement policy.

#### What we will do

- We recognise and manage Procurement as a strategic corporate function that organises and understands expenditure, influences early planning and service design, and gets involved in decision making to support delivery of overarching objectives.
- The Head of Procurement has responsibility for our compliance with procurement related legislation and policy, and reports on compliance annually to the Chief Executive. The Head of Procurement is a member of the Senior Leadership Group.
- We will subject procurement, commissioning and contract management activity to an appropriate level of professional involvement and influence. A procurement professional will lead all procurement and commissioning activity for contracts with a value of £30,000 and above including VAT and manage all procurement activity providing guidance and support to staff for the award of contracts with a value between £6,000 and £29,999 including VAT. All justified departures from our procurement procedures are approved by the Chief Executive and reported to our Management Board and Audit and Risk Assurance Committee for transparency.
- We will consider succession planning and development of procurement staff to ensure sufficient resource is available to manage our compliance and support our customers.
- The Head of Procurement and the Contracts Manager will continue to retain their chartered membership of the Chartered Institute of Procurement and Supply (CIPS) which requires a minimum of 30 hours CPD and completion of the CIPS Ethical Procurement and Supply test annually. The test demonstrates our commitment to addressing environmental procurement, human rights, fraud, bribery and corruption
- As CIPS members, our procurement staff comply with the [CIPS Code of Conduct](#).

- Contracts for goods and services that we enter into will include clauses addressing the issue of bribery. We will exclude bidders from a procurement process where they have received a conviction under the Bribery Act. We require that all members of an evaluation panel complete a declaration of interest to ensure that any potential conflicts are managed. All bidders are required to document any actual or perceived conflicts of interest.

## **WPPS Principle 5**

We will support Welsh Government policy objectives relating to progressive procurement, such as the Foundational and Circular Economy, through collaborative, place-based (whether national, regional or local) procurement activity which nurtures resilient local supply chains.

### **What we will do**

- We will continue to use strategic tools and risk assessments to ensure procurement activity aligns with, and contributes to, progressive procurement policy.
- We will adopt a risk based, proportionate approach to procurement to ensure that contract opportunities are open to all and smaller local suppliers are not precluded from winning contracts individually, via lotting, as consortia, or through roles within the supply chain. This will help to develop resilient and reliable local supply chains that support the recruitment and retention of local employment.
- We will report on the number of Welsh suppliers and SMEs / VCSEs that we purchase from and the value of these purchases.
- We will consider how we advertise our contract opportunities more widely particularly in relation to subject experts.
- We will reduce bureaucracy and bidding costs by using standard approaches and common systems that appropriately minimise complexity, cost, timescales and requirements of potential suppliers.
- We will focus on tender evaluation criteria that include quality, not lowest price, and refer to the Well-being goals and five ways of working.
- We will encourage our suppliers to adopt practices that create beneficial social, economic and environmental impacts and monitor their delivery.
- We aim to pay all suppliers within ten days of receiving a correct invoice and require that suppliers pay any sub-contractors within the period stated in the contract (usually 30 days).

## **WPPS Principle 6**

We will act to prevent climate change by prioritising carbon reduction and zero emissions through more responsible and sustainable procurement to deliver our ambition for a net zero public sector Wales by 2030.

### **What we will do**

- We will identify opportunities within the contract specification or evaluation criteria to encourage suppliers to reduce impact.
- We will identify relevant contracts and ask suppliers to report their approach to carbon reduction.
- We will make this a requirement for new contracts and develop Key Performance Indicators (KPIs) and reporting requirements.

- We will apply our travel policy to subject experts and ask them to track travel to enable us to report actual impact footprint.
- We will continue to support carbon reduction in Wales by completing our annual Welsh Government return of carbon footprint data in relation to our supply chain.

### **WPPS Principle 7**

We will align our ways of working and increase stakeholder involvement to support innovative and sustainable solutions through procurement.

#### **What we will do**

- We will use early market engagement with potential suppliers to:
  - Leverage suppliers' knowledge and expertise to deliver greater innovative solutions
  - to inform and educate, and
  - to deliver optimum value for money.
- We will provide useful de-briefing in tender feedback to help unsuccessful bidders understand how they may improve their responses in the future.
- We will work with our internal customers, and external stakeholders where relevant, to create procurement pipelines that allow time to identify sustainable solutions and seek innovation.
- We will encourage collaboration and a coproduction approach to drafting requirements.

### **WPPS Principle 8**

We will collaborate with stakeholders to promote equal opportunities and fair work in Wales.

#### **What we will do**

- We commit to working towards taking necessary actions to comply with the Welsh Government's code of practice for ethical employment in supply chains in a proportionate way appropriate to our size and the relevance of the issues covered by the Code to our supply chains. Procurement staff will undertake training in the code.
- We require suppliers to adopt fair employment and labour practices, recruiting and retaining staff in a fair and ethical manner, and provide a safe and competent workforce employed in accordance with industry best practice. Specifically, we will ensure that conditions of false self-employment are not created which unduly disadvantage individuals in terms of pay and rights of employment such as holiday pay, sick pay, national minimum wage protections and pension contributions.
- We will request information as part of our procurement and contract management processes on the supplier's compliance with modern slavery, blacklisting, and whistleblowing requirements where relevant to the contract.
- We commit to ensuring contractors pay the Living Wage Foundation's Real Living Wage to their employees and sub-contractors.



## WPPS Principle 9

We will improve the integration and user experience of our digital solutions and applications, maximising the use of our procurement data to support decision making.

### What we will do

- We will implement the Welsh Government's Digital Action Plan for procurement, as appropriate, to improve the user experience of our digital solutions and applications.
- We will implement the digital changes that will be required to support procurement reform and transparency throughout our supply chains obtained by using the Open Contracting Data Standard (OCDS).
- In advance of new procurement legislation being enacted, we will comply with WPPN 02/22 'Transparency-publication of contract award notices' and publish contract award notices on Sell2Wales for all contract awards where the value is at least £30,000 including VAT within 30 calendar days of the contract award date. This includes those contracts awarded as a result of a direct award or further competition under a framework and not advertised as an opportunity on Sell2Wales.
- We will use the OCDS data to improve our analysis of our procurement and contract management activity and to support decision making.
- We will share our spend data with Welsh Government to support policy initiatives and planning.
- For contracts that involve the handling of data, we require suppliers to have Cyber Essentials or Cyber Essentials Plus certification, depending on the level of assurance we require.

## WPPS Principle 10

We will promote value-based procurement which delivers optimum long-term outcomes for Wales.

### What we will do

- We will continue to use strategic tools and risk assessments to ensure procurement activity aligns with, and contributes to, optimising long-term outcomes for Wales.
- We will implement procurement reform policy to move from Most Economically Advantageous Tender (MEAT) to Most Advantageous Tender (MAT) so that tenders can be evaluated against Welsh Government policy commitments.
- We will use the tender evaluation process to assess social, economic, environmental and cultural value offered by the tender.
- We will consider value from the perspective of the end user and use this to drive greater focus on achievement of outcomes.
- We will continue to use a whole-life costing approach.
- We will work with our suppliers to identify opportunities to reduce waste and inefficiency, and maximise value.
- We will develop appropriate reporting metrics to demonstrate how value-based procurement is delivery efficiencies.

## Well-being goals

Adherence to these principles will help us further the Well-being goals:

Well-being goal	Procurement policy principles
A prosperous Wales	1, 2, 3, 4, 5, 6, 7, 8
A resilient Wales	1, 2, 3, 5, 6, 7, 10
A healthier Wales	1, 2, 3, 10
A more equal Wales	1, 2, 3, 4, 5, 7, 8, 10
A Wales of cohesive communities	1, 2, 3, 4, 5, 7, 8, 9, 10
A Wales of vibrant culture and thriving Welsh language	1, 2, 3, 5, 8, 10
A globally responsible Wales	1, 2, 3, 5, 6, 7, 8, 10

**For any queries on this policy or any questions about being a provider of goods and / or services to Qualifications Wales please contact [procurement@qualifications.wales](mailto:procurement@qualifications.wales)**

<b>Policy owner</b>	Elizabeth Frizi, Head of Procurement
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