



Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1

PART 3

SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT

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) 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—

Status: This is the original version (as it was originally enacted).

- (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.