



Llywodraeth Cymru
Welsh Government

Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Russell George MS
Chair, Health and Social Care Committee
Senedd Cymru
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5 May 2023

Dear Russell,

Thank you for the opportunity to provide evidence to the Health and Social Care Committee on the 30 March in respect of the Health Service Procurement (Wales) Bill.

I have taken the opportunity to consider the transcript of the session, where a number of questions were raised by Committee Members to explore the provisions in the Bill for transparency and competitive tendering as part of the proposed new health service procurement regime in Wales.

Paragraphs 145-146 and 176-177 of the transcript detail the discussion on the steps that will need to be followed as part of a competitive tendering exercise under the future procurement regime, and in particular, how these matters are addressed on the face of the Bill.

I would like to provide clarity on how the Bill will address this matter.

Section 10A(2) of the NHS (Wales) Act 2006, as would be inserted by section 3(2) of the Bill, includes a provision to ensure that the future regulations must specify the steps to be taken when following a competitive tendering process. In addition, section 10A(3) states that future regulations must make provision for the purposes of ensuring key procurement principles of transparency and fairness, as well as ensuring compliance can be verified and manage conflicts of interest.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As such, the face of the Bill itself does not set out the detailed steps that 'relevant authorities' need to take when following a competitive tendering process and ensure transparency under the proposed new procurement regime – these steps will be included as part of the detail in the future regulations. Having reviewed the transcript of the session and responses to these matters, I wanted to take the opportunity to clarify these points for accuracy.

If there are any further questions or areas requiring clarification, my officials and I are happy to provide information as necessary to support the Bill as it navigates the Senedd scrutiny process.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and Chair of the Finance Committee for information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

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Minister for Health and Social Services