

Responses may be submitted in either Welsh or English



Competitive Flexible Procedure Invitation to Tender

Provision of a fully bilingual (Welsh and English) HR Information System (HRIS)

21 January 2026

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Section 1 – Deadline for responding to this document

The deadline for responding to this Invitation to Tender is **12:00 noon, 16 February 2026**.

Failure to submit your Supplier Tender Response by the deadline set out above may result in the submission being rejected.

See 'Procurement timetable' and 'How to respond to this opportunity'.

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Section 2 - Introduction

This Procurement is being conducted in accordance with the Procurement Act 2023 (the Act) using the Competitive Flexible Procedure. This document describes how the Procurement will be conducted, including details of the associated Procurement timetable, and award criteria and how to respond to this opportunity. Suppliers are strongly encouraged to read this document before preparing their submission.

This document has been prepared to assist Suppliers in deciding whether to participate in this Procurement. Please read this document carefully, as failure to comply with this document may result in exclusion from the Procurement and/or the rejection of any submission.

This document should be read in conjunction with this Tender Notice and any other Procurement documents which have been made available at this stage of the Procurement.

Social Care Wales reserves the right to issue updated versions of this document to Suppliers as and when the need arises, in order to reflect the corresponding stage of the Competitive Flexible Procedure, together with any changes to the Procurement or any other new information.

Please read and ensure compliance with the contractual terms and conditions contained in Appendix 6.

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Section 3 - Overview of the Requirements

3.1 Social Care Wales

Background information on the work Social Care Wales undertake can be found on our website <https://socialcare.wales/about>.

The social care sector covers many areas and activities and therefore to help better explain what 'social care' really means we've created two short and simple videos - New video resources to building a better understanding of social care in Wales - Social Care Wales - Research, Data & Innovation

3.2 Purpose of this Procurement

The purpose of this procurement is to select and implement a modern, secure, fully bilingual (Welsh and English) Human Resources Information System (HRIS) that will replace Social Care Wales's current HR platform (Ciphr). The new system must improve and streamline HR processes, support efficient workforce management, ensure legal compliance with Welsh language standards, and provide better user experience for employees, managers, and HR teams.

It aims to deliver a solution that enables a smooth, well-managed implementation ready for Day-1 operation on **1 September 2026**.

3.3 Budget

There is a total budget of £150,000 (inclusive of any applicable VAT) allocated for this tender. This budget is to cover all costs associated with the supply, implementation, and ongoing subscription of the HRIS solution over the full contract term.

The budget is split across five years, with an allocation of £30,000 (inclusive of any applicable VAT) per annum.

The Supplier will provide full financial breakdown of the costs associated with the project for consideration through the evaluation process.

The Supplier will also be required to provide a rate card as part of their submission. This rate card will be used to inform any potential ad hoc projects throughout the contract term.

Prices must be quoted in pounds sterling and clearly state if VAT will or will not be charged.

Social Care Wales will allow costings to include inflationary uplifts, provided these are clearly defined, transparent, and in line with standard industry practice.

3.4 Duration

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The contract will run initially from 5 May 2026 – 30 April 2029 with a possibility of being extended for a further 24 months until 30 April 2031, up to a total period of 5 years.

3.5 Monitoring

The Supplier's performance under the terms of the contract will be reviewed by a named project manager on behalf of Social Care Wales. Performance will be measured against the specification and delivery timescales, with quality control measures agreed as part of the contract.

3.6 Joint or consortia bids

All required information must be fully declared within the Stage 1 WPSQ. Responses from consortia must include:

- Full details of all consortium members as part of the Stage 1 submission; and
- The names of all personnel proposed for delivery of the Contract, including a clear description of which elements of the Contract each consortium member and/or individual will be responsible for delivering.

3.7 Complementary documents

The following documents are attached to this Invitation to Tender (ITT)

- Appendix 1 – Welsh Procurement Specific Questionnaire (WPSQ)
- Appendix 2 – Specification
- Appendix 3 – Social Care Wales' Tone of Voice Guidelines
- Appendix 4 – Social Care Wales' Branding Guidelines
- Appendix 5 – Form of Tender
- Appendix 6 – Contractual Terms

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Section 4 – Preliminary Market Engagement

The following preliminary market engagement has taken place in relation to this requirement, prior to the publication of this Tender Notice.

The Preliminary Market Engagement was uploaded to Sell2Wales on Thursday 4 December and the following engagement sessions were offered to interested parties.

- Preliminary engagement session one: Thursday 11 December 2025
- Preliminary engagement session two: Thursday 8 January 2026

21 suppliers registered an interest in attending the engagement sessions, of these 13 attended a session.

During the session a presentation of our requirements was delivered, and at the end of the session, Suppliers were able to ask questions.

Both sessions were recorded and shared with Suppliers. Suppliers were also asked to share some information with us in relation to cost, implementation and migration. The preliminary market engagement exercise provided valuable insight into the supplier landscape and helped refine the most appropriate approach for this Procurement. Feedback confirmed that a significant number of Suppliers are likely to submit tenders, therefore Social Care Wales determined that it would not be proportionate or efficient to fully assess all product demonstrations prior to shortlisting. As a result, the Competitive Flexible Procedure has been selected to enable early down-selection and ensure a manageable and structured evaluation process.

The engagement also confirmed that our anticipated budget was broadly realistic and appropriate for the scope and level of functionality required. Suppliers provided helpful guidance on how best to structure the cost model to ensure clarity, consistency and comparability across proposals.

Further insight was gained regarding realistic timescales for successful system implementation and data migration. Suppliers emphasised the importance of allowing sufficient time for configuration, testing, data cleansing, migration and user training to ensure a high-quality transition from the current system.

In addition, early engagement highlighted a number of optional or additional services that we may wish to consider as part of the final specification, including training and ongoing supports services.

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Section 5 – The Procurement Process

This competitive flexible procedure will be conducted in 3 stages. The 3 stages are described in more detail below.

5.1 Stage 1: Conditions of Participation

Stage 1 commenced with the issuing of this Tender Notice.

This Tender Notice pack includes a Welsh procurement specific questionnaire (WPSQ) at Appendix 1 which all Suppliers are required to complete and return in accordance with the Procurement Timetable and instructions within this document.

Social Care Wales will use this stage to confirm that neither the Supplier, nor any related persons within its corporate group, associated persons relied on to meet the conditions of participation, or proposed sub-contractors are listed on the Cabinet Office debarment list. To the extent that any such entities are listed on the debarment list, Social Care Wales will consider whether to exclude the Supplier from participating in the Procurement in accordance with its obligations under the Act.

In addition, Social Care Wales will consider whether any Supplier or related persons within its corporate group, associated persons relied on to meet the conditions of participation, or proposed sub-contractors are excluded or excludable Suppliers, and before Social Care Wales determines that a Supplier is an excluded or excludable Supplier, it will provide the Supplier reasonable opportunity to make representations and provide evidence as is proportionate in the circumstances.

If the Supplier is an excluded or excludable Supplier only by virtue of an associated person or proposed sub-contractor, Social Care Wales will notify the Supplier of its intention to exclude the Supplier and provide the Supplier with reasonable opportunity to replace the associated person or sub-contractor. If as a consequence of this process Social Care Wales excludes the Supplier from participating in the Procurement or is aware of an associated person or sub-contract having been replaced, it will give notice of this fact within 30 days of its decision to the Procurement Review Unit (PRU).

Assessment of WPSQ Responses and Conditions of Participation

Social Care Wales will also review each completed WPSQ with reference to any relevant information held on the Central Digital Platform. Responses to the conditions of participation will be assessed in line with the selection process and any selection criteria set out in this Tender Notice, the WPSQ, and this document.

This assessment will determine which suppliers meet the requirements to be invited to participate in Stage 2.

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There will be no restricted or pre-set limit on the number of suppliers invited to Stage 2. All suppliers who successfully pass the WPSQ Stage 1 assessment will proceed.

Conclusion of Stage 1

Stage 1 will conclude with written notification to Suppliers confirming whether they have been shortlisted for Stage 2. Suppliers not invited to Stage 2 will receive a written explanation of the reasons they have not been shortlisted.

Suppliers should note that Social Care Wales reserves the right to re-assess any response to the WPSQ, in light of any new relevant information that comes to our attention.

5.2 Stage 2: Invitation to Submit a Final Tender

Stage 2 will commence with the issuing of a letter inviting Suppliers that have been successfully shortlisted at Stage 1 to submit their Tender. Tenders must be submitted in accordance with the timetable and instructions set out in this document and any additional information provided.

After the deadline for submission of Tenders, Social Care Wales will consider, in respect of each Supplier that submitted a Tender, whether the Supplier or any related persons within its corporate group, associated persons relied on to meet the conditions of participation, or proposed sub-contractors, are excluded or excludable Suppliers and will consider whether to disregard the Tender submitted in accordance with its obligations under the Act.

If the Supplier is an excluded or excludable Supplier only by virtue of an associated person or proposed sub-contractor, Social Care Wales will notify the Supplier of its intention to disregard its tender and provide the Supplier with reasonable opportunity to replace the associated person or sub-contractor.

If as a consequence of this process Social Care Wales disregards a tender from an excluded or excludable Supplier or is aware of an associated person or sub-contractor having been replaced, it will give notice of this fact within 30 days of its decision to the Procurement Review Unit (PRU).

Assessment of Tenders

Social Care Wales will assess all Tenders to identify the Suppliers who have submitted the most advantageous tender, in accordance with the assessment methodology, and the award criteria set out in this Tender Notice pack.

Social Care Wales may also disregard a Tender:

- a. from a Supplier that is not a United Kingdom Supplier or a treaty state Supplier or that intends to sub-contract the performance of all or part of the Contract to a Supplier that is not a United Kingdom Supplier or a treaty state Supplier; or

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- b. if the tender breaches a procedural requirement set out in this Tender Notice or associated tender documents; or
- c. if the tender offers a price that Social Care Wales considers to be abnormally low for the performance of the Contract. Where Social Care Wales considers that a price offered by a Supplier in its tender is abnormally low, Social Care Wales will notify the Supplier and give the Supplier reasonable opportunity to demonstrate that it will be able to perform the contract for the price offered. Social Care Wales will only disregard the tender if the Supplier cannot satisfactorily demonstrate that it will be able to perform the Contract for the price offered.

Conclusion of Stage 2

Following completion of the tender assessment, Social Care Wales will notify Suppliers in writing (via email) to confirm whether or not they are invited to proceed to Stage 3. Suppliers not invited to Stage 3 will receive a written explanation of the reasons for their non-selection.

Social Care Wales will invite only the top three scoring Suppliers from Stage 2 to participate in Stage 3.

5.3 Stage 3: Product Demonstrations

Stage 3 will commence with the issuing of a formal letter (via email) inviting the shortlisted Suppliers to participate in the product demonstration stage. This stage will enable each Supplier to demonstrate to Social Care Wales that their proposed solution is capable of meeting the requirements of the Contract.

The demonstrations provide an opportunity for Suppliers to evidence the functionality, usability, and suitability of their proposed solution in line with the specification and requirements set out in this Procurement.

Assessment of Demonstrations

Social Care Wales will assess all demonstration component, in accordance with the assessment methodology and award criteria set out in this Tender Notice Pack.

Once the product demonstrations have concluded, the weighted scores from Stage 2 (invitation to submit a final tender) and Stage 3 (product demonstrations) will be combined to identify the Supplier that has submitted the Most Advantageous Tender (MAT).

Social Care Wales will provide an assessment summary to all Suppliers that submitted final tenders to:

- a. inform them whether they have been successful in being awarded the Contract

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- b. provide an explanation of the assessment of the Supplier's tender against the relevant award criteria, in accordance with the requirements of the Act
- c. where different to the Supplier concerned, provide information in respect of the most advantageous tender submitted, including details of the assessment

Once the assessment summaries have been provided to the Suppliers that submitted final tenders, Social Care Wales will also publish a contract award notice on Sell2Wales to commence the mandatory standstill period.

Conclusion of Stage 3 and Contract Award

Subject to completion of the mandatory standstill period, Stage 3 will end with Social Care Wales entering into the Contract with the preferred Supplier and publication of a Contract Details Notice on Sell2Wales (within 30 days of the date on which the Contract is entered into).

To ensure all Suppliers receive equal and fair consideration, it is essential that responses are provided in the specified format and order. Suppliers should carefully follow all instructions and include all requested information.

If there is any uncertainty about what is required or difficulty in providing the requested information, Suppliers should refer to the clarification process outlined in Section 3.2 and seek guidance accordingly.

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Section 6 - Procurement Timetable

The timetable for the Procurement is set out in the following table (the Procurement Timetable). Deadlines for the submission of responses to Social Care Wales are shown in bold. Failure to meet these deadlines will result in a Supplier's submission not being considered unless there are exceptional mitigating circumstances such as a technical failure in connection with Sell2Wales.

	Milestone	Date
1	Stage 1 - Issue Tender Notice and Tender Documents (including WPSQ) on Sell2Wales	21 January 2026
2	Stage 1 Clarification Portal Deadline	17:00, 4 February 2026
3	Stage 1 Deadline - WPSQ Submission	12:00 noon, 16 February 2026
4	Assessment of WPSQs	17 - 20 February 2026
5	Notify Suppliers, and Invite Successful to Tender Stage 2	23 February 2026
6	Stage 2 Clarification Portal Deadline	17:00, 2 March 2026
7	Stage 2 Deadline – Final Tender Submission	12:00 noon, 9 March 2026
8	Individual Stakeholder Final Tender Evaluation	9 - 13 March 2026
9	Stakeholder Consensus Final Tender Evaluation	17-19 March 2026
10	Shortlist, Notify Suppliers, and Invite Successful to Tender Stage 3	23 March – 25 March 2026
11	Shortlisted Suppliers Prepare for Product Demonstrations	26 March - 2 April 2026
12	Stage 3 Clarification Portal Deadline	17:00, 31 March 2026
13	Stage 3 - Product Demonstrations	7 - 8 April 2026
14	Stakeholder Consensus Stakeholder Consensus Tender Evaluation	9 April 2026
15	Preferred Supplier Selection, Internal Reporting / Sign-Off	10 - 15 April 2026
16	Notify Suppliers, and Issue Supplier Assessment Summaries	16 - 22 April 2026
17	Publication of Contract Award Notice (CAN) via Sell2Wales	22 April 2026
18	Standstill Period	22 April – 1 May 2026
19	Contract Award via Sell2Wales	5 May 2026
20	Contract Mobilisation	5 May 2026

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Please note that Social Care Wales reserves the right, in its absolute discretion, to amend the Procurement Timetable or extend any time period in connection with the Procurement. Any changes to the Procurement Timetable will be notified simultaneously to the Suppliers.

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Section 7 – Key Dependencies

The following key dependencies may impact the requirement and/or the solution to be proposed:

- Incumbent HR System Supplier (Ciphr)
- Social Care Wales Internal Teams (Humann Resources and Information Technology)
- Third-Party Systems and Suppliers (iHasco)

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Section 8 - Contract Terms

The contract will be based on the draft contract included in Appendix 6: Contractual Terms.

These terms are non-negotiable and will form the basis of the final Contract between Social Care Wales and the successful Supplier.

Social Care Wales will issue the final Contract for signature following completion of the evaluation process and identification of the preferred Supplier.

As the terms outlined in Appendix 6 are fixed, Social Care Wales does not intend to enter into any contractual negotiations. Suppliers are expected to:

- Review the Contractual Terms in full prior to submitting a Tender;
- Confirm acceptance of all contractual terms as part of their submission; and
- Identify any areas requiring clarification **only** for the purposes of understanding, not negotiation.

Failure to accept the Contractual Terms in their entirety may result in disqualification.

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Section 9 - How to Respond to this Opportunity

9.1 Using Sell2Wales

Social Care Wales intends to conduct this procurement using the Postbox facility in the Sell2Wales procurement Portal: <https://www.sell2wales.gov.wales/default.aspx>

The Sell2Wales technical team has overall responsibility for any technical queries relating to the Sell2Wales Portal including:

- Access to the Postbox;
- Access to online documents via the Portal; and
- System advice and guidance.

The Sell2Wales technical helpline is 0800 222 9004.

9.2 Stage 1 - Conditions of Participation

Interested Suppliers must express their request to participate by submitting a response to Welsh procurement specific questionnaire (WPSQ) by the Conditions of Participation deadline.

The WPSQ can be found in Appendix 1.

The WPSQ outlines the Conditions of Participation that Suppliers must meet in order to be eligible to participate in the Procurement process. This stage of the process ensures that all Suppliers proceeding to bid are capable of fulfilling the contract's obligations in line with the Procurement Act 2023, the Welsh Procurement Policy Statement, and Social Care Wales' expectations.

Failure to meet any of the WPSQ conditions in line with the evaluation criteria will result in disqualification from the procurement process.

Following assessment of all WPSQs, all Suppliers will be notified of the outcome, and successful Suppliers will be invited to participate in Stage 2.

9.3 Stage 2 - Invitation to Participate

The Invitation to Tender (ITT) and all associated tender documents will be issued via Sell2Wales to all Suppliers that successfully pass Stage 1.

Suppliers must provide an electronic tender response by submitting a full proposal via Sell2Wales by the deadline outlined in the Procurement Timetable (3.2)

A full proposal consists of completion and submission of a Quality and Financial Response – templates to be shared with all Suppliers that successfully pass Stage 1.

Suppliers must submit their tender response in line with the following guidance.
Submission Format:

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- Submissions must be provided directly within the templates provided
- Submissions must be provided in the existing template formats (Word & Excel – not PDF)
- Do not submit general marketing or promotional materials, full CVs, or any documents that are not directly relevant to the ITT.
- Do not attach additional documents (unless explicitly requested within the Quality Question), as they will not be accepted or scored
- Suppliers are required to adhere strictly to the word count limits specified in the Evaluation Criteria.
- Any information provided in excess of the stated work limits will not be considered
- Word counts include all text entered in the response fields, except for in-text diagrams, graphics, citations, and footnotes. However, any text within these elements should be kept brief and used only to support the main response – not to bypass the word count limit.
- Suppliers must clearly label word counts at the end of each response (e.g., "Word count: 489/500").
- Submissions must only be submitted electronically via Sell2Wales. Hard copies will not be accepted.

Language:

- Submissions may be made in **either Welsh or English**.

Supplier Responsibility:

- Whilst every effort has been made to give an accurate description of the requirements set out in this ITT, Suppliers are responsible for their own conclusions regarding the methods and resources needed to meet the Requirements.
- Suppliers must not assume that Social Care Wales has prior knowledge of their organisation or service provision, even if they have previously worked with Social Care Wales on a current or previous contracts.
- Evaluations will be based solely on the information provided in the Supplier's response.

9.4 Stage 3: Product Demonstrations

Social Care Wales will invite only the top three scoring Suppliers from Stage 2 to participate in Stage 3.

Stage 3 will commence with the issuing of a formal letter (via email) inviting the shortlisted Suppliers to participate in the product demonstration stage. This stage will enable each shortlisted Supplier to demonstrate to Social Care Wales that their proposed solution is capable of meeting the requirements of the Contract.

Product demonstrations will be held online via Microsoft Teams during the dates specified in the Procurement Timetable, with exact dates and times to be confirmed nearer the time. Shortlisted Suppliers must ensure they are available for the demonstration slot allocated to them, as Social Care Wales will not be able to offer

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alternative dates or times. Any shortlisted Supplier that is unable to attend their allocated demonstration slot will forfeit their position in the procurement process.

To ensure fairness and transparency, all shortlisted Suppliers will be given an equal opportunity to participate, and the product demonstrations will be conducted in a structured and consistent manner.

It is essential that the Supplier's proposed project lead, the individuals responsible for contract delivery, and any other relevant team members attend the product demonstration. If any of the proposed attendees are unavailable on the date specified in the Procurement Timetable, Suppliers must confirm this within their Stage 2 Tender response.

9.5 Requests for Clarifications

9.5(a) Stages 1 & 2

Any requests for clarification relating to the Procurement during Stages 1 & 2 must be submitted via the Sell2Wales Portal, no later than the deadlines in the Procurement Timetable (3.2) to allow Social Care Wales sufficient time to respond prior to the closing date for receipt of submissions. Social Care Wales will endeavour to respond to requests for clarification submitted in accordance with these requirements as soon as possible.

Social Care Wales reserves the right not to answer any requests for clarification submitted after the deadline set out in the Procurement Timetable (3.2) above or submitted via any means other than the Sell2Wales Portal.

If Suppliers identify a technical issue with the Portal, they should contact Social Care Wales without delay via the following contact point at:

procurement@socialcare.wales

Where Social Care Wales considers any requests for clarification to be relevant to the proper functioning of the Procurement, it will transmit to all other Suppliers (without reference to the identity of the Supplier which submitted the clarification question) the clarification question raised and Social Care Wales's response, with the exception of those deemed confidential as provided below.

If a Supplier considers that its request for clarification should be treated as confidential and not disclosed to other Suppliers, it must communicate this and the reason why to Social Care Wales at the time of the submission of that clarification request. Social Care Wales will advise the Supplier in advance of providing the clarification response if it considers that all or any part of the request for clarification cannot be treated as confidential and will provide an opportunity for the Supplier to withdraw such aspects of the request for clarification.

In such circumstances, the Supplier may either submit an amended request for the clarification to be treated as confidential, which would be considered by Social Care Wales in the same manner as the original request, or raise a new request to be treated as a non-confidential request for clarification.

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It is the responsibility of each Supplier to monitor all clarifications issued by Social Care Wales. Social Care Wales accepts no liability for any Supplier's failure to keep abreast of clarifications issued.

9.5(b) Stage 3

Any requests for clarification relating to the Procurement during Stage 3 must be submitted by email to procurement@socialcare.wales, no later than the clarification deadline set out in the Procurement Timetable (Section 3.2). This is to ensure Social Care Wales has sufficient time to review and respond prior to the scheduled demonstration dates. No clarification requests should be submitted via the Sell2Wales Portal during Stage 3.

Social Care Wales will endeavour to respond to all clarification requests submitted in accordance with these requirements as soon as possible.

Social Care Wales will issue all clarification questions and responses anonymously to all shortlisted Suppliers to ensure equal and fair access to information.

Social Care Wales reserves the right not to respond to any clarification requests submitted after the Stage 3 deadline or sent to any email address other than procurement@socialcare.wales.

It is the responsibility of each Supplier to monitor all clarifications issued by Social Care Wales. Social Care Wales accepts no liability for any Supplier's failure to keep abreast of clarifications issued.

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Section 10 – Assessment Process and Award Criteria

10.1 Stage 1 – Conditions of Participation

10.1(a) Compliance Check

Following receipt of a supplier's Wales Procurement Specific Questionnaire (WPSQ), Social Care Wales will undertake an overall compliance check to ensure that the WPSQ complies with the instructions or procedural requirements set out in this Tender Notice or associated procurement documents.

WPSQ's which fail to comply with the instructions or procedural requirements may be determined by Social Care Wales to be non-compliant and therefore rejected.

Social Care Wales may also disregard a response that contains:

- a. any caveats or any other statements or assumptions qualifying the supplier's Tender Response that are not capable of assessment in accordance with the assessment methodology; or seeks to qualify Social Care Wales's requirements in any way.
- b. Gaps, omissions, misrepresentations, error, uncompleted sections, or changes to the format of the tender documentation provided.

10.1(b) Preliminary questions

Suppliers will be required to provide a response to all the preliminary questions including indicating which lots they are bidding for, if relevant. Where the requirement is divided into lots, suppliers who fail to indicate which lots they are bidding for or who do not comply with the instructions as to how to bid in respect of the Lots, may be determined by Social Care Wales to be non-compliant and therefore excluded from the procurement.

10.1(c) Core Supplier Information

Suppliers will be required to be registered on the Central Digital Platform and to provide core information in relation to their own organisation and their connected persons, as well as that of any associated persons or sub-contractors which they are relying on to satisfy the conditions of participation. Social Care Wales may disregard a tender response where the supplier fails to provide the relevant information from the Central Digital Platform in the PDF file format requested.

Social Care Wales may also disregard a tender response from a supplier that is not a United Kingdom supplier or a treaty state supplier or that intends to sub-contract the performance of all or part of the contract to a supplier that is not a United Kingdom supplier or a treaty state supplier.

10.1(d) Exclusions and Debarment

Once the initial compliance check has been carried out, Social Care Wales will confirm that neither the supplier nor any related persons within its corporate group, associated persons relied on to meet the conditions of participation, or

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proposed sub-contractors are listed in the Cabinet Office debarment list. To the extent that any such entities are listed on the debarment list, Social Care Wales will consider whether to exclude the supplier from participating in the procurement in accordance with its obligations under the Procurement Act 2023.

Social Care Wales will also consider, in respect of each supplier that submitted a tender, whether the supplier or any related persons within its corporate group, associated persons relied on to meet the conditions of participation, or proposed sub-contractors, are excluded or excludable suppliers and will consider whether to disregard the tender submitted in accordance with its obligations under the Procurement Act 2023. If the supplier is an excluded or excludable supplier only by virtue of an associated person or proposed sub-contractor, Social Care Wales will notify the supplier of its intention to disregard its tender response and provide the supplier with reasonable opportunity to replace the associated person or sub-contractor. If as a consequence of this process Social Care Wales disregards a tender response from an excluded or excludable supplier or is aware of an associated person or sub-contractor having been replaced, it will give notice of this fact within 30 days of its decision to the Procurement Review Unit (PRU).

10.1(e) Conditions of Participation

Suppliers must meet all Conditions of Participation to proceed to the next stage of the evaluation process. These conditions are considered mandatory eligibility criteria and will be assessed on a pass/fail basis.

Failure to meet any of the Conditions of Participation, or to provide sufficient evidence when requested, will result in the Supplier being disqualified from further consideration in this procurement process.

Suppliers should refer to the accompanying Appendix 1 Wales Procurement Specific Questionnaire for the full conditions of participation.

The assessment details below set out how the conditions of participation will be assessed

Preliminary questions

No.	Description	Weighting	Evaluation
1	Name	N/A	This section is for information only and will not be assessed.
2	Unique Identifier		
3	Single Supplier or Consortium		
4	Debarment List		

Part 1 - Confirmation of core supplier information

No.	Description	Weighting	Evaluation
5	Core Supplier Information	N/A	This question is for information only and will not be assessed.

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Part 2A Associated/Connected Persons

No.	Description	Weighting	Evaluation
6	Associated Persons	N/A	This section is for information only and will not be assessed.
7	CPD Registration		
8	Debarment List		

Part 2B List of all intended sub-contractors

No.	Description	Weighting	Evaluation
9	Sub-contractors	N/A	This section is for information only and will not be assessed.
10	Debarment List		

Part 3 Procurement specific questions relating to conditions of participation

Financial capacity

No.	Description	Weighting	Evaluation
11	Profit & Loss	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass if they can self-certify that they can provide the financial information requested. Suppliers will score a Fail if they indicate that they cannot provide any of the financial information requested or fail to provide it when requested by Social Care Wales as part of due diligence. Scoring a Fail will result in the tender response being excluded from the procurement process.
12/13	Guarantor	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass if they can self-certify that the named supplier can act as guarantor and provide evidence of their economic and financial standing. Suppliers will score a Fail if they fail to name a guarantor and/or provide the information requested. Scoring a Fail will result in the tender response being excluded from the procurement process.
14	Acid-Ratio Test	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass if they can self-certify that they're ratio is equal to or greater than 1. Suppliers will score a Fail if they indicate that their ratio is less than 1. Scoring a Fail will result in the tender response being excluded from the procurement process.

Responses may be submitted in either Welsh or English

Insurance

No.	Description	Weighting	Evaluation
15	Insurance	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they indicate that they have or can commit to obtaining the required levels of insurance. Suppliers will score a Fail if they do not have or cannot commit to obtaining the required levels of insurance. Scoring a Fail will result in the tender response being excluded from the tender process. Suppliers will be required to provide evidence that the required insurance is in place before contract commencement. Failure to provide such evidence prior to contract commencement will result in the contract award being cancelled.

Legal Capacity

No.	Description	Weighting	Evaluation
16	UK General Data Protection Regulation	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they answer 'Yes' and provide details of the technical facilities and measures in place or which will be in place by contract award which Social Care Wales (at its absolute discretion) considers as satisfactory to provide confidence in the supplier's technical ability to perform the contract. Suppliers will score a Fail where they answer 'No' or where Social Care Wales is not satisfied with the information provided.
17	Cyber Essentials Plus Certification Scheme	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'. Suppliers will score a Fail if they have answered 'No' or if they have answered 'Yes' but fail to provide evidence of certification when requested to do so prior to contract commencement. Scoring a Fail will result in the tender response being excluded from the tender process.
18	ICO Certification	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'. Suppliers will score a Fail if they have answered 'No' or if they have answered 'Yes' but fail to provide evidence of certification when requested to do so prior to contract commencement. Scoring a Fail will result in the tender response being excluded from the tender process.
19	ISO27001	N/A	This question is for information only and will not be assessed.

Responses may be submitted in either Welsh or English

Technical ability

No.	Description	Weighting	Evaluation
20	Secure login, 2FA	Pass/Fail	<p>This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'.</p> <p>Suppliers will score a Fail if they have answered 'No' or if they have answered 'Yes' but fail to provide capability evidence when requested to do so prior to contract commencement.</p> <p>Scoring a Fail will result in the tender response being excluded from the tender process.</p>
21	Accessibility, WCAG 2.2 AA	Pass/Fail	<p>This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'.</p> <p>Suppliers will score a Fail if they have answered 'No' or if they have answered 'Yes' but fail to provide capability evidence when requested to do so prior to contract commencement.</p> <p>Scoring a Fail will result in the tender response being excluded from the tender process.</p>
22	Bilingual System Capability	Pass/Fail	<p>This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'.</p> <p>Suppliers will score a Fail if they have answered 'No' or if they have answered 'Yes' but fail to provide capability evidence when requested to do so prior to contract commencement.</p> <p>Scoring a Fail will result in the tender response being excluded from the tender process.</p>
23	Relevant Experience	Pass/Fail	<p>This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they can provide details of at least one relevant contract which they have delivered within the last five years; or where they provide a satisfactory explanation as to why they meet the conditions of participation despite not being able to provide details of previous contracts delivered.</p> <p>Suppliers will score a Fail if they cannot provide details of up to three relevant contracts or their explanation is not sufficient to satisfy Social Care Wales (at its absolute discretion) that they can meet the conditions of participation relating to technical ability to perform the contract. Scoring a Fail will result in the tender response being excluded from the tender process.</p>
24	Experience of sub-contractor management	Pass/Fail	<p>This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they can provide details of the procedures they have in place to manage their supply chains and sub-contractors which Social Care Wales (at its absolute discretion) considers as satisfactory to ensure performance of the contract. Suppliers will score a Fail if they cannot provide satisfactory assurance of their supply chain / sub-contractor management. Scoring a Fail will result in the tender response being excluded from the tender process.</p>

Responses may be submitted in either Welsh or English

Environmental Management

No.	Description	Weighting	Evaluation
25	Environmental Convictions	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'No' or where they have answered 'Yes' and provided details of the conviction and remedial actions taken which Social Care Wales (at its absolute discretion) considers to be sufficient to prevent a reoccurrence. Suppliers will score a Fail where they have answered 'Yes' but have failed to provide details of the conviction and remedial actions taken. Scoring a Fail will result in the tender response being excluded from the tender process
26	Environmental Policy	Information Only	This question is for information only and will not be assessed

Quality Management

No.	Description	Weighting	Evaluation
27	Quality Management	Information Only	This section is for information only and will not be assessed
28	Consortium Relationship Management	Information Only	This section is for information only and will not be assessed

Additional Information

No.	Description	Weighting	Evaluation
29	Conflict of Interest	Pass/Fail	This section will be assessed on a pass/ fail basis. Suppliers will score a Pass where they answer 'No'. Suppliers will score a Fail if they answer 'Yes' but fail to provide details, or where they answer 'Yes' and the conflict of interest cannot (at Social Care Wales's absolute discretion) be remedied.
30	Blacklisting	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'. Bidders will score a Fail where they have answered 'No'. Scoring a Fail will result in the tender response being excluded from the tender process.
31	Equalities training	Pass/Fail	This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'. Bidders will score a Fail where they have answered 'No'. Scoring a Fail will result in the tender response being excluded from the tender process.
32	Welsh Language		This question will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'. Bidders will score a Fail where they have answered 'No'. Scoring a Fail will result in the tender response being excluded from the tender process.

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33	Use of Artificial Intelligence (AI)	Information Only	This section is for information only and will not be assessed
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Organisational policies / notices

No.	Description	Weighting	Evaluation
34	Anti-Bribery	Pass/Fail	This section will be assessed on a pass/ fail basis. Suppliers will score a Pass where they have answered 'Yes'. Suppliers will score a Fail if they have answered 'No' but have not provided an explanation which Social Care Wales (at its absolute discretion) considers satisfactory to explain why the supplier policy does not include the required information and/or has not been updated as required. Scoring a Fail will result in the tender response being excluded from the tender process.
35	Modern Slavery & Human Trafficking	Pass/Fail	
36	Privacy Notice	Pass/Fail	
37	Equality & Diversity Policy	Pass/Fail	

Confirmations

No.	Description	Weighting	Evaluation
38	Contract terms	Pass/Fail	This section will be assessed on a pass/ fail basis. Suppliers will score a Pass if have answered 'Yes' indicating their acceptance of the terms and conditions provided in the procurement documents. Suppliers will score a Fail if they have answered 'No'. Suppliers will also score a Fail if they answer 'Yes' but seek to amend the terms and conditions later in the procurement process. Scoring a Fail will result in the tender response being excluded from the tender process.

10.2 Stage 2 - Invitation to Submit a Final Tender

10.2(a) Compliance Check

Following receipt of a Supplier's Tender response, Social Care Wales will undertake an overall compliance check to ensure that the response complies with the instructions or procedural requirements set out in this Tender Notice or associated procurement documents. Tender responses which fail to comply with the instructions or procedural requirements may be determined by Social Care Wales to be non-compliant and therefore rejected.

Social Care Wales may also disregard a response that contains:

- a. any caveats or any other statements or assumptions qualifying the Supplier's Tender response that are not capable of assessment in accordance with the

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assessment methodology; or seeks to qualify Social Care Wales's requirements in any way.

- b. Gaps, omissions, misrepresentations, error, uncompleted sections, or changes to the format of the tender documentation provided.

10.2(b) Most Advantageous Tender

Social Care Wales will conduct an assessment of Supplier Tender responses in order to identify the Supplier which has submitted the most advantageous tender (MAT) in accordance with the assessment methodology and award criteria set out in this document and in the Supplier Tender response.

The overall MAT ratios that will apply to the award stage of this procurement are set out below:

Criteria	Ratio
Quality:	45%
Social Value:	5%
Price:	15%
Product Demonstrations:	35%

10.3 Weighted (Scored) Criteria

Social Care Wales will apply the following scoring system to any weighted questions. The weightings are shown against each of the questions in the Supplier Tender Response.

The following scoring system will be used in relation to all weighted questions:

Risk Level	Rating	Question Evidence Assessment Description	Score
Minimal or No Risk	Excellent (Fully compliant, with some areas exceeding requirements)	Submission sets out a robust solution and, in addition, provides or proposes additional value and/or elements of the solution which exceed the requirements in substance and outcomes in a manner acceptable to the Social Care Wales; provides full confidence as to the relevant ability, understanding, expertise, skills and/or resources not only to deliver the requirements, but also exceed it as described	5
Low Risk	Very Good (Meets All Requirements)	Submission sets out a robust solution that fully addresses and meets the requirements, with full details (and, where evidence is required or necessary, full and	4

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		relevant evidence) provided to support the solution; provides full confidence as to the relevant ability, understanding, expertise, skills and/or resources to deliver the requirements	
Moderate Risk	Good (Meets Most Requirements)	Submission sets out a solution that largely addresses and meets the requirements, with some detail (or, where evidence is required or necessary, some relevant evidence) provided to support the solution; minor reservations or weakness in a few areas of the solution in respect of relevant ability, understanding, expertise, skills and/or resources to deliver the requirements	3
High Risk	Poor (Partially Meets Requirements)	Weak submission which does not set out a solution that fully addresses and meets the requirements: response may be basic/minimal with little or no detail (and, where evidence is required or necessary, with insufficient evidence) provided to support the solution and demonstrate that the bidder will be able to provide the services and/or some reservations as to the bidder's solution in respect of relevant ability, understanding, expertise, skills and/or resources to deliver the requirements	2
Severe Risk	Very Poor (Fails to Meet Most Requirements)	Substantially unacceptable submission which fails in several significant areas to set out a solution that addresses and meets the requirements: little or no detail may (and, where evidence is required or necessary, no evidence) have been provided to support and demonstrate that the bidder will be able to provide the services and/or considerable reservations as to the bidder's proposals in respect of relevant ability, understanding, expertise, skills and/or resources to deliver the requirements.	1
Critical Risk	Fail (Does Not Meet Any Requirements)	No response at all or insufficient information provided in the response such that the solution is totally un-assessable and/or incomprehensible.	0

The Tender evaluators are only able to award the scores set out in the table above i.e. 0, 1, 2, 3, 4, 5. No intervening marking is permitted e.g. an evaluator could not award a score of 2.5.

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If a response meets only part of a 'score description' it will be marked the lower score which it fully satisfies.

Each weighted question included in the evaluation will be assigned a specific weighting, as set out in the Evaluation Criteria (11.8).

The weighted score for each question will be calculated using the following formula:
Weighted Score = (Score × Weight) / 5

After each question has been scored, the individual weighted scores will be added together to produce the overall score for that section. The maximum possible score for any section assessed through weighted questions is 100.

The final total weighted score for the section will then be calculated using:
Total Weighted Score = (Supplier's Section Score × Overall Section Weighting) / 100

10.4 Consensus Scoring System

Social Care Wales will use a consensus scoring system, with each member of the tender evaluation panel scoring each Supplier Tender response separately. A moderation meeting will then be held to review the provisional scores of the Tender evaluation panel to determine an overall consensus score.

Social Care Wales reserves the right to seek clarification from suppliers in connection with their Tender responses where information submitted appears to be incomplete or erroneous or where specific documents are missing. Social Care Wales may request Suppliers to submit, supplement, clarify or complete the information or documentation provided in connection with their Tender response.

Suppliers will be required to respond to any clarification requests within the timescales set out by Social Care Wales. Following receipt of clarification from the Supplier, the tender evaluation panel will review the provisional scores given and revise them to the final consensus score. Failure by a Supplier to submit a requested clarification within the required timescale may result in the Supplier's Tender response being rejected.

10.5 Financial Scoring Method

The price will be assessed based on the total overall price provided in the Tender response. A percentage is awarded to each assessed Tender in proportion to the best tendered price.

Tenders are ranked based on the total cost submitted, with the lowest cost offer receiving the maximum score of 100.

All other tender's total costs are then calculated against the lowest cost offer received using the following formula:

Financial Score = (Lowest Cost / Your Cost) x 100

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The final Total Weighted Financial Score is calculated using the formula:

$$\text{Total Weighted Financial Score} = (\text{Supplier Cost Score} \times \text{Overall Cost Weighting}) / 100$$

10.6 Tie-break

In the unlikely event of a tie-break (where two or more Suppliers achieve the same total weighted score for the award criteria), the Supplier with the highest total weighted score for Quality within Stage 2 will be the winner.

10.7 Due Diligence

Social Care Wales may carry out due diligence as part of the evaluation procedure in order to verify the Tender information provided by Suppliers to satisfy itself that the successful Supplier is capable of performing its obligations under a future contract.

As part of due diligence, Suppliers are required to provide any information requested by Social Care Wales promptly. Where that information includes personal data (e.g. a key member of staff's CV) the Supplier must ensure that all necessary consents have been obtained from the data subject so that Social Care Wales may process the data for due diligence purposes. Failure to obtain the necessary consents will result in the Supplier's response being excluded from the Procurement.

Due diligence checks of financial risks may include obtaining credit reports from external credit check agencies. By submitting a response, Suppliers are consenting to Social Care Wales obtaining such reports as required.

If following due diligence checks Social Care Wales, at its absolute discretion, is not assured that a Supplier is capable of delivering or performing its obligations under a future contract, the Supplier Response will be rejected from the Procurement.

10.8 Evaluation Criteria

The full evaluation criteria will be issued via Sell2Wales to all Suppliers that successfully pass Stage 1.

STAGE 2	Word Count	Weighting
Quality		45%
Q1. Core HRIS Functionality	TBC	20-30%
Q2. Implementation Approach and Plan	TBC	20-30%
Q3. Bilingual Capability	TBC	20-30%
Q4. Accessibility	TBC	10-20%
Q5. Training	TBC	5-15%
Q6. Support Model for Implementation, Migration and Ongoing Use	TBC	5-15%
Social Value		5%
Q7. Wellbeing & Workforce Support	TBC	40-60%

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Q8. Skills, Training & Local Employment	TBC	40-60%
Financial		15%
Suppliers must provide a clear, transparent and fully itemised pricing proposal. Suppliers must ensure all costs necessary to deliver the full specification, including Welsh/English bilingual delivery, integrations, data migration, and go-live readiness, have been included. No additional or hidden costs will be charged. This includes: <ul style="list-style-type: none"> - An annual subscription cost that covers all elements required for a fully functional HRIS across the potential 5-year term - Any additional one-off implementation costs - Any additional training costs - Any additional on-going support and maintenance costs 	N/A	70-80%
<ul style="list-style-type: none"> - A rate card for additional adhoc work that may be required during the contract period 	N/A	20-30%
STAGE 3		Weighting
Product Demonstrations		35%
Q9. Security & Access	N/A	10-20%
Q10. Core HR Record Functionality	N/A	10-20%
Q11. Employee Self Service	N/A	10-20%
Q12. Manager Self Service	N/A	10-20%
Q13. Workflow & Notification Automation	N/A	10-20%
Q14. Reporting & Analytics	N/A	10-20%
Total		100%

10.9 Final Combined Score

The weighted scores from Stage 2 and Stage 3 will be aggregated to produce the Final Combined Score for each Supplier. This overall score represents the Supplier's performance across all weighted elements of the evaluation process and will form the basis for determining the final ranking of Tenderers.

Each stage contributes to the final outcome in accordance with the overall weightings specified in the evaluation criteria. The individual weighted scores awarded during Stage 2 and Stage 3 will be added together to create a single, consolidated score out of 100. This Final Combined Score will be used to:

- Rank all tenderers in order of highest to lowest scoring;
- Identify the Supplier submitting the Most Advantageous Tender (MAT); and
- Determine which Supplier will be recommended for Contract award, subject to completion of the mandatory standstill period.

This combined scoring approach ensures that performance across both stages is reflected proportionately and transparently within the final evaluation outcome.

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Section 11 – How we work

11.1 Welsh Language

Social Care Wales is a bilingual organisation and is with the Welsh Language Measure (Wales) 2011 Standards. In responding to the Tender, Suppliers should consider how their services would support the bilingual ethos of the organisation and compliance with Scheme and Standards.

The Supplier is required to carry out any engagement activity bilingually. It is crucial that you do not treat Welsh language materials any less favourably than you treat the English language versions.

The Supplier will manage arrangements and associated costs related to Welsh language requirements such as evaluation tools; engagement activity including consultation templates, etc.

All translations must be completed by a professional English to/from Welsh translator who is a member of Cymdeithas Cyfieithwyr Cymru. Suppliers can use the Association's website to search for translators contact details - [Homepage \(cyfieithwyr.cymru\)](http://www.cyfieithwyr.cymru). Social Care Wales reserve the right to have translations reworked at the Supplier's expense if the Cymdeithas Cyfieithwyr Cymru standards are not met.

11.2 Tone of voice

Social Care Wales has a defined tone of voice– one that is clear, easy to understand and easy to engage with – which has been developed in line with our values and personality. This helps us to be consistent in the way we communicate with all audiences, irrespective of their backgrounds and their prior understanding of us and the work we do. All materials produced will need to use our tone of voice, plain English and Cymraeg Clir.

We reserve the right to ask you to re-write/amend the work to make sure it adheres to our tone of voice. Please see Appendix 3 for further details.

11.3 Branding

Social Care Wales has a strong brand identity, and this should apply to all materials produced within the project. We expect all materials produced to have a consistent look and feel developed within our brand guidelines. It is important that anyone using them recognise that they are part of a suite of materials. Please see Appendix 4 for further details.

11.4 Data protection

Social Care Wales will be acting as the Data Controller for this project. Typically, the successful Supplier will act as a Data Processor, and the chosen SaaS HRIS platform will act as a Sub-Processor. However, if either the Supplier (as Processor) or the SaaS provider (as Sub-Processor) collects or uses any personal data beyond

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the scope and purposes defined by Social Care Wales, they may, in doing so, become a Data Controller in their own right, with all associated legal responsibilities.

There are circumstances where SaaS providers legitimately collect personal data in order to deliver the contracted service, such as for technical support, system diagnostics, or service optimisation. This is acceptable only where such data collection is strictly necessary, used solely for that purpose, and remains within the instructions of Social Care Wales.

If personal data is used for any additional or incompatible purpose (for example, using uploaded data to train an AI model or for analytics unrelated to Social Care Wales), this may constitute a breach of data protection legislation and may also mean the Supplier or Sub-Processor is acting as a Data Controller without authorisation.

Therefore, the Supplier is required to:

- act only on the documented written instructions of Social Care Wales.
- ensure all individuals processing data are subject to an appropriate duty of confidentiality.
- take all appropriate technical and organisational measures to ensure the security of processing.
- engage Sub-Processors only with the prior written consent of Social Care Wales and under a written contract that ensures equivalent data protection obligations.
- assist Social Care Wales in enabling data subjects to exercise their rights under the UK GDPR.
- assist Social Care Wales in meeting its obligations relating to security, breach notification and data protection impact assessments.
- delete or return all personal data at contract end as instructed by Social Care Wales.
- submit to audits and inspections and provide all information necessary for Social Care Wales to demonstrate compliance with Article 28 UK GDPR.
- promptly inform Social Care Wales if it is asked to do anything that would infringe the UK GDPR or other applicable data protection law.

In addition to contractual obligations, the Supplier (as Data Processor) must:

- not use any Sub-Processor without the prior written authorisation of Social Care Wales.
- cooperate fully with supervisory authorities (e.g., the ICO).
- ensure the security of processing.
- maintain records of processing activities.
- notify any personal data breach to Social Care Wales by the end of the next working day at databreach@socialcare.wales.
- employ a Data Protection Officer where legally required.
- appoint an EU representative where required by law.
- hold valid ICO certification/registration.
- hold Cyber Essentials Plus certification.
- hold ISO27001 accreditation.

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In addition to its contractual obligations to the controller, under the GDPR a processor also has the following direct responsibilities:

- not to use a sub-processor without the prior written authorisation of the data controller.
- to co-operate with supervisory authorities (such as the ICO).
- to ensure the security of its processing.
- to keep records of processing activities.
- to notify any personal data breaches to the data controller (by the end of the next working day) to databreach@socialcare.wales;
- to employ a data protection officer;
- to appoint (in writing) a representative within the European Union if needed, and
- to hold an ICO certification, details of which must be declared within Appendix 1 – WPSQ.

The Supplier must declare all software, systems, tools, AI components or third-party services that will process, store or access Social Care Wales data. This includes but is not limited to:

- diagnostic tools
- monitoring tools
- AI-enabled features
- automated translation or chatbot services
- logging or analytics services
- remote support tools

Upon contract award, the successful Supplier will be required to complete a GDPR Compliance Questionnaire, detailing all data flows, Sub-Processors, tools, security measures and compliance arrangements.

11.5 Accessibility

Social Care Wales must comply with Government accessibility regulations that came into force for public bodies on 23 September 2018. These are known formally as Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018 (<https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>). Suppliers are required to show how they will ensure compliance with the accessibility regulations for any work on websites and other platforms/applications.

11.6 Equality and Modern Slavery Acts

Social Care Wales require our Suppliers to demonstrate their commitment to this legislation, by providing a current statement of your organisations policies with regard to these Acts.

- Equality Act 2010
- Modern Slavery Act 2015

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11.7 Copyright / Legal Ownership

In all instances, full copyright, Intellectual Property, and authorship of all outputs produced will be owned by Social Care Wales.

11.8 Use of Artificial Intelligence (AI)

Supplier's must disclose any use of AI when responding to this tender, or as part of their proposed delivery of the service, within Appendix 1 – WPSQ.

11.9 Social Value

To ensure Social Care Wales maximises its impact for stakeholders through commissioning and procurement activities, we ensure we assess social value and align outcomes with the principles of the Well-Being of Future Generations (Wales) Act (2015). This approach is designed to positively contribute to the long-term well-being of Wales, promoting a more sustainable, inclusive, and prosperous future.

By adopting this approach, we not only benefit local stakeholders but also ensure that public resources are utilised efficiently to drive lasting social, economic, and environmental improvements. This enables us to deliver outcomes that support future generations and address broader societal needs, extending beyond the immediate objectives of any single contract.

Responses may be submitted in either Welsh or English

Section 12 – Conditions applying to this tender

12.1 Tender submission requirements

It is important that Tender responses provide specific evidence of an ability to meet the Requirement/s. Please do not provide general organisational literature, marketing or promotional brochures and web-links as these will not be an appropriate response, will not be considered in the evaluation process, and may prove detrimental to your Tender.

Suppliers must notify Social Care Wales immediately of any change in the information submitted in your Tender response at any time during the procurement process.

Tender responses will be checked for completeness and compliance with the instructions before responses are evaluated.

Social Care Wales reserves the right to refuse to consider your Tender if the response is incomplete or is found to be inaccurate.

All Tender responses and submissions provided may form part of any subsequent agreement or contract based upon this procurement exercise.

Social Care Wales reserves the right to require some or all Suppliers to clarify and/or expand the answers contained in their Tender submissions, in writing. Requests for further information will be made in writing to Suppliers. Failure to respond promptly or adequately may result in the Supplier's disqualification from the procurement process.

12.2 Costs and expenses

Each Supplier shall be solely responsible for all the costs it incurs in the preparation and submission of its Tender, up to and including the award of the contract. This shall also cover the cost of attending any pre or post Tender meetings and/or potential presentation, and should a Supplier be successful, the preparation of the contract documents.

Social Care Wales shall in no event be responsible or held liable for any such costs regardless of the conduct or outcome of the bidding process.

12.3 Right to reject Supplier responses

Social Care Wales reserves the right to reject or disqualify a Supplier where:

- The Tender response is submitted late, is completed incorrectly, is materially incomplete or fails to meet Social Care Wales' Requirements, which have been notified to Suppliers.
- The Supplier or its supply chain, sub-contractors, connected persons, or associated persons are on the Debarment List. Supplier's will be given the opportunity for self-cleaning before disqualification occurs.

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- The Supplier or its supply chain, sub-contractors, connected persons, or associated persons breach any of the terms and conditions of this Tender or other documents issued by Social Care Wales, and
- There is a change in identity, control, financial standing, or other factor impacting on the selection and/or evaluation process affecting the Supplier or its supply chain, sub-contractors, connected persons, or associated persons.

12.4 Pricing

Provided appendices must be utilised; prices must be quoted in pounds sterling and clearly state if VAT will or will not be charged. A clear itemised breakdown of proposed costs is required.

12.5 Tender updates

Social Care Wales may issue updates, which will be identified by a number and the date. Such updates will contain details of any amendments, additions or variation to the information contained in this ITT, together with any further information, which may assist the Suppliers in the preparation of their submissions. No statements issued by Social Care Wales in relation to this or any other documents shall be deemed to form part of this tender process unless ratified by an update.

12.6 Conflict of interest

Suppliers are instructed to ensure that their potential appointment to deliver the Requirement has not and will not create any conflict of interest or any situation that might compromise or prejudice Social Care Wales' duty to manage an open, fair, non-discriminatory and competitive procurement process. In the event of a conflict (or potential conflict) arising at any time during the procurement process, the affected Supplier must report the occurrence of an actual or potential conflict and the means for resolving it to Social Care Wales as soon as reasonably practicable.

Failure to declare any actual or potential conflict and/or failure to address such conflict to the reasonable satisfaction of Social Care Wales may result in a Supplier being disqualified from this procurement.

12.7 Confidential information

Confidential information means all information which is supplied by Social Care Wales to a Supplier whether in writing, orally or in any other form, directly or indirectly from or pursuant to discussions with such Supplier or which is obtained through observations made by such Supplier which is designated by Social Care Wales as confidential or which is otherwise of a confidential nature.

Each Supplier shall hold in confidence any confidential information, provided that such Supplier shall not be restricted from passing such information to its professional advisers, its potential sub-contractors (subject to obtaining appropriate confidentiality agreements from them) but only to the extent necessary to enable it to prepare its bid and participate in this procurement.

Responses may be submitted in either Welsh or English

12.8 Copyright

Suppliers are reminded that the copyright to this ITT rests with Social Care Wales and its appointed advisers. This ITT may not either in whole or in part be copied, reproduced, distributed, or otherwise made available to any other third party without the prior written consent of Social Care Wales except in relation to the preparation of a Tender. All documentation supplied by Social Care Wales in relation to this ITT is, and shall remain the property of Social Care Wales and must be returned on demand, without any copies being retained.

12.9 Canvassing

Any Supplier who directly or indirectly canvasses any member of Social Care Wales or any of its officials or representatives concerning the award of contract for the Requirement may be disqualified.

12.10 Collusive submissions

Any Supplier who:

- Fixes or adjusts its Tender rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person, or
- Communicates to any person other than Social Care Wales the amount or approximate amount of its proposed Tender (except where such disclosure is made in confidence in order to obtain quotations necessary for the preparation of the Tender for insurance or similar activity), or
- Offers or agrees to pay or give, or does pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender any act or omission,

Will be (without prejudice to any other civil remedies available to Social Care Wales and without prejudice to any criminal liability which such conduct by a Supplier may attract) disqualified.

The Supplier warrants that its Tender shall be bona fide and shall be intended to be competitive and that it has not done and will not do at any time any of the acts set out in this section.

12.11 Publicity

No publicity regarding the procurement of the Requirement or the award of any contract will be permitted unless and until Social Care Wales has given express written consent to the relevant communication.

12.12 Social Care Wales' rights

Social Care Wales reserves the right to:

- waive the requirements of this ITT.
- disqualify any Supplier that does not submit a compliant Tender response in accordance with the instructions in this ITT.

Responses may be submitted in either Welsh or English

- withdraw this ITT at any time, or to re-invite Tender responses on the same or any alternative basis, and/or
- choose not to award any contract in relation to this procurement process, and
- make whatever changes it sees fit to the timetable, structure, or content of the procurement process, depending on approvals processes or for any other reason.

12.13 Governing Law

The laws of England and Wales (as applied in Wales) and the exclusive jurisdiction of the Courts of England and Wales sitting in Cardiff; shall apply to this Tender, the procurement process, and the Requirement generally and, subject to applicable law, any dispute, including any non-contractual dispute arising therefrom.

12.14 Central Digital Platform

Suppliers that wish to participate in this procurement are responsible for ensuring that the Central Digital Platform contains complete, accurate and up-to-date information about their organisation and any associated suppliers which are relevant for the purposes of this procurement. Suppliers must notify Social Care Wales immediately if it is unable to register on the Central Digital Platform and/or provide accurate and up-to-date information via the Central Digital Platform.