OFFERYNNAU STATUDOL CYMRU

2025 Rhif 99 (Cy. 23)

GWASANAETHAU IECHYD, CYMRU

CAFFAEL CYHOEDDUS, CYMRU

Rheoliadau Gwasanaethau Iechyd (Y Gyfundrefn Dethol Darparwyr) (Cymru) 2025

Gwnaed *30 Ionawr 2025*

Yn dod i rym *24 Chwefror 2025*

WELSH STATUTORY INSTRUMENTS

2025 No. 99 (W. 23)

HEALTH SERVICES, WALES

PUBLIC PROCUREMENT, WALES

The Health Services (Provider Selection Regime) (Wales) Regulations 2025

Made *30 January 2025*

Coming into force *24 February 2025*

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NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer caffael gwasanaethau iechyd perthnasol ar gyfer y gwasanaeth iechyd yng Nghymru gan awdurdodau perthnasol. Gwneir darpariaeth hefyd ar gyfer caffael nwyddau neu wasanaethau eraill sy'n gysylltiedig â'r gwasanaethau iechyd (caffaeliad cymysg). Gwneir y Rheoliadau hyn gan ddefnyddio pwerau o dan adrannau 10A(1), (2) a (3), 203(9) a (10), a 205(a) a (b) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

Mae'r Rheoliadau hyn yn datgymhwyso darpariaethau Deddf Caffael 2023 ("Deddf 2023") mewn perthynas â chaffael gwasanaethau iechyd rheoleiddiedig yng Nghymru gan ddefnyddio pwerau o dan adran 120A(1) o Ddeddf 2023 (rheoliad 34).

Awdurdodau perthnasol yw cynghorau sir neu gynghorau bwrdeistref sirol yng Nghymru, byrddau iechyd lleol, ymddiriedolaethau'r Gwasanaeth Iechyd Gwladol, ac awdurdodau arbennig. Gwasanaethau iechyd perthnasol yw gwasanaethau iechyd sy'n dod o fewn un neu ragor o godau'r eirfa gaffael gyffredin ("GGG") a nodir yn Atodlen 1. Codau GGG yw'r rhai a fabwysiadwyd gan Reoliad (EC) Rhif 2195/2002 Senedd Ewrop a'r Cyngor dyddiedig 5 Tachwedd 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the procurement of relevant health services for the health service in Wales by relevant authorities. Provision is also made for the procurement of goods or other services that are connected to the health services (mixed procurement). These Regulations are made using powers under sections 10A(1), (2) and (3), 203(9) and (10), and 205(a) and (b) of the National Health Service (Wales) Act 2006.

These Regulations disapply the provisions of the Procurement Act 2023 ("the 2023 Act") in relation to regulated health service procurement in Wales using powers under section 120A(1) of the 2023 Act (regulation 34).

Relevant authorities are county councils or county borough councils in Wales, local health boards, National Health Service trusts, and special authorities. Relevant health services are health services which fall within one or more of the common procurement vocabulary ("CPV") codes set out in Schedule 1. CPV codes are those adopted by Regulation (EC) No. 2195/2002 of the European Parliament and of the Council of 5 November 2002.

Mae Rhan 1 yn cynnwys darpariaethau rhagarweiniol, gan gynnwys y rhai sy'n nodi pryd y mae'r Rheoliadau yn gymwys.

Part 1 contains introductory provisions, including those which set out when the Regulations apply.

Mae rheoliadau 5 a 6 o Ran 1 yn nodi egwyddorion caffael a meini prawf allweddol ar gyfer gwneud penderfyniadau wrth gaffael gwasanaethau o dan y Rheoliadau hyn.

Regulations 5 and 6 of Part 1 set out procurement principles and key criteria for decision-making when procuring services under these Regulations.

Mae Rhan 2 yn nodi'r prosesau caffael, yr amgylchiadau y cânt eu defnyddio ynddynt a'r weithdrefn ar gyfer pob un o'r prosesau hynny. Mae pedair proses: Proses Dyfarniad Uniongyrchol 1, Proses Dyfarniad Uniongyrchol 2, y Broses Darparwr Mwyaf Addas, a'r Broses Gystadleuol. Mae Rhan 2 hefyd yn darparu, pan fo awdurdod perthnasol yn penderfynu cwblhau cytundeb fframwaith, fod rhaid iddo ddilyn y Broses Gystadleuol (rheoliad 7(2)).

Part 2 sets out the procurement processes, the circumstances in which they are used and the procedure for each. There are four processes: the Direct Award Process 1, the Direct Award Process 2, the Most Suitable Provider Process, and the Competitive Process. Part 2 also provides that where a relevant authority decides to conclude a framework agreement, they must follow the Competitive Process (regulation 7(2)).

Os bodlonir amodau, mae gan yr awdurdod perthnasol ddisgresiwn i ddethol proses gaffael. Pan fo gan awdurdod perthnasol ddisgresiwn i ddewis pa broses gaffael y mae'n ei dilyn, ond yn penderfynu y byddai proses wahanol yn fwy addas, caniateir iddo ddilyn proses wahanol (rheoliad 7(8)).

If conditions are met, the relevant authority has discretion to select a procurement process. Where a relevant authority has a discretion to choose which procurement process it follows, but decides that a different process would be more suitable, it may follow a different process (regulation 7(8)).

Mae Rhan 2 yn nodi darpariaethau pellach ar gyfer prosesau caffael penodol. Mae hyn yn cynnwys darpariaeth ar gyfer cyfnod segur; y weithdrefn y mae rhaid i awdurdod perthnasol ei dilyn os yw darparwr a dramgwyddwyd yn cyflwyno sylwadau; darpariaeth ar gyfer addasu contractau a chytundebau fframwaith yn ystod eu cyfnod heb ddilyn proses gaffael newydd os bodlonir amodau; darpariaeth ar gyfer proses arbennig ar gyfer dyfarniadau brys penodol neu addasiadau brys penodol; a darpariaeth ar gyfer rhoi'r gorau i brosesau caffael neu ailadrodd camau mewn proses gaffael, os bodlonir amodau.

Part 2 sets out further provisions for certain procurement processes. This includes provision for a standstill period; the procedure a relevant authority must follow if an aggrieved provider makes a representation; provision for the modification of contracts and framework agreements during their term without following a new procurement process if conditions are met; provision for a special process for certain urgent awards or modifications; and provision for procurement processes to be abandoned or for steps in a procurement process to be repeated, if conditions are met.

Mae Rhan 3 yn gwneud darpariaeth ynghylch cytundebau fframwaith. Mae hyn yn cynnwys: sut y'u diffinnir; sut y caniateir iddynt gael eu cwblhau; ac uchafswm hyd y cyfnod. Mae'r Rhan hon hefyd yn gwneud darpariaeth ar gyfer pryd y mae rhaid cychwyn y Weithdrefn Gystadleuol er mwyn caniatáu i ddarparwyr ychwanegol gael eu dethol i fod yn barti i gytundeb fframwaith yn ystod ei gyfnod a'r prosesau sydd i'w dilyn wrth ddyfarnu contractau o dan gytundeb fframwaith.

Part 3 makes provision about framework agreements. This includes: how they are defined; how they may be concluded; and the maximum term duration. This Part also makes provision for when the Competitive Process must be commenced to allow additional providers to be selected to be party to a framework agreement during its term and the processes to be followed when awarding contracts under a framework agreement.

Mae Rhan 4 yn gwneud darpariaeth bellach ynghylch caffael gwasanaethau iechyd perthnasol. Mae hyn yn cynnwys: y meini prawf dethol sylfaenol; esemptiad cyffredinol rhag dyletswyddau i gyhoeddi gwybodaeth fasnachol sensitif; y broses ar gyfer cyflwyno hysbysiad i'w gyhoeddi; yr amgylchiadau pryd y gellir gwahardd darparwr; sut y mae rhaid rheoli gwrthdaro buddiannau neu wrthdaro buddiannau posibl; a gofynion er mwyn caniatáu ar gyfer terfynu contract.

Part 4 makes further provision about the procurement of relevant health services. This includes: the basic selection criteria; a general exemption from duties to publish sensitive commercial information; the process for submitting a notice for publication; the circumstances when a provider can be excluded; how conflicts of interest or potential conflicts of interest must be managed; and requirements to allow for contract termination.

Mae Rhan 5 yn nodi darpariaethau gweinyddol a gofynion gweinyddol ar gyfer awdurdodau perthnasol. Mae hyn yn cynnwys darpariaethau ar gyfer cadw cofnodion; crynodebau blynyddol sydd i'w cyhoeddi; a gofynion monitro. Mae Rhan 5 hefyd yn gwneud darpariaeth ar gyfer awdurdodau perthnasol i geisio cyngor gan arbenigwyr annibynnol.

Part 5 sets out administrative provisions and requirements for relevant authorities. This includes provisions for retention of records; annual summaries to be published; and monitoring requirements. Part 5 also makes provision for relevant authorities to seek advice from independent experts.

Mae Rhan 6 yn gwneud darpariaeth drosiannol.

Part 6 makes transitional provision.

Mae Rhan 7 yn gwneud darpariaeth ar gyfer datgymhwyso Deddf 2023 o gaffael gwasanaethau iechyd rheoleiddiedig yng Nghymru.

Part 7 makes provision for the disapplication of the 2023 Act to regulated health service procurement in Wales.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Y Gyfarwyddiaeth Caffael a Masnachol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations has been prepared. A copy can be obtained from Welsh Government, Commercial Directorate, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 10A(1), (2) a (3), 203(9) a (10), a 205(a) a (b) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**) ac adran 120A(1) o Ddeddf Caffael 2023(**2**).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 10A(1), (2) and (3), 203(9) and (10), and 205(a) and (b) of the National Health Service (Wales) Act 2006(**1**) and section 120A(1) of the Procurement Act 2023(**2**).

Mae Gweinidogion Cymru wedi cynnal ymgynghoriad priodol ac wedi cyhoeddi crynodeb o'r ymatebion a gafwyd yn unol ag adran 10A(4) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006.

The Welsh Ministers have carried out an appropriate consultation and have published a summary of the responses received in accordance with section 10A(4) of the National Health Service (Wales) Act 2006.

Yn unol ag adran 203(6A) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**3**) ac adran 122(10)(na) o Ddeddf Caffael 2023(**4**), gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(**5**).

In accordance with section 203(6A) of the National Health Service (Wales) Act 2006(**3**) and section 122(10)(na) of the Procurement Act 2023(**4**), a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(**5**).

Yn unol ag adran 10A(5) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, mae deunydd esboniadol sy'n cyd-fynd â'r Rheoliadau hyn yn nodi sut y mae'r Rheoliadau yn gwneud darpariaeth at ddibenion adran 10A(3).

In accordance with section 10A(5) of the National Health Service (Wales) Act 2006, explanatory material accompanying these Regulations sets out how the regulations make provision for the purposes of section 10A(3).

(**1**) 2006 p. 42 ("Deddf 2006"). Mewnosodwyd adran 10A gan adran 3 o Ddeddf Caffael y Gwasanaeth Iechyd (Cymru) 2024 (dsc 1) ("Deddf 2024").
(**2**) 2023 p. 54. Mewnosodwyd adran 120A gan adran 2(2) o Ddeddf 2024.
(**3**) Fel y'i mewnosodwyd gan adran 111(2) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (dccc 2) ac y'i diwygiwyd gan adran 1(2) o Ddeddf Lefelau Staff Nyrsio (Cymru) 2016 (dccc 5) ac adran 3(3) o Ddeddf 2024.
(**4**) Fel y'i mewnosodwyd gan adran 2(3) o Ddeddf 2024. Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.
(**5**) Mae'r cyfeiriad yn adran 203(6A) o Ddeddf 2006 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**1**) 2006 c. 42 ("the 2006 Act"). Section 10A was inserted by section 3 of the Health Service Procurement (Wales) Act 2024 (asc 1) ("the 2024 Act").
(**2**) 2023 c. 54. Section 120A was inserted by section 2(2) of the 2024 Act.
(**3**) As inserted by section 111(2) of the Public Health (Wales) Act 2017 (anaw 2) and amended by section 1(2) of the Nurse Staffing Levels (Wales) Act 2016 (anaw 5) and section 3(3) of the 2024 Act.
(**4**) As inserted by section 2(3) of the 2024 Act. See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.
(**5**) The reference in section 203(6A) of the 2006 Act to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Iechyd (Y Gyfundrefn Dethol Darparwyr) (Cymru) 2025.

(2) Daw'r Rheoliadau hyn i rym ar 24 Chwefror 2025.

(3) Mae'r Rheoliadau hyn yn gymwys i gaffael gwasanaethau iechyd perthnasol yng Nghymru.

Dehongli

2. Yn y Rheoliadau hyn—

mae i "awdurdod perthnasol" yr ystyr a roddir i "relevant authority" gan adran 10A(9) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**);

ystyr "caffaeliad" ("*procurement*") yw dyfarnu contract, ymrwymo iddo a'i reoli, ac mae unrhyw gyfeiriad at gaffaeliad yn cynnwys cyfeiriad at y canlynol—

(a) unrhyw gam a gymerir at ddiben dyfarnu'r contract, ymrwymo iddo neu ei reoli;

(b) rhan o'r caffaeliad;

(c) terfynu'r caffaeliad cyn dyfarnu;

mae i "cyfnod segur" ("*standstill period*") yr ystyr a roddir gan reoliad 12;

ystyr "cytundeb fframwaith" ("*framework agreement*") yw cytundeb rhwng un neu ragor o awdurdodau perthnasol ac un neu ragor o ddarparwyr a gwblheir ac a weithredir o dan Ran 3;

ystyr "cytundeb fframwaith un darparwr" ("*single-provider framework agreement*") yw cytundeb rhwng un neu ragor o awdurdodau perthnasol ac un darparwr a gwblheir ac a weithredir o dan Ran 3;

ystyr "darparwr" ("*provider*") yw person sy'n darparu, neu sy'n cynnig darparu, gwasanaethau iechyd perthnasol at ddibenion y gwasanaeth iechyd yng Nghymru;

ystyr "darparwr gwaharddadwy" ("*excludable provider*") yw darparwr neu is-gontractwr a fyddai'n gyflenwr gwaharddadwy yn unol ag adrannau 57 (ystyr cyflenwr gwaharddedig a gwaharddadwy) a 58 (ystyried a yw cyflenwr yn gyflenwr gwaharddedig neu'n gyflenwr

(**1**) 2006 p. 42. Mae diwygiadau i adran 206(1) nad ydynt yn berthnasol i'r Rheoliadau hyn.

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Health Services (Provider Selection Regime) (Wales) Regulations 2025.

(2) These Regulations come into force on 24 February 2025.

(3) These Regulations apply to the procurement of relevant health services in Wales.

Interpretation

2. In these Regulations—

"the 2023 Act" ("*Deddf 2023*") means the Procurement Act 2023;

"basic selection criteria" ("*meini prawf dethol sylfaenol*") means the selection criteria determined by the relevant authority under regulation 22 and Schedule 18;

"Competitive Process" ("*Proses Gystadleuol*") means the process set out in regulation 11 for the award of a contract with a competition;

"contract or framework award criteria" ("*meini prawf dyfarnu contract neu fframwaith*") means the criteria on which the award of a contract, or conclusion of a framework agreement, is based;

"CPV" ("*GGG*") means the Common Procurement Vocabulary, as adopted by Article 1 and Annex I to Regulation (EC) No. 2195/2002 of the European Parliament and of the Council of 5 November 2002(**1**);

"Direct Award Process 1" ("*Proses Dyfarniad Uniongyrchol 1*") means the process set out in regulation 8 for the award of a contract without a competition;

"Direct Award Process 2" ("*Proses Dyfarniad Uniongyrchol 2*") means the process set out in regulation 9 for the award of a contract without a competition;

"estimated lifetime value" ("*gwerth oes amcangyfrifedig*") means the value of a contract or framework agreement for the time being estimated by the relevant authority under regulation 4;

(**1**) EUR 2002/2195. Annex 1 to the EUR 2002/2195 was amended by regulation 2 of the Common Procurement Vocabulary (Amendment) Regulations 2023 (S.I. 2023/601).

gwaharddadwy) o Ddeddf 2023, pe digwyddai mai'r awdurdod contractio oedd yr awdurdod perthnasol a phe bai'r darparwr yn gyflenwr o dan y Ddeddf honno, a phe bai unrhyw gyfeiriadau at berson â chyswllt yn yr adrannau hynny wedi eu hepgor;

ystyr "darparwr gwaharddedig" ("*excluded provider*") yw darparwr neu is-gontractwr a fyddai'n gyflenwr gwaharddedig yn unol ag adrannau 57 a 58 o Ddeddf 2023, pe digwyddai mai'r awdurdod contractio oedd yr awdurdod perthnasol a phe bai'r darparwr yn gyflenwr o dan y Ddeddf honno, a phe bai unrhyw gyfeiriadau at berson â chyswllt yn yr adrannau hynny wedi eu hepgor;

o ran "darparwr presennol" ("*existing provider*")—

(a) ei ystyr yw darparwr y mae gan awdurdod perthnasol gontract gydag ef ar gyfer darparu gwasanaethau iechyd perthnasol nad yw wedi dod i ben nac wedi ei derfynu fel arall, ac

(b) mae'n cynnwys darparwr o'r fath yn ei hunaniaeth newydd mewn achos pan fo disgwyl i hunaniaeth darparwr o'r fath newid oherwydd, er enghraifft, olyniaeth i mewn i sefyllfa darparwr o'r fath yn dilyn newidiadau corfforaethol, gan gynnwys meddiannu, uno, caffael, neu ansolfedd;

ystyr "Deddf 2023" ("*the 2023 Act*") yw Deddf Caffael 2023;

ystyr "egwyddorion caffael" ("*procurement principles*") yw'r egwyddorion yn rheoliad 5;

ystyr "GGG" ("*CPV*") yw'r Eirfa Gaffael Gyffredin fel y'i mabwysiadwyd gan Erthygl 1 ac Atodiad 1 i Reoliad (EC) Rhif 2195/2002 Senedd Ewrop a'r Cyngor dyddiedig 5 Tachwedd 2002(**1**);

mae i "y gwasanaeth iechyd" yr ystyr a roddir i "the health service" gan adran 206(1) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**2**);

mae i "gwasanaethau iechyd" yr ystyr a roddir i "health services" gan adran 10A(1)(a) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr "gwasanaethau iechyd perthnasol" ("*relevant health services*") yw gwasanaethau iechyd sy'n dod o dan un neu ragor o'r codau GGG a bennir yn Atodlen 1, i'r graddau a ddisgrifir yn y tabl hwnnw, yn ddarostyngedig i reoliad 3(7);

"excludable provider" ("*darparwr gwaharddadwy*") means a provider or sub-contractor that would be an excludable supplier in accordance with sections 57 (meaning of excluded and excludable supplier) and 58 (considering whether a supplier is excluded or excludable) of the 2023 Act, were the relevant authority the contracting authority and the provider a supplier under that Act, and any references to an associated person in those sections were omitted;

"excluded provider" ("*darparwr gwaharddedig*") means a provider or sub-contractor that would be an excluded supplier in accordance with sections 57 and 58 of the 2023 Act, were the relevant authority the contracting authority and the provider a supplier under that Act, and any references to an associated person in those section were omitted;

"existing provider" ("*darparwr presennol*")—

(a) means a provider with whom a relevant authority has a contract for the provision of relevant health services which has not expired or otherwise been terminated, and

(b) includes such a provider in its changed identity in a case where the identity of such a provider is expected to change due to, for example, succession into the position of such a provider following corporate changes including takeover, merger, acquisition or insolvency;

"framework agreement" ("*cytundeb fframwaith*") means an agreement between one or more relevant authorities and one or more providers concluded and operated under Part 3;

"health services" ("*gwasanaethau iechyd*") has the meaning given by section 10A(1)(a) of the National Health Service (Wales) Act 2006;

"key criteria" ("*meini prawf allweddol*") means the criteria set out in regulation 6;

"Most Suitable Provider Process" ("*Proses Darparwr Mwyaf Addas*") means the process set out in regulation 10 for the award of a contract without a competition;

"procurement" ("*caffaeliad*") means the award, entry into and management of a contract, and any reference to a procurement includes a reference to—

(a) any step taken for the purpose of awarding, entering into or managing the contract;

(b) a part of the procurement;

(c) termination of the procurement before award;

(**1**) EUR 2002/2195. Diwygiwyd Atodiad 1 i EUR 2002/2195 gan reoliad 2 o Reoliadau'r Eirfa Gaffael Gyffredin (Diwygio) 2023 (O.S. 2023/601).

(**2**) Mae diwygiadau i adran 206(1) o Ddeddf 2006 nad ydynt yn berthnasol i'r Rheoliadau hyn.

ystyr "gwerth oes amcangyfrifedig" ("*estimated lifetime value*") yw gwerth contract neu gytundeb fframwaith sydd am y tro wedi ei amcangyfrif gan yr awdurdod perthnasol o dan reoliad 4;

ystyr "is-gontractwr" ("*sub-contractor*") yw person y mae darparwr yn bwriadu is-gontractio ag ef, neu'n is-gontractio ag ef, ar gyfer y cyfan neu ran o gontract ar gyfer gwasanaethau iechyd perthnasol at ddibenion y gwasanaeth iechyd yng Nghymru;

ystyr "meini prawf allweddol" ("*key criteria*") yw'r meini prawf a nodir yn rheoliad 6;

ystyr "meini prawf dethol sylfaenol" ("*basic selection criteria*") yw'r meini prawf dethol a bennir gan yr awdurdod perthnasol o dan reoliad 22 ac Atodlen 18;

ystyr "meini prawf dyfarnu contract neu fframwaith" ("*contract or framework award criteria*") yw'r meini prawf sy'n sail i ddyfarnu contract neu gwblhau cytundeb fframwaith;

ystyr "Proses Darparwr Mwyaf Addas" ("*Most Suitable Provider Process*") yw'r broses a nodir yn rheoliad 10 ar gyfer dyfarnu contract heb gystadleuaeth;

ystyr "Proses Dyfarniad Uniongyrchol 1" ("*Direct Award Process 1*") yw'r broses a nodir yn rheoliad 8 ar gyfer dyfarnu contract heb gystadleuaeth;

ystyr "Proses Dyfarniad Uniongyrchol 2" ("*Direct Award Process 2*") yw'r broses a nodir yn rheoliad 9 ar gyfer dyfarnu contract heb gystadleuaeth;

ystyr "Proses Gystadleuol" ("*Competitive Process*") yw'r broses a nodir yn rheoliad 11 ar gyfer dyfarnu contract gyda chystadleuaeth.

"procurement principles" ("*egwyddorion caffael*") means the principles in regulation 5;

"provider" ("*darparwr*") means a person who provides, or offers to provide, relevant health services for the purposes of the health service in Wales;

"relevant authority" ("*awdurdod perthnasol*") has the meaning given by section 10A(9) of the National Health Service (Wales) Act 2006;

"relevant health services" ("*gwasanaethau iechyd perthnasol*") means health services which fall within one or more of the CPV codes specified in Schedule 1, to the extent described in that table, subject to regulation 3(7);

"single-provider framework agreement" ("*cytundeb fframwaith un darparwr*") means an agreement between one or more relevant authorities and one provider concluded and operated under Part 3;

"standstill period" ("*cyfnod segur*") has the meaning given by regulation 12;

"sub-contractor" ("*is-gontractwr*") means a person who a provider intends to sub-contract with or sub-contracts with for all or part of a contract for relevant health services for the purposes of the health service in Wales;

"the health service" ("*y gwasanaeth iechyd*") has the meaning given by section 206(1) of the National Health Service (Wales) Act 2006(**1**).

Cymhwyso i gaffael gwasanaethau iechyd

3.—(1) Mae'r Rheoliadau hyn yn gymwys i gaffaeliad awdurdod perthnasol o wasanaethau iechyd perthnasol at ddibenion y gwasanaeth iechyd yng Nghymru, pa un ai yn unigol neu fel rhan o gaffaeliad cymysg.

(2) Yn y rheoliad hwn, ystyr "caffaeliad cymysg" yw caffael—

(a) gwasanaethau iechyd perthnasol at ddibenion y gwasanaeth iechyd yng Nghymru, a

(b) nwyddau neu wasanaethau eraill sy'n gysylltiedig â'r gwasanaethau iechyd hynny,

pan fo'r ddau faen prawf ym mharagraff (3) wedi eu bodloni.

Application to procurement of health services

3.—(1) These Regulations apply to the procurement by a relevant authority of relevant health services for the purposes of the health service in Wales, whether alone or as part of a mixed procurement.

(2) In this regulation, "mixed procurement" means the procurement of—

(a) relevant health services for the purposes of the health service in Wales, and

(b) goods or other services that are connected to those health services,

where both the criteria in paragraph (3) are met.

(**1**) There are amendments to section 206(1) of the 2006 Act which are not relevant to these Regulations.

(3) Y meini prawf yw—

(a) mai prif bwnc y caffaeliad yw gwasanaethau iechyd perthnasol at ddibenion y gwasanaeth iechyd yng Nghymru, a

(b) bod yr awdurdod perthnasol yn penderfynu na ellid cyflenwi'r nwyddau neu'r gwasanaethau eraill yn rhesymol o dan gontract ar wahân.

(4) At ddibenion y meini prawf ym mharagraff (3)(a), pennir y prif bwnc gan y gwerth uchaf o'r canlynol—

(a) gwerth oes amcangyfrifedig y gwasanaethau iechyd perthnasol ym mharagraff (2)(a), neu

(b) gwerth oes amcangyfrifedig y nwyddau neu'r gwasanaethau eraill ym mharagraff (2)(b).

(5) At ddibenion y meini prawf ym mharagraff (3)(b), mae'r awdurdod perthnasol yn penderfynu na ellid cyflenwi'r nwyddau neu'r gwasanaethau eraill yn rhesymol o dan gontract ar wahân pan fyddai caffael y gwasanaethau iechyd perthnasol a'r nwyddau a'r gwasanaethau eraill ar wahân yn cael effaith andwyol sylweddol ar allu'r awdurdod perthnasol i weithredu yn unol â'r egwyddorion caffael, neu pan fyddai'n debygol o gael yr effaith honno.

(6) Pan fo caffaeliad gan awdurdod perthnasol ar gyfer gwasanaethau iechyd perthnasol yn rhan o gaffaeliad cymysg, mae'r term "gwasanaethau iechyd perthnasol" yn y Rheoliadau hyn, ac eithrio'r rheoliad hwn, yn cynnwys unrhyw nwyddau neu wasanaethau sy'n gysylltiedig â'r gwasanaethau iechyd perthnasol hynny.

(7) Nid oes dim yn y Rheoliadau hyn yn atal dyfarnu contract i fwy nag un darparwr, naill ai ar y cyd neu fel arall.

(3) The criteria are that—

(a) the main subject-matter of the procurement is relevant health services for the purposes of the health service in Wales, and

(b) the relevant authority determines that the goods or other services could not reasonably be supplied under a separate contract.

(4) For the purposes of the criteria in paragraph (3)(a), the main subject-matter is determined by the higher of—

(a) the estimated lifetime value of the relevant health services in paragraph (2)(a), or

(b) the estimated lifetime value of the goods or other services in paragraph (2)(b).

(5) For the purposes of the criteria in paragraph (3)(b), the relevant authority determines that procuring the goods or other services could not reasonably be supplied under a separate contract where procuring the relevant health services and the goods and other services separately would, or would be likely to, have a material adverse impact on the relevant authority's ability to act in accordance with the procurement principles.

(6) Where a procurement by a relevant authority for relevant health services is part of a mixed procurement, the term "relevant health services" in these Regulations, except this regulation, includes any goods or services connected to those relevant health services.

(7) Nothing in these Regulations prevents the award of a contract to more than one provider, either jointly or otherwise.

Dulliau ar gyfer cyfrifo gwerth oes amcangyfrifedig

4.—(1) Rhaid i awdurdod perthnasol gyfrifo'r gwerth oes amcangyfrifedig yn unol â'r rheoliad hwn.

(2) Mae'r gwerth oes amcangyfrifedig i'w gyfrifo—

(a) yn achos contract cyfnod penodol, fel yr uchafswm y gallai'r awdurdod perthnasol ddisgwyl ei dalu o dan y contract gan gynnwys, pan fo'n gymwys, symiau a dalwyd eisoes;

(b) yn achos contractau heb gyfnod penodol, fel yr uchafswm y gallai'r awdurdod perthnasol ddisgwyl ei dalu o dan y contract mewn unrhyw gyfnod o fis, wedi ei luosi â 48;

(c) yn achos cytundeb fframwaith, fel cyfanswm gwerth oes amcangyfrifedig yr holl gontractau sydd wedi cael eu dyfarnu neu y gellir eu dyfarnu o dan y fframwaith hwnnw, fel y'i cyfrifir o dan (a) a (b) uchod.

Methods for calculating estimated lifetime value

4.—(1) A relevant authority must calculate the estimated lifetime value in accordance with this regulation.

(2) The estimated lifetime value is to be calculated—

(a) in the case of a fixed term contract, as the maximum amount the relevant authority could expect to pay under the contract including, where applicable, amounts already paid;

(b) in the case of contracts without a fixed term, as the maximum amount the relevant authority could expect to pay under the contract in any one-month period, multiplied by 48;

(c) in the case of a framework agreement, as the sum of the estimated lifetime value of all contracts that have been or may be awarded under that framework, as calculated under (a) and (b) above.

(3) Ym mharagraff (1), mae'r swm y gallai awdurdod perthnasol ddisgwyl ei dalu yn cynnwys y canlynol—

(a) gwerth unrhyw wasanaethau a ddarperir gan y darparwr o dan y contract heblaw ar gyfer talu;

(b) symiau a fyddai'n daladwy pe bai opsiwn yn y contract i'r darparwr gyflenwi gwasanaethau ychwanegol yn cael ei arfer;

(c) symiau a fyddai'n daladwy pe bai opsiwn yn y contract i estyn neu adnewyddu cyfnod y contract yn cael ei arfer;

(d) symiau sy'n cynrychioli premiymau, ffioedd, comisiynau neu log a allai fod yn daladwy o dan y contract;

(e) symiau sy'n cynrychioli gwobrau neu daliadau a allai fod yn daladwy i ddarparwyr sy'n cymryd rhan yn y caffaeliad.

(4) Wrth amcangyfrif gwerth contract, rhaid i awdurdod perthnasol ystyried yr holl ffeithiau sy'n berthnasol i'r amcangyfrif ac sydd ar gael i'r awdurdod ar yr adeg y mae'n gwneud yr amcangyfrif.

Egwyddorion caffael

5. Wrth gaffael gwasanaethau iechyd perthnasol, rhaid i awdurdod perthnasol weithredu—

(a) gyda golwg ar—

(i) sicrhau anghenion y bobl sy'n defnyddio'r gwasanaethau,

(ii) gwella ansawdd y gwasanaethau, a

(iii) gwella effeithlonrwydd wrth ddarparu'r gwasanaethau;

(b) yn dryloyw, yn deg ac yn gymesur;

(c) gan roi sylw i ddatganiad polisi caffael Cymru a gyhoeddir o dan adran 14 o Ddeddf 2023.

Meini prawf allweddol

6. Y meini prawf allweddol yw—

(a) ansawdd, hynny yw yr angen i sicrhau gwasanaethau o ansawdd da,

(b) gwerth, hynny yw yr angen i ymdrechu i gyflawni gwerth da o ran cydbwysedd costau, manteision cyffredinol a goblygiadau ariannol trefniant contractio arfaethedig,

(c) cydweithredu a chynaliadwyedd gwasanaethau, hynny yw y graddau y gellir darparu gwasanaethau—

(i) mewn ffordd gydweithredol, a

(ii) mewn ffordd gynaliadwy,

(3) In paragraph (1), the amount a relevant authority could expect to pay includes the following—

(a) the value of any services provided by the provider under the contract other than for payment;

(b) amounts that would be payable if an option in the contract for the provider to supply additional services were exercised;

(c) amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised;

(d) amounts representing premiums, fees, commissions or interest that could be payable under the contract;

(e) amounts representing prizes or payments that could be payable to providers participating in the procurement.

(4) In estimating the value of a contract, a relevant authority must take into account all of the facts which are material to the estimate and available to the authority at the time it makes the estimate.

Procurement principles

5. When procuring relevant health services, a relevant authority must act—

(a) with a view to—

(i) securing the needs of the people who use the services,

(ii) improving the quality of the services, and

(iii) improving efficiency in the provision of the services;

(b) transparently, fairly and proportionately;

(c) having regard to the Wales procurement policy statement published under section 14 of the 2023 Act.

Key criteria

6. The key criteria are—

(a) quality, that is the need to ensure good quality services,

(b) value, that is the need to strive to achieve good value in terms of the balance of costs, overall benefits and the financial implications of a proposed contracting arrangement,

(c) collaboration and service sustainability, that is the extent to which services can be provided in—

(i) a collaborative way, and

(ii) a sustainable way,

er mwyn gwella canlyniadau iechyd, sy'n cynnwys sefydlogrwydd gwasanaethau iechyd o ansawdd da neu barhad gwasanaeth gwasanaethau iechyd,

(d) gwella mynediad a lleihau anghydraddoldebau iechyd, hynny yw sicrhau hygyrchedd o ran gwasanaethau a thriniaethau ar gyfer pob claf cymwys, ac

(e) cyfrifoldeb cymdeithasol, hynny yw a allai'r hyn a gynigir wella llesiant economaidd, cymdeithasol, amgylcheddol a diwylliannol yn yr ardal ddaearyddol sy'n berthnasol i drefniant contractio arfaethedig.

so as to improve health outcomes, which includes the stability of good quality health services or service continuity of health services,

(d) improving access and reducing health inequalities, that is ensuring accessibility to services and treatments for all eligible patients, and

(e) social responsibility, that is whether what is proposed might improve economic, social, environmental, and cultural well-being in the geographical area relevant to a proposed contracting arrangement.

RHAN 2

Prosesau caffael

Penderfynu ar y broses gaffael briodol

7.—(1) Pan fo'r awdurdod perthnasol yn bwriadu dyfarnu contract am wasanaethau iechyd perthnasol, rhaid i'r awdurdod perthnasol ddilyn y broses a bennir o dan baragraffau (4) i (7).

(2) Pan fo'r awdurdod perthnasol yn bwriadu cwblhau cytundeb fframwaith, rhaid i'r awdurdod perthnasol ddilyn y Broses Gystadleuol.

(3) Mae'r rheoliad hwn yn ddarostyngedig i reoliadau 13 (addasu contractau a chytundebau fframwaith yn ystod eu cyfnod), 15 (rhoi'r gorau i gaffaeliad neu ailadrodd camau mewn proses gaffael) a 18 (contractau sy'n seiliedig ar gytundeb fframwaith).

(4) Rhaid i'r awdurdod perthnasol ddilyn Proses Dyfarniad Uniongyrchol 1 i ddyfarnu contract pan fo'r gofynion a ganlyn wedi eu bodloni.

Gofyniad 1

Mae darparwr presennol ar gyfer y gwasanaethau iechyd perthnasol y mae'r trefniadau contractio arfaethedig yn ymwneud â hwy.

Gofyniad 2

Mae'r awdurdod perthnasol wedi ei fodloni, oherwydd natur y gwasanaethau iechyd perthnasol y mae'r trefniadau contractio arfaethedig yn ymwneud â hwy, fod y trefniant contractio arfaethedig yn gallu cael ei ddarparu gan y darparwr presennol yn unig.

(5) Rhaid i'r awdurdod perthnasol ddilyn un o blith Proses Dyfarniad Uniongyrchol 2, y Broses Darparwr Mwyaf Addas, neu'r Broses Gystadleuol, gyda'r dewis hwnnw yn ôl disgresiwn yr awdurdod perthnasol, i ddyfarnu contract pan fo'r gofynion a ganlyn wedi eu bodloni.

PART 2

Procurement processes

Determination of the appropriate procurement process

7.—(1) Where the relevant authority proposes to award a contract for relevant health services, the relevant authority must follow the process determined under paragraphs (4) to (7).

(2) Where the relevant authority proposes to conclude a framework agreement, the relevant authority must follow the Competitive Process.

(3) This regulation is subject to regulations 13 (modification of contracts and framework agreements during their term), 15 (abandonment of, or repetition of steps in, a procurement) and 18 (contracts based on a framework agreement).

(4) The relevant authority must follow the Direct Award Process 1 to award a contract where the following requirements are met.

Requirement 1

There is an existing provider of the relevant health services to which the proposed contracting arrangements relate.

Requirement 2

The relevant authority is satisfied that due to the nature of the relevant health services to which the proposed contracting arrangements relate, the proposed contracting arrangement is capable of being provided only by the existing provider.

(5) The relevant authority must follow one of the Direct Award Process 2, the Most Suitable Provider Process or the Competitive Process, such choice being at the discretion of the relevant authority, to award a contract where the following requirements are met.

Gofyniad 1

Nid yw'n ofynnol i'r awdurdod perthnasol ddilyn Proses Dyfarniad Uniongyrchol 1 yn unol â pharagraff (4).

Gofyniad 2

Mae cyfnod contract presennol i fod i ddod i ben ac mae'r awdurdod perthnasol yn cynnig contract newydd i ddisodli'r contract presennol hwnnw ar ddiwedd ei gyfnod.

Gofyniad 3

Nid yw'r trefniadau contractio arfaethedig yn newid sylweddol (gweler paragraffau (9) i (12)).

Gofyniad 4

Mae'r awdurdod perthnasol yn ystyried bod y darparwr presennol yn bodloni'r contract presennol ac yn debygol o fodloni'r trefniadau contractio arfaethedig i safon ddigonol.

(6) Rhaid i'r awdurdod perthnasol ddilyn naill ai'r Broses Darparwr Mwyaf Addas, neu'r Broses Gystadleuol, gyda'r dewis hwnnw yn ôl disgresiwn yr awdurdod perthnasol, i ddyfarnu contract pan fo'r gofynion a ganlyn wedi eu bodloni.

Gofyniad 1

Nid yw'n ofynnol i'r awdurdod perthnasol ddilyn Proses Dyfarniad Uniongyrchol 1 yn unol â pharagraff (4).

Gofyniad 2

Nid yw paragraff (5) yn gymwys.

Gofyniad 3

Mae'r awdurdod perthnasol yn ystyried, gan ystyried y darparwyr tebygol a'r holl wybodaeth berthnasol sydd ar gael i'r awdurdod perthnasol ar y pryd, ei fod yn debygol o allu nodi'r darparwr mwyaf addas.

(7) Rhaid i'r awdurdod perthnasol ddilyn y Broses Gystadleuol i ddyfarnu contract pan fo'r gofynion a ganlyn wedi eu bodloni.

Gofyniad 1

Nid yw'n ofynnol i'r awdurdod perthnasol ddilyn Proses Dyfarniad Uniongyrchol 1 yn unol â pharagraff (4).

Requirement 1

The relevant authority is not required to follow the Direct Award Process 1 in accordance with paragraph (4).

Requirement 2

The term of an existing contract is due to expire and the relevant authority proposes a new contract to replace that existing contract at the end of its term.

Requirement 3

The proposed contracting arrangements are not a considerable change (see paragraphs (9) to (12)).

Requirement 4

The relevant authority considers that the existing provider is satisfying the existing contract and will likely satisfy the proposed contracting arrangements to a sufficient standard.

(6) The relevant authority must follow either the Most Suitable Provider Process or the Competitive Process, such choice being at the discretion of the relevant authority, to award a contract where the following requirements are met.

Requirement 1

The relevant authority is not required to follow Direct Award Process 1 in accordance with paragraph (4).

Requirement 2

Paragraph (5) does not apply.

Requirement 3

The relevant authority considers, taking into account the likely providers and all relevant information available to the relevant authority at the time, that it is likely to be able to identify the most suitable provider.

(7) The relevant authority must follow the Competitive Process to award a contract where the following requirements are met.

Requirement 1

The relevant authority is not required to follow the Direct Award Process 1 in accordance with paragraph (4).

Gofyniad 2

Nid yw paragraff (5) na (6) yn gymwys.

(8) Pan fo'r awdurdod perthnasol, ar ôl cymryd camau i ddilyn proses gaffael benodol o dan naill ai baragraff (5) neu baragraff (6), yn penderfynu y byddai proses gaffael wahanol yn fwy addas, caniateir i'r awdurdod perthnasol—

(a) penderfynu rhoi'r gorau i'r caffaeliad o dan reoliad 15, a

(b) dethol proses gaffael wahanol yn unol â'r Rheoliadau hyn.

(9) Mae'r trefniadau contractio arfaethedig yn "newid sylweddol" at ddibenion paragraff (5) yn y naill neu'r llall o'r canlynol—

Senario 1

Pan fo'r trefniadau contractio arfaethedig yn sylweddol wahanol o ran cymeriad i'r contract presennol pan ymrwymwyd i'r contract presennol hwnnw, neu

Senario 2

Pan fo'r trothwy newid sylweddol ym mharagraff (10) wedi ei fodloni.

(10) Mae'r trothwy newid sylweddol at ddibenion paragraff (9) wedi ei fodloni pan fo'r holl ofynion a ganlyn yn gymwys—

Gofyniad 1

Mae modd priodoli'r newidiadau yn y gwasanaethau iechyd perthnasol y mae'r trefniadau contractio arfaethedig yn ymwneud â hwy (o gymharu â'r contract presennol) i benderfyniad yr awdurdod perthnasol.

Gofyniad 2

Mae gwerth oes amcangyfrifedig y trefniadau contractio arfaethedig yn £500,000 neu'n fwy na gwerth oes amcangyfrifedig y contract presennol, fel y'i cyfrifwyd pan ymrwymwyd i'r contract presennol hwnnw.

Gofyniad 3

Mae gwerth oes amcangyfrifedig y trefniadau contractio arfaethedig yn 25% neu'n fwy na gwerth oes amcangyfrifedig y contract presennol, fel y'i cyfrifwyd pan ymrwymwyd i'r contract presennol hwnnw.

(11) Nid yw'r trefniadau contractio arfaethedig yn newid sylweddol at ddibenion paragraff (5)—

(a) pan fo'r trefniadau contractio arfaethedig yn sylweddol wahanol o ran cymeriad i'r contract presennol pan ymrwymwyd i'r contract presennol hwnnw, ond nid yw hynny ond o ganlyniad i newid yn hunaniaeth y darparwr oherwydd olyniaeth i mewn i

Requirement 2

Neither paragraph (5) nor (6) applies.

(8) Where, having taken steps to follow a particular procurement process under either of paragraphs (5) or (6), the relevant authority decides that a different procurement process would be more suitable, the relevant authority may—

(a) decide to abandon the procurement under regulation 15, and

(b) select a different procurement process in accordance with these Regulations.

(9) The proposed contracting arrangements are a "considerable change" for the purposes of paragraph (5) where either—

Scenario 1

The proposed contracting arrangements are materially different in character to the existing contract when that existing contract was entered into, or

Scenario 2

The considerable change threshold in paragraph (10) is met.

(10) The considerable change threshold for the purposes of paragraph (9) is met where all the following requirements apply—

Requirement 1

The changes in the relevant health services to which the proposed contracting arrangements relate (compared with the existing contract) are attributable to a decision of the relevant authority.

Requirement 2

The estimated lifetime value of the proposed contracting arrangements is £500,000 or higher, than the estimated lifetime value of the existing contract as calculated when that existing contract was entered into.

Requirement 3

The estimated lifetime value of the proposed contracting arrangements is 25% or higher, than the estimated lifetime value of the existing contract as calculated when that existing contract was entered into.

(11) The proposed contracting arrangements are not a considerable change for the purposes of paragraph (5) where—

(a) the proposed contracting arrangements are materially different in character to the existing contract when that existing contract was entered into, but that is solely as a result of a change in the identity of the provider due to succession into the position of provider

sefyllfa darparwr yn dilyn newidiadau corfforaethol gan gynnwys meddiannu, uno, caffael, neu ansolfedd a bo'r awdurdod perthnasol wedi ei fodloni bod y darparwr yn bodloni'r meini prawf dethol sylfaenol, a

(b) pan na fo'r trothwy newid sylweddol ym mharagraff (10) wedi ei fodloni.

(12) Nid yw'r trefniadau contractio arfaethedig yn newid sylweddol at ddibenion paragraff (5)—

(a) pan na fo'r trefniadau contractio arfaethedig yn sylweddol wahanol o ran cymeriad i'r contract presennol pan ymrwymwyd i'r contract presennol hwnnw, a

(b) pan fo'r trothwy newid sylweddol ym mharagraff (10) wedi ei fodloni, ond bo'r newid rhwng y trefniadau contractio presennol a'r trefniadau contractio arfaethedig yn ymateb i ffactorau allanol sydd y tu hwnt i reolaeth yr awdurdod perthnasol a'r darparwr gan gynnwys newidiadau yn nifer cleifion neu ddefnyddwyr gwasanaethau neu newidiadau mewn prisiau yn unol â fformiwla y darperir ar ei chyfer yn nogfennau'r contract, ond heb fod yn gyfyngedig iddynt.

Proses Dyfarniad Uniongyrchol 1

8.—(1) Mae'r rheoliad hwn yn gymwys pan fo rhaid i'r awdurdod perthnasol ddilyn Proses Dyfarniad Uniongyrchol 1 yn unol â rheoliad 7(4).

(2) Rhaid i'r awdurdod perthnasol—

(a) dilyn y camau a nodir yn y rheoliad hwn, a

(b) dyfarnu unrhyw gontract heb gystadleuaeth.

Cam 1

(3) Rhaid i'r awdurdod perthnasol benderfynu a yw'r trefniant contractio arfaethedig, oherwydd natur y gwasanaethau iechyd perthnasol y mae'r trefniadau contractio arfaethedig yn ymwneud â hwy, yn gallu cael ei ddarparu gan y darparwr presennol yn unig.

Cam 2

(4) Os yw'r awdurdod perthnasol yn penderfynu bod y trefniant contractio arfaethedig yn gallu cael ei ddarparu gan y darparwr presennol yn unig, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i wneud dyfarniad i'r darparwr presennol.

(5) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (4) gynnwys yr wybodaeth a nodir yn Atodlen 2.

(6) Yn dilyn cyhoeddi'r hysbysiad ym mharagraff (4), mae'r cyfnod segur yn dechrau yn unol â rheoliad 12(4).

following corporate changes including takeover, merger, acquisition or insolvency and the relevant authority is satisfied that the provider meets the basic selection criteria, and

(b) the considerable change threshold in paragraph (10) is not met.

(12) The proposed contracting arrangements are not a considerable change for the purposes of paragraph (5) where—

(a) the proposed contracting arrangements are not materially different in character to the existing contract when that existing contract was entered into, and

(b) the considerable change threshold in paragraph (10) is met, but the change between the existing and proposed contracting arrangements is in response to external factors beyond the control of the relevant authority and provider including, but not limited to, changes in patient or service user volume or changes in prices in accordance with a formula provided for in the contract documents.

Direct Award Process 1

8.—(1) This regulation applies where the relevant authority must follow the Direct Award Process 1 in accordance with regulation 7(4).

(2) The relevant authority must—

(a) follow the steps set out in this regulation, and

(b) award any contract without a competition.

Step 1

(3) The relevant authority must decide whether, due to the nature of the relevant health services to which the proposed contracting arrangements relate, the proposed contracting arrangement is capable of being provided only by the existing provider.

Step 2

(4) If the relevant authority decides the proposed contracting arrangement is capable of being provided only by the existing provider, the relevant authority must submit for publication a notice of intention to make an award to the existing provider.

(5) The notice referred to in paragraph (4) must include the information set out in Schedule 2.

(6) Following the publication of the notice in paragraph (4), the standstill period begins in accordance with regulation 12(4).

Cam 3

(7) Pan gyflwynir sylwadau ysgrifenedig yn unol â rheoliad 12(5), rhaid i'r awdurdod perthnasol—

(a) cydymffurfio â'r gofynion a bennir yn rheoliad 12(7) a (9), a

(b) cyfleu'r penderfyniad pellach a wneir o dan reoliad 12(10) ac unrhyw benderfyniadau dilynol pellach a wneir o dan reoliad 12(12), yn unol â rheoliad 12(11) a (13).

(8) Pan na chyflwynir unrhyw sylwadau ysgrifenedig yn unol â rheoliad 12(5), caniateir i'r awdurdod perthnasol symud o gam 2 i gam 4.

Cam 4

(9) Caniateir i'r awdurdod perthnasol ymrwymo i'r contract ar ôl i'r cyfnod segur ddod i ben yn unol â rheoliad 12(14) neu (15).

Cam 5

(10) Os yw'r awdurdod perthnasol yn dyfarnu contract o dan gam 4, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract o fewn 30 o ddiwrnodau i ddyfarnu'r contract.

(11) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (10) gynnwys yr wybodaeth a nodir yn Atodlen 3.

Step 3

(7) Where written representations are made in accordance with regulation 12(5), the relevant authority must—

(a) comply with the requirements specified in regulation 12(7) and (9), and

(b) communicate the further decision made under regulation 12(10) and any subsequent further decisions made under regulation 12(12), in accordance with regulation 12(11) and (13).

(8) Where no written representations are made in accordance with regulation 12(5), the relevant authority may move from step 2 to step 4.

Step 4

(9) The relevant authority may enter into the contract after the standstill period has ended in accordance with regulation 12(14) or (15).

Step 5

(10) If the relevant authority awards a contract under step 4, the relevant authority must submit for publication a notice of the award of the contract within 30 days of the contract being awarded.

(11) The notice referred to in paragraph (10) must include the information set out in Schedule 3.

Proses Dyfarniad Uniongyrchol 2

9.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod perthnasol wedi penderfynu dilyn Proses Dyfarniad Uniongyrchol 2 yn unol â rheoliad 7(5).

(2) Rhaid i'r awdurdod perthnasol—

(a) dilyn y camau a nodir yn y rheoliad hwn, a

(b) dyfarnu unrhyw gontract heb gystadleuaeth.

Cam 1

(3) Rhaid i'r awdurdod perthnasol benderfynu a yw'r darparwr presennol yn bodloni'r contract presennol ac a yw'n debygol o fodloni'r trefniadau contract arfaethedig i safon ddigonol.

(4) Wrth ddod i benderfyniad yng ngham 1, rhaid i'r awdurdod perthnasol ystyried y meini prawf allweddol a chymhwyso'r meini prawf dethol sylfaenol.

Cam 2

(5) Os yw'r awdurdod perthnasol yn penderfynu bod y darparwr presennol yn bodloni'r contract presennol a'i fod yn debygol o fodloni'r trefniadau contractio arfaethedig i safon ddigonol, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i wneud dyfarniad i'r darparwr presennol.

(6) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (5) gynnwys yr wybodaeth a nodir yn Atodlen 4.

Direct Award Process 2

9.—(1) This regulation applies where the relevant authority has decided to follow the Direct Award Process 2 in accordance with regulation 7(5).

(2) The relevant authority must—

(a) follow the steps set out in this regulation, and

(b) award any contract without a competition.

Step 1

(3) The relevant authority must decide whether the existing provider is satisfying the existing contract and will likely satisfy the proposed contracting arrangements to a sufficient standard.

(4) In reaching a decision at step 1, the relevant authority must take into account the key criteria and apply the basic selection criteria.

Step 2

(5) If the relevant authority decides the existing provider is satisfying the existing contract and will likely satisfy the proposed contracting arrangements to a sufficient standard, the relevant authority must submit for publication a notice of intention to make an award to the existing provider.

(6) The notice referred to in paragraph (5) must include the information set out in Schedule 4.

(7) Yn dilyn cyhoeddi'r hysbysiad ym mharagraff (5), mae'r cyfnod segur yn dechrau yn unol â rheoliad 12(4).

Cam 3

(8) Pan gyflwynir sylwadau ysgrifenedig yn unol â rheoliad 12(5), rhaid i'r awdurdod perthnasol—

(a) cydymffurfio â'r gofynion a bennir yn rheoliad 12(7) a (9), a

(b) cyfleu'r penderfyniad pellach a wneir o dan reoliad 12(10) ac unrhyw benderfyniadau dilynol pellach a wneir o dan reoliad 12(12), yn unol â rheoliad 12(11) a (13).

(9) Pan na chyflwynir unrhyw sylwadau ysgrifenedig yn unol â rheoliad 12(5), caniateir i'r awdurdod perthnasol symud o gam 2 i gam 4.

Cam 4

(10) Caniateir i'r awdurdod perthnasol ymrwymo i'r contract ar ôl i'r cyfnod segur ddod i ben yn unol â rheoliad 12(14) neu (15).

Cam 5

(11) Os yw'r awdurdod perthnasol yn dyfarnu contract o dan gam 4, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract o fewn 30 o ddiwrnodau i ddyfarnu'r contract.

(12) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (11) gynnwys yr wybodaeth a nodir yn Atodlen 5.

(7) Following the publication of the notice in paragraph (5), the standstill period begins in accordance with regulation 12(4).

Step 3

(8) Where written representations are made in accordance with regulation 12(5), the relevant authority must—

(a) comply with the requirements specified in regulation 12(7) and (9), and

(b) communicate the further decision made under regulation 12(10) and any subsequent further decisions made under regulation 12(12), in accordance with regulation 12(11) and (13).

(9) Where no written representations are made in accordance with regulation 12(5), the relevant authority may move from step 2 to step 4.

Step 4

(10) The relevant authority may enter into the contract after the standstill period has ended in accordance with regulation 12(14) or (15).

Step 5

(11) If the relevant authority awards a contract under step 4, the relevant authority must submit for publication a notice of the award of the contract within 30 days of the contract being awarded.

(12) The notice referred to in paragraph (11) must include the information set out in Schedule 5.

Y Broses Darparwr Mwyaf Addas

10.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod perthnasol wedi penderfynu dilyn y Broses Darparwr Mwyaf Addas yn unol â rheoliad 7(5) neu (6).

(2) Rhaid i'r awdurdod perthnasol—

(a) dilyn y camau a nodir yn y rheoliad hwn, a

(b) dyfarnu unrhyw gontract heb gystadleuaeth.

Cam 1

(3) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i ddilyn y Broses Darparwr Mwyaf Addas.

(4) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (3) gynnwys yr wybodaeth a nodir yn Atodlen 6.

Cam 2

(5) Rhaid i'r awdurdod perthnasol nodi darparwyr posibl a allai fod y darparwr mwyaf addas.

(6) Wrth nodi unrhyw ddarparwyr posibl ym mharagraff (5), rhaid i'r awdurdod perthnasol ystyried y meini prawf allweddol a chymhwyso'r meini prawf dethol sylfaenol.

Most Suitable Provider Process

10.—(1) This regulation applies where the relevant authority has decided to follow the Most Suitable Provider Process in accordance with regulation 7(5) or (6).

(2) The relevant authority must—

(a) follow the steps set out in this regulation, and

(b) award any contract without a competition.

Step 1

(3) The relevant authority must submit for publication a notice of intention to follow the Most Suitable Provider Process.

(4) The notice referred to in paragraph (3) must include the information set out in Schedule 6.

Step 2

(5) The relevant authority must identify potential providers who may be the most suitable provider.

(6) In identifying any potential providers in paragraph (5), the relevant authority must take into account the key criteria and apply the basic selection criteria.

(7) Ni chaiff yr awdurdod perthnasol gwblhau cam 2 cyn y diwrnod sydd 14 o ddiwrnodau ar ôl y diwrnod y cyflwynir yr hysbysiad o fwriad i ddilyn y Broses Darparwr Mwyaf Addas i'w gyhoeddi yn unol â cham 1.

Cam 3

(8) Rhaid i'r awdurdod perthnasol asesu'r darparwyr posibl a nodwyd yng ngham 2 a dewis y darparwr mwyaf addas i wneud dyfarniad iddo.

(9) Wrth asesu darparwyr posibl a dewis y darparwr mwyaf addas, rhaid i'r awdurdod perthnasol ystyried y meini prawf allweddol a chymhwyso'r meini prawf dethol sylfaenol.

Cam 4

(10) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i wneud dyfarniad i'r darparwr a ddewiswyd fel y darparwr mwyaf addas.

(11) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (10) gynnwys yr wybodaeth a nodir yn Atodlen 7.

(12) Yn dilyn cyhoeddi'r hysbysiad ym mharagraff (10), mae'r cyfnod segur yn dechrau yn unol â rheoliad 12(4).

Cam 5

(13) Pan gyflwynir sylwadau ysgrifenedig yn unol â rheoliad 12(5), rhaid i'r awdurdod perthnasol—

(a) cydymffurfio â'r gofynion a bennir yn rheoliad 12(7) a (9), a

(b) cyfleu'r penderfyniad pellach a wneir o dan reoliad 12(10) ac unrhyw benderfyniadau dilynol pellach a wneir o dan reoliad 12(12), yn unol â rheoliad 12(11) a (13).

(14) Pan na chyflwynir unrhyw sylwadau ysgrifenedig yn unol â rheoliad 12(5), caniateir i'r awdurdod perthnasol symud o gam 4 i gam 6.

Cam 6

(15) Caniateir i'r awdurdod perthnasol ymrwymo i'r contract ar ôl i'r cyfnod segur ddod i ben yn unol â rheoliad 12(14) neu (15).

Cam 7

(16) Pan fo'r awdurdod perthnasol yn ymrwymo i gontract o dan gam 6, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract o fewn 30 o ddiwrnodau i ddyfarnu'r contract.

(17) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (16) gynnwys yr wybodaeth a nodir yn Atodlen 8.

(7) The relevant authority must not conclude step 2 before the day which is 14 days after the day on which the notice of intention to follow the Most Suitable Provider Process is submitted for publication in accordance with step 1.

Step 3

(8) The relevant authority must assess the potential providers identified in step 2 and choose the most suitable provider to whom to make an award.

(9) In assessing potential providers and choosing the most suitable provider, the relevant authority must take into account the key criteria and apply the basic selection criteria.

Step 4

(10) The relevant authority must submit for publication a notice of intention to make an award to the provider chosen as the most suitable provider.

(11) The notice referred to in paragraph (10) must include the information set out in Schedule 7.

(12) Following the publication of the notice in paragraph (10), the standstill period begins in accordance with regulation 12(4).

Step 5

(13) Where written representations are made in accordance with regulation 12(5), the relevant authority must—

(a) comply with the requirements specified in regulation 12(7) and (9), and

(b) communicate the further decision made under regulation 12(10) and any subsequent further decisions made under regulation 12(12), in accordance with regulation 12(11) and (13).

(14) Where no written representations are made in accordance with regulation 12(5), the relevant authority may move from step 4 to step 6.

Step 6

(15) The relevant authority may enter into the contract after the standstill period has ended in accordance with regulation 12(14) or (15).

Step 7

(16) Where the relevant authority enters into a contract under step 6, the relevant authority must submit for publication a notice of the award of the contract within 30 days of the contract being awarded.

(17) The notice referred to in paragraph (16) must include the information set out in Schedule 8.

Y Broses Gystadleuol

11.—(1) Mae'r rheoliad hwn yn gymwys—

(a) pan fo rhaid i'r awdurdod perthnasol ddilyn y Broses Gystadleuol o dan reoliad 7(2) neu (7), neu

(b) pan fo'r awdurdod perthnasol yn penderfynu dilyn y Broses Gystadleuol yn unol â rheoliad 7(5) neu (6).

(2) Rhaid i'r awdurdod perthnasol ddilyn y camau a nodir yn y rheoliad hwn.

Cam 1

(3) Rhaid i'r awdurdod perthnasol benderfynu ar feini prawf dyfarnu'r contract neu'r fframwaith.

(4) Wrth benderfynu ar feini prawf dyfarnu'r contract neu'r fframwaith, rhaid i'r awdurdod perthnasol ystyried y meini prawf allweddol a chymhwyso'r meini prawf dethol sylfaenol.

Cam 2

(5) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad sy'n gwahodd cynigion i ddarparu'r gwasanaethau iechyd perthnasol y mae'r contract i'w ddyfarnu, neu y mae'r cytundeb fframwaith i'w gwblhau, mewn perthynas â hwy.

(6) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (5) gynnwys yr wybodaeth a nodir yn Atodlen 9.

Cam 3

(7) Rhaid i'r awdurdod perthnasol asesu unrhyw gynigion a ddaw i law yn unol â meini prawf dyfarnu'r contract neu'r fframwaith.

(8) Caniateir i awdurdod perthnasol asesu cynigion a ddaw i law o dan gam 3 fesul cam.

Cam 4

(9) Rhaid i'r awdurdod perthnasol wneud penderfyniad ynghylch y darparwr a ddewiswyd.

Cam 5

(10) Rhaid i'r awdurdod perthnasol hysbysu'n brydlon, yn ysgrifenedig—

(a) y darparwr llwyddiannus fod ei gynnig wedi bod yn llwyddiannus, a bod yr awdurdod perthnasol yn bwriadu dyfarnu contract neu gwblhau'r cytundeb fframwaith;

(b) pob darparwr aflwyddiannus fod ei gynnig wedi bod yn aflwyddiannus, a rhaid i hysbysiad o'r fath gynnwys yr wybodaeth a nodir yn Atodlen 10.

Competitive Process

11.—(1) This regulation applies where—

(a) the relevant authority must follow the Competitive Process under regulation 7(2) or (7), or

(b) the relevant authority decides to follow the Competitive Process in accordance with regulation 7(5) or (6).

(2) The relevant authority must follow the steps set out in this regulation.

Step 1

(3) The relevant authority must determine the contract or framework award criteria.

(4) In determining the contract or framework award criteria, the relevant authority must take into account the key criteria and apply the basic selection criteria.

Step 2

(5) The relevant authority must submit for publication a notice inviting offers to provide the relevant health services in relation to which the contract is to be awarded or the framework agreement is to be concluded.

(6) The notice referred to in paragraph (5) must include the information set out in Schedule 9.

Step 3

(7) The relevant authority must assess any offers received in accordance with the contract or framework award criteria.

(8) A relevant authority may assess offers received under step 3 in stages.

Step 4

(9) The relevant authority must make a decision as to the chosen provider.

Step 5

(10) The relevant authority must promptly notify, in writing—

(a) the successful provider that their offer has been successful, and the relevant authority intends to award a contract or conclude the framework agreement;

(b) each unsuccessful provider that their offer has been unsuccessful, and such notice must include the information set out in Schedule 10.

Cam 6

(11) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i wneud dyfarniad i'r darparwr a ddewiswyd neu i gwblhau cytundeb fframwaith.

(12) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (11) gynnwys yr wybodaeth a nodir yn Atodlen 11.

(13) Yn dilyn cyhoeddi'r hysbysiad ym mharagraff (11), mae'r cyfnod segur yn dechrau yn unol â rheoliad 12(4).

Cam 7

(14) Pan gyflwynir sylwadau ysgrifenedig yn unol â rheoliad 12(5), rhaid i'r awdurdod perthnasol—

(a) cydymffurfio â'r gofynion a bennir yn rheoliad 12(7) a (9), a

(b) hysbysu darparwyr posibl am y penderfyniad pellach a wneir o dan reoliad 12(10) ac unrhyw benderfyniadau dilynol pellach a wneir o dan reoliad 12(12), yn unol â rheoliad 12(11) a (13).

(15) Pan na chyflwynir unrhyw sylwadau ysgrifenedig yn unol â rheoliad 12(5), caniateir i'r awdurdod perthnasol symud o gam 6 i gam 8.

Cam 8

(16) Caniateir i'r awdurdod perthnasol ymrwymo i'r contract neu gwblhau'r cytundeb fframwaith ar ôl i'r cyfnod segur ddod i ben yn unol â rheoliad 12(14) neu (15).

Cam 9

(17) Pan fo'r awdurdod perthnasol yn ymrwymo i gontract neu'n cwblhau cytundeb fframwaith o dan gam 8, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract neu am gwblhau'r cytundeb fframwaith o fewn 30 o ddiwrnodau i ddyfarnu'r contract neu gwblhau'r cytundeb fframwaith.

(18) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (17) gynnwys yr wybodaeth a nodir yn Atodlen 12.

Step 6

(11) The relevant authority must submit for publication a notice of intention to make an award to the chosen provider or conclude a framework agreement.

(12) The notice referred to in paragraph (11) must include the information set out in Schedule 11.

(13) Following the publication of the notice in paragraph (11), the standstill period begins in accordance with regulation 12(4).

Step 7

(14) Where written representations are made in accordance with regulation 12(5), the relevant authority must—

(a) comply with the requirements specified in regulation 12(7) and (9), and

(b) notify potential providers of the further decision made under regulation 12(10) and any subsequent further decisions made under regulation 12(12), in accordance with regulation 12(11) and (13).

(15) Where no written representations are made in accordance with regulation 12(5), the relevant authority may move from step 6 to step 8.

Step 8

(16) The relevant authority may enter into the contract or conclude the framework agreement after the standstill period has ended in accordance with regulation 12(14) or (15).

Step 9

(17) Where the relevant authority enters into a contract or concludes a framework agreement under step 8, the relevant authority must submit for publication a notice of the award of the contract or conclusion of the framework agreement within 30 days of the contract being awarded or the framework agreement being concluded.

(18) The notice referred to in paragraph (17) must include the information set out in Schedule 12.

Y cyfnod segur

12.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod perthnasol—

(a) yn dilyn Proses Dyfarniad Uniongyrchol 1, Proses Dyfarniad Uniongyrchol 2, y Broses Darparwr Mwyaf Addas neu'r Broses Gystadleuol,

(b) yn dyfarnu contract sy'n seiliedig ar gytundeb fframwaith gyda chystadleuaeth, neu

The standstill period

12.—(1) This regulation applies where the relevant authority—

(a) follows the Direct Award Process 1, Direct Award Process 2, the Most Suitable Provider Process or the Competitive Process,

(b) awards a contract based on a framework agreement with a competition, or

(c) yn dyfarnu contract sy'n seiliedig ar gytundeb fframwaith heb gystadleuaeth.

(2) Nid yw'r rheoliad hwn yn gymwys pan fo awdurdod perthnasol yn dyfarnu contract sy'n seiliedig ar gytundeb fframwaith un darparwr.

(3) Ni chaiff yr awdurdod perthnasol ymrwymo i'r contract na chwblhau'r cytundeb fframwaith cyn diwedd y cyfnod segur.

(4) Mae'r cyfnod segur yn dechrau ar y diwrnod y mae'r awdurdod perthnasol yn cyflwyno i'w gyhoeddi hysbysiad o fwriad i ddyfarnu contract neu gwblhau cytundeb fframwaith yn unol â rheoliad 8(4) (proses dyfarniad uniongyrchol 1), 9(5) (proses dyfarniad uniongyrchol 2), 10(10) (y broses darparwr mwyaf addas) neu 11(11) (y broses gystadleuol).

(5) Caniateir i ddarparwr gyflwyno sylwadau ysgrifenedig i'r awdurdod perthnasol pan fo'r darparwr—

(a) wedi ei dramgwyddo gan benderfyniad awdurdod perthnasol i ddyfarnu contract i ddarparwr arall neu i gwblhau cytundeb fframwaith â darparwr o'r fath fel y nodir yn yr hysbysiad a gyhoeddir o dan baragraff (4), a

(b) yn credu y bu methiant i gydymffurfio â'r Rheoliadau hyn.

(6) Rhaid cyflwyno sylwadau ysgrifenedig ym mharagraff (5) i'r awdurdod perthnasol cyn hanner nos ar ddiwedd yr wythfed diwrnod gwaith(**1**) ar ôl y diwrnod y mae'r cyfnod segur yn dechrau.

(7) Pan fo sylwadau yn dod i law'r awdurdod perthnasol yn unol â pharagraff (5), rhaid iddo—

(a) caniatáu cyfle pellach i'r darparwr a dramgwyddwyd i esbonio neu egluro'r sylwadau a wnaed fel y mae'r awdurdod perthnasol yn ystyried ei bod yn briodol, a

(b) darparu yn brydlon unrhyw wybodaeth y gofynnir amdani gan y darparwr a dramgwyddwyd pan fo gan yr awdurdod perthnasol ddyletswydd i gofnodi'r wybodaeth honno o dan reoliad 30 (gofynion gwybodaeth).

(8) Nid yw paragraff (7)(b) yn ei gwneud yn ofynnol darparu gwybodaeth pan fyddai ei darparu—

(a) yn rhagfarnu buddiannau masnachol dilys unrhyw berson, gan gynnwys rhai'r awdurdod perthnasol,

(b) o bosibl yn rhagfarnu cystadleuaeth deg rhwng darparwyr, neu

(c) awards a contract based on a framework agreement without a competition.

(2) This regulation does not apply where a relevant authority awards a contract based on a single-provider framework agreement.

(3) The relevant authority must not enter into the contract or conclude the framework agreement before the end of the standstill period.

(4) The standstill period begins on the day the relevant authority submits for publication a notice of intention to award a contract or conclude a framework agreement in accordance with regulation 8(4) (direct award process 1), 9(5) (direct award process 2), 10(10) (most suitable provider process) or 11(11) (competitive process).

(5) A provider may make written representations to the relevant authority where the provider—

(a) is aggrieved by the decision of a relevant authority to award a contract to or conclude a framework agreement with another provider as set out in the notice published under paragraph (4), and

(b) believes that there has been a failure to comply with these Regulations.

(6) Written representations in paragraph (5) must be made to the relevant authority before midnight at the end of the eighth working day(**1**) after the day the standstill period begins.

(7) Where the relevant authority receives representations in accordance with paragraph (5), it must—

(a) allow the aggrieved provider such further opportunity to explain or clarify the representations made as the relevant authority considers appropriate, and

(b) provide promptly any information requested by the aggrieved provider where the relevant authority has a duty to record that information under regulation 30 (information requirements).

(8) Paragraph (7)(b) does not require the provision of information where it—

(a) would prejudice the legitimate commercial interests of any person, including those of the relevant authority,

(b) might prejudice fair competition between providers, or

(**1**) Diffinnir "diwrnod gwaith" yn Atodlen 1 i Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4).

(**1**) "working day" is defined in Schedule 1 to the Legislation (Wales) Act 2019 (anaw 4).

(c) yn groes i fudd y cyhoedd mewn rhyw fodd arall.

(9) Pan fo'n ofynnol, ar ôl i'r awdurdod perthnasol gydymffurfio â'r gofynion ym mharagraff (7), rhaid i'r awdurdod perthnasol adolygu'r penderfyniad i ddyfarnu'r contract neu gwblhau'r cytundeb fframwaith, gan ystyried y sylwadau a gyflwynwyd.

(10) Yn dilyn yr adolygiad ym mharagraff (9), rhaid i'r awdurdod perthnasol wneud penderfyniad pellach ynghylch pa un ai—

(a) i ymrwymo i'r contract neu gwblhau'r cytundeb fframwaith yn unol â'r bwriad ar ôl i'r cyfnod segur ddod i ben,

(b) i fynd yn ôl i gam cynharach yn y broses ddethol ac ailadrodd y cam hwnnw a'r camau dilynol yn unol â rheoliad 15, neu

(c) i roi'r gorau i'r caffaeliad yn unol â rheoliad 15.

(11) Rhaid cyfleu'r penderfyniad pellach ym mharagraff (10) yn brydlon, yn ysgrifenedig, gyda rhesymau—

(a) i bob darparwr a dramgwyddwyd a gyflwynodd sylwadau ysgrifenedig yn unol â pharagraff (5), a

(b) i bob darparwr yr oedd yr awdurdod perthnasol yn bwriadu, ar ddechrau'r cyfnod segur, dyfarnu'r contract iddo neu gwblhau'r cytundeb fframwaith ag ef.

(12) Yn dilyn penderfyniad pellach o dan baragraff (11), caiff yr awdurdod perthnasol wneud unrhyw nifer o benderfyniadau dilynol pellach, a phob un yn disodli'r penderfyniad blaenorol—

(a) i ymrwymo i'r contract neu gwblhau'r cytundeb fframwaith yn unol â'r bwriad ar ôl i'r cyfnod segur ddod i ben,

(b) i fynd yn ôl i gam cynharach yn y broses ddethol ac ailadrodd y cam hwnnw a'r camau dilynol yn unol â rheoliad 15, neu

(c) i roi'r gorau i'r caffaeliad yn unol â rheoliad 15.

(13) Rhaid cyfleu pob penderfyniad dilynol pellach o dan baragraff (12) yn brydlon, yn ysgrifenedig, gyda rhesymau—

(a) i bob darparwr a dramgwyddwyd a gyflwynodd sylwadau ysgrifenedig yn unol â pharagraff (5), a

(b) i bob darparwr yr oedd yr awdurdod perthnasol yn bwriadu, ar ddechrau'r cyfnod segur, dyfarnu'r contract iddo neu gwblhau'r cytundeb fframwaith ag ef.

(c) would otherwise be contrary to the public interest.

(9) Where required, after the relevant authority has complied with the requirements in paragraph (7), the relevant authority must review the decision to award the contract or conclude the framework agreement, taking into account the representations made.

(10) Following the review at paragraph (9), the relevant authority must make a further decision whether to—

(a) enter into the contract or conclude the framework agreement as intended after the standstill period has ended,

(b) go back to an earlier step in the selection process and repeat that step and subsequent steps in accordance with regulation 15, or

(c) abandon the procurement in accordance with regulation 15.

(11) The further decision in paragraph (10) must be communicated promptly in writing, with reasons to—

(a) each aggrieved provider who made written representations in accordance with paragraph (5), and

(b) each provider to whom the relevant authority intended at the beginning of the standstill period to award the contract or with whom the relevant authority intended at the beginning of the standstill period to conclude the framework agreement.

(12) Following a further decision under paragraph (11), the relevant authority may make any number of subsequent further decisions, each replacing the previous decision, to—

(a) enter into the contract or conclude the framework agreement as intended after the standstill period has ended,

(b) go back to an earlier step in the selection process and repeat that step and subsequent steps in accordance with regulation 15, or

(c) abandon the procurement in accordance with regulation 15.

(13) Each subsequent further decision under paragraph (12) must be communicated promptly in writing, with reasons to—

(a) each aggrieved provider who made written representations in accordance with paragraph (5), and

(b) each provider to whom the relevant authority intended at the beginning of the standstill period to award the contract or with whom the relevant authority intended at the beginning of the standstill period to conclude the framework agreement.

(14) Pan na ddaw unrhyw sylwadau ysgrifenedig i law yn unol â pharagraff (5), daw'r cyfnod segur i ben am hanner nos ar ddiwedd yr wythfed diwrnod gwaith ar ôl y diwrnod y dechreuodd y cyfnod segur.

(15) Pan ddaw sylwadau ysgrifenedig i law yn unol â pharagraff (5), daw'r cyfnod segur i ben—

(a) ar y diwrnod—

(i) y mae'r awdurdod perthnasol wedi penderfynu ei fod yn barod i ymrwymo i'r contract neu gwblhau'r cytundeb fframwaith,

(ii) y mae'r awdurdod perthnasol wedi cyflawni'r gofynion a nodir ym mharagraffau (7), (9) a (10),

(iii) y mae'r awdurdod perthnasol wedi rhoi gwybod i ddarparwyr am ei benderfyniad pellach yn unol â pharagraff (11) ac unrhyw benderfyniadau dilynol pellach yn unol â pharagraff (13),

(iv) nad yw'r awdurdod perthnasol yn bwriadu gwneud unrhyw benderfyniadau dilynol pellach, neu ragor o benderfyniadau dilynol pellach, yn unol â pharagraff (12), a

(v) nad oes llai na 5 diwrnod gwaith wedi mynd heibio ers i'r awdurdod perthnasol roi gwybod i ddarparwyr am ei benderfyniad pellach diwethaf yn unol â pharagraff (11) neu (13), neu

(b) ar y diwrnod—

(i) y mae'r awdurdod perthnasol wedi penderfynu rhoi'r gorau i'r caffaeliad yn unol â rheoliad 15,

(ii) y mae'r awdurdod perthnasol wedi cyflawni'r gofynion a nodir ym mharagraffau (7), (9) a (10),

(iii) y mae'r awdurdod perthnasol wedi rhoi gwybod i ddarparwyr am ei benderfyniad pellach yn unol â pharagraff (11) ac unrhyw benderfyniadau pellach dilynol yn unol â pharagraff (13),

(iv) nad yw'r awdurdod perthnasol yn bwriadu gwneud unrhyw benderfyniadau pellach dilynol, neu ragor o benderfyniadau pellach dilynol, yn unol â pharagraff (12), a

(v) nad oes llai na 5 diwrnod gwaith wedi mynd heibio ers i'r awdurdod perthnasol roi gwybod i ddarparwyr am ei benderfyniad pellach diwethaf yn unol â pharagraff (11) neu (13), neu

(14) Where no written representations are received in accordance with paragraph (5), the standstill period ends at midnight at the end of the eighth working day after the day the standstill period began.

(15) Where written representations are received in accordance with paragraph (5), the standstill period ends—

(a) on such day as—

(i) the relevant authority has decided that it is ready to enter into the contract or conclude the framework agreement,

(ii) the relevant authority has carried out the requirements set out in paragraphs (7), (9) and (10),

(iii) the relevant authority has informed providers of its further decision in accordance with paragraph (11) and any subsequent further decisions in accordance with paragraph (13),

(iv) the relevant authority does not intend to make any, or any more, subsequent further decisions in accordance with paragraph (12), and

(v) there have been no fewer than 5 working days since the relevant authority informed providers of its last further decision in accordance with paragraph (11) or (13), or

(b) on such day as—

(i) the relevant authority has decided to abandon the procurement in accordance with regulation 15,

(ii) the relevant authority has carried out the requirements set out in paragraphs (7), (9) and (10),

(iii) the relevant authority has informed providers of its further decision in accordance with paragraph (11) and any subsequent further decisions in accordance with paragraph (13),

(iv) the relevant authority does not intend to make any, or any more, subsequent further decisions in accordance with paragraph (12), and

(v) there have been no fewer than 5 working days since the relevant authority informed providers of its last further decision in accordance with paragraph (11) or (13), or

(c) ar y diwrnod—

(i) y mae'r awdurdod perthnasol wedi penderfynu mynd yn ôl i gam cynharach yn y broses ddethol ac ailadrodd y cam hwnnw a chamau dilynol yn unol â'r weithdrefn berthnasol,

(ii) y mae'r awdurdod perthnasol wedi cyflawni'r gofynion a nodir ym mharagraffau (7), (9) a (10),

(iii) y mae'r awdurdod perthnasol wedi rhoi gwybod i ddarparwyr am ei benderfyniad pellach yn unol â pharagraff (11) ac unrhyw benderfyniadau pellach dilynol yn unol â pharagraff (13),

(iv) nad yw'r awdurdod perthnasol yn bwriadu gwneud unrhyw benderfyniadau pellach dilynol, neu ragor o benderfyniadau pellach dilynol, yn unol â pharagraff (12), a

(v) nad oes llai na 5 diwrnod gwaith wedi mynd heibio ers i'r awdurdod perthnasol roi gwybod i ddarparwyr am ei benderfyniad pellach diwethaf yn unol â pharagraff (11) neu (13).

(16) Ym mharagraffau (10)(b), (12)(b) a (15)(c)(i), mae cyfeiriad at gam yn y broses ddethol yn gyfeiriad at gam y cyfeirir ato yn rheoliad 8 (proses dyfarniad uniongyrchol 1), 9 (proses dyfarniad uniongyrchol 2), 10 (y broses darparwr mwyaf addas) neu 11 (y broses gystadleuol).

(c) on such day as—

(i) the relevant authority has decided to go back to an earlier step in the selection process and repeat that step and subsequent steps in accordance with the relevant procedure,

(ii) the relevant authority has carried out the requirements set out in paragraphs (7), (9) and (10),

(iii) the relevant authority has informed providers of its further decision in accordance with paragraph (11) and any subsequent further decisions in accordance with paragraph (13),

(iv) the relevant authority does not intend to make any, or any more, subsequent further decisions in accordance with paragraph (12), and

(v) there have been no fewer than 5 working days since the relevant authority informed providers of its last further decision in accordance with paragraph (11) or (13).

(16) In paragraphs (10)(b), (12)(b) and (15)(c)(i), a reference to a step in the selection process is to a step referred to in regulation 8 (direct award process 1), 9 (direct award process 2), 10 (most suitable provider process) or 11 (competitive process).

Addasu contractau a chytundebau fframwaith yn ystod eu cyfnod

13.—(1) Mae'r paragraff hwn yn gymwys pan ddilynwyd Proses Dyfarniad Uniongyrchol 1 ar gyfer dyfarnu contract yn wreiddiol. Caniateir addasu'r contract yn ystod ei gyfnod heb ddilyn proses gaffael newydd o dan y Rheoliadau hyn pan na fo'r addasiad yn gwneud y contract yn sylweddol wahanol o ran cymeriad.

(2) Mae paragraff (3) yn gymwys pan ddilynwyd Proses Dyfarniad Uniongyrchol 2, y Broses Darparwr Mwyaf Addas neu'r Broses Gystadleuol ar gyfer dyfarnu contract neu gwblhau cytundeb fframwaith yn wreiddiol.

(3) Ni chaniateir addasu'r contract neu'r cytundeb fframwaith am wasanaethau iechyd perthnasol yn ystod ei gyfnod heb ddilyn proses gaffael newydd o dan y Rheoliadau hyn ond pan fo un neu ragor o'r amodau ym mharagraff (4) yn gymwys.

Modification of contracts and framework agreements during their term

13.—(1) This paragraph applies where the Direct Award Process 1 was followed for the original award of a contract. The contract may be modified during its term without following a new procurement process under these Regulations where the modification does not render the contract materially different in character.

(2) Paragraph (3) applies where the Direct Award Process 2, the Most Suitable Provider Process or the Competitive Process was followed for the original award of a contract or conclusion of a framework agreement.

(3) The contract or framework agreement for relevant health services may be modified during its term without following a new procurement process under these Regulations only where one or more of the conditions in paragraph (4) apply.

(4) Yr amodau yw—

(a) y darperir ar gyfer yr addasu yn glir ac yn ddiamwys yn y contract neu'r cytundeb fframwaith,

(b) bod yr addasiad yn newid yn hunaniaeth y darparwr yn unig oherwydd olyniaeth i mewn i sefyllfa darparwr yn dilyn newidiadau corfforaethol gan gynnwys, er enghraifft, meddiannu, uno, caffael, neu ansolfedd a bod yr awdurdod perthnasol wedi ei fodloni bod y darparwr yn bodloni'r meini prawf dethol sylfaenol,

(c) nad yw'r addasiad yn gwneud y contract na'r cytundeb fframwaith yn sylweddol wahanol o ran cymeriad a'i fod wedi ei wneud mewn ymateb i ffactorau allanol sydd y tu hwnt i reolaeth yr awdurdod perthnasol a'r darparwr gan gynnwys, ond heb fod yn gyfyngedig—

(i) i newidiadau yn nifer y cleifion neu ddefnyddwyr gwasanaethau, neu

(ii) i newidiadau mewn prisiau yn unol â fformiwla y darperir ar ei chyfer yn y contract, neu

(d) y bo modd priodoli'r addasiad i benderfyniad yr awdurdod perthnasol a bod y ddau faen prawf ym mharagraff (5) wedi eu bodloni.

(5) Y meini prawf yw—

(a) nad yw'r addasiad yn gwneud y contract neu'r cytundeb fframwaith yn sylweddol wahanol o ran cymeriad, a

(b) bod y newid cronnus yng ngwerth oes amcangyfrifedig y contract neu'r cytundeb fframwaith ers ymrwymo iddo neu ers ei gwblhau—

(i) yn llai na £500,000, neu

(ii) yn llai na 25% o werth oes amcangyfrifedig y contract presennol neu'r cytundeb fframwaith presennol pan ymrwymwyd iddo neu y'i cwblhawyd.

(6) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am yr addasiad—

(a) pan fo addasiad yn cael ei wneud i gontract neu gytundeb fframwaith yn unol â pharagraff (1) neu (3),

(b) pan fo modd priodoli'r addasiad i benderfyniad yr awdurdod perthnasol, ac

(c) pan fo'r newid cronnus yng ngwerth oes amcangyfrifedig y contract ers ymrwymo iddo, neu'r cytundeb fframwaith ers ei gwblhau, yn £500,000 neu fwy.

(4) The conditions are—

(a) the modification is clearly and unambiguously provided for in the contract or framework agreement,

(b) the modification is solely a change in the identity of the provider due to succession into the position of provider following corporate changes including, for example, takeover, merger, acquisition or insolvency and the relevant authority is satisfied that the provider meets the basic selection criteria,

(c) the modification does not render the contract or framework agreement materially different in character and is made in response to external factors beyond the control of the relevant authority and the provider including, but not limited to—

(i) changes in patient or service user volume, or

(ii) changes in prices in accordance with a formula provided for in the contract, or

(d) the modification is attributable to a decision of the relevant authority and both of the criteria in paragraph (5) are met.

(5) The criteria are—

(a) the modification does not render the contract or framework agreement materially different in character, and

(b) the cumulative change in the estimated lifetime value of the contract or framework agreement since it was entered into or concluded is—

(i) below £500,000, or

(ii) less than 25% of the estimated lifetime value of the existing contract or framework agreement when it was entered into or concluded.

(6) The relevant authority must submit for publication a notice of the modification where—

(a) a modification is made to a contract or framework agreement in accordance with paragraph (1) or (3),

(b) the modification is attributable to a decision of the relevant authority, and

(c) the cumulative change in the estimated lifetime value of the contract since it was entered into, or framework agreement since it was concluded, is £500,000 or more.

(7) Rhaid i'r hysbysiad ym mharagraff (6)—

(a) cynnwys yr wybodaeth a nodir yn Atodlen 13, a

(b) cael ei gyflwyno i'w gyhoeddi o fewn 30 o ddiwrnodau i addasu'r contract neu'r cytundeb fframwaith.

Dyfarnu neu addasu contract ar frys

14.—(1) Caniateir i'r awdurdod perthnasol ddyfarnu neu addasu contract heb fodloni'r gofynion yn rheoliadau 7 i 13 pan fo'r amodau ym mharagraff (2) wedi eu bodloni.

(2) Yr amodau yw pan fo awdurdod perthnasol yn ystyried—

(a) bod rhaid dyfarnu neu addasu contract ar frys,

(b) na wnaeth yr awdurdod perthnasol rag-weld y rheswm dros y brys ac nad oedd modd priodoli'r rheswm dros y brys i'r awdurdod perthnasol, ac

(c) y byddai gohirio dyfarnu neu addasu'r contract er mwyn bodloni gofynion rheoliadau 7 i 13 yn debygol o beri risg i ddiogelwch cleifion neu ddiogelwch y cyhoedd.

(3) Caniateir i'r awdurdod perthnasol addasu contract presennol heb fodloni'r gofynion yn rheoliadau 7 i 13 pan fo'r amodau ym mharagraff (4) wedi eu bodloni.

(4) Yr amodau yw—

(a) bod awdurdod perthnasol wedi cychwyn proses gaffael o dan y Rheoliadau hyn i ddyfarnu contract,

(b) bod cyfnod segur wedi dechrau yn unol â rheoliad 12(4),

(c) bod yr awdurdod perthnasol wedi ceisio cyngor arbenigol annibynnol yn unol â rheoliad 29 yn y cyfnod segur,

(d) bod contract presennol am y gwasanaethau iechyd perthnasol y mae'r trefniant contractio arfaethedig yn berthnasol iddynt a bod yr awdurdod perthnasol yn ystyried bod cyfnod y contract hwnnw yn debygol o ddod i ben cyn diwedd y cyfnod segur,

(e) bod yr awdurdod perthnasol yn ystyried ei bod yn angenrheidiol neu'n hwylus addasu'r contract presennol cyn i'r contract newydd gymryd effaith er mwyn sicrhau parhad rhwng y contract presennol a dyfarniad arfaethedig y contract newydd, ac

(7) The notice in paragraph (6) must—

(a) include the information set out in Schedule 13, and

(b) be submitted for publication within 30 days of the modification of the contract or framework agreement.

Urgent award or modification of a contract

14.—(1) The relevant authority may award or modify a contract without satisfying the requirements in regulations 7 to 13 where the conditions in paragraph (2) are met.

(2) The conditions are where a relevant authority considers that—

(a) an award or modification of a contract must be made urgently,

(b) the relevant authority did not foresee the reason for the urgency and the reason for the urgency was not attributable to the relevant authority, and

(c) delaying the award of the contract or modification to satisfy the requirements of regulations 7 to 13 would be likely to pose a risk to patient or public safety.

(3) The relevant authority may modify an existing contract without satisfying the requirements in regulations 7 to 13 where the conditions in paragraph (4) are met.

(4) The conditions are—

(a) a relevant authority commenced a procurement process under these Regulations to award a contract,

(b) a standstill period has begun in accordance with regulation 12(4),

(c) the relevant authority has sought independent expert advice in accordance with regulation 29 in the standstill period,

(d) there is an existing contract for the relevant health services to which the proposed contracting arrangement relates and the relevant authority considers that the term of that contract is likely to expire before the end of the standstill period,

(e) the relevant authority considers it necessary or expedient to modify the existing contract prior to the new contract taking effect in order to ensure continuity between the existing contract and proposed award of a new contract, and

(f) bod yr awdurdod perthnasol yn ystyried nad yw'n bosibl bodloni gofynion rheoliadau 7 i 13 cyn i gyfnod y contract presennol ddod i ben.

(5) Pan fo paragraff (1) yn gymwys, rhaid i'r awdurdod perthnasol gyflwyno hysbysiad am ddyfarnu'r contract, neu'r addasiad, i'w gyhoeddi.

(6) Rhaid i'r hysbysiad ym mharagraff (5)—

(a) cael ei gyflwyno i'w gyhoeddi o fewn 30 o ddiwrnodau i ddyfarnu'r contract ar frys neu addasu'r contract ar frys, a

(b) yn achos—

(i) dyfarniad brys, gynnwys yr wybodaeth a nodir yn Atodlen 14;

(ii) addasiad brys, gynnwys yr wybodaeth a nodir yn Atodlen 15.

Rhoi'r gorau i gaffaeliad neu ailadrodd camau mewn proses gaffael

15.—(1) Ar unrhyw adeg cyn dyfarnu contract neu gwblhau cytundeb fframwaith, caniateir i awdurdod perthnasol—

(a) dewis peidio â dyfarnu contract neu beidio â chwblhau cytundeb fframwaith a rhoi'r gorau i gaffael gwasanaethau iechyd perthnasol o dan y Rheoliadau hyn, neu

(b) mynd yn ôl i gam cynharach yn y broses ddethol ac ailadrodd y cam hwnnw a chamau dilynol.

(2) Ni chaniateir i awdurdod perthnasol ond penderfynu rhoi'r gorau i gaffaeliad o dan baragraff (1)(a) neu fynd yn ôl i gam cynharach o dan baragraff (1)(b) yn ystod y cyfnod segur pan fo'r penderfyniad hwnnw yn unol â'r weithdrefn a'r gofynion yn rheoliad 12.

(3) Pan fo awdurdod perthnasol yn gwneud penderfyniad y cyfeirir ato ym mharagraff (2), ni chaiff yr awdurdod perthnasol ond rhoi'r gorau i'r caffaeliad neu ailadrodd y camau hynny ar ôl i'r cyfnod segur ddod i ben.

(4) Pan fo awdurdod perthnasol yn dewis peidio â dyfarnu contract neu beidio â chwblhau cytundeb fframwaith ac yn rhoi'r gorau i'r caffaeliad o dan baragraff (1)(a), rhaid iddo gyflwyno i'w gyhoeddi hysbysiad am y penderfyniad hwnnw.

(5) O ran yr hysbysiad ym mharagraff (4)—

(a) pan fo'r penderfyniad wedi ei wneud mewn cyfnod segur, rhaid ei gyflwyno i'w gyhoeddi—

(i) ar ôl i'r cyfnod segur ddod i ben, a

(f) the relevant authority considers that it is not possible to satisfy the requirements of regulations 7 to 13 before the term of the existing contract expires.

(5) Where paragraph (1) applies, the relevant authority must submit a notice of the award or modification of the contract for publication.

(6) The notice in paragraph (5) must—

(a) be submitted for publication within 30 days of the urgent award or modification of the contract, and

(b) in the case of—

(i) an urgent award, include the information set out in Schedule 14;

(ii) an urgent modification, include the information set out in Schedule 15.

Abandonment of, or repetition of steps in, a procurement

15.—(1) At any time before a contract award is made or a framework agreement concluded, a relevant authority may—

(a) choose not to award a contract or conclude a framework agreement, and abandon the procurement of relevant health services under these Regulations, or

(b) go back to an earlier step in the selection process and repeat that step and subsequent steps.

(2) A relevant authority may only decide to abandon a procurement under paragraph (1)(a) or go back to an earlier step under paragraph (1)(b) during the standstill period where that decision is in accordance with the procedure and requirements in regulation 12.

(3) Where a relevant authority makes a decision referred to in paragraph (2), the relevant authority may only abandon the procurement or repeat those steps after the standstill period has ended.

(4) Where a relevant authority chooses not to award a contract or conclude a framework agreement and abandons the procurement under paragraph (1)(a), it must submit for publication a notice of that decision.

(5) The notice in paragraph (4) must—

(a) where the decision is made in a standstill period, be submitted for publication—

(i) after the standstill period has ended, and

(ii) o fewn 30 o ddiwrnodau i ddiwedd y cyfnod segur hwnnw;

(b) mewn unrhyw achos arall, rhaid ei gyflwyno i'w gyhoeddi o fewn 30 o ddiwrnodau i'r penderfyniad i roi'r gorau i'r caffaeliad;

(c) rhaid iddo gynnwys yr wybodaeth a nodir yn Atodlen 17.

(6) Pan fo awdurdod perthnasol yn penderfynu ailadrodd cam o dan baragraff (1)(b), rhaid i'r awdurdod perthnasol hysbysu darparwyr perthnasol am y penderfyniad hwnnw yn ysgrifenedig.

(7) Mae paragraff (6) wedi ei fodloni naill ai—

(a) pan fo penderfyniad i ailadrodd cam neu gamau wedi ei wneud yn unol â rheoliad 12(10)(b) ac wedi ei gyfleu i ddarparwr yn unol â rheoliad 12(11), neu

(b) pan fo penderfyniad i ailadrodd cam neu gamau wedi ei wneud yn unol â rheoliad 12(12)(b) ac wedi ei gyfleu i ddarparwr yn unol â rheoliad 12(13).

(8) Yn y rheoliad hwn—

(a) mae cyfeiriad at gam yn y broses ddethol yn gyfeiriad at gam y cyfeirir ato yn rheoliad 8 (proses dyfarniad uniongyrchol 1), 9 (proses dyfarniad uniongyrchol 2), 10 (y broses darparwr mwyaf addas) neu 11 (y broses gystadleuol);

(b) ystyr "darparwyr perthnasol" ym mharagraff (6) yw unrhyw ddarparwr sydd wedi cael gwybod yn y broses ddethol ei fod yn cael ei ystyried ar gyfer dyfarnu contract neu i fod yn barti i gytundeb fframwaith.

(ii) within 30 days of the end of that standstill period;

(b) in any other case, be submitted for publication within 30 days of the decision to abandon the procurement;

(c) include the information set out in Schedule 17.

(6) Where a relevant authority decides to repeat a step under paragraph (1)(b), the relevant authority must notify relevant providers of that decision in writing.

(7) Paragraph (6) is satisfied where either—

(a) a decision to repeat a step or steps has been taken in accordance with regulation 12(10)(b) and communicated to a provider in accordance with regulation 12(11), or

(b) a decision to repeat a step or steps has been taken in accordance with regulation 12(12)(b) and communicated to a provider in accordance with regulation 12(13).

(8) In this regulation—

(a) a reference to a step in the selection process is to a step referred to in regulation 8 (direct award process 1), 9 (direct award process 2), 10 (most suitable provider process) or 11 (competitive process);

(b) "relevant providers" in paragraph (6) means any provider who has been made aware in the selection process that they are being considered for the award of a contract or to be a party to a framework agreement.

RHAN 3

Cytundebau fframwaith

Cytundebau fframwaith

16.—(1) Yn y Rheoliadau hyn, cytundeb fframwaith yw cytundeb rhwng un neu ragor o awdurdodau perthnasol ac un neu ragor o ddarparwyr sy'n darparu ar gyfer dyfarnu yn y dyfodol un neu ragor o gontractau ar gyfer darparu gwasanaethau iechyd perthnasol yn ystod cyfnod y cytundeb fframwaith.

(2) Caniateir i awdurdod perthnasol gwblhau cytundeb fframwaith.

(3) Rhaid i gytundeb fframwaith nodi'r awdurdodau perthnasol y caniateir iddynt ddyfarnu contractau ar sail y cytundeb fframwaith.

PART 3

Framework agreements

Framework agreements

16.—(1) In these Regulations, a framework agreement is an agreement between one or more relevant authorities and one or more providers which provides for the future award of one or more contracts for the provision of relevant health services during the term of the framework agreement.

(2) A relevant authority may conclude a framework agreement.

(3) A framework agreement must identify the relevant authorities which may award contracts based on the framework agreement.

(4) Ni chaiff cyfnod cytundeb fframwaith fod yn hwy nag 8 mlynedd, heblaw mewn achosion eithriadol pan fo'r awdurdod perthnasol wedi ei fodloni bod pwnc y cytundeb fframwaith yn cyfiawnhau tymor hwy.

(5) Mae cyfeiriadau yn Rhan 2 at gwblhau cytundeb fframwaith i'w trin fel rhai sy'n cynnwys cyfeiriadau at ddethol darparwyr pellach i fod yn bartïon i gytundeb fframwaith.

Ychwanegu darparwyr ychwanegol i gytundeb fframwaith

17.—(1) Rhaid i awdurdod perthnasol, yn ystod cyfnod cytundeb fframwaith, ddilyn y Broses Gystadleuol er mwyn caniatáu i ddarparwyr ychwanegol gael eu dethol i fod yn bartïon i'r cytundeb fframwaith.

(2) Rhaid cychwyn y Broses Gystadleuol y cyfeirir ati ym mharagraff (1) o leiaf unwaith—

(a) yn ystod y cyfnod o 4 blynedd sy'n dechrau ar y diwrnod y cafodd y cytundeb fframwaith ei gwblhau, a

(b) yn ystod y cyfnod o 4 blynedd sy'n dechrau drannoeth y diwrnod y mae'r Broses Gystadleuol ar gyfer dethol darparwyr ychwanegol i fod yn barti i'r cytundeb fframwaith, o dan baragraff (2)(a), wedi cael ei chwblhau.

Contractau sy'n seiliedig ar gytundeb fframwaith

18.—(1) Dim ond yn unol â'r rheoliad hwn y caniateir i awdurdod perthnasol ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith.

(2) Caniateir i awdurdod perthnasol ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith.

(3) Ni chaiff contractau rhwng awdurdod perthnasol a darparwr sy'n seiliedig ar gytundeb fframwaith beri addasiadau sylweddol i'r telerau sydd wedi eu gosod yn y cytundeb fframwaith hwnnw.

(4) Pan fo cytundeb fframwaith wedi ei gwblhau rhwng awdurdod perthnasol ac un darparwr, caniateir i awdurdod perthnasol ddyfarnu contract heb gystadleuaeth yn unol â'r cytundeb fframwaith hwnnw.

(5) Pan fo cytundeb fframwaith wedi ei gwblhau gyda mwy nag un darparwr, caniateir i awdurdod perthnasol ddyfarnu contract gyda chystadleuaeth neu heb gystadleuaeth.

(6) Mae'r penderfyniad o dan baragraff (5) yn ôl disgresiwn yr awdurdod perthnasol ond rhaid ei wneud yn unol â'r cytundeb fframwaith.

(4) The term of a framework agreement must not exceed 8 years, other than in exceptional cases where the relevant authority is satisfied that the subject-matter of the framework agreement justifies a longer term.

(5) References in Part 2 to concluding a framework agreement are to be treated as including references to selecting further providers to be parties to a framework agreement.

Adding additional providers to a framework agreement

17.—(1) A relevant authority must, during the term of a framework agreement, follow the Competitive Process to allow additional providers to be selected to be party to the framework agreement.

(2) The Competitive Process referred to in paragraph (1) must be commenced at least once—

(a) during the period of 4 years beginning on the day the framework agreement was concluded, and

(b) during the period of 4 years beginning the day after the Competitive Process to select additional providers to be party to the framework agreement under paragraph (2)(a) has concluded.

Contracts based on a framework agreement

18.—(1) A contract based on a framework agreement may only be awarded by a relevant authority in accordance with this regulation.

(2) A relevant authority may award a contract based on a framework agreement.

(3) Contracts between a relevant authority and provider based on a framework agreement must not entail substantial modifications to the terms laid down in that framework agreement.

(4) Where a framework agreement is concluded between a relevant authority and a single provider, a relevant authority may award a contract without a competition in accordance with that framework agreement.

(5) Where a framework agreement is concluded with more than one provider, a relevant authority may award a contract with or without a competition.

(6) The decision under paragraph (5) is at the discretion of the relevant authority but must be made in accordance with the framework agreement.

Dyfarnu contract sy'n seiliedig ar gytundeb fframwaith un darparwr

19.—(1) Mae'r rheoliad hwn yn gymwys pan fo cytundeb fframwaith wedi ei gwblhau rhwng awdurdod perthnasol ac un darparwr, a bo'r awdurdod perthnasol yn dyfarnu contract heb gystadleuaeth.

(2) Rhaid i'r awdurdod perthnasol—

(a) dyfarnu unrhyw gontract heb gystadleuaeth, a

(b) cyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract o fewn 30 o ddiwrnodau i ddyfarnu'r contract.

(3) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (2)(b) gynnwys yr wybodaeth a nodir yn Atodlen 3.

Dyfarnu contract sy'n seiliedig ar gytundeb fframwaith gyda chystadleuaeth

20.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod perthnasol yn penderfynu dyfarnu contract sy'n seiliedig ar gytundeb fframwaith gyda chystadleuaeth.

(2) Rhaid i'r awdurdod perthnasol—

(a) dilyn y camau yn y rheoliad hwn, a

(b) dyfarnu unrhyw gontract gyda chystadleuaeth.

Cam 1

(3) Rhaid i'r awdurdod perthnasol benderfynu ar feini prawf dyfarnu'r contract.

(4) Wrth benderfynu ar feini prawf dyfarnu'r contract, rhaid i'r awdurdod perthnasol ystyried y meini prawf allweddol.

Cam 2

(5) Rhaid i'r awdurdod perthnasol wahodd pob darparwr perthnasol sy'n barti i'r cytundeb fframwaith i gyflwyno cynnig i ddarparu'r gwasanaethau iechyd perthnasol.

(6) O dan baragraff (5), mae darparwr perthnasol yn ddarparwr y mae'n ofynnol i'r awdurdod perthnasol ei wahodd yn unol â'r cytundeb fframwaith.

(7) Rhaid i'r gwahoddiad y cyfeirir ato ym mharagraff (5) gynnwys yr wybodaeth a nodir yn Atodlen 16.

Cam 3

(8) Rhaid i'r awdurdod perthnasol asesu unrhyw gynigion a ddaw i law yn unol â meini prawf dyfarnu'r contract.

(9) Caniateir i awdurdod perthnasol asesu cynigion a ddaw i law o dan gam 3 fesul cam.

Cam 4

(10) Rhaid i'r awdurdod perthnasol wneud penderfyniad ynghylch y darparwr a ddewiswyd.

Award of a contract based on a single-provider framework agreement

19.—(1) This regulation applies where a framework agreement is concluded between a relevant authority and single provider, and the relevant authority awards a contract without a competition.

(2) The relevant authority must—

(a) award any contract without a competition, and

(b) submit for publication a notice of the award of the contract within 30 days of the contract being awarded.

(3) The notice referred to in paragraph (2)(b) must include the information set out in Schedule 3.

Award of a contract based on a framework agreement with a competition

20.—(1) This regulation applies where a relevant authority decides to award a contract based on a framework agreement with a competition.

(2) The relevant authority must—

(a) follow the steps in this regulation, and

(b) award any contract with a competition.

Step 1

(3) The relevant authority must determine the contract award criteria.

(4) In determining the contract award criteria, the relevant authority must take into account the key criteria.

Step 2

(5) The relevant authority must invite all relevant providers who are party to the framework agreement to submit an offer to provide the relevant health services.

(6) Under paragraph (5), a relevant provider is a provider the relevant authority is required to invite in accordance with the framework agreement.

(7) The invitation referred to in paragraph (5) must include the information set out in Schedule 16.

Step 3

(8) The relevant authority must assess any offers received in accordance with the contract award criteria.

(9) A relevant authority may assess offers received under step 3 in stages.

Step 4

(10) The relevant authority must make a decision as to the chosen provider.

Cam 5

(11) Rhaid i'r awdurdod perthnasol hysbysu'n brydlon, yn ysgrifenedig—

(a) y darparwr llwyddiannus fod ei gynnig wedi bod yn llwyddiannus, a bod yr awdurdod perthnasol yn bwriadu dyfarnu contract;

(b) pob darparwr aflwyddiannus fod ei gynnig wedi bod yn aflwyddiannus, a rhaid i hysbysiad o'r fath gynnwys yr wybodaeth a nodir yn Atodlen 10.

Cam 6

(12) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i wneud dyfarniad i'r darparwr a ddewiswyd.

(13) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (12) gynnwys yr wybodaeth a nodir yn Atodlen 11.

(14) Yn dilyn cyhoeddi'r hysbysiad ym mharagraff (12), mae'r cyfnod segur yn dechrau yn unol â rheoliad 12(4).

Cam 7

(15) Pan gyflwynir sylwadau ysgrifenedig yn unol â rheoliad 12(5), rhaid i'r awdurdod perthnasol—

(a) cydymffurfio â'r gofynion a bennir yn rheoliad 12(7) a (9), a

(b) hysbysu darparwyr posibl am y penderfyniad pellach a wneir o dan reoliad 12(10) ac unrhyw benderfyniadau dilynol pellach a wneir o dan reoliad 12(12), yn unol â rheoliad 12(11) a (13).

(16) Pan na chyflwynir unrhyw sylwadau ysgrifenedig yn unol â rheoliad 12(5), caniateir i'r awdurdod perthnasol symud o gam 6 i gam 8.

Cam 8

(17) Caniateir i'r awdurdod perthnasol ymrwymo i'r contract ar ôl i'r cyfnod segur ddod i ben yn unol â rheoliad 12(14) neu (15).

Cam 9

(18) Pan fo'r awdurdod perthnasol yn ymrwymo i gontract o dan gam 8, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract o fewn 30 o ddiwrnodau i ddyfarnu'r contract.

(19) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (18) gynnwys yr wybodaeth a nodir yn Atodlen 12.

Step 5

(11) The relevant authority must promptly notify, in writing—

(a) the successful provider that their offer has been successful, and the relevant authority intends to award a contract;

(b) each unsuccessful provider that their offer has been unsuccessful, and such notice must include the information set out in Schedule 10.

Step 6

(12) The relevant authority must submit for publication a notice of intention to make an award to the chosen provider.

(13) The notice referred to in paragraph (12) must include the information set out in Schedule 11.

(14) Following the publication of the notice in paragraph (12), the standstill period begins in accordance with regulation 12(4).

Step 7

(15) Where written representations are made in accordance with regulation 12(5), the relevant authority must—

(a) comply with the requirements specified in regulation 12(7) and (9), and

(b) notify potential providers of the further decision made under regulation 12(10) and any subsequent further decisions made under regulation 12(12), in accordance with regulation 12(11) and (13).

(16) Where no written representations are made in accordance with regulation 12(5), the relevant authority may move from step 6 to step 8.

Step 8

(17) The relevant authority may enter into the contract after the standstill period has ended in accordance with regulation 12(14) or (15).

Step 9

(18) Where the relevant authority enters into a contract under step 8, the relevant authority must submit for publication a notice of the award of the contract within 30 days of the contract being awarded.

(19) The notice referred to in paragraph (18) must include the information set out in Schedule 12.

Dyfarnu contract sy'n seiliedig ar gytundeb fframwaith heb gystadleuaeth

21.—(1) Mae'r rheoliad hwn yn gymwys—

(a) pan fo cytundeb fframwaith yn caniatáu dyfarnu contract ar sail y cytundeb fframwaith hwnnw heb gystadleuaeth, a

(b) pan fo awdurdod perthnasol yn penderfynu dyfarnu contract sy'n seiliedig ar gytundeb fframwaith heb gystadleuaeth.

(2) Rhaid i'r awdurdod perthnasol—

(a) dilyn y camau a nodir yn y rheoliad hwn, a

(b) dyfarnu unrhyw gontract heb gystadleuaeth.

Cam 1

(3) Rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad o fwriad i wneud dyfarniad i'r darparwr.

(4) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (3) gynnwys yr wybodaeth a nodir yn Atodlen 2.

(5) Yn dilyn cyhoeddi'r hysbysiad ym mharagraff (4), mae'r cyfnod segur yn dechrau yn unol â rheoliad 12(4).

Cam 2

(6) Pan gyflwynir sylwadau ysgrifenedig yn unol â rheoliad 12(5), rhaid i'r awdurdod perthnasol—

(a) cydymffurfio â'r gofynion a bennir yn rheoliad 12(7) a (9), a

(b) cyfleu'r penderfyniad pellach a wneir o dan reoliad 12(10) ac unrhyw benderfyniadau dilynol pellach a wneir o dan reoliad 12(12), yn unol â rheoliad 12(11) a (13).

(7) Pan na chyflwynir unrhyw sylwadau ysgrifenedig yn unol â rheoliad 12(5), caniateir i'r awdurdod perthnasol symud o gam 1 i gam 3.

Cam 3

(8) Caniateir i'r awdurdod perthnasol ymrwymo i'r contract ar ôl i'r cyfnod segur ddod i ben yn unol â rheoliad 12(13) neu (14).

Cam 4

(9) Os yw'r awdurdod perthnasol yn dyfarnu contract o dan gam 4, rhaid i'r awdurdod perthnasol gyflwyno i'w gyhoeddi hysbysiad am ddyfarnu'r contract o fewn 30 o ddiwrnodau i ddyfarnu'r contract.

(10) Rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (9) gynnwys yr wybodaeth a nodir yn Atodlen 3.

Award of a contract based on a framework agreement without a competition

21.—(1) This regulation applies where—

(a) a framework agreement allows a contract to be awarded based on that framework agreement without a competition; and

(b) a relevant authority decides to award a contract based on a framework agreement without a competition.

(2) The relevant authority must—

(a) follow the steps set out in this regulation, and

(b) award any contract without a competition.

Step 1

(3) The relevant authority must submit for publication a notice of intention to make an award to the provider.

(4) The notice referred to in paragraph (3) must include the information set out in Schedule 2.

(5) Following the publication of the notice in paragraph (4), the standstill period begins in accordance with regulation 12(4).

Step 2

(6) Where written representations are made in accordance with regulation 12(5), the relevant authority must—

(a) comply with the requirements specified in regulation 12(7) and (9), and

(b) communicate the further decision made under regulation 12(10) and any subsequent further decisions made under regulation 12(12), in accordance with regulation 12(11) and (13).

(7) Where no written representations are made in accordance with regulation 12(5), the relevant authority may move from step 1 to step 3.

Step 3

(8) The relevant authority may enter into the contract after the standstill period has ended in accordance with regulation 12(13) or (14).

Step 4

(9) If the relevant authority awards a contract under step 4, the relevant authority must submit for publication a notice of the award of the contract within 30 days of the contract being awarded.

(10) The notice referred to in paragraph (9) must include the information set out in Schedule 3.

RHAN 4

Gofynion pellach wrth gaffael gwasanaethau iechyd perthnasol

Meini prawf dethol sylfaenol

22.—(1) Ni chaiff awdurdod perthnasol ddyfarnu contract am wasanaethau iechyd perthnasol i ddarparwr nad yw'n bodloni'r meini prawf dethol sylfaenol, na chwblhau cytundeb fframwaith â darparwr o'r fath.

(2) Nid yw paragraff (1) yn gymwys i gontract—

(a) pan fo'r awdurdod perthnasol yn dilyn Proses Dyfarniad Uniongyrchol 1;

(b) sy'n gontract sy'n seiliedig ar gytundeb fframwaith yn unol â rheoliad 18(2).

(3) Rhaid i'r awdurdod perthnasol benderfynu ar y meini prawf dethol sylfaenol yn unol ag Atodlen 18.

Esemptiad cyffredinol rhag dyletswyddau i gyhoeddi gwybodaeth fasnachol sensitif

23.—(1) Nid yw'n ofynnol i awdurdod perthnasol gyhoeddi gwybodaeth o dan y Rheoliadau hyn os yw'r awdurdod perthnasol wedi ei fodloni bod yr wybodaeth yn wybodaeth fasnachol sensitif ac nad yw ei chyhoeddi o'r budd mwyaf i'r cyhoedd.

(2) O ran "gwybodaeth fasnachol sensitif" mae'n wybodaeth—

(a) sy'n gyfrinach fasnach, neu

(b) a fyddai'n debygol o ragfarnu buddiannau masnachol unrhyw berson pe bai'n cael ei chyhoeddi.

(3) Os nad yw awdurdod perthnasol yn cyhoeddi gwybodaeth o dan y rheoliad hwn, rhaid i'r awdurdod perthnasol gyhoeddi'r ffaith bod gwybodaeth yn cael ei dal yn ôl yn yr hysbysiad perthnasol.

(4) Nid yw'r rheoliad hwn yn atal awdurdod perthnasol rhag datgelu gwybodaeth fasnachol sensitif yn y broses o geisio cyngor o dan reoliad 29.

Cyhoeddi hysbysiadau

24.—(1) Mae unrhyw ofyniad o dan reoliad a bennir ym mharagraff (13) i awdurdod perthnasol gyflwyno hysbysiad i'w gyhoeddi wedi ei fodloni drwy iddo gael ei gyhoeddi ar y platfform digidol canolog gan yr awdurdod perthnasol.

PART 4

Further requirements when procuring relevant health services

Basic selection criteria

22.—(1) A relevant authority must not award a contract for relevant health services to, or conclude a framework agreement with, a provider who does not meet the basic selection criteria.

(2) Paragraph (1) does not apply to a contract—

(a) where the relevant authority follows the Direct Award Process 1;

(b) which is a contract based on a framework agreement in accordance with regulation 18(2).

(3) The relevant authority must determine the requirements of the basic selection criteria in accordance with Schedule 18.

General exemption from duties to publish sensitive commercial information

23.—(1) A relevant authority is not required to publish information under these Regulations if the relevant authority is satisfied that the information is sensitive commercial information and there is no overriding public interest in its being published.

(2) "Sensitive commercial information" is information which—

(a) constitutes a trade secret, or

(b) would be likely to prejudice the commercial interests of any person if it were published.

(3) If a relevant authority does not publish information under this regulation, the relevant authority must publish the fact that information is being withheld in the relevant notice.

(4) This regulation does not prevent a relevant authority from disclosing sensitive commercial information in the course of seeking advice under regulation 29.

Publication of notices

24.—(1) Any requirement under a regulation specified at paragraph (13) for a relevant authority to submit a notice for publication is met by the relevant authority publishing it on the central digital platform.

(2) Mae'r gofyniad ym mharagraff (1) wedi ei fodloni pan fo'r awdurdod perthnasol wedi cyflwyno'r hysbysiad i'r platfform digidol Cymreig yn gyntaf a—

(a) bo'r Gweinidog dros Swyddfa'r Cabinet wedi rhoi gwybod i'r awdurdod perthnasol fod yr hysbysiad wedi ei gyflwyno'n llwyddiannus i'w gyhoeddi i'r platfform digidol canolog, neu

(b) bo modd i ddarparwyr ac aelodau o'r cyhoedd gyrchu'r hysbysiad ar y platfform digidol canolog.

Y platfform digidol Cymreig heb fod ar gael

(3) Mae paragraff (4) yn gymwys os yw awdurdod perthnasol wedi ceisio cydymffurfio â pharagraff (2), ond bod y platfform digidol Cymreig heb fod ar gael fel na ellir bodloni'r gofyniad ym mharagraff (2).

(4) Caiff awdurdod perthnasol gyhoeddi hysbysiad—

(a) ar y platfform digidol canolog, neu

(b) ar y platfform digidol canolog drwy ddefnyddio system ar-lein arall.

(5) Pan fo paragraff (4) yn gymwys bydd y gofyniad ym mharagraff (1) wedi ei fodloni—

(a) pan fo'r Gweinidog dros Swyddfa'r Cabinet wedi rhoi gwybod i'r awdurdod perthnasol fod yr hysbysiad wedi ei gyflwyno'n llwyddiannus i'w gyhoeddi, neu fod yr wybodaeth wedi ei chyflwyno'n llwyddiannus i'w chyhoeddi, i'r platfform digidol canolog, neu

(b) pan fo modd i ddarparwyr ac aelodau o'r cyhoedd gyrchu'r hysbysiad neu'r wybodaeth ar y platfform digidol canolog.

Y platfform digidol canolog heb fod ar gael

(6) Mae paragraff (7) yn gymwys pan fo awdurdod perthnasol wedi ceisio cydymffurfio â pharagraff (2), ond—

(a) nad yw'r awdurdod perthnasol wedi cael cadarnhad gan y Gweinidog dros Swyddfa'r Cabinet fod yr hysbysiad wedi ei gyhoeddi yn llwyddiannus ar y platfform digidol canolog, a

(b) nad oes modd i ddarparwyr ac aelodau o'r cyhoedd gyrchu'r hysbysiad ar y platfform digidol canolog.

(7) Caniateir i'r awdurdod perthnasol gyflwyno hysbysiad i'w gyhoeddi ar y platfform digidol Cymreig yn unig neu, os yw heb fod ar gael, ar system ar-lein arall—

(a) yn achos hysbysiad am ddyfarnu contract neu hysbysiad am addasu contract o dan reoliad 14 (dyfarnu neu addasu contract ar frys), ar ôl

(2) The requirement in paragraph (1) is met where the relevant authority has first submitted the notice to the Welsh digital platform and—

(a) the Minister for the Cabinet Office has informed the relevant authority that the notice has successfully been submitted for publication to the central digital platform, or

(b) the notice is capable of being accessed by providers and members of the public on the central digital platform.

Welsh digital platform unavailable

(3) Paragraph (4) applies if a relevant authority has attempted to comply with paragraph (2), but the Welsh digital platform is unavailable so that the requirement in paragraph (2) cannot be met.

(4) A relevant authority may publish a notice—

(a) on the central digital platform, or

(b) on the central digital platform by using an alternative online system.

(5) Where paragraph (4) applies the requirement in paragraph (1) will be met where—

(a) the Minister for the Cabinet Office has informed the relevant authority that the notice or information has successfully been submitted for publication to the central digital platform, or

(b) the notice or information is capable of being accessed by providers and members of the public on the central digital platform.

Central digital platform unavailable

(6) Paragraph (7) applies where a relevant authority has attempted to comply with paragraph (2) but—

(a) the relevant authority has not received confirmation from the Minister for the Cabinet Office that the notice has successfully been published on the central digital platform, and

(b) the notice is not capable of being accessed by providers and members of the public on the central digital platform.

(7) The relevant authority may submit a notice for publication on the Welsh digital platform only or, if unavailable, on an alternative online system—

(a) in the case of a notice of the award of a contract or notice of the modification of a contract under regulation 14 (urgent award or

i 4 awr fynd heibio ers cyflwyno'r hysbysiad i'w gyhoeddi i'r platfform digidol canolog, neu

(b) yn achos unrhyw hysbysiad arall, ar ôl i 48 awr fynd heibio ers cyflwyno'r hysbysiad i'w gyhoeddi i'r platfform digidol canolog.

(8) Pan fo paragraff (7) yn gymwys, mae'r awdurdod perthnasol i'w drin fel pe bai am y tro yn bodloni'r gofyniad ym mharagraff (1).

(9) Nid yw'r awdurdod perthnasol i'w drin mwyach fel pe bai am y tro yn bodloni'r gofyniad ym mharagraff (1) os yw'r Gweinidog dros Swyddfa'r Cabinet yn rhoi gwybod i'r awdurdod perthnasol fod cyflwyno'r hysbysiad i'r platfform digidol canolog wedi ei wrthod.

(10) Rhaid i awdurdod perthnasol sy'n defnyddio'r platfform digidol Cymreig neu system ar-lein arall o dan baragraff (7) gydweithredu â'r Gweinidog dros Swyddfa'r Cabinet i sicrhau wedi hynny—

(a) y cyhoeddir yr hysbysiad ar y platfform digidol canolog, a

(b) bod modd i ddarparwyr ac aelodau o'r cyhoedd gyrchu'r hysbysiad ar y system honno.

(11) Ystyr "system ar-lein arall" yw system ar-lein ar gyfer cyhoeddi gwybodaeth am gaffael—

(a) sy'n system rad ac am ddim ac ar gael yn rhwydd i ddarparwyr ac aelodau o'r cyhoedd,

(b) sy'n system hygyrch i bobl anabl, ac

(c) nad y platfform digidol canolog na'r platfform digidol Cymreig mohoni.

(12) Nid oes dim yn y rheoliad hwn yn atal awdurdod perthnasol rhag cyhoeddi'r hysbysiad yn rhywle heblaw ar y platfform digidol canolog, y platfform digidol Cymreig neu ar system ar-lein arall, ond ni chaiff yr awdurdod perthnasol wneud hynny cyn cydymffurfio â'r gofynion ym mharagraff (1).

(13) Y rheoliadau a bennir ym mharagraff (1) yw—

(a) rheoliad 8(4) (hysbysiad o fwriad i wneud dyfarniad o dan Broses Dyfarniad Uniongyrchol 1),

(b) rheoliad 8(10) (hysbysiad am ddyfarnu'r contract o dan Broses Dyfarniad Uniongyrchol 1),

(c) rheoliad 9(5) (hysbysiad o fwriad i wneud dyfarniad o dan Broses Dyfarniad Uniongyrchol 2),

(d) rheoliad 9(11) (hysbysiad am ddyfarnu'r contract o dan Broses Dyfarniad Uniongyrchol 2),

modification of a contract), after 4 hours have passed since the notice was submitted for publication to the central digital platform, or

(b) in the case of any other notice, after 48 hours have passed since the notice was submitted for publication to the central digital platform.

(8) Where paragraph (7) applies the relevant authority is to be treated as meeting for the time being the requirement in paragraph (1).

(9) The relevant authority is no longer to be treated as meeting for the time being the requirement in paragraph (1) if the Minister for the Cabinet Office informs the relevant authority that the submission of the notice to the central digital platform has been rejected.

(10) A relevant authority which uses the Welsh digital platform or an alternative online system under paragraph (7) must cooperate with the Minister for the Cabinet Office to ensure that the notice is subsequently—

(a) published on the central digital platform, and

(b) capable of being accessed by providers and members of the public on that system.

(11) An "alternative online system" is an online system for publishing procurement information which is—

(a) free of charge and readily accessible to providers and members of the public,

(b) accessible to disabled people, and

(c) not the central digital platform or the Welsh digital platform.

(12) Nothing in this regulation prevents a relevant authority from publishing the notice somewhere other than on the central digital platform, the Welsh digital platform or an alternative online system, but the relevant authority must not do so before complying with the requirements of paragraph (1).

(13) The regulations specified at paragraph (1) are—

(a) regulation 8(4) (notice of intention to make an award under the Direct Award Process 1),

(b) regulation 8(10) (notice of award of contract under the Direct Award Process 1),

(c) regulation 9(5) (notice of intention to make an award under the Direct Award Process 2),

(d) regulation 9(11) (notice of the award of the contract under the Direct Award Process 2),

(e) rheoliad 10(3) (hysbysiad o fwriad i ddilyn y Broses Darparwr Mwyaf Addas),

(f) rheoliad 10(10) (hysbysiad o fwriad i wneud dyfarniad i'r darparwr a ddewiswyd o dan y Broses Darparwr Mwyaf Addas),

(g) rheoliad 10(16) (hysbysiad am ddyfarnu'r contract o dan y Broses Darparwr Mwyaf Addas),

(h) rheoliad 11(5) (hysbysiad sy'n gwahodd cynigion i ddarparu gwasanaethau iechyd perthnasol ar gyfer contract neu gytundeb fframwaith gan ddefnyddio'r Broses Gystadleuol),

(i) rheoliad 11(11) (hysbysiad o fwriad i wneud dyfarniad i'r darparwr a ddewiswyd neu i gwblhau cytundeb fframwaith gan ddefnyddio'r Broses Gystadleuol),

(j) rheoliad 11(17) (hysbysiad am ddyfarnu'r contract neu am gwblhau cytundeb fframwaith gan ddilyn y Broses Gystadleuol),

(k) rheoliad 13(6) (hysbysiad am addasiad),

(l) rheoliad 14(5) (hysbysiad am ddyfarnu neu addasu ar frys),

(m) rheoliad 15(4) (hysbysiad am benderfyniad i roi'r gorau i gaffaeliad),

(n) rheoliad 19(2)(b) (hysbysiad am ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith un darparwr),

(o) rheoliad 20(11) (hysbysiad o fwriad i ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith gyda chystadleuaeth),

(p) rheoliad 20(18) (hysbysiad am ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith gyda chystadleuaeth),

(q) rheoliad 21(3) (hysbysiad o fwriad i ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith heb gystadleuaeth), ac

(r) rheoliad 21(9) (hysbysiad am ddyfarnu contract sy'n seiliedig ar gytundeb fframwaith heb gystadleuaeth).

(14) Yn y rheoliad hwn—

(a) ystyr "heb fod ar gael" yw nad yw'r platfform digidol Cymreig wedi bod yn weithredol am ddim llai na 4 awr;

(b) ystyr "platfform digidol canolog" yw'r system ar-lein a sefydlwyd gan y Gweinidog dros Swyddfa'r Cabinet(**1**);

(e) regulation 10(3) (notice of intention to follow the Most Suitable Provider Process),

(f) regulation 10(10) (notice of intention to make an award to the chosen provider under the Most Suitable Provider Process),

(g) regulation 10(16) (notice of the award of the contract under the Most Suitable Provider Process),

(h) regulation 11(5) (notice inviting offers to provide relevant health services for a contract or framework agreement using the Competitive Process),

(i) regulation 11(11) (notice of intention to make an award to the chosen provider or conclude a framework agreement using the Competitive Process),

(j) regulation 11(17) (notice of the award of the contract or conclusion of framework agreement following the Competitive Process),

(k) regulation 13(6) (notice of a modification),

(l) regulation 14(5) (notice of urgent award or modification),

(m) regulation 15(4) (notice of decision to abandon a procurement),

(n) regulation 19(2)(b) (notice of the award of a contract based on a single-provider framework agreement),

(o) regulation 20(11) (notice of intention to award a contract based on a framework agreement with a competition),

(p) regulation 20(18) (notice of the award of a contract based on a framework agreement with a competition),

(q) regulation 21(3) (notice of intention to award a contract based on a framework agreement without a competition), and

(r) regulation 21(9) (notice of the award of a contract based on a framework agreement without a competition).

(14) In this regulation—

(a) "unavailable" means that the Welsh digital platform has not been operational for not less than 4 hours;

(b) "central digital platform" means the online system established by the Minister for the Cabinet Office(**1**);

(**1**) Y platfform digidol canolog y gellir ei gyrchu yn http://www.gov.uk/find-tender.

(**1**) The central digital platform which may be accessed at http://www.gov.uk/find-tender.

(c) ystyr "platfform digidol Cymreig" yw'r system ar-lein a ddarperir gan Lywodraeth Cymru i'w defnyddio gan awdurdodau perthnasol y mae'r Rheoliadau hyn yn gymwys iddynt(**1**).

Gwaharddiadau

25.—(1) Ni chaiff awdurdod perthnasol ddyfarnu contract i ddarparwr gwaharddedig na chwblhau cytundeb fframwaith ag ef a rhaid iddo wahardd darparwr gwaharddedig rhag proses gaffael o dan y Rheoliadau hyn.

(2) Nid yw paragraff (1) yn gymwys pan fo'r awdurdod perthnasol yn ystyried bod dyfarnu contract i ddarparwr gwaharddedig, neu gwblhau cytundeb fframwaith ag ef, yn angenrheidiol er mwyn diogelu iechyd y cyhoedd.

(3) Caiff yr awdurdod perthnasol wahardd darparwr gwaharddadwy rhag proses gaffael o dan y Rheoliadau hyn.

(4) Pan fo darparwr yn darparu unrhyw dystiolaeth yn unol ag adran 58 o Ddeddf 2023, a bo'r awdurdod perthnasol yn ystyried bod mesurau o'r fath yn annigonol, rhaid i'r awdurdod perthnasol roi i'r darparwr ddatganiad o'r rhesymau dros y penderfyniad hwnnw.

(5) Nid yw'r rheoliad hwn yn gymwys i gontract sy'n seiliedig ar gytundeb fframwaith.

Gwaharddiadau: is-gontractwyr

26.—(1) Fel rhan o broses gaffael, rhaid i awdurdod perthnasol—

(a) gofyn am wybodaeth ynghylch a yw darparwr yn bwriadu is-gontractio'r gwaith o gyflawni'r cyfan neu ran o'r contract, a

(b) ceisio canfod a yw unrhyw is-gontractwr bwriadedig ar y rhestr o ragwaharddiadau.

(2) Caiff awdurdod perthnasol, fel rhan o broses gaffael, ofyn am wybodaeth at ddiben canfod a yw unrhyw is-gontractwr bwriadedig yn ddarparwr gwaharddedig neu'n ddarparwr gwaharddadwy.

(3) Os yw awdurdod perthnasol, ar ôl gofyn am wybodaeth o dan baragraff (1) neu (2), yn ystyried bod darparwr yn bwriadu is-gontractio i is-gontractwr sy'n ddarparwr gwaharddedig, rhaid i'r awdurdod perthnasol wahardd y darparwr rhag y broses gaffael.

(**1**) Y platfform digidol Cymreig y gellir ei gyrchu yn https://www.gwerthwchigymru.llyw.cymru/.

(c) "Welsh digital platform" means the online system provided by the Welsh Government for use by relevant authorities to whom these Regulations apply(**1**).

Exclusions

25.—(1) A relevant authority must not award a contract to or conclude a framework agreement with an excluded provider and must exclude an excluded provider from a procurement process under these Regulations.

(2) Paragraph (1) does not apply where the relevant authority considers awarding a contract to or concluding a framework agreement with an excluded provider is necessary to protect public health.

(3) The relevant authority may exclude an excludable provider from a procurement process under these Regulations.

(4) Where a provider provides such evidence in accordance with section 58 of the 2023 Act, and the relevant authority considers such measures to be insufficient, the relevant authority must give the provider a statement of the reasons for that decision.

(5) This regulation does not apply to a contract based on a framework agreement.

Exclusions: sub-contractors

26.—(1) As part of a procurement process, a relevant authority must—

(a) request information about whether a provider intends to sub-contract the performance of all or part of the contract, and

(b) seek to determine whether any intended sub-contractor is on the debarment list.

(2) A relevant authority may, as part of a procurement process, request information for the purpose of determining whether any intended sub-contractor is an excluded or excludable provider.

(3) If, after requesting information under paragraph (1) or (2), a relevant authority considers that a provider intends to sub-contract to a sub-contractor that is an excluded provider, the relevant authority must exclude the provider from the procurement process.

(**1**) The Welsh digital platform which may be accessed at https://www.sell2wales.gov.wales/.

(4) Nid yw paragraff (3) yn gymwys pan fo'r awdurdod perthnasol yn ystyried bod angen dyfarnu contract i ddarparwr gwaharddedig neu fod angen cwblhau cytundeb fframwaith â darparwr o'r fath er mwyn diogelu iechyd y cyhoedd.

(5) Os yw awdurdod perthnasol, ar ôl gofyn am wybodaeth o dan baragraff (1) neu (2), yn ystyried bod darparwr yn bwriadu is-gontractio i is-gontractwr sy'n ddarparwr gwaharddadwy, caiff yr awdurdod perthnasol wahardd y darparwr rhag y broses gaffael.

(6) Cyn gwahardd darparwr o dan baragraff (3) neu (4), rhaid i awdurdod perthnasol—

(a) hysbysu'r darparwr am ei fwriad, a

(b) rhoi cyfle rhesymol i'r darparwr ddod o hyd i is-gontractwr arall i is-gontractio iddo.

(7) Yn y rheoliad hwn, ystyr "rhestr o ragwaharddiadau" yw'r rhestr a gedwir o dan adran 62 (rhestr o ragwaharddiadau) o Ddeddf 2023.

(4) Paragraph (3) does not apply where the relevant authority considers awarding a contract to or concluding a framework agreement with an excluded provider is necessary to protect public health.

(5) If, after requesting information under paragraph (1) or (2), a relevant authority considers that a provider intends to sub-contract to a sub-contractor that is an excludable provider, the relevant authority may exclude the provider from the procurement process.

(6) Before excluding a provider under paragraph (3) or (4), a relevant authority must—

(a) notify the provider of its intention, and

(b) give the provider reasonable opportunity to find an alternative sub-contractor with which to sub-contract.

(7) In this regulation "debarment list" means the list kept under section 62 (debarment list) of the 2023 Act.

Gwrthdaro buddiannau

27.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod perthnasol yn cynnal proses gaffael o dan y Rheoliadau hyn.

(2) Rhaid i awdurdod perthnasol gymryd mesurau priodol i atal, nodi ac unioni yn effeithiol wrthdaro buddiannau sy'n codi wrth gynnal prosesau caffael o dan y Rheoliadau hyn.

(3) At ddibenion paragraff (2), mae gwrthdaro buddiannau yn cynnwys unrhyw sefyllfa pan fo gan unigolyn, yn uniongyrchol neu'n anuniongyrchol, fuddiant ariannol, buddiant economaidd neu fuddiant personol arall y gellid canfod ei fod yn peryglu ei ddidueddrwydd a'i annibyniaeth yng nghyd-destun y broses gaffael.

(4) Pan fo gan unigolyn wrthdaro buddiannau o ran cynnal proses gaffael, mae'n ofynnol i unigolyn o'r fath ymesgusodi o'r broses gaffael honno.

(5) Os yw'r naill amod neu'r llall neu'r ddau ym mharagraff (6) yn gymwys—

(a) nid yw'n ofynnol i'r unigolyn ymesgusodi, o dan baragraff (4), o'r broses gaffael, a

(b) rhaid i awdurdod perthnasol gymryd pob cam rhesymol i sicrhau nad yw'r gwrthdaro buddiannau yn rhoi mantais annheg i ddarparwr neu'n rhoi darparwr o dan anfantais annheg yn y broses gaffael.

(6) Yr amodau yw—

(a) mai'r unigolyn yw'r unig berson ag arbenigedd mewn maes y mae'n ofynnol ei asesu yn unol â meini prawf dyfarnu'r contract neu'r fframwaith;

Conflicts of interest

27.—(1) This regulation applies where a relevant authority conducts a procurement process under these Regulations.

(2) A relevant authority must take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement processes under these Regulations.

(3) For the purposes of paragraph (2), a conflict of interest includes any situation where an individual has, directly or indirectly, a financial, economic, or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement process.

(4) Where an individual has a conflict of interest in the conduct of a procurement process, such individual is required to recuse themselves from that procurement process.

(5) If either or both conditions in paragraph (6) apply—

(a) the individual is not required to recuse themselves, under paragraph (4), from the procurement process, and

(b) a relevant authority must take all reasonable steps to ensure that the conflict of interest does not put a provider at an unfair advantage or disadvantage in the procurement process.

(6) The conditions are—

(a) the individual is the only person with expertise in an area that requires assessing under the contract or framework award criteria;

(b) mai'r unigolyn yw'r unig berson a chanddo'r cymwysterau priodol neu'r wybodaeth briodol sydd ar gael i weithredu mewn proses gaffael.

(7) Gall camau rhesymol gynnwys ei gwneud yn ofynnol i ddarparwr gymryd camau rhesymol i sicrhau nad yw unrhyw wrthdaro buddiannau a nodir yn rhoi mantais annheg i'r darparwr nac yn rhoi darparwr o dan anfantais annheg yn y broses gaffael.

(8) Mae paragraff (9) yn gymwys os yw awdurdod perthnasol yn ystyried—

(a) bod gwrthdaro buddiannau yn rhoi mantais annheg i ddarparwr mewn proses gaffael, a

(b) na fydd y darparwr yn cymryd camau y mae'r awdurdod perthnasol yn ystyried eu bod yn angenrheidiol er mwyn sicrhau nad yw darparwr yn cael mantais annheg.

(9) Rhaid i'r awdurdod perthnasol—

(a) trin y darparwr fel darparwr gwaharddedig yn y broses gaffael at ddiben—

(i) dyfarnu contract o dan reoliad 8 (proses dyfarniad uniongyrchol 1) neu reoliad 9 (proses dyfarniad uniongyrchol 2),

(ii) asesu unrhyw ddarparwyr posibl a nodwyd o dan reoliad 10 (y broses darparwr mwyaf addas), neu

(iii) asesu unrhyw gynigion sydd wedi dod i law o dan reoliad 11 (y broses gystadleuol);

(b) gwahardd y darparwr rhag y broses gaffael.

(10) Cyn gwahardd darparwr o dan baragraff (9), rhaid i awdurdod perthnasol—

(a) hysbysu'r darparwr am ei fwriad, a

(b) rhoi cyfle rhesymol i'r darparwr i gymryd y camau rhesymol y mae'r awdurdod perthnasol yn ystyried eu bod yn angenrheidiol er mwyn sicrhau na roddir mantais annheg i ddarparwr.

(11) Nid yw paragraff (9) yn gymwys pan fo'r awdurdod perthnasol yn ystyried bod angen dyfarnu contract i ddarparwr o'r fath neu fod angen cwblhau cytundeb fframwaith â darparwr o'r fath er mwyn diogelu iechyd y cyhoedd.

(b) the individual is the only person with the appropriate qualifications or knowledge available to act in a procurement process.

(7) Reasonable steps may include requiring a provider to take reasonable steps to ensure that any conflict of interest identified does not put the provider at an unfair advantage or disadvantage in the procurement process.

(8) Paragraph (9) applies if a relevant authority considers that—

(a) a conflict of interest puts a provider at an unfair advantage in a procurement process, and

(b) the provider will not take reasonable steps that the relevant authority considers are necessary to ensure a provider is not put at an unfair advantage.

(9) The relevant authority must—

(a) treat the provider as an excluded provider in the procurement process for the purpose of—

(i) awarding a contract under regulation 8 (direct award process 1) or regulation 9 (direct award process 2),

(ii) assessing any potential providers identified under regulation 10 (most suitable provider process), or

(iii) assessing any offers received under regulation 11 (competitive process);

(b) exclude the provider from the procurement process.

(10) Before excluding a provider under paragraph (9), a relevant authority must—

(a) notify the provider of its intention, and

(b) give the provider reasonable opportunity to take the reasonable steps the relevant authority considers are necessary to ensure a provider is not put at an unfair advantage.

(11) Paragraph (9) does not apply where the relevant authority considers awarding a contract to or concluding a framework agreement with such a provider is necessary to protect public health.

Terfynu contractau

28.—(1) Rhaid i awdurdod perthnasol sicrhau bod pob contract y mae'n ei ddyfarnu yn cynnwys darpariaethau sy'n galluogi'r awdurdod perthnasol i derfynu'r contract—

(a) pan fo'n ofynnol gwneud addasiad i'r contract na ellir ei wneud o dan reoliad 14 heb broses gaffael newydd;

Termination of contracts

28.—(1) A relevant authority must ensure that every contract it awards contains provisions enabling the relevant authority to terminate the contract where—

(a) the contract requires modification which cannot be made under regulation 14 without a new procurement process;

(b) pan ddylai'r darparwr, ar adeg dyfarnu'r contract, fod wedi ei wahardd rhag y broses gaffael yn unol â rheoliad 25(1) neu 26(3);

(c) pan fo'r darparwr, ers i'r contract gael ei ddyfarnu, wedi dod yn ddarparwr gwaharddedig neu'n ddarparwr gwaharddadwy;

(d) pan fo is-gontractwr y mae'r darparwr yn is-gontractio'r gwaith o gyflawni'r cyfan neu ran o'r contract iddo yn ddarparwr gwaharddedig neu'n ddarparwr gwaharddadwy.

(2) Caniateir i'r darpariaethau y cyfeirir atynt ym mharagraff (1)—

(a) datgan sut y mae'r pŵer i gael ei arfer;

(b) mynd i'r afael â materion canlyniadol a allai godi o'r terfynu.

(3) Os nad yw contract a ddyfernir o dan y Rheoliadau hyn yn cynnwys y darpariaethau y cyfeirir atynt ym mharagraff (1), mae pŵer i'r awdurdod perthnasol wneud hynny o roi rhybudd rhesymol i'r darparwr yn un o delerau ymhlyg y contract hwnnw.

(b) the provider, at the time of the contract award, should have been excluded from the procurement process in accordance with regulation 25(1) or 26(3);

(c) the provider has, since the award of the contract, become an excluded provider or excludable provider;

(d) a sub-contractor to which the provider is sub-contracting the performance of all or part of the contract is an excluded or excludable provider.

(2) The provisions referred to in paragraph (1) may—

(a) state how the power is to be exercised;

(b) address consequential matters that may arise from the termination.

(3) If a contract awarded under these Regulations does not contain the provisions referred to in paragraph (1), a power for the relevant authority to do so on giving reasonable notice to the provider is an implied term of that contract.

RHAN 5

Cyngor, gwybodaeth ac archwilio

Cyngor

29.—(1) Wrth wneud penderfyniadau yn unol â'r Rheoliadau hyn, caiff awdurdod perthnasol geisio neu fel arall gael cyngor arbenigol annibynnol.

(2) O ran darparu gwybodaeth i arbenigwr annibynnol gan awdurdod perthnasol at ddiben paragraff (1)—

(a) nid yw'n torri unrhyw rwymedigaeth cyfrinachedd sy'n ddyledus gan yr awdurdod perthnasol, ond

(b) mae'n ddarostyngedig i unrhyw gyfyngiad datganedig ar ddatgelu a osodir gan unrhyw ddeddfiad (heblaw cyfyngiad sy'n caniatáu datgelu os y'i hawdurdodir gan ddeddfiad).

(3) At ddibenion y rheoliad hwn, ystyr "cyngor arbenigol annibynnol" yw cyngor sy'n ymwneud â chaffael gwasanaethau iechyd perthnasol o dan y Rheoliadau hyn gan berson a chanddo arbenigedd, cymwysterau neu brofiad perthnasol sydd wedi ei roi ar gael gan Weinidogion Cymru, neu wedi ei gymeradwyo ganddynt, at y diben hwnnw.

(4) Nid oes dim yn y rheoliad hwn yn atal yr awdurdod perthnasol rhag ceisio neu fel arall gael cyngor, gan gynnwys cyngor sy'n ymwneud â chaffael gwasanaethau iechyd perthnasol o dan y Rheoliadau hyn, ar unrhyw adeg.

PART 5

Advice, information and audit

Advice

29.—(1) When making decisions in accordance with these Regulations, a relevant authority may seek or otherwise receive independent expert advice.

(2) The provision of information to an independent expert by a relevant authority for the purpose of paragraph (1)—

(a) does not breach any obligation of confidence owed by the relevant authority, but

(b) is subject to any express restriction on disclosure imposed by any enactment (other than a restriction which allows disclosure if authorised by an enactment).

(3) For the purposes of this regulation, "independent expert advice" means advice relating to the procurement of relevant health services under these Regulations from a person with relevant expertise, qualifications or experience who is made available by, or endorsed by, the Welsh Ministers for that purpose.

(4) Nothing in this regulation prevents the relevant authority seeking or otherwise receiving advice, including advice relating to the procurement of relevant health services under these Regulations, at any time.

Gofynion gwybodaeth

30.—(1) Rhaid i awdurdod perthnasol gadw cofnod o'r canlynol—

(a) enw unrhyw ddarparwr y mae'n dyfarnu contract iddo;

(b) enw unrhyw ddarparwr sy'n barti i gytundeb fframwaith;

(c) cyfeiriad naill ai swyddfa gofrestredig neu brif fan busnes pob darparwr y cyfeirir ato ym mharagraff (a) neu (b);

(d) y broses gaffael a ddilynwyd;

(e) hunaniaeth unigolion sy'n ymwneud â'r broses gaffael;

(f) pan ddilynwyd Proses Dyfarniad Uniongyrchol 2 neu'r Broses Darparwr Mwyaf Addas—

(i) disgrifiad o'r ffordd y cafodd y meini prawf allweddol eu hystyried;

(ii) y meini prawf dethol sylfaenol a gafodd eu hasesu wrth wneud penderfyniad;

(g) pan ddilynwyd y Broses Gystadleuol—

(i) disgrifiad o'r ffordd y cafodd y meini prawf allweddol eu hystyried;

(ii) y meini prawf dethol sylfaenol a gafodd eu hasesu;

(iii) y meini prawf ar gyfer dyfarnu contract neu fframwaith a gafodd eu gwerthuso o dan y broses gaffael;

(h) y rhesymau dros benderfyniadau a wnaed o dan y Rheoliadau hyn;

(i) manylion unrhyw ddarparwyr gwaharddedig neu ddarparwyr gwaharddadwy;

(j) pan fo awdurdod perthnasol wedi dyfarnu contract i ddarparwr gwaharddedig, neu wedi cwblhau cytundeb fframwaith ag ef, oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath;

(k) y rhesymau dros wahardd darparwr gwaharddadwy rhag proses gaffael neu beidio;

(l) manylion unrhyw wrthdaro buddiannau sydd wedi ei ddatgan neu ei nodi, pa un ai'n wirioneddol neu'n bosibl;

(m) sut y cafodd unrhyw wrthdaro buddiannau neu wrthdaro buddiannau posibl eu rheoli ar gyfer pob penderfyniad, neu sut y byddant yn cael eu rheoli;

Information requirements

30.—(1) A relevant authority must keep a record of—

(a) the name of any provider to whom it awards a contract;

(b) the name of any provider who is a party to a framework agreement;

(c) either the address of the registered office or the principal place of business of each provider referred to in paragraph (a) or (b);

(d) the procurement process followed;

(e) the identity of individuals involved in the procurement process;

(f) where the Direct Award Process 2 or the Most Suitable Provider Process was followed—

(i) a description of the way in which the key criteria were taken into account;

(ii) the basic selection criteria which were assessed when making a decision;

(g) where the Competitive Process was followed—

(i) a description of the way in which the key criteria were taken into account;

(ii) the basic selection criteria which were assessed;

(iii) the contract or framework award criteria that were evaluated under the procurement process;

(h) the reasons for decisions made under these Regulations;

(i) particulars of any excluded or excludable providers;

(j) where a relevant authority awarded a contract to or concluded a framework agreement with an excluded provider because it was considered necessary to protect public health, the reasons for such a decision;

(k) the reasons for an excludable provider being excluded or not from a procurement process;

(l) particulars of any declared or identified conflicts of interest, actual or potential;

(m) how any conflicts or potential conflicts of interest were managed for each decision or will be managed;

(n) pan roddir y gorau i gaffaeliad o dan reoliad 15, y dyddiad y rhoddwyd y gorau iddo.

(2) Rhaid cadw gwybodaeth o dan y rheoliad hwn—

(a) pan fo contract yn cael ei ddyfarnu neu gytundeb fframwaith yn cael ei gwblhau, tan ddiwedd y cyfnod o 3 blynedd sy'n dechrau â'r diwrnod y dyfernir y contract neu y cwblheir y cytundeb fframwaith, neu

(b) pan na fo contract yn cael ei ddyfarnu neu na fo cytundeb fframwaith yn cael ei gwblhau, tan ddiwedd y cyfnod o 3 blynedd sy'n dechrau â'r diwrnod y mae'r awdurdod perthnasol yn cyflwyno'r hysbysiad i'w gyhoeddi o dan reoliad 15(4).

(n) where a procurement is abandoned under regulation 15, the date on which it was abandoned.

(2) Information under this regulation must be kept—

(a) where a contract is awarded or a framework agreement concluded, until the end of the period of three years beginning with the day on which the contract is awarded or the framework agreement is concluded, or

(b) where a contract is not awarded or a framework agreement is not concluded, until the end of the period of 3 years beginning with the day on which the relevant authority submits the notice for publication under regulation 15(4).

Crynodeb blynyddol

31.—(1) Rhaid i awdurdod perthnasol gyhoeddi crynodeb blynyddol o gontractau a ddyfarnwyd a chytundebau fframwaith a gwblhawyd ar gyfer darparu gwasanaethau iechyd perthnasol. Rhaid i'r awdurdod perthnasol ei gyhoeddi ar-lein, ar wefan sydd ar gael i'r cyhoedd am ddim.

(2) Ar gyfer y flwyddyn y mae'r crynodeb yn ymwneud â hi, rhaid i'r crynodeb blynyddol gynnwys—

(a) nifer y contractau a ddyfarnwyd pan ddilynwyd Proses Dyfarniad Uniongyrchol 1 o dan reoliad 7(4);

(b) nifer y contractau a ddyfarnwyd pan ddilynwyd Proses Dyfarniad Uniongyrchol 2 o dan reoliad 7(5);

(c) nifer y contractau a ddyfarnwyd pan ddilynwyd y Broses Darparwyr Mwyaf Addas o dan reoliad 7(5) neu (6);

(d) nifer y contractau a ddyfarnwyd pan ddilynwyd y Broses Gystadleuol o dan reoliad 7(5), (6), neu (7);

(e) nifer y cytundebau fframwaith a gwblhawyd o dan reoliad 16(2);

(f) nifer y contractau a ddyfarnwyd sy'n seiliedig ar gytundeb fframwaith, o dan reoliad 18(2);

(g) nifer y cytundebau fframwaith pan ddilynwyd y Broses Gystadleuol er mwyn caniatáu i ddarparwyr pellach gael eu dethol i fod yn bartïon i'r cytundeb fframwaith, o dan reoliad 17(1);

(h) nifer y darparwyr ychwanegol, os o gwbl, a ddetholwyd i fod yn bartïon i'r cytundeb fframwaith;

Annual summary

31.—(1) A relevant authority must publish an annual summary of contracts awarded and framework agreements concluded for the provision of relevant health services. The relevant authority must publish this online, on a publicly available website accessible free of charge.

(2) For the year to which the summary relates, the annual summary must include—

(a) the number of contracts awarded where the Direct Award Process 1 was followed under regulation 7(4);

(b) the number of contracts awarded where the Direct Award Process 2 was followed under regulation 7(5);

(c) the number of contracts awarded where the Most Suitable Provider Process was followed under regulation 7(5) or (6);

(d) the number of contracts awarded where the Competitive Process was followed under regulation 7(5), (6), or (7);

(e) the number of framework agreements concluded under regulation 16(2);

(f) the number of contracts awarded based on a framework agreement, under regulation 18(2);

(g) the number of framework agreements where the Competitive Process was followed to allow further providers to be selected to be party to the framework agreement, under regulation 17(1);

(h) the number of additional providers, if any, that were selected to be party to the framework agreement;

(i) nifer y contractau a ddyfarnwyd a'r addasiadau a wnaed gan ddibynnu ar reoliad 14 (dyfarnu neu addasu contract ar frys);

(j) nifer y darparwyr y dyfarnwyd contract iddynt nad yw contract wedi cael ei ddyfarnu iddynt gan awdurdod perthnasol yn flaenorol mewn blwyddyn adrodd flaenorol;

(k) nifer y darparwyr a oedd yn bartïon i gontract yn y flwyddyn yr oedd y crynodeb blynyddol blaenorol yn ymwneud â hi ond nad ydynt yn bartïon i unrhyw gontractau mwyach;

(l) nifer y sylwadau ysgrifenedig a gyflwynwyd o dan reoliad 12(5) a chrynodeb o natur a chanlyniad y sylwadau hynny;

(m) nifer y darparwyr a gafodd eu gwahardd rhag proses gaffael o dan reoliad 25(1) neu 26(3);

(n) nifer y darparwyr a oedd yn waharddadwy rhag proses gaffael ac, o blith y darparwyr hynny, y nifer a gafodd eu gwahardd o dan reoliad 25(3) neu 26(5).

(i) the number of contracts awarded and modifications made in reliance on regulation 14 (urgent award or modification of a contract);

(j) the number of providers to whom a contract was awarded who have not previously been awarded a contract by a relevant authority in a previous reporting year;

(k) the number of providers who were a party to a contract in the year to which the previous annual summary related but are no longer party to any contracts;

(l) the number of written representations made under regulation 12(5) and a summary of the nature and outcome of those representations;

(m) the number of providers that were excluded from a procurement process under regulation 25(1) or 26(3);

(n) the number of providers that were excludable from a procurement process and of those providers, the number that were excluded under regulation 25(3) or 26(5).

Gofynion monitro

32.—(1) Rhaid i awdurdod perthnasol fonitro ei gydymffurfedd a nodi unrhyw achosion o beidio â chydymffurfio â'r Rheoliadau hyn.

(2) Rhaid i awdurdod perthnasol gyhoeddi adroddiad blynyddol am ganlyniadau'r monitro hwnnw, gan gynnwys gwybodaeth ynghylch sut y bydd achosion o beidio â chydymffurfio yn cael sylw.

(3) Rhaid i'r awdurdod perthnasol gyhoeddi'r adroddiad blynyddol ar-lein, ar wefan sydd ar gael i'r cyhoedd am ddim.

Monitoring requirements

32.—(1) A relevant authority must monitor its compliance and identify any non-compliance with these Regulations.

(2) A relevant authority must publish an annual report of the results of that monitoring, including information as to how non-compliance will be addressed.

(3) The relevant authority must publish the annual report online, on a publicly available website accessible free of charge.

RHAN 6

Darpariaeth drosiannol

Darpariaeth drosiannol

33.—(1) Nid yw'r Rheoliadau hyn yn gymwys—

(a) i unrhyw weithdrefn dyfarnu contractau pan gychwynnodd y broses gaffael, ond na wnaed y dyfarniad, cyn 24 Chwefror 2025;

(b) i gwblhad unrhyw gytundeb fframwaith pan gychwynnodd y broses gaffael, ond na chwblhawyd y cytundeb fframwaith, cyn 24 Chwefror 2025;

PART 6

Transitional provision

Transitional provision

33.—(1) These Regulations do not apply to—

(a) any contract award procedure where the procurement process commenced, but where the award was not made, before 24 February 2025;

(b) the conclusion of any framework agreement where the procurement process commenced, but where the framework agreement was not concluded, before 24 February 2025;

(c) i'r defnydd o system brynu ddynamig, neu system debyg, nad yw'n gytundeb fframwaith (pa un a yw'r system yn cael ei gweithredu o dan reoliad 34 o Reoliadau 2015(**1**) ai peidio) pan na fo'r cyfnod dilysrwydd wedi dod i ben ac na fo'r system wedi ei therfynu fel arall.

(2) Mae'r Rheoliadau hyn yn gymwys i addasu contract am wasanaethau iechyd perthnasol rhwng awdurdod perthnasol a darparwr sydd wedi ei wneud ar neu ar ôl 24 Chwefror 2025, pa un a ddyfarnwyd y contract o dan y Rheoliadau hyn neu cyn 24 Chwefror 2025 ai peidio.

(3) Mae'r Rheoliadau hyn yn gymwys i addasu unrhyw gytundeb fframwaith am wasanaethau iechyd perthnasol rhwng un neu ragor o awdurdodau perthnasol ac un neu ragor o ddarparwyr, pa un a gwblhawyd y cytundeb fframwaith o dan y Rheoliadau hyn neu cyn 24 Chwefror 2025 ai peidio.

(4) Mae'r Rheoliadau hyn yn gymwys i unrhyw weithdrefn dyfarnu contractau a gychwynnwyd ar neu ar ôl 24 Chwefror 2025 ar gyfer dyfarnu contract sy'n seiliedig ar gytundeb fframwaith am wasanaethau iechyd perthnasol rhwng un neu ragor o awdurdodau perthnasol ac un neu ragor o ddarparwyr, pa un a gwblhawyd y cytundeb fframwaith o dan y Rheoliadau hyn neu cyn 24 Chwefror 2025 ai peidio.

(5) Mae darpariaethau paragraffau (6) i (8) yn gymwys at ddibenion paragraff (1).

(6) Mae gweithdrefn dyfarnu contractau wedi ei chychwyn cyn 24 Chwefror 2025—

(a) os yw hysbysiad contract o dan reoliad 49 o Reoliadau 2015(**2**), cyn y dyddiad hwnnw, wedi ei gyflwyno i'w gyhoeddi yn unol â rheoliad 51(1) o Reoliadau 2015(**3**);

(b) os yw'r awdurdod perthnasol wedi cysylltu ag unrhyw ddarparwr, cyn y dyddiad hwnnw, er mwyn—

(i) ceisio datganiadau o ddiddordeb neu gynigion mewn cysylltiad â threfniant contractio arfaethedig, neu

(ii) ymateb i ddatganiad o ddiddordeb neu gynnig digymell sydd wedi dod i law oddi wrth y darparwr hwnnw ynghylch trefniant contractio arfaethedig.

(**1**) Mae diwygiadau i reoliad 34 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) Diwygiwyd rheoliad 49 gan reoliadau 1(2) a 6(32) o Reoliadau Caffael Cyhoeddus (Diwygio etc.) (Ymadael â'r UE) 2020 (O.S. 2020/1319) ("Rheoliadau 2020") (gyda pharagraffau 3 i 5 o'r Atodlen iddynt).

(**3**) Diwygiwyd rheoliad 51(1) gan reoliad 1(1) o Reoliadau Caffael Cyhoeddus (Diwygio, Diddymu a Dirymu) 2016 (O.S. 2016/275) a pharagraff 12 o Atodlen 2 iddynt (gyda rheoliad 5), a chan reoliadau 1(2) a 6(34)(b) o Reoliadau 2020 (gyda pharagraffau 3 i 5 o'r Atodlen iddynt).

(c) the use of a dynamic purchasing, or similar, system which is not a framework agreement (whether or not the system is operated under regulation 34 of the 2015 Regulations(**1**)) where the period of validity has not expired, and the system has not otherwise been terminated.

(2) These Regulations apply to the modification of a contract for relevant health services between a relevant authority and a provider made on or after 24 February 2025 whether or not the contract was awarded under these Regulations or before 24 February 2025.

(3) These Regulations apply to the modification of any framework agreement for relevant health services between one or more relevant authorities and one or more providers whether or not the framework agreement was concluded under these Regulations or before 24 February 2025.

(4) These Regulations apply to any contract award procedure commenced on or after 24 February 2025 for the award of a contract based on a framework agreement for relevant health services between one or more relevant authorities and one or more providers whether or not the framework agreement was concluded under these Regulations or before 24 February 2025.

(5) The provisions of paragraphs (6) to (8) apply for the purposes of paragraph (1).

(6) A contract award procedure has been commenced before 24 February 2025 if, before that date—

(a) a contract notice under regulation 49 of the 2015 Regulations(**2**) has been submitted for publication in accordance with regulation 51(1) of the 2015 Regulations(**3**);

(b) the relevant authority has contacted any provider to—

(i) seek expressions of interest or offers in respect of a proposed contracting arrangement, or

(ii) respond to an unsolicited expression of interest or offer received from that provider about a proposed contracting arrangement.

(**1**) There are amendments to regulation 34 which are not relevant to these Regulations.

(**2**) Regulation 49 was amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1319) ("the 2020 Regulations"), regulations 1(2), 6(32) (with Schedule, paragraphs. 3-5).

(**3**) Regulation 51(1) was amended by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), regulation 1(1), Schedule 2, paragraph 12 (with regulation 5), and the 2020 Regulation, regulation 1(2), 6(34)(b) (with Schedule, paragraphs 3-5).

(7) O ran y broses gaffael ar gyfer contract arfaethedig sy'n seiliedig ar gytundeb fframwaith neu dechneg neu offeryn arall ar gyfer caffaeliad electronig neu gaffaeliad mewn crynswth sydd wedi ei gwblhau o dan Reoliadau 2015 cyn 24 Chwefror 2025, mae'r broses honno wedi ei chychwyn cyn 24 Chwefror 2025 os yw unrhyw gam, cyn y dyddiad hwnnw, wedi ei gymryd gyda'r bwriad o wneud dyfarniad.

(8) Mae'r weithdrefn gaffael ar gyfer cytundeb fframwaith wedi ei chychwyn cyn 24 Chwefror 2025—

(a) os yw'r awdurdod perthnasol, cyn y dyddiad hwnnw, wedi cyhoeddi unrhyw fath o hysbyseb sy'n ceisio cynigion neu ddatganiadau o ddiddordeb mewn cytundeb fframwaith arfaethedig, neu

(b) os yw'r awdurdod perthnasol, cyn y dyddiad hwnnw, wedi cysylltu ag unrhyw ddarparwr er mwyn—

(i) ceisio datganiadau o ddiddordeb neu gynigion mewn cysylltiad â chytundeb fframwaith arfaethedig, neu

(ii) ymateb i ddatganiad o ddiddordeb neu gynnig digymell sydd wedi dod i law oddi wrth y darparwr hwnnw ynghylch cytundeb fframwaith arfaethedig.

(9) Yn y rheoliad hwn—

(a) mae "system brynu ddynamig" yn cynnwys system brynu ddynamig o fewn ystyr rheoliad 34 o Reoliadau 2015;

(b) mae "cytundeb fframwaith" yn cynnwys—

(i) cytundeb fframwaith o fewn yr ystyr a roddir i "framework agreement" yn rheoliad 33(2) o Reoliadau 2015;

(ii) cytundeb fframwaith y mae awdurdod perthnasol yn barti iddo ond na chafodd ei gwblhau o dan y Rheoliadau hyn;

(c) ystyr "Rheoliadau 2015" yw Rheoliadau Contractau Cyhoeddus 2015(**1**).

RHAN 7

Datgymhwyso Deddf Caffael 2023

Datgymhwyso Deddf Caffael 2023

34.—(1) Nid yw Deddf 2023 yn gymwys i gaffael gwasanaethau iechyd rheoleiddiedig yng Nghymru.

(**1**) O.S. 2015/102.

(7) The procurement process for a proposed contract based on a framework agreement or other technique or instrument for electronic or aggregated procurement concluded under the 2015 Regulations before 24 February 2025, has been commenced before 24 February 2025 if, before that date, any step has been taken with a view to making an award.

(8) The procurement process for a framework agreement has been commenced before 24 February 2025 if, before that date—

(a) the relevant authority has published any form of advertisement seeking offers or expressions of interest in a proposed framework agreement, or

(b) the relevant authority has contacted any provider to—

(i) seek expressions of interest or offers in respect of a proposed framework agreement, or

(ii) respond to an unsolicited expression of interest or offer received from that provider about a proposed framework agreement.

(9) In this regulation—

(a) "dynamic purchasing system" includes a dynamic purchasing system within the meaning of regulation 34 of the 2015 Regulations;

(b) "framework agreement" includes—

(i) a framework agreement within the meaning of regulation 33(2) of the 2015 Regulations;

(ii) a framework agreement to which a relevant authority is a party but which was not concluded under these Regulations;

(c) "the 2015 Regulations" means the Public Contract Regulations 2015(**1**).

PART 7

Disapplication of the Procurement Act 2023

Disapplication of the Procurement Act 2023

34.—(1) The 2023 Act does not apply to regulated health service procurement in Wales.

(**1**) S.I. 2015/102.

(2) Yn y rheoliad hwn, mae i "caffael gwasanaethau iechyd rheoleiddiedig yng Nghymru" yr ystyr a roddir i "regulated health service procurement in Wales" gan adran 120A(2)(a) o Ddeddf 2023.

(2) In this regulation "regulated health service procurement in Wales" has the meaning given by section 120A(2)(a) of the 2023 Act.

Jeremy Miles

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol, un o Weinidogion Cymru
30 Ionawr 2025

Cabinet Secretary for Health and Social Care, one of the Welsh Ministers
30 January 2025

YR ATODLENNI

ATODLEN 1 Rheoliad 2

Gwasanaethau iechyd perthnasol: Codau GGG

Cod GGG	*Disgrifiad*
85100000-0	Gwasanaethau iechyd
85110000-3	Gwasanaethau ysbyty a gwasanaethau cysylltiedig
85111000-0	Gwasanaethau ysbyty
85111100-1	Gwasanaethau ysbyty llawfeddygol
85111200-2	Gwasanaethau ysbyty meddygol
85111300-3	Gwasanaethau ysbyty gynaecolegol
85111310-6	Gwasanaethau ffrwythloni in vitro
85111320-9	Gwasanaethau ysbyty obstetrig
85111400-4	Gwasanaethau ysbyty adsefydlu
85111500-5	Gwasanaethau ysbyty seiciatrig
85111600-6	Gwasanaethau orthoteg
85111700-7	Gwasanaethau therapi ocsigen
85111800-8	Gwasanaethau patholeg
85111810-1	Gwasanaethau dadansoddi gwaed
85111820-4	Gwasanaethau dadansoddi bacteriolegol
85111900-9	Gwasanaethau dialysis ysbyty
85112200-9	Gwasanaethau gofal i gleifion allanol
85120000-6	Gwasanaethau ymarfer meddygol a gwasanaethau cysylltiedig
85121000-3	Gwasanaethau ymarfer meddygol
85121100-4	Gwasanaethau ymarfer cyffredinol
85121200-5	Gwasanaethau arbenigol meddygol

SCHEDULES

SCHEDULE 1 Regulation 2

Relevant health services: CPV codes

CPV Code	*Description*
85100000-0	Health services
85110000-3	Hospital and related services
85111000-0	Hospital services
85111100-1	Surgical hospital services
85111200-2	Medical hospital services
85111300-3	Gynaecological hospital services
85111310-6	In vitro fertilisation services
85111320-9	Obstetrical hospital services
85111400-4	Rehabilitation hospital services
85111500-5	Psychiatric hospital services
85111600-6	Orthotic services
85111700-7	Oxygen-therapy services
85111800-8	Pathology services
85111810-1	Blood analysis services
85111820-4	Bacteriological analysis services
85111900-9	Hospital dialysis services
85112200-9	Outpatient care services
85120000-6	Medical practice and related services
85121000-3	Medical practice services
85121100-4	General-practitioner services
85121200-5	Medical specialist services

85121210-8	Gwasanaethau gynaecoleg neu obstetreg
85121220-1	Gwasanaethau arbenigol arenneg neu'r system nerfol
85121230-4	Gwasanaethau cardioleg neu wasanaethau arbenigol yr ysgyfaint
85121231-1	Gwasanaethau cardioleg
85121232-8	Gwasanaethau arbenigol yr ysgyfaint
85121240-7	Gwasanaethau'r glust, y trwyn a'r gwddf neu wasanaethau awdiolegydd
85121250-0	Gwasanaethau gastroenteroleg a geriatreg
85121251-7	Gwasanaethau gastroenteroleg
85121252-4	Gwasanaethau geriatreg
85121270-6	Gwasanaethau seiciatreg neu seicoleg
85121271-3	Gwasanaethau cartref ar gyfer pobl â phroblemau seicolegol
85121280-9	Gwasanaethau offthalmoleg, dermatoleg neu orthopaedeg
85121281-6	Gwasanaethau offthalmoleg
85121282-3	Gwasanaethau dermatoleg
85121283-0	Gwasanaethau orthopaedeg
85121290-2	Gwasanaethau paediatreg neu wroleg
85121291-9	Gwasanaethau paediatreg
85121292-6	Gwasanaethau wroleg
85121300-6	Gwasanaethau arbenigol llawfeddygol
85130000-9	Gwasanaethau ymarfer deintyddol a gwasanaethau cysylltiedig
85131000-6	Gwasanaethau ymarfer deintyddol
85131100-7	Gwasanaethau orthodonteg
85131110-0	Gwasanaethau llawfeddygaeth orthodontig
85140000-2	Gwasanaethau iechyd amrywiol

85121210-8	Gynaecologic or obstetric services
85121220-1	Nephrology or nervous system specialist services
85121230-4	Cardiology services or pulmonary specialist services
85121231-1	Cardiology services
85121232-8	Pulmonary specialists services
85121240-7	ENT or audiologist services
85121250-0	Gastroenterologist and geriatric services
85121251-7	Gastroenterologist services
85121252-4	Geriatric services
85121270-6	Psychiatrist or psychologist services
85121271-3	Home for the psychologically disturbed services
85121280-9	Ophthalmologist, dermatology, or orthopaedics services
85121281-6	Ophthalmologist services
85121282-3	Dermatology services
85121283-0	Orthopaedic services
85121290-2	Paediatric or urologist services
85121291-9	Paediatric services
85121292-6	Urologist services
85121300-6	Surgical specialist services
85130000-9	Dental practice and related services
85131000-6	Dental-practice services
85131100-7	Orthodontic services
85131110-0	Orthodontic-surgery services
85140000-2	Miscellaneous health services

85141000-9	Gwasanaethau a ddarperir gan bersonél meddygol
85141100-0	Gwasanaethau a ddarperir gan fydwragedd
85141200-1	Gwasanaethau a ddarperir gan nyrsys
85141210-4	Gwasanaethau triniaeth feddygol yn y cartref
85141211-1	Gwasanaethau triniaeth feddygol dialysis yn y cartref
85141220-7	Gwasanaethau cynghori a ddarperir gan nyrsys
85142000-6	Gwasanaethau parafeddygol
85142100-7	Gwasanaethau ffisiotherapi
85143000-3	Gwasanaethau ambiwlans
85144000-0	Gwasanaethau cyfleusterau iechyd preswyl
85144100-1	Gwasanaethau gofal nyrsio preswyl
85145000-7	Gwasanaethau a ddarperir gan labordai meddygol
85146000-4	Gwasanaethau a ddarperir gan fanciau gwaed
85146100-5	Gwasanaethau a ddarperir gan fanciau sberm
85146200-6	Gwasanaethau a ddarperir gan fanciau organau trawsblannu
85148000-8	Gwasanaethau dadansoddi meddygol
85149000-5	Gwasanaethau fferylliaeth, ond heb gynnwys gwasanaethau fferylliaeth gymunedol a drefnir o dan Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2020(**1**)
85150000-5	Gwasanaethau delweddu meddygol
85160000-8	Gwasanaethau optegydd
85323000-9	Gwasanaethau iechyd cymunedol, ond dim ond mewn cysylltiad â gwasanaethau iechyd cymunedol a ddarperir i unigolion

85141000-9	Services provided by medical personnel
85141100-0	Services provided by midwives
85141200-1	Services provided by nurses
85141210-4	Home medical treatment services
85141211-1	Dialysis home medical treatment services
85141220-7	Advisory services provided by nurses
85142000-6	Paramedical services
85142100-7	Physiotherapy services
85143000-3	Ambulance services
85144000-0	Residential health facilities services
85144100-1	Residential nursing care services
85145000-7	Services provided by medical laboratories
85146000-4	Services provided by blood banks
85146100-5	Services provided by sperm banks
85146200-6	Services provided by transplant organ banks
85148000-8	Medical analysis services
85149000-5	Pharmacy services, but not including community pharmacy services that are arranged under The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020(**1**)
85150000-5	Medical imaging services
85160000-8	Optician services
85323000-9	Community health services, but only in respect of community health services which are delivered to individuals

(**1**) O.S. 2020/1073.

(**1**) S.I. 2020/1073.

85312330-1	Gwasanaethau cynllunio teulu, ond dim ond i'r graddau y darperir y gwasanaethau hynny i unigolion i gefnogi iechyd rhywiol ac iechyd atgenhedlu
85312500-4	Gwasanaethau adsefydlu, ond dim ond i'r graddau y darperir y gwasanaethau hynny i unigolion i fynd i'r afael â chamddefnyddio sylweddau neu ar gyfer adsefydlu iechyd meddwl neu iechyd corfforol unigolion

85312330-1	Family-planning services, but only insofar as such services are provided to individuals to support sexual and reproductive health
85312500-4	Rehabilitation services, but only insofar as such services are provided to individuals to tackle substance misuse or for the rehabilitation of the mental or physical health of individuals

ATODLEN 2 Rheoliad 8(5) ac 21(4)

Cynnwys hysbysiad o fwriad i ddyfarnu i ddarparwr presennol o dan Broses Dyfarniad Uniongyrchol 1 neu i ddarparwr ar sail cytundeb fframwaith heb gystadleuaeth

1. Os yw'r awdurdod perthnasol yn bwriadu dyfarnu contract yn dilyn Proses Dyfarniad Uniongyrchol 1, datganiad i'r perwyl hwnnw.

2. Os yw'r awdurdod perthnasol yn bwriadu dyfarnu contract i ddarparwr ar sail cytundeb fframwaith heb gystadleuaeth, datganiad i'r perwyl hwnnw.

3. Enw a chyfeirnod y contract.

4. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae dyfarniad i'w wneud iddo.

5. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sy'n berthnasol i'r contract.

6. Os yw'r awdurdod perthnasol yn bwriadu dyfarnu contract yn dilyn Proses Dyfarniad Uniongyrchol 1, disgrifiad ynghylch pam y mae'r trefniant contractio arfaethedig yn gallu cael ei ddarparu gan y darparwr presennol yn unig, gan gyfeirio at natur y gwasanaethau iechyd perthnasol.

7. Gwerth oes amcangyfrifedig y contract.

8. Manylion penderfynwyr y dyfarniad.

SCHEDULE 2 Regulation 8(5) and 21(4)

Content of notice of intention to award to an existing provider under the Direct Award Process 1 or to a provider based on a framework agreement without a competition

1. If the relevant authority intends to award a contract following the Direct Award Process 1, a statement to that effect.

2. If the relevant authority intends to award a contract to a provider based on a framework agreement without a competition, a statement to that effect.

3. The contract title and reference.

4. The name and address (either of the registered office or the principal place of business) of the provider to whom an award is to be made.

5. A description of the relevant health services to which the contract relates, and one or more of the CPV codes relevant to the contract.

6. If the relevant authority intends to award a contract following the Direct Award Process 1, a description of why the proposed contracting arrangement is capable of being provided only by the existing provider, with reference to the nature of the relevant health services.

7. The estimated lifetime value of the contract.

8. Details of the award decision-makers.

9. Datganiad yn esbonio rhesymau penderfynwyr y dyfarniad dros ddethol y darparwr sydd wedi ei ddewis.

10. Datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

11. Pan fo awdurdod perthnasol yn bwriadu dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

12. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

13. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

14. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

9. A statement explaining the award decision-makers' reasons for selecting the chosen provider.

10. A statement as to whether any providers were excluded from the procurement process.

11. Where a relevant authority intends to award the contract to an excluded provider because it was considered necessary to protect public health, the reasons for such a decision.

12. Particulars of any declared conflicts or potential conflicts of interest.

13. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

14. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 3 Rheoliadau 8(11), 19(3) ac 21(10)

Cynnwys hysbysiad i ddyfarnu i ddarparwr presennol o dan Broses Dyfarniad Uniongyrchol 1, i ddarparwr ar sail cytundeb fframwaith un darparwr, neu i ddarparwr ar sail cytundeb fframwaith heb gystadleuaeth

1. Os yw'r dyfarniad yn dilyn Proses Dyfarniad Uniongyrchol 1, datganiad bod dyfarniad wedi ei wneud yn dilyn Proses Dyfarniad Uniongyrchol 1.

2. Os yw'r dyfarniad yn seiliedig ar gytundeb fframwaith un darparwr ac yn cael ei wneud heb gystadleuaeth, datganiad i'r perwyl hwnnw.

3. Os yw'r dyfarniad yn seiliedig ar gytundeb fframwaith ac yn cael ei wneud heb gystadleuaeth, datganiad i'r perwyl hwnnw.

4. Enw a chyfeirnod y contract.

5. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae'r contract wedi ei ddyfarnu iddo.

6. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

7. Gwerth oes amcangyfrifedig y contract.

SCHEDULE 3 Regulations 8(11), 19(3) and 21(10)

Content of notice to award to an existing provider under the Direct Award Process 1, to a provider based on a single-provider framework agreement, or to a provider based on a framework agreement without a competition

1. If the award follows the Direct Award Process 1, a statement that an award has been made following the Direct Award Process 1.

2. If the award is based on a single-provider framework agreement and is made without a competition, a statement to that effect.

3. If the award is based on a framework agreement and is made without a competition, a statement to that effect.

4. The contract title and reference.

5. The name and address (either the registered office or the principal place of business) of the provider to whom the contract has been awarded.

6. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

7. The estimated lifetime value of the contract.

8. Y dyddiadau y mae'r contract yn darparu ar gyfer darparu'r gwasanaethau iechyd perthnasol rhyngddynt a hyd y contract gan gynnwys estyniadau posibl y tu hwnt i'r cyfnod cychwynnol.

9. Manylion penderfynwyr y dyfarniad.

10. Pan fo Proses Dyfarniad Uniongyrchol 1 wedi ei defnyddio a bo awdurdod perthnasol wedi dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

11. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

12. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

13. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

8. The dates between which the contract provides for the relevant health services to be provided and the duration of the contract including potential extensions beyond the initial term.

9. Details of the award decision-makers.

10. Where Direct Award Process 1 was used and a relevant authority awarded the contract to an excluded provider because it was considered necessary to protect public health, the reasons for such a decision.

11. Particulars of any declared conflicts or potential conflicts of interest.

12. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

13. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 4 Rheoliad 9(6)

Cynnwys hysbysiad o fwriad i ddyfarnu i ddarparwr presennol o dan Broses Dyfarniad Uniongyrchol 2

1. Datganiad bod yr awdurdod perthnasol yn bwriadu dyfarnu contract i ddarparwr presennol yn dilyn Proses Dyfarniad Uniongyrchol 2.

2. Enw a chyfeirnod y contract.

3. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae dyfarniad i'w wneud iddo.

4. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sy'n berthnasol i'r contract.

5. Gwerth oes amcangyfrifedig y contract.

6. Gwerth oes amcangyfrifedig y contract presennol ar yr adeg yr ymrwymwyd i'r contract presennol.

7. Manylion penderfynwyr y dyfarniad.

8. Datganiad yn esbonio rhesymau penderfynwyr y dyfarniad dros ddethol y darparwr sydd wedi ei ddewis, gan gyfeirio at y meini prawf allweddol a'r meini prawf dethol sylfaenol.

9. Datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

SCHEDULE 4 Regulation 9(6)

Content of notice of intention to award to an existing provider under the Direct Award Process 2

1. A statement that the relevant authority is intending to award a contract to an existing provider following the Direct Award Process 2.

2. The contract title and reference.

3. The name and address (either of the registered office or the principal place of business) of the provider to whom an award is to be made.

4. A description of the relevant health services to which the contract relates, and one or more of the CPV codes relevant to the contract.

5. The estimated lifetime value of the contract.

6. The estimated lifetime value of the existing contract at the time the existing contract was entered into.

7. Details of the award decision-makers.

8. A statement explaining the award decision-makers' reasons for selecting the chosen provider, with reference to the key criteria and basic selection criteria.

9. A statement as to whether any providers were excluded from the procurement process.

10. Pan fo awdurdod perthnasol yn bwriadu dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyrir bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

11. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

12. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

13. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

10. Where a relevant authority intends to award the contract to an excluded provider because it is considered necessary to protect public health, the reasons for such a decision.

11. Particulars of any declared conflicts or potential conflicts of interest.

12. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

13. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 5 Rheoliad 9(12)

Cynnwys hysbysiad am ddyfarnu i ddarparwr o dan Broses Dyfarniad Uniongyrchol 2

1. Datganiad bod dyfarniad wedi ei wneud yn dilyn Proses Dyfarniad Uniongyrchol 2.

2. Enw a chyfeirnod y contract.

3. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae'r contract wedi ei ddyfarnu iddo.

4. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

5. Gwerth oes amcangyfrifedig y contract.

6. Y dyddiadau y mae'r contract yn darparu ar gyfer darparu'r gwasanaethau iechyd perthnasol rhyngddynt a hyd y contract gan gynnwys estyniadau posibl y tu hwnt i'r cyfnod cychwynnol.

7. Manylion penderfynwyr y dyfarniad.

8. Datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

9. Pan fo awdurdod perthnasol wedi dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

10. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

SCHEDULE 5 Regulation 9(12)

Content of notice to award to a provider under the Direct Award Process 2

1. A statement that an award has been made following the Direct Award Process 2.

2. The contract title and reference.

3. The name and address (either the registered office or the principal place of business) of the provider to whom the contract has been awarded.

4. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

5. The estimated lifetime value of the contract.

6. The dates between which the contract provides for the relevant health services to be provided and the duration of the contract including potential extensions beyond the initial term.

7. Details of the award decision-makers.

8. A statement as to whether any providers were excluded from the procurement process.

9. Where a relevant authority awarded the contract to an excluded provider because it was considered necessary to protect public health, the reasons for such a decision.

10. Particulars of any declared conflicts or potential conflicts of interest.

11. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

12. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

11. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

12. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 6 Rheoliad 10(4)

Cynnwys hysbysiad o fwriad i ddilyn y Broses Darparwr Mwyaf Addas

1. Datganiad bod yr awdurdod perthnasol yn bwriadu dilyn y Broses Darparwr Mwyaf Addas i ddyfarnu contract.

2. Enw a chyfeirnod y contract.

3. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

4. Manylion penderfynwyr y dyfarniad.

SCHEDULE 6 Regulation 10(4)

Content of notice of intention to follow the Most Suitable Provider Process

1. A statement that the relevant authority intends to follow the Most Suitable Provider Process to award a contract.

2. The contract title and reference.

3. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

4. Details of the award decision-makers.

ATODLEN 7 Rheoliad 10(11)

Cynnwys hysbysiad o fwriad i ddyfarnu i ddarparwr o dan y Broses Darparwr Mwyaf Addas

1. Datganiad bod yr awdurdod perthnasol yn bwriadu dyfarnu contract i ddarparwr yn dilyn y Broses Darparwr Mwyaf Addas.

2. Enw a chyfeirnod y contract.

3. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae dyfarniad i'w wneud iddo.

4. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

5. Gwerth oes amcangyfrifedig y contract.

6. Manylion penderfynwyr y dyfarniad.

7. Datganiad yn esbonio rhesymau penderfynwyr y dyfarniad dros ddethol y darparwr sydd wedi ei ddewis, gan gyfeirio at y meini prawf allweddol.

8. Datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

SCHEDULE 7 Regulation 10(11)

Content of notice of intention to award to a provider under the Most Suitable Provider Process

1. A statement that the relevant authority intends to award a contract to a provider following the Most Suitable Provider Process.

2. The contract title and reference.

3. The name and address (either the registered office or the principal place of business) of the provider to whom an award is to be made.

4. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

5. The estimated lifetime value of the contract.

6. Details of the award decision-makers.

7. A statement explaining the award decision-makers' reasons for selecting the chosen provider, with reference to the key criteria.

8. A statement as to whether any providers were excluded from the procurement process.

9. Pan fo awdurdod perthnasol yn bwriadu dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyrir bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

10. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

11. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

12. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

9. Where a relevant authority intends to award the contract to an excluded provider because it is considered necessary to protect public health, the reasons for such a decision.

10. Particulars of any declared conflicts or potential conflicts of interest.

11. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

12. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 8 Rheoliad 10(17)

Cynnwys hysbysiad am ddyfarnu i ddarparwr o dan y Broses Darparwr Mwyaf Addas

1. Datganiad bod dyfarniad wedi ei wneud yn dilyn y Broses Darparwr Mwyaf Addas.

2. Enw a chyfeirnod y contract.

3. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae'r contract wedi ei ddyfarnu iddo.

4. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

5. Gwerth oes amcangyfrifedig y contract.

6. Y dyddiadau y mae'r contract yn darparu ar gyfer darparu'r gwasanaethau iechyd perthnasol rhyngddynt a hyd y contract gan gynnwys estyniadau posibl y tu hwnt i'r cyfnod cychwynnol.

7. Manylion penderfynwyr y dyfarniad.

8. Datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

9. Pan fo awdurdod perthnasol wedi dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

10. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

SCHEDULE 8 Regulation 10(17)

Content of notice to award to a provider under the Most Suitable Provider Process

1. A statement that an award has been made following the Most Suitable Provider Process.

2. The contract title and reference.

3. The name and address (either the registered office or the principal place of business) of the provider to whom the contract has been awarded.

4. A description of the relevant health services to which the contract relates, and one or more of the CPV code most relevant to the contract.

5. The estimated lifetime value of the contract.

6. The dates between which the contract provides for the relevant health services to be provided and the duration of the contract including potential extensions beyond the initial term.

7. Details of the award decision-makers.

8. A statement as to whether any providers were excluded from the procurement process.

9. Where a relevant authority awarded the contract to an excluded provider because it was considered necessary to protect public health, the reasons for such a decision.

10. Particulars of any declared conflicts or potential conflicts of interest.

11. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

12. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

11. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

12. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 9 Rheoliad 11(6)

Cynnwys hysbysiad yn gwahodd cynigion o dan y Broses Gystadleuol

1. Enw a chyfeirnod y contract neu'r cytundeb fframwaith.

2. Disgrifiad o'r gwasanaethau iechyd perthnasol y bydd y contract neu'r cytundeb fframwaith yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract neu'r cytundeb fframwaith.

3. Y dyddiadau bwriadedig neu amcangyfrifedig—

(a) y mae'r gwasanaethau i'w darparu rhyngddynt a hyd y contract gan gynnwys estyniadau posibl y tu hwnt i'r cyfnod cychwynnol, neu

(b) ar gyfer cyfnod y cytundeb fframwaith.

4. Gwerth oes amcangyfrifedig y contract neu'r cytundeb fframwaith.

5. Meini prawf dyfarnu'r contract neu'r fframwaith.

6. Pan fo'r hysbysiad yn ymwneud â chytundeb fframwaith arfaethedig, yr awdurdodau perthnasol a fydd yn gallu defnyddio'r cytundeb fframwaith.

7. Esboniad ynghylch sut y mae rhaid gwneud cynigion, a rhaid i hynny fod drwy ddulliau electronig.

8. Esboniad ynghylch sut y bydd cynigion yn cael eu hasesu, gan gynnwys esboniad cryno o'r weithdrefn asesu ac unrhyw gamau o'r asesiad, os yw'n gymwys.

SCHEDULE 9 Regulation 11(6)

Content of notice inviting offers under the Competitive Process

1. The contract or framework agreement title and reference.

2. A description of the relevant health services to which the contract or framework agreement will relate, and one or more of the CPV codes most relevant to the contract or framework agreement.

3. The intended or estimated dates—

(a) between which the services are to be provided and the duration of the contract including potential extensions beyond the initial term, or

(b) of the term of the framework agreement.

4. The estimated lifetime value of the contract or framework agreement.

5. The contract or framework award criteria.

6. Where the notice relates to a proposed framework agreement, the relevant authorities which will be able to use the framework agreement.

7. An explanation of how offers must be made, which must be by electronic means.

8. An explanation of how offers will be assessed, including a concise explanation of the assessment procedure and any stages of the assessment, if applicable.

ATODLEN 10 Rheoliadau 11(10)(b) ac 20(11)(b)

Cynnwys hysbysiad i ddarparwyr aflwyddiannus o dan y Broses Gystadleuol neu i ddarparwyr aflwyddiannus o dan ddyfarniad contract sy'n seiliedig ar gytundeb fframwaith gyda chystadleuaeth

1. Enw a chyfeirnod y contract neu'r cytundeb fframwaith.

2. Meini prawf dyfarnu'r contract neu'r fframwaith.

3. Y rhesymau y bu'r darparwr llwyddiannus yn llwyddiannus.

4. Y rhesymau y bu'r darparwr aflwyddiannus yn aflwyddiannus.

5. Dyddiadau dechrau a diwedd y cyfnod y caniateir cyflwyno sylwadau ysgrifenedig ynddo yn unol â rheoliad 12(6).

6. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

SCHEDULE 10 Regulation 11(10)(b) and 20(11)(b)

Content of notice to unsuccessful providers under the Competitive Process or unsuccessful providers under a contract award based on a framework agreement with a competition

1. The contract or framework agreement title and reference.

2. The contract or framework award criteria.

3. The reasons the successful provider was successful.

4. The reasons the unsuccessful provider was unsuccessful.

5. The dates of the beginning and end of the period in which written representations may be made in accordance with regulation 12(6).

6. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 11 Rheoliadau 11(12) ac 20(13)

Cynnwys hysbysiad o fwriad i ddyfarnu i ddarparwr neu gwblhau cytundeb fframwaith o dan y Broses Gystadleuol, neu i ddyfarnu contract i ddarparwr ar sail cytundeb fframwaith gyda chystadleuaeth

1. Os yw'r awdurdod perthnasol yn bwriadu dyfarnu contract i ddarparwr neu gwblhau cytundeb fframwaith o dan y Broses Gystadleuol, datganiad i'r perwyl hwnnw.

2. Os yw'r awdurdod perthnasol yn bwriadu dyfarnu contract i ddarparwr ar sail cytundeb fframwaith gyda chystadleuaeth, datganiad i'r perwyl hwnnw.

3. Enw a chyfeirnod y contract neu'r cytundeb fframwaith.

4. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae contract i'w ddyfarnu iddo neu y mae cytundeb fframwaith i'w gwblhau ag ef.

SCHEDULE 11 Regulations 11(12) and 20(13)

Content of notice of intention to award to a provider or conclude a framework agreement under the Competitive Process, or to award a contract to a provider based on a framework agreement with a competition

1. If the relevant authority intends to award a contract to a provider or conclude a framework agreement under the Competitive Process, a statement to that effect.

2. If the relevant authority intends to award a contract to a provider based on a framework agreement with a competition, a statement to that effect.

3. The contract or framework agreement title and reference.

4. The name and address (either the registered office or the principal place of business) of the provider to whom a contract is to be awarded or with whom a framework agreement is to be concluded.

5. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract neu'r cytundeb fframwaith yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract neu'r cytundeb fframwaith.

6. Pan fo'r hysbysiad yn ymwneud â chwblhau cytundeb fframwaith, hyd y cytundeb a'r awdurdodau perthnasol a fydd yn gallu defnyddio'r cytundeb fframwaith.

7. Gwerth oes amcangyfrifedig y contract neu'r cytundeb fframwaith.

8. Manylion penderfynwyr y dyfarniad.

9. Datganiad yn esbonio rhesymau'r penderfynwyr dros ddethol y darparwr, gan gyfeirio at y meini prawf allweddol a'r meini prawf dethol sylfaenol.

10. Pan fo'r hysbysiad yn ymwneud â dyfarnu contract neu gwblhau cytundeb fframwaith, datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

11. Pan fo'r hysbysiad yn ymwneud â dyfarnu contract a bo awdurdod perthnasol yn bwriadu dyfarnu'r contract i ddarparwr gwaharddedig oherwydd ystyrir bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

12. Pan fo'r hysbysiad yn ymwneud â chwblhau cytundeb fframwaith a bo awdurdod perthnasol yn bwriadu cynnwys darparwr gwaharddedig ar gytundeb fframwaith oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

13. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

14. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

15. Pan fo'n briodol, datganiad bod yr awdurdod perthnasol yn dyfarnu'r contract o dan gytundeb fframwaith.

16. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

5. A description of the relevant health services to which the contract or framework agreement relates, and one or more of the CPV codes most relevant to the contract or framework agreement.

6. Where the notice relates to the conclusion of a framework agreement, the duration of the agreement and the relevant authorities which will be able to use the framework agreement.

7. The estimated lifetime value of the contract or framework agreement.

8. Details of the award decision-makers.

9. A statement explaining the decision-makers' reasons for selecting the provider, with reference to the key criteria and basic selection criteria.

10. Where the notice relates to the award of a contract or the conclusion of a framework agreement, a statement as to whether any providers were excluded from the procurement process.

11. Where the notice relates to the award of a contract and a relevant authority intends to award the contract to an excluded provider because it is considered necessary to protect public health, the reasons for such a decision.

12. Where the notice relates to the conclusion of a framework agreement and a relevant authority intends to include an excluded provider on a framework agreement because it was considered necessary to protect public health, the reasons for such a decision.

13. Particulars of any declared conflicts or potential conflicts of interest.

14. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

15. Where appropriate, a statement that the relevant authority is awarding the contract under a framework agreement.

16. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 12 Rheoliadau 11(18) ac 20(19)

Cynnwys hysbysiad am ddyfarnu contract i ddarparwr neu gwblhau cytundeb fframwaith gyda darparwr o dan y Broses Gystadleuol, neu am ddyfarnu contract i ddarparwr ar sail cytundeb fframwaith gyda chystadleuaeth

1. Os yw dyfarnu'r contract neu gwblhau cytundeb fframwaith yn dilyn cystadleuaeth o dan y Broses Gystadleuol, datganiad i'r perwyl hwnnw.

2. Os yw dyfarnu'r contract yn seiliedig ar gytundeb fframwaith gyda chystadleuaeth, datganiad i'r perwyl hwnnw.

3. Enw a chyfeirnod y contract neu'r cytundeb fframwaith.

4. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae'r contract wedi ei ddyfarnu iddo neu y mae cytundeb fframwaith wedi ei gwblhau ag ef.

5. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract neu'r cytundeb fframwaith yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract neu'r cytundeb fframwaith.

6. Gwerth oes amcangyfrifedig y contract neu'r cytundeb fframwaith.

7. Pan fo'r hysbysiad yn ymwneud â dyfarnu contract, y dyddiadau y mae'r contract yn darparu ar gyfer darparu'r gwasanaethau iechyd perthnasol rhyngddynt gan gynnwys unrhyw opsiynau i estyn y cyfnod y mae'r gwasanaethau i'w darparu ynddo.

8. Pan fo'r hysbysiad yn ymwneud â chwblhau cytundeb fframwaith, hyd y cytundeb fframwaith.

9. Pan fo'r hysbysiad yn ymwneud â chwblhau cytundeb fframwaith, yr awdurdodau perthnasol a fydd yn gallu defnyddio'r cytundeb fframwaith.

10. Manylion penderfynwyr y dyfarniad.

11. Pan fo'r hysbysiad yn ymwneud â dyfarnu contract neu gwblhau cytundeb fframwaith, datganiad ynghylch a gafodd unrhyw ddarparwyr eu gwahardd rhag y broses gaffael.

SCHEDULE 12 Regulations 11(18) and 20(19)

Content of notice to award a contract to or conclude a framework agreement with a provider under the Competitive Process, or to award a contract to a provider based on a framework agreement with a competition

1. If the award of the contract or conclusion of a framework agreement follows a competition under the Competitive Process, a statement to that effect.

2. If the award of the contract is based on a framework agreement with a competition, a statement to that effect.

3. The contract or framework agreement title and reference.

4. The name and address (either the registered office or the principal place of business) of the provider to whom the contract has been awarded or with whom a framework agreement has been concluded.

5. A description of the relevant health services to which the contract or framework agreement relates, and one or more of the CPV codes most relevant to the contract or framework agreement.

6. The estimated lifetime value of the contract or framework agreement.

7. Where the notice relates to the award of a contract, the dates between which the contract provides for the relevant health services to be provided including any options to extend the period during which the services are to be provided.

8. Where the notice relates to the conclusion of a framework agreement, the duration of the framework agreement.

9. Where the notice relates to the conclusion of a framework agreement, the relevant authorities which will be able to use the framework agreement.

10. Details of the award decision-makers.

11. Where the notice relates to the award of a contract or the conclusion of a framework agreement, a statement as to whether any providers were excluded from the procurement process.

12. Pan fo'r hysbysiad yn ymwneud â dyfarnu contract neu gwblhau cytundeb fframwaith a bo awdurdod perthnasol wedi dyfarnu'r contract i ddarparwr gwaharddedig neu wedi cynnwys darparwr gwaharddedig ar gytundeb fframwaith oherwydd ystyriwyd bod hynny'n angenrheidiol er mwyn diogelu iechyd y cyhoedd, y rhesymau dros benderfyniad o'r fath.

13. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

14. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

15. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

12. Where the notice relates to the award of a contract or the conclusion of a framework agreement and a relevant authority awarded the contract to an excluded provider or included an excluded provider on a framework agreement because it was considered necessary to protect public health, the reasons for such a decision.

13. Particulars of any declared conflicts or potential conflicts of interest.

14. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

15. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 13 Rheoliad 13(7)(a)

Hysbysiad am addasu contract neu gytundeb fframwaith pan fo rheoliad 13(6) yn gymwys

1. Enw a chyfeirnod y contract neu'r cytundeb fframwaith.

2. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract neu'r cytundeb fframwaith yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract neu'r cytundeb fframwaith.

3. Y dyddiad y mae'r addasiad yn cael effaith ohono.

4. Disgrifiad byr o'r addasiad.

5. Gwerth oes amcangyfrifedig yr addasiad i'r contract neu'r cytundeb fframwaith.

6. Gwerth oes amcangyfrifedig y contract neu'r cytundeb fframwaith pan ymrwymwyd i'r contract hwnnw neu pan gwblhawyd y cytundeb fframwaith hwnnw.

7. Gwerth oes amcangyfrifedig cronnus yr holl addasiadau a wnaed i'r contract neu'r cytundeb fframwaith ers ymrwymo iddo neu ers ei gwblhau.

8. Unrhyw newid i hyd y contract neu'r cytundeb fframwaith.

9. Manylion penderfynwyr y dyfarniad.

SCHEDULE 13 Regulation 13(7)(a)

Notice of modification to contract or framework agreement where regulation 13(6) applies

1. The contract or framework agreement title and reference.

2. A description of the relevant health services to which the contract or framework agreement relates, and one or more of the CPV codes most relevant to the contract or framework agreement.

3. The date from which the modification has effect.

4. A brief description of the modification.

5. The estimated lifetime value of the modification to the contract or framework agreement.

6. The estimated lifetime value of the contract or framework agreement when that contract was entered into or when that framework agreement was concluded.

7. The cumulative estimated lifetime value of all modifications made to the contract or framework agreement since it was entered into or concluded.

8. Any change in the duration of the contract or framework agreement.

9. Details of the award decision-makers.

10. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

11. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

12. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

ATODLEN 14 Rheoliad 14(6)(b)(i)

Hysbysiad am ddyfarnu contract ar frys pan fo rheoliad 14(1) yn gymwys

1. Datganiad bod y dyfarniad yn un brys ym marn yr awdurdod perthnasol.

2. Enw a chyfeirnod y contract.

3. Enw a chyfeiriad (naill ai swyddfa gofrestredig neu brif fan busnes) y darparwr y mae'r contract wedi ei ddyfarnu iddo.

4. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

5. Gwerth oes amcangyfrifedig y contract.

6. Y dyddiadau y mae'r contract yn darparu ar gyfer darparu'r gwasanaethau iechyd perthnasol rhyngddynt a hyd y contract gan gynnwys estyniadau posibl y tu hwnt i'r cyfnod cychwynnol.

7. Y rhesymau dros y dyddiadau y cyfeirir atynt ym mharagraff 6, os yw'r cyfnod hwnnw'n hwy na 12 mis.

8. Manylion penderfynwyr y dyfarniad.

9. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

10. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

11. Y rhesymau pam yr oedd rheoliad 14 yn gymwys.

12. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

10. Particulars of any declared conflicts or potential conflicts of interest.

11. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

12. Any information that has not been published or is otherwise withheld under regulation 23(1).

SCHEDULE 14 Regulation 14(6)(b)(i)

Notice of urgent award of contract where regulation 14(1) applies

1. A statement that in the view of the relevant authority the award was urgent.

2. The contract title and reference.

3. The name and address (either the registered office or the principal place of business) of the provider to whom the contract has been awarded.

4. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

5. The estimated lifetime value of the contract.

6. The dates between which the contract provides for the relevant health services to be provided and the duration of the contract including potential extensions beyond the initial term.

7. The reasons for the dates referred to in paragraph 6, if that period is greater than 12 months.

8. Details of the award decision-makers.

9. Particulars of any declared conflicts or potential conflicts of interest.

10. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

11. The reasons regulation 14 applied.

12. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 15 Rheoliad 14(6)(b)(ii)

Hysbysiad am addasu contract ar frys pan fo rheoliad 14(1) yn gymwys

1. Datganiad bod yr addasiad yn un brys ym marn yr awdurdod perthnasol.

2. Enw a chyfeirnod y contract.

3. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

4. Y dyddiad y mae'r addasiad yn cael effaith ohono.

5. Natur yr addasiad, gan gynnwys unrhyw newid i hyd y contract.

6. Gwerth oes amcangyfrifedig y contract pan ymrwymwyd i'r contract hwnnw.

7. Gwerth oes amcangyfrifedig yr addasiad brys.

8. Manylion penderfynwyr y dyfarniad.

9. Manylion unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl sydd wedi ei ddatgan.

10. Gwybodaeth am sut y cafodd unrhyw wrthdaro buddiannau neu unrhyw wrthdaro buddiannau posibl ei reoli, neu sut y mae i'w reoli.

11. Y rhesymau y mae'r awdurdod perthnasol yn ystyried bod rheoliad 14 yn gymwys.

12. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

SCHEDULE 15 Regulation 14(6)(b)(ii)

Notice of urgent modification to contract where regulation 14(1) applies

1. A statement that in the view of the relevant authority the modification was urgent.

2. The contract title and reference.

3. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

4. The date from which the modification has effect.

5. The nature of the modification, including any change in the duration of contract.

6. The estimated lifetime value of the contract when that contract was entered into.

7. The estimated lifetime value of the urgent modification.

8. Details of the award decision-makers.

9. Particulars of any declared conflicts or potential conflicts of interest.

10. Information as to how any conflicts or potential conflicts of interest were managed or are to be managed.

11. The reasons the relevant authority consider regulation 14 applied.

12. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 16 Rheoliad 20(7)

Gwahoddiad i ddarparwyr sy'n barti i'r cytundeb fframwaith i gyflwyno cynnig

1. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract.

2. Meini prawf dyfarnu'r contract.

3. Y dyddiadau bwriadedig neu amcangyfrifedig y mae rhaid darparu'r gwasanaethau iechyd perthnasol rhyngddynt a hyd y contract gan gynnwys estyniadau posibl y tu hwnt i'r cyfnod cychwynnol.

4. Gwerth oes amcangyfrifedig y contract.

SCHEDULE 16 Regulation 20(7)

Invitation to providers who are party to the framework agreement to submit an offer

1. A description of the relevant health services to which the contract relates, and one or more of the CPV codes most relevant to the contract.

2. The contract award criteria.

3. The intended or estimated dates between which the relevant health services must be provided and the duration of the contract including potential extensions beyond the initial term.

4. The estimated lifetime value of the contract.

ATODLEN 17 Rheoliad 15(5)(c)

Hysbysiad am roi'r gorau i broses gaffael

1. Enw a chyfeirnod y contract neu'r cytundeb fframwaith.

2. Disgrifiad o'r gwasanaethau iechyd perthnasol y mae'r contract neu'r cytundeb fframwaith yn ymwneud â hwy, ac un neu ragor o'r codau GGG sydd fwyaf perthnasol i'r contract neu'r cytundeb fframwaith.

3. Datganiad yn nodi pa broses gaffael oedd yn cael ei dilyn.

4. Datganiad y rhoddwyd y gorau i'r broses gaffael.

5. Esboniad o'r rhesymau dros roi'r gorau i'r broses gaffael.

6. Unrhyw wybodaeth nad yw wedi cael ei chyhoeddi neu sydd wedi ei dal yn ôl fel arall o dan reoliad 23(1).

SCHEDULE 17 Regulation 15(5)(c)

Notice of abandonment of procurement process

1. The contract or framework agreement title and reference.

2. A description of the relevant health services to which the contract or framework agreement relates, and one or more of the CPV codes most relevant to the contract or framework agreement.

3. A statement setting out which procurement process was being followed.

4. A statement that the procurement process has been abandoned.

5. An explanation of the reasons for the procurement process being abandoned.

6. Any information that has not been published or is otherwise withheld under regulation 23(1).

ATODLEN 18 Rheoliad 22(3)

Meini prawf dethol sylfaenol

Dehongli

1. Yn yr Atodlen hon, mae cyfeiriadau at "contractau" yn cynnwys contractau sy'n seiliedig ar y cytundeb fframwaith.

Meini prawf dethol sylfaenol: egwyddorion cyffredinol

2.—(1) Caiff y meini prawf dethol sylfaenol y penderfynir arnynt yn unol â rheoliad 22(3) ymwneud â'r canlynol—

(a) addasrwydd i wneud gweithgaredd penodol;

(b) sefyllfa economaidd ac ariannol;

(c) gallu technegol a phroffesiynol.

(2) Rhaid i awdurdod perthnasol gyfyngu'r meini prawf dethol sylfaenol i'r rhai sy'n briodol er mwyn sicrhau bod darparwr yn gallu cyflawni'r gwasanaethau iechyd perthnasol y mae contract i'w ddyfarnu ar eu cyfer, neu y mae cytundeb fframwaith i'w gwblhau ar eu cyfer.

(3) Wrth benderfynu ar y meini prawf dethol sylfaenol mwyaf priodol, rhaid i'r awdurdod perthnasol roi sylw i gapasiti cyfreithiol ac ariannol y darparwr a galluoedd technegol a phroffesiynol y darparwr.

SCHEDULE 18 Regulation 22(3)

Basic selection criteria

Interpretation

1. In this Schedule, references to "contracts" include contracts based on the framework agreement.

Basic selection criteria: general principles

2.—(1) The basic selection criteria determined in accordance with regulation 22(3) may relate to—

(a) suitability to pursue a particular activity;

(b) economic and financial standing;

(c) technical and professional ability.

(2) A relevant authority must limit the basic selection criteria to those that are appropriate to ensure that a provider can perform the relevant health services for which a contract is to be awarded or framework agreement is to be concluded.

(3) In determining the most appropriate basic selection criteria, the relevant authority must have regard to the legal and financial capacities of the provider and the technical and professional abilities of the provider.

(4) Rhaid i'r holl feini prawf dethol sylfaenol ymwneud â'r gwasanaethau iechyd perthnasol sy'n bwnc i'r contract neu'r cytundeb fframwaith a bod yn gymesur â hwy.

Awdurdodiadau neu aelodaethau

3. Mae paragraff (4) yn gymwys pan fo awdurdod perthnasol yn penderfynu bod rhaid i ddarparwyr feddu ar awdurdodiad penodol neu fod yn aelodau o sefydliad penodol er mwyn cyflawni'r gwasanaethau iechyd perthnasol.

4. Caiff awdurdod perthnasol ei gwneud yn ofynnol i ddarparwr brofi ei fod yn dal awdurdodiad neu aelodaeth o'r fath.

Sefyllfa economaidd ac ariannol

5.—(1) Caiff awdurdod perthnasol osod gofynion bod darparwr yn profi ei fod yn meddu ar y capasiti economaidd ac ariannol angenrheidiol i gyflawni'r contract.

(2) Yn benodol, caiff awdurdod perthnasol ei gwneud yn ofynnol bod darparwr—

(a) ag isafswm trosiant blynyddol penodol, gan gynnwys isafswm trosiant penodol yn y gwasanaethau iechyd perthnasol a gwmpesir gan y contract,

(b) yn darparu gwybodaeth am ei gyfrifon blynyddol sy'n dangos y cymarebau, er enghraifft, rhwng asedau ac atebolrwyddau, ac

(c) â lefel briodol o yswiriant indemnio rhag risg broffesiynol.

(3) Ni chaniateir i'r isafswm trosiant blynyddol y caiff awdurdod perthnasol ei gwneud yn ofynnol i ddarparwr ei brofi fod yn fwy na dwywaith gwerth oes amcangyfrifedig y contract neu'r cytundeb fframwaith, ac eithrio mewn achosion sydd wedi eu cyfiawnhau'n briodol fel y penderfynir gan yr awdurdod perthnasol.

Gallu technegol a phroffesiynol

6.—(1) Caiff awdurdod perthnasol osod gofynion bod darparwr yn profi ei fod yn gallu cyflawni'r contract i safon briodol.

(2) Mae'r gofynion yn is-baragraff (1) yn cynnwys gofynion i ddangos bod y darparwr yn meddu ar yr adnoddau a'r profiad technegol a phroffesiynol angenrheidiol.

(3) Caiff awdurdod perthnasol ei gwneud yn ofynnol bod gan ddarparwr lefel briodol o brofiad a ddangosir gan eirdaon addas o gontractau sydd wedi eu cyflawni yn y gorffennol.

(4) All basic selection criteria must relate to, and be proportionate to, the relevant health services that are the subject-matter of the contract or framework agreement.

Authorisations or memberships

3. Paragraph (4) applies where a relevant authority determines that providers must possess a particular authorisation or be members of a particular organisation to perform the relevant health services.

4. A relevant authority may require that a provider prove that they hold such authorisation or membership.

Economic and financial standing

5.—(1) A relevant authority may impose requirements that a provider prove they possess the necessary economic and financial capacity to perform the contract.

(2) In particular, a relevant authority may require that a provider—

(a) has a certain minimum annual turnover, including a certain minimum turnover in the relevant health services covered by the contract,

(b) provides information on its annual accounts showing the ratios, for example, between assets and liabilities, and

(c) has an appropriate level of professional risk indemnity insurance.

(3) The minimum annual turnover that a relevant authority can require a provider to prove must not exceed twice the estimated lifetime value of the contract or framework agreement, except in duly justified cases as determined by the relevant authority.

Technical and professional ability

6.—(1) A relevant authority may impose requirements that a provider prove they can perform the contract to an appropriate standard.

(2) The requirements in sub-paragraph (1) include requirements to show that the provider possesses the necessary technical and professional resources and experience.

(3) A relevant authority may require that a provider has an appropriate level of experience demonstrated by suitable references from contracts performed in the past.

(4) Caiff awdurdod perthnasol dybio nad yw darparwr yn meddu ar y galluoedd proffesiynol gofynnol os yw'r amod a nodir yn is-baragraff (5) wedi ei fodloni.

(5) Yr amod yw bod yr awdurdod perthnasol wedi canfod bod gan y darparwr fuddiannau sy'n gwrthdaro a all effeithio'n negyddol ar gyflawni'r contract.

(4) A relevant authority may assume that a provider does not possess the required professional abilities if the condition set out in sub-paragraph (5) is met.

(5) The condition is that the relevant authority has established that the provider has conflicting interests which may negatively affect the performance of the contract.

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