

Direct Award Justification Report

Exhibition Services – Wales in Venice 2026

WiV 0000046577

Louise Wright

23 October 2025

Version control

Version number	Author	Date	Changes
1	L Wright	23/10/25	

*Add rows as required

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Section 1: Contract details

[Refer to the Guidance Notes section at the end of this template for information required for '2. Section1: Contract details']

Key details

Contracting Authority	Arts Council of Wales
Name of procurement/contract	Exhibition Services – Wales in Venice 2026
Reference number	
Type of direct award	Direct award in special cases
Direct award assessment completed by (name and role)	Louise Wright, Head of Visual and Applied Arts
Direct award assessment approved by (name and role)	Dafydd Rhys, Chief Executive
Date of approval	ELT decision meeting on 19 June 2025

Section 2: Switching to direct award

2.1. Have you invited suppliers to submit tenders as part of, or requests to participate in, a competitive tendering procedure in respect of the contract?

NO

2.2. Have you received any suitable tenders or requests in response?

N/A

2.3. Do you consider that an award under section 19 is possible? See guidance note Section 2 2.3

N/A

2.4. Is the direct award to an excluded supplier? See guidance note Section 2 2.4

N/A

2.5. Is the direct award to a supplier who submitted an unsuitable tender or request in response to the invite under the competitive tendering procedure? See guidance note Section 2 2.5

N/A

2.6. Are you directly awarding either wholly or partly, the supply of goods, services or works under the contract to a sub-contractor? See Guidance note section 2 2.6

N/A

2.7. Is the direct award discriminatory towards treaty state suppliers as listed in Schedule 9 of the PA 2023? See Guidance note Section 2 2.7

N/A

Section 3: Direct award in special cases

[Refer to the Guidance Notes section at the end of this template, for information required for '4. Stakeholder management'. Add additional paragraphs as necessary]

3.1. Is the direct award justified as a special case? See Guidance note Section 3 3.1

<p>YES - Direct Award single supplier</p> <p>The contract concerns the facilitation of an artistic exhibition.</p> <p>The contract is for the facilitation of a unique visual arts installation from Wales during the Venice Biennale art exhibition – (May to November 2026).</p> <p>The supplier has exclusive rights over the services in relation to the identified exhibition space and specific logistics and services that only this supplier can provide to deliver exhibition that match our specific criteria for the activities.</p> <p>As such there are no reasonable alternatives to those services and this has been tested through a through scoping exercise.</p> <p>See scoping documents in procurement workspace</p>
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3.2. Is the direct award to an excluded supplier? See Guidance note Section 3 3.2

<p>NO</p>

3.3. Are you directly awarding either wholly or partly, the supply of goods, services or works under the contract to a sub-contractor? See Guidance note Section 3 3.3

<p>NO</p>

3.4. Is the direct award discriminatory towards treaty state suppliers as listed in Schedule 9 of the PA 2023? See Guidance note Section 3 3.4

<p>NO</p>

Section 4: Direct award to protect life

[Refer to the Guidance Notes section at the end of this template, for information required for 'Section 4: Direct award to protect life.]

4.1. Is the direct award being made to protect human, animal or plant life or health or to protect public order or safety under section 42 of the PA 2023?

NO

4.2. Are you directly awarding either wholly or partly, the supply of goods, services or works under the contract to a sub-contractor? See Guidance note section 4 4.2

NO

4.3. Is the direct award discriminatory towards treaty state suppliers as listed in Schedule 9 of the PA 2023? See Guidance note section 4 4.3

NO

Section 5: Checklist of notices

[Refer to the Guidance Notes section 5: Checklist of notices at the end of this template, for explanation of notices, and information required.]

Transparency notice	
Date of expected issue	N/A
Date of issue	N/A
Contract award notice	
Date of expected issue	N/A
Date of issue	N/A
Contract details notice	
Date of expected issue	[24 10 2025]
Date of issue	[24 10 2025]

Section 6: Internal approvals

[Refer to the Guidance Notes section at the end of this template, for information required for '6. Internal Approvals'. Add or delete sections as necessary]

Technical approval

Technical lead / SRO

Name	<input type="text" value="Louise Wright"/>
Position	<input type="text" value="Head of Visual and Applied Arts"/>
Signed	<input type="text" value="L. J. Wright"/>
Date	<input type="text" value="23 10 2025"/>

Commercial approval

Commercial lead/director

Name	<input type="text" value="Lorna Virgo"/>
Position	<input type="text" value="Director Finance and Business Services"/>
Signed	<input type="text" value="L. Virgo"/>
Date	<input type="text" value="23 10 25"/>

Guidance Notes

Section	Guidance
Introduction	
Additional support	<p>There are many sources of supporting information and guidance available. You should refer to and apply these where it is relevant and proportionate to do so.</p> <p>Direct Award Guidance</p> <p>The Procurement Act 2023</p> <p>The Procurement (Wales) Regulations 2024</p> <p>Procurement Act 2023: Guidance documents</p> <p>Procurement Act 2023: Supporting Information</p> <p>CYD Procurement Act 2023 resources</p> <p>Note: This list is not exhaustive and you should seek support from your commercial department where necessary.</p>
Section 2: Switching to direct award	
2.3	<p>Note: When deciding to switch to direct award and determining whether an award is possible under section 19, you should consider whether the reason for not receiving any suitable tenders or requests is because the documentation was not clear or there was an error, which if corrected and time still permitted, could result in a successful award.</p>
2.4	<p>Note: A direct award cannot be made to an excluded supplier (see section 43 and 57 of the Procurement Act (PA) 2023). The public interest test in section 41(2) does not apply.</p>
2.5	<p>Note: It may not be appropriate in certain circumstances for such a supplier to be directly awarded the public contract. Although it is not an absolute prohibition and it would depend on the particular circumstances.</p>
2.6	<p>Note: Refer to section 25 of the PA 2023.</p>
2.7	<p>Note: Refer to section 90 of the PA 2023. Contracting authorities must ensure that in making a direct award they do not discriminate against treaty state suppliers.</p>

Section	Guidance
Section 3: Direct award in special cases	
3.1	Note: The list of justifications for direct award in special cases are listed in Schedule 5 of the PA 2023.
3.2	Note: Section 41 of the PA 2023 states that a direct award must not be made to an excluded supplier unless there is an overriding public interest in awarding the contract to the supplier. Excluded suppliers are defined in section 57(1) of the PA 2023
3.3	Note: Refer to section 25 of the PA 2023 .
3.4	Note: Refer to section 90 of the PA 2023. Contracting authorities must ensure that in making a direct award they do not discriminate against treaty state suppliers.
Section 4: Direct award to protect life	
4.2	Note: Refer to section 25 of the PA 2023 .
4.3	Note: Refer to section 90 of the PA 2023. Contracting authorities must ensure that in making a direct award they do not discriminate against treaty state suppliers.
5. Checklist of notices	
Transparency notice	<p>The transparency notice is mandatory for direct awards (except in the case of direct award under Schedule 5, paragraphs 15-17 (user choice contracts)).</p> <p>It is recommended that the transparency notice is published as soon as the decision to directly award the contract is made. Publishing as early as possible will mean that, if there is a challenge to the basis of the decision to directly award the contract, it will generally be made when it is less disruptive to the procurement. This is because a supplier has only 30 days (under section 106 (time limits on claims)) to make a claim from the point at which it knew, or ought to have known, of the circumstances of the direct award).</p> <p>Section 44 of the PA 2023 and regulation 5 requires a contracting authority to publish a transparency notice on the central digital platform before directly awarding a contract.</p>

Section	Guidance
Contract award notices	<p>A contract award notice is mandatory for all direct awards except when the direct award is based on the justification for user choice contracts (section 50(6)(b)).</p> <p>The contracting authority is not permitted to enter into the contract during the standstill period of 8 days (section 51(1)).</p> <p>There are exceptions to the mandatory standstill period when a direct award is made under section 41 pursuant to Schedule 5, paragraph 13 (extreme and unavoidable urgency); under regulations made under section 42 (direct award to protect life, etc.); and under section 41, section 42 or section 43 by private utilities.</p> <p>Where an exception to the mandatory standstill period applies, the contracting authority may still choose to implement a voluntary standstill period.</p>
Contract details notice	<p>This notice provides interested parties with details of the contract that has been entered into and is mandatory, except where the contract has been directly awarded pursuant to Schedule 5, paragraph 15 (user choice contracts) or where it has been directly awarded by a private utility (section 53(6)(a)).</p> <p>Guidance: Contract details notices</p>
6. Internal Approvals	
	<p>Approvals should satisfy the organisation’s commercial governance and management framework, financial management controls (including delegations of authority), government and commercial policy and the commercial strategy and plan. Add additional lines in each section as required.</p>