

<b>Treasurer's Instruction No</b>	<b>1110</b>
Title	<b>Procurement Website Reporting Requirements: goods and services</b>
Effective date	<b>23 November 2015</b>
Objective and Background	<b>Provides instruction on the goods and services procurement information that agencies are required to disclose on the Tenders website.</b>
Version Number	<b>16</b>

*Black letter (or bold) items within these Instructions are mandatory and other plain font items are instructional or for the purpose of providing guidance only.*

## **PROCUREMENT INFORMATION**

The term “contract” refers to all contracts awarded by an agency and includes those contracts entered into following approval of a direct/limited submission sourcing procurement under Instruction 1114 or a contract extension under Instruction 1115(2).

- (1) **Details of all procurements undertaken by an agency with a total value of \$50 000 or over (excluding GST) must be entered on the Tenders website at [www.tenders.tas.gov.au](http://www.tenders.tas.gov.au), under the ‘Open for Bids’ or ‘Contracts Awarded’ sections as required.**

### **Reporting Open Procurements (whether by way of a tender process or otherwise)**

- (2) **For every open goods and services procurement, with a total value of \$250 000 or over (excluding GST), the following details must be displayed on the Tenders website under ‘Open for Bids’:**

**For each advertised procurement:**

- (a) the name and address of the procuring agency;**
- (b) the procurement title;**
- (c) the identifying number;**
- (d) the opening date;**
- (e) the closing date and time;**
- (f) the category;**
- (g) a description of the procurement and geographical location;**
- (h) any conditions for participation;**

A ‘condition for participation’ means any pre-requisite (or mandatory requirement) for participation in a procurement. These requirements are assessed as either being ‘met’ or ‘not met’ by a supplier in the first stage of evaluation of their submission.

Examples of conditions for participation include –

- solvency and financial viability;
- relevant licences;
- professional accreditations or registrations; and

- inclusion on a multi-use list or other forms of prequalification.

Where the provisions of a free trade agreement apply, the time limit for submission of applications for pre-registration or prequalification must be included in tender notices. Refer to the *Free Trade Agreements Guideline* for further information located on the [Purchasing website - Buying for Government \(Publications\)](#).

- (i) **information about how to obtain documents – contact details and/or location;**
  - (j) **enquiry officer – name and details;**
  - (k) **lodgement information – instructions and location; and**
  - (l) **the time frame for the delivery of goods or services (estimated contract period).**
- (3) **In order to display the above information on the Tenders website the following details of the open procurement will also be required for recording purposes, but will not be published:**
- (a) **estimated contract value; and**
  - (b) **anticipated contract award date.**

#### **Reporting Awarded Contracts**

- (4) **Agencies must ensure that the details of awarded contracts are displayed on the Tenders website within 10 working days of the contract being awarded.**

Further information on reporting awarded contracts information can be located on the [Purchasing website - Buying for Government \(Disclosure of Information\)](#).

- (5) **For every goods and services procurement that is awarded with a total value of \$50 000 or over (excluding GST), the following details must be displayed on the Tenders website under ‘Contracts Awarded’:**
- (a) **the procurement title;**
  - (b) **the identifying number;**
  - (c) **whether the contract is a recurrent contract;**

Any contract which is more likely than not to be re-tendered, once its term and any options to extend have expired, is a recurrent contract.
  - (d) **the date the contract was awarded;**

The date that the contract is awarded is the date that the written contract is signed by both parties (or the date that counterparts are exchanged).
  - (e) **commencement date of the contract;**
  - (f) **total period of the contract;**
  - (g) **the period of any options to extend the contract;**
  - (h) **each successful supplier’s name and business address;**
  - (i) **the total value of the contract;**

**(j) the value of any option to extend the contract;**

An option is to be valued in accordance with the terms of the contract. Where the value of the option cannot be exactly calculated, an estimate will suffice.

**(k) total number of bids received;**

A bid is any offer from a business lodged in response to a request for tender, request for quotation, expression of interest, request for proposal or request for information.

**(l) number of Tasmanian bids received;**

A Tasmanian bid is any offer from a Tasmanian business lodged in response to a request for tender, request for quotation, expression of interest, request for proposal or request for information. A Tasmanian business is a business operating in Tasmania that has a permanent office or presence in Tasmania and which employs Tasmanian workers.

**(m) the name and address of the procuring agency;**

**(n) a description of the goods or services procured;**

**(o) the procurement method used; and**

This includes circumstances where a contract was awarded:

- as a result of a direct/limited submission sourcing procurement process approved in accordance with Instruction 1114;
- as a result of a contract extension pursuant to Instruction 1115 clause (2);
- through a selective tender process; or
- pursuant to Instruction 1127 relating to purchases from businesses that provide employment to persons with disabilities.

**(p) for procurements:**

- where a quotation process has been undertaken pursuant to Instruction 1105 or 1106; or
- where a limited submission sourcing process has been undertaken pursuant to Instruction 1114;

the name and the state or territory of the businesses that were invited to submit a quotation/submission.

**(6) In order to display the above information on the Tenders website the following details of an awarded procurement will also be required for recording purposes, but will not be published:**

- (a) if the contract was awarded as a result of a direct/limited submission sourcing approval under the provisions of Instruction 1114, the reason for the approval and the date it was approved; and**
- (b) enquiry officer – name and details.**

**DISCLOSURE – CONTRACTS VALUED AT OVER \$2 MILLION**

The following requirement applies to any contract arising from a procurement process with a value of over \$2 million.

- (7) All contracts arising from a procurement process where the value of the contract is over \$2 million are to be made publicly available on the ‘Contracts Awarded’ section of the Tenders website.**

When determining whether a contract arising from a procurement process is valued at more than \$2 million, the value of all potential extensions is to be taken into account. If a contract arising from a procurement process with a value more than \$2 million results in multiple contracts being awarded, all contracts, regardless of value, must be published. GST should not be taken into consideration when determining the value.

The contract(s) should be uploaded to the Tenders website in either Word (.doc or .docx) or PDF (.pdf) format. The date of execution and the names of the executing parties should be typed into the relevant sections of the contract before publishing. For example:

Executing parties	[signed Tony Ferrall]
Date of execution	[15 February 2014].

For contracts containing confidentiality provisions as a result of an approval under Instruction 1401(4), the confidential information is to be removed from the document before it is published on the website. The date when the confidential information will be available is to be inserted in place of the removed information. For example:

Confidential until [.....am/pm on 201....]

Given server size constraints, a maximum file size limit has been set at 10MB in total.

- (8) If publishing a copy of the contract on the Tenders website is not practicable, contact details for an officer able to provide access to the relevant documents on request must be placed in the ‘Contract Documents’ field of the ‘Contracts Awarded’ section of the Tenders website.**

This may occur when the contract documentation contains large diagrams or plans etc. Agencies may provide copies of documents or access to physical inspection of the documents at the Agency’s offices as considered appropriate.

For contracts containing confidentiality provisions as a result of an approval under Instruction 1401(4), the confidential information is to be removed from the document before access is provided. The date when the confidential information will be available is to be inserted in place of the removed information.

- (9) The above documents must be made available on the Tenders website, or contact details provided where appropriate, within 10 working days of:**
- (a) the date that all parties sign the actual written contract; or**
  - (b) the date that signed counterparts are exchanged; or**
  - (c) in cases where there is a period of due diligence or specific conditions that need to be satisfied before the contract is formally finalised, the date that the contract is completed.**

In most cases, the contract will be completed on the date it is executed by both parties. However, some contracts, particularly those relating to the sale of assets, may contain clauses that provide for a period of due diligence, or may be conditional on certain

conditions being satisfied. In these cases, it would be inappropriate for the contract to be made publicly available, as the contract may not proceed. Completed does not mean the completion of the delivery of goods and/or services provided under the contract.

- (10) The contracts (or relevant contract details) are to be made available for the entire term of the contract including the term of any exercised option(s) to extend.**