

Treasurer's Instruction No	1208
Title	Multi-staged Procurement Processes/Selective tendering: building and construction/ roads and bridges
Effective date	30 December 2018
Objective and Background	Details the multi-staged procurement processes available to agencies for building and construction/roads and bridges, including instruction on how and when they are to be used.
Version Number	9

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.

A multi-staged purchasing process/selective tender is a process composed of more than one stage and is generally used where information is required from suppliers in order to gain knowledge about the market, obtain industry input or to shortlist suppliers before seeking offers.

- (1) **This Instruction applies only to the procurement of building and construction and roads and bridges and is to be read in conjunction with other Instructions relating to such procurements which are contained in the 1200 series of the Treasurer's Instructions.**

Where any procurement that may result from a selective tendering process will be impacted by free trade agreement obligations (including an individual purchase from a multi-use list) agencies should refer to the publication, *International Procurement Obligations* for additional requirements that may apply.

EXPRESSION OF INTEREST (EOI)

An EOI (sometimes also called a Registration of Interest or Request for Proposal) is generally used when the information required is specific and the agency is unsure of the capability of suppliers to provide the required works.

The first stage of the process involves calling for submissions from suppliers who have the capability to provide the goods or services to respond to the agency. The second stage of the process involves the responding suppliers being asked to submit a detailed bid.

- (2) **An agency may issue a request for expressions of interest and use the list of suppliers who lodge an application as the basis for inviting potential suppliers to submit tenders provided:**
- (a) **the agency issues a notice requesting any interested supplier to submit an expression of its interest in the procurement and to submit any information requested in the notice; and**
 - (b) **sends an invitation to tender to all of the suppliers that expressed an interest in the procurement unless it has stated specifically in the notice that it may limit the suppliers that it will invite to participate.**

The first stage of the process involves issuing a notice calling for expressions of interest in the same manner as is required by Instructions 1206 and 1207 depending on the value of the procurement.

- (3) Provided that the notice requesting expressions of interest states specifically that the agency may limit the suppliers it will invite to participate in the second stage of the procurement and the relevant requirements and evaluation criteria have been specified in the notice or the associated documentation, an agency in determining the suppliers that will be invited to tender may:**
- (a) assess the extent to which an application meets the technical and performance specifications of the procurement; and**
 - (b) limit the number of suppliers that it invites to participate in the second stage, based on its rating of applications, provided that the largest number of potential suppliers is selected that is consistent with an efficient procurement process.**

This process can only be used if suppliers are informed at the time of advertising that only those short-listed will be requested to bid. In all other cases, the agency must invite all suppliers that have responded to the request for expressions of interest and meet the conditions for participation to participate in the second stage, unless clause (4)(b) applies.

- (4) Agencies:**
- (a) must provide suppliers with the evaluation criteria that will be used to make a decision at each stage of the process at stage one of the procurement process, and the evaluation criteria that are to be used to make a decision at the first stage of the process must be consistent with the criteria to be used for the second (bid) stage; and**
 - (b) must not directly engage a shortlisted party without going through a more detailed second (bid) stage process unless approval for direct/limited submission sourcing is granted in accordance with Instruction 1217: Limited tendering - Direct/Limited Submission Sourcing.**

REQUEST FOR PROPOSAL (RFP)

A RFP is generally used when the project or requirement has been defined by the agency, but where an innovative or flexible solution is sought.

A RFP can be used as either a one stage or as a multi-staged purchasing process.

- (5) If a RFP is to be used as a multi-staged process, then agencies must comply with the same processes as required for an EOI in accordance with clauses (2), (3) and (4) above.**

In a two-staged RFP process, the first stage can be used to identify a limited number of proponents that have the capacity to deliver a feasible proposal. The second stage would be restricted to the short listed proponents and would be used to elicit more detailed proposals in order to select the best value for money proposal.

- (6) If a RFP is to be used as a single stage purchasing process, then agencies must call for bids in accordance with the procurement thresholds (refer to Instructions I206 and I207 for further information).**

REQUEST FOR INFORMATION (RFI)

A RFI is generally used at the planning stage of a project to assist with defining the project or requirement. However, a RFI is not, itself, a procurement process and is only to be used to solicit information from suppliers that will assist in the development of the project or requirement. An RFI cannot be used to either identify or select suppliers. When using a RFI, issues relating to intellectual property and copyright must be clarified prior to using the information obtained to prepare any quotation or tender documentation.