

Treasurer's Instruction No	1231
Title	Procurement from businesses that provide employment to persons with disabilities: building and construction/roads and bridges
Effective date	15 October 2010
Objective and Background	Details the process for the direct purchase of building and construction/roads and bridge works from disability enterprises
Version Number	3

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.

The Government is aware of the valuable role played by businesses that provide employment to persons with disabilities. The Government's policy in relation to procurement from businesses that predominantly exist to provide the services of persons with a disability gives agencies the option of streamlining procurement to purchase directly from such businesses.

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

Further information on building and construction procurement, including a definition of "building and construction" and "roads and bridges" and information on the types of services that fall under these categories is located on the [Purchasing website - Buying for Government](http://www.purchasing.tas.gov.au) (www.purchasing.tas.gov.au).

For information in relation to procurement of goods and non-construction related services, refer to the 1100 series of the Treasurer's Instructions.

- (2) At the discretion of the Head of Agency, agencies may directly procure building and construction and roads and bridges from businesses that "predominantly exist to provide the services of persons with a disability" without the need to undertake a full quotation or tender process.**

Use of this Instruction by agencies is optional. If applied, this Instruction will supersede the mandatory requirement to seek three written quotations (contained in Instruction 1206) or call open tenders for purchases of building and construction and roads and bridges (contained in Instruction 1207). However, where the required goods and services can be provided by more than one disability enterprise, agencies should actively seek quotations to ensure that value for money is achieved.

- (3) Agencies must document justification of how an entity meets the test of being a business that predominantly exists to provide the services of persons with a disability prior to entering into a contract to procure building and construction or roads and bridges. At a minimum, the agency must be satisfied that the following criteria are met:**
- (a) For an Australian entity, the business must be approved as an Australian Disability Enterprise.**

Information in relation to Australian Disability Enterprises, including guidance on those operating in Tasmania, can be located on the Australian Disability Enterprises website at: www.australiandisabilityenterprises.com.au

- (b) For any other entity, a predominant proportion of employees must be persons with a disability, or its predominant purpose must be the provision of employment to persons with a disability.**

Agencies should note that this Instruction does not apply to procurement of building and construction/roads and bridges *for* disabled persons, for example, the construction of wheelchair ramps, unless the business meets the requirements of either clause 3(a) or 3(b).

- (4) All other relevant mandatory requirements of the Treasurer's Instructions in relation to procurement continue to apply.**

These requirements include but are not limited to:

- that the procurement must be undertaken in a manner that is consistent with the general intent of Government policy and the principles contained in Instruction 1201;
- pre-qualification in accordance with Instruction 1215;
- reporting as required by Instructions 1212 and 1213 (including reporting in relation to this Instruction); and
- the Crown's confidentiality requirements contained in Instruction 1401, 1402 and 1229.

Agencies should note that the international free trade agreements by which Tasmania is bound, allow measures to be adopted and maintained relating to "the goods and services of handicapped persons". This allows for the direct purchase of goods and services (including construction services) produced by a business that predominantly exists to provide the services of persons with a disability.