

Treasurer's Instruction No	1107
Title	Goods and Services procurement valued at \$100 000 and over (excluding GST)
Effective date	22 December 2006
Objective and Background	Provides instruction on the procurement process agencies must follow for goods and/or services valued at \$100 000 and over (excluding GST) – formerly Instruction 1304.
Version Number	5
Last Reviewed Date	November 2006

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.

- (1) **This instruction applies only to the procurement of goods and services and is to be read in conjunction with Instructions 1101 to 1124.**

Further information, including a definition of “goods and services”, can be found on the Buying for Government section of www.purchasing.tas.gov.au.

Examples of good practice that would assist agencies in meeting the mandatory requirements of this Instruction are contained in the Procurement Process Checklists. These can be located on the Buying for Government section of www.purchasing.tas.gov.au under Resources (Checklists). Additional information can also be located on that web site under Goods & Services.

Refer to Instructions 1201 to 1229 for information in relation to procurement of building and construction and roads and bridges.

- (2) **Tenders must be called for all purchases of goods and services, leases or rentals of equipment valued at \$100 000 or over (excluding GST), unless an exemption has been granted under Instruction 1114. Where local capability exists, at least one tender must be sought from a local business.**
- (3) **Agencies must consult with the Industry Capability Network Tasmania (ICNTAS) for all proposed purchases valued at \$100 000 or over (excluding GST) in order to identify local capability.**

Before finalising the specification, it is suggested that it be reviewed by ICNTAS to ensure that it does not unnecessarily preclude Tasmanian businesses from bidding.

Further information on ICNTAS can be found in the Buying for Government section of www.purchasing.tas.gov.au, under Purchasing Framework (Purchasing Policies), or at www.icntas.org.au.

- (4) **Agencies must ensure that persons submitting tenders are dealt with fairly and equitably during the procurement process.**

- (5) **The Request documentation must contain all the information necessary to enable potential suppliers to prepare appropriate submissions in response.**

Specific requirements in relation to documentation are contained in Instruction 1109.

- (6) **Tenders must be publicly advertised unless the Secretary, or an authorised delegate of the Department of Treasury and Finance, determines it would be more appropriate to seek offers from selected tenderers. All agencies are required, at a minimum, to place advertisements for tenders in the Saturday edition of the Mercury, the Examiner or the Advocate and on the Tenders section of www.purchasing.tas.gov.au.**

- (7) **Fair and impartial procedures must be in place in relation to receiving and opening all submissions.**

- (8) **Submissions must be fairly and equitably evaluated in a manner that is consistent with the Government's procurement principles. The final decision must be able to withstand public scrutiny.**

The Government's procurement principles are contained in Instruction 1101.

- (9) **All suppliers making a submission must be advised of the outcome of the procurement process and provided with details of the successful offer including the name of the supplier and the price accepted.**

Where the *Australia - United States Free Trade Agreement (AUSFTA)* provisions apply, on request, the agency must promptly provide the supplier with a written explanation of the reasons that its tender application was not selected.

- (10) **Unsuccessful suppliers must, on request, be debriefed.**

Any debrief should examine areas of non-compliance with a view to developing the supplier's ability to successfully quote for future requirements.

CONFIDENTIALITY IN THE PROCUREMENT PROCESS AND IN RELATION TO CONTRACTS

Agencies should refer to Instructions 1124 and 1401.

AUSTRALIA – UNITED STATES FREE TRADE AGREEMENT (AUSFTA) PROCUREMENTS

- (11) **Any goods and services procurements that are impacted by the AUSFTA (Refer Instruction 1102) must, in addition to the requirements above, comply with the requirements set out in the *Australia - United States Free Trade Agreement (AUSFTA) Guidelines*.**

The requirements of the *Australia - United States Free Trade Agreement (AUSFTA) Guidelines* relate to matters such as the length of time a tender is advertised, the information to be provided to tenderers, etc, and generally accords with good practice procurement. The Guidelines can be found in the Buying for Government section of www.purchasing.tas.gov.au, under Resources (Publications).