

Treasurer's Instruction No	1212
Title	Procurement Website Reporting: building and construction/roads and bridges
Effective date	22 September 2009
Objective and Background	Provides instruction on the procurement information that agencies are required to disclose on the Tenders Website.
Version Number	4
Last Reviewed Date	August 2009

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 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.**

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 at www.purchasing.tas.gov.au>Buying for Government.

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

PROCUREMENT INFORMATION

The term "contract" refers to all contracts awarded by an agency and includes those contracts entered into following the granting of an exemption in accordance with Instruction 1217.

- (2) 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, under the 'Open for Bids' or 'Contracts Awarded' sections as required.**

The following sections explain the circumstances under which reporting is required.

Open Procurement (whether by way of a tender process or otherwise):

- (3) For every open building and construction tender with a total value of \$100 000 or over (excluding GST) or roads and bridges tender 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;**
- (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 pre-qualification.

- (i) information about how to obtain documents – contact details and/or location;**
- (j) enquiry officer – names and details;**
- (k) lodgement information – instructions and location;**
- (l) the timeframe for the delivery (estimated contract period);**

Where the provisions of a free trade agreement apply, the time limit for submission of applications for pre-registration or pre-qualification must also be included on the Tenders website. Refer to the Free Trade Agreements Guideline for further information. The time limit for submission of such applications should be included in the "additional information" field.

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.

- (m) estimated contract value;**
- (n) anticipated contract award date; and**
- (o) whether only contractors pre-qualified to undertake government building and construction works above the value referred to are eligible to tender.**

Awarded Contracts

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

Further information on reporting awarded contracts information can be located at www.purchasing.tas.gov.au>Buying for Government>Purchasing Framework>Disclosure of Information.

- (5) For every 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) 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).

- (d) commencement date of the contract;**
- (e) total period of the contract;**
- (f) the period of any options to extend the contract;**
- (g) each successful supplier's name and business address;**
- (h) the total value of the contract;**
- (i) 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.

- (j) 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.

- (k) 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.

- (l) the name and address of the procuring agency;**
- (m) a description of the procurement;**
- (n) the procurement method used;**

This includes circumstances where a contract was awarded as a result of an exemption, a selective tender process or pursuant to Instruction 1231 relating to purchases from businesses that provide employment to persons with disabilities.

- (o) where a superintendent is appointed, the name and firm (or agency) where the superintendent is employed; and
 - (p) where a quotation process has been undertaken pursuant to Instruction 1206, the name and the State or Territory of the businesses that were invited to submit a quotation.
- (6) In order to display the above information on the Tenders website the following details of the awarded procurement will also be required for recording purposes, but will not be published:
- (a) details of any exemption granted including the reason the exemption was granted under the provisions of Instruction 1217, and the date the exemption was granted; 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 of 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 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 D. W. Challen]
Date of execution	[15 February 2007].

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

Confidential until [.....am/pm on 200....]

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. A fee is to be charged for access to or copies of documents on a full cost recovery basis. Further information on fees and charges is available in the Treasury publication, *Costing Fees and Charges – Guidelines for Use by Agencies* located on the Treasury website at www.treasury.tas.gov.au> Publications.

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

- (9) The above documents must be made available on the Tenders website, or contact details provided where appropriate, within 10 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.**