

TREASURER'S INSTRUCTION
FINANCIAL MANAGEMENT ACT 2016

PROCUREMENT FRAMEWORK - ACCOUNTABILITY AND REPORTING

EFFECTIVE DATE

1 December 2021

SCOPE

This Treasurer's Instruction applies to all Agencies listed in Column 1 of Schedule 1, Part 1 in the *Financial Management Act 2016*.

APPLICATION

At all times.

OBJECTIVE

To detail procedures to be established and processes to be adopted in relation to accountability and reporting relating to *procurement* activities.

INSTRUCTION

Interpretation and Definitions

Refer to Treasurer's Instruction PF-6 for general definitions. Variations specific to this Treasurer's Instruction are set out below.

Recording conflicts of interest

- 5.1 The Accountable Authority must establish a process for identifying and recording of conflicts of interest in relation to *procurement* activity, including those relating to purchasing from *panel arrangements*. The record must include details of the action taken to manage identified conflicts and must be auditable.

Procurement complaints procedure

- 5.2 The Accountable Authority must:
- 5.2.1 establish and document a procedure to deal with complaints relating to all *procurement* activity that will ensure complaints are dealt with in a timely and impartial manner and free of charge to the complainant;
 - 5.2.2 establish a database for the recording of information on complaints and their outcomes;
 - 5.2.3 nominate a complaints officer to deal with complaints and advise the Department of Treasury and Finance of the officer's contact details together with any changes to that information when it occurs;

- 5.2.4 ensure procurement documentation refers to the Government's *procurement* complaints procedure;
 - 5.2.5 ensure suppliers are provided with information in relation to the Agency's complaints procedure on request; and
 - 5.2.6 provide a report containing information in respect of complaints received during a financial year to the Secretary of the Department of Treasury and Finance within 30 days of the end of the financial year.
- 5.3 For clarity, for the purposes of clause 5.2, procurement activity includes purchases from *panel arrangements*.

Procurement Review Committee

- 5.4 The Accountable Authority must establish and maintain an Agency Procurement Review Committee to review *procurement processes* valued at \$250 000 or more, to confirm that a fair and equitable process has been followed and that there has been adherence to the Treasurer's Instructions. For the purposes of this requirement, *procurement process* is limited to that undertaken by way of *selective tendering*, selection of consultants in accordance with Treasurer's Instruction PP-2 clause 2.2, *quotation process*, *open tendering*, purchases from established *panel arrangements* and *limited tendering (limited submission sourcing)*.
- 5.5 The Committee's review must occur following the identification of the preferred supplier and before advice is provided to suppliers on the outcome and negotiations are entered into with the preferred supplier or the *contract* is awarded.
- 5.6 The Committee's role, membership, responsibilities and procedures must be documented.

Authorisations

- 5.7 An Accountable Authority must keep a record of:
- (a) all current authorisations granted to other officers to enter into *contracts* (made in exercise of a non-statutory power to enter into a *contract*); and
 - (b) all delegations and authorisations granted to other officers to enter into *contracts* (made in exercise of a statutory power to enter into a *contract*).

Those records must be kept in the same manner as for delegations under the *Financial Management Act 2016* in Treasurer's Instruction FC-6.

Designation of appropriate Agency officer / Committee

- 5.8 Where the Treasurer's Instructions require or authorise the Accountable Authority to undertake, approve, or exempt an activity related to *procurement*, disposal, leasing or confidentiality agreement, the Accountable Authority is permitted to, unless otherwise specifically restricted or prohibited by the relevant Treasurer's Instruction, assign an appropriate Agency officer or Agency committee, to be responsible for that activity.

Reporting Awarded Contracts - Tenders website

- 5.9 For all *procurement contracts* valued at \$50 000 or more (including extensions pursuant to clause 6.2 of PP-6 *Procurement Processes - Contract Extensions: Goods and Services*), notices detailing awarded *contract* information must be prepared for publishing on the Tenders website. The notice must be prepared and submitted to the Department of Treasury and Finance within 10 working days of the *contract* being awarded.
- 5.10 The Department of Treasury and Finance must publish the notice as soon as practicable following submission of the notice.
- 5.11 *Contracts* which are established by one agency for the use of multiple agencies must be reported by the commissioning Agency.

ADDITIONAL GUIDANCE

Further information in support of this Treasurer's Instruction can be found in the *Procurement Better Practice Guidelines (Accountability and Reporting)*.