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| <b>Treasurer's Instruction No</b> | <b>1209</b>   |
| Title                             | <b>Advertising and Receiving Tender Submissions for Major Works: building and construction/roads and bridges</b>  |
| Effective date                    | <b>25 March 2019</b>  |
| Objective and Background          | <b>Provides instruction on the process that agencies must follow for all building and construction/roads and bridges major works when advertising and receiving tender submissions.</b> |
| Version Number                    | <b>14</b>   |

*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.*

## **ADVERTISEMENT**

- (1) Tenders for major works must be publicly advertised on the Tenders website at [www.tenders.tas.gov.au](http://www.tenders.tas.gov.au), unless determined in accordance with Instructions 1217 or 1231 that it would be more appropriate to seek offers from a limited number of suppliers. Agencies, at their discretion, on a case by case basis, may also choose to place advertisements for tenders in the tenders section of local, interstate and overseas newspapers and/or journals.
- (2) Each individual tender advertisement must include the information set out in Instruction 1212.
- (3) A tender:
  - (a) must not close earlier than 2.00pm;
  - (b) must not close on a Monday or a day immediately following a public holiday; and
  - (c) must close at least one week after the recognised industry Christmas close-down.

It is usual practice to close tenders on a Wednesday at 2.00pm where possible, after taking the above factors into account.

## **ISSUING ADDENDA**

- (4) If addenda are required to be issued, agencies must ensure that:
  - (a) one copy of every addendum is included in the final contract documentation;
  - (b) one copy of every addendum is included in each set of tender documents not yet issued;
  - (c) one copy of every addendum is forwarded by email notification of an addendum placed on the Tenders website, fax or courier to each of the prospective tenderers that have previously obtained tender documents; and
  - (d) where the addendum results in a substantial change to the tender and is issued with less than five working days remaining to the tender

**closing date, an extension of the tender closing date is to be granted to all tenderers.**

A 'substantial change' means a change which would require the tenderer to re-work their submission and/or pricing.

In a Design and Construct contract, where an addendum results in a substantial change to the tender and is issued with less than three to four weeks remaining to the tender closing date, an extension of the tender closing date should be granted to all tenderers.

Each addendum for a particular work is to be consecutively numbered and precisely define and describe the alterations, additions or deletions required, with reference to the appropriate elements in the tender documents.

Where an addendum is to be issued for tender documents which include a Schedule of Rates, the addendum should also detail the necessary quantity or description changes. A supplementary Schedule of Rates may also be necessary.

- (5) Each addendum must state that the addendum will be incorporated in the tender documents and tenderers must be required to confirm receipt, in writing, of the addendum and that allowance has been made for each addendum. The receipt is to be included with the tender.**

#### **RECEIVING AND OPENING TENDERS**

- (6) Fair and impartial procedures must be in place in relation to receiving and opening all tenders.**
- (7) Each procurement is to be allocated a specific closing time, date and place of lodgement, which is to be clearly stated in all documents and advertisements.**
- (8) Tenders must be received before the time and date shown on the Form of Tender.**
- (9) A secure facility must be provided at each designated lodgement location for receipt of submissions.**
- A secure facility could include a lockable tender box, the electronic tender box on the Tenders website, or secure email/facsimile facilities.
- (10) The submission relating to any particular tender is not to be opened until the time set for the closing of tenders has elapsed.**
- (11) The secure facility shall be closed for tenders at the exact time for closing of tenders.**

It is recommended that tenders should be:

- opened in the presence of a minimum of three officers, including at least two senior officers of the agency; and
  - clearly identified and recorded.
- (12) Where an agency provides potential suppliers with opportunities to correct unintentional errors of form between the opening of submissions and any decision, the agency must provide the same opportunity to all participating potential suppliers.**

## **LATE TENDERS**

- (13) **Where a tender is not impacted by thresholds for building and construction under a free trade agreement, late tenders must not be accepted unless:**
- (a) **circumstances beyond the tenderer's control were the cause of the lateness; and**
  - (b) **accepting a late tender will not compromise the integrity of the tendering process or provide any unfair advantage to the tenderer lodging the late tender.**

## **CONFIDENTIALITY IN THE PROCUREMENT PROCESS AND IN RELATION TO CONTRACTS**

Agencies should refer to Instructions 1229 and 1401.

## **FREE TRADE AGREEMENT IMPLICATIONS**

For procurement impacted by free trade agreement obligations, refer to the publication, *International Procurement Obligations* for additional requirements.

**Withdrawn 1 July 2019**