

<b>Treasurer's Instruction No</b>	<b>1212</b>
Title	<b>Procurement Website Reporting: building and construction/roads and bridges</b>
Effective date	<b>30 December 2018</b>
Objective and Background	<b>Provides instruction on the procurement information that agencies are required to disclose on the Tenders website.</b>
Version Number	<b>12</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.*

## **PROCUREMENT INFORMATION**

The term "contract" refers to all contracts awarded by an agency and includes those contracts entered into following approval of limited tendering - direct/limited submission sourcing procurement under Instruction 1217 or under Instruction 1231.

- (1) **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](http://www.tenders.tas.gov.au), under the 'Open for Bids' or 'Contracts Awarded' sections.**

For procurement impacted by free trade agreement obligations, additional reporting requirements to those below may also apply. Refer to the publication, *International Procurement Obligations*.

### **Reporting Open Procurements (whether by way of a tender process or otherwise)**

- (2) **For each advertised procurement for:**
- **an open building and construction or roads and bridges works tender with a total value of \$250 000 or over (excluding GST); and**
  - **an open building and construction or roads and bridges non-works tender (eg a consultancy) with a total value of \$100 000 or over (excluding GST);**
- the following details must be displayed on the Tenders website under 'Open for Bids':**
- (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 and geographical location;**

- (h) any conditions for participation including prequalification requirements such as work category, financial range (threshold) and quality assurance, if required;**

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 prequalification.

- (i) information about how to obtain documents – contact details and/or location;**
- (j) enquiry officer – names and details;**
- (k) lodgement information – instructions and location; and**
- (l) the time frame for the delivery (estimated contract period).**
- (3) 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.**
- (a) estimated contract value;**
- (b) anticipated contract award date; and**
- (c) whether only contractors prequalified to undertake government building and construction works above the value referred to are eligible to tender.**

#### **Reporting Awarded Contracts**

- (4) Agencies must ensure that the details of awarded contracts are displayed on the Tenders website within 10 working days of the contract being awarded.**

Further information on reporting awarded contracts information can be located on the [Purchasing website - Buying for Government \(Disclosure of Information\)](#).

- (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 a direct/limited submission sourcing procurement process approved in accordance with Instruction 1217;
- through 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 superintendent's name and the name of the firm (or agency) where the superintendent is employed; and**

- (p) where a quotation process has been undertaken pursuant to Instructions 1206 or 1216(6), or a limited tendering process has been undertaken where more than one supplier was requested to provide a submission (limited submission sourcing pursuant to Instruction 1217), the name and the state or territory of the businesses that were invited to submit a quotation/submission.**

- (6) In order to display the above information on the Tenders website the following details of an awarded procurement will also be required for recording purposes:
- (a) if the contract was awarded as a result of a limited tendering - direct/limited submission sourcing approval under the provisions of Instruction 1217, the approval category and the date it was approved; 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 .docx) 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 Tony Ferrall]
Date of execution	[15 October 2013].

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

Confidential until [.....am/pm on 201....]

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.

For contracts containing confidentiality provisions as a result of an approval under Instruction 1401(4), the confidential information is to be removed from the document

before access is provided. The date when the confidential information will be available is to be inserted in place of the removed information.

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

Withdrawn 1 July 2019