

Treasurer's Instruction No	1213
Title	Reporting and Disclosure: building and construction/roads and bridges
Effective date	8 May 2014
Objective and Background	Provides instruction on disclosure and Agency reporting requirements.
Version Number	10

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 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 on the [Purchasing website - Buying for Government](http://www.purchasing.tas.gov.au) (www.purchasing.tas.gov.au).

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

AGENCY ANNUAL REPORTS

- (2) **Agencies must include procurement information in their Annual Report in accordance with this Instruction.**

Information is required for all contracts awarded, and procurement processes undertaken with a value of \$50 000 or over (excluding GST) during the financial year. This includes all contracts and procurement processes for building and construction/roads and bridges projects, including consultancies.

- (3) **The report to be prepared by each Head of Agency pursuant to section 27 of the *Financial Management and Audit Act 1990* for inclusion in the Annual Report, shall, in addition to any other information required by the appropriate Minister, Instructions 201 or 1111 or any other written law, contain:**

(a) **a narrative statement regarding the Agency's support for local business, together with a statement of compliance with the Treasurer's Instructions, including a summary of any major issues, cross-referenced to summary and detailed contract and procurement process information provided in accordance with clauses (3)(b)(i), (3)(b)(ii), (3)(b)(iii) and (3)(b)(iv);**

(b) (i) **a table summarising the level of participation by local businesses with regard to all contracts and procurement processes with a value of \$50 000 or over (excluding GST), including:**

(A) **total number of contracts awarded;**

(B) total number of contracts awarded to Tasmanian businesses;

A Tasmanian business is a business operating in Tasmania that has a permanent office or presence in Tasmania and which employs Tasmanian workers.

(C) value of contracts awarded;

(D) value of contracts awarded to Tasmanian businesses;

(E) total number of tenders called and written quotation processes run;

(F) total number of bids and/or written quotations received; and

(G) total number of bids and/or written quotations received from Tasmanian businesses.

An example of how this may be done is set out in Table A contained at the end of this Instruction.

(ii) the following information on all contracts with a value of \$50 000 or over (excluding GST), listing consultancy contracts and all other contracts separately:

(A) the name of the contractor/consultant;

(B) the location of the contractor/consultant (eg town/state – include country if the contract was awarded internationally);

(C) a description of the contract;

(D) the period of the contract; and

(E) the total value of the contract for the period of the contract.

An example of how this may be done is set out in Tables B and C contained at the end of this Instruction.

(iii) any contracts awarded under Instruction 1231 must be clearly identifiable;

An example of how this may be done is set out in Tables B and C contained at the end of this Instruction.

(iv) the following information on all contracts awarded as a result of a direct/limited submission sourcing process approved in accordance with Instruction 1217:

(A) the name of the supplier;

(B) a description of the contract;

(C) the reasons for the approval of the direct/limited submission sourcing process; and

(D) the total value of the contract for the period of the contract.

Information is also required, regardless of the value of the contract, for all contracts awarded as a result of direct/limited submission sourcing under Instruction 1217 during the financial year.

An example of how this may be done is set out in Table D contained at the end of this Instruction.

(v) the following information on all contracts where an exemption from the requirement to disaggregate has been approved, in accordance with Instruction 1225 clause (5):

(A) a description of the contract; and

(B) the anticipated combined value of the aggregated contract for the period of the contract (including options to extend).

(vi) details of executed contracts containing confidentiality provisions as a result of approval by a Head of Agency pursuant to Instruction 1401(4).

See Instruction 1401(9) for further information.

OTHER REPORTING REQUIREMENTS

(4) Agencies are required to report quarterly to Treasury on:

(a) all procurements for which an exemption from the requirement to disaggregate has been approved in accordance with Instruction 1225 clause (5); and

Refer to clause (3)(v) above for relevant reportable information.

(b) contracts with a value of \$50 000 or over not awarded to Tasmanian businesses.

A Tasmanian business is a business operating in Tasmania that has a permanent office or presence in Tasmania and which employs Tasmanian workers.

In addition to the above, agencies are required to report on complaints in accordance with Instruction 1219.

DISCLOSURE OF CONTRACT INFORMATION

Information in relation to disclosure requirements for high value contracts is located in Instruction 1212.

In addition, information relevant to a procurement and any awarded contract must be disclosed when required by law.

DEFINITIONS AND GUIDANCE INFORMATION

For the purpose of this Instruction, **'procurement processes'** includes open tenders, selective tenders and quotation processes run by an agency as well as direct/limited submission sourcing under Instruction 1217.

A **'contractor'** is an individual or organisation engaged under a contract (other than as an employee) to undertake building and construction works for an agency. A contractor will usually work under the supervision of a superintendent.

For the purpose of this Instruction, a **'consultant'** includes consultants commissioned for building and construction works. A consultant in this instance is an individual or organisation engaged temporarily to give advice or provide a professional, technical or general management service in relation to any building and construction or roads and bridges work matter.

A **'contract'** is a legally binding arrangement between an agency and a supplier to undertake building and construction works or consultancies for a specific period. The arrangement does NOT need to be in writing for a contract to arise.

For the purposes of this Instruction, the **'period'** of a contract or a consultancy includes the period of any options to extend, regardless of whether the options are exercised or not.

For the purposes of clause(3)(b), unless otherwise stated, the **'value'** of a contract or a consultancy does NOT include the value of options to extend nor GST. However for the purposes of all other clauses, the **'total value'** of a contract or a consultancy includes the value of any option to extend, regardless of whether the options are exercised or not. 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. The value excludes GST.

The following paragraph is an example of a statement of support by a Head of Agency for local business and compliance with the procurement Instructions. Note that where no tenders were called, quotation processes run or contracts awarded, with a value of \$50 000 or over (excluding GST), this should be noted in the statement. Where there have been any major issues in relation to procurement activity during the review period, information relative to those issues should be included in the statement.

"The Department of ensures procurement is undertaken in accordance with the mandatory requirements of the Treasurer's Instructions relating to procurement, including that Tasmanian businesses are given every opportunity to compete for Agency business. It is the Department's policy to support Tasmanian businesses whenever they offer best value for money for the Government. See Table ... for a summary of the level of participation by local businesses for contracts, tenders and/or quotations with a value of \$50 000 or over (excluding GST). Tables ... and ... provide detailed information on consultancies and other contracts with a value of \$50 000 or over (excluding GST) and Table ... provides a summary of contracts awarded as a result of a direct/limited submission sourcing process approved in accordance with Instruction 1217."

Following is an example of a table summarising the level of participation by local businesses with regard to contracts, tenders and/or quotation processes with a value of \$50 000 or over :

Table A

Summary of Participation by Local Business (for contracts, tenders and/or quotation processes with a value of \$50 000 or over, ex GST)	
Total number of contracts awarded
Total number of contracts awarded to Tasmanian businesses
Value of contracts awarded	\$.....
Value of contracts awarded to Tasmanian businesses	\$.....
Total number of tenders called and/or quotation processes run
Total number of bids and/or written quotations received
Total number of bids and/or written quotations received from Tasmanian businesses

Following are two examples of tables providing detailed information on contracts with a value of \$50 000 or over :

Table B

Contracts with a value of \$50 000 or over (ex GST) and excluding consultancy contracts				
Name of contractor	Location of contractor	Description of contract	Period of contract	Total value of contract \$
<i>Contractor's name</i>	<i>Town/State (country, where contract awarded internationally)</i>	<i>Description of contract</i>	<i>Period of contract (eg: 1 Jul 2009 to 30 Jun 2015)</i>	<i>Total value of the contract for the period of the contract</i>
<i>Contractor's name*</i>	<i>Town/State (country, where contract awarded internationally)</i>	<i>Description of contract</i>	<i>Period of contract (eg: 1 Jul 2009 to 30 Jun 2015)</i>	<i>Total value of the contract for the period of the contract</i>

* Note: These contracts were awarded under the Treasurer's Instruction 1231

Table C

Consultancy contracts with a value of \$50 000 or over (ex GST)				
Name of consultant	Location of consultant	Description of consultancy	Period of consultancy	Total value of contract \$
<i>Consultant's name</i>	<i>Town/State (country, where consultancy awarded internationally)</i>	<i>Description of consultancy</i>	<i>Period of consultancy (eg: 1 Jul 2009 to 30 Jun 2015)</i>	<i>Total value of the contract for the period of the contract</i>
<i>Consultant's name*</i>	<i>Town/State (country, where consultancy awarded internationally)</i>	<i>Description of consultancy</i>	<i>Period of consultancy (eg: 1 Jul 2009 to 30 Jun 2015)</i>	<i>Total value of the contract for the period of the contract</i>

* Note: These contracts were awarded under the Treasurer's Instruction 1231

Following is an example of a table summarising contracts awarded as a result of a direct/limited submission sourcing process approved in accordance with Instruction 1217:

Table D

Name of supplier	Description of contract	Reasons for approval	Total value of contract \$
<i>Supplier's name</i>	<i>Description of contract (eg: Engagement of contractor to complete the works remaining on the redevelopment of the Hobart office.)</i>	<i>Reasons that approval was granted to undertake a direct/limited submission sourcing process (eg: The circumstances justified limiting the number of contractors in that the completion of the project was critical to minimise further disruptions and the risk of damage, public liability and potential security breaches at the site.)</i>	<i>Total value of the contract for the period of the contract</i>
<i>Supplier's name</i>	<i>Description of contract (eg: Engagement of a contractor to undertake construction of a replacement rail bridge across the East Tamar Highway near Bell Bay.)</i>	<i>Reasons that approval was granted to undertake a direct/limited submission sourcing process (eg: As a result of urgency.)</i>	<i>Total value of the contract for the period of the contract</i>