

# NSW Government **Procurement Policy Framework**



# Procurement Policy Framework

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### Explore the goals

of NSW Government procurement, and the policies that support them.



01 Value for money



02 Fair and open competition



03 Easy to do business



04 Innovation



05 Economic development, social outcomes and sustainability

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### Plan, Source, Manage process

is the best practice approach to procurement, and includes the relevant policies highlighted at every stage.



01 Plan



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about the structures supporting NSW Government procurement.



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# Introduction

NSW government agencies spent around \$34 billion on goods, services and construction in 2018-19, with spend increasing by an average \$2.7 billion per annum over the past five years. Alongside this increasing procurement expenditure, the NSW Government has committed \$87.2 billion over the next four years for critical infrastructure.

To ensure this money is spent fairly and efficiently, and for the long-term benefit of everyone in NSW, government buyers must comply with a range of legislative and policy requirements.

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## Using the framework

The NSW Procurement Policy Framework provides a consolidated view of government procurement objectives and the Procurement Board's requirements as they apply to each step of the procurement process.

NSW Procurement Policy Framework is a "policy" for the purposes of s.176(1)(a) of the *Public Works and Procurement Act 1912*. Government agencies, as defined in s.162 of the Act, must comply with the mandatory parts of this document.

Procurement has a broad end-to-end definition from 'needs identification' to 'contracting and placing orders', managing contracts and supplier relationships and disposing of government assets.

The framework applies to the procurement of goods and services of any kind including construction. For clarity, the framework identifies the requirements that apply to all procurement, to *construction* procurement, or to goods and services procurement.



The term '**must**' denotes mandatory rules based on requirements embedded in legislation, government policy and Procurement Board Directions and policies.



The terms '**should**', '**may**' and '**recommended**' indicate good practice with supporting documents categorised as guidance.

All dollar values and thresholds are **exclusive of GST** and **contract value** means the total estimated spend over the life of the contract, unless otherwise specified.

Terms in *italics* are defined in the [Glossary](#) at the end of the framework.

## Who is this document for?

This document is for everyone who buys goods or services including construction on behalf of NSW Government as well as policy makers of all levels. Agencies should ensure that their internal policies and controls are consistent with any obligations under this Framework.

## What's new as at 29 November 2019

- 1 [PBD-2019-05 Enforceable Procurement Provisions](#) came into effect on 29 November 2019. All references to the withdrawn PBD-2017-05 International Procurement Agreements have been updated to the new Board Direction.
- 2 Amendments to include the provisions in [PBD-2019-05 Enforceable Procurement Provisions](#) include:
  - Section 1:02 Fair and Open Competition, p. 10
  - Section 2:01 Plan: Creating a new procurement arrangement, pp. 43 - 45
  - Section 2:02 Source: Tender documents, pp. 53-56
  - Section 2:02 Source: Notifying and briefing the market, pp. 70-73, 75
  - Section 2:02 Source: Negotiation and contract award, pp. 76.

### Key to icons

The following icons are used to identify different content types:



Mandatory items – you must comply with these requirements



Recommended items – you are encouraged to apply these provisions



Applies to goods and services (non-construction) procurement, including ICT



Applies to construction procurement



Applies to ICT procurement only



Applies to *human services* (non-government organisation (NGO)) procurement only



Additional information





# Foundation legislation and policies

The *Public Works and Procurement Act 1912* (PWP Act) provides the legislative framework for procurement for NSW government agencies.

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The PWP Act establishes the NSW Procurement Board, its objectives and functions and defines the procurement obligations of government agencies.

NSW Government agencies must comply with a range of procurement-related requirements including:

- The PWP Act, *Government Sector Finance Act 2018*, *Independent Commission Against Corruption Act 1988*, *Government Information (Public Access) Act 2009* and other legislation
- NSW Government policy
- NSW Procurement Board Directions and policies
- Premier's Memoranda
- Treasurer's Directions.

## Agency responsibilities

NSW Government procurement operates within a devolved governance structure. The heads of government agencies are ultimately responsible for managing their agency's procurement in compliance with procurement law and government policy and entering into contracts on behalf of their agency. If the Procurement Board allocates responsibility for a whole-of-government category or agreement to an agency, the agency head is also responsible for entering into those agreements on behalf of the whole-of-government.

It is critical to the governance of agency procurement that clusters or agencies appoint a Chief Procurement Officer.

## Accreditation

An agency's authority to procure differs according to the terms of its accreditation by the Procurement Board under section 174 of the PWP Act. Further information on the goods and services and construction accreditation schemes is in [Section 3.2](#).

## Compliance

The PWP Act and the Procurement Board's policies and directions apply to all government agencies, excluding state-owned corporations and local councils, as defined in s.162 of the Act. The Act and the Procurement Board's policies also apply to agencies that undertake procurement to fulfil statutory functions or have other statutory powers to undertake procurement.

Agencies **must** regularly test their compliance with the mandatory requirements of this framework and other Procurement Board policies and directions. For accredited agencies this will inform the annual self-assessment attestation.

## References












































| Type        | Reference  | Status  | Category  |   | Value                   | Plan  | Source  | Manage  |
|-------------|--|---|---|---|-------------------------|---|---|---|
| Legislation | <a href="#">Public Works and Procurement Act 1912</a>  |  |  |  | Any                     |  |  |  |
| Legislation | <a href="#">Public Works and Procurement Regulation 2019</a>   |  |  |  | Any                     |  |  |  |
| Legislation | <a href="#">Government Sector Finance Act 2018</a>   |  |  |  | Any                     |  |  |  |
| Legislation | <a href="#">Independent Commission Against Corruption Act 1988</a>   |  |  |  | Any                     |  |  |  |
| Legislation | <a href="#">Government Information (Public Access) Act 2009</a>  |  |  |  | >\$150,000<br>(inc GST) |   |  |   |
| Policy      | <a href="#">Accreditation program for goods and services procurement</a>   |  |  |   | Any                     |  |  |  |
| Policy      | <a href="#">Agency accreditation scheme for construction</a><br>(for accreditations granted before September 2015) |  |   |  | Any                     |  |  |  |
| Policy      | <a href="#">Agency accreditation scheme for procurement</a><br>(for accreditations granted after September 2015)   |  |   |  | Any                     |  |  |  |

Table 1 References: Foundation legislation and policy

**Key**
 Mandatory
  Recommended
  Goods and services
  Construction
  ICT
  Human services
  Additional information

# Section 1

.....

## • OBJECTIVES •



**Value for money**



**Fair and open competition**



**Easy to do business**



**Innovation**



**Economic development, social outcomes  
and sustainability**



# Value for money

The overarching consideration for government procurement is ensuring best value for money in the procurement of goods, services and construction.

Value for money is not necessarily the lowest price, nor the highest quality good or service. It requires a balanced assessment of a range of financial and non-financial factors, such as: quality, cost, fitness for purpose, capability, capacity, risk, total cost of ownership or other relevant factors.

## References

| Type        | Reference  | Status | Category |  | Value      | Plan | Source | Manage |
|-------------|--|--------|----------|--|------------|------|--------|--------|
| Legislation | <a href="#">Public Works and Procurement Act 1912</a>                  |        |          |  | Any        |      |        |        |
| Legislation | <a href="#">Government Sector Finance Act 2018</a>                     |        |          |  | Any        |      |        |        |
| Policy      | <a href="#">TPP18-06 NSW Government Business Case Guidelines</a>       |        |          |  | Risk based |      |        |        |
| Policy      | <a href="#">TPP17-03 NSW Government Guide to Cost Benefit Analysis</a> |        |          |  | Risk based |      |        |        |
| Guidance    | <a href="#">Statement on value for money</a>                           |        |          |  | Any        |      |        |        |
| Guidance    | <a href="#">Market approaches guide</a>                                |        |          |  | Any        |      |        |        |
| Guidance    | <a href="#">Benefits realisation framework</a>                         |        |          |  | Any        |      |        |        |

Table 2 References: Value for money




















**Key** Mandatory Recommended Goods and services Construction ICT Human services Additional information



## Fair and open competition

Fair and open competition improves outcomes for NSW by broadening access to government procurement, especially for SMEs and regional businesses.

Transparent, competitive processes build trust in government procurement practices and decisions, drive fair and ethical behaviour, safeguard probity and foster healthy working relationships between government buyers and suppliers. Competition produces tangible outcomes such as cost savings, increased quality and innovation and supports market sustainability.

| Relating to               | Status  | Category  |   | Value          | Obligation   | Reference  |
|---------------------------|---|---|---|----------------|--|--|
| Fair and open competition |    |    |    | Any            | You <b>must</b> treat potential suppliers equitably and not discriminate based on business size, location or ownership, except where targeted policy <i>measures or preferences</i> apply (e.g. <a href="#">SME and Regional Procurement Policy</a> ). | <a href="#">Promoting competition</a>                              |
|                           |    |    |   | ≥\$657,000     | You <b>must not</b> discriminate against suppliers due to their foreign affiliation or ownership, or the origin of their goods or services, for procurements covered by <i>enforceable procurement provisions</i> .                                    | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>     |
|                           |   |   |   | ≥\$9.2 million |  |  |
|                           |  |  |  | Any            | You <b>should</b> assess the impact of contract terms and extensions on market competition, including how they will limit new suppliers from doing business with government.   |  |
| Probity and fairness      |  |  |  | Any            | You <b>must</b> ensure procurement is fair, ethical, transparent and probity rich and ensure that probity is routinely considered in procurement decisions.  | <a href="#">Independent Commission Against Corruption Act 1988</a> |
|                           |  |  |  | Any            | You <b>must</b> safeguard confidential supplier information and treat tenders and business information fairly, impartially and securely.   |  |
|                           |  |  |  | Any            | You <b>should not</b> use probity as a ‘road-block’ or to ignore innovative procurement arrangements with suppliers.   |  |













| Relating to      | Status  | Category  | Value                | Obligation   | Reference  |
|------------------|---|---|----------------------|--|--|
| Supplier conduct |  |   | Any                  | You <b>must</b> require suppliers to comply with relevant standards of behaviour and use reasonable endeavours to be aware of any adverse findings against current or prospective suppliers.                                   | <a href="#">PBD-2017-07 Conduct by Suppliers</a>                           |
| Transparency     |  |   | Any                  | You <b>must</b> keep appropriate records of procurement planning, management and decision making.  | <a href="#">State Records Act 1998</a>                                     |
|                  |  |   | >\$150,000 (inc GST) | You <b>must</b> comply with the contract disclosure and open access information requirements of the GIPA Act including formal requests to access government information, subject to the public interest provisions in the act. | <a href="#">Government Information (Public Access) Act 2009 (GIPA Act)</a> |
|                  |  |   | Any                  | You <b>should</b> proactively share information on procurement processes and decision-making, including publishing procurement policies and supplier briefings that explain the reasons for sourcing strategies and outcomes.  |  |

Table 3: Fair and open competition



## References

| Type        | Reference   | Status | Category |  | Value                   | Plan | Source | Manage |
|-------------|---|--------|----------|--|-------------------------|------|--------|--------|
| Legislation | <a href="#"><i>Government Information (Public Access) Act 2009</i></a>  |        |          |  | >\$150,000<br>(inc GST) |      |        |        |
| Legislation | <a href="#"><i>Government Sector Finance Act 2018</i></a>   |        |          |  | Any                     |      |        |        |
| Legislation | <a href="#"><i>Independent Commission Against Corruption Act 1988</i></a>                                     |        |          |  | Any                     |      |        |        |
| Legislation | <a href="#"><i>State Records Act 1998</i></a>   |        |          |  | Any                     |      |        |        |
| Policy      | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>  |        |          |  | ≥\$657,000              |      |        |        |
| Policy      | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>  |        |          |  | ≥\$9.2 million          |      |        |        |
| Policy      | <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a>                    |        |          |  | Any                     |      |        |        |
| Policy      | <a href="#">PBD 2017-07 Conduct by Suppliers</a>  |        |          |  | Any                     |      |        |        |
| Guidance    | Contract periods and extensions   |        |          |  | Any                     |      |        |        |
| Guidance    | <a href="#">Controlling corruption opportunities in the provision of maintenance services</a>                 |        |          |  | Any                     |      |        |        |
| Guidance    | <a href="#">Corruption and integrity in the NSW public sector: an assessment of current trends and events</a> |        |          |  | Any                     |      |        |        |
| Guidance    | <a href="#">Corruption prevention, fairness and probity</a>   |        |          |  | Any                     |      |        |        |
| Guidance    | <a href="#">Corruption risks in NSW Government procurement – Recommendations to government</a>                |        |          |  | Any                     |      |        |        |



## References

| Type     | Reference  | Status | Category |    | Value                        | Plan | Source | Manage |
|----------|--|--------|----------|----|------------------------------|------|--------|--------|
| Guidance | <a href="#">Corruption risks in NSW Government procurement – Suppliers’ perception of corruption</a> | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Corruption risks in NSW Government procurement – The management challenge</a>            | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Direct Negotiations: Guidelines for managing risks</a>                                   | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Free trade agreements</a>  | ☆      | 🛒        | 🏗️ | ≥\$657,000<br>≥\$9.2 million | ✓    | ✓      |        |
| Guidance | <a href="#">Funding NGO delivery of human services in NSW: A period of transition</a>                | ☆      | 👤        |    | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Complaint management guidelines</a>  | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Identifying and managing conflicts of interest in the public sector</a>                  | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Managing IT contractors, improving IT outcomes</a>                                       | ☆      | 💻        |    | Any                          | ✓    | ✓      | ✓      |
| Guidance | <a href="#">Promoting competition</a>  | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |
| Guidance | Transparency, recordkeeping and disclosure   | ☆      | 🛒        | 🏗️ | Any                          | ✓    | ✓      | ✓      |

Table 4 References: Fair and open competition


















**Key** 🚫 Mandatory ☆ Recommended 🛒 Goods and services 🏗️ Construction 💻 ICT 👤 Human services ⓘ Additional information



























## Easy to do business

NSW aims to be the easiest state to start and stay in business.

Making government procurement simpler, easier and more efficient saves time and money for both agencies and businesses. Streamlined and accessible processes lower barriers to participation and expand opportunities to a broad supply base, especially small and medium businesses.

| Relating to                                   | Status  | Category   |   | Value          | Obligation   | Reference   |
|---|---|--|---|----------------|--|---|
| Notifying suppliers of business opportunities |    |   |    | Any            | You <b>must</b> advertise open tenders electronically on <a href="#">NSW eTendering</a> . Print advertising may only be used in exceptional circumstances where electronic advertising will not meet the agency’s needs. In these cases, eTendering must still also be used to, at a minimum, notify the market of the tender. | <a href="http://www.tenders.nsw.gov.au">www.tenders.nsw.gov.au</a><br><a href="#">M2011-16 NSW Government Tenders advertised on eTendering only</a> |
|   |    |   |    | Any            | You <b>should</b> provide as much notice as possible of upcoming procurement opportunities.  | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>  |
|   |    |   |    | Any            | You <b>must</b> ensure tender periods give respondents reasonable time to effectively price and prepare their submissions or bids.   |   |
| Contracts and prequalification schemes        |  | <br> |   | Any            | Mandated contracts <b>must</b> be used for ICT (Procure IT) and <i>human services procurements</i> .   | <a href="#">PBD-2018-02 Procure IT Framework</a><br><a href="#">PBD-2017-04 Procuring Human Services from NGOs</a>                                  |
|   |  |  |  | >\$1.3 million | Unaccredited and partially accredited agencies must use the guidelines and contract templates on ProcurePoint for construction works valued over \$1.3 million. (Refer <a href="#">Section 2:02 Source, Contract requirements</a> ).   | <a href="#">PBD 2014-03C Threshold for Unaccredited Work</a>  |
|   |  |   |  | Any            | Procurements using whole-of-government arrangements, e.g. standing offers and prequalification schemes, <b>must</b> use the designated customer contract for those arrangements.   |   |

| Relating to                            | Status  | Category  | Value | Obligation  | Reference   |
|--|---|---|-------|---|---|
| Contracts and prequalification schemes |    |       | Any   | Agencies <b>should</b> use standard tender and contract templates with uniform terms and conditions across the agency, to make it easier for potential suppliers to familiarise themselves with contract requirements.          |   |
|  |    |       | Any   | You <b>should</b> use plain English and limit contract length and complexity.   |   |
|  |    |       | Any   | You <b>should</b> apply the Procurement Board's recommended <a href="#">commercial approaches to key contract terms</a> except where individual circumstances and/or value for money considerations require otherwise.          | <a href="#">Commercial approaches in contracts</a>                |
|  |    |       | Any   | You <b>should</b> minimise insurances and indemnities imposed on suppliers, with risk allocated to the party best placed to mitigate or manage those risks.   |   |
|  |    |       | Any   | You <b>should</b> identify opportunities to establish prequalification schemes in place of panel contracts and standing offers, so that new suppliers are not locked out of government business opportunities for long periods. |   |
| Supplier payments                      |    |       | Any   | You <b>must</b> use the most efficient electronic payment method for suppliers, such as PCards or Electronic Funds Transfer (EFT), unless a viable electronic payment method is not available.                                  | <a href="#">DFSI 2015-02 Efficient Electronic Payment Methods</a> |
|  |  |   | Any   | Cheques <b>should not</b> be used unless a viable electronic payment method is not available.   |   |
|  |  |   | Any   | You <b>should</b> pay suppliers within contractual timeframes, noting your agency must report on payment performance in its annual report.  |   |




















































Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



| Relating to            | Status | Category |  | Value          | Obligation  | Reference   |
|------------------------|--------|----------|--|----------------|---|---|
| Supplier payments      |        |          |  | Any            | You <b>must</b> pay registered <i>small businesses</i> (< 20 FTEs) within 20 calendar days of receipt of a correctly rendered invoice for payments of \$10,000 – \$1 million, unless an existing contract or standing offer provides for an alternative time period.  | <a href="#">Faster Payment Terms Policy</a>   |
|                        |        |          |  | Any            | You <b>should</b> pay invoices up to \$10,000 as soon as possible by PCard, for <a href="#">applicable expenditure categories</a> , unless a more cost-effective electronic alternative is available or the supplier cannot accept electronic payment methods.  | <a href="#">DFSI-2015-02 Efficient Electronic Payment Methods</a>   |
| Purchasing exemptions  |        |          |  | Any            | You <b>may</b> use purchasing exemptions to procure goods and services directly from certain suppliers, subject to your agency's safety, security or infrastructure requirements, even if the goods or services are available on whole-of-government arrangements. <a href="#">Refer Section 2: 01 Plan, Exemptions</a> for details.  | <a href="#">SME and Regional Procurement Policy</a><br><br><a href="#">Aboriginal Procurement Policy</a><br><br><a href="#">Aboriginal Participation in Construction Policy</a><br><br><a href="#">Public Works and Procurement Regulation 2019</a> |
| Bid cost contributions |        |          |  | >\$100 million | Agencies <b>may</b> consider contributing up to 50% of expected bid costs to eligible unsuccessful bidders for construction projects with an estimated total capital cost over \$100 million.<br><br>You <b>should</b> identify the need and rationale for a bid cost contribution in the project's Final Business Case, and the proposed contribution <b>should</b> be included in the total project funding envelope presented to ERC or Cabinet for approval prior to commencing the procurement process.<br><br>You <b>should</b> seek Treasury's agreement that conditions of the Bid Cost Contributions policy are met before releasing an Expression of Interest, if you wish to pay bid cost contributions. | <a href="#">NSW Bid Cost Contributions Policy</a>   |

Table 5: Easy to do business

## References

| Type        | Reference  | Status  | Category  |   | Value                        | Plan  | Source  | Manage  |
|-------------|--|---|---|---|------------------------------|---|---|---|
| Legislation | <a href="#">Building and Construction Industry Security of Payment Act 1999</a>                    |    |   |    | Any                          |   |   |  |
| Legislation | <a href="#">Public Works and Procurement Regulation 2019</a>                                       |    |    |    | Any                          |    |    |  |
| Policy      | <a href="#">Aboriginal Participation in Construction Policy</a>                                    |    |   |    | <\$250,000<br>>\$1 million   |    |    |  |
| Policy      | <a href="#">Aboriginal Procurement Policy</a>  |    |    |   | <\$250,000<br>>\$10 million  |    |    |  |
| Policy      | <a href="#">NSW Bid Cost Contributions Policy</a>  |    |   |    | >\$100 million               |    |    |  |
| Policy      | <a href="#">DFSI 2015-02 Efficient Electronic Payment Methods</a>                                  |    |    |    | Any                          |   |   |  |
| Policy      | <a href="#">Faster Payment Terms Policy</a>  |    |    |    | <\$1 million                 |   |   |  |
| Policy      | <a href="#">PBD 2014-03C Threshold for Unaccredited Work</a>                                       |    |   |    | >\$1.3 million               |    |    |  |
| Policy      | <a href="#">PBD 2017-03 Civil Liability Act 2002 and Proportionate Liability</a>                   |    |   |    | Any                          |   |    |   |
| Policy      | <a href="#">PBD-2017-04 Procuring Human Services from NGOs</a>                                     |  |  |   | Any                          |   |  |   |
| Policy      | <a href="#">PBD-2018-02 Replacement of the ICT Short Form Contract in the Procure IT Framework</a> |  |  |   | Any                          |   |  |   |
| Policy      | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                                     |  |  |  | ≥\$657,000<br>≥\$9.2 million |  |  |   |

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## References

| Type      | Reference  | Status | Category |  | Value   | Plan | Source | Manage |
|-----------|--|--------|----------|--|---|------|--------|--------|
| Policy    | <a href="#">SME and Regional Procurement Policy</a>  |        |          |  | <\$50,000<br><\$250,000<br><\$1 million<br>>\$3 million |      |        |        |
| Guidance  | <a href="#">Approaching the Supplier Market</a>  |        |          |  | Any   |      |        |        |
| Guidance  | <a href="#">Commercial Approaches in Contracts</a>   |        |          |  | Any   |      |        |        |
| Guidance  | <a href="#">Department of Industry – Business in NSW</a>   |        |          |  | Any   |      |        |        |
| Guidance  | <a href="#">Industry Engagement Guide</a>  |        |          |  | Any   |      |        |        |
| Guidance  | <a href="#">Overview of Buying Solutions</a>   |        |          |  | Any   |      |        |        |
| Templates | <a href="#">ICT contract templates</a>   |        |          |  | Any   |      |        |        |
| Templates | <a href="#">NSW Human Services Agreement</a>   |        |          |  | Any   |      |        |        |
| Templates | <a href="#">Goods and services contract templates</a>  |        |          |  | Any   |      |        |        |
| Templates | <a href="#">Construction contract templates - Accredited agencies</a>                            |        |          |  | Any   |      |        |        |
| Templates | <a href="#">Construction contract templates - Unaccredited and partially accredited agencies</a> |        |          |  | >\$1.3 million  |      |        |        |

Table 6 References: Easy to do business









# Innovation

The marketplace is a great source of innovation and can assist government to work smarter and deliver better services.

Industry engagement and flexible procurement practices assist agencies to adopt innovative services and solutions and support supplier innovation in government's supply chains.

Innovation can be encouraged at three levels of market engagement:

- *at the state economic level* – through effective, early, structured, and open communication of needs to the market
- *at the sourcing level* – by adapting sourcing methods to facilitate innovation and collaboration
- *at the contract management level* – by focusing on outcomes and developing supplier relationships that deliver value beyond the contract.

| Relating to            | Status | Category | Value        | Obligation  | Reference  |
|------------------------|--------|----------|--------------|---|--|
| Testing new ideas      |        |          | <\$1 million | You <b>may</b> test the capability of new solutions to meet your current or emerging business needs through innovative collaborations or outcomes-based trials.   | <a href="#">SME and Regional Procurement Policy</a><br><a href="#">PBD-2019-03 Construction Procurement Opportunities for SMEs</a><br><a href="#">Digital.nsw accelerator</a><br><a href="#">NSW Innovation Strategy</a> |
|                        |        |          | <\$1 million |   |  |
|                        |        |          | Any          |   |  |
|                        |        |          | Any          |   |  |
| Engaging with industry |        |          | Any          | You <b>should</b> engage with industry through all phases of the procurement lifecycle, noting there are increased opportunities for innovation if industry engagement takes place as early as possible.  | <a href="#">Industry Engagement Guide</a>  |
|                        |        |          | Any          | You <b>may</b> consider complex market engagements to pursue innovative procurement outcomes, subject to complying with legislative and policy requirements including the <a href="#">EPP Direction</a> . | <a href="#">Complex Market Engagement Methods</a>  |













| Relating to                             | Status  | Category  | Value | Obligation   | Reference  |
|---|---|---|-------|--|--|
| Engaging with industry                  |  |   | Any   | You <b>must</b> refer <i>unsolicited proposals</i> to the Department of Premier and Cabinet for assessment, noting such proposals are not a substitute for routine competitive procurement actions. An <i>unsolicited proposal</i> is an approach to government from a proponent over a commercial proposition, where the government has not requested the proposal (refer <a href="#">Glossary</a> for more). The focus of <i>unsolicited proposals</i> is on unique and innovative projects or services, with the proposal and proponent to be <u>uniquely</u> able to deliver the proposed service. | <a href="#">C2017-05 Unsolicited Proposals</a><br><a href="#">Unsolicited Proposals: Guide for Submission and Assessment</a> |
|   |  |   | Any   | You <b>may</b> consider a commissioning and contestability approach to pursue innovative, customer centric approaches to service delivery.   | <a href="#">TPP16-05 Commissioning and Contestability Policy</a>   |
| Construction                            |  |    | Any   | You <b>should</b> refer to the CILF practice notes as guidance when procuring and delivering major infrastructure projects. The CILF notes provide strategies to address key challenges affecting the construction sector.   | <a href="#">Construction Industry Leadership Forum (CILF) Practice Notes</a>   |
| Engaging with the human services sector |  |    | Any   | You <b>must</b> use the NGO Registration Scheme – Human Services as a first step to sourcing information from NGOs that are seeking, or are contracted, to deliver human services on behalf of the NSW Government.   | <a href="#">PBD-2016-04 NGO Registration Scheme</a>  |

Table 7: Innovation

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## References

| Type     | Reference   | Status | Category |  | Value        | Plan | Source | Manage |
|----------|---|--------|----------|--|--------------|------|--------|--------|
| Policy   | <a href="#">C2017-05 Unsolicited proposals</a><br><a href="#">Unsolicited Proposals: Guide for submission and assessment</a>      |        |          |  | Any          |      |        |        |
| Policy   | <a href="#">PBD-2016-04 NGO Registration Scheme</a>   |        |          |  | Any          |      |        |        |
| Policy   | <a href="#">PBD-2017-04 Procuring Human Services from NGOs</a>  |        |          |  | Any          |      |        |        |
| Policy   | <a href="#">PBD-2019-03 Access to Government Construction Procurement Opportunities by SMEs:</a><br>Procurement innovation stream |        |          |  | <\$1 million |      |        |        |
| Policy   | <a href="#">SME and Regional Procurement Policy:</a><br>Procurement innovation stream   |        |          |  | <\$1 million |      |        |        |
| Policy   | <a href="#">TPP16-05 Commissioning and Contestability Policy</a>  |        |          |  | Any          |      |        |        |
| Guidance | <a href="#">Complex Market Engagement Methods</a>   |        |          |  | Any          |      |        |        |
| Guidance | <a href="#">Construction Industry Leadership Forum (CILF) Practice Notes</a>  |        |          |  | Any          |      |        |        |
| Guidance | <a href="#">Digital.nsw accelerator</a>   |        |          |  | Any          |      |        |        |
| Guidance | <a href="#">Guidelines for Engagement with NSW Human Services NGOs</a>  |        |          |  | Any          |      |        |        |
| Guidance | <a href="#">Human Services Outcomes Framework</a>   |        |          |  | Any          |      |        |        |
| Guidance | <a href="#">Industry Engagement Guide</a>   |        |          |  | Any          |      |        |        |
| Guidance | Innovation Stream Guidelines  |        |          |  | <\$1 million |      |        |        |

## References


























| Type     | Reference   | Status  | Category  |   | Value | Plan  | Source  | Manage  |
|----------|---|---|---|---|-------|---|---|---|
| Guidance | <a href="#">Market and Industry Engagement</a>  |  |  |  | Any   |  |   |   |
| Guidance | <a href="#">Market Approaches Guide</a>   |  |  |  | Any   |  |  |   |
| Guidance | <a href="#">NSW Government Action Plan: A ten point commitment to the construction sector</a> |  |   |  | Any   |  |  |  |
| Guidance | <a href="#">NSW Innovation Strategy</a>   |  |  |  | Any   |  |  |  |
| Guidance | <a href="#">Supplier Relationship Management Guidelines</a>                                   |  |  |  | Any   |   |   |  |
| Guidance | Testing new ideas   |  |  |  | Any   |  |  |   |

Table 8 References: Innovation



# Economic development, social outcomes and sustainability

Government procurement can help to support economic participation, social outcomes, develop skills and create jobs for the citizens of NSW.

.....












By building a diverse supply base, government agencies can support businesses of all types to grow and encourage economic development across the state.

The government uses procurement to support *small and medium sized businesses, Aboriginal-owned businesses, regional businesses and disability employment organisations*. It is also using its substantial infrastructure investments to support jobs and skills development for a range of workers including Aboriginal people.

*Sustainable procurement* focuses on spending public money efficiently, economically and ethically to deliver value for money on a whole of life basis. *Sustainable procurement* extends the assessment of value for money beyond the sourcing process, considering benefits and risks to the organisation, the community, the economy and impacts on the environment.

## **Sustainable procurement:**

- Considers how procurement impacts society, the economy and the environment
- Provides all suppliers with full and fair opportunities to compete
- Respects stakeholders' interests, the rule of law and human rights
- Seeks innovative solutions to address sustainability throughout the supply chain
- Buys only what is needed or seek sustainable alternatives
- Analyses all procurement costs, including benefits for society, environment and the economy
- Integrates sustainability into procurement practices.

| Relating to                            | Status  | Category   | Value   | Obligation  | Reference   |
|--|---|--|---|---|---|
| SME and regional businesses            |  |   | <\$50,000<br><\$250,000<br><\$1 million<br>>\$3 million | You <b>must</b> comply with the SME and Regional Procurement Policy to support the participation of <i>SMEs and regional businesses</i> in goods and services procurement.  | <a href="#">SME and Regional Procurement Policy</a>   |
| Employment of Aboriginal people        |  | <br> | <\$250,000<br>>\$1 million<br>>\$10 million             | You <b>must</b> comply with the Aboriginal Procurement Policy and Aboriginal Participation in Construction Policy, to support 3,000 FTE employment opportunities for Aboriginal people by 2021 through government procurement activities. | <a href="#">Aboriginal Procurement Policy</a><br><a href="#">Aboriginal Participation in Construction</a> |
| Employment of people with a disability |  | <br> | Any   | You <b>may</b> purchase goods and services of any value from an approved <i>disability employment organisation</i> via a single written quote, even if there is a whole of government arrangement in place.                               | <a href="#">Public Works and Procurement Regulation 2019</a>  |
| Construction skills development        |  |   | >\$10 million   | You <b>must</b> set targets for apprentices and trainees engaged on construction projects valued >\$10 million and monitor the contractor's progress in achieving the targets.  | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>                                  |
|  |  |   | >\$500 million  | Your agency <b>must</b> publish and periodically update a <i>Construction Skills Development Plan</i> if it has a planned construction expenditure >\$500 million over the four year forward estimates.                                   |   |

**Key**
 Mandatory
  Recommended
  Goods and services
  Construction
  ICT
  Human services
  Additional information





























































| Relating to                                  | Status  | Category  |   | Value | Obligation   | Reference   |
|--|---|---|---|-------|--|---|
| Resource efficiency and waste reduction      |    |  |    | Any   | You <b>must</b> comply with the <a href="#">Government Resource Efficiency Policy (GREP)</a> by ensuring goods, services and construction projects meet minimum energy, water use and air emissions standards. An exception applies for agencies with fewer than 100 employees, when compliance is voluntary.  | <a href="#">NSW Government Resource Efficiency Policy (GREP)</a>  |
|  |    |  |    | Any   | You <b>should</b> purchase construction materials with recycled content; copy, stationery and print publication paper with post-consumer recycled content, and non-recycled paper from sustainable sources. Refer to the <a href="#">GREP</a> for information on recognised standards and certification programs for recycled content and sustainable sources.   |   |
|  |    |  |   | Any   | You <b>must</b> use E10 and biodiesel blends where possible, unless there is a clear operational requirement that precludes the use of biofuels.   | <a href="#">M2012-08 Use of Biofuels</a>  |
|  |    |  |    | Any   | You <b>should</b> consider the product lifecycle when conducting needs analysis and developing product specifications, including taking account of <i>circular economy</i> principles, so that use of recycled materials and disposal or repurposing of goods or assets is planned into the procurement process.   | <a href="#">NSW Circular Economy Policy Statement</a>   |
| Construction and demolition waste management |    |   |    | Any   | To the extent they relate to construction procurement: <ul style="list-style-type: none"><li>You <b>must</b> comply with the <a href="#">Protection of the Environment Operations Act 1997</a>.</li><li>If you are disposing of construction waste, the construction and demolition waste facility <b>must</b> comply with the <a href="#">Standards for Managing Construction Waste in NSW</a>.</li></ul> | <a href="#">Protection of the Environment Operations Act 1997</a><br><a href="#">Standards for Managing Construction Waste in NSW</a> |
|  |  |   |  | Any   | You <b>should</b> refer to the Construction and Demolition Waste Management Toolkit prepared by the Environmental Protection Authority (EPA) for guidance on engaging contractors and working on contracts that involve construction and demolition.   | <a href="#">Construction and Demolition Waste: a Management Toolkit</a>   |
|  |  |   |  | Any   | Unlawful waste disposal or fraudulent behaviour by contractors and subcontractor creates the potential for significant reputation damage, financial penalty and criminal conviction.   |   |

Table 9: Economic, social and sustainable procurement outcomes

## References

| Type        | Reference  | Status  | Category   |   | Value   | Plan   | Source   | Manage  |
|-------------|--|---|--|---|---|--|--|---|
| Legislation | <a href="#">Protection of the Environment Operations Act 1997</a>                    |    |  |    | Any   |   |   |    |
| Legislation | <a href="#">Public Works and Procurement Regulation 2019</a>                         |    |   |    | Any   |  |   |   |
| Policy      | <a href="#">Aboriginal Participation in Construction Policy</a>                      |    |  |    | <\$250,000<br>>\$1 million                              |  |   |    |
| Policy      | <a href="#">Aboriginal Procurement Policy</a>  |    |   |   | <\$250,000<br>>\$1 million                              |   |   |    |
| Policy      | <a href="#">Board Direction 2017-05 Construction Training and Skills Development</a> |    |  |    | >\$10 million   |  |   |    |
| Policy      | <a href="#">M2012-08 Use of Biofuels</a>   |    |   |   | Any   |  |   |   |
| Policy      | <a href="#">NSW Government Resource Efficiency Policy</a>                            |    |   |    | Any   |  |   |    |
| Policy      | <a href="#">PBD 2019-03 Access to Government Construction Opportunities by SMEs</a>  |    |  |    | <\$1 million  |  |   |   |
| Policy      | <a href="#">SME and Regional Procurement Policy</a>                                  |   |  |   | <\$50,000<br><\$250,000<br><\$1 million<br>>\$3 million |  |  |   |
| Policy      | <a href="#">Standards for Managing Construction Waste in NSW</a>                     |  |  |  | Any   |  |  |  |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## References

| Type     | Reference   | Status | Category |  | Value | Plan | Source | Manage |
|----------|---|--------|----------|--|-------|------|--------|--------|
| Guidance | <a href="#">Australian Disability Enterprises</a>                       |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">BuyAbility</a>  |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">Construction and Demolition Waste: a Management Toolkit</a> |        |          |  | Any   |      |        |        |
| Guidance | Guide to Sustainable Procurement  |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">ISO 20400 Sustainable Procurement</a>                       |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">NSW Circular Economy Policy Statement</a>                   |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">OCHRE plan - NSW Government Aboriginal Affairs Strategy</a> |        |          |  | Any   |      |        |        |
| Guidance | Resource efficiency and waste reduction                                 |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">Small Business Strategy</a>                                 |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">Supplier Diversity</a>                                      |        |          |  | Any   |      |        |        |
| Guidance | <a href="#">Supporting SMEs and Regional Businesses</a>                 |        |          |  | Any   |      |        |        |

Table 10 References: Economic, social and sustainable outcomes

Key Mandatory Recommended Goods and services Construction ICT Human services Additional information





## Section 2

.....

### • PLAN, SOURCE, MANAGE •



Plan



Source



Manage

# The Plan, Source, Manage approach

Procurements follow three stages: planning, sourcing and managing the procurement.

The Plan, Source, Manage approach identifies key policy requirements and considerations in the procurement process as practical reference for government buyers. It is not intended as a prescriptive process for all procurement. The importance of each stage depends on the size, priorities, required outcomes, risk profile and type of procurement.

The Plan and Manage stages are the most critical to creating and delivering value, and appropriate time and resources should be allocated to these activities.

## Procurement Board requirements

The Procurement Policy Framework uses the Plan, Source, Manage approach to provide a structured guide to procurement process as specified in legislation, government policies and Procurement Board policies and directions. Key considerations and mandatory requirements are identified at each step in the process.

## Agency policies and tendering manual

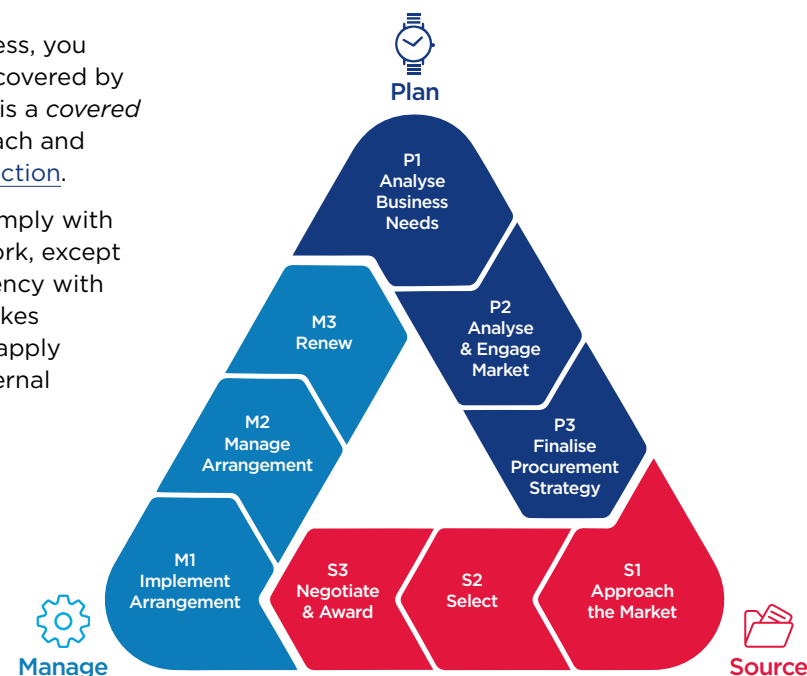
Agency procurement functions will have specific policies and procedures that need to be followed. Agency procurement manuals provide guidance on the specific agency approach to engaging with the market and managing procurement activities.

## International procurement agreements

Australia is party to several international trade and procurement agreements which impact NSW government procurement. [PBD-2019-05 Enforceable Procurement Provisions](#) (EPP Direction) details the requirements of these international procurement agreements.

Prior to starting any procurement process, you **must first assess** if the procurement is covered by the [EPP Direction](#). If your procurement is a *covered procurement*, your procurement approach and process **must** comply with the [EPP Direction](#).

The procurement process **must also** comply with the mandatory sections of this framework, except where there is any conflict or inconsistency with the EPP Direction. The EPP Direction takes precedence over all other policies that apply to covered procurements, including internal agency policies.

























# Plan

Understand the procurement environment and authority to procure.

## Accreditation and authority to procure

| Relating to          | Status  | Category  |   | Value          | Obligation   | Reference  |
|----------------------|---|---|---|----------------|--|--|
| Authority to procure |    |    |    | Any            | You <b>must</b> procure according to the terms of the agency's accreditation by the Procurement Board.   | <a href="#">List of agencies and accreditation status</a>      |
|                      |    |    |   | ≥\$657,000     | You <b>must</b> comply with <a href="#">Enforceable Procurement Provisions Direction (EPP Direction)</a> for procurements valued over the thresholds, unless the agency or the procurement category is exempt. Covered agencies are listed in Schedule 1 of the Direction. Exempt goods and services are listed in Schedule 2. | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a> |
|                      |    |   |    | ≥\$9.2 million |  |  |
|                      |    |    |    | Any            | You <b>must</b> use whole-of-government contracts and specified prequalification schemes (see <a href="#">existing arrangements below</a> ) to purchase relevant goods or services, except where exemptions apply (see <a href="#">exemptions below</a> ).   |  |
|                      |  |  |  | Any            | You <b>must not</b> split orders to avoid procurement threshold levels and/or governance requirements.   |  |
| Accredited agencies  |  |  |  | Any            | You <b>must</b> follow your agency's governance rules, including when to seek multiple quotes or go to tender, and approval requirements.  | Refer to agency's policies and procedures                      |







Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## Accreditation and authority to procure

| Relating to  | Status | Category | Value   | Obligation  | Reference   |
|--|--------|----------|---|---|---|
| Goods and services:<br>Level 1 accredited agencies |        |          | >\$20 million<br>>\$35 million<br>>\$50 million | You <b>may</b> need to seek concurrence from a level 2 accredited agency or NSW procurement for the proposed procurement approach, based on the value and risk profile of the procurement (refer <a href="#">Section 3 Governance: 02 Accreditation</a> for definition of level 1 and level 2 accreditation).                           | <a href="#">Accreditation Program for Goods and Services Procurement</a>  |
| Goods and services:<br>Unaccredited agencies       |        |          |   | You <b>must</b> follow the following processes to procure goods and services (non-construction) that are not covered under a whole-of-government arrangement:   | <a href="#">PBD 2019-04 Approved Procurement Arrangements</a><br><a href="#">PBD-2019-05 Enforceable Procurement Provisions</a> |
|  |        |          | Value   | Process   |   |
|  |        |          | < \$10,000                                      | Purchase from any supplier, subject to agency safety and infrastructure requirements and provided the rates are reasonable and consistent with normal market rates.   |   |
|  |        |          | \$10,000 – \$30,000                             | Obtain at least one written quotation.  |   |
|  |        |          | \$30,000 – \$650,000                            | <ul style="list-style-type: none"> <li>Obtain at least three written quotations, <b>or</b></li> <li>Conduct an appropriate procurement process approved by the agency head or an accredited agency within the cluster.</li> </ul>   |   |
|  |        |          | >\$650,000                                      | <ul style="list-style-type: none"> <li>Comply with the <a href="#">EPP Direction</a> if your agency is listed in Schedule 1 and the goods or services are not exempt under Schedule 2, <b>and</b></li> <li>Conduct a procurement process endorsed by an accredited agency within the cluster (preferred) or NSW Procurement.</li> </ul> |   |

## Accreditation and authority to procure

| Relating to  | Status  | Category  | Value          | Obligation   |               |  | Reference  |
|--|---|---|----------------|--|---------------|--|--|
| Construction: Unaccredited and partially accredited agencies |    |    | <\$1.3 million | You <b>may</b> undertake construction work valued up to \$1.3 million.   |               |  | <a href="#">PBD 2014-03C Threshold for Unaccredited Work</a>   |
|  |    |    | >\$1.3 million | You <b>must</b> , for work valued over \$1.3 million: <ul style="list-style-type: none"><li>Use the contract templates and guidelines on ProcurePoint, and/or</li><li>Get assistance from an external provider or accredited agency, as follows (based on project value and risk profile):</li></ul> |               |  | <a href="#">Agency Accreditation Scheme for Construction</a><br><a href="#">Construction contract templates</a><br><a href="#">Construction procurement guidelines</a> |
|  |   |   | Value          | Risk   | Accreditation | Process  |  |
|  |   |   | >\$1.3 million | H  | Partial       | <b>Must</b> obtain external support and use the <a href="#">contract templates</a> and <a href="#">guidelines on ProcurePoint</a>  |  |
|  |   |   | >\$50 million  | M, L   | Partial       |  |  |
|  |   |   | <\$50 million  | M, L   | Partial       | <b>May</b> undertake phases for which the agency is accredited without external support, and <b>Must</b> use the <a href="#">contract templates</a> and <a href="#">guidelines on ProcurePoint</a>                     |  |
|  |   |   | >\$1.3 million | H, M   | Unaccredited  | <b>Must</b> get external support, and use the <a href="#">contract templates</a> and <a href="#">guidelines on ProcurePoint</a>  |  |
|  |   |   | >\$50 million  | L  | Unaccredited  |  |  |
|  |   |   | <\$50 million  | L  | Unaccredited  | <b>May</b> undertake planning phase without external support, and <b>Must</b> obtain external support and use the <a href="#">contract templates</a> and <a href="#">guidelines on ProcurePoint</a> for delivery phase |  |
|  |  |  | >\$1.3 million | You <b>must</b> use the Risk Assessment Tool in Attachment E of the <a href="#">Infrastructure Investor Assurance Framework</a> to assess the level of risk for the proposed construction project. The risk tiers aligned to risk scores are detailed in Table 4, p.16.                              |               |  | <a href="#">Infrastructure Investor Assurance Framework (Attachment E)</a>   |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information






## Agency procurement planning

| Relating to        | Status | Category |  | Value                 | Obligation   | Reference  |
|--------------------|--------|----------|--|-----------------------|--|--|
| Goods and services |        |          |  | Any                   | Accredited agencies <b>must</b> submit an <i>Annual Procurement Plan</i> to the Board by 31 August each financial year. The plans are also published on eTendering.  | <a href="#">Accreditation Program for Goods and Services Procurement</a> |
|                    |        |          |  | Any                   | Unaccredited agencies are <b>encouraged</b> to publish an <i>Annual Procurement Plan</i> on eTendering.  |  |
|                    |        |          |  | Any                   | <b>All</b> clusters or agencies <b>must</b> publish an <i>Aboriginal Participation Strategy</i> .  | <a href="#">Aboriginal Procurement Policy</a>                            |
| Construction       |        |          |  | Any                   | Agencies accredited for construction through the <a href="#">Agency Accreditation Scheme for Procurement</a> (accredited post-2015) <b>should</b> publish an <i>Annual Procurement Plan</i> on eTendering.                                 | <a href="#">Agency Accreditation Scheme for Procurement</a>              |
|                    |        |          |  | >\$500 million        | Agencies <b>must</b> publish and periodically update a <i>Construction Skills Development Plan</i> if planned construction expenditure over the four year forward estimates is >\$500 million.   | <a href="#">PBD 2017-05 Construction Training and Skills Development</a> |
|                    |        |          |  | <\$500 million        | Agencies <b>should</b> consider publishing a <i>Construction Skills Development Plan</i> where planned construction expenditure over the forward estimates is <\$500 million, particularly if the agency has a continuing program of work. |  |
| Category plans     |        |          |  | Any                   | Agencies <b>should</b> develop category management plans that analyse the category market, emerging trends, risks and impact on competition.   | <a href="#">Promoting competition</a>                                    |
| Business case      |        |          |  | Significant proposals | You <b>must</b> prepare a business case to submit to Treasury for significant capital, recurrent and ICT investment proposals.   | <a href="#">TPP18-06 NSW Government Business Case Guidelines</a>         |



## Agency procurement planning

| Relating to                           | Status  | Category  |   | Value   | Obligation   |                                    | Reference  |
|---------------------------------------|---|---|---|---|--|------------------------------------|--|
| Gateway review                        |    |    |    |   | You <b>must</b> register capital, ICT and major recurrent projects with the relevant Gateway Coordination Agency (GCA):  |                                    | <a href="#">NSW Gateway Policy</a>                                   |
|                                       |   |   |   | <b>Value</b>  | <b>Project type</b>  | <b>Gateway Coordination Agency</b> |  |
|                                       |   |   |   |  | >\$10 million  | Capital                            | Infrastructure NSW   |
|                                       |   |    |   | >\$10 million   | ICT  | Department of Customer Service     | <a href="#">ICT Assurance Framework</a>                              |
|                                       |   |    |   | ≥\$100M over 4 years, or ≥\$50 million pa   | Major recurrent  | Treasury                           | <a href="#">Recurrent Expenditure Assurance Framework</a>            |
| Foreign exchange (FX) risk management |    |    |    | Any   | FX risk can arise when an agency purchases, sells or intends to purchase or sell goods and services either directly from/to overseas, or indirectly when goods/services are sourced overseas through domestic providers. |                                    | <a href="#">TPP18-03 NSW Government Foreign Exchange Risk Policy</a> |
|                                       |    |    |    | Any   | You <b>must</b> consider if the procurement is impacted, either directly or indirectly, by FX risk when planning your procurement and/or preparing a procurement strategy or business case.                              |                                    |  |
|                                       |   |   |   | Any   | You <b>must</b> consult with Treasury and TCorp to manage FX risk, when an FX risk is identified.  |                                    |  |
|                                       |  |  |  | Any   | You <b>must</b> prepare a FX risk management plan if Treasury determines the FX Risk is a ‘ <i>Substantial Risk</i> ’.   |                                    |  |

























Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## Selecting a procurement method

| Relating to                                   | Status | Category | Value                        | Obligation  | Reference  |
|---|--------|----------|------------------------------|---|--|
| <b>Covered procurements</b>                   |        |          | ≥\$657,000<br>≥\$9.2 million | The <a href="#">EPP Direction</a> takes precedence over all other policies that apply to covered procurements, including internal agency policies.  | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                         |
| <b>Emergency procurements</b>                 |        |          | Any                          | You <b>must</b> obtain approval from the agency head or delegate for emergency procurements.  | <a href="#">Public Works and Procurement Regulation 2019</a>                           |
|   |        |          | Any                          | You <b>must</b> report every emergency authorisation to the Procurement Board as soon as possible via <a href="mailto:NSWP.Policy@treasury.nsw.gov.au">NSWP.Policy@treasury.nsw.gov.au</a> .  |  |
|   |        |          | Any                          | You <b>may</b> use limited tendering for <i>covered procurements</i> if, for reasons of extreme urgency brought about by unforeseen events, the goods and services cannot be obtained in time under an open approach to market. Refer to <a href="#">page 44, Limited tendering</a> for requirements when using limited tendering for <i>covered procurements</i> . | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                         |
|   |        |          | Any                          | You <b>do not</b> have to comply with Procurement Board policies or directions, or the terms of accreditation for emergency procurements. You are <b>encouraged</b> to achieve value for money and comply with this Policy Framework where possible.  |  |
| <b>Procurement approved by Cabinet or ERC</b> |        |          | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> assess whether the procurement is covered by the <a href="#">EPP Direction</a> and, if applicable, comply with all requirements.  | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                         |
|   |        |          | Any                          | You <b>do not</b> have to comply with other Procurement Board policies or directions if there is any inconsistency with the Cabinet or Standing Committee decision regarding the procurement.   | <a href="#">PBD-2019-04 Approved Procurement Arrangements</a>                          |
|   |        |          | Any                          | You <b>must</b> comply with this Procurement Policy Framework, Board Directions or other policies that do not conflict with the Cabinet decision, including the need to achieve value for money.  |  |
| <b>Supply by government entities</b>          |        |          | Any                          | You <b>may</b> purchase goods or services directly from another government entity that provides those goods or services as part of its principal functions. Procurements from other government entities are not covered by the <a href="#">EPP Direction</a> .  | <a href="#">TPP02-01 Policy Statement on the Application of Competitive Neutrality</a> |
|   |        |          | Any                          | The government entity providing the goods and services (i.e. the supplier) <b>must</b> ensure its pricing and other terms and conditions are consistent with <i>competitive neutrality</i> principles.  |  |










## Selecting a procurement method

| Relating to | Status  | Category  | Value        | Obligation   |   | Reference  |
|-------------|---|---|--------------|--|---|--|
| Exemptions  |    |       |              | <b>Hint:</b> The following exemptions are compliant with the <a href="#">EPP Direction</a> as they fall under the Schedule 2 or 3 exemption provisions and/or are under the thresholds for <i>covered procurements</i> .             |   |  |
|             |    |       |              | You <b>must</b> check if your agency's specific requirements limit use of these exemptions due to safety, security or infrastructure considerations.   |   |  |
|             |    |       |              | You <b>may</b> purchase goods and services, including construction, directly from suppliers as per the table below, even if there is a whole-of-government contract in place. Value for money remains the overarching consideration. |   |  |
|             |   |   | Value        | Supplier type  | Process   |  |
|             |    |       | <\$10,000    | Any  | You <b>may</b> purchase from any supplier   | <a href="#">PBD2019-04 Approved Procurement Arrangements</a>   |
|             |    |       | <\$50,000    | <i>Small business</i>  | You <b>may</b> directly purchase from a small business (< 20 FTEs).   | <a href="#">SME and Regional Procurement Policy</a><br><a href="#">PBD-2019-03 Construction Procurement Opportunities for SMEs</a> |
|             |  |   | <\$250,000   | <i>Aboriginal owned business</i>   | You <b>may</b> directly purchase from an <i>Aboriginal owned business</i> .   | <a href="#">Aboriginal Procurement Policy</a><br><a href="#">Aboriginal Participation in Construction Policy</a>                   |
|             |  |   | <\$1 million | SMEs, for innovative trials  | If your agency is accredited, you <b>may</b> directly negotiate with an SME supplier to do proof-of-concept testing or outcomes-based trials. | <a href="#">SME and Regional Procurement Policy</a><br><a href="#">PBD 2019-03</a>   |
|             |  |   | No limit     | <i>Disability employment organisation</i>  | You <b>may</b> purchase goods and services from an approved <i>disability employment organisation</i> via a single written quote.             | <a href="#">Public Works and Procurement Regulation 2019</a>   |













**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information




## Selecting a procurement method

| Relating to        | Status  | Category  | Value        | Obligation  |   | Reference   |
|--------------------|---|---|--------------|---|---|---|
| Preferences        |    |   |              | <b>Hint:</b> The following <i>preferences</i> are compliant with <a href="#">EPP Direction</a> as they fall under the Schedule 2 or 3 exemption provisions and/or are under the thresholds for <i>covered procurements</i> .  |   |   |
|                    |    |   |              | You <b>may</b> <i>prefer</i> <i>SMEs</i> and <i>Aboriginal owned businesses</i> as per the table below, although you <b>must</b> ensure value for money.  |   |   |
| Goods and services |   |   | <b>Value</b> | <b>Supplier type</b>  | <b>Process</b>  |   |
|                    |    |    | <\$250,000   | SME   | You <b>must</b> first consider purchasing from SMEs whenever permitted to purchase directly from a supplier (i.e. if not required to seek multiple quotes or issue a tender). This includes purchases using standing offers, panels or prequalification schemes.  | <a href="#">SME and Regional Procurement Policy</a> |
|                    |    |    | <\$250,000   | <i>Aboriginal owned business</i>  | You <b>should</b> first consider purchasing from an <i>Aboriginal owned business</i> listed on a prequalification scheme, and <b>may</b> directly purchase based on one written quote<br><br>You <b>may</b> invite multiple prequalified <i>Aboriginal owned businesses</i> to participate in a <i>selective tender</i> | <a href="#">Aboriginal Procurement Policy</a>       |
|                    |  |   |              | <b>Hint:</b> Many <i>Aboriginal owned businesses</i> are also <i>SMEs</i> . Where there is an opportunity to use either a suitably qualified <i>SME</i> or <i>Aboriginal owned business</i> , you may choose which business type to <i>prefer</i> . If you choose to <i>prefer</i> an <i>Aboriginal owned business</i> , you do not have to <i>prefer</i> an <i>SME</i> . |   |   |



















## Selecting a procurement method

| Relating to           | Status  | Category  | Value        | Obligation   |  | Reference  |
|-----------------------|---|---|--------------|--|--|--|
| Construction          |   |   |              | <b>Supplier type</b>   | <b>Process</b>   |  |
|                       |  |    | <\$1 million | SME  | You <b>must</b> make reasonable efforts to obtain a quote from <i>SMEs</i> when using the following prequalification schemes: <ul style="list-style-type: none"> <li><a href="#">SCM1191 Construction consultant services</a></li> <li><a href="#">SCM0256 General Construction Works</a></li> </ul> unless an <i>SME</i> cannot reasonably provide a competitive quote. | <a href="#">PBD-2019-03 Access to Government Construction Procurement Opportunities by SMEs</a>  |
|                       |  |    | <\$250,000   | <i>Aboriginal owned business</i>   | You <b>may</b> directly negotiate with suitably qualified <i>Aboriginal owned businesses</i> .   | <a href="#">Aboriginal Procurement in Construction</a>   |
|                       |  |    | <\$1 million | <i>Aboriginal owned business</i>   | You <b>may</b> invite multiple prequalified <i>Aboriginal owned businesses</i> to participate in a <i>selective tender</i> .   |  |
| Existing arrangements |  |   | Any          | You <b>must</b> use <a href="#">whole-of government-contracts</a> to purchase applicable goods or services, including construction, except where the exemptions listed above apply.  |  | <a href="#">PBD-2019-04 Approved Procurement Arrangements</a>  |
|                       |  |   | Any          | You <b>must</b> use the following whole-of-government prequalification schemes where applicable: <ul style="list-style-type: none"> <li><a href="#">Contingent workforce</a></li> <li><a href="#">Motor vehicle acquisition</a></li> <li><a href="#">ICT services</a></li> <li><a href="#">Office furniture</a></li> <li><a href="#">Operational telecommunications</a></li> <li><a href="#">Financial assessments</a></li> <li><a href="#">General construction works for work valued up to \$1 million</a>, <b>except</b> <ul style="list-style-type: none"> <li>– if you issue an <i>open tender</i>, or</li> <li>– if you engage a local contractor for a one-off contract valued under \$30,000 and you formally invite the contractor to become prequalified.</li> </ul> </li> </ul> |  | <a href="#">PBD-2019-04 Approved Procurement Arrangements</a><br><a href="#">PBD-2013-01C Financial Assessments</a><br><a href="#">PBD-2014-04C Construction Procurement Prequalification Schemes for Work Valued to \$1 million</a> |



Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information









## Selecting a procurement method

| Relating to           | Status  | Category  | Value                        | Obligation  | Reference  |
|-----------------------|---|---|------------------------------|---|--|
| Existing arrangements |  |   | Any                          | You are <b>encouraged</b> to use the other whole-of-government prequalification schemes.  | <a href="#">Whole-of-Government prequalification schemes</a>               |
|                       |  |   | Any                          | You <b>must</b> check if your agency requires you to use any agency-specific standing offers, panel contracts or other arrangements.  |  |
|                       |  |   | Any                          | You <b>should</b> check if your agency has any pre-existing contracts, panels or prequalification schemes in place that meet your needs.  |  |
|                       |  |   | Any                          | You <b>may</b> use another agency's contracts, panels or prequalification schemes through a <i>piggybacking</i> clause.   | <a href="#">Agency procurement arrangements</a>                            |
|                       |  |   | Any                          | You <b>may</b> seek quotes or tenders from businesses listed on a Standing Offer Notice or Multi-Use List published on the Australian Government's <a href="#">AusTender</a> website.   | <a href="#">PBD 2014-07 Recognising Suppliers to Australian Government</a> |
| Covered procurements  |  |   | ≥\$657,000<br>≥\$9.2 million | You <b>may</b> use procurement panels and procurement lists (prequalification schemes) for <i>covered procurements</i> , provided they were established in accordance with the <a href="#">EPP Direction</a> . You may also continue to use panels and lists established prior to the EPP Direction coming into effect on 29 November 2019. | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>             |

## Creating a new procurement arrangement

| Relating to              | Status  | Category  |   | Value                        | Obligation   | Reference  |
|--------------------------|---|---|---|------------------------------|--|--|
| Engaging with the market |  |  |  | ≥\$657,000<br>≥\$9.2 million | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a> <b>has changed your market engagement options.</b>  | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>               |
|                          |  |  |  | Any                          | If you need to engage with the market to select a new supplier, the market engagement method <b>must</b> : <ul style="list-style-type: none"><li>• achieve value for money</li><li>• be fair and transparent</li><li>• ensure maximum competition in the market.</li></ul> |  |
| Construction             |  |   |  | Any                          | You <b>should</b> refer to the CILF practice notes as guidance when procuring and delivering major infrastructure projects. The CILF notes provide strategies to address key challenges affecting the construction sector.   | <a href="#">Construction Industry Leadership Forum (CILF) Practice Notes</a> |

## Creating a new procurement arrangement

| Relating to                   | Status  | Category  | Value                        | Obligation  | Reference  |
|-------------------------------|---|---|------------------------------|---|--|
| Covered procurements          |  |   | ≥\$657,000<br>≥\$9.2 million | <p>You <b>must</b> assess if the procurement is covered by the <a href="#">EPP Direction</a>, and comply with the direction if you determine it is a <i>covered procurement</i>.</p> <p>The procurement is a <i>covered procurement</i> if:</p> <ul style="list-style-type: none"> <li>• your agency is listed in Schedule 1 of the <a href="#">EPP Direction</a>, <b>and</b></li> <li>• it will result in any form of contract, <b>and</b></li> <li>• the estimated maximum value: <ul style="list-style-type: none"> <li>– ≥\$657,000 for goods and services or</li> <li>– ≥\$9.2 million for construction services or</li> <li>– cannot be estimated, <b>and</b></li> </ul> </li> <li>• the goods or services are not exempt under Schedule 2 of the <a href="#">EPP Direction</a>.</li> </ul> | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a> |
| Estimating the contract value |  |   | ≥\$657,000<br>≥\$9.2 million | <p>You <b>must</b> comply with cl. 7 of the <a href="#">EPP Direction</a> when estimating the maximum value of a <i>covered procurement</i>. The estimate must include, amongst other factors, the value of the goods or services to be procured; the value of any options, extensions or renewals; and any remuneration and revenue streams payable by the agency in the proposed contract.</p> <p>A procurement that will result in multiple proposed contracts <b>must</b> include the estimated value of all the proposed procurement contracts.</p> <p>The estimate may exclude the estimated value of exempt goods and services listed in Schedule 2 of the <a href="#">EPP Direction</a>.</p>  | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a> |

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information












## Creating a new procurement arrangement

| Relating to  | Status | Category | Value | Obligation                               | Reference   |
|--|--------|----------|-------|--|---|
| <b>Covered procurements</b><br>Open approach to market |        |          |       | $\geq \$657,000$<br>$\geq \$9.2$ million | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>        |
|  |        |          |       | $\geq \$657,000$<br>$\geq \$9.2$ million |   |
| Multi-stage procurements                               |        |          |       | $\geq \$657,000$<br>$\geq \$9.2$ million | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>        |
| Limited tendering                                      |        |          |       | $\geq \$657,000$<br>$\geq \$9.2$ million | <a href="#">Cl. 15 PBD-2019-05 Enforceable Procurement Provisions</a> |
|  |        |          |       | $\geq \$657,000$<br>$\geq \$9.2$ million |   |





















## Creating a new procurement arrangement

| Relating to   | Status  | Category  | Value                        | Obligation  | Reference  |
|---|---|---|------------------------------|---|--|
| <b>Covered procurements</b><br>Limited tendering                |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> keep a written report for each contract awarded by <i>limited tendering</i> that includes the circumstances and conditions that justified the use of the limited tender.  | <a href="#">Cl. 15(3) PBD-2019-05 Enforceable Procurement Provisions</a>   |
| Transitional arrangements                                       |    |       | ≥\$657,000<br>≥\$9.2 million | <p>The <a href="#">EPP Direction</a> <b>does not apply</b> to any contract or procurement panel entered into before 29 November 2019. It also does not restrict the use of extension options on existing contracts. You can continue to use the contract or the panel for the period it is in force, including extension options if exercised.</p> <p>You <b>do not</b> have to comply with the <a href="#">EPP Direction</a> if your procurement commenced before the 29 November 2019, provided the contract is awarded within three years. A procurement is taken to have commenced if:</p> <ol style="list-style-type: none"> <li>the business case which contains a strategy for approaching the market is submitted to another government agency as part of a mandatory process, e.g. Gate 2 of the Gateway Review process or the concurrence process for unaccredited agencies under PBD 2019-04 Approved Procurement Arrangements, or</li> <li>if external approval is not required, the date the business case or procurement strategy is approved by an authorised officer within your agency, or</li> <li>if neither a) nor b) is applicable, the date the procurement documentation is published on <a href="#">NSW eTendering</a> or your agency's website.</li> </ol> | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a><br><br><a href="#">NSW Gateway Policy PBD 2019-04 Approved Procurement Arrangements</a>   |
| <b>Innovation and non-traditional approaches to procurement</b> |  |   | Any                          | <p>You <b>should</b> consider innovative and non-traditional approaches to procurement, subject to meeting legislative and policy requirements including the <a href="#">EPP Direction</a>, such as:</p> <ul style="list-style-type: none"> <li>commissioning and contestability</li> <li>Public Private Partnerships.</li> </ul>   | <a href="#">Commissioning and Contestability Policy</a><br><a href="#">TPP17-07 NSW Public Private Partnerships Guidelines</a><br><a href="#">National Public Private Partnerships Policy and Guidelines</a> |



**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information

































## Creating a new procurement arrangement

| Relating to                                  | Status  | Category  | Value | Obligation  | Reference  |
|--|---|---|-------|---|--|
| Unsolicited proposals                        |    |       | Any   | The government <b>may</b> consider <i>unsolicited proposals</i> from industry to explore unique and innovative ideas. An <i>unsolicited proposal</i> is a proposal to deal directly with the government over a commercial proposition, where the government has not requested the proposal (full definition in <a href="#">Glossary</a> ).  | <a href="#">Unsolicited proposal process</a>   |
|  |    |       | Any   | <i>Unsolicited proposals</i> <b>must</b> be forwarded to the Department of Premier and Cabinet for assessment.<br><i>Unsolicited proposals</i> <b>must not</b> be used as a substitute for routine competitive procurement or to bypass tender processes.   |  |
| Complex market engagement methods            |    |       | Any   | You <b>may</b> use a complex market engagement method, such as direct negotiations (i.e. <i>limited tendering</i> with one supplier) or managed services contracts.   | <a href="#">Complex Market Engagements</a>   |
|  |    |       | Any   | You <b>must</b> , when considering a <i>complex market engagement</i> : <ul style="list-style-type: none"> <li>ensure the procurement process complies with the <a href="#">EPP Direction</a>, if it is a <i>covered procurement</i></li> <li>ensure the procurement strategy justifies the procurement method, including a comprehensive analysis of the market that demonstrates it is the most suitable approach</li> <li>demonstrate, for a direct negotiation, that a competitive process does not need to, or cannot, be conducted but value for money can still be achieved</li> <li>conduct a risk assessment, including addressing the procurement process risks arising from the procurement method.</li> </ul> |  |
|  |  |   | Any   | The officer approving the complex market procurement method <b>must</b> be satisfied that the agency will satisfy its legislative and policy obligations in relation to the procurement.  |  |
| Resource efficiency and the circular economy |  |   | Any   | You <b>should</b> consider the product lifecycle when conducting needs analysis and developing product specifications, including <i>circular economy</i> principles, so that reuse, repurposing, recycling and/or disposal of goods or assets is planned into the procurement process.  | <a href="#">NSW Circular Economy Policy Statement</a><br><a href="#">Government Resource Efficiency Policy</a> |

## Creating a new procurement arrangement

| Relating to            | Status  | Category  | Value          | Obligation   | Reference   |
|------------------------|---|---|----------------|--|---|
| Bid cost contributions |  |  | >\$100 million | <p>Agencies <b>may</b> consider contributing up to 50% of expected bid costs to eligible unsuccessful bidders for construction projects with an estimated total capital cost over \$100 million.</p> <p>You <b>should</b> identify the need and rationale for a bid cost contribution in the project's Final Business Case, and the proposed contribution <b>should</b> be included in the total project funding envelope presented to ERC or Cabinet for approval prior to commencing the procurement process.</p> <p>You <b>should</b> seek Treasury's agreement that conditions of the Bid Cost Contributions policy are met before releasing an Expression of Interest, if you wish to pay bid cost contributions.</p> | <a href="#">NSW Bid Cost Contributions Policy</a> |

## References

| Type        | Reference  | Status  | Category  | Value                      | Plan  | Source  | Manage  |
|-------------|--|---|---|----------------------------|---|---|---|
| Legislation | <a href="#">Public Works and Procurement Regulation 2019</a>   |    |    | Any                        |    |    |   |
| Policy      | <a href="#">Aboriginal Participation in Construction Policy (APIC)</a>   |    |   | <\$250,000<br>>\$1 million |    |    |    |
| Policy      | <a href="#">Aboriginal Procurement Policy (APP)</a>  |  |  | <\$250,000<br>>\$1 million |  |  |  |
| Policy      | <a href="#">Accreditation Program for Goods and Services Procurement</a>                                       |  |  | Any                        |  |  |  |
| Policy      | <a href="#">Agency Accreditation Program for Procurement (for construction accreditation gained post-2015)</a> |  |   | Any                        |  |  |  |
| Policy      | <a href="#">Agency Accreditation Scheme for Construction (for construction accreditation gained pre-2015)</a>  |  |   | Any                        |  |  |  |
| Policy      | <a href="#">NSW Bid Cost Contributions Policy</a>  |  |   | >\$100 million             |  |  |  |


Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## References

| Type   | Reference  | Status | Category |  | Value                           | Plan | Source | Manage |
|--------|--|--------|----------|--|---------------------------------|------|--------|--------|
| Policy | <a href="#">C2017-05 Unsolicited Proposals</a>   |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">Government Resource Efficiency Policy</a>  |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">ICT Assurance Framework</a>  |        |          |  | >\$10 million                   |      |        |        |
| Policy | <a href="#">Infrastructure Investment Assurance Framework</a>  |        |          |  | >\$10 million                   |      |        |        |
| Policy | <a href="#">National Public Private Partnerships Policy and Guidelines</a>                                     |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">NSW Circular Economy Policy Statement</a>  |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">NSW Gateway Policy</a>   |        |          |  | >\$10 million                   |      |        |        |
| Policy | <a href="#">NSW Public Private Partnerships Guidelines (TPP17-07)</a>  |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD-2013-01C Financial Assessments</a>   |        |          |  | >\$1 million                    |      |        |        |
| Policy | <a href="#">PBD2014-03C Agency Accreditation Scheme for Construction - threshold for unaccredited agencies</a> |        |          |  | >\$1.3 million                  |      |        |        |
| Policy | <a href="#">PBD-2014-04C Construction Procurement Prequalification Schemes for Work Valued to \$1 million</a>  |        |          |  | <\$1 million                    |      |        |        |
| Policy | <a href="#">PBD 2014-07 Recognising Suppliers to Australian Government</a>                                     |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>                                       |        |          |  | >\$10 million<br>>\$500 million |      |        |        |
| Policy | <a href="#">PBD 2019-03 Access to Construction Contracting Opportunities by SMEs</a>                           |        |          |  | <\$1 million                    |      |        |        |

## References

| Type     | Reference  | Status  | Category  |   | Value   | Plan  | Source  | Manage  |
|----------|--|---|---|---|---|---|---|---|
| Policy   | <a href="#">PBD 2019-04 Approved Procurement Arrangements</a>                          |    |    |    | Any   |    |    |   |
| Policy   | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                         |    |    |   | ≥\$657,000  |    |    |   |
| Policy   | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                         |    |   |    | ≥\$9.2 million  |    |    |   |
| Policy   | <a href="#">SME and Regional Procurement Policy</a>                                    |    |    |   | <\$50,000<br><\$250,000<br><\$1 million<br>>\$3 million |    |    |    |
| Policy   | <a href="#">TPP02-01 Policy Statement on the Application of Competitive Neutrality</a> |    |    |    | Any   |    |    |   |
| Policy   | <a href="#">TPP16-05 Commissioning and contestability policy</a>                       |    |    |    | Any   |    |    |    |
| Policy   | <a href="#">TPP18-06 NSW Government Business Case Guidelines</a>                       |    |    |    | Significant   |    |   |   |
| Policy   | <a href="#">TPP19-03 Recurrent Expenditure Assurance Framework</a>                     |  |  |   | ≥\$50 million pa<br>≥\$100 million over 4 years         |  |  |   |
| Guidance | <a href="#">Commissioning and Contestability Practice Guide</a>                        |  |  |  | Any   |  |  |  |
| Guidance | <a href="#">Construction Industry Leadership Forum (CILF) Practice Notes</a>           |  |   |  | Any   |  |  |   |
| Guidance | <a href="#">Complex market engagement methods</a>                                      |  |   |  | Any   |  |  |  |
| Guidance | <a href="#">Market approaches guide</a>  |  |  |  | Any   |  |  |   |
| Guidance | <a href="#">Promoting competition</a>  |  |  |  | Any   |  |  |   |

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information

Table 11 References: Plan







# Source










Identify and engage suppliers that will deliver best value for money in a framework of probity and fair dealing.

## Probity and fairness




| Relating to                   | Status | Category |  | Value | Obligation   | Reference   |
|-------------------------------|--------|----------|--|-------|--|---|
| Probity                       |        |          |  | Any   | Agencies <b>must</b> ensure procurement procedures are in place that safeguard fair, transparent and ethical practices.  | Refer to agency's policies and procedures                   |
|                               |        |          |  | Any   | You <b>must</b> be aware of the general and procurement-specific obligations under relevant legislation and the agency's code of conduct, gifts and benefits policy and business ethics statement.     |   |
|                               |        |          |  | Any   | You <b>must</b> follow the agency's procedures to manage conflicts of interest, both real and perceived.   |   |
| Probity advisers and auditors |        |          |  | Any   | You <b>may</b> engage a <i>probity adviser</i> or <i>auditor</i> , although this should be the exception rather than the rule for standard procurement activities.                                     | <a href="#">Corruption prevention, fairness and probity</a> |
|                               |        |          |  | Any   | Agencies <b>should</b> clearly set out the general principles of probity which staff and <i>probity advisers/auditors</i> are expected to apply throughout a procurement or sale process.              |   |
|                               |        |          |  | Any   | You, your managers and other agency staff, <b>retain accountability</b> for procurement decisions and following probity-rich management practices even if a <i>probity adviser/auditor</i> is engaged. |   |



## Probity and fairness













| Relating to                   | Status  | Category  | Value | Obligation  | Reference   |
|-------------------------------|---|---|-------|---|---|
| Probity advisers and auditors |  |   | Any   | <p>You <b>must</b>, when engaging <i>probity advisers or auditors</i>:</p> <ul style="list-style-type: none"> <li>be satisfied the engagement will not create a real or perceived conflict of interest arising from this or other work being performed by the <i>probity adviser/auditor</i></li> <li>not engage <u>auditors</u> that are already engaged in other work within the agency except where the audits are linked or there are other mitigating circumstances</li> <li>ensure <i>probity advisers/auditors</i> remain independent and objective by not engaging the same <i>probity advisers/auditors</i> on an ongoing or serial basis over several related or unrelated issues.</li> </ul> | <a href="#">Corruption prevention, fairness and probity</a> |
|                               |  |   | Any   | Agencies <b>may</b> be asked to report to the Procurement Board on the use of <i>probity advisers and auditors</i> within the agency.   |   |
|                               |  |   | Any   | Continuing to engage the same adviser or auditor can, at a minimum, give rise to a perception that the relationship is not robustly independent.  |   |

## Tender documentation























| Relating to                  | Status  | Category  | Value | Obligation  | Reference   |
|------------------------------|---|---|-------|---|---|
| Tender length and complexity |  |   | Any   | <p>You <b>must</b> when preparing tender documentation:</p> <ul style="list-style-type: none"> <li>provide a length limit for tender responses whenever feasible</li> <li>use plain English</li> <li>reasonably limit the complexity of tender requirements.</li> </ul> | <a href="#">SME and Regional Procurement Policy</a> |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information
















## Tender documentation

| Relating to  | Status  | Category  | Value                        | Obligation  | Reference   |
|--|---|---|------------------------------|---|---|
| <b>Covered procurements</b><br>Procurement documentation |    |       | ≥\$657,000<br>≥\$9.2 million | <p>The EPP Direction differentiates between an <i>open approach to market</i> (OAM) and <i>procurement documentation</i>.</p> <p>An OAM is an invitation (such as a notice or post) to participate in a procurement that is publicly published on <a href="#">NSW eTendering</a> (refer <a href="#">Notifying and briefing the market</a> below for further details).</p> <p><i>Procurement documentation</i> sets out the terms and conditions of the procurement, along with conditions for participation, specifications for the goods and services to be provided, and evaluation criteria.</p>   | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>        |
|  |    |       | ≥\$657,000<br>≥\$9.2 million | <p>You <b>must</b> include the following details in the procurement documentation:</p> <ul style="list-style-type: none"> <li>the nature, scope and the quantity of the goods or services being procured, or if the quantity is not known, the estimated quantity</li> <li>any requirements to be fulfilled including any technical specifications, conformity certification, etc</li> <li>any conditions for participation including any financial guarantees</li> <li>the evaluation criteria that will be used to assess submissions and if applicable their relative importance</li> <li>any dates for the delivery of goods or the supply of services</li> <li>any other terms or conditions relevant to the evaluation of submissions.</li> </ul> | <a href="#">Cl. 18 PBD-2019-05 Enforceable Procurement Provisions</a> |
| Conditions for participation                             |  |   | ≥\$657,000<br>≥\$9.2 million | <p>You <b>may</b> set conditions for a tenderer to participate in the procurement. Conditions for participation are used to identify suppliers that can show they have the capacity and ability to fulfil the procurement. They are different from the evaluation criteria.</p>   | <a href="#">Cl. 16 PBD-2019-05 Enforceable Procurement Provisions</a> |
|  |  |   | ≥\$657,000<br>≥\$9.2 million | <p>You <b>must only</b> set conditions for participation that ensure the supplier has the:</p> <ul style="list-style-type: none"> <li>legal capacity to undertake the procurement</li> <li>financial capacity to fulfil the procurement</li> <li>commercial and technical ability to fulfil the procurement</li> </ul> <p>on the basis of the supplier's business activities wherever they have occurred.</p>   |   |











## Tender documentation

| Relating to  | Status  | Category  | Value                        | Obligation  | Reference   |
|--|---|---|------------------------------|---|---|
| Covered procurements<br>Conditions for participation   |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must not</b> : <ul style="list-style-type: none"><li>discriminate against any supplier due to its degree of foreign affiliation, ownership, location or the origin of its goods and services</li><li>require suppliers to have prior experience in Australia</li><li>require suppliers to have prior contracts with a government agency in Australia.</li></ul>  | <a href="#">Cl. 16 PBD-2019-05 Enforceable Procurement Provisions</a>   |
|  |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> include any conditions for participation in the procurement documentation and provide a summary in the OAM for a procurement.   |   |
|  |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> invite all suppliers that demonstrate they meet the conditions for participation to participate in the procurement, or include them on the relevant procurement list.   |   |
| Specifications   |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> set out specifications: <ul style="list-style-type: none"><li>as performance and functional requirements, where this is appropriate for the procurement</li><li>using international standards, if they exist, except where they would not meet your requirements</li><li>in generic terms and without referring to particular trademarks, trade names, patents, suppliers, etc. If it is necessary to use these types of references, you must also include the words "or equivalent".</li></ul>   | <a href="#">Cl. 17 PBD-2019-05 Enforceable Procurement Provisions</a>   |
| Evaluation criteria  |  |   | ≥\$657,000<br>≥\$9.2 million | Evaluation criteria are used to identify the submission that achieves the required specifications and provides the best value for money. The <a href="#">EPP Direction</a> requires that you have regard to the following factors, if relevant, when assessing value for money: <ul style="list-style-type: none"><li>the financial and non-financial costs and benefits of making the procurement</li><li>the quality and quantity of the goods or services</li><li>whether the goods or services are fit for purpose</li><li>the supplier's relevant experience and performance history</li><li>the environmental sustainability of the goods or services</li><li>the whole of life costs of the goods or services.</li></ul> | <a href="#">Cl. 3(2) PBD-2019-05 Enforceable Procurement Provisions</a> |
| <b>Key</b>  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information |   |   |                              |   |   |

## Tender documentation















| Relating to  | Status  | Category  |   | Value                        | Obligation   | Reference   |
|--|---|---|---|------------------------------|--|---|
| <b>Covered procurements</b><br><br>Evaluation criteria |    |    |    | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> : <ul style="list-style-type: none"><li>disclose evaluation criteria in the procurement documentation, and</li><li>if applicable, provide information on the relative importance of the evaluation criteria, e.g. weighted criteria could be listed in the order of weighting or importance.</li></ul>   | <a href="#">Cl. 18 PBD-2019-05 Enforceable Procurement Provisions</a> |
|  |    |    |    | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> ensure any decision to award the contract is in accordance with the evaluation criteria disclosed in the procurement documentation.  | <a href="#">Cl. 22 PBD-2019-05 Enforceable Procurement Provisions</a> |
| Exempt measures and preferences                        |    |    |    | ≥\$657,000<br>≥\$9.2 million | <i>Exempt measures and preferences</i> in Schedule 3 of the <a href="#">EPP Direction</a> allow you to continue to comply with the SME and Regional Procurement Policy, the Aboriginal Procurement Policy, the Aboriginal Participation in Construction policy, and other initiatives such as those designed to support businesses that employ people with a disability.   | <a href="#">Sch. 3 PBD-2019-05 Enforceable Procurement Provisions</a> |
| <b>Supplier conduct</b>                                |    |    |    | Any                          | You <b>must</b> , in all tenders or sourcing documents, ensure prospective tenderers or suppliers are made aware of the requirement to: <ul style="list-style-type: none"><li>comply where relevant with the NSW Procurement Policy Framework, the NSW Code of Practice for Procurement and the <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a></li><li>provide information concerning any findings of dishonest, unfair, unconscionable, corrupt or illegal conduct against the tenderer, its directors or management.</li></ul> | <a href="#">PBD 2017-07 Supplier Conduct</a>                          |
|  |  |  |  | Any                          | Findings of dishonest, unfair, unconscionable, corrupt or illegal conduct have consequences for individual suppliers, up to exclusion from contracting opportunities with the government.  |   |

## Tender documentation













| Relating to   | Status  | Category  | Value                          | Obligation   | Reference  |
|---|---|---|--------------------------------|--|--|
| <b>Supplier conduct</b><br>Excluding suppliers from covered procurements  |    |   | ≥\$657,000<br>≥\$9.2 million   | You <b>may</b> exclude a supplier from a <i>covered procurement</i> if you have a reasonable belief that: <ul style="list-style-type: none"> <li>the supplier is bankrupt or insolvent</li> <li>the supplier has made one or more false declarations</li> <li>there has been significant or persistent deficient performance by the supplier of any substantive requirement or obligation under a prior contract</li> <li>the Independent Commission Against Corruption (or equivalent body in a jurisdiction in Australia), within the last 10 years, has made a finding that the supplier engaged in corrupt conduct</li> <li>the supplier has failed to pay taxes</li> <li>the supplier has been convicted of an offence punishable by imprisonment of more than 2 years, or a fine of over \$200,000</li> <li>the supplier has been found guilty of professional misconduct or unprofessional conduct in a jurisdiction in Australia.</li> </ul> | <a href="#">Cl. 12 PBD-2019-05 Enforceable Procurement Provisions</a>                      |
|  <b>Additional requirements for construction contracts</b> |   |   |                                |  |  |
| <b>Supplier conduct</b>   |   |   | Any                            | You <b>must</b> include the mandatory evaluation criteria on adverse actual or reputational risks arising from supplier conduct in all EOIs and RFTs for construction projects. The criteria wording is provided in PBD 2017-07.   | <a href="#">PBD 2017-07 Supplier Conduct</a>   |
| <b>Industrial relations</b>   |  |    | Any                            | You <b>must</b> clearly set out the requirements of the <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a> in all EOIs, tenders and contractual documents for construction projects.   | <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a> |
|   |  |    | ≥\$10 million<br>≥ \$5 million | You <b>must</b> require tenderers to provide a <i>Workplace Relations Management Plan</i> for construction projects where the NSW government or a public sector body contribution is: <ul style="list-style-type: none"> <li>≥\$10 million, or</li> <li>≥ \$5 million and at least 50% of the total construction project value.</li> </ul>   |  |

**Key**
 Mandatory
  Recommended
  Goods and services
  Construction
  ICT
  Human services
  Additional information

## Tender documentation

| Relating to | Status  | Category  | Value         | Obligation   | Reference  |
|-------------|---|---|---------------|--|--|
| Standards   |    |    | Any           | You <b>must</b> ensure construction materials and processes are fit for purpose, including complying with relevant Australian and international standards, for example by requiring independent certifications, supplier statements or delivery inspections.   | <a href="#">PBD-2016-03 Construction Standards and Conformance</a> |
|             |    |    | Any           | You <b>must</b> identify and document the intended purpose or purposes when procuring construction goods or services, including the anticipated uses and period of use.  |  |
|             |    |    | Any           | You <b>must</b> assess risks arising from non-conforming or non-compliant building products and construction materials, taking account of the intended purpose or purposes of the procurement.   |  |
|             |    |    | Any           | You <b>must</b> ensure these risks are managed as far as practicable, considering: <ul style="list-style-type: none"> <li>• legal obligations relating to work health and safety, public safety and environmental protection</li> <li>• compliance with the relevant design and performance standard in the National Construction Code</li> <li>• other relevant international and Australian Standards and technical specifications.</li> </ul> |  |
|             |  |  | Any           | You <b>must</b> contractually require contractors to comply with relevant standards for building products, construction materials and construction or manufacturing processes, including that they comply with the standards specified in <a href="#">PBD 2016-03</a> .  |  |
|             |  |  | Any           | You <b>must</b> ensure contractors comply with relevant standards, including where relevant third-party independent certification.   |  |
|             |  |  | ≥\$10 million | You <b>are encouraged</b> to disclose publicly the source of major components and materials on infrastructure projects valued ≥\$10 million.   |  |

## Tender documentation

| Relating to           | Status  | Category  | Value        | Obligation  | Reference  |
|-----------------------|---|---|--------------|---|--|
| Financial assessments |    |    | Any          | You <b>must</b> ensure that tender and relevant contract documentation includes appropriate references to the sharing and use of financial assessment reports.  | <a href="#">PBD 2013-01C Financial Assessments</a>                       |
|                       |    |    | >\$1 million | <p>You <b>must</b> obtain a financial assessment on the preferred contractor prior to awarding a construction contract for work valued &gt;\$1 million. The assessment must be:</p> <ul style="list-style-type: none"> <li>• no more than six months old for contracts valued \$1 million – \$10 million</li> <li>• no more than three months old for contracts valued &gt;\$10 million.</li> </ul>   |  |
| Covered procurements  |    |    |              | <p>You <b>must</b>:</p> <ul style="list-style-type: none"> <li>• evaluate the financial capacity of the supplier on the basis of the supplier's business activities, wherever they have occurred, and</li> <li>• base the assessment solely on the conditions for participation that you have specified for the procurement.</li> </ul> <p>Therefore, the financial capacity criteria specified in the <i>procurement documentation</i> must be consistent with the information that you obtain through the financial assessment reports.</p> | <a href="#">Cl. 16(5) PBD-2019-05 Enforceable Procurement Provisions</a> |
|                       |   |   | Any          | You <b>must</b> use the <a href="#">Financial Assessments Prequalification Scheme</a> to procure financial assessment reports, unless your agency has capability to prepare financial assessment reports itself.  | <a href="#">Financial Assessments Prequalification Scheme</a>            |
|                       |  |  | Any          | You <b>must</b> address risks and any recommended actions identified in a financial assessment by applying appropriate strategies through the life of the contract.   |  |
|                       |  |  | Any          | Suppliers that are members of the Financial Assessments Prequalification Scheme are required to provide a copy of each report prepared for an agency to NSW Procurement. These reports are held in a <a href="#">central repository</a> and agencies can <a href="#">request access to reports</a> for specific contractors. The report date is provided to allow agencies to comply with the timeframes above.   | <a href="#">Financial Assessments Repository</a>                         |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information























## Tender documentation

| Relating to             | Status | Category | Value                                     | Obligation   | Reference   |
|-------------------------|--------|----------|---|--|---|
| Work, health and safety |        |          |   | You <b>must</b> ensure construction contractors provide evidence of <i>WHS Management Systems</i> and/or WHS management performance as follows:  | <a href="#">Work Health and Safety Management Systems and Auditing Guidelines</a> |
|                         |        |          | Any                                       | Design consultancy:<br>You <b>must</b> include safety risks relating to the construction work site in the tender documents.<br>You <b>must</b> confirm the successful designer is capable of meeting safe design obligations.  |   |
|                         |        |          | <\$1 million                              | You <b>must</b> include the safe design report and asbestos register in the tender documents if the work involves refurbishment or demolition.<br>You <b>must</b> require potential <i>Principal Contractors</i> to provide evidence of previous satisfactory WHS management performance.<br>You <b>must</b> require the successful tenderer to submit a <i>WHS Management Plan</i> before works begins. |   |
|                         |        |          | ≥\$1 million or as required by the agency | You <b>must</b> comply with all WHS requirements for contracts <\$1 million, plus require: <ul style="list-style-type: none"> <li>• all potential <i>Principal Contractors</i> to provide evidence of an acceptable <i>WHS Management System</i>, and</li> <li>• that the successful tenderer is to submit a <i>Project WHS Management Plan</i> before work begins.</li> </ul>                           |   |

















## Tender documentation

| Relating to              | Status  | Category  | Value   | Obligation   | Reference   |
|--------------------------|---|---|---|--|---|
| Environmental management |    |    | Any   | You <b>must</b> require that the successful tenderer prepare and implement an appropriate site-specific <i>Environmental Management Plan</i> prior to work commencing.   | <a href="#">Environmental Management Systems Guidelines</a> |
|                          |    |    | ≥\$10 million, or environmentally sensitive contracts | You <b>must</b> require tenderers for contracts ≥\$10 million, or environmentally sensitive contracts, to have an acceptable corporate <i>Environmental Management System</i> .<br><br>This includes applicants for prequalification as a tenderer for a range of contracts, and <b>EOIs</b> for pre-registration as a tenderer for a particular contract that meet these criteria.                                  |   |
| Quality management       |    |    | Any   | You <b>should</b> apply the requirements in the <a href="#">Quality Management Systems Guidelines</a> for relevant construction contracts, consultancies, and product supply.  | <a href="#">Quality Management Systems Guidelines</a>       |
|                          |    |    | >\$1 million<br>>\$100,000<br>>\$50,000               | You are <b>recommended</b> to require tenderers for <b>high risk</b> construction contracts valued >\$1 million, consultancies >\$100,000 and product suppliers >\$50,000, to have a certified <i>Quality Management System</i> .<br><br>You <b>should</b> also require potential suppliers of high or medium risk products to provide test certificates and certifications that products conform with requirements. |   |
|                          |  |  | Any   | For all construction contracts, consultancies and product suppliers you are <b>recommended</b> to require that successful tenderers implement a combination of <i>Quality Management Plans</i> , <i>Inspection</i> and <i>Test Plans</i> , provide certifications and/or allow delivery inspections (depending on the type of work and risk profile of the contract) to ensure quality standards are met.            |   |

## Additional evaluation criteria

















| Relating to   | Status  | Category  | Value         | Obligation   |   | Reference   |
|---|---|---|---------------|--|---|---|
| Additional evaluation criteria  |  |   | Various       | <p>For procurements over defined spend thresholds, additional evaluation criteria <b>must</b> be included to address government priorities to support SMEs, employment and business opportunities for Aboriginal people and apprenticeships.</p> <p>These requirements apply to covered procurements as they fall under the <i>exempt measures and preferences</i> in Schedule 3 of the <a href="#">EPP Direction</a>.</p> |   | <a href="#">Sch. 3 PBD-2019-05 Enforceable Procurement Provisions</a> |
| <br>Goods and services |  |    | <\$3 million  | Supplier type  | Requirement   | <a href="#">SME and Regional Procurement Policy</a>                   |
|   |   |   |               | SMEs   | You <b>may</b> include a non-price evaluation criterion that considers how tenderers will support the government's economic, ethical, environmental and social priorities, consistent with <i>exempt measures and preferences</i> in Schedule 3 of the <a href="#">EPP Direction</a> .  |   |
|   |   |   | >\$3 million  | SMEs   | You <b>must</b> include a minimum 15% non-price evaluation criteria that considers how tenderers will support the government's economic, ethical, environmental and social priorities, consistent with relevant exemptions in IPAs. At least 10% (i.e. 2/3 of the 15% weighting) must be allocated to <i>SME</i> participation. | <a href="#">Aboriginal Procurement Policy</a>                         |
|   |  |    | >\$10 million | Aboriginal owned business  | <p>You <b>must</b>:</p> <ul style="list-style-type: none"> <li>require that tenderers include an <i>Aboriginal Participation Plan</i> in tender responses</li> <li>include evaluation criteria to assess tenderers' <i>Aboriginal Participation Plans</i>.</li> </ul>   |   |

## Additional evaluation criteria

| Relating to  | Status  | Category  | Value  | Obligation                |  | Reference  |
|--|---|---|--|---------------------------|--|--|
| <br><b>Construction</b>   |    |    | >\$1 million or primarily directed at Aboriginal communities | <b>Supplier type</b>      | <b>Requirement</b>   | <a href="#">Aboriginal Participation in Construction Policy (APIC)</a>                         |
|  |   |   |  | Aboriginal owned business | You <b>must</b> set a targeted project spend to support Aboriginal participation, at a minimum <b>1.5%</b> of the total estimated contract value. Agencies are encouraged to set higher requirements where appropriate.  |  |
|  |    |    | <\$10 million  | Apprentices and trainees  | You <b>should</b> : <ul style="list-style-type: none"> <li>include evaluation criteria which recognise contractor commitments to supporting skills development</li> <li>monitor contractor performance in meeting skills commitments</li> <li>include reporting and compliance assurance provisions in contracts where necessary.</li> </ul>   | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>                       |
|  |    |    | >\$10 million  | Apprentices and trainees  | You <b>must</b> : <ul style="list-style-type: none"> <li>set targets for the engagement of apprentices and trainees on the project</li> <li>include the target in project requirements provided to potential suppliers, including tender documents</li> <li>consider the capacity of tenderers to meet these requirements when evaluating and awarding the contract, including a contractor's past performance in meeting requirements</li> <li>ensure contractors contractually commit to, as a minimum, quarterly reporting on the engagement of apprentices and trainees, and progress in achieving the project target</li> </ul> |  |
|  |  |  | >\$100 million   | Apprentices and trainees  | You <b>must</b> evaluate tenderers for major infrastructure projects on demonstrated ability to work effectively with government and ability to support the government's skills and apprenticeship targets.  | <a href="#">M2014-11 Additional Evaluation Criteria for Projects Valued Over \$100 Million</a> |
| <b>Key</b>  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information |   |   |  |                           |  |  |

















## Contract requirements

| Relating to   | Status  | Category  | Value      | Obligation  | Reference  |
|---|---|---|------------|---|--|
| <b>Contract templates</b>   |   |   |            |   |  |
| <br><b>Goods and services, excl. ICT</b> |    |    | Any        | <p>You <b>may</b> use the Procurement Board's standard templates for:</p> <ul style="list-style-type: none"> <li><a href="#">Head (Standing Offer) Agreement</a> – standing offer, including panel, agreement for whole-of-government or agency-wide arrangements</li> <li><a href="#">Customer contract order template</a> – individual contracts under a Head Agreement</li> <li><a href="#">Agency Specific Contract Terms</a> – one-off contract (i.e. non-standing offer) for goods and services procurement</li> <li><a href="#">Approved List</a> – rules for participation in a Supplier List or Prequalification Scheme</li> <li><a href="#">Plain English Contract</a> – individual contracts between a prequalified supplier (i.e. supplier on a specified Supplier List) and agency.</li> </ul> | <a href="#">Goods and services contract templates</a><br><br><a href="#">Prequalification scheme templates</a> |
|   |    |    | Any        | You <b>may</b> customise the standard form contracts to meet specific needs, although where possible agency contracts should reflect the general principles and approach of the commercial terms in the standard form contracts.  |  |
|   |    |    | Any        | You <b>may</b> need to seek legal advice on changes to the standard form contract.  |  |
| <br><b>ICT</b>                           |    |    |            | You <b>must</b> use the ProcureIT Framework when procuring ICT goods or services:   | <a href="#">PBD-2018-02 Replacement of the ICT Short Form Contract in the Procure IT Framework</a>             |
|   |   |   | <\$500,000 | • <a href="#">Core&amp; Agreement (Low Risk)</a> – low risk ICT procurements <\$500,000   |  |
|   |   |   | >\$500,000 | • <a href="#">ProcureIT v3.2</a> – long form contract agreement template for high risk and/or ICT procurements >\$500,000.  |  |
|   |  |  | <\$500,000 | You <b>may</b> use ProcureIT v3.2 for any ICT procurement, including <\$500,000.  |  |
|   |  |  | Any        | You <b>must</b> seek DCS's written approval for any variations to the standard terms and conditions of the ProcureIT Framework, except for beneficial variations.   |  |
|   |  |  | Any        | You <b>must</b> provide written notification of any beneficial variations to DCS Legal prior to executing the contract, supported by legal advice confirming the variations are beneficial in nature.   |  |












Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## Contract requirements










| Relating to   | Status  | Category  | Value   | Obligation   | Reference   |
|---|---|---|---|--|---|
| <br>Human services   |    |    | Any   | You <b>must</b> use the <a href="#">NSW Human Services Agreement template</a> when procuring <i>human services from NGOs</i> .   | <a href="#">PBD 2017-04 Procuring Human Services from NGOs</a>  |
|   |    |    | Any   | You <b>must</b> seek approval to amend the template from the agency General Counsel (or external legal counsel) and the Chief Procurement Officer.   |   |
|   |    |    | Any   | You <b>must</b> annually report amendments to the template to the Human Services Category Management Working Group.  |   |
|  <b>Construction</b> |   |   |   |  |   |
| <i>Unaccredited and partially accredited</i>  |    |    | >\$1.3 million  | <p>You <b>must</b> use the construction contract templates and guidelines on ProcurePoint for construction work valued &gt;\$1.3 million:</p> <ul style="list-style-type: none"><li>• <a href="#">GC21</a> – construction contracts &gt; \$1 million, or of lower value with complex contractual requirements</li><li>• <a href="#">Consultancy services</a></li><li>• <a href="#">Project management services</a></li><li>• <a href="#">Expression of interest</a> – seeks an indication of interest from potential service providers to undertake specific work.</li></ul> | <a href="#">Agency Accreditation Scheme for Construction Guide for Agencies</a><br><a href="#">PBD 2014-03C Threshold for Unaccredited Work</a><br><a href="#">Construction contract templates</a><br><a href="#">Construction procurement guidelines</a> |
|   |  |  | <\$1.3 million  | <p>You <b>may</b> use the construction contract templates and guidelines on Procurement for construction work valued &lt;\$1.3 million, including simplified contracts for lower value work:</p> <ul style="list-style-type: none"><li>• <a href="#">Minor works MW21</a> – straightforward construction contracts &lt;\$1 million</li><li>• <a href="#">Mini minor works</a> – construction contracts &lt;\$50,000 with simple terms.</li></ul>   |   |
|   |   |  |  | Any  | You <b>must</b> use the specified contract documents when using construction prequalification schemes.  |

## Contract requirements























| Relating to   | Status  | Category  |   | Value         | Obligation   | Reference   |
|---|---|---|---|---------------|--|---|
| Accredited agencies   |    |   |    | Any           | You <b>may</b> use the standard <a href="#">construction contract templates and construction procurement guidelines</a> on ProcurePoint.       | <a href="#">Construction procurement</a>  |
|   |    |   |    | Any           | You <b>must</b> ensure construction contracts include appropriate references to:   |   |
|   |   |   |   |               | • <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a>   | <a href="#">NSW Industrial Relations Guidelines</a>   |
|   |   |   |   |               | • compliance with relevant international or Australian standards   | <a href="#">PBD-2016-03</a>   |
|   |   |   |   |               | • sharing and use of financial assessment reports  | <a href="#">PBD 2013-01C</a>  |
|   |   |   |   |               | • WHS requirements   | <a href="#">WHS Regulation 2017</a><br><a href="#">WHS Management Systems and Auditing Guidelines</a> |
|   |   |   |   |               | • Environmental management requirements  | <a href="#">Environmental Management Systems Guidelines</a>   |
|   |  |   |  | Any           | • Quality management requirements.   | <a href="#">Quality Management Systems Guidelines</a>   |
| You <b>must</b> use the specified contract documents when using construction prequalification schemes.    |   |   |   |               | <a href="#">Construction prequalification schemes</a>  |   |
| Reporting   |   |   |   |               |  |   |
| <br>Goods and services |  |  |   | >\$10 million | You <b>must</b> ensure contracts include supplier commitments and reporting obligations under the Aboriginal Procurement Policy.               | <a href="#">Aboriginal Procurement Policy</a>   |
|   |  |  |   | >\$3 million  | You <b>must</b> incorporate supplier SME and sustainability commitments and reporting obligations into applicable agreements and/or contracts. | <a href="#">SME and Regional Procurement Policy</a>   |

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information

## Contract requirements

| Relating to   | Status  | Category  | Value   | Obligation    | Reference   |   |
|---|---|---|---|---------------|---|---|
| Reporting   |   |   |   |               |   |   |
| <br>Construction |    |   |    | >\$1 million  | You <b>must</b> ensure contracts include supplier commitments and reporting obligations under the APIC policy.  | <a href="#">Aboriginal Participation in Construction Policy</a>                                     |
|   |    |   |    | >\$10 million | You <b>must</b> ensure applicable contracts include supplier obligations and quarterly reporting requirements on apprenticeship and trainee targets.  | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>                            |
| Contract periods  |    |    |    | Any           | You <b>may</b> determine a suitable duration for the contract depending on the circumstances of the contract and subject to approval by the agency head or delegate.  |   |
|   |    |    |    | Any           | Contract periods should not, generally, be greater than five years including extension options.   |   |
| Commercial approaches in contracts  |   |   |   |               |   |   |
| Insurance   |    |    |    |               | You <b>must</b> use the Treasury Managed Fund (TMF) for all government insurance requirements. The TMF provides member agencies with unlimited cover worldwide including workers compensation insurance, general insurance and travel protection. | <a href="#">TC12-12 Mandatory use of the TMF for all Government insurance requirements</a>          |
| Principal arranged insurance  |   |   |   | >\$10 million | You <b>must</b> arranged Principal Arranged Insurance (PAI) for construction projects through icare.  | <a href="#">TC16-11 Mandatory principal arranged insurance for all major capital works projects</a> |
|   |  |   |  | <\$10 million | You <b>may</b> decide if PAI is required. PAI must be organised through icare if you decide to insure the project.  |   |
| Public liability and professional indemnity insurance   |  |  |  | Any           | You <b>must</b> apply the minimum possible levels of public liability and professional indemnity insurance for SMEs, giving regard to the risk of the engagement.   | <a href="#">SME and Regional Procurement Policy</a>   |
|   |  |  |  | Any           | You <b>should</b> minimise insurances and indemnities for all other suppliers, with risk allocated to the party best placed to mitigate or manage those risks.  | <a href="#">Commercial approaches in contracts</a>  |
|   |  |  |  | Any           | You <b>should</b> only require professional indemnity insurance if professional services or expert advice are being supplied.   |   |

## Contract requirements

| Relating to                                       | Status  | Category  | Value | Obligation   | Reference  |
|---|---|---|-------|--|--|
| Insurance requirements                            |    |       | Any   | Insurance requirements should be determined for each contract based on the type of procurement arrangement, value, risk profile, category and market profile and other relevant factors.   | <a href="#">Commercial approaches in contracts</a>                           |
| Proportionate liability in construction contracts |    |    | Any   | You <b>may</b> only contract out of Part 4 of the <i>Civil Liability Act 2002</i> in a construction contract when an assessment clearly demonstrates that it is justified.   | <a href="#">PBD 2017-03 Civil Liability Act 2002 Proportionate Liability</a> |
|   |    |    | Any   | You <b>must</b> submit a report to Public Works Advisory (PWA) whenever you exclude proportionate liability in a construction contract. The report must set out the reasons for excluding proportionate liability.   |  |
| Indemnities                                       |    |       | Any   | You <b>should</b> cap indemnities required from suppliers, as uncapped liability by a supplier in favour of the state is not considered reasonable. The default position is for indemnities to be capped as a multiple of the per annum contract value.  | <a href="#">Commercial approaches in contracts</a>                           |
|   |    |       | Any   | Agencies <b>should not</b> as a general rule give indemnities. If required, the agency's liability should be limited to 1x the contract value (in total).  |  |
|   |    |       | Any   | Some board-mandated contract templates may have specific indemnity requirements that differ from these settings, due to the nature of the goods or services being procured.  |  |
| Guarantees  |  |   | Any   | You <b>should</b> limit the use of financial securities, bank guarantees, or performance guarantees to necessary circumstances.  |  |
| Intellectual property (IP)                        |  |   | Any   | <p>You <b>should</b> ensure that whichever party owns intellectual property (IP) at the start of the contract retains that ownership.</p> <p>You <b>should</b> allow suppliers to retain ownership of IP in any product developed under contract, with the agency given a perpetual, transferable, royalty free licence to use the IP.</p> <p>If there is a case for the agency to retain ownership of IP, you <b>may</b> decide whether the supplier is to be granted a licence to use that IP without charge (including the right to commercially exploit the IP), or place restrictions on the use of the IP.</p> |  |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information





























## Contract requirements

| Relating to              | Status | Category | Value | Obligation  | Reference   |
|--------------------------|--------|----------|-------|---|---|
| Price refresh mechanisms |        |          | Any   | You <b>should</b> consider the individual circumstances of the contract, product and/or service to determine the appropriate price adjustment mechanism.  | <a href="#">Commercial approaches in contracts</a>                                      |
| Extension options        |        |          | Any   | You <b>may</b> include extension options in contracts, although the total contract term should not generally exceed five years.<br><br>Extension options should only be exercised if the contract is meeting the agency's needs and supplier performance is satisfactory. |   |
|                          |        |          | Any   | Extension options <b>must</b> only be exercised where it can be demonstrated the contract will continue to deliver value for money.   |   |
| Covered procurements     |        |          |       | You must not use contract extension options, cancel a procurement or modify or terminate a n awarded contract in order to avoid the operation of the <a href="#">EPP Direction</a> .  | <a href="#">Cl. 11 PBD-2019-05 Enforceable Procurement Provisions</a>                   |
| Termination              |        |          | Any   | You <b>may</b> require the right to terminate for convenience but provide for suppliers to be compensated for out of pocket costs reasonably incurred prior to receiving the notice of termination, in the expectation that the agreement or project would continue.      |   |
| Dispute resolution       |        |          | Any   | You <b>should</b> require the agency and supplier to seek to resolve disputes in good faith, with mediation the preferred method if this fails. Expert determination <b>should</b> be avoided.  | <a href="#">Premier's Memorandum 2016-03 Model Litigant Policy for Civil Litigation</a> |

<sup>1</sup> Annual Procurement Plans are mandatory for accredited agencies.

## Notifying and briefing the market










| Relating to               | Status  | Category  | Value                        | Obligation   | Reference  |
|---------------------------|---|---|------------------------------|--|--|
| Advance notice            |    |       | Any                          | You <b>should</b> provide as much advance notice as possible of upcoming procurement opportunities. Advance notice can be provided by publishing <i>Annual Procurement Plan</i> <sup>1</sup> , publishing a notice of <i>proposed RFT</i> or other early industry engagement activities. |  |
| Pre-tender briefings      |    |    | Any                          | You <b>must</b> provide pre-tender briefings when reasonably requested by SMEs and regional suppliers.   | <a href="#">SME and Regional Procurement Policy</a>            |
|                           |    |       | Any                          | You <b>should</b> provide tender briefings for all significant or complex procurements to allow suppliers to better understand the requirements.   |  |
|                           |    |       | Any                          | You <b>should</b> provide group pre-tender briefings rather than to individual suppliers, to ensure all suppliers have equal access to tender information.   |  |
| Online advertising        |    |       | Any                          | You <b>must</b> advertise <i>open tenders</i> electronically on <a href="#">NSW eTendering</a> and not by print advertising, except where exceptional reasons require the use of print. In these cases, eTendering must still be used to, at a minimum, notify the market of the tender. | <a href="#">M2011-16 NSW Government Tenders</a>                |
|                           |    |       | Any                          | You <b>may</b> also publish the advertisement on other platforms as determined by the agency.  |  |
| Covered procurements      |  |   | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> publish any <i>open approach to market</i> (OAM) for a covered procurement on <a href="#">NSW eTendering</a> .   | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a> |
| Procurement documentation |  |   | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> , to the extent practicable, make relevant <i>procurement documentation</i> available for free by electronic means at the same time that you publish the OAM.  |  |
|                           |  |   | ≥\$657,000<br>≥\$9.2 million | The <i>procurement documentation</i> <b>may</b> be made available through <a href="#">NSW eTendering</a> or through some other method advised in the OAM, such as your agency website.   |  |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information




















## Notifying and briefing the market

| Relating to  | Status  | Category  |   | Value                        | Obligation  | Reference   |
|--|---|---|---|------------------------------|---|---|
| <b>Covered procurements</b><br>Open approach to market |    |    |    | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> include the information detailed in cl. 14 of the <a href="#">EPP Direction</a> in the OAM on <a href="#">NSW eTendering</a> , including: <ul style="list-style-type: none"><li>• a description of the procurement, including, if appropriate, the nature and quantity of the goods and services to be procured, or where the quantity is not known, the estimated quantity</li><li>• an explanation of the procurement process that will be followed</li><li>• the duration of any contract or the period when goods or services must be provided</li><li>• a summary of any conditions for participation, including documents or certifications that must be provided</li><li>• agency contact details, how to obtain procurement documentation and the date for lodging submissions</li><li>• if applicable, the criteria that will be used to select a limited number of suppliers who will be invited to make further detailed submissions and the justification for limiting the number</li><li>• if applicable, a statement that you intend to conduct negotiations.</li></ul> | <a href="#">Cl. 14 PBD-2019-05 Enforceable Procurement Provisions</a> |
| Conditions of participation                            |    |    |    | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> include any conditions for participation in the OAM for a procurement.  |   |
| Negotiations   |  |  |  | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> indicate in the OAM if you plan to conduct negotiations regarding a procurement.  |   |

## Notifying and briefing the market










| Relating to   | Status  | Category  | Value                        | Obligation   | Reference   |
|---|---|---|------------------------------|--|---|
| <b>Covered procurements</b><br>Multi-stage procurements |    |       | ≥\$657,000<br>≥\$9.2 million | <p>You <b>must</b>, if you intend to use a multi-stage process that involves selecting a limited number of suppliers to provide further submissions (e.g. shortlisting suppliers), include in the OAM:</p> <ul style="list-style-type: none"> <li>a statement that you intend to invite further submissions from a limited number of suppliers,</li> <li>the criteria you will use to select the suppliers, and</li> <li>the justification for limiting the number of suppliers who will be invited to lodge further submissions.</li> </ul> | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>        |
| Procurement lists<br>(prequalification schemes)         |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> include the above criteria in the notice inviting suppliers to join a procurement list, if only a limited number of suppliers will be invited to provide submissions for any procurements using the list (i.e. if a limited number of suppliers will be selected to respond to procurement opportunities such as an RFQ, RFP or RFT).  | <a href="#">Cl. 25 PBD-2019-05 Enforceable Procurement Provisions</a> |
|   |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> include the conditions for participating in a procurement list in the notice inviting applications to be included on that list.  |   |
| <b>Tender periods</b>                                   |    |       | Any                          | You <b>must</b> ensure tender periods give all businesses reasonable time to effectively price and prepare their submissions or bids.  |   |
| Covered procurements                                    |  |   | ≥\$657,000<br>≥\$9.2 million | <p>You <b>must</b> provide suppliers with sufficient time to prepare and submit a response to any invitation to participate in a procurement, consistent with your agency's reasonable needs.</p> <p>This applies even where some suppliers may be able to respond in a shorter period, and this consideration overrides the permitted minimum timeframes below.</p>   | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>        |



## Notifying and briefing the market






















| Relating to                                       | Status | Category | Value                        | Obligation  | Reference  |
|---|--------|----------|------------------------------|---|--|
| <b>Tender periods</b><br>Covered procurements     |        |          | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> provide the following <b>minimum</b> timeframes for covered procurements, bearing in mind the principal requirement to provide suppliers sufficient time to prepare and submit a response. These minimum timeframes also apply to covered procurements using a procurement panel or procurement list.   | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                               |
|   |        |          |                              | 10 calendar days <ul style="list-style-type: none"> <li>• If you require the goods or services urgently, or</li> <li>• If you are procuring commercial goods or services that are routinely for sale to businesses for non-government purposes, or</li> <li>• If you have published an open approach to market (OAM) within the previous 12 months for substantially similar goods or services and stated in that OAM that a further OAM will be published, or</li> <li>• If you have included a notice of the procurement in an annual procurement plan published on <a href="#">NSW eTendering</a> at least 40 days before publishing the OAM.</li> </ul> |  |
|   |        |          |                              | 25 calendar days <p>In all other circumstances.</p>   |  |
| <b>Tender periods</b><br>Non-covered procurements |        |          | Any                          | You <b>should</b> allow longer timeframes for complex and/or high value tenders, e.g. construction works that involve significant design elements may warrant longer tender periods.  | <a href="#">Market Approaches Guide</a>  |
|   |        |          | >\$100 million               | You <b>should</b> consider the timing benchmarks provided by <a href="#">Infrastructure Australia</a> for procurements > \$100 million that involve design and construct, PPPs or alliance delivery models.   | <a href="#">Infrastructure Australia: Efficiencies in major project procurement volume 1</a> |

## Notifying and briefing the market













| Relating to                                       | Status  | Category  |   | Value          | Obligation  |   | Reference  |
|---|---|---|---|----------------|---|---|--|
| <b>Tender periods</b><br>Non-covered procurements |    |    |    | <\$100 million | The following <b>minimum</b> timeframes are <b>recommended</b> for procurements <\$100 million:   |   | <a href="#">Market Approaches Guide</a>                                  |
|   |   |   |   |                | No set period   | Where there is a genuine urgent need attached to the procurement, including in response to a critical issue or emergency.   |  |
|   |   |   |   |                | 10 calendar days  | <ul style="list-style-type: none"><li>Where the tender is included in the agency's published procurement plan on <a href="#">NSW eTendering</a> with details of the procurement, the timing of the approach to market and advice on how to obtain tender documentation.</li><li>Where the goods and services are available through a panel contract, standing offer or prequalification scheme recognised by the NSW Government.</li><li>Where the approach to the market is part of recurring procurement arrangements undertaken by the agency.</li></ul> |  |
|   |   |   |   |                | 25 calendar days  | In all other cases where the tender is published on <a href="#">NSW eTendering</a> .  |  |
|   |   |   |   |                | 30 calendar days  | In all cases where the tender is not published on <a href="#">NSW eTendering</a> .  |  |
| <b>Extensions</b>                                 |  |  |  | Any            | You <b>should</b> only extend tender periods where late addenda or some other exceptional circumstance impacts tenderers' ability to meet the initial deadline. |   | <a href="#">Cl. 23(5) PBD-2019-05 Enforceable Procurement Provisions</a> |
|   |  |  |  | Any            | You <b>must</b> apply the same tender extension period to all prospective tenderers, including for covered procurements.  |   |  |

**Key**
 Mandatory
 Recommended
 Goods and services
 Construction
 ICT
 Human services
 Additional information

## Notifying and briefing the market

| Relating to              | Status  | Category  | Value                        | Obligation  | Reference  |
|--------------------------|---|---|------------------------------|---|--|
| Addenda                  |    |       | Any                          | You <b>should not</b> issue tender addenda within five working days of the closing date. If this is not possible, you should consider extending the tender period by at least five working days.  |  |
| Covered procurements     |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>may</b> amend or correct mistakes in an OAM or the procurement documentation.  | <a href="#">Cl. 20 PBD-2019-05 Enforceable Procurement Provisions</a>                |
|                          |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> , if you amend or reissue the OAM: <ul style="list-style-type: none"> <li>publish the amended OAM on <a href="#">NSW eTendering</a></li> <li>send the amended procurement documents to all suppliers participating in the procurement</li> <li>if you cannot identify all suppliers who may be participating, republish the amended documents at the same location they were originally published.</li> </ul> |  |
|                          |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> provide suppliers with reasonable time to modify and re-lodge their submission. If necessary, suppliers <b>must</b> be provided time to re-lodge submissions which have already been lodged.  |  |
| Requests for information |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> promptly reply to any reasonable request from a supplier for relevant information about a procurement, provided it is not contrary to Australian law and does not give the supplier any unfair competitive advantage over other suppliers participating in the procurement process.   | <a href="#">Cl. 18(20) and cl. 19 PBD-2019-05 Enforceable Procurement Provisions</a> |
| Late submissions         |  |   | Any                          | You <b>should not</b> accept a late submission, unless the delay is due to an action or failure by the agency, or very exceptional circumstances. You must ensure no other tenderers are disadvantaged by accepting the late submission.  |  |
| Correction of errors     |  |   | ≥\$657,000<br>≥\$9.2 million | For covered procurements, you <b>must</b> provide the same opportunity to all suppliers if you allow a tenderer to correct unintentional errors between the time you open the submissions and awarding the contract.  | <a href="#">Cl. 24 PBD-2019-05 Enforceable Procurement Provisions</a>                |


























## Negotiations and contract award

| Relating to                          | Status  | Category  | Value                        | Obligation  | Reference  |
|--------------------------------------|---|---|------------------------------|---|--|
| Covered procurements<br>Negotiations |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>may</b> negotiate with suppliers during a procurement if: <ul style="list-style-type: none"> <li>• you have evaluated submissions and none will provide best value for money in terms of the evaluation criteria specified in the procurement documentation, or</li> <li>• the open approach to market for the procurement indicated the agency intended to negotiate with suppliers.</li> </ul>           | <a href="#">Cl. 21 PBD-2019-05 Enforceable Procurement Provisions</a>    |
| Contract award                       |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> award a contract to the supplier you have determined: <ul style="list-style-type: none"> <li>• will provide best value for money, in accordance with the evaluation criteria specified in the procurement documentation</li> <li>• is fully capable of undertaking the contract, and</li> <li>• satisfies the conditions for participation specified in the procurement documentation.</li> </ul> | <a href="#">Cl. 22 PBD-2019-05 Enforceable Procurement Provisions</a>    |
|                                      |    |       | ≥\$657,000<br>≥\$9.2 million | You <b>may</b> decide not to award a contract if: <ul style="list-style-type: none"> <li>• you determine it is not in the public interest, or</li> <li>• no supplier has satisfied the evaluation criteria for the procurement.</li> </ul> In these circumstances, you may consider whether it is appropriate to undertake a limited tender in accordance with cl. 15 of the <a href="#">EPP Direction</a> .      |  |
| Limited tendering                    |  |   | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> prepare and keep a written report for each contract awarded by <i>limited tendering</i> that includes: <ul style="list-style-type: none"> <li>• the value and type of goods or services</li> <li>• the circumstances and conditions that justified the use of the limited tender.</li> </ul>  | <a href="#">Cl. 15(3) PBD-2019-05 Enforceable Procurement Provisions</a> |

















Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## Post-award requirements







| Relating to                      | Status  | Category  |   | Value                        | Obligation   | Reference   |
|----------------------------------|---|---|---|------------------------------|--|---|
| Contract disclosure              |    |    |    | >\$150,000 incl. GST         | You <b>must</b> publicly disclose all contracts <b>&gt;\$150,000 including GST within 45 working days</b> of becoming effective.   | <a href="#">Government Information (Public Access) Act 2009</a>       |
|                                  |    |    |    | >\$150,000 incl. GST         | You <b>must</b> publish the contract details in the agency’s contract register on <a href="#">NSW eTendering</a> .   |   |
|                                  |    |    |    | >\$150,000 incl. GST         | You <b>may</b> publish the contract details in any other location the agency makes its open access information available.  |   |
|                                  |    |    |    | >\$150,000 incl. GST         | You <b>must</b> keep the contract information publicly available for at least 20 working days, until the project is complete, or until the goods and services have been provided under the contract.   |   |
|                                  |    |    |    | >\$150,000 incl. GST         | Additional disclosure requirements apply in certain circumstances, such as if there has not been a tender process and/or the terms and conditions of the contract have been directly negotiated with the supplier. Refer to the <a href="#">GIPA Act</a> for details of the contract information to be disclosed for certain types of contracts. |   |
| Aboriginal owned businesses      |    |    |   | >\$50,000                    | You <b>must</b> disclose all goods and services (excluding construction) contracts >\$50,000 with an <i>Aboriginal owned business</i> <b>within 45 working days</b> of becoming effective. The disclosures must be made using the Contract Award Notice functionality on <a href="#">NSW eTendering</a>  | <a href="#">Aboriginal Procurement Policy</a>                         |
| Debriefing prospective suppliers |  |  |   | Any                          | You <b>must</b> provide post tender briefings when reasonably requested by SMEs and regional suppliers.  | <a href="#">SME and Regional Procurement Policy</a>                   |
|                                  |  |  |  | Any                          | You <b>should</b> provide post tender briefings for any unsuccessful applicant when reasonably requested.  |   |
| Covered procurements             |  |  |  | ≥\$657,000<br>≥\$9.2 million | You <b>must</b> provide debriefs to unsuccessful tenderers on request, outlining the reasons their submission was not successful.  | <a href="#">CI. 28 PBD-2019-05 Enforceable Procurement Provisions</a> |

## Post-award requirements

| Relating to   | Status  | Category  | Value   | Obligation  | Reference  |
|---|---|---|---|---|--|
| FX Risk   |    |   |   | If the contract or procurement agreement involves goods and/or services sourced from outside Australia, it is likely there will be an FX risk.  | <a href="#">TPP18-03 NSW Government Foreign Exchange Risk Policy</a><br><a href="#">TCorp Foreign Exchange Execution Framework</a> |
|   |    |     | Any   | You <b>should</b> consult with Treasury and TCorp about managing FX risk if the contract could be affected by foreign currency movements, including the level of exposure is uncertain or could change over the life of the contract.   |  |
|   |    |     | >A\$500,000   | You <b>must</b> hedge identified FX risks within three business days after committing to the contract or transaction, if the FX exposure amount is known and over the FX Risk Policy Threshold (currently A\$500,000 or equivalent).  |  |
| Aboriginal participation                                  |    |    | >\$10 million                                       | You <b>must</b> require successful suppliers to provide a final <i>Aboriginal Participation Plan</i> following contract award, for applicable goods and services contracts.   | <a href="#">Aboriginal Procurement Policy</a>  |
|   |    |    | >\$1 million, or targeted to aboriginal communities | You <b>must</b> require successful suppliers to provide a final <i>Aboriginal Participation Plan</i> following contract award, for applicable construction projects.  | <a href="#">Aboriginal Participation in Construction Policy</a>  |
|   |   |   | >\$10 million<br>>\$1 million                       | You <b>must</b> enter the commitments made in <i>Aboriginal Participation Plans</i> into the <a href="#">Aboriginal Participation Portal</a> .<br>You <b>must</b> submit the <i>Aboriginal Participation Plans</i> to the Procurement Board.  | <a href="#">Aboriginal Participation Portal</a>  |
| <b>Additional requirements for construction contracts</b> |   |   |   |   |  |
| Work, health and safety                                   |  |    | Any   | <p>You <b>must</b> require the selected principal construction contractor to provide a <i>WHS Management Plan</i> (contracts &lt;\$1 million) or a <i>Project WHS Management Plan</i> (contracts &gt;\$1 million) before work commences on the construction project.</p> <p>You <b>must</b> review the Plan to ensure it addresses the elements identified in the <a href="#">WHS Management Systems and Auditing Guidelines</a>.</p> | <a href="#">WHS Regulation 2017</a><br><a href="#">WHS Management Systems and Auditing Guidelines</a>                              |







Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information

## Post-award requirements















| Relating to              | Status  | Category  | Value          | Obligation   | Reference   |
|--------------------------|---|---|----------------|--|---|
| Environmental management |  |  | Any            | You <b>must</b> require successful suppliers to prepare and implement an appropriate site-specific <i>Environmental Management Plan</i> prior to work commencing.  | <a href="#">Environmental Management Systems Guidelines</a> |
| Quality management       |  |  | Any            | You <b>should</b> require successful service providers to provide <i>Quality Management Plans</i> and/or <i>Inspection and Test Plans</i> and provide relevant product certifications prior to work commencing or a product being accepted for use on the project. Requirements should be determined based on the value and risk profile of the contract.  | <a href="#">Quality Management Systems Guidelines</a>       |
| Bid cost contributions   |  |  | >\$100 million | <p>If your agency has decided to offer bid costs to unsuccessful tenderers (refer <a href="#">Section 2:01 Plan</a>), contributions <b>must</b> only be paid where:</p> <ul style="list-style-type: none"> <li>a bid has been submitted which demonstrates the tenderer has genuinely attempted to fully satisfy the intent of the Request for Tender</li> <li>the tenderer agrees to make available to the State any project-specific intellectual property rights reasonably requested by the agency.</li> </ul> <p>Contributions of up to 50% of the estimated bid costs may be paid, as included in the Final Business Case. If a decision is made to increase the bid cost contribution after the Final Business Case is approved, the cost of the contribution will need to be met using project contingencies or existing agency resources. Any request for additional funding is subject to Cabinet consideration.</p> | <a href="#">NSW Bid Cost Contributions Policy</a>           |



### Other category-specific requirements

| Relating to        | Status  | Category  | Value      | Obligation  | Reference  |
|--------------------|---|---|------------|---|--|
| ICT procurements   |  |  |            | You <b>must</b> use the Procure IT Framework for any procurement of ICT goods and services:   | <a href="#">PBD-2018-02 Procure IT Framework</a>           |
|                    |   |   | <\$500,000 | <ul style="list-style-type: none"> <li>• <a href="#">Core&amp; Agreement (Low Risk)</a> - low risk ICT procurements &lt;\$500,000</li> </ul>  |  |
|                    |   |   | >\$500,000 | <ul style="list-style-type: none"> <li>• <a href="#">ProcureIT v3.2</a> - long form contract agreement template for high risk and/or ICT procurements &gt;\$500,000</li> </ul>  |  |
| Cloud services     |  |  | Any        | You <b>must</b> evaluate cloud-based services when procuring ICT goods and services. The evaluation must be based on cost-benefit analysis and achieving value for money over the life of the investment.   | <a href="#">DFSI-2015-04 NSW Government Cloud Policy</a>   |
| Telecommunications |  |  | >\$100,000 | <p>You <b>must</b>, when procuring telecommunications services with a total contract value &gt;\$100,000:</p> <ul style="list-style-type: none"> <li>• buy through the <a href="#">Telecommunications Purchasing Arrangements (Contract 2210)</a></li> <li>• cap the maximum term of contracts (including extension options) to: <ul style="list-style-type: none"> <li>- 3 years for mobile and fixed voice services</li> <li>- 4 years for data and internet services in metropolitan areas</li> <li>- 5 years for data and internet services in all other areas.</li> </ul> </li> <li>• seek quotes from at least three providers for telecommunications services at contract expiry, unless purchasing the lowest price offer through Contract 2210</li> <li>• analyse the effect of proposals on overall competition within the marketplace when assessing proposals</li> <li>• provide data related to telecommunications agreements to the Procurement and Technical Standards – Working Group (PTS-WG) if requested.</li> </ul> | <a href="#">PBD-2019-02 Telecommunications Procurement</a> |











## Other category-specific requirements

| Relating to          | Status  | Category  | Value      | Obligation   | Reference   |
|----------------------|---|---|------------|--|---|
| Telecommunications   |    |    | >\$100,000 | You <b>must</b> request an exemption from the PTS-WG if you cannot meet these compulsory requirements or an automatic exemption is not applicable. Refer to <a href="#">ProcurePoint</a> for information on the exemption process and the list of automatic exemptions.  |   |
|                      |    |    | Any        | You <b>should</b> consider separating telecommunications RFPs to encourage a more contestable supply market, for example by location (e.g. metro or regional) or by service tower (e.g. voice, data or mobile).  |   |
|                      |    |    | Any        | You <b>must</b> apply the Link Sharing Principles and Commercial Principles when purchasing any new telecommunications services or building new wide area network (WAN) links.   | <a href="#">DFSI-2017-01 Telecommunication Sharing</a>                          |
| Radio communications |    |    | Any        | You <b>must</b> use the NSW Procurement Board's standardised <a href="#">Site Licence Agreement Framework</a> when entering into new site licence arrangements with other agencies.  | <a href="#">PBD-2015-03 Radio Communication Site Licences</a>                   |
|                      |    |    | Any        | You <b>must</b> seek approval from the NSW Telco Authority for all proposals to develop new or additional operational communications infrastructure or services.<br><br>This includes any expenditure on new radio communications assets and commercial services, and/or for new sites, new towers on a site or upgrades to a site. The Authority must also approve any proposal to be considered by Cabinet's Expenditure Review Committee. | <a href="#">DFSI-2019-01 NSW Government Operational Communications Strategy</a> |
|                      |  |  | Any        | You <b>must</b> use <a href="#">Prequalification Scheme ITS 2573 Operational Telecommunications Services, Equipment and Infrastructure</a> to procure any relevant goods and services, unless exempted by the NSW Telco Authority.   |   |
|                      |  |  | Any        | You <b>must</b> comply with any technical standards, guidelines or policies issued by the NSW Telco Authority for the procurement and use of operational communications infrastructure, equipment, services and spectrum unless exempted by the Authority.   |   |

















Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## Other category-specific requirements

| Relating to  | Status  | Category  | Value      | Obligation  | Reference   |
|--|---|---|------------|---|---|
| Radio communications                                   |    |    | Any        | You <b>must not</b> approach the Australian Communications and Media Authority (ACMA) in relation to radio frequency allocation and related matters. The NSW Telco Authority will negotiate with the ACMA on behalf of agencies. Contact the Spectrum Management Office of the Authority at <a href="mailto:telco.spectrum@customerservice.nsw.gov.au">telco.spectrum@customerservice.nsw.gov.au</a> .  | <a href="#">DFSI-2019-01 NSW Government Operational Communications Strategy</a> |
| Professional services<br>Standard commercial framework |    |    |            | A <i>standard commercial framework</i> applies to engagement types 1 to 13 of the <a href="#">Performance and Management Services Prequalification Scheme (PMS Scheme)</a> .  | <a href="#">PBD 2019-01 Engagement of Professional Services Suppliers</a>       |
|  |    |    | <\$250,000 | You <b>may</b> directly engage a supplier on any of the above engagement types for single engagements <\$250,000 that comply with the <i>standard commercial framework</i> .  |   |
|  |    |    | Any        | You <b>must</b> follow a more stringent approval process for engagements that do not comply with any element of the <i>standard commercial framework</i> , including: <ul style="list-style-type: none"> <li>when engaging a supplier that has not accepted the <i>standard commercial framework</i> (as listed on <a href="#">PBD 2019-01</a>), <b>or</b></li> <li>where the engagement proposal is not compliant with the <i>standard commercial framework</i>.</li> <li>Non-compliant engagements <b>must</b>:</li> <li>be approved by the Department Secretary, Executive Agency Head or cluster Chief Financial Officer, but only if they are satisfied the work cannot be undertaken under the <i>standard commercial framework</i></li> <li>be competitively bid with at least three bids to ensure value for money</li> <li>be reported through the Procurement Board's <a href="#">Major Supplier's Portal</a> when approved.</li> </ul> |   |
|  |  |  | Any        | You <b>must</b> report any contract with a supplier that has not accepted the <i>standard commercial framework</i> , including contracts outside the PMS Scheme.  |   |









## Other category-specific requirements

| Relating to    | Status  | Category  | Value | Obligation   | Reference   |
|----------------|---|---|-------|--|---|
| Human services |    |    | Any   | You <b>must</b> use the <a href="#">NGO Registration Scheme</a> as a first step to sourcing information about NGOs which are seeking to, or are contracted to, deliver <i>human services</i> on behalf of NSW government.<br><br>The Registration Scheme is not a prequalification scheme and should not be used to shortlist applicants for procurement activities. | <a href="#">PBD 2016-04 Accessing Information about Human Services NGOs</a> |
|                |    |    | Any   | You <b>must</b> use the Human Services Agreement template when procuring <i>human services</i> from NGOs.  | <a href="#">PBD 2017-04 Procuring Human Services</a>                        |
|                |    |    | Any   | You <b>are encouraged</b> to use the <a href="#">Human Services Outcomes Framework</a> when commissioning for the delivery of <i>human services</i> .  | <a href="#">Human Services Outcomes Framework</a>                           |
| Legal services |    |    | Any   | You <b>must</b> refer core legal work to the Crown Solicitor in accordance with the <a href="#">NSW Government Core Legal Work Guidelines</a> .  | <a href="#">M2016-04 NSW Government Core Legal Work Guidelines</a>          |
|                |    |    | Any   | You <b>may</b> engage the Crown Solicitor for legal matters that are not core legal work, although this work will not be funded from the Attorney General's Legal Fund.  |   |
| Travel         |    |    | Any   | You <b>must</b> manage official travel undertaken by public officials using public money in accordance with the <a href="#">Travel and Transport Policy</a> .  | <a href="#">Travel and Transport Policy</a>                                 |
|                |    |    | Any   | You <b>should</b> observe the <a href="#">Travel Operational Guidelines</a> .  | <a href="#">Travel Operational Guidelines</a>                               |
| Fuel           |  |  | Any   | You <b>must</b> use E10 and biodiesel blends where possible, unless there is a clear operational requirement that precludes the use of biofuels.   | <a href="#">M2012-08 Use of Biofuels</a>                                    |













Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



### Other category-specific requirements

| Relating to         | Status  | Category  |   | Value | Obligation   | Reference   |
|---------------------|---|---|---|-------|--|---|
| Resource efficiency |    |    |    | Any   | <p>You <b>must</b> comply with the <a href="#">government's resource efficiency requirements</a> for:</p> <ul style="list-style-type: none"><li>• owned and leased office buildings and data centres</li><li>• new electrical appliances including whitegoods, televisions, pool pumps, commercial electrical equipment and air conditioning equipment</li><li>• ICT hardware, printers, photocopiers and DVD players</li><li>• new buildings and fitouts</li><li>• owned or leased light vehicles</li><li>• use of 6% GreenPower</li><li>• water using appliances</li><li>• surface coatings and other VOC emitting products such as adhesives, sealants, carpets and carpet underlays</li><li>• mobile non-road diesel plant and equipment, whether purchased, leased, or contractor-supplied in new buildings and infrastructure.</li></ul> | <a href="#">Government Resource Efficiency Policy</a> |
|                     |    |   |    | Any   | <p>You <b>must</b>, for contractor-supplied plant and equipment in new buildings and infrastructure, including upgrades to existing buildings and infrastructure valued &gt;\$10 million:</p> <ul style="list-style-type: none"><li>• incorporate a weighting for air emission standards, in conjunction with other environmental considerations, during the tender selection process, and apply a consistent weighting to preference the lowest emission engines</li><li>• include a requirement for contractors to report on engine conformity with emission standards and the fitting of any exhaust after-treatment devices in procurement contracts.</li></ul>  |   |
|                     |  |  |  | Any   | Implementation and reporting on the GREP is voluntary for agencies with fewer than 100 employees.  |   |

## References




















































| Type        | Reference  | Status  | Category  |   | Value                       | Plan  | Source  | Manage  |
|-------------|--|---|---|---|-----------------------------|---|---|---|
| Legislation | <a href="#">Government Information (Public Access) Act 2009</a>                  |    |    |    | >\$150,000 incl. GST        |   |    |   |
| Legislation | <a href="#">Public Works and Procurement Regulation 2019</a>                     |    |    |    | Any                         |    |    |   |
| Legislation | <a href="#">Work Health and Safety Regulation 2017</a>                           |    |   |    | ≥\$250,000                  |   |    |    |
| Policy      | <a href="#">Aboriginal Participation in Construction Policy (APIC)</a>           |    |   |    | <\$250,000<br>>\$1 million  |    |    |    |
| Policy      | <a href="#">Aboriginal Procurement Policy (APP)</a>                              |    |    |   | <\$250,000<br>>\$10 million |    |    |    |
| Policy      | <a href="#">Agency Accreditation Scheme for Construction</a> (pre-2015)          |    |   |    | Any                         |    |    |    |
| Policy      | <a href="#">NSW Bid Cost Contributions Policy</a>                                |    |   |    | >\$100 million              |    |    |    |
| Policy      | <a href="#">DFSI-2015-04 NSW Government Cloud Policy</a>                         |    |    |   | Any                         |   |    |   |
| Policy      | <a href="#">DFSI-2017-01 Telecommunication Sharing and Commercial Principles</a> |    |    |   | Any                         |    |    |   |
| Policy      | <a href="#">DFSI-2019-01 NSW Operational Communications Strategy</a>             |  |  |   | Any                         |  |  |   |
| Policy      | <a href="#">Environmental Management Systems Guidelines</a>                      |  |   |  | Any                         |   |  |  |
| Policy      | <a href="#">Government Resource Efficiency Policy</a>                            |  |  |  | Any                         |  |  |  |
| Policy      | <a href="#">M2012-08 Use of Biofuels</a>   |  |  |   | Any                         |   |  |   |

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information

## References

| Type   | Reference  | Status | Category |  | Value                           | Plan | Source | Manage |
|--------|--|--------|----------|--|---------------------------------|------|--------|--------|
| Policy | <a href="#">M2014-11 Additional Evaluation Criteria for Major Projects Valued Above \$100M</a> |        |          |  | >\$100,000                      |      |        |        |
| Policy | <a href="#">M2016-04 NSW Government Core Legal Work Guidelines</a>                             |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a>     |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD 2013-01C Financial Assessments</a>   |        |          |  | >\$1 million                    |      |        |        |
| Policy | <a href="#">PBD 2014-03C Threshold for Unaccredited Work</a>                                   |        |          |  | >\$1.3 million                  |      |        |        |
| Policy | <a href="#">PBD-2015-03 Radio Communications Site Licence Agreement Framework</a>              |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD-2016-03 Construction Standards and Conformance</a>                             |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD 2016-04 NGO Registration Scheme</a>  |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD 2017-03 Civil Liability Act 2002 – Proportionate Liability</a>                 |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD 2017-04 Procuring Human Services from NGOs</a>                                 |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>                       |        |          |  | >\$10 million<br>>\$500 million |      |        |        |
| Policy | <a href="#">PBD 2017-07 Supplier Conduct</a>   |        |          |  | Any                             |      |        |        |
| Policy | <a href="#">PBD-2018-02 Procure IT Framework</a>   |        |          |  | Any                             |      |        |        |

## References

| Type   | Reference   | Status  | Category  |   | Value   | Plan  | Source  | Manage  |
|--------|---|---|---|---|---|---|---|---|
| Policy | <a href="#">PBD 2019-01 Engagement of Professional Services Suppliers</a>                           |    |    |   | Any   |   |    |   |
| Policy | <a href="#">PBD-2019-02 Telecommunications Procurement</a>  |    |    |   | \$100,000   |    |    |   |
| Policy | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                                      |    |    |   | ≥657,000  |    |    |   |
| Policy | <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>                                      |    |   |    | ≥\$9.2 million  |    |    |   |
| Policy | <a href="#">Premier's Memorandum 2016-03 Model Litigant Policy for Civil Litigation</a>             |    |    |   | Any   |    |    |    |
| Policy | <a href="#">Quality Management Systems Guidelines</a>   |    |   |    | Any   |   |    |    |
| Policy | <a href="#">SME and Regional Procurement Policy</a>   |    |    |   | <\$50,000<br><\$250,000<br><\$1 million<br>>\$3 million |    |    |    |
| Policy | <a href="#">TC12-12 Mandatory use of the TMF for all Government insurance requirements</a>          |   |   |   | Any   |   |   |   |
| Policy | <a href="#">TC16-11 Mandatory principal arranged insurance for all major capital works projects</a> |  |   |  | >\$10 million   |   |  |  |
| Policy | <a href="#">TPP18-03 NSW Government Foreign Exchange Risk Policy</a>                                |  |  |  | Any   |  |  |  |
| Policy | <a href="#">Travel and Transport Policy</a>   |  |  |   | Any   |   |  |   |
| Policy | <a href="#">Work Health and Safety Management Systems and Auditing Guidelines</a>                   |  |   |  | Any   |   |  |  |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## References
























































| Type       | Reference   | Status  | Category  |   | Value          | Plan  | Source  | Manage  |
|------------|---|---|---|---|----------------|---|---|---|
| Guidelines | <a href="#">Commercial approaches to key contract terms</a>   |    |    |    | Any            |   |    |    |
| Guidelines | <a href="#">Construction procurement guidelines</a><br>(unaccredited and partially accredited agencies) |    |   |    | >\$1.3 million |  |    |    |
| Guidelines | <a href="#">Corruption prevention, fairness and probity</a>   |    |    |    | Any            |  |    |    |
| Guidelines | <a href="#">Financial Assessments Reports Central Repository</a>  |    |   |    | >\$1 million   |   |    |    |
| Guidelines | <a href="#">Human Services Outcomes Framework</a>   |    |    |   | Any            |  |    |    |
| Guidelines | <a href="#">Market Approaches Guide</a>   |    |    |    | Any            |  |    |   |
| Guidelines | <a href="#">TCorp Foreign Exchange Execution Framework</a>  |    |    |    | Any            |  |    |    |
| Guidelines | <a href="#">Travel Operational Guidelines</a>   |    |    |   | Any            |   |    |   |
| Templates  | <a href="#">Construction contract templates</a><br>(unaccredited and partially accredited agencies)     |  |   |  | >\$1.3 million |   |  |  |
| Templates  | <a href="#">Goods and services contract templates</a>   |  |  |   | Any            |   |  |  |
| Templates  | <a href="#">ICT contract templates</a>  |  |  |   | Any            |   |  |  |
| Templates  | <a href="#">NSW Human Services Agreement</a>  |  |  |   | Any            |   |  |  |

Table 12 References: Source

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



DOORS OPEN

5



← HELP  
← Way out

5







Lift 5  
← Lift 5



# Manage

























Manage contracts and develop supplier relationships to deliver the best outcome for your agency and the government.

## Contract and supplier management

| Relating to                      | Status  | Category  | Value | Obligation   | Reference                                  |
|----------------------------------|---|---|-------|--|--|
| Contract and supplier management |  |   | Any   | Signing an agreement is not the end of a process, but rather the start of an ongoing relationship with the supplier. Both the contract and supplier relationship need to be managed to deliver the best outcome for the agency.  | <a href="#">NSW Procurement's approach</a> |
|                                  |  |   | Any   | <p>You <b>should</b>:</p> <ul style="list-style-type: none"> <li>• ensure smooth transition of services, especially if there is a new supplier</li> <li>• jointly establish systems and processes with the supplier team to ensure compliance with contract terms and performance requirements, and determine who is responsible for key tasks and activities on the agency and supplier sides</li> <li>• define and maintain the right level of management and resources according to the business criticality and complexity of the procurement arrangement</li> <li>• manage performance, drive continuous improvement and encourage innovation in coordination with the supplier and key stakeholders</li> <li>• track and report benefits to demonstrate how value for money is being delivered.</li> </ul> |  |



## Contract and supplier management

| Relating to                                      | Status  | Category  | Value                  | Obligation  | Reference  |
|--|---|---|------------------------|---|--|
| Supplier relationship management                 |    |       | Any                    | Supplier relationship management (SRM) delivers value over and above the minimum levels of performance covered under contracts by focusing attention on the whole value stream.   | <a href="#">Supplier Relationship Management Guidelines</a>              |
|  |    |       | Any                    | You <b>may</b> wish to identify strategic suppliers to develop relationships through proactive performance and innovation management to deliver additional value.   |  |
| Supplier conduct                                 |    |       | Any                    | You <b>must</b> use best endeavours to identify adverse findings against suppliers and report such findings to the Procurement Board.   | <a href="#">PBD 2017-07 Supplier Conduct</a>                             |
| Paying suppliers on time<br><br>Small businesses |    |       | <\$10,000              | You <b>should</b> pay invoices up to \$10,000 as soon as possible by PCard for <a href="#">applicable expenditure categories</a> , unless a more cost-effective electronic alternative is available or the supplier cannot accept electronic payment methods.     | <a href="#">Faster Payment Terms Policy</a>                              |
|  |    |       | \$10,000 – \$1 million | You <b>must</b> pay registered small businesses (<20 FTEs):   |  |
|  |   |   |                        | ≤ 20 calendar days of receipt of correctly rendered invoice, unless an existing contract or standing offer provides for an alternative time.  |  |
|  |   |   |                        | From 1 January 2020, ≤ 5 business days of receipt of a correctly rendered invoice, unless an existing contract or standing offer provides for an alternative time period.   |  |
|  |  |   | \$10,000 – \$1 million | The Office of the Small Business Commissioner (OSBC) monitors and reports on agency payment performance to <i>small businesses</i> . This process has been automated using the NSW Procurement Spend Cube to develop a <i>small business</i> reporting dashboard. |  |
| Annual reporting                                 |  |   | Any                    | Your agency <b>must</b> provide details of its performance in paying accounts, including details of any actions taken to improve performance, in its annual report.   | <a href="#">Annual Reports (Departments) Regulation 2015<sup>2</sup></a> |
|  |  |   | Any                    | Your agency <b>must</b> report all instances where interest has become payable due to late payment, and the reason for the delay in making that payment, in its annual report.  |  |



















<sup>2</sup> To be replaced by a Treasurer's Direction or Regulation under the *Government Sector Finance Act 2018*.



## Contract and supplier management

| Relating to                         | Status | Category |  | Value                         | Obligation  | Reference  |
|-------------------------------------|--------|----------|--|-------------------------------|---|--|
| Construction – security of payments |        |          |  | Any                           | You <b>must</b> ensure construction contractors receive progress payments in compliance with the <a href="#">Security of Payment Act</a> .  | <a href="#">Building and Construction Industry Security of Payment Act 1999</a><br><a href="#">PBD 2013-01C</a>  |
|                                     |        |          |  | Any                           | You <b>must</b> , as part of ongoing contract management activities, take steps to verify the claims of head contractors about payments made to subcontractors.   |  |
| Aboriginal participation            |        |          |  | >\$1 million<br>>\$10 million | You <b>must</b> monitor suppliers' progress in implementing Aboriginal Participation Plans and allocating eligible spend (for construction contracts), and ensure progress reports are provided via the Aboriginal Participation Portal as follows:                                       | <a href="#">Aboriginal Procurement Policy</a><br><a href="#">Aboriginal Participation in Construction</a><br><a href="#">Aboriginal Participation Portal</a> |
|                                     |        |          |  |                               | <b>Frequency</b>  |  |
|                                     |        |          |  | >\$1 million                  | Quarterly progress reports (construction only)  |  |
|                                     |        |          |  | >\$10 million                 | Monthly progress reports  |  |
|                                     |        |          |  | >\$1 million<br>>\$10 million | You <b>must</b> ensure suppliers provide an <b>Aboriginal Participation Report</b> at the end of the contract, or on a periodic basis depending on the agency's requirements.<br><br>You <b>must</b> submit Aboriginal Participation Reports to the Procurement Board.                    |  |
| Construction contracts              |        |          |  | >\$1 million                  | You <b>must</b> ensure suppliers on construction contracts that cannot, or do not, fully allocate Aboriginal Participation funds to eligible spend types, distribute the remainder of the funds to the APIC policy's list of approved bodies, in consultation with the Procurement Board. | <a href="#">Master Builders Association of NSW</a><br><a href="#">Literacy for Life Foundation</a>   |

## Contract and supplier management

| Relating to         | Status   | Category  | Value | Obligation   | Reference   |
|---------------------|--|---|-------|--|---|
| Resource Efficiency |   |     | Any   | Your agency <b>must</b> report annually against the policy initiatives in the <a href="#">GREP</a> to the Department of Planning and Industry, including a statement of compliance with the procurement standards in the policy. The reporting deadline for the previous financial year is the last working day in November each year. Compliance with the GREP is voluntary for agencies with fewer than 100 employees. | <a href="#">Government Resource Efficiency Policy</a> |
| FX Risk             |   |     | Any   | Your agency <b>must</b> provide an annual FX Attestation Statement to Treasury by 31 October, for the previous financial year.   | <a href="#">FX Risk Policy</a>                        |
|                     |   |     | Any   | You <b>must</b> monitor and annually report to Treasury on FX exposures and any <i>hedges</i> in place.  |   |
| Extensions          |   |     | Any   | Routinely exercising extension options or rolling-over contracts reduces competition and limits access to new suppliers, products and services. Agencies should consider using extension options on a case by case basis, allowing enough time to conduct a new procurement exercise if the contract is not meeting the agency's needs or delivering value for money.  |   |
|                     |   |     | Any   | You <b>must</b> only exercise extension options where it can be demonstrated the contract will continue to deliver value for money.  |   |
|                     |  |   | Any   | You <b>should</b> conduct a strategic assessment of the market prior to rolling-over or extending a contract, including how the extension will impact competition and create (or continue) barriers to new suppliers.  |   |

Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information















### Additional requirements for goods and services contracts

| Relating to                        | Status | Category | Value        | Obligation  | Reference  |
|------------------------------------|--------|----------|--------------|---|--|
| SME and sustainability commitments |        |          | >\$3 million | You <b>must</b> monitor supplier compliance with SME and sustainability commitments made in response to the <i>SME and Sustainability Criteria</i> , as part of contract management activities.   | <a href="#">SME and Regional Procurement Policy</a>            |
|                                    |        |          | >\$3 million | You <b>must</b> ensure suppliers with contracts >\$3 million provide monthly reports on SMEs that have been engaged in the delivery of the contract to meet SME and sustainability commitments, via the online SME reporting portal.  |  |
| Human Services                     |        |          | Any          | You <b>must</b> report amendments to the prescribed template NSW Human Services Agreement to the Human Services Category Management Group (CMWG) each year.   | <a href="#">PBD 2017-04 Procuring Human Services from NGOs</a> |
|                                    |        |          | Any          | You <b>must</b> require <i>NGO</i> service providers to report the: <ul style="list-style-type: none"> <li>• service delivery location (local government area (LGA)) where their services are delivered to the service user</li> <li>• service user location (LGA) where the service user resides.</li> </ul> |  |
|                                    |        |          | Any          | You <b>may</b> seek an exemption from location reporting requirements from the Procurement Leadership Group.  |  |



## Additional requirements for construction contracts

| Relating to                  | Status  | Category  | Value                      | Obligation  | Reference   |
|------------------------------|---|---|----------------------------|---|---|
| Apprenticeships and trainees |    |    | >\$10 million              | You <b>must</b> ensure contractors report <b>at least quarterly</b> on the engagement of apprentices and trainees on relevant projects (>\$10 million), and progress in achieving the project target.   | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>  |
|                              |    |    | >\$10 million              | Your agency <b>must report quarterly</b> to Training Services NSW in the Department of Education on the engagement of apprentices and trainees reported by contractors.   |   |
| Financial assessments        |    |    |                            | You <b>must</b> regularly analyse the financial status of contractors throughout the course of construction contracts. At a minimum, financial assessments must be conducted:   | <a href="#">PBD 2013-01C Financial Assessments</a>  |
|                              |   |   | <b>Value</b>               | <b>Frequency</b>  |   |
|                              |   |   | \$1 million – \$10 million | every six months  |   |
|                              |    |    | >\$10 million              | every three months  | <a href="#">Financial Assessments Prequalification Scheme</a><br><a href="#">Financial Assessments Repository</a> |
|                              |   |   | Any                        | You <b>must</b> use the <a href="#">Financial Assessments Prequalification Scheme</a> to source financial assessment reports, or request recent reports for specific contractors from the <a href="#">central repository</a> held by NSW Procurement, unless the agency has capability to conduct financial assessments itself. |   |
|                              |  |  | Any                        | You <b>must</b> address identified risks and recommended actions in financial assessment reports throughout the life of the contract.   |   |
| Industrial Relations         |  |  | Any                        | You <b>must</b> ensure contractors comply with the <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a> and, if applicable, the <i>Workplace Relations Management Plan</i> .  | <a href="#">NSW Industrial Relations Guidelines</a>   |













Key  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



### Additional requirements for construction contracts

| Relating to              | Status | Category | Value        | Obligation  | Reference   |
|--------------------------|--------|----------|--------------|---|---|
| WHS                      |        |          | Any          | You <b>must</b> review contractors' WHS performance throughout the life of the contracts, including WHS management monthly reports and investigating any <i>Notifiable WHS incidents</i> . You <b>must</b> also:  | <a href="#">Work Health and Safety Management Systems and Auditing Guidelines</a> |
|                          |        |          | <b>Value</b> | <b>Requirement</b>  |   |
|                          |        |          | <\$1 million | Review the contractor's implementation of the <i>WHS Management Plan</i>  |   |
|                          |        |          | ≥\$1 million | Agree and implement an audit schedule of the contractor's <i>WHS Management Plan</i> , with a minimum of two audits conducted over the life of the contract. You <b>must</b> ensure any corrective and preventive actions are carried out within agreed timeframes.       |   |
| Environmental Management |        |          | Any          | You <b>must</b> regularly review the contractor's implementation of the <i>Environmental Management Plan</i> over the life of the project, including on-site evaluations.   | <a href="#">Environmental Management Systems Guidelines</a>                       |
| Quality Management       |        |          | Any          | You <b>should</b> conduct regular reviews, audits and/or inspections to monitor contractors' implementation of <i>Quality Management Systems, Quality Management Plans</i> and/or <i>Inspection and Test Plans</i> , based on the value and risk profile of the contract. | <a href="#">Quality Management Systems Guidelines</a>                             |

## Managing the lifecycle of goods and assets

| Relating to                 | Status   | Category  | Value | Obligation   | Reference   |
|-----------------------------|--|---|-------|--|---|
| Disposal of goods of assets |   |     | Any   | The <i>Public Works and Procurement Act 1912</i> defines procurement to include the disposal of goods that are unserviceable and no longer required. Accordingly, any Board Direction or policy that refers to procurement also applies to the conduct of disposals.   | <a href="#">Public Works and Procurement Act 1912</a> |
|                             |   |     | Any   | <p>You <b>must</b> ensure that disposals are approved by the appropriate authority and that due process and disclosure is undertaken including:</p> <ul style="list-style-type: none"> <li>• complying with the agency's authority to conduct the disposal (refer to <a href="#">Authority to Procure</a>)</li> <li>• disposal specifications and requirements are disclosed equally to all suppliers invited to quote, if required</li> <li>• supplier selection evaluation criteria are established prior to receiving quotes</li> <li>• proper processes are followed for managing market requests and for receiving and opening quotes.</li> </ul> |   |
| Circular economy            |   |     | Any   | You <b>should</b> consider the product lifecycle when conducting needs analysis and developing product specifications, including <i>circular economy</i> principles, so that reuse, repurposing, recycling and/or disposal of goods or assets is planned into the procurement process.   | <a href="#">NSW Circular Economy Policy Statement</a> |
|                             |  |   | Any   | You <b>must</b> ensure any disposal or repurposing is consistent with environmental and waste management legislation, regulations and policies.  |   |

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information



## References

| Type        | Reference  | Status | Category |  | Value                       | Plan | Source | Manage |
|-------------|--|--------|----------|--|-----------------------------|------|--------|--------|
| Legislation | <a href="#">Annual Reports (Departments) Regulation 2015<sup>3</sup></a>                   |        |          |  | Any                         |      |        |        |
| Legislation | <a href="#">Building and Construction Industry Security of Payment Act 1999</a>            |        |          |  | Any                         |      |        |        |
| Legislation | <a href="#">Work Health and Safety Regulation 2017</a>                                     |        |          |  | ≥\$250,000                  |      |        |        |
| Policy      | <a href="#">Aboriginal Participation in Construction Policy (APIC)</a>                     |        |          |  | <\$250,000<br>>\$1 million  |      |        |        |
| Policy      | <a href="#">Aboriginal Procurement Policy (APP)</a>  |        |          |  | <\$250,000<br>>\$10 million |      |        |        |
| Policy      | <a href="#">DFSI 2015-02 Efficient Electronic Payment Methods Policy</a>                   |        |          |  | <\$10,000                   |      |        |        |
| Policy      | <a href="#">Environmental Management Systems Guidelines</a>                                |        |          |  | Any                         |      |        |        |
| Policy      | <a href="#">Faster Payment Terms Policy</a>  |        |          |  | <\$1 million                |      |        |        |
| Policy      | <a href="#">Government Resource Efficiency Policy</a>                                      |        |          |  | Any                         |      |        |        |
| Policy      | <a href="#">NSW Circular Economy Policy Statement</a>                                      |        |          |  | Any                         |      |        |        |
| Policy      | <a href="#">NSW Industrial Relations Guidelines: Building and Construction Procurement</a> |        |          |  | Any                         |      |        |        |
| Policy      | <a href="#">PBD 2013-01C Financial Assessments</a>   |        |          |  | >\$1 million                |      |        |        |

<sup>3</sup> To be replaced by a Treasurer's Direction or Regulation under the *Government Sector Finance Act 2018*.

## References











| Type     | Reference   | Status  | Category  |   | Value   | Plan  | Source  | Manage  |
|----------|---|---|---|---|---|---|---|---|
| Policy   | <a href="#">PBD-2016-03 Construction Standards and Conformance</a>                |    |   |    | Any   |   |    |    |
| Policy   | <a href="#">PBD 2017-04 Procuring Human Services from NGOs</a>                    |    |    |   | Any   |   |    |   |
| Policy   | <a href="#">PBD 2017-05 Construction Training and Skills Development</a>          |    |   |    | >\$10 million<br>>\$500 million                         |    |    |    |
| Policy   | <a href="#">PBD 2017-07 Supplier Conduct</a>                                      |    |    |    | Any   |    |    |    |
| Policy   | <a href="#">Quality Management Systems Guidelines</a>                             |    |   |    | Any   |   |    |    |
| Policy   | <a href="#">SME and Regional Procurement Policy</a>                               |    |    |   | <\$50,000<br><\$250,000<br><\$1 million<br>>\$3 million |    |    |    |
| Policy   | <a href="#">TPP18-03 NSW Government Foreign Exchange Risk Policy</a>              |    |    |    | Any   |    |    |    |
| Policy   | <a href="#">Work Health and Safety Management Systems and Auditing Guidelines</a> |   |   |   | Any   |   |   |   |
| Guidance | <a href="#">Financial Assessments Reports Central Repository</a>                  |  |   |  | >\$1 million  |   |  |  |
| Guidance | <a href="#">Supplier Relationship Management Guidelines</a>                       |  |  |  | Any   |   |   |  |
| Guidance | <a href="#">TCorp Foreign Exchange Execution Framework</a>                        |  |  |  | Any   |  |  |  |

Table 13 References: Manage

**Key**  Mandatory  Recommended  Goods and services  Construction  ICT  Human services  Additional information





## Section 3

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### • GOVERNANCE AND FEEDBACK •



**Governance**



**Accreditation schemes**



**Government procurement arrangements**



**Complaints and feedback**



**Procurement board directions**





# The NSW Procurement Board

Three subcommittees currently operate as governance bodies supporting the board:

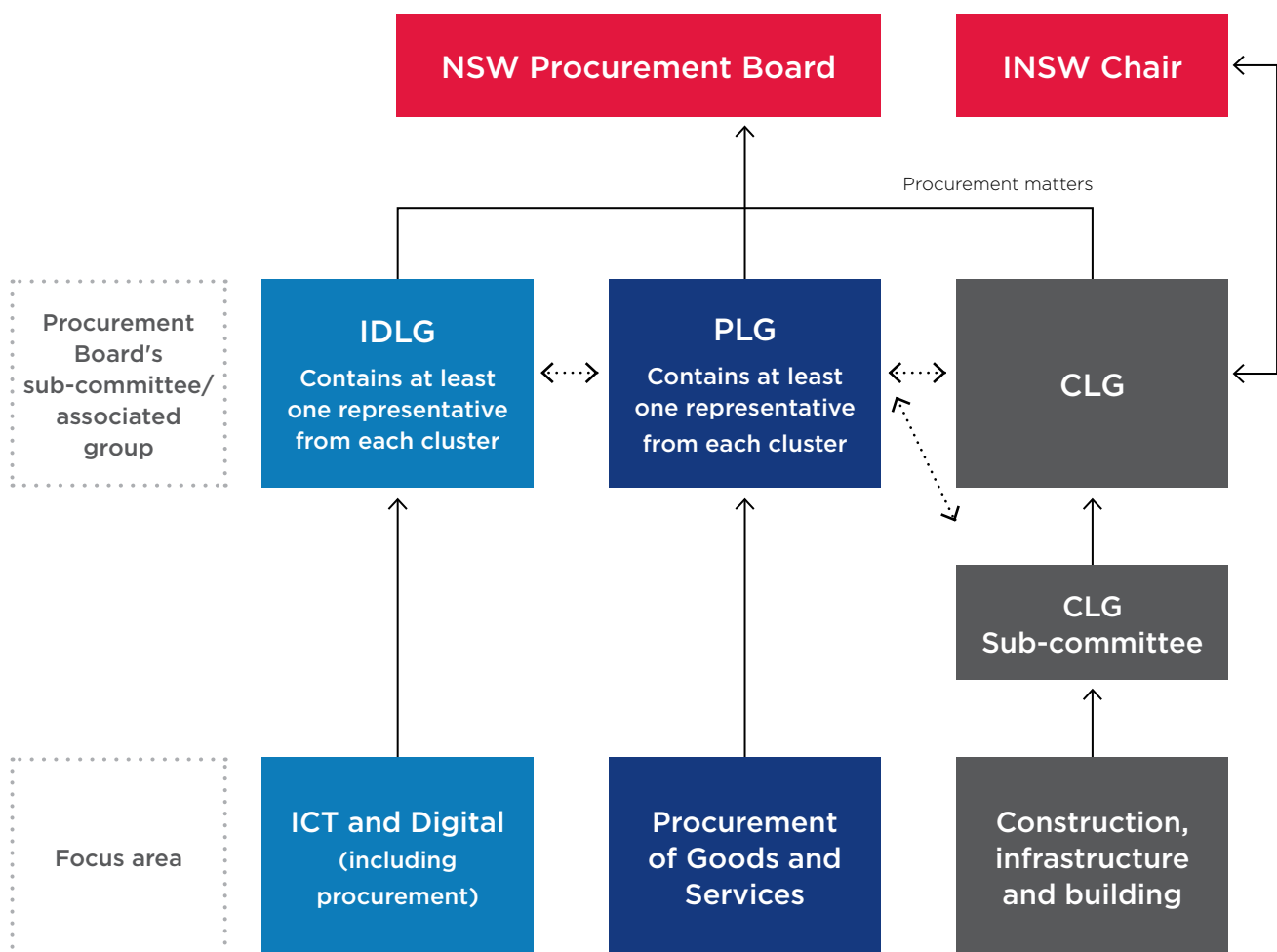


Figure 1: *NSW Government procurement governance structure*

### Procurement Leadership Group (PLG)

The PLG is the principal advisory group to the Procurement Board on government goods and services procurement. The PLG considers and advises the board on whole-of-government procurement strategies, practices, policies and guidelines relating to the procurement of goods and services.

The PLG is made up of the cluster Chief Procurement Officers or approved delegates.

### ICT and Digital Leadership Group (IDLG)

The IDLG is responsible for translating the Government's ICT strategy, procurement and associated implementation plans into outcomes across government. The IDLG considers matters relating to the procurement of ICT and digital products and services and advises the board on ICT related procurement policy.

The IDLG members include cluster Chief Information Officers or approved delegates.

### Construction Leadership Group (CLG)

The CLG advises the NSW Procurement Board on construction and infrastructure-related procurement strategies and policies. The [CLG's Action Plan: A ten point commitment to the construction sector](#) details the CLG's current priorities and work plan.

The CLG is made up of senior executives from each cluster with responsibility for construction infrastructure.





## Accreditation schemes

The Procurement Board has established separate goods and services and construction accreditation schemes. The accreditation schemes:

- establish minimum standards for managing procurement activities
- effectively manage risk
- promote the delivery of outcomes towards strategic priorities
- drive continuous improvement and capability development across the sector.

### Goods and services accreditation

|                       |  |               |
|-----------------------|--|---------------|
| Level 1<br>accredited | Agencies <b>may</b> independently conduct procurement activities up to a maximum contract value based on the risk profile of the procurement as follows:   |               |
|                       | Low risk   | <\$50 million |
|                       | Medium risk  | <\$35 million |
|                       | High risk  | <\$20 million |
|                       | Concurrence from a Level 2 accredited agency or NSW Procurement is required for a Level 1 accredited agency to conduct procurements above these thresholds.  |               |
| Level 2<br>accredited | Agencies <b>may</b> independently conduct procurement activities in line with approved budgets, financial delegations and procurement delegations. The responsibilities of Level 2 accredited agencies include: <ul style="list-style-type: none"> <li>• taking a leadership role in relation to procurement in the cluster</li> <li>• taking lead buyer status for a category to establish and manage whole-of-government contracts.</li> </ul> |               |

Accredited agencies are responsible for establishing and managing internal procurement systems and governance mechanisms, in compliance with board directions and policies.

Accredited agencies **must** annually report to the board on performance over the previous year, and procurement plans for the next 12 or 24 months. Accredited agencies **must** also monitor and report trigger events that could impact their ability to meet accreditation requirements.

## Construction accreditation

The construction accreditation scheme is currently under review. The updated accreditation scheme will become available in 2019.

Two legacy construction accreditation schemes are currently in place:

### Accredited pre-2015



[Agency Accreditation Scheme for Construction: Guide for Agencies](#)

### Accredited post-2015

[Agency Accreditation Scheme for Procurement](#) (joint scheme including goods and services procurement)

Construction accreditation assesses agencies for the planning and delivery phases of procurement. An agency may be accredited to undertake construction project planning without support but be required to obtain external support for the delivery phase. Unaccredited and partially accredited agencies must use the [standard construction contract templates and guidelines](#) for construction work valued above \$1.3 million. Fully accredited agencies can undertake procurement without external support using their own procurement system.

## Resources

| Category   | Reference   |
|--|---|
| <br>Goods and services | <a href="#">Accreditation Program Requirements</a>  |
|  | <a href="#">Agency accreditation status list (goods and services)</a>                                   |
| <br>Construction      | <a href="#">Agency Accreditation Scheme for Construction: Guide for Agencies</a> (accredited pre- 2015) |
|  | <a href="#">Agency accreditation Scheme for Procurement</a> (accredited post-2015)                      |
|  | <a href="#">Agency accreditation status list (construction)</a>   |





# Government procurement arrangements

NSW Government procurement arrangements include contracts, prequalification schemes, standing offers and panels, covering a broad array of goods and services including construction.

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## Whole-of-government arrangements

### Standing offers and panels

*Standing offers*, including panels, are used by NSW government agencies to purchase goods and services that are required on a recurring basis across the sector. Standing offers are usually established using a tender process.

A *standing offer* is an arrangement setting out the terms and conditions, including a basis for pricing, under which a supplier agrees to supply specific goods and services to an eligible buyer for a specified period.

A *panel arrangement* involves more than one supplier whereby a standing offer is established with each supplier covering the same or similar goods or services, including a basis for pricing, for a specified period.

Standing offers and panels, routinely referred to as *whole of government contracts*, are a closed procurement arrangement where suppliers are approved to provide eligible buyers with a selection of goods and/or services for a fixed period.

The successful suppliers provide goods and services during the contract period, including any contract extensions, and generally no new suppliers are added during the contract period.

Whole-of-government contracts are mandated and must be used by NSW Government agencies to purchase the goods and services they cover (refer [Section 2:01 Plan, Existing arrangements](#)).

Current NSW Government whole-of-government contracts can be viewed on [ProcurePoint](#).

## Prequalification schemes

*Prequalification schemes*, also known as Multi-Use Lists, Approved Lists or Procurement Lists, allow suppliers to apply to qualify for business opportunities with government agencies. The NSW Government's Prequalification Schemes provide a more flexible procurement approach to meet the government's sourcing requirements.

Prequalification schemes provide government buyers with access to lists of resources that meet relevant experience and qualification standards. The schemes aim to reduce red tape and streamline the process for agencies to source and engage external expertise, and for suppliers to register for a range of business opportunities.

NSW government prequalification schemes have the advantage of not 'locking-up' a market, with new suppliers able to register at any time, or at least periodically.

See the list of [all NSW Government prequalification schemes](#).



## Agency-specific procurement arrangements

Agencies may have specific or unique procurement requirements or need to purchase goods or services on a one-off basis. In these cases, agencies establish their own contracts, standing offers or prequalification schemes to meet their specific needs.

While individual agencies establish and manage these arrangements, they may be made available for other agencies to use via a *piggybacking* clause. *Piggybacking* allows other agencies to use the arrangement, under the existing terms and conditions.

## Government procurement solutions

|                                 |  |
|---------------------------------|--|
| <a href="#">eTendering</a>      | <ul style="list-style-type: none"><li>• Single entry point for NSW Government buyers and suppliers to advertise and respond to tenders</li><li>• <a href="#">Upcoming</a>, <a href="#">current</a> and <a href="#">closed</a> business opportunities</li><li>• <a href="#">Government contract register</a> for awarded contracts &gt;\$150,000 (incl. GST)</li><li>• <a href="#">Apply for prequalification schemes</a></li></ul> |
| <a href="#">buy.nsw</a>         | <ul style="list-style-type: none"><li>• <a href="#">buy.nsw</a> is a new platform for ICT cloud products and services</li><li>• Allows <a href="#">online registration</a> to become a buyer or seller</li></ul>   |
| <a href="#">NSW eQuote</a>      | <ul style="list-style-type: none"><li>• Online quoting system used by agencies to seek quotes from prequalified businesses</li></ul>   |
| <a href="#">NSW eCatalogues</a> | <ul style="list-style-type: none"><li>• Online catalogue and purchasing system connecting buyers and suppliers</li><li>• Allows suppliers to list goods and services under contract</li><li>• Visible to public, but without pricing information</li></ul>   |
| <a href="#">ProcurePoint</a>    | <ul style="list-style-type: none"><li>• One place for all NSW Government procurement</li><li>• Provides procurement information and tools to help NSW government agencies and current or potential suppliers</li></ul>   |

The Procurement Board is undertaking a refresh of the sector's digital procurement capabilities.

## Responsibilities of suppliers

Suppliers to NSW Government need to fulfil a number of requirements in accordance with their agreements, which may include:

- conducting their business relationships in accordance with law and accepted standards of behaviour
- complying where relevant with the NSW Procurement Policy Framework, the [NSW Code of Practice for Procurement](#), the [NSW Industrial Relations Guidelines: Building and Construction Procurement](#) and the contracting agency's Statement of Business Ethics
- ensuring goods or services are delivered as per their contract with the buyer
- ensuring accurate documentation including invoices

- completing reporting requirements in relation to orders and contract spend
- participating in performance management activities with the contracting agency
- updating their contact information, product and pricing information on NSW eCatalogues.

Findings of dishonest, unfair, unconscionable, corrupt or otherwise illegal conduct, regardless of whether such conduct occurs in the context of a relationship with the NSW Government, can adversely affect the Government's reputation as a procurer. Such findings can have a range of consequences for individual suppliers, including as serious as exclusion from contracting opportunities with the Government.



# Complaints and feedback

The NSW Procurement Board's responsibilities under the [Public Works and Procurement Act 1912](#) include investigating and dealing with complaints about the procurement activities of agencies.

The [NSW Procurement Board's Complaints Management Guidelines](#) describes the process for managing complaints made about procurement, including setting out the circumstances in which the NSW Procurement Board may investigate complaints. It does not apply to complaints of a criminal or corrupt nature which should be referred to the relevant authorities for investigation.

Agencies are responsible for resolving complaints concerning their procurement actions at the appropriate agency level (usually commencing at the area undertaking the procurement), escalating as necessary and referring to external statutory bodies as appropriate.

Complaints unresolved after this process may be referred by the complainant to the Procurement Board, via the [NSW Procurement Service Centre](#). In this instance copies of all correspondence with the agency concerned and all other relevant material will need to be provided.

The Procurement Board will review the material and information supplied by the complainant and the agency before making any decision to investigate a complaint. Where the board considers the agency has dealt with a complaint in an appropriate manner, it will decline to investigate separately.

If a complainant submits a complaint to the board prior to complaining to the relevant agency or where the agency is still considering the complaint, the board will refer the complainant to the agency concerned.

Agencies which are considered not to have complied with requirements will be required to take corrective action in relation to future procurement action. The board may issue directions and policies regarding corrective action.

## Complaints handling

An effective complaints management process is integral to the principles of probity and fairness. It demonstrates the agency places a high level of importance on conducting procurement in an honest, fair, accountable and transparent manner. Complaints processes can also assist in diagnosing shortcomings in government procurement and provide a means for continuous improvement of procurement systems and standards of service.

## Enforceable procurement provisions

Amendments to the *Public Works and Procurement Act 1912* (PWP Act) came into effect on 29 November 2019. These amendments establish a new complaint process for alleged breaches of PBD 2019-05 Enforceable Procurement Provisions Direction (EPP Direction) relating to international procurement agreements.

An agency needs to identify and deal quickly and effectively with any complaint made under these legislative provisions. The agency will need to:

- suspend all processes involved in the procurement that would adversely affect the complainant's participation in the procurement, unless the agency head certifies that suspending the process is not in the public interest
- investigate the complaint
- take reasonable steps to resolve the complaint
- prepare a written report on the investigation.

A supplier who lodges a written complaint alleging a breach of the EPP Direction relating to international procurement agreements can, after attempting to resolve the matter with the agency, apply to the Supreme Court for an injunction requiring the agency to comply with the EPP Direction. The supplier can also apply to the Supreme Court for a compensation order.

## Role of the NSW Procurement Board

The Board does not have a statutory role in considering complaints about alleged breaches of the EPP Direction. These complaints are a matter for the agency, the supplier and, if proceedings are taken, the Supreme Court.



## Resources

| Obligation | Reference  | Classification |
|------------|--|----------------|
| Guidelines | <a href="#">Applying the Commitments to Effective Complaint Handling – Guidance for Agencies</a> (NSW Ombudsman) | Recommended    |
|            | <a href="#">Six Commitments to Effective Complaint Handling</a> (NSW Ombudsman)                                  | Recommended    |
|            | <a href="#">Complaint Management Framework</a> (NSW Ombudsman)   | Recommended    |
|            | <a href="#">Complaints Management Guidelines</a> (Procurement Board)   | Recommended    |
|            | <a href="#">Complaint Handling Improvement Program: Commitments Implementation Review</a> (NSW Ombudsman)        | Recommended    |
|            | <a href="#">Effective Complaint Handling Guidelines, 3rd Edition</a> (NSW Ombudsman)                             | Recommended    |
|            | <a href="#">Managing Unreasonable Complainant Conduct</a> (NSW Ombudsman)  | Recommended    |
|            | <a href="#">Respectful Treatment</a> (NSW Ombudsman)   | Recommended    |
|            | <a href="#">Tips for Accessible Complaint Handling</a> (NSW Ombudsman)   | Recommended    |





# Procurement board directions

Section 175 of the *Public works and Procurement Act 1912* grants the Procurement Board authority to issue directions to government agencies regarding the procurement of goods and

services of any kind, including construction.

A direction may be issued to government agencies generally or to a particular agency.

## Resources

| Direction                | Title   | Date commenced    | Review date       |
|--------------------------|---|-------------------|-------------------|
| <a href="#">2013-01C</a> | Financial assessments   | 13 November 2013  | -                 |
| <a href="#">2014-03C</a> | Agency accreditation scheme for construction – threshold for unaccredited work      | 18 August 2014    | -                 |
| <a href="#">2014-04C</a> | Construction procurement prequalification schemes for work valued up to \$1 million | 1 October 2014    | -                 |
| <a href="#">2014-06</a>  | Procurement of goods and services on behalf of other government agencies            | 1 October 2014    | -                 |
| <a href="#">2014-07</a>  | Recognising suppliers to the Australian Government                                  | 1 January 2015    | N/A               |
| <a href="#">2015-02</a>  | Agency accreditation scheme arrangements  | 22 July 2015      | N/A               |
| <a href="#">2015-03</a>  | Radio communications site licence agreement framework                               | 1 September 2015  | 1 September 2025  |
| <a href="#">2016-03</a>  | Construction standards and conformance  | 6 July 2016       | 6 July 2019       |
| <a href="#">2016-04</a>  | Accessing information about non-government organisations delivering human services  | 6 July 2016       | 5 July 2019       |
| <a href="#">2017-03</a>  | 2017-03 Civil Liability Act 2002 – proportionate liability                          | 1 November 2017   | -                 |
| <a href="#">2017-04</a>  | Procuring human services from NGOs  | 13 September 2017 | 13 September 2019 |
| <a href="#">2017-05</a>  | Construction training and skills development  | 26 October 2017   | 26 October 2020   |
| <a href="#">2017-06</a>  | International procurement agreements  | 22 November 2017  | -                 |
| <a href="#">2017-07</a>  | Conduct by suppliers  | 22 November 2017  | 22 November 2022  |
| <a href="#">2018-02</a>  | Replacement of the ICT short form contract in the procure IT framework              | 1 November 2018   | 1 November 2023   |
| <a href="#">2019-01</a>  | Engagement of professional services suppliers                                       | 26 March 2019     | 26 March 2021     |
| <a href="#">2019-02</a>  | Telecommunications procurement  | 29 April 2019     | 29 April 2024     |
| <a href="#">2019-03</a>  | Access to government construction procurement opportunities by SMEs                 | 1 May 2019        | 1 May 2024        |
| <a href="#">2019-04</a>  | Approved procurement arrangements   | 1 July 2019       | 1 July 2022       |
| <a href="#">2019-05</a>  | Enforceable procurement provisions  | 29 November 2019  | 13 September 2024 |





## Section 4

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### • GLOSSARY •

**Aboriginal owned business** refers to any business that is an Aboriginal owned business through recognition by an appropriate organisation, such as:

- NSW Indigenous Chamber of Commerce
- an organisation representing Aboriginal owned businesses in another state or territory that is a member of the First Australians Chamber of Commerce and Industry
- Supply Nation.

**Aboriginal Participation Plan** describes a supplier's commitments under the Aboriginal Procurement Policy or the Aboriginal Participation in Construction (APIC) policy, and how it will meet those commitments.

**Aboriginal Participation Strategy** describes how an agency is working with Aboriginal owned businesses to identify and develop business and employment opportunities and set measurable targets for Aboriginal participation, through goods and services procurement activities.

**Agency** refers to a government agency as defined under [s.162 of the Public Works and Procurement Act 1912](#) and includes a government sector agency (within the meaning of the [Government Sector Employment Act 2013](#)), a NSW government agency, and any other public authority that is constituted by or under an act or that exercises public functions. It excludes state owned corporations and local councils.

**Agency head** is the person who is the chief executive officer, or who exercises the functions of chief executive officer, of a government agency.

**Annual Procurement Plan** means a planning document that captures all types of procurement initiatives planned by the procurement function, including sourcing, contract management and category management activities. An abridged version is published on [NSW eTendering](#) covering planned procurements that may result in an open tender and major or strategic initiatives that may generate procurement.

**Arrangement** is a description of a contract, standing offer, scheme, or any other form of agreement between a government agency/s and supplier/s, whether or not the arrangement creates a legal relationship between the parties. There are various models of supplier arrangements in place, including:

- contracts between an agency and a supplier

- standing offer agreements between agencies and suppliers, which establish the legal arrangements for contracts relating to the purchase of goods or services
- registration lists and prequalification schemes, under which agencies then enter into contracts.

While these models create different legal relationships between agencies and suppliers, this framework refers to these as 'arrangements' for the sake of simplicity.

**Capital expenditure** is expenditure on acquisition, maintenance or improvement of non-current (i.e. if the financial benefit extends beyond the current financial year) fixed assets, such as buildings, equipment or land.

**Capital project** is a project primarily comprised of fixed assets such as infrastructure, equipment, property developments or operational technology.

**Circular Economy** is an economy that values resources by keeping products and materials in use for as long as possible.

**Competitive neutrality** is the principle that government business activities should not enjoy net competitive advantages over their private sector competitors due to their public sector ownership. Competitive neutrality removes potential market distortions and promotes an efficient allocation of resources between public and private businesses.

**Conditions for participation** are minimum conditions that suppliers must demonstrate compliance with, in order to participate in a procurement process or be included on a procurement list.

**Construction** means services relating to the construction of buildings or works, including:

- pre-erection works,
- construction work,
- repairs, alterations and restorations.

**Covered procurement** is a procurement that is covered by [PBD-2019-05 Enforceable Procurement Provisions](#).

**Disability employment organisation** is an entity that has a principal purpose to provide employment to persons with a disability.

**Enforceable Procurement Provision** is defined in section 162 of the [Public Works and Procurement Act 1912](#) and means a provision of a board direction or policy (or a provision of a document referred to in a board direction or policy) that is expressed to be an enforceable procurement provision by the direction or policy.



**Environmental Management Plan** is a site-specific plan that identifies environmental aspects and significant impacts of a construction project, and how contractors will manage environmental performance and conformity with the environmental conditions of the contract.

**Environmental Management System** comprises the elements of an organisation's overall management system that ensure environmental aspects of its activities, products and services, and their significant impacts, are identified and systematically managed.

**Expression of Interest (EOI)** is the process of seeking the interest of service providers capable of undertaking specific works or services, to provide information on that capability or a detailed proposal to undertake work. It is usually the first stage of a multi-stage tender process.

**Goods and services** means any type of right, interest or thing, both physical and intangible, which is legally capable of being owned (goods); and work performed by individuals or a group of individuals for others (services). In this framework, *goods and services* excludes any item or activity defined as *construction*, unless otherwise specified.

**Government Procurement System for Construction** consists of guidelines and procedures for the selection of procurement strategies, contract risk allocation, supplier selection (including prequalification schemes), tendering and formal dispute resolution, and contract templates for government construction works.

**Hedging** is a form of risk management strategy used to limit or offset the probability of loss from fluctuations in prices (e.g. currencies or commodities).

**Human services** mean the programs, facilities or services provided to meet the health, welfare and social needs of individuals, families and communities. This may include, for example, education, health, and community services provided across NSW, or as defined by the Human Services Data Hub Taxonomy.

#### **Information and Communications**

**Technology (ICT)** is a subset of goods and services consisting of information and telecommunications technology, platforms, software, hardware and services.

**Inspection and Test Plans (ITPs)** record all inspection and testing requirements relevant to a specific process to ensure quality standards

are met. ITPs document the procedure to be undertaken and the evidence to be provided (including reviews and verification points) to verify that a work process/product or activity conforms to the specified requirements.

**International Procurement Agreement (IPA)** is defined in section 162 of the [Public Works and Procurement Act 1912](#) and means an international agreement that applies to procurements by Australian Governments and covers procurements by NSW agencies.

**Limited tender** means a procurement (other than through a procurement list) that involves an agency directly inviting one or more suppliers of its choice to make a submissions. Where only one supplier is approached it is sometimes termed a direct negotiation. There are restrictions on the use of limited tendering for covered procurements.

**Local business** has the same definition as an SME.

**Measures** include any law, regulation, policy, procedure, requirement or practice.

**Medium business** is a business with 20-199 FTEs.

**Modern slavery** includes any conduct involving the use of any form of slavery, servitude or forced labour to exploit children or other persons taking place in the supply chains of government agencies or non-government agencies.

**Non-government organisations (NGOs)** means a non-profit organisation that is independent from government. A non-profit organisation is one which 'is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect'.

**Notifiable WHS incident** is an incident involving the death of a person, or serious injury or illness of a person or a dangerous incident, (as defined in the WHS Act 2011) that must be notified to SafeWork NSW.

**Open approach to market (OAM)** is an invitation (such as a notice or post) to participate in a procurement that is publicly published on [NSW eTendering](#).

**Open tender** is a publicly advertised tender that is open to any interested supplier. Open tenders can include multi-stage procurements where the first stage is an open approach to market.

**Panel** see procurement panel.

**Piggybacking** is where one agency has established an arrangement and has made the arrangement available to other agencies.

**Preference** refers to any law, regulation, policy, procedure, requirement or practice that allows favourable treatment of specified groups of suppliers, e.g. SMEs.

**Prequalification Scheme** see procurement list.

**Principal contractor** is a contractor that contracts with an agency as the client and is appointed as principal contractor for nominated work, meaning they are authorised to have management or control of the workplace and discharge the duties of a principal contractor under the WHS Regulation 2017.

**Probity** is uprightness, honesty, proper and ethical conduct and propriety in dealings, and can be defined as complete and confirmed integrity, uprightness and fairness in a particular process.

**Probity advisers** act as part of a procurement/sale project team and work contemporaneously with project managers. The principal role of a probity adviser is to provide probity advice and solutions throughout the transaction.

**Probity auditors** work independently of a project team and are engaged to verify that processes followed during a procurement/sale are consistent with government regulations and best practice principles, primarily after the fact.

**Procurement** refers to a process that begins with the basic 'make or buy' decision, and then spans the 'whole life' of supplier/construction arrangements. It includes the definition of business needs, designing and implementing arrangements, monitoring and managing contract and supplier performance, and reviewing outcomes to assess the effectiveness of arrangements.

**Procurement documentation** is provided to suppliers to enable them to understand and assess a procuring agency's requirements and prepare appropriate and responsive submissions. It may include the terms and conditions of the procurement, along with conditions for participation, specifications for the goods and services to be provided, and evaluation criteria.

**Procurement list**, also known as a prequalification scheme, multi-use list or approved list, is a list of suitable suppliers intended to be used more than once for procurements by an agency or agencies. The suppliers are required to meet relevant experience and qualification standards to be engaged for specified business opportunities.

**Procurement panel** is a panel of suppliers for procurements by an agency or agencies who, following successful tenders, have entered into contracts for inclusion on the panel. A standing offer is established with each supplier covering the same or similar goods or services, with a basis for pricing and for a specified period.

**Project WHS Management Plan** sets out the specific WHS resources, consultation and risk management processes, responsibilities, procedures and practices, for a particular project. It describes how the supplier intends to implement its Corporate WHS Management System for the whole of the project, and Safe Work Method Statements.

**Proposed RFT** is an early notification to the market of an upcoming business opportunity or tender but is not a guarantee that the RFT will proceed.

**Purchasing** is the process of buying or purchasing from an existing procurement arrangement or directly from a supplier.

**Quality Management Plan** is a project or contract-specific plan developed by applying an appropriate Quality Management System to plan and carry out the work involved, to ensure conformity with the requirements for the project/contract and to manage quality risks.

**Quality Management System** provides a structure, including documentation and processes, which enables the delivery of products and services to be controlled and managed to consistently meet the specified requirements.

**Recurrent expenditure** is expenditure which does not result in the creation or acquisition of fixed assets (new or second-hand). It consists mainly of expenditure on wages, salaries and supplements, purchases of goods and services and consumption of fixed capital (depreciation).

**Regional business** is a business located in any area within NSW outside the Newcastle, Sydney and Wollongong metropolitan areas. A list of regional local government areas is available on [ProcurePoint](#).

**Request for Proposal (RFP)** is a request to the market to provide preliminary proposals or ideas for a business solution. A second stage may involve short listed tenderers being invited to tender for the contract or, where a best solution is sought, negotiation with the preferred service provider on the final requirements and price.



**Request for Tender (RFT)** means an invitation, by advertisement or directly, to respond to sourcing requirements by lodging a tender response. It covers all forms of tendering, including an invitation or request for quotation (RFQ) or proposal (RFP), offers, EOI, pre-registration for RFQ or RFP.

**Selective tender** means a selective procurement method whereby the procuring entity invites only qualified suppliers to submit a tender. Suppliers may be qualified via a procurement list; an EOI, RFP or similar process; or due to some other qualification, accreditation, license or provision.

**Small business** is a business with 1-19 FTEs, including sole traders and start-ups.

**Small or medium enterprise (SME)** refers to an Australian or New Zealand based enterprise with fewer than 200 full time equivalent (FTE) employees.

**SME and Sustainability Criteria** is a non-price-evaluation criterion of at least 15 per cent, which considers how potential suppliers will support the government's economic, ethical, environmental and social priorities. A minimum of 10 per cent of the total non-price criteria must be allocated to SME participation consistent with relevant exemptions in IPAs.

**Submission** means a formally submitted response made by a supplier to any invitation (however described) to participate in a procurement, but does not include an application to be included on a procurement list. Common terms for a submission include tender, quote or proposal.

**Standard Commercial Framework** is a framework to engage business advisory services that provides standard definitions and capped rates for engagement and role types, a discount structure, capped expenses and a target resource mix for engagements.

**Standing Offer** is an arrangement setting out the terms and conditions, including a basis for pricing, under which a supplier agrees to supply specific goods and services, including construction services, to an eligible buyer for a specified period.

**Substantial (FX) Risk** is a foreign exchange risk considered to be substantial by Treasury and TCorp based on the size and nature of the exposure, duration and size of the procurement, frequency of the risk occurrence, timing and level of volatility of foreign currency/ies to the A\$.

**Supplier** is an entity or person that provides or could provide goods or services to an agency.

**Sustainable procurement** is a process whereby organisations meet their needs for products, services, works and utilities in a way that achieves value for money on a whole-of-life basis in terms of generating benefits not only for the organisation, but also to society and the economy, while minimising damage to the environment.

**Tenderer** is an entity or person that has responded to an RFT or other approach to market.

**Unsolicited proposal** is an approach to government from a proponent over a commercial proposition, where the government has not requested the proposal. This may include proposals to build and/or finance infrastructure, provide goods or services or undertake a major commercial transaction.

**Value** is the genuine, estimated value over the proposed term of an acquisition (not a value per annum). Unless specified otherwise, value is exclusive of GST. If an agency undertakes more than one procurement activity with the same supplier for the same goods and services within a reasonable period, the value of all the procurements should be added together.

**Whole-of-government arrangement** means any procurement arrangement, including whole-of-government contracts and prequalification schemes, under which an agency provides for the purchase of goods or services, including construction, by that agency, all other NSW government agencies and eligible buyers.

**Whole-of-government contract** means a standing offer or panel arrangement under which an agency provides for the purchase of goods or services, including construction, by that agency, all other NSW government agencies and eligible buyers.

**WHS Management Plan** sets out the arrangements to manage work health and safety on a construction project. It is less detailed than a Project WHS Management Plan.

**WHS Management System** is the overall management system, including organisational structure, planning activities, responsibilities, practices, procedures, processes and resources, for developing, implementing, achieving, reviewing and maintaining the supplier's WHS policy, and so managing WHS risks.

# Document control

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## Document approval

Approved by the Procurement Board: 20 February 2019

Administrative updates approved by NSWCPD: 4 December 2019

## Document version control

| Version | Status | Date             | Prepared by | Comments   |
|---------|--------|------------------|-------------|--|
| 1.0     | Final  | 20 February 2019 | Emma Cooper | Initial version approved by Procurement Board  |
| 1.1     | Final  | 1 July 2019      | Emma Cooper | <p>Administrative and approved policy updates. Includes board directions and policies approved after Procurement Board approval and prior to commencement date of 1 July 2019:</p> <ul style="list-style-type: none"><li>• PBD-2019-01 Engagement of Professional Services Suppliers, issued 26 March 2019</li><li>• PBD-2019-02 Telecommunications Procurement, issued 29 April 2019</li><li>• PBD-2019-03 Access to Government Construction Procurement Opportunities by SMEs, issued 1 May 2019</li><li>• PBD-2019-04 Approved Procurement Arrangements, issued 1 July 2019</li><li>• Government Resource Efficiency Policy, revised 21 February 2019</li><li>• Circular Economy Policy Statement, released 25 February 2019</li><li>• TPP19-03 Recurrent Expenditure Assurance Framework, issued 31 January 2019</li><li>• Replace references to Procurement (Enforceable Procurement Provisions) Direction 2019 with PBD-2017-06 International Procurement Agreements, as new Direction not yet in effect.</li><li>• Adds Construction Industry Leadership Forum (CILF) Notes, approved by Procurement Board 5 June 2019.</li></ul> |

| Version | Status | Date            | Prepared by | Comments   |
|---------|--------|-----------------|-------------|--|
| 1.2     | Final  | 1 October 2019  | Emma Cooper | <p>Incorporated policy updates and omissions identified after release of version 1.1:</p> <ul style="list-style-type: none"> <li>• PBD-2019-05 Enforceable Procurement Provisions, released 16 September 2019, effective date 29 November 2019</li> <li>• Public Works and Procurement Regulation 2019, replacing 2014 Regulation that was remade 1 September 2019</li> <li>• DFSI-2019-01 NSW Government Operational Communications Strategy, released 15 July 2019.</li> </ul> <p>Added:</p> <ul style="list-style-type: none"> <li>• Bid Cost Contributions Policy for construction projects valued over \$100 million, released December 2018</li> <li>• Construction and demolition waste management requirements per the <i>Protection of the Environment Operations Act 1997</i>, Standards for Managing Construction Waste in NSW, and Construction and Demolition Waste Management Toolkit</li> <li>• TC12-12 Mandatory use of the TMF for all Government insurance requirements, released 3 May 2012</li> <li>• TC16-11 Mandatory principal arranged insurance for all major capital works projects, released 15 August 2016.</li> </ul> |
| 1.3     | Final  | 3 December 2019 | Emma Cooper | <p>Incorporate requirements of <a href="#">PBD-2019-05 Enforceable Procurement Provisions</a>:</p> <ul style="list-style-type: none"> <li>• Replaced all references to the withdrawn PBD-2017-05 International Procurement Agreements with PBD-2019-05</li> <li>• Updated: <ul style="list-style-type: none"> <li>– Section 1:02 Fair and Open Competition, p. 10</li> <li>– Section 2:01 Plan: Creating a new procurement arrangement, pp. 43 - 45</li> <li>– Section 2:02 Source: Tender documents, pp. 53-56</li> <li>– Section 2:02 Source: Notifying and briefing the market, pp. 70-73, 75</li> <li>– Section 2:02 Source: Negotiation and contract award, pp. 76.</li> </ul> </li> </ul>  |

## Review Date

This policy will be updated on a quarterly schedule to include new and amended policies.

The policy will be formally reviewed by July 2021.

It may be reviewed earlier in response to post-implementation feedback from agencies, the Procurement Leadership Group, the Construction Leadership Group and the Procurement Board.

