When to develop a Procurement Conduct Plan?

A procurement conduct plan is best used for any procurement of medium+ complexity and size.

Project description

Briefly outline the procurement.

EXAMPLE
What is being procured? What is the requirement of procurement?

Background

Give a short overview on the background of this project.

EXAMPLE
Does a current contract exist? When does the current contract expire, etc?

Project timeline

List the steps and timings involved in the procurement process.

EXAMPLE

<table>
<thead>
<tr>
<th>STEP</th>
<th>WHO</th>
<th>TARGET DATE</th>
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<tbody>
<tr>
<td>Research and project development</td>
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</tbody>
</table>
### Draft tender documents

- Finalise RFT/RFQ/EOI documents
- Release RFT/RFQ/EOI documents to market
- Market briefing
- Closing date for RFT/RFQ/EOI responses
- Evaluation of bids
- Approval of decisions and recommendations
- Contract execution
- Evaluate project success

### The tender team(s)

- The project will involve a steering committee and an evaluation team

#### EXAMPLE

**Tender steering committee members**

<table>
<thead>
<tr>
<th>ROLE</th>
<th>NAME</th>
<th>TITLE</th>
<th>ORGANISATION</th>
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</table>

**Evaluation team members (if different to steering committee – if not, delete)**

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<th>ROLE</th>
<th>NAME</th>
<th>TITLE</th>
<th>ORGANISATION</th>
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</table>
Key responsibilities

EXAMPLE

RESPONSIBILITIES OF TENDER STEERING COMMITTEE

- There will be a Tender Steering Group for this project.
- Provide overall direction and management to Tender Evaluation Team.
- Market engagement
- Evaluation and negotiation stages of the tender process
- Endorse tender timelines and approve any timeline variations.
- Approve initial RFT/ROI.
- Approve any variations to the original EOI/RFT documentation.
- Provide signoff at the following stages in the process:
  - Endorsement of Procurement Plan and Roles and Responsibilities Documents
  - Tender documentation
  - Tender advertisement
- Receive the probity reports with tender evaluation reports
- Receive other reports that may be necessary for time to time

RESPONSIBILITIES OF EVALUATION TEAM

- Evaluate tender responses according to the tender evaluation criteria
- Test and verify the claims made by tenderers in relation to the tender evaluation criteria
- Evaluation and negotiation stages of the tender process
- Prepare recommendations for consideration of individual councils
Key conduct requirements

EXAMPLE

Effective competition

☐ Effective competition will be achieved by (see below):
- Advertising the opportunity in a number of newspapers and through online procurement portals.
- Advertise to existing contractors of procurement opportunity.

The procurement process

☐ Public request for tender (RFT)
☐ Public request for quote (RFQ)
☐ Expression of Interest (EOI)

Consistency and transparency of process

☐ Evaluation criteria will be determined before advertising.
☐ Evaluation criteria will be weighted before advertising.
☐ Evaluation criteria will be included in the RFT/RFQ/EOI documentation.
☐ Importance given to different criteria (if relevant) will be included in the tender documentation.
☐ There will be a ☐ non-mandatory ☐ mandatory ☐ pre-tender briefing

Costs for potential suppliers to Tender/Express Interest are expected to be:
☐ High ☐ Medium ☐ Low

Strategies to minimise costs for potential suppliers to tender include:

All tender queries or requests for further information will be managed by

<table>
<thead>
<tr>
<th>Name</th>
<th>Position/Organisation</th>
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</thead>
</table>
Security and confidentiality

EXAMPLE

Tenders will be received at

- An approved council tender box [ ] Location
- Online procurement portal:

Format for receipt of tenders

- Paper submission to standard tender box
- Electronic document (CD etc.) to standard tender box
- Electronic submission to electronic tender box

- A secure office will be used. Location
  Tender office security will be the responsibility of:
  - Name
  - Role

Use of probity practitioners

EXAMPLE

- A probity Auditor will not be used. Name
- A probity Auditor will be used.
  - Firm
  - Phone

Project debrief

EXAMPLE

- A project debrief will be provided to:
  - Name
  - Position
Probity tasks and steps

**EXAMPLE**

Conflict of Interest (COI) statements / Confidentiality Agreements will be provided by:

| Name/s | i.e Tender Evaluation Team |

The person nominated above will provide their COI statements to:

| Name | Role |

- [ ] No actual, potential or perceived conflict of interest (COI) matters have been identified.
- [ ] Some COI matters have been identified and will be managed as detailed below:

Confidentiality procedures

**EXAMPLE**

- [ ] Standard confidentiality procedures will be varied in the following way:
• Hard copy bids received at XXXXX will be scanned and emailed - with the originals held securely by XXX
• Soft copies of bids will be sent to all members of the Tender Evaluation Team by email including a read receipt.
• Reference will be placed on all electronic documents reminding recipients of confidentiality and security requirements.
• Soft copies can be stored in the individual council electronic document management system.
• Copies of all relevant documents to be distributed to all members of the Tender Evaluation Team.

Particular confidentiality requirements may apply to this tender:

• It is the responsibility of each member of the tender evaluation team to familiarise themselves and operate in accordance with the probity requirements associated with the tender and evaluation process, including this document and:
  o Strategic Procurement Plan
  o Protocol for handling Enquiries
• Each member of the Tender Evaluation team is responsible for confidentiality of all documents received as part of tender evaluation process.
• Each member of the Tender Evaluation team is responsible for security of all documents received as part of tender evaluation process.

Briefing of all relevant staff

EXAMPLE:

The Tender Evaluation Team will receive a probity briefing on:  

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
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</thead>
</table>

The team briefing will be provided by:

Advertising arrangements

EXAMPLE:

Tender advertising will include:

☐ Council Website/s
### Online procurement portal

### Newspapers – List

#### Notification of tenderers not short listed

**EXAMPLE:**

Non-short listed tenderers will be notified by:

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
</table>

#### Short-listed tenderers – probity and track record check

**EXAMPLE:**

- Corporate information checks will be obtained.
- Specialist financial advice will be obtained.
- Referee checks will be sought.

The following person will obtain information listed above:

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
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</thead>
</table>

#### Supplier selection report and recommendation

**EXAMPLE:**

A report consistent with selection criteria and providing reasons for recommendation of preferred tenderer, will be prepared and submitted to:

| Name/s |
Notification of (un)successful tenderers

EXAMPLE:

After final approval, remaining unsuccessful tenderers will be notified by:

<table>
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<tr>
<th>Name</th>
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</table>

After final approval, successful tenderer will be notified by:

<table>
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<tr>
<th>Name</th>
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Documentation

EXAMPLE:

The following key documents will be retained.

| ☐ Tender history | ☐ Strategic planning documents |
| ☐ Notice of meetings | ☐ RFT/RFQ/EOI documentation |
| ☐ Lists of users contacted | ☐ Procurement conduct plan |
| ☐ List of tenders received | ☐ Tender briefing meeting minutes |
| ☐ Evaluation summary | ☐ Notification to shortlisted tenderers |
| ☐ Notifications to ‘non-successful’ tenderers | ☐ Approval documents, including individual council reports |
| ☐ Record of post-tender negotiations | ☐ Notification to preferred supplier |
| ☐ Implementation plans | ☐ Agreement/contract |
| ☐ Conflict of interest declarations | ☐ Service level agreements |

Procurement conduct plan approvals

EXAMPLE:

ANY VARIATIONS IN THE PLAN MUST BE APPROVED BY:

NAME:
A contract for debt recovery services would be taken to be a contract for services, as distinct from legal services. Certainly the portion of the service related to the process aspect of debt recovery would constitute a contract for services.

The prescribed exemption for legal services does not prevent a council forming a panel of legal advisors by first placing a public notice. The process of engaging legal services must still meet the tests of being value for money and transparent.

**Heading 2**

The legislation allows for contracts which have been prescribed (in a regulation) to be exempted from complying with section 186(1) of the Act. At this time only contracts for legal
services have been exempted.

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The Minister for Local Government will give consideration from time to time to prescribing other types of goods or services under this provision.

**ILLUSTRATION**

The Minister for Local Government will give consideration from time to time to prescribing other types of goods or services under this provision.