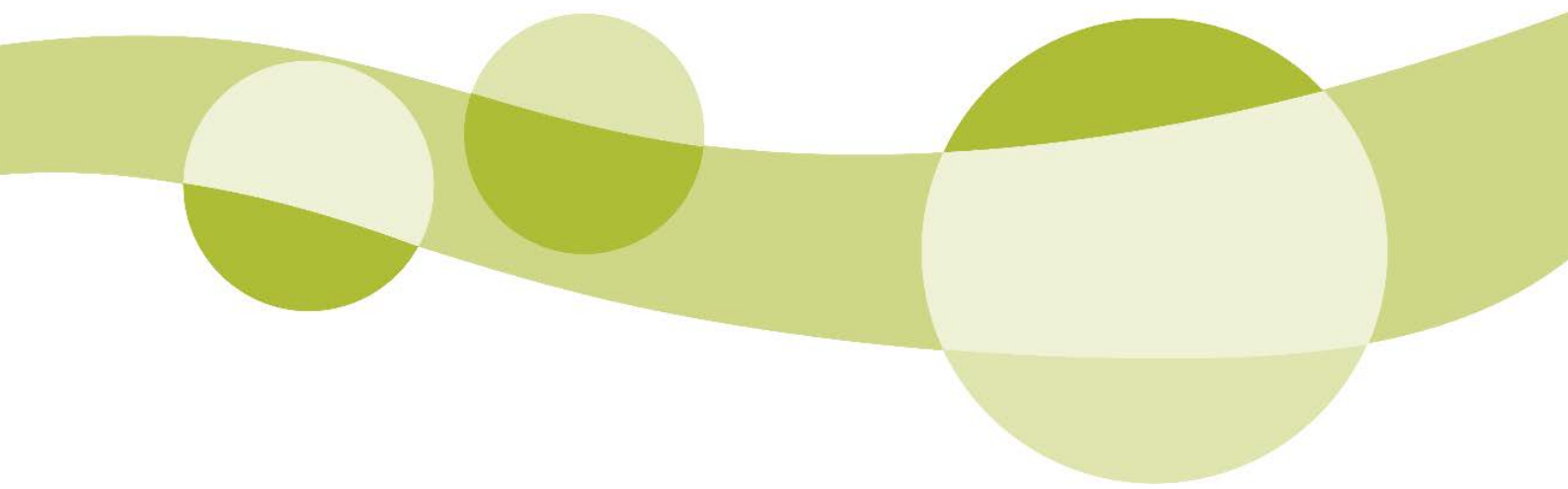




Government of Western Australia  
Department of Finance  
Government Procurement

# **Guide to Community Services Tendering for Service Providers**



October 2018

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## Introduction

Not-for-profit community services (community services) organisations play an important role in the wellbeing of our State. They serve the most vulnerable and disadvantaged in our community and add immeasurably to the quality of life and social fabric many of us take for granted. These organisations promote active involvement in our society and engage people in a common mission to make our community a better place. For these reasons, it is important that the Government recognises the true value of these organisations as service providers, and strives to facilitate and assist the good work they do.

To meet the needs of the community, Western Australian government agencies seek to improve outcomes for all Western Australians by building a genuine partnership between the public and community services sectors in the policy, planning and delivery of community services in Western Australia. For this reason the Delivering Community Services in Partnership (DCSP) Policy was introduced in July 2011 and updated in September 2018.

If you are a community services service provider and you would like the opportunity to provide a community service on behalf of the government, then read on.

To have the opportunity to deliver community services, it is important for you to develop an understanding of the Western Australian Government's tendering processes. The Department of Finance (Finance) has developed this Guide to Community Services Tendering for Service Providers (the guide) to help you to comply with the requirements of the DCSP Policy and to provide assistance when tendering for government work.

For the purposes of this guide the term 'government agency' has been used throughout to describe all of the government departments, agencies and officers who engage the community services sector for the provision of community services.

- This guide will:
- provide information on the Western Australian Government's community services tendering processes; and
- assist you to prepare and submit your offers.

This guide:

- applies where a government agency advertises for community services requests (tenders) and awards service agreements to community services organisations on their own behalf, or on behalf of other government agencies;
- is not designed to be used by for-profit organisations who wish to bid for requests under the DCSP Policy;
- is not intended to describe processes used in exceptional circumstances;
- does not take priority over any information provided in the request documents. Any queries regarding a procurement process should be directed to the relevant contact person nominated in the request document;

- only includes purchasing under the DCSP Policy. For example, this guide does not cover building and engineering works or commercial goods and services contracting; and
- **is for information purposes only – it is not a tender or service agreement document.**

The term request is used in this guide in a generic sense to describe all of the government tender processes (for example, expressions of interest, registrations of interest or requests for public tenders) and the documents contained therein.

If circumstances arise that are not addressed in this guide, further advice and assistance is available from Funding and Contracting Services (FaCS), Government Procurement, Department of Finance. The DCSP Policy can be viewed at [www.finance.wa.gov.au](http://www.finance.wa.gov.au) under the Government Procurement heading.

# Chapter One: Government policies

## 1.1 Background

The Western Australian Government has a number of policies that regulate the way government agencies purchase from service providers. The DCSP Policy is the most relevant in the community services sector. These policies provide the framework for service agreements. The request document will detail which policies are most relevant, so familiarise yourself with the relevant policies when you are preparing your offer.

This guide will also focus on three of the eight State Supply Commission (SSC) policies. While the following are the policies that you will encounter most commonly, they do not represent an exhaustive list:

- DCSP Policy;
- SSC policies:
  - Value for Money;
  - Open and Effective Competition; and
  - Probity and Accountability.

Further information on all policies including those in this guide can be viewed at [www.finance.wa.gov.au](http://www.finance.wa.gov.au) under the State Supply Commission heading.

## 1.2 Delivering Community Services in Partnership Policy

The aim of the [DCSP Policy](#) is to improve outcomes for all Western Australians through a genuine partnership between government agencies and the community services sector, in the procurement of sustainable community services in Western Australia.

The DCSP Policy applies to all government agencies that purchase community services from community services organisations. The DCSP Policy applies to all such Western Australian Government funded services, and all Commonwealth and industry funded services (to the extent that the requirements of this DCSP Policy are not inconsistent with the requirements of that service or service sponsor).

Under the DCSP Policy government agencies are required to:

- i. comply with the procurement processes and requirements as detailed in the [Community Services Procurement Practice Guide](#), that support the DCSP Policy's implementation at a practical level;
- ii. use the standardised documentation associated with the DCSP Policy (including service agreement templates, conditions and reporting frameworks);
- iii. give consideration to a service provider's certainty and security, and consider the establishment of longer-term service agreements; and
- iv. apply indexation to all service agreements, in accordance with the [Non-Government Human Services Sector Indexation Policy](#).

In accordance with the DCSP Policy the Western Australian Government has established a variety of tendering procedures and methods to streamline service agreement formation. Some of the arrangements designed to make tendering more efficient are detailed below.

### **1.2.1 Preferred service provider**

Government agencies may, at their discretion, exercise the option of retaining an existing service provider through a preferred service provider (PSP) arrangement, which is a restricted tendering process. To assess an existing provider's suitability for PSP status, government agencies must determine whether the service provider is:

- continuing to meet the identified need;
- meeting the agreed service specifications, outcomes, quality standards and contractual requirements;
- operating efficiently and effectively; and
- actively engaged in continuously improving services, being responsive to service user and government agency needs and offering innovative solutions to provide the best possible service to the community.

The government agency can either extend the existing service agreement with the PSP via a contract variation, or undertake a restricted tendering process with the PSP. In the second scenario, the PSP must submit an offer. The process of developing the request and the associated service specifications can be undertaken in a consultative manner to ensure both parties have provided input into the process.

## **1.3 Value for money**

Government must use a value for money approach to purchase products and services. This does not necessarily mean demonstrating the lowest price possible. The selection requirements are assessed together with the price you offer for the service, to determine the best value for money outcome for the State considering price, economic, environmental and social benefits. See also section 5.3 on how government agencies evaluate value for money.

The value for money test may vary in complexity depending on the nature of the purchase, ranging from a simple price assessment for low value services, through to a detailed assessment and comparison of cost and non-cost factors.

Non-cost factors may include, but are not limited to, the following:

- Organisational capability
- Government initiatives
- Departmental policy
- Ongoing service delivery
- Fair and appropriate pricing
- Risk exposures



The assessment of cost needs to consider any ongoing costs that may accrue beyond the initial price.

## **1.4 Open and Effective Competition policy**

The Open and Effective Competition policy ensures all potential service providers have equal and fair access to government service provision opportunities. It also sets out basic rules such as the requirement for adequate and consistent information to be provided to all potential bidders, and that specifications must not be biased.

This policy sets out the Western Australian Government procurement thresholds outlined in section 2.2, and also provides the minimum requirements for an agency entering into a service agreement using a PSP.

## **1.5 Probity and accountability**

Probity means that all procurement processes undertaken by the Government must be conducted fairly, ethically and honestly, while accountability means that government agencies must be able to account for their procurement decisions, and take responsibility for the achievement of outcomes.

Under this policy, members of an evaluation panel must understand and meet the expected behaviours and skills required of those in a community services procurement process. The chair of the panel must ensure communication with all potential service providers is consistent, and that appropriate checks and balances are in place at various stages of the procurement process.

Adequate records of the procurement process must be kept and a robust feedback mechanism must be in place for all bidders. This system helps you, as a potential service provider, to improve your future offers.

## **1.6 Further information**

Further information on the above policies and other SSC policies are available from Funding and Contracting Services on:

Telephone: (08) 6551 1515

Website: [www.finance.wa.gov.au](http://www.finance.wa.gov.au)

Email: [fundingandcontracting@finance.wa.gov.au](mailto:fundingandcontracting@finance.wa.gov.au)

## Chapter Two: the tendering process

### 2.1 How is Finance involved in the service agreement process?

To streamline the procurement process and reduce the cost to taxpayers, Finance is responsible for developing a suite of request and service agreement documents that can be used across the Western Australian public sector. Finance has involvement in some aspects of the service agreement process, including the following:

- Procurement support to government agencies;
- Providing advice to government agencies through the Community Services Procurement Review Committee; and
- Ad hoc support to government agencies and community services organisations, such as emails and telephone inquiries.

Generally, Finance will have more involvement the greater the value of the service agreement or risk of the purchase. However, if you are successful in tendering for a community service with a particular government agency, your service agreement will be with that government agency alone.

### 2.2 How do government agencies purchase community services from you?

Government agencies follow three purchasing methods dependent on monetary thresholds, outlined in the following table.

**Table 1: Purchasing methods and monetary thresholds**

<b>1. Direct Purchase</b>	Where total service agreement value is up to \$50,000
<b>2. Restricted Tender</b>	Where total service agreement value is \$50,001 - \$250,000
<b>3. Open Tender</b>	Where total service agreement value is above \$250,000

Note: All totals in the above table are GST and indexation inclusive.

This guide focuses on the open tender process.

### 2.3 Open tender (request)

An open tender is a formal invitation to potential service providers to submit an offer, based on the outcomes required by government, for a particular community service.

Open tenders are advertised widely to ensure an equitable opportunity for all relevant service providers to bid. The request is advertised on the Tenders WA website ([www.tenders.wa.gov.au](http://www.tenders.wa.gov.au)) with a specific link under the 'Tenders' tab for DCSP Policy requests.

The request document will outline all of the important information about the process. Some requests include a briefing session for potential respondents. The briefings can provide useful information for those interested in submitting an offer. The details of such a briefing session will be included in the request.

The government agency will make a decision about awarding the service agreement after the evaluation of offers, and subject to relevant approvals where necessary. Service providers may be invited to clarify their offer during the evaluation process if required.

### ***2.3.1 Components of a request***

When the government agency calls a request, the document is made up of the following components.

#### **Part A: What are the services to be purchased?**

This section includes the service requirements and desired outcomes.

#### **Part B: Where can you get more information?**

This section includes details of a mandatory or non-mandatory briefing (if applicable), and contact details for the relevant person.

#### **Part C: How will this procurement process work?**

This section includes details of the supporting documentation and service agreement framework.

#### **Part D: How can you lodge an offer?**

This section details the closing time and date of the request, how offers can be lodged and the offer validity period.

#### **Part E: How will your offer be assessed?**

This section refers to the relevant State Government policies and how the evaluation criteria will be used to assess your offer.

#### **Part F: Key service agreement details**

This section specifies important details of the service agreement such as its term, any extension options, payment schedule and service agreement management requirements.

#### **Part G: Guide to the response form**

This section is a handy guide to how to respond to the request.

#### **Part H: Response form**

This section, when completed and returned by you, forms your offer. It is your opportunity to explain how you would deliver the service, including the price you are offering.

### ***2.3.2 Supporting documentation***

The 'Process Terms and Conditions (Request for Offers)' (process terms) details the common tendering conditions across all government agency requests under the DCSP Policy. The 'General Provisions for the Purchase of Community Services by Public Authorities' (general provisions) details the common contractual conditions across all

government agency service agreements under the DCSP Policy. This document details the base conditions of the service agreement.

A copy of the process terms and general provisions can be viewed and downloaded at [www.finance.wa.gov.au](http://www.finance.wa.gov.au) from the page headed 'Templates and Guides' in the Government Procurement section of the website.

## Chapter Three: Preparing your offer

### 3.1 How do you find out about requests?

Community services requests can be found on the Tenders WA website at: <https://www.tenders.wa.gov.au/watenders/tender/search/tender-search.do?action=advanced-tender-search-open-tender-dcsp>

All government agencies are required to use the Tenders WA website to advertise open requests.

You can also find early notice of tenders (e.g. early tender advice or draft requests for comment) advertised on the Tenders WA website.

### 3.2 How do you get a copy of the request documents?

In most cases you can download the request information from Tenders WA yourself from the website:

<https://www.tenders.wa.gov.au/watenders/tender/search/tender-search.do?action=advanced-tender-search-open-tender-dcsp>.

Alternatively, you can contact the contact person nominated in the request document or tenders office and ask them to mail a copy of the request document to you.

Many government agencies have regional offices where you may be able to obtain request documents. However it is best to check first if request documents are available from your local office.

### 3.3 Questions to ask before you prepare an offer

Preparing your offer can be expensive, time-consuming and is not guaranteed to succeed. To decide whether it is worthwhile to submit an offer you may like to consider the following:

- Does my organisation meet the mandatory requirements (if any) specified in the request?
- Is my organisation able to fulfil the service requirements and address the qualitative criteria?
- Is my organisation able to deliver all of the intended community outcomes itself, or does my organisation need to partner with other organisations?
- Does my organisation have the financial capacity to deliver the outcomes detailed in the request?
- Is there an actual or potential conflict of interest that should be disclosed in my offer?
- Does my organisation already have the resources to provide the service? Or will my organisation need to build the cost of extra resources into the offered price?
- Is it going to be viable for my organisation to provide services to address this community outcome?

- Is it within my organisation's capacity to provide the service?
- Have I read or is my organisation familiar with all of the government policies on community services purchasing?

If you need clarification on any contractual or technical enquiries, please refer to the request documents for the contact details of the appropriate person.

### **3.4 The service requirements**

Service requirements are used to identify the key community service outcomes sought by the government agency. They indicate the type of information that should be submitted as part of your offer. These requirements will vary depending on the outcomes or type of service that is being sought.

The request details three categories which form the service requirements:

1. community and service-level outcomes;
2. statement of requirements; and
3. specification.

How well your service model meets these requirements is used to evaluate your offer. It is important to read each requirement carefully so you are able to respond appropriately.

### **3.5 What is 'tendering for outcomes'?**

'Tendering for outcomes' is a key theme of the DCSP Policy. Outcomes are the changes, benefits, learnings or effects that occur for the individual or community as the result of a community service.

Government agencies are responsible for articulating in the request document the particular community outcome they wish to achieve by purchasing a particular service or program. Often outcomes-based tenders will allow potential respondents a significant degree of flexibility in determining what services will be provided. Outline the deliverables you will provide to meet the desired community outcome. The deliverables (outputs) you are willing to provide must be clearly outlined to enable the evaluation panel to assess the value for money component provided in your offer.

### **3.6 The response form**

The response form is the part of the request you are required to complete and return to the government agency. This is your offer.

#### **3.6.1 Respondent details**

Complete all of your organisation's details to ensure the government agency knows which legal entity they will be entering into a service agreement with.

### **3.6.2 Mandatory requirements**

You must answer yes/no to all of these requirements if you want your offer to be considered. If a mandatory requirement is not met, it will eliminate your offer from consideration.

### **3.6.3 Qualitative criteria**

Qualitative criteria are used by the evaluation panel to identify the requirements of the request and evaluate your ability to successfully perform the services.

In general, qualitative criteria may include such things as:

- ability to provide the services;
- the service model (methodology) your organisation will use to achieve the desired community outcome;
- the skills, capacity and experience of the organisation;
- demonstrated experience in providing similar services; and
- organisation and planning capability.

To respond more effectively to these requirements:

- address all of the qualitative criteria;
- detail your claims against each specific criterion by substantiating them with examples;
- use each qualitative criterion as a heading and describe the things that specifically demonstrate your organisation's ability to meet the criterion;
- be clear and concise, if a page limit is specified please observe it; and
- present the claims made in your offer with examples.

#### **Hint:**

Qualitative criteria are usually weighted. Give significant consideration to those criteria with a higher weighting, but address all the criteria.

## **3.7 Value for money in your response**

Demonstrate how your submission represents value for money for the State. As outlined elsewhere in this guide, there is a government purchasing policy called Value for Money which explains the value for money approach Government is required to apply when acquiring goods and services.

For a more detailed explanation please refer to the appropriate section of the qualitative criteria, or the SSC policies at [www.finance.wa.gov.au](http://www.finance.wa.gov.au) under the State Supply Commission heading.

### **3.8 Pricing and costing considerations**

Price is the dollar value of the offer. This is based on the pricing schedule or a set budget outlined in the request by the government agency.

State your price in the format asked for in the request. For example, if the request asks for a lump sum price, and you submit an hourly rate instead, your offer may not be evaluated.

Where a fixed budget is set by the government agency, specify the volume of services your organisation is able to provide for that fixed price.

You must also be prepared to maintain your price for a period of time known as the 'offer validity period'. The offer validity period will be specified in Part D of the request.

The DCSP Policy aims to ensure fair and appropriate pricing and costing of community services. A fair and appropriate price includes all real and anticipated costs incurred from delivering, administering, monitoring and evaluating the service. All of these costs need to be considered over the full length of the service agreement and can be captured through historical data, research and assumptions (based on trends and other factors). This will then form the basis for the fair and appropriate price your organisation offers to the government agency.

A fair and appropriate price will include some allowance for an increase in the costs of delivering services over the life of the service agreement. You can and should include a 'margin' or contingency in calculating your costs when determining the best price to submit in your offer.

### **3.9 What can I do if I can't do all of the work?**

If your organisation cannot deliver the requested services independently, you may wish to partner with another service provider. Government agencies require clear identification of the legal entity with whom they will be contracting. If considering this approach, please ensure you state clearly in your offer how this relationship will operate (e.g. lead contractor/subcontractor), including details of any governance arrangements which have been agreed.

For more information, refer to the quick guide to collaborative tendering at [www.finance.wa.gov.au](http://www.finance.wa.gov.au) under the Government Procurement heading.

### **3.10 Should you include your financial details?**

Government agencies may need to know if your organisation has the financial strength and stability necessary to provide the required services, so you may be requested to demonstrate your financial capability. For example, you may be asked to submit an audited financial statement as part of your offer. If this is not explicitly requested, there is no need to supply financial details.

### **3.11 Don't forget to tell us who you are**

A government agency will need to know your:



- legal entity name or trading name;
- Australian Company Number (if you have one);
- Australian Business Name and Number;
- registered address and business address; and
- name and telephone number of an authorised contact person.

The government agency will also ask:

- if your organisation employs less than 20 people;
- if your organisation is an Australian Disability Enterprise or a Registered Aboriginal Business;
- if your organisation is a not-for-profit organisation or local government authority; and
- whether your organisation's financial information is available via the Australian Charities and Not-for-profits Commission's register.

Each request will set out the information required. Once you submit an offer to the government agency, you are not able to transfer or assign your interest to another person, company or organisation without prior written approval from the government agency.

### **3.12 How long have I got?**

Requests must be advertised for a minimum of least ten working days, though it is more usual for requests to be advertised for four to six weeks. This is often extended if the request is of a complex or sensitive nature.

### **3.13 What happens if anything changes?**

#### ***3.13.1 Changes by the government agency***

Occasionally, there may be a need to change some of the details of the request. For example, the closing date may be extended, or additional information may need to be distributed. In such circumstances an addendum will be issued.

If you obtained your documents via the Tenders WA website, you need to be registered as a 'potential respondent' to ensure addenda reach you.

If you have obtained a copy of the request documents from Tendering Services at the Optima Centre, the addendum will automatically be sent to you.

If you obtain a copy of the request documents after the addendum has been issued, the addendum should be included with the request document.

#### ***3.13.2 Changes by you***

If you want to make changes to your offer, you are required to resubmit your offer before the closing date. Clearly mark the revised offer as a replacement of your previous offer.

## Chapter Four: Submitting your offer

### 4.1 How to submit your offer

It is your responsibility to ensure your offer is received in full, before the closing time. Each request document will outline the ways in which you are able to submit your offer. Double check the ways to lodge your offer as it can change from one request to another.

The following are the most common ways tenders can be submitted:

#### 4.1.1 *Electronic Tender Lodgement (ETL)*

If a request has an electronic lodgement capability on the Tenders WA website, you can submit your offer online. Before you can submit your offer online, you will need to be registered on the Tenders WA website. Registration on Tenders WA is a simple process and can be completed in a few minutes.

ETL is a fast and efficient method of ensuring your submission reaches the tender box. Depending on the time of day and the volume of Internet traffic, the submission of large electronic files may take time. The speed at which your submission is received will also depend on the size of the file and the Internet bandwidth available to you. Allow sufficient time (at least one hour) prior to the deadline for the submission of offers, when using the ETL service.

If you want to try the system before submitting your response, you can use the demonstration tender in the Tenders WA website to practice.

Tender submissions cannot be accepted via email.

#### 4.1.2 *In person*

You may need to show suitable identification at the government agency's ground floor security desk. Suitable identification includes such items as a driver's licence, business or courier identification badge and other forms of identification deemed suitable by security personnel. Allow sufficient time to present your credentials to the security staff.

#### 4.1.3 *By Post*

With over-night postal delivery services within Australia, allow sufficient time (a minimum of 48 hours) prior to the deadline, for lodgments of offers.

#### 4.1.4 *Late offers*

Service providers may have a number of options available to them when lodging their offer with the government agency. However, responsibility for ensuring that tenders are lodged on time rests with each service provider.

Any offer not received in full by the nominated closing time and date, at the nominated location, constitutes a late tender. Late tender submissions are set aside and cannot be considered subject to the conditions stated in the request.

## **4.2 Conflict of interest**

Be careful to declare any potential for conflict of interest that may arise if you should be awarded a service agreement. For further clarification, please refer to the request documents.

## **4.3 Can you withdraw your offer prior to awarding the service agreement?**

You may withdraw your offer at any time before it is accepted. However, you must apply in writing to have your offer withdrawn. This is explained in the [Process Terms and Conditions \(Request for Offers\)](#) and the specifications.

## **4.4 Who else can find out about my offer?**

Since government agencies purchase using taxpayers' money, they are required to demonstrate accountability for purchasing.

Your offer is confidential during the tender period. After the service agreement has been awarded, some information about the service agreement will be publicly available and published on the Tenders WA website [www.tenders.wa.gov.au](http://www.tenders.wa.gov.au).

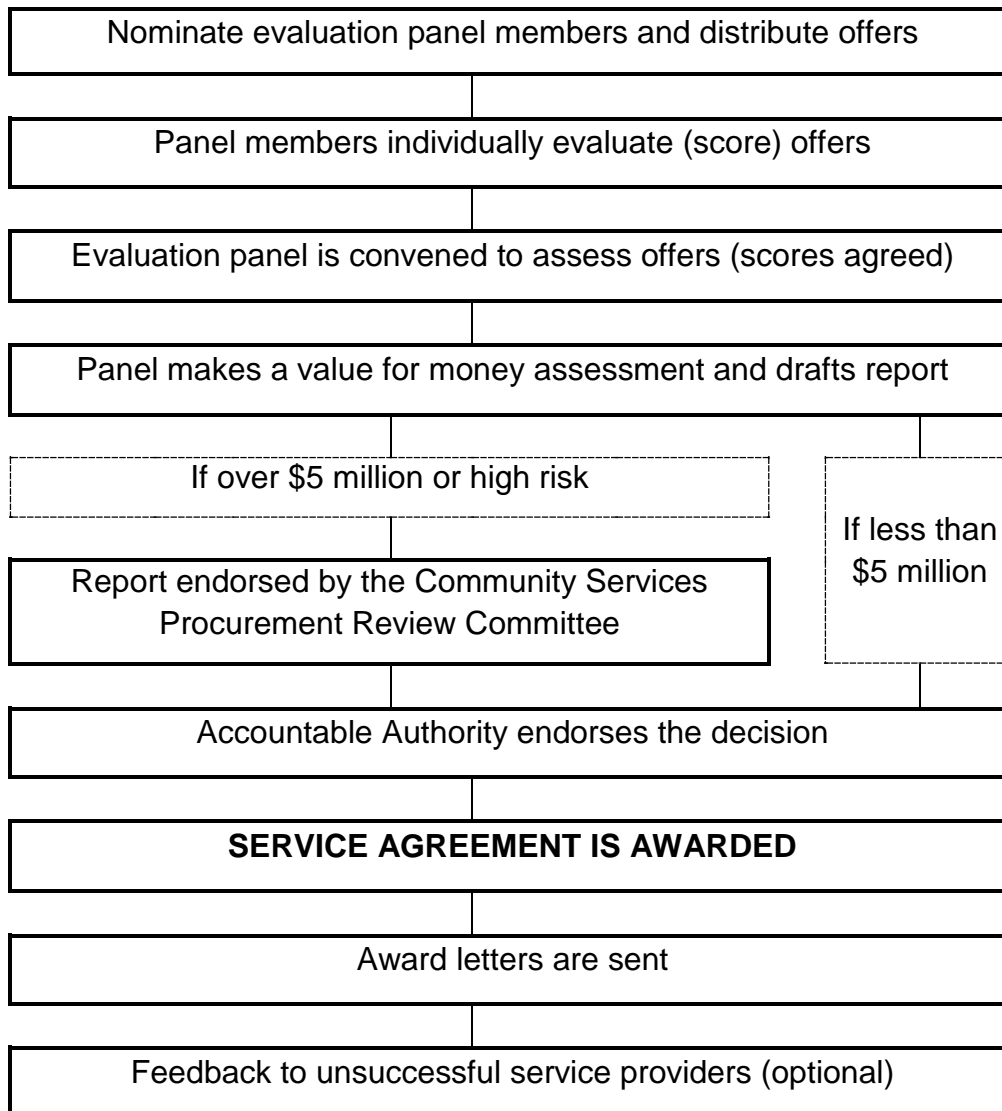
The type of information that is available will vary depending on the type of request that has been called. However, normally the name of the successful service provider, the total service agreement value, the service agreement period and a description of services is published.

Documents and other information relevant to the service agreement may be disclosed when required by law under the Freedom of Information Act 1992, tabling of documents in Parliament or under a Court order.

## Chapter Five: Evaluation and award

### 5.1 Overview of the evaluation process

*Figure 1: Overview of the stages of the evaluation process*



### 5.2 How will your offer be evaluated?

Section 5.1 outlines the key stages of the evaluation process. All offers received on time are evaluated against the requirements of the request. Those offers that do not contain all of the requested information (i.e. a completed response form and any required attachments) may be excluded from evaluation.

A complete offer will address the:

- Respondent details;
- Response to mandatory requirements
- Response to qualitative criteria;

- Response to disclosure requirements; and
- Pricing.

The most suitable service providers may be short listed and contacted prior to the selection of the successful service provider. A service agreement will then be awarded to the service provider that best demonstrates their ability to deliver the specified outcomes and provide value for money.

### **5.2.1 Mandatory requirements**

Mandatory requirements will be assessed on a yes/no basis. An assessment of 'no' against any of these requirements will eliminate your offer from consideration.

### **5.2.2 Qualitative criteria**

For those potential service providers compliant with the mandatory requirements (if applicable), an evaluation is then made of their response to each qualitative criterion.

At first, each evaluation panel member carries out an independent assessment and scores each criterion on a scale of 0-9. The panel then convenes and comes to a consensus decision about the ratings against each criterion. This is based on the written evidence in each offer.

In many instances the number of offers received can place a great deal of demand on the panel. Information that is focused, clearly identified and well-structured will allow for quick and accurate scoring.

### **5.2.3 Disclosure requirements**

The requirements will be assessed on a yes/no basis. An assessment of 'no' against any of these requirements will not necessarily eliminate your organisation from further consideration.

If your organisation does not currently meet one or more of these requirements, but intends to do so if you are awarded the service agreement, articulate this in your offer.

### **5.2.4 Price**

Once the evaluation panel has evaluated non-price requirements, it will consider the prices offered. Depending on how the price schedule was structured in the request, this consideration will typically be of either lump sum price or price per unit.

## **5.3 Evaluating value for money**

Value for money means gaining the best possible outcome, for every dollar spent, by assessing the costs and benefits to the State. The price of an offer is not typically the only determinant within the selection process, and it is possible that the lowest price may not be the successful offer. To maximise the competitiveness of your offer, consider the following:

- whole of service agreement life costs for your service;
- merits of your service in terms of delivering desired outcomes, service agreement terms and conditions and any relevant methods of assuring quality;
- the capability of your organisation and compliance history;

- financial viability and capacity to deliver the desired outcome; and
- minimising other risk factors that may impact on life-cycle costs and value.

So although price is considered, the offer containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative, or non-price, requirements.

## 5.4 Due diligence

As part of the evaluation process, the government agency will check the information you have provided, for example:

- insurances;
- financial capacity; and
- status as a NFP organisation.

You need to make sure you have provided up to date and accurate information.

## 5.5 Final selection and approval

Once the evaluation panel has come to a consensus on the evaluation of the selection requirements, a report is prepared detailing the evaluation results and ranking the offers.

Finally, if the value of the offer exceeds \$5 million, the evaluation report is submitted to the Community Services Procurement Review Committee for endorsement. The role of the Community Services Procurement Review Committee is to ensure that the evaluation process, as documented in the original request documents, has been undertaken in accordance with all relevant supply policies and guidelines.

## 5.6 Awarding the service agreement

You will be advised of the success of your offer. The acceptance letter issued to the successful service provider is a legal document. If your offer was unsuccessful, you will also be notified of the name of the successful service provider and the service agreement value.

### ***5.6.1 Once the service agreement is awarded, can it be altered?***

Although the service provider and the government agency agree to enter into a service agreement based on what has been offered and what has been accepted, sometimes 'variations' (changes) are agreed. Variations may be negotiated where either party wishes to alter the original specifications or where unforeseen circumstances may affect the requirements of the service agreement.

If a service agreement requires substantial variation to maintain effectiveness, it may need to be re-negotiated or terminated and the request re-called to balance the interests of government agencies and service providers.

### **5.6.2 *What can I do if my offer is unsuccessful?***

All service providers, successful and unsuccessful, will receive a letter giving the name of the successful organisation and total price for the maximum duration of the service agreement.

For unsuccessful service providers, a full post-tender debriefing is available upon request from the government agency's enquiry person. This briefing will address areas where you could have improved your offer, analysed against the qualitative criteria. This will not include comparisons with any other service provider's performance.

The debrief can be used to improve your chances of success in future tender processes by developing particular strengths, or simply enhancing your response to the request itself.

## Chapter Six: Where do I get some help?

### 6.1 Help is available in a number of ways

#### 6.1.1 Talking to the right person

In Part B of the request document, you will find contact details for the relevant officer. Address your enquiry to the right person in order to obtain timely information. The government agency issuing the request should always be your first point of contact.

#### 6.1.2 Tendering Services

Where requests are to be lodged with Tendering Services at the Optima Centre, you may obtain information from:

Tendering Services

Tel: (08) 6551 2345

E-mail: [tenderingservices@finance.wa.gov.au](mailto:tenderingservices@finance.wa.gov.au)

#### 6.1.3 Where can you get further assistance?

Additional assistance can be obtained from:

1. Funding and Contracting Services for information about the DCSP Policy on (08) 6551 1515;
2. Department of Finance for information about government buying rules and purchasing policies on (08) 6551 1500;
3. The Australian Charities and Not-for-profits Commission for information related to NFP status and associated requirements on 13 22 62 or [advice@acnc.gov.au](mailto:advice@acnc.gov.au).
4. WA Peak NFP bodies:
  - Western Australian Council of Social Service (WACOSS) on (08) 9420 7222.
  - National Disability Services on (08) 9242 5544.
5. Further information is available via:
  - Tenders WA at [www.tenders.wa.gov.au](http://www.tenders.wa.gov.au); or
  - Finance Online through [www.finance.wa.gov.au](http://www.finance.wa.gov.au).

#### 6.1.4 Not happy?

If you are concerned by some aspect of a particular tender process, raise the matter with the government agency as soon as possible. The government agency may consider taking appropriate action if legitimate concerns are raised prior to a service agreement being awarded.

If you are not happy with a government agency's response to your complaint, you can refer the matter to FaCS. FaCS will review your complaint, and if appropriate will facilitate a mediation process between your organisation and the government agency.



Please note that if a complaint is raised after the service agreement has been entered into, FaCS cannot overturn the award decision.

## **Glossary of terms**

### **Accountable authority**

The officer responsible for purchasing undertaken by a government agency. This is usually the government agency's Director General, Chief Executive Officer or their delegate.

### **Addendum**

Additional information about the request, provided after the initial advertising date.

### **Contract**

See service agreement.

### **Delivering Community Services in Partnership (DCSP) Policy**

The DCSP Policy applies to all government agencies that purchase community services from community services service providers. It seeks to build and support a more mature funding and contracting relationship between the community services and public sectors.

### **Direct purchase**

The procurement of services by placing an order directly with the service provider of choice.

### **Electronic means**

Any method of communication or provision of information using electronic technology, and includes telephone, facsimile, computer connection, electronic mail and Internet access.

### **Finance**

Western Australian Department of Finance.

### **Guide**

Guide to Community Services Tendering For Service Providers – 3rd Edition (September 2018), containing information about tendering under the DCSP Policy.

### **Government agency**

All of the government departments, agencies and offices who engage the community services sector for the provision of community services.

### **Lodgement address**

The address shown in the request, to which an offer must be addressed.

### **Not-for-profit (NFP)**

An organisation that does not operate for the profit, personal gain or other benefit of particular people.

### **Offer**

The offer submitted by a potential service provider in response to the request, contained in Part H of a request.

### **Offer validity period**

The period of time for which an offer will remain open for consideration and acceptance by the government agency.

### **Open and Effective Competition policy**

A State Supply Commission policy that provides service providers with fair and equitable access to government supply opportunities while maintaining the transparency and integrity of government procurement.

### **Outcome**

The effect or change on an individual or group (as a result of the outputs); the ultimate benefit to be achieved for the individual, organisation or community.

### **Preferred service provider**

The retention of an existing service provider where a new service agreement is established via a restricted (sole provider) request process or by a variation to the existing service agreement.

### **Price**

The total price of a community service for the total period of the service agreement, including extensions, indexation and GST.

### **Probity and Accountability policy**

A State Supply Commission policy whereby a government agency must conduct its procurement activities ethically, honestly and fairly; whilst being able to publicly account for its decisions and take responsibility for the achievement of procurement outcomes.

### **Procurement**

The entire process for obtaining all classes of resources (human, material, facilities and services). It can include planning, design, standards determination, specification writing, preparation of quotation and tender documentation, selection of service providers, financing, contract administration, disposals and other related functions.

### **Request**

The request issued by the government agency in respect of the services.

### **Respondent**

Someone who has or intends to submit an offer to a government agency.

### **Selection requirements**

The requirements used to evaluate service provider offers.

### **Services**

The whole of the services, tasks, work and requisites to be supplied, rendered, provided or performed by a service provider under a service agreement and any variations provided for by the contract, and includes all and any products, materials, plant, machinery or equipment supplied, provided or used by the service provider in performance of the service agreement.

### **Service agreement**

Legally binding contract resulting from acceptance of an offer by the government agency, including such modifications that may have been agreed between the government agency and the service provider before that acceptance.

**Service provider**

A community services organisation delivering services under a service agreement with a government agency.

**Specification**

Sets out details of the performance required under a service agreement.

**State**

The State of Western Australia.

**Supply policy or supply policies**

Supply policies issued under and in accordance with Section 28 of the State Supply Commission Act 1991.

**Tenders WA**

The WA tendering system ([www.tenders.wa.gov.au](http://www.tenders.wa.gov.au)) which provides direct access to Government contracting information, including early tender advice to service providers, advertising of tenders, electronic tender lodgement and award of Government contracts valued at \$50,000 and above.

**Total service agreement value**

The estimated total value of the service agreement for the entire life of the service agreement, including extensions.

**Verbal quotation**

A verbal process of inviting offers to supply goods and/or services involving a limited number of potential service providers.