



Government of **Western Australia**
Department of **Finance**
Government Procurement

Guide to Tendering with Western Australian Public Authorities

Suppliers Guide to Tendering with WA Public
Authorities for Products and Services

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Table of Contents

INTRODUCTION.....	4
1. GOVERNMENT PURCHASING AND YOU.....	5
2. GOVERNMENT POLICIES.....	6
3. THE TENDERING PROCESS.....	9
4. PREPARING YOUR OFFER.....	12
5. SUBMITTING AN OFFER WITH A PUBLIC AUTHORITY.....	17
6. EVALUATION AND AWARD.....	20
7. WHERE DO I GET SOME HELP?.....	24
8. GLOSSARY OF TERMS.....	26

Introduction

Contracting and tendering for products and services by the Western Australian Government is a multi-billion dollar business. To meet business needs, Western Australian government public authorities are looking for value for money contracting solutions. If you would like the opportunity to supply to Government, then read on.

To win government work, it is important for you as a potential supplier to develop an understanding of the Western Australian Government's contracting and tendering processes. Therefore, to assist you to bid for government work, the Department of Finance (Finance) has developed this *Guide to Tendering with Western Australian Public Authorities*.

This Guide will:

- provide information on the Western Australian Government's tendering processes, facilitated by Finance;
- assist you to prepare and submit your Offers; and
- support you to provide products and services to Government.

This Guide:

- applies where a public authority calls Requests (tenders) and awards contracts on their own behalf, or on behalf of other Government public authorities;
- is not intended to describe processes used in exceptional circumstances;
- does not take priority over *any information provided in the Request documents and any queries* should be directed to the relevant contact person nominated in the Request document;
- only includes purchasing under the *State Supply Commission Act 1991*. For example, this Guide does not cover building and engineering works; and
- **is for information purposes only – it is not a tender or contract document.**

The term *Request* is used in this Guide in a generic sense to describe all of the government tender processes (for example, Requests for Quotes, Requests for Public Tenders) and the documents contained therein.

For the purposes of this Guide the term public authority is used for consistency to describe all of the types of Government departments, agencies, offices etc.

1. Government Purchasing And You

1.1. Why does the Western Australian Government want you as a supplier?

Government must ensure that its procurement of products and services achieves the best value for money outcome.

Government aims for better outcomes for the community by seeking to:

- ensure open and effective competition when undertaking purchasing;
- assist public authorities to achieve value for money;
- maximise the opportunities for local businesses;
- provide equal access to government business opportunities; and
- stimulate innovation, efficiency and choice.

1.2. What are the advantages of Government contracts?

Contracting with Government offers many advantages to your business, including:

- a valuable reference that may assist you to secure contracts in the private sector or overseas;
- experience as a strong selling point to other public authorities; and
- a reliable source of business.

1.3. How is Finance involved in contracting and tendering?

The Government of Western Australia is a large and highly diversified organisation. In order to streamline the products and services purchasing process and reduce the cost to taxpayers, Finance is involved in the contracting and tendering process for most contracts with a total estimated value of \$250,000 and above.

Generally, the greater the value and risk of the purchase, the greater will be the Finance involvement. For example, if the Department of Justice calls a significant tender that may be worth many millions of dollars, Finance involvement in the process will be significant. However; at the end of the day, if you are successful, you will have a contract with the Department of Justice, not Finance.

Finance is also responsible for developing a suite of Request and contract documents that can be used across the Western Australian public sector.

2. Government Policies

2.1. Background

The State Government has a number of policies that regulate the way public authorities purchase from suppliers in the private sector. These policies provide the framework for purchasing and contracting. The Request documents list which policies you will need to refer to when preparing your Offer. You will need to be familiar with the relevant policies in order to submit a competitive Offer.

The following are some of the most common policies that you will encounter:

- *Value for Money;*
- *Buy Local;*
- *Western Australian Industry Participation Strategy;*
- *Open and Effective Competition;* and
- *Probity and Accountability.*

Three of the above policies are explained below:

2.1.1. Value for Money

It is government policy to use a *value for money* approach to acquire products and services. Therefore, when you address the selection requirements, it is important to demonstrate how your Offer represents value for money for the Western Australian Government. This does not necessarily mean demonstrating the lowest price possible. Remember that the selection requirements are assessed *together* with the price you offer for the products or services, to determine best value for money outcome for the State considering price, economic, environmental and social benefits. See also section 6.3 on how public authorities evaluate value for money.

Value for money can be demonstrated in:

- whole of life cycle costs;
- local business capability;
- technical merits of the product or service;
- contractual and technical compliance;
- risk factors that may impact on cost and value;
- the capacity of the supplier (i.e. financial, managerial, technical abilities); and

- the benefits of maintaining an ongoing, innovative and competitive local business environment.

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 products or services, through to a detailed assessment and comparison of cost and non-cost factors.

Non-cost factors may include the following:

- Fitness for purpose;
- Technical and financial issues;
- Supplier capability;
- Sustainability;
- Risk exposures;
- Availability of maintenance, service and support;
- Compliance with specifications; and
- Ease of inspection, communication and delivery.

The assessment of cost needs to consider any ongoing costs that may accrue beyond the initial price, including the associated costs of holding, using, maintaining and disposing of the products or services.

2.1.2. Buy Local Policy

The Western Australian Government is committed to the ongoing development of the State in terms of economic growth and supporting our regions. The Buy Local Policy is a key mechanism for supporting this government initiative. This policy is designed to maximise opportunities for small, local and regional businesses in Western Australia.

Under the Buy Local Policy you may be eligible for a tendering preference. It is important that you understand how these preference mechanisms can assist your Offer:

- for regional contracts, the source of the products, materials and services – the benefits of those businesses that manufacture or assemble products in regional Western Australia as distinct from simply distributing products made elsewhere
- for regional contracts, the degree to which local suppliers and subcontractors are used in the delivery of the contract outcomes;
- industry development initiatives;
- skills development initiatives;
- innovation and research;
- encouraging bids from suppliers who are Indigenous, or have in place/ are prepared to consider implementing employment strategies and programs for Indigenous people; and
- net benefits to the State including the benefits of maintaining an ongoing, innovative and competitive local business environment.

2.1.3. Western Australian Industry Participation Strategy

The *Western Australian Jobs Act 2017* (WA Jobs Act) and the Western Australian Industry Participation Strategy (WAIPS) introduce initiatives to improve social and

economic outcomes for small and local business. The WAIPS was fully implemented on 1 October 2018.

As part of the implementation process, the State's existing Buy Local Policy has been amended.

For goods and services procurements, WAIPS applies:

- when the contract has a regional delivery point and is valued at \$500,000 (incl. GST) or greater; or
- when the contract has a metropolitan delivery point and is valued at \$1,000,000 (incl. GST) or greater.

Under the WAIPS you may be eligible for a tendering preference. It is important that you understand how this preference mechanism can assist your Offer:

- creation and/or retention of local jobs;
- local skills development initiatives;
- the degree to which diversification and growth of the local economy by targeting supply opportunities for local industry is promoted;
- provision of local industry capability development opportunities;
- encouragement of local industry to adopt best practice in workplace innovation and new technologies and materials; and
- promotion of opportunities for local industry to develop import replacement capacity by giving local industry, in particular small or medium enterprises, full, fair and reasonable opportunity to compete against foreign suppliers of goods or services.

2.2. Australia's Free Trade Agreements

The Commonwealth Government is a signatory to the Australia-United States Free Trade Agreement (AUSFTA), the Australia-Chile Free Trade Agreement (ACI-FTA), the Korea-Australia Free Trade Agreement (KAFTA), the Japan-Australia Economic Partnership Agreement (JAEPA) and the Singapore-Australia Free Trade Agreement (SAFTA). Chapter 15 of the AUSFTA and the ACI-FTA, Chapter 12 of the KAFTA, and Chapter 17 of the JAEPA and Chapter 6 of the SAFTA contain legally binding requirements relating to procurement activities conducted by Western Australian public authorities.

For further information on the AUSTFA, ACI-FTA, KAFTA, JAEPA and SAFTA, go to www.finance.wa.gov.au > State Supply Commission > Free Trade Agreements and download the State Supply Commission Free Trade Agreement Guidelines document.

2.3. Further information

Further information on the above policies is available from the State Supply Commission on:

Telephone: (08) 6551 1500

Website: www.finance.wa.gov.au > State Supply Commission > Procurement Policy

3. The Tendering Process

3.1. How do public authorities purchase from you?

Public authorities follow four purchasing methods:

1. Direct purchase;
2. Verbal quotation;
3. Written quotation; and
4. Request for open tender.

For purchases with a total estimated value of up to \$50,000 (incl. GST), public authorities may choose between direct sourcing, verbal quotation or written quotation method based on an assessment of the nature of the market, complexity and risk, and process efficiency.

For purchases with a total estimated value of \$50,000 up to \$250,000 (incl. GST), public authorities should seek written quotations from suppliers capable of supplying the required product or service.

For purchases with a total estimated value of \$250,000 and above, public authorities should publicly advertise a request for open tender.

3.1.1. Direct purchase

A supplier is identified and a purchase made.

Public authorities have been directed by the Treasurer to increase their use of purchasing cards (credit cards), with the focus on purchases under \$5,000. The Treasurer has endorsed a procurement strategy to significantly increase the proportion of Government purchases made on purchasing cards.

3.1.2. Verbal quotation

The number of suppliers requested to quote may vary. A brief description of the products or services is provided to each supplier, along with any selection criteria other than suitability of purpose and price. Quotations can be requested by phone, email or face-to-face.

3.1.3. Written quotation – Request for Quote (RFQ)

The number of suppliers requested to quote may vary.

The RFQ will include the relevant specifications, selection requirements and reference to relevant supply policies. Offers must be received in writing and the RFQ will provide instructions to suppliers as to what information to include in their Offer.

3.1.4. Request for Open Tender (Request)

Requests for open tenders are advertised widely to ensure an equitable opportunity for all relevant suppliers to bid. The Request is advertised on the Tenders WA website (www.tenders.wa.gov.au) and sometimes in the metropolitan, national and regional newspapers.

The Request document will include appropriate specifications, selection requirements, evaluation methodologies, reference to appropriate supply policies and special conditions (if any) relevant to the procurement.

Pre-tender briefings may be provided to interested parties if appropriate.

The public authority will make a decision about awarding the contract after the evaluation of Offers and subject to relevant approvals where necessary. However, suppliers may be invited to clarify their Offers during evaluation.

Submitting an Offer against a Request may result in a binding contract with the public authority.

3.2. Why have such a formal process?

Since the taxpayers' dollar must be spent wisely and in a way that is free from bias, it is important to have an accountable and transparent process. While the tender process can be complex, it offers a proven framework and selection process that is:

- consistent;
- 'free from favour';
- objective; and
- accountable.

3.3. What is a Request for Open Tender (Request)?

A Request is a formal invitation to potential suppliers to submit an Offer based on the purchasing requirements of Government.

3.3.1. Components of a Request:

When the public authority calls a Request, the document is made up of:

Part A – Request: Part A contains an introduction to the document (including where to submit Offers, tender briefing information if applicable and relevant contact persons), the selection process, relevant Government policies and contract and specification details.

Part B – Content Requirement and Respondent's Offer: Part B details the various selection and pricing requirements and seeks the supplier's response ("Offer") to those requirements.

3.4. Further documentation

One of the most important additional documents listed will be the “Request Conditions and General Conditions of Contract”. The Request Conditions and General Conditions of Contract detail tendering and contractual conditions that are common across all public authority requests for tender.

For requests for quote, the Request Conditions included in the Request Conditions and General Conditions of Contract will apply however, for contractual conditions there is a separate set of Simple Contract Terms for the conditions of contract.

A copy of these documents can be viewed and downloaded from the Finance website at www.finance.wa.gov.au > Government Procurement > Templates and Guides > Goods and Services Templates, Guides and Conditions of Contract.

4. Preparing Your Offer

4.1. How do you find out about Requests?

Requests can be found on the Tenders WA website at: www.tenders.wa.gov.au.

All State public authorities are required to use the Tenders WA website to publicise Requests, where an open approach to market is required by policy. Tenders WA provides a one-stop shop for industry.

You may also find early notice of Requests (i.e. Early Tenders Advice) advertised on the Tenders WA website.

Sometimes, Requests are also advertised in metropolitan, national or regional newspapers.

4.2. How do you get a copy of the Request documents?

The main way to get a copy of the Request documents is by downloading them via the Tenders WA website (www.tenders.wa.gov.au).

4.3. Questions to ask before you prepare an Offer

Writing and preparing your Offer can be expensive, time-consuming and is not guaranteed to succeed. To help you decide whether it is worthwhile to submit an Offer, ask yourself:

- Do I meet the pre-qualification and compliance requirements specified in the Request?
- Am I able to meet the qualitative requirements?
- Am I able to fulfil all of the requirements myself, through sub-contracting arrangements or by establishing a consortium Offer?
- Do I have the financial capacity to deliver the requirements of the Request?
- Is there an actual or potential conflict of interest that could prevent me from making an Offer?
- Do I already have the resources to do the job?
- Is it going to be viable for me?
- Is it within my capacity to do the work?
- Have I read or am I familiar with all of the government policies on 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.

4.4. The selection requirements

Selection requirements identify the key areas of assessment and indicate the types of information that should be submitted in your Offer. These requirements will vary depending on the type of work that is being requested.

Request documents commonly have three types of selection requirements:

1. Pre-qualification;
2. Compliance and disclosure; and
3. Qualitative.

These requirements are used to evaluate your ability to fulfil the requirements of the Request. It is important to read each requirement carefully and each addressed in your response to Part B of the Request.

Additionally, price considerations are included in the selection process and also need to be addressed in your response to Part B of the Request.

Hint:

If you choose to make your Offer distinctive through its formatting and presentation, make certain the evaluation panel can still clearly find your response to each piece of information requested. Dot-points, summaries and headings can assist the evaluation panel. Where specific page lengths have been detailed in a Request, please observe these limits.

4.4.1. Pre-Qualification requirements

Each pre-qualification requirement will be assessed on a Yes/No basis. They are not given a numeric score. You must answer all of these requirements if you want your Offer to be considered.

An assessment of “no” against any requirement will eliminate your Offer from further consideration.

4.4.2. Compliance & Disclosure requirements

Each compliance & disclosure requirement will be assessed on a Yes/No basis. They are not given a numeric score. You must answer all of these requirements if you want your Offer to be considered.

If a compliance requirement is not met, it may eliminate your Offer from further consideration.

4.4.3. Qualitative requirements

Qualitative requirements are used by the evaluation panel to evaluate your ability to successfully perform the requirements of the Request.

As a general rule, you may be asked to elaborate on:

Products Requests

- suitability of proposed products;
- ability to meet delivery timeframes;
- service and maintenance;
- demonstrated experience in completing similar projects; and
- Industry Participation Plan.

Services Requests

- a demonstrated understanding of the required tasks;
- skills and expertise of the key personnel relevant to this requirement;
- demonstrated experience in completing similar projects;
- project timeframes; and
- Industry Participation Plan.

In order to respond more effectively to these requirements you need to:

1. address all of the qualitative requirements;
2. detail your claims against each specific requirement;
3. use each qualitative requirement as a heading and describe the things that specifically demonstrate your ability to meet this requirement;
4. be concise in addressing the requirements and present your information so it is easily accessible to the evaluation panel; and
5. substantiate the claims you make.

Hint:

Qualitative requirements are normally weighted. Therefore it is important to give significant consideration to those requirements with a higher weighting. This will have a significant influence on the selection process. However, you should respond to all the requirements.

4.4.4. Value for money in your Offer

When you address the selection requirements, it is important to demonstrate how your Offer represents value for money for the Western Australian Government. As we have 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 products and services.

For a more detailed explanation, please refer to the State Supply Commission policies at www.finance.wa.gov.au > State Supply Commission > Procurement Policy.

4.4.5. Price considerations

Price is the dollar value of your Offer. This is generally based on the predetermined pricing schedule provided in the Request.

It is very important that you state your pricing in exactly the format asked for in the Request. If you aren't sure how to complete the pricing schedule or have any questions about how to submit your pricing, please discuss with the contact person listed in the Request document for contractual enquiries. It's much better to ask questions (and hopefully get your pricing correct) before submitting your Offer. After the Request has closed, you won't be able to amend your Offer. If your pricing isn't correct, you will either have to honour it or withdraw your Offer.

For example, if the Request asks for a lump sum price, and you submit an hourly rate instead, you run the risk of being non-conforming and not being evaluated.

You must also be prepared to maintain your Offer for acceptance for a period of time known as the "validity period". The validity period will be specified in the Request, so make sure you check.

4.5. Should you include your financial details?

Public authorities may need to know if you are financially able to meet the demands of the task, so you may be requested to demonstrate your financial capability. You may be required to submit an audited financial statement showing your ability to fulfil the contract. If this is not requested, there is no need to supply your financial details.

4.6. Don't forget to tell us who you are

Government must know with whom they are dealing, so you need to tell public authorities your:

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

Each Request will set out the identity information required. Once you submit an Offer to the public authority, you are not able to transfer or assign your interest to another person, company or firm without prior written approval from the public authority.

4.7. How long have I got?

Requests are usually advertised for a minimum of at least ten working days. This is often longer if the Request is of a complex or sensitive nature.

Where the Request relates to a procurement covered by the AUSFTA, ACI-FTA, KAFTA, JAEPA and/or SAFTA, the Request may be open for a minimum of 25 days.

4.8. What happens if anything changes?

4.8.1. Changes by the public authority

Occasionally, there may be a need to change some of the requirements of the Request. For example, the closing date may be extended, or additional information may need to be included. 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 Addendums reach you.

If you download or request the Request documents after the Addendum has been issued, the Addendum will be available with the Request document.

Ensure that you review and understand any Addendum issued before submitting your Offer.

4.8.2. Changes by you

Changes to your submitted Offer are possible, provided they are resubmitted before the closing date. Please ensure you clearly mark the revised Offer as a replacement for your previous Offer.

5. Submitting An Offer With A Public Authority

5.1. How to submit your Offer

It is your responsibility to ensure your Offer is **received in full, before** the closing time. Offers not fully received by the closing time will NOT be considered for evaluation.

If submitting your Offer by fax or through the Electronic Tender Lodgement (ETL) facility, the date and time of receipt is recorded **when the transmission is complete**. Therefore, allow sufficient time for the transmission of your Offer by the closing time.

If you are delivering your Offer by hand or by mail, make sure it is delivered to the location specified in the Request for **submission of offers**. In many instances, this may be a different location to where the work will be performed, where the tender or site briefing was held, or where you may previously have interacted with the public authority. Often, different locations will be specified for postal submission and submission by hand.

How your Offer can be submitted is dependent upon what methods are stipulated in the Request document. Methods may include:

5.1.1. In person

You (or your chosen courier) may be able to hand deliver your Offer to the address listed in the Request document.

5.1.2. By post

Allow sufficient time for delivery of postal Offers. Delays in postal delivery are not the responsibility of the public authority and any resultant late tenders cannot be evaluated.

5.1.3. Facsimile

Allow sufficient time prior to the closing time for the lodgement of Offers by fax. Be aware that facsimile transmission is not always the most reliable method of tender lodgement due to the possibility of increased traffic through the equipment prior to the tender closing time. The fax number will be shown in the Request documents.

5.1.4. Electronic tender lodgement (ETL)

If a Request has ETL enabled 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, is free and can be completed in a few minutes.

ETL is a fast and efficient method of ensuring your Offer 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 Offer is uploaded 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 your Offer, when using the ETL service. You need to log on to Tenders WA to submit your Offer, but keep in mind that the system will automatically log you out after 30 minutes of inactivity. If this happens you will need to log back in to submit your Offer.

If you want to try the system before submitting your Offer, you can make use of the demonstration Request on the Tenders WA website to practice.

Offers cannot be accepted via email.

5.2. Late Offers

As explained above, suppliers to Government may have a number of options available to them when lodging Offers with the public authority. However, responsibility for ensuring that Offers are lodged on time rests with each individual supplier.

Any Offer not received **in full** by the nominated closing time and date, at the nominated location, constitutes a late Offer. Late Offers are set aside and cannot be considered subject to the conditions stated in the Request and in the Part A request conditions of the Request Conditions and General Conditions of Contract.

Allow plenty of time for car troubles, parking problems, courier service delays, security checks and any other possible hold-ups. The onus is on you to get your Offer into the public authority's nominated Tenders Office by the closing date and time stipulated in the Request. If posting your Offer, ensure that you have allowed enough time for postal delivery and clearly identify the envelope as containing an Offer. Alternatively, if sending by facsimile or uploading via ETL make sure you allow time for the **entire** Offer to be received at the public authority's Tenders Office by the closing time.

5.3. Conflict of interest

Be careful to declare any potential for conflict of interest that may arise if you should win the contract. For further clarification, please refer to the Request documents.

5.4. Can you withdraw your Offer prior to awarding the contract?

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 request conditions of the Request Conditions and General Conditions of Contract.

5.5. Who else can find out about my Offer?

Since public authorities purchase using taxpayers' money, they are required to demonstrate open accountability for purchasing. The public authority will treat your Offer as confidential while the Request is advertised and evaluated.

After a contract has been awarded, some information about the contract will be publicly available and published on the Tenders WA website

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 supplier, the total contract value, the contract period and the make or model of products or description of services is published.

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

6. Evaluation and Award

6.1. Overview of how Offers are evaluated

1. An evaluation panel is convened. Panel members have knowledge of the products or services required and the evaluation process.
2. Offers submitted are assessed for provision of all the requested information.
3. Each panel member assesses each Offer against the stated selection requirements of the Request.
4. All members of the evaluation panel meet to form a consensus on a shortlist of the best value for money Offers based on the selection requirements of the Request.
5. More information may be requested which could include inspection of premises, study of due diligence, financial audit or through a presentation and interview stage.
6. The preferred supplier(s) is/are recommended.
7. Endorsement is sought from the State Tender Review Committee, if applicable.
8. An officer of the public authority with appropriate authority approves the recommendation.
9. A contract is awarded to the successful supplier(s).
10. Feedback is provided to unsuccessful suppliers upon request.

6.2. How will we evaluate your Offer?

The overview at section 6.1 outlines the key stages of the evaluation process. Offers received on time are evaluated against the selection requirements of the Request. Offers are checked for completeness and compliance. Those Offers that do not contain all of the requested information may be excluded from evaluation.

If provided for within the Request, the most suitable suppliers may be short listed and contacted prior to the recommendation of the successful supplier. A contract will then be awarded to the supplier that represents the best value for money to the State.

6.3. Evaluating value for money

The underlying principle behind any evaluation process is seeking the best “Value for Money”. This means gaining the best possible outcome, for every dollar spent, by assessing the overall costs and benefits to Western Australia. A public authority considers cost and non-cost factors, where relevant, and makes a value judgment about the best outcome.

To maximise the appeal of your Offer, consider the following:

- whole of life cycle costs (for your products) and whole of contract life costs (for your services), including transaction costs associated with acquisition, delivery, distribution, holding, consumables, maintenance and disposal;
- technical merits of your products or services in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- your managerial and technical capabilities and compliance history;
- financial viability and capacity to supply without risk of default; and
- minimising other risk factors that may impact on life-cycle costs and value.

Where appropriate, the evaluation panel will also consider any wider benefits to Western Australia including:

- are you a local supplier, especially in regional Western Australia;
- do you use or employ local and small suppliers, including suppliers in regional Western Australia. Public authorities will often package purchases in contracts of size and scope attractive to small, local and regional businesses;
- promoting an innovative local business environment and encouraging the adoption of new technological advances; and
- addressing any actual and potential environmental impact of the purchase.

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.

For further information on the *Value for Money* policy you may like to visit the State Supply Commission website www.finance.wa.gov.au > State Supply Commission > Procurement Policy.

6.4. Due diligence

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

- Insurances;
- Financial capacity; and
- Ownership.

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

6.5. Recommendation and endorsement

Once the evaluation panel has come to a consensus on the evaluation of the selection requirements, an evaluation report is prepared detailing the evaluation results and makes a recommendation as to the supplier(s) that best represents value for money.

If the total contract value will be \$5 Million or above, the evaluation report is submitted to the State Tender Review Committee for endorsement. The role of the State Tender Review Committee is to provide a level assurance that high value and/or high risk projects:

- Deliver a value for money outcome;
- Meet the requirements of the SSC's supply policies and related government policies; and
- Manage risk for Government.

6.6. Awarding the contract

Following endorsement by the State Tender Review Committee (if the total contract value will be \$5 Million or above) the evaluation report is approved by an authorised public authority officer and a contract would then be awarded to the recommended supplier(s). If unsuccessful, you will be notified in writing the name of the successful supplier and the total contract value.

6.7. What form can the contract take?

The State has established a variety of contracting procedures and methods to streamline contract establishment. Some of the arrangements designed to make contracting more efficient are:

6.7.1. Contracts with a single supplier

Contracts with a single supplier can be one-off or period contracts as specified in the Request. The public authority's acceptance of the Offer forms a binding contract with a single supplier.

6.7.2. Panel contracts

Panel contracts are arrangements that establish a number of suppliers that are able to meet the requirements of a Request, often with agreed rates.

For a specific project, one or more of the suppliers on a panel will be invited to submit a proposal to carry out a specified scope of work and for the agreed rate where appropriate.

6.7.3. Common Use Arrangements

Common Use Arrangements (CUAs) establish agreements with suppliers that can be accessed by buyers across the whole of government. Each time an order is placed by a buyer, quoting the CUA number, the standing offer is accepted for that particular order and a binding contract commences for that particular quantity of products or services.

Most or a large number of the CUAs are mandatory in the Perth metropolitan area. This means that public authorities are required to use them unless they have approval from Finance to not purchase from a CUA. Public authorities are able to directly engage Aboriginal Businesses or ADEs, notwithstanding the existence of a mandatory CUA and approval from Finance is not required in this instance.

For non-mandatory CUAs, public authorities can choose to purchase from suppliers on the arrangement, or purchase from suppliers outside of this arrangement. The decision will always be based on value for money.

6.8. Once the contract is awarded, can it be altered?

You will be advised of the success of your Offer. The acceptance letter is a legal document. If your Offer was unsuccessful, you will also be notified of the name of the successful supplier and the total contract value.

Although the supplier and the public authority agree to enter into a contract 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 contract. Some contracts provide a mechanism for "variations" to allow for this type of change. If there is no provision for variations, changes to the original contract may still be effected by mutual consent in writing.

If a contract requires substantial variation to maintain effectiveness, it may need to be re-negotiated or terminated and the requirement re-called to balance the interests of public authorities and suppliers.

6.9. What can I do if my Offer is unsuccessful?

All unsuccessful suppliers will receive a letter giving the name of the successful supplier and the total contract value for the maximum contract duration.

A post-tender debriefing is available upon request from the public authority's enquiry person nominated in the letter you receive. This debrief will address areas where you could have improved your Offer, analysed against the selection requirements. This will not include comparisons with any other supplier's response.

The debriefing will attempt to improve your chances of success in subsequent tender responses by developing particular strengths, or simply enhancing how you demonstrate your capability and strengths in your response to a Request.

7. Where Do I Get Some Help?

7.1. Help is available in a number of ways

7.1.1. Talking to the right person

Part A of the Request document will list all the contact details for the relevant officer you may need information from. It is important that you address your enquiry to the right person in order to obtain timely information.

7.1.2. Tendering Services

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

Tendering Services

Ground Floor

Optima Centre

16 Parkland Road

Osborne Park WA 6017

Tel: (08) 6551 2345

Email: tenderingservices@finance.wa.gov.au

7.1.3. Other public authorities that can help

Your immediate contact may be with the public authority officers as described above in section 7.1.1. Additional assistance can be obtained from the:

1. State Supply Commission for information about Government buying rules and purchasing policies on (08) 6551 1500;
2. Small Business Development Corporation (SBDC) for assistance with the preparation of business plans on 13 12 49 (WA based businesses only);
3. Industry Link Advisory Service (ILAS) for assistance and advisory services to industry and business including guidance on preparation of a participation plan on 9222 0722;
4. Local Content Advisers will perform similar services to ILAS in the regional areas of WA. The nine advisers will be located in the various Regional Development Commissions across the State where specific contact details are available via the following link <http://www.drd.wa.gov.au/regions/Pages/LOCAL-CONTENT-INITIATIVE.aspx>; and

5. The Business Enterprise Centre nearest to your area.

Government tendering information is available via:

- Tenders WA at www.tenders.wa.gov.au; or
- Finance at www.finance.wa.gov.au > Government Procurement.

7.2. Not happy?

If you have a concern with some aspect of the tender process, you need to raise the matter with the public authority as soon as possible. The public authority may consider taking appropriate action if legitimate concerns are raised prior to a contract being awarded. In the first instance, this should be with the contact person listed in the Request documents. Once the tender process has been concluded and a contract awarded, the public authority will be happy to provide feedback to unsuccessful suppliers about their Offer.

Public authorities are interested in improving the Government contracting process and the contract outcomes for all stakeholders. Raising your concerns with us assists us in doing these tasks better.

7.3. Still not happy?

If you are still not happy with a public authority's response to your concern, you can refer the matter to the State Supply Commission. The State Supply Commission may then undertake an independent review of your complaint.

If you are wishing to have your complaint formally reviewed you must:

- be a party to the matter involved in the complaint;
- have failed to resolve the complaint with the public authority concerned;
- submit the complaint in writing via letter, e-mail, fax, or through the Finance Feedback Management System (www.finance.wa.gov.au > State Supply Commission > Contact State Supply Commission); and
- provide documentation and information supporting the complaint.

Please note that if a complaint is raised after the contract has been awarded, the Commission cannot overturn the award decision.

For further information on the complaint handling process, contact the State Supply Commission at:

C/o Procurement Policy and Governance

Locked Bag 11, Cloisters Square, Perth WA 6850

Telephone: (08) 6551 1500

Email: enquiries@ssc.wa.gov.au

Website: www.finance.wa.gov.au > State Supply Commission > Contact State Supply Commission

8. Glossary of Terms

Addendum: Additional information about the Request, provided after the initial advertising date.

Common Use Arrangement: Whole-of-Government contract arrangement, established for use by all public authorities, and indicated as a Common Use Arrangement in the specification.

Contract: Legally binding agreement resulting from acceptance of an Offer by the public authority, including such modifications that may have been agreed between the public authority and the supplier before that acceptance.

Contractor: Supplier whose Offer has been accepted by the public authority with or without modification.

Crown: The Crown in right of the State of Western Australia.

Finance: Western Australian Department of Finance.

Guide: The document called *Guide to Tendering with Western Australian Public Authorities* containing information about tendering with public authorities including Finance.

Offer: The offer submitted by a supplier in response to a Request.

Product: A product deliverable specified in the contract documents that is to be supplied to the public authority by or on behalf of the contractor.

Public authority:

- A department of the public service of the State established or deemed to have been established under the *Public Sector Management Act 1994*; and
- An agency, authority or instrumentality of the Crown in right of the State.
- The Government party to the contract.

Request: Any request by Finance or other public authorities for the submission of tenders, Offers, proposals, expressions of interest or other like submissions capable of resulting, with or without further negotiation, in a contract, and includes any RFQ or open tender.

Supplier: Someone who has or intends to submit an Offer to a public authority.

Selection requirements: The requirements used in evaluating suppliers' Offers.

Services: The whole of the services, tasks, work and requisites to be supplied, rendered, provided or performed by a contractor under a contract 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 contractor in performance of the contract.

Specification: Sets out details of the performance required under a contract.

State: The State of Western Australia.

Total contract value: The estimated total value of the contract for the entire life of the contract, including extensions.

Validity period: The period of time for which an Offer will remain open for consideration and acceptance by the public authority.