

Ref. 79/2224



Government of South Australia

Green Industries SA

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Dear Ms Centofanti

I refer to your application (receipt number 19275750) pursuant to the *Freedom of Information Act 1991* (the FOI Act) on 16 April 2024 requesting access to:

*Copies of Green Industries SA's: - internal procurement framework; and - complaints management framework 22 December 2022*

Further to your application, in consideration of the number of applications, GISA's Principal Officer was satisfied that an extension of time limit was required, and in accordance with the FOI Act, an extension of 28 days was applied extending the due date from 16/05/2024 to 13/06/2024.

A total of 7 documents were identified within the scope of your application. These are listed in the enclosed schedule. The information contained in the documents has been considered under the provisions of the FOI Act. My determination is to grant full access to all documents. Copies of the documents are enclosed with this determination.

In accordance with the FOI Act and *Freedom of Information (Fees and Charges) Regulations 2018* in relation to applications from Members of Parliament, no amount is payable for the costs associated with this determination.

Pursuant to the FOI Act, if you are dissatisfied with this determination you have a right to apply for an internal review. An application for internal review must be made in accordance with section 29(2) of the FOI Act.

Should you have any queries in relation to this matter, please contact me on telephone (08) 8204 2051 or email [marissa.king2@sa.gov.au](mailto:marissa.king2@sa.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads 'M King'.

Marissa King  
Accredited FOI Officer  
**GREEN INDUSTRIES SA**

5 June 2024

**Documents Schedule 19275750**

<b>No.</b>	<b>Document description</b>	<b>Determination</b>	<b>Exemption clause</b>	<b>Reason</b>
1	Complaints Handling Procedure DEW	Full Access	N/A	N/A
2	Complaints Handling Policy DEW	Full Access	N/A	N/A
3	DEW Supplier Complaints Management Procedure	Full Access	N/A	N/A
4	Standard Procurement Procedure v.1.1	Full Access	N/A	N/A
5	DEW Procurement Governance Policy	Full Access	N/A	N/A
6	DEW Simple Procurement Procedure	Full Access	N/A	N/A
7	DEW Procurement Governance and Approvals Procedure	Full Access	N/A	N/A



# Complaints Handling Procedure

## Purpose

The Department of the Premier and Cabinet (DPC) Circular 039 "Complaint Management in the South Australian Public Sector" requires all South Australian public sector agencies to establish and maintain an effective complaint management system that conforms to the principles in the Australian/New Zealand Standard: Guidelines for Complaint Management in Organizations (AS/NZS10002:2022).

This procedure provides guidance on the key principles and concepts of the Department for Environment and Water (DEW) complaint management system. This Procedure must be read in conjunction with the Complaints Handling Policy.

## Scope

Complaints are expressions of dissatisfaction where a response or resolution is explicitly or implicitly expected or legally required.

This procedure applies to all DEW staff, agents, contractors and volunteers who receive, manage, investigate and respond to complaints from members of the public.

This procedure does not apply to staff grievances, matters for the Independent Commission Against Corruption, Office for Public Integrity or SA Ombudsman, public interest disclosures, misconduct matters or SA Heritage Council complaints – separate processes apply.

## Procedure

Where possible, complaints should be handled at the point of contact. Where this is not appropriate (e.g. when the complaint is about the service provided by that person or is of a serious nature), the complaint should be escalated to a senior manager.

When responding to complaints, staff should act in accordance with the DEW Complaints Handling Policy and this Procedure. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

Further information and resources in relation to Complaints Handling are available on the [Complaints Handling iShare page](#).

### **Receipt of complaints**

A complaint that has been informally resolved by frontline staff is **not** required to be recorded unless it is reoccurring or systemic.

The [Complaints Handling System](#) (CHS) provides an online system to assist DEW meet its recording and reporting obligations in relation to complaints from members of the public. All DEW staff are able to access the CHS to record complaints data.

### **Acknowledgement**

Complaints will be acknowledged promptly, and within 5 working days. The default contact method should be in the format in which the complaint was made, unless there is a specific reason for not doing so. Complainants or their representative can request that the response be provided in another format to ensure accessibility.

### **Initial assessment**

After acknowledging receipt of the complaint, DEW will consider the outcome(s) sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, DEW will assess:

- how serious, complicated or urgent the complaint is
- whether the complaint raises concerns about people's health and safety
- how the person making the complaint is being affected
- the risks involved if resolution of the complaint is delayed.

### **Addressing complaints**

After assessing the complaint, DEW will consider how to address the complaint and may:

- gather further information
- provide information or an explanation
- investigate the claims made in the complaint.

### **Responding to complaints**

Following consideration of the complaint and any investigation into the issues raised, DEW will communicate the outcome of the complaint, and any action taken, taking into account any statutory requirements and reason(s) for the decision. Consideration will be given to any obligations under the [Information Privacy Principles Instruction](#), before sharing findings with the complainant.

The complainant is to be advised of options for review that may be available, such as internal review or external review. Appendix 1 includes sample text outlining applicant review rights.

A substantive response is to be provided within four weeks from the date the complaint is received. If a substantive response is not possible within four weeks, updates will be provided to the complainant to keep them informed of their complaint's progress.

### **Closing the complaint**

DEW staff will update the CHS and save complaint documentation in iShare.

DEW will ensure that any outstanding actions are followed up and outcomes are properly implemented, monitored and reported.

### **Managing unreasonable complainant conduct**

Most complainants act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint. However, in a very small number of cases some complainants behave in ways that are inappropriate and unacceptable and act aggressive and verbally abusive towards our staff. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. When complainants behave in these ways we consider their conduct to be unreasonable complainant conduct ('UCC'). For further information in relation to UCC, refer to the [Managing Unreasonable Complainant Conduct iShare page](#).

### **Accountability and learning**

DEW will ensure that complaints are recorded in the CHS which incorporates recording and reporting obligations of complaints from members of the public, so that information can be retrieved for reporting and analysis.

Analysis of reports will be undertaken to monitor trends, measure the quality of our services and identify areas for improvement.

DEW will continually monitor our complaint management system to:

- ensure effectiveness in responding to and resolving complaints
- identify and correct deficiencies in the operation of the system.

**Responsibilities**

<b>Position</b>	<b>Responsibility</b>
Chief Executive	<ul style="list-style-type: none"><li>• Promote a culture where complaints and their effective resolution are valued.</li><li>• Report publicly on DEW's complaint handling.</li><li>• Provide adequate support and direction to key staff responsible for complaints handling.</li><li>• Review reports about issues arising from complaints and complaint trends.</li><li>• Encourage staff to make recommendations for system improvements.</li><li>• Support recommendations for product, service, staff and complaint handling improvements.</li></ul>
Executive Director	<ul style="list-style-type: none"><li>• Collect and analyse complaint data from their Branches.</li><li>• Prepare reports for the Chief Executive in relation to complaints.</li><li>• Promote a culture where complaints and their effective resolution are valued.</li><li>• Train and empower staff to resolve complaints.</li><li>• Refer unresolved or complex complaints on to the Complaints Handling Team.</li></ul>
Director/Manager	<ul style="list-style-type: none"><li>• Promote a culture where complaints and their effective resolution are valued.</li><li>• Train and empower staff to resolve complaints.</li><li>• Refer unresolved or complex complaints on to the Complaints Handling Team.</li><li>• Ensure recommendations for improvements are implemented where appropriate.</li><li>• Recognise and reward good complaint handling by staff.</li></ul>
All staff	<ul style="list-style-type: none"><li>• If necessary, assist people to make a complaint.</li><li>• Record complaints.</li><li>• Seek managerial advice if unsure how to handle a complaint.</li><li>• Provide recommendations for product, service, staff and complaint handling improvements where appropriate.</li><li>• Provide feedback to management on issues arising from complaints.</li></ul>

Complaints Handling Team	Manage significant or complex complaints, including: <ul style="list-style-type: none"><li>• matters of alleged maladministration</li><li>• matters involving the SA Ombudsman, the Independent Commission Against Corruption or the Office for Public Integrity</li><li>• allegation or possibility of a criminal offence</li><li>• court action being taken against the agency</li><li>• a conflict of interest or any other matter that would cause the business area not being the appropriate area to manage the complaint.</li></ul>
Human Resources (HR)	HR should be consulted for advice as appropriate, or the complaint referred to them in cases where the matter is primarily a people management issue in terms of employee conduct or the matter is a potential breach of the Code of Ethics for the SA Public Sector.
Procurement	Responsible for dealing with procurement complaints, any supplier complaints should be directed to them.

## Definitions

Complaint - Complaints are expressions of dissatisfaction where a response or resolution is explicitly or implicitly expected or legally required.

## Associated Documents and References

[Complaints Handling Policy](#)

## Appendix

### Sample text for applicant review rights

Decision makers could consider including the following text in relation to review rights as part of their response to complainants.

Note that if a response has been provided from the Chief Executive, or as part of an internal review process, the complainant ought to seek an external review.

### ***"Your review rights***

*If you are not satisfied with my decision you have the right to apply for an internal review and/or external review of the decision.*

**OFFICIAL**

Internal review

Internal review means that another officer of our agency will consider your application afresh and make a new decision as if the original decision had not been made. Your application for internal review must be made in writing.

External Review

If you are still not satisfied with the internal review decision you may wish to consider contacting the South Australian Ombudsman or the Office for Public Integrity (OPI).

You can lodge a complaint with the South Australian Ombudsman by completing the online form or in writing to PO Box 3651, Rundle Mall SA 5000.

You can lodge a complaint with the OPI by completing the online form or telephoning 1300 782 489.

Further information in relation to the SA Ombudsman and the Office for Public Integrity can be found at [www.ombudsman.sa.gov.au/](http://www.ombudsman.sa.gov.au/) and [www.publicintegrity.sa.gov.au](http://www.publicintegrity.sa.gov.au) respectively.

If you have any questions please contact me on **{insert contact details}**."

**Contact**

[DEW.ProbityandComplaints@sa.gov.au](mailto:DEW.ProbityandComplaints@sa.gov.au)

Approved by	A/Director Office of the Chief Executive	Date Approved	14/12/2022
Responsible Unit	Office of the Chief Executive	Review Date	14/12/2025
Keywords	complaint	Version	FINAL 1.1





# Complaints Handling Policy

The Department for Environment and Water (DEW) is committed to managing complaints professionally, efficiently, and fairly. Complaints are an important part of customer service and a way for the public to provide feedback, which assists DEW to improve performance and our interactions with the public.

## What guides this Policy?

[Code of Ethics for the SA Public Sector](#)

Australian and New Zealand Standard: Guidelines for Complaint Management in Organizations (AS/NZS 10002:2014)

DPC Circular PC039: [Complaint Management in the South Australian Public Sector](#)

DPC Circular PC043: [Public Sector Responsiveness](#)

## What is the scope of this Policy?

A complaint is an expression of dissatisfaction where a response or resolution is explicitly or implicitly expected, or legally required.

This policy applies to all DEW staff, agents, contractors, and volunteers who receive, manage, investigate and respond to complaints from members of the public.

Where DEW services are contracted out, DEW expects contracted service providers to have an accessible complaint management system. DEW will consider complaints regarding the actions of contracted service providers.

This policy does not apply to staff grievances, matters for the Independent Commissioner Against Corruption, Office for Public Integrity or the South Australian Ombudsman, Public Interest Information Disclosure's or SA Heritage Council complaints – separate processes apply.

## What do I need to know?

### Making a Complaint

Complaints are encouraged to be lodged electronically at <http://www.environment.sa.gov.au/contact-us>, however complaints may also be lodged:

- in person;
- by telephone on (+61) 8204 1910; or
- in writing to GPO Box 1047 ADELAIDE SA 5001.

The Interpreting and Translating Centre provides access to an interpreter or translator if required – refer to <http://www.translate.sa.gov.au/home>. The National Relay Service provides a phone service for people who are deaf or have a hearing or speech impairment – refer to <http://relayservice.gov.au/>.

Policy Author:	Office of the Chief Executive	Version:	Final
DEW Branch:	Office of the Chief Executive	Date approved:	30/06/2019
DEW Group:	Office of the Chief Executive	Review date:	30/06/2022
Keywords:	Complaint		
File Name:	Complaints Handling Policy		Page 1 of 3



A complaint should contain the following details:

- a clear description of the matter;
- when and where the matter occurred;
- the names and/or positions of anyone involved;
- any relevant documentation;
- the outcome(s) being sought; and
- contact information, or contact information of a representative.

Any person or organisation may represent a person wishing to make a complaint with their consent (e.g. family member, legal or community representative, Member of Parliament or another organisation).

Complaints may be made anonymously. However, anonymous complaints are more difficult to assess and investigate because DEW will not have the option to follow up if further information is required, nor will DEW be able to advise the outcome of the complaint.

### Assessing a Complaint

Where possible, complaints are to be resolved at first contact with DEW.

Complaints are to be acknowledged promptly, ideally within five business days, and a substantive response provided within four weeks. Where this timeframe is not achievable, the person making a complaint or their representative will be contacted and advised on the expected timeframe for a response.

In instances where complaints involve complex matters (e.g. legal matters), a timeframe may not be provided, but DEW will endeavor to keep complainants or their representative informed on the status of their complaint.

DEW will address each complaint with integrity and in an equitable, objective, and unbiased manner. The person handling the complaint will be different from any staff member whose service or conduct is the subject of the complaint. Conflicts of interests, whether actual or perceived, will be managed appropriately.

DEW will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf. Complaints lodged with DEW are however subject to the *Freedom of Information Act 1991*. In these instances, DEW will take appropriate action to protect the identity of the complainant where practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by DEW as permitted by relevant privacy laws and confidentiality obligations.

### Notification of Outcome

Following consideration of the complaint and any investigation into the issue(s) raised, DEW will contact the complainant or their representative and advise them of the:

- outcome of the complaint;
- any action undertaken;
- reason(s) for the decision;
- proposed remedy or resolution(s); and
- options for review.

Policy Author:	Office of the Chief Executive	Version:	Final
DEW Branch:	Office of the Chief Executive	Date approved:	30/06/2019
DEW Group:	Office of the Chief Executive	Review date:	30/06/2022
Keywords:	Complaint		
File Name:	Complaints Handling Policy	Page 2 of 3	



By default DEW will respond to complaints in the same format that they were received. Complainants or their representative can request that the response be provided in another format to ensure accessibility.

Options for review will include internal review by DEW, or raising the matter with either the South Australian Ombudsman or Independent Commissioner Against Corruption.

John Schutz

**CHIEF EXECUTIVE**

Date: 30 June 2019

Policy Author:	Office of the Chief Executive	Version:	Final
DEW Branch:	Office of the Chief Executive	Date approved:	30/06/2019
DEW Group:	Office of the Chief Executive	Review date:	30/06/2022
Keywords:	Complaint		
File Name:	Complaints Handling Policy 2019 FINAL	Page 3 of 3	



Ref: DEW-D0012684

# DEW Supplier Complaints Management Procedure

## Purpose

This procedure provides direction and guidance for an effective supplier complaints management and resolution process.

This procedure applies to all Department for Environment and Water (DEW), Board and Committee, Environment Protection Authority (EPA) and Green Industry SA (GISA) staff, agents and contractors who undertake procurement processes, manage suppliers and who may receive, manage, investigate and respond to supplier complaints in relation to a procurement process.

*(When DEW is stated in the content of this procedure it is inclusive of all Boards and Committees, EPA and GISA staff, agents, and contractors).*

## Scope

This procedure is limited to complaints raised by a supplier which may have been submitted as a means of dissatisfaction with any stage of the procurement process where a response or resolution is explicitly or implicitly expected or legally required.

This procedure does not apply to staff grievances, matters for the Independent Commissioner Against Corruption, Office for Public Integrity or SA Ombudsman, Public Information Disclosures, misconduct matters or SA Heritage Council complaints – separate processes apply for these types of complaints.

Contract disputes will be managed in accordance with the DTF Contract Management Policy.

## Procedure

The Department of Treasury and Finance Procurement Governance Policy outlines the requirement for DEW to establish and maintain an effective supplier complaints management system, practices and processes to manage supplier complaints at any stage of the procurement process.

## Complaint Handling Process

Supplier complaints can be a valuable source of information on how and where issues have occurred during the procurement process and may identify improvement opportunities in the procurement function and future processes.

DEW will ensure the complaint management process is publicly available to suppliers via the [environment.sa.gov.au](http://environment.sa.gov.au) internet site.

The timely investigation and management of supplier complaints is essential for maintaining good relationships between DEW and suppliers. The overview of the process steps are outlined in the attached Appendices 1 and 2, which are to be considered as part of this overall complaint management process. It includes when and how a complaint is to be escalated.

There may be extenuating circumstances in which the process steps outlined below would not be appropriate. These may include issues where there has been a clear breach of law, or particularly sensitive, complex and/or serious complaints which should be brought to the immediate attention of the DEW Chief Executive.

## Responsibilities

Any complaint received in relation to DEW procurement processes, should firstly be handled at the point of contact, i.e. contract manager. Where this is not appropriate (e.g. when the complaint is about the service provided by that person or is of a serious nature), the complaint should be escalated to a senior manager or director as outlined in Appendix 1.

	<b>Responsibility</b>
<b>DEW</b>	<p>In the context of a procurement process, it is important that DEW upholds good practices throughout all interactions with suppliers during all phases of the procurement process and that supplier complaints are handled in an open and transparent manner having regard to:</p> <ul style="list-style-type: none"><li>• providing constructive feedback to suppliers on the outcome of any offers to supply;</li><li>• adopting an open and transparent approach to the handling of supplier complaints;</li><li>• providing clear and accessible information for suppliers to submit a complaint or provide feedback</li><li>• providing various options to submit a written complaint (such as online, email, letter);</li><li>• providing details of a nominated complaints/feedback contact officer in market approach documents;</li></ul>

	<ul style="list-style-type: none"> <li>• providing ability for complainants to detail, document or attach relevant documentation to outline complaint or feedback;</li> <li>• appropriately managing confidential information and identities of the supplier or DEW officer;</li> <li>• having a mechanism for assessing the severity of the complaint;</li> <li>• providing a response to the suppliers complaint in writing</li> <li>• communicating regularly with the complainant in writing throughout the complaint management process, and to advise anticipated timeframes for reviewing the complaint;</li> <li>• investigating complaints impartially and in a timely, ethical and transparent manner; and</li> <li>• ensuring that complaints are recorded in the DEW complaints register.</li> </ul>
<b>Supplier</b>	<p>Suppliers have the responsibility to:</p> <ul style="list-style-type: none"> <li>• invest time and effort in understanding government procurement processes;</li> <li>• consider whether an issue may be dealt with by providing feedback or seeking clarification from the DEW contact person before making a complaint;</li> <li>• provide their complaint in writing (if the supplier has made a verbal complaint, ensure the supplier is aware that a complaint cannot be progressed until it has been submitted in writing) within 14 calendar days from when the complaint becomes known, or should have been known, to the supplier;</li> <li>• provide appropriate information and documentation to support an investigation in a timely manner;</li> <li>• endeavour to resolve problems or complaints in a professional manner directly with DEW before seeking independent investigation;</li> <li>• not issue any news releases or responses to media enquiries and questions regarding a procurement process without DEW's written approval;</li> <li>• supply quality goods, services and/or works;</li> <li>• not offer inducements that could compromise the impartiality of procurement officers within DEW;</li> <li>• refrain from breaching any legislation (including anti-competitive behaviour); and</li> <li>• not initiate frivolous and immaterial complaints.</li> </ul>

<p><b>Chief Executive</b></p>	<p>The Chief Executive’s responsibilities are to:</p> <ul style="list-style-type: none"> <li>• promote a culture where complaints and their effective resolution are valued;</li> <li>• provide adequate support and direction to key staff responsible for complaints handling (i.e. Central Procurement Unit (CPU));</li> <li>• review reports about issues arising from complaints and complaint trends in the procurement process;</li> <li>• encourage suppliers to make recommendations for improvements; and</li> <li>• support recommendations for procurement complaint handling improvements.</li> </ul> <p>The Chief Executive’s reporting responsibilities are to:</p> <ul style="list-style-type: none"> <li>• maintain records of supplier complaints via a database and/or physical file containing all relevant documentation;</li> <li>• report supplier complaints in the DEW annual report (public complaints reporting) in accordance with Premier and Cabinet Circular 13 Annual Reporting Requirements;</li> <li>• inform the Procurement Review Committee (PRC) within seven calendar days of any complaint that could not be resolved to the satisfaction of both parties;</li> <li>• provide all relevant documentation to the PRC, via Procurement Services SA (DTF);</li> <li>• provide the complainant an opportunity to reply to the response prior to PRC making recommendations relating to the complaint; and</li> <li>• ensure PRC recommendations are provided in a timely fashion, in writing, with reasons.</li> </ul>
<p><b>Procurement Review Committee (PRC)</b></p>	<p>The Procurement Review Committee (PRC):</p> <ul style="list-style-type: none"> <li>• will not participate in a complaint management process until the complaint has been investigated by DEW and/or independent investigation, or unless the Treasurer considers that the circumstances warrant an earlier intervention;</li> <li>• may recommend the Treasurer seek that DEW suspend or reconduct all or any part of the procurement process if required;</li> <li>• will refer matters to the appropriate authority as required; and</li> <li>• will provide recommendations, in writing, in a timely fashion.</li> </ul>
<p><b>Manager, Procurement Services</b></p>	<p>An Independent Officer within DEW to investigate the complaint, seek legal advice if/when required, negotiate a resolution and ensure the supplier is kept informed of any progress, timelines and actions.</p>

## Assessing the severity of the complaint

DEW will assess the severity of the complaint in accordance with the internal procurement framework and complaints management framework. The following is provided as a guide:

Level	Description
1	<b>Business Unit</b> complaint handling and <b>early resolution</b> of formal complaint.
2	<b>Internal review</b> by Manager, Procurement Services (Complaint Officer) of complaint and/or complaint handling (which may include further investigation of issues raised) and <b>satisfactory resolution</b> of complaint.
3	<b>External review</b> (Independent or Procurement Review Committee) of complaint and/or complaint handling (which may include further investigation of issues raised) and <b>satisfactory resolution</b> of complaint.
4	<b>Unsatisfactory resolution</b> of complaint following external review.

## Prevention of complaints

DEW can minimise the potential for supplier complaints by:

- offering written information on the supplier complaint process including the contact details of the contact person appropriately skilled to deal with complaints;
- conducting all procurement processes in an ethical and impartial manner, aligned to the requirements of the procurement framework
- ensuring all staff undertaking procurement processes understand DEW and government procurement policies and demonstrate good procurement practice;
- providing specifications that are outcomes focussed and not inherently biased to a particular supplier;
- ensuring that documentation, justification and authorisation are clear and detailed in regard to all market approaches that limit supplier responses and is in accordance with procurement guidelines;
- maintaining open, timely and ongoing communications with suppliers, both throughout the procurement process and during contract management;
- providing South Australian businesses with the opportunity to tender for government business;
- managing effective relationships with the supplier market;
- carrying out market analysis before advertising the Invitation to Supply, Expression of Interest or Request for Quotes; and
- debriefing all unsuccessful suppliers.



## Associated Documents and References

This Procedure is guided by the:

- South Australian Government Procurement Framework,
- Department of Treasury and Finance (DTF) Procurement Services SA Supplier Complaints Schedule,
- Premier and Cabinet Circular 039 Complaint Management in the SA Public Sector,
- government international obligations, and
- DEW Internal Procurement Framework.

## Appendix

Appendix 1 – DEW Procurement Supplier Complaint Steps

Appendix 2 – DEW Supplier Complaint Form

## Contact

For assistance with handling supplier complaints in line with this procedure you may contact the Manager, Procurement Services in the Central Procurement Unit on (08) 8463 3175 or email [selena.may2@sa.gov.au](mailto:selena.may2@sa.gov.au) or alternatively [DEW.Procurement@sa.gov.au](mailto:DEW.Procurement@sa.gov.au).

Approved by	Sandy Carruthers Group Executive Director, Strategy, Science and Corporate Services	Date Approved	8 June 2021
Responsible Unit	Finance Branch, Central Procurement Unit	Review Date	
Keywords	Procurement Supplier Complaints Procedure	Version	1.0



**Appendix 1 - DEW Procurement Supplier Complaint Steps**

**In line with DEW’s Procurement Framework, the following steps should be undertaken when dealing with a supplier complaint.**

Formal complaint lodged with DEW	
<b>Step 1</b>	<p>Suppliers have a minimum of 14 calendar days to submit a complaint in writing (from the time when the complaint becomes known or should have been known to the supplier) addressed to the Office of the Chief Executive or Manager, Procurement Services for investigation.</p> <p>The written complaint can be lodged using the <a href="#">DEW Supplier Complaint Form</a> or via email or letter and should include:</p> <ul style="list-style-type: none"> <li>• background information identifying the relevant tender, process and dates;</li> <li>• a brief summary of the problems or concerns;</li> <li>• an outline of any dealings to date with DEW or relevant entity aligned with DEW, (including relevant communications, names, meetings);</li> <li>• the outcome/resolution sought; and</li> <li>• contact details (including names, addresses, and phone numbers).</li> </ul>
<b>Step 2</b>	<p>All formal complaints will be investigated, and responded to in writing by the Manager, Procurement Services as the independent officer who is not directly involved in the subject matter of the complaint.</p> <p>The independent officer will acknowledge receipt of the complaint, provide the supplier with initial detail about the process and timeframe for review within 7 days of receipt of the complaint, and complete Steps 3-12 as required.</p>
Investigation	
<b>Step 3</b>	<p>Identify whether the complaint needs to be referred to another authority, or whether another public authority should be consulted on the complaint, including if the complaint relates to:</p> <ul style="list-style-type: none"> <li>• allegation of criminal activity (refer to SAPOL);</li> <li>• allegations of public officer corruption, misconduct or maladministration (refer to ICAC);</li> <li>• complaints related to IPP (refer to the Office of the Industry Advocate); or</li> <li>• breaches of International Obligations (refer to DTF Procurement Services SA).</li> </ul>

<b>Step 4</b>	Refer the complaint and document all information, decisions, and correspondence, <b>or move to Step 5</b>
<b>Step 5</b>	The Manager, Procurement Services, as DEW independent officer, investigates the complaint (i.e. a person not directly involved in the subject matter of the complaint).
<b>Step 6</b>	If the complaint can be resolved immediately without additional investigation, the DEW independent officer will provide the supplier with written notification of the decision in a timely manner.
<b>Step 7</b>	Close the complaint and document all information, decisions, and correspondence, <b>or move to Step 8.</b>
<b>Step 8</b>	<p>If further investigation is warranted, an independent officer with sufficient skills and knowledge to undertake a thorough and impartial review should be appointed.</p> <ul style="list-style-type: none"> <li>• This person may or may not be the same officer as the person conducting the initial review and may be an internal or external officer.</li> <li>• The investigation should be undertaken within a reasonable timeframe.</li> <li>• The supplier should be regularly informed of the process and if timeframes for resolution are expected to change.</li> </ul>
<b>Step 9</b>	Once a determination is made, notify the supplier, in writing, of the outcome and advise any action(s) being taken, reasons, remedies or resolutions.
<b>Step 10</b>	Supplier is given 7 calendar days to advise of acceptance (or otherwise) of the findings.
<b>Step 11</b>	<p>If the supplier accepts findings, close the complaint and document all information, decisions, and correspondence, <b>or move to Step 12.</b></p> <p>The Manager, Procurement Services is responsible for preparing a report on the outcome of the investigation. This report is to be provided to the original procurement delegate and the Executive Officer of the Procurement Governance Committee (PGC) for noting.</p>

Escalation to Procurement Review Committee	
<b>Step 12</b>	<p>If the investigation cannot be resolved to the satisfaction of DEW AND the supplier, the Chief Executive will inform the Procurement Review Committee (PRC), via Procurement Services SA, within 7 calendar days of notification.</p> <ul style="list-style-type: none"> <li>• DEW will provide all relevant documentation to the PRC, via Procurement Services SA, including details of any investigation already undertaken outlining the process and outcome.</li> <li>• The supplier will be advised that their complaint has been sent to the PRC for review and will be provided with the opportunity to reply to DEW’s response before the PRC has made recommendations relating to the complaint.</li> </ul> <p>In the case of the supplier escalating the complaint to the PRC:</p> <ul style="list-style-type: none"> <li>• The supplier will submit the Supplier Complaints Form or written notification to Procurement Services SA within 7 calendar days of advising DEW of their non-acceptance of the independent investigation findings.</li> <li>• Procurement Services SA will notify DEW that the supplier has escalated the complaint, within 7 calendar days of receiving the escalated complaint.</li> </ul> <p><b>Role of the Procurement Review Committee:</b></p> <p>The PRC will not participate in a complaint management process until the complaint has been investigated by DEW and/or independent investigation – unless the Treasurer considers that the circumstances warrant an earlier intervention.</p> <p>The PRC:</p> <ul style="list-style-type: none"> <li>• Can make recommendations to DEW on the resolution of the complaint.</li> <li>• May recommend to the Treasurer to direct DEW to suspend or reconduct all or any part of the procurement process if required.</li> <li>• Will refer matters to the appropriate authority as required.</li> <li>• Will provide recommendations, in writing, in a timely fashion.</li> </ul>
Appeal	
<b>Step 13</b>	<p>If the complaint remains unresolved to the satisfaction of the supplier, provide the complainant with information of the <a href="#">Ombudsman SA</a>.</p>

**(All complaints of a general nature (excluding procurement), should be made via the external link [DEW Feedback and Complaints](#) or sent to the Independent Complaints Officer in the Office of the Chief Executive).**



**Appendix 2 - DEW Supplier Complaint Form**

**GENERAL INFORMATION**

- The purpose of this Supplier Complaint Form is to provide a mechanism for suppliers to notify the Department of Environment and Water (DEW) of any complaint concerning a procurement process.
- DEW will investigate all procurement supplier complaints where a formal request has been received.
- You may submit your Supplier Complaint Form by email to: Manager, Procurement Services email [DEW.Procurement@sa.gov.au](mailto:DEW.Procurement@sa.gov.au)
- If no resolution is achieved between DEW and the Supplier, this matter will be referred to Procurement Services SA.
- The supplier must consider whether an issue may be dealt with by providing feedback or seeking clarification from the DEW contact person before making a complaint.
- The supplier must provide appropriate information and documentation to support an investigation, and will endeavour to resolve the complaint in a professional and timely manner with DEW before seeking independent investigation.
- The supplier will not issue any news releases or responses to media enquiries and questions regarding a procurement process without DEW’s written approval.
- The supplier must not initiate frivolous and immaterial complaints.

**SECTION 1: CONTACT DETAILS**

<b>Supplier Name</b>	
<b>Name of Contact Person acting on behalf of supplier</b>	
<b>Job Title of person acting on behalf of the Supplier</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Email address</b>	
<b>Procurement Title and Reference Number (if applicable)</b>	

<b>DEW or Board Name (Name of Branch or Region)</b>	
<b>DEW / Board Contact or Contract Manager Officer Name and Number</b>	
<b>DEW Procurement Complaints Officer Name and contact number</b>	Selena May, Manager, Procurement Services Phone: 8463 3175 <a href="mailto:DEW.Procurement@sa.gov.au">DEW.Procurement@sa.gov.au</a>

<b>SECTION 2: DESCRIPTION OF COMPLAINT</b>	<b>YES</b>	<b>NO</b>
1. Have you raised and discussed the complaint with the relevant contract manager? If yes, please provide an outline of all dealings with the contract manager or other staff to date, in relation to this complaint (including relevant communications, names and meetings and any details of investigations already undertaken (process and outcome)).	<input type="checkbox"/>	<input type="checkbox"/>
<i>[text box expands]</i>		
2. Provide all details of complaint, including: <ul style="list-style-type: none"> <li>background information identifying the relevant tender, process and dates</li> <li>a summary of the issue, problem or concerns</li> <li>evidence supporting the complaint</li> <li>any other relevant information.</li> </ul> Provide attachment/s if necessary.		
<i>[text box expands]</i>		

<b>Tell us what you would like to happen to resolve your complaint</b>	
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**SECTION 3: ACKNOWLEDGEMENT**

**I confirm that all the information provided above is true and correct to the best of my knowledge.**

<b>Name and Signature of person completing this form</b>	Signature:	<b>Date:</b>
	Full name:	
	Position:	

**NEXT STEPS**  
 We will contact you within seven (7) working days of receiving your complaint to let you know what we will do to investigate your complaint. Your complaint will be treated seriously and we will contact you to keep you up to date.

**GIVING FALSE OR MISLEADING INFORMATION IS A SERIOUS OFFENCE**  
 The *Criminal Law Consolidation Act 1995* provides for significant penalties, including fines and imprisonment, for making a false or misleading statement to a public agency.

**CONFIDENTIALITY**  
 Any information gathered through this complaint management process will be treated as confidential and will be used only for the purpose of resolving the complaint. We may need to share the information you provide to relevant third parties to help resolve your complaint. You can request that your personal details be withheld. We will respect your request. In the case where withholding your personal details makes it difficult to resolve your complaint we will contact you before taking further action.



Ref: DEW-D0012684

# Standard Procurement Procedure (for procurements valued above \$55,000)

## Purpose

This procedure provides guidance to officers undertaking procurements for goods and services valued above \$55,000 (GST inclusive) and works valued between \$55,000 and \$165,000 (GST inclusive). It also applies to construction/works procurements valued over \$165,000 (GST inclusive) where self-management has been granted to the agency. It does not apply to grants. Direct negotiations with Established Government Facilities can be undertaken in accordance with the Simple Procurement Procedure.

The Standard Procurement Procedure supports the DEW Procurement Governance Policy.

## Scope

This Procedure applies to all DEW, EPA and GISA staff, and Boards and Committees aligned under DEW's Procurement Framework.

## Procedure

The attached table provides step by step details for procurement planning, sourcing and contract management, with links to templates and explanatory documents. Mandatory requirements are marked **M**.

## Contact

Central Procurement Unit

Phone: 8204 1916

Email: DEW.Procurement@sa.gov.au

Approved by	Sandy Carruthers, Group Executive Director	Date Approved	
Responsible Unit	Strategy, Science and Corporate Services	Review Date	
Keywords		Version	1.1





## Stage 1 – Planning

Project Manager Activities	Status	Description of Process and Required Tasks <i>(Note: all values are GST Inclusive)</i>	Templates, Output Documents and Tools	References and Resources				
<b>Pre-Planning - before you start your Acquisition Plan</b>								
<b>1. Identify the need</b>		Consider the need as an outcome rather than a specific good or service (as far as practicable) to help you determine the best solution through the planning and sourcing process.		<a href="#">DTF Procurement Planning Policy</a> <a href="#">DTF Needs Analysis Guideline</a> <a href="#">DTF Needs Analysis Process Map</a> <a href="#">DEW Grant vs Procurement Quick Guides and FAQ</a>				
<b>2. Ensure the need is recorded in the online Procurement Reporting System (PARS)</b>	<b>M</b>	<p>In accordance with Treasurer’s Instruction 18 Procurement (TI18), all procurements with an estimated cost above \$55,000 must be recorded in the Procurement Activity and Reporting System (PARS) before a public authority can approach the market with the need.</p> <p>If the procurement has not been recorded in PARS as part of DEW’s Planned Activity Reporting (or Forward Procurement Plan), then you must enter the details into PARS as soon as practicable once you become aware of the need. If you do not have access to PARS, see your business manager in the first instance.</p> <p>Follow the relevant steps below based on the value of your procurement:</p> <table border="1" data-bbox="403 1179 1537 1354"> <thead> <tr> <th data-bbox="403 1179 709 1222">Value</th> <th data-bbox="709 1179 1537 1222">Process</th> </tr> </thead> <tbody> <tr> <td data-bbox="403 1222 709 1354">&gt; \$55,000 but ≤ \$550,000</td> <td data-bbox="709 1222 1537 1354">All procurements with an estimated cost above \$55,000 must be recorded in the PARS before you can approach the market with the need.</td> </tr> </tbody> </table>	Value	Process	> \$55,000 but ≤ \$550,000	All procurements with an estimated cost above \$55,000 must be recorded in the PARS before you can approach the market with the need.		<a href="#">PARS website portal</a> <a href="#">DEW PARS Quick Guide and FAQ</a> <a href="#">PARS User Guides</a>
Value	Process							
> \$55,000 but ≤ \$550,000	All procurements with an estimated cost above \$55,000 must be recorded in the PARS before you can approach the market with the need.							

		>\$550,000	If the procurement is for goods and services and is valued above \$550,000, the PARS entry will require approval from the Chief Executive before the market approach can commence. If the Chief Executive is the approving delegate for the Acquisition Plan, CE approval of the Plan denotes CE approval of the PARS entry, and separate approval is not required.		
<b>3. Undertake client and community engagement</b>		Regardless of the type of need, you are required to engage with impacted communities, clients and other key stakeholders (internal and external to government, including end-users) to clearly define the need or desired outcomes. Internal stakeholder engagement includes confirming if the requirements of the DEW Science Partnership Model apply to your procurement activity. The need is expected to be properly scoped, and closely aligned to the across government or agency strategic objectives. This should be detailed in the Acquisition Plan.			
<b>4. Consider the use of Established Government Facilities</b>		<p>Before procuring a good or service, consider whether its need can be met using an Established Government Facility. Established Government Facilities are defined as government-owned and managed agencies, organisations, entities or statutory authorities that can provide goods or services to other areas of government. For example, the provision of training services from TAFE SA, professional and technical services from Rural Solutions SA, the sale of plants from State Flora etc.</p> <p>If you elect to pursue a contract with an Established Government Facility, the Simple Procurement Procedure applies.</p>		<a href="#">DEW Simple Procurement Report Template</a>	<a href="#">DEW Simple Procurement Procedure</a>
<b>5. Identify any existing contracts</b>		Before developing an acquisition strategy, identify whether there is an applicable across-government, multi-agency, panel or other mandated contract that will meet the business need.			<a href="#">Across-Government Contracts website</a> <a href="#">DTF Across-Government, Multi-Agency and Panel Contracts Guideline</a>
<b>6. Sustainability</b>		<p>Consider whether your procurement can incorporate human, health and environmental outcomes through the procurement process:</p> <ul style="list-style-type: none"> <li>• Are there any significant climate or emission impacts associated with the procurement?</li> <li>• Will the procurement use high levels of energy, resources or water (including natural landscapes and habitats)?</li> <li>• Does the procurement use or promote renewable energy practices (e.g. solar, wind, wave)?</li> </ul>			<a href="#">DTF Green Procurement Guideline</a>

		<ul style="list-style-type: none"> <li>• Is there any pollution or waste associated with the production, distribution, use and disposal of the procurement (including packaging)?</li> <li>• Are there opportunities for reusability and/or recyclability associated with the procurement, including options for reuse, repair, upgrade, or modification to increase the product life?</li> <li>• Does the procurement have significant travel, transport, or logistics related impacts (including air, road, rail, and vehicle)?</li> <li>• Will the procurement have an adverse impact on human health and wellbeing?</li> <li>• Will the procurement impact negatively on local communities and businesses?</li> </ul>		
<b>7. Estimate the value of the procurement</b>		<p>Determine the estimated value of a procurement by considering the budget required to meet the total estimated value of any expenditure commitments that may result from the proposed procurement exercise, and ensure it is GST inclusive. This includes the total value of any contract extension options and other options that may be included. This figure should be the total expected cost of the contract over its anticipated term. The estimated contract value should not include other cost elements included in the whole-of-life cost that will not be incurred under the applicable contract.</p> <p>Procurements cannot be divided into separate procurements for the purpose of avoiding any value or complexity thresholds.</p>		<a href="#">DTF Whole-of-Life Costing Guideline</a>
<b>8. Complexity and Capability assessment</b>	<b>M</b>	<p>Complexity refers to the level of difficulty involved in procuring a good or service. An assessment of complexity considers a broad range of factors including risk, cost and market dynamics associated with the procurement and contract management activities.</p> <p>Undertake a complexity assessment prior to commencing the procurement process using the Complexity Assessment Matrix to classify the procurement as either transactional, routine, complex or strategic. This classification will be based on the level of complexity, risk profile and value of the procurement.</p> <p>The Matrix has two tabs, one for initial assessment and one for post-market approach. You may reassess the complexity throughout the procurement process and adjust as required.</p>	<a href="#">DEW Complexity Assessment Matrix</a>	<a href="#">DEW Complexity Assessment Quick Guide and FAQ</a>  <a href="#">DTF Complexity and Capability Assessments Guideline</a>
<b>Developing your Acquisition Plan</b>				
<b>9. Acquisition plan development</b>	<b>M</b>	<p>The Standard Acquisition Plan template must be used for procurements valued above \$55,000. Hard copy documents will be utilised until the on-line version is accessible.</p>	<a href="#">DEW Standard Acquisition Plan Template</a>	<a href="#">DTF Procurement Planning – Process Map</a>

				<a href="#">DTF Probity and Ethical Procurement Guideline</a> <a href="#">DTF Intellectual Property in Procurement Guideline</a>
<b>10. Establishing an across-government, multi-agency, panel or other mandated contract</b>		Where it is determined that developing an across-government, multi-agency, panel or other mandated contract will achieve the best outcome, please contact the CPU for assistance. A mandated across-government contract must not be established without approval from the Treasurer or Cabinet. This information will be documented in the acquisition plan.		<a href="#">DTF Across-Government, Multi-Agency and Panels Guideline</a>
<b>11. Secondary Procurements</b>		<p><u>Secondary procurements from existing across-government panel contracts</u> should be undertaken in accordance with any approved secondary process of the existing contract, or, if there are none established, with the PSSA Sourcing Policy. This includes the number of quotes required and the approval documentation to be used.</p> <p>Procurements from across-government panels valued above \$55,000 must be recorded on PARS.</p> <p><u>Secondary procurements from existing DEW panel contracts</u> should be undertaken in accordance with any approved secondary process of the existing contract, or if there are none established, with the PSSA Sourcing Policy. This includes the number of quotes required and the approval documentation to be used.</p> <p>Where the DEW panel arrangement has been established with an estimated total contract value, it is generally not necessary to enter the secondary procurement into PARS. However, if an Industry Participation Plan (IPP) is a requirement of a secondary process valued above \$550,000, the secondary procurement must be entered into PARS.</p>		<a href="#">DTF Across-Government, Multi-Agency and Panels Guideline</a> <a href="#">DTF Sourcing Policy</a>
<b>12. Supply market analysis</b>		The supply market should be analysed to inform the development of an appropriate acquisition strategy. This includes researching and gathering information about the supply market from which the required goods or service will be procured. The market analysis will assess market capability, capacity and willingness to achieve the desired outcomes.	<a href="#">Request for Information Response Form</a>	<a href="#">DTF Supply Market and Supply Chain Analysis Guideline</a>

<b>13. Supply chain analysis</b>		<p>A supply chain consists of all parties involved in the process of creating a good or service: progressing from inputs through production, distribution and marketing, to the end user. Undertake an analysis of the supply chain where appropriate, commensurate with the value and complexity of the procurement.</p> <p><b>Transactional and routine procurements</b> - you are required to assess whether a supply chain analysis is required for a transactional or routine procurement and will undertake the analysis as required.</p> <p><b>Complex and strategic procurements</b> - you must undertake a supply chain analysis to identify the potential supply chain risks for all complex and strategic procurements.</p>		<a href="#">DTF Supply Market and Supply Chain Analysis Guideline</a>				
<b>14. Industry engagement</b>		<p>Industry engagement facilitates transparency and collaboration with the market, whilst identifying innovative opportunities to satisfy the business need/outcomes. In planning a procurement, you should seek to engage with a diverse range of prospective suppliers, including small to medium enterprises.</p> <p>The level of engagement should be appropriate to the value, complexity and risk of procurement activity proposed. Formal pre-procurement industry engagement, such as industry briefing sessions, will be undertaken for all complex and strategic procurements, where appropriate.</p>	<a href="#">DEW Industry Engagement Guideline (and Plan template)</a>	<a href="#">DTF Industry Engagement Guideline</a>				
<b>15. Specification development</b>		<p>At a minimum, a draft outline of key elements for the specification (whether it be functional, technical, performance and/or outcomes-based) will be developed by relevant staff with adequate technical skills and applicable knowledge to identify, for key stakeholders and eventually the market, the:</p> <ul style="list-style-type: none"> <li>• need/desired outcomes,</li> <li>• proposed contract term,</li> <li>• performance standards, and</li> <li>• reporting requirements (if any).</li> </ul> <p>Ensure that all specifications avoid the use of proprietary standards and specify the requirements in such a way as to maximise the opportunity for competitive offers from a variety of suppliers.</p>	<a href="#">Specification Templates</a>	<a href="#">DTF Developing a Specification Guideline</a>  <a href="#">DTF Specification Development Process</a>				
<b>16. Sourcing strategy</b>		<p>Identify the sourcing strategy (or market approach) that will deliver the best procurement outcome, achieve value for money and comply with the South Australian Industry Participation Policy and any applicable Free Trade Agreements. Follow the relevant minimum requirements outlined below:</p> <table border="1" data-bbox="405 1198 1539 1369"> <thead> <tr> <th data-bbox="405 1198 709 1247">Value</th> <th data-bbox="709 1198 1539 1247">Process</th> </tr> </thead> <tbody> <tr> <td data-bbox="405 1247 709 1369">&gt; \$55,000 but ≤ \$550,000</td> <td data-bbox="709 1247 1539 1369">A minimum of three written quotes, with at least one quote from a South Australian based supplier (or a supplier based in the region in the case of regional procurement), where possible, must be sought. If you cannot</td> </tr> </tbody> </table>	Value	Process	> \$55,000 but ≤ \$550,000	A minimum of three written quotes, with at least one quote from a South Australian based supplier (or a supplier based in the region in the case of regional procurement), where possible, must be sought. If you cannot	<a href="#">Market Approach Templates</a>	<a href="#">SA Industry Participation Policy</a>  <a href="#">DTF International Obligations Guideline</a>  <a href="#">DEW Procurement Governance and</a>
Value	Process							
> \$55,000 but ≤ \$550,000	A minimum of three written quotes, with at least one quote from a South Australian based supplier (or a supplier based in the region in the case of regional procurement), where possible, must be sought. If you cannot							

		<p>identify three suppliers with one being a South Australian based supplier to seek a quote from, the procurement must be advertised as an open tender on SA Tenders and Contracts for a minimum period of 14 calendar days unless:</p> <ul style="list-style-type: none"> <li>• a limited sourcing arrangement, citing one of the reasons listed as dot points in 16 below, has been approved by the delegate</li> <li>• a limited sourcing arrangement, citing a reason other than those listed below, has been approved by the Chief Executive</li> </ul> <p>Open market approach will be used unless a limited sourcing arrangement (whether for a listed reason or otherwise) has been approved by the Chief Executive.</p>		<a href="#">Approvals Procedure</a>
	>\$550,000			
<b>17. Limiting the number of suppliers including direct market approaches</b>	<b>M</b>	<p>A market approach that proposes to limit the market (i.e. seek quotes from fewer than the minimum number outlined above) must be justified and evidenced by thorough market research and sound knowledge of category/market pricing. Single source or limited market approaches must not be chosen for convenience or to avoid competition.</p> <p>You can limit the number of suppliers in accordance with the SAIPP, including procuring directly from an eligible Aboriginal business for procurements valued below \$220,000.</p> <p>If a single source or limited market approach is permissible and selected, you must still maintain the integrity of the procurement process and ensure the limited market approach will achieve value for money.</p> <p>All limited market approaches &gt;\$550,000 must be approved by the Chief Executive at Acquisition Plan approval stage.</p> <p><b>The only acceptable reasons to limit the number of suppliers are:</b></p> <ul style="list-style-type: none"> <li>• the good or service can be supplied only by a particular supplier and no reasonable alternative or substitute good or service exists for either of the following reasons: <ul style="list-style-type: none"> <li>- the requirement is for a work of art; or</li> <li>- the existence of an intellectual property monopoly or other exclusive rights</li> </ul> </li> <li>• procurements conducted in line with the South Australian Government’s Go2Gov program</li> <li>• purchases made under exceptionally advantageous conditions that only arise in the very short term, such as from unusual disposals, liquidation, bankruptcy or receivership, but not for routine purchases from regular suppliers</li> </ul>	<a href="#">How to Connect with Local Aboriginal Businesses</a>	<a href="#">SA Industry Participation Policy</a> <a href="#">SA Product and Services Register</a> <a href="#">DEW Aboriginal Economic Participation Quick Guide and FAQ</a>

	<ul style="list-style-type: none"> <li>the risk to public health and safety necessitates a limited approach</li> <li>the good or service is being procured from an applicable across-government, multi-agency, panel or other mandated contract in accordance with the agreed rules for use of that contract</li> <li>the procurement could not have been foreseen and the timeframes to deliver are short</li> </ul> <p>Any other reason must be approved by the Chief Executive.</p>		
<b>18. Evaluation planning</b>	<p>Develop a strategy to achieve value for money through the sourcing process. This involves identifying an appropriate evaluation methodology and criteria that will be used to assess the value delivered by each supplier's solution, offer or quote.</p> <p>The evaluation criteria, either mandatory, weighted or non-weighted, provide a standard against which you will evaluate the quantitative (financial) and qualitative (non-financial) elements of suppliers' offers to identify the best fit-for-purpose, value for money solution.</p> <p>The evaluation process will consider whole-of-life costing, where appropriate, when evaluating the cost of a supplier's offer. The qualitative evaluation criteria are to be determined by you and modified for each procurement to ensure they are fit for purpose to meet the needs of the end-users and the procurement objectives.</p> <p>The SAIPP is mandatory for procurements valued above \$550,000. Where applicable, it should comprise a minimum 15% weighting of the overall evaluation criteria.</p> <p>For all procurements above \$55,000, the evaluation methodology, mandatory requirements (if any), weighted and non-weighted evaluation criteria must be detailed in the Acquisition Plan/Evaluation Plan and approved by the delegate prior to releasing the tender to the market.</p> <p><b>Transactional and routine procurements</b> – the evaluation methodology and criteria can be incorporated into the Acquisition Plan. A separate Evaluation Plan is not required.</p> <p><b>Complex and strategic procurements</b> - a separate Evaluation Plan must be prepared and attached to the Acquisition Plan.</p>	<p><a href="#">Evaluation Plan Template</a></p>	<p><a href="#">DTF Evaluation Planning Guideline</a></p> <p><a href="#">DTF Value for Money in Procurement Guideline</a></p> <p><a href="#">DTF Value Adds in Government Procurement Guideline</a></p> <p><a href="#">DTF Rebates and Discounts Guideline</a></p>
<b>19. Risk management</b>	<p>Undertake a risk assessment for all procurements valued above \$55,000.</p> <p>The risk assessment should identify and document the:</p> <ul style="list-style-type: none"> <li>identified risk(s) associated with the procurement and the relative goods or service</li> <li>potential impact/consequences of the risk(s)</li> <li>likelihood of the risk(s) occurring</li> </ul>	<p><a href="#">Procurement Risk Management Plan Template</a></p> <p><a href="#">Risk Assessment Template and Examples</a></p>	<p><a href="#">DTF Risk Management Guideline</a></p>

		<ul style="list-style-type: none"> <li>existing controls</li> <li>proposed mitigation and/or treatment of the risk(s)</li> <li>residual risk rating(s).</li> </ul> <p>The risk assessment will be used to determine the overall risk level of the procurement as part of the procurement planning process. The risk assessment will be commensurate with the value and complexity of the procurement</p> <p><b>Transactional and routine procurements</b> – the risk assessment can be incorporated into the Acquisition Plan. A separate Risk Management Plan is not required.</p> <p><b>Complex and strategic procurements</b> - a separate Risk Management Plan must be prepared and attached to the acquisition plan for all complex and strategic procurements.</p>		
<b>20. Performance measures and contract terms</b>		Identify appropriate performance measures and contract management arrangements (including contract term and extension options) prior to sourcing. Include these details in the market approach documentation to ensure prospective suppliers are aware of your expectations.		<a href="#">DTF Contract Management General Requirements Schedule</a>
<b>21. Contract terms for certain not-for-profit arrangements</b>		<p>Depending on ongoing budget availability and continuing need, you should endeavour to establish contracts of three years plus three years plus three years (3 + 3 + 3) for all transactional and routine procurements with not-for-profit (NFP) service providers, where the contract is required for longer than two years and there are no linked funding arrangements with the Commonwealth Government.</p> <p>The appropriateness of long-term contracts needs to be assessed on a case-by-case basis and needs to represent value for money, and be balanced against the potential for new suppliers, whilst also considering the potential to encourage innovation in service delivery and new service models.</p>		<a href="#">DTF Not-for-Profit Quality Assurance Accreditation Guideline</a>
<b>22. Insurance</b>	<b>M</b>	<p>Identify the type(s) of insurance and minimum level(s) of coverage to be affected and maintained by each supplier prior to sourcing. There are three key types of insurance cover for the supply of goods and services: Public Liability, Product Liability, and Professional Indemnity. The type(s) of insurance required will depend on what is being procured.</p> <p>However, all suppliers must have a minimum of \$1 million public liability insurance coverage.</p> <p>Agencies <b>are not required</b> to be named on the supplier’s insurance policy and the supplier <b>is not required</b> to provide a copy of the insurance certificate or renewal certificates.</p>		<a href="#">DEW Insurance Quick Guide and FAQ</a> <a href="#">SAFA Government Contracts</a>



23. Liability limit	M	<p>The default liability limit for all low to medium risk procurements that use the Standard Goods and Services Agreement or Standard NFP Sector Funded Services Agreement will be between one and five times the total value of the contract, as determined by you based on the risk of the procurement (Global Liability Cap). You are encouraged to seek advice from the Crown Solicitor's Office for strategic (high risk) procurements or where it is not possible to determine the risk level prior to procurement.</p>		<a href="#">DEW Limitation of Liability Quick Guide and FAQ</a>
24. SA Industry Participation Policy	M	<p>Industry Participation Plans are required for all procurements valued above \$550,000. On receiving a draft Acquisition Plan for review, the CPU will forward those valued above \$550,000 to the Office of the Industry Advocate.</p> <p>The SAIPP should comprise a minimum 15% weighting of the overall evaluation criteria. The minimum weighting can be lifted at the discretion of agencies based on the merit of the project.</p> <p>Tailored SAIPP should be considered where there is opportunity for expanded economic benefit to the State. <b>It should be noted that all procurement activities related to Bushfire Recovery on Kangaroo Island require a 'Tailored Regional Industry Participation Plan - Kangaroo Island' The KI TIPP is to be included in the evaluation criteria nominated in your Acquisition Plan with a minimum 15% weighting.</b></p> <p>A minimum 20% industry participation weighting must form part of the overall evaluation where the purchase of structural/reinforcing steel and fabrication of structural steelwork is involved.</p> <p>Where a Direct Negotiation is proposed, an IPP is required but no weighting is necessary.</p>		<a href="#">SA Industry Participation Policy</a>  <a href="#">SA Industry Participation Procedural Guidelines</a>  DEW Industry Participation Policy Quick Guide and FAQ
25. Departures from Policy	M	<p>Any departures (deviations) from the DTF Procurement Planning Policy or DTF Sourcing Policy must be recorded in your acquisition plan, with an explanation of the particulars and the rationale. Departures must be entered into the relevant activity plan in PARS. Refer to the DEW Departures Guideline for details.</p>		<a href="#">DEW Departures Guideline</a>  <a href="#">DTF Procurement Planning Policy</a>  <a href="#">DTF Sourcing Policy</a>
26. Approvals before approaching the market	M	<p>All final draft Acquisition Plans with a value above \$110,000 must be forwarded to the CPU for review prior to business unit/delegate approval (email: DEW.Procurement@sa.gov.au). All Acquisition Plans with a value above \$220,000 (GST inclusive) that have been assessed as complex or strategic will then be forwarded by the CPU to the PGC for endorsement. All Acquisition Plans with a value above \$1.5m (GST inclusive) will be forwarded to the PGC for endorsement, whatever the outcome of the complexity assessment.</p> <p>Acquisition Plans (comprising evaluation plans and risk management plans, where applicable) must be approved by the authorised delegate prior to approaching the market or releasing a tender.</p>		<a href="#">DEW Procurement Governance and Approvals Procedure</a>  <a href="#">DEW Delegations</a>

	<p>The Acquisition Plan approver is responsible for approving the resulting Purchase Recommendation; however, the Acquisition Plan approver may authorise another person to approve the Purchase Recommendation at the time of approving the Acquisition Plan.</p> <p>The Acquisition Plan will clearly identify who will approve the Purchase Recommendation.</p> <p><b>Only the Chief Executive can approve:</b></p> <ul style="list-style-type: none"> <li>• <b>Acquisition Plans with an estimated value above \$550,000 that involve a limited market approach; and</b></li> <li>• <b>Acquisition Plans with an estimated value between \$55,000 and \$550,000 that involve a limited market approach that does not meet one of the acceptable criteria.</b></li> </ul> <p><b>In order to capture reporting data for procurements valued between \$55,000 and \$110,000, a copy of the approved Acquisition Plan should be provided to the CPU at DEW.ApprovedProcurementReports@sa.gov.au at the earliest opportunity.</b></p>		
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## Stage 2 - Sourcing

Project Manager Activities	Status	Description of Process and Required Tasks <i>(Note: all values are GST Inclusive)</i>	Templates, Output Documents and Tools	References and Resources										
<b>Approaching the Market</b>														
<b>1. Market approach templates</b>	<b>M</b>	<p>DTF Procurement Services SA's standard market approach templates will be used for all goods and services procurements with an estimated cost above \$55,000. The table below provides a summary of the market approach templates that are suitable for use depending on the applicable complexity classification / level of risk.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #D3D3D3;"> <th style="padding: 5px;">Market Approach Template</th> <th style="padding: 5px;">Transactional (low risk)</th> <th style="padding: 5px;">Routine (low/med risk)</th> <th style="padding: 5px;">Complex (med risk)</th> <th style="padding: 5px;">Strategic (high risk)</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Request for Quote (RFQ)</td> <td style="padding: 5px;">Suitable</td> <td style="padding: 5px;">Suitable</td> <td style="padding: 5px;">Not suitable</td> <td style="padding: 5px;">Not suitable</td> </tr> </tbody> </table>	Market Approach Template	Transactional (low risk)	Routine (low/med risk)	Complex (med risk)	Strategic (high risk)	Request for Quote (RFQ)	Suitable	Suitable	Not suitable	Not suitable	<p><a href="#">Request for Quote Template (RFQ)</a></p> <p><a href="#">Sourcing Templates</a> including:</p> <p><i>Invitation to Supply (ITS) Parts A, B, C &amp; D</i></p> <p><i>Invitation for Expression of</i></p>	<p><a href="#">Part A – EOI – Process Guide</a></p> <p><a href="#">Part A – ITS – Procurement Process Guideline</a></p>
Market Approach Template	Transactional (low risk)	Routine (low/med risk)	Complex (med risk)	Strategic (high risk)										
Request for Quote (RFQ)	Suitable	Suitable	Not suitable	Not suitable										

		<table border="1"> <tr> <td>Invitation to Supply (ITS) Parts A, B, C &amp; D</td> <td>Suitable</td> <td>Suitable for procurements above \$550,000</td> <td>Suitable</td> <td>Suitable</td> </tr> <tr> <td>Invitation for Expression of Interest (EOI) Parts A, B &amp; C</td> <td>Suitable</td> <td>Suitable</td> <td>Suitable</td> <td>Suitable</td> </tr> </table>	Invitation to Supply (ITS) Parts A, B, C & D	Suitable	Suitable for procurements above \$550,000	Suitable	Suitable	Invitation for Expression of Interest (EOI) Parts A, B & C	Suitable	Suitable	Suitable	Suitable					<p><i>Interest (EOI) Parts A, B &amp; C</i>  <i>Part B – ITS – Specification</i>  <i>Part C – EOI – Supplier Response Form</i></p>	
Invitation to Supply (ITS) Parts A, B, C & D	Suitable	Suitable for procurements above \$550,000	Suitable	Suitable														
Invitation for Expression of Interest (EOI) Parts A, B & C	Suitable	Suitable	Suitable	Suitable														
<p><b>2. Standard government contracts</b></p>	<p><b>M</b></p>	<p>Use the government’s standard government agreements, as far as practicable, for procuring all goods and services, and minor construction projects valued up to \$165,000, unless recommended or supported by CSO. <b>CSO advice must be sought prior to negotiating an agreement to use a supplier’s own contract template/documentation.</b></p> <p>The table below provides a summary of the standard government templates that are suitable for use based on the on the applicable complexity classification/level of risk.</p> <table border="1"> <thead> <tr> <th>Contract Template</th> <th>Transactional (low risk)</th> <th>Routine (low/med risk)</th> <th>Complex (med risk)</th> <th>Strategic (high risk)</th> </tr> </thead> <tbody> <tr> <td>Standard Purchase Order</td> <td>Suitable</td> <td>Not suitable</td> <td>Not suitable</td> <td>Not suitable</td> </tr> </tbody> </table>	Contract Template	Transactional (low risk)	Routine (low/med risk)	Complex (med risk)	Strategic (high risk)	Standard Purchase Order	Suitable	Not suitable	Not suitable	Not suitable	<p><a href="#">Purchase Order Standard Terms and Conditions</a>  <a href="#">Standard Goods and Services Agreement</a>  <a href="#">Standard Not-For-Profit Sector Funded Services Agreement</a>  <a href="#">DIT Minor Works Agreement</a></p>	<p><a href="#">Treasurer’s Instruction 8</a></p>				
Contract Template	Transactional (low risk)	Routine (low/med risk)	Complex (med risk)	Strategic (high risk)														
Standard Purchase Order	Suitable	Not suitable	Not suitable	Not suitable														

	Standard Goods and Services Agreement	Suitable	Suitable	Suitable	Not suitable		
	Standard Not-for-Profit Sector Funded Services Agreement (only where up-front block funding is provided to an NFP organisation)	Suitable	Suitable	Suitable	Not suitable		
	Bespoke contract (developed by CSO)	Not suitable	Not suitable	Suitable	Suitable		
	Minor works agreement	Suitable	Suitable for construction projects valued up to \$165,000 only.	Not suitable	Not suitable		
	<ul style="list-style-type: none"> <li>• Assess whether a Standard Goods and Services Agreement is required for a transactional (low risk) good or service and utilise as required. A Standard Purchase Order can be used for transactional procurements.</li> <li>• Use the Standard Goods and Services Agreement for all routine (low/medium risk) goods and services procurements, as far as practicable. This includes procurements of consultancy services and for establishing panel contracts.</li> <li>• Use the Standard Goods and Services Agreement for all complex (medium risk) goods and services procurements, except where a bespoke contract may be required; for example, where there is contractual complexity, an innovative delivery methodology, or very active contract management is required.</li> <li>• Use the Standard Not-for-Profit (NFP) Sector Funded Services Agreement for all transactional (low risk), routine (low/medium risk) and complex (medium risk) procurements where up-front block funding is provided to an NFP organisation to deliver a service. Where payment is based on price schedules and is paid in arrears, the Standard Goods and Services Agreement will be used, as far as practicable.</li> <li>• For low risk construction projects valued up to \$165,000, the Minor Works Agreement may be used.</li> <li>• Consult the CSO regarding the drafting of a bespoke contract with appropriate provisions for all strategic (high risk) procurements, and procurements where it is not considered appropriate to use</li> </ul>						

		<p>the Standard Goods and Services Agreement or Standard Not-for-Profit (NFP) Sector Funded Services Agreement. For routine, commercial-off-the-shelf procurements of Information Technology products and services (for example), the CSO may recommend the use of the supplier's contract, amended where possible to reflect the public authority's specific requirements.</p> <ul style="list-style-type: none"> <li>• The standard terms and conditions of the government's standard contracts must not be amended unless there is a compelling reason. Legal advice must be sought from the CSO prior to changing or adding to the standard terms and conditions.</li> <li>• All contracts will be approved and executed in line with Treasurer's Instruction 8.</li> </ul>		
<b>3. Disclosure of evaluation criteria to the market</b>	<b>M</b>	<p>Ensure that invitation/market approach documents (including Expressions of Interest but excluding market sounding processes such as a Request for Information) identify the evaluation criteria that will be used to evaluate supplier responses including applicable mandatory, weighted and non-weighted criteria. <b>Do not provide the weightings.</b></p> <p>The evaluation criteria must be the same as those that were approved in the Acquisition Plan or Evaluation Plan. In the event that changes are required, the market must be immediately notified of the change and provided the opportunity where applicable to amend any offer/quote.</p>		
<b>4. Opening and advertising a tender</b>	<b>M</b>	<p>All tenders should be opened and advertised for a period that is sufficient for suppliers to prepare and electronically submit a high-quality quote/offer. At a minimum, open market approaches with an estimated cost above \$550,000 will be released and advertised in electronic form on the SA Tenders and Contracts website, and will remain open for a minimum period of 25 calendar days.</p> <p>The tender close date and time will be clearly specified on the market documentation and advertisement.</p> <p>All procurements will allow for electronic lodgement of tender submissions. Where print advertising or hard copy tender submissions are required in exceptional circumstances, notify the market of the tender electronically via SA Tenders and Contracts and ensure it is compliant with the government's international obligations for all covered procurements.</p> <p>Provide market approach documentation to the CPU for publishing on Tenders SA.</p>		DEW Advertising Tenders Quick Guide and FAQ
<b>5. Engagement with suppliers during tender open period</b>		<p>During the tender open period, other than an industry briefing, only communicate with potential suppliers regarding the tender through the Contact Officer identified in the invitation/market approach documents.</p>		<a href="#">DTF Probity and Ethical</a>

				<a href="#">Procurement Guideline</a>
<b>6. Clarifications and addenda</b>		<p>Whenever changes are made to market documents that have been released on the SA Tenders and Contracts website, prepare an addendum and provide to the CPU for release via the website as soon as practicable. If a selective market approach was undertaken via another method, the addenda should be issued as a 'blind copy' at the same time to all invited suppliers.</p> <p>If a supplier asks for clarification or further information regarding the market documentation or procurement process, where appropriate, the Contact Officer will promptly make the response available to all potential suppliers at the same time by way of an addenda released as detailed above.</p>		
<b>7. Extension to tender periods</b>		<p>Only extend the tender open period where late addenda or some other exceptional circumstance impacts suppliers' ability to meet the initial closing time that is outside of the supplier's control. If an extension is issued, the extension will apply equally to all suppliers. Approval to extend a tender will be at the discretion of the appropriate delegate.</p> <p>An extension must not be given if doing so will compromise the integrity of the procurement process.</p>		
<b>8. Advertising an across-government, multi-agency or panel arrangement</b>		<p>During the sourcing stage, you should:</p> <ul style="list-style-type: none"> <li>• not raise supplier expectations of a higher volume of work than is available and make no commitment to undertake a specified volume of purchases during the contract period</li> <li>• inform all relevant users and panel members of the secondary procurement process to be followed, if applicable</li> <li>• inform all relevant users and panel members that the agency may add panel members if they meet the prequalification criteria or remove panel members if they fail to meet performance requirements or due to insolvency</li> <li>• inform all relevant users and panel members that the agency may add or remove goods or services as circumstances arise (e.g. discontinuance of a product)</li> <li>• ensure that any exemptions from using the contract do not infringe the contractual and legal obligations of the contract</li> <li>• ensure that controls are in place to prevent unauthorised access to, and divulging of, commercial-in-confidence contract information (except where allowed for by government policy or legislation).</li> </ul> <p><b>M</b> <b>Across government contracts cannot be established without Cabinet approval.</b></p>		<a href="#">DTF Across-Government, Multi-Agency and Panels Guideline</a>

<b>9. Receiving and opening supplier offers</b>		The process of receiving, receipting, opening and registering supplier offers must be secure and ensure confidentiality, whether offers are physically or electronically received.	<a href="#">Tenders Received Form</a>	
<b>10. Late offers</b>	<b>M</b>	<p>An offer received after the tender has closed is a "late offer". A late offer cannot be accepted, unless:</p> <p>a) the agency determines in its sole discretion that it has caused or contributed to the failure to lodge by the Closing Date and Time; or</p> <p>b) the agency decides that exceptional circumstances exist which warrant consideration of the late offer.</p> <p>The response must not be opened and reviewed until a decision has been made to accept the offer or not. Approval to accept a late offer must be authorised by the Chief Executive (or delegate)</p> <p>A late offer must not be accepted, if doing so will compromise the integrity of the procurement process.</p>		
<b>11. Evaluation conflict of interest declaration</b>	<b>M</b>	<p>All participants in the procurement evaluation process (i.e. agency employees, project consultants and probity advisers) must complete a conflict of interest declaration and confidentiality agreement prior to commencing the evaluation.</p> <p>Any actual, potential or perceived conflict of interest identified before, during or at the conclusion of the evaluation process must be documented and actioned appropriately by the Chair of the evaluation panel.</p> <p>A conflict of interest declaration must be completed even where there are no conflicts to declare.</p>	<a href="#">Confidentiality and Conflict of Interest Declaration</a>	
<b>12. Evaluation methodology</b>	<b>M</b>	<p>The evaluation of suppliers' offers must follow the evaluation methodology approved in the Acquisition Plan and/or Evaluation Plan. Any departures from the approved plan must be documented in the purchase recommendation. (Refer step 20 for further information on departures).</p> <p>The CPU will forward a copy of any Standard Industry Participation Plans (SIPP) registered in the IPP online portal to the Chair of the evaluation team/contact person and provide each respondent's SIPP scores for validation, verification and subsequent inclusion in the evaluation team's tender scoring. For clarity, Tailored Industry Participation Plans should be attached to tender submissions and are scored by the evaluation team in line with the scoring methodology previously agreed between the agency and OIA.</p>		<a href="#">DTF Evaluation Process Guideline</a> <a href="#">DTF Value-Adds in Government Procurement Guideline</a> <a href="#">DTF Rebates and Discounts Guideline</a>
<b>13. Engagement with</b>		Suppliers should be kept informed of the progress of the tender evaluation, particularly if there are delays.		<a href="#">DTF Probity and Ethical</a>

suppliers during evaluation				<a href="#">Procurement Guideline</a>
14. Negotiations	<b>M</b>	<p>During contract negotiations, ensure:</p> <ul style="list-style-type: none"> <li>the negotiation process is transparent, documented and conducted in a manner that is fair and equitable for all shortlisted suppliers</li> <li>requests seeking further information, improvements to a supplier's offer or a best and final offer are conducted in a consistent manner and that any accepted improvements are within scope of the market approach</li> <li>the negotiation is undertaken by persons with the appropriate skills and capability required to adequately represent, and advocate on behalf of, the public authority.</li> </ul> <p><b>Transactional and routine procurements</b> – assess whether a formal negotiation plan is required for contract negotiations.</p> <p><b>Complex and strategic procurements</b> - a formal negotiation plan will be prepared for all contract negotiations undertaken in a complex and strategic procurements.</p>	<a href="#">Negotiation Plan Template</a>	<a href="#">DTF Negotiation Guideline</a>  DEW Clarification and Negotiation Quick Guide and FAQ
<b>Commence your Purchase Recommendation</b>				
15. Evaluation report and purchase recommendation	<b>M</b>	<p>A Purchase Recommendation and (or including) an evaluation report must be prepared for all procurements with a cost above \$55,000, once the evaluation process is complete.</p> <p>The evaluation report may form part of, or be attached to, the Purchase Recommendation.</p> <p>The Purchase Recommendation or evaluation report (as part of the Purchase Recommendation) will, at a minimum, detail:</p> <ul style="list-style-type: none"> <li>the evaluation process undertaken</li> <li>any identified conflict/s of interest</li> <li>negotiations (if any)</li> <li>the evaluation outcome and recommended supplier/s</li> <li>any departures (deviations) from the approved Acquisition Plan or Evaluation Plan (including approvals sought to depart). As with the Acquisition Plan, all departures must be recorded in the Departures Register in PARS.</li> <li>final contract details</li> </ul>	<a href="#">Purchase Recommendation Template</a>  <a href="#">Evaluation Matrix</a>  <a href="#">Evaluation Assessment Form (Individual)</a>  <a href="#">OIA Identification of Preferred Supplier Form</a>	<a href="#">DEW Procurement Governance and Approvals Procedure</a>  <a href="#">DEW Delegations</a>



		<ul style="list-style-type: none"> <li>lessons learnt for the purpose of continuous improvement.</li> </ul> <p>A supplier cannot be recommended if it is assessed that their offer will not achieve the desired outcome or value for money. This may result in no contract being awarded.</p> <p>The Purchase Recommendation will be signed by all members of the evaluation panel to demonstrate it is a true reflection of the sourcing process, and confirm the conflict of interest declarations.</p> <p><b>All purchase recommendations with a value above \$110,000 should be forwarded to the CPU for review prior to business unit approval.</b></p> <p>The Purchase Recommendation must be approved prior to awarding the contract by the authorised person identified in the approved Acquisition Plan.</p> <p><b>In order to capture reporting data for procurements valued between \$55,000 and \$110,000, a copy of the approved Purchase Recommendation should be provided to the CPU at DEW.ApprovedProcurementReports@sa.gov.au at the earliest opportunity.</b></p>		
<b>Developing your Contract</b>				
<b>16. Contract development and execution</b>		<p>Wherever possible, include a DRAFT contract with the market approach documents. Contract performance measures will, where appropriate, be informed by the original procurement objectives as documented in the Acquisition Plan.</p> <p>Effective performance measures will be outcome focused (as far as practicable), able to be measured objectively, understood by all parties and reflect the key aspects of the contract. All contracts will be approved and executed in line with Treasurer’s Instruction 8.</p>	<a href="#">Contract Management Plan Template</a>	<a href="#">DTF Contract Start-up Guideline</a>
<b>17. Notifications of outcome and tender debriefs</b>	<b>M</b>	<p>All suppliers that submitted an offer will be advised in writing of the outcome of their offer and given the opportunity to receive feedback on their offer.</p> <p>Prepare and conduct a formal tender debrief as requested. Tender debriefs will provide constructive feedback to suppliers.</p>	<a href="#">Template Letter to Preferred Respondent</a> <a href="#">Template Letter to Unsuccessful Respondent</a> <a href="#">Supplier Debriefing Preparation Template</a>	<a href="#">DTF Supplier Debrief Guideline</a> DEW Supplier Debriefing Quick Guide and FAQ <a href="#">DEW Procurement Supplier Complaints Procedure</a>

<p><b>18. Contract recording and disclosure</b></p>	<p><b>M</b></p>	<p>Contract details must be entered into PARS and disclosed in accordance with PC027 - Disclosure of Government Contracts.</p> <p>Contracts to be disclosed include:</p> <ul style="list-style-type: none"> <li>• All consultancies of any value</li> <li>• Goods, services and works contracts valued above \$500,000</li> </ul> <p>Applicable contracts under PC027 must be disclosed within 60 days of contract execution. If relevant, complete a Contract Disclosure Form and forward the approved form (and scanned copy of the executed contract if required under PC027) to the DEW CPU (within 50 days of the contract being executed) for uploading to the SA Tenders website.</p>	<p><a href="#">Contract Disclosure Form</a></p>	<p><a href="#">PC027 – Disclosure of Government Contracts</a></p> <p><a href="#">DEW Disclosure of Government Contracts Quick Guide and FAQ</a></p> <p><a href="#">DTF Contract Disclosure Checklist</a></p>
<p><b>19. Post-Sourcing Review</b></p>	<p><b>M</b></p>	<p><b>Complex and strategic procurements (goods and services)</b> - within 60 days of purchase recommendation approval, you must undertake a documented Post Sourcing Review for all complex and strategic goods and services procurements to inform and improve future procurement processes and strengthen procurement capability.</p> <p>You should consider the extent to which the intended procurement outcome was met and identify and record the procurement strategies that helped to achieve the outcome and what could help to achieve a better outcome in the future.</p> <p>A copy of the Post Sourcing Review should be provided to the CPU.</p> <p><b>Transactional and routine procurements</b> – this information should be captured in the Purchase Recommendation as 'lessons learned'.</p>	<p><a href="#">Post-Sourcing Review Template</a></p>	
<p><b>20. Departures from approved acquisition plan or evaluation plan</b></p>	<p><b>M</b></p>	<p>Where there is a material departure from the sourcing strategy approved in the Acquisition Plan or Evaluation Plan, you must assess whether these departures are material and require further approval by the appropriate approving authority.</p> <p>You will assess the level of departure by considering:</p> <ol style="list-style-type: none"> <li>1. the measure of impact on the sourcing strategy, time and effort of supplier to respond, probity and/or the procurement outcome; and</li> <li>2. the stage in the procurement process.</li> </ol> <p>Details for undertaking the assessment can be found in the DEW Departures Guideline. Where the departure has been assessed as high/extreme, the CPU should be consulted.</p>		<p><a href="#">DEW Departures Guideline</a></p> <p><a href="#">DTF Sourcing Policy</a></p>

		Departures must be entered into the relevant activity plan in PARS. Refer to the DEW Departures Guideline for details.		
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## Stage 3 – Contract Management

Project Manager Activities	Description of Obligations/ Required Steps  (Note: all values listed in this procedure are GST Inclusive)	Output Documents	References and Resources
<b>Managing your Contract</b>			
<b>1.Contract risk and complexity assessment</b>	<p><b>M</b> Review the risk and complexity assessments that were undertaken during the planning and sourcing stages and update as required. The contract will then be classified as either transactional, routine, complex or strategic based on the level of complexity, risk profile and value of the contract.</p> <p>The classification process is critical to understand its business impact and the resourcing required to manage the contract for its life.</p>	<a href="#">DEW Complexity Assessment Matrix</a>	<a href="#">DTF Contract Management Policy</a>  <a href="#">DTF Complexity and Capability Assessments Guideline</a>
<b>2.Contract manager</b>	<p><b>M</b> <b>Routine, complex and strategic contracts</b> will be managed by an adequately resourced and skilled contract manager.</p> <p>At a minimum, a public officer managing a <b>routine</b> contract is required to have completed the Procurement Services' <i>Principles of Contract Management</i> course (or similar) within the last two-year period.</p> <p>Public officers managing <b>complex and strategic</b> contracts are required to have completed the Procurement Services' <i>SA Principles of Contract Management</i> course and <i>SA Advanced Contract Management</i> course (or similar), within the last two-year period.</p>		<a href="#">DTF Contract Management General Requirements Schedule</a>
<b>3.Contract handover</b>	<p><b>M</b> <b>Routine, complex and strategic contracts</b> - use a contract handover checklist for all contracts, except transactional contracts, to ensure effective contract handover has been completed.</p>	<a href="#">DTF Contract Handover Checklist</a>  <a href="#">Contract Transition (in and out) Planning Checklist</a>	

<b>4.Contract management plan</b>	<b>M</b>	<p>At a minimum, the contract manager will review the entire contract to ensure they understand each party's contractual obligations and the deliverables/objectives that the contract is set up to achieve.</p> <p><b>Complex and strategic procurements</b> - A Contract Management Plan will be developed and approved by the contract owner, no later than at the contract commencement date. The Contract Management Plan will be implemented and monitored regularly (at least annually) throughout the term of the contract and updated as required.</p>	<a href="#">Contract Management Plan Template</a>	<a href="#">DEW Contract Management Framework</a>
<b>5.Establishing a contract administration process</b>	<b>M</b>	<p><b>Transactional and routine procurements</b> – assess whether a kick-off meeting is required.</p> <p><b>Complex and strategic procurements</b> - Contract managers will arrange a kick-off meeting for all complex and strategic contracts.</p>		
<b>6.Performance management</b>		<p>Contract managers should continue to monitor performance measures and manage performance over the life of the contract in line with the performance standards detailed in the contract.</p> <p>Where a supplier's performance is found to be inadequate, the issue should be discussed with the supplier to try and reach an agreement how to remedy the situation before further action is taken. This will be subject to any applicable terms of the contract regarding performance.</p>	<a href="#">Annual Contract Review Template</a>	
<b>7.Dispute resolution</b>		<p>If a dispute arises out of a contract, manage the dispute in accordance with the terms and conditions of the contract and seek advice from the Crown Solicitor's Office as required.</p>		
<b>8.Contract extensions and variations</b>		<p>Where a contract variation has been proposed, and before exercising an extension option (if applicable), you should consider whether the variation/extension is necessary to deliver the contract outcomes and achieve value for money.</p> <p>Exercising an extension option or varying a contract must be approved in accordance with Treasurer's Instructions and as set out in the DEW Contract Extensions and Variations Guideline.</p>		<a href="#">DEW Contract Extensions and Variations Guideline</a>  <a href="#">DTF Contract Extensions and Variations Guideline</a>
<b>9.Transition out</b>		<p>If relevant, ensure transition planning is in place before the contract expires and prior to going back out to the market if the supply of similar goods or services is required.</p>	<a href="#">Contract Transition (in and out) Planning Checklist</a>	

## Disposal of Assets

<b>10. Disposal</b>		Dispose of surplus goods in a manner that is lawful, efficient, economical and ethical. Refer to the Procurement Disposal Guideline for further details or contact the CPU for advice.	<a href="#">Asset Disposal Form</a> <a href="#">Disposal Agreement (Sale)</a> <a href="#">Disposal Agreement (Donation)</a>	<a href="#">DEW Procurement Disposal Guideline</a> <a href="#">DEW Asset Disposal Policy and Procedure</a> <a href="#">DTF Disposal Guideline</a>
<b>Contract Review and Closure Report</b>				
<b>11. Post-contract review</b>	<b>M</b>	<b>Routine, complex or strategic contracts</b> - A post-contract review report (also referred to as a 'contract closure report') should be prepared and forwarded to the CPU.	<a href="#">Contract Closure Report Template</a>	<a href="#">DTF Contract Closure Guideline</a>



# DEW Procurement Governance Policy

## Policy Statement

The Department of Treasury and Finance (DTF) has established the South Australian Government Procurement Framework (Framework) to set the policies that govern procurement undertaken by South Australian Government public authorities.

The Framework consists of Treasurer's Instruction 18 Procurement (TI18), a Procurement Governance Policy and three supporting policies that set the minimum requirements for each key procurement activity (planning, sourcing and contract management). The Framework is designed to empower public authorities to engage with industry, clients and communities to innovate and take balanced risks to pursue better outcomes.

Public authority Chief Executives (as defined in the *Public Finance and Audit Act 1987*) are responsible for the efficient and effective management of procurement within their agency, in accordance with the Framework. This includes the establishment of an appropriate internal agency procurement framework.

DEW's Procurement Framework outlines governance arrangements, policy and procedures for undertaking the procurement of goods, services, construction and works across the Department. Chief Executives of public authorities, including Boards and Committees, that elect to operate in accordance with DEW's Framework, are not relieved from the obligations contained in TI18. For the purposes of public authorities using DEW's Framework, any reference to 'Chief Executive' under the framework means the Chief Executive of that public authority.

## Scope

This Policy applies to:

- all DEW, Environment Protection Authority (EPA) and Office of Green Industries SA (GISA) staff.
- Boards and Committees aligned under DEW's Procurement Framework.

The DEW procurement framework governs the purchase of all goods and services of any value, and all works valued below \$165,000 (GST inclusive). This includes buying goods or services from industry and the not-for-profit sector.

Construction/works procurements valued above \$165,000 (GST inclusive) are also covered by the DEW procurement framework, except where Department for Infrastructure and Transport (DIT) requirements take precedence.

The Framework does not apply to grants as defined in Treasurer's Instruction 15.

## **Policy**

The DEW procurement framework reflects the key principles of the South Australian Government Procurement Framework:

### **Principle 1 - Achieving Value for Money**

Value for money (VFM) is achieved in procurement by finding the optimum balance between whole-of-life cost and quality. Public authorities will seek to achieve VFM in every procurement they undertake.

### **Principle 2 - Creating South Australian Jobs**

It is business that creates opportunity and provides the chance for people to get jobs and be in work. Public authorities will consider the economic benefit of each procurement to the South Australian economy, including the creation of new jobs, in the pursuit of value for money.

Public authorities will maximise opportunities for South Australian businesses by developing annual industry engagement plans and through the application of the *South Australian Industry Participation Policy* ('SAIPP') and *SAIPP Procedural Guidelines*. This includes considering the capacity of the local supply market and supply chain and the benefits and opportunities to be achieved through:

- open and competitive procurement processes, where appropriate
- effective communication and consistent provision of information to suppliers
- clear and proportionate market approach documents
- disaggregating supply for large projects
- fair and transparent sourcing strategies
- constructive feedback to suppliers on decision-making processes
- effective complaints management processes.

### **Principle 3 - Increasing the number of apprentices and trainees**

Public authorities will seek to leverage their purchasing power to increase the number of apprentices and trainees involved in projects supplying to government. This includes creating opportunities through the type of market approach, evaluation of value for money and establishing performance measures in contracts.



#### **Principle 4 - Stimulating innovation and new businesses**

Innovation and new business will be encouraged wherever the opportunity exists to improve the way the goods and services are delivered. Public authorities will promote this through effective industry engagement, market research, outcome-based procurement practices and the adoption of a continuous improvement mindset in the procurement community.

#### **Principle 5 - Achieving environmentally sensitive, low-carbon, socially-just outcomes**

To help build a strong, climate smart economy and support South Australia to adapt to a changing environment, public authorities will seek to achieve environmental and social procurement outcomes and promote and encourage suppliers to improve practices and minimise environmental impacts.

Public authorities will engage with communities and key stakeholders at the earliest stages of the procurement process and endeavour to put the needs of their clients and communities at the centre of procurement and contracting practices. Public authorities will be guided by the principles of Premier's Circular 044, Funding Policy for the Not-for-Profit (NFP) Sector, to support and strengthen these collaborative partnerships and improve the lives of South Australians.

All procurement activities will be undertaken in a manner that ensures probity is upheld at every stage and that suppliers are treated fairly and ethically throughout the procurement and contract management process.

#### **Responsibilities**

<b>Position</b>	<b>Responsibility</b>
All staff (DEW and aligned public authorities)	When undertaking procurement, this policy applies.
Central Procurement Unit, Finance Branch	Responsible for implementation and review of this policy, on behalf of the Chief Executive.

#### **Definitions**

'Procurement' is a term defined in [Treasurer's Instruction 18 Procurement](#).

'Construction/works procurements' means construction projects or construction works as defined in [Treasurer's Instruction 18 Procurement](#).

#### **Associated Documents and References**

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Government procurements must adhere to the legal framework, all applicable legislation, government policies, instructions and agreements. These include:

- State and Commonwealth Legislation
- International Free Trade Agreements
- Treasurer's Instruction 18 Procurement and other relevant Treasurer's Instructions
- Department of Treasury and Finance's procurement policies
- Department of Premier and Cabinet Circulars
- South Australian Industry Participation Policy and Guidelines
- DEW Financial Authorisation Guidelines including Financial and Procurement Delegations

The following procedures have been developed to assist business units undertaking procurements:

- Procurement Governance and Approvals Procedure
- Simple Procurement Procedure (including secondary procurements and use of established government facilities)
- Standard Procurement Procedure (procurements valued above \$55,000)
- Supplier Complaints Management Procedure

### Contact

Central Procurement Unit

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Email: DEW:Procurement@sa.gov.au

Approved by	Ben Bruce Chief Executive	Date Approved	
Responsible Unit	Finance Branch Strategy, Science and Corporate Services	Review Date	
Keywords	Procurement, Governance, Framework	Version	DRAFT 2.0

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Government of South Australia  
Department for Environment  
and Water

Ref: DEW [Insert File Ref No]

# Simple Procurement Procedure

(for procurements valued \$55,000 and below and all procurements from Established Government Facilities)

*All values stated in this procedure document are GST Inclusive*

## Purpose

The DEW Procurement Framework seeks to ensure that low value procurements and single source market approaches (i.e. direct negotiations) with an Established Government Facility, are undertaken in a timely and cost-efficient manner, while maintaining probity, accountability and transparency.

The process and level of effort in undertaking these procurements should be commensurate with the nature and value of the procurement, recognising that unnecessary process creates cost and resource burdens.

## Scope

This procedure applies to the procurement of goods, services, and works by the Department for Environment and Water (DEW), the Environment Protection Authority (EPA), Green Industries SA (GISA) and all Boards and Committees aligned under DEW's Procurement Framework for activities:

- valued \$55,000 or below, or
- being purchased via direct negotiation from an Established Government Facility (of any value)

## Procedure

For procurements up to and including \$55,000, a minimum of one written quote must be sought, where possible from a local supplier. Where a competitive market exists, you should consider obtaining more than one quote.

## Documentation and Approvals

Procurements valued at \$55,000 or below do not require an acquisition plan. However, the procurement should be documented (e.g. emails, quotes, and management approval to proceed etc.) and appropriate records maintained in accordance with DEW's [Records Management Policy](#), and your business unit's agreed systems.

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The procurement process undertaken should be commensurate with the value and complexity of the purchase, including consideration of the reason for selection of supplier(s), how price will be deemed as representing value, any risks requiring documentation, and any departmental policies that may apply that impact the purchase (for example, DEW Contractor Safety Procedures, ICT or risk policies<sup>1</sup>).

For more complex, low value procurements (for example where technical services need to be accurately specified and attached to a contract, where there are staged deliverables and progress payments, or where a greater level of supply market research, competitive process and evaluation is needed) it is recommended the Simple Procurement Report is used to assist in planning and documenting the purchasing decision and approval, as set out below.

Prior to approaching the market, approved budget should be confirmed by an authorised delegate (via email confirmation or in an approved briefing). Procurement authority is not required for approving procurements valued at or below \$55,000 or from Established Government Facilities, but the approver must have an appropriate level of Payment and Disbursement authority.

### *Simple Procurement Report*

The [Simple Procurement Report](#) template:

- may be used to document and seek approval for procurements valued \$55,000 and below, however is most suited to low value procurements where there is a level of complexity to the procurement
- must be used for procurements from Established Government Facilities valued above \$55,000.

The template contains instructions for its completion.

The Simple Procurement Report combines elements of acquisition planning and purchase recommendation and outlines the evaluation process undertaken. The Simple Procurement Report is also used to seek approval from the authorised delegate once the preferred supplier has been chosen.

When detailing your business requirements for suppliers, the [Specification and/or Request for Quote templates](#) can be used to detail your needs. For simple procurements, you can alternatively describe the requirements, and seek quotes, via written request (i.e. email).

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<sup>1</sup> For public authorities aligned under DEW's Procurement Framework, where any DEW internal policy requirements that are not specifically procurement policies are referenced (for example risk, ICT, WHS policies), the public authority must determine whether the policy applies, and if not, any equivalent policy of the public authority that should be applied.

## **Contracting Methods for Procurements Valued \$55,000 and Below**

Procurements valued \$55,000 and below can be made using the following contracting methods:

- Purchase Card
- Purchase Order
- Standard Goods and Services Contract
- Minor Works agreement

### *Purchase Card*

Purchase cards can be used for all low value procurements within the card holder's delegation.

Purchase cards should only be used to pay for one-off purchases of goods or services at a point of sale (e.g. catering supplies). Purchase cards should not be used to pay supplier invoices, which should always be paid through the Basware system.

Refer to the DEW [Purchase Card Policy](#) and [Purchase Card Procedure](#).

### *Purchase Order*

A purchase order is a legally binding document (a contract) which establishes a purchaser's intention to procure goods/services from a particular vendor. Purchase orders may be used for purchases where the goods/services being purchased are transactional, low value and low risk.

A purchase order can be used for the purchase of items, primarily goods that are off-the-shelf (e.g. office supplies or equipment) where the final value of the purchase is known at the time of generating the order, and where detailed instructions to the supplier are not required. Purchase orders cannot be used for minor works projects that should be delivered under the Across-Government Facilities Management Agreement (AGFMA) or for consultancies.

While there is some tolerance for auto matching in Basware (between a purchase order and invoice), you should not use a purchase order where there is likely to be a variation required in the future.

Where you have multiple regular procurements from the same supplier over a set period (e.g. weekly milk deliveries, for which you receive a monthly invoice), and you can reasonably anticipate the total value over a given period of time, you can establish a standing order, and match the regular invoices received to the one purchase order. The purchase order must be approved by an appropriate financial delegate for the total estimated value, and should be closed at the end of the stated time period.

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All purchase orders **must** be issued through Basware to ensure the agreed and most recent Terms and Conditions established for government agencies are attached to the order. Other purchase orders or work orders cannot be issued by individual agencies, Boards or Committees, unless they have been approved as a means to undertake secondary procurements from an established panel of suppliers.

The purchase order Terms and Conditions can be found on the [Contract Templates](#) page.

Branch Business Managers should be contacted for advice on generating a purchase order through Basware.

### *Standard Goods and Services Agreement*

The [Standard Goods and Services template](#) is suitable for use for low to medium risk goods and services procurements. It should be used in circumstances where there is additional contract risk or complexity in the specification of services that may warrant additional contract conditions over the purchase order terms.

### *Minor Works Agreement*

The [Minor Works Agreement](#) is suitable for use in low risk minor works projects.

The terms and conditions of the Standard Goods and Services Agreement and Minor Works Agreement should not be amended without advice of the DEW Legal Unit. Both Agreements must be signed by a delegate with appropriate contract execution authorisation.

If you are unsure of the suitable purchasing or contracting method for a simple procurement, contact the Central Procurement Unit for advice.

### **Use of Established Government Facilities**

Before procuring a good or service, you should consider whether the need can be met using an Established Government Facility (EGF). EGFs are defined as SA Government-owned and managed agencies, organisations, entities or statutory authorities that can provide goods or services to other areas of government (e.g. training services from TAFE SA, professional and technical services from Rural Solutions SA or SARDI, the sale of plants from State Flora etc).

Where you are satisfied that the need can be met and value for money achieved, you are encouraged to source goods and services from an EGF. There is no requirement to enter procurements with EGFs into PARS regardless of the value.

When undertaking a single source market approach (i.e. direct negotiation) with an EGF at or below, \$55,000, a [Simple Procurement Report](#) can be used. Use of the template is required for direct negotiations with EGFs valued above \$55,000.

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If you are not undertaking a sole source market approach with them, but inviting them to participate in a broader competitive market approach such as a selective Request for Quote, the DEW procurement framework must be followed.

As the 'Crown' cannot contract with itself, the standard contract templates do not apply when contracting with EGFs. Separate Service Level Agreement (SLA) templates have been developed for use between DEW and SARDI, and DEW and Rural Solutions. You can download these SLA's from the [Contract Templates](#) page. Contact the DEW Legal Policy Officer for advice and assistance in developing agreements with other EGFs.

Procurements undertaken with an EGF must be approved by an authorised financial delegate (i.e. with a 'Payment and Disbursement' authorisation) in accordance with [DEW financial authorisations](#). There is no requirement for a 'Procurement' authority for any purchase from an EGF, even those valued above \$55,000.

### **Increases in Procurement and/or Contract Value to Above \$55,000**

A procurement undertaken with an estimated value below \$55,000, using a simple procurement process may sometimes result in a recommendation to award a contract valued **above \$55,000**.

Should the value of a procurement increase to above \$55,000 while a process is underway, or result in a recommendation to enter a contract valued above \$55,000, the procurement outcome will need to be approved in accordance with Procurement Services SA's [Sourcing Policy](#), noting that under the policy:

- unless the procurement is being conducted under an established panel arrangement in accordance with approved panel rules, direct market approaches resulting in a recommendation to contract with a supplier that is not a South Australian business (in relation to the procurement) must be approved by the Chief Executive, where the Chief Executive did not initially approve the direct market approach.
- where there is a South Australian business that could supply the required good or service, but the recommended supplier is not a South Australian business, approval of the procurement outcome must be obtained from the Chief Executive.

The approval of the procurement outcome should note the reasons for the increased value and consider whether any departures from required policy (e.g. PSSA's [Procurement Planning Policy](#) and [Sourcing Policy](#)) have occurred (refer to DEW's [Departures Guideline](#) and the Central Procurement Unit for advice).

Where the value increases to above \$55,000 during the procurement process, the procurement must be entered into the Procurement Activity Reporting System (PARS) as soon as is practicable (but not published on the forward procurement plan where the market approach has already been undertaken. Note in the Description section of PARS, the reason

for adding the procurement after market approach (i.e. increased value from below \$55,000 which meant the procurement was not originally anticipated to require PARS entry, explain the reasons for the increase).

Sometimes during the performance of a contract, the contract value may increase from below to above \$55,000 (for example, as a result of contract variations). Should a contract value increase to above \$55,000, it must be recorded in PARS as soon as practicable. The procurement must be added to PARS as a new requirement, and the original contract value should be recorded. The procurement activity must be entered first to enable you to create the contract record. The increase to contract value can then be added as a contract variation in the contract record. Note in the Description section of PARS the reason that this procurement has been added (e.g. variation to contract increased value above \$55,000). Once the contract has been recorded on PARS in this manner, any subsequent variations should be recorded on the PARS contract record as variations in the usual manner.

### **Responsibilities**

<b>Position</b>	<b>Responsibility</b>
All staff (DEW and aligned public authorities)	When undertaking procurement valued below \$55,000, or sourcing through and Established Government Facility (of any value), this procedure applies.
Central Procurement Unit, Finance Branch	Responsible for implementation and review of this procedure, on behalf of the Chief Executive.

### **Definitions**

'Established Government Facilities' are SA Government-owned and managed agencies, organisations, entities or statutory authorities that can provide goods or services to other areas of government.

'Minor works' for the purposes of this procedure, means construction projects or construction works that are low risk and valued less than \$55,000.

'South Australian Business' is a term defined in Treasurer's Instruction 18 Procurement. A business is a South Australian business in relation to a procurement if the business operates in South Australia and more than 50% of the workforce delivering the contract resulting from the procurement on behalf of the business are residents of South Australia.

### **Associated Documents and References**

All referenced documents are linked in the body of this procedure.

### **Contact**



**OFFICIAL**

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Approved by	Ben Bruce Chief Executive	Date Approved	
Responsible Unit	Finance Branch, Strategy, Science and Corporate Services	Review Date	
Keywords		Version	DRAFT 2.0



# Procurement Governance and Approvals Procedure

**All values stated in this procedure document are GST Inclusive**

## Purpose

This procedure supports the DEW [Procurement Governance Policy](#) and relates to the governance and approvals processes applicable to the procurement of goods, services, works and construction across the Department for Environment and Water (DEW), the Environment Protection Authority (EPA), Green Industries SA (GISA) and all Boards and Committees aligned under DEW's Procurement Framework.

It aims to ensure that procurements are conducted in line with legislative requirements and across government policies and procedures, and to support Public Authority Chief Executives in undertaking their responsibilities as outlined in [Treasurer's Instruction 18 Procurement](#).

## Procedure

### Procurement Governance

The Chief Executive is responsible for the efficient and effective management of all procurements within their agency, including the implementation of, and compliance with, the South Australian Government Procurement Framework.

The Chief Executive also approves a system of delegations for the management of procurement and contract approvals within their agency that aligns with the requirements of [Treasurer's Instruction 18 Procurement \(TI18\)](#) and [Treasurer's Instruction 8 Financial Authorisations \(TI8\)](#).

#### *Aligned Public Authorities*

In accordance with TI18, public authorities may elect to follow DEW's internal procurement framework, effected by a Service Level Agreement between DEW and the public authority. For public authorities that have elected to follow DEW's procurement framework, the term 'Chief Executive' when referenced in the DEW procurement framework, policies, procedures and guidelines, means the Chief Executive (or equivalent officer) of that public authority.

Where the DEW procurement framework, policies, procedures and guidelines reference any DEW internal policy requirements that are not specifically procurement policies, (for example risk, ICT, WHS policies), the public authority must determine whether the policy applies, and if not, any equivalent policy of the public authority that should be applied.

#### *Procurement Governance Committee*

The Chief Executive is supported by the DEW Procurement Governance Committee (PGC) to govern key procurement functions. The PGC assists in the delivery of agency outcomes by reviewing procurement submissions to ensure they align with key procurement principles,

achieve value for money, demonstrate transparent practices and maintain high standards for the Principal Officer.

The PGC has the authority to:

- endorse and enforce procurement policies and procedures
- endorse eligible acquisition plans and purchase recommendations
- note contract variations that have a potentially major impact to the contract or outcome
- evaluate completed procurement processes through the review of relevant documents, interviews with staff and other audit practices.

### *Central Procurement Unit*

The DEW Central Procurement Unit (CPU) is responsible for the development and maintenance of the DEW Procurement Framework, including the development of policies, procedures and guidance, that aligns with the SA Government Procurement Framework.

The CPU assists in the delivery of agency outcomes by providing advice and reviewing procurement submissions to ensure they align with key procurement principles, achieve value for money and demonstrate transparent practices.

The CPU:

- provides procurement advice and assistance to agency officers undertaking procurement activities
- reviews all Acquisition Plans, Purchase Recommendations and related documentation with an estimated value above \$110,000, prior to delegate approval.
- facilitates endorsement of PGC submissions.
- Provides access to and training for the Procurement Activity Reporting System (PARS).
- ensures compliance with across government data collection and reporting requirements.

When reviewing Acquisition Plans, Purchase Recommendation and related documentation for procurements valued above \$110,000, where procurement risks or process improvement opportunities are identified in the CPU's review, the Manager, Procurement Services may formally endorse the review outcomes, and make recommendations for business unit consideration prior to delegate approval.

### *Business Units*

Business units are responsible for ensuring that the DEW Procurement Framework policies and procedures are implemented within their workplace, and the responsible procurement officers must:

- ensure all proposed procurements valued above \$55,000 are published on the Procurement Activity Reporting System (PARS) at least 3 months before an approach to market is made for the procurement, unless the acquisition plan delegate approves that the procurement is an urgent pressing need that could not have been foreseen.
- provide all Acquisition Plans, Purchase Recommendations and related documentation with an estimated value above \$110,000, to the CPU for review prior to seeking delegate approval.

- ensure Acquisition Plans, Purchase Recommendations and related documentation requiring review and/or approval are provided to delegate(s) within an appropriate timeframe to enable an effective level of review to be undertaken to support sound decision-making by the delegate.
- ensure procurements are approved within the level of the approver's authorisation
- ensure that appropriate records are maintained, including the recording of eligible contracts on the Procurement Activity Reporting System (PARS).
- ensure that employees involved in procurement operations seek training and support from the DEW CPU.

## **External Agencies**

### *Department for Infrastructure and Transport*

Construction projects above \$165,000 (GST inclusive) initiated by DEW are now largely guided by the Department for Infrastructure and Transport (DIT) Accreditation Framework requirements.

DIT has granted DEW accreditation to undertake (i.e. self-manage) planned small construction projects valued over \$165,000 (GST inclusive) and below \$4.4 million (GST Inclusive) subject to meeting specific procedural and reporting requirements as outlined on the [Planned Small Construction Accreditation Framework DIT website page](#).

Accreditation is limited to DEW construction projects only. Aligned public authorities must either seek their own accreditation from DIT or request DIT to undertake construction projects valued above \$165,000 (GST inclusive) on their behalf. The exception to this rule is for projects already governed by a MOAA between DEW and SA Water, with SA Water being the Construction Authority.

### *Office of the Industry Advocate*

State Government agencies and the private parties contracting with them are required to comply with the [South Australian Industry Participation Policy](#) (SAIPP), which is overseen by the Office of the Industry Advocate (OIA).

The SAIPP provides a high-level framework that aims to ensure capable businesses based in South Australia are given full, fair and reasonable opportunity to tender and participate in government contracts resulting from government expenditure.

Obligations under the SAIPP are tied to value thresholds and the geographical location where service delivery is required. Details can be found in the [SAIPP Procedural Guidelines](#).

## **Procurement Approvals**

### **Procurements valued \$55,000 or Below**

Procurements valued at \$55,000 or below must be undertaken in accordance with the [DEW Simple Procurement Procedure](#) and documented in a [Simple Procurement Report](#) or other written record, or captured by a Purchase Order or Purchase Card.

#### *Secondary Procurement Processes valued \$55,000 or Below*

Secondary procurements (purchases from an established across-government panel contract) valued at \$55,000 or below should be undertaken in accordance with the [DEW Simple Procurement Procedure](#) and any established panel rules, and documented in a Simple Procurement Report or other written record.

Simple Procurement Reports can be approved in accordance with Treasurer's Instruction 8 (in DEW, a Payment and Disbursement authorisation). Procurement authority is not required.

#### *Use of Established Government Facilities (of any value)*

Established Government Facilities (EGF) are defined as SA government-owned and managed agencies, organisations, entities or statutory authorities that can provide goods or services to other areas of government (e.g. training services from TAFE SA, professional and technical services from Rural Solutions SA, the sale of plants from State Flora, and general printing and publishing services from Government Publishing SA).

There is no requirement to enter direct negotiations with EGFs into the Procurement Activity Reporting System (PARS).

When undertaking a direct negotiation with an EGF, a [Simple Procurement Report](#) can be used for any value, and must be used for procurements valued above \$55,000. However, if you are not directly engaging with them, but inviting them to participate in a broader market approach, the usual procurement processes apply.

Simple Procurement Reports can be approved in accordance with Treasurer's Instruction 8 (in DEW, a Payment and Disbursement authorisation). Procurement authority is not required.

## **Procurements valued above \$55,000**

Procurements valued above \$55,000 must be undertaken in accordance with the [DEW Standard Procurement Procedure](#) (with the exception of direct negotiations with Established Government Facilities utilising the [Simple Procurement Procedure](#)), and published in the Procurement Activity Reporting System (PARS) at least 3 months before an approach to market is made for the procurement.

Acquisition plans (comprising Evaluation Plans and Risk Management Plans where applicable) must be approved by an authorised delegate (in DEW, a Procurement authorisation) prior to approaching the market or releasing a tender.

The Chief Executive must approve Acquisition Plans that involve:

- a direct market approach to a non-South Australian business, as defined in Treasurer's Instruction 18 Procurement; unless the direct market approach is being conducted under an established panel arrangement, through a secondary process conducted in line with the approved panel rules; or
- a limited market approach that does not cite an acceptable criterion as set out in the [Standard Procurement Procedure](#).

The Acquisition Plan approver is responsible for approving the resulting Purchase Recommendation; however, the Acquisition Plan approver may authorise another person to approve the purchase recommendation at the time of approving the Acquisition Plan. When determining delegated authorisation of the Purchase Recommendation, the Acquisition Plan approver should consider the benefit of, and need for, appropriate segregation of duties for procurement approvals, based on the nature and risks of the procurement. Segregation of approval responsibilities (for example, acquisition plan, evaluation outcomes and purchase recommendations, and contract authorisations and payments) can improve transparency and probity in a process, and reduce the likelihood for fraud and error.

The Acquisition Plan should clearly identify who will approve the Purchase Recommendation. The identified Purchase Recommendation approver does not require a Procurement authorisation. If the Acquisition Plan does not nominate a Purchase Recommendation approver, the Acquisition Plan approver will also approve the Purchase Recommendation.

For procurements valued above \$110,000, Acquisition Plans, Purchase Recommendations and associated documentation must be provided to the CPU for review. Complex and strategic Acquisition Plans that are valued above \$220,000, and all Acquisition Plans valued above \$1.5m, will be forwarded to the PGC for endorsement. Purchase Recommendations do not require PGC endorsement, except under the following circumstances:

- at the time of endorsing the Acquisition Plan, the PGC requested an opportunity to review and endorse the Purchase Recommendation
- where the CPU has identified an issue of concern when reviewing a Purchase Recommendation
- where there has been a material or major deviation, or an increase to the risk assessment/complexity vis-a-vis the approved Acquisition Plan.

Table 1 outlines who is responsible for the review, endorsement and approval of Standard Acquisition Plans and Purchase Recommendations.

**Table 1 – Acquisition Plan and Purchase Recommendation Review/Approval Body Requirements**

Value (GST Inclusive)	Submission Type	Review/Approval Body				
		CPU	PGC	Delegate	CE	OIA
\$55,001 - \$110,000	Acquisition Plan			A	☀	R (complex or strategic only)
	Purchase Recommendation			A*	★	
\$110,001 - \$220,000	Acquisition Plan	R		A	☀	R (complex or strategic only)
	Purchase Recommendation	R		A*	★	
\$220,001 - \$550,000	Acquisition Plan	R	E (complex or strategic only)	A	☀	R (complex or strategic only)
	Purchase Recommendation	R		A*	★	
\$550,001 - \$1.5m	Acquisition Plan	R	E (complex or strategic only)	A	☀	R
	Purchase Recommendation	R		A*	★	
Above \$1.5m	Acquisition Plan	R	E (all)		A	R
	Purchase Recommendation	R		A*	★	

**Key:**

<b>Delegate</b>	Authorised Officer	<b>A</b>	Approve (by delegate with appropriate Procurement delegation)
<b>CPU</b>	Central Procurement Unit	<b>A*</b>	Approve (by delegate nominated in the approved acquisition plan)
<b>PGC</b>	Procurement Governance Committee	☀	CE approval required if: <ul style="list-style-type: none"> <li>- a direct market approach is proposed to a business that is <b>not</b> a South Australian business as defined in Treasurer's Instruction 18 Procurement (this does not apply to secondary procurements conducted in accordance with the approved panel rules)</li> <li>- a limited market approach is proposed and does not cite an acceptable criterion as set out in the DEW Standard Procurement Procedure.</li> </ul>
<b>CE</b>	Chief Executive	★	CE approval required where there is a South Australian business that could supply the required good or service but the recommended supplier is not a South Australian business.
<b>OIA</b>	Office of the Industry Advocate	<b>E</b>	Endorse
		<b>R</b>	Review

*Contracts*

Business Unit delegates can sign a legal agreement to the value of their Contract Execution Authorisation in accordance with [Financial Authorisations](#) relevant to their position.

## Variations

Business Unit delegates can approve contract variations as follows:

- Contract variations which (when aggregated with any previous variations) do not increase the value of the contract by more than 5% of the original approved total contract value, may be approved by Business Unit delegates within their position's Contract Execution Authorisation level, based on the value of the variation only.
- Contract variations which (when aggregated with any previous variations) increase the value of the contract by more than 5% of the original approved total contract value, must be approved by Business Unit delegates within their position's Contract Execution Authorisation level, based on the total revised contract value (i.e. as if the total value of the variation and the original contract was a new contract requiring approval).

Where the contract variation has a potentially major impact on the contract and/or the outcome (to be determined using the guidance in the [DEW Contract Extensions and Variations Guideline](#)), the variation will need to be noted by the Manager, Procurement Services.

### *Extensions to Tender Periods and Acceptance of Late Tenders*

These should be approved by an appropriate delegate.

## Responsibilities

<b>Position</b>	<b>Responsibility</b>
Chief Executive	Chief Executives are responsible for compliance with this procedure. For public authorities that have elected to follow DEW's procurement framework, the term 'Chief Executive' when referenced in the DEW procurement framework, policies, procedures and guidelines, means the Chief Executive (or equivalent officer) of that public authority.
All staff (DEW and aligned public authorities)	When undertaking procurement, this procedure applies.
Central Procurement Unit, Finance Branch	Responsible for implementation and review of this policy, on behalf of the Chief Executive.
Public authorities aligned under DEW's Procurement Framework	Where the DEW procurement framework, policies, procedures and guidelines reference any DEW internal policy requirements that are not specifically procurement policies, (for example risk, ICT, WHS policies), the public authority must determine whether the policy applies, and if not, any equivalent policy of the public authority that should be applied.



## Definitions

'Chief Executive' 'in relation to public authorities aligned under DEW's Procurement Framework means the Chief Executive of that public authority.

'Construction/works procurements' means construction projects or construction works as defined in Treasurer's Instruction 18 Procurement.

'Procurement' is a term defined in Treasurer's Instruction 18 Procurement.

## Associated Documents and References

- [Procurement Governance Policy](#)
- [DEW Procurement Framework](#)
- [Treasurer's Instructions 8 and 18](#)
- [South Australian Industry Participation Policy and Procedural Guidelines](#)
- [DEW Financial Authorisations](#)

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