

Northern Territory Procurement Code – a supplier code of conduct

For Northern Territory Government

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Acronyms	Full form
CAL	Contractor Accreditation Limited
NT	Northern Territory

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1. Introduction

The Northern Territory Government wants to do business with ethical, sustainable and socially responsible Suppliers.

This Procurement Code (the Code) sets out the expectations that government has of Suppliers and outlines what constitutes a responsible supplier.

2. Application

This Code applies to supplies in respect of all NT Government procurement activities regardless of their value. This Code is supplementary to, and does not supersede or alter your legal, regulatory and contractual obligations.

Suppliers (organisations or individuals) must comply with this Code when considering providing goods and services to the NT Government. Suppliers are expected to proactively self-assess compliance and take action to remedy any shortcomings.

3. Mandatory Expectations

Compliance with this Code is a condition of tendering and contract for Suppliers providing goods and services to the NT Government.

The NT Government requires its Suppliers to meet or exceed the minimum standards set out in this Code. This Code complements any existing laws, policies, and NT Government terms and conditions.

The NT Government has committed to the following five key principles through its procurement process:

1. Delivering Value For Territory;
2. Ethical Behaviour & Fair Dealing;
3. Open & Effective Competition;
4. Enhancing the capabilities of Territory enterprises and industries; and
5. Environmental protection.

All Suppliers must adhere to these principles in the provision of goods or services to the NT Government.

4. Standards of Conduct Expected of Suppliers

Suppliers must adhere to the following standards:

4.1. Legal Compliance

Comply with all relevant legislation, regulations and Australian standards applicable to you, your industry or the supply, at all times.

This includes compliance with all applicable awards and workplace agreements, certified, registered or otherwise approved under industrial relations regulations, including all laws relating to wages, working hours, entitlements and workers compensation insurance.

Provide a healthy and safe working environment with sound health and safety management practices that meet, as a minimum, the requirements of all applicable legislation.

Minimise the environmental impact of your operations, maintain environmentally responsible policies and practices and comply with all applicable laws, regulations and standards relating to the environment.

4.2. Ethical Behaviour

Provide a fair and ethical workplace which upholds high standards of human rights.

Act ethically at all times, including but not limited to:

- Not acting in a discriminatory manner
- Maintaining a workplace free from bullying and harassment
- Avoid Conflicts of Interest (actual or perceived) and promptly identify, disclose and manage Conflicts of Interest that cannot be avoided;
- Not engage in anti-competitive conduct or inappropriate supply market behaviours, such as:
 - unconscionable or exploitative conduct;
 - collusive behaviour or price fixing (e.g. entering into agreements to fix prices and/or contract terms with competitors or potential competitors);
 - offering inducements to competitors or potential competitors;
 - market sharing, predatory pricing or misuse of market power;
- Not engage in other improper conduct, including (without limitation):
 - corrupt conduct, such as intentionally or recklessly providing false or misleading information;
 - misappropriating or misusing public resources;
 - conduct constituting a criminal offence, such as fraudulent conduct;
- Proactively identify and address modern slavery risks in the supply chain, including ensuring all work is undertaken without coercion, providing a fair and ethical workplace, and engaging only workers who are the applicable legal age;
- Not improperly use or disclose any private, confidential or commercially sensitive information;
- Act in a respectful manner towards NT Government agencies, NT Government clients, and their staff and representatives, and your own staff, sub-contractors and suppliers;
- Not offering gifts, benefits or inducements that may be perceived as influencing decision making or enticing an advantage; and
- Act in a manner that is fair, professional and will not bring the NT Government into disrepute.

4.3. Security of Payment

Promptly process, manage and finalise all legitimate claims for payment made by your suppliers and sub-contractors.

4.4. Value for Territory & Local Benefit

Maximise economic, social, environmental and cultural benefit through your Local Benefit Commitment to the Territory through the following actions (as applicable);

- engaging Territory Enterprises through your supply chain wherever possible;
- giving preference to the employment of people who reside in the region where you undertake the NT Government's work;
- committing to the on-going training of appropriately skilled and qualified staff within the NT;
- committing to support the development of Aboriginal businesses and employees;
- supporting Territory based charities, education, community and industry organisations;
- delivering a quality product in a timely manner.

5. Breaches of this Code

A Supplier's contravention of this Procurement Code may also constitute a breach of:

- the Supplier's legal obligations under applicable legislation;
- the Conditions of Quotation/Tendering applicable to the Supplier's offer; and/or
- the Supplier's contract with the NT Government.

5.1. Reporting non-compliance with this Code - What to do

If a person reasonably suspects that a Supplier has not complied with this Code the concern and the grounds for the concern may be reported in one of the following ways:

- Contact the government agency responsible for the procurement or the related contract;
- where the breach relates to a Supplier that is Contractor Accreditation Ltd (CAL) accredited, contact CAL;
- Contact the Independent Commissioner Against Corruption where the matter is related to an allegation of improper conduct involving Suppliers or NT Government personnel.

5.2. Enforcement Provisions or Compliance Measures

Suppliers are 'public bodies' for the purpose of the Independent Commissioner Against Corruption Act 2017 and are liable to prosecution for offences for 'improper conduct' under that Act.

Suppliers who do not comply with this Code may also be subject to further actions by the NT Government, which could include one or more of the following:

- having your offer declared inadmissible for assessment;
- NT Government auditing your records;

- suspend performance under your contract;
- terminate your contract and pursue our legal remedies;
- formally recording non-compliance in your Contractor Performance Report;
- where a supplier is CAL accredited, provide advice of non-compliance to CAL;
- sharing of details of the non-compliance in the Contractor Performance Report with other Commonwealth or NT government agencies for evaluation of the Supplier’s performance in the assessment of future tenders;
- a formal warning that continued non-compliance will lead to more severe sanctions;
- referring or reporting the non-compliance to a relevant statutory body or law enforcement agency for investigation and further action; or
- reporting the non-compliance to the relevant industry association.

For CAL accredited Suppliers who do not comply with this Code, CAL may determine a sanction in accordance with its Policy and Rules For Accreditation of Contractors, which may include review, suspension, downgrading or cancellation of CAL accreditation.

6. Definitions

Supplier, you, your	An organisation or individual providing or offering to provide works, goods or services (including consultancies) to the Northern Territory of Australia.
Conflict of Interest	A situation, or perception of a situation, that has the potential to undermine the impartiality of a person because of the possibility of a clash between a person's self-interest, professional interest or public interest.
Local Benefit Commitment	The commitments and undertakings made by the successful respondent under the local content assessment criteria, incorporated into the contract.
Territory Enterprise	An enterprise operating in the Northern Territory, with a significant permanent presence in the Northern Territory and employing Northern Territory residents.