Contract Award and Transparency

Statement of Intent
This Procurement Direction sets out the required process for awarding a Contract and notifying the award of a Contract.

Main Features
Section 11 of the Procurement Act requires Accountable Officers and employees of Agencies to comply with the Procurement Directions.

Approval to Accept Quotations/Tenders
- Accountable Officers may accept a Quotation/Tender for Supplies at any value.

Approval to Decline all Quotations/Tenders
- Accountable Officer approval is required prior to declining all Quotations/Tenders.

Notification of Procurement Outcomes
- All Respondents/Tenderers will be notified of the outcome of the procurement process when the process is complete.
- Where Quotations/Tenders are received in writing, the notification will be provided in writing.

Advice to Tenderers in a Pre-qualified Tender Process
- All Tenderers for a multi stage Tender will be notified in writing of the outcome of each stage of the Tender, prior to an Agency proceeding to the next stage of the Tender.

Transparent Procurement
- Contracts awarded in relation to Tier Two, Tier Three, Tier Four and Tier Five Supplies will be published on the Northern Territory Government website unless approved otherwise by the Minister responsible for Procurement.
- Contracts awarded are not to be published where:
  a. Supplies are provided by the Government, the Commonwealth or a State or another Territory of the Commonwealth.
  b. Supplies are obtained under an existing Period Contract.
  c. Publication of the details is, in the opinion of the Minister responsible for Procurement, contrary to the public interest.

Disclosure of Additional Information
- Additional information to that published on the Northern Territory Government website may be provided to Respondents/Tenderers provided the confidentiality of a Quotation/Tender is not compromised.
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- Where information relating to a specific Quotation/Tender is sought, the written consent of the relevant Respondent/Tenderer and the approval of the Accountable Officer are required prior to the release of such information.

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Authorities
Procurement Act
Procurement Regulations
Approval to Accept Quotations/Tenders

PO9.1 At the conclusion of an assessment process for Supplies, the Accountable Officer may accept a Quotation/Tender and enter into a Contract.

I. Acceptance of a Tender with an estimated value of $5 million and greater will take into consideration advice provided by the Local Benefit Advisory Panel.

II. Contracts entered into as the result of a Tier 3, Tier 4 and Tier 5 procurement activity will include Local Benefit Commitments. Approval to Decline all Quotations/Tenders

PO9.2 At the conclusion of an assessment process for Supplies, if the recommendation is that all Quotations/Tenders be declined, Accountable Officer approval is required prior to declining all Quotations/Tenders.

I. A decision to decline all Quotations/Tenders is not to be taken lightly and the Agency has to be able to demonstrate sufficient justification for declining all Quotations/Tenders.

II. A lack of budget capacity to pay for the Supplies is insufficient reason to decline all Quotations/Tenders. Notwithstanding, where it can be demonstrated that the lack of budget capacity could not have reasonably been known at the commencement of the procurement process, the lack of funds may be a sufficient consideration.

Notification of Procurement Outcomes

PO9.3 For Tier One procurement, Respondents shall be notified verbally of the outcome of the procurement process upon application.

PO9.4 For Tier Two, Tier Three, Tier Four and Tier Five procurement, all Respondents/Tenderers will be notified in writing of the outcome of the procurement process.

I. The Procurement Act and the Procurement Regulations require the disclosure and publication of information relating to the award of certain Contracts.

II. To maintain fairness and transparency, all Respondents/Tenderers will be notified of the outcome of the procurement process at its completion.

III. All Respondents/Tenderers must be advised in writing of the outcome of the procurement process where the value of the Contract will be at the Tier Two level or above. Below this amount verbal notification of the outcome is sufficient.

IV. Advice to unsuccessful Respondents/Tenderers will be provided as soon as practicable after the Contract has been awarded. Such advice will be in line with information published on the Northern Territory Government website.

PO9.5 For Tier Three, Tier Four and Tier Five procurement, contracts formed will include Local Benefit Commitments.

I. The Local Benefit Commitments should be based on the information contained within the Local Content Assessment Criterion of the Quote/Tender response.
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PO9.6 The Accountable Officer will, if requested by the Agency responsible for Procurement Policy, provide full details of any Contracts arranged as a result of the Quotation/Tender.

I. The Agency responsible for Procurement Policy may seek details of any procurement activity and the relevant Accountable Officer will provide that information.

II. Where the Agency responsible for Procurement Policy has been provided with details of an Agency procurement activity, the Agency responsible for Procurement Policy may provide advice about the procurement activity to the Procurement Review Board, Minister responsible for Procurement or the Accountable Officer.

PO9.7 Agencies will notify Respondents of the outcome of Tier One and Tier Two procurement activity.

PO9.8 Contract and Procurement Services will notify Tenderers of the outcome of Tier Three, Tier Four and Tier Five procurement activity.

I. At the completion of the assessment process and after approval the successful Respondent/Tenderer will be provided with written notification of the outcome of the Quotation/Tender.

II. This confirmation will comprise the Quotation/Tender reference number and title and should be in the form of one or a combination of the following:
   a. Purchase order.
   b. Letter.
   c. Formal agreement.

Advice to Tenderers in a Pre-qualified Tender Process

PO9.9 In a Prequalified Tender Process all Tenderers will be notified in writing of the outcome of each stage of the Tender Process, prior to an Agency proceeding to the next stage of the Tender Process.

I. Following Accountable Officer approval of the process following each stage (refer Procurement Direction PO2). All Tenderers, whether successful or unsuccessful, will be advised of the outcome by letter. The letter will also advise the unsuccessful Tenderers the Tenderers who have been successful.

II. Advice of the outcome of each stage of the Tender ensures that businesses are aware of whether or not there is a prospect that they will be successful in the Tender. This provides some certainty to businesses in terms of planning their workflow and staffing requirements.

Transparent Procurement

PO9.10 Details of Contracts awarded in relation to Tier Two, Tier Three, Tier Four and Tier Five Supplies will be published unless approved otherwise by the Minister responsible for Procurement.

I. Publishing details of Contracts awarded is consistent with the Procurement Principles of “Open and Effective Competition and Ethical Behaviour and Fair Dealing”.

Department of Business
PO9.11 Contract and Procurement Services will publish details of all Contracts awarded for Tier Two, Tier Three, Tier Four and Tier Five Supplies on the Northern Territory Government website.

PO9.12 Details of Contracts awarded are not to be published where:
- Supplies are provided by the Government, the Commonwealth or a State or another Territory of the Commonwealth;
- Supplies are obtained under an existing Period Contract; or
- Publication of the details is, in the opinion of the Minister responsible for Procurement, contrary to the public interest.

I. Details of Across Government Contracts, Period Contracts and Panel Contracts are published when established. Individual procurement activity under existing Across Government Contracts, Period or Panel Contracts therefore does not require publication.

II. Applications for dispensation from the requirement to publish details of Contracts awarded may be submitted to the Agency responsible for Procurement Policy, which will assess and forward the request to the Minister responsible for Procurement for determination.

PO9.13 Published details of Contracts awarded will include, at minimum, the following information:
- Name and address of the Agency undertaking the procurement activity;
- Reference number as shown on the Quotation/Tender document;
- Brief description of the Supplies, including the place where the works, goods or services are to be supplied or performed;
- Total value or total estimated value of the Contract;
- Successful Respondent's/Tenderer's name (in full) and location (trading address); and
- The method used to procure the Supplies.

I. In detailing the value of the Contract:
   a. For a fixed quantity Contract, the total value of the Contract will be published.
   b. For a Period Contract or Panel Period Contract, the estimated value of the Contract for the contracted period will be published (for example where a Contract is for a fixed hourly rate, the estimated value of the Contract based on the hourly rate and the total estimated required hours will be published).

II. All monetary amounts need to be expressed in Australian dollars inclusive of Goods and Services Tax (if any) with estimates indicated by the abbreviation “(est.)”.

III. Use descriptions below to report the method used to procure the Supplies:

<table>
<thead>
<tr>
<th>Descriptions used to report the method used to procure the Supplies</th>
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<tbody>
<tr>
<td>Procurement Method</td>
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<table>
<thead>
<tr>
<th>Descriptions used to report the method used to procure the Supplies</th>
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<tbody>
<tr>
<td><strong>A</strong></td>
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- Quote is used where a Quotation Process has been used to obtain the Supplies.
- Public Quote is used where a Public Quotation Process has been followed.
- Public is used in all cases where a Public Tender Process has been followed, except where the Public Tender involved a Prequalified Tender Process (refer Procurement Direction PO2). For the purpose of notification of Contracts awarded from a Prequalified Tender Process, these are to be noted as “Select” (see below).
- Sole is used for Quotations/Tenders where an Approval to Invite Select Quotation or a Certificate of Exemption has been issued.
- Exempt is used where action is taken under a category of Supplies subject to a standing exemption from the requirement to call Public Quotations/Tenders (refer Procurement Direction PO2).
- Select is used for Quotations/Tenders where an Approval to Invite Select Quotation or a Certificate of Exemption has been issued. Where a Prequalified Tender Process is used, this will also be denoted by the term “Select”.

**Disclosure of Additional Information**

**PO9.14** Additional information to that published on the Northern Territory Government website may be provided to Respondents/Tenderers provided the confidentiality of a Quotation/Tender is not compromised.

**PO9.15** Where information relating to a specific Quotation/Tender is sought, the written consent of the relevant Respondent/Tenderer and the approval of the Accountable Officer are required prior to the release of such information.

I. Additional information to that published on the Northern Territory Government website may be given provided this information does not compromise the confidentiality of a Quotation/Tender.

II. Where additional information to that published on the Northern Territory Government website is sought, a written request for that information is to be provided and addressed to the Accountable Officer of the relevant Agency.

III. Prior to a decision being made to release the additional information, the advantages and disadvantages of releasing this information will be considered.

IV. Where it is proposed to release information relating to a specific Quotation/Tender, the written consent of the respective
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Respondent/Tenderer will be obtained prior to the release of such information.

V. The Accountable Officer may approve the disclosure of information relating to a Quotation/Tender additional to that published on the Northern Territory Government website. Unless consent is given, such additional information shall not be released.
## Table of Amendments

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Details</th>
<th>Effective Date</th>
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<tr>
<td>General</td>
<td>Amended to reflect new Quotation requirements for Tier 3 procurement activity</td>
<td>30 March 2009</td>
</tr>
<tr>
<td>General</td>
<td>Amended reporting of all procurement activity to PRB to now commence from Tier 2 and be done monthly</td>
<td></td>
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<tr>
<td>General</td>
<td>Amended requirement to Gazette all procurement activity from Tier 2 and above</td>
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<tr>
<td>General</td>
<td>Introduced a sixth procurement Tier</td>
<td>1 July 2012</td>
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<tr>
<td>PO9.14</td>
<td>Moved process requirements for Ministerial determination to PR9.2</td>
<td>1 September 2012</td>
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<tr>
<td>General</td>
<td>Formatted for WCAG2.0 accessibility – changes to formatting, spelling, grammar and punctuation</td>
<td>1 January 2013</td>
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<tr>
<td>Headings, PO9.6 IV PO9.10 – PO9.15</td>
<td>Removed requirement for Gazette publication in line with changes to Procurement Regulations</td>
<td>20 March 2013</td>
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<tr>
<td>General</td>
<td>Amended to reflect Procurement Reforms changes</td>
<td>1 July 2014</td>
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<tr>
<td>General</td>
<td>Formatted for web compatibility</td>
<td>15 February 2016</td>
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<tr>
<td>PO 9.2, 9.10 and 9.12</td>
<td>Amended to simplify and remove repetition.</td>
<td>15 February 2016</td>
</tr>
<tr>
<td>PO 9.1 and 9.5</td>
<td>Amended to reflect introduction of the Local Benefit Advisory Panel and Local Benefit Commitments</td>
<td>18 April 2016</td>
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