

REQUEST FOR TENDER FOR DISABILITY EMPLOYMENT SERVICES 2010–2012

Communication protocol for dealing with existing service providers and tenderers

The following is a communication protocol established to support the Request for Tender for Disability Employment Services 2010–2012 (the RFT).

The purpose of this protocol is to establish procedures to minimise the risk of any improper practice occurring that could influence the fair operation of the market or the probity of the purchasing process. These procedures also make provision for addressing any allegation of such impropriety.

Those who may be in positions that the public could perceive as having the power to influence the operation of the purchasing process have been identified as including:

- employees of the Department of Education, Employment and Workplace Relations (DEEWR)
- Ministers, Parliamentary Secretaries and their staff
- Parliamentarians, whether Commonwealth, state or territory
- existing disability employment service providers and industry groups, and
- anyone else directly or indirectly involved in the tender process acting for DEEWR or with access to information about DEEWR activities that is not generally known (that is, those with 'inside' information).

The following procedures have been adopted to minimise the risk of any inappropriate influence on the purchasing process and must be adhered to.

Contact with Portfolio Ministers

During the purchasing process, Portfolio Ministers will continue to interact with relevant stakeholders for routine business, meetings, conferences and social activities.

However, information, if any, provided about the purchasing process will be limited to information that is already available in the public arena, and persons must not seek to elicit from Portfolio Ministers, or their staff, any information concerning the purchasing process that is not already available in the public arena.

The purchasing arrangements will be conducted by DEEWR with all purchasing decisions made by DEEWR in accordance with the approved delegation.

Contact with DEEWR

During the purchasing process, DEEWR will continue to interact with relevant stakeholders as a part of its ongoing business, including continuing any regular discussions with a range of interest groups and industry representative bodies.

Any discussions relating to the purchasing process, however, will not be permitted. The following principles will apply:

- all Tenderers will only use the process set out in the RFT to contact DEEWR for the purpose of querying or clarifying any aspect of the purchasing process
- DEEWR will not consider unsolicited references or submissions on behalf of providers or Tenderers outside those provided for in the purchasing process
- Tenderers or other persons with an interest in the purchasing process must not enter into discussions with or otherwise engage in any activity with DEEWR, persons directly or indirectly involved in the purchasing process acting for DEEWR, and other persons who have been identified as being in positions of potential influence over the operation of the purchasing process. Further, DEEWR will not enter into discussions or otherwise engage in any activity with Tenderers, or such other persons with an interest in the purchasing process, where this could be perceived as influencing the operation of the purchasing process
- views on an individual Tenderer or Tenderers must not be expressed to DEEWR in a way that could be perceived as an attempt to influence DEEWR to favour, or disfavour, any Tenderer
- details of any approaches by or on behalf of an individual Tenderer or Tenderers will be fully documented, and
- communications or conduct suspected of involving a breach of the probity of the purchasing process or involving illegality will be investigated.

Assistance

Tenderers will compete on the basis of fair and open competition.

Tenderers will not be helped by any person in a position that the public could perceive as having power to influence the operation of the purchasing process to develop their submissions. Tenderers must not seek such help.

Tenderers will not receive any assistance in interpreting or otherwise using any information that has been made available about, or as part of, the purchasing process except as provided for in procurement documentation published by the Australian Government, such as the RFT. Tenderers must not seek such assistance.

Information

Except as provided for in procurement documentation published by the Australian Government:

- no Tenderer will be provided with information about the purchasing process (including any policy matters relevant to or affecting the tender process), and
- no Tenderer will receive information about the decision-making processes.

Further, the following principles will guide DEEWR in communicating with Tenderers:

- no Tenderer will receive any information in advance of it being made available generally to Tenderers
- no Tenderer will receive more information than is publicly available, and
- data relating to an individual Tenderer will only be made available to the Tenderer to which the data relates, except when the data is used for the purposes of the tender or contract management and associated activities such as auditing.

Further information on purchasing arrangements

The Employment Services Purchasing Hotline (the Hotline) is the primary means of contact during the purchasing process, and can be contacted on 1300 733 514 (Monday to Friday, 9.00 am to 5.00 pm Canberra time, excluding ACT and national public holidays) or via email at **espurchasing@deewr.gov.au**.

In order to ensure the probity of the tender process, the Hotline cannot provide interpretation or advice on how to respond to the RFT, or provide information that is not contained in the RFT, unless that information is otherwise publicly available. Tenderers should note that, during a call to the Hotline, they may be asked to put their question in writing and send it to the above email address.

The website, Hotline and email address are the primary mechanisms for communications relating to purchasing matters. All persons are to refer or direct any purchasing-related enquiries to the Hotline, website or email address.

Probity Advisor

DEEWR has appointed an external independent probity advisor from Clayton Utz to advise on probity issues arising during the course of the purchasing process. Any issues or concerns about the integrity of the process, whether from Tenderers or others, should be addressed to:

Probity Adviser
Clayton Utz, Solicitors
40 Marcus Clarke St
Canberra ACT 2601
Australia

Attention: Luke de Jong—Special Counsel
Telephone: +61 2 6279 4050
Facsimile: +61 2 6279 4099