



## Procurement Board

Type:  
NSW Procurement Board Direction

Identifier:  
PBD-2021-02

Status:  
Active

# PBD-2021-02 Mandated use of ICT Purchasing Framework

## Description

This Direction applies to the procurement of ICT and related goods and services by a government agency within the meaning of the Public Works and Procurement Act 1912 (“**Agency**”).

This Direction requires that an Agency must use the relevant ICT Purchasing Framework documents for the procurement of ICT goods and services.

The **ICT Purchasing Framework** comprises the;

- Core& Contracting Framework for procurement of low risk goods/services and a contract value of up to \$1 million (ex GST); and
- The MICTA/ICTA Contracting Framework (in replacement of Procure IT 3.2 for procurement of high-risk goods/services or contract value of \$1 million or more (ex GST)

This Direction will be effective from 1 July 2021 until withdrawn or varied but the MICTA/ICTA Contracting Framework is not mandatory until 1 September 2021. An Agency may, in its discretion, elect to use the new MICTA/ICTA ICT Contracting Framework from 1 July 2021. Alternatively, an Agency may use the Procure IT 3.2 Framework documents from 1 July 2021 to 31 August 2021 (the “**Transition Period**”) in accordance with PBD 2020-02 [“\*\*Use of Procure IT Framework and increase of the threshold in Core& Contracts\*\*”](https://arp.nsw.gov.au/pbd-2020-02-use-of-procure-it-framework-and-increase-of-the-threshold-in-core-and-contracts) (<https://arp.nsw.gov.au/pbd-2020-02-use-of-procure-it-framework-and-increase-of-the-threshold-in-core-and-contracts>)” (“**PBD 2020-02**”).

PBD-2020-02 will be withdrawn at the end of the Transition Period without any further resolution of the Procurement Board.

# Detailed Outline

## Mandatory use of ICT Purchasing Framework

When entering into an arrangement with a supplier for the procurement of ICT goods and services and related goods and services, an Agency must use the relevant ICT Purchasing Framework documents unless:

- a current mandated whole of government contract for the relevant ICT goods or services to be procured is in place; or
- exempted by the Procurement Board or its authorised delegate.

The ICT Purchasing Framework comprises the:

- Core& Contracting Framework for procurement of low risk goods/services and a contract value up to \$1 million (ex GST) and the
- MICTA/ICTA Contracting Framework documents for procurement of high risk goods/services or a contract value of \$1 million or more (ex GST).

Contract value is calculated by reference to the total value of the procurement over the contract term including any option/renewal period/s, or if this is not able to be reasonably determined by the nature of the contract then by reference to a reasonably estimated contract value over the term and any option/renewal period/s.

Agencies must complete a **risk assessment** (<https://info.buy.nsw.gov.au/resources/assessing-risk-in-ictdigital-sourcing-guidelines>) to determine if the Core& Contracting Framework can be used for a procurement. An Agency may use the MICTA/ICTA Contracting Framework for any ICT procurement regardless of the value or risk associated with the procurement.

The Core& Framework consists of the Core& One and Core& Combined. Core& One may be used when procuring an individual ICT solution. Core& Combined may be used when procuring more than one solution in one transaction.

## Variations to the ICT Purchasing Framework

### Beneficial Variations

Agencies are not required to obtain approval from the Department of Customer Service (“DCS”) or notify DCS of beneficial variations which clearly improve a customer’s contractual position, for example, amendments improving or adding a customer’s legal rights or amendments imposing additional obligations on the supplier.

### Non-Beneficial Variations

Agencies may agree non-beneficial variations to the ICT Purchasing Framework documents subject to compliance with the internal reporting and governance framework prescribed by DCS and subject to the Excluded Variations described in this Direction.

The ability of an Agency to agree non beneficial variations to the ICT Purchasing Framework excludes:

- Variation of any ICT procurement contracts under a whole of government panel or other whole of government contract.
- Exemptions from using the ICT Purchasing Framework.
- Variations which vary the order of precedence of the documents comprising the relevant ICT Purchasing Framework or which enable supplier terms to take priority over the ICT Purchasing Framework documents.

[the “**Excluded Variations**”]

An Agency will require DCS approval in relation to Excluded Variations.

### **Effective Date and Transitional arrangements**

This Direction is effective from 1 July 2021 until withdrawn or varied but the MICTA/ICTA Contracting Framework is not mandatory until 1 September 2021. An Agency may, in its discretion, elect to use the new MICTA/ICTA Contracting Framework documents from 1 July 2021. Alternatively, Agencies may use the Procure IT 3.2 Framework documents during the Transition Period in accordance with PBD 2020-02.

During the Transition Period:

- Where an Agency is using the Core & Framework or the new MICTA/ICTA Purchasing Framework that Agency may approve non beneficial variations from 1 July 2021 in accordance with this Direction.
- Where an Agency is using Procure IT 3.2 non-beneficial variations will be subject to DCS review and approval as detailed in PBD-2020-02.

### **Promulgation of succeeding version of the ICT Purchasing Framework**

To maintain the currency and relevance of the ICT Purchasing Framework, the NSW Government Chief Information and Digital Officer (“**GCIDO**”) may periodically make variations to the Core& Contracting Framework or the MICTA/ICTA Contracting Framework and issue updated versions. Transactions based on earlier versions will continue in accordance with the terms of the relevant version until completion.

Updated versions will apply to new procurements or where the procurement strategy has been approved after the date of publishing on Buy.NSW or as otherwise specified in any release notes.

## **Act**

***Public Works and Procurement Act 1912*** (<https://www.legislation.nsw.gov.au/#/view/act/1912/45>)

## Overview

Who needs to know and/or comply with this?
Departments
Advisory Entities (including Boards and Committees)
Executive agencies related to Departments
Separate agencies
Statutory Authorities/Bodies

Compliance
Mandatory

AR Details	
Date Issued	Jul 1, 2021
Review Date	Feb 28, 2023
Replaces	<p><b><u><a href="https://arp.nsw.gov.au/pbd-2020-02-use-of-procure-it-framework-and-increase-of-the-threshold-in-core-and-contracts/">PBD-2020-02 Use of Procure IT Framework and increase of the threshold in Core&amp; Contracts</a></u></b>  <i>(<a href="https://arp.nsw.gov.au/pbd-2020-02-use-of-procure-it-framework-and-increase-of-the-threshold-in-core-and-contracts/">https://arp.nsw.gov.au/pbd-2020-02-use-of-procure-it-framework-and-increase-of-the-threshold-in-core-and-contracts/</a>)</i></p>
Replaced By	

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Contact	
Phone	
Publishing Entity	The Treasury
Issuing Entity	NSW Procurement Board

