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South Western Sydney Local Health District
SWSLHD Major Procurement Requirements and
Guidelines: Tenders, Expressions of Interest, Contracts
and State Contract Equipment Purchases

Guideline No.: SWSLHD_GL2017_004

Date Issued: 10 May 2017

Guideline



SWSLHD Major Procurement Requirements and Guidelines: Tenders, Expressions of Interest, Contracts and State Contract Equipment Purchases

Document Number:	SWSLHD_GL2017_004
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Revision History

Version	Amendment Notes
May 2017 SWSLHD_GL2017_XXX	Updated content in alignment with current governing documentation; addition of hyperlinks to references and forms throughout; changed to 5-year review cycle.
September 2009 SSW_GL2009_001	Initial publication of Guideline.

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1. Introduction

This guideline has been prepared to provide SWSLHD staff with a general understanding of the principles behind procurement processes and the processes themselves.

It is particularly aimed at providing guidance through major procurement processes including the tender process, medical equipment purchases from state contracts and the approval requirements for these processes. [SWSLHD Supply Services](#) is available to guide staff through the procurement processes.

This document seeks to ensure that those involved in the tender process are conversant with the requirements of NSW Health, use the process to achieve best value for SWSLHD and are able to demonstrate compliance. Further details are available in the NSW Health [PD2014 005 Goods and Services Procurement Policy](#).

The risk addressed by this guideline:

That those involved in major procurement and tender processes are not conversant with the requirements of NSW Health, do not use the processes to achieve the best value for SWSLHD and are unable to demonstrate compliance with NSW Health requirements.

2. The Aims / Expected Outcome of this guideline:

To ensure that those involved in major procurement and tender processes:

- Are conversant with the requirements of NSW Health;
- Use the processes to achieve the best value for SWSLHD;
- Are able to demonstrate compliance with NSW Health requirements.

3. Principles

Procurement Process Requirements

To comply with NSW Government, NSW Health, and SWSLHD requirements for a not-in-contract purchase to proceed, the following stipulations apply. The values stated are the total purchase values, including GST, of the procurement or for the whole contract period:

LESS THAN \$3,000

1. No written quotation is required.

\$3,000 to LESS THAN \$30,000

2. One (1) written quotation must be provided with the requisition.

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MORE THAN \$30,000 and LESS THAN \$250,000

3(a) Three (3) written quotations must be provided with the requisition

OR

3(b) Where three (3) written quotations are not provided, the following must be provided with the requisition:

- A WAIVER OF QUOTATIONS (in the form of a [briefing note](#)) endorsed by the Chief Executive and approved by the NSW Health Chief Procurement Officer; and
- A written quotation(s).

MORE THAN \$250,000

4(a) A full tender process must be conducted

OR

4(b) A WAIVER OF TENDER (in the form of a [briefing note](#)) endorsed by the Chief Executive and approved by the NSW Health Chief Procurement Officer and three (3) written quotations must be provided with the requisition

OR

4(c) Where a tender is not conducted, and three (3) written quotations are not provided, a purchase of this amount can proceed when the following is provided with the requisition:

- A WAIVER OF QUOTATIONS and a WAIVER OF TENDER both approved by the NSW Health Chief Procurement Officer; and
- A written quotation(s).

Purchases over \$150,000 (inclusive of GST) and Contract and Non Contract Equipment Purchases

Although it is within guidelines to directly procure goods or services covered under a whole of government contract, an electromedical equipment standing offer agreement or a mandated prequalification scheme without obtaining additional quotes, all such major procurements over \$150K should be sourced by obtaining a minimum of 3 quotes to ensure that SWSLHD is obtaining best value for money. Following submission and receipt of the quotes a robust evaluation process shall be undertaken. At the outset of the procurement process a [Tender Business Plan](#) shall be drafted using the available template; however, the Tender Business Plan may also be in the form of a brief. A [Tender Procurement Plan](#) shall also be completed.

The [Tender Procurement Plan](#) must ensure all prospective suppliers are treated equally, ensure probity, and be able to pass detailed scrutiny by [SWSLHD Internal Audit](#) Department or [NSW Health Audit Branch](#), for example. The assessment criteria and any weightings or ratings shall be defined and the identification of all prospective suppliers shall be included.

Declarations of any real or potential conflicts of interest shall be declared at the outset of the process by submitting a completed [Disclosure Confidentiality Statement form](#) to [SWSLHD](#)

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[Supply Services](#). Any real or potential conflicts of interest that may arise following the commencement of the process shall also be declared. Consideration shall be given as to whether the conflict of interest warrants the person being excluded from the selection process.

When procuring for a value greater than \$150,000 (including GST) an evaluation panel shall be formed to conduct the evaluation. The process shall emulate the tender process and meetings of the panel shall be minuted and provide sufficient evidence of the decision-making processes. Reasons for elimination of any supplier's relevant product shall be documented based on the criteria and the stage of elimination must be recorded. The final recommendation and the supporting reasoning shall be included in the brief accompanying the requisition for approval in accordance with the [SWSLHD Delegations Manual](#). The [Tender Procurement Plan](#) shall be kept on file.

[SWSLHD Supply Services](#) can provide advice regarding the procurement process.

When a Tender is required

A tender is to be completed where:

- Purchases exceed \$250,000 (inclusive of GST); and
- The goods or services are not available on whole of government contracts, standing offer agreements or mandated prequalification schemes.

When a Tender may not be required

Approval to waive a tender may be considered where the following conditions exist:

- It can be proven that there is only one supplier for the goods or services;
- The goods or services are required urgently to meet a specific emergency and the tender process will compromise patient safety;
- Existing equipment / system compatibility considerations require specific brands or models.

Waiver of Tender

The endorsement of the SWSLHD Chief Executive (CE) is required prior to seeking the specific approval of the NSW Health Chief Procurement Officer or the NSW Health Deputy Director General Governance, Workplace & Corporate to waive the tender process, regardless of the source of funds.

A request to waive a tender must be reviewed and endorsed by [SWSLHD Supply Services](#) before it is submitted to the CE for endorsement.

Note: Approval of a requisition is not approval to waive a tender.

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Planning a Tender

A minimum tender process period is four (4) months from the time of completion of specification development to the notification of the successful applicant. Timeframes may vary considerably depending on the complexity of the tender. It is therefore imperative that preparations are thorough and all Request For Tender (RFT) documentation is prepared well in advance to ensure deadlines are met. Substantial delays may be experienced, for example, if [Tender Business Plans](#), funding sources, and/or relevant approvals are not completed within expected timeframes.

The tender convenor needs to take account of when a current contract due to be re-tendered expires. Where a tender is left too long, expired contracts may need to be maintained or extended to prevent service disruption. This may leave SWSLHD exposed to extraordinary price rises and less than optimal service arrangements. Depending on the scope (size and complexity) of the tender and extent of coordination, plans to re-tender should commence at least nine months prior to the end of a current contract.

Organising Funding and Identifying the Authorised Delegate

Appropriate Delegated Authorisation

Authorised Delegates and their levels of delegation are detailed in the [SWSLHD Delegations Manual](#).

Delegates authorising requisitions should satisfy themselves that the selection of the supplier being awarded the business has been conducted appropriately.

Source and Availability of Funds

The tender convenor shall establish the source and availability of funds. Funding may be sourced from either General or Trust Funds, or a combination of both. The [Approval to Tender Form](#) identifies the required signatories.

Commitment of Funds to Purchase

Some tenders will require both capital and recurrent funding. The ongoing availability of funds (i.e. beyond the current financial year) needs to be established prior to submitting an Approval to Tender request.

Tenders involve competitive quotes from the market, thus preventing a precise prediction of required funding. Every attempt shall be made to provide the authorised delegate with an appropriate expected price range for a commitment of short and / or longer term funds to be allocated to the tender.

Probity and Ethics

Ethical behaviour, which can be a test of probity, is deemed essential during all stages of the tender process. It requires all staff involved to:

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- Be honest, fair and even handed;
- Respect the confidentiality of information;
- Not mislead prospective contractors nor give them false expectations;
- Not accept favours from prospective contractors;
- Comply with the requirements of NSW Health [PD2015 049 NSW Health Code of Conduct](#).

Once a tender process has commenced all communications and activities that may be associated with the tender are to be directed via the tender convenor in conjunction with [SWSLHD Supply Services](#).

It is acceptable, as well as being encouraged, to advise [SWSLHD Supply Services](#) of details of any potential tenderers that are known who can supply the goods or services required. As a courtesy these potential tenderers may be advised via [SWSLHD Supply Services](#) that a particular tender is forthcoming. Under no circumstances will these potential tenderers be proffered any specification information or details related to the proposed tender. All other personnel involved with tender specification development and the evaluation of submissions are not to make contact with any prospective tenderer in relation to the tender.

The tender specifications will be released to the market on a set time and day. No potential tenderer shall have access to the specifications prior to release.

Training and Support for Staff Engaging in the Tender Process

Breaches of probity can have severe financial, legal and service disruption consequences for SWSLHD and for any staff who commit a breach.

The [SWSLHD Internal Audit Department](#) has developed a fact-sheet relating to [Probity in Tendering](#). All staff planning to be involved with tender specification development and / or tender evaluation committees should read and understand the fact-sheet and contact [SWSLHD Internal Audit Department](#) if further information, clarification or training is required prior to participating in their first tender activity.

[SWSLHD Supply Services](#) provides guidance, advice and support to staff engaged in a tender process. [SWSLHD Supply Services](#) can provide advice and answer questions on all matters related to tendering. A [SWSLHD Supply Services](#) representative is assigned to each tender process.

Stages of the Tender Process

Stage 1

Approval To Tender

When it has been decided that a tender process is to be undertaken and the source of funds has been identified and committed, a [Tender Business Plan](#) outlining the scope of the

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requirements, justifying the process and detailing the overall associated risks and benefits shall be drafted. The [Tender Business Plan](#), along with the [Approval To Tender Form](#), shall be tabled for endorsement at the next available monthly SWSLHD Procurement Advisory Board (PAB) meeting which convenes on the second Friday of each month (excluding January). Once endorsed, the [Tender Business Plan](#) and the [Approval to Tender form](#) shall be forwarded with a brief to the CE for approval.

The Convenor's Responsibilities

The convenor of a tender should be a senior staff member with extensive experience relevant to the goods or services for which the tender is being prepared, or who has sufficient seniority and expertise to ensure the engagement of those with relevant experience. The convenor shall also chair any and all specification and evaluation committee meetings.

Note: The brief accompanying the [Tender Business Plan](#) and [Approval To Tender Form](#) shall be assigned a HPRM Number prior to Executive approval. HPRM is the electronic system used for registering and tracking documents.

[Tender Business Plans](#) submitted for equipment or goods to be replaced must include details of the current or recent expenditure on the same or similar items being replaced.

The convenor is responsible for completing the following steps:

1. Consulting with appropriate funding advisors, e.g. Business Managers, Facility Finance Managers, Clinical Stream Heads, and the authorised delegate (e.g. General Manager or CE) to ascertain available funds, fund sources and support in principle;
2. Consulting with [SWSLHD Supply Services](#) about the process, including completion of all required tender documents and plans;
3. Selecting an appropriate number and range of committee members who will best contribute to a comprehensive specification development. These may include front-line users of the goods or services; consumers as appropriate; those who have to install or maintain the goods, e.g. engineers, biomedical engineers, other technicians; and those who will manage relevant contractors or contract elements following the award of a contract. A Finance representative shall also be included on both specification development and evaluation committees;

[Note: Consider whether the tender is relevant beyond the local service / facility. Financial and other benefits (e.g. maintenance costs and staff transferability) may be achieved by incorporating other services/facilities within the tender. If so, ensure the appropriate parties are represented on the specification development and tender evaluation committees.]

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4. Ensuring that all members of the committees are reminded of their [obligations regarding probity](#). This requires the convenor establishing that no conflicts of interest exist, e.g. business or personal relationships between staff and any potential tenderer or company representative that may compromise the integrity of fair competition within the market. A [Disclosure and Confidentiality Statement](#) shall be completed by all tender committee members and conflict of interest declarations shall be a standing agenda item at all specification development and evaluation meetings;
 5. Consulting with [SWSLHD Supply Services](#) to ensure there is a representative overseeing the tender process who shall support and advise the convenor during specification development and sit on the evaluation committee;
 6. Convening and chairing the specification development committee;
 7. Ensuring the [Approval to Tender form](#) has been signed by the authorised delegate before it is sent to [SWSLHD Supply Services](#);
 8. Ensuring the [Procurement Notification Form](#) and the [Procurement Request Form](#) are completed;
 9. Convening and chairing the tender evaluation committee following the close of the tender and receipt of all submissions.

Tender Specification Development

Following identification of the required goods/ services, a tender specification committee is convened to draft the specifications. If specifications already exist (i.e. the goods or services have been previously tendered), the specification committee shall review these specifications to see if they are appropriate for this tender.

Preparation of Specifications

Goods or services shall be defined according to their generic use without ambiguity and without reference to any characteristics that identify them as belonging to a specific supplier, e.g. there can be no specific reference or intended inference to brand or model names or to qualities known to be unique to a particular model or brand. Exceptions to this rule must be discussed with [SWSLHD Supply Services](#).

- i. Tender Specifications should:
 - Be a clear, concise and logical statement of requirements;
 - Contain enough information for prospective tenderers to submit an offer, but not be over-specified;
 - Permit the evaluation of goods or services against defined criteria by examination, trial, or test;
 - Contain only the essential features or characteristics of the requirements;

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- Be worded in such a way as to give all prospective tenderers equal opportunity to tender on a fair and equitable basis.

ii. Sections of the specifications to consider:

Function

Outlines the proposed function of the product (focus on what is to be achieved rather than how it is to be done);

Performance

Details the required performance characteristics, including performance criteria;

Technical

Details the physical description of the item required, including plans, designs and technical drawings, where applicable.

Developing specifications for goods or services is often the most labour intensive part of the tender process. Specifications shall enable prospective tenderers to provide unambiguous sets of details that can then be used to evaluate one offer against another. The specifications shall be posted in "Microsoft Word" format and the use of tables shall be avoided in the specifications unless this is the clearest way to present or summarize information. Specifications are to be formatted within the HealthShare RFT template.

Once complete the specifications, along with a [Tender Procurement Plan](#), shall be tabled with the SWSLHD Procurement Advisory Board for endorsement prior to being sent to HealthShare for posting on the eTendering website.

Stage 2

Preliminary Activity of Tender Evaluation Committees

Tender Evaluation Committee

A tender evaluation committee shall be established to evaluate offers. The committee should consist of a minimum of three individuals familiar with the goods or services required in the tender. For SWSLHD-wide tenders, members should represent a cross section of the Hospitals within the SWSLHD. One of them should be an independent who reports through a different hierarchy than the department initiating the procurement. It is desirable that one of the committee members has had prior experience in the tender process. Names and contact numbers of those who will form the evaluation committee are to be provided to PAB. [SWSLHD Supply Services](#) shall also be represented on the evaluation committee as a non-voting member, overseeing the process, ensuring compliance with policy and providing advice when required.

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Determination of the Evaluation Criteria for Assessing Submissions

The evaluation criteria for the tender based on the outcomes required and in line with the specifications, shall be determined prior to the tender being advertised. A weighting will be applied to each of the criteria which will be used in the scoring process. The criteria, minus the weightings, will be published in the RFT documentation. The scoring methodology to be applied in the evaluation process is detailed in the [Tender Evaluation Plan template](#).

Stage 3

Preparation of RFT Documents

Tender Document Preparation

A standard suite of RFT documents are to be completed to ensure the tender process is undertaken according to SWSLHD and NSW Health policies. [SWSLHD Supply Services](#) shall assist in the compilation of the RFT to ensure all details are accurate and complete. The completed documents required are;

- [Approval To Tender Form](#);
- [Procurement Notification Form](#);
- [Procurement Request Form](#);
- [Disclosure and Confidentiality Statement](#);
- [Tender Business Plan template](#);
- [Tender Procurement Plan template](#);
- [Tender Evaluation Plan template](#);
- [Contract Review template](#);
- RFT Specifications template and Proposed Deed of Contract (available from [SWSLHD Supply Services](#) on request).

Stage 4

Advertisement and Release of the Request For Tender (RFT)

Advertising and Issuing RFTs

Requests For Tenders (RFTs) are advertised on the eTendering website by HealthShare and are available for suppliers to download and submit responses.

When posted on the website all registered suppliers to the site will be automatically notified of the RFT by an email alert. There is a chance that not all suppliers capable of providing the goods or services tendered are registered. To ensure as many potential suppliers as possible are given the opportunity to submit responses, all details of the known suppliers of the goods or services shall be given to HealthShare who in turn shall contact those not registered to advise of the RFT posting.

A nominated HealthShare authorised officer, stated in the RFT documentation, will field all enquiries from prospective tenderers, on behalf of SWSLHD, during the tender opening

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period. The enquiries will be forwarded to the [SWSLHD Supply Services](#) tender delegate for collation, distribution to the relevant stakeholders and response. Responses to enquiries shall be posted on the eTendering website in the form of addendums. The responses shall be generic and will not include details of the prospective tenderer initiating the enquiry.

Stage 5

Submission of Tenders

Tender Responses

All tender responses are to be submitted electronically on the eTendering website and must be received prior to the advertised closing date and time. Late submissions may only be accepted at the discretion of SWSLHD.

All submissions are kept in a secure file until the advertised closing time to ensure a competitive and unbiased process is undertaken.

Opening of the Tender

HealthShare are responsible for opening and registering all tender submissions. The secure file containing all of the submissions is forwarded to [SWSLHD Supply Services](#).

Stage 6

Evaluation of Tenders

Upon receipt of the secure file from HealthShare, [SWSLHD Supply Services](#) shall review each submission and undertake a mandatory compliance check, detailing all instances of non compliance in a spreadsheet. The spreadsheet and the submissions are then forwarded to the tender convenor for distribution to the evaluation committee members.

The tender convenor shall issue invitations to the initial evaluation meeting at which the [SWSLHD Supply Services](#) delegate shall outline the evaluation process, probity requirements and go over the compliance report. A [Tender Evaluation Plan](#) is completed, detailing the process, stakeholders and scoring methodology and is signed off by each of the committee members.

Following on the evaluation committee shall commence the assessment of each submission against each of the stated criteria. The committee shall agree on an expected timeframe for completion of the process, noting that a number of meetings may need to be held before a final recommendation can be made. This will be dependent on the complexity of the tender.

Tenders shall be assessed according to the selection criteria published in the RFT. It is important to note that, whilst price is an important factor in the determination to award a contract, it is not the overriding point to be considered. Tenders shall not be assessed solely on the basis of price. The other criteria shall also be assessed fairly in accordance with the weightings given.

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Stage 7

Approval of Recommendation and Award of Contract

Review of Tender Evaluation and Support of Recommendation

The PAB is the governing committee overseeing all SWSLHD tendered contracts. When the evaluation committee has agreed upon a recommendation to award the tender an evaluation report incorporating the comments, justifications and weighted scores shall be completed and signed off by each committee member. The report shall be tabled with the PAB and will be spoken to by the tender convenor in seeking endorsement. Following endorsement the report and recommendation will be forwarded to the CE for approval.

Notification of Successful and Non-Successful Tenders

When the CE has approved the recommendation to award a contract the successful tenderer is sent an acceptance letter stating that their submission has been successful and they will be awarded a contract pending finalisation and sign off of the deed.

Unsuccessful tenderers are notified in writing and thanked for their participation in the RFT process. They are also given the option to attend a debrief to discuss their submissions.

Contract Disclosure

When the award of a contract with a value equal to or exceeding \$150,000 has been finalised, i.e. when the deed has been signed off by both the contractor and SWSLHD, a Contract Award Details form must be completed and forwarded to Procurement Advisory Service and to the relevant Health Support Services Centre for publishing of the information within 60 days, in accordance with MoH policy document [PD2011_011 Disclosure of Contract Information](#) and section 27 of the [GIPA Act 2009](#).

In the event that a contract is initially awarded with a value less than \$150,000, but becomes equal to or exceeds \$150,000 due to subsequent variations, the contract must be disclosed as detailed above.

Contractual Documentation

The deed is the document that stipulates the rights and obligations of both SWSLHD and the contractor. The approved tender specification, the deed and the final award letter are the components of the written contract.

Management and Evaluation of the Contract / Contractor

The department or facility responsible for the contract shall retain a copy of the contract for reference and to enable appropriate management, communication and evaluation throughout the term. Regular assessments shall be undertaken to ensure compliance with the stated key performance indicators and contract review meetings shall be scheduled at least biannually. The [Tender Contract Review Template](#) shall be completed and this will form the

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basis for the review meeting agenda. [SWSLHD Supply Services](#) shall be included in these meetings and shall table the outcomes with the PAB.

Any requested amendments to the agreed contract terms & conditions shall be referred to [SWSLHD Supply Services](#) in the first instance. All decisions to amend or otherwise shall be made in line with the NSW Health Goods & Services Procurement Policy, the RFT specifications and in consultation with the SWSLHD authorised officer for the contract, including any price variations.

Breach of Contract

A breach of contract is committed when there is non-compliance with the terms of the contract. For further details contact the Manager or Procurement Manager, [SWSLHD Supply Services](#).

4. Definitions and Acronyms

The table below contains terms and definitions pertaining to the tender process and which may be contained in either this document or the RFT suite of documents.

Term	Definition
Authorised Delegate	A person within a designated position who has a unique and non-transferable right to provide approval for specific levels of expenditure. SWSLHD delegations are fully defined in the SWSLHD Delegations Manual .
Contract	A legally binding agreement between two or more persons or organisations, i.e. SWSLHD and the contractor. A preliminary acceptance letter and a copy of the deed are forwarded by SWSLHD to the successful tenderer. The successful tenderer in return signs and returns the deed to SWSLHD. This confirms the tenderer's acceptance of the conditions of the contract and any pre-agreed adjustments thereof. The SWSLHD Chief Executive countersigns the deed, a copy of which is then returned to the contractor with the final award letter.
Convenor	In the context of a tender a convenor is the staff member who leads the tender process including specification development and the evaluation of submissions. The convenor's responsibilities are detailed on page 10 of this document.
Embedded Derivatives	Contracts need to avoid risks associated with the use of embedded derivatives. Embedded derivatives are components of a contract which include an underlying adjustment of payment provisions by factors other than directly connected with the provision of the goods or services or by amounts or multiples greater than associated with the provision of the goods or services. By way of examples; price variations by double the impact of foreign

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	<p>currency variations, price variations 3 times the CPI rise, price variations tied to increases in the price of oil where oil is not a component of the goods or services being purchased, price rises tied to rises in one component e.g. syringe prices tied to the price of steel alone.</p> <p>The risk is that price variations 'embedded' in a contract may be tied to volatile factors or by amounts or multipliers which lead to greater price variations than in the 'real' market.</p>
Expression of Interest (EOI)	<p>An Expression of Interest (EOI) is an invitation to prospective suppliers to submit their intention and capability to provide goods or services as described in general terms with an intention of possibly calling for costed tenders or quotations at a later date through the release of more detailed specifications.</p> <p>EOIs may be called where solutions to the requirements are unknown and SWSLHD wants to initially test the market to understand options available for the supply of the goods or services.</p> <p>When an EOI for goods or services has identified capable suppliers, and it is determined that the value of the goods or services to be procured is above the tender threshold limit, a Request For Tender shall be issued to the selected suppliers. This is a selective tender process which is not open but is still subject to the application of all tender policies and procedures.</p>
HPRM	HP Record Management system.
Probity	<p>Probity requires the participants in tender processes to be fair, honest and unbiased, ensuring the integrity of the tender preparation, invitation, closing date, evaluation, selection and approval processes. Probity requires all staff to comply with governing documentation including PD2015 049 NSW Health Code of Conduct. During the tender process staff shall disclose any actual or potential conflicts of interest and not behave in any way that may compromise SWSLHD achieving best value for money, nor may compromise a prospective tenderer's chances of competing for the contract. Information relating to probity is available through the SWSLHD Internal Audit Department. Breaches of probity can have severe consequences for both the organisation and the staff member who commits a breach.</p> <p>Participants in evaluation and decision making in every major procurement process are required to complete a Disclosure and Confidentiality Statement and have it filed with the procurement</p>

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	documents available for audit or review.
Request For Tender (RFT)	A Request For Tender (RFT) is an offer to prospective suppliers to provide goods or services within a particular set of parameters (specifications) to achieve a particular function at a reasonable cost. The RFT is the invitation to prospective suppliers to make an offer to supply goods or services to SWSLHD in accordance with the specifications and the terms & conditions of the proposed contract.
Shall	<p>The term 'shall' means that the particular element of the specification is compulsory or mandatory. This term is to be used in a tender specification to express this requirement. It must not be used to exclude any prospective tenderer nor favour any prospective tenderer. Alternative terms such as must; will; is required to; has to; is obligated to; are not to be used. The term is always relevant to safety and risk management aspects of the tender.</p> <p>Those writing specifications shall note that failure to comply with mandatory requirements will lead to exclusion of an offer from consideration for award of the contract.</p>
Should	<p>The term 'should' means that the particular element of the specification is not mandatory but preferable. Alternative terms such as may; can; might; are not to be used. These elements may be value adding enhancements.</p> <p>'Should' is a different term to 'optional'. Components or functionality that 'should' be present may provide a tenderer with a competitive edge when other tenderers comply with the 'shalls' in the specification.</p> <p>Failure to comply with a "should" will not necessarily exclude a tender from consideration, but it may lead to the offer being less highly valued in that aspect.</p>
Specifications - Generic and Brand Specific	<p>Generic specifications describe the characteristics of goods or services that are required.</p> <p>It is acceptable to specify technology types to reduce the impact of redundancy, e.g. digital vs analogue, or to ensure a minimum level of performance, e.g. ≥ 8 megapixels or to specify maximum dimensions to ensure equipment can fit in existing work spaces. An expression of ranges supports a generic specification.</p> <p>Brand specific specifications are not to be used as this will unfairly advantage some tenderers. Examples of specifications that may be / are brand specific include:</p>

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	<ul style="list-style-type: none"> o "A product with similar or the same qualities as SMITH @WHITE Model BET_3434S". o "Required dimensions of H2109mm x L3800 x W 2423."
SWSLHD Procurement Advisory Board (PAB)	The SWSLHD Procurement Advisory Board (PAB) is the peak SWSLHD governance body overseeing the processes related to all SWSLHD tendered contracts. The PAB makes recommendations to the SWSLHD CE to approve the award or otherwise of a tender.

5. References

Related Policy Directives / Guidelines

MoH - PD2014_005	Goods and Services Procurement Policy	Link
NSW Government – GIPA Act	Government Information (Public Access) Act 2009	Link
MoH - PD2011_011	Disclosure of Contract Information	Link
MoH – PD2015_049	NSW Health Code of Conduct	Link
SWSLHD_PD2014_029	Right to Information - Government Information (Public Access)	Link
SWSLHD	Delegations Manual V14	Link

Forms

Approval To Tender Form	Link
Contract Review Plan Template	Link
Disclosure and Confidentiality Statement	Link
Procurement Notification Form	Link
Procurement Request Form	Link
Tender Business Plan Template	Link
Tender Evaluation Plan Template	Link
Tender Procurement Plan Template	Link

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