

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/202) PROGRAMME – Internal Product

Senator Carr (Written) asked:

What are the ethical requirements for the submission of a tender?

What are the criteria to be satisfied for a successful submission?

Is there any additional research conducted into the contractors/companies who have submitted a tender?

Who conducts this research?

Answer:

The department complies with relevant law and policy in conducting a procurement process, including the Commonwealth Procurement Rules. Under the Commonwealth Procurement Rules, ethical considerations relate to honesty, integrity, probity, diligence, fairness and consistency. These are reflected in the Request for Tender (RFT) documentation for each tender.

The criteria for a tender to be considered are based on the requirements specified in the RFT.

Each tender generally includes:

- (a) Conditions for participation; and
- (b) Technical and non-technical evaluation criteria.

Conditions for participation are mandatory criteria that a tenderer must adhere to and any failure by a tenderer to meet the conditions for participation would mean that the tenderer is excluded from further consideration. Conditions for participation may include:

- (a) The tenderer must not be named by the Workplace Gender Equality Agency as an employer currently not complying with the *Workplace Gender Equality Act 2012* (Cth);
- (b) The tenderer must confirm that, to the best of its knowledge after making diligent enquiry, neither it, nor its Subcontractors are currently engaging Illegal Workers;
- (c) The tenderer and its proposed Subcontractors are not listed as terrorists under section 15 of the *Charter of the United Nations Act 1945* (Cth); and
- (d) The tenderer must confirm that neither it, nor any proposed Subcontractor, has a judicial decision against it relating to employee entitlements that is not under appeal or unpaid.

The technical and non-technical evaluation criteria are specific to the individual procurement activity and stated in the RFT.

The department evaluates the information provided by tenderers when responding to the RFT, in accordance with the procurement documentation. The department may undertake further research into tenderers if required. This would be determined on a case by case basis. If such an activity was to occur, it could be undertaken by the department or may be outsourced to an organisation contracted to the department.