

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS**

**QUESTIONS ON NOTICE**

**Inquiry into the DEEWR Tender Process to award employment services contracts**

**EEWR\_SIH\_W46**

Senator Humphries provided in writing.

**Question**

Do Commonwealth contract guidelines allow the Department to include in the tender process an interview allowing tenderers to expand on their application?

**Answer**

The *Commonwealth Procurement Guidelines (January 2005)* (CPGs) which applied to the Job Services Australia procurement, do not require any interview process allowing tenderers to expand on their written applications. However, probity guidance imposes restrictions on the ability of tenderers, after their tender has been submitted, to provide further information which materially alters or adds to their tender, as this affects the fundamental principles of the CPGs in ensuring the transparency of the procurement process and according an equal opportunity for all tenderers to be treated fairly in that process..

In addition, in a large and complex tender assessment process such as that for Job Services Australia (where over 2,100 bids for Stream Services were received), there is little scope, as a practical matter, to include in the tender assessment and evaluation process an interview stage - that is, an tenderer interview process which would have allowed tenderers to "expand on" their written responses.

To meet probity and ethical requirements in relation to the procurement (that is to ensure that all tenderers are treated equitably and fairly in the evaluation, and that they are given the same opportunity to expand on their claims), such an interview process would have been required to be conducted with *each* tenderer and in respect of *each* ESA for which the tenderer submitted a tender. In the Job Services Australia procurement, this would have required hundreds of separate interviews with tenderers, and the development of strict guidelines as to how the interviews are conducted, so as to ensure that every tenderer had the same opportunity to "expand on" or "verify" its claims in the interview. In any event, given the size and complexity of the Job Services Australia procurement, substantial probity risks would have arisen (for the reasons indicated above) in relation to determining the admissibility of any further information into the evaluation and the weight that it would have been able to given in the evaluation (as was noted by at least one other witness to the Senate Committee). In that respect, such a process had the potential to create more uncertainty, not less, in the determining the outcomes of the procurement.