



**EXPOSURE DRAFT FOR EMPLOYMENT  
SERVICES 2015-2020 PURCHASING  
ARRANGEMENTS**

**COMMUNICATION PROTOCOL  
FOR DEALING WITH EXISTING  
SERVICE PROVIDERS,  
TENDERERS AND POTENTIAL  
TENDERERS**

The following is a communication protocol established to support the Exposure Draft for Employment Services 2015-2020.

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 arrangements, including the Employment Services 2015-2020 Request for Tender which is expected to be released in late September 2014. 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 Request for Tender process have been identified as, including:

- employees of the Department
- Ministers, Parliamentary Secretaries and their staff
- Parliamentarians, whether Commonwealth, state or territory
- existing Employment Service Providers and industry groups
- anyone else directly or indirectly involved in the tender process acting for the Department or with access to information about the Department's 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 Request for Tender process and must be adhered to.

### **Contact with Portfolio Ministers**

During the Request for Tender process, Portfolio Ministers will continue to interact with relevant stakeholders for business-as-usual, meetings, conferences and social activities.

However, during these interactions, the only information, if any, that can be provided about the Request for Tender process will be limited to information that is already available in the public arena. Tenderers and potential Tenderers must not seek to elicit or obtain from Portfolio Ministers, or their staff, any information concerning the Request for Tender process that is not already available in the public arena.

The Request for Tender process will be conducted by the Department with all decisions made by the Department in accordance with the approved delegation.

### **Contact with the Department**

During the Request for Tender process, the Department continues to interact with relevant stakeholders as a part of its ongoing business (on a business-as-usual basis), including continuing any regular discussions with a range of interest groups and industry representative bodies.

At these business-as-usual interactions, any discussions relating to the Request for Tender process, however, will not be permitted. The following principles will apply:

- all Tenderers will only use the process set out in the Request for Tender to contact the

Department for the purpose of querying or clarifying any aspect of the Request for Tender process

- the Department will not consider unsolicited references or submissions on behalf of Providers or Tenderers outside those provided for in the Request for Tender process
- Tenderers or other persons with an interest in the Request for Tender process must not enter into discussions with or otherwise engage in any activity with the Department, persons directly or indirectly involved in the Request for Tender process acting for the Department, and other persons who have been identified as being in positions of potential influence over the operation of the Request for Tender process. Further, the Department will not enter into discussions or otherwise engage in any activity with Tenderers, or such other persons with an interest in the Request for Tender process, where this could be perceived as influencing the operation of the Request for Tender process
- views on an individual Tenderer or Tenderers must not be expressed to the Department in a way that could be perceived as an attempt to influence the Department to favour, or disfavour, any Tenderer
- details of any approaches by or on behalf of an individual Tenderer or Tenderers will be fully documented
- communications or conduct suspected of involving a breach of this communication protocol or of the Request for Tender process, including any suspected illegality will be investigated and may be taken into account during the Request for Tender evaluation process.

## **Assistance**

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

Tenderers must not seek help from any person in a position that the public could perceive as having power to influence the operation of the Request for Tender process to develop their submissions. Tenderers must not seek any assistance in interpreting or otherwise using any information that has been made available about, or as part of, the Request for Tender process except as provided for in procurement documentation published by the Government, such as the Request for Tender.

## **Information**

Except as provided in procurement documentation published by the Government:

- no Tenderer will be provided with information about the Request for Tender process (including any policy matters relevant to or affecting the tender process)
- no Tenderer will receive information about the decision-making processes.
- Further, the following principles will guide the Department 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
- 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 deed management and associated activities such as auditing
- where in the opinion of the Department, information provided to one Tenderer should be made available to all Tenderers, that information will be distributed on the Department's website on a non-attributable basis.

## Further Information on purchasing arrangements

The Employment Services Purchasing Hotline (the Hotline) is the primary means of contact during the Request for Tender 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](mailto:espurchasing@employment.gov.au) ([espurchasing@employment.gov.au](mailto:espurchasing@employment.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 Request for Tender, or provide information that is not contained in the Request for Tender, 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 required to refer or direct any purchasing-related enquiries to the Hotline, website or email address.

## Complaints Handling

The Department has a complaints handling process in place for purchasing under the Request for Tender. This process requires, as is appropriate, involvement of senior management and officials independent of the process. Consistent with these requirements, persons with any concern about the probity or integrity of the tendering process can raise their concerns with our internal legal adviser, Luke de Jong at [luke.dejong@employment.gov.au](mailto:luke.dejong@employment.gov.au). Where appropriate, Mr de Jong will refer concerns to the external probity adviser.

Any questions about the process or services covered by the Request for Tender process should, in the first instance, be lodged through the Employment Services Purchasing Hotline (the Hotline).

## Probity Adviser

The Department is committed to ensuring that competition for the purchase and supply of Employment Services is fair and transparent. To do this, it is important that the tendering processes are transparent and subject to appropriate scrutiny and that all tendering

procedures published by the Department are followed.

The Department has appointed Maddocks as the external Probity Adviser. The role of the Probity Adviser is to advise the Delegate (Deputy Secretary, Employment) on the probity and integrity of the tendering processes. The role includes developing an overarching Probity Plan that can be applied to tendering and providing advice on probity issues, conducting appropriate probity training and advising on relevant security arrangements.