

### PURPOSE

This policy regulates the management of late tenders.

### SCOPE

This policy commences with the receipt of a *tender* after the designated closing time for that *tender*, and concludes with the determination of whether or not it can be considered in the evaluation process. This does not apply to single source procurement strategies.

### POLICY STATEMENT

Late *tenders* **must** only be determined (in)admissible by the *delegated* authority in accordance with [eGADS](#) – refer PR06. The relevant *Procurement Lead* is responsible for making a recommendation to the delegate.

1. Offers/submissions received after the designated closing time are deemed 'late tenders'.
2. If a *Procurement Lead* becomes aware of a late tender, or the likelihood of a late tender, they **must** notify the Transport Project Delivery Tendering & Prequalification team (for TPD construction or Buildings) or the Goods & Services tendering officer as soon as possible.
3. An approved officer **must** process late tenders separately to offers received prior to the closing time, and **must**:
  - record the time the tender was received;
  - record the method of delivery (i.e. by hand, email, post etc.); and
  - advise the *Evaluation Chairperson*.
4. Late tenders **must not** be opened until the *delegate* has approved a recommendation from the *Procurement Lead* to accept or reject the submission.
5. The *delegate* can only consider the following when determining whether to accept a late *tender*, upon recommendation from the *Procurement Lead*:
  - whether there was a fault in the Department's receiving arrangements for tenders (such as failure of the electronic tender submission mechanism or an ambiguity or discrepancy in the process); or
  - whether there was a fault outside the control of the tenderer (e.g. significant postal or courier service delay, major incident, e-delivery system downtime) or other exceptional circumstances in the tendering process.

6. Late tenders **must** not be accepted unless it is clear that both the circumstances beyond the tenderer's control were the cause of lateness and that the integrity of the tender process will not be compromised by accepting a late tender. The advice of a probity officer may be sought if necessary.
7. All recommendations to the *delegate* to accept or reject a late *tender* **must** be in a minute format, **must** recommend either acceptance or rejection of the *tender*, detailing the reason why, and **must** provide supporting evidence or justification. Refer to [PR361-2](#) for the minute template.
8. The *Procurement Lead* may refer to the Late Tender Register to determine if the tenderer has a history of submitting late tenders; if so this should be referenced in the approval minute.
9. Once the tender has closed, the approved officer may schedule the tenders that were received prior to the closing time and provide the file to the *Evaluation Chairperson*, however once it is known that late tender is being reviewed, no tender submissions can be opened until the decision whether or not to admit the late tender has been determined.
10. If the *delegate* determines that a late tender is not admissible:
  - the late tender and approval minute **must** be attached to the schedule of tenders under a separate heading (indicating it was late) and not given a schedule number;
  - the late tender **must** not be opened (except where the potential supplier's contact details cannot otherwise be identified), and should be returned to the potential supplier (if possible, i.e. hard copy submission); and
  - a letter **must** be prepared informing the supplier that their tender was late and will not be considered. Refer to [PR361-1](#) Template: Letter Inadmissible Late Tender. A copy of the signed letter **must** be saved in KNet, referencing the contract number. It can be scanned and emailed to the supplier.
11. If the *delegate* determines that a late tender is admissible:
  - the late tender, copy of the approval minute and any supporting documentation **must** be attached to the schedule of tenders and provided to the *Evaluation Chairperson*; and
  - the potential supplier **must** be advised via email by the *Procurement Lead*, and the email saved in KNet, referencing the contract number.
12. All late tenders **must** be recorded by the delegate in the Late Tender Register (refer PR361-3) once a determination has been made.

## RECORDS

1. [PR361-1](#) Letter informing a *tenderer* that their *tender* will not be considered.
2. [PR361-2](#) Template: Minute to PR06 Delegate Accept/Reject late tender.
3. [PR361-3](#) Late tender register

## DEFINITIONS

All definitions not specific to this policy are available in the [Glossary of Procurement Terms](#). Defined terms are in *italics*.

## REFERENCES AND OTHER RELATED DOCUMENTS

State Procurement Board (SPB): [Supplier Selection Guideline](#)

## DOCUMENT APPROVAL

Approval Date:	31 August 2020
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Policy Contact Officer:	Team Leader Policy
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