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PURPOSE

This document provides a summary of the key government policy requirements applicable to procurement, other than Treasury / State Procurement Board Policies, which are covered in [PR100](http://knet.dtei.sa.gov.au/sagovt.asp?show=9540742)“Procurement & Expenditure Authorisations Summary”. It provides a brief outline of the requirements to be included in the Request for Tender (RfT), Request for Proposal (RfP) and Contract Documents and how the policies are considered during assessment. The applicability of these policies must be noted in the Acquisition Plan. For further information, refer to the internet links. All values are GST inclusive.

# South Australian Industry Participation Policy (IPP)

[S.A. Industry Participation Policy](https://statedevelopment.sa.gov.au/industry/south-australian-industry-participation-policy)

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| Below $33,000  | No specific requirements |
| $33,000 to $220,000  | * Standard IPP clause in Request for Tender.
* Where 3 or more quotes are sought, one must be from a SA business.
* RfT / RfP schedules to include link to online ECT form (refer link above)
 | No contract clause required  | * ECT to be completed
* No weighting but ECT used to differentiate bids that represent good value and meet needs of Government.
* Assessed by Evaluation Panel
 |
| $220,000 and under $1 million in Regional South Australia or $4 million in metropolitan Adelaide  | * Standard IPP clause in Request for Tender.
* RfT / RfP schedules to include link to online ECT form (refer link above)
 | No contract clause required  | * ECT to be completed and has minimum weighting requirements in the evaluation.
* Assessed by Evaluation Panel
 |
| Equal to or greater than $1 million in Regional SA or $4 million in metropolitan Adelaide  | * Standard IPP clause in Request for Tender.
* RfT / RfP schedules to include link to online ECT form (refer link above)

 | Contract includes standard clause requiring implementation of IPP Plan & reporting  | * Completing a Standard IPP Plan is mandatory.
* IPP Plan has minimum weighting requirements
* Assessment by DSD
 |

The Industry Participation Policy was updated on 1 October 2017 and applies new weighting requirements, and an **Economic Contribution Test** (ECT) replaced the Employment Contribution Test. The ECT is a simple test that assesses the impact of employment and supply-chain on the economy of South Australia. The IP Policy is managed by the Department of State Development (DSD).

The IPP Plan requirement applies to the following procurements:

* South Australian Government procurement of goods and services including infrastructure and construction:
	+ with a quoted value of $4 million dollars and over in Metropolitan Adelaide; or
	+ with a quoted value of $1 million dollars and over in Regional South Australia,
* Public/private partnerships above these thresholds, or
* Federally funded infrastructure and construction projects managed by the South Australian Government above these thresholds.

The IPP Plan requirement also applies to:

* Private sector projects receiving $2.5 million and over in cash and/or in kind support from the South Australian Government, or
* Private Sector Grants above $2.5 million.

For Panel Contracts and Expressions of Interest, refer to [FAQs](https://statedevelopment.sa.gov.au/upload/industrypolicy/FAQs.pdf?t=1515545771138).

# Aboriginal Business Procurement Policy – now embedded in the IPP

[South Australian Industry Participation Policy](https://industryandskills.sa.gov.au/industry/south-australian-industry-participation-policy)

[South Australian Industry Participation Policy - Procedural Guideline](https://statedevelopment.sa.gov.au/upload/industrypolicy/Procedural-Guidelines.pdf?t=1523321574138) Section 3.4

 *‘Section 3.4: If the procurement presents an opportunity for Aboriginal businesses, the RGA should also consider seeking a quote from an Aboriginal business (or directly engaging an Aboriginal business if the contract is less than $220,000).’*

# The South Australian Steel Economic Participation Policy - now embedded in the IPP

[South Australian Industry Participation Policy - Procedural Guideline](https://statedevelopment.sa.gov.au/upload/industrypolicy/Procedural-Guidelines.pdf?t=1523321574138) Section 4 and 5

[South Australian Industry Participation Policy](http://secure.statedevelopment.sa.gov.au/publications-reports/Publications/20180319-SA_Industry_Participation_Policy.pdf?t=1523321574138) Section 4 and 5

# Rail Safety National Law -National Regulations 2012

See the [Rail Safety management system manual](http://knet.dtei.sa.gov.au/sagovt.asp?show=11264674) for more details.

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| All Procurement and Contracting for Rail Division defined as Rail Safety Work in accordance with the [Rail Safety Work Guideline Section 2](https://www.onrsr.com.au/__data/assets/pdf_file/0004/18652/Guideline-Identifying-Rail-Safety-Work-Under-the-RSNL.pdf) | Safety requirements under the DPTI Safety Management System must be adequately defined and documented in tender documentation to ensure the terms of any tender do not lead to unsafe work.  | Safety requirements under the DPTI Safety Management System must be adequately defined and documented in contract documentation to ensure the terms of any contract do not lead to unsafe work. | Prospective suppliers must demonstrate an ability to comply with regulatory requirements and the DPTI Safety Management System.All goods and services procured for railway operations must meet the regulatory safety standards and specifications.There must be mechanisms within the contract to ensure monitoring of the performance of contractors, including conducting or commissioning audits (and remedial action where necessary) of the contractor's performance in relation to the safety aspects of the contract and the DPTI Safety Management System. |

# Contract Disclosure

See [PC027 Disclosure of Government Contracts](http://www.dpc.sa.gov.au/documents/rendition/B17980)for full details of information to be disclosed.

|  |  |  |  |
| --- | --- | --- | --- |
| **Value (incl. GST)** | **Request for Tender** | **Contract** | **Assessment** |
| Non-consultancy < $500,000  | No specific requirements |
| “Eligible Contracts”: * Consultancies < $25,000; and
* Other contracts: $500,000 to $4,000,000
 | Standard policy clause in Invitation to Tender | Standard disclosure policy clause in Conditions of Contract. | * No specific requirements
* After award, Senior Contract Services Officer to ensure disclosure of summary contract information on Tenders.sa internet site.
 |
| “Significant Contracts”: * Consultancies > $25,000;
* Contracts including the provision of industry assistance of $200,000 or more
* Contracts more than $4,000,000 involving expenditure of public funds
* Contracts involving asset sales of $1,000,000 or more
 | Standard policy clause in Invitation to Tender | Standard disclosure policy clause in Conditions of Contract. | * No specific requirements
* After award, Senior Contract Services Officer to ensure disclosure of entire contract on Tenders.sa internet site.
 |

# Workplace Participation in Government Construction Procurement

DPTI overview of [Workforce Participation in Government Construction Procurement](http://www.dpti.sa.gov.au/wpgcp)

Applies to building and civil construction contracts only.

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| Below $150,000  | No specific requirements |
| $150,000 to $5 million  | * Basic WPGCP Policy clause in Invitation to Tender
* RfT / RfP schedules to include Declaration of Compliance
 | Basic WPGCP contract clause required  | Declaration must be submitted to be complying. |
| $150,000 to $5 million and > 6 months duration. (Tier1) | * Tier 1 WPGCP Policy clause in Invitation to Tender
* RfT / RfP schedules to include Workforce and Skills Development Plan (usually submitted post tender)
 | Tier 1 / 2 contract clause required  | Consideration of commitment & Tenderer’s past performance. |
| $5 million and over. (Tier2)  | * Tier 2 WPGCP Policy clause in Invitation to Tender
* RfT / RfP schedules to include Workforce and Skills Development Strategy (usually submitted post tender)
 | * Tier 1 / 2 contract clause required
* Insert 20% target if >$100 million
 | Consideration of commitment & Tenderer’s past performance.  |

Target is:

15% for < $100 million

20% for > $100 million

In some regional areas, the target for Aboriginal participation may be higher.

# Federal/State MoU regarding Cooperation on Competition and Consumer Matters

The Department’s obligations under the MoU relate to the provision of information and assistance to the ACCC concerning possible cartel conduct that may relate to, or affect, SA Government procurement activities.

The MoU, declaration form and excerpts from SPB bid rules can be found [here](http://knet.dtei.sa.gov.au/sagovt.asp?show=5875977).

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| All competitive tenders | * Standard clauses (Consortium Responses,
* Confidentiality and State federal Cooperation on Trade Practices Matters) included in Invitation to Tender.
* Declaration in Relation to Unlawful Collusion attached to tender form.
* Not required for Single Offers.
 | No specific requirements | * Declaration must be submitted to be complying.
* Must include list of subcontractors that exceed either of $1,000,000 (GST inc) or 25% of the total tender value.
 |

# South Australian Building and Construction Industry - Code of Practice

[South Australian Construction Industry – Code of Practice](http://dpti.sa.gov.au/__data/assets/pdf_file/0006/255561/08_code_of_practice_and_implementation_guidelines_2016_po22_v1.2.pdf)

Applies to building and civil construction projects only.

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| All construction contracts and goods and services in conjunction with construction  | Standard Code of Practice clause in the Invitation to Tender.Tender documentation | Standard Code of Practice clause in Conditions of Contract. | Tender assessment must be carried out in accordance with the requirements in the code. |

# Australian Government Building Code 2016

<http://www.employment.gov.au/building-code>
[ABCC Workplace Relations Management Plans - overview](https://www.abcc.gov.au/building-code/workplace-relations-management-plans)

Applies to building and civil construction contracts only.

AGBC cont.

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| Where Federal funding of project is:* >$5m and > 50% of the total construction project value; or
* >$10m

Only applies to main construction contract.  | Standard Building Code clause in Invitation to TenderRfT / RfP schedules to include Declaration of ComplianceTender submissions must include a Workplace Relations Management Plan which DPTI must forward to the Australian Building and Construction Commission prior to the awarding of any contract. | Building Code contract clause required.DPTI must not enter into a contract with a tenderer if their WRMP has not been approved by the ABCC. | Declaration must be submitted to be complying. |

# Australian Government Building and Construction WHS Accreditation Scheme

[DJSB Advice for States and Territories](http://www.fsc.gov.au/sites/fsc/engageaccredited/pages/iamastateorterritoryauthority)
[DJSB Model Clauses - Applying the Work Health and Safety Accreditation Scheme](http://www.fsc.gov.au/sites/FSC/Resources/AZ/Documents/Model%20Clauses.pdf)

Applies to building and civil construction contracts only.

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| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| The Scheme applies to indirectly funded building work where a head contract under the project includes building work of $4 million or more (GST inclusive) AND:* the value of the Federal funding to the project is at least $6 million (including GST) and represents at least 50 % of the total construction project; OR
* the value of federal funding to the project is $10 million (including GST) or more, irrespective of the proportion of Australian Government funding.
 | WHS Accreditation Scheme [Model Clauses 11-15](http://www.fsc.gov.au/sites/FSC/Resources/AZ/Documents/Model%20Clauses.pdf) to be used to tender, where applicable.  | WHS Accreditation [Scheme Model Clause 16](http://www.fsc.gov.au/sites/FSC/Resources/AZ/Documents/Model%20Clauses.pdf) to be used in contract.  | DPTI must confirm that the Tenderer is accredited. Refer to: [http://www.fsc.gov.au/sites/fsc/reso urces/pages/accreditationregister](http://www.fsc.gov.au/sites/fsc/resources/pages/accreditationregister)  |

# Free Trade Agreement

DFAT Trade Agreements overview

[DFAT Australia-United States Free Trade Agreement – Chapter 15: Government Procurement](http://dfat.gov.au/about-us/publications/trade-investment/australia-united-states-free-trade-agreement/Pages/chapter-fifteen-government-procurement.aspx)

[State Procurement Board – International Obligations Policy](http://www.spb.sa.gov.au/content/policies-guides/gov-req)

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| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| “Covered Procurement”: * goods and services: >A$657,000; and
* construction: > A$9,247,000
 | No specific clause in Invitation to TenderMinimum 25 day tender period when the tender is advertised on S.A Tenders, otherwise 30 days.  | No specific requirements | No specific requirements |

# Digital Service Standard

# [Web Content Accessibility Guidelines (WCAG) 2.0](http://www.w3.org/TR/WCAG20/)  [Australian Government Digital Transformations Agency - Digital Service Standard](https://www.dta.gov.au/standard/)

|  |  |  |  |
| --- | --- | --- | --- |
|  **Value** | **Request for Tender** | **Contract** | **Assessment** |
| No specific value | All requests for tender for digital services / platform creation etc. must include the requirement of adherence to the: Web Content Accessibility Guidelines (WCAG) 2.0 | All awarded contracts must specify the requirement of adherence to the: Web Content Accessibility Guidelines (WCAG) 2.0 | No specific requirements |

# Public Works Committee

[Public Works Committee Webpage and User Guide](https://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=5&CId=294)

[Parliamentary Committees Act 1991](http://www.legislation.sa.gov.au/LZ/C/A/PARLIAMENTARY%20COMMITTEES%20ACT%201991.aspx)

[PC015 Procedures for Submission to Cabinet Seeking the Review of Public Works by the Public Works Committee](https://dpc.sa.gov.au/documents/rendition/DPC15_Public-Works-Committee_20171013.pdf)

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| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| Physical changes to a building, structure or land and the estimated cost of the work to be done is > $4m  | No specific clause in Invitation to Tender. | No specific requirements | The report of the Committee to the House of Parliament and the Minister’s response must be completed prior to the commencement of works on site. May be a condition precedent to award. |

Note:

Where the work is carried out over multiple sites (e.g. plane and reinstate asphalt, line marking or spray seal), the construction cost is deemed to refer to the cost of work at a particular site, not the total contract sum. (kNet # 5846799, 5933569, 730115229 & 5933571). Maintenance contracts do not need PWC approval unless they were to involve repair work at a single location in excess of $4 million.

# Protective Security Framework

[Federal Government Protective Security Framework](https://www.protectivesecurity.gov.au/Pages/default.aspx)

|  |  |  |  |
| --- | --- | --- | --- |
| **Value** | **Request for Tender** | **Contract** | **Assessment** |
| No specific value | No specific clause in Invitation to Tender. | DPTI must ensure all contractors undertake a DPTI induction including ICT Security Awareness Training. | No specific requirements |

Note:

This requirement is currently met by DPTI’s induction procedure.