

Tendering Procedures

Section 1 - Procedures

Part A - Purpose

- (1) Tender Board is responsible overall for ensuring that the University's [Procurement Policy](#) is observed and for the oversight of purchases of goods and services likely to exceed \$200,000 (GST exclusive) or purchases that pose significant risk. It ensures that those purchases comply with the Code of Practice for NSW Government Procurement.
- (2) Tender Board will be the authority for inviting and accepting tenders and quotations, determining conditions under which tenders and quotations are invited and arranging contracts.
- (3) Tender Board may if it thinks fit determine what preference, if any, is to be given to local tenderers. The terms of Tender Board's determination will be recorded in the minutes.
- (4) Tender Board is responsible for administering the Declaration of Interest register.

Part B - Membership

- (5) Subject to the general control of the Vice Chancellor, the Tender Board membership is as follows:
 - a. Chairperson:
 - i. Vice President, Finance
 - b. Secretary:
 - i. Senior Procurement Officer;
 - c. Members:
 - i. Director, Property Services;
 - ii. Director Technology Services;
 - iii. University Lawyer;
 - iv. Director Financial Operations;
 - v. Director, Management Accounting
 - vi. Manager, Insurance and Risk Management; and
 - d. Any co-opted professional or technical expert with no vested interest in the matter, as deemed necessary from time to time and for particular purposes.
- (6) In the event of absence due to illness or otherwise of any member(s), a deputy to be nominated by any member will act in place of that member. Any such deputy while so acting will have all powers and authority of the member in whose place the deputy is acting.

Part C - Quorum and Meetings

- (7) A quorum will consist of the Chairperson and two other members.

(8) The Board will normally meet every Tuesday, or more often if directed by the Chairperson. If postponement is required, the reasons for postponement will be recorded in the minutes of the following meeting.

(9) A record of all proceedings of the Board will be kept in a Minute Book.

(10) The members will declare any conflict of interest at the start of the meeting.

(11) Questions arising at Board meetings will be decided by majority vote.

(12) Each member will be entitled to one vote and, in the event of equality of votes; the Chairperson will have the deliberate and casting vote.

Part D - Between Meeting Procedure

(13) Where a purchase requires urgent approval and is either:

- a. >\$200,000 (GST exclusive) and covered by an existing contract; or
- b. >\$200,000 (GST exclusive) and has previously been considered by tender board as a sole supplier;

the purchase may be authorised by the Chairperson and will be recorded in the minutes of the following Board meeting.

Part E - Tendering Procedure

(14) It is University policy that purchases over \$200,000 (GST exclusive), or those considered to have significant risk factors are reviewed by Tender Board.

(15) If it can be demonstrated, by way of a signed sole supplier statement, that there is only one supplier then the Tender Board will detail the transaction and note in the Tender Board minutes.

(16) The Board may, subject to such conditions as it may determine, authorise the Purchasing Officer of the University to arrange for the invitation of expressions of interest, tenders and quotations.

Part F - Tender Board Proposal

(17) Prior to tender a "Proposal to Tender" should be submitted to Tender Board and include:

- a. method of tender recommended;
- b. tender Specification;
- c. proposed selection criteria;
- d. proposed selection panel composition; and
- e. any declarations of conflict of interest.

(18) Prior to tenders being called there should be sufficient evidence that:

- a. funds are available and there is a firm commitment to proceed;
- b. appropriate authorisation to seek the tender has been obtained;
- c. there is a need for the goods or services; and
- d. tendering is the best alternative.

(19) In instances where the Board considers that other sections of the University ought to be given the opportunity to

consider an acquisition, it may refer the matter to the Director, Financial & Business Services, the University Legal Officer and Internal Auditor for further advice and inform the Head of the work unit which submitted the proposal concerned.

Part G - Tendering Methods

(20) There are a number of different types of tender methods:

- a. calling for Expressions of interest for pre-registration for a specific type of work. The proponents who best meet the criteria are then invited to tender;
- b. selective tendering will involve inviting a limited number of tenders from suitable suppliers and contractors or government contract holders. These may be from a limited pool of approved tenderers able to perform this type of work or from a pre-registered group of prospective tenderers where the applicants have already been evaluated against published selection criteria (Expressions of interest);
- c. open tenders are invited by public advertisement, either by calling for expressions of interest or a full open tender invitation. There is no restriction placed on who can tender so competition is maximised; and
- d. requests for proposals are made for preliminary proposals which are used as one of the basis for shortlisting tenderers.

(21) The method of tender should reflect the appropriateness for the procurement, its level of risk, timeliness, avoid creating unnecessary costs for tenderers, and safeguard the security and confidentiality of all tenders.

(22) The justification for the particular method chosen should be fully minuted.

Part H - Tender Specification

(23) Before Tenders are called a functional specification will be required detailing the requirements of the University. The specification needs to be clear and identify:

- a. the resources required;
- b. mandatory and non-mandatory requirements;
- c. research of the market and possible suppliers;
- d. time frame required; and
- e. place of delivery.

(24) Purchasing specifications should be written so that suppliers are encouraged to offer the most cost effective and creative solutions to user requirements. Specifications of requirements are not to be unnecessarily structured and are to be free of bias.

(25) Specifications should be written as far as possible in terms of the functions and performance needed by the user.

(26) A technical statement may be required at the discretion of the Tender Board.

(27) Commercial activities must also comply with the [Commercial Activities Policies](#) and [Procedures](#).

Part I - Request for Tender

(28) Prior to any invitations to tender being issued a " Request for Tender " form (refer Form A & B) will be completed by the Tender Board (or its nominee).

(29) This sets out the description of tender and precise tender specifications, contact person, timetable, requirements

of tenderers, evaluation criteria and place of tender etc.

Part J - Invitations to Tender

(30) The Board may invite tenders/quotations if it deems it necessary.

(31) The Board is to decide the method of tendering.

(32) Public tender requests to quote are to be advertised or otherwise, but they will be invited in such a way as to induce the greatest possible competition. The Board will prescribe the manner of notification.

(33) Tenders will not normally be invited to cover a period in excess of three (3) years unless the Vice Chancellor or relevant Executive Member approves a period to the contrary.

(34) Any advertisement to tender should include the following:

- a. a brief description of the scope and requirements of the tender;
- b. the contact person and details of where the request for tender document can be obtained;
- c. the place and closing time for the tender; and
- d. details of pre-qualification or pre-registration requirements, if applicable.

(35) There should be minimal contact with the prospective tenderers unless it is to clarify the tender documentation. All communication with tenderers must be via the Secretary to Tender Board and must be in writing. The Secretary may respond to minor administrative matters and keep a log of contact noting time, date of receipt, issue raised and any response given. All other communication with tenderers must be approved by the Chair of Tender Board.

(36) All tenderers must be given the same information to ensure no advantage or disadvantage to any party.

Part K - Receipt of Tenders

(37) Tenders may be received electronically via a secure "tender box", which is password protected and is to be opened by the Secretary and a representative from Financial and Business Services.

(38) The tender/quotations box will be opened in the presence of the above mentioned representative and Secretary of the Board immediately after the time fixed for the closing of the tenders/quotations. Each tender/quotations will be immediately numbered and initialled by both persons present at the time of opening.

(39) The particulars of each tender/quotations received and opened will be entered on a Schedule of Tenders Form, which will be signed by the Opening Officers. The schedule will indicate the names of those tenderers who submit a "no tender".

(40) No tender/quotations will be considered if received after the fixed closing time unless the Board is satisfied that the integrity and competitiveness of the tendering process has not been compromised.

(41) Where a late tender/quotations is recommended for acceptance the full circumstances will be recorded in the minutes.

(42) The Board may, where it thinks fit, prescribe a deposit to accompany tenders and may reject any tender received without such deposit.

(43) Deposits will be paid to the Trust Account until a tender is accepted, after which refunds will be made to unsuccessful tenderers. A register will be kept in which will be recorded the receipt and disbursement of deposits.

Part L - Review of Tender Documents

(44) Tenders will be evaluated by the selection committee with a recommendation to Tender Board at the next meeting of the Tender Board.

- a. Tender Board members are to declare any conflict of interest prior to the evaluation process.
- b. Tender Board is to award the tender based upon the predetermined tendering and selection criteria contained in the tender documents. They will consider:
 - i. the experience and capability of the firm - including contacting referees;
 - ii. the technical specifications of the tender;
 - iii. financial assessment;
 - iv. benefits and costs over a whole of life basis, not necessarily the cheapest price;
 - v. management capabilities of the tenderer;
 - vi. negotiation to clarify terms with the potential suppliers may be required subject to the approval of the Director, Financial & Business Services;
 - vii. if it is necessary that tender documents be analysed by duly appointed consultants to the University, the Board will seek that advice before accepting any tender;
 - viii. the Tender Board's determination is to be fully minuted;
 - ix. a tender may be rejected where it does not meet the tender requirements. The reason for rejection should be minuted;
 - x. if after a competitive tendering process, none of the tenders is acceptable, negotiation may take place with the tenderer closest to conformation with the specifications. The aim is to achieve a conforming tender;
 - xi. tender negotiations will not be used as an opportunity to trade-off one tenderer's prices against other tenderers' prices in order to obtain lower prices. This practice, known as 'bid shopping', is prohibited;
 - xii. if a decision has been made not to accept any of the tenders submitted, the tenderers will be advised of the reasons. If fresh tenders are to be called, other tenderers may be added to the original list of invited tenderers; and
 - xiii. if the tender board has concerns about any matter, such as concerns about process, then the matter should be referred to the Internal Auditors for clarification.

Part M - Outcomes of Tender

(45) The secretary to the Board will notify the successful tenderer in writing of the acceptance of the tender submitted and, in the case of quotations, arrange for the issue of an official order. The successful tenderer will be informed of the time and place for signing of the contract and, if applicable, the amount of security deposit required under the terms of the contract.

(46) The Secretary to the Board will as soon as practicable after the expiration of twenty-four hours from the issue of notification of acceptance to the successful tenderer inform unsuccessful tenderers that their tender has been unsuccessful. Requests for a debriefing should be met with an explanation of how their tender performed against the selection criteria

Part N - Disposal

(47) Tender Board is the delegated authority for disposal of assets over \$50,000 in accordance with the delegations schedule

Part O - Records and Management

(48) All transactions conducted in the course of procuring goods or services must be fully documented in accordance with the University's [Records Management Policy](#) and the [State Records Act](#) .

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