

## School Property Procurement Open Tender Guide

### Purpose and Scope

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This guide sets out the process and provides good practice guidance for the conducting of school property related open tenders by:

- school boards of trustees (boards) (5YA funded)
- The Ministry of Education's (the Ministry) Education Infrastructure Service (EIS).

An open tender should be conducted for a procurement with a Procurement Value of \$100,000 or more (unless an appropriate supplier panel is in place).

This guide should be read in conjunction with the school property procurement framework (process, templates and guidance) available at:

[www.education.govt.nz/procurement-templates-and-guides](http://www.education.govt.nz/procurement-templates-and-guides)

The School property procurement framework is summarised in the [School Property Procurement Quick Guide](#).

### Abbreviations and Terms

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COI	Conflict of Interest
DFA	Delegated Financial Authority
EIS	Education Infrastructure Service
ET	Evaluation Team
GETS	Government Electronic Tender Service
MoE	Ministry of Education
RFT	Request for Tenders (Contract Works)
RFP	Request for Proposals (Professional Services)
RFx	Generic term for an approach to market document (RFT, RFP, ROI)
ROI	Registration of Interest: first stage of a two stage open tender
Tender	Response to an RFx (registration, tender or proposal)
Tenderer	Respondent to an RFx

### Introduction

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The school property procurement framework is to be applied for all school property related procurement including open tenders. The purpose of the school property procurement framework is to ensure that:

- value for money outcomes are achieved
- suppliers and potential suppliers are treated fairly
- procurements are characterised by accountability and transparency
- procurements are conducted impartially, lawfully, responsibly and with integrity
- procurement decision-making is rational, reasonable, evidence based and defensible.

The school property procurement framework is at [www.education.govt.nz](http://www.education.govt.nz) search "procurement for school property projects". The school property procurement framework aligns with the [Principles of Government Procurement](#) and which are to be applied by boards and the Ministry when undertaking open tenders.

### The Procurement Process

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For open tenders, the procurement process is:



## Stage 1: Initiate

1. Confirm the need to undertake a procurement:
  - Is there a valid need for the goods/services/works?
  - Is there an existing contract or supply arrangement that could be used (e.g. a panel of suppliers)?
2. Confirm that there is appropriate written approval to undertake the procurement (e.g. business case, 5YA)
3. Prepare a high level statement of requirements including the outcomes sought and the nature, size and scope of the requirement.
4. Estimate the Procurement Value (Maximum Total Estimated Value). The Procurement Value is used to determine the appropriate approach to market method (e.g. \$100k or more: open tender). The Procurement value must include:
  - the initial contract quantity/term and all likely extensions, renewals and variations
  - all potential follow-on engagements/contracts that may result (directly or indirectly) from the procurement or initial engagement/contract
  - all revenue that suppliers may receive as a result of the procurement.

## Stage 2: Identify Needs and Analyse the Market

1. Allocate/confirm key roles:
  - Procurement Officer manages and administers the procurement (e.g. Project Manager)
  - Procurement Owner represents the Buyer (e.g. School Principal or Delivery Manager)
  - Procurement Leader provides procurement probity oversight. The Procurement Leader role is:
    - for board (5YA) procurement: the school's Ministry Property Advisor
    - for Ministry procurement: a member of the EIS Commercial Procurement Team
  - Procurement Sponsor provides governance over and has ultimate responsibility for the procurement. The Procurement Sponsor role is:
    - for board (5YA) procurement: the board member with DFA. Delegation of the Project Sponsor must be formally agreed and minuted at a board meeting
    - for Ministry procurement: the appropriate cost centre owner.
2. Obtain Conflict of Interest and Confidentiality Agreements (COI form) from everyone involved in the procurement at the commencement of their involvement. Additionally:
  - anyone involved in the procurement must immediately report any instance where personal interests, obligations or relationships may (actual/potential/perceived) conflict with the responsibilities of their role in the procurement
  - COI declarations should be updated at key points in the procurement process (e.g. after closing date when Tenderers have been confirmed)
  - a COI management plan must be approved by the Procurement Sponsor for every COI declared/identified (COI management plan is part of the COI form).
3. Undertake needs analysis including:
  - stakeholder consultation:



- within the board or EIS
- other business units/schools
- MoE advisory functions (e.g. School Property Advisor, procurement)
- external advisory/regulatory entities
- analysis of:
  - previous projects/spend (previous, current and projected)
  - current supply arrangements
  - current contractual arrangements
- market research and engagement:
  - potential suppliers (including encouraging potential suppliers' participation)
  - industry associations
  - other buyers (e.g. similar institutional buyers)
  - industry experts.

Needs analysis assists with determining:

- nature, size and scope of the requirement
- availability of potential solutions and suppliers
- considerations for evaluation.

Needs analysis informs the statement of requirements and procurement strategy including:

- Approach to Market method
- evaluation plan
- intended supply/contract arrangement
- RFx content (e.g. questions in the Form of Registration/Tender/Proposal).

### **Stage 3: Specify Requirements**

1. Draft a detailed statement of requirements including:
  - required solution including:
    - the nature of the Contract Works or services (e.g. architectural design services, demolition, main building contractor for new build/re-development/remediation)
    - key deliverables (e.g. what is to be designed/constructed)
    - materials and methods
    - drawings and specifications
    - sub works involved in order to clarify scope (e.g. demolition, framing, roofing, foundation work, paving and landscaping)
    - special requirements (e.g. lift installation)
    - site considerations
    - hazards (e.g. asbestos) and special conditions (e.g. school open during construction period)
    - timeframes:
      - anticipated/required start date
      - milestones
      - limitations (e.g. work to be completed during school holidays)
      - anticipated/required completion date]
  - supplier capability: skills and expertise of the organisation and Key Personnel as evidenced by:
    - qualifications/certifications/accreditations
    - memberships of professional bodies/associations
    - experience (comparable and recent)
    - track record (as evidence by referees and/or direct experience with the Buyer)
  - supplier capacity (organisational and of Key Personnel)



- sufficiency of resources
- availability
- back-up (contingency) resources
- scope of the procurement (what is in scope and what is out of scope)
- draft contract.

#### Stage 4: Plan Approach to Market and Evaluation

1. Confirm the Procurement Value and identify the minimum Approach to Market method:

Procurement Value	Minimum Approach to Market Method
Under \$10,000	Non-competitive purchase
\$10,000 – under \$50,000	Direct source: Obtain one written quotation
\$50,000 – under \$100,000	Closed tender: Seek three written quotations
<b>\$100,000 or more</b>	<b>Open tender: advertised on GETS</b>

2. Determine the procurement strategy including:
  - Selection of the appropriate approach to market method:
    - single stage open RFT/RFP or two stage open ROI and closed RFT/RFP to short-listed Tenderers
    - use of pre-conditions (optional)
  - intended supply arrangement (e.g. one supplier, multiple suppliers)
  - intended contract arrangement (type of contract, term and optional renewals, key terms and conditions)
  - evaluation approach:
    - evaluation method (weighted attribute method for open tenders)
    - interviews/presentations
    - short-listing/selection considerations
    - ET membership
    - price analysis/evaluation/scoring
3. the Procurement Plan (Full) is:
  - drafted by the Procurement Officer
  - endorsed by the Procurement Owner
  - endorsed by the Procurement Leader\*
  - approved by the Procurement Sponsor.

\*For board (5YA) procurement, the Procurement Plan is to be sent to the Property Advisor (Procurement Leader role) two business days prior to approval by the Procurement Sponsor (if the Property Advisor has not contacted the Procurement Officer within that time to raise a concern).

#### Stage 5: Approach the Market and Select

1. Publish a Notice of Procurement on GETS including a completed ROI/RFT/RFP template in pdf format and Tender Template in Word format (Refer to the GETS Procurement Officer Role Guide).

The table below details the number of clear (9am-5pm) business days tenders must remain open:

RFP	ROI	Criteria
18	13	Total clear business days open on GETS
15	-	Closed RFT/RFP with Tenderers short-listed



		from an ROI (must be conducted through GETS)
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Notes:

- All documents must be available electronically on GETS and tenders must be through the GETS e-tender box function
  - When publishing tenders on GETS, allow two business days from submitting the tender (for vetting of the tender by a GETs co-ordinator).
2. Respond to requests for clarification from potential Tenderers. Generally, Tenderer questions and the Buyer's tenders should be published to all potential tenderers via a notice on GETS.
  3. Following the closing date/time the GETS e-tender box is opened by the Procurement Officer and GETS co-ordinator. Late tenders may be accepted in exceptional circumstances and the circumstances/rationale for acceptance must be documented. A late tender should only be accepted if:
    - there is no risk/perception that any Tenderer may be materially advantaged/disadvantaged (e.g. late Tenderer having additional time to prepare their tender, perception that the lowest tender price has been communicated to the late Tenderer ), OR
    - the delay is solely the Buyer's fault.
  4. The Procurement Officer and ET Chair conduct an initial review of tenders for:
    - compliance with the tender process terms and conditions
    - initial due diligence (e.g. insurance requirements).

Written approval of the Procurement Sponsor is required to exclude a tender from evaluation.

5. Conduct ET briefing meeting:
  - advise the ET of the participating Tenderers and update COI declarations
  - provide specific evaluation instructions
  - provide copies of:
    - Tenders
    - Evaluation workbook
    - Evaluation Plan
    - RFx
    - School Property Procurement Evaluation Guide.
6. ET members conduct separate/individual evaluation and scoring of tenders for non-price criteria. Completed evaluation workbooks with scores and commentary are returned to the Procurement Officer.
7. Procurement Officer conducts price analysis separate to the ET and consolidates individual non-price scores.
8. Hold ET meeting to:
  - a. review consolidated individual scores
  - b. agree provisional ET scores by consensus (if full consensus cannot be reached, majority consensus and note dissenting evaluator, score and rationale)
  - c. identify any requirement for Tenderer clarifications/presentations/interviews/site visits/trials/due diligence or reference checks and if required:
    - i. adjourn the meeting
    - ii. obtain clarifications and/or conduct presentations/interviews/site visits/trials/due diligence or reference checks
    - iii. reconvene the meeting



- iv. adjust ET scores (document rationale for changes)
- d. confirm final ET non-price weighted scores and rank tenders
- e. **Single Stage open RFT/RFP**
  - i. Procurement Officer presents price analysis and, for Contract Works, Tag analysis (Tag analysis may inform moderation of ET score for Proposed Solution).
  - ii. determine which tenders conform (meet minimum requirements)
  - iii. calculation price scores for conforming tenders
  - iv. calculation of ET total scores (non-price score + price score) o
  - v. select as preferred, the tender with the highest total ET score (subject to due diligence)
  - vi. note:
    - any requirement for additional due diligence
    - areas for negotiation
    - information for supplier debriefs

#### **Two Stage open ROI and closed RFT/RFP**

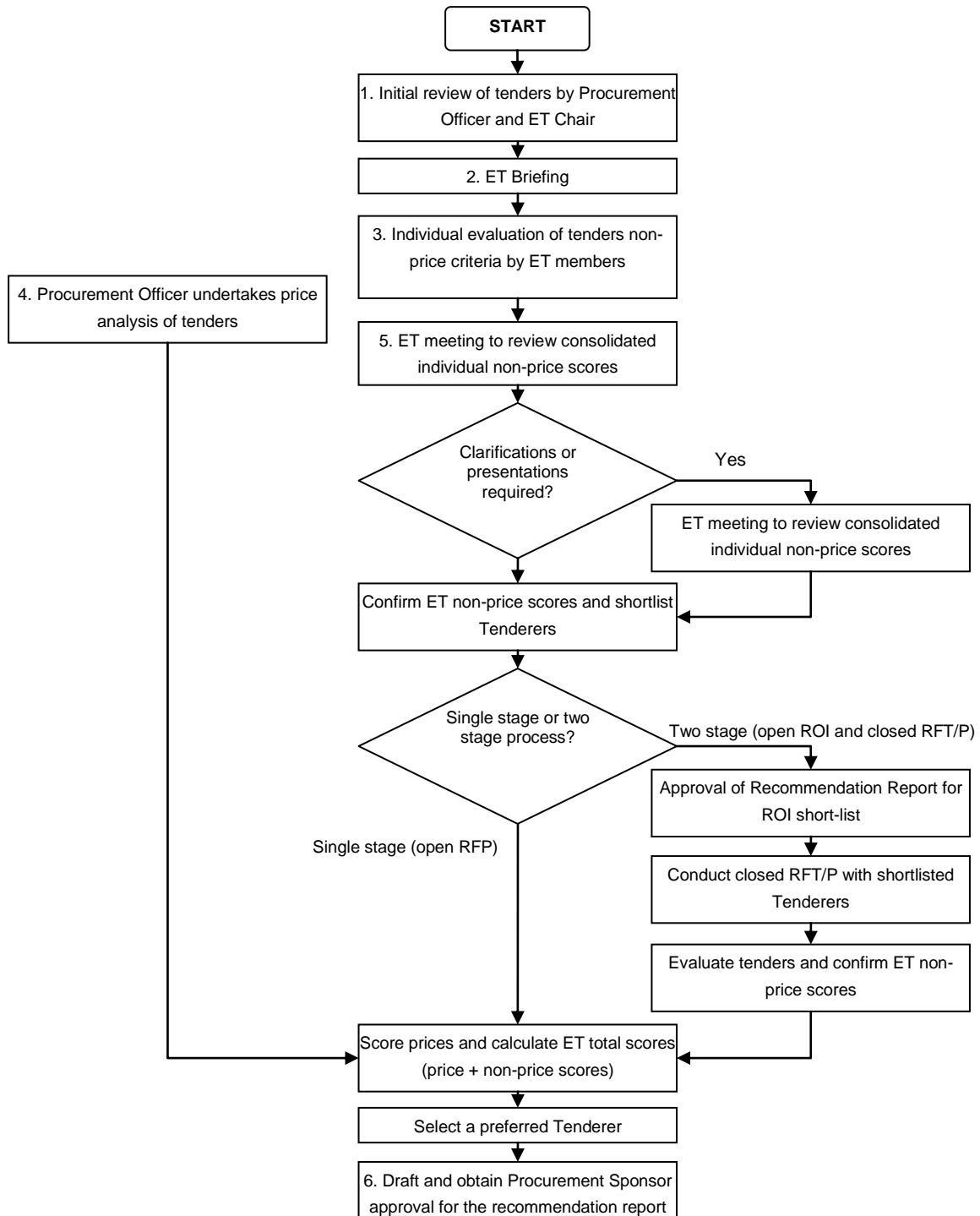
- i. determine a shortlist to be invited to respond to a closed RFT/RFT
  - ii. Obtain Procurement Sponsor approval of a Recommendation Report for the shortlist
  - iii. conduct a closed RFT/RFP process with short-listed Tenderers through GETS
  - iv. evaluate RFT/RFP and select a preferred Tenderer as per above
9. Draft and obtain approval of a recommendation report summarising the evaluation, recommending entering into negotiation with the preferred Tenderer and outlining a negotiation plan. The recommendation report is:
- drafted by the Procurement Officer
  - endorsed by the Procurement Owner
  - endorsed by the Procurement Leader\*
  - approved by the Procurement Sponsor

\* For board (5YA) procurement, the Recommendation Report is to be sent to the Property Advisor (Procurement Leader role) two business days prior to approval by the Procurement Sponsor (if the Property Advisor has not contacted the Procurement Officer within that time to raise a concern).

Note: For a two stage open tender ROI followed by RFT/RFP, Two Recommendation Report are required:

- short-listing from the ROI
- selection from the RFT/RFP

The evaluation process is summarised below:



### Stage 6: Negotiate and Award

1. As soon as practical, notify all Tenderers in writing that they have been either successful or unsuccessful and offer/provide a debrief (see section 6: Tenderer Debriefs). Notification may occur following selection of a preferred Tenderer and prior to contract signing if it is likely that final contract negotiations will be successful. The preferred method of notifying Tenderers is a letter attached to an email.
2. Conduct final contract negotiations with the preferred Tenderer and finalise the contract.



3. Obtain written approval of the Procurement Sponsor for the final form of contract.
4. Contract signing:
  - a. the preferred Tenderer signs multiple original copies, then
  - b. the DFA signs the original copies, then
  - c. one or more original copy is returned to the supplier, and
  - d. one or more original copy is retained.
5. Post a Tender Award Notice on GETS.
6. Provide debriefs as appropriate (see section 6: Tenderer Debriefs).
7. Keep records for seven years including:
  - COI declarations, COI management plans and all related correspondence
  - approved Procurement Plan
  - ROI and /orRFP
  - supplier clarification requests and notices/correspondence in tender
  - summary evaluation workbook and/or ET meeting minutes (ET scores and commentary/rationale)
  - a copy of all proposals
  - price analysis records
  - due diligence and referee check records
  - approved recommendation report.

## Further Guidance

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### Single Stage or Two Stage Process

A single stage open tender (RFT/RFP only) should be used:

- for procurements with a value of \$100,000 or more
- when there is no suitable panel of suppliers available, and
- when a two stage process is not warranted.

A two stage open tender (open ROI and closed RFT/RFP to shortlist) should be used when:

- the size/nature of the evaluation and/or the high number of tenders expected indicates that evaluation of a single stage open RFT/RFP may be difficult, and/or
- when there is likely to be significant cost/effort for Tenderers to prepare a full tender (an open ROI will normally only consider Tenderers' capability and capacity with the subsequent closed RFT/RFP to short-listed Tenderers considering proposed solution and price).

### Probity

Everyone involved in a procurement must:

- be impartial, fair, responsible and trustworthy
- act solely in the best interests of the Ministry and/or the relevant school
- act responsibly, lawfully and with integrity
- report to the Ministry where fraud and/or corruption is suspected or identified
- maintain the confidentiality of the procurement process, suppliers' information, intellectual property and other related information (except as legislatively required e.g. Official Information Act)
- report any real, perceived or potential conflicts of interest
- not accept any gift, hospitality or benefit from any supplier that may submit or has submitted a tender/proposal and immediately report any such instance as a potential COI.





## Conflicts of Interest Management

A personal COI is a circumstance where an individual has a personal interest, obligation or relationship that may influence the individual's performance of the responsibilities of their job/position. A COI may result in an individual's independence, objectivity or impartiality being called into question.

A commercial COI is a circumstance where a supplier (or any associated party e.g. employee, sub-contractor) has an interest, obligation or relationship that may influence the supplier's performance of its obligations under the contract.

COIs may be:

- actual; the conflict currently exists
- potential; the conflict is about to happen, or could happen
- perceived; another party may reasonably believe that a conflict exists
- positive or negative (e.g. result un-due bias for or against a particular Tenderer)

Everyone involved in procurement must complete, sign and submit (to the Procurement Officer) a COI and Confidentiality Agreement at the commencement of their involvement in a procurement to declare any COIs they may have. All staff must immediately declare (to the Procurement Officer) any COI that arises at any time during the procurement. Failure to declare a COI or making a false COI declaration may be regarded as serious misconduct.

For each COI identified, a Conflict Management Plan must be approved by the Project Sponsor (or the Project Sponsor's manager/the board for any COI relating to the Project Sponsor). The COI management plan must include regular review to ensure that the COI is being managed appropriately. Treatments for managing a COI include:

- Report Advise involved personnel (e.g. the Evaluation Team) and request any perceived undue bias is reported.
- Restrict Limit the person's involvement in the procurement.
- Recruit Engage an independent probity advisor to oversee the procurement.
- Remove Remove the person completely from the procurement.
- Relinquish The person gives up their private interest.
- Resign The person resigns from the MoE/board.

Consideration must be given to identification and management of any commercial COIs. Treatment of commercial COIs include:

- separation of contracts (e.g. engaging a supplier to undertake master planning on the proviso that they cannot bid for any subsequent related professional services).
- aggregation of contracts (e.g. combining master planning and subsequent professional services into one procurement).
- independent quality assurance (e.g. review of master planning to ensure that the planning has not been influenced by the prospect of the supplier being engaged to supply subsequent professional services).

## Requirement-Evaluation-Tender Form Question

The Statement of Requirement must clearly set out the outcome sought in terms of goods/services/works to be delivered and the capability and capacity required by a supplier. Each element of the requirement must map to an aspect of an evaluation criteria and to one or more question in the tender Form. Conversely, do not ask questions that will not be evaluated or which do not relate to an aspect of the requirement.



<b>Our Requirements</b>		<b>Evaluation Criteria</b>		<b>Tender Form Question</b>
Required solution element	<input type="checkbox"/>	Proposed solution criteria	<input type="checkbox"/>	Proposed solution question
Supplier capability element	<input type="checkbox"/>	Capability criteria	<input type="checkbox"/>	Capability question
Supplier capacity element	<input type="checkbox"/>	Capacity criteria	<input type="checkbox"/>	Capacity question

It must not be a requirement that Tenderers have experience with the MoE, a particular school, or schools in general. As an alternative, consider stating “Preference may be given to Tenderers with experience delivering works of a similar nature/size in institutional or comparable settings”.

### Evaluation Method, Criteria and Weightings

Open tenders must be evaluated using the weighted attribute method. For the ROI the criteria and weightings must be:

<b>Criteria</b>	<b>Weighting</b>	
	<b>Works</b>	<b>Prof. Svcs</b>
<b>Capability</b> The skills and expertise of the Tenderer (including Key Personnel) required to deliver a suitable solution as evidenced by: <ul style="list-style-type: none"> <li>relevance and recentness of comparable experience (what they have done)</li> <li>quality of track record (how well they have done it)</li> <li>suitability of qualifications etc.</li> </ul>	65%	80%
<b>Capacity</b> The Tenderer’s resources and availability (including of Key Personnel) required to deliver a suitable solution as evidenced by: <ul style="list-style-type: none"> <li>Sufficiency of resources proposed</li> <li>Availability of resources</li> <li>Sufficiency of back-up resources (contingency)</li> </ul>	35%	20%

For a single stage RFT/RFP and a closed RFT/RFP following an ROI, the weightings and criteria must be:

<b>Criteria</b>	<b>Works</b>	<b>Other</b>
<b>Proposed Solution</b> <ul style="list-style-type: none"> <li>the suitability of the proposed goods, services or works (deliverables)</li> <li>the comprehensiveness, deliverability and robustness of the plan for delivery of a suitable solution</li> <li>method, approach, systems and processes</li> <li>Tenderer’s understanding of the requirement</li> </ul>	15%	10%
<b>Capability</b>	10%	45%
<b>Capacity</b>	5%	5%
<b>Price</b>	70%	40%

For a two stage process, the ET scores for Capability and Capacity are to be transferred from the ROI into the RFT/RFP following which they may be moderated by



the ET to take into account new or updated information in the RFT/RFP (e.g. a Tenderer's updated availability may affect their Capacity score or the proposed solution may affect the ET's perception of the Tenderer's Capability).

### Evaluation and Scoring

Evaluation involves:

1. individual evaluation and scoring of tenders for non-price criteria conducted separately by ET members
2. review of consolidated individual non-price scores by the ET and determination by consensus of ET non-price scores for each criteria
3. determining which Tenderers are conforming (acceptable) for non-price criteria for either:
  - ROI: short-listing for closed RFT/RFP
  - RFT/RFP: price scoring.
4. Price analysis conducted separately to non-price evaluation, presented to the ET only after ET scores for non-price criteria and conformance of tenders have been confirmed. If the Procurement Officer is an ET member and is to undertake the price analysis, they should complete their non-price evaluation prior to price analysis. Care must be taken to ensure that ET non-price scoring is not affected by the Procurement Officer's knowledge of pricing information.
5. Price scoring of conforming tenders to determine ET total scores for conforming tenders
6. Selection of a preferred tender.

**The rationale for ET scoring, short-listing, exclusion and selection must be thoroughly documented to ensure outcome is defensible.**

The following scoring scale must be used in evaluating proposals:

Rating	Definition	Score
<b>EXCELLENT</b>	Exceeds the criterion to provide substantial additional benefit and/or reduction of risk	<b>9-10</b>
<b>GOOD</b>	Exceeds the criterion to provide some additional benefit and/or reduction of risk	<b>6-8</b>
<b>ACCEPTABLE</b>	Meets the criterion	<b>5</b>
<b>MINOR DEFICIENCY</b>	Does not meet the criterion due to minor deficiency and/or risk	<b>3-4</b>
<b>MAJOR DEFICIENCY</b>	Does not meet the criterion due to major deficiency and /or risk	<b>1-2</b>
<b>UNACCEPTABLE</b>	Does not comply, insufficient information provided or un-acceptable deficiency and/or risk	<b>0</b>

Scoring tenders for each non-price criterion should involve

1. Conformance: determining whether the tender conforms to the minimum requirement (a score of five).
2. Preference of conforming tenders, it should then be determined the degree to which each tender provides additional benefit/reduction of risk as a result of exceeding the minimum requirement (score above 5). Additional benefit must be tangible (able to be demonstrated) and material/of significance.



**A TENDER THAT SCORES 4 OR LESS FOR ANY NON-PRICE CRITEREON (DEFICIENT) MAY BE EXCLUDED BY THE ET FROM FURTHER EVALUATION/SELECTION.**

### Price Evaluation and Scoring

Price analysis is conducted in order to provide a single valid, comparable price for each tender. The requirements must be sufficiently specified to ensure that Tenderers' prices are based on a clear and consistent understanding of the requirements. Pricing information requested should include sufficient detail to be able to verify that the price proposed is valid and not unrealistically low.

For price analysis of Contract Works, refer to the Contract Works Price Analysis Guide.

When requesting prices as rates for specific roles, those roles must be clearly defined to allow for a "like for like" comparison between proposed rates (e.g. "senior" consultant defined as minimum specific qualification and specific minimum number of years relevant experience). Proposed rates are then applied to a scenario (e.g. Role A (100 hours) Role B (60 hours) and 2 x Role C (50 hours)) to calculate a total price.

The following formula is to be used to allocate score (out of ten) to prices:

$$\text{Tender "A" price score}/10 = ((\text{Lowest Price}/\text{Price "A"}) * 10)$$

*Note: because the price scoring formula is based on lowest price, only tenders that conform for non-price criteria are scored for price.*

### Due Diligence

Due diligence is the process of assessing the risk of entering into a contract and may include:

- validity of the tender
- a supplier's financial viability
- a supplier's ownership/structure
- a supplier's business practices
- Director status statements
- disputes with the Ministry
- insurances held.

The degree of due diligence and when it is conducted depends on the circumstance of the procurement and should be detailed in the Procurement Plan. For example:

- all tenders prior to evaluation
- short-listed tenders only
- the provisionally preferred Tenderer as recommended by the ET.

Exclusion of a Tenderer for due diligence requires the written approval of the Project Sponsor.



## Procurement Control Points

	Procurement Officer	Procurement Owner	Procurement Leader <sup>1</sup>	Property Advisor <sup>2</sup>	Procurement Sponsor	Procurement Director
Conflict of Interest Management Plan	D	E	E (EIS)		A	
Procurement Plan (Full)	D	E	E (EIS)	C (board) <sup>2</sup>	A	
RFP document and Evaluation Workbook	D	A	E (EIS)			
Recommendation Report	D	E	E (EIS)	C (board) <sup>2</sup>	A	
Award of contract to a board member (\$25k or more) <sup>3</sup>	D	E		E (board)	E	A
Final Form of Contract	D	E	E (EIS)			
Contract Signatory					S	

**D: Drafted**      **E: Endorsed (Supported)**      **C: Copy<sup>3</sup>**      **A: Approved**      **S: Signed**

### Notes:

<sup>1</sup>Ministry funded/managed procurements require endorsement by an EIS Procurement Leader

<sup>2</sup>For Board procurements (Capex only), a copy of the Procurement Plan and Recommendation Report are to be sent to the relevant Property Advisor two business days before approval by the Procurement Sponsor

<sup>3</sup>Request for approval are to be made using a [Conflict of Interest and Confidentiality Agreement form](#) which is to be endorsed by the Project Sponsor, then the relevant Property Advisor and emailed to [eis.procurement@minedu.govt.nz](mailto:eis.procurement@minedu.govt.nz) for review/approval by the EIS Procurement Director.

### No Tenders Received, One Tender Received or No Acceptable Tenders Received

For an open tender process where no tenders are received or no tenders are evaluated as being acceptable, engage with the market to determine whether a change to the requirement (e.g. delay the engagement) would result in a better tender. If required, obtain written approval from the Procurement Sponsor to conduct a closed tender process with preferably three or more potential suppliers. The outcome of the open process (e.g. no tenders received) and the rationale for choosing which potential



suppliers to approach for the closed tender is to be detailed in the Recommendation Report. Tenderers to the open tender evaluated as being unacceptable must not be invited to participate in the subsequent closed tender.

For open tenders where only one conforming tender is received and the ET are not confident that value for money will be able to be assured, the tender may be concluded without awarding a contract. Otherwise, evaluation of the tender is to be conducted as described in the tender document/Procurement Plan.

### Manual Uploading of Tender Responses into GETS

In response to feedback that in some areas suppliers are having difficulty with and/or are reluctant to use GETS; Procurement Officers are permitted, in exceptional circumstances, to use the GETS manual tender registration function to manually load/register tenders on behalf of suppliers. When using the manual tender registration function is used, the following rules apply:

- When emailing tender documents directly to potential suppliers:
  - the email must only be sent after the tender has been advertised openly on GETS (no advanced notification)
  - the email must only contain the tender documents attached to the GETS tender notification (no additional information)
  - the email must contain the following proviso:

“The preferred method of responding to this Tender is for the potential supplier to submit their Tender response through the GETS e-tender function prior to the Deadline (register as a supplier in GETS, subscribe to the Tender and submit a response). For a Tender response sent by return email to the Procurement Officer (a manual Tender response):

    - the Buyer/Procurement Officer accepts no responsibility for ensuring the potential supplier receives related tender notifications (e.g. responses to questions)
    - sufficient additional time must be allowed for the Procurement Officer to manually register the Tender response in GETS prior to the Deadline
    - the Buyer/Procurement Officer accepts no responsibility for ensuring that the manual Tender response is registered in GETS by the Deadline (thereby precluding Tender response being rejected as non-compliant).”
  - a copy of the email (to the potential supplier) must be saved in the tender file as proof of the above.
  
- When accepting a Tender response by return email (a manual Tender response):
  - the manual Tender response must comply with instructions in the Tender document (e.g. RFT) and the RFx Process Terms & Conditions including being in the correct format (e.g. Form of Tender Parts A & B as separate files)
  - the Procurement Officer must manually register the Tender response in GETS prior to the Deadline including loading into GETS:
    - all tender documents submitted (Tender documents submitted after the Deadline must not be included)
    - a copy of the email (from the potential supplier to the Procurement Officer).



## Tenderer Debriefs

When notifying Tenderers in writing that they have been either successful or unsuccessful, a debrief must be either provided or offered. The purpose of tender debriefs is to provide constructive feedback to enable Tenderers to improve their offering for future tenders. Note: commercially confidential information about other tenders/Tenderers must not be disclosed (e.g. pricing).

Debriefs may be provided in writing (e.g. as part of the unsuccessful notification), by telephone or in person. Debrief content must be consistent with the evaluation. Debriefs must include:

- the reason(s) the tender was unsuccessful (e.g. It was determined that your tender did not meet minimum requirements for proposed solution/capability/capacity. Your tender met all minimum requirements however the successful Tenderer was judged to offer a more suitable solution/better value for money)
- the relative strengths and weaknesses of the tender (e.g. pricing was competitive however proposed solution was not sufficiently detailed)
- how the tender performed against evaluation criteria (e.g. proposed solution and capacity were acceptable and price was competitive, however it was determined that the Tenderer lacked sufficient experience with projects of this size and level of complexity in comparison to other Tenderers)
- relative advantages of the successful tender (e.g. The successful Tenderer was judged to provide greater value for money due to more relevant experience and a lower price)
- an offer to address concerns/questions.