

Procurement Plan (Sole Supplier)

[To be used where a Direct Negotiation / Sole Supplier procurement is required. Refer to the UWS Procurement Policy for further information]

[Procurement Type / Project Name]

[Business Unit Name]

Prepared By: [Name]

[Release Date]

|  |
| --- |
| Notes on document use:* Yellow highlighted sections must be completed
* Blue highlighted sections may be amended as necessary
* Non-highlighted areas are generic conditions or requirements that may be changed where necessary but should be generally used in the majority of cases.

Please remove this box and all highlighting prior to document release |

# INTRODUCTION

## About this Procurement Plan

This Procurement Plan explains the principles and procedures, responsibilities and reporting requirements that must be complied with by the University, its officers, employees, contractors, consultants, and all other people (whether internal or external to the University) involved in this procurement process..

In addition to this Plan, all people involved in the procurement process are expected to also comply with codes of practice or conduct listed at the back of this document.

## Purpose of Procurement Plan

Promoting probity in procurement is a critical element of procurement of products and services by the University. The broad objectives of any probity process are to:

* ensure compliance with approved University processes;
* improve accountability;
* encourage competitive neutrality by ensuring that all responses are assessed according to the same criteria;
* achieve best value for money;
* promote confidence in the University’s processes; and
* ensure that any potential for legal or administrative challenges to decision-making are minimised and that decisions can be defended;

**1.3 Approval**

Formal approval to enter into direct negotiations with a supplier must be sought in advance. In these cases an exemption to the quotation or the tender threshold requirements must be submitted to a VP or DVC for approval or in the case of value over $250K to the relevant Tender Committee. The application must be endorsed by the relevant delegate above the staff member intending to engage in the direct negotiation and acquisition. Applications must be able to provide tangible and objective evidence of sole supplier status or emergency or good performance in the case of incumbent suppliers.

All approved exemptions will be reported to the next meeting of the Purchase and Tender Board.

Glossary of terms

Throughout this Procurement Plan, the following words have the meaning ascribed to them as shown:

|  |  |
| --- | --- |
| University | Western Sydney Univeristy |
| [Insert Term] | [Insert Definition] |
|  |  |

# PROCESS AND OUTCOMES

## Purpose of procurement

[Outline the purpose in terms of the procurement outcomes you are aiming to achieve]

## Type of procurement

[Describe the type of procurement that will be undertaken. Generally this will be providing goods or a service. You may also use this plan for selection of suppliers to form a panel for later activities]

**2.3 Value**

[Outline the expected value of the procurement.]

## Supplier

[Identify the supplier that will be asked for responses.]

## Reason for Sole Supplier

[State the reason for this to be treated as a Sole Supplier / Direct Negotiation arrangement. Outline why other suppliers cannot be considered.]

## Responses

[Outline how the response from the supplier is to be received. This should cover the method of receiving their final response and who the response will be received by.]

## Evaluation / Value for Money

[Without proposals from other suppliers as a reference, a means of evaluating the proposal to determine its reasonableness and value for money must be determined.

Outline how value for money will be determined. This may include comparison with the costs of previous work, reference to industry norms such as hourly rates and timeframes or review by an independent expert to determine the reasonableness of the proposal.]

# NEGOTIATIONS

## [Evaluation Report Pro forma](http://www.purchasing.tas.gov.au/buyingforgovernment/getpage.jsp?uid=70C6F88AEBC6FB72CA256C9100003AB9)

## Negotiations

A period of negotiation with the successful supplier may arise following their approval, which may involve meetings and correspondence between the University and the successful respondent. It is the responsibility of the Project Manager to ensure that any negotiations do not result in any material changes and that the outcomes of all negotiations are reflected in the final contract documents.

All negotiations must be open and transparent.

## Contracts

All draft agreements / contract documents must be prepared or reviewed by the Office of Legal Counsel before execution. The Project Manager must ensure that the Office of Legal Counsel receives adequate and appropriate instructions and documents to enable preparation and review of documents.

## Contract execution

All agreement / contract documents must be properly executed by the authorised delegate(s) of both parties, and the contract must not commence unless and until this occurs.

# SUPPLIER MANAGEMENT

## Responsibility

Following execution, the agreement / contract will be managed by the Project Manager.

## Requirements

It is the responsibility of the Project Manager specified above to ensure that:

#### a copy of the executed contract is filed in the University’s records management system (known as TRIM);

#### if the total value of the contract is worth $150,000 or more, that the contract details (and, if applicable, copies of the contract documents) are recorded in the Register of Contracts maintained pursuant to the *Government Information (Public Access) Act* 2010 (NSW);

#### if the contract documents create any security interests over University assets (such as mortgages, guarantees, bills of sale, liens, etc), then such security interests are recorded on the University’s Asset Management Register; and

#### any milestones or deadlines are notified to relevant University staff involved in any transactions or functions on which those milestones or deadlines depend.

# ETHICAL PRINCIPLES AND STANDARDS

## Summary

The University expects all those involved in procurement (including suppliers) to adhere to the following ethical principles:

1. the parties must conduct the procurement process with honesty and fairness at all levels;
2. the parties must comply with all their legal obligations;
3. all necessary requirements must be clearly specified in the documentation and criteria for evaluation must be clearly indicated;
4. evaluation of proposals must be based on the agreed selection criteria;
5. any party with an actual or potential conflict of interest must declare that interest as soon as that party becomes aware of it;
6. all parties must ensure stages of the process are conducted in an open and transparent

## Code of Conduct

All procurement is to be conducted in accordance with the University’s Code of Conduct.

## Conflict of Interest

The Project Manager and any members of the EC are to complete a Conflict of Interest Declaration (See Schedule 1).

# CONFIDENTIAL AND COMMERCIALLY-SENSITIVE INFORMATION

## Statutory limitations on confidentiality

The University is subject to the *Government Information (Public Access) Act* 2010 (NSW), which grants members of the public the right to access information of governments, government agencies and various statutory bodies, including NSW universities.

Those involved in the process (including prospective respondents) need to be aware of the requirements under the GIPA Act for disclosure of certain contract details on the University’s website where the total value of contracts is $150,000 or more. For more information, please see the University’s [Right to Information website.](https://www.westernsydney.edu.au/about_uws/leadership/governance/government_information_public_access_act_2009)

# RECORD-KEEPING

## Generally

Complete and accurate records of the whole of the process must be established and maintained in accordance with the University’s Records Management Policy to ensure compliance with its obligations under the *State Records Act* 1998 and *Government Information (Public Access) Act* 2010.

## Other

The Project Manager is responsible for all other aspects of record-keeping in relation to the process, including:

1. as specified in Section 4 [Supplier Management];
2. all documents and communications relating to the development and finalisation of the procurement (including with any consultants, contractors, the Probity Adviser, and legal and other advisers).

# Sign Off

**Prepared By:**

Name: (in Block Letters) ………………………..................................................

Position: …………………………………………..................................................Date: ……………

Location/Department: …………………………................................................. Phone: …………..

**Endorsed By:**

Name: (in Block Letters) ………………………..................................................

Position: …………………………………………..................................................Date: ……………

Location/Department: …………………………................................................. Phone: …………..

**Noted:**

Name: (in Block Letters) ………………………..................................................

Position: Associate Director Procurement Date: ……………

**Approved By (VP/DVC/Tender Committee):**

Name: (in Block Letters) ………………………..................................................

Position: ………………………………………….. Date: ……………

SCHEDULE 1 – NO CONFLICT OF INTEREST DECLARATION

NO CONFLICT OF INTEREST DECLARATION

|  |  |
| --- | --- |
| Name and number of tender/project |  |
| Name of declarant |  |
| Organisation |  |
| Position held |  |

*A ‘conflict of interest’ refers to a conflict between official University duties and private interests and personal relationships, where the private interests or personal relationships could improperly influence the way in which a person carries out their official duties.  This can include a ‘perceived conflict of interest’ where a reasonable person might perceive that such improper influence as described in the previous sentence.  ‘Personal relationships’ means relationships with individuals or people that extend outside of the University or University duties, or a relationship where a reasonable person might perceive that there could be some bias, either positive or negative, resulting from that relationship. These include relationships with: (i) immediate family, e.g. spouse or partner, parents, children, step-children, etc; (ii) close relatives, e.g. aunts, uncles, cousins, nephews, nieces etc; (iii) friends where the friendship extends outside the workplace; (iv) sexual partners; (v) rivals, e.g. competitors or persons with whom one has a history of serious conflict or enmity; and (vi) the relatives of any of those listed in (iii) to (v).  ‘Private interests’ refers to any interests that involve potential gain or loss (financial or non-financial) for an individual or for any other person or organisation that individual may wish to benefit (e.g. family, friends, or associates) or disadvantage (e.g. competitors, rivals).*

*The above is given as an example of how the University perceives conflicts of interest and is not intended to be an exhaustive definition.  You will need to assess your circumstances and make such declarations as are appropriate in light of the above examples.*

I represent and warrant that, as at the date of this declaration, I am not aware of any actual or perceived conflict of interest, or potential conflict of interest, except as follows:

 *[Insert details of any conflicts of interest or if none, write “none”]*

|  |
| --- |
|  |

* 1. I acknowledge that I must not become involved in any agreements, schemes or arrangements of any description (whether of a contractual nature of not) that may give rise to an actual or perceived conflict of interest in relation to my involvement or that of my organisation (listed above) in the tender or project listed above;
	2. notify the University promptly if I become aware of an actual or potential conflict of interest and provide sufficient information about it to enable the University to review my continued involvement (or that of my organisation) in the tender/project.

|  |  |
| --- | --- |
| Signature of declarant |  |
| Date |  |

SCHEDULE 2 - CODES OF PRACTICE OR CONDUCT

|  |  |  |
| --- | --- | --- |
| **Publisher** | **Publication** | **Website access** |
| Independent Commission Against Corruption | *Probity and Probity Advising: Guidelines for Management Public Sector Projects*, November, 2005 | [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  |
| NSW Government | *Tendering Guidelines*, July 2010 | [www.nswprocurement.com.au](http://www.nswprocurement.com.au) |
| NSW Government | *Code of Practice for Procurement*, January 2005 | [www.nswprocurement.com.au](http://www.nswprocurement.com.au) |
| Australian Government | *National Public Private Partnership Guidelines*, December 2008 | [www.infrastructure.gov.au](http://www.infrastructure.gov.au)  |
| Australian Government | *National Public Private Partnership Policy Framework*, December 2008 | [www.infrastructure.gov.au](http://www.infrastructure.gov.au) |
| Independent Commission Against Corruption | *Practical Guide to Corruption Prevention*, 1997 | [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  |
| University of Western Sydney | *Procurement Procedures and Tender Board Policy* | [www.uws.edu.au](http://www.uws.edu.au)  |
| University of Western Sydney | *Records Management Policy* | [www.uws.edu.au](http://www.uws.edu.au) |
| University of Western Sydney | *Purchasing Procedures* | [www.uws.edu.au](http://www.uws.edu.au)  |
| NSW Premier | *Premier’s Memorandum 2000-11: Disclosure on Information on Government Contracts with the Private Sector,* 27 May 2005 | [www.dpc.nsw.gov.au](http://www.dpc.nsw.gov.au)  |