



Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION ON NOTICE

Asked by Elizabeth Lee MLA:

Ref: Suburban Development, Annual Reports Hearings, Suburban Land Agency procurement

In relation to: Suburban Land Agency, procurement and tenders

1. How many tenders were awarded by the Suburban Land Agency in the financial years:
 - a. 2021-22
 - b. 2020-21
 - c. 2019-20
 - d. 2018-19
 - e. 2017-18
2. Of those, how many were awarded to an entity that was not the preferred tenderer for each financial year:
 - a. 2021-22
 - b. 2020-21
 - c. 2019-20
 - d. 2018-19
 - e. 2017-18
3. Please provide the tender evaluation reports and delegate's recommendations for each of the cases identified in the answers to question 2.
4. For all procurements entered into with an exemption in financial year 2020-21, please provide:
 - a. The vendor
 - b. The contract title
 - c. The estimated value
 - d. The final value

Minister Yvette Berry MLA: The answer to the Member's question is as follows:–

1. How many tenders were awarded by the Suburban Land Agency in the financial years:
 - a. 2021-22 – **8 for the year to date**
 - b. 2020-21 – **14**
 - c. 2019-20 – **10**
 - d. 2018-19 – **16**
 - e. 2017-18 – **28**

Consistent with Government Procurement Legislation, the Agency require staff to upload notifiable contracts to the Government Contracts Register. Details of each contract that has resulted from the tender processes listed in question 1 are available on the Government Contract Register under 'tender' procurement.

2. In relation to the member's second question:

The ACT Government procurement framework provides scope for delegates to make a decision that differs from the recommendation of the evaluation team if circumstances warrant. This discretion is specifically allowed because the delegate is expected to use their expertise and judgment, within clearly set out parameters, to ensure the most effective and efficient delivery of procured projects. Because of this, there is no specific requirement to report information on cases where delegates depart from a panel's recommendation.

However, because the SLA undertakes relatively few procurements, it has been possible to undertake a direct search of records for the purpose of this request. This shows one tender in 2018-19 was awarded to an entity that was not the preferred tenderer. The decision not to award the tender to the preferred tenderer related to the financial capacity of the tenderer to undertake the works whilst also being considered preferred for a separate tender concurrently. Further analysis demonstrated that this would be an issue. Advice was sought which confirmed the delegate could consider the broader context and implications and make a decision accordingly, consistent with the ACT Gov procurement framework. No other occurrences of such have been identified across the remaining financial years.

3. Matters pertaining to individual procurement submissions and the assessment of these by ACT Government entities are commercial in confidence.

4. Procurements entered into with an exemption in financial year 2020-21 are outlined below -

1	
Vendor	ActewAGL Distribution
Contract Title	MVIS 11kVa Relocation Project
Original Amount	\$291,515.98
Current Amount	\$291,515.98
2	
Vendor	NBN Co Limited
Contract Title	Whitlam Stages 3 and 4 Telecommunications Infrastructure
Original Amount	\$392,650.00
Current Amount	\$392,650.00
3	
Vendor	Calibre Professional Services Pty Ltd
Contract Title	BLOCK 2 SECTION 180 PHILLIP – REMEDIATION WORKS SUPERINTENDENCY
Original Amount	\$29,337.00
Current Amount	\$29,337.00
4	
Vendor	ActewAGL Distribution
Contract Title	Whitlam 2 Stage 2C EvoEnergy Reticulation Contribution
Original Amount	\$155,109.04
Current Amount	\$155,109.04
5	
Vendor	ActewAGL Distribution
Contract Title	Whitlam 2 Stage 2B EvoEnergy Reticulation Contribution
Original Amount	\$411,945.91
Current Amount	\$411,945.91
6	
Vendor	ActewAGL Distribution

Contract Title	Whitlam 2 Stage 2A Evoenergy Electrical Reticulation Contribution
Original Amount	\$668,371.25
Current Amount	\$668,371.25

Apart from the procurement for Whitlam Stages 3 and 4 Telecommunications Infrastructure, all the above Single Select contracts have expired and the Current Amount listed is the final value.

Approved for circulation to the Standing Committee on Planning, Transport and City Services

Signature:

Date:

28/03/22

The Minister for Housing and Suburban Development, Ms Yvette Berry