

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TENTH ASSEMBLY

Strategic Direction - ACT Government Procurement Board 2024-25

**Presented by
Chris Steel MLA
Special Minister of State
August 2024**



ACT
Government

Strategic Direction

ACT Government Procurement Board

2024-25

Acknowledgement of Country

We pay our respects to the Traditional Custodians of the ACT, the Ngunnawal people, on whose land we live and work. We acknowledge that these lands are Aboriginal lands and pay our respect and celebrate their ongoing cultural traditions and contributions to the ACT and surrounding region. We also acknowledge the many other Aboriginal and Torres Strait Islander peoples from across Australia who have now made Canberra their home. We respect and celebrate their cultures, diversity, and contributions to the ACT and surrounding region.

The ACT Government and community partners are committed to self-determination as the guiding principle in the delivery of programs and services and are working in partnership with Aboriginal and Torres Strait Islander communities to address matters that are important to them.

Strategic Direction 2024-25

ACT Government Procurement Board

The strategic direction (Strategic Direction) sets out how the Government Procurement Board (the Board) pursues its objectives in accordance with the ACT Government's Procurement Legislation – the *Government Procurement Act 2001* (Act) and the Government Procurement Regulation 2007 (Regulation) - consistent with the Board's Terms of Reference.

AUTHORITY

The Board's functions and responsibilities are prescribed by the ACT Government's Procurement Legislation and the Board's Terms of Reference. The purpose and functions of the Board are outlined in Part 4 of the Act.

The Minister in accordance with Part 4, Section 31 (1) of the Act may give written directions to the board about the exercise of its functions. This Strategic Direction is issued by the Special Minister of State as a written direction to the Board to clearly define and strengthen the prescribed role and functions of the Board.

This Strategic Direction will be reviewed annually by the Minister, in consultation with the Board, and updated as required.

PURPOSE

The Strategic Direction outlines how the Board will pursue its objectives in accordance with the Act.

The Board will report on the Strategic Direction through their Annual Report as required under Division 5.3 Section 19 of the Regulation. The Annual Report and any advice from the Board will be used to inform future Strategic Directions.

The matters outlined in the Strategic Direction do not contradict or diminish the Board's functions and obligations under the Act or its Terms of Reference.

FOCUS AREAS

The Board will focus on the following areas when performing their functions under the Act.

The Goods and Services Accreditation Program

In accordance with the Board's Terms of Reference the Board is the Governance Body for the Goods and Services Accreditation Program (the Program).

During 2024-25, the Board will focus on finalising the initial accreditation for all relevant entities and providing advice on areas of focus that individual entities should consider to improve their procurement capability over the coming year.

The Board will identify trends emerging from the initial accreditation of entities that might point to more systemic areas of focus relevant to capability and capacity build at a whole of Territory level.

The Board will, through the one-year review of entity accreditation, consider the progress of the Territory entity, over the course of the year, against the Board's recommendations on specific areas of focus.

Procurement Practices, Policies and Procedures

The Board may provide advice from time to time on practices, policies or procedures used by the Territory. Where, as part of performing its functions, the Board observes patterns or trends, in accordance with Part 4 Section 29 (2)(d) of the Act, the Board will, as relevant, recommend to the Minister that a direction be given to the identification and management of common or recurrent government procurement practices.

This advice will reflect:

- the expertise of members to identify new and emerging trends in procurement practice,
- the implications of external reviews, including ACT Audit Performance audits; and
- any issues or trends emerging from individual procurements reviewed (including those identified in the Risk Assessment Tool and the Probity Risk Assessment Tool) during the year.

Procurement Lifecycle

Plan

The Board will review individual procurements in the planning phase in accordance with the thresholds set out in Division 5.1 Section 14.

In addition to satisfy the requirement of Division 5.1 Section 14 (1e), the Board will review at least three procurements of goods and services not related to construction and at least three procurements of goods and services related to construction from the Anticipated Procurement Activity (APA) reports across Territory entities each financial year.

To exercise this function, the Board will review the Territory entity's APA report which will be made available the Board within 30 days of each new financial year.

The Board will, as part of its Annual Reporting Obligations, provide the Minister with the details of these procurements, any trends or patterns observed and any recommended changes to the Regulation where procurements should be referred to the Board that are not already captured under Division 5.1 Section 14 of the Regulation.

Source

For procurements reviewed to the Board, details will be provided of exemptions made in accordance with Division 2.3, Section 9, 10 and 10A of the Regulations in accordance with the supporting documentations provided to the Board in the discharge of its functions. The Board will identify and advise the Minister of any patterns or trends observed by the Board.

Manage

The Board will review procurements presented under Division 5.1 Section 14 (1)(b)(iii) of the Regulation that propose to substantially change the scope or nature of an existing procurement contract.

In accordance with the examples provided under the Regulation (see extract below) the Board will (for procurements presented to the Board) keep data in relation to these procurements and where patterns or trends are observed the Board will, as relevant, recommend to the Minister that a direction be given to improve guidance on variations in accordance with section 43 of the Act.

Examples—substantially change

1 extending the date an existing procurement contract ends, but this was not considered when undertaking the procurement and the contract does not provide for any extension

2 changing the nature or volume of goods or services provided

3 changing a delivery schedule or completion date

4 changing the total consideration of an existing procurement contract

5 multiple small changes that, taken together, represent a substantial change to an existing procurement contract

The Secretariat will record all procurements referred to the Board in accordance with Division 5.1 Section 14 (1)(b)(iii) of the Regulation and will make this data available to the Board to assist in the identification of trends.



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Contact

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