



STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING

Mr Johnathan Davis MLA (Chair), Mr James Milligan MLA (Deputy Chair), Mr Michael Pettersson MLA

Inquiry into Annual and Financial Reports 2020-21
QUESTION ON NOTICE

Elizabeth Lee MLA: To ask the Minister for Housing and Suburban Development:

1. How many tenders were awarded by Housing ACT 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

Elizabeth Lee MLA

March 2022

Answer

Community Services Directorate (Housing ACT) contracts relating to tenders for the years requested are publicly available at <https://tenders.act.gov.au/contract/search>

The 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. Identifying and providing the data requested here would represent an unreasonable diversion of directorate resources.

The Government recognises that there would be value in having more visibility of how often, and under what circumstances, delegates are exercising this power. Procurement ACT will undertake a data gathering exercise which will involve taking a sample of procurements across directorates and examining how frequently this situation is occurring. That will help us understand whether further work is needed to strengthen understanding of the procurement framework as it relates to these kinds of decisions.

There is a Supplier Complaints Process in place that provides an opportunity for parties to have a procurement reviewed where they consider there may have been a departure from the evaluation process outlined in the documentation that went to market. To date three such complaints across the ACT Government have been taken to the final stage of the process whereby a review is undertaken by Procurement ACT to inform advice provided to the relevant Director-General. Given the small number of complaints, the ACT Government considers there are not likely to be a large number of instances in which delegates have departed from panel advice.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature:

Date:

23/03/22

By the Minister for Housing and Suburban Development, Yvette Berry MLA