



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

JEREMY HANSON MLA (CHAIR), SUZANNE ORR MLA (DEPUTY CHAIR), MICHAEL PETTERSSON MLA

Inquiry into referred 2017–18 Annual and Financial Reports QUESTION ON NOTICE

Mr Alistair Coe MLA: To ask the Minister for Government Services and Procurement

Ref: Chief Minister, Treasury and Economic Development Directorate: Annual Report 2017-18: Volume 1, Procurement ACT, Output 9.3 Goods and Services Procurement, page 119

In relation to: Contracts Register

1. What policies or guidelines are in place regarding the uploading of contracts and the use of the Contracts Register?
2. Who is responsible for ensuring all contracts are uploaded and details are accurate on the Contracts Register?
3. After (i) entering into or (ii) varying a contract, how many days do ACT Government entities have to upload the relevant information into the Contracts Register?
4. Is the failure to upload a notifiable contract on the Contracts Register a breach of the *Government Procurement Act 2001*; and how is that handled by the ACT Government?
5. What internal audits or procedures are undertaken to track compliance across directorates on the Contracts Register?
6. How many times have contracts (i) failed to be uploaded; or (ii) been uploaded outside policy timeframes during 2017-18; and 2018-19 to date?

MS STEPHEN-SMITH MLA - The answer to the Member's question is as follows:

1. Policies and guidelines for procedures for loading to the Contracts Register are available for Territory Officers on the Procurement intranet portal. Refer Attachment 1 for an extract of the relevant instructions.
2. The Director General or Chief Executive Officer of an agency is responsible for ensuring their notifiable contracts are loaded to the Contracts Register.

Three functional areas of Procurement ACT load contracts to the contracts register:

- a. The Contracts and Governance section load infrastructure related contracts for which Infrastructure Finance and Capital Works officers guide the development underpinning procurements;

- b. The Goods and Services Procurement branch load goods and services related contracts for complex procurements that the branch guides; and
- c. The Tenders ACT team loads goods and services contracts and contract variations notified by Directorate officers for procurements directly undertaken within their Directorate.

Procurement ACT informs Directorates and agencies when a contract or variation is loaded to the contract register with the expectation that they will vet that their details have been correctly loaded. Additionally reports of current and expiring contracts are regularly provided to each Directorate and Agency for their review.

- 3. ACT Government entities are required to have the relevant information loaded into the Contracts Register within 21 days of the execution of the contract or variation.
- 4. To be compliant with the *Government Procurement Act 2001* a notifiable contract should be loaded within 21 days of the execution of the contract or variation. Procurement ACT will load the details of the contract or variation once the information is received from Directorates.
- 5. It is the responsibility of each Directorate to ensure compliance with Contract Register requirements. As described above, information is regularly provided by Procurement ACT to Directorates to assist them in this task.

In response to a recommendation made by the Select Committee on Estimates 2016-2017 (Report No.1 – Recommendation 53) a feature has recently been added to Tenders ACT (the system that incorporates the Contracts Register) that allows the capture of the time between the date of execution of a contract and the date it was modified in the public register. Data from this facility, while not definitive as the date a contract is modified can be adjusted as a consequence of any variation, is helping Procurement ACT to identify areas of potential loading of contracts that are loaded up outside the 21 days.

- 6. (i) The number of times contracts have failed to be loaded cannot be determined, as information is only captured for contracts and variations that have been notified and loaded.
(ii) It is not possible to determine the number of contracts or variations that were loaded up outside the 21 day requirement.

Approved for circulation to the Standing Committee on Economic Development and Tourism

Signature:

Date:

By the Minister for Government Services and Procurement, Rachel Stephen-Smith MLA

Contracts Register and Notifications

Once you have completed the online component of the purchasing process there are still a few simple steps.

All contracts over \$25,000 are considered notifiable contracts under the [Procurement Act 2001](#) and must be uploaded to the Contracts Register within **21 days of execution**.

You must notify Goods and Services Procurement of the purchase so that they can add the contract to the ACT Government Contracts Register. This is done by completing the [Notification to update the ACT Government Contracts Register](#) form and emailing it to: BuyGnS@act.gov.au along with the following documents:

1. An unsigned (public text) copy of the contract;
2. A signed copy of the contract; and
3. Any attachments that form part of the contract (If you reference the Suppliers quote or a document as an attachment in the Contract, it forms part of the contract and must be provided to Goods and Services Procurement so they can also be uploaded to the register).
4. If you have confidential text, or completed a Single Select Purchase, you must include a copy of the approval signed by your Director General.

The unsigned contract will be uploaded to the [ACT Government Contracts Register](#) and is publicly viewable. Please keep this in mind when considering if confidential text is required. Bear in mind that unless confidential text is explicitly mentioned in the contract, the contract must be uploaded to the register in its entirety. If there is confidential text, then refer to the Procurement Act 2001 to determine whether it is eligible for protection, and the reason to give. E.g. Hourly rates, individual item pricing that would have a commercial value; Personal details of Staff Specified in the contract are some common reasons. Once the appropriate reason is selected, ensure that it is approved by your Director General.

If there are issues or further clarification is needed before uploading the contract, Goods and Services Procurement will contact you to resolve the issue.

Once you have done this, Goods and Services Procurement will upload the contract and create an entry on the ACT Government Contracts Register. They will email you to confirm that the contract has been uploaded.

Goods and Services Procurement will keep a copy of these documents on file for our records; however, you should also be mindful of your own Directorate's requirements for record keeping. If you are unsure of what your record keeping requirements are, discuss with your manager or contact the Territory Records Office.