



Australian Government

Department of Immigration
and Border Protection

Strategic Procurement Plan and Spending Proposal

For the Provision of Garrison Services at the East
Lorengau Refugee Transit Centre

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Table of Contents

Glossary	3
Delegate Endorsement.....	4
1. Introduction.....	9
1.1 Purpose	9
1.2 Background	9
2. Service Requirements.....	9
2.1 The Services.....	9
2.2 Location of Services	10
3. Approach	10
3.1 Procurement Classification.....	10
3.2 Procurement Method	10
3.3 Procurement Connected Policies	10
3.4 Proposed Procurement Strategy	11
4. Funding Commitment.....	19
4.1 Funding Details.....	19
4.2 Costing Assumptions.....	19
4.3 Funds Availability and Commitment.....	19
5. Proposed Contractual Arrangements.....	19
5.1 Contract Period.....	19
5.2 Contract and Performance Management	19
5.3 Transition-in.....	20
5.4 Variations to standard Contractual Terms and Conditions of Tendering	20
5.5 Payment Terms	20
6. Proposed Procurement	20
6.1 Estimated Timetable for the Procurement.....	20
6.2 Evaluation Criteria and Evaluation Process	20
7. Procurement Team and Governance.....	24
7.1 Procurement Team.....	24
7.2 Procurement Governance	24
8. Communications and Stakeholder Management.....	24
8.1 Stakeholder and Communications Management Plan.....	24
9. Risk Management	24
9.1 Risk Management Plan	24
10. Delegate and Approval Processes	24
10.1 Delegate	24
10.2 Approval process.....	24
11. Attachments.....	24

Glossary

Term	Definition
Business Procurement Team	means the person(s) responsible for managing the Procurement from the business area.
Delegate	means the person who has the authority to approve this Procurement Plan and Spending Proposal (PPSP).
Department	means the Department of Immigration and Border Protection.
ELRTC	means the East Lorengau Refugee Transit Centre.
Initial Term	means the Initial Term of the Contract.
PCB	means the Procurement and Contracts Branch.
Procurement	means the procurement process for the Requirement identified in the PPSP.
PPSP	Procurement Plan and Spending Proposal
PCB Procurement Team	means the PCB team responsible for assisting in the management of the Procurement.
Request for Quote (or RFQ)	means the document of that name RFQ for the Provision of Garrison Services at the East Lorengau Refugee Transit Centre including all schedules, attachments, annexures and addenda.
Requirement	means the goods/services relating to the Provision of Garrison Services at the East Lorengau Refugee Transit Centre

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Delegate Endorsement

SECTION 1 - DETAILS OF PROCUREMENT AND REQUESTING OFFICER:

Name: s22(1)(a)(ii)
Phone: (02) s22(1)(a)(ii)
Email Address: s22(1)(a)(ii)
Group/Branch/Section: ABF Support Group / Services Management / Services Procurement
Procurement project title: Provision of Garrison Services at the East Lorengau Refugee Transit Centre
Title of goods/services to be procured: Garrison Services at the East Lorengau Refugee Transit Centre

SECTION 2 – APPROVAL SOUGHT:

The above Requesting Officer seeks your endorsement as the PGPA's 23(3) Delegate, to proceed with the proposed procurement based on the attached Procurement Plan and Spending Proposal (PPSP), including:

1. That funding is available for the estimated contract value (subject to point 2 below) of \$75 million for the Initial term (anticipated to commence in early September 2017 for a period of twelve (12) months), excluding Transition-In costs;
2. That the proposed contract term is in accordance with the letter from the Prime Minister to Minister Dutton dated 22 August 2017 gave authorisation for contracts up to a period of 12 months to support the Manus caseload remaining in PNG beyond 31 October 2017 (refer to Attachment B).
3. That the total cost of the contract including possible extension options has not been quantified at this stage due to the uncertainty in respect of the nature and number of additional sites that may be required during the term of the contract;
4. The procurement and resulting contract involve the proper use of the Commonwealth's money (i.e. the efficient, effective, economical and ethical use of that money); and,
5. The proposed procurement method, plans and contractual arrangements.

SECTION 3 – BACKGROUND TO THE PROCUREMENT

Is there a previously approved business case? ☐ YES – Please attach or include file link
☒ NO

Is this procurement being conducted to renew or replace an existing contract where DIBP has an ongoing need for the goods or services? ☒ YES
☐ NO

Has funding for the estimated value of the Procurement (including any future financial ☐ YES

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years) been identified and allocated from within the currently available Group/Service budget (and forward estimates)?	<input checked="" type="checkbox"/> NO – Provide details: The Department has an existing budgetary comeback for offshore funding, including for PNG beyond 31 October 2017, to be addressed as part of MYEFO / Additional Estimates. s34(1)(c)
Has the Group/Service Finance Officer been consulted and provided written confirmation in relation to the funding allocated for the procurement?	<input checked="" type="checkbox"/> YES – Name of Group/Service Finance Officer consulted: s22(1)(a)(ii) <input type="checkbox"/> NO – This is required prior to PGPAAs23 delegate approval
Has Procurement and Contracts Branch (PCB) been consulted on this PPSP?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Consultation with PCB is required on the PSPP for all procurements over \$200,000)
Have PCB confirmed the appropriateness of the proposed procurement method, plans, contractual arrangements and procurement team?	<input type="checkbox"/> YES – Attach a copy of their advice <input type="checkbox"/> NO – Provide details of why not and attach a copy of their advice: <input checked="" type="checkbox"/> N/A – Not applicable due to Special Measures determined by the Secretary under paragraph 2.6 of the CPRs.
Is the Procurement for ICT Hardware, ICT Software and/or Cloud Services?	<input type="checkbox"/> YES – Approval will be required from an appropriate PGPAAs23(3) – ICT procurement delegate <input checked="" type="checkbox"/> NO Attach Approval
Will the procurement involve:	
Domestic Travel	<input checked="" type="checkbox"/> YES – A separate delegation applies for this
International Travel	<input checked="" type="checkbox"/> YES – Approval will be required for this from the PGPAAs23(3) – travel delegate
Official hospitality*	<input type="checkbox"/> YES – A separate delegation applies for this <input type="checkbox"/> NONE OF THE ABOVE
SECTION 4 – PROCUREMENT METHOD	

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(Please select the procurement method to be applied)

☐ Prequalified tender (select which applies):

☐ Mandatory whole of government procurement arrangement/panel

☐ Panel, standing offer or other similar existing arrangement

If only one or a shortlist of suppliers to be approached, please detail how this will deliver value for money:

Not applicable due to Special Measures determined by the Secretary under paragraph 2.6 of the CPRs.

☐ Open approach to the market

The preferred method where a prequalified tender is not appropriate. To be publicly advertised on Austender

☐ Procurement from an indigenous enterprise under the Indigenous Procurement Policy

Procurement from a SME with at least 50 per cent Indigenous ownership, applying exemption 17 under Appendix A of the Commonwealth Procurement Rules (CPRs)

☐ Limited tender

Only approaching one or more selected suppliers. May be only be utilised in very limited and specific circumstances as set out at clause 10.3 of the CPRs or where the procurement is exempt under Appendix A of the CPRs. Advice must be sought from PCB on the use of Limited Tender and approval will also need to be provided by the CFO.

Please detail applicable justification under clause 10.3 or exemption under Appendix A of the CPRs:

☒ Direct Request for Quote

The listed procurement methods do not apply to this procurement due to Special Measures determined under paragraph 2.6 of the CPRs (see above).

On 10 August 2017, the Secretary determined the application of Special Measures under paragraph 2.6 of the Commonwealth Procurement Rules (CPRs) for all procurement processes related to the Manus Regional Processing Centres (see Attachment A).

To assist in the closure of the Manus Island Regional Processing Centre as of 31 October 2017 and to support the transition out activities of BRS, the Department is conducting a direct

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RFQ process to engage the services of Paladin Solutions PNG Ltd (Paladin), primarily at the ELRTC. However, there may be further sites that may require a range of Garrison services in PNG.

Paladin were approached due to their existing knowledge of the facility derived from their experience delivering services under their current subcontract with Wilson Security (under the existing contract between the Department and BRS) to provide asset security at ELRTC.

SECTION 5 – APPLICATION OF PROCUREMENT CONNECTED POLICIES

Is this a Remote Procurement where the majority (by value) of the goods or services will be delivered in a Remote Area?

Remote area information can be found at:

<https://www.dpmc.gov.au/resource-centre/indigenous-affairs/ripp-map-data>

☐ YES – The mandatory set aside under the Indigenous Procurement Policy applies. You must first determine whether an Indigenous SME could deliver the required good or service on a value for money basis, before following ordinary procurement processes. To satisfy the mandatory set-aside requirement, the procuring officer must conduct a search for a suitable Indigenous SME on Supply Nation's directory of Indigenous enterprises and document the outcomes of that search.

☒ NO

Is the estimated value of the procurement \$7.5million or more (including GST) and more than half of the value of the contract is being spent in one or more of the following industry sectors;

- Building, construction and maintenance services
- Transportation, storage and mail services
- Education and training services
- Industrial cleaning services
- Farming and fishing and forestry and wildlife contracting services
- Editorial and design and graphic and fine art services
- Travel and food and lodging and entertainment services
- Politics and civic affairs services

☐ YES – The mandatory minimum requirements for Indigenous participation under the Indigenous Procurement Policy applies (minimum requirements for employing Indigenous Australians and using Indigenous enterprises in the contractor's supply chain)

☒ NO

Is the procurement valued at \$20 million or more?

☐ YES – The Australian Industry Participation (AIP) National Framework applies and an

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Australian Industry Participation Plan may be required.

☐ NO

☒ N/A – Not applicable due to Special Measures implemented under paragraph 2.6 of the CPRs.

Does the work involve construction or construction related services?

☐ YES – The Building Code 2013 incorporating the Supporting Guidelines for Commonwealth Funding Entities applies

☒ NO

SECTION 5 – DELEGATE ENDORSEMENT TO PROCEED

1. Funding is available for the estimated contract value (including GST and any extension options)	Agreed/Not Agreed
2. The procurement and resulting contract involve the proper use of the Commonwealth's money (i.e. the efficient, effective, economical and ethical use of that money)	Agreed/Not Agreed
3. The proposed procurement method, plans and contractual arrangements	Approved/Not Approved

Comments (if any):

s22(1)(a)(ii)

Signature: _____

Mandy Newton APM,

Deputy Commissioner, Support

Date: *28 August 2017*

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1. Introduction

1.1 Purpose

1.1.1 This Procurement Plan and Spending Proposal (PPSP) seeks approval to:

- approach Paladin via a direct Request for Quote (RFQ) for the provision of Garrison Services at the East Lorengau Refugee Transit Centre (ELRTC) and other potential sites in Papua New Guinea (PNG); and
- commit the relevant money for the provision of Services as set out in this PPSP.

1.2 Background

1.2.1 The Department of Immigration and Border Protection (DIBP or the Department) currently contracts Broadspectrum (BRS) for the provision of Garrison and Welfare Services to Residents on Manus Island.

1.2.2 The current contract with BRS for the provision of Garrison and Welfare Services in Regional Processing Countries ends on 31 October 2017. There are currently no extension options available in this contract. BRS have indicated they will not consider extending the current arrangement in any form.

1.2.3 To assist in the closure of the Manus Island Regional Processing Centre as of 31 October 2017 and to support the transition out activities of BRS, the Department is conducting a direct RFQ process to engage the services of Paladin Solutions PNG Ltd (Paladin), primarily at the ELRTC. Subject to further consideration by the Department, there may be further sites that may require a range of Garrison services in PNG.

1.2.4 Paladin were approached due to their existing knowledge of the facility derived from their experience delivering services under their current subcontract with Wilson Security (under the existing contract between the Department and BRS) to provide asset security at ELRTC.

1.2.5 On 10 August 2017, the Secretary approved the use of Special Measures under paragraph 2.6 of the Commonwealth Procurement Rules (CPRs) for all procurement processes related to the Manus Regional Processing Centres.

2. Service Requirements

2.1 The Services

2.1.1 The procurement aims to deliver a range of Garrison Services at the ELRTC and other potential sites in PNG under regional processing arrangements with the Government of PNG. The procurement is aimed at ensuring continuation of essential garrison, security and facilities management services at the ELRTC and other sites, as required by the Department.

2.1.2 The Services procured under this process, will be outlined in detail in the Statement of Requirements and, will include:

- Resident Services;
- Security Services;
- Accommodation and Facilities Management;
- Business Services;
- Transitional Services; and
- Other services at Additional Site(s).

2.1.3 The Services will be procured for a proposed Initial Term of twelve (12) months, commencing from the date of the Commencement Date, with the Department having a right to extend the contract beyond the Initial Term.

2.1.4

s34(1)(c)

2.2 Location of Services

2.2.1 The Services procured will be delivered in PNG at the ELRTC and Port Moresby, in addition to other sites in PNG at the direction of the Department.

3. Approach

3.1 Procurement Classification

3.1.1 The Procurement Classification tool was completed and the procurement was classified as 'Strategic' and High Risk as it is estimated to cost over \$10 million (including GST). However the procurement, will not be subject to the additional governance oversight due to the conditions under the Special Measures.

3.1.2 Indicative procurement timelines show timeframe pressure in achieving target transition commencing early September 2017. The compressed procurement timeframe, may limit the Department's ability to treat risks. As a consequence the Department needs to act strategically to accept either a greater tolerance of risks or seek to transfer risk to the service provider which may impact pricing.

3.2 Procurement Method

3.2.1 The procurement will be undertaken as a direct RFQ and be consistent with the Special Measures under paragraph 2.6 of the CPRs as endorsed by the Secretary.

3.3 Procurement Connected Policies

3.3.1 The procurement connected policies are those defined in the determination by the Secretary in relation to the application of Special Measures under paragraph 2.6 of the CPRs.

3.3.2 Under the Special Measures, this procurement will be conducted in a manner that does not comply with:

- Part 5 of Division 1 of the CPRs (but will still comply with the other requirements of Division 1, in particular Parts 4, 6, 7 and 8); and
- Division 2 of the CPRs.

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3.4 Proposed Procurement Strategy

- 3.4.1 The procurement will be undertaken as a direct RFQ and be consistent with the Special Measures under paragraph 2.6 of the CPRs as determined by the Secretary.
- 3.4.2 The steps involved in a single stage direct RFQ procurement approach include seven (7) phases:

Phase 1: Project commencement and development of core requirements;

Phase 2: RFQ Preparation and Release;

Phase 3: RFQ Response;

Phase 4: RFQ Evaluation and Approval;

Phase 5: Negotiation;

Phase 6: Contract Close; and

Phase 7: Transition and Implementation.

Phase 1: Project commencement and development of core requirements

3.4.3 During this phase the Department would commence the project, including the development of project documentation to reflect its requirements and conducting an initial bidder briefing meeting with Paladin.

Purpose	Key activities	Responsibility	Key deliverables	Authority	Indicative Timing
To establish an agreed procurement plan for how the project will be undertaken and establish effective governance.	<ul style="list-style-type: none"> Develop Procurement Plan and timelines Develop exposure draft of the Statement of Requirement Develop Risk Management Plan and Assessment Collect relevant documentation and feedback from key business areas Undertake initial bidder briefing. 	KPMG / DIBP	Procurement Plan Risk Management Plan and Assessment Draft Statement of Requirements	Procurement plan and Risk Management plan endorsed by the CFO, CAE and General Counsel, as per revised HRHV governance requirements. All deliverables to be cleared by Probity & Legal and approved by the Delegate	Commence: 11 August 2017 Duration: 5 days

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Phase 2: RFQ documentation preparation and release

- 3.4.4 During this phase the Department would finalise the RFQ documentation, including the Contract, Statement of Work, Performance Management Framework, payment schedule and returnable schedules, and evaluation process and criteria. The Department would then release the RFQ documentation to Paladin.

Purpose	Key activities	Responsibility	Key deliverables	Authority	Indicative Timing
To develop and finalise the RFQ documentation and release the RFQ to Paladin.	<ul style="list-style-type: none"> Drafting of Contract Draft Performance Management Framework Development of RFQ Documentation (Payment Schedule and Returnable Schedules) Release of RFQ and associated documentation to Paladin Finalisation of the Evaluation Plan 	KPMG / DIBP / Legal advisor	Contract SoR Performance Schedule Payment Schedule Request for Quote Returnable Schedules Evaluation process and criteria Evaluation Plan	Evaluation Plan, Contract and RFQ documentation to be endorsed by the CFO, CAE and General Counsel, as per revised HRHV governance requirements. All deliverables to be cleared by Probity & Legal and approved by the Delegate	Commence: w/c 14 August 2017 Duration: 5 days (RFQ Issue date – 29 August 2017)

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Phase 3: RFQ response

- 3.5.1 During this phase the Department may conduct a bilateral meeting with Paladin to address any questions they may have and issue addenda where necessary.

Purpose	Key activities	Responsibility	Key deliverables	Authority	Indicative Timing
To conduct provider briefings and determine RFQ evaluation plan.	<ul style="list-style-type: none"> Evaluation preparation, including the confirmation of evaluation team members If applicable, release of addenda Bilateral meeting with Respondent, if required. 	DIBP / KPMG	Addenda (if required)	All addenda cleared by Probity.	Commence: 29 August 2017 (RFQ Release) Duration: 7 days (Response due 3pm 4 September 2017)

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Phase 4: RFQ evaluation and approval

- 3.6.1 The Department would undertake a technical, legal and pricing evaluation of the RFQ response. The Evaluation Committee would then meet to undertake an overall value for money evaluation consistent with the Special Measures determined by the Secretary under rule 2.6 of the CPRs, and report to Delegate with recommendations for consideration.

Purpose	Key activities	Responsibility	Key Deliverables	Authority	Indicative Timing
To evaluate the RFQ responses.	<ul style="list-style-type: none"> Conduct evaluation If applicable, issue clarification questions Develop a technical and pricing evaluation report Undertake financial strength assessment Conduct legal risk assessment Conduct value for money assessment consistent with the Special Measures Subject to value for money assessment, internal approvals to proceed to negotiations 	DIBP / KPMG / Legal Advisor	Consolidated Evaluation Report (including due diligence) Technical Evaluation Report Pricing Evaluation Report Legal risk assessment Financial Strength Report Value for Money Assessment consistent with the Special Measures	All deliverables to be endorsed by the CFO, CAE and General Counsel, as per revised HRHV governance requirements. All deliverables to be cleared by Probity & Legal and approved by the Delegate	Commence: 4 September 2017 Duration: 2 days

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Phase 5: Negotiation

3.7.1 During this phase, the Department would negotiate with Paladin per the prescribed process in the RFQ and Evaluation Plan.

Purpose	Key activities	Responsibility	Key deliverables	Authority	Indicative Timing
To engage in negotiations with the Respondent	<ul style="list-style-type: none"> Negotiation of contract Update contract documentation to reflect negotiated position Development of Negotiation Outcomes Report, including assessment of and confirmation that negotiated outcomes represent value for money Internal approval to proceed to contract Begin preparations for transition 	<p>KPMG / AGS / DIBP</p> <p>Probity advisor to observe negotiations</p>	<p>Negotiation Outcomes Report</p> <p>Final contract documentation</p>	<p>Negotiations Outcomes report endorsed by the CFO, CAE and General Counsel.</p> <p>All deliverables to be cleared by Probity & Legal and approved by the Delegate</p>	<p>Commence: 6 September 2017</p> <p>Duration: 1 Days</p>

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Phase 6: Contract close

- 3.7.2 Subject to satisfactory negotiations and confirmation that the negotiated outcomes represent value for money, the Department would finalise approvals and award the contract.

Purpose	Key activities	Responsibility	Deliverables	Authority	Indicative Timing
To finalise and award the contract between the Department and the provider	<ul style="list-style-type: none"> Government approval. Approvals required under the <i>Public Governance, Performance Accountability Act</i> (PGPA Act). Contract signature. Continue preparations for transition. 	DIBP	Signed contract	Delegate Approval	Commence: 7 September 2017 Duration: 1 day

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Phase 7: Transition and Implementation

3.7.3 During this phase, the Department will transition from the current arrangement to the contract signed under Phase 7 of this process. It is noted that transition activities are the primary responsibility of Services Management Branch.

Purpose	Key activities	Responsibility	Deliverables	Authority	Indicative Timing
To finalise contract and proceed to transition of service delivery. Agreement with Department on the draft implementation plan.	<ul style="list-style-type: none"> • Socialisation of final contract with key stakeholders, including changes from current arrangements. • Training of internal staff. • Monitoring of transition milestones. • Handover of site to new provider. • Agreement of Implementation plan. 	DIBP (Services management Branch)	Transition Plan Draft Implementation Plan Contract Management Plan	Contract Manager	Commence: 8 September 2017 Duration: To be determined

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4. Funding Commitment

4.1 Funding Details

- 4.1.1 For the period 1 May 2016 to 30 April 2017, the value of the current contract for services at the ELRTC was approximately \$36 million (excluding GST but inclusive of fixed fees, pass through costs and Additional Service Requests).
- 4.1.2 The total cost of this procurement cannot be finally determined until Paladin is formally approached and agreement is reached on both price and service levels.

4.2 Costing Assumptions

- 4.2.1 The cost estimate provided above is based on expenditure under the arrangements for similar services with BRS in PNG for the period 12 months. The contract value will depend on the actual numbers of Residents residing at the ELRTC and the services provided. Currently the number of Residents residing at the ELRTC is approximately 60. While the exact outflow of refugees from the ELRTC is unknown, it is estimated that there will be at least 400 refugees transitioned across from the Manus RPC by the commencement of this proposed contract (i.e. early September 2017).
- 4.2.2 The Contract value may also change if the Department requires services beyond the Initial Term and Services at additional sites (sites still to be determined by the Department).

4.3 Funds Availability and Commitment

- 4.3.1 The cost of the goods/services will be funded through administered appropriation from Programme 1.4 – IMA OFFSHORE MANAGEMENT.
- 4.3.2 This PPSP seeks 'in-principle' agreement only for commitment of relevant money to enable the Department to approach the market for the Provision of the Services.
- 4.3.3 In accordance with the legislative requirements and Accountable Authority Instructions, PGPAAs23(3) approval will be sought from the delegate prior to entering into any contractual arrangement.
- 4.3.4 The Department has an existing budgetary comeback for offshore funding, including for PNG beyond 31 October 2017, to be addressed as part of MYEFO / Additional Estimates.

5. Proposed Contractual Arrangements

5.1 Contract Period

- 5.1.1 The proposed Initial Term of the contract will be for a period of 12 months of full services, commencing from the Commencement Date (targeting early September 2017). The Department retains the right to extend the contract beyond the Initial Term.

5.2 Contract and Performance Management

- 5.2.1 The Director of the Offshore Procurement section in Services Management Branch, the Department will be the Contract Manager.

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- 5.2.2 The Contract Manager will monitor the contract and oversee the performance of the Service Provider.

5.3 Transition-in

- 5.3.1 The Service Provider will be required to provide the Department with a Transition In Plan within an agreed timeframe following contract execution.

5.4 Variations to standard Contractual Terms and Conditions of Tendering

- 5.4.1 Due to the Special Measures determined by the Secretary under paragraph 2.6 of the Commonwealth Procurement Rules, a bespoke RFQ based on previous documentation is being utilised for this activity. Commercial and Employment Law Branch, KPMG and the Services Procurement team are responsible for the development of the RFQ suite of documents, in consultation with the Procurement and Contracts Branch and the Probity Adviser.
- 5.4.2 For other procurement documentation, the Strategic Procurement templates for those documents will be used as the basis.

5.5 Payment Terms

- 5.5.1 The payment terms for the contract are the Commonwealth's default payment terms of 30 days from the date of invoice. Invoices will be issues monthly. The payments will be made in Australian Dollars.

6. Proposed Procurement

6.1 Estimated Timetable for the Procurement

- 6.1.1 The process is being undertaken with extreme time pressure in order to allow for sufficient time for transition-in activities of the new service provider and transition-out of BRS. As such, the estimated timetable for the procurement will target the staged dates specified in section 3.4.

6.2 Evaluation Criteria and Evaluation Process

- 6.2.1 An Evaluation Plan, including evaluation criteria will be drafted and submitted for approval prior to the receipt of the RFQ response from Paladin.

7. Procurement Team and Governance

7.1 Procurement Team

Resources	Expertise				
	Technical	Procurement	Financial	Legal	Probity
Services Procurement Section	Yes	Yes			
DIBP Legal				Yes	No
DIBP PCB	No	Yes			No
KPMG (External Commercial Financial and Procurement Advisor)		Yes	Yes		
External Probity Advisor (Maddocks)				No	Yes
External Legal (AGS)				Yes	No

7.1.1 PCB's ongoing role in the procurement has therefore been agreed as including:

- a. Review drafts of procurement documentation;
- b. Provide advice and assistance to evaluations;
- c. Review and endorse evaluation report; and
- d. Provide support to contract negotiations.

7.2 Procurement Governance

7.2.1 The Department has revised the current processes to undertake procurements consistent with the Special Measures determined by the Secretary. This process involves a revised governance structure by not requiring a Steering Committee. However the Chief Finance Officer (CFO), Chief Audit Executive (CAE) and the General Counsel (collectively known as the Executive Level) will provide endorsement of the key procurement documents and decisions, via the Department's revised High Risk/High Value process.

7.2.2 The diagram below provides an overview of the governance arrangements for the procurement



7.2.3 Services Procurement Section is responsible for the overall management of the procurement including:

- managing the procurement from initiation to closure, ensuring that all operational and administrative issues are addressed and finalised;
- liaising with central agencies and supporting Departmental Executive to report to Government;
- maintaining procurement records and liaising with relevant business owners to ensure issues and risks are being addressed and appropriately managed throughout the procurement;
- ensuring procurement progression through planned phases and activities and monitoring;
- reporting to the Delegate as required;
- managing external advisors; and
- producing a post implementation review of the Procurement successes, failures and lessons learnt.

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8. Communications and Stakeholder Management

8.1 Stakeholder and Communications Management Plan

- 8.1.1 A Stakeholder and Communications Management Plan for the procurement will not be developed due to the nature of the Special Measures determined by the Secretary under paragraph 2.6 of the CPRs.

9. Risk Management

9.1 Risk Management Plan

- 9.1.1 A Risk Management Strategy and Plan will be prepared by the Department as a separate document.

10. Delegate and Approval Processes

10.1 Delegate

- 10.1.1 The delegate for this procurement is the Deputy Commissioner, Support.

10.2 Approval process

- 10.2.1 The delegate will be requested to provide approval for the following:
- a. Request for Quote
 - b. Evaluation Plan
 - c. Probity Plan
 - d. Risk Management Strategy and Risk Assessment
 - e. Evaluation Report
 - f. Contract Negotiation Plan and Report (if applicable)
 - g. PGPAAs23(3) for expenditure and PGPAAs23(1) to enter into an arrangement.

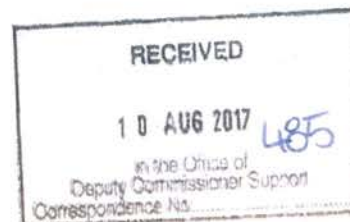
11. Attachments

Attachment A: Minute determining use of Special Measures under 2.6 of the CPRs

Attachment B: s34(1)(c)



Australian Government
Department of Immigration
and Border Protection



PROTECTED MINUTE

To: **Secretary** *MP 10/08/2017*
CC: Acting Commissioner
Chief Finance Officer
General Counsel
Chief Audit Officer
Date: 10 August 2017

PROCUREMENT OF SERVICES - PAPUA NEW GUINEA

Timing

This minute should be considered as soon as possible to allow procurement activities to commence for services in PNG.

Purpose

To:

1. Seek your approval to apply special measures to procurement processes supporting the closure of the Manus Regional Processing Centre (MRPC Procurements) in accordance with paragraph 2.6 of the Commonwealth Procurement Rules (CPRs).

Background

2. The CPRs have been designed to provide officials with flexibility in developing and implementing procurement processes that reflect their relevant entity's needs.
3. Under the CPRs, Paragraph 2.6 recognises that there are circumstances where the CPRs should not apply when a Commonwealth entity is procuring services. Paragraph 2.6 states:
Nothing in any part of these CPRs prevents an official from applying measures determined by their Accountable Authority to be necessary for the maintenance or restoration of international peace and security, to protect human health, for the protection of essential security interests, or to protect national treasures of artistic, historic or archaeological value
4. As the Accountable Authority, you can determine that it is appropriate for the Department to apply particular measures to the MRPC Procurements pursuant to Paragraph 2.6.

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5. Guidance from the Department of Finance states that where, under Paragraph 2.6 of the CPRs, relevant entities apply special measures that do not comply with the CPRs because the measures are necessary for the maintenance or restoration of international peace and security; to protect human health; for the protection of essential security interests; or to protect national treasures of artistic, historic or archaeological value, relevant entities will need to:
 - a. identify the particular measures relating to the procurement which require departure from the CPRs;
 - b. determine the extent of the departure from specific requirements of the CPRs to address the measure; and
 - c. document and obtain approval by the Accountable Authority on such measures.

Issues

6. The MRPC Procurements will support the Government achieve its objective of closing the Manus Regional Processing Centre by 31 October 2017.
7. The Papua New Guinea Immigration and Citizenship Services Authority (PNG ICSA) had initially agreed to hold all necessary contracts for the management of the residual cohort post 31 October 2017. The Department had been assisting PNG ICSA with these procurement processes.
8. However, at the 5 July 2017 Senior Officials Meeting the PNG State Solicitor informed the Department that he had directed PNG officials to not enter into new contracts until after the formation of the new PNG Government. As a result it is highly unlikely that PNG ICSA will be in a position to procure, transition and manage contracts for the post 31 October 2017 period.
9. It is therefore proposed that the Department implement transitional contract arrangements for the initial period up to 31 October 2017 and then subject to Government agreement extend these contracts for a period of up to 12 months. The Department would seek to end or novate the contracts to PNG as soon as possible.
10. The MRPC Procurements will result in contracts that will secure essential services (security and accommodation) and critical infrastructure (minor works, sewerage, water, power) and health care. Without contracted service providers in place providing these services there is a high risk to human health and the maintenance of peace and security at the Manus Regional Processing Centre and other relevant Sites.
11. The Department has not previously utilised Paragraph 2.6 of the CPRs as the original contracts for services to support regional processing in PNG commenced before the establishment of Operation Sovereign Borders (OSB) on 18 September 2013.
12. Consideration of Regional Processing matters now falls under the remit of OSB and is considered by the National Security Committee. This change is reflective of the importance of regional processing arrangements to the protection of essential security interests and therefore strengthens the applicability of Paragraph 2.6.
13. If you consider that MRPC Procurements, and any resultant contracts, relate to the protection of essential security interests and human health, and that special measures are necessary to facilitate the delivery of services under the contracts, you are able to make a determination in accordance with Paragraph 2.6 of the CPRs.
14. Before making any determination under Paragraph 2.6, you as the Accountable Authority must be satisfied that the measures, in particular the departure from specific requirements of the CPRs are *necessary* for the protection of essential security interests and human health.
15. It is recommended that you determine that the measures that are necessary for the purposes of Paragraph 2.6 of the CPRs are that the MRPC Procurements be conducted in a manner that does not comply with:
 - a. Part 5 of Division 1 of the CPRs: Encouraging competition; and

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- b. Division 2 of the CPRs: Additional rules for procurements at or above the relevant procurement threshold.
- 16. The evidence to support these measures being necessary for the protection of essential security interests and human health is as follows:
 - a. The complex operating environment in Papua New Guinea, which requires the engagement of particular service providers with the right service capability, experience and risk appetite, with short lead times.
 - b. Procurement processes that are flexible to respond to the changes in either the operating environment, service delivery requirements or the impact of external factors, that allows contracts to be established and implemented quickly.
- 17. Without flexible contracts that can be implemented quickly there will be a significant risk to continuity of services, which will result in the environment becoming unstable, increasing the risks to the wellbeing, safety and security of staff, service providers and the residual cohort in PNG. Detailed risks for PNG Regional Processing Facilities are outlined at **Attachment A**. If these risks were to materialise, the Department would be exposed to significant consequential legal risk, with a high likelihood of ensuing litigation against the Commonwealth. It is conceivable that the Department may face claims of negligence in relation to injury or loss suffered by individuals as a result of the abrupt cessation of normal services.
- 18. This impact on an essential security interest will also impact on bilateral relationships with PNG and which may affect the Australian Government's ability to advocate or negotiate on a wide range of matters in the best interests of Australia.
- 19. In this context, it is considered that the process, open competition and timing requirements in the CPRs (in particular Division 2) will prevent this being achieved and as such, the measures are necessary.
- 20. If you make a determination to this effect, RPC Procurement processes will still have to comply with the other requirements of Division 1, in particular:
 - a. Part 4: procurement decisions will seek to achieve value for money outcome for the Commonwealth by ensuring that arrangements effectively and economically deliver the desired outcomes;
 - b. Part 6: procurement processes will be conducted in an efficient, effective, economical and ethical manner;
 - c. Part 7: procurements will be conducted in an accountable and transparent manner, with relevant approvals and decisions fully documented and reporting requirements met (e.g. AusTender) and
 - d. Part 8: risk management processes will be implemented for all procurements
- 21. In accordance with Departmental requirements, all RPC Procurement processes are considered High Risk High Value. If you agree to implement measures under Paragraph 2.6 the revised processes will require endorsement by the Chief Finance Officer, General Counsel and Chief Audit Officer prior to approval by the delegate. Steps will also be taken to ensure that probity principles are maintained, including through the use of external probity advisors.
- 22. The requirements of *Public Governance, Performance and Accountability Act 2013* will continue to apply, including the requirement that any resulting arrangements represent a proper use of Commonwealth resources.
- 23. If you determine these measures are necessary under Paragraph 2.6, it is proposed that the Department will commence processes to procure services to support the decommissioning and closure of the Manus RPC in the first instance, including accommodation, security, garrison and health services.

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~~PROTECTED~~**Consultation**

24. On 19 July 2017, the utilisation of Paragraph 2.6 in relation to RPC Procurements was discussed with the Department of Finance's Chief Procurement Officer, who confirmed that as the CPRs have been devolved, you have the authority to determine if measures under Paragraph 2.6 are necessary.
25. The Department's Chief Finance Officer has stated 'I am happy to support for PNG (not Nauru) and believe the justification for using 2.6 is stronger in relation to the protection of human health as opposed to international security grounds. As the same "protection of human health" issues are not as prevalent on Nauru I don't think the justification is as strong as for PNG.'
26. The Department's Chief Audit Executive has stated that 'in terms of international security we should also consider the broader aspect of Operation Sovereign Borders which applies to both PNG and Nauru. Absence of sound contracts to provide health and garrison would have a damaging impact on Australia's ability to maintain OSB and ensure that Nauru would be able to remain as a warm contingency for any future need. Nauru remains our only viable regional processing facility post 31 October 2017. On that basis I agree to support for both Nauru and PNG.'
27. This minute has been prepared in consultation with Commercial Legal Branch, Australian Government Solicitor (Attachment B), KPMG (commercial advisors), Sparke Helmore Lawyers (Probity Advisor - Attachment C) and the Department of Finance.

Recommendation

It is recommended that you:

Determine that the measures outlined in paragraph 12 are necessary to be applied to procurements relating to Regional Processing for the protection of essential security interests and human health for the purposes of Paragraph 2.6 of the CPRs.

s. 47F(1)



Mandý Newton APM

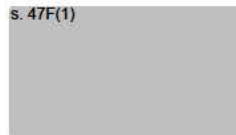
Deputy Commissioner Support

02 s22(1)(a)(ii)

10 August 2017

[Agreed / Not Agreed]

s. 47F(1)



Michael Pezzullo

Secretary

10th August 2017

Contact Officer: David Nockels

Phone: (02) s22(1)(a)(ii)

Attachment(s):

- A) PNG Regional Processing Facilities
- B) AGS Legal Advice
- C) Probity Advice

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Attachment A

PNG Regional Processing Facilities

Implications of any cessation of business as usual operations include:

- Residents and staff will lose access to prepared and fresh food, health services and security. These are key triggers for rioting and violence.
- Within 36 hours it is assessed that the MRPC will lose power, which will also result in loss of water and sewerage for residents. The waste treatment plant at the East Lorengau Refugee Transit Centre will also flood into the local river causing an environmental issue for the community. This loss of critical infrastructure will likely cause illness or death.
- Medical epidemics will not be able to be controlled.
- Residents on prescribed medication may suffer serious medical consequences as access to these medications is discontinued.
- The MRPC will be subject of looting, theft and malicious damage by both residents and members of the local community. This includes the theft of scheduled medications.
- The local community will be negatively impacted, with locally engaged employees and contractors losing their primary source of income. This will likely create an environment of heightened tension towards the ABF, service providers and MRPC residents.
- Protesting and violence by MRPC residents and/or the local community is likely to ensue.
- s33(a)(iii)
- [REDACTED]
- [REDACTED]
- Extensive reputational damage to all involved parties is certain regardless of the valid justification for the Department ending its involvement in the MRPC.
- Global adverse media attention is certain.

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RFQ 1750034

PROCUREMENT OF GARRISON SERVICES AT THE ELRTC, MANUS ISLAND - LIMITED TENDER - PALADIN PTY LTD
TRIM Head Folder: OBJ2017/16659

DOCUMENT	APPROVER /S	DATE	TRIM REFERENCE
Liability Risk Assessment – for Services in Regional Processing Countries	KPMG	January 2015	ADD2017/3100997
Approval to engage a Commercial Partner - KPMG	DS Contract Finance	10 July 2017	ADD2017/2238671
Approval to apply Special Measures (exemption) in accordance with 2.6 of the CPRs	Secretary Pezzullo and DC Support	10 August 2017	ADD2017/2833812 ADD2017/2833757 ADD2017/2554961
HRHV Gateway 1 - CFO Approval Minute (through General Counsel)	DC Support CFO, GC, CAE	21 August 2017	ADD2017/2555064 ADD2017/2849916
Letter from Minister Dutton to the PM seeking agreement to enter into formal negotiations with potential vendors to deliver goods and services to support the residual caseload remaining in PNG after closure of the RPC.	Minister Dutton	22 August 2017	ADD2018/116629
Letter from PM to Minister Dutton authorising the above request.	PM	22 August 2017	ADD2018/116631
Approval to engage the Australian Government Solicitor to assist with urgent procurements – ELRTC - NOTE MAREE SIGNED THIS MINUTE TO HERSELF – in checklist	Director, Services Procurement Section	23 August 2017	ADD2017/2471702 ADD20172951883
HRHV Gateway 2 – Tendering - CFO Approval Minute (through General Counsel)	CAE, DC Support	24 August 2017	ADD2017/2555343
DIBP Letter to Paladin inviting response to RFQ 1750034	Services Procurement	25 August 2017	ADD2017/2567296
Terms and Conditions released to Paladin	Services Procurement	25 August 2017	ADD2017/2567427
Approval of Procurement Plan and Spending Proposal	DC Support Newton	28 August 2017	ADD2017/2555597 ADD2017/2552267
Approval of Probity Plan – including formal advice of the engagement of Maddocks as Probity Advisors	DC Support Newton	28 August 2017	ADD2017/2555394 ADD2017/2552267
Approval of Evaluation Plan	DC Support Newton	28 August 2017	ADD2017/2555794 ADD2017/2552267

Approval of Risk Management Strategy and Plan	DC Support Newton	28 August 2017	ADD2017/2556017 ADD2017/2552267
Approval to release RFQ 170034 to Paladin Pty Ltd	DC Support Newton	28 August 2017	ADD2017/2552267
Paladin acknowledgement of receipt of RFQ documentation	GM Paladin	29 August 2017	ADD2017/2954231
Paladin Tender Response Email	Ian Stewart (GM Paladin)	4 September 2017	ADD2018/1232668
Paladin Tender Response	Ian Stewart (GM Paladin)	4 September 2017	ADD2018/1232631
Individual Paladin Technical Evaluation Comments/Score Sheets	s. 47F – Chair s. 47F s. 47F	12 September 2017 12 September 2017 12 September 2017	ADD2017/2766044 ADD2017/2765687 ADD2017/2765715
Endorsement of Evaluation Report	DC Support, FAS DSD, Contract Finance	18 September 2017 21 September 2017	ADD2017/2834336 ADD2017/3107932
Signed Pricing Evaluation Report	Pricing Evaluation Team	18 September 2017	ADD2017/3130912 ADD2017/2834506
PCB comments on Evaluation Report	AS PCB	19 September 2017	ADD2017/2772177
Minute to FAS DSD seeking his signature of the LOI between the Department and Paladin and Letter of Intent to Paladin	FAS DSD	21 September 2017	ADD2017/2795535
Counter Signed LOI 1 between the Department and Paladin	FAS DSD /Ian Stewart (Paladin)	21 September 2017	ADD2017/2795574
Approval of Tender Evaluation Report Approval to commence Negotiations Approval to commence the LOI Process	DC Support, through FAS DS, Services Contract Finance	21 September 2017	ADD2017/3107932
Approval of HRHV Gateway 3 – Evaluation – through General Counsel	CFO and CAE DC Support Newton	26 September 2017 28 September 2017	ADD2017/3048877
Signed Technical Evaluation Report	Technical Evaluation Team	29 September 2017	ADD2018/994590
Letter from Paladin to DIBP in response to LOI dated 21 September 2017 (TRIM Ref: ADD2017/2795574)	Ian Stewart Director and GM Paladin	5 October 2017	ADD2017/3105670 ADD2017/3100571 ADD2017/3053052

Approval to send letter to Paladin regarding their response to LOI dated 21 September – TRIM Ref includes letter and response	FAS DS	12 October 2017	ADD2017/3107967
Letter from FAS DS to Paladin in response to letter re LOI dated 21 September 2017	A/g FAS DS Division	12 October 2017	ADD2017/3107948
Approval of Negotiation Directive for Garrison Services at the ELRTC	DC Support Newton	16 October 2017	ADD2017/3138688
Approval for Paladin Transition Services Costs under LOI	FAS DS, AS DS, Services Contract Finance,	17 October 2017	ADD2017/3150099
AGS advice to DIBP re Negotiations with Paladin	s. 47F	18 October 2017	ADD2017/3268302
Letter from Paladin re Provision of Services at 2017 ELRTC in response to LOI dated 21 September 2017	Ian Stewart – Director and GM Paladin	29 October 2017	ADD2017/3355450
Approval of procurement processes for PNG – amendments to the liability and risk allocation	AS DS, A/g FAS DSD, GC, CFO	16 October 2017	ADD2017/3352922
Approval for Paladin Services Costs under LOI 2 – through A/g Director, DS Contract Finance	FAS DS Division	8 November 2017 16 November 2017	ADD2017/3466612 ADD2017/3575972
Counter Signed LOI 2 Letter to Paladin	FAS DS Division	8 November 2017	ADD2017/3494294
Minute to FAS DS Division seeking re-approval for Paladin Costs under LOI 2	FAS DSD, A/g AS DS and Services Contract Finance	16 November 2017	ADD2017/3972248
PCB Minute to FAS's, Assistant Commissioners, Dep Sec's, AS's and Commanders advising changes to additional Governance Arrangement for High Risk, High Value Procurements	A/g CFO and CRO	21 November 2017	ADD2017/4051482
Minute to FAS DS Division seeking approval of Paladin Costs under LOI 3	AS DS on behalf of FAS DS	4 December 2017	ADD2017/4022276 ADD2017/3763983
Counter Signed LOI 3 between the Department and Paladin	Ian Stewart (Paladin) and AS DS	5 December 2017	ADD2017/3810074
Letter from Probity Advisor (Maddocks) to the Department providing Sign Off on the Services they provided during the procurement process	s. 47F (Partner Maddocks)	22 December 2017	ADD2017/4051576
Negotiations Log – Garrison at the ELRTC – Paladin	Director, SPS	1 February 2018	ADD2018/892357

Final Paladin Contract Schedules – cleared and approved	Director SPS	1 February 2018	ADD2018/315012
Email from Director PS to A/g Dep Sec Corporate re incorporated of his feedback into Negotiations Outcome Report	Director SPS	23 February 2018	ADD2018/858379
Approval of Negotiations Outcome Report	A/g Dep Sec Corporate	23 February 2018	ADD2018/858379 ADD218/541614
Approval of HRHV Gateway 4 – Contract (through General Counsel)	A/g Dep Sec Corporate	23 February 2018	ADD2018/859710
Email from AS Service Management on behalf of FAS in response to an email from Paladin re ‘the department demonstrated bad faith or engaged in any conduct that could be interpreted as repudiating any contract between the parties ‘	AS Service Management	26 February 2018	ADD2018/908850
Approval for expenditure for the provision of Garrison Services at the ELRTC and Additional Sites in PNG	AS Services Management FAS DSD A/g Director Contract Finance (endorsed via email 27 February 2018)	27 February 2018 28 February 2018	ADD2018/895312 ADD2018/922801 ADD2018/837844
Counter Signed PNG Services Contract between the Department and Paladin – note the attached Schedules to the Contract finalized on 1 February 2018 (ADD2018/315012)	FAS DSD, Ian Stewart (Paladin)	28 February 2018	ADD2018/926117
Conflict of Interest signed forms and Register	Services Procurement	August 2017	ADF2017/101699 ADD2017/3739721

<p>Paladin Contact Details: Ian Stewart General Manager, Paladin Park Tower Annex, Section 25, Allotment 35 Hunters Street, Granville, Port Moresby National Capital District, Papua New Guinea ian.stewart@paladingroup.net</p>	<p>Abbreviations:</p> <p>CAE - Chief Audit Executive CFO - Chief Financial Officer COO - Chief Operating Officer CRO - Chief Risk Officer DCS - Deputy Commissioner Support DC - Deputy Commissioner DS - Detention Services DSD - Detention Services Division GC - General Counsel HRHV - High Risk High Value LOI - Letter of Intent PCB - Procurement and Contracts Branch SPS - Services Procurement Section</p>	<p>-</p>
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RFQ 1750034

DETENTION SERVICES DIVISION SERVICES PROCUREMENT SECTION CHECKLIST

Title of Procurement: GARRISON AND FM SERVICES AT ELRTC (PNG) - PALADIN
Procurement Number: RFQ 1750034
Date RFQ released: 17 August 2017
Date/Time closed: 28 August 2017 15:00 EST
Method of Procurement: Direct Request for Quote
Prepared by Procurement Services Section
Contact Name/Number Director Services Procurement – Desk: 02 s. 47F

This checklist applies to procurements undertaken by the Detention Services Division and specifically for
HIGH RISK, HIGH VALUE PROCUREMENTS.

ALL STAGES

	Checklist Item	Y	N	N/A	Comments
1.	Adequate and appropriate records are maintained throughout the procurement process and provide sufficient information to enable appropriate internal governance review	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HEAD TRIM FOLDER: OBJ2017/16659

HEAD FOLDER TRIM

Note:

- On 10 August 2017, the Secretary gave approval to apply special measures to procurement processes supporting the closure of the Manus Regional Processing Centre (MRPC Procurements) in accordance with paragraph 2.6 of the Commonwealth Procurement Rules (CPRs) – TRIM Ref: ADD2017/2554961.
- On 28 February 2018 the PNG Garrison and FM Services Contract between the Department and Paladin was signed – TRIM Ref: ADD2018/926117.

PLANNING THE PROCUREMENT

	Checklist Item	Y	N	N/A	Comments
1.	Appropriate approval to undertake this procurement was obtained from: DIBP Minister ----- <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Chief Financial Officer (CFO)----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Chief Audit Executive (CAE) ----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PGPAs23(3) Delegate ----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> General Counsel ----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Relevant Business Area ----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> External Probity ----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Procurement and Contracts Branch ----- <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Chief Risk Officer (CRO) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				TRIM Ref: ADD2017/2624622 TRIM Ref: ADD2017/2555064 TRIM Ref: ADD2017/2552267 TRIM Ref: ADD2017/2554961
2.	Confidentiality and conflict of interest documents have been obtained from all members of the Evaluation team.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADF2017/89100
3.	Policies are in place to deal with potential conflicts of interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADF2017/89100 TRIM Ref: ADD2555394
4.	Legal Division has been engaged/consulted through the procurement process as required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Internal Legal Advisors: s. 47F – Senior Legal Officer
5.	External Legal Advice was sought during the course of this procurement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2471702 AGS were engaged to provide legal services in relation to the ELRTC and associated RAMIFORM activities.
6.	A Commercial Partner has been engaged for this procurement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2238671 KPMG were engaged to provide financial and commercial advisory services.
7.	Appropriate procedures are in place to ensure that suppliers submitting RFQ responses are dealt with fairly and equitably during the quotation process.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555394 Engagement of probity advisor.
8.	An estimate of the cost of the goods/service has been developed and funding is available.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2018/895312
9.	A Procurement Plan and Spending Proposal has been developed and endorsed by the CFO, CAE and the PGPA s23 (3) Delegate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555597
10.	Market research and consultation has been undertaken.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11.	The specification has been defined.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/256532

PLANNING THE PROCUREMENT

Checklist Item		Y	N	N/A	Comments
12.	A Tender Evaluation Plan has been developed and endorsed by the CFO, CAE, General Counsel and PGPA's 23 (3) Delegate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555794
13.	An Evaluation team has been established and members are familiar with procurement processes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555794 (Attachment C)
14.	An Evaluation Committee has been established and members are familiar with procurement processes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555794 (Attachment C)
15.	Evaluation criteria, weighting and an evaluation methodology have been defined.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555794 TRIM Ref: ADD2017/2567618 Consistent with the RFQ and Part C of the Evaluation Plan.
16.	The evaluation criteria has been based on the specifications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555794 TRIM Ref: ADD2017/*2567618 Consistent with the RFQ and Part C of the Evaluation Plan.
17.	A Risk Assessment and Risk Management Plan has been developed in consultation with the CRO and endorsed by the CFO, CAE and PGPA's 23 (3) Delegate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2556017 TRIM Ref: ADD2017/255534 TRIM Ref: ADD2017/3048877 TRIM Ref: ADD2017/3100997
18.	A contract Negotiation and Directive plan has been developed / commenced.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/3138688
19.	A Probity Advisor has been appointed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555394 Note: A Probity Advisor (Maddocks) were engaged to oversee the procurement however a Probity Plan will not be developed due to Special Measures under Para 2.6 of the CPRs.

PREPARING THE PROCUREMENT DOCUMENTATION

Checklist Item		Y	N	N/A	Comments
20.	The RFQ documentation provides all the information necessary to enable potential suppliers to prepare appropriate submissions in response.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2567532 TRIM Ref: ADD2017/2567844 TRIM Ref: ADD2017/2567618 TRIM Ref: ADD2017/2567575 TRIM Ref: ADD2017/2567427
21.	The RFQ contains: (a) a clear description of goods and/or services to be procured (b) all conditions for participation (c) details of the evaluation criteria to be used in the assessment of quotations, the evaluation methodology and any weightings to be used in the assessment (d) details of the information that should be provided by suppliers (e) all other relevant terms and conditions of the quotation (f) details of any applicable DIBP policies and principles (g) DIBP contact details (h) details of the specified closing time, date and place of lodgement; (i) advice on the treatment of late quotations; (j) pricing requirements (eg: price to be exclusive of GST).	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	TRIM Ref: ADD2017/2567532
	Has an Australian Industry Participation (AIP) Plan been developed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Under 2.6 Special Measures of the CPRs this procurement was exempt from developing an AIP. TRIM Ref: ADD2017/2554961.

INVITING OFFERS

Checklist Item		Y	N	N/A	Comments
22.	Sufficient time has been provided to allow suppliers to prepare a quotation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
23.	Copies of the RFQ documentation have been sent to identified businesses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2567296
24.	Details of businesses issued with the RFQ recorded.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25.	Any extension of the time limit for suppliers applied equally to all suppliers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
26.	If addenda were issued, it was issued to all suppliers requested to quote	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27.	All suppliers to whom addenda was issued were requested to confirm receipt of the addenda.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28.	If addenda were issued, sufficient time was provided to allow persons requested to quote to amend their quotation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

RECEIVING OFFERS

Checklist Item		Y	N	N/A	Comments
29.	Fair and impartial procedures were in place in relation to receiving and opening of quotations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Head Folder – OBJ2017/16659
	(a) quotations were held in a secure location prior to the closing time for quotes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All hard copies of the procurement documentation held in locked offices or locked cabinets. The keys to each office held in a 'key safe' with a combination lock.
	(b) all quotes received were marked with the time and date of receipt and recorded in an appropriate schedule or register	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tender Response TRIM Ref: ADD2018/1232631 TRIM Ref: ADD2018/1236228
	(c) all quotation forms and quotation schedule pages were signed in the appropriate manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
30.	The procedures for any late quotations have been followed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
31.	Where potential suppliers have been provided with an opportunity to correct unintentional errors of form between the opening of submissions and any decision, the same opportunity was provided to all participating potential suppliers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADF2017/107591
32.	Information provided by persons submitting quotations is treated as confidential.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
33.	Documents have been secured	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Head Folder - OBJ2017/16659 All hard copies of the procurement documentation held in locked offices or locked cabinets. The keys to each office held in a 'key safe' with a combination lock.

EVALUATING QUOTATIONS

	Checklist Item	Y	N	N/A	Comments
34.	Quotations fairly and equitably evaluated in a manner that is consistent with DIBP's procurement guidelines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: Add2017/2555794
35.	Mandatory quotation schedules have been submitted and checked for compliance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2018/1237044
36.	The evaluation criteria, weightings and methodology as set out in the quotation documents have been used to evaluate the quotes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555794
37.	The recommended supplier is an acceptable legal entity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Paladin Group Pty Ltd is an Australian Proprietary Company Limited by Shares Registration date - 1 June 2010 ABN - 64144000573.
38.	The supplier making the recommended quote has complied with the conditions of quotation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
39.	If quotations are being considered further, any qualifications of the persons quoting, documentation departures, commercial conditions or comments requiring clarification have been noted for resolution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
40.	The reasons for not accepting any quote have been documented on file and are clear and justifiable (e.g. quotation substantially non-conforming; specified QA requirements not met; person quoting has insufficient expertise).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
41.	The contract is being awarded to the supplier who (a) satisfies the conditions for participation; and (b) is fully capable of undertaking the contract; (c) Whose submission is determined to be the best value for money, or the most advantageous in accordance with the essential requirements and evaluation criteria specified in the RFQ.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	TRIM Ref: ADF2017/101114 TRIM Ref: ADD2017/2554961 TRIM Ref: ADD2017/2552267 Under 2.6 Special Measures one Service Provider was approached to respond to RFQ 1750034.
42.	A Tender Evaluation Report has been completed, and signed by members of the evaluation committee.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	TRIM Ref: ADD2017/2834336 TRIM Ref: ADD2017/3107932
43.	Confirmation has been sought regarding the availability of funds for the actual cost of the goods/services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/2555597

ACCEPTING A QUOTATION, FINALISING A CONTRACT AND UNSUCCESSFUL OFFERS

Checklist Item		Y	N	N/A	Comments
44.	The recommendation of the Evaluation team has been approved by the Delegate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2017/3107932
45.	All documentation cleared by Legal and Probity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2018/859768 (Probity) TRIM Ref: ADD2017/2555064 (GW1) TRIM Ref: ADD2017/2555343 (GW2) TRIM Ref: ADD2017/3048877 (GW3) TRIM Ref: ADD2018/859710 (GW4)
46.	Prior to awarding the contract a Contract Negotiation Report, Probity Report and Contract Management Plan have been developed and forwarded to the CFO, CAE PGPAs23(3) Delegate for their endorsement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TRIM Ref: ADD2018/8588379 (Negotiation) TRIM Ref: ADD2018/859768 (Probity) TRIM Ref: ADD2017/4051576 (Probity) Contract Management Plan – as per para 8 of GW4 ... 'the Plan will be developed by the Contract Manager once the contract has been signed.'
47.	The offer of contract has been accepted either through the execution of a formal contract or by the issuing of a letter of acceptance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Contract between the Department and Paladin signed on 28 February 2018 – TRIM Ref: ADD2018/926117.