

**<Insert description of SA Government Agency>(“Government Agency”)**

**Invitation to Supply** **<insert description of required goods and/ or services>**

**Structure of Invitation**

Part A – Procurement Process Guidelines

Part B – Specification

Part C – Draft Contract

Part D – Response

***INSTRUCTIONS FOR GOVERNMENT AGENCY OFFICERS:***

* ***Please review this Invitation template thoroughly and complete the areas highlighted in yellow.***
* ***There are instructions highlighted in yellow throughout the template which provide guidance on tailoring the template to suit your agency’s requirements.***
* ***If you require assistance in using this Invitation template please contact your agency’s procurement unit.***



**Part A**

**Procurement Process Guidelines**

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REFERENCE SCHEDULE

*Instructions: please complete the Reference Schedule with the relevant details*

1. **Invitation Reference Number**

|  |  |
| --- | --- |
| Reference number: | <insert Invitation number> |

1. **Government Agency**

|  |  |
| --- | --- |
| Name of government agency | <insert name of government agency> |

1. **Government Agency’s Requirements**

|  |  |
| --- | --- |
| Government Agency Requirements | *Instructions: Please insert a brief description of:*   * *what is to be purchased and why* * *where the requirements are to be supplied/delivered* * *the Government Agency’s procurement objectives /expected outcomes* * *the expected service level outcomes* * *if known, whether it is intended to appoint a sole provider or establish a panel or standing offer arrangement* * *proposed term of contract* * *whether offers can be submitted for part of the requirements* |

1. **Important Dates**

|  |  |
| --- | --- |
| **Lodgement and Query Dates** | |
| Invitation Issue Date | <insert date> |
| Last Queries Date  (South Australian Time) | <insert date for last queries> |
| Closing Date and Time  (South Australian Time) | <insert closing date and time> |
| **Indicative Timetable** | |
| Completion of evaluation | <insert date> |
| Approvals | <insert date> |
| Notification to successful Supplier(s) | <insert date> |
| Contract executed | <insert date> |
| Notification to unsuccessful Supplier(s) | <insert date> |
| Contract commencement | <insert date> |

1. **Offers and Lodgement**

|  |  |  |
| --- | --- | --- |
| Alternative Offers | Alternative Offers may be submitted | Yes  No |
| **Form of Lodgement** | | |
| Form of lodgement | Internet/electronic  Hardcopy  *Instructions: Please tick form of lodgement (either or both may apply).* | |
| Internet/electronic lodgement | Website | [www.tenders.sa.gov.au](http://www.tenders.sa.gov.au) |
| Other requirements | <insert details> |
| Hardcopy lodgement | Location for lodgement | <insert details> |
| Access hours for lodgement  Access restrictions for lodgement | <insert details>  <insert details> |
| Information to be marked on Offer | <insert details> |
| Number of hard copies required | <insert details> |
| USB or CD copy of hardcopy documents (Word, Excel, PDF) required  Other format requirements | Yes  No  <insert details> |
| Offer Validity Period |  | *Instructions: validity period should be at least as long as it takes to evaluate, negotiate and execute the contract*  <insert number of days from Closing Date and Time> |

1. **Contact Person**

|  |  |
| --- | --- |
| Name | <insert name> |
| Position | <insert position> |
| Email | <insert email address> |
| Telephone | <insert phone number> |

1. **Industry Briefing Session / Site Visit**

|  |  |  |
| --- | --- | --- |
| Industry Briefing session | Briefing Session  No Briefing Session | |
| Industry Briefing session details | Time and date | <insert details> |
| Location | <insert details> |
| Registration process | <insert details> |
| Attendance is | Optional  Mandatory |
| Government Agency  Site Visit | *Instructions: select from the following options:*  Site Visit  No Site Visit | |
| Government Agency  Site Visit details | Time and date | <insert details> |
| Location | <insert details> |
| Registration process | <insert details> |
| Attendance is | Optional  Mandatory |

1. **Evaluation Criteria**

|  |  |
| --- | --- |
| Mandatory criteria | *Instructions: select from the following options:*  Mandatory Criteria  No Mandatory Criteria  The mandatory criteria are:   * <list mandatory criteria or N/A>   *Instructions: - mandatory criteria are pass/fail and if not met may result in an Offer not being considered further. Please consider carefully what criteria are mandated.* |
| Weighted criteria | Weighted criteria:  *Instructions: the following criteria are indicative only and will need to be reviewed and changed for individual procurements*   * *Prior performance* * *Demonstrated experience* * *Level of compliance with specification* * *Capability and capacity* * *Industry Participation Policy* * *Price / cost* * *Level of compliance with government policies* |
| Non-weighted criteria | Non-weighted criteria (in descending order of relative importance):  *Instructions: the following criteria are indicative only and will need to be reviewed and changed for individual procurements.*   * *Risk* * *Financial viability* * *Price/cost* |

1. **Industry Participation Policy (IPP) Requirements**

|  |  |
| --- | --- |
| IPP Requirements | <insert details of IPP requirements (IPP Plan, ECT etc.)> |

1. **Complaints Officer**

*Instructions: Nominated person for handling supplier complaints is to be an independent officer who is not directly involved in the subject matter of the complaint*

|  |  |
| --- | --- |
| Name | <insert name> |
| Position | <insert position> |
| Address | <insert address> |
| Email | <insert email address> |
| Phone | <insert phone number> |

1. **Agency Specific Requirements**

|  |  |
| --- | --- |
| Agency specific requirements | *Instructions: if your government agency has no agency specific requirements, insert “Not applicable”.*  *Instructions: if your government agency has a working with children and vulnerable people policy please include the following policy statement:*  The Government Agency requires that all persons involved in the delivery of goods and services at sites where children, persons with a disability, the aged or other vulnerable people may be present have agreed to a screening assessment by the DCSI Screening Unit. In addition the supply contract may include a “Suitability of Persons” clause which if breached may result in termination of the supply contract.  *Instructions: if your government agency has a respectful behaviours policy or is working towards being accredited as a White Ribbon Workplace please include the following policy statement:*  The Government Agency requires that all contracts with suppliers of goods and services include a “White Ribbon Campaign” clause that acknowledges the Government Agency’s commitment to a policy of zero tolerance to violence against women in the workplace and the broader community and requires the Suppliers’ personnel to comply with the Government Agency’s instructions, policies, procedures and guidelines regarding acceptable workplace behaviour.  *Instructions: if your government agency has any other relevant policies please include here.* |

1. **Additional Information**

|  |  |
| --- | --- |
| Additional information | <list any additional information>  *Instructions: if this Invitation is a ‘covered procurement’ under Free Trade Agreements, include the following statement:*  Free Trade Agreements:  This Invitation is a ‘covered procurement’ for the purposes of the Government Agency’s obligations under Government Procurement Chapters of Free Trade Agreements to which Australia is a Party. |

# INVITATION

## Government Agency’s Requirements

The Government Agency invites You to make an Offer in accordance with this Invitation for the provision of the Government Agency’s Requirements.

## Additions and Amendments

The Government Agency may amend or add to the information in this Invitation or the Specifications at any time before the Closing Date and Time and may extend the Closing Date and Time to enable You to amend Your Offer.

## Accuracy of Invitation

The Government Agency makes no promise or representation that any factual information supplied in or in connection with this Procurement Process or Invitation is accurate.

Information is provided in good faith and the Government Agency will not be liable for any omission from this Invitation.

## Your Use of Invitation

Without the express prior written consent of the Government Agency, You must not re-produce, re-advertise and/or in any way use the contents of this Invitation either in whole or in part, other than for the purpose of preparing and lodging an Offer.

## Procurement Process does not create a contract

Your participation in this Procurement Process, (including the preparation and lodgement of Your Offer), is at Your sole risk.

Nothing in this Invitation, the Procurement Process, or Your Offer must be construed as creating any binding contract or other legal relationship (express or implied) between You and the Government Agency.

# STRUCTURE OF INVITATION

This Invitation consists of four parts:

**Part A Procurement Process Guidelines**

Part A contains general information about the Procurement Process and how You can make an Offer.

**Part B Specification**

Part B sets out the Government Agency’s Requirements in detail.

**Part C Draft Contract**

Part C contains the proposed terms of the contract that may be entered into between You and the Government Agency if Your Offer is successful.

**Part D Response**

Part D sets out the format and information that You are required to provide in Your Offer.

You must complete the Part D Response Schedule.

# COMMUNICATION

## Contact Person

You may only communicate with the Contact Person about this Invitation.

## Requests for Clarification

Up to and including the Last Queries Date, You may submit a query or request for further information in writing to the Contact Person.

The Government Agency does not guarantee that it will respond to any query, particularly queries received after the Last Queries Date.

The Government Agency reserves the right in its’ discretion to inform all other Suppliers of any question or matter You raise and the response given (but may choose not to do so).

The Government Agency is not obliged to consider any clarification from You that it considers to be unsolicited or otherwise impermissible.

Additional information about this Invitation may be made available at the tenders page of the SA Tenders and Contracts website ([www.tenders.sa.gov.au](http://www.tenders.sa.gov.au)).

## Industry Briefing and Site Visits

If specified in the Reference Schedule the Government Agency will hold an industry briefing session/site visit related to the Government Agency’s Requirements.

Your attendance is required where the industry briefing session/site visit is specified as mandatory in the Reference Schedule.

If You fail to attend a mandatory industry briefing session/site visit, the Government Agency may exclude You from further consideration.

# YOUR OFFER

## Format of Offer

Your Offer must be completed using the Part D Response Schedule, (unless You are otherwise directed).

Your Offer must:

1. be in English
2. be endorsed by an appropriately authorised officer with any alterations or prices clearly and legibly stated and any alterations initialled
3. quote prices in Australian Dollars that are GST inclusive and, in relation to GST, must state where the GST is applicable and show that amount separately
4. stipulate fixed prices (unless otherwise specifically required or indicated)
5. observe word limits where specified as the Government Agency reserves the right to disregard any part(s) of Your Offer that exceed any specified word limit
6. be concise and only provide what is sufficient to present a complete and effective response.

The Government Agency may disregard any content in an Offer that is illegible.

## Conforming Offer

You must submit a Conforming Offer.

## Alternative Offers

You may also submit an additional Alternative Offer if this option is specified in the Reference Schedule. When submitting an Alternative Offer, You are encouraged to consider innovative ways to deliver the Government Agency’s Requirements.

Where You propose an Alternative Offer, You must:

1. identify, in detail, the proposed alternative approach or solution
2. specify how the Alternative Offer differs from the Conforming Offer (including the effect(s) on any pricing)
3. state the reasons for each instance of change
4. demonstrate how the Alternative Offer is beneficial to the Government Agency.

## Cost of Preparing Your Offer

You are responsible for the cost of preparing and submitting Your Offer(s) and all other costs arising from Your participation in the Procurement Process.

# LODGING AN OFFER

The Closing Date and Time for lodging Your Offer(s) is nominated in the Reference Schedule. The Government Agency may extend the Closing Date and Time in its absolute discretion.

## Internet

If You are lodging an Offer via the Internet You must satisfy the requirements for Internet lodgement specified in the Reference Schedule.

You must virus check any Offer (including all constituent files and/or documents) before lodging via the internet.

You are encouraged to lodge Your Offer at least two hours before the Closing Date and Time.

Where an Offer is lodged via the Internet, each lodgement will be regarded as full and complete. If You need to modify a single document or a group of documents, You will need to submit all documents again.

Offer(s) lodged via the Internet cannot exceed 20MB.

## Hardcopy

If You lodge an Offer in hardcopy You must satisfy the requirements for hardcopy lodgement identified in the Reference Schedule.

Any Offer must be:

1. prominently endorsed with its Reference Number and the Closing Date and Time
2. enclosed in a sealed envelope
3. delivered to the Location by the Closing Date and Time.

You must include the requested number of copies as specified in the Reference Schedule. The copies must be numbered and the original must be clearly marked.

You may lodge an Offer by postal mail but any loss or delay is at Your own risk.

## Late Offers

If an Offer is lodged after the Closing Date and Time, it may be ineligible for consideration unless:

1. the Government Agency determines in its sole discretion that the Government Agency has caused or contributed to the failure to lodge by the Closing Date and Time; or
2. the Government Agency decides that exceptional circumstances exist which warrant consideration of the late Offer and that acceptance of the late Offer does not compromise the integrity of the Procurement Process.

## Validity

By lodging an Offer You agree that the Offer will remain open for acceptance by the Government Agency for the validity period specified in the Reference Schedule.

## Government Agency’s Use of Your Offer Materials

Upon lodgement, all of Your Offer Materials will become the property of the Government Agency.

Intellectual Property owned by You or any third parties forming part of the Offer Materials will not pass to the Government Agency with the physical property comprising the Offer Materials. However, You acknowledge and agree that You have the authority to grant to the Government Agency an irrevocable, royalty free licence to use, reproduce and circulate any copyright material contained in the Offer to the extent necessary to conduct the Evaluation and in the preparation of any resultant contract.

# CONSORTIA AND SUB-CONTRACTING

## Consortia

If You are a member of a consortium then your Offer must stipulate which part(s) of the Government Agency’s Requirements that each entity comprising the consortium would provide and how the entities would relate with each other to ensure full provision of the Government Agency’s Requirements. All consortium members that are not natural persons are to provide details relating to their legal nature and any relevant corporate structure.

The Government Agency will treat You as the preferred contact person for any consortium Offer.

## Sub-contracting

If Your Offer relies on a sub-contracting arrangement, then You must stipulate in Your Offer the tasks that the proposed sub-contractor(s) would undertake. You remain legally responsible for meeting the Government Agency Requirements.

# PROCUREMENT PROCESS CONDUCT

## Your Conduct

You must:

1. ensure all communications are undertaken via the Contact Person
2. declare any actual or potential conflict of interest
3. not employ or engage the services of any person who has a duty to the Government Agency as an adviser, consultant or employee (or former adviser, consultant or employee)
4. not offer any incentive to, or otherwise attempt to influence, any employee of the Government Agency or any member of an evaluation team at any time
5. not engage in any collusive or anti-competitive conduct with any Supplier
6. comply with all laws in force in South Australia applicable to this Procurement Process
7. disclose whether You are acting as agent, nominee or jointly with another person(s) and disclose the identity of the other person(s)
8. not issue any news releases or responses to media enquiries and questions regarding this Procurement Process or this Invitation without the Government Agency’s written approval.

If You act contrary to the expectations outlined above, the Government Agency reserves the right (regardless of any subsequent dealings) to exclude Your Offer from further consideration.

## Government Agency Conduct

The Government Agency will:

1. preserve the confidentiality of any information marked as confidential (subject to conditions concerning confidentiality)
2. give Suppliers the opportunity to compete fairly.

## Confidentiality

You must identify any aspect of Your Offer that You consider should be kept confidential including reasons. The Government Agency is not obliged to treat information as confidential and in the absence of any agreement to do so, You acknowledge that the Government Agency has the right to publicly disclose the information.

Any condition in Your Offer that seeks to prohibit or restrict the Government Agency’s right to disclose will not be accepted.

Notwithstanding any undertaking regarding confidentiality, by submitting an Offer, You agree that the Government Agency may forward information relating to You or Your Offer to the Australian Competition and Consumer Commission (ACCC) if the Government Agency reasonably suspects, or is notified by the ACCC that it reasonably suspects, that there is cartel conduct or unlawful collusion in relation to this Procurement Process (whether or not the suspicion relates to Your Offer).

Information supplied by or on behalf of the Government Agency is confidential to the Government Agency and You are obliged to maintain its confidentiality. You may disclose confidential information to any person that has a need to know the information for the purposes of submitting Your Offer.

# EVALUATION PROCESS

## Evaluation

In evaluating Offers the Government Agency will consider:

1. the Evaluation Criteria
2. the overall value for money of the Offer
3. references from referees
4. any presentations, interviews or site visits
5. compliance with applicable Government Policies including the South Australian Industry Participation Policy (http://www.industryandskills.sa.gov.au/industry/south-australian-industry-participation-policy) applying at the Closing Date and Time (Please see clause 10.1 for further detail about this policy)
6. any other information that the Government Agency considers relevant.

Where mandatory criteria are specified in the Reference Schedule and Your Offer does not comply with these criteria the Government Agency may choose not to further evaluate Your Offer.

The Government Agency may seek the advice of external consultants to assist the Government Agency in evaluating the Offers.

The Government Agency may in its absolute discretion:

1. take into account any relevant consideration when evaluating Offers
2. invite any person or entity to lodge an Offer
3. allow a Supplier to change its Offer
4. consider, decline to consider, or accept (at the Government Agency’s sole discretion) an Offer lodged other than in accordance with this Invitation
5. seek further information from You regarding Your Offer including but not limited to requests for additional information or presentations by, or interviews with You or Your key personnel
6. seek and evaluate relevant financial viability data concerning any Suppliers’ business and related entities including seeking any assistance from third party providers
7. make enquiries of any person or entity to obtain information about any Supplier and its Offer (including but not limited to the referees)
8. visit facilities operated by any Supplier, proposed subcontractors of any Supplier and/or by their customers in order to assess their capabilities and performance (at a mutually convenient time).

## Discontinue Process

The Government Agency may decide not to proceed any further with the Procurement Process for the Government Agency’s Requirement.

## Shortlisting

The Government Agency may choose to short-list some Suppliers and continue evaluating Offers from those short-listed Suppliers. The Government Agency is not at any time required to notify You, any Supplier or any other person or organisation interested in making an Offer of its intentions or decision to short-list.

## Negotiation

The Government Agency may choose to:

1. enter into negotiations with You or any Supplier (including parallel negotiations with more than one Supplier) in order to vary its Offer on grounds of capability / capacity, technical issues, cost, effectiveness, to finalise agreement on the terms of the contract, or any other matters
2. re-evaluate Offers generally after any negotiation
3. suspend, discontinue or terminate at any time negotiations with You or any Supplier or any other person or organisation
4. negotiate with You or any Supplier for the provision of any part of the Government Agency’s Requirement and negotiate with any other Supplier with respect to the same or other parts of the Government Agency Requirement and to enter into one or more contracts for part or parts of the Government Agency’s Requirement
5. negotiate at any time with any organisation that is not a Supplier and enter into a contract in relation to the Government Agency Requirement or any part of the Government Agency’s Requirement with that organisation on such terms as the Government Agency, at its absolute discretion, considers appropriate
6. seek best and final offers from all or some of the Suppliers. Irrespective of the Government Agency’s right to negotiate and/or seek a best and final offer, You are bound by Your Offer, and if selected, You must be willing to enter into a contract on the basis of Your Offer.

## Contract Formation

The Government Agency may make partial or multiple awards of contract for selected portions of the Government Agency’s Requirement, or accept a portion or the whole of any Offer at the price or prices proposed or subsequently agreed.

No legal relationship will exist between a Supplier and the Government Agency for the supply of the Government Agency’s Requirement until such time as a binding contract is executed by both parties.

# COMPLAINTS AND FEEDBACK ABOUT PROCUREMENT PROCESS

## Complaints

If at any time during the Procurement Process, You consider that You have been unfairly treated, You must first notify the Contact Person in writing.

If the matter is not resolved, You may then contact the nominated Complaints Officer in writing for the issue to be dealt with.

The issue will then be dealt with in accordance with the Government Agency’s complaint management process.

## Supplier Feedback

You may provide feedback directly to the Government Agency through the Contact Person.

If You access this Invitation via the SA Tenders and Contracts website, You can provide anonymous feedback using the survey tool on the website:

<https://www.tenders.sa.gov.au/tenders/index.do>.

A link to the survey tool is also available on the State Procurement Board website at: <http://spb.sa.gov.au/>

Alternatively, you can gain direct access to the survey here: <https://www.surveymonkey.com/s/SPB_Supplier_Feedback>

Your feedback may be provided, either:

1. after You have downloaded the Invitation but decided not to proceed with lodging an Offer or
2. at the end of the Procurement Process following debrief or contract award (as applicable).

If using the survey tool for the first time, additional information about the Supplier feedback initiative is included on both websites.

# GOVERNMENT POLICIES

South Australian Government policies apply to all South Australian Government purchasing and related activities.

## South Australian Industry Participation Policy

The South Australian Industry Participation Policy (“IPP”) is the high-level framework for delivery of the South Australian Government’s objectives including promoting capable businesses based in South Australia being given full, fair and reasonable opportunity to participate in government contracts.

You are required to complete an Economic Contribution Test (ECT) or IPP Plan as specified in the Reference Schedule. The IPP and supporting information, including ECT/IPP templates that can be completed and submitted online is available at:

https://innovationandskills.sa.gov.au/industry/south-australian-industry-participation-policyPart D, the Response document, also contains links to the online template that has been deemed as appropriate for the procurement. This decision is based on the IPP thresholds and/or a determination of the potential economic and social benefit for South Australia, or to a specific region, resulting from the procurement. The template specified may fall outside of the stated IPP thresholds; however the specification of the template to be used is not to be taken as a price indication.

The Office of the Industry Advocate (OIA) is available to help You understand how this policy may apply to Your Offer and can also help You to prepare any required IPP documentation. Contact details for the OIA are:

**Office of the Industry Advocate**

Level 13, 99 Gawler Place

ADELAIDE  SA  5000

Tel: (08) 8226 8956

Email:  [oia@sa.gov.au](mailto:oia@sa.gov.au)

## Employment of Ex-Government Employees

Unless an exemption has been granted by the Treasurer, the Government Agency will not accept the services of any former public sector employee, either directly or through a third party, for a period that corresponds with the number of weeks of a targeted voluntary separation package received from the South Australian Government, where such engagement may breach the conditions under which the separation package was paid to the former public sector employee.

## Disclosure of Government Contracts

If a contract is entered into, the Government Agency may disclose that contract and/or information in relation to it in either printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

## Allocation of Risk - Liability

On 25 July 2016 the South Australian Cabinet approved a policy that for low to medium risk standard government procurement contracts, a supplier’s liability will be capped at a multiple of between 1 and 5 of the total contract value with the multiple to be based on a risk assessment conducted by the procuring government agency.

For high risk government procurement contracts, the procuring government agency will conduct a risk assessment and in consultation with SAICORP and the Crown Solicitor’s Office, include appropriate clauses dealing with risk and liability based on that risk assessment.

## State Federal Cooperation on Trade Practice Matters

You must submit with your Offer a signed declaration, in the form set out in the Appendix to this Invitation.

If Your Offer is submitted jointly with another party or parties then each party must provide a signed declaration in the form set out in the Appendix to this Invitation.

## Agency Specific Requirements

You are required to comply with any agency specific requirements of the Government Agency if specified in the Reference Schedule.

# GLOSSARY

## Definitions

In this Invitation, unless the contrary intention is apparent:

1. “Alternative Offer” is an alternative or innovate offer which provides a value for money solution that meets the Government Agency’s Requirements
2. "Closing Date and Time" means the date and time nominated in the Reference Schedule by which Offers are required to be lodged
3. “Complaints Officer” means the person nominated in the Reference Schedule authorised to deal with complaints about the Procurement Process
4. “Conforming Offer” means an Offer by the Supplier that includes all requested information, is received by the Closing Date and Time, is open for the minimum validity period and satisfies all Mandatory Criteria
5. "Contact Person" means the person nominated in the Reference Schedule authorised by the Government Agency to communicate with Suppliers about the Procurement Process
6. “Evaluation” means the process for considering and evaluating Offers in accordance with clause 8.1
7. "Government Agency" means the agency of the State Government of South Australia conducting the Procurement Process
8. "Government Agency’s Requirement" means the requirements specified in the Invitation, the Specification and the contract
9. “Intellectual Property” means any patent, copyright, trademark, trade name, design, trade secret, knowhow, semi-conductor, circuit layout, or other form of intellectual property and the right to registration and renewal of the intellectual property
10. "Invitation” means this document inviting persons to lodge an Offer
11. “Last Queries Date” means the date nominated in the Reference Schedule as the last date for Suppliers to seek information or clarification of any matters relating to this Invitation
12. “Mandatory Criteria” means the criteria considered by the Government Agency to be critical and identified in the Reference Schedule
13. "Offer" means the documents constituting an offer lodged by a Supplier to meet the Government Agency’s Requirement in accordance with this Invitation
14. “Offer Material” means all documents, data, computer programs, computer discs and other materials and things provided by a Supplier in relation to an Offer arising out of this Invitation
15. “Part” means a part of this Invitation
16. "Procurement Process" means the process commenced by the issuing of this Invitation and concluding upon the award of a contract (or other outcome as determined by the Government Agency) or upon the earlier termination of the process
17. "Reference Schedule” means the reference schedule in Part A of this Invitation
18. “South Australian Time” means the time applicable to South Australia, as defined at http://www.australia.gov/about-australia/our-country/time
19. "Specification" means the information about the Government Agency’s Requirement described in Part B
20. "Supplier" or “You” or “Your” means any person or organisation responding to this Invitation by lodging an Offer.

# APPENDIX: DECLARATION IN RELATION TO UNLAWFUL COLLUSION

Re: …………………………………………………………………………………… (“the Procurement”)

[insert name of Procurement]

I , ……………………….of …………………………………………………………….

[insert name and address of declarant]

**do hereby declare as follows:**

1. I hold the position of ……………within ……….…………….. (“the Supplier”) and that I am authorised to provide this declaration on its behalf.

2. I confirm that the Offer submitted by the Supplier is independent and that there has not been any unlawful collusion with any other Supplier or party in connection with this Procurement Process. This clause does not apply to any formal joint venture contractual arrangement entered into between the Supplier and any other person(s), the details of which have been provided to the Government Agency as part of the Offer submitted by the Supplier.

3. I confirm that the total value of the goods and/or services to be provided by sub-contractors, to the extent known at the time of making this declaration, is $................... .

4. [*where that value exceeds either of $1,000,000 (GST inc) or 25% of the total value of the Offer*] Attached hereto is a complete list of all sub-contractors, the value, and the nature of the work to be provided under each sub-contract, to the extent known at the time of making this declaration.

5. I understand that if any part of this declaration is found to be false, the Government Agency reserves the right (regardless of any subsequent dealings) to:

* terminate negotiations with the Supplier;
* terminate consideration of the Supplier’s Offer; and
* terminate any contract between the Supplier and the Government Agency in relation to the Procurement without any obligation on the Government Agency to make any payment to the Supplier.

………………………………………. ……../……../ 20 …

Signature Date

Note: If your Offer is submitted jointly with another party or parties then each joint respondent must provide a signed declaration in the form set out in this Appendix.