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OBTAINING ENDORSEMENT FOR RECOMMENDATIONS

The project manager is responsible for obtaining endorsement of the recommendations made by the Assessment Panel. The endorsement will be by the same person who endorsed the recommended process at Stage 1 (the Minister or delegated officer), unless as part of that endorsement another officer was delegated to endorse the recommendations.

The request for endorsement will be in the form of a **standard Departmental submission** and will contain schedules or instruments clearly listing each recommended service provider, together with the relevant service and the level of funding. Formats for such schedules or instruments of delegation may vary, depending on any specific requirements or agreements that may be in place.

A standard submission for endorsement will include as a minimum:

1. the background to the project and purpose of the funding to be distributed
2. a brief description of the selection process
3. the names of the members of the assessment panel(s)
4. a summary of the recommendations of the panel(s), including any special conditions or significant features of the successful bids
5. schedules/instruments of approval listing all projects recommended for funding on the basis of the recommendations made by assessment panel(s), prepared in accordance with procedures related to the particular program
6. copies of the Assessment Panel Report(s)
7. a standard letter of approval/rejection & feedback document (sample at **Appendix 8**).

Whether the recommendations of the Assessment Panel are accepted is the decision of the Minister or delegated officer only. If that officer is not the Minister, then any decision not to accept the recommendations of the Assessment Panel must be substantiated and a new panel formed to reassess the bids. It is not appropriate for the delegated officer to recommend an alternative provider for funding unless the original Assessment Panel has provided sound and substantiated options in its recommendations. Such arrangements will not be common.

10 TAKING ACTION IF NO BID IS SUBMITTED OR NO APPLICANT RECOMMENDED

It may happen that no bid is submitted for a particular service or region. Alternatively, the Assessment Panel may determine that none of the bids received adequately addresses the specified requirements and may choose not to make a recommendation for award of the funding.

In either case, the matter should be referred through the project manager to the Unit Manager, who will determine how to proceed, based on the Department's commitment to providing new or enhanced services to the particular target group and its commitment to achieving forecast expenditure.

The appropriate method of proceeding will be determined on the basis of the parameters used to decide which process to use (described in section 1 of these Guidelines). However, if a publicly advertised process was initially undertaken without success, it may be appropriate to move to a selective tender arrangement to:

- ◆ give unsuccessful applicants the opportunity to reapply and enhance their bids
- ◆ expand the market by inviting additional known providers to submit bids

It may be that the reason for not recommending a provider was that there were deficiencies in the specifications, or that it has been determined that the original specifications are no longer appropriate. If this is the case and the service specifications are amended substantially, then the service must be readvertised¹³.

¹³ Some providers may have been deterred from applying because of certain aspects of the original specifications, these issues may have been resolved for them and they may wish to apply under the new specifications.

11 NOTIFYING AND PROVIDING FEEDBACK TO APPLICANTS

Once endorsement of the recommended service providers and funding levels has been obtained, all applicants, whether successful or unsuccessful, are notified by the Contract Management Unit.

Prospective providers invest significant time and resources in preparing their bids, and it is important to ensure that they receive satisfactory feedback on the outcome of the process. This helps to maintain existing relationships with providers, as well as encouraging currently unfunded providers to participate in future processes.

A brief summary of the outcome of the process is developed by the project manager and entered in CIS. The summary will include:

- ◆ a summary of the objectives of the process
- ◆ the outcome of the process overall, including the number of bids received, the numbers of successful and unsuccessful providers and so on
- ◆ details of any changes to be implemented in the process in the future processes, either in response to logistic difficulties faced by the Department, or as a result of feedback from providers

SUCCESSFUL PROVIDERS

A letter is sent to each successful provider stating the outcome of the bid and what action now needs to occur. The letter should also request feedback on the quality of information provided; the difficulty of participating in the process and so on, for example by way of a survey

This initial letter describes any special conditions negotiated with the provider by the Assessment Panel, and any issues of particular importance relating to the bid, or the process in general, which require reiteration. The letter also states that the service specifications and the successful submission, together with the negotiated special conditions, will form the basis for the Funding Agreement.

The initial letter acts as a preliminary 'offer of funding' to the successful applicant.

Followup correspondence is sent by the Contract Management Unit, explaining the administrative payment processes and requesting that a Funding Agreement be signed. Signing of the Funding Agreement secures the funding.

Sample correspondence from the Contract Management Unit is at **Appendix 9**.

UNSUCCESSFUL PROVIDERS

Correspondence sent to unsuccessful providers includes:

- a statement that the bid has been unsuccessful
- the names of the successful service providers
- if the organisation did not meet organisational eligibility requirements, advice to this effect
- the name of the contact officer nominated to provide advice as to why the bid was not successful

A sample letter to an unsuccessful provider is at **Appendix 10**.

If an existing funded provider was unsuccessful, depending on the type of funding involved, there may be a need to address a range of issues through the Department's performance management processes. If the provider was unsuccessful in seeking to expand its current services, or diversifying into a related area, it may be necessary to investigate how the services currently being delivered by that provider compare with those offered by the successful provider.

DISCLOSURE OF INFORMATION

Debriefings should be available to unsuccessful bidders on request. The debriefings should explain how their bid performed against the selection criteria, rather than against the successful bid, with the objective of enhancing their future performance.

Information provided by the contact officer should relate to the process and its outcomes, and can include general information about the overall quality of the particular applicant's bid and the reasons for its failure.

Information on specific bids from applicants other than the one making the inquiry must not be provided. For example, to disclose information about a successful bid to an unsuccessful applicant constitutes disclosing information about their business affairs and may have an unreasonable adverse effect on their business. Such information is considered exempt even under the provisions of the Freedom of Information Act.

The information which may be released to others about the successful bid includes:

- the identity of the successful service provider(s)
- the duration of the contract

An unsuccessful applicant should not be given feedback on specific aspects (that is beyond performance against each selection criterion) of the application, as it can:

- be misinterpreted and call into question the recommendations of the Assessment Panel without the benefit of comparison or context
- provide undue expectations about the future success of a bid, should the reasons for failure in one particular process be rectified in the next

Telephone conversations must be file noted.

12 DEVELOPING AND IMPLEMENTING A CONTRACT

A formal contractual relationship is established with every successful applicant. This contract binds the service provider to provide the service it expressed an ability and willingness to provide, and to fulfil the promises it made, and upon which its bid was assessed and accepted.

The Department's Funding Agreement, completed with information describing the offer of service which has been accepted, forms a basis for this relationship. The Agreement describes what the service provider has undertaken to do in return for the funding allocated by the Department. It is signed by both the service provider and the Department, to indicate acceptance.

Where a competitive selection process has been undertaken, the service description will comprise:

- the service specifications (contained in the Information Package)
- the bid forwarded by the successful service provider
- any special conditions negotiated by the Assessment Panel

These components must also be alluded to in the offer made to a successful provider, to ensure that the provider clearly understands they will form part of the Agreement, and that they form the basis upon which the service will be monitored and reviewed. Whilst a summary of these components may be used as a concise description for specific program purposes, it must be made clear that the summary does not fully describe the service to be delivered.

13 DEALING WITH COMPLAINTS

Prospective providers may wish to notify, and have resolved, their concerns in relation to the nature of the competitive selection process or their treatment as participants in the process. Appropriate avenues must be available to allow this feedback.

A complaint may be lodged at any stage of the process. It may relate to:

1. the information or assistance provided during the process
2. the manner in which the process is managed
3. a perception of inequitable or unfair treatment
4. the outcome of the process

Every complaint lodged by a prospective provider is a serious matter, and every stage of providing a response must be clearly documented.

Complaints may be lodged in writing, but verbal complaints are also accepted. These must be thoroughly documented. Where it is not possible to address a verbal complaint at the time it is made, the staff member receiving the complaint must request that it be put in writing and must make a file note detailing the conversation.

All documentation relating to any complaint must be maintained on the appropriate file.

The project manager must be immediately notified of any complaint, written or verbal, by way of a Record of Complaint, to which are attached any supporting file notes or other relevant documentation. Where the complaint is in respect of the actions of the project manager, the complaint must be lodged directly with the appropriate Unit Manager.

Where the complaint relates to the actions of a particular staff member, the complaint must be referred immediately to that staff member's supervisor. All interaction between the staff member and the complainant must cease until the complaint is resolved.

Where the complaint is made on behalf of the prospective provider by an official body, for example the Ombudsman, ICAC or other such agency, the Director General must be notified immediately. A full briefing of the matter is then made via the Director General to the Minister. The preparation of this briefing will be oversighted by the relevant Unit Manager.

The manner in which the complaint is addressed will depend on the nature of the complaint and will be determined on a case by case basis.

Written acknowledgment of receipt of a written complaint must be forwarded to the complainant within two days of receipt. The advice must clearly state how the Department proposes to address the complaint, and when a response can be expected.

It is not appropriate for a complaint to be received and addressed solely by the Unit managing the selection process. The complaint must be jointly investigated with the Contract Management Unit or another appropriate section of the Department.

APPENDIX 1

SCHEDULE OF PROCESS MILESTONES – INTERIM GUIDELINES RELEASED APRIL 2000

Preliminary Instructions

1. Read the Guidelines *Competitive Selection in Funding Decisions*
2. Decide whether to use a selective tender or an expression of interest process (see Introduction and Section 1)
3. Convene a project team
4. Use Appendix 1 as the basis for your workplan to conduct the process
5. work out the timeframes for each milestone
6. if the approval timeframe is fixed, you will need to work back from it. Remember to allow the appropriate amount of time for potential service providers to prepare their bids or tenders (Section 2).
7. Work through your workplan referring to the *Guidelines* and relevant appendices and templates for each stage.

Note that the *Guidelines* still have the Contract Management Unit performing certain functions. For current responsibilities, refer to Appendix 1. This is an interim arrangement and will apply until the staffing and responsibilities of the Contract Management Unit are finalised.

Section	Milestone	Documentation	Who is responsible
1	Selection process determined	Endorsement by the Director General or Minister, obtained through a standard submission	Managing Unit, in consultation with Contract Management Unit
2	Service specifications developed	Draft service specifications and assessment criteria	Project manager from Managing Unit, in consultation with regional staff
2	Call documents prepared	Advertisement, letters & Information and Application Package As part of the endorsement process, all documents are reviewed by the Senior Project Officer, Policy, Contract Management Unit Endorsement of documents by the appropriate delegated officer	Project manager
3	Assessment Panel established	File note stating Panel members, notification to staff involved in the process	Project manager
3	Assessment criteria & tools agreed	Evaluation matrix & worksheets	Project manager & Panel members

4	Bids called	Copies of letters to existing providers, file note on dates advertised, copy of advertisement	Project manager
5	Interaction with prospective providers	File notes, records in CIS Filed correspondence between Departmental staff and providers	All staff interacting with providers
6	Information sessions held	Information packages and attachments for distribution Guidelines for staff giving the sessions Minutes of the proceedings File notes of any questions outside the parameters of the guidelines	Staff preparing & delivering sessions
7	Bids received	Stamped original bids, or facsimiles placed in Tender Box	Mail Room staff, regional staff
7	Bids opened and registered	Register of bids received Filed copy of all original bids	Managing Unit
7	Bids acknowledged or returned if ineligible	Standard letter of acknowledgment for acceptable bids Standard letter of ineligibility for late bids	Managing Unit
8	Bids evaluated	File notes on interaction with prospective providers, referees & ADD staff (where performance reviews are involved) Assessment Panel Report(s) incorporating any special conditions negotiated	Assessment Panel(s)
9	Recommendation(s) endorsed	Standard Departmental submission, with endorsement	Project manager
10	Action taken to address an unsuccessful process	File note and submission to the delegated officer proposing a method of resolution	Project manager, Unit Manager
11	Applicants advised of outcome	Standard letters of notification to both successful and unsuccessful applicants File notes on feedback given to unsuccessful applicants	Managing Unit Nominated contact officer
12	Funding Agreement in place	Complete service specification(s), based on successful bid(s), special conditions Funding Agreement, signed by both parties	Project manager Contract Management Unit
13	Complaints about the process dealt with	Record of verbal complaints, including referral to relevant staff Each written complaint, containing notes and correspondence, records of action taken, must be filed on a departmental file. Records of actions taken Submission to the Minister where external regulatory bodies (ICAC etc) are involved	Staff receiving complaints Responsible officer (project manager, Unit Manager) in consultation with Contract Management Unit

APPENDIX 2

Sample Submission to the Minister or Delegated Officer

Refer to Departmental Standard for Submissions

APPENDIX 3

Sample Letter calling for a Selective Tender

APPENDIX 4

Sample advertisement calling for EOI