

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
TREASURY
Australian Taxation Office
(Supplementary Budget Estimates, November 2004)

Outcome 2, Output 2.2.1

Topic: Procurement--policy documentation and guidelines

Supplementary Question on Notice: Supp 1-6

Senator Murray asked:

1. When did the ATO last update its procurement policy documentation?

Answer:

The ATO is currently updating its procurement policy documentation to address the current changes to the Commonwealth procurement framework.

2. What mechanisms does the ATO have in place to ensure its procurement guidelines reflect current policy in relation to government contracting?

Answer:

The ATO procurement guidelines are updated within the Corporate Procurement Branch which ensures that ATO documentation is in accordance with Government policies and that procurement staff are fully aware of their responsibilities. Standard tender and contract templates are reviewed on a regular basis by relevant advisers including legal, tax and financial advisers.

3. Do the ATO's current procurement guidelines refer to all of the following accountability mechanisms:

- The Senate order for departmental and agency contracts;
- The Department of Finance and Administration's February 2003 *Guidance on Confidentiality of Contractors' Commercial Information*; and
- The Commonwealth Procurement Guidelines (CPGs) ?

Answer: Yes

4. Do the ATO's tender documentation and contract templates include the following elements:

- a statement outlining the various Commonwealth accountability requirements;
- a consistent definition of confidential information across all templates;

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- a provision for the inclusion of specific reasons justifying why a tenderer may wish to protect certain information in the contract if it awarded;
- a section that outlines the obligations of confidentiality after the contract has been awarded;
- a more detailed outline, with the general non-disclosure clauses, of the exceptions to confidentiality obligations for Commonwealth contracts; and
- the model contract clauses, given in DOFA's February 2003 *Guidance on Confidentiality of Contractor's Commercial Information*?

Answer:

The ATO's tender and contract templates have been prepared by legal advisers and include all the above statements.

5. At page 51 of ANAO Audit Report No.10 2004-2005, *The Senate Order for Departmental and Agency Contracts (Calendar Year 2003 Compliance)*, the ANAO has concluded that all FMA agencies would benefit from implementation of contract training courses, or a review of current courses, to ensure that the Senate order requirements are adequately covered and that procurement staff receive relevant DOFA guidance.

What training does the ATO currently have in place for procurement staff?

Answer:

In the ATO complex procurement is undertaken within accredited procurement units. Staff in these units undertake Certificate IV training in procurement and contracting, which is provided by external accredited training providers. Other staff involved in procurements receive advice and documentation from the accredited procurement officers.

6. Does this training cover the requirements of the Senate order for departmental and agency contracts and refer to DOFA's February 2003 *Guidance on Confidentiality of Contractor's Commercial Information*?

Answer:

The ATO has provided specific training to its procurement staff on the use of confidentiality provisions. All procurement units have copies of the relevant DoFA documentation and in staff have access to electronic copies of those documents, updates and guidelines.