

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Outcome 2 - Schools

DEEWR Question No.EW0177_12

Senator Mason provided in writing.

Question

Bovis Lend Lease

Is the Minister confident that Bovis Lend Lease, a tier one Australian builder, ensured that all the contractors they engaged met their pre-qualification criteria as published and complied with all statutory tendering requirements?

Answer

In regards to arrangements between Bovis Lend Lease and the NSW Government to deliver BER projects, the New South Wales Government, BER Integrated Program Office (BER IPO), has advised the Department of Education, Employment and Workplace Relations that the NSW Government adheres to the NSW Government Procurement Guidelines which are published on the NSW Treasury website.

The NSW BER IPO further advised that the NSW Department of Education and Communities created a one off specific contract, through the NSW Office of Public Works, to contract for Managing Contractors for the Primary Schools for the 21st Century Program. Within this contract, Managing Contractors were obliged to follow the GC 21 conditions (NSW standard construction contract for projects valued at more than \$1 million) and the NSW Government Procurement Guidelines.

The Managing Contractors established their own system including procurement methodology and contracts to match the head contract with the BER IPO. Each Managing Contractor was required to conform to NSW Government tendering requirements for each project or package of projects and their conformance was audited by the NSW Government on each specific phase of the tendering process.

These phases include:

- the planning of the tender
- request for tender documents
- submission, receipt and opening of tenders
- tender evaluation, clarifications and negotiations
- post-tender announcements, debriefing and the award of the contract.

The primary purpose of the audit programs conducted was to ensure that each contract was awarded as the result of an equitable and fair process and to establish whether there were any probity concerns over the award of a tender.

The NSW BER IPO has advised that it is satisfied that Bovis Lend Lease has met its obligations under the GC 21 contract and the NSW Government Procurement Guidelines.