

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Estimates 2004-05 – Supplementary written questions November 2004

Question: F1(1)

Outcome: Comsuper

Topic: Order for departmental and agency contracts

Written Question on Notice: 30 November 2004

Senator Murray asked:

When did the Department last update its procurement policy documentation?

Answer:

In October 2004. A more comprehensive review is currently underway with new documentation, incorporating changes arising from the recently revised Commonwealth Procurement Guidelines, to be introduced by February 2005.

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Estimates 2004-05 – Supplementary written questions November 2004

Question: F1(2)

Outcome: Comsuper

Topic: Order for departmental and agency contracts

Written Question on Notice: 30 November 2004

Senator Murray asked:

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

Answer:

ComSuper has recently established a unit dedicated to procurement and contract management. The unit has staff with specialist expertise and is responsible for training of other office staff with contract management and purchasing responsibilities. Office procurement guidelines are kept current by reference to Department of Finance and Administration guidelines. Formal audit reviews are also undertaken.

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ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Estimates 2004-05 – Supplementary written questions November 2004

Question: F1(3)

Outcome: Comsuper

Topic: Order for departmental and agency contracts

Written Question on Notice: 30 November 2004

Senator Murray asked:

Do the Department'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 Contractor's Commercial Information*; and
- . The Commonwealth Procurement Guidelines?

Answer:

Yes.

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ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Estimates 2004-05 – Supplementary written questions November 2004

Question: F1(4)

Outcome: Comsuper

Topic: Order for departmental and agency contracts

Written Question on Notice: 30 November 2004

Senator Murray asked:

Do the Department'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;
- 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 Contractor's Commercial Information?*

Answer:

Yes.

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ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Estimates 2004-05 – Supplementary written questions November 2004

Question: F1(5)

Outcome: Comsuper

Topic: Order for departmental and agency contracts

Written Question on Notice: 30 November 2004

Senator Murray asked:

At page 51 of ANAO Audit Report No.10 2004-05, *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 Department currently have in place for procurement staff?

Answer:

Instructions for staff with procurement responsibilities are contained in ComSuper's Chief Executive Instructions and other instructions that specifically deal with contract management and purchasing. However the need for more targeted training to assist staff in their negotiations with potential contractors in relation to confidentiality matters is recognised. Pending implementation of a formal training program, all potential new contracts are checked by ComSuper's legal section to ensure they will conform with the Senate order relating to contract confidentiality and the relevant DOFA guidelines.

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ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Estimates 2004-05 – Supplementary written questions November 2004

Question: F1(6)

Outcome: Comsuper

Topic: Order for departmental and agency contracts

Written Question on Notice: 30 November 2004

Senator Murray asked:

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:

See answer to question 5 above.