

Checklist for Financial Delegates

Purpose: This document will support the delegate's decision making through the collation of relevant information aligned to the requirements from the Procurement & Contract Management Procedures, *Public Governance, Performance and Accountability Act 2013* (PGPA Act), Commonwealth Procurement Rules (CPRs) and related policies. **Appendix A** includes the *Legislative Requirements Quick Reference Guide*.

Title and SRC number	Workplace relations legislative compliance SRC005236	Yes / No / NA
		Check
The information you need to make an informed decision to commit funds or enter into a contract should be set out in a documented value for money assessment (lower value/risk procurement) or a tender evaluation report (higher value/risk). The AEC Procurement and Contract Management Procedures provides a table showing the documentation requirements for each type of procurement.		
Checklist Items – Financial Delegate Approval to commit relevant money		
Stage 1 - Approach to Market		
1.	The Procurement Plan (as documented in the Business Case form): - clearly identifies what is being procured, total cost, number of suppliers approached and length of contract including any proposed options; and - considers existing panel arrangements, including mandatory panels and an appropriate number of suppliers were approached to demonstrate a genuine approach to the market given the scale, scope and value of the procurement.	☒ Yes ☐ No
2.	Requirements for any additional or ad hoc services related to the main scope of work have been considered and included in the procurement documentation and draft contract/ work order as options.	☒ Yes ☐ No
3.	A risk assessment has been undertaken and documented. Risks and treatments have been identified and are appropriate given the scope and scale of the procurement process; appropriate clauses have been included in the draft contract or work order.	☒ Yes ☐ No
4.	Supply Nation has been considered for a suitable supplier or an Indigenous SME (if required) as part of the Indigenous Procurement Policy (mandatory consideration for procurements between \$80,000 - \$200,000 GST inclusive). Where no Indigenous SME was suitable, records have been retained on file for audit purposes.	☒ Yes ☐ No ☒ N/A
5.	The correct procurement documentation has been used: (Note: Commonwealth Contracting Suite (CCS) is mandatory for procurements under \$200k where a Panel is not used).	☒ Yes ☐ No ☐ N/A

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6.	There is sufficient budget available to commit funds for the initial term of this procurement (including funds beyond the current financial year if applicable)	☒ Yes (mandatory)
7.	I have the correct financial delegation to approve the requested funds for the estimated whole of life contract term including options.	☒ Yes (mandatory)
8.	Procurements valued at or above \$80,000 and subject to Division 1 and 2 of the CPR's are subject to, and must comply with, the requirements under the Government Procurement Judicial Review Act. 2018 In reviewing this procurement I confirm that AEC staff have: ☒ Consulted with Strategic Sourcing in accordance with the AEC AAI's and procurement and contract management procedures, AND ☒ Appropriately considered mandatory arrangements (including mandatory panels) for use by Non-Corporate Commonwealth Entities (NCEs), OR - Used an open tender procurement method to approach the market, OR - Used an existing panel established via an open tender, OR - Applied a condition for limited tender found at paragraph 10.3 of the CPRs, OR ☒ Applied an exemption to Division 2 found at Appendix A of the CPRs. I am satisfied the appropriate approach has been adequately reflected in the business case and risk assessment.	☒ Yes (mandatory)
9.	The procurement documentation is compliant with PGPA , CPR's and AAI's and I have sought Strategic Sourcing advice where I am unsure. The procurement will be carried out in compliance with procurement connected policies detailed in the AEC Procurement Procedures.	☒ Yes (mandatory)
Stage 2 & 3 – PGPA S23(3) Approval and contract execution		
10.	Probity assessment and advice, including Confidentiality Deeds and Conflicts of Interest declarations, have been considered, managed and documented.	☒ Yes ☐ No ☐ N/A
11.	PGPA Act Section 60 (indemnities/contingent liabilities) approval (if required) Approval under PGPA Act Section 60 (indemnities/contingent liabilities) has been documented and obtained.	☐ Yes ☐ No ☒ N/A
12.	ICT Security Team or Cyber Team consultation (if required). If this procurement will result in an ICT solution, outsourced service offering, or AEC data/information being	☐ Yes ☐ No

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	sent and stored outside of the AEC network then a cyber assessment should be attached to ensure compliance with the Protective Security Policy Framework.	☒ N/A
13.	Legal advice provided (contingent liabilities, terms and conditions, more complex contract review) or in relation to any privacy related issues (refer to AEC Privacy Plan).	☐ Yes ☐ No ☒ N/A
14.	Evaluation of submissions received was carried out by <u>s22</u> and <u>s22</u> in accordance with the RFQ issued and the Tender Evaluation Plan (mandatory for procurement over \$80,000 (GST inclusive) or labour hire over \$1,000,000 (GST inclusive)).	☒ Yes ☐ No ☐ N/A
15.	Value for money (VFM) assessment is appropriately documented in the Evaluation Report (or Evaluation Summary for low-risk procurements under \$80 000 where no options have been included that may later increase the contract value), including negotiations with supplier and / or the rate agreed represents VFM. The procurement of goods and services demonstrates value for money to the AEC given the updated risk assessment.	☒ Yes (mandatory)
16.	All documents have been saved as per the guidance in the AEC Procurement Document Management matrix.	☒ Yes ☐ No ☐ N/A
17.	A contract management plan has been prepared and provided for approval (for procurement over \$80,000 (GST inclusive)).	☐ Yes ☐ No ☒ N/A
18.	The procurement is compliant with <u>PGPA</u> , <u>CPR's</u> and <u>AAI's</u> and I have sought Strategic Sourcing advice where I am unsure. I am satisfied that the procurement is value for money and a contract can now be executed with the supplier.	☒ Yes (mandatory)

Other Considerations		
19.	Contract end dates do not fall ten business days before or after Christmas shut down or 30 June.	☒ Yes ☐ No ☐ N/A
20.	Sufficient time has been allowed between the final milestone deliverable and the contract end date where an option to extend the initial contract term has been provided for in the contract (recommended 4 weeks).	☐ Yes ☐ No ☒ N/A

21.	All relevant procurement documentation has been stored (refer to the AEC Procurement Records Management Matrix).	☒ Yes ☐ No ☐ N/A
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Document Checklist** – Delegate Approval

Procurement Approach/Value		Documents Required	Check
Any Approach Under \$10 000 <i>(Templates available on the AEC Procurement Intranet Page)</i>	1.	Business case or email approval	☒ Yes ☐ No
	2.	Supplier Terms and Conditions and legal advice re: contingent liabilities, risk assessment and s60 delegate approval email	☐ Yes ☐ No ☒ N/A
Limited Tender / Existing Arrangements (Open Tender via a Panel) Between \$10 000 to \$80 000	1.	Business Case	☒ Yes (mandatory)
	2.	Request for Quote (RFQ) - Commonwealth Contracting Suite (Limited Tender) / Existing Arrangement templates (i.e. panel RFQ)	☒ Yes ☐ No ☐ N/A
	3.	Risk Assessment	☒ Yes ☐ No
	4.	Draft Work Order, Commonwealth Contracting Suite (Limited Tender) / Existing Arrangement templates (i.e. panel RFQ)	☒ Yes ☐ No
	5.	Evaluation Plan or Evaluation Summary, (Note: Evaluation Summary may only be used for procurements under \$80 000 where a risk assessment is attached which has an overall risk rating of "low risk")	☒ Yes ☐ No
	6.	Contract Management Plan (if required)	☐ Yes ☐ No ☒ N/A
	7.	Supplier Terms and Conditions and legal advice re: contingent liabilities, risk assessment and s60 delegate approval email	☐ Yes ☐ No ☒ N/A
Existing Arrangements (Open Tender via a Panel) Between \$80 000 to \$200 000	1.	Business Case	☐ Yes ☐ No
	2.	Request for Quote (RFQ)- usually Panel specific template	☐ Yes ☐ No
	3.	Draft Work Order - usually Panel specific template	☐ Yes ☐ No
	4.	Evaluation Plan	☐ Yes ☐ No

Procurement Approach/Value		Documents Required	Check
	5.	Risk Assessment	☐ Yes ☐ No
	6.	Final Draft Work Order	☐ Yes ☐ No
	7.	Contract Management Plan	☐ Yes ☐ No
	8.	Supplier Terms and Conditions and legal advice re: contingent liabilities, risk assessment and s60 delegate approval email	☐ Yes ☐ No ☐ N/A
Existing Arrangements (Open Tender via a Panel) Over \$200 000	1.	Approval to Approach the Market - Business Case	☐ Yes ☐ No
	2.	Request for Quote (RFQ) - usually Panel specific template	☐ Yes ☐ No
	3.	Draft Work Order - usually Panel specific template	☐ Yes ☐ No
	3.	Evaluation Plan	☐ Yes ☐ No
	4.	Evaluation Report	☐ Yes ☐ No
	5.	Any Probity Adviser advice (probity briefing and review of Evaluation Report)	☐ Yes ☐ No ☐ N/A
	6.	Final Draft Work Order	☐ Yes ☐ No
	7.	Risk Assessment	☐ Yes ☐ No
	8.	Contract Management Plan	☐ Yes ☐ No
Open Tender (non Panel) Over \$80 000	1.	Business Case	☐ Yes (mandatory)
	2.	Approach to Market (ATM) (using CCS template if under 200k)	☐ Yes ☐ No
	3.	Evaluation Plan	☐ Yes ☐ No
	4.	Evaluation Report	☐ Yes ☐ No
	5.	Any Probity Adviser (probity briefing and review of Evaluation Report)	☐ Yes ☐ No ☐ N/A
	6.	Risk Assessment	☐ Yes ☐ No
	7.	Draft Contract (using the CCS if under \$200k)	☐ Yes ☐ No ☐ N/A
	8.	Contract Management Plan	☐ Yes

Procurement Approach/Value		Documents Required	Check
			☐ No ☐ N/A
	9.	Supplier Terms and Conditions and legal advice re: contingent liabilities, risk assessment and s60 delegate approval email	☐ Yes ☐ No ☐ N/A
Limited Tender Over \$80 000	1.	Business Case	☐ Yes ☐ No
	2.	RFT - CCS or AEC Templates	☐ Yes ☐ No
	3.	Draft Contract - CCS or AEC Templates	☐ Yes ☐ No
	4.	Evaluation Plan	☐ Yes ☐ No
	5.	Evaluation Report	☐ Yes ☐ No
	6.	Any Probity Adviser (probity briefing and review of Evaluation Report)	☐ Yes ☐ No ☐ N/A
	7.	Final Draft Contract	☐ Yes ☐ No
	8.	Risk Assessment	☐ Yes ☐ No
	9.	Contract Management Plan	☐ Yes ☐ No
	10.	Supplier Terms and Conditions and legal advice re: contingent liabilities, risk assessment and s60 delegate approval email	☐ Yes ☐ No ☐ N/A

****Instructions on document management protocols can be found in the *AEC Procurement Records Management Matrix*.**

Appendix A

Legislative Requirements Quick Reference

PGPA s23(3) power to commit public money

In exercising this power, the AEC Financial Delegates must:

- (a) take all reasonable steps (including by seeking advice from specialists) to ensure that they are sufficiently and appropriately informed on the matters that must be considered when exercising their delegation
- (b) be satisfied that sufficient funds are available within the relevant budget to support all proposed payments under the Agreement, costings are sound accurate
- (c) be satisfied that the commitment of relevant money would be a proper use and management of public resources (ie. efficient, effective, economical and ethical)
- (d) be satisfied that the benefits of entering into the arrangement outweigh the risk of locking away future budget flexibility if a commitment of relevant money spans multiple financial years)
- (e) perform functions and discharge duties with the degree of care and diligence that a reasonable person would exercise
- (f) perform functions and discharge duties honestly, in good faith and for a proper purpose
- (g) not improperly use their position
- (h) not gain, or seek to gain, a benefit or an advantage for themselves or any other person
- (i) not cause, or seek to cause, detriment to the entity, the Commonwealth or any other person
- (j) disclose details of any material personal interest that relates to the commitment of relevant money
- (k) make reasonable inquiries to ensure this procurement activity meets all required procurement obligations
- (l) consider a supplier's political activity (if any) to determine if there are any risks to the AEC's actual or perceived political neutrality associated with the supplier's political activities, and if so, whether those risks can be mitigated
- (m) record the approval in writing as soon as practicable after giving it.

Further guidance for AEC Financial Delegates approving commitments of relevant money is available in [RMG-400](#).

PGPA s23(1) power to enter into and vary arrangements

AEC Financial Delegates must not exercise his or her delegation to enter into an arrangement unless:

- (a) the arrangement has been approved by the AEC Financial Delegate under Section 23(3) of the PGPA Act; and
- (b) the value of the arrangement does not exceed the amount approved.

PGPA s60 power to grant an indemnity, guarantee or warranty

In exercising their powers to grant a contingent liability, AEC Financial Delegates must first seek legal advice from Legal Services. Further guidance on this issue is provided in [RMG-414](#).

The Government Procurement (Judicial Review) Act 2018 (the Act)

The Act establishes an independent complaint mechanism for government procurement processes which applies to contraventions of the relevant CPRs relating to covered procurements, by relevant Commonwealth entities. The Act applies to contraventions, or proposed contraventions, which occurred after the commencement of the Act. Under the Act, suppliers can make a written complaint to the accountable authority of the relevant Commonwealth entity about contraventions that affect the supplier's interests.