

International Procurement Obligations

Guidelines for covered Tasmanian agencies/entities

Version I

December 2018

Title: International Procurement Obligations

© Government of Tasmania

ISBN 978-0-7246-5487-1 (Word) 978-0-7246-5488-8 (PDF)

Excerpts from this publication may be reproduced, with appropriate acknowledgement, as permitted under the Copyright Act.

Contact:
Department of Treasury and Finance
Procurement, Risk and Contract Management Branch
GPO Box 147
Hobart, Tasmania, 7001
Australia
Telephone: (03) 6166 4229
Email: purchasing@treasury.tas.gov.au
Website: www.purchasing.tas.gov.au

Contents

Introduction	5
1 When is a procurement covered by a free trade agreement?	6
1.1 Coverage	6
1.2 Valuing a procurement	8
2 Key principles / general obligations	8
2.1 National Treatment and Non-Discrimination requirements	8
2.2 Offsets	9
2.3 Rules of origin	9
2.4 Non-avoidance of free trade agreement obligations and other general requirements	9
3 Procurement methods	10
3.1 Procurement methods allowed	10
3.2 Registration Systems	10
3.3 Establishing a multi-use list	10
3.4 Selective tendering	11
3.5 Limited tendering	13
4 Conditions for Participation	14
5 Technical specifications	15
6 Notices of intended procurement	15
7 Time periods	17
7.1 General	17
7.2 Minimum time periods	17
8 Tender Documentation	18

9	Treatment of Tenders, Awarding of Contracts, Post Award Information	19
9.1	Negotiations	19
9.2	Receipt and opening of tenders	19
9.3	Awarding of contracts	20
9.4	Post award information	20
10	Miscellaneous	20
10.1	Domestic Review / Complaints	20
10.2	Maintenance of documentation	21
10.3	Disclosure of information	21
10.4	Notices of Planned Procurement	21
	Appendix 1 – Dictionary	22
	Appendix 2 – Tasmanian <i>procuring entities</i> covered by the FTAs	24
	Appendix 3 – FTA thresholds	25
	Appendix 4 – FTA Exclusions and Exceptions	26

Introduction

Tasmanian Government agencies are required to comply with procurement obligations set out in a number of international agreements. This document provides information on those procurement obligations.

Procurement Officers should ensure that they are familiar with the agreements' requirements and are encouraged, in the first instance, to refer to the original agreements where additional information beyond this publication is required. Guidance may also be sought from the Department of Treasury and Finance, Procurement, Risk and Contract Management Branch.

Applicable free trade agreements

Free trade agreements are 'treaties between two or more countries designed to reduce or eliminate barriers to trade and investment, and to facilitate stronger trade and commercial ties between participating countries'¹. The agreements are entered into by the Australian Government and, where appropriate, states and territories are asked to agree to participate in the various chapters. Where a state or territory has agreed to be bound, participation is listed in the agreement.

Many of the agreements entered into by the Australian Government contain chapters relating to Government procurement. Agreements with Government Procurement chapters binding Tasmania (collectively referred to as "**FTAs**") are:

- *Australia – United States Free Trade Agreement (AUSFTA)* - Chapter 15;
- *Australia – Chile Free Trade Agreement (ACI-FTA)* - Chapter 15;
- *Korea – Australia Free Trade Agreement (KAFTA)* - Chapter 12;
- *Japan – Australia Free Trade Agreement (JAEPA)* - Chapter 17;
- *Singapore – Australia Free Trade Agreement (SAFTA)* - Chapter 6; and
- *Comprehensive and Progressive Agreement for Trans–Pacific Partnership (TPP-11)* - Chapter 15.

The full text of each is available from the Department of Foreign Affairs and Trade website at [Free Trade Agreements - Department of Foreign Affairs and Trade](#). Note: Whilst other agreements have been entered into by Australia, only those listed above currently contain government procurement obligations that bind Tasmania. Additional agreements are under negotiation and information on those will be added to this publication in due course.

Many of the FTA requirements set out in this document mirror or closely align with the Government's procurement policy and practices – however there are some important differences.

The **FTA** requirements are often in addition to the requirements of the Treasurer's Instructions issued under the *Financial Management and Audit Act 1990*. Covered procurements are subject to a formal complaints mechanism and remedial action may be ordered, including interim injunctions and compensation where breaches of the **FTA** requirements are found to have occurred.

For the purposes of the formal complaints mechanisms under the FTAs, the requirements of the Treasurer's Instructions are not incorporated into nor form part of this document by association or relationship.

¹ Department of Foreign Affairs and Trade website, <http://dfat.gov.au/trade/about-ftas/Pages/about-free-trade-agreements.aspx>

A dictionary at Appendix 2 contains definitions relevant to the **FTAs**. If a word is defined in that Appendix, it is shown in **bold italics** in the body of this document.

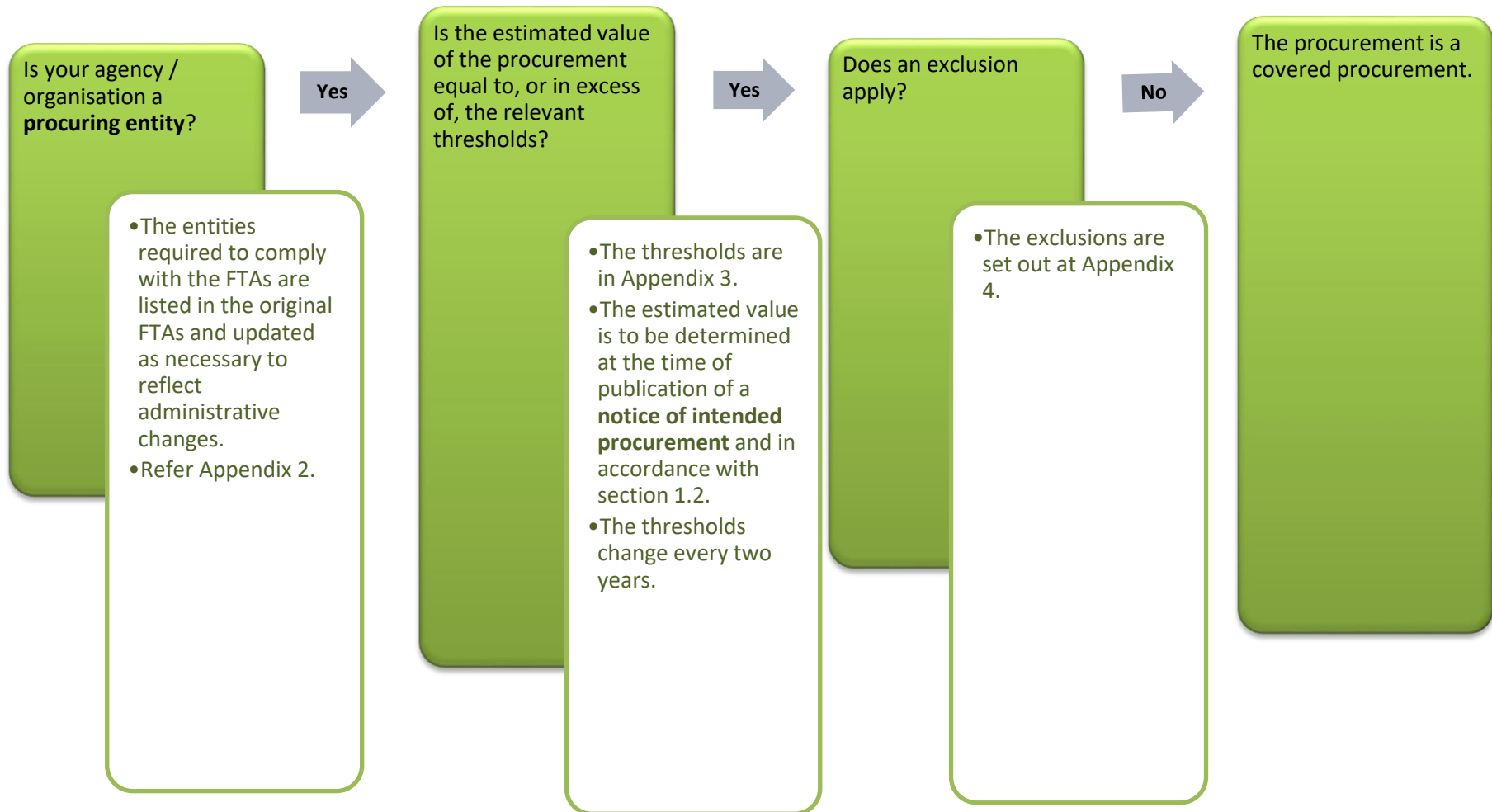
I When is a procurement covered by a free trade agreement?

I.1 Coverage

I.1.1 Procurement is **covered procurement** if:

- (a) it is for the purchase of goods or services (including construction services) and combinations of goods and services;
- (b) it is by any contractual means including purchase, rental or lease (with or without an option to buy), **build-operate-transfer contracts and public works concession contracts**; and
- (c) it is conducted by a **procuring entity**; and
- (d) the estimated value (at the time of publication of the **notice of intended procurement**) is equal to, or in excess of, the thresholds set out in Appendix 3; and
- (e) it is not otherwise excluded.

Follow the flow chart on the next page to assist in determining if a procurement is a covered procurement. If a procurement is not a covered procurement, the information in this document does not apply.



1.2 Valuing a procurement

The value of a procurement is one of the key factors in determining whether or not a procurement is a covered procurement. The requirements relating to valuation are set out below.

An important difference between the requirements below and the usual valuation requirements under the Treasurer's Instruction is that taxes or charges, including GST, are to be taken into account.

- 1.2.1 The value of a procurement is to be estimated at the time of publication of a **Notice of Intended Procurement**.
- 1.2.2 The estimate is to include the estimated maximum total value of the procurement over its entire duration taking into account:
- (a) all forms of remuneration, including any premium, fee, commission, interest and other revenue stream that may be provided for under the proposed contract;
 - (b) the value of any option clause(s); and
 - (c) all contracts, where a procurement is to be conducted in multiple parts with contracts to be awarded at the same time or over a given period to one or more suppliers.
- 1.2.3 For procurement by lease or rental (including hire purchase) or procurement for which a total price is not specified, either 1.2.4 can be applied or estimate the value of the procurement on the basis set out below:
- (a) for a fixed-term contract where the term is 12 months or less - the total estimated contract value for the contract's duration;
 - (b) for a fixed-term contract where the term exceeds 12 months - the total estimated contract value including the estimated residual value (payable at the end of the contract); or
 - (c) for a contract for an indefinite period or where it is uncertain whether the contract is to be fixed-term - the estimated monthly instalment multiplied by 48.
- 1.2.4 If the total estimated value of a procurement over its entire duration is not known, the procurement is deemed to be a covered procurement (unless otherwise excluded by other **FTA** provisions).

2 Key principles / general obligations

2.1 National Treatment and Non-Discrimination requirements

- 2.1.1 The goods, services and suppliers of another party participating in the **FTAs** are to be treated no less favourably than domestic goods, services and suppliers and, in the case of multi-lateral agreements, no less favourably than any other party to those agreements.
- 2.1.2 A locally established supplier is not to be treated less favourably than another local established supplier on the basis of degree of foreign affiliation or ownership.
- 2.1.3 A locally established supplier is not to be discriminated against on the basis that the goods or services offered are goods or services of other parties to the FTAs.
- 2.1.4 The requirements for non-discriminatory treatment in clause 2.1.1 to 2.1.3 above extend to orders under contracts awarded for covered procurements (for example, when choosing a supplier from a panel or standing offer arrangement).

2.2 Offsets

Procuring entities may not seek, take account of, impose, or enforce **offsets** at any stage of a procurement.

An offset is any condition or undertaking that requires the use of domestic content, domestic suppliers, the licensing of technology, technology transfer, investment, counter-trade, or similar actions to encourage local development or to improve a Party's balance-of-payments accounts.

2.3 Rules of origin

The rules of origin that apply in the normal course of trade are to be applied in relation to **covered procurements**.

Rules of origin are the criteria used to determine the national source of a product.

2.4 Non-avoidance of free trade agreement obligations and other general requirements

2.4.1 Tendering procedures are to be applied in a non-discriminatory and transparent manner consistent with the government procurement chapter **FTA** requirements.

2.4.2 **Procuring entities** must not:

- (a) prepare, design, or otherwise structure or divide a procurement into separate procurements at any stage, or use a particular method to estimate the value of a procurement, for the purposes of avoiding the free trade agreement obligations or a free trade agreement threshold;
- (b) adopt or apply registration systems or qualification procedures with the purpose or effect of creating unnecessary obstacles to the participation of suppliers of other parties to the **FTAs** or use such systems or procedures to prevent or delay the inclusion of suppliers on lists of suppliers (including **multi-use lists**) or prevent those suppliers from being considered for particular procurements;
- (c) use **limited tendering** for the purposes of avoiding competition between suppliers, protecting domestic suppliers or in a manner that discriminates against suppliers of the other parties to the **FTAs**;
- (d) set the time allowed for the submission of tenders or responses with the intention of causing a competitive disadvantage for suppliers of the other parties to the **FTAs**, or suppliers offering goods or services of the other parties;
- (e) prepare, adopt, or apply any **technical specification** or prescribe any conformity assessment procedure with the purpose or effect of creating unnecessary obstacles to trade between the parties to the **FTAs**;
- (f) impose any condition for participation that is less favourable to suppliers from other **FTA** countries than domestic suppliers;
- (g) provide information with regard to a specific procurement in a manner which would have the effect of giving a potential supplier an unfair advantage over competitors; or
- (h) cancel a procurement, use option clauses or cancel or modify contracts in order to avoid the obligations of the **FTAs**.

2.4.3 **Procuring entities** must conduct **covered procurement** in a transparent and impartial manner that eliminates conflicts of interest or, where elimination is not possible, prevents such conflicts from influencing procedures or decisions made in the course of a procurement.

3 Procurement methods

3.1 Procurement methods allowed

The procurement methods allowed for under the **FTAs** are:

- (a) **Open tendering;**
- (b) **Selective tendering;** and
- (c) **Limited tendering.**

Open tendering is the default procurement method. Where one of the alternative methods is used, the specific rules applicable to that method are to be applied.

3.2 Registration Systems

A supplier registration system may be maintained under which interested suppliers are required to register and provide certain information.

3.3 Establishing a multi-use list

A multi-use list is a list of suppliers that a procuring entity has determined satisfies the conditions for participation for inclusion on that list and intends to use more than once. Inclusion on a multi-use list may be used either as a condition for participation in an open tender OR as the basis for selecting participants to approach directly as part of a compliant selective tender.

In Tasmania, multi-use lists may be established by agencies in relation to goods and non-construction related services. The Treasury Prequalification Schemes for Contractors and Consultants and the DSG Prequalification System for Roads and Bridges Construction Contracts also operate as multi-use lists and are to be established and used in accordance with the requirements below.

The FTA requirements in relation to establishment and use of multi-use lists are largely the same as in the Treasurer's Instructions. However, there are some important additional requirements - see below.

3.3.1 A **multi-use list** may be established or maintained for use provided a notice inviting interested suppliers to apply for inclusion on the list is published annually, or otherwise made continuously available by electronic means. The notice must contain the following information:

- (a) a description of the goods and services, or categories thereof, for which the list may be used;
- (b) the **conditions for participation** to be satisfied by suppliers for inclusion on the list and the methods that will be used to verify a supplier's satisfaction of those conditions;
- (c) the **procuring entity's** name and address and any other information necessary to contact the entity and obtain all relevant documents relating to the list;
- (d) the deadline for submission of applications for inclusion on the list (if applicable);
- (e) the period of validity of the list and the means for its renewal or termination, or if the period of validity is not provided, an indication of the methods by which notice will be given of termination of use of the list; and
- (f) an indication that the list may be used for procurement covered by the relevant **FTAs**.

- 3.3.2 Where the notice above is also intended to be used as the **notice of intended procurement** (refer clause 6.1 and 6.3), it must also include a statement that only suppliers on the multi-use list will receive future notices of procurement covered by the list.
- 3.3.3 All suppliers that satisfy the conditions for participation set out in the notice must be included on the list within a reasonably short time.
- 3.3.4 If a supplier that is not included on a **multi-use list** submits a request for participation in a procurement based on the list, and submits all required documents within the time periods provided for, the request is to be examined. **Procuring entities** are not to exclude such a supplier from consideration in respect of the procurement unless it is not able to complete the examination of the request for inclusion on the list within the time period allowed for the submission of tenders.

3.4 Selective tendering

A selective tender is one where only qualified suppliers are invited to submit a tender.

- 3.4.1 There are two forms of **selective tendering** allowed for under the FTAs:
- (a) issuing a request for expressions of interest or a request to participate and inviting proposals from qualified suppliers that respond; or
 - (b) approaching suppliers from a properly established **multi-use list**.

Different requirements apply depending on which method is used. These are set out below. In some cases, additional requirements may also apply under the Treasurer's Instructions.

Refer to the Treasurer's Instructions - specifically TI 1108 and 1208 for the additional requirements that may apply.

- 3.4.2 Regardless of the method used:
- (a) to ensure optimum effective competition, tenders are to be invited from the maximum number of domestic suppliers and suppliers of the other parties to the FTAs, consistent with the efficient operation of the procurement system; and
 - (b) suppliers are to be selected to participate in a fair and non-discriminatory manner.

Selective tendering - expressions of interest, requests for proposals, requests to participate

- 3.4.3 To use selective tendering, the **procuring entity** must:
- (a) publish a **notice of intended procurement** that invites suppliers to submit a request for participation (ie a proposal or expression of interest etc) in the procurement; and
 - (b) include in the **notice** the following information:
 - i. the **procuring entity's** name and address together with any other information necessary to contact the entity and obtain all relevant documents relating to the procurement, and the cost and terms of payment to obtain the relevant documents, if any;
 - ii. a description of the procurement, including, if appropriate, the nature and quantity of the goods or services to be procured and a description of any options, or the estimated quantity if the quantity is not known;
 - iii. the address and any final date for the submission of requests for participation in the procurement;
 - iv. a list and a brief description of any **conditions for participation** of suppliers including any related requirements for specific documents or certifications that suppliers must provide;

- v. if applicable, any limitation on the number of suppliers that will be permitted to tender and the criteria that will be used to select the limited number of suppliers for tendering (refer clause 3.4.6 below); and
- vi. an indication that the procurement is covered by the relevant **FTAs**.

3.4.4 The notice is to be published sufficiently in advance of the procurement to allow interested suppliers to request participation.

Selective tendering - approaching suppliers who have responded to an invitation to participate or an expression of interest

3.4.5 The list of suppliers that have lodged an expression of interest or responded to a request for proposal or invitation to participate may be used as the basis for inviting tenders.

3.4.6 All suppliers that submitted a response and met the conditions for participation must be called upon to submit a tender unless it was stated in the notice that a limited number of suppliers will be permitted to tender and the notice includes the criteria or justification for selecting those limited number of suppliers.

3.4.7 In determining the suppliers that will be invited to tender:

- (a) in assessing technical ability, assess the extent to which the suppliers' proposals or responses meet the technical and performance specifications of the procurement; and
- (b) limit the number of suppliers that are invited to tender based on the rating of the supplier proposals or responses.

3.4.8 The tender documentation is to be made available to all the suppliers approached to submit a tender at the same time.

3.4.9 If not provided beforehand, by the commencement time for tendering, the following information is to be provided to all suppliers approached to submit a tender response:

- (a) if applicable, the time-frame for delivery of goods or services or the duration of the contract;
- (b) the address and the final date for the submission of tenders;
- (c) the language or languages in which tenders or requests for participation may be submitted, if other than English.

Selective tendering - approaching suppliers on a multi-use list

3.4.10 A **procuring entity** may identify and approach suppliers on a **multi-use list** to submit a tender provided the list has been compiled in accordance with the requirements set out above (section 3.3) in relation to establishing a list and is appropriate to the type of procurement being undertaken.

For goods and services procurement, approaches to suppliers on a multi-use list are to be in accordance with the requirements in Treasurer's Instructions 1108(5).

Supplier notifications

3.4.10 Where a supplier applies to participate, responds to a call for expressions of interest or applies for inclusion on a multi-use list, the supplier is to be promptly advised of decisions in relation to their participation.

3.4.11 Where a **procuring entity**:

- (a) rejects an application for participation, a proposal or an expression of interest;
- (b) rejects a request for inclusion on a multi-use list; or

- (c) ceases to recognise a supplier as being qualified/having satisfied the conditions for participation;

it must promptly inform the supplier and, on request, promptly provide it with a written explanation of the reasons for its decision.

3.5 Limited tendering

Limited tendering is where a procuring entity is able to contact a supplier or suppliers of its choice seeking submission of a tender provided it does not do so to avoid competition between suppliers, to protect suppliers or in a manner that discriminates against suppliers of other FTA parties.

These circumstances largely mirror most (but not all) of the circumstances in which Limited Tendering is allowed under the Treasurer's Instructions. The matters to be taken into consideration and the requirements for Head of Agency approval etc under the Treasurer's Instructions apply to Limited Tendering under the FTAs in addition to the requirements below.

3.5.1 Where one or more of the specified circumstances below apply, a **procuring entity** may choose to not apply the **FTA** provisions set out in this document relating to publishing **notices of intended procurement** (section 6 and section 3, clause 3.4.3 - 3.4.4), Time periods (section 7), Tender documentation (section 8), Technical Specifications (section 5), Conditions for Participation (section 4), Qualification of Suppliers/Multi-use lists/Selective Tendering (section 3 clauses 3.2 - 3.4), Receipt and Opening of Tenders (section 9 clauses 9.2, section 2 clause 2.4.2(h)), Negotiations (section 9, clause 9.1) and Awarding of Contracts (section 9 clause 9.3).

3.5.2 **Limited tendering** may be used in the specific circumstances set out below:

- (a) where, in response to a prior notice, invitation to participate or invitation to tender:
 - i. no tenders were submitted or no suppliers requested participation;
 - ii. no tenders were submitted that conform to the essential requirements in the tender documentation; or
 - iii. no suppliers satisfied the conditions for participation,provided the **procuring entity** does not substantially modify the essential requirements of the procurement set out in the notices or tender documentation;
- (b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:
 - i. the requirement is for a work of art;
 - ii. the protection of patents, copyrights, or other exclusive rights, or proprietary information; or
 - iii. due to an absence of competition for technical reasons;
- (c) for additional deliveries by the original supplier or authorised representative/agent, of goods or services that were not included in the initial procurement if a change of suppliers for such additional goods or services:
 - i. cannot be made for technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement, or due to conditions under original supplier warranties; and
 - ii. would cause significant inconvenience or substantial duplication of costs for the **procuring entity**;
- (d) for goods purchased on a commodity market;

- (e) where a procuring entity procures a prototype or a first good or service that is intended for limited trial or that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. Original development of a prototype or a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the prototype or the first good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to establish commercial viability or to recover research and development costs. Subsequent procurements of newly developed goods or services, shall be subject to the normal free trade agreement obligations and processes;
- (f) in so far as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using an **open tendering** process or **selective tendering** process;
- (g) for purchases made under exceptionally advantageous conditions that only arise in the very short term, such as from unusual disposals, unsolicited innovative proposals, liquidation, bankruptcy or receivership and not for routine purchases from regular suppliers; or
- (h) in the case of a contract awarded to the winner of a design contest provided that:
 - i. the contest has been organised in a manner that is consistent with the obligations under the **FTAs**; and
 - ii. the contest is judged by an independent jury with a view to a design contract being awarded to the winner.

3.5.3 For each contract awarded as a result of **limited tendering** procuring entities are to prepare a written report that details:

- (a) the name of the **procuring entity**;
- (b) the value and kind of goods or services procured; and
- (c) a statement indicating the circumstances and conditions that justified the use of **limited tendering** (as opposed to open or selective tendering).

The Treasurer's Instructions require Limited Tendering to be approved by the Head of Agency. As agencies required to comply with the Treasurer's Instructions are also required to document this approval, such documentation can be modified to meet the FTA requirement.

4 Conditions for Participation

Conditions for participation are registration, qualification and other pre-requisites for participation in a procurement.

- 4.1 **Conditions for participation** are to be limited to those that ensure that suppliers have the legal and financial capacities and the commercial and technical ability to fulfil the requirements of the procurements.
- 4.2 Conditions that require that the supplier have prior work experience in Australia or have been previously awarded contracts by a Government entity in Australia must not be used. However, prior relevant experience, where this is essential to meet the requirements of the procurement, is allowed.
- 4.3 The assessment of a supplier's satisfaction of the conditions is to be based solely on the conditions described in the notices or tender documentation and on the basis of a supplier's business activities both inside and outside Australia.

- 4.4 The **FTAs** do not prevent the exclusion of a potential supplier (provided there is supporting material) on grounds such as bankruptcy, insolvency, false declarations, or significant deficiencies in performance of any substantive requirement or obligation under a prior contract.

5 Technical specifications

Technical specifications are tendering requirements that:

- sets out the characteristics of:
 - goods to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production; or
 - services to be procured, or the processes or methods for their provision, including any applicable administrative provisions; or
- addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

For the purposes of the Australia-Chile Free Trade Agreement it also includes tendering requirements that set out conformity assessment procedures prescribed by a procurement entity.

- 5.1 In setting out the **technical specifications** for a procurement, the **procuring entity** is to, where appropriate:

- (a) specify these in terms of performance and functional requirements (rather than design or descriptive characteristics); and
- (b) base these on international standards, where international standards exist. Where they do not exist, then base the technical specifications on national technical regulations, recognised national standards or building codes.

- 5.2 A **procuring entity** cannot:

- (a) use **technical specifications** that require or refer to a particular trademark or trade name, patent, copyright, design or type, specific origin, producer or supplier, unless there is no other precise or intelligible way of describing the requirements. Where such a reference is required, words such as “or equivalent” must be included in the tender documentation.
- (b) seek or accept advice that may be used in the preparation or adoption of any **technical specification** from a person that may have a commercial interest in the procurement, if seeking or accepting the advice would have the effect of precluding competition.

- 5.3 Market research may be conducted in developing specifications for a particular procurement.

- 5.4 The **FTAs** do not preclude preparing, adopting or applying **technical specifications** to promote the conservation of natural resources and the environment nor prevent preparing, adopting or applying technical specifications required to protect sensitive government information, including specifications that may affect or limit the storage, hosting or processing of such information outside Australia.

6 Notices of intended procurement

- 6.1 For each **covered procurement** including for **selective tendering** and when purchasing from a multi-use list (except as set out below in clause 6.3), a notice must be published inviting interested suppliers to submit tenders, or, where appropriate, applications for participation in a procurement or expressions of interest. Such a notice is known as a **notice of intended procurement**. The notice is to be published and remain readily accessible to the public until the expiration of the deadline for supplier responses.

Notices are to be published on the Tenders website as an Open for Bids notice.

- 6.2 Notices should provide suppliers with adequate time to prepare and submit responses.
- 6.3 A notice does not need to be published when:
- (a) approaching suppliers listed on a **multi-use list** that has been established in accordance with the **FTA** requirements (section 3.3) where the original notice establishing the list specifically sets out that only suppliers on the multi-use list will receive further notices of procurement covered by the list (see clause 3.3.2); and
 - (b) undertaking **limited tendering**.
- 6.4 Each **notice of intended procurement** is to include the following information²:
- (a) the **procuring entity's** name and address and other information necessary to contact the entity and obtain all relevant documents relating to the procurement and the cost and terms of payment to obtain the relevant documents, if any;
 - (b) a description of the procurement;
 - (c) a list and brief description of any **conditions for participation** of suppliers (this is to include any related requirements for specific documents or certifications that suppliers must provide);
 - (d) if applicable, the time-frame for the delivery of goods or services or duration of the contract;
 - (e) the intention to conduct negotiations with tenderers during the procuring process, if applicable; and
 - (f) the address and the time limit (final date) for the submission of tenders.
- 6.5 The **notice of intended procurement** must also include, if not provided in tender documentation made available to all intended suppliers at the same time as the **notice of intended procurement** and free of charge:
- (a) the nature and quantity of the goods or services to be procured (if the quantity is not known an estimate of the quantity is required);
 - (b) a description of any options;
 - (c) the language or languages in which tenders or requests for participation may be submitted, if other than English;
 - (d) an indication that the procurement is covered by the various applicable free trade agreements and a list of the free trade agreements that apply; and
 - (e) the time limit for submitting applications for registration or prequalification - where there is an intention to limit the submission of tenders to suppliers determined to have satisfied **conditions for participation** that require separate registration or prequalification procedures, except where a notice calling for participants in a multi-use list has been readily available in electronic form for a reasonable period.

² The same information must be provided in all notice formats, ie if a notice is published both on Tenders and in a newspaper, then the same information is to be included in both notices.

The majority of the free trade agreement notice requirements are encompassed in the fields contained on the Tenders website and so publication of the 'Open for Bids' notice will generally meet the FTA requirements. Where specific fields are not available the Additional information fields should be utilised.

It is the procuring entity's responsibility to ensure that all necessary information is included in any notice published (including in paper notices where paper advertising is undertaken in addition to the Tenders website).

7 Time periods

7.1 General

7.1.1 **Procuring entities**, consistent with their own reasonable needs, are to provide suppliers with adequate time to obtain the documentation and properly respond to either a request for tender or a notice to submit applications to participation/expressions of interest. In determining adequacy take into account:

- (a) the nature and complexity of the procurement;
- (b) the date of publication of the **notice of intended procurement**;
- (c) the extent of sub-contacting anticipated;
- (d) the time necessary for transmitting tenders by non-electronic means from foreign as well as domestic locations if electronic submission is not used; and
- (e) the mandatory minimum time periods referred to below.

7.1.2 Where suppliers are required to register or pre-qualify before being permitted to participate in a **covered procurement** (ie a condition for participation) the notice inviting suppliers to apply for registration or prequalification is to be published sufficiently in advance of the procurement to allow for interested suppliers, including suppliers of other FTA countries, to initiate and, to the extent that it is compatible with the efficient operation of the procurement process, complete the registration or qualification procedures.

7.1.3 All suppliers must be provided with the same deadline to respond. This includes where the closing date is modified such as where information provided to suppliers is amended during the procurement process and an extension of the time limit for qualification or tendering procedures is provided or where negotiations are terminated and suppliers are permitted to submit new tenders.

7.2 Minimum time periods

7.2.1 For **selective tendering**, the final date for the submission of a request for participation shall not, in principle be less than 25 days from the date of publication of the **notice of intended procurement** unless a duly substantiated state of urgency renders this time period impracticable. In such cases, the time period for the submission of a request for participation may be reduced to no less than 10 days.

7.2.2 Except as otherwise reduced by the circumstances set out below, the final date for the submission of tenders shall not be less than 40 days from the date on which:

- (a) in the case of open tendering, the notice of intended procurement is published; or
- (b) in the case of selective tendering (including purchasing from a multi-use list), suppliers are invited to submit tenders.

- 7.2.3 The minimum time limit for tendering may be reduced by five days for each one of the following:
- (a) the notice of intended procurement is published by electronic means;
 - (b) the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
 - (c) tenders are accepted by electronic means.
- 7.2.4 The time period of tendering may also be reduced (regardless of whether any of the circumstances above apply or not) to no less than 10 days if:
- (a) the procuring entity publishes a notice being a Notice of Planned Procurement at least 40 days and not more than 12 months in advance of the publication of the Notice of Intended Procurement, and such notice contains:
 - i. a description of the procurement;
 - ii. the approximate final dates for the submission of tenders or, requests for participation in a procurement;
 - iii. the address from which documents relating to the procurement may be obtained; and
 - iv. as much of the information that is required to be included in a Notice of Intended Procurement as is available;
 - (b) the procuring entity procures **commercial goods and services**;
 - (c) a duly substantiated state of urgency renders impracticable the time limits specified above.
- 7.2.5 The use of any of the above reduction methods, in combination, shall in no case result in the reduction of the time periods for tendering to less than 10 days.

8 Tender Documentation

- 8.1 A **procuring entity** must promptly provide to suppliers, on request, tender documentation that includes all information necessary to permit suppliers to prepare and submit responsive tenders³.
- 8.2 The documentation must include a complete description of:
- (a) the procurement, including the nature, scope, and, where known, the quantity of the goods or services to be procured (or if the quantity is not known, the estimated quantity) and any requirements to be fulfilled (ie any **technical specifications**, conformity certification, plans, drawings or instructional materials);
 - (b) any **conditions for participation**, including any financial guarantees, information and documents that suppliers are required to submit;
 - (c) all criteria to be considered in the awarding of the contract and the relative importance of those criteria;
 - (d) if there will be a public opening of tenders, the date, time and place for the opening of tenders;
 - (e) any other terms or conditions relevant to the evaluation of tenders; and
 - (f) any date for delivery of a good or supply of a service. In establishing the date for delivery, factors such as the complexity of the procurement must be taken into account.
- 8.3 A **procuring entity** must also:
- (a) promptly reply to any reasonable request for relevant information by an interested or participating supplier, provided that it does not make available information with regard to

³ The requirement to provide documentation extends to persons who are not, at the time that they seek to access the documents, able to fully participate in the procurement – ie such as those not yet prequalified to participate.

- a specific procurement in a manner that would give a supplier or group of suppliers an advantage over its competitors in the procurement; and
- (b) where it modifies the criteria or technical requirements set out in either a notice or in tender documentation, or amends or re-issues either a notice or tender documentation, transmit all modifications or amended or re-issued notices or tender documentation:
- i. to all the suppliers that are participating at the time the information is amended (if known) and in all other cases, in the same manner as the original information; and
 - ii. in adequate time to allow such suppliers to modify and re-submit tenders as appropriate.

9 Treatment of Tenders, Awarding of Contracts, Post Award Information

9.1 Negotiations

9.1.1 A **procuring entity** may conduct negotiations in the context of covered procurement if:

- (a) it has indicated its intent to conduct negotiations in the notice of intended procurement; or
- (b) it appears from the evaluation that no tender is obviously the most advantageous in terms of the specific evaluation criteria set out in the notice of intended procurement or tender documentation.

9.1.2 Any elimination of suppliers participating in negotiations is to be carried out in accordance with the evaluation criteria set out in the notice of intended procurement or tender documentation and when negotiations are concluded, a common deadline for the remaining participating suppliers to submit any new or revised tenders is to be provided.

9.2 Receipt and opening of tenders

9.2.1 Tenders are to be received and opened under procedures that guarantee the fairness and impartiality of the procurement process and treated in confidence to the extent permitted by domestic law.

9.2.2 Information must not be provided to particular suppliers that might prejudice fair competition between suppliers.

9.2.3 If suppliers are provided with opportunities to correct unintentional errors of form between the opening of tenders and the awarding of the contract, the same opportunities must be provided to all participating suppliers.

9.2.4 A procuring entity is to require all participating suppliers to submit tenders in accordance with a common deadline. It however, cannot penalise any supplier whose tender is received after the time specified for receiving tenders if the delay is due to mishandling on the procuring entity's part.

Late tenders must not be accepted unless the reason for the late submission is due solely to mishandling by your agency. Late tenders must not be accepted under any other circumstances.

9.3 Awarding of contracts

9.3.1 A **procuring entity** may not consider a tender unless it is submitted in writing and, at the time of opening, it conforms to the essential requirements of the tender documentation and is submitted by a supplier who satisfies the conditions for participation.

9.3.2 Unless determined that it is not in the public interest to award a contract, the contract is to be awarded to the supplier that the **procuring entity** has determined to be fully capable of undertaking the contract and whose tender it has determined to be the lowest price, the best value or the most advantageous, in accordance with the essential requirements and evaluation criteria specified in the notices and tender documentation.

9.4 Post award information

9.4.1 Suppliers that have submitted tenders are to be promptly informed of contract award decisions in writing. On request, an unsuccessful supplier is also to be provided with the reasons that its tender was not selected.

9.4.2 Not later than **60 days** after the award of a contract for a **covered procurement**, a notice must be published in an officially designated publication, which may be in an electronic or paper medium including at least the following information about the contract:

- (a) the name and address of the **procuring entity**;
- (b) a description of the goods or services procured;
- (c) the date of award or, if as part of the advice provided to unsuccessful suppliers the date of award has already been provided, the contract date;
- (d) the contract value;
- (e) the name and address of the successful supplier; and
- (f) the procurement method used.

9.4.3 Where a limited tendering procedure has been undertaken, a brief description of the circumstances justifying the use of that procedure is also required.

The 'Awarded Contract' notice required to be published on the Tenders website is to be used for the publication of this information. Note: under the Treasurer's Instructions, such a notice is required to be published within 10 days of the contract being awarded.

10 Miscellaneous

10.1 Domestic Review / Complaints

A supplier can raise a complaint that a **procuring entity** has not complied with the requirements set out in this publication. The **FTAs** require review of such complaints in a timely and impartial manner. Complainants are to have a right for independent review of complaints. Detailed information on complaints processes will be included in the Annexures to this publication in due course.

10.2 Maintenance of documentation

Procuring entities are to maintain documentation, records and reports relating to tendering procedures and contract awards, including those relating to limited tendering, for at least three years after the award of the contract.

10.3 Disclosure of information

- 10.3.1 **Parties** and **procuring entities** must not except to the extent required by law or with the written authorisation of the supplier that provided the information, disclose information that would prejudice legitimate commercial interests of a particular supplier.
- 10.3.2 Where confidential information is made available to **procuring entities**, it is to be kept confidential and is not to be used for a purpose other than that for which it was made available.
- 10.3.3 Disclosure of confidential information may occur where a **Party** or its **procuring entities** are required to make disclosure under its domestic law or where disclosure is authorised by the person that furnished the information.
- 10.3.4 **Procuring entities** may be required to cooperate with either Treasury or the Commonwealth in relation to the provision of information relating to specific procurements, upon a request from another party to a free trade agreement. The type of information that may be required could include awarded contract details and to the extent necessary and without disclosing confidential information, information on the characteristics and relative advantages of the successful tender and on the contract price.

10.4 Notices of Planned Procurement

Procuring entities are encouraged to publish, as early as possible in each fiscal year, a notice regarding their future procurement plans. This should include the subject matter of anticipated procurements and the planned date of publication of the **notice of intended procurement** or commencement of the tender process. If a notice of planned procurement is published, this may be used to establish shorter time limits for tendering for *covered procurements* provided the notice meets certain requirements. Refer to the information in the section “Time periods” for details.

Note: the notice of planned procurement is not an invitation for bids/tenders/submissions and suppliers do not respond to it. It is a planning tool to assist suppliers.

Appendix I – Dictionary

The terminology used in the free trade agreements will not always align with the terminology used by agencies in their day-to-day procurement activities. Refer to the dictionary for FTA meanings.

build-operate-transfer contract and public works concession contract

Any contractual arrangement the primary purpose of which is to provide for the construction or rehabilitation of physical infrastructure, plant, buildings, facilities or other government owned works and under which, as consideration for a supplier's execution of a contractual arrangement, a procuring entity grants to the supplier, for a specified period of time, temporary ownership or a right to control and operate, and demand payment for the use of such works for the duration of the contract.

commercial goods and/or services

Goods and services of a type that are sold or offered for sale to, and customarily purchased by, non-governmental buyers for non-governmental purposes.

conditions for participation

Minimum conditions that potential suppliers must meet in order to participate in a procurement process/for submissions to be considered. This may include a registration, accreditation or other validation procedure.

covered procurements

A procurement where compliance with the free trade agreement obligations relating to government procurement is required. The circumstances where a procurement will be covered are set out at clause I.1.

enterprise

Any entity constituted or organised under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, including any corporate, trust, partnership, sole proprietorship, joint venture, association or similar organisation.

FTAs

The free trade agreements referred to and listed in the Introduction.

in writing/written

Any worded or numbered expression that can be read, reproduced and later communicated. It may include electronically transmitted and stored information.

limited tender/limited tendering

A procurement method where the procuring entity contacts a supplier or suppliers of its choice.

measure

Includes any law, regulation, procedure, requirement, practice or guideline.

multi-use list

A list of suppliers that a procuring entity has determined satisfies the conditions for participation for inclusion on that list and intends to use more than once.

notice of intended procurement

A notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender or both. For Tasmania, this includes notices published on the 'open for bids' section of the Tenders website and also newspaper advertisements, where those are used.

offsets

Any condition or undertaking that requires the use of domestic content, domestic suppliers, the licensing of technology, technology transfer, investment, counter-trade, or similar actions to encourage local development or to improve a Party's balance-of-payments accounts.

open tender/ open tendering

A procurement method where all interested suppliers may submit a tender.

person

A natural person or an enterprise.

procuring entity

An entity listed in the Annexures to the relevant agreements. For Tasmania these are reproduced at Appendix 3 of this document.

publish

To disseminate information in an electronic or paper medium that is distributed widely and is readily accessible to the general public.

qualified supplier

A supplier that a procuring entity recognises as having satisfied the conditions for participation.

selective tendering

A procurement method where the procuring entity invites only qualified suppliers to submit tenders.

services

Includes construction services, unless otherwise specified.

supplier

A person or group of persons that provides or could provide goods or services to a procuring entity.

technical specifications

A tendering requirement that:

- sets out the characteristics of:
 - goods to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production; or
 - services to be procured, or the processes or methods for their provision, including any applicable administrative provisions; or
- addresses terminology, symbols, packaging, marking or labelling requirements, as they apply to a good or service.

For the purposes of the Australia-Chile Free Trade Agreement it also includes tendering requirements that set out conformity assessment procedures prescribed by a procurement entity.

Appendix 2 – Tasmanian *procuring entities* covered by the FTAs

Department of Communities Tasmania
Department of Education
Department of Health Services (inc the Tasmanian Health Service)
Department of Justice
Department of Police, Fire and Emergency Management
Department of Premier and Cabinet
Department of Primary Industries, Parks, Water and Environment
Department of State Growth
Department of Treasury and Finance
House of Assembly
Legislative Council
Legislature-General
Office of the Governor
Tasmanian Audit Office
Office of the Ombudsman
Office of the Director of Public Prosecutions
Tourism Tasmania

Appendix 3 – FTA thresholds

From 1 January 2018, the provisions of relevant free trade agreements apply to procurement of:

- (a) goods and services where the procurement has an estimated dollar value equal to, or in excess of, \$657 000 (inclusive of GST); and
- (b) construction services where the procurement has an estimated dollar value equal to, or in excess of, \$9.247 million (inclusive of GST).

Note: The thresholds are adjusted every two years. Information on threshold values prior to 1 January 2018 can be obtained from the Department of Treasury and Finance, Procurement Risk and Contract Management Branch (email to: purchasing@treasury.tas.gov.au).

Appendix 4 – FTA Exclusions and Exceptions

Exclusions from coverage under the government procurement chapters of the various free trade agreements.

The exclusions provided in each Government procurement chapter are not necessarily uniform. Where an exclusion is not uniform across all FTAs, procuring entities should adopt and apply the FTA requirements in their entirety.

AUSFTA	ACI-FTA	JAPEA	KAFTA	SAFTA	TPP-11
The procurement obligations in the FTA Chapter of the above listed FTAs do not apply to:					
non-contractual agreements or any form of assistance that a Party or a government enterprise provides, including grants, loans, equity infusions, fiscal incentives, subsidies, guarantees, cooperative agreements, and sponsorship arrangements	non-contractual agreements or any form of assistance provided by a Party, including grants, loans, equity infusions, fiscal incentives, subsidies, guarantees, cooperative agreements and sponsorship arrangements	non-contractual agreements or any form of assistance that a Party provides, including grants, loans, equity infusions, fiscal incentives, subsidies, guarantees, cooperative agreements, and sponsorship arrangements	non-contractual agreements or any form of assistance that a Party provides, including grants, loans, equity infusions, fiscal incentives, subsidies, guarantees, and cooperative agreements	non-contractual agreements or any form of assistance that a Party, including its procuring entities, provides, including cooperative agreements, grants, loans, equity infusions, guarantees, subsidies, fiscal incentives and sponsorship arrangements	non-contractual agreements or any form of assistance that a Party, including its procuring entities, provides, including cooperative agreements, grants, loans, equity infusions, guarantees, subsidies, fiscal incentives and sponsorship arrangements
procurement of goods and services by a Party from its own entities and provision of goods or services by or between a procuring entity of a Party and a regional or local government of that Party	procurement of goods and services by a procuring entity from another entity of the same Party, or between a procuring entity of a Party and a regional or local government of that Party, where no other supplier has been asked to tender	procurement of goods and services by a procuring entity from another entity of the same Party, or between a procuring entity of a Party and a regional or local government of that Party	procurement of goods and services by a procuring entity of a Party from another entity of that Party, or between a procuring entity of a Party and a regional or local government of that Party	procurement by a procuring entity from another government entity	procurement by a procuring entity from another government entity
purchases funded by international grants, loans, or other assistance, where the provision of such assistance is subject to	procurement funded by international grants, loans or other assistance to the extent that the provision of such assistance is subject to	procurement conducted under the particular procedure or condition of an international organisation, or funded by	procurement conducted under the particular procedures or conditions of an international agreement relating to the stationing of	procurement funded by an international organisation or foreign or international grants, loans or other assistance to which	procurement funded by an international organisation or foreign or international grants, loans or other assistance to which

AUSFTA	ACI-FTA	JAPEA	KAFTA	SAFTA	TPP-11
conditions inconsistent with the AUSFTA Government Procurement Chapter	conditions inconsistent with the ACI-FTA Government Procurement Chapter	international grants, loans, or other assistance where the applicable procedure or condition would be inconsistent with the JAPEA Government Procurement Chapter	troops or relating to the joint implementation by the signatory countries of a project, or under the particular procedures or conditions of an international organisation, or funded by international grants, loans, or other assistance to the extent that the provision of such assistance is subject to conditions inconsistent with the KAFTA Government Procurement Chapter	procurement procedures or conditions of the international organisation or donor apply. If the procedures or conditions of the international organisation or donor do not restrict the participation of suppliers then the procurement shall be subject to the requirements relating to national treatment and non-discrimination (clauses 2.1-2.4 of this document)	procurement procedures or conditions of the international organisation or donor apply. If the procedures or conditions of the international organisation or donor do not restrict the participation of suppliers then the procurement shall be subject to requirements relating to national treatment and non-discrimination (clauses 2.1-2.4 of this document)
purchases funded by grants and sponsorship payments from persons not listed in the Annex to the AUSFTA Government Procurement Chapter	procurement funded by grants and/or sponsorship payments received from a person other than a procuring entity of a Party	procurement funded by grants and sponsorship payments received from a person other than a procuring entity of a Party	procurement funded by grants or sponsorship payments received from a person other than a procuring entity of a Party	procurement funded by grants and sponsorship payments received from persons not listed in the Annex to the SAFTA Government Procurement Chapter	procurement funded by grants and sponsorship payments received from persons not listed in the Annex to the TPP-11 Government Procurement Chapter
procurement for the direct purpose of providing foreign assistance	procurement for the direct purpose of providing foreign assistance	procurement for the direct purpose of providing international assistance, including development aid	procurement for the direct purpose of providing foreign assistance	Procurement conducted for the specific purpose of providing international assistance, including development aid	procurement conducted for the specific purpose of providing international assistance, including development aid
procurement of research and development services	procurement of research and development services	procurement of research and development services	procurement of research and development services	procurement of research and development services	procurement of research and development services
procurement of goods and services (including construction) outside the territory of the procuring Party, for consumption outside the territory of the procuring Party	procurement of goods and services outside the territory of the procuring Party, for consumption outside the territory of the procuring Party	procurement of goods and services outside the Area of the procuring Party, for consumption outside the Area of the procuring Party	procurement of goods and services outside the territory of the procuring Party, for consumption outside the territory of the procuring Party	procurement of a good or service outside the territory of the Party of the procuring entity, for consumption outside the territory of that Party	procurement of a good or service outside the territory of the Party of the procuring entity, for consumption outside the territory of that Party

AUSFTA	ACI-FTA	JAIPA	KAFTA	SAFTA	TPP-II
acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt	procurement of fiscal agency or depository services, liquidation and management services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes, derivatives and other securities	procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes, derivatives and other securities	procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes, derivatives and other securities	the procurement or acquisition of: fiscal agency or depository services; liquidation and management services for regulated financial institutions; or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities	the procurement or acquisition of: fiscal agency or depository services; liquidation and management services for regulated financial institutions; or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities
	public employment contracts	public employment contracts	public employment contracts	public employment contracts	
	the procurement or rental of land, existing buildings or other immovable property or rights thereon where not part of an arrangement for procurement of construction services	the acquisition or rental of land, existing buildings, or other immovable property or rights thereon	the acquisition or rental of land, existing buildings, or other immovable property or rights thereon where no part of an arrangement for procurement of construction services	the acquisition or rental of land, existing buildings or other immovable property or the rights thereon	the acquisition or rental of land, existing buildings or other immovable property or the rights thereon
			procurement of financial advisory and asset management services pertaining to reserves held by each Party, including for the purposes of funding retirement benefits	procurement of asset management and financial advisory services pertaining to reserves held by each Party's Government or its entities	
		procurement conducted under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project		procurement (iii) conducted under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project	procurement (iii) conducted under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project

AUSFTA	ACI-FTA	JAIPA	KAFTA	SAFTA	TPP-11
	procurement of a financial service as defined in Article 12.1(e) (Definitions – Financial Services)				
The requirements related to national treatment and non-discrimination do not apply to:					
the provisions relating to National Treatment and Non-Discrimination (clauses 2.1-2.4) shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations or formalities, and measures affecting trade in services other than measures governing covered procurements.	the provisions relating to National Treatment and Non-Discrimination (clauses 2.1-2.4) shall not apply to measures concerning customs duties and other charges of any kind imposed on, or in connection with, importation, the method of levying such duties and charges or other import regulations, including restrictions and formalities, and measures affecting trade in services other than measures governing covered procurement	the provisions relating to National Treatment and Non-Discrimination (clauses 2.1-2.4) shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations and formalities, and measures affecting trade in services other than measures governing covered procurement	the provisions relating to National Treatment and Non-Discrimination (clauses 2.1-2.4) shall not apply to measures concerning customs duties and other charges of any kind imposed on, or in connection with, importation, the method of levying such duties and charges, or other import regulations, including restrictions and formalities, and measures affecting trade in services other than measures governing covered procurement	the provisions relating to National Treatment and Non-Discrimination (clauses 2.1-2.4) shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations or formalities, and measures affecting trade in services other than measures governing covered procurement	the provisions relating to National Treatment and Non-Discrimination (clauses 2.1-2.4) shall not apply to customs duties and charges of any kind imposed on or in connection with importation, the method of levying such duties and charges, other import regulations or formalities, and measures affecting trade in services other than measures governing covered procurement
For all Australian jurisdictions, the government procurement chapters of the applicable FTAs do not apply to procurement of:					
plasma fractionation services	plasma fractionation services	plasma fractionation services	plasma fractionation services	plasma fractionation services	plasma fractionation services
Government advertising services	Government advertising services	Government advertising services	Government advertising services	Government advertising services	Government advertising services
For Tasmanian covered entities, the government procurement chapters of the applicable FTAs do not apply to the procurement of:					
health and welfare services	health and welfare services	health and welfare services	health and welfare services	health and welfare services	health and welfare services
education services	education services	education services	education services	education services	education services
advertising services	advertising services	advertising services	advertising services	advertising services	advertising services