

ICAC Submission – Email 26/7/17 3.59PM

From: [REDACTED]
Sent: Wednesday, 26 July 2017 3:59 PM
To: Policy AGD <Policy.AGD@nt.gov.au>
Cc: [REDACTED]
Subject: Independent Commissioner against Corruption - Draft Legislation
Importance: High

Hi,

Please keep my personal particulars & the business particulars confidential.

The following are our suggestions for enhancing the transparency of the NT Government procurement processes...

Re [REDACTED]:

- ICAC should have the power to investigate any Government tenders awarded whereby a lower priced tenderer misses out on being awarded the project.

We request this as:

[REDACTED]

[REDACTED]

After being informed that we were unsuccessful & after attending the tender debriefings; we have been left dismayed at the lack of information provided to us justifying the position of the NT Government in awarding to another contractor. We have been told on each occasion that our tendered submission was good or very good, but minor issues in certain areas of the submission meant we scored less overall in the scorecard tender assessment process than the winning contractor & consequently were not nominated. We feel that:

- A) The contractor score card can be manipulated to suit a preferred tenders submission &
- B) That the scorecard assessment is not weighted as per 'Disclosure of Weightings' as indicated in the Request For Tender (RFT) document.

When we have requested to see a copy of the tender scorecard [REDACTED]

[REDACTED] we have been denied access to this document. To date we are unable to corroborate for ourselves that what is told within the tender debriefing aligns up with what is recorded within the tender scorecard.

This troubles us greatly to not receive this document as at least on one occasion we very strongly feel as if a preferred contractor of the department has been awarded the works over our submission. [REDACTED]

[REDACTED]

As contractors are being denied provision of this document, it fuels perceptions [REDACTED] that certain contractors are being awarded contract after contract even at higher tendered rates because the score card can be manipulated behind closed doors in order to ensure one contractor is overlooked in favour of another.

The current process also hinders the ability of contractors to improve their tender submissions as we aren't provided the actual document (scorecard) detailing where points were taken away and accordingly, where we could improve next time round. Until the scorecards are made available at tender award to contractors who request them, the perception [REDACTED] of corruption behind closed doors in awarding of contracts will remain for both departments.

Whilst it may not be in ICAC's power to force [REDACTED] to provide contractor scorecards to tenderers, we would implore ICAC to ensure it has the power to review any procurement decisions that go against contractors who:

1. Were lower priced,
2. Submitted a conforming tender,
3. Attended the tender debrief &,
4. And after attending the debrief were left unsatisfied with the justifications provided to them then,

Any tenderer who completes the four steps above & still feels that the decision was unjust should be encouraged to provide tender particulars to the newly created ICAC to investigate further.

ICAC should have the power to investigate the procurement process, review the awarded tender submission against the aggrieved tenderers submission & compare the two score cards to determine if the awarding of the contract to a higher priced tenderer was due to corruption or not.

If you wish to discuss further I can be contacted [REDACTED]
[REDACTED]. Thanks for your time.

Regards

[REDACTED]