

Schedule 2.2(a)ii

[REDACTED]

via email: Schedule 2.2(a)ii

Dear Schedule 2.2(a)ii

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) from Chief Ministers Treasury and Economic Development Department (CMTEDD) on 2 February 2024, in which you sought access to:

“Copies of the following documents:

- 1. All communication in CMTEDD regarding the need to conduct a Probity audit (Contract number PICM0002455). This should include all communication within CMTEDD regarding what procurement process the contract is reviewing (This should include the name of the procurement process, the value, reason the procurement process was undertaken and any other information about this particular procurement process)*
- 2. All communication within CMTEDD regarding the need to engage a contractor for independent assurance and comprehensive findings as a result of this procurement process. This should include any meeting minutes and correspondence that detail why this contract was undertaken.*
- 3. All draft and final versions of the contract attachments that are published on [Contract - PICM0002455](#). This should include any comments or communication within CMTEDD and the Ministers office about draft and final versions of the contract attachments.”*

Authority

I am an Information Officer appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act.

Decision on access

Searches were completed for relevant documents and nineteen (19) documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My decision in relation to the documents relevant to your request is summarised as follows:

- Full release of fourteen (14) documents;
- Partial access to five (5) documents;

My decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedules 1 and 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability; and
- Section 2.1(a)(iv) ensure effective oversight of expenditure of public funds;

The information you have requested concerns the management of the ACT's aquatic centres, a subject of concern for many residents. I consider that disclosing the contents of the information sought could reasonably contribute to discussion of public affairs.

The management of these aquatic centres also involves the expenditure of government funds. I consider it in the public interest to provide information to describe how concerns in relation to the probity of ACT Government procurements are addressed.

I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing open discussion, I afford them significant weight.

Factors favouring non-disclosure in the public interest (Schedule 2, Section 2.2)

- Section 2.2(a) (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. Additionally some of the documents contain individuals' signatures. I have considered this information and in my opinion the protection of individuals' personal details outweighs the benefit which may be derived from releasing them.

- Section 2.2(a)(xi) prejudice trade secrets, business affairs or research of an agency or person;

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

I am satisfied that release of some of the information identified as relevant to your request would have significant impact on the business affairs of entities involved in procurement activities with the ACT Government. It is therefore considered as part of 'the totality of the money-making affairs of an organisation or undertaking' as defined in the case of *Re Mangan and The Treasury* [2005] AATA 898. Accordingly, I have decided this information is not in the public interest to release.

Online Publishing – Disclosure Log

Under section 28 of the Act, MPC maintains an official online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in

response to your access application will be published in the MPC disclosure log three (3) days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at <https://www.act.gov.au/majorprojectscanberra>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the MPC disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au>

Should you have any queries in relation to your request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely,

Schedule 2.2(a)ii

Tania Shaw
Information Officer
Major Project Canberra
3 May 2024

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <https://www.act.gov.au/majorprojectscanberra/home>

FOI Reference Number		Request Details				
MPCFOI2024/02		<ol style="list-style-type: none"> <i>All communication in CMTEDD regarding the need to conduct a Probity audit (Contract number PICM0002455). This should include all communication within CMTEDD regarding what procurement process the contract is reviewing (This should include the name of the procurement process, the value, reason the procurement process was undertaken and any other information about this particular procurement process)</i> <i>All communication within CMTEDD regarding the need to engage a contractor for independent assurance and comprehensive findings as a result of this procurement process. This should include any meeting minutes and correspondence that detail why this contract was undertaken.</i> <i>All draft and final versions of the contract attachments that are published on Contract - PICM0002455. This should include any comments or communication within CMTEDD and the Ministers office about draft and final versions of the contract attachments.</i> 				
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status
1.	1-3	Email correspondence	26 April 2023	Full		Y
2.	4	Show Cause Letter	5 May 2023	Partial	Schedule 2.2(a)ii Personal Privacy	Y
3.	5-6	Email correspondence	8 May 2023	Full		Y
4.	7-19	ETWE Fair and Safe Employment Evaluation and Recommendation Report	16 May 2023	Partial	Schedule 2.2(a)ii Personal Privacy & Schedule 2.2(a)xi Business Affairs	Y

5.	20	Correspondence from Bluefit	19 September 2023	Partial	Schedule 2.2(a)ii Personal Privacy	Y
6.	21-22	Email correspondence	20 September 2023	Full	Schedule 2.2(a)ii Personal Privacy	Y
7.	23-24	Contract details – PICM0002213 – Aquatic Facilities Service Agreement	26 October 2023	Full		Y
8.	25-26	Email correspondence	9 October 2023	Full		Y
9.	27-28	Email correspondence	10 October 2023	Full		Y
10.	29	Email correspondence	10 October 2023	Full		Y
11.	30	Email correspondence	10 October 2023	Full		Y
12.	31	Participant list	10 October 2023	Full		Y
13.	-	ETWE Fair and Safe Employment Evaluation and Recommendation Report	16 May 2023	Duplicate		Y
14.	32-33	Email correspondence	10 October 2023	Full		Y
15.	34	Email correspondence	11 October 2023	Full		Y
16.	35-37	Email correspondence	11 October 2023	Full		Y
17.	38-40	Email correspondence	16 October 2023	Full		Y
18.	41-43	Evaluation Report PICM0002455	31 October 2023	Partial	Schedule 2.2(a)ii Personal Privacy & Schedule 2.2(a)xi Business Affairs	Y
19.	44-50	Draft Work Order – Professional and Consulting Services Panel –	2 November 2023	Full		Y

		PICM0002455 – Probity Audit Services				
20.	41-57	Work Order – Professional and Consulting Services Panel – PICM0002455 – Probity Audit Services	2 November 2023	Partial	Schedule 2.2(a)ii Personal Privacy	Y
Total Number of Documents						
20						

From: [Morey, Teresa](#)
To: [Blundell, Lauren](#)
Cc: [Slater, Phil](#)
Subject: RE: FOR YOUR REVIEW AND ACTION- Compliance Check: RFP GS3698809 Management Services for ACT Government Pools
Date: Wednesday, 26 April 2023 3:56:43 PM

OFFICIAL: Sensitive

Good afternoon Lauren, please find my response to the compliance check in the table below. As discussed, please do not yet send out the responses to the other members of the evaluation team until we resolve the way forward with the later response.

Thank-you for completing the check for this procurement.

Regards,
Teresa

From: Blundell, Lauren <Lauren.Blundell@act.gov.au>
Sent: Friday, 21 April 2023 3:37 PM
To: Morey, Teresa <Teresa.Morey@act.gov.au>
Subject: FOR YOUR REVIEW AND ACTION- Compliance Check: RFP GS3698809 Management Services for ACT Government Pools
Importance: High

OFFICIAL: Sensitive

Good afternoon Teresa,

RE: Request for Proposal (RFP) GS3698809 Management Services for ACT Government Pools - Access to the tender responses are located here: [W Drive Tender Folder 265](#)

Respondents were assessed for formal Compliance in accordance with the approved Evaluation Plan. There were **4** Tender responses.

Please see the Compliance Check (folder 2. Compliance within the W drive) for a full breakdown of the check undertaken by myself and Ryan Pang.

Recommendation:

I recommend the following:

- Please undertake your part in the Compliance check, once this is done and below issue's are rectified I will be able to send out a separate email to the Evaluation Team advising them of next steps;
- Take note of the comment section within the Compliance Check for further information; and
- Accept Respondent's failure (organisation noted below) to include certain aspects of their responses as unintentional errors of omission and on that basis of non-conformance,
- Respondents be contacted via email and allow the notified Respondents the

opportunity to provide the relevant documents.

Please advise how you would like to proceed with the above compliance issues (if you 'forward' this email back to me, you will be able to populate a response in the table below).

RESPONDENTS NAME	Compliance Issues/Areas to Note:	CHAIR COMMENTS
<p>The Trustee for BELGRAVIA LEISURE UNIT TRUST</p>	<p>PLEASE NOTE: Respondent identified as Non-Compliant with Workplace Gender Equality Act 2012.</p> <p>Signed LIPP provided to Tenders ACT 19/4/2023. Belgravia acknowledged error of omission- LIPP initially provided at the time of submission was unsigned.</p> <p>ACTION: The Territory has a firm approach in not dealing with organisations found to be non-compliant with the Workplace Gender Equality Act 2012. The ETWE Team have been made aware of the organisations non-compliance and will undertake to investigate further within their Evaluation of its Attachment G Response.</p> <p>Please confirm if you are willingly to accept signed LIPP into Belgravia's response/ evaluation as an error of omission.</p>	<p>The respondent's compliance status against the Workplace Gender Equality Act 2012 is noted and that the ETWE team will investigate.</p> <p>I confirm that the signed LIPP is to be accepted into Belgravia's response as an administrative error of admission.</p>
	<p>PLEASE NOTE: Request for the Territory's consideration of a Late Tender Response from Imagine ONE received after the closing time of the RFP.</p> <p>Email notification sent to the Chair 21/4/2023 on acceptance/ decline of the submission. * Awaiting confirmation/ response.</p> <p>ACTION: Treated as an isolated compliance</p>	<p>N/A</p>

issue. Chair to notify via official email sent 24/4/2023.

If you have any concerns relating to PACTs compliance check please let me know, happy to discuss further.

Kind regards,

Lauren Blundell | Assistant Director

Phone: +61 2 6205 2761

Sourcing, Advice and Supply | **Procurement ACT** | Budget, Procurement, Infrastructure and Finance
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Nara Centre – Level 5, 3 Constitution Avenue, Canberra City, ACT 2602 | www.tenders.act.gov.au

If you are unable to contact me, please call Goods & Services Procurement on +61 2 6205 9797 or send an email to goodsandservices@act.gov.au



Michael McKay
Business Development Manager
Belgravia Leisure
Bayswater, Vic 3153

Dear Michael,

Show Cause Request of Management of ACT Government Pools - GS3698809

Secure Local Jobs Code (SLJC) Branch has gathered information that was not part of the response by Belgravia Leisure in relation to **Management of ACT Government Pools - GS3698809**. This information has been considered adverse to the interests of Belgravia Leisure in relation to evaluation under the [Government Procurement \(Ethical Treatment of Workers Evaluation\) Direction 2021](#).

- The Trustee for Belgravia Leisure Unit Trust (Belgravia Leisure) have been assessed as currently not complying with the *Workplace Gender Equality Act 2012*. Organisations are deemed non-compliant if they do not submit an annual gender equality report to WGEA and/or do not meet minimum standards (if applicable). Non-compliant organisations may not be eligible to tender for contracts under the Commonwealth procurement framework. REF: <https://www.wgea.gov.au/search?text=18118940063>

This information was not declared on ATTACHMENT G - FAIR AND SAFE EMPLOYMENT CRITERIA RESPONSE SCHEDULE, TABLE 3, LITIGATION AND OTHER PROCEEDINGS. You have answered **No** to Prescribed Legislation *Workplace Gender Equality Act 2012 (Cth)*.

This request provides Belgravia Leisure the opportunity to respond to this information by **09/05/2023**.

A response in reply to this request is not mandatory, but if no, or no satisfactory response is received, SLJC Branch may continue with its evaluation based on the information before it.

We will contact you if we require any additional information. Should you have any questions or require a time extension please do not hesitate to contact Lauren Blundell, on 02 6205 2761, or email Lauren.blundell@act.gov.au

Yours sincerely

Schedule 2.2(a)ii

Phillip Rose | Assessment Officer
Secure Local Jobs Code | Chief Minister, Treasury Economic Development Directorate | ACT
Government
Phone: 02 6207 3005 | Email: etwe@act.gov.au

05/05/2023

From: [Blundell, Lauren](#)
To: [Morey, Teresa](#)
Subject: FOR CHAIR APPROVAL FW: Show Cause Request - Belgravia Leisure - Management of ACT Government Pools - GS3698809
Date: Monday, 8 May 2023 5:02:00 PM
Attachments: [image001.png](#)
[Show Cause - Belgravia Leisure - 20230505.pdf](#)

OFFICIAL: Sensitive

Good afternoon Teresa,

RE: Request for Proposal (RFP) GS3698809 Management Services for ACT Government Pools - Access to the tender responses are located here: [W Drive Tender Folder 265](#)

As highlighted within the Compliance Check sent 26/04/2023, the ETWE officer has advised they require further information be obtained from the Respondent-

Your approval is sought to confirm you are happy for PACT (on behalf of the ETWE Team) send out the attached Letter.

<p>The Trustee for BELGRAVIA LEISURE UNIT TRUST</p>	<p>PLEASE NOTE: Respondent identified as Non-Compliant with Workplace Gender Equality Act 2012.</p> <p>Signed LIPP provided to Tenders ACT 19/4/2023. Belgravia acknowledged error of omission- LIPP initially provided at the time of submission was unsigned.</p> <p>ACTION: The Territory has a firm approach in not dealing with organisations found to be non-compliant with the Workplace Gender Equality Act 2012. The ETWE Team have been made aware of the organisations non-compliance and will undertake to investigate further within their Evaluation of its Attachment G Response.</p> <p>Please confirm if you are willingly to accept signed LIPP into Belgravia's response/ evaluation as an error of omission.</p>	<p>The respondent's compliance status against the Workplace Gender Equality Act 2012 is noted and that the ETWE team will investigate.</p> <p>I confirm that the signed LIPP is to be accepted into Belgravia's response as an administrative error of admission.</p>
--	--	---

Kind regards,

Lauren Blundell | Assistant Director

Sourcing, Advice and Supply | **Procurement ACT** | Budget, Procurement, Infrastructure and Finance
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

220 London Circuit, Canberra City, ACT 2602 | www.tenders.act.gov.au

If you are unable to contact me, please call Tenders ACT on +61 2 6207 9000 (option 7) or email
tendersact@act.gov.au

From: Rose, Phillip <Phillip.Rose@act.gov.au> **On Behalf Of** CMTEDD, Ethical Treatment of Workers Evaluation

Sent: Friday, 5 May 2023 1:19 PM

To: Blundell, Lauren <Lauren.Blundell@act.gov.au>

Cc: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>

Subject: Show Cause Request - Belgravia Leisure - Management of ACT Government Pools - GS3698809

OFFICIAL

Hi Lauren,

Could you please forward this request to Michael McKay at Belgravia Leisure please.

Regards

Phil

Phillip Rose | Assessment Officer

Secure Local Jobs Code | Chief Minister, Treasury Economic Development Directorate | ACT Government

Phone: 02 6207 0437 | **Email:** phillip.rose@act.gov.au
Level 5, 220 London Circuit, Canberra City ACT 2601

To find out more about Secure Local Jobs Code, visit our [website here](#)

The Secure Local Jobs Code acknowledge the Traditional Custodians throughout the ACT, the Jervis Bay Territory and Australia and their continuing connection to land, sea and the community. We pay respect to all Aboriginal and Torres Strait Islander peoples, their cultures and to their Elders past and present.

Fair and Safe Employment Evaluation and Recommendation Report

Management of ACT Government Pools - GS3698809

1.1.1.

Secure Local Jobs Code Branch

Introduction

This Recommendation Report is for Security Services for Management of ACT Government Pools - GS3698809. It describes the investigation process that was undertaken, and conclusions drawn in accordance with the [Government Procurement \(Ethical Treatment of Workers Evaluation\) Direction 2021](#).

Background

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) had a requirement to market test the Management of ACT Government Pools to support its requirements and operations.

In accordance with the *Government Procurement Act, 2001* and the *Government Procurement Regulation 2007*, the Territory issued the RFT GS3698809 on 03/03/2023 and closed at 2:00 PM (ACT Local Time) on 18/04/2023.

The following Respondents were evaluated in accordance with the [Government Procurement \(Ethical Treatment of Workers Evaluation\) Direction 2021](#) based on information the Respondents provided and gathered by the Secure Local Jobs Code (SLJC) Branch:

1. Belgravia Leisure, ABN 18118940063
2. Schedule 2.2(a)xi
3. Schedule 2.2(a)xi
4. Schedule 2.2(a)xi
5. Schedule 2.2(a)xi

On **16/05/2023**, the SLJC Branch finalised its findings. The overall findings of the assessment of Respondents against the Fair and Safe Employment Evaluation Criteria were that the following Respondents **should remain for consideration** in the procurement process (“Respondents recommended for further consideration”):

1. Belgravia Leisure, ABN 18118940063
2. Schedule 2.2(a)xi
3. Schedule 2.2(a)xi
4. Schedule 2.2(a)xi
5. Schedule 2.2(a)xi

As advisors to the evaluation team, we confirm that the evaluation process was conducted in accordance with the Ethical Treatment of Workers Evaluation Plan.

SLJC BRANCH: ENDORSEMENT

SLJC BRANCH	SIGNATURE
Name: Jen Campbell Title: Executive Branch Manager Date: 16/05/2023	Signature: Schedule 2.2(a)ii Secure Local Jobs Registrar or their delegate
Name: Phillip Rose Title: Assessment Officer Date: 16/05/2023	Signature: Schedule 2.2(a)ii SLJC Branch Officer

Findings and Recommendation

The following is a summary of findings:

RESPONDENT	FINDINGS IN RELATION TO THE RESPONDENT'S SLJC COMPLIANCE	FINDINGS IN RELATION TO THE RESPONDENT'S REPUTATIONAL RISK
Belgravia Leisure	SLJC Certificate No: 01143 Valid from 22/02/2023 to 22/02/2025 Nil findings	Nil findings
Schedule 2.2(a)xi	Schedule 2.2(a)xi Nil findings	Nil Findings
Schedule 2.2(a)xi	Schedule 2.2(a)xi Nil findings	Nil findings
Schedule 2.2(a)xi	Schedule 2.2(a)xi Nil findings	Nil findings
Schedule 2.2(a)xi	Schedule 2.2(a)xi Nil findings	Nil findings

As the Respondents recommended for further consideration **met** the Fair and Safe Employment Evaluation Criteria, the SLJC Branch believes that their Responses **should progress** to a technical evaluation.

The following are the details of those findings.

Fair and Safe Employment Evaluation Criteria

Mandatory Evaluation Criteria

The Secure Local Jobs Branch has found that the following Respondents satisfy the SLJC Compliance criterion:

1. Belgravia Leisure, ABN 18118940063
2. Schedule 2.2(a)xi [REDACTED]
3. Schedule 2.2(a)xi [REDACTED]
4. Schedule 2.2(a)xi [REDACTED]
5. Schedule 2.2(a)xi [REDACTED]

based on the following evidence:

SLJC Compliance

The following findings were made in relation to the Respondent's SLJC Compliance:

RESPONDENT	RESPONDENT HAS A CURRENT SLJC COMPLIANCE CERTIFICATE	RESPONDENT HAS SUBMITTED A COMPLETED AND COMPLIANT LABOUR RELATIONS TRAINING AND WORKPLACE EQUITY PLAN (LRTWEP)	RESPONDENT HAS COMPLIED WITH AND MET LRTWEP REPORTING OBLIGATIONS FOR ANY APPLICABLE CONTRACTS IN THE PRECEDING 12 MONTHS
Belgravia Leisure	SLJC Certificate No: 01143 Valid from 22/02/2023 to 22/02/2025 No concerns. Compliant	YES	N/A
Schedule 2.2(a)xi	Schedule 2.2(a)xi No concerns. Compliant	YES	N/A
Schedule 2.2(a)xi	Schedule 2.2(a)xi No concerns. Compliant	YES	N/A
Schedule 2.2(a)xi	Schedule 2.2(a)xi No concerns. Compliant	YES	N/A
Schedule 2.2(a)xi	Schedule 2.2(a)xi No concerns. Compliant	YES	N/A

The following Respondents satisfy the above criterion:

1. Belgravia Leisure, ABN 18118940063
2. Schedule 2.2(a)xi
3. Schedule 2.2(a)xi
4. Schedule 2.2(a)xi
5. Schedule 2.2(a)xi

The following findings were made in relation to the Respondent's Compliance with Prescribed Legislation:

CRITERIA: THE RESPONDENT HAS MAINTAINED COMPLIANCE WITH THE PRESCRIBED LEGISLATION BELOW:

LEGISLATION	BELGRAVIA LEISURE	Schedule 2.2(a)xi	Schedule 2.2(a)xi
<i>Fair Work Act 2009 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Building and Construction Industry (Improving Productivity) Act 2016 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Income Tax Assessment Act 1997 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Independent Contractors Act 2006 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Industry Research and Development Act 1986 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Labour Hire Licensing Act 2020</i>	Nil findings	Nil findings	Nil findings

<i>Long Service Leave Act 1976</i>	Nil findings	Nil findings	Nil findings
<i>Long Service Leave (Portable Schemes) Act 2009</i>	Nil findings	Nil findings	Nil findings
<i>Migration Act 1958 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Paid Parental Leave Act 2010 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Payroll Tax Act 2011</i>	Nil findings	Nil findings	Nil findings
<i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Superannuation Guarantee (Administration) Act 1992 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Superannuation Guarantee Charge Act 1992 (Cth)</i>	Nil findings	Nil findings	Nil findings
<i>Work Health and Safety Act 2011</i>	Nil findings	Nil findings	Nil findings
<i>Workers Compensation Act 1951</i>	Nil findings	Nil findings	Nil findings
<i>Workplace Gender Equality Act 2012 (Cth)</i>	Non-Compliant. Annual lodgement for last year due May 31st 2022, did not occur due to issues with their data not being compatible with the upload requirements. It is the view of Belgravia Leisure that the organisation is in fact compliant with the Act from a practical perspective and that the non-compliance assessment	Nil findings	Nil findings

is the result of an issue in
lodgement.

<i>Discrimination Act 1991</i>	Nil findings	Nil findings	Nil findings
------------------------------------	--------------	--------------	--------------

The following findings were made in relation to the Respondent's Compliance with Prescribed Legislation:
continued...

CRITERIA: THE RESPONDENT HAS MAINTAINED COMPLIANCE WITH THE PRESCRIBED LEGISLATION BELOW:

LEGISLATION	Schedule 2.2(a)xi	Schedule 2.2(a)xi
<i>Fair Work Act 2009 (Cth)</i>	Nil findings	Nil findings
<i>Building and Construction Industry (Improving Productivity) Act 2016 (Cth)</i>	Nil findings	Nil findings
<i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009 (Cth)</i>	Nil findings	Nil findings
<i>Income Tax Assessment Act 1997 (Cth)</i>	Nil findings	Nil findings

<i>Independent Contractors Act 2006 (Cth)</i>	Nil findings	Nil findings
<i>Industry Research and Development Act 1986 (Cth)</i>	Nil findings	Nil findings
<i>Labour Hire Licensing Act 2020</i>	Nil findings	Nil findings
<i>Long Service Leave Act 1976</i>	Nil findings	Nil findings
<i>Long Service Leave (Portable Schemes) Act 2009</i>	Nil findings	Nil findings
<i>Migration Act 1958 (Cth)</i>	Nil findings	Nil findings
<i>Paid Parental Leave Act 2010 (Cth)</i>	Nil findings	Nil findings
<i>Payroll Tax Act 2011</i>	Nil findings	Nil findings
<i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i>	Nil findings	Nil findings
<i>Superannuation Guarantee (Administration) Act 1992 (Cth)</i>	Nil findings	Nil findings
<i>Superannuation Guarantee Charge Act 1992 (Cth)</i>	Nil findings	Nil findings
<i>Work Health and Safety Act 2011</i>	Nil findings	Nil findings
<i>Workers Compensation Act 1951</i>	Nil Findings	Nil Findings

Workplace Gender
Equality Act 2012
(Cth)

Nil Findings

Nil Findings

Discrimination Act
1991

Nil Findings

Nil Findings

The following Respondents have been compliant with the Prescribed Legislation:

1. Belgravia Leisure, ABN 18118940063
2. Schedule 2.2(a)xi
3. Schedule 2.2(a)xi
4. Schedule 2.2(a)xi
5. Schedule 2.2(a)xi

Reputational Risk Criterion

The following findings were made in relation to the Respondent's Reputational Risk based on the following evidence:

CRITERIA: HAS THE RESPONDENT DEMONSTRATED ANY ACTIONS OR OMISSIONS THAT WOULD BE LIKELY TO HAVE A MATERIAL ADVERSE EFFECT ON:

RESPONDENT	THE REPUTATION OF THE TERRITORY OR A RELEVANT TERRITORY ENTITY IN RELATION TO ITS STATUS AS A MODEL EMPLOYER, THAT ONLY CONTRACTS WITH OTHER EMPLOYERS WHO SHOW MODEL BEHAVIOUR TOWARDS THEIR EMPLOYEES	THE RISK TO THE TERRITORY ENTITY POSED BY PROCURING FROM AN UNETHICAL RESPONDENT	THE PUBLIC INTEREST, OR PUBLIC CONFIDENCE IN THE TERRITORY AND/OR ITS PROCUREMENT FRAMEWORK
Belgravia Leisure	<i>Workplace Gender Equality Act 2012 (Cth) – Non -Compliant - Annual lodgement for last year due May 31st 2022, did not occur due to issues with their data not being compatible with</i>	Insignificant	Yes

the upload requirements. It is the view of Belgravia Leisure that the organisation is in fact compliant with the Act from a practical perspective and that the non-compliance assessment is the result of an issue in lodgement.

Schedule 2.2(a)xi	No acts or omissions affecting reputation or image identified	Insignificant	No
Schedule 2.2(a)xi	No acts or omissions affecting reputation or image identified	Insignificant	No
Schedule 2.2(a)xi	No acts or omissions affecting reputation or image identified	Insignificant	Yes
Schedule 2.2(a)xi	No acts or omissions affecting reputation or image identified	Insignificant	Yes

The SLJC Branch believes the following Respondents would:

not be a reputational risk to the Territory and the procuring Territory entity:

1. Belgravia Leisure, ABN 18118940063
2. Schedule 2.2(a)xi
3. Schedule 2.2(a)xi
4. Schedule 2.2(a)xi
5. Schedule 2.2(a)xi

Next Steps

Delegate Approval

The SLJC Branch's recommendation is approved, and the Tender Evaluation Team is authorised to:

1. begin evaluating the responses of Respondents that are recommended for further consideration;

It is requested that the Delegate complete and return this Evaluation Recommendation Report to the SLJC Branch with the Evaluation Chair copied in as soon as possible.

Where the Delegate makes a decision different from the SLJC Branch's recommendations, this must be notified to the SLJC Branch within **three business days** of the decision being made and the reasons for the decision, which should be contained within this Evaluation Recommendation Report below.

Where the Delegate decides to exclude a Respondent despite a contrary recommendation from the SLJC Branch.

The Delegate has decided to exclude the following Respondents for the following reasons:

RESPONDENT	REASONING AND EVIDENCE SUPPORTING THE DELEGATE'S DECISION
Insert organisation name	Reasoning and evidence supporting the Delegate's decision to exclude the Respondent despite the SLJC Branch's recommendation
Insert organisation name	Reasoning and evidence supporting the Delegate's decision to exclude the Respondent despite the SLJC Branch's recommendation
DELEGATE: APPROVED / NOT APPROVED / NOT APPROVED WITH DECISION MADE CONTRARY TO SLJC RECOMMENDATION	
Belinda Hedley	
Executive Branch Manager ACT Property Group	
Schedule 2.2(a)ii	

16 May 2023

DD MM YYYY

Any additional comments relating to the procurement.

Tuesday, 19th September 2023

Teresa Morey
Senior Director | Procurement and Contract Management
ACT Government Property Group
255 Canberra Ave, Fyshwick, ACT 2609

Email - teresa.morley@act.gov.au

Dear Teresa,

Private and Confidential RE: Evaluation & Contract Award - Management ACT Government Pools

I would like to express my appreciation for providing us the opportunity to submit our proposal for the Management Services of ACT Government Pools.

Our commitment to transparency, honesty and integrity is paramount to our company's values, and it has been our guiding principle in developing our compliant and conforming tender response. We have diligently ensured that our submission aligns with the specific needs of the local community. In this pursuit, we have not overestimated income projections, gas consumption or membership figures to achieve an unreliable best value for money assessment.

Following our initial submission, we have contacted Procurement ACT on several occasions to seek updates regarding the evaluation process. We did so with the intention of making necessary adjustments to our contingency plans and internal resources should we be fortunate enough to secure this partnership. Despite limited information, we have been respectful of the evaluation process and its confidentiality. We have continued to retain resources and remain available if required to transition into management.

Recent industry speculations have surfaced suggesting that Belgravia Leisure may have been selected as the preferred contractor, set to assume management of ACT Government Pools from 1st December 2023. While we refrain from engaging in rumours and baseless information, we would completely respect the decision made by the ACT Government if this indeed turns out to be the case.

However, what would pose a challenge for us to accept is if other respondents have advanced through the evaluation process without meeting the Mandatory Evaluation Criteria. While requests for information have been limited, we understand that respondents may have been asked for clarification requests regarding the Mandatory Criteria. Inline with section 4 of the request for proposal (GS369880) we understand that any respondent failing to meet all of the Mandatory Evaluation Criteria at the time of submitting would be deemed non-conforming and will not be considered for further assessment.

Should this be the case, we kindly request that this matter is thoroughly investigated inline with ACT Government supplier complaints management procedure. If this information is incorrect, we remain comfortable raising this as a concern given our commitment to transparency and openness with a potential partner.

Regards

Schedule 2.2(a)ii

Todd McHardy
Chief Executive Officer
BlueFit

From: [Morey, Teresa](#)
To: [Kerkow, Kyla](#); [Aspland, Brad](#)
Subject: FW: Private and confidential | evaluation and contract award - Management ACT Government Pools
Date: Wednesday, 20 September 2023 7:04:03 AM
Attachments: [ACT Government Pools - Request Review .docx.pdf](#)
Importance: High

OFFICIAL: Sensitive

For discussion.

Teresa

From: Brett McEwin [Schedule 2.2\(a\)ii](#)
Sent: Tuesday, 19 September 2023 5:01 PM
To: Morey, Teresa <Teresa.Morey@act.gov.au>; tendersACT <tendersACT@act.gov.au>
Cc: Todd McHardy [Schedule 2.2\(a\)ii](#)
Subject: Private and confidential | evaluation and contract award - Management ACT Government Pools

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear procurement,

We write in reference to the above tender and ongoing evaluation associated with *RFP 3698809 - Management of ACT Government Pools*.

While we acknowledge the need for a thorough and detailed evaluation process, we also respect the need for confidentiality so as not to compromise the integrity of the evaluation process. However, it is important to highlight there is significant industry speculation relating to the future award of the tender. BlueFit does not entertain such speculation and rumours however, we do wish to raise our concerns relating to clarification requests relating to the Mandatory Evaluation Criteria which we understand other respondents have received since the tender submission deadline. For that purpose, please find attached our self-explanatory correspondence.

Regards

Brett

--

Brett McEwin
General Manager
BlueFit

m: [Schedule 2.2\(a\)ii](#)
a: PO Box 301, Cloverdale WA 6985
w: www.bluefit.com.au [Schedule 2.2\(a\)ii](#)

photo-logo



In the spirit of reconciliation BlueFit acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

IMPORTANT: The content of this message is confidential. If you have received it by mistake, please inform us by an email reply and then delete the message. It is forbidden to copy, forward, or in any way reveal the contents of this message to anyone. The integrity and security of this email cannot be guaranteed over the Internet. Therefore, BlueFit will not be held liable for any damage caused by the message.



ACT
Government

Tenders ACT

[Procurement ACT](#) [About Us](#) [Contact us](#)

Search



Menu

Contract - PICM0002213

Contract Details

Status	Current
Original Contracting Directorate/Agency	Chief Minister, Treasury and Economic Development Directorate
Current Contracting Directorate/Agency	Chief Minister, Treasury and Economic Development Directorate
Contract Number	PICM0002213
Contract Name	Territory Aquatic Facilities Services Agreement
Type of Contract	Contract
Goods & Services / Infrastructure	Goods & Services
Subject Type	Services (non-consultancy)
Original Amount	\$12,540,922.00
Comment on Original Amount	
Current Amount	\$12,540,922.00
GST included	Yes
Execution Date	26 Sept 2023
Start Date	26 Sept 2023
Expiry Date	25 Sept 2028
Defects Liability Period Included	No
UNSPSC	Building and Facility Construction and Maintenance Services
Associated with Tender	Management of ACT Government Pools (GS3698809)
Procurement Methodology	Public Tender
Whole of Government Contract	No
Exemption from Quotation & Tender Threshold requirements	No
Social Procurement	No

Confidential Text	No
SME	No
Secure Local Jobs Code covered	Yes

Description

Territory Aquatic Facilities Services Agreement

Territory Contact Officer

Currently, no details for contacts nor officers are available.

Unregistered Contractors

1	Belgravia Health & Leisure Group PTY LTD
---	--

Contract Attachments

Description	File	Version
PICM0002213	↓ PICM0002213 - ACTPG - Aquatic Facility Services Agreement (Public Text).pdf	1

Created: 26 Oct 2023, 4:18 pm Modified: 6 Nov 2023, 4:34 pm

[Accessibility](#) [Terms and Conditions](#)

[Feedback](#) [Site Map](#) [Jobs ACT](#)

[Privacy Statement](#) [Disclaimer](#) [Copyright](#)



From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: RE: Pools procurement
Date: Monday, 9 October 2023 12:23:22 PM
Attachments: [image001.png](#)

OFFICIAL: Sensitive

Hi Josh,

- Natasha and I are working on the panel procurement to engage the probity auditor.
- List is being compiled and I will send through shortly.
- There are some records missing from the current folder so I have chased up with the evaluation team to ensure all records of previous delegate engagement and decisions before Micheal Young as a/g DDG approved the Evaluation Report.

For clarity on background:

- I advised you on Friday afternoon that, during the feedback session with an unsuccessful tenderer, they raised comments relating to whether Belgravia met the requirements of the tender as it was not compliant with the Workplace Gender Equality obligations, but were. The potential non-compliance was raised during and subsequently resolved by the supplier during the SLJC ETWE assessment process.

Kind regards,

Kyla Kerkow (she/her) | a/g Executive Branch Manager

ACT Property Group

Phone: 02 6207 6209 | Moblie: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>

Sent: Monday, October 9, 2023 12:17 PM

To: Kerkow, Kyla <Kyla.Kerkow@act.gov.au>

Subject: Pools procurement

OFFICIAL: Sensitive

Hi

As discussed this morning, can you please undertake a few activities relating to the pools

procurement process.

- As you indicated, engage a post procurement audit as a matter of urgency. This should be from the existing panel
- Provide me a list of every person who has been involved with the procurement – throughout its lifecycle
- Check whether there is evidence of a delegate decision relating to the progression of consideration of the Belgravia bid – after the resolution of the missing certificate.

A few separate background points – please amend or clarify these as appropriate:

- You advised me on Friday afternoon that, during the feedback session with an unsuccessful tenderer, they raised comments relating to whether Belgravia met the requirements of the tender as it did not have a fair and ethical treatment of workers certificate, but that had been resolved through the SLJC assessment.

Josh Rynehart (He/Him) | A/g EGM Property and Government Insourcing

Secure Local Jobs Code Registrar

Phone: +61 2 6205 3740

**Office of Industrial Relations and Workforce Strategy | Property and Government Insourcing | Chief Minister,
Treasury and Economic Development Directorate | ACT Government**

www.act.gov.au



From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: extract from the Tender Terms and Conditions
Date: Tuesday, 10 October 2023 5:01:11 PM

OFFICIAL

Hi Josh,

This is the wording that went out with the tender in the standard tender terms and conditions regarding the WGEA requirement and also the non-compliance process:

Workplace Gender Equality Act 2012

A Respondent must comply with their obligations under the *Workplace Gender Equality Act 2012 (Cth)* and must not enter any subcontracting arrangements with a Subcontractor named by the Workplace Gender Equality Agency as an employer currently not complying with the *Workplace Gender Equality Act 2012 (Cth)*.

The Respondent must disclose if a Respondent, Subcontractor, or any other party is currently named as non-compliant under the *Workplace Gender Equality Act 2012 (Cth)*. In this case, the Respondent will be required to obtain a letter of compliance from the Workplace Gender Equality Agency to be eligible for Territory business. The letter of compliance may be attached to a Response or provided separately prior to the Closing Time.

The Territory will not enter into an agreement with a Respondent not complying with the *Workplace Gender Equality Act 2012 (Cth)* and named by the Workplace Gender Equality Agency (<http://www.wgea.gov.au/non-compliant-list>)

Non-Compliant Responses

A Response may be deemed to be non-compliant if it is:

- (a) at variance with, or does not respond to, or does not fully comply with any requirement of the ATM; or
- (b) incomplete, cannot be read or decrypted; or
- (c) potentially contains any virus, malicious code, or anything else that might compromise the integrity or security of Tenders ACT and/or the Territory's ICT environment.

The Territory may at its absolute discretion, in respect of a Response that is non-compliant or which has been deemed by the Territory to be non-compliant having regard to the Terms and Conditions:

- (a) reject and not further consider the Response; or
- (b) if it is possible to correct the non-compliance without affecting the probity of the ATM process, permit the Respondent to do so; or
- (c) accept the non-compliance.

Kind regards,

Kyla Kerkow (she/her) | a/g Executive Branch Manager

ACT Property Group

Phone: 02 6207 6209 | Moblie: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

From: [Kerkow, Kyla](#)
To: support@wgea.gov.au
Subject: Non-compliance list check
Date: Tuesday, 10 October 2023 3:17:00 PM

OFFICIAL

Hi WGEA support team,

Can you please advise if the Trustee for Belgravia Leisure Unit Trust ABN: 18 118 940 063 is on the current non-compliance list?

Can you also advise when you anticipate the non-compliance list will be available on the website again?

Kind regards,

Kyla Kerkow (she/her) | Senior Director

Secure Local Jobs Code Branch

Phone: 02 6207 6209 | Mobile: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: Pools Procurement - participant list
Date: Tuesday, 10 October 2023 10:39:00 AM
Attachments: [List of people involved in the Pools Procurement.docx](#)
[20230516 - ETWE recommendation report - GS3698809 BH Signed 16052023.pdf](#)

OFFICIAL: Sensitive

Hi Josh,

Here is a list of the participants at various stages and roles in the Pools procurement from the information available in the Procurement records saved in the W: drive. I can't access certain documents in the tender folder to get the dates of commencement in the process for some of the people who had been involved since the planning/ tender stage and there may be others who's COI's haven't been saved in the this folder – but this should be fairly comprehensive if not complete.

Also attached is the best evidence currently in the folders of the delegate agreeing for Belgravia to proceed despite the identified potential non-compliance with the tender terms/ WGEA Act requirements.

Kind regards,

Kyla Kerkow (she/her) | a/g Executive Branch Manager

ACT Property Group

Phone: 02 6207 6209 | Moblie: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

Name	Role	Commencement Date of involvement
Teresa Morey	Evaluation Team Chair	
Simon Dolejsi	Evaluation Team Member	
Nishi Gamage	Financial Advisor	
Nishchay Mehta	Financial Advisor	
Nathan Smith	Evaluation Team Member	
Brad Aspland	Evaluation Team Member	
Ben McDuff	Evaluation Team Member	
Belinda Hedley	Delegate/ & Advisor to the Evaluation Team	
Phillipa Spears	Advisor to Evaluation Team	
Lauren Blundell	Procurement ACT support	19/4/2023
Jane Overton	Secure Local Jobs Code/ ETWE	19/4/2023
Jordan James	Secure Local Jobs Code/ ETWE	19/4/2023
Sara Hanley	Secure Local Jobs Code/ ETWE	19/4/2023
Jen Campbell	Secure Local Jobs Code Registrar/ & Manager Advisor	19/4/2023
Phillip Rose	Secure Local Jobs Code/ ETWE	21/4/2023
Kyla Kerkow	Advisor to Evaluation Team	7/8/2023
Michael Young	Delegate	
Josh Rynehart	Management Advisor	4/9/2023
Margaret McKinnon	Delegate	4/9/2023
Natasha Newman	Procurement Advisor	
Boya Russell	Procurement Advisor	
Savita Cook	Financial Advisor	

From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: Pools Procurement - Supplier Complaint
Date: Tuesday, 10 October 2023 2:49:00 PM
Attachments: [FW Private and confidential evaluation and contract award - Management ACT Government Pools.msg](#)
[RE FOR YOUR REVIEW AND ACTION- Compliance Check RFP GS3698809 Management Services for ACT Government Pools .msg](#)
[FOR CHAIR APPROVAL FW Show Cause Request - Belgravia Leisure - Management of ACT Government Pools - GS3698809.msg](#)
[20230516 - ETWE recommendation report - GS3698809 BH Signed 16052023.pdf](#)

OFFICIAL: Sensitive

Hi Josh,

Below is the information regarding the Pools Procurement supplier complaint.

Chronology of complaint:

1. The chair of the evaluation team received a letter of complaint from Bluefit on 19 September 2023. The Chair acknowledged receipt of the email and advised that as the procurement was still underway they would contact them to discuss at the conclusion of the process. (letter of complaint at Attachment 1)
2. Bluefit were offered a debrief as an unsuccessful provider which took place on Friday 6 October to discuss their tender and their concerns with the procurement process raised in their letter. The Chair of the evaluation panel and a member of the evaluation team conducted the debrief and advised that Bluefit were animated about the perceived issue of the successful supplier not meeting the mandatory criteria and that supplier receiving a clarification to correct the potential non-compliance after the close of the tenders.
3. Under the Supplier Complaints Management process if the supplier is satisfied following the debrief the process ceases. If Bluefit remain unhappy, they have the option of lodging a formal complaint with Procurement ACT.

What we know:

1. In reviewing the documents relating to the compliance checks and ETWE evaluation of the process, it does appear that at the time of tender close Belgravia Leisure were listed as non-compliant with the Workplace Gender Equality Act 2012 (Cth).
2. This was identified during Procurement ACT teams standard compliance checks they undertake once a tender has closed and was notified to the Evaluation Team Chair on 21 April 2023. (Attachment 2)
3. The Chair advised that the non-compliance issue would be investigated as part of the ETWE assessment undertaken by SLJC. (Attachment 2)
4. SLJC confirmed that the supplier was still on the non-compliance list and issued a show cause notice to Belgravia around 8 May 2023. (Attachment 3)
5. The ETWE report was provided to the delegate noting the non-compliance but with a recommendation that the supplier proceed as they were 'compliant with the Act from a practical perspective'. This was approved by the delegate on 16 May 2023. (Attachment 4)
6. It is not clear from the documents currently available relating to the process if Belgravia undertook the remedial action to have their business removed from the WGEA non compliance register meaning they were now legally compliant as opposed to 'practically' compliant.

What we are doing:

1. A Probity Audit of the procurement process is being organised to assess the whole procurement process including whether the non-compliance would have been better dealt with at the conformance check stage and if a separate delegate decision should have been made prior to the ETWE assessment occurring, and to confirm if the actions were consistent with the conditions of tender issued with the procurement.
2. A procurement to the Consulting and Professional Services Panel will be issued this week to engage a suitably qualified contractor to undertake the audit.
3. Some records relating to the procurement process steps and decision making have not been filed centrally and are not available to inform any initial views. As record gaps are being identified through the initial review they are being rectified where possible. All records are being organised and transferred to TRIM in preparation of having a complete package by the time we engage the Probity Auditor.

Kind regards,

Kyla Kerkow (she/her) | a/g Executive Branch Manager

ACT Property Group

Phone: 02 6207 6209 | Mobile: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: FOR Approval: Procurement Probity Audit
Date: Wednesday, 11 October 2023 1:28:00 PM
Attachments: [PICM0002455 - Procurement Plan Minute - Final.docx](#)
[Attachment 1 PICM0002455 Statement of Requirements.docx](#)
[PICM0002455 Supplier Response Form.docx](#)
[Attachment 2 PICM0002455 Simple Risk Assessment Checklist.docx](#)

OFFICIAL

Hi Josh,

Attached is the procurement plan, RFQ/ SOR and supplier response template and the procurement risk assessment for your review and approval for the probity audit of the pools procurement.

The procurement will be from the Probity category on the Consulting and Professional Services WhoG Panel. There are 6 suppliers in that category, one of which provided probity advice during the process (O'Connor Marsden) who will not be approached.

Quotes are proposed to be sought from the remaining 5 suppliers

- Proximity
- Callida Consulting [Aboriginal and Torres Strait Islander Enterprise]
- Axiom Associates (Aust) Pty Ltd
- Bellchambers Barrett Consulting
- Charterpoint Pty Ltd

Once you approve the RFQ will be published through Vendor Panel to the selected suppliers with a 7-10 day response timeframe (depending on when you approve) so that we can try and have the contract in place by Monday 30 October 23.

Let me know if you have any questions.

Kyla Kerkow (she/her) | Senior Director

Secure Local Jobs Code Branch

Phone: 02 6207 6209 | Moblie: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

October	November	December
13	10	8
21	24	

From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: RE: extract from the Tender Terms and Conditions
Date: Wednesday, 11 October 2023 11:23:43 AM
Attachments: [image001.png](#)
[Non-compliance list check.msg](#)

OFFICIAL

The non-compliance list is currently not publicly available so I haven't been able to confirm (<https://www.wgea.gov.au/what-we-do/compliance-reporting/non-compliant-list>). I put a request into WGEA yesterday (attached) to try and confirm and have not had an answer as yet. Though the evaluation team verbally advised that they believed it had been removed from the non-compliance list following the prompt from the notice to show cause.

Kyla Kerkow (she/her) | Senior Director

Secure Local Jobs Code Branch

Phone: 02 6207 6209 | Mobile: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

October	November	December
13 21	10 24	8

From: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Sent: Wednesday, October 11, 2023 11:07 AM
To: Kerkow, Kyla <Kyla.Kerkow@act.gov.au>
Subject: FW: extract from the Tender Terms and Conditions

OFFICIAL

Hi

Can you please confirm this for me?

Happy to discuss

Josh Rynehart (He/Him) | A/g EGM Property and Government Insourcing
Secure Local Jobs Code Registrar

Phone: +61 2 6205 3740

Office of Industrial Relations and Workforce Strategy | Property and Government Insourcing | Chief Minister, Treasury and Economic Development Directorate | ACT Government

www.act.gov.au



From: McKinnon, Margaret <Margaret.McKinnon@act.gov.au>
Sent: Wednesday, October 11, 2023 10:29 AM
To: Rynehart, Josh <Josh.Rynehart@act.gov.au>
Cc: Johnston, Fiona <Fiona.Johnston@act.gov.au>; Prowse, Fay <Fay.Prowse@act.gov.au>
Subject: RE: extract from the Tender Terms and Conditions

OFFICIAL

Josh

So if you can confirm whether there is a WEGA in place when we contracted with them...and any other information by cob today = then I have ketchup with HoS tomorrow and can update her. If you reply to this email then I can just get Fiona to save it. Marg

OFFICIAL
FFICIAL

Hi Josh,

This is the wording that went out with the tender in the standard tender terms and conditions regarding the WGEA requirement and also the non-compliance process:

Workplace Gender Equality Act 2012

A Respondent must comply with their obligations under the *Workplace Gender Equality Act 2012 (Cth)* and must not enter any subcontracting arrangements with a Subcontractor named by the Workplace Gender Equality Agency as an employer currently not complying with the *Workplace Gender Equality Act 2012 (Cth)*.

The Respondent must disclose if a Respondent, Subcontractor, or any other party is currently named as non-compliant under the *Workplace Gender Equality Act 2012 (Cth)*. In this case, the Respondent will be required to obtain a letter of compliance from the Workplace Gender Equality Agency to be eligible for Territory business. The letter of compliance may be attached to a Response or provided separately prior to the Closing Time.

The Territory will not enter into an agreement with a Respondent not complying with the *Workplace Gender Equality Act 2012 (Cth)* and named by the Workplace Gender Equality Agency (<http://www.wgea.gov.au/non-compliant-list>)

Non-Compliant Responses

A Response may be deemed to be non-compliant if it is:

- (a) at variance with, or does not respond to, or does not fully comply with any requirement of the ATM; or
- (b) incomplete, cannot be read or decrypted; or

(c) potentially contains any virus, malicious code, or anything else that might compromise the integrity or security of Tenders ACT and/or the Territory's ICT environment.

The Territory may at its absolute discretion, in respect of a Response that is non-compliant or which has been deemed by the Territory to be non-compliant having regard to the Terms and Conditions:

(a) reject and not further consider the Response; or

(b) if it is possible to correct the non-compliance without affecting the probity of the ATM process, permit the Respondent to do so; or

(c) accept the non-compliance.

Kind regards,

Kyla Kerkow (she/her) | a/g Executive Branch Manager

ACT Property Group

Phone: 02 6207 6209 | Moblie: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

From: [Kerkow, Kyla](#)
To: [Rynehart, Josh](#)
Subject: FW: Non-compliance list check [SEC=OFFICIAL] [ref:!00D5K08acG.!500Mq06BMmX:ref]
Date: Monday, 16 October 2023 3:13:30 PM

OFFICIAL

FYI

Kyla Kerkow (she/her) | Senior Director

Secure Local Jobs Code Branch

Phone: 02 6207 6209 | Moblie: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

October	November	December
13 21	10 24	8

From: WGEA Support Inbox <support@wgea.gov.au>
Sent: Monday, October 16, 2023 3:13 PM
To: Kerkow, Kyla <Kyla.Kerkow@act.gov.au>
Subject: RE: Non-compliance list check [SEC=OFFICIAL] [ref:!00D5K08acG.!500Mq06BMmX:ref]

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)



OFFICIAL

RE: Case 00344819

Hi Kyla,

Thank you for your enquiry.

I can confirm that the Trustee for Belgravia Leisure Unit Trust (ABN 18118940063) is **Compliant**.

The new non-compliance list is expected to be published on the WGEA website in the first week of November.

Please let me know if you need anything further.

Kind regards,

Ciaron Kelly
Reporting Programs Adviser

Workplace Gender Equality Agency
Level 7, 309 Kent Street, Sydney, NSW, 2000
T 1800 730 233 | www.wgea.gov.au



----- Original Message -----

From: Kerkow, Kyla [kyla.kerkow@act.gov.au]

Sent: 10/10/2023, 3:17 pm

To: support@wgea.gov.au

Subject: Non-compliance list check

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Hi WGEA support team,

Can you please advise if the Trustee for Belgravia Leisure Unit Trust ABN: 18 118 940 063 is on the current non-compliance list?

Can you also advise when you anticipate the non-compliance list will be available on the website again?

Kind regards,

**Kyla Kerkow (she/her) | Senior Director
Secure Local Jobs Code Branch**

Phone: 02 6207 6209 | Mobile: 0448 711 666 | Email: kyla.kerkow@act.gov.au

Office of Industrial Relations and Workforce Strategy | Chief Minister, Treasury and Economic Development Directorate | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 777 Fyshwick ACT 2601 | act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

I work a 9 day fortnight. I will not be available on the following Friday's in 2023:

September	October	November	December
1	13	10	8
15	21	24	
29			

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

ref:!00D5K08acG.!500Mq06BMmX:ref

PICM0002455 for provision of Procurement Probity Audit Services.

1. BACKGROUND

On 12 October 2023, ACT Government issued for the above services.

The RFQ was issued via vendor panel to five suppliers:

1. Schedule 2.2(a)xi [REDACTED]
2. Schedule 2.2(a)xi [REDACTED]
3. Charterpoint Pty Ltd
4. Schedule 2.2(a)xi [REDACTED]
5. Schedule 2.2(a)xi [REDACTED]

At the RFQ Closing Time on the 23 October 2023 two responses had been received as follows:

Charterpoint Pty Ltd, (ABN 17160453994)

[REDACTED]
Schedule 2.2(a)xi

The *Territory Standard Short Form Contract* will be used to enter into an arrangement with the Preferred Supplier.

2. COMPLIANCE

The procurement was conducted in accordance with the *Government Procurement Act 2001 (ACT)*, *Government Procurement Regulation 2007*, and relevant Territory procurement policies.

The quotation and tender thresholds did not apply as a standing offer arrangement (Professional and Consulting Services Panel) was used.

3. EVALUATION METHODOLOGY

Responses were evaluated against the requirements stated in the RFQ to determine the best value for money outcome for ACT Government.

The criteria for evaluation were the:

- Ability to deliver the required services;
- Compliance with relevant standards;
- Compliance with security and WHS requirements;
- Proposed methodology for the delivery of the requirements/ key deliverables;
- Meetings and reporting proposal;
- Specified Personnel/ Subcontracts;
- Overall risk; and
- Price.

This RFQ has not specified any **Threshold Criteria**.

The Evaluation Team consisted of:

Name	Position Title	Role
------	----------------	------

Kyla Kerkow	Senior Director, SLJC	Evaluation Chair
Natasha Newman	a/g Director, ACTPG	Evaluation Team Member
Julijana Desa	Director, SLJC	Evaluation Team Member

4. FINDINGS OF THE EVALUATION TEAM

Of the two responses received, all responses were compliant with the RFQ terms and the Territory Standard Terms of Quotation. A summary of compliance provided below:

Charterpoint Pty Ltd, , ABN 17160453994	Compliant
Schedule 2.2(a)xi	Compliant

The respondents were not on the Workplace Gender Equality Agency Non-compliance list as both suppliers do not meet the requirements to report under the Act as they have less than 100 employees (see [Attachment 1](#)).

Both suppliers tendered rates were at or below with the capped panel rates.

Compliant responses were assessed by the Evaluation Team against each of the evaluation criteria for each supplier.

The assessment was then considered in a comparative manner to determine which supplier's Response represented the best value for money and to establish the Preferred Supplier. The outcome of the comparative assessment is documented in the Group Evaluation Assessment at [Appendix 1](#).

The Evaluation Team found that the response from Charterpoint Pty Ltd, (ABN 17160453994) represents the best value for money for the Territory.

The response provided by Charterpoint Pty Ltd best demonstrated an understanding of the Territory's requirements, they have demonstrated experience delivering similar work including in the ACT Government context and offered key personnel with relevant qualifications and experience. Despite being the more expensive of the two quotes, this price is reflective of the additional personnel allocated to deliver the work which is considered a sound risk mitigation strategy given the tight delivery timeframes, and the price is also driven by significant 'Level 5' personnel time allocation to the work, providing robust oversight and expertise for the sensitive nature of the work.

5. RECOMMENDATION

The Evaluation Team recommends that a Contract be entered into with Charterpoint Pty Ltd, (ABN 17160453994).

The proposed Contract will commence on **1-Nov-23 to 31-Dec-23**, with a contract extension option of 2 x one-month periods. The total cost for the contract term is **\$56,100 (inclusive of GST)**.

Approval to exercise any contract extension will be sought prior to extending the arrangement.

Name	Role	Signature	Date
------	------	-----------	------

Attachment A Evaluation Report

Kyla Kerkow	Evaluation Chair	Schedule 2.2(a)ii	31/10/23
Natasha Newman	Evaluation Team Member	Schedule 2.2(a)ii	31/10/2023
Julijana Desa	Evaluation Team Member	Schedule 2.2(a)ii	31/10/23

Work Order Number PICM0002455 – Issued Under THE PROFESSIONAL SERVICES PANEL DEED 2019.29912.21018.

General

1	Work Order Number <i>See clause 1.1 of the Deed definition of "Invoice".</i>	PICM0002455
2	Requesting Directorate <i>See clauses 1.1 and 3.7 of the Deed.</i>	the Australian Capital Territory as represented by the Chief Minister, Treasury & Economic Development Directorate
3	Service Provider name	Charterpoint Pty Ltd ABN: 17160453994
4	Contract Term <i>See clauses 1.1 and 2.2 of the Deed.</i>	From 2 November 2023 until 31 December 2023
5	Extension Period <i>See clause 2.2 of the Deed.</i>	The term of this Work Order may be extended for up to two additional periods of one month by the written agreement of the parties, prior to the Work Order expiration date. The maximum term of this contract is 4 months.
6	Directorate Contact Officer <i>See clauses 1.1, 4.1(3), and 16.10 of the Deed.</i>	Natasha Newman 255 Canberra Avenue, Fyshwick Natasha.newman@act.gov.au
7	Service Provider Contact Officer <i>See clauses 1.1, and 16.10 of the Deed.</i>	Irmagard van Rensburg - Principal 1/169 Newcastle St, Fyshwick 2609 PO Box 3071 Manuka ACT 2603 irmagard.vanrensburg@charterpoint.com.au 02 6162 3474

Services

8	Category of Services <i>See clause 1.1 of the Deed.</i>	<input type="checkbox"/> Acturial Services <input type="checkbox"/> Economic Services
----------	---	---

		<input type="checkbox"/> Finance & Accounting Services <input type="checkbox"/> Human Resources <input type="checkbox"/> Policy Services <input type="checkbox"/> Procurement Services <input checked="" type="checkbox"/> Risk and Audit Services <input type="checkbox"/> Strategic Business Advice <input type="checkbox"/> General Consulting
<p>9</p>	<p>Services <i>See clauses 1.1 and 4 of the Deed.</i></p>	<p>The Service Provider must provide the Services as follows.</p> <p>Provide probity audit services to review an entire procurement process from planning through to contract execution to verify whether the processes undertaken were consistent with legal requirements, the ACT Government Procurement Framework, and better practice.</p> <p>The probity auditor will need to provide independent assurance about the conduct of a procurement activity and provide a comprehensive findings report, including any corrective action or observations.</p> <p>Review of Procurement Planning:</p> <ul style="list-style-type: none"> • Assess the initial planning phase to ensure it aligns with the ACT Government Procurement Framework. • Verify that proper needs analysis and risk assessments were conducted. • Evaluate the development of the procurement strategy, including market analysis and procurement documentation. <p>Evaluation of Procurement Process:</p> <ul style="list-style-type: none"> • Review the procurement process to ensure it adheres to legal requirements, probity and best practices. • Examine the procurement documentation, including the Request for Proposal (RFP), evaluation criteria, and scoring methodology. • Verify that the evaluation and selection of suppliers were fair, transparent, and objective and in accordance with the evaluation plan. • Ensure that conflicts of interest were identified and appropriately managed throughout the process. • Examine any negotiations or discussions with suppliers and ensure they were conducted ethically and in compliance with procurement rules. <p>Contract Execution:</p> <ul style="list-style-type: none"> • Review the contract award process, including the formation and execution of the contract.

		<ul style="list-style-type: none"> • Verify that contractual terms and conditions align with the procurement process and the ACT Government Procurement Framework. • Assess whether there were any deviations from the original procurement plan and if they were properly documented and justified. <p>Compliance with Legal Requirements:</p> <ul style="list-style-type: none"> • Ensure that the entire procurement process complies with relevant local and national laws, regulations, and policies. • Verify that the procurement process adheres to any specific legislative requirements for government procurement. <p>Observations and Corrective Actions:</p> <ul style="list-style-type: none"> • Identify any shortcomings, deviations, or areas where the procurement process could be improved. • Recommend corrective actions or improvements to enhance the probity and effectiveness of future procurement activities. <p>Independent Assurance:</p> <p>Provide independent assurance to the Territory that the procurement process was conducted with integrity, transparency, and in accordance with established rules and guidelines.</p> <p>Confidentiality and Integrity:</p> <p>Maintain the highest standards of confidentiality and integrity throughout the audit process.</p>
--	--	--

		<p>Audit Report</p> <p>The service provider must deliver a comprehensive findings report, which must provide a detailed assessment of the entire procurement process. This report must include the following sections at a minimum:</p> <ul style="list-style-type: none"> • Executive Summary: A concise summary of the audit's key findings, highlighting major observations and recommendations. • Introduction: An overview of the audit's purpose, scope, and methodology. • Audit Findings: Detailed findings related to the various aspects of the procurement process, including planning, process evaluation, and contract execution. This section should provide a clear assessment of compliance, transparency, and ethical conduct. • Observations and Recommendations: Specific observations about areas where the procurement process can be improved, along with recommendations for corrective actions or enhancements. Recommendations should be actionable and practical. • Conclusion: A summary of the overall assessment and the probity auditor's opinion on the integrity and compliance of the procurement process. • Appendices: Supporting documents, evidence, and additional information that may be relevant to the audit findings. • Final Presentation: The probity auditor may be required to present the findings and recommendations to the relevant stakeholders, such as the procurement team, management, or government officials. The presentation should provide a clear overview of the audit's results and highlight key takeaways. 										
<p>10</p>	<p>Timeframes See clause 4.1(2)(d) of the Deed.</p>	<table border="1"> <thead> <tr> <th data-bbox="555 1249 738 1350">Item Number</th> <th data-bbox="738 1249 1484 1350">Timeframe required</th> </tr> </thead> <tbody> <tr> <td data-bbox="555 1350 738 1451">Initial Start-up meeting</td> <td data-bbox="738 1350 1484 1451">Within 3 days of contract execution.</td> </tr> <tr> <td data-bbox="555 1451 738 1574">Draft Final Report</td> <td data-bbox="738 1451 1484 1574">By 11 December 2023</td> </tr> <tr> <td data-bbox="555 1574 738 1697">Presentation</td> <td data-bbox="738 1574 1484 1697">By 18 December 2023</td> </tr> <tr> <td data-bbox="555 1697 738 1816">Final Report</td> <td data-bbox="738 1697 1484 1816">By 31 December 2023</td> </tr> </tbody> </table>	Item Number	Timeframe required	Initial Start-up meeting	Within 3 days of contract execution.	Draft Final Report	By 11 December 2023	Presentation	By 18 December 2023	Final Report	By 31 December 2023
Item Number	Timeframe required											
Initial Start-up meeting	Within 3 days of contract execution.											
Draft Final Report	By 11 December 2023											
Presentation	By 18 December 2023											
Final Report	By 31 December 2023											
<p>11</p>	<p>Service Levels/performance management See clause 4.1(2)(c) and (f) of the Deed.</p>	<p>Nil.</p>										

12	Reporting requirements <i>See clause 4 of the Deed.</i>	Report Type Probity Audit Findings Report - Draft Probity Audit Findings Report - Final	Detailed Description (including the format: excel, word, PDF, or other) Comprehensive findings report in Word format to allow for comments. Finalised findings report in PDF format.	Indicative date for delivery No later than 11 December 2023 Within 2 weeks of receiving Territory comments
13	Standards/ Requirements / Qualifications <i>See clause 4.1(2) (f) of the Deed.</i>	Refer to the standards set out the Deed. No additional standards, practice or guidelines, requirements or qualifications apply.		
14	Transition and implementation <i>See clause 4 of the Deed.</i>	Nil.		
15	Specified Personnel <i>See clause 7 of the Deed.</i>	Name Dr Irmagard van Rensburg Daniel Watts Dimpy Gupta Girika Vashist	Role Engagement Partner Probity Specialist Audit Manager Audit Team Member	Level Classification Level 5 Level 5 Level 4 Level 3
16	Subcontractors <i>See clauses 7 and 16.4 of the Deed.</i>	Nil.		

Insurance and Liability

17	Insurance <i>See clause 11.1(4) of the Deed.</i>	As per clause 11.1 of the Deed.
18	Monetary cap on liability <i>See clause 12.2(2) of the Deed.</i>	In accordance with the Service Provider's Civil Law Act Liability Scheme.

Use of Material

19	Territory Information <i>See clauses 1.1 and 8 of the Deed.</i>	The service provider will be provided with: <ul style="list-style-type: none"> • Procurement Documentation: All relevant procurement documentation, including the Request for Proposal (RFP), procurement strategy, evaluation criteria, and any amendments or addenda to these documents. • Procurement Process Timeline:
-----------	---	---

		<p>Timeline of the entire procurement process, including key milestones, dates, and stages from planning through to contract execution.</p> <ul style="list-style-type: none"> • Legal and Regulatory Framework: Information about the legal and regulatory framework governing government procurement. This includes any specific laws, regulations, policies, or guidelines that must be followed. • Government Procurement Framework: Details of the ACT Government Procurement Framework and any specific requirements or principles it prescribes.
--	--	---

Other

20	<p>Confidential Text <i>See clauses 1.1 and 10 of the Deed.</i></p>	Nil.
21	<p>Grounds for Confidential Text <i>See clauses 1.1 and 10 of the Deed.</i></p>	Not used.
22	<p>Conflict of Interest <i>See clause 16.2 of the Deed.</i></p>	Nil reported.

Contract Price

23	<p>Contract Price <i>See clauses 1.1 and 5 of the Deed.</i></p>	The Contract Price for the Services under this Contract is the lump sum amount of \$51,600 (GST inclusive).
24	<p>Schedule of Rates</p>	Not used.
25	<p>Disbursements <i>See clause 5.1(2) of the Deed.</i></p>	Nil.
26	<p>Invoicing arrangements <i>See clauses 1.1 and 5.1(1) of the Deed.</i></p>	<p>Unless otherwise notified, correctly rendered invoices are required to be sent electronically by email to:</p> <p>Propertyactfinance@act.gov.au</p> <p>And within 28 working days after completion of the relevant works (or as otherwise notified)</p>

		The Contract Price is payable as a lump sum. The Service Provider may submit an Invoice for the Contract Price upon delivery of the final deliverable and completion of the Services.
--	--	---

Local Industry Participation

27	Economic Contribution Test	Not used (contract less than \$200,000).
----	----------------------------	--

Special Conditions

28	Not used.	
----	-----------	--

Service Provider:

Name: _____ **Signature:** _____ **Date:** _____
Position: _____ **Ph:** _____ **Email:** _____

Name: _____ **Signature:** _____ **Date:** _____
Position: _____ **Ph:** _____ **Email:** _____

If the Service Provider is selected as the preferred Service Provider to provide the Services, the Service Provider may not commence this work until this form has been signed by the Territory’s approving delegate and returned to the Service Provider, at which stage the Work Order becomes a final Work Order and, together with the Deed and any applicable Category Terms, forms the parties’ contract for the Services.

Territory’s approving delegate:

Name: _____ **Signature:** _____ **Date:** _____
Position: _____ **Ph:** _____ **Email:** _____

Work Order Number PICM0002455 – Issued Under THE PROFESSIONAL SERVICES PANEL DEED 2019.29912.21018.

General

1	Work Order Number <i>See clause 1.1 of the Deed definition of "Invoice".</i>	PICM0002455
2	Requesting Directorate <i>See clauses 1.1 and 3.7 of the Deed.</i>	the Australian Capital Territory as represented by the Chief Minister, Treasury & Economic Development Directorate
3	Service Provider name	Charterpoint Pty Ltd ABN: 17160453994
4	Contract Term <i>See clauses 1.1 and 2.2 of the Deed.</i>	From 2 November 2023 until 31 December 2023
5	Extension Period <i>See clause 2.2 of the Deed.</i>	The term of this Work Order may be extended for up to two additional periods of one month by the written agreement of the parties, prior to the Work Order expiration date. The maximum term of this contract is 4 months.
6	Directorate Contact Officer <i>See clauses 1.1, 4.1(3), and 16.10 of the Deed.</i>	Natasha Newman 255 Canberra Avenue, Fyshwick Natasha.newman@act.gov.au
7	Service Provider Contact Officer <i>See clauses 1.1, and 16.10 of the Deed.</i>	Irmagard van Rensburg - Principal 1/169 Newcastle St, Fyshwick 2609 PO Box 3071 Manuka ACT 2603 irmagard.vanrensburg@charterpoint.com.au 02 6162 3474

Services

8	Category of Services <i>See clause 1.1 of the Deed.</i>	<input type="checkbox"/> Acturial Services <input type="checkbox"/> Economic Services
----------	---	---

		<input type="checkbox"/> Finance & Accounting Services <input type="checkbox"/> Human Resources <input type="checkbox"/> Policy Services <input type="checkbox"/> Procurement Services <input checked="" type="checkbox"/> Risk and Audit Services <input type="checkbox"/> Strategic Business Advice <input type="checkbox"/> General Consulting
9	Services <i>See clauses 1.1 and 4 of the Deed.</i>	<p>The Service Provider must provide the Services as follows.</p> <p>Provide probity audit services to review an entire procurement process from planning through to contract execution to verify whether the processes undertaken were consistent with legal requirements, the ACT Government Procurement Framework, and better practice.</p> <p>The probity auditor will need to provide independent assurance about the conduct of a procurement activity and provide a comprehensive findings report, including any corrective action or observations.</p> <p>Review of Procurement Planning:</p> <ul style="list-style-type: none"> • Assess the initial planning phase to ensure it aligns with the ACT Government Procurement Framework. • Verify that proper needs analysis and risk assessments were conducted. • Evaluate the development of the procurement strategy, including market analysis and procurement documentation. <p>Evaluation of Procurement Process:</p> <ul style="list-style-type: none"> • Review the procurement process to ensure it adheres to legal requirements, probity and best practices. • Examine the procurement documentation, including the Request for Proposal (RFP), evaluation criteria, and scoring methodology. • Verify that the evaluation and selection of suppliers were fair, transparent, and objective and in accordance with the evaluation plan. • Ensure that conflicts of interest were identified and appropriately managed throughout the process. • Examine any negotiations or discussions with suppliers and ensure they were conducted ethically and in compliance with procurement rules. <p>Contract Execution:</p> <ul style="list-style-type: none"> • Review the contract award process, including the formation and execution of the contract. • Verify that contractual terms and conditions align with the procurement process and the ACT Government Procurement Framework.

		<ul style="list-style-type: none"> • Assess whether there were any deviations from the original procurement plan and if they were properly documented and justified. <p>Compliance with Legal Requirements:</p> <ul style="list-style-type: none"> • Ensure that the entire procurement process complies with relevant local and national laws, regulations, and policies. • Verify that the procurement process adheres to any specific legislative requirements for government procurement. <p>Observations and Corrective Actions:</p> <ul style="list-style-type: none"> • Identify any shortcomings, deviations, or areas where the procurement process could be improved. • Recommend corrective actions or improvements to enhance the probity and effectiveness of future procurement activities. <p>Independent Assurance:</p> <p>Provide independent assurance to the Territory that the procurement process was conducted with integrity, transparency, and in accordance with established rules and guidelines.</p> <p>Confidentiality and Integrity:</p> <p>Maintain the highest standards of confidentiality and integrity throughout the audit process.</p> <p>Audit Report</p> <p>The service provider must deliver a comprehensive findings report, which must provide a detailed assessment of the entire procurement process. This report must include the following sections at a minimum:</p> <ul style="list-style-type: none"> • Executive Summary: A concise summary of the audit's key findings, highlighting major observations and recommendations. • Introduction: An overview of the audit's purpose, scope, and methodology. • Audit Findings: Detailed findings related to the various aspects of the procurement process, including planning, process evaluation, and contract execution. This section should provide a clear assessment of compliance, transparency, and ethical conduct. • Observations and Recommendations: Specific observations about areas where the procurement process can be improved, along with recommendations for corrective actions or enhancements. Recommendations should be actionable and practical. • Conclusion: A summary of the overall assessment and the probity auditor's opinion on the integrity and compliance of the procurement process. • Appendices: Supporting documents, evidence, and additional information that may be relevant to the audit findings. • Final Presentation: The probity auditor may be required to
--	--	--

		present the findings and recommendations to the relevant stakeholders, such as the procurement team, management, or government officials. The presentation should provide a clear overview of the audit's results and highlight key takeaways.																						
10	Timeframes <i>See clause 4.1(2)(d) of the Deed.</i>	<table border="1"> <thead> <tr> <th>Item Number</th> <th colspan="3">Timeframe required</th> </tr> </thead> <tbody> <tr> <td>Initial Start-up meeting</td> <td colspan="3">Within 3 business days of contract execution.</td> </tr> <tr> <td>Draft Final Report</td> <td colspan="3">By 11 December 2023</td> </tr> <tr> <td>Presentation</td> <td colspan="3">By 18 December 2023</td> </tr> <tr> <td>Final Report</td> <td colspan="3">By 31 December 2023</td> </tr> </tbody> </table>			Item Number	Timeframe required			Initial Start-up meeting	Within 3 business days of contract execution.			Draft Final Report	By 11 December 2023			Presentation	By 18 December 2023			Final Report	By 31 December 2023		
		Item Number	Timeframe required																					
		Initial Start-up meeting	Within 3 business days of contract execution.																					
		Draft Final Report	By 11 December 2023																					
		Presentation	By 18 December 2023																					
Final Report	By 31 December 2023																							
11	Service Levels/performance management <i>See clause 4.1(2)(c) and (f) of the Deed.</i>	Nil.																						
12	Reporting requirements <i>See clause 4 of the Deed.</i>	Report Type	Detailed Description (including the format: excel, word, PDF, or other)	Indicative date for delivery																				
		Probity Audit Findings Report - Draft	Comprehensive findings report in Word format to allow for comments.	No later than 11 December 2023																				
		Probity Audit Findings Report - Final	Finalised findings report in PDF format.	Within 2 weeks of receiving Territory comments																				
13	Standards/ Requirements / Qualifications <i>See clause 4.1(2) (f) of the Deed.</i>	Refer to the standards set out the Deed. No additional standards, practice or guidelines, requirements or qualifications apply.																						
14	Transition and implementation <i>See clause 4 of the Deed.</i>	Nil.																						
15	Specified Personnel <i>See clause 7 of the Deed.</i>	<table border="1"> <thead> <tr> <th>Name</th> <th>Role</th> <th>Level Classification</th> </tr> </thead> <tbody> <tr> <td>Dr Irmagard van Rensburg</td> <td>Engagement Partner</td> <td>Level 5</td> </tr> <tr> <td>Daniel Watts</td> <td>Probity Specialist</td> <td>Level 5</td> </tr> <tr> <td>Dimpy Gupta</td> <td>Audit Manager</td> <td>Level 4</td> </tr> </tbody> </table>			Name	Role	Level Classification	Dr Irmagard van Rensburg	Engagement Partner	Level 5	Daniel Watts	Probity Specialist	Level 5	Dimpy Gupta	Audit Manager	Level 4								
		Name	Role	Level Classification																				
		Dr Irmagard van Rensburg	Engagement Partner	Level 5																				
		Daniel Watts	Probity Specialist	Level 5																				
Dimpy Gupta	Audit Manager	Level 4																						

		Girika Vashist	Audit Team Member	Level 3
16	Subcontractors <i>See clauses 7 and 16.4 of the Deed.</i>	Nil.		

Insurance and Liability

17	Insurance <i>See clause 11.1(4) of the Deed.</i>	As per clause 11.1 of the Deed.
18	Monetary cap on liability <i>See clause 12.2(2) of the Deed.</i>	In accordance with the Service Provider's Civil Law Act Liability Scheme.

Use of Material

19	Territory Information <i>See clauses 1.1 and 8 of the Deed.</i>	<p>The service provider will be provided with:</p> <ul style="list-style-type: none"> • Procurement Documentation: All relevant procurement documentation, including the Request for Proposal (RFP), procurement strategy, evaluation criteria, and any amendments or addenda to these documents. • Procurement Process Timeline: Timeline of the entire procurement process, including key milestones, dates, and stages from planning through to contract execution. • Legal and Regulatory Framework: Information about the legal and regulatory framework governing government procurement. This includes any specific laws, regulations, policies, or guidelines that must be followed. • Government Procurement Framework: Details of the ACT Government Procurement Framework and any specific requirements or principles it prescribes.
----	---	---

Other

20	Confidential Text <i>See clauses 1.1 and 10 of the Deed.</i>	Nil.
----	--	------

21	Grounds for Confidential Text <i>See clauses 1.1 and 10 of the Deed.</i>	Not used.
22	Conflict of Interest <i>See clause 16.2 of the Deed.</i>	Nil reported.

Contract Price

23	Contract Price <i>See clauses 1.1 and 5 of the Deed.</i>	The Contract Price for the Services under this Contract is the lump sum amount of \$51,600 (GST inclusive).
24	Schedule of Rates	Not used.
25	Disbursements <i>See clause 5.1(2) of the Deed.</i>	Nil.
26	Invoicing arrangements <i>See clauses 1.1 and 5.1(1) of the Deed.</i>	<p>Unless otherwise notified, correctly rendered invoices are required to be sent electronically by email to:</p> <p>Propertyactfinance@act.gov.au</p> <p>And within 28 working days after completion of the relevant works (or as otherwise notified)</p> <p>The Contract Price is payable as a lump sum. The Service Provider may submit an Invoice for the Contract Price upon delivery of the final deliverable and completion of the Services.</p>

Local Industry Participation

27	Economic Contribution Test	Not used (contract less than \$200,000).
-----------	-----------------------------------	--

Special Conditions

28	Not used.
-----------	-----------

