

# AUSTRALIAN GOVERNMENT IN-HOUSE COUNSEL WEBINAR SERIES 2022

Professional Development and Networking for  
the In-House Legal Community

## **Session 2 - Prickly procurement issues**

Practical Issues in Procurement and Probity

Presented by Scott Alden, Partner and Brian Ambler, Partner

Wednesday, 2 March 2022

## Acknowledgement of Country

In the spirit of reconciliation, HWL Ebsworth Lawyers 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.

## Prickly Probity

- The unopened tender – breach of implied term
- The late tender and the oversharer – breach of process contract
- The undisclosed job offer – conflict of interest
- The value of a platypus' life? – sustainable procurement
- Carpooling at site visits and bias perceptions – conflict of interest
- Late Tenders and errors in RFT – CPR breach
- Gifts and Benefits / Interest in Outcome – conflict of interest

## Prickly Probity

- The director of both – conflict of interest
- The involved consultant – bias, level playing field
- The wrong email addressee – care on communications
- The unwanted gift – perceptions and formal process
- The big day out – perceived conflict of interest
- The wrong criteria – pressure on evaluation team
- We didn't really mean mandatory – following RFT statements

## Questions

*Should you have any probity queries, please contact:*



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