

AUSTRALIAN GOVERNMENT PROCUREMENT SERIES 2023

PART 8: PRICKLY ISSUES IN PROCUREMENT

PRESENTED BY
SCOTT ALDEN | PARTNER

15 NOVEMBER 2023

Acknowledgement of Country

HWL Ebsworth would like to acknowledge the Traditional Custodians of the land on which we are today. We would also like to pay our respects to Elders past and present.

THE 2023 PROCUREMENT SEMINAR SERIES

Part 1: Planning for a Perfect Procurement... Setting Up For Success – Wednesday, 09 August 2023

Part 2: Probity in Procurement – Wednesday, 23 August 2023

Part 3: Current Issues and Updates in procurement – NACC, Unsolicited Proposals and ECI Processes– Wednesday 6 September 2023

Part 4: Key Learnings from the ANAO Reports – Tuesday 19 September 2023

Part 5: Legal Issues and Updates in Procurement – GPJR and the Process Contract – Wednesday 4 October 2023

Part 6: The Art of Tender Assessment and Achieving VFM – 17 October 2023

Part 7: Managing your Procurement – 1 November 2023

Part 8: Prickly Issues in Procurement – 15 November 2023

Part 9: The Cth Contracting Suite and Cth Procurement Policies – 29 November 2023

To find out more about the additional seminars in our Procurement Seminar Series, and to register to attend, please contact Katarina Szivek on kszivek@hwle.com.au

OVERVIEW

What is Procurement

Commonwealth Procurement Framework

What can we buy / procure

How does the need arise

What are we actually buying

How can we buy it

How should we buy it (the Procurement Strategy)

What agreement should we use (the Contract Strategy)

CASE STUDIES

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

CASE STUDIES



I haven't read the tenders... What now?



This looks too cheap – is it too good to be true?



The tenderer I wanted was late – what can I do?



The Contract is about to expire – can I extend?

CASE STUDIES



The involved consultant – bias, level playing field



The wrong email addressee – care on communications



The unwanted gift – perceptions and formal process



Mandatory pre-tender briefing

CASE STUDIES

The wrong criteria – pressure on evaluation team

Post tender briefing – indefensible score – what now

They won – but we didn't really want them to...

QUESTIONS?



CONTACT



SCOTT ALDEN
PARTNER, SYDNEY

T +61 2 9334 8418
E salden@hwle.com.au

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The logo for HwL EBSWORTH LAWYERS is centered on a white horizontal band. The letters 'HWL' are in a light green color, while 'EBSWORTH' and 'LAWYERS' are in a dark grey color. The 'L' in 'HWL' is significantly larger than the other letters. The background of the page features abstract geometric shapes in various shades of blue and dark blue.

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