

HANDLING TENDERS**Introduction**

This Appendix outlines the procedure to be followed to ensure that staff in business units within the Department have no greater access to tender information than the general public (irrespective of whether an in-house tender has been submitted), except where a legitimate requirement exists such as carrying out the tender evaluation. The term "tenders" includes tenders, expressions of interest, proposal, quotes, bids and the like.

Safeguarding and Keeping Confidential Tendered Information

Arrangements to safeguard security and confidentiality with tender processes where no in-house tender has been submitted should not be any less than those where an internal tender has been submitted. In both cases only those that need to have access to tenders in the process should have this access.

It is the responsibility of the tender evaluating officers, and others given legitimate access to tenders, to protect the security and confidentiality of all tenders and tender information in their possession, and to ensure all documents are filed correctly or returned to be filed.

The following guidelines apply for tender processes relating to consultancy services, capital works, and general goods and services contracts, for staff involved in calling, assessing or otherwise handling tender information.

- During tender evaluation, tenders should be secured and not accessible when the tender evaluating officers are not at their desks or workstations.
For example: tenders should be locked in a drawer or cupboard or the work place should be secured so access is restricted only to authorised staff.
- When tender evaluation is completed, unsuccessful tenders should be placed on a file marked 'Commercial-in-Confidence – Restricted', and secured so access is restricted only to authorised staff.

Access to the file containing the unsuccessful tenders should be restricted for a period to suit record management requirements, say 5 years. This should be stipulated on the front of the file. In the McKell Building, the files are sent to the Records Section. Access to unsuccessful tender submissions is restricted to staff authorised by the senior officers in the business unit involved.

Access to NSW Procurement unsuccessful tenders is restricted to that unit's and PSS staff. Access to unsuccessful tenders relating to construction (including those called by Regions) is restricted to staff of the unit managing the tender process and any other Departmental staff who have a legitimate non-commercial need for the information (such as quantity surveyors).

- Generally, staff in business units (not managing the tender process) with the Department should only have the same access to successful tenders as does the general public.

Except, as indicated below, the files containing copies of successful tenders should be treated the same way as those with copies of unsuccessful tenders.

Some staff within the Department have a legitimate need to access the information in successful tenders. Requirements should not restrict such access.

For example: the Departmental contract managers and project manager are entitled to, and require, a copy of the successful tender. It forms part of the contract document.

- Tender process computer files are to be secured so access is restricted to authorised staff only.

For example: a directory should be created, and files related to tender evaluation reports and recommendations located on this directory with access to files restricted via password.