



PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT (GOODS AND SERVICES) REGULATION 2010

CLAUSE 10 DIRECTION

GENERAL PURCHASING DELEGATION

Under the *Public Sector Employment and Management Act 2002* and the *Public Sector Employment and Management (Goods and Services) Regulation 2010* ("Regulation"), the State Contracts Control Board ("Board") is responsible for the procurement and disposal of goods and services for the NSW public sector service.

DIRECTION

The Board has issued this direction to public sector agencies to undertake their own procurements.

As required by clause 7 (3) of the Regulation, if a period (state) contract is arranged by the Board, public sector agencies must use that contract for obtaining goods and services to which it applies.

Goods and services up to \$3,000 in value (including GST)

A public sector agency ("agency") can purchase goods and services valued up to \$3,000 (including GST), which are not available under state contracts, without seeking quotations.

An agency located in a rural area is able to make local purchases of up to \$3,000 in value (including GST), irrespective of whether the items concerned are available in state contract, provided that the supplier's rates for the goods or services are reasonable and consistent with normal market rates for such goods or services.

Goods and services over \$3,000 and up to \$30,000 in value (including GST)

An agency can purchase goods and services valued over \$3,000 and up to \$30,000, which are not available under state contracts, subject to seeking at least one written quotation.

Goods and services over \$30,000 and up to \$250,000 in value (including GST)

An agency can purchase goods and services valued over \$30,000 and up to \$250,000 (including GST), which are not available under state contracts, subject to seeking at least three written quotations.

Goods and services over \$250,000 in value (including GST)

For all goods and services over \$250,000 (including GST), an agency must submit full details and specifications to the NSW Procurement, Department of Services, Technology & Administration for the Board to invite tenders.

CONDITIONS APPLYING TO THE DIRECTION

Purchases of goods and services under this direction must be undertaken in accordance with *NSW Government Procurement Policy* and *NSW Government Code of Practice for Procurement*.

An agency must:

- ensure that the approved supplier's rates for the goods or services are reasonable and consistent with normal market rates for such good or services; and
- must not split its purchase requirements into either components or succession of orders for the same goods or services for the purpose of enabling them to be obtained under this direction.

When undertaking purchases through quotations, an agency must:

- ensure purchase specifications and requirements are disclosed equally to all suppliers invited to quote;
- ensure the supplier selection evaluation criteria are established prior to receiving quotes; and
- ensure that it follows proper processes of closing, receipt and opening of quotes.

An agency must:

- disclose information on all its contracts with the private sector over \$150,000 in accordance with *Premier's Memorandum 2007-01, Public Disclosure of Information Arising from NSW Government Tenders and Contracts*;
- keep written records regarding procurement activities in accordance with the *State Records Act 1998*; and
- ensure that it refers details of its repetitive purchases of the same goods or services to NSW Procurement, Department of Services, Technology & Administration, so that NSW Procurement can consider whether the arrangement of a BOARD contract is necessary.

An agency may impose their own purchasing limits at lesser values than this Board direction for its own internal management purposes.

Notwithstanding this direction and irrespective of monetary value, if an agency considers that its proposed purchase to be of such a nature as to warrant consideration of the Board, it can refer the matter to the Board.

Where an agency does not have the expertise to exercise this delegation, it can refer the request for purchase to NSW Procurement, Department of Services, Technology & Administration, to take the appropriate action.

Note

In this direction, "value" must be the estimated value over the proposed term of the acquisition and not a value per annum.

Effective date: 7 December 2010