



1 Purpose

The Taronga Conservation Society Australia (Taronga) is obligated to publicly disclose tenders and contracts information. Department of Premier & Cabinet requires tenders and contracts with a value exceeding \$150,000 (including GST) must be disclosed.

A Contract Register is required to be displayed with a copy posted on the NSW e-tendering website under the *Government Information Public Access Act 2009* (GIPA Act).

2 Policy Statement

It is the policy of the Taronga to meet all state government public disclosure requirements. Taronga is required to prepare and maintain current information about its contracts and tenders as detailed above. This information must be posted on the NSW e-tendering website within 60 days after the contract becomes effective.

3 Definitions

3.1 Contract

For the purpose of this policy, a contract is a legal binding agreement to which Taronga is a party that has (or is likely to have) a value of \$150,000 or more and under which Taronga and the other entity agree;

- (i) to undertake or participate in a specific project (such as construction, infrastructure, research, licensed activities, and alliance contracts), and includes sponsorship and commercial operation contracts, or
- (ii) to procure or provide specific goods or services (such as information technology, material supplies, maintenance and services), or
- (iii) to acquire or transfer real property, or
- (iv) to lease real property

but does not include:

- (i) a contract of employment;
- (ii) inter-agency agreements within the government;
- (iii) participation in existing government contracts, such as standing offer contracts established by other government agencies
- (iv) The purchase of goods acquired for resale where the difference between the acquisition cost and the retail sales value is less than \$150,000.



3.2 Value of Contract

The value of a contract is whichever of the following values is appropriate to the kind of contract concerned:

- (a) the total estimated value of the project;
- (b) the total estimated value of the goods and services over the term of the contract;
- (c) the value of the real property transferred;
- (d) the rent for the term of the lease.

3.3 Tender

Tender includes a price, bid, offer, quotation, consultant proposal or expression of interest lodged in response to an invitation or request for tender by Taronga.

3.4 Contract Register

Taronga's register of contracts as required in s.27 of GIPA Act, with copy published on the Government Tenders' website in accordance with s.35 of GIPA Act.

The website address to see current Taronga contract register is:

<http://www.taronga.org.au/about-us/publications/publications>

4 Policy Practice and Procedure

4.1 Background

Section 27 of the *Government Information Public Access Act 2009* (GIPA) to publicly disclose contract information that has (or is likely to have) contract value of \$150,000 (including GST) or more. A current Premier & Cabinet Memorandum (M2010-05) requires government agency including Taronga to comply with disclosure requirements:

http://www.dpc.nsw.gov.au/publications/memos_and_circulars/ministerial_memoranda/2010/m2010-05_gipa

In a current Premier & Cabinet Memorandum (M2007-01) Public Disclosure of Information arising from NSW Government Tenders and Contracts:

http://www.dpc.nsw.gov.au/publications/memos_and_circulars/ministerial_memoranda/2007/m2007-01

The web address for the NSW e-tendering website to view calling of Taronga tenders is:

<https://tenders.nsw.gov.au/?event=public.advancedsearch.keyword&keyword=taronga>

This policy should also be read in conjunction with *CWI 02.01.00 Tendering Procedures*.

This policy applies for all public calls for tender, expressions of interest or other such public calls which may result in a contract which Taronga is (or likely to be) a party to.



4.2 Method of Disclosure

The Records Manager (Taronga Zoo) acts as a central co-ordinator for transmitting both contract and tender information to the NSW e-tendering website.

The contract information suitable for inclusion and transmission will be provided to the Records Manager by the Contract Co-ordinator within 60 days from the time the contract becomes effective. Tender information will remain posted until the tender call process has been concluded and a contract either awarded or decision made not to award any contract.

Information included in the Contract Register shall remain there for at least 30 days or until all work or services under the contract are completed, and/or all goods under the contract are supplied, whichever is the greater period.

A copy of information requirements for posting on the registers can be obtained from the Records Manager.

4.3 Tender Information disclosure requirements

Tender project managers to provide completed information required to the Records Manager for posting on the NSW e-tendering website. The following information must be disclosed on the government tendering website as mandatory as required under Premier's Memorandum (M2007-01) Public Disclosure of Information arising from NSW Government Tenders and Contracts

Tender Type	Level of disclosure	Basis of disclosure
For all public calls for tender, expressions of interest or other such public calls which may result in a contract with the private sector.	As a minimum: <ul style="list-style-type: none"> • a concise description of the proposed works, goods or services the subject of the tender call; • the date responses to the tender call close and where responses are lodged; and • location of the tender call documents. The names and addresses of all entities which submit responses.	Routine public disclosure at the time tender calls are advertised. Routine public disclosure within 7 days of the date tender calls closed.
In a multi-stage tender process.	The names and addresses of the short listed entities, except where such disclosure is likely to compromise the competitiveness of the subsequent tender process.	Routine public disclosure within 7 days of these entities being advised of their short listing.



4.4 Government Contracts Register Information Disclosure Requirements

The GIPA Act requires the routine disclosure of contract information into a Government Contracts Register as follows: (extracted from Sections 29, 30 and 31) and the information to be completed and provided to the Records Manager for posting on the NSW e-tendering website.

Class 1 contracts

Class 1 contract is a government contract to which Taronga is a party that has (or is likely to have) a value of \$150,000 or more. The following information about a class 1 contract is to be entered in the government contracts register:

- (a) the name and business address of the contractor,
- (b) particulars of any related body corporate (within the meaning of the [Corporations Act 2001](#) of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract,
- (c) the date on which the contract became effective and the duration of the contract,
- (d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract,
- (e) the estimated amount payable to the contractor under the contract,
- (f) a description of any provisions under which the amount payable to the contractor may be varied,
- (g) a description of any provisions with respect to the renegotiation of the contract,
- (h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed,
- (i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

Additional information for class 2 contracts

(1) Additional information is required to be entered in the government contracts register for class 1 contracts to which any of the following paragraphs applies (*class 2 contracts*):

- (a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor,
- (b) the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer,
- (c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more,



(d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time),

(e) the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.

(2) The additional information required to be entered in the register for class 2 contracts is as follows:

(a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer,

(b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer,

(c) the results of any cost-benefit analysis of the contract conducted by the agency,

(d) the components and quantum of the public sector comparator if used,

(e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges),

(f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved,

(g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into,

(h) particulars of any other key elements of the contract.

Register to include copy of class 3 contract

If a class 2 contract has (or is likely to have) a value of \$5 million or more (**a class 3 contract**), the register must include a copy of the class 3 contract.

4.5 Confidential Information

Certain information is treated as confidential information under s.32 of GIPA Act and is not required to be included in register. Section 32 of GIPA Act states that:

- (1) A requirement to include information or a copy of a contract in the government contracts register does not require the inclusion of:
- (a) the commercial-in-confidence provisions of a contract, or
 - (b) details of any unsuccessful tender, or
 - (c) any matter that could reasonably be expected to affect public safety or security, or
 - (d) a copy of a contract, a provision of a contract or any other information in relation to a contract that is of such a nature that its inclusion in a record would result in there being an overriding public interest against disclosure of the record.



- (2) If an agency does not include a copy of a contract in the register, or includes only some of the provisions of a contract in the register, because of this section, the agency must include in the register:
- (a) the reasons why the contract or those provisions have not been included in the register, and
 - (b) a statement as to whether it is intended that the contract or those provisions will be included in the register at a later date and, if so, when it is likely that they will be included, and
 - (c) if some but not all of the provisions of the contract have been included in the register, a general description of the types of provisions that have not been included.

4.6 Contacts

The following Officers are available to discuss disclosure requirements in relation to this policy.

Records Manager	x 716
General Manager – Corporate Services	x 621

5 Accountability

5.1 Employees

Employees are responsible for

- complying with this policy;
- ensuring that they are familiar with the policy when participating in tendering and contract award processes.

5.2 Contract Administrators

Contract Administrators of the Division calling tenders or preparing a contract are responsible for preparing the relevant information outlined in this policy for tendering and contract award information and remitting to the Records Manager for posting.

5.3 Records Manager

Records Manager is responsible for providing advice to Contract Administrators and others regarding compliance with this policy and for updating of the Taronga Government Tenders and Contracts Registers for publication. A copy of information requirements can be obtained from the Records Manager.



6 Policy and Guideline Reference

Premiers Memorandum M2010-05	Department of Premier & Cabinet
Premiers Memorandum M2007-01	Department of Premier & Cabinet
Government Contract Disclosure	NSW Department of Services, Technology and Administration (DSTA)
Purchasing Policy and Procedures	TCSA – Corporate Services
Tendering Procedure	TCSA – Capital Works and Infrastructure
NSW Procurement Policy reform TC04/07	NSW Treasury
Government Information (Public Access) Act 2009	Legislature of NSW

7 Approval

Cameron Kerr

Director and CEO

Date