Procurement Policy

Section 1 - Purpose

(1) The primary aim of this Policy is to ensure that the University procurement practices, especially those relating to buying decisions ("Sourcing"), deliver value, leverage spend and meet the demands of probity. Importantly, this Policy, and all related vendor relationships and considerations made to purchase or hire of goods and services for the university are also underpinned by ACU's Mission:

"Within the Catholic intellectual tradition and acting in Truth and Love, Australian Catholic University is committed to the pursuit of knowledge, the dignity of the human person and the common good".

(2) The Policy establishes five underlying principles in relation to the sourcing of Goods and Services, known collectively, for the purpose of this Policy, as the Procurement Pillars of Support.

(3) These principles outline the deliverables required from the overall procurement process as follows:

a. Approval, Referral and Delegation;
b. Legal Compliance and Risk Mitigation;
c. Leveraging of Spend and Maximising Value;
d. Preferred Vendors and Contract Adherence; and
e. Product Quality and Service Performance.

Section 2 - Application

(4) This Policy applies to all ACU Staff in Faculties and Directorates across all ACU campuses.

(5) This Policy imposes specific requirements on any staff members engaged in making sourcing decisions to buy or hire products and services for the University. It specifies on which projects Finance and Planning are required to be consulted (according to project spend and importance) as regards the selection of supplier decisions.

(6) Some important definitions:

Term	Definition
Procurement	The overall activity involving Sourcing and Purchasing.
Sourcing	The activities associated with what to buy and from whom to buy (e.g. the supplier selection process).
Purchasing	The transactional, administrative and systems-based activities associated with requisitions, purchase orders and their subsequent payment.
Product	A Good or a Service.

Section 3 - Principles

(7) The Spend on which Approvals and Sourcing decisions are based is the cost over the full term of the commitment. The decision steps in the process below describe who is authorised to make a Sourcing, or supplier selection, decision.

(8) Final contract documents may only be signed by staff with the authority to sign on behalf of the University, in accordance with the Delegations of Authority Policy and Register, with the appropriate delegation limit to cover the spend over the term of the agreement.

(9) Staff engaged in making the final Sourcing decision shall not be the final signatory in relation to making financial commitments. The person signing any financial commitment must be duly authorised by ACU to act on its behalf in accordance with its organisational responsibilities and the Delegations of Authority Policy and Register, with the delegation limit greater than or equal to the commitment being made over its full term.

(10) Formal Requests for Tenders, Proposals and related documentation must be issued using the ACU tender portal eProcure (generally via Procurement), in the absence of other approved systems for this purpose.

(11) If the value of a financial commitment over its term reaches the maximum purchase threshold, Finance and Planning must be informed of the Sourcing activity. If a formal tender process is not going to be used in the decision-making process, an exemption must be formally requested and approved.

(12) Staff engaged in sourcing activities at ACU must comply with the requirements of Probity and divulge any potential conflicts of interest related to that activity – as set out in the document Procurement Probity Requirements with Conflict of Interest Declaration to be completed and signed by the staff member. This includes where formalised activities are undertaken, which may involve a project team evaluation panel / tender committee.

(13) Formalised Sourcing activities are required to follow the steps and utilise the enabling documentation as referenced in the Procurement Policy Sourcing Requirements.

(14) Transactional Procure-To-Pay processes, including Purchase Order creation, can be found in the Purchasing and Procurement Procedure.

(15) For sourcing activities with monetary commitments in Tier 3 (> $20,000 to <=$100,000) or above (per Section 4, Clause 23 of this Policy), where a tender process is not undertaken and a new supplier to ACU has been selected, the Minimum Requirements For Suppliers of Goods and Services to ACU - Shortened Supplier Version In Non-Tender Situations needs to be completed by the potential new supplier, with the completed form provided to Procurement for their records AND attached to the New Creditor Record form in TechOne at the point of onboarding.

(16) Formal sourcing activities are required to follow the requirements set out in the Guidelines for Managing Logistics of Sourcing Project.

(17) Where the Policy requires a formal tender process to be undertaken, then a decision as to whether this should be an Open Public Tender or a Closed Private Tender should be made in consultation with Procurement.

(18) The Requirements for Vendor Management are as directed by Finance and Planning. Vendor management requirements for key supplier arrangements to ACU are as follows:

a. ACU business owner relationship;
b. performance management of the arrangement, generally against a suite of established KPIs;
c. documentation, including contracts and purchase orders, that sufficiently detail the nature of Goods and Services and the requirements for the effective performance management;
d. provision of reports and meetings in sufficient detail and at a sufficient frequency;

e. use of an appropriate record management system to record purchasing and performance management activities. This includes use of performance management systems, such as contract management and sourcing, purchasing and documentation systems as mandated by Finance and Planning.

(19) ACU's deep commitment to sustainability is informed by, and aligns with, Pope Francis' encyclical, Laudato Si: On the care for our common home. Laudato si articulates the indivisible link between caring for each other and caring for our common home. Under this commitment, ACU staff purchasers are encouraged to consider where possible buying goods and services with a low environmental impact and a high, positive social impact (to be considered alongside primary buying considerations such as value for money and quality etc). This may equate practically to buying goods and services from suppliers that for example (and not limited to), take actions to:

- minimise their carbon emissions;
- use recycled materials; produce recyclable products;
- meet or exceed regulations to eliminate modern slavery in supply chains; and
- support indigenous businesses.

(20) ACU is committed to tackling Modern Slavery practices at every level. The University's sourcing processes, tender and other related documentation and templates include requirements for sustainable and ethical sourcing and anti-slavery requirements. Staff purchasers of University Goods and Services are required to take steps to identify and minimise any modern slavery risks and to take into consideration the principles of the commitments made by ACU towards Eradicating Modern Slavery and Human Trafficking and to ensure the suppliers:

a. conduct their businesses in a manner that is consistent with the principles of the Modern Slavery Act 2018 (Cth); and
b. take reasonable steps to ensure that there is no Modern Slavery in the supply chains of their agents, contractors, and / or sub-contractors or any part of their respective businesses or dealings.

(21) ACU is committed to Reconciliation and Indigenous Advancement in line with Universities Australia Indigenous Strategy 2022-25, which makes a strong commitment to fairness and social justice for Aboriginal and Torres Strait Islander peoples. As part of this commitment, ACU aims to partner with Indigenous service providers to support the advancement of Indigenous peoples and their businesses across the supply chain. As such, ACU is a proud member of Supply Nation, the organisation that accredits Indigenous suppliers. As a result of this membership, a number of supplier relationships have commenced with approved Supply Nation suppliers. New suppliers are added to TechOne (and to ACU's eMarketplace when the product is catalogue-suitable and as agreed with the supplier). Procurement will notify relevant staff of each new onboarded supplier's offerings.

Section 4 - Commitment Levels and Required Actions

(22) ACU is a member of the University Procurement Hub (UPH), which offers the opportunity of source to contract cost savings by aggregating spend from participating universities across particular categories. Development of these category relationships is an ongoing process, with different categories being added. Please check with your relevant Finance Business Partner as to whether your sourcing project / product category is in a position to utilise this arrangement (which may negate the need to go through the quote / tender process). ACU Contract, approved panel arrangement, existing appropriate Government Contract, or a suitable source to contact arrangement via the University Procurement Hub (UPH) is not available to cover the area of expenditure. Please note that ACU has very few approved Preferred Suppliers (which currently include our Travel Management Company, staff computer hardware arrangements, stationery, lab supplies and gases, and furniture). In general, all projects/purchases need to follow the

Procurement Policy spend limit rules, as outlined below

(23) The Maximum Purchase Threshold is $100,000, as stated in the table below:

Value Of Commitment Over Term	Required Response
<= AUD$5,000	Stakeholder makes own decision in accordance within their delegation limit as outlined in the Delegations of Authority Policy and Register. Related purchase records to be kept locally.
> AUD$5,000 to <= AUD$20,000	Stakeholder receives two (2) written quotes (with those quotes to be appended to the related TechOne requisition) and makes final decision within their delegation limit as outlined in the Delegations of Authority Policy and Register. All related purchase records to also be kept locally.
> AUD$20,000 to <= AUD$50,000	Stakeholder is required to inform their Finance Business Partner to ensure the FBP: • is kept informed and can track / record larger spends for budgeting and auditing purposes; • can check for any potential issues; • can assist with any recommendations. Written quotes (outside of the tender process) must be received from at least three (3) potential suppliers, with those quotes appended to the related TechOne requisition. All related purchase records to also be kept locally.
> AUD$50,000 to <= AUD$100,000	Stakeholder is required to inform both the relevant FBP and Procurement at the commencement of the project in order to ensure the most suitable process is followed. Written quotes (outside of the tender process) must be received from at least three (3) potential suppliers (with those quotes appended to the related TechOne requisition), unless, due to the nature of the engagement, it is deemed that a formal tender process is required. • If quotes (outside of a tender process) Procurement must be sent copies of any resulting quotes to keep on file, with quotes and all other related documentation also kept together at the local level. • If a tender process, Procurement to retain copy of project records centrally.
	Tenders Tenders are generally released as Public tenders, however Private tenders (to a select group of invitees only) may be considered in certain circumstances, such as to limit the reach of ACU confidential information necessary to quote. Finance and Planning (Procurement) holds all template tender documents, and can provide the correct tender documentation for use, depending on the type and scope of the product / service. Below is a general description of ACU tender document types used, listed in order of complexity: • RFQ – The Request for Quotation document is generally less complex, targeted primarily on pricing and is used when inviting potential suppliers to submit competitive pricing for specific products. • RFP – The Request for Proposal document is a formal method of receiving detailed and comparable proposals from potential suppliers. It provides required information needed to make an informed purchasing decision. It is often used when seeking solution-based offers. It is slightly less formal and somewhat more flexible than an RFT. • RFT – The Request for Tender document is a formal invitation to potential suppliers to submit an offer to supply goods or services against a detailed tender. It is focused on both price and quality, and is generally used for more complex and detailed projects than an RFQ or an RFP.

Value Of Commitment Over Term	Required Response
> AUD$100,000 (Maximum Purchase Threshold)	Stakeholder informs their Finance Business Partner (FBP), and Procurement to ensure a correct process is followed. A Tender Evaluation Panel (TEC) is required to be formed unless approval to not use a TEC is obtained from: • Chief Financial Officer <= AUD$200,000 • DVCC, on the advice of the CFO > AUD$200,000 • Senate Finance and Resources Committee RFTs and RFPs are required to be sent using the ACU Tender portal eProcure. Procurement will provide the correct tender documentation for use, which will have been pre-approved for use by Procurement - who will have consulted with the Office of General Counsel (OGC). RFPs and RFTs are required to be sent to a sufficient number of potential suppliers that will result in at least three (3) responses – as below. • Where a Private tender (to a preselected group), formal invitations (sent by Procurement, via the tender portal) must be sent to at least six (6) suppliers to increase the likelihood of three (3) good responses being received. • Where a Public tender (open to all), consider sending notifications (by email via Procurement, anonymously) to a range of suppliers known to be capable of providing the service or product, to advise them of the tender's release - to increase the likelihood of three (3) good responses being received. Procurement to retain copy of project records centrally. **Major Procurement / Supplier over $5 million spend across full term - Special additional requirements** The definition of a Major Procurement / Supplier is the supply of goods or services by an individual supplier totalling greater than $5 million in a single or multi-contract arrangement across all and any engagements. Upon the request of the Finance and Planning Directorate, the OGC will review and advise upon the composition of the: • tender evaluation panel and any sub-panels; and • the selection criteria used in assisting the selection of such suppliers. Following receipt of advice from the OGC, the Finance and Planning Directorate will approve the composition of the tender panel and any sub panels, along with the selection criteria used in the selection of such suppliers. ACU Contract administrators / contract managers and their respective executive for major procurement / suppliers will be required to instruct the OGC at least every 12 months to secure company searches for company directors of the supplier, to enable the contract administrator / contract manager and their respective executive to ascertain whether there are any potential links to ACU staff and any conflicts of interest or probity issues.

Requests for Exemptions

(24) Requests for exemption from sourcing spend requirements, are required to be sought for any category of spend (AUD5,000 to <= AUD$20,000, > AUD$20,000 to <= AUD$50,000, > AUD$50,000 to <=AUD$100,000, > AUD$100,000) in the rare cases where the staff requestor believes and can justify that not adhering to the specific spend limit's rules will represent a better outcome for ACU. NB: Exemption requests are scrutinised carefully by Finance and Planning/ Procurement, who may seek further supporting information and / or comparison figures. There is no guarantee the exemption will be approved.

All exemption requests must be accompanied by a completed and signed ACU Procurement Probity Requirements with Conflict of Interest Declaration from each staff member involved in the project's supplier evaluation and decision process.

Requests for exemptions, whereby the proposed supplier is new to ACU, must be accompanied by the two following documents which have been completed by the nominated supplier:

- Minimum Requirements For Suppliers of Goods and Services to ACU - Shortened Supplier Version In Non-Tender Situations; and
- Request for Information about Supplier's Organisation.

The submitted documents form part of the exemptions package reviewed by Procurement and presented to the CFO and / or DVCC (based on spend limit requirements) who have final authority to approve the exemption, as per the spend limits.

> NB: As per Section 6 Rules and Responsibilities, all exemption requests should be addressed to the CFO for consideration in the first instance (Procurement, via acu.procurement@acu.edu.au, can provide guidance if required). If spend is over AUD$200,000 the CFO will then make a recommendation to the DVCC for their consideration to approve.

Procurement to retain copy of exemption records centrally.

ACU Supplier Agreements

(25) Purchase Orders (PO) are used for purchases that may be a combination of transactional, short-term, low value and of lower complexity. Agreements (or contracts) have more robust, detailed and targeted Terms and Conditions and provide better risk protections for ACU. Contracts can be used for any amount but should be used for procurement greater than $20,000. A PO can be used in conjunction with a contract to expedite the internal invoice payment process.

All outgoing agreements between ACU and any supplier can either use:

- Preferred - an ACU agreement template (OGC pre-approved base document, but each individual contract still needs OGC review and approval unless it is a result of a tender process with the contract finalised through Procurement); OR
- the supplier’s agreement template (individual contract must be carefully checked to ensure pricing and scope of product / services are as agreed, then reviewed by OGC.

Modern Slavery Clause - All contracts must contain a Modern Slavery clause as per ACU’s commitment via our Modern Slavery Statement lodged with the Australian Government annually. ACU templates contain these clauses, and OGC will insert a suitable clause into any supplier contract in the review process.

Subject matter review – Agreements need to be reviewed by Privacy, Cybersecurity and any other relevant subject matter experts, which may include IT.

Supplier insurances – The University’s minimum insurance requirements for third party contracts are below.

- Public and products liability insurance: $20 million (for a single claim / occurrence)
- Professional indemnity insurance: $10 million.

If the supplier cannot produce certificates of currency at the above levels, a DVCC exemption will need to be sought via the Departure from ACU’s minimum insurance requirements for Public Liability and Professional Indemnity Insurance Form.

Section 5 - Use of Government Contract Rates

(26) ACU, by virtue of its status, is allowed to buy against NSW Government rates and potentially other state

government rates. To receive a discount from a NSW Government contracted supplier:

a. Quote the Buy.NSW Number: 3831
b. Refer to the list of NSW Government Contracts

(27) For other State Governments, follow the process below:

a. Confirm if the Category is under a State Government Agreement. Refer other States procurement websites where available.
b. Identify the applicable State Government Category Manager.
c. Confirm whether a Confidentiality Agreement or Registration is required for the Category. If so, complete the required application for the Category.
d. Obtain approval to use from the State Government Category Manager, to then forward to the supplier. An email confirmation is sufficient.
e. Confirm either from the State Government website or Category Manager, which supplier/s to contact. Make contact with supplier/s and indicate that as a publicly funded Australian University, ACU has been authorised by the State Government Category Manager to be able to buy against their contract.
f. Obtain the State Government contract price from the supplier or from the confidential section of the State Government Procurement website or directly from the State Government Category Manager.
g. If price is acceptable, place an order against the supplier using ACU ordering process.

Section 6 - Roles and Responsibilities

(28) This Policy is an initiative of Finance and Planning and is supported by the Vice-Chancellor and President, Deputy Vice-Chancellor (Corporate) and members of the Executive.

(29) The choice of what type of sourcing decision to make is based around the degree of financial commitment being made and in accordance with the Delegations of Authority Policy and Register. To this extent the following roles are afforded specific responsibilities, as follows:

- Deputy Vice-Chancellor (Corporate) (DVCC) is required to approve an exemption from using a tender process for commitments greater than AUD$200,000 on the advice of the Chief Financial Officer.
- Chief Financial Officer (CFO) is required to approve an exemption from using a tender process for commitments less than or equal to AUD$200,000.
- Finance Business Partners are required to recommend to the Executive Dean or Directorate Director the appropriate sourcing activity for commitments less than or equal to AUD$100,000.
- Finance and Planning is responsible for the decisions in relation to acceptable sourcing practice and the process requirements contained within this Policy and related documents.
- Associate Director, Financial Operations is responsible for approving the content of this Policy document.
- Procurement Category Specialist is the ACU designated subject matter expert with specialist procurement knowledge that has been given the responsibility for all Procurement decisions, including Sourcing, in relation to the category of spend. This role does not exempt them from the requirements for tendering where the Maximum Purchase Threshold is exceeded.

(30) These Roles and Responsibilities should be read in conjunction with the Procurement Roles and Responsibilities document.

Section 7 - Further Assistance

(31) Additional information to support the contents of this Policy may be found by reference to:

(32) Procurement Flowchart

(33) Procurement Forms (Finance and Planning SharePoint)

(34) Service Standards and Responsibilities for Procurement

a. Procurement Services Standards (Presentation)

(35) For questions, clarification, or any type of assistance in relation to this Policy and its ancillary processes, procedures, and related documents, please refer to the Finance and Planning Staff webpage.

Status and Details

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Responsible Executive	Petrus Swemmer Chief Financial Officer
Responsible Manager	Mitch Srbinovski Associate Director, Financial Operations
Enquiries Contact	Bellinda Dunn Procurement and Sourcing Coordinator Financial Operations