



**Australian Government**  
**Department of Employment**

# **Exposure Draft**

## **OF A REQUEST FOR PROPOSAL FOR TRANSITION TO WORK 2016-2020**

Commonwealth of Australia 2015

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## INDICATIVE TIMELINE

<b>Title of Exposure Draft</b>	<b>Exposure Draft of a Request for Proposal for Transition to Work 2016-2020</b>
8 September 2015	Release of the Exposure Draft
Week commencing 14 September 2015	Information Sessions and webinar
<b>6 October 2015</b>	<b>Closing date and time for comments on the Exposure Draft</b>
October 2015	Release of the Request for Proposal for Transition to Work 2016-2020
October/November 2015	Information Sessions and webinar
Mid to Late November 2015	Closing date for the Request for Proposal
January—April 2016	Transition to Work to roll out
30 June 2020	End date of Deed period

## CONTACT DETAILS

Questions and requests for clarification about this Exposure Draft can be provided by:

- phone - 1300 733 514, the Employment Services Purchasing Hotline (the Hotline) (Monday to Friday, 9.00 am to 5.00 pm Canberra time, excluding ACT and national public holidays)
- email - [Employment Services Purchasing Hotline](mailto:espurchasing@employment.gov.au) (espurchasing@employment.gov.au).

Feedback on the Exposure Draft should be made in writing on the form provided before 5.00 pm (Canberra time) 6 October 2015. Written feedback can be submitted via the [Employment Services Purchasing Hotline](#).

Registration for information sessions or webinars related to this Exposure Draft can be completed using the [Information Sessions Online Booking Form](http://wired.ivvy.com/event/T2WEXD/) (wired.ivvy.com/event/T2WEXD/).

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# 1 ABOUT THIS EXPOSURE DRAFT

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This Chapter outlines the purpose of this Exposure Draft and provides information about providing feedback on the Exposure Draft. Potential Respondents are provided with steps they may take to prepare to respond to the forthcoming Request for Proposal.

## 1.1 Purpose of the Exposure Draft process

The Department of Employment (the Department) has released this Exposure Draft of a Request for Proposal for Transition to Work 2016-2020 (Exposure Draft) to invite feedback that will inform the final design and purchasing arrangements for this new service.

**Proposals to provide Transition to Work services are not sought at this time.**

This document should be considered together with other information, including:

- information about the Transition to Work programme on the [Department's website](http://employment.gov.au) (employment.gov.au)
- drafts of the Transition to Work Deed, Service Guarantee, Service Delivery Plan and joint Charter of Contract Management, which the Department will release during the Exposure Draft period (as well as any additional information) on the [Employment Services Procurement Information website](http://employment.gov.au/employment-services-procurement-information) (employment.gov.au/employment-services-procurement-information)
- labour market data that provides historical information to assist potential Respondents understand the employment service environment at localities in which they may wish to apply. This labour market information is available at the Department's [Labour Market Information Portal](http://lmip.gov.au) (lmip.gov.au).

In this document, unless the contrary intention appears:

- all capitalised terms have the meanings given to them in the Glossary at Appendix A
- all payment amounts are GST inclusive.

## 1.2 Information sessions on the Exposure Draft

The Department will conduct webinar and information sessions regarding this Exposure Draft in some capital cities.

Register your interest to attend an information session or webinar [online](http://wired.ivvy.com/event/T2WEXD/) (wired.ivvy.com/event/T2WEXD/).

Details of these sessions are also available on the [Employment Services Procurement Information website](http://employment.gov.au/employment-services-procurement-information) (employment.gov.au/employment-services-procurement-information) or by calling the Hotline (1300 733 514).

A recording of the webinar will be available on the website.

### 1.3 Questions and feedback on the Exposure Draft

The Department invites questions, comments and feedback on this Exposure Draft.

Feedback on the Exposure Draft should be made in writing on the form provided before 5.00 pm (Canberra time) 6 October 2015 by email to the Hotline.

Feedback or comments received after this date may not be considered by the Department. By providing feedback or comments in relation to the Exposure Draft you or your organisation will be taken to have agreed to, or to have acknowledged that:

- the Department may use, modify, take into account, retain and copy feedback or comments for purposes related to the Exposure Draft. The Department may (or may not) publish feedback or comments
- Respondents are responsible for the costs and expenses incurred in responding to the Exposure Draft if they choose to provide feedback or comments
- any response in relation to the Exposure Draft confers no right, advantage or benefit in any future response process or procurement of services of the kind referred to in the Exposure Draft
- this Exposure Draft is subject to the Exposure Draft Disclaimer at Appendix E.

The material comprising the Exposure Draft must be used only for the purpose of providing feedback or comments in response to the Exposure Draft.

To ask a question or seek clarification about the Exposure Draft during the feedback period, you may contact the Hotline (see Contact Details section). The Department will provide responses to questions or requests for clarification as soon as practicable.

Responses may be published for the benefit of all potential Respondents without identifying the source of the question or clarification.

Please monitor the [Employment Services Procurement Information website](http://employment.gov.au/employment-services-procurement-information) (employment.gov.au/employment-services-procurement-information) for updated information.

### 1.4 Next steps

The Department will consider the feedback received on the Exposure Draft. This feedback will inform the final, formal Request for Proposal for Transition to Work 2016-2020 that will be released in October 2015.

The Request for Proposal will be published on AusTender, which is the central website for the publication of Australian Government business opportunities.

Potential Respondents are encouraged to create or update their AusTender profile now and register interest in the Request for Proposal for Transition to Work 2016-2020.

The Request for Proposal response period will be open for six weeks. During this period, the Department will conduct webinar and information sessions.

The Request for Proposal will include the requirements potential Respondents need to comply with when submitting a response. It will be accompanied by supporting documentation, including forms and

checklists to assist Respondents to complete proposals. A draft Deed will also be available for the consideration of Respondents during this period.

Respondents will be required to submit their response to the Request for Proposal through AusTender by the close of the response period.

The Department will consider compliant proposals and make offers to successful Respondents who will be required to enter into a Deed to deliver the Transition to Work services. The Deed will substantially be in the form set out in the draft Deed provided during the Exposure Draft and Request for Proposal periods. The Department reserves the right to make changes to the draft Deed until the execution of final Deeds.

The Transition to Work service will roll out progressively from January 2016 to April 2016.

## 2 ABOUT TRANSITION TO WORK

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This Chapter provides background to the Transition to Work service.

### 2.1 Introduction

The Australian Government is committed to helping young Job Seekers at increased risk of long-term unemployment to improve their chances of finding and keeping a job.

As announced in the 2015-2016 Commonwealth Budget, the Government is establishing a new service to assist young people aged 15-21 years who are not in employment or education. The Transition to Work service will provide intensive, pre-employment support to improve the work readiness of young people and to help them into work (including apprenticeships or traineeships) or education. The service will have a strong focus on helping young people to understand what is expected in the workplace and to develop the skills, attitudes and behaviours expected by employers.

Transition to Work will operate as a separate service to the Government's mainstream employment service known as jobactive. Current jobactive providers offered a Deed to deliver Transition to Work will be required to ensure independent management of the two Deeds.

Transition to Work Deeds will be offered up to 30 June 2020, with an option to extend for a further two years from 1 July 2020 to 30 June 2022.

Successful Respondents are expected to commence service delivery between January 2016 and April 2016.

### 2.2 Need for this new service

While the majority of young people successfully transition between school and post-school education or employment, young people who leave school before completing Year 12 (or Certificate III) are more likely to find this transition difficult. This is particularly the case in the current highly competitive labour market, where there is an average of 18 applicants for each lower skilled vacancy advertised on the internet and/or in newspapers.<sup>1</sup>

Re-engaging in education can help Early School Leavers to compete for jobs, but for many this may not be feasible or productive. For instance, over the period 2009-2014 approximately 80 per cent of all early school leavers in the Jobs Services Australia system chose to participate in activities other than secondary school or Certificate II courses to meet their Mutual Obligation Requirements.

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<sup>1</sup> Department of Employment, *Survey of Employers' Recruitment Experiences* – combined data for all regions surveyed in the 2013-2014 financial year. This research can be found [online](http://imip.gov.au) (Imip.gov.au).

Finding and keeping a job can be equally challenging for Early School Leavers due to a lack of foundation skills. Without these skills – such as the ability to read and write, to behave appropriately in the workplace, to work in a team and to focus on work tasks– young people are at increased risk of long term unemployment. Unfortunately, once a young person becomes long term unemployed their chances of finding employment decline even further.

A recent survey of employers by the Department confirmed the critical link between these core foundation skills and a young person’s job prospects<sup>2</sup>.

Of the more than 3000 employers surveyed, the majority mentioned the lack of positive, work-focused behaviours as the key barrier to employment for young people more so than any specific skill deficit. When asked what would improve a young person’s chances of getting a job, over one third said the best action many young people could take is to improve their attitude to work. Of these employers, a large number said young people need to appear more motivated or willing to work, while many said that a stronger work ethic and willingness to take direction was required.

A further 12 per cent of employers said young people need to be more reliable and responsible to improve their job prospects. Some gave specific suggestions such as the need to stay with a business for an acceptable period of time, turn up to shifts, be punctual, and show respect to colleagues and customers.

The research also showed too many young people under-estimate the importance of a good first impression with a potential employer.

Around 11 per cent of employers said young people should take more care with their personal presentation to improve their employment prospects. While most employers mentioned the importance of presentation in general, many referred specifically to presentation at interviews and when handing in résumés.

Employers also mentioned the poor quality of job applications and résumés and said young people need to better tailor their application to the position for which they are applying. Employers also said young people need to pay more attention to detail in their applications and résumés, particularly with regard to spelling and grammar.

In terms of job search methods, employers recommended young people approach employers directly and personally follow up on their résumé after it had been provided. Employers also mentioned interview skills, pointing out that young people should be well presented, demonstrate some understanding of the industry or job for which they were applying, communicate well and appear genuinely interested in the job.

Employers also spoke about the importance of work experience, volunteer work and training as a way for young people to demonstrate to a future employer that they are keen and willing to work.

Around 13 per cent of employers thought some work experience helps a young person to gain an understanding of what is expected in the workplace, to build practical skills and to demonstrate

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<sup>2</sup> *Survey of Employers’ Recruitment Experiences, 2013-2014.*

commitment to a job and employer. A further 10 per cent of employers said training and further education is the most effective way to improve the employment prospects of young people due to the acquisition of work specific skills and qualifications. Higher education, TAFE courses, and apprenticeships and traineeships were most commonly mentioned.

These findings highlight the importance of ensuring that young people at increased risk of long-term unemployment are receiving the right sort of assistance at the right time to better prepare them to meet these needs of employers.

For this reason, the Government is establishing this new Transition to Work service to provide more intensive support than is available through existing employment services to help young people develop the attitudes and behaviours sought by employers. The programme will have a strong focus on practical interventions and work experience to build a young person's skills, confidence and readiness to engage in employment.

## **2.3 Key features of Transition to Work**

This section outlines the key features and requirements of the Transition to Work service to help potential Respondents address the selection criteria in Chapter 3.

Chapter 4 outlines the specific eligibility requirements for Respondents seeking to deliver Transition to Work services.

### **2.3.1 Locations and coverage**

The Department is seeking to establish one or more Transition to Work services in each of the 51 Employment Regions around Australia (see Appendix D).

Respondents may apply to deliver services in one or more Employment Regions.

While the Department is seeking to establish services in as many locations as possible, Respondents will be able to nominate which parts of an Employment Region they intend to service.

Respondents are expected to offer appropriate facilities in the Employment Region(s) they intend to service. This may include a mix of full-time, part-time and outreach sites in areas that maximise access for young people. Easy access to public transport and employment hubs is desirable.

NOTE: Respondents may not specify their provision of Transition to Work services in one Employment Region is conditional on being offered Transition to Work services in another Employment Region.

### **2.3.2 Eligible young people**

The Transition to Work service targets three groups of Job Seekers aged 15-21 years who are considered most at risk of long-term unemployment. These are:

- Group One – Early School Leavers
  - Young people who have not completed Year 12 (or the Certificate III equivalent), who are receiving Youth Allowance (other), and are assessed by the Job Seeker Classification

Instrument as eligible for jobactive Stream B services (see Appendix A for information on the Job Seeker Classification Instrument and the jobactive Streams).

- Group Two – disengaged young people
  - Young people who have not completed Year 12 (or the Certificate III equivalent), and who are not already participating in employment services and are at risk of becoming long-term unemployed. This group includes young people who are not receiving income support or who are receiving non-activity tested income support such as Parenting Payment.
- Group Three – jobactive referrals
  - Young people in Stream C in jobactive who have not completed Year 12 (or the Certificate III equivalent) and who are identified by their jobactive providers as having a capacity to benefit from Transition to Work services (e.g. a young Job Seeker who has addressed their unstable housing or mental health issues).

### 2.3.3 Job Seeker participation requirements

Job Seekers receiving income support with Mutual Obligation requirements will fully meet their Mutual Obligation requirements by participating in Transition to Work. Job Seekers are expected to participate in Transition to Work services for 25 hours per week and up to a maximum of 12 months.

Payment suspension and financial penalties under the Job Seeker Compliance Framework will not be applied while the Job Seeker is participating in Transition to Work.

Job Seekers who fail to meet their Transition to Work requirements will be exited from the service and commence Early School Leaver activity requirements of 25 hours per week in jobactive.

### 2.3.4 Provider caseload and referral information

#### Caseload

Respondents will be contracted for an agreed number of places per annum per Employment Region. Appendix D outlines the expected number of places for each Employment Region.

Each funded place is expected to allow participation for two Job Seekers on average per annum. Providers will be expected to ensure the average use of funded places is at least 90 per cent (excluding the initial commencement stage for each service).

Respondents will be required to nominate the minimum and maximum number of places they intend to service in an Employment Region.

#### Start-up caseload

To support the commencement of Transition to Work, around 6000 Early School Leavers will be transitioned from jobactive to Transition to Work during the start-up phase. The Department will work with providers during this transition so that the approach best meets the needs of the individual Job Seeker. For example, by offering flexibility for those Job Seekers who are actively progressing towards achieving an outcome.

## Referral process

Young people can be referred to Transition to Work services through different pathways, reflecting the different circumstances of young people in each of the three target groups.

### Group One—Early School Leavers

- Eligible young people will be referred to Transition to Work services by the Department of Human Services when they first claim income support. They will be expected to commence in the service within two business days.
- Job seekers in this group will be given priority access to Transition to Work services and are expected to make up the majority of the caseload, with places available as required.
- Job seekers in this group may elect to participate in jobactive services instead.
- Job seekers unable to access a Transition to Work service in their region will receive services through jobactive providers.

### Group Two—disengaged young people

- Eligible young people will be able to directly register with a Transition to Work provider (Provider).
- Providers will be able to undertake engagement activities to promote and attract disengaged youth to fully participate in the programme.
- Group Two is expected to make up around 20 per cent of the caseload.

### Group Three—jobactive referrals

- jobactive providers will be able to directly refer young people in this category to a Provider.

The participation of young people in Group Three is subject to a cap on places, which will be set at 10 per cent of all places allocated (excluding the initial commencement stage).

## 2.3.5 Provider services

### Services to Job Seekers

Providers will be expected to deliver individually tailored services to Job Seekers to build their work readiness so they move into employment or education.

At a minimum, providers will be required to have regular ongoing contact with Job Seekers and assist them with the following services:

- developing a Job Plan setting out the types of services the Job Seeker will receive and the activities the Job Seeker will undertake to improve their work readiness
- assistance with vocational skills development, for example support to address language and literacy issues, to undertake training relating to a specific job, as well as practical skills development such as gaining a driver's licence
- help to improve foundation skills such as the ability to work in a team, communication skills, motivation and reliability and willingness to work
- assistance to purchase training, equipment or other work related items to improve a Job Seeker's work readiness or ability to find and keep a job

- tailored assistance in career advice, preparing a résumé and developing job applications
- coaching in interview techniques and personal presentation
- opportunities to participate in one or more work experience placements
- assistance to access employment or apprenticeship opportunities
- assistance to access, where appropriate, education courses to help a young person to complete Year 12 or gain a Certificate III qualification
- frequent contact with Job Seekers and employers to support a new work or education placement and address any settling in issues
- regular monitoring of a Job Seeker's placement to ensure the needs of employers are being met and outcomes will be sustained.

Respondents will be required to outline any additional services for young people that they intend to deliver over and above the minimum requirements specified.

Services are expected to include an appropriate mix of individual, group and self-directed activities consistent with the focus on intensive servicing to help young people gain and retain sustainable work or participate in education.

### **Transfers to jobactive**

Transition to Work providers and jobactive providers will be expected to cooperate in helping young Job Seekers to move between the two services when required.

Job seekers with Mutual Obligations who have not moved into work or education by 12 months will exit Transition to Work and be transferred to jobactive, commencing in the Work for the Dole phase.

Providers will be required to ensure a smooth handover for any Job Seeker that is required to participate in jobactive. At a minimum, Providers will be required to organise and attend an initial planning meeting and final handover meeting to ensure that the needs of the young person are being met.

### **Services to Employers**

Providers are expected to deliver high quality services to employers to ensure Job Seekers meet their needs and are supported to settle into the job. For instance, Respondents are expected to ensure Job Seekers receive pre-employment skills development that is directly relevant to needs of local employers and local labour market conditions.

Providers will be able to arrange work experience placements for eligible Job Seekers as part of the new National Work Experience Programme to provide up to four weeks work experience in a business to allow employers to assess the suitability of the young person.

Providers will be able to offer a wage subsidy of up to \$6500 over twelve months to assist employers with the costs of hiring and training a young person who is eligible for a wage subsidy. Eligibility for Job Seekers on income support is after six months in employment services, including Transition to Work.

Providers are expected to provide regular Post Placement Support. Frequent contact would be expected during the initial job or education placement to ensure the young Job Seeker is settling in and any issues are identified quickly and addressed. Once established, regular contact would be expected to continue to

ensure employer's expectations are being met and that the placement has the best chance of being sustained.

### 2.3.6 Provider payments

The payment structure for Transition to Work includes both an upfront payment and additional outcome payments to drive high performance. There are three elements to the payments providers can receive:

- an upfront payment of \$5300 per place per annum paid on a quarterly basis with the requirement that a performance target (as outlined below) will be achieved
- a Bonus Outcome Payment of \$3500 for every outcome achieved above the performance target which is paid as outcomes are achieved
- a Sustainability Outcome Payment of \$3500 for every 26 week outcome which is paid as outcomes are achieved.

#### Performance targets

As a condition of the upfront payment, Providers will be required to achieve an agreed number of 12 week employment or education outcomes.

- A 12 week employment outcome is defined as 12 weeks of employment that reduces income support by 60 per cent (or reaches a specified number of hours for Job Seekers not receiving income support). It may include shorter periods of employment of four weeks or more that can be accumulated to achieve 12 weeks employment.
- An education outcome is the completion of Year 12, a Certificate III or six months participation in a qualifying education course. Based on historic achievement this is expected to be around 10 per cent of all 12 week outcomes.

In recognition of the additional upfront investment by Government to fund more intensive servicing, the 12 week outcome performance target will be set at 25 per cent above the average employment and education outcome rates achieved through jobactive. For example, in a region where a jobactive provider is achieving 100 outcomes, a Transition to Work provider with the same caseload would be expected to achieve 125 outcomes.

To account for variations in labour market conditions the 12 week outcomes performance target will be calculated separately for each of the 51 Employment Regions (refer to Appendix D for indicative caseload and performance target information by Employment Region).

In the first year, the performance targets will be set using three year average outcome rates from Job Services Australia and, when available, jobactive comparable data. The first year performance targets will be lower than subsequent years, reflecting the shorter period of operation.

Failure to achieve the performance target may result in a reduction of funded places or termination of the Deed.

For further information about how Performance Targets relate to Employment Regions, see Appendix D.

### 2.3.7 Quality and performance

The Department is committed to ensuring Providers deliver effective, high quality and professional services to Job Seekers and employers in a timely manner. To support this, there will be an overarching Transition to Work quality and performance framework with four components:

- a Service Guarantee setting out the standard of service delivery that Job Seekers and employers can expect from a Provider
- Service Delivery Plans outlining the agreed suite of services to be delivered by Transition to Work providers to young people, employers and other stakeholders
- key performance indicators will be used by the Department to assess the effectiveness, efficiency and quality of a Provider's service delivery
- a Joint Charter of Contract Management setting out the expectations, roles and accountabilities of both the Department and Providers with regard to contract and performance management.

The performance of individual Providers will be regularly assessed by the Department and may be used to determine Deed extensions and/or sanctions, including termination of the Deed.

#### Service Guarantee

Every Provider will adhere to a Service Guarantee that clearly sets out the service delivery standards that Job Seekers and employers can expect from the Provider. The Service Guarantee must be provided to participating Job Seekers and employers.

A draft Service Guarantee will be provided for the consideration of potential Respondents during the Exposure Draft period on the [Employment Services Procurement Information website](http://employment.gov.au/employment-services-procurement-information) (employment.gov.au/employment-services-procurement-information).

#### Service Delivery Plan

Each Provider will develop a Service Delivery Plan that details the suite of services and the support being provided to Transition to Work Job Seekers and employers. This should be consistent with the commitments made by the Respondent in their Request for Proposal.

Respondents are required to submit a draft Service Delivery Plan within four weeks of being notified of the provisional acceptance of their Request for Proposal. The format of the Service Delivery Plan is at the discretion of the Provider, however, it is expected that it will be easily understood by Transition to Work Job Seekers, employers and stakeholders.

The Department will work with Respondents to finalise the Service Delivery Plan to ensure it is consistent with the undertakings made in the Request for Proposal. Once agreed, the Service Delivery Plan becomes a schedule to the Deed and is subject to Deed provisions.

The Department reserves the right to retract offers of business if the Service Delivery Plan does not match the services described in a Respondent's service offer, if the Respondent is late in providing the Service Delivery Plan, or if the contents of the Service Delivery Plan cannot be agreed with the Department.

The Department recognises that during the Deed period, labour market conditions may vary and adjustments to the Service Delivery Plan may be appropriate to ensure services are meeting the needs of

young people and employers. Providers may request a variation to the Service Delivery Plan provided it does not materially alter the service offer as made in the Request for Proposal.

The Department reserves the right to apply sanctions to Providers that do not deliver the services as outlined in their Service Delivery Plan.

### **Key Performance Indicators**

In addition to compliance with the Service Guarantee and Service Delivery Plan, the Department will consider achievement against the following Key Performance Indicators when assessing the performance of a Provider.

#### **KPI 1 (Effectiveness)**

KPI 1 measures the extent to which the Provider meets the programme objectives and will be measured by:

- number of 12 week outcomes achieved relative to the performance target
- number of outcomes achieved as a proportion of the total caseload
- number of outcomes achieved that result in Job Seekers moving fully off income support
- degree of improvement in a Job Seeker's work readiness at entry to and exit from service
- number of commencements of disengaged youth.

#### **KPI 2 (Efficiency)**

KPI 2 will measure:

- time taken to commence Job Seekers from referral
- occupancy of allocated places
- time taken to achieve outcomes
- time taken to transfer Job Seekers to jobactive, where eligible, when their participation in Transition to Work ends.

#### **KPI 3 (Quality)**

KPI 3 will measure:

- the extent to which service delivery accords with the standards outlined in the Service Guarantee
- the extent to which service delivery accords with the Service Delivery Plan
- the extent of engagement and minimisation of drop-outs in the service
- levels of post-placement support to Job Seekers and employers.

Providers will be required to report to the Department on their performance at regular intervals. The Department may gather information on a Provider's performance from a variety of sources, including through client satisfaction surveys and post-programme monitoring surveys.

### **2.3.8 Contract Management Arrangements**

The Department, in consultation with Providers, will develop a joint Charter of Contract Management that sets out the expectations, roles and accountabilities of each party.

Each Provider will have a departmental Account Manager who will manage the relationship with the Provider. At the local level, departmental Contract Managers (based in each state) will undertake programme assurance activities, such as monitoring and site visits, and report findings to the Account Manager.

If the Department is not satisfied with the performance of a Provider, it will work with the Provider to improve their performance and meet Service Delivery Plan commitments. If performance is not improved to the Department's satisfaction, the Department has the right to reduce or terminate business and allocate it to another Provider.

Providers must comply with guidelines issued by the Department. Relevant guidelines include, but are not limited to, programme guidelines and promotion and style guides issued by the Department that govern promotion activities.

Where financial viability issues are identified during the Deed period, the Provider may be requested to provide the Department with a full set of financial statements. If the Provider is part of a consortium, this request may include a full set of financial statements from all consortium partners. The Department may also recover funds, including interest, where payments to Providers have resulted in Provider debts to the Commonwealth Government.

## 3 SELECTION CRITERIA

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This chapter outlines draft selection criteria for the Transition to Work Request for Proposal.

### 3.1 Responding to selection criteria

Respondents must include a response to each selection criterion listed below.

The response must address Criteria 1 and 2 at the organisational level, and Criteria 3 and 4 for each Employment Region for which they are applying.

The points under the headings for Criteria 1 - 3 are provided for guidance only. Respondents may include any information they consider will support their responses to these selection criteria without exceeding the character limit for each criterion.

When responding to Criterion 4, Respondents must address each of the sub criteria under the heading. Respondents may also include any information they consider will support their responses to this selection criterion, within the character limit for that criterion.

In applying to deliver Transition to Work, Respondents must use the response form downloaded with the Request for Proposal on AusTender.

#### Criterion 1

**Sound organisational governance and capability.**

**Weighting: 10 per cent**

**Character Limit: 10,000**

**Guidance:** In preparing a response to this criterion, Respondents may wish to cover:

- i. the organisation's structure, governance, risk management and reporting framework
- ii. the proposed staff mix and ratio to Job Seekers
- iii. the qualifications and experience of staff and the approach to learning and development
- iv. how the organisation will monitor, review and report on the effectiveness of the Transition to Work service in terms of service quality, continuous improvement and innovation.

#### Criterion 2

**Experience in delivering services to young people and achieving employment and education outcomes.**

**Weighting: 20 per cent**

**Character Limit: 15,000**

**Guidance:** In preparing a response to this criterion, Respondents may wish to cover:

- i. the organisation's experience in working with young people and the types of youth services currently delivered
- ii. the strategies used to attract and engage young people in current service(s) being delivered
- iii. the help provided to young people to work towards their goals and the rationale for this
- iv. the measured results (for example, outcomes achieved as a proportion of young people assisted over a specified timeframe).

### **Criterion 3**

#### **Ability to deliver Transition to Work services and achieve the intended outcomes**

**Weighting: 35 per cent**

**Character Limit: 15,000**

**Guidance:** In preparing a response to this criterion, Respondents may wish to cover:

- i. the organisation's approach to working with young people and the rationale for your service delivery design for Transition to Work
- ii. where and how the services will be delivered
- iii. the strategies planned to attract and engage young people in Transition to Work
- iv. the specific mix of services intended to help make young people work-ready and improve their chances of finding and keeping a job, or connecting with education, and the rationale for this
- v. the post-placement support activities that ensure the needs of employers are identified and acknowledged and that outcomes are sustained.

### **Criterion 4**

#### **Demonstrated capacity to work with employers, community based organisations and schools to create employment and education opportunities in the local community.**

**Weighting: 35 per cent**

**Character Limit: 10,000**

**Requirement:** In preparing a response to this criterion, Respondents must:

- i. provide at least two examples (with contact details) of engagement with local employers and employer networks in the region to create work experience and employment opportunities for young people
- ii. provide at least two examples (with contact details) of engagement with schools and other education organisations in the region to assist young people into education
- iii. provide at least two examples (with contact details) of engagement with community organisations to identify and assist young people into employment and education
- iv. detail the plans to extend community based networks that support young people in the region.

## 4 ELIGIBILITY TO APPLY

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This Chapter outlines the types of organisations eligible to apply to deliver Transition to Work services. It should be read in conjunction with Chapters 5, 6 and 7 outlining the specific requirements organisations will need to meet when submitting a response.

### 4.1 Sole Traders

Respondents may respond to this purchasing process as sole traders (single organisations) provided all the requirements to submit a response and enter into a Deed with the Department are met.

### 4.2 Group Respondents

A group of legal entities may respond as a consortium, joint venture, partnership or some other form of alliance in order to conduct Activities (a 'Group Respondent').

Applications from Group Respondents that support greater coverage and quality in service delivery in an Employment Region are encouraged.

A Group Respondent must specify in their response the business structure and arrangement under which it proposes to conduct Transition to Work Activities (for example, consortium, joint venture).

If lodging a response as a Group Respondent, each member of the group must be a legal entity and the Group Respondent lodges a collective response.

Unless the Department agrees in writing to any changes to the members of a group, the membership must remain as specified in the response:

- throughout the period from receipt of the response
- through assessment and entering into Deeds
- throughout the Deed period.

Any proposed changes to the membership of a Group Respondent must be requested of the Department in a letter signed by the authorised representative(s) of the Group Respondent.

If the Department decides to deal with a Group Respondent of changed composition, the Department may, at its sole discretion, impose any conditions it considers necessary or appropriate in the circumstances.

Where a Group Respondent is successful in the Transition to Work procurement process, each of the entities that form the Group Respondent will be jointly and severally liable for:

- the performance of all of the obligations under the Deed
- all losses caused by any subcontractor engaged for the purpose of the Deed.

### 4.3 Possible types of Group Respondents

The following information is provided as guidance only. Respondents should seek independent professional advice if they have any questions about types of Group Respondents.

#### Consortium

A consortium is a group of individual legal entities that lodge a response collectively. A partnership does not constitute a consortium. If a group of entities incorporates, it would respond as the incorporated entity, not as a consortium.

NOTE: where the Group Respondent responds as a consortium, the consortium must appoint a lead member entity to act as agent for the other member entities. The lead member entity must be authorised to negotiate, act on behalf of, and contractually bind each member of the consortium. Each member of the consortium must confirm the authority of the lead member entity to the Department in writing.

#### Joint venture

A joint venture is a business enterprise in which two or more legal entities enter into a temporary partnership through the use of a joint venture agreement for the purpose of conducting the Activities.

#### Partnership

A partnership is an agreement entered into by two or more legal entities in which each agrees to provide a part of the capital and/or labour for a business enterprise, and by which each shares a defined proportion of profits and losses.

#### Other alliances

If there are other alliance arrangements between corporate entities or individuals that have not been contemplated by the Department, provided the arrangements meet the Group Respondent requirements, the Department may be open to conduct Transition to Work services through those arrangements.

An alliance of individual legal entities will need to provide details and evidence of the alliance's actual or proposed legal arrangements as an attachment to the Financial and Credentials Information Form if requested by the Department.

An alliance must appoint a lead member entity to act as agent for the other member entities. The lead member must be authorised to negotiate, act on behalf of, and contractually bind each member of the alliance. Each member of the alliance must confirm the authority of the lead member entity to the Department in writing.

### 4.4 Subcontracting arrangements

Respondents may indicate they intend to subcontract all or part of the Transition to Work services.

Respondents will remain responsible for the provision and quality of Transition to Work activities they subcontract as set out in the Deed with the Department and Respondents must impose relevant

obligations of the Deed on subcontractors in the subcontract. Respondents must also ensure subcontractors comply with the requirements set out in any Deed it enters into with the Government.

If a Respondent wishes to engage a subcontractor to conduct part of the activities, details of the proposed subcontracting arrangements must be provided in their response.

Subcontractors must remain as specified in the response unless the Department agrees in writing to any changes to the members of a group throughout the period from receipt of the response, through assessment and entering into a Deed, and throughout the Deed period.

#### **4.5 Foreign companies**

The Department will only accept a response from a foreign company if it is registered under Part 5B.2 of the *Corporations Act 2001* (Cth).

#### **4.6 Australian Government departments, employees and agents of Australian Government departments**

Australian Government departments, agencies, employees or agents are not eligible to respond to the Request for Proposal procurement process. Further, Australian Government departments, agencies, employees or agents cannot assist potential Respondents in responding.

This excludes people who are, or may be, regarded as authorised agents of Australian Government departments including the Department, the Department of Social Services, and the Department of Prime Minister and Cabinet under existing employment service arrangements or arrangements for the administration of the *Social Security Act 1991*. For example, this includes jobactive providers currently contracted with the Department or entities currently contracted with the Department of Human Services to perform Centrelink functions.

A Respondent that has received assistance from an Australian Government department, agency, or a departmental employee or agent, may be excluded from consideration at the Department's discretion.

## 5 THE DEPARTMENT'S ASSESSMENT PROCESS

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This Chapter outlines the Department's objectives for this procurement and describes the process for assessing responses.

### 5.1 Procurement principles

The Transition to Work procurement is governed by the Commonwealth Procurement Rules issued by the Minister for Finance under Section 101(1) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

As outlined in the PGPA Act, value for money is the core principle underpinning Government procurement. In the case of Transition to Work, where the service payment components are fixed, the Department's consideration of value for money will include seeking:

- diversity in Providers to encourage competition and innovation in the delivery of the Transition to Work service
- the broadest possible coverage of each of the 51 Employment Regions to maximise access for Job Seekers and employers
- the highest possible quality in service delivery.

### 5.2 Probity

The Department will ensure the Transition to Work procurement process is fair and transparent. The process will be subject to appropriate scrutiny, and all requirements published by the Department will be followed.

The Department has appointed Maddocks Lawyers as the external Probity Adviser to advise on the probity and integrity of the procurement process. The role includes developing an overarching Probity Plan that can be applied to the process and providing advice on probity issues, conducting appropriate probity training and advising on relevant security arrangements.

The Probity Adviser will observe and monitor, but will play no role in, the assessment process.

The Department has a complaints handling process in place for procurement processes. Any concerns about the probity or integrity of the Transition to Work procurement process can be raised with the internal legal adviser, Luke de Jong ([luke.dejong@employment.gov.au](mailto:luke.dejong@employment.gov.au)). Where appropriate, complaints will be referred to the external Probity Adviser.

Questions about the process or services covered by this procurement process should, in the first instance, be lodged through the Hotline (see Contact Details section).

## 5.3 Assessment process

The assessment of submissions to the Request for Proposal will be conducted by departmental staff with the appropriate expertise, training and regional knowledge.

The Department reserves the right to conduct some or all of the following stages at the same time or in a different order to that stated. The Department may take into account information gathered at one stage when conducting another stage. Nothing stated in relation to these stages limits any other right the Department has as set out elsewhere in this document.

### Stage 1—Receipt of responses

Each response will be downloaded from AusTender after the closing date and time.

Each response will be initially checked to ensure that:

- the response has been submitted before the closing date and time
- the response includes all information required by the Request for Proposal
- the Respondent has submitted the correct response form containing completed response information, including responses to the selection criteria.

### Stage 2—Eligibility

Responses will be evaluated against the eligibility conditions (see Chapter 4). Failure to meet these requirements may result in exclusion from further consideration in the assessment process.

NOTE: Incomplete or clearly non-competitive responses may be excluded from consideration at any time during the assessment process at the Department's discretion. Alternatively, the Department may still consider such responses and seek clarification from the Respondent or any third party.

### Stage 3—Selection criteria

All eligible responses will be evaluated against the relevant selection criteria for each identified Employment Region.

The Department may, in evaluating the responses, consider all information contained in a response and any other relevant information available to it.

Where an organisation has provided, or is currently conducting activities for the Commonwealth or where an organisation has conducted, or is currently conducting activities under a Deed with the Commonwealth, the organisation's past performance may be taken into consideration during the assessment phase.

Respondents should not rely on the Department using its own sources of information and should provide comprehensive performance information, including referee reports (where appropriate).

## Stage 4—Recommendations

A committee of senior departmental managers will oversee the assessment process and review the recommendations for Providers in the Employment Regions.

## Stage 5—Final decisions

The Deputy Secretary for the Department or their delegate will consider the recommendations and make the final decisions. Successful Respondents may be announced progressively at the Department's discretion. Unsuccessful Respondents will be advised by email as the outcomes for each Employment Region are finalised.

### Gap filling

Should the Request for Proposal process fail to produce a suitable Provider in a particular Employment Region, the Department, in its absolute discretion, having regard to value for money and the public interest, may consider a number of options to obtain additional service coverage, including:

- a select procurement process
- offering business to other Respondents, successful or otherwise, including through direct sourcing.

Respondents may be asked to provide additional gap-filling services to the Department from time to time, as and when agreed with the Department.

### 5.3.1 Contacting Respondents

The Department may, at any stage of the assessment process, contact Respondents (including, members of a Group Respondent who are not the lead member) or nominated subcontractors about any question that the Department may have. All contact is on a confidential-and-without-prejudice basis.

Any such contact with Respondents does not mean the Department will be awarding Deeds to the particular organisations or individuals.

## 5.4 Financial viability and other checks

To determine the financial viability of Respondents the Request for Proposal will seek a range of information including financial viability and the credentials of key personnel.

The Department may perform security, probity and financial investigations as it determines necessary in relation to any Respondent, its employees, officers, partners, associates, subcontractors or related entities. The Department may exclude a response to the Request for Proposal from further consideration if the Respondent does not provide, at its cost, all reasonable assistance to the Department in this regard.

### 5.4.1 Financial viability

The objective of the financial viability process is to assess, on the basis of information provided with a response:

- whether the Respondent may be considered financially viable to meet the requirements of the Request for Proposal (the financials check)

- whether there are any circumstances that may adversely affect the Respondent's ability (and its subcontractors' abilities where it has subcontracting arrangements) to meet its contractual obligations for at least the relevant Deed period (the credentials check)
- any risk exposure for the Commonwealth.

The Department may take these matters into account as part of the business allocation process.

This process is used to minimise risk to the Commonwealth. The process is not used to measure the profitability of an organisation or its potential for success in the Transition to Work market.

The onus of proof is on a Respondent to satisfy the Department of its financial viability to meet the requirements described in the Request for Proposal. If a Respondent does not provide all information requested by the Department, or if the Respondent is otherwise unable to demonstrate its financial viability, the Department may not be able to make an assessment or the assessment may be adversely affected. In these circumstances, the Department may, at its sole discretion, exclude a response from further consideration at any stage of the assessment process.

Additional Deed conditions, such as the provision of the Department's *Deed of Financial Undertaking and Performance Guarantee* or more frequent provision of financial statements, may be required by the Department as a result of the financial viability assessment.

To enable the Department to assess a Respondent's financial viability, each Respondent, including each member of a Group, should supply the information requested in the Request for Proposal. Each Respondent must submit a completed Financial and Credentials Information Form and provide the most relevant information to prove its financial viability.

#### 5.4.2 Financials check

Respondents should provide financial statements that:

- are current and include the statements for the last complete financial year
- are for the entity as a whole, not for individual projects
- are prepared in accordance with the *Australian Equivalents to International Financial Reporting Standards*
- include all notes to the statement(s)
- are presented in Australian dollars.

If the financial statements are audited, Respondents must provide the auditor's report and any management letters from the auditor.

The Department prefers financial statements to be prepared on an accrual basis and to be audited.

The Department expects the following Respondents to provide audited financial statements:

- organisations that are incorporated under the *Corporations Act 2001* (Cth) and that are required to provide audited financial statements because they are:
  - disclosing entities as defined under s111AC of the *Corporations Act 2001* (Cth)
  - public companies

- large proprietary companies, if two of the following apply
  - the consolidated gross operating revenue for the financial year of the company and the entities it controls, if any, is \$25 million or more
  - the value of the consolidated gross assets at the end of the financial year of the company and the entities it controls, if any, is \$12.5 million or more
  - the company and the entity it controls, if any, have 50 or more employees at the end of the financial year
  - associations incorporated under the state or territory associations incorporation laws, which specify that financial statements must be audited.

If a Respondent does not fall into these categories, or audited financial statements are not available, the Respondent should provide unaudited financial statements.

To assist the Department in assessing financial viability, Respondents should observe the following:

- If the financial statements provided by the Respondent are in a different name, or the accounting period has changed, a satisfactory explanation should be provided.
- If the Respondent has recently merged with another organisation, the terms of the merger and ownership of assets and responsibility for liabilities should be provided.
- If assets are recorded in the balance sheet that are not owned by the Respondent, for example, assets owned by the Commonwealth, the extent of that ownership and the value should be recorded in the notes to the accounts.

If the Respondent has access to additional funds, documentary evidence should be included that substantiates:

- a bank loan
- a line of credit
- access to financial support
- a guarantee.

If a guarantee is not from a bank, the guarantor should provide evidence of the capacity of the guarantor to honour the guarantee. This may take the form of financial statements.

### 5.4.3 Credentials check

Respondents should provide further relevant information that includes:

- descriptions of any recent changes of substance in the Respondent's financial position not reflected in the most recent financial statements
- details of any significant events, matters or circumstances that have arisen since the end of the last financial year that may significantly affect the Respondent's ability to perform the services
- a summary of any court actions, charges, liens or encumbrances affecting any assets of the Respondent
- the Respondent's Ultimate Holding Entity, if any, respective related corporations and their respective directors, and any shares in the Respondent, its Ultimate Holding Entity and their respective related corporations

- any other factors the Respondent wishes to describe to support its demonstration of financial capacity.

For the purpose of conducting financial viability assessments the Department may contact Respondents to seek clarification of information received or obtained.

### Existing organisations

Existing organisations are defined as those in operation for at least 12 months. In assessing these organisations, the Department will examine existing financial records.

Where the existing financial capability of a Respondent requires supplementation to undertake the Transition to Work services, the Respondent should supply information of the kind identified for new organisations.

### New organisations

New organisations are defined as those in operation for less than 12 months. These organisations should provide independent evidence supporting their financial capacity and start-up capital.

If a number of organisations group together to form a new entity, the newly incorporated entity must provide evidence from its constituent members of their commitment to its continuing financial viability. This may take the form of articles of association, constitutions or guarantees. If the guarantor(s) is other than a bank or lending institution, the guarantor(s) should provide evidence of capacity to honour the guarantee. This may take the form of financial statements.

### Ultimate Holding Entity

If a Respondent has an Ultimate Holding Entity, the Respondent should provide a copy of any guarantee or cross deed of indemnity from the Ultimate Holding Entity, and financial statements and a completed financial summary table for the Ultimate Holding Entity.

### Trusts

If a Respondent is associated with a trust and is applying as trustee for that trust, the Respondent should provide a copy of the trust deed and details of the relationships between the trust and any related organisations.

Other documents that may help the Department in assessing financial viability of trusts include:

- financial statements for the trust and related organisations
- an explanation of loans and borrowings between the trust and its related organisations and trusts.

If substantial monies from a trust are distributed, additional Deed conditions, such as a financial undertaking or performance guarantee, may be required by the Department in the final Deed. In this instance, a Respondent may also need to provide financial statements from the guarantor(s) unless a bank guarantee is provided.

If a Respondent is associated with a family trust, the Respondent should specify family trust assets and how those assets may be used to support the trust.

## Group Respondents

If applying as a Group Respondent, each member of the Group Respondent, including the lead member if applicable, must complete a separate Financial and Credentials Information Form and should provide supporting documentation relevant to their individual organisations.

Copies of relevant deeds or deeds regulating the Group Respondent, including deeds of cross-guarantee, deeds of partnership, constitutions, shareholders' agreements and the like, should be provided.

## Subcontractors

If Respondents wish to engage a subcontractor to perform part of the services, each subcontractor must complete a separate Subcontractor Credentials Information Form and should provide supporting documentation relevant to their organisation.

The subcontractor must authorise the Department to undertake certain checks that involve the disclosing of personal information to other agencies and organisations, including the Respondent.

## 5.5 Debriefing

All Respondents that are **not** successful in the purchasing process will, on request, receive a verbal debriefing following the announcement of the purchasing process outcomes. The request for a debriefing must be made within one month of the final announcement of the purchasing process.

In accordance with Government policy, Respondents will not be provided with information concerning other Respondents, except for publicly available information.

Debriefs may be conducted via telephone. All costs incurred by the Respondent in relation to a debriefing will be at the Respondent's expense.

## 6 LEGAL AND OTHER MATTERS

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This chapter provides information on legal and privacy matters.

### 6.1 Legal requirements

Each Respondent should ensure compliance with all relevant laws and with Government policy in preparing and lodging its response and taking part in the Transition to Work procurement process.

Transition to Work providers will need to have particular regard to the legal requirements listed below.

#### 6.1.1 Privacy and complaints

The Department is bound in administering the programme by the provisions of the *Privacy Act 1988* (Cth) (the Privacy Act). The Privacy Act regulates the handling of personal information of individuals by government agencies and certain private sector organisations, including the collection, storage, use and disclosure of that information.

Persons, bodies and organisations involved in the programme must abide by the Privacy Act when handling personal information collected for the purposes of that programme. In brief, persons, bodies and organisations must ensure that:

- personal information is collected in accordance with the Privacy Act
- suitable security safeguards exist for all records containing personal information
- access to a person's own personal information held by the organisation is made available to the person at no charge
- records containing personal information are accurate, relevant, up-to-date, complete and not misleading
- where a record is found to be inaccurate, the correction is made
- where a person requests that a record be amended but the record-keeper is not willing to amend the record, and no decision or recommendation that the record be amended has been made under a law of the Commonwealth, the record keeper shall attach a statement setting out the requested amendment to the record, if asked to do so by the person
- personal information is only to be used for the purposes for which it was collected, or for other purposes where expressly allowed by the Privacy Act
- personal information is only disclosed in accordance with the Privacy Act.

Complaints about breaches of privacy must be referred to:

Privacy Contact Officer  
Department of Employment  
LOC: C12MT1 - LEGAL  
GPO Box 9880  
CANBERRA ACT 2601

Or by [email](mailto:privacy@employment.gov.au) (privacy@employment.gov.au)

Privacy complaints may be made directly to the Federal Privacy Commissioner, however the Federal Privacy Commissioner prefers that the Department be given an opportunity to deal with the complaint in the first instance.

### 6.1.2 Discrimination

The programme must be administered in a way that supports the principle of non-discrimination.

Under the *National Disability Strategy 2010–2020*, barriers that prevent people with disabilities having access to programmes and services must be removed.

Transition to Work Providers may also be subject to the provisions of the following Acts, which are designed to prevent discriminatory practices:

- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*.

### 6.1.3 Working with children

Providers and their employees and subcontractors who interact with children are required to undergo a relevant police or working with children check.

Providers may be subject to the provisions of the following Acts:

- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Commission for Children and Young People Act 1998 (NSW)*
- *Commission for Children and Young People Act 2000 (Qld)*
- any other state-based or territory-based legislation relevant to working with children.

### 6.1.4 Freedom of information

All documents created or held by the Department, its Deed recipients and subcontractors in relation to the programme are subject to the *Freedom of Information Act 1982* (FOI Act). Unless there is an exemption under the FOI Act to restrict disclosure of a document, it may be made available if requested under the FOI Act.

Freedom of information requests must be sent to:

Information Law Team  
Information Law, Practice Management and Corporate Branch  
Department of Employment  
LOC: C12MT1 - LEGAL  
GPO Box 9880  
CANBERRA ACT 2601

Or by [email](mailto:foi@employment.gov.au) (foi@employment.gov.au)

## 6.2 Fraud

Provider organisations and their staff must not engage in fraudulent activity in relation to their Deed.

Providers are required to promptly notify the Department of any suspected fraud and including details of any fraud awareness.

Providers must take all reasonable steps to prevent fraud upon the Commonwealth in relation to the services. This includes the implementation of an appropriate fraud control plan, a copy of which must be provided to the Department if requested.

The Department will monitor compliance matters such as fraud, wrongdoing, invalid claims, discrimination and other potential breaches of the Deed and raise any concerns in a timely manner. This is supported by ongoing review, contract management and a programme of regular and discrete programme assurance activities.

The Department will apply business sanctions to administrative breaches of the Deed or any of its supporting guidelines. A separate legal framework applies where intent to defraud the Commonwealth is proven.

## **6.3 Other matters**

### **6.3.1 Professional advice and future matters**

In responding to this Transition to Work procurement process, potential Respondents should seek their own legal, business and other professional advice on, and in relation to, the Transition to Work procurement process and its requirements. Respondents that submit a response are not guaranteed any business.

### **6.3.2 Confidential information**

Each Respondent must identify what information provided in their response (and any attachments) it considers is confidential. Where a Respondent has identified information as confidential, the Department will, subject to that information being of an inherently confidential nature, and subject to the following, treat that information confidentially.

The Department will not be taken to have breached any obligation to keep information provided by Respondents confidential to the extent that the information:

- is disclosed by the Department to the Commonwealth's advisers, officers, employees, contractors or subcontractors in order to conduct the Transition to Work procurement process or to prepare and manage any resultant Deed
- is disclosed to the Department's internal management personnel, solely to enable effective management or auditing of the Transition to Work procurement process
- is disclosed by the Commonwealth to the responsible Minister or their staff
- is disclosed by the Commonwealth in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia
- is shared by the Department within the Department's organisation, or with another Australian Government department or agency, where this serves the Australian Government's legitimate interests
- is authorised or required by law to be disclosed
- is disclosed for annual reporting purposes
- is in the public domain otherwise than due to a breach of the relevant obligations of confidentiality.

The Department will only keep information contained in, or obtained or generated in performing, any Deed entered into with the successful Respondent confidential in accordance with the terms of the Deed.

If a Deed is entered into, the Department is also subject to legislative and policy requirements that oblige it to disclose certain information in, or in relation to, the Deed, including:

- reporting Government deeds and standing offers with an estimated liability (including GST where applicable) of \$10,000 or greater on AusTender, within six weeks of entering into that deed
- publishing a list of deeds that have a value of \$100,000 or greater, which have not been fully performed, or which have been entered into in the previous 12 months as published on the Department's website. This includes disclosing certain details, including the confidentiality requirements in, or in relation to, these Deeds.

### 6.3.3 Conflict of interest

Where a Respondent considers that a conflict of interest exists or might arise in relation to the Respondent conducting Activities under the Deed, the Respondent must identify the actual or potential conflict of interest. A conflict of interest may exist, for example, if the Respondent, or any of its personnel, has a relationship (whether professional, commercial or personal) with a person who is able to influence the procurement process such as a departmental employee.

Each Respondent will be required to declare in the 'Respondent Declaration' section of the response form that, to the best of its knowledge, there is no conflict of interest that would prevent the Respondent from proceeding with the response or any Deed it may enter into with the Government.

If at any time during the Transition to Work procurement process or prior to entering into a Deed with the Government a Respondent considers that an actual or potential conflict of interest arises or may arise for them, that Respondent must immediately notify the Department in writing.

If a conflict of interest, whether actual, potential, or perceived, is identified, either by a Respondent or by any other means, the Department may at its discretion take any action it considers appropriate to manage the conflict of interest, which may include excluding the relevant response from further consideration.

### 6.3.4 Improper influence

Respondents and their officers, employees, agents or advisers:

- must not, and must not attempt to, improperly influence any employee of the Australian Government in connection with the assessment of responses under this Transition to Work procurement process
- must not have violated, and must not violate, any applicable laws or Government, state or territory policies regarding the offering of inducements, so far as those laws or policies may be relevant to the preparation of the response.

### 6.3.5 Improper assistance

In preparing a response to the Transition to Work procurement process, Respondents must not use information or assistance obtained from a current or former officer or employee of the Commonwealth:

- in circumstances that are contrary to the Communication Protocol, available at Appendix C or on the [Employment Services Procurement Information website](#)
- in circumstances that constitute a breach of the *Crimes Act 1914* (Cth), the *Public Service Act 1999* (Cth), the *Public Service Regulations 1999* (Cth)
- in breach of an obligation of confidentiality or fidelity.

### 6.3.6 Competitive neutrality

Competitive neutrality requires that competition is fair and, therefore, assessments of relative performance against the selection criteria for responses are made on the same basis.

If a Respondent is in the public sector it will be required to declare that its response has been prepared in accordance with the Commonwealth's competitive neutrality principles.

## 6.4 Indigenous Procurement Policy

The primary purpose of the Indigenous Procurement Policy is to stimulate Indigenous entrepreneurship and business development, providing Indigenous Australians with more opportunities to participate in the economy.

Transition to Work providers are required to use reasonable endeavours to increase their purchasing from Indigenous Enterprises and to employ Indigenous Australians in the delivery of the services.

More information on the Indigenous Procurement Policy can be found on the [Department of the Prime Minister and Cabinet website](#) ([dpmc.gov.au/indigenous-affairs/about/jobs-land-and-economy-programme/ipp](http://dpmc.gov.au/indigenous-affairs/about/jobs-land-and-economy-programme/ipp)), or by contacting [the Indigenous Procurement mailbox](mailto:IndigenousProcurement@pmc.gov.au) (IndigenousProcurement@pmc.gov.au).

## 6.5 The Department's rights and liabilities

The Department will not be responsible in any circumstance for any costs or expenses incurred by any Respondent or any other party arising from a Respondent's participation in the Transition to Work procurement process. Neither the Department nor its officers, employees or advisers will be liable, in relation to the Department's conduct under or in relation to the Transition to Work procurement process, to any Respondent or anyone else on the basis of any legal or equitable rights, however based, as a consequence of any matter or thing relating, or incidental, to the participation of a Respondent or anyone else in the Transition to Work procurement process.

No contractual or other legal relationship will arise between the Commonwealth and any Respondents, nominated subcontractor or anyone else until a Deed is executed by the Commonwealth and the Provider.

The Department may, at its sole discretion and at any stage of the Transition to Work procurement process, including during or after the assessment process:

- vary the Transition to Work procurement process, including the timing and processes referred to in the Request for Proposal

- vary the content of the Request for Proposal, or any documents relating to the Transition to Work procurement process or the draft Deed
- forward any additional information or clarification of the meaning of the content of the Request for Proposal on a non-attributable basis
- shortlist Respondents, including Respondents that have nominated subcontractors
- obtain clarification or additional information from Respondents, nominated subcontractors or anyone else and use any such information for the assessment of the response
- negotiate with one or more Respondents, including with or without short listing, or discontinue negotiations
- contact nominated subcontractors directly and seek further information from them in relation to any matters, including their capacity to conduct the Activities on behalf of potential Respondents who have nominated them
- impose conditions on Respondents that have nominated subcontractors that the Department considers necessary or appropriate
- reassess any response in whole, or in part, at any stage where the Department considers that a Respondent or nominated subcontractor may not be able to conduct the specified Activities
- vary the assessment process to conduct a further assessment phase
- require a Respondent to provide details of a substitute subcontractor for any nominated subcontractor
- remove any response from consideration where, in the opinion of the Department, the Transition to Work procurement process allows for the exclusion of a response
- terminate, suspend or abandon the Transition to Work procurement process if it considers that no responses offers value for money in accordance with the terms and conditions of this procurement process, or the Department otherwise determines that it is in the public interest to terminate or abandon the response process.

If a Respondent is placed under external administration, becomes insolvent, or otherwise loses the capacity to enter into a Deed with the Commonwealth, the Department may, at its discretion, exclude the response from further consideration.

#### **6.5.1 Ownership of Request for Proposal submissions**

All responses to the Request for Proposal become the property of the Department once lodged. Subject to the provisions above regarding confidential information, the Department may deal with those responses as it sees fit.

#### **6.5.2 Offers to remain open**

Any response to the Request for Proposal will remain open for a period of 12 months after the closing date and time, or until receipt by the Respondent of notification from the Department that its submission was unsuccessful, whichever is the later.

# 7 HOW TO LODGE A RESPONSE

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This Chapter provides Respondents with information they will need to successfully lodge a response to the formal Request for Proposal for Transition to Work.

**Proposals to provide Transition to Work services are not sought at this time.**

## 7.1 Conditions of lodgement

### 7.1.1 Responsibility of Respondents

Respondents are responsible for ensuring they have:

- read the entire Request for Proposal
- read any additional information the Department may provide on its websites and any addenda issued, and ensure they understand any other circumstances that may have an effect on their response
- made their own independent assessment and investigations, and, if necessary, obtained their own legal, business or other professional advice on the response process
- taken note of the closing date and time and the requirement for the response to be received by closing date and time
- satisfied themselves that their response is complete, accurate, and provides sufficient information
- kept a copy of their response and any attachments for their own records.

Respondents must not make false or misleading statements in their response, and must answer all questions honestly and completely. Giving false or misleading information is a serious offence.

### 7.1.2 Response lodgement

Responses must be lodged electronically. Responses submitted by any other means, (including by hand, courier, post, facsimile or email) may not be accepted.

#### **Response preparation and process**

Potential Respondents must:

- prepare a legible response in English
- ensure all references to currency are expressed in Australian dollars and all references to measurements are in Australian legal units of measure
- ensure their technology platform meets the minimum requirements outlined in Appendix B
- take all steps to ensure that their response is free from anything that might reasonably affect useability, or the Department's computing environment
- ensure their response complies with all file type, format, naming conventions, size limitations or other requirements
- ensure their response is lodged through the correct system.

<b>Respondents must allow sufficient time to complete the lodgement of their response prior to the closing date and time.</b>
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## 7.2 Closing Date and Time

Request for Proposal responses must be lodged before the closing date and time that will be in the Request for Proposal (Canberra time).

Any attempt to lodge a response after the closing date and time will not be permitted.

**IMPORTANT:** Respondents should aim to lodge their response early, to allow time to resolve any technical or other issues. Responses received after the closing date and time will not be accepted unless the delay is due solely to the mishandling by the Department.

Where a Respondent commences electronic lodgement of a response before the closing date and time but lodgement finishes after the closing date and time, the response as a whole will be deemed to be a late response even if parts of the response were successfully lodged prior to the closing date and time. Any conditions or advice set out on the AusTender website, or otherwise provided by AusTender, that suggest a position to the contrary do not apply. A receipt from AusTender indicating the successful lodgement of your response at a time after the closing date and time only means that the electronic file has been received by AusTender. The response will still be a late response if lodgement was not completed prior to the response closing time.

## 7.3 AusTender

AusTender provides centralised publication of Australian Government business opportunities. Respondents may register their area of business interest on AusTender and will receive free automatic notifications via email of the latest opportunities as they are published.

AusTender allows potential Respondents to download the relevant documentation relating to the Transition to Work procurement process and upload their response. Potential Respondents must first register with [AusTender](http://www.tenders.gov.au) ([www.tenders.gov.au](http://www.tenders.gov.au)).

If the Department amends this document, including its terms, requirements or the process referred to in the Exposure Draft prior to the closing date and time, the Department will issue advice to potential Respondents via AusTender. All addenda will only be available on the AusTender website, so only potential Respondents that have registered with AusTender for this Exposure Draft will be provided with details of any alteration, correction or notice in relation to the Exposure Draft.

Potential Respondents registered for this Transition to Work procurement process on AusTender will receive these notifications automatically. Potential Respondents are encouraged to register with AusTender to obtain further information.

Responses to general questions received through the Hotline and subsequent clarifications by the Department about the Exposure Draft will be published on the [Employment Services Procurement Information](http://employment.gov.au/employment-services-procurement-information) website ([employment.gov.au/employment-services-procurement-information](http://employment.gov.au/employment-services-procurement-information)).

### 7.3.1 Proof of lodgement of response

When responses have been lodged, an official receipt is provided on screen. Respondents should save and print this receipt as proof of lodgement. A separate email confirming receipt of the response will also be

automatically sent to the email address of the registered user. Failure to receive a receipt means lodgement of the response has not completed successfully.

### **7.3.2 Changing or withdrawing responses**

Once a Respondent has lodged their response, the response cannot be changed or withdrawn.

When a new response is lodged the Respondent must notify the Department, via the Hotline, of the legal name and the Australian Business Number of the Respondent, the time and date on the response receipt of the new and any previous responses, as well as the reason for submitting a new response.

## APPENDIX A GLOSSARY

In this document, unless a contrary intention occurs, all capitalised terms have the meaning given to them in the list of definitions in this glossary.

<b>Annual Activity Requirement</b>	The number of hours that a Job Seeker must participate in Activities (including in Work for the Dole) as specified in any Guidelines or otherwise advised by the Department.
<b>Apprenticeship/Traineeships</b>	Australian Apprenticeships combine training and employment and lead to a nationally recognised qualification. Australian Apprenticeships are available to anyone of working age and do not require any entry qualifications. Australian Apprentices are available to school-leavers, those re-entering the workforce or those wishing to change careers. Australian Apprenticeships are available in a variety of certificate levels in more than 500 occupations across Australia. They are available in traditional trades, as well as a diverse range of emerging careers in most sectors of business and industry.
<b>AusTender</b>	The centralised online procurement information system, <a href="http://www.tenders.gov.au">AusTender website</a> (www.tenders.gov.au) for Australian Government agencies.
<b>Centrelink</b>	The programme or programmes of that name administered by the Australian Government Department of Human Services.
<b>Deed</b>	The Transition to Work Deed 2016-2020.
<b>Department or the Department</b>	The Australian Government Department of Employment or other agency or department that may administer the Deed on behalf of the Commonwealth.
<b>Early School Leaver</b>	A person who falls within the meaning given to the term 'Early School Leaver' by the Social Security Act 1991 (Cth) and who has Early School Leaver participation requirements under the Social Security Law.
<b>Employment Regions</b>	A geographical area identified and displayed on the <a href="http://lmip.gov.au">Labour Market Information Portal</a> (lmip.gov.au/), as varied by the Department from time to time at the Department's absolute discretion.
<b>Employment Services Purchasing</b>	The Hotline is the primary means of contact during the Transition to

<b>Hotline (the Hotline)</b>	Work procurement process and can be contacted on 1300 733 514 (Monday to Friday, 9.00 am to 5.00 pm Canberra time, excluding ACT and national public holidays) or via <a href="mailto:espurchasing@employment.gov.au">espurchasing@employment.gov.au</a> .
<b>Exposure Draft</b>	This document labelled 'Exposure Draft of a Request for Proposal for Transition to Work' and any addenda to this document issued through the Department's website.
<b>Freedom of Information (FOI)</b>	The right of Australians to information in the possession of the Australian Government, as provided under the <i>Freedom of Information Act 1982 (Cth)</i> , limited only by exemption provisions as set out in the legislation.
<b>Group Respondent</b>	A group of legal entities in a consortium, joint venture, partnership or some other form of alliance responding to the Request for Proposal.
<b>jobactive</b>	The current Australian Government programme that provides training, work experience and other interventions to Job Seekers, particularly the disadvantaged, to help them obtain suitable employment.
<b>jobactive provider</b>	An organisation contracted to deliver jobactive.
<b>jobactive Streams</b>	Job Seekers are classified into one of three streams for jobactive services, depending on their level of relative disadvantage. These are: <ul style="list-style-type: none"> <li>• Stream A— the most job ready Job Seekers</li> <li>• Stream B— Job Seekers with moderate barriers to employment</li> <li>• Stream C— Job Seekers with severe vocational and non-vocational barriers to employment.</li> </ul>
<b>Job Plan</b>	The Job Plan as described in the Transition to Work Deed, and which includes an Employment Pathway Plan under the <i>Social Security Act 1991 (Cth)</i> or, if the <i>Social Security Act 1991 (Cth)</i> is amended, any such agreements.
<b>Job Seeker</b>	The term used to refer to young people aged 15-21 years looking for work or volunteering for Transition to Work

<b>Job Seeker Classification Instrument (JSCI)</b>	The tool used by the Department of Human Services and jobactive providers to measure a Job Seeker's relative level of disadvantage based on the expected difficulty in finding the Job Seeker employment because of the Job Seeker's personal circumstances and labour market skills.
<b>Job Services Australia</b>	The Commonwealth funded employment services 2012-2015 programme of that name, administered by the Department.
<b>Mutual Obligation Requirement</b>	The activity test or participation requirements that a Job Seeker must meet in order to receive an Income Support Payment in accordance with any Guidelines, including attending appointments, performance job searches and meeting their Annual Activity Requirement.
<b>Not for profit organisation</b>	A not for profit entity is an entity that is not carried on for the purposes of profit or gain to its individual members and is, by the terms of the company's constituent document, prohibited from making any distribution, whether in money, property or otherwise, to its members
<b>Post Placement Support</b>	Assistance provided to Job Seekers to ensure they are able to maintain themselves in Employment and meet their Employer's needs.
<b>Probity</b>	Refers to procedural integrity of the Transition to Work procurement process, underpinned by the quality of, and adherence to, published Transition to Work procurement process documentation, the assessment processes used to ensure that there is objective and consistent assessment at each phase, by appropriately qualified and trained evaluators, and decision-making in accordance with all legal requirements.
<b>Provider</b>	An organisation that has entered into a Deed to conduct the Transition to Work services under the Transition to Work Deed 2016-2020.
<b>Request for Proposal</b>	The formal tender process for procurement of Transition to Work services.
<b>Respondent</b>	Any organisation that may submit a response to conduct Transition to Work activities. This term also captures, where the context admits, 'Group Respondents'.

<b>Service Delivery Plan</b>	The Service Delivery Plan(s) is unique to each Provider and outlines the servicing strategies and approach in a format that is able to be understood by Job Seekers and/or Employers.
<b>Traineeship</b>	See Apprenticeships.
<b>Transition to Work provider</b>	An organisation contracted to deliver Transition to Work.
<b>Transition to Work services</b>	The services provided by a Transition to Work provider under the Deed.
<b>Work for the Dole</b>	The primary component of the Government's Mutual Obligation Requirements in which eligible Job Seekers participate in work-like activities in return for receiving Income Support.
<b>Youth Allowance (other)</b>	Youth Allowance (other) is a means-tested Income Support Payment available to eligible young people aged 16-21 years (or 24 years subject to the passage of legislation raising qualifying age for Newstart to 25 years) who are seeking or preparing for paid employment; or who, until they attain Year 12 or an equivalent Certificate II qualification, are undertaking study or training in combination with other approved activities. See the Social Security Act 1991 (Cth) for a more detailed definition.

# APPENDIX B ACCESS TO THE DEPARTMENT'S IT SYSTEM

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## Introduction

Providers of services covered under this procurement process are required to have access to, and use, the Department's IT systems, which include a number of internet-based websites and transactional systems.

## Security, privacy and confidentiality

Providers must ensure and secure the confidentiality, integrity and availability of the Department's IT systems and the information within them.

The Australian Privacy Principles described in the *Privacy Act 1988* (Cth) that apply to the Department will also apply to Providers and their IT software and service providers under the terms of the Deed(s). Providers must, therefore, ensure that they and their agents safeguard Job Seekers' personal information and sensitive information, as defined under the *Privacy Act 1988* (Cth), that is accessible through the Department's IT systems. The Department requires Providers to install a secure operating system on all personal computers that have access to the Department's IT systems. The security controls in the operating system must safeguard the data that is stored on the personal computer's disk drive from being read by unauthorised personnel. The operating system must also prevent unauthorised personnel from accessing software on the personal computer that would facilitate access to personal information and sensitive information.

Providers must seek the prior approval of the Department before sending or hosting outside Australia any personal or sensitive information relating to employment programmes. This includes the use of overseas cloud-based data solutions.

## Operating systems

The Department will deliver all IT systems to providers as web-browser responses, or via web-sites. Providers may therefore use whatever operating system best meets their organisational needs. The Department's web-browser responses will be optimised for Internet Explorer 11, but compatibility testing will also be done with the latest versions of Firefox, Chrome and Safari.

## Use of third-party IT systems

A third-party IT system is a system supplied to a Provider, or one built or configured in-house by a Provider, to replace or be an adjunct to the IT systems provided by the Department. Providers must advise the Department of the use of any third-party IT systems that hold or manage personal information or sensitive information. At any time, the Department may require access to these systems and the data they contain to ensure adherence to the Department's policies and the requirements under the Deed(s) and the law. Providers must not give access to electronic records, or any derivative thereof, to a third-party IT provider who has not signed an agreement with the Department (in a form specified by the Department), and may only grant such access in accordance with the terms of the said agreement, the Department's Security Policies and any Guidelines. The relevant agreement will require third-party IT providers to give the Department access to their IT systems, to comply with the Department's IT security

policies, to protect personal and sensitive information, to report all breaches of security, and to comply with certain record keeping requirements.

Providers electing to use third-party IT systems must ensure that those systems present, manage, record and display information consistent with that provided by the Department's systems. For example, a question and response presented in the Department's system must be worded the same in any third-party IT systems. The third-party IT system must not default answers to questions or input fields where the Department's IT system has no default setting.

The interfacing of third-party IT systems with the Department's IT systems must not negatively impact performance of the Department's IT systems for users and will be subject to such terms and conditions as the Department deems appropriate. The Department may, for any reason, suspend the access of a third-party IT system to the Department's IT systems.

Departmental IT systems may be upgraded during the Deed(s) period in response to identified systems issues, to make technical enhancements, and to implement new policy and programme requirements. While the Department will use its best endeavours not to impact the functioning of third-party IT systems there is a risk that connectivity or functionality may be adversely affected.

Providers must seek the approval of the Department before using any third-party IT system that sends or hosts any personal or sensitive information relating to employment programmes outside Australia.

### **IT contact**

The Provider must:

- nominate personnel to receive technical advice from the Department on the Department's IT systems, and to provide advice to the Department of technical issues arising from accessing the Department's IT systems (the IT Contact)
- advise the Department when the IT Contact changes.

### **Printing**

The Department's IT systems are designed to minimise the information that Providers need to print. Providers need to have access to a printer that is locally connected to their personal computer or accessible via their office local area network.

It is the responsibility of the Providers to supply equipment capable of printing from the Department's IT systems. The choice of equipment is up to each Provider.

### **Access to the internet**

To obtain full access to the internet, Providers will need an Internet Service Provider. Internet access is separate from access to the Department's IT systems.

## Email

To enhance communication, the Department will establish a mailing list to disseminate information. It is mandatory that Providers have email accounts accessible via the internet for appropriate staff. Internet Service Providers can provide information about obtaining email services.

The Department may communicate with Providers on a day-to-day basis via email.

## Information Technology support

The following information technology support services are available:

- initial security and connection, registration and subsequent changes, resets and troubleshooting
- help desk facilities.

Access to these services is available by calling the Employment Systems Help desk on 1300 305 520, Monday to Friday, 8.30 am to 7.00 pm (Canberra time) excluding national public holidays.

## Information Technology Training

The Department may supply Providers with training in Departmental operational policy and IT systems, and will include self-paced learning modules and the use of a training database. The Department may mandate that identified training is completed by a Provider's staff to ensure they have an appropriate understanding of programs and responsibilities. The material will be made available through the internet support site database. This is provided online and accessed through the Learning Centre.

Online training modules are produced in a range of multimedia file formats including:

- Windows Media Video (.wmv)—viewed through a media player
- Shockwave Flash (.swf)—requiring the Adobe Flash Player.

In addition, the Department will provide information and training using web conferencing. Web Conferencing audio will be delivered through teleconferencing or Voice over Internet Protocol (VOIP). Replays of recorded sessions may be downloaded at no cost from the Learning Centre.

Training may also be provided through other mechanisms.

## Employment Services Network Internet Support Site

The Provider component of the Department's Employment Community Services Network (ECSN) internet support site is an important source of systems-related information, including:

- training materials
- information bulletins
- hours of availability
- system changes
- required forms
- frequently asked questions and answers.

The internet support site will allow access, in the same manner as that provided for access to the Department's IT systems, to a number of services restricted to authorised Providers, notably:

- system-related reports

- materials of a sensitive or privileged nature, such as bulletins, departmental instructions and payment schedules.

These services will only be accessible to Providers that have been granted access through a User ID and password. All access to the Department's IT systems is logged, and Providers will be required to enter a valid User ID and password in a secure login process before the pages will display.

The sites are presently available from 8.00 am to 10.30 pm (Canberra Time) Monday to Friday except for ACT and national public holidays, and 9.00 am to 1.00 pm (Canberra Time) on Saturdays. The exception is when sites are offline for maintenance purposes. The hours of access are under constant review and all changes will be communicated in advance to Providers.

### **Information Technology Costs**

Providers will be required to meet the cost of:

- all ISP charges
- acquiring and installing any equipment (hardware and software) described in this Section
- WiFi services provided to Job Seekers at no cost to them
- any alternative network solution proposed by the Provider.

Internet charges are a matter for negotiation between each Provider and their ISP. Providers are responsible for supplying the IT equipment they will use, as the Department will not provide any IT equipment.

### **Security policy for external users of The Department's IT systems**

The *Department's External Security Policy – For Contracted Service Providers & Users* and companion documents will be available from the Procurement and Contacts page of the [Employment Services Procurement Information website](http://employment.gov.au/employment-services-procurement-information) (employment.gov.au/employment-services-procurement-information).

The policy may be updated from time to time to incorporate changes to Government security policies.

## APPENDIX C COMMUNICATION PROTOCOL

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This communication protocol has been established to support the Request for Proposal for Transition to Work 2016-2020.

The purpose of this protocol is to establish procedures to minimise the risk of any improper practice occurring that could influence the fair operation of the market or the probity of the Exposure Draft and Request for Proposal process. These procedures also make provision for addressing any allegation of such impropriety.

Those who may be in positions that the public could perceive as having the power to influence the operation of the Request for Proposal process have been identified as, including:

- employees of the Department
- Ministers, Parliamentary Secretaries and their staff
- Parliamentarians, whether Commonwealth, state or territory
- existing jobactive providers and industry groups
- anyone else directly or indirectly involved in the procurement process acting for the Department or with access to information about the Department's activities that is not generally known (that is, those with 'inside' information).

The following procedures have been adopted to minimise the risk of any inappropriate influence on the Exposure Draft process and must be adhered to.

### Contact with Portfolio Ministers

During the Exposure Draft and Request for Proposal process, Portfolio Ministers will continue to interact with relevant stakeholders for business-as-usual, meetings, conferences and social activities.

However, during these interactions, the only information, if any, that can be provided about the Request for Proposal process will be limited to information that is already available in the public arena.

Respondents and potential Respondents must not seek to elicit or obtain from Portfolio Ministers, or their staff, any information concerning the Request for Proposal process that is not already available in the public arena.

The Request for Proposal process will be conducted by the Department with all decisions made by the Department in accordance with the approved delegation.

### Contact with the Department

During the Exposure Draft and Request for Proposal process, the Department will continue to interact with relevant stakeholders as a part of its ongoing business (on a business-as-usual basis), including continuing any regular discussions with a range of interest groups and industry representative bodies.

At these business-as-usual interactions, any discussions relating to the Request for Proposal process, however, will not be permitted. The following principles will apply:

- all Respondents will only use the process set out in the Request for Proposal to contact the Department for the purpose of querying or clarifying any aspect of the Request for Proposal process
- the Department will not consider unsolicited references or submissions on behalf of Providers or Respondents outside those provided for in the Request for Proposal process
- Respondents or other persons with an interest in the Request for Proposal process must not enter into discussions with or otherwise engage in any activity with the Department, persons directly or indirectly involved in the Request for Proposal process acting for the Department, and other persons who have been identified as being in positions of potential influence over the operation of the Request for Proposal process. Further, the Department will not enter into discussions or otherwise engage in any activity with Respondents, or such other persons with an interest in the Request for Proposal process, where this could be perceived as influencing the operation of the Request for Proposal process
- views on an individual Respondent or Respondents must not be expressed to the Department in a way that could be perceived as an attempt to influence the Department to favour, or disfavour, any Respondent
- details of any approaches by or on behalf of an individual Respondent or Respondents will be fully documented
- communications or conduct suspected of involving a breach of this communication protocol or of the Request for Proposal process, including any suspected illegality will be investigated and may be taken into account during the Request for Proposal assessment process.

### Assistance

Respondents will compete on the basis of fair and open competition.

Respondents must not seek help to develop their submissions from any person in a position that the public could perceive as having power to influence the operation or outcomes of the Request for Proposal process. This includes current employees of the Department, and may include former employees of the Department.

Unless otherwise provided in this Request for Proposal, Respondents must not seek any assistance from current employees of the Department to provide interpretation or advice on how to respond to the Request for Proposal, or to obtain information that is not contained in the Request for Proposal or is not otherwise publicly available. Respondents must not seek assistance of this nature from former employees of the Department where this gives, or could give rise to the perception that the Respondent has received an advantage over other Respondents as a result of that assistance.

### Information

The following principles guide the Department in communicating with Respondents:

- no Respondent will receive any information in advance of it being made available generally to Respondents
- no Respondent will receive more information than is publicly available

- data relating to an individual Respondent will only be made available to the Respondent to which the data relates, except when the data is used for the purposes of deed management and associated activities such as auditing
- where, in the opinion of the Department, information provided to one Respondent should be made available to all Respondents, that information will be distributed on the [Employment Services Procurement Information website](https://www.employment.gov.au/employment-services-procurement-information) (employment.gov.au/employment-services-procurement-information) on a non-attributable basis.

### Further Information on purchasing arrangements

The Hotline is the primary means of contact during the Request for Proposal process.

In order to ensure the probity of the procurement process, the Hotline cannot be used to request interpretation or advice on how to respond to the Request for Proposal, or provide information that is not contained in the Request for Proposal, unless that information is otherwise publicly available.

Respondents should note that, during a call to the Hotline, they may be asked to put their question in writing and send it to the above email address.

The website, Hotline and email address are the primary mechanisms for communications relating to purchasing matters. All persons are required to refer or direct any purchasing-related enquiries to the Hotline, website or email address.

### Complaints handling

The Department has a complaints handling process in place for purchasing under the Request for Proposal. This process requires, as is appropriate, involvement of senior management and officials independent of the process. Consistent with these requirements, persons with any concern about the probity or integrity of the response process can raise these with the internal legal adviser, [Luke de Jong](mailto:luke.dejong@employment.gov.au) (luke.dejong@employment.gov.au). Where appropriate, Mr de Jong may refer enquiries to the external Probity Adviser.

Any questions about the process or services covered by the Request for Proposal process should, in the first instance, be lodged through the Hotline.

### Probity Adviser

The Department ensures that competition for the purchase and supply of Transition to Work services is fair and transparent. The response processes will be transparent and subject to appropriate scrutiny and all response procedures published by the Department are followed.

The Department has appointed the legal firm Maddocks as the external Probity Adviser. The role of the Probity Adviser is to advise the Delegate (Deputy Secretary, Employment) on the probity and integrity of the response processes. The role includes developing an overarching Probity Plan and providing advice on Probity issues, conducting appropriate probity training and advising on relevant security arrangements.

## APPENDIX D MAPS AND CASELOAD DATA

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Appendix D can be found as a separate document in the Exposure Draft pack downloaded from AusTender. It contains the maps and indicative places and targets for each Employment Region.

## APPENDIX E EXPOSURE DRAFT DISCLAIMER

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The information in the Exposure Draft is subject to change and should not be relied upon as the basis for any decision to take action, or not take action, on any matter that it covers, especially in relation to the preparation of a response.

**Note: This is an Exposure Draft only. Respondents should not submit responses to the Exposure Draft. Any responses submitted to the Department based on the Exposure Draft will not be accepted or considered by the Department. All Respondents should prepare their response on the basis of the Request for Proposal that will be released by the Department at a later date.**

The Exposure Draft is circulated under the following conditions:

- The Request for Proposal is still a working document
- the Department may, at its discretion, adopt all, some or none of the comments or suggestions provided in response to the Exposure Draft and may vary requirements or terms contained in the Exposure Draft when drafting the Request for Proposal.

Although certain information is contained in the Exposure Draft, Respondents must make their own independent assessments and investigations about the subject matter of the Exposure Draft and seek the advice of business advisers if necessary, noting that the Request for Proposal that will be released by the Department at a later date may differ from the Exposure Draft.

To the maximum extent permitted by law, the Government and all persons acting for the Government in preparing the Exposure Draft disclaim all responsibility and liability to any person arising directly or indirectly from any person taking, or not taking, action based upon the information in the Exposure Draft.

The Government, its employees, consultants and contractors do not make any representations or warranties as to the accuracy, reliability or completeness of the information in the Exposure Draft, and do not accept any liability arising from this information or any activity associated with it.