

CONTRACT DISCLOSURE CHECKLIST

PURPOSE

This Checklist can be used by public authorities at the conclusion of a procurement process to help ensure a resulting Eligible or Significant Contract is disclosed in line with [PC027 – Disclosure of Government Contracts](#) (PC027).

Along with the Forward Procurement Plan, the disclosure of government contracts provides some level of insight to the supply market on the outcome of previous procurement processes and the potential availability of future opportunities to supply to the South Australian Government.

DPC CIRCULAR – PC027 - DISCLOSURE OF GOVERNMENT CONTRACTS

Application

PC027 applies to all public authorities subject to the [Public Finance and Audit Act 1987](#), for the public disclosure of certain contracts involving government expenditure (including industry assistance and executive employment contracts), the sale of government assets, and for the management of contract information.

PC027 defines Eligible Contracts as contracts between:

- public authorities and the private sector¹, involving the expenditure of public funds of \$500,000 or more and less than \$4,000,000; and
- public authorities and a specialist advisor or consultant, involving the expenditure of public funds of less than \$25,000.

Contracts under the [Public Sector Management Act 1995](#) are not considered eligible.

PC027 defines Significant Contracts as contracts between:

- public authorities and a specialist advisor or consultant, involving the expenditure of public funds of \$25,000 or more;
- public authorities and the private sector, involving the provision of industry assistance of \$200,000 or more;
- public authorities and the private sector, involving the expenditure of public funds of \$4,000,000 or more; and

¹ For the purpose of PC027, "private sector" should include contracts with non-government organisations and Universities.

Further information: Procurement SA

Contact Email: procurement@sa.gov.au

Effective: 21.03.2023

Next review: 01.07.2024

Version: 1.2



Value for
money



Creating
jobs



Innovation and
new business



Climate smart
economy



- public authorities and the private sector, involving asset sales of \$1,000,000 or more.

INFORMATION TO BE DISCLOSED

In accordance with PC027, 'disclosure' means publication of contracts on the SA Tenders and Contracts website <http://www.tenders.sa.gov.au/>.

Clauses 17 and 18 of PC027 outline the contract information to be disclosed and specify that disclosure must occur within 60 days of the Eligible or Significant Contract being executed.

For Eligible Contracts the information to disclose includes:

- Contract title
- Contractor details inc. name, address, phone number, contact officer
- Name of the public authority
- Date of the contract's execution
- Start date and completion date of the contract
- Goods, services or subject matter of the contract
- Total value of the contract²
- Procurement process used to select the contractor
- Contract identification number
- Summary information relating to any variations over the term of the contract
- Reasons for non-disclosure of part or all of the contract (if applicable)
- Contact details for the public authority's accredited Freedom of Information Officer

For Significant Contracts, the information above is to be disclosed as well as a PDF version of the entire contract.

The information is to remain on the SA Tenders and Contracts website for the term of the contract or twelve months, whichever is longer. Public authorities may also decide to share information relating to Government contracts on their website. This can be particularly useful for panel contracts.

² Refer to PC027 clause 17 to understand how to determine the value of a contract with extension options for the purposes of contract disclosure

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Exemptions

In accordance with PC027, a Chief Executive may decide not to disclose part of an Eligible or Significant Contract if there are compelling reasons why it should not be made public and one or more of the following apply:

- genuinely confidential business information,
- defence and national security information,
- trade secrets or intellectual property,
- public interest, or
- legal risk.

PC027 provides further guidance for Chief Executives when considering not to disclose certain information.

DISCLOSURE INSTRUCTIONS

The [SA Tenders and Contracts website](#) has a Contract Disclosure Proforma and Instructions available for public authorities to download. To ensure contract information is disclosed in a timely fashion, it is suggested that public authorities provide all the completed proforma to the [SA Tenders and Contracts Systems Administrator](#) five working days before the contract is due to be disclosed. Public authorities should obtain the appropriate approvals from within their public authority before the contract is disclosed on SA Tenders and Contracts.

Further information:	Procurement SA	Effective:	21.03.2023
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APPENDIX 1: CONTRACT DISCLOSURE CHECKLIST

It important to note that this is an example only, and that the sequence of tasks and disclosure activities may vary depending on the public authority's Internal Procurement Framework, the nature of the contract, and the roles and responsibilities of staff.

The checklist is be used for every contract, once it has been executed by both parties.

Contract Disclosure Checklist	Responsibility	Supported by
☐ Determine if the contract is an eligible contract or a significant contract. If yes, follow the next steps to disclose the contract.	Contact Owner	Contract Manager
☐ Identify if there are any compelling reasons why an exemption from disclosure should occur: genuinely confidential business information, trade secrets/intellectual property, public interest, defence or national security information or legal risk. ➤ Check the contract to ensure public disclosure does not breach the contract terms and conditions.	Contact Owner	Contract Manager
☐ Obtain necessary approvals to exempt disclosure (from the public authority's Chief Executive).	Sourcing Lead	Contract Manager
☐ Access the South Australian Government's SA Tenders and Contracts website http://www.tenders.sa.gov.au/	Sourcing Lead	Contract Manager
☐ Download and complete the Contract Disclosure Proforma and record the following information: ☐ Contract title ☐ Contractor details inc. name, address, phone number, contact officer ☐ Name of the public authority ☐ Date of the contract's execution	Sourcing Lead	Contract Manager

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	☐ Start date and completion date of the contract ☐ Goods, services or subject matter of the contract ☐ Total value of the contract ☐ Procurement process used to select the contractor ☐ Contract identification number ☐ Summary information relating to any variations over the term of the contract ☐ Reasons for non-disclosure of part or all of the contract (if applicable) ☐ Contact details for the public authority's accredited Freedom of Information Officer		
	☐ Review and approve the proforma (as per public authority's Internal Procurement Framework)	Sourcing Lead	Contract Manager
	☐ Return the completed and approved Contract Disclosure Proforma to SA Tenders and Contracts Administrator within 60 days of Eligible or Significant Contracts being executed. E: SATendersandContracts@sa.gov.au ➤ For Significant Contracts, disclose the information above as well as a PDF of the entire contract ➤ To ensure the contract information is displayed on the SA Tenders website <u>within 60 days</u> of execution), the proforma should be provided to the SA Tenders and Contracts Systems Administrator <u>five working days</u> before the contract is due to be disclosed. Nb. This information will remain on the SA Tenders website for the term of the contract or 12 months, whichever is longer.	Sourcing Lead	Contract Manager
	☐ Notify the public authority's accredited Freedom of Information Officer (as per Internal Procurement Framework)	Contract Owner	Contract Manager
	☐ Store the contract and other relevant information in accordance with State Records Act 1997.	Contract Manager	Sourcing Lead

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