Crime and Corruption Commission
QUEENSLAND

Probity plan checklist for procurement

This probity plan checklist lists some tasks, following the activities of the procurement process, and evidence to support those activities throughout the procurement lifecycle.

Disclaimer

- This document is intended as a guide only.

- It does not constitute a complete or conclusive list of activities that should be conducted for all procurement projects.

- It should be read in conjunction with legislative requirements and agencies' policies and supporting frameworks.

    Note: for budget sector agencies, statutory bodies, Government Owned Corporations, and special purpose vehicles, refer to *Queensland Procurement Policy 2021* and supporting guides for further information.[1]

Necessary requirements for agencies

- Comprehensive step-by-step procurement procedures in place.

- Detailed level of documentation for each task which should be kept and be comparable to the complexity, value, and risk of the procurement project.

- A **full probity plan**:

    - where the value of a proposed procurement exceeds a specific value over its life determined by the agency

    OR

    - where a proposed procurement is in the agency's view complex, of a high risk or sensitive in nature, and requiring a high level of public confidence. For example, for high value and/or high-risk procurement activities.

- Implement probity requirements as outlined in the table below:

Task	Evidence
1. PLANNING THE PROCUREMENT	
Budget approval • Obtain approval of funds before commencing a project and prior to any communication with suppliers or the market.	✓ Written confirmation of budget

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[1]   For the definitions of the types of agency, see Schedule 1: Definitions of the *Queensland Procurement Policy 2021*.

Task	Evidence
Conflict of interest • Brief evaluation panel members about conflict of interest considerations. • Obtain conflict of interest declarations at the outset of the procurement process from all those involved in the process (For example, the procurement team, evaluation panel members and delegates, and any other individuals involved). • Disclose any staff conflicts of interest arising during the procurement process. • For procurements over $200,000, a procurement officer must confirm that a "Confidentiality and conflict of interest" form has been completed by all evaluation panel members. • For all declared conflicts of interest, complete a Conflict of interest management plan detailing how the declared conflict of interest will be managed to ensure a transparent process free from bias.	✓ Conflict of interest briefing document ✓ Signed conflict of interest declarations ✓ Conflict of interest management plan ✓ Confidentiality and conflict of interest form (if over $200,000)
Probity plan document • Identify key probity risks and issues and develop strategies to mitigate the risks, and document in a probity plan.[2] • Communicate the probity plan document to the procurement team, evaluation panel members, delegates, and other relevant stakeholders. • Obtain a written acknowledgement of probity obligations signed by the procurement team and evaluation panel members before beginning the procurement process. • For low value and low risk procurement projects, develop a probity checklist template to use for proposed procurement where a probity plan is not being maintained.	✓ Probity plan document ✓ Communication emails ✓ Probity checklist ✓ Signed probity obligations statement
Determine if a probity advisor or auditor is required • Undertake a risk assessment to determine whether a probity advisor or auditor is required for the project. • If required, prepare terms of reference for engagement.	✓ Evaluation of requirement ✓ Terms of reference for engagement
Probity obligations (including confidentiality) • Establish confidentiality procedures and communicate to staff involved in the project. • Obtain a written acknowledgement of probity obligations (including confidentiality) signed by the procurement team, and the evaluation panel.	✓ Documented confidentiality procedures ✓ Acknowledgements of probity obligations

[2] A probity plan template can be obtained from the Queensland Government Procurement website.

Task	Evidence
Physical security • Establish clear physical security measures for handling hard copy or electronic documents and communicate those measurers to staff involved in the project.	✓ Documented security procedures ✓ Communication emails/advices

Procurement planning
 	
• Develop a significant procurement plan or a procurement strategy.
• Document:
    o objectives
    o supply market analysis
    o procurement risks and responses
    o exemption from proper procurement process
    o weightings for the evaluation criteria
    o rationale for procurement method (for example, pre-qualified suppliers, approved contactors, preferred supplier arrangement, select tender, public tender, direct negotiations with a supplier).
• Revisit probity at the end of each key stage of the procurement process.
	✓ Significant procurement plan (for high value)
	
	✓ Procurement strategy (for below high value)
	
	✓ Meeting minutes

Record-keeping
 	
• Capture and maintain documentation and records of all procurement activities and business decisions throughout the procurement process to:
    o Substantiate the procurement practices (like fairness and transparency).
    o Enable a sufficient audit trail to account for all procurement decisions.
    o Act as a tool for continuous improvements (like learnings).
    o Allow sufficient information for audit or other review.
    o Mitigate risks relating to breaches of confidentiality, reputational damage, and loss of valuable information.
	✓ Documentation and records

Probity checkpoint – Review probity at completion of planning milestone	✓ Meeting minutes
2. PREPARING TO APPROACH SUPPLIERS/THE MARKET	
Invitation to Offer (ITO) documents[3] • Clearly and fully describe the specifications for the required procurement, including technical details relating to where and how the required procurement will be used.	✓ Specification – with mandatory and desirable criteria ✓ Conditions of offer

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[3] Request for quote (RFQ), request for offer (RFO) or request for tender (RFT) are some other procurement expressions used.

Task	Evidence

• Clearly detail the conditions of offer, conditions of supply, and evaluation criteria.
• Clearly identify and separate mandatory conditions from those evaluation criteria that are "desirable".
• List any "desirable" criteria in order of relative importance to assist suppliers in preparing and structuring their submission.
• Clearly document the evaluation process, for example:
   o probity briefing
   o closing of offers
   o individual assessment
   o moderated assessment
   o shortlisting
   o pricing assessment
   o due diligence
   o selection of preferred supplier
   o recommendation to delegate
   o evaluation report
   o unsuccessful suppliers.
• State how late and non-conforming submissions will be dealt with.
• Clearly detail legal issues, accountability, and intellectual property restrictions.
• Request declarations of any supplier's conflicts of interest.
• Ensure the evaluation panel members sign off on the evaluation plan prior to approaching the suppliers or the market.
	✓ Conditions of contract
	✓ Evaluation plan
	✓ Timetable
	✓ Evaluation criteria and methodology
	✓ Evaluation plan signed by the panel members

Probity checkpoint – Review probity at completion of preparing to approach milestone	✓ Meeting minutes
3. APPROACHING SUPPLIERS/THE MARKET	
Communication with suppliers • Ensure information is available to all interested suppliers within the same timeframe, and each supplier should have access to the same information (where relevant). • Information should always be provided in writing; in hard copy or electronic form.	✓ Emails and other communications
Offer briefing meetings • Ensure a list of attendees and meeting notes are taken.	✓ Meeting minutes and/or notes
Changes to ITO • Keep clear documentation of rationale for change(s).	✓ Rationale for change

Task	Evidence
• If the changes are substantial, then a recall of the ITO documents may be required.	✓ Approval for change
Extension notice • Provide extension notice about an ITO closing date to all potential suppliers with sufficient time to reach them before the original published closing date and time.	✓ Extension communication
Probity checkpoint – Review probity at completion of approaching milestone	✓ Meeting minutes
4. RECEIVING SUBMISSIONS	
Receipt, recording, and acknowledging submissions • Establish a single point of contact who is not part of the evaluation panel. • Document all communications. • Ensure submissions are not opened or read before the close of the ITO period. • Check submissions are received according to conditions of the ITO.	✓ Quotes/Offers are downloaded ✓ Offer box register ✓ Submissions ✓ Communication
Clarification • Document all clarifications provided. Significant clarification or further detail be provided to all suppliers equally.	✓ Documented clarifications
Probity checkpoint – Review probity at completion of ITO stage milestone	✓ Meeting minutes ✓ Probity report
5. EVALUATING SUBMISSIONS	
Briefings and revisit conflict of interest • Ensure the evaluation team read the ITO, addendums, the probity plan, evaluation criteria and evaluation plan. • Ensure the evaluation panel members revisit and update their conflicts of interest declarations. • Review the conflict of interest management plan to ensure it is viable. • At the beginning of all applicable meetings, make the declaration of conflicts of interest a standing agenda item.	✓ As required ✓ Updated declarations of conflict of interest ✓ Conflict of interest management plan annotated and dated confirming its viability ✓ Meeting agendas and minutes
Ensure submissions are objectively evaluated and compared on the same basis • Each submission must be given due consideration and be treated objectively.	✓ Evaluation sheets ✓ Individual score sheets

Task	Evidence
• Each evaluation team member should perform their evaluation independently and not allow others to influence their assessment. • Document evaluation with clear justification for scoring/ratings. • Identify and document any key discriminators between submissions. • Detail reasons for the choice of shortlisting suppliers, or the preferred supplier, and ensure these reasons are clear and defensible.	✓ Comparative results ✓ Meeting minutes ✓ Panel evaluation notes
Contact with suppliers • Avoid unnecessary contact with suppliers during the evaluation process, unless approved by the evaluation panel chair. • Report any unauthorised contact from suppliers to the evaluation panel chair, as per probity plan.	✓ Documented communications
Probity checkpoint – Review probity at evaluation milestone	✓ Meeting minutes

6. SELECTING THE SUCCESSFUL SUPPLIER	

Perform due diligence of shortlisted suppliers
• Perform due diligence of shortlisted suppliers, for example:
    ○ corporate information (ownership, litigation, directors' profiles, financial security, and history)
    ○ referee checks.
	✓ Due diligence report
	✓ Referee checks
	✓ ASIC records

Plan and document site visits (if conducted) • Prepare an agenda prior to the visit. • Ensure the evaluation panel chair leads site visits • Keep a record of the visits and any meetings or discussions that take place.	✓ Agenda ✓ Notes of findings
Notify shortlisted suppliers • Provide notifications to shortlisted suppliers in writing and make sure that information provided is consistent.	✓ Notifications

Prepare evaluation report
• Prepare an evaluation report for the delegate's approval providing justification for selection and non-acceptance of quotes/offers.
• Ensure the evaluation report sufficiently documents:
    ○ names of evaluation panel members
    ○ conflict of interest declaration outcomes
    ○ procurement methods
    ○ budgetary estimate of the cost of the contract
    ○ date of ITO and closing
    ○ summary of submissions received (including supplier's name and price)
    ○ conformance requirements
	✓ Signed evaluation report

Task	Evidence

o   selection criteria
 	
    o   weightings and scoring (ranked)
 	
    o   recommended supplier and justification.
 	
• Ensure that the evaluation report is duly signed by each member of the evaluation panel.	

Delegate approval • Delegates must record if they do, or do not, have any conflict of interest and manage conflicts in accordance with the agency's relevant policy. • Councillors need to disclose personal or private interests at council resolution meetings. • Delegate's approval or council resolution of the successful supplier.	✓ Delegate approval ✓ Council resolution ✓ Declarations of conflict of interest
Probity checkpoint – Review probity at completion of supplier selection	✓ Meeting minutes ✓ Probity plan ✓ Probity report
7. CONCLUDING PROCUREMENT	

Notify the successful offeror
 	
• Accept quote/offer subject to contract.
 	
• Publish details of contracts awarded, if contract value is:
    o $200,000 or more for councils
    o $10,000 or more[4] for budget sector agencies, large statutory bodies, and special purpose vehicles.
	✓ Notification of acceptance
	✓ Publication

Notify unsuccessful suppliers that their submissions are not accepted • Provide all unsuccessful suppliers with the results as soon as possible.	✓ Notification of non-acceptance
Debrief unsuccessful suppliers • Evaluation panel chair and one other team member are to debrief unsuccessful suppliers.	✓ Meeting minutes ✓ Debrief plan
Document records, activities, and decisions • Create and retain a complete and accurate set records of activities and rationale for key decisions made.	✓ Folders with full records
Probity checkpoint – Review probity at completion stage	✓ Probity report

[4] See Schedule 1: Definitions of the *Queensland Procurement Policy 2021* for further information.