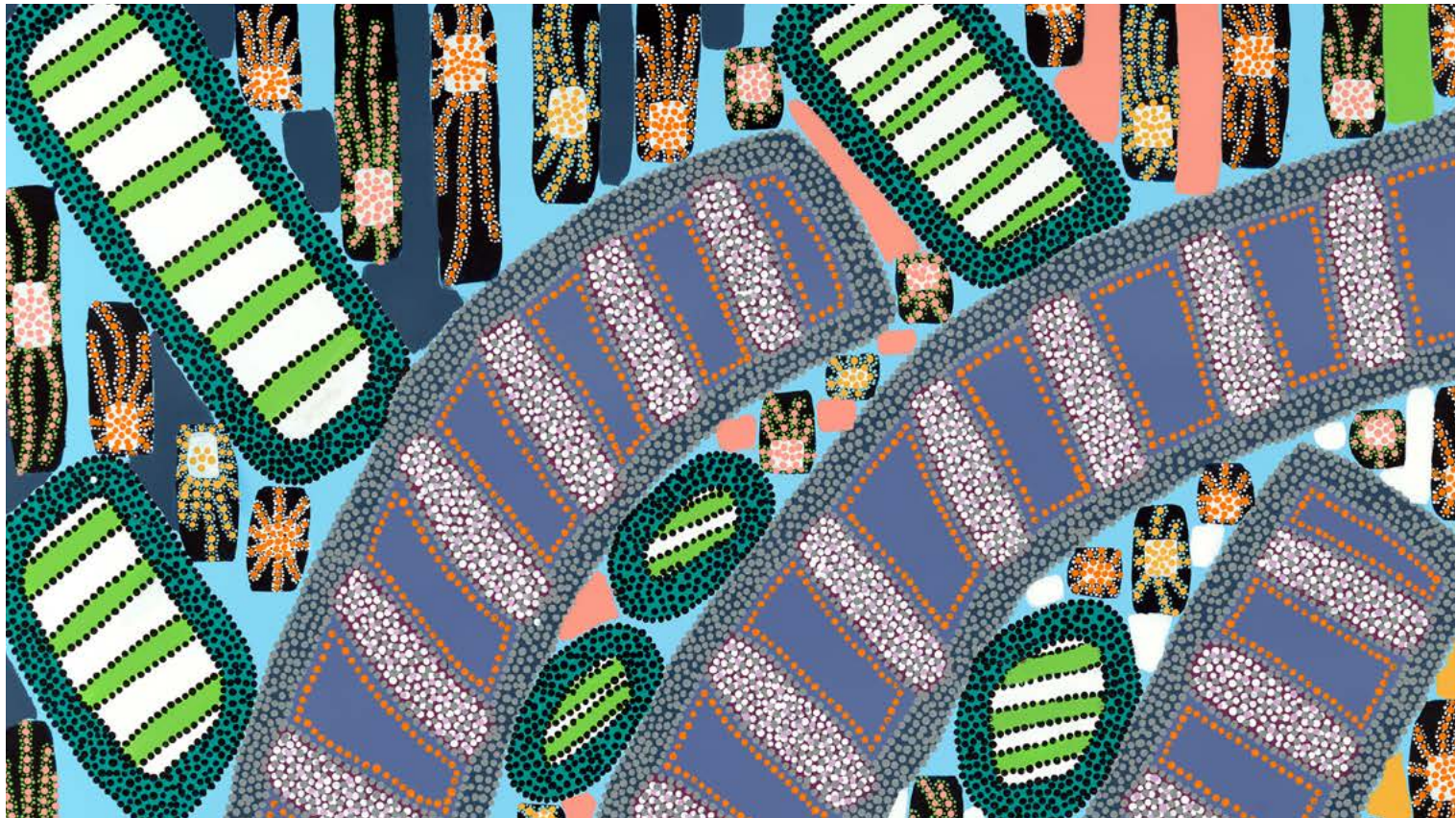


Selling to the NSW Government – A Guide for Small Business

January 2023



Small
Business
Commissioner



Acknowledgement of Country

The NSW Department of Customer Service acknowledges that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia, and the oldest continuing culture in human history.

We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we walk with.

We celebrate the deep and enduring connection of Aboriginal and Torres Strait Islander peoples to Country and acknowledge their continuing custodianship of the land, seas and sky.

We acknowledge the ongoing stewardship of Aboriginal and Torres Strait Islander peoples, and the important contribution they make to our communities and economies.

We reflect on the continuing impact of government policies and practices, and recognise our responsibility to work together with and for Aboriginal and Torres Strait Islander peoples, families and communities, towards improved economic, social and cultural outcomes.

Artwork: *Regeneration* by Josie Rose, 2020

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Message from the Small Business Commissioner

Small businesses are critical to the NSW economy and our local communities, contributing nearly \$424.9 billion to annual sales and service income and employing around 1.8 million people – 45 per cent of the State's private sector workforce.



This Guide provides practical information about the opportunities that exist for small business to sell goods and services to the NSW Government and how to respond to requests for tender. The information and tips provided are intended to support small businesses in selling to the NSW Government, but can also be used to assist in selling to other levels of government and the private sector.

Whether you are participating in a tender for the first or the hundredth time I encourage you to use this Guide to improve the quality of your tender.

The information in this Guide has been designed to help you put your best proposal forward.

We wish you every success in your future tenders.

Mr Chris Lamont

NSW Small Business Commissioner



Purpose of this Guide

This Guide is designed to provide small businesses across NSW with information and guidance on how to access the various opportunities to sell to the NSW Government as well as how to navigate prequalification and tendering processes.

The Guide covers a range of topics to help you through the entire process, starting with understanding whether your small business is ready to tender for a NSW Government contract, how to find opportunities, preparing and lodging a bid, obtaining feedback, and how to identify future opportunities. A glossary of key terms is included to help you understand some of the technical language that is sometimes included in tenders, together with a range of other tools and supporting information.

A range of additional information to help small businesses is available on the [NSW Small Business Commissioner](https://smallbusiness.nsw.gov.au) (smallbusiness.nsw.gov.au) website and the [buy.nsw](https://buy.nsw.gov.au) (buy.nsw.gov.au) website, which provides a gateway to NSW Government procurement resources and services.



Selling to the NSW Government – key things to consider

Should the NSW Government be your client? (page 8)

Decide whether the NSW Government is a good match for your business

YES

NO

Seek opportunities outside the NSW Government

Many of the tips in this Guide will still apply if selling to the private sector.

Is your business ready to sell goods and services to the NSW Government? (page 8)

Undertake the Tender Readiness Checklist to check if your business is ready to sell goods and services to the NSW Government and prepare your business.

Note: Being ready for NSW Government opportunities will also mean you will be better prepared to engage with opportunities with other levels of government and the private sector.

YES

NO

Prepare your business (page 9)

Finding opportunities to supply (page 13)

The NSW Government buys in five major ways:

1. Tenders: register your business on Supplier Hub buy.nsw.gov.au
2. Prequalification schemes: register on any relevant schemes buy.nsw.gov.au/schemes
3. Competitive processes (closed tenders)

4. Special arrangements (existing contracts, small and medium and regional business, Aboriginal-owned businesses, Australian Disability Enterprises)
5. Over the counter/direct procurement.

Look at Agency Procurement Plans to identify upcoming opportunities tenders.nsw.gov.au
Take advantage of opportunities to meet the buyers in NSW Government departments

Deciding to tender or not (page 18)

Putting in a bid/quote takes time and resources. Before you tender, review the opportunity and the tender requirements and make a decision on whether to tender or not. See the Bid/No Bid checklist on page 18.

YES

NO

Return to finding opportunities to supply

Preparing your bid (page 23)

- Have your key information and documents ready (business name, bank accounts, tax records, insurance certificates/licences)
- Develop your business pitch/capability statement for your business
- Ensure you have a plan for any unexpected business interruptions
- Identify referees

- Ensure your bid meets all the tender criteria and requirements or your bid will be eliminated
- Check any amendments to the tender
- Assess your tender against the evaluation criteria before you lodge it
- Lodge on time.

Check out the free training, resources and advisory services available to assist you with tendering (page 38).

Is your bid successful?

YES

NO

Seek feedback from the buyer (page 33)

Managing your contract for success (page 34)

- Register for faster payment terms
- Obtain feedback: Whether or not you are successful, you are entitled to feedback. Acting on feedback will help you enhance any future bids.

Before you tender for a NSW Government contract

Before you quote or tender to sell your goods or services to the NSW Government, it is important to:

1. Check that having Government as a client is a good fit for your business. This is something only you can answer. You need to think about how it will impact on your existing operations, customers, employees, paperwork and plans for the future and how you can upscale production if needed.
2. Check that your business is ready. To apply for NSW Government tenders you will need to meet a number of compulsory requirements. Complete the following Tender Readiness checklist to assess if your business is ready to tender and what else you can do to prepare.



Tender Readiness checklist



Business basics

1.	If your business has a trading name or is a company, trust or co-operative, is its registration up to date? Check here: asic.gov.au/for-business/registering-a-company A sole trader and partnerships do not need to register their business.	Yes	No
2.	Does your business have an Australian Business Number (ABN)? abr.gov.au/business-super-funds-charities/applying-abn	Yes	No
3.	Is your business registered for GST? ato.gov.au/Business/GST/Registering-for-GST	Yes	No
4.	Do you have an Australian bank account?	Yes	No
5.	Do you have the required insurance cover in place? This may include: a) Public liability insurance b) Professional indemnity insurance c) Product liability insurance d) Workers' compensation cover See Tips below about insurance	Yes	No
6.	Can you provide copies of the certificates of currency for all required insurances? You may be required to produce these certificates to register for a prequalification scheme but in other instances you may not have to produce these until you are contracted to do work with the NSW Government. This is a mandatory requirement in some cases.	Yes	No

Tips



- It is important to understand the conditions of tendering and the rules in place before you start work on your bid. For example, some NSW Government agencies and NSW Government prequalification schemes will not enter contract negotiations with partnerships and/or trusts.
- Each NSW Government agency determines the insurance requirements based on the level of risk involved. Insurance requirements may vary for different projects.
- It is important to shop around for your required insurance policies. There are resources available to help you find cover online. It may also help to talk to an insurer or insurance broker to understand your options. For more information, visit:
 - **Understand Insurance:** understandinsurance.com.au
 - **Insurance Council of Australia:** findaninsurer.com.au
 - **National Insurance Brokers Association:** needabroker.com.au or 1300 531 073

Tender Readiness checklist (*Continued*)

Business capability and capacity			
7.	Is your business in a position to take on and adapt to new opportunities? For example, the ability to employ new staff or subcontract work out?	Yes	No
8.	Can you explain how your business can deliver goods and/or services on time and on budget with current resources?	Yes	No
9.	Do you have a written capability statement for your business? This is a short business pitch explaining the key selling points and goods and/or services of your business and why a supplier should buy from you. A template Capability Statement is provided at Example 1.	Yes	No
10.	Has your business considered what it would do and how it would respond in case of business interruption? For example, how you will continue to deliver goods and/or services during a pandemic or after a fire or flood. The NSW Small Business Commission has released: Prepare for the unexpected – Build a Business Continuity Plan (smallbusiness.nsw.gov.au/sites/default/files/2020-12/Prepare for the unexpected BCP.pdf).	Yes	No

If your business does not have a written capability statement or a plan for business interruptions, this won't stop you from being able to respond to tenders and other opportunities. However it is recommended that you prepare both of these as it will make your bid more competitive.

Previous/current experience			
11.	Does your business have at least three previously completed commercial projects that can be used as examples of previous experience? These usually need to be in the last 2 years, but it is time in the industry or profession that is important to highlight.	Yes	No
12.	Are you currently working on a commercial project that could be highlighted as recent relevant experience?	Yes	No
13.	Can your business provide contact details for at least three referees and obtain written references from these people if required?	Yes	No

Top tips for providing referees



- Referees are required to confirm the quality of your goods and services. They are likely to be contacted if you are shortlisted in the tender process.
- Employees from some NSW Government agencies may not be able to serve as a referee due to individual agency policies. If you need to provide three referees, it is a good idea to have five or six potential options up your sleeve in case some are unavailable.
- To identify potential referees, think about projects that you have successfully delivered where the client has provided you with positive feedback.
- Ask people if it is okay to use them as a referee so that they are not surprised later when they are approached for feedback. Explain what the opportunity is and why you would like them to be a referee.

Tender Readiness checklist (Continued)

Legal and financial compliance			
14.	Has your business ever been involved in any legal proceedings, disputes, fines or prosecutions?	Yes	No
	If yes, are any still outstanding?	Yes	No
15.	Has your business ever been investigated by the NSW Independent Commission Against Corruption (ICAC)?	Yes	No
16.	Are you confident that your business can meet any obligations to repay debts?	Yes	No
17.	Can you easily provide information about your business' financial status/ track record? For example, audited financial statements and/or profit and loss statements.	Yes	No
18.	Are you familiar with the NSW Government's Supplier Code of Conduct (Code) (buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct) and are you willing to comply with it as a business? The Code outlines the ethical standards and behaviours expected from the NSW Government and its suppliers and is effectively a minimum set of expectations and behaviours for doing business with the Government.	Yes	No
	If not, you can review and understand the set of expectations and behaviours for doing business with NSW Government here (buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct)		
19.	Have audited copies of your business' last three years financial accounts available. Generally, small businesses are exempt from financial audit, unless they are members of a group or are charities and required to follow the charity audit thresholds.	Yes	No
	If you don't have audited accounts, an acceptable alternative for most small businesses is the GST Business Activity Statements or Income Tax Notices of Assessments issued by the Australian Taxation Office. Check with the agency whether your business is required to provide this financial information and be prepared to answer any questions about the size and nature of your business such as annual turnover and number of employees (in order to confirm your small business status).		
20.	Have you taken reasonable steps to find out if the goods and services used by your small business are the product of modern slavery?	Yes	No

Having previous or existing legal proceedings and outstanding debts won't prevent you from responding to tenders and other opportunities. It is important that you have information about your business' financial status on hand in case you are required to provide it. It is also important to read the Supplier Code of Conduct before you bid to ensure you understand what will be expected of you when doing business with the NSW Government.

Licences, accreditation and management systems			
21.	Does your industry require your business and/or staff to have specific accreditations, authorities, licences and qualifications?	Yes	No
	If yes, are these in place and recorded on a register within your business, and are copies available of all accreditations, authorities, licences and qualifications?	Yes	No
22.	Does your business operate a management system that ensures quality of products and services, environmental management and/or work health and safety?	Yes	No
	If yes, is your business certified to an Australian or international standard? E.g. ISO 9001, ISO 14001, ISO 45001?	Yes	No

ISO (iso.org) (International Organisation for Standardisation) is an independent, non-governmental, international organisation that develops standards to ensure the quality, safety, and efficiency of products, services and systems. Many tenders will ask if a respondent has management systems in place and/or if that business has attained certification to the following ISO standards:

- ISO 9001:2015 (Quality Management System)
- ISO 14001:2015 (Environmental Management System)
- ISO 45001:2018 (Occupational Health and Safety Management System)

From December 2022, construction firms working for the NSW Government need to comply with NSW Work Health and Safety (WHS) Guidelines Edition 6.

For more information visit: info.buy.nsw.gov.au/__data/assets/file/0014/622013/Work-Health-Safety-Management-Guidelines-for-Construction-Edition-6_Dec2019.pdf

The above topics are covered further in Session 1 of the [Free Online Training](https://training.tafensw.edu.au/smallbusiness) (training.tafensw.edu.au/smallbusiness).



Tip

Your business should be looking at policies, processes and procedures to ensure quality, safety and environmental management and you need to be able to communicate this in your tender responses.

2 Finding opportunities

There are five major ways to sell to the NSW Government:



1. Tenders



2. Prequalification schemes



3. Competitive processes



4. Special arrangements

(existing contracts, small and medium and regional business, Aboriginal-owned businesses, Australian Disability Enterprises)



5. Over the counter/direct procurement

Limited tendering is the process where an agency directly invites one or more suppliers of the agency's choice to participate in a tender by making a submission. Examples of a submission include a Request for Quote (RFQ), a Request for Tender (RFT) or an Expression of Interest (EOI). An invitation issued to a supplier on a procurement list (or prequalification scheme) is not limited tendering.



Finding tenders and prequalification schemes in NSW

A quick guide to searching for a tender, setting up tendering alert systems and registering for prequalification schemes.

Finding tenders



Step 1: Create a Supplier Hub account

The first step is to set yourself up as a supplier.

Simply go to buy.nsw.gov.au and create a Supplier Hub account. As part of the registration process, you will need to provide information about your business.

When creating your business profile on the Supplier Hub, be sure to include the following:

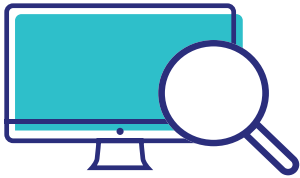
- Licences, accreditations and awards
- Special capabilities and expertise
- Referees, examples of similar projects and/or case studies
- Government credentials
- Information about your key team members.

The Supplier Hub is your business' front window to thousands of Government buyers. Putting effort into what you put on your profile, and keeping it up to date, lets buyers know you are actively seeking opportunities.

Step 2: Tender alert systems



Registering for the free eTendering notification service lets you know about public tender opportunities suited to your industry. Not only does this save you time and money, it ensures you don't miss business opportunities. When you register with the Supplier Hub, be sure to opt-in to receive tender alert emails when new opportunities within your industry become available.



Step 3: Searching opportunities

To search for current opportunities, closed opportunities and recently awarded contracts, go to tenders.nsw.gov.au.



Step 4: Apply for prequalification on a NSW Government scheme

The NSW Government has a range of prequalification schemes covering a wide range of goods and services from various sectors.

When a NSW Government agency needs to buy goods or services, it can approach these prequalified suppliers in a number of ways – including a request for tender (RFT), request for quote (RFQ) or request for proposal (RFP). It can sometimes negotiate directly with suppliers depending on the circumstances.

Suppliers can register at any time to be included in most schemes via the Supplier Hub. View the current list of prequalification schemes here: buy.nsw.gov.au/schemes.

The application process for schemes varies depending on the nature of the goods and services covered by the scheme. Some schemes provide different levels of prequalification with fewer requirements for works up to certain values or thresholds.

To attain prequalification status on any NSW Government scheme, follow the steps set out in Chapter 5 of this Guide 'Preparing your Bid' to ensure you submit a compelling application.

Remember that applying to join a prequalification scheme can be time consuming as there is a lot of information that needs to be provided in the process. Don't rush into starting an application until you have read all the information about what is required and can dedicate the time and resources needed.

NSW Government agencies and the private sector run Meet the Buyer events where potential suppliers can meet with them to hear about upcoming opportunities and learn more about bidding for work. These events are advertised on the [buy.nsw](https://buy.nsw.gov.au) (buy.nsw.gov.au) website. These events are a very good opportunity to showcase your business' offering with various NSW Government buyers.



Finding your opportunities checklist

1.	Checked my business' eligibility to be a Regional Supplier so it can supply direct on contracts valued under \$150,000 (excluding GST) in my region.	Yes	No
2.	Checked my business' eligibility to be a small or medium-sized supplier so it can supply direct on contracts valued under \$150,000 (excluding GST) and be asked first and supply direct on contracts valued under \$3 million (excluding GST) where direct procurement is permitted.	Yes	No
3.	Have my business essentials in place, e.g. EFTPOS or direct banking facilities and receipting system.	Yes	No
4.	Bids are evaluated based on decisions or policies, such as value for money, encouraging competition and supporting small business. This provides ideas and opportunities for how I market my business in the future.	Yes	No
5.	Created an account for my business on the Supplier Hub.	Yes	No
6.	Created my business profile on the Supplier Hub, including uploading: <ul style="list-style-type: none">• Licences, accreditations and awards• Special capabilities and expertise• References and case studies• Government credentials• Information about your key team members.	Yes	No
7.	Set my preferences to receive tendering opportunities by email from the NSW Government.	Yes	No
8.	Checked to see if my business can prequalify under a relevant NSW Government prequalification scheme.	Yes	No
9.	Identified any major projects and large businesses working for the NSW Government who I would like to approach to work with.	Yes	No

In addition to the above checklist, there are also opportunities to attend 'meet the buyer' events that are run by both government agencies and the private sector.

The above topics are covered further in Session 2 of the [Free Online Training](https://training.tafensw.edu.au/smallbusiness) (training.tafensw.edu.au/smallbusiness).

3

Building a pipeline of opportunities

Using publicly available procurement data

There is publicly available information that will help you to build a pipeline of opportunities in the future.

Before the start of each financial year, all NSW Government accredited agencies must publish an Agency Procurement Plan. For other agencies, publishing is advised but not mandated.

The plans outline upcoming procurement activity and provide advance notice of large contracts. They allow suppliers to be aware of major opportunities that may be coming up, when they are expected to be released to the market, and who to contact for further information. They are published on the [eTendering](#) website (below).

While this information may be useful for business planning, it's important to remember plans may change. An Agency Procurement Plan is not a commitment to buy goods, services or construction.

When a planned activity becomes a request for tender, it is published on the [current tender list](#) (below).

You can also identify potential opportunities by seeing the contract end dates. A contract award notice is a notification of the existence of a contract between a NSW Government organisation and a private entity. They are publicly available on the eTendering website.

You can view contracts by the publish date, search by contract award notice number or conduct an advanced search using a range of criteria such as contractor names, ABNs and business category.

Keeping an eye out for Agency Procurement Plans and contract end dates will give you valuable information about what opportunities are coming up, allowing you to start planning for how you will respond. It is recommended they be monitored at least every month.



Agency Procurement Plans

Published at the start of each financial year with major opportunities that may be coming up and when



Current tender list

When planned activities become a request for tender



Contract end dates

View contract award notices by name, ABN, business category etc to see what's coming up

E-tendering: tenders.nsw.gov.au

Getting organised

Now that you have established your business on the NSW Government's Supplier Hub, you will start receiving email notifications alerting you to currently available tendering opportunities with the NSW Government.

You should have also checked the available prequalification schemes to see if there is an appropriate scheme for your business. If so, you could complete an application to become prequalified on that scheme.

Below are some useful tips to consider once you have identified a tender to participate in.



Step 1: Obtain the tender documentation

Download a free copy of the tender documents from tenders.nsw.gov.au

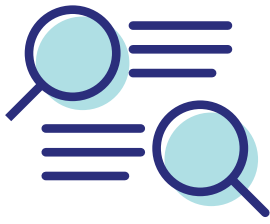


Step 2: Conditions of tendering

Make sure you understand the applicable conditions to participate in the tender process.

- a) Once you have downloaded the tender documentation you will need to identify the conditions of tendering for this particular tender – these are usually found in the main tender document.
- b) Once you have identified the conditions, it is recommended you review the list very carefully and ensure that you can answer yes to all the conditions listed in the documentation.

If you cannot answer yes to each and every condition, it is recommended you do not participate in this particular tender. When the NSW Government puts out tenders, they are looking for businesses that meet their requirements. If you are unable to meet the conditions it is recommended you look for alternative opportunities as your proposal will be unlikely to make it through the first round of the tender review process.



Step 3: Review the evaluation criteria

- a) In the main tender document, identify the evaluation criteria. This is a list of criteria (usually weighted) which will be used in your tender response against your competition.
- b) If the weighting of the criteria is available, do a critical assessment of how competitive you will realistically be in the process.



Step 4: 'Bid or No Bid' decision-making

Now that you have reviewed the conditions of tendering and have critically analysed the evaluation criteria, you are in the best position possible to decide whether to participate in or to withdraw from the process. To assist with this decision-making process please see the Bid/No Bid Checklist on page 18.

If you decide to withdraw then focus your attention on opportunities in the future. If the decision is to go for it, now is the time to undertake a thorough review of all the tender documentation and plan out the rest of the bid process (see Topic 5 – Preparing your Bid).

It is best to get in touch with the Contacts Officer to clarify any questions you may have at this stage.

The above topics are covered further in Session 3 of the [Free Online Training](https://training.tafensw.edu.au/smallbusiness) (training.tafensw.edu.au/smallbusiness).



This checklist is to guide your decision, you do not need to have answered 'yes' to all questions to consider bidding.

Bid/No Bid checklist

1.	Does this opportunity sit within the core offerings of your business?	Yes	No
2.	Does your business have the capability to deliver, or can your business grow and adapt?	Yes	No
3.	Will the people in your business think that this opportunity is good for the business?	Yes	No
4.	What investment in plant, business systems and equipment is required to support the contract?	Yes	No
5.	Do you think that the Government buyer knows enough about your business to decide that your business could deliver?	Yes	No
6.	Do you understand precisely what it is you are being asked to sell?	Yes	No
7.	Are you the only business being asked?	Yes	No
8.	If there are any, do you know who your competitors are likely to be?	Yes	No
9.	Can you describe how you will differentiate your product or service from other businesses?	Yes	No
10.	Do you have sufficient time to prepare a response which puts your business in the best light?	Yes	No
11.	Do you have any relevant examples of work your business has done or is doing to help you win this opportunity?	Yes	No
12.	Do you have sufficient capacity to deliver what you are promising if you win (what other future orders are you aware of)?	Yes	No
13.	Do you know enough about how this Government agency works?	Yes	No
14.	Do you know enough about the hidden and indirect costs of this opportunity (what will be the admin burden, do you need to get additional insurance, etc.)?	Yes	No
15.	Does this opportunity align with your overall business strategy?	Yes	No
16.	Based on your assessment of requirements and costs – is the tender likely to be profitable?	Yes	No
17.	By winning this tender, will you be able to leverage this contract to win other tenders?	Yes	No
18.	Is the assignment in your preferred geographical area of work (if you have one)?	Yes	No
19.	Are you confident that there are no potential risks that could compromise your business' values and reputation?	Yes	No
20.	Do you think you understand enough about the way the Government intends to buy from your business or undertake this procurement?	Yes	No

Unlocking secret tender language

A full [Glossary of Terms](#) is provided at the end of this Guide, however, some key terms include:

Scope – this is a description of why the procurement is being undertaken and what the buyer wants.

Timetable – these are almost always non-negotiable dates set by the buyer.

Deliverables – these are the minimum goods or services your business will need to deliver and by when.

Responsibilities – your legal liabilities.

Prequalification – a process where your business may become a supplier if it meets certain standards. The Government has lists of suppliers (called prequalification schemes) that list which businesses are prequalified. Some government buyers are only permitted to buy from suppliers on these lists.

Non-complying tender – where you may submit an offer that doesn't meet the requirements.

Expression of Interest (EOI) – it means that their invitation to supply and your offer are both nonbinding.

Request for Proposal (RFP) – this is a full binding proposal (including prices and delivery details).

Request for Quote (RFQ) – this is usually where a government buyer asks for a binding delivery price, usually on a stated item(s).

Consideration of a joint venture to bid with another business

A small business on its own may not have the resources, know-how or track record to win a larger or more complex tender. However, teaming up with other businesses as part of a joint venture can provide the required experience, technical expertise and resources to make your bid competitive.

A joint venture is a business arrangement in which two or more parties agree to pool their resources for the purpose of bidding for a tender and completing the work set out in the tender.

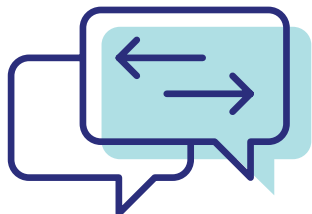
Each of the participants is responsible for profits, losses and costs associated with it. However, the venture is its own entity, separate from the participants' other business interests. Each member of the joint venture retains ownership of his or her property.

Joint ventures can be short term or long term, depending on the scope of the work specified in the tender. They usually operate jointly as separate business entities, however in some cases a separate entity can be created such as a partnership.

A joint venture is intended to meet a particular project with specific goals, so the venture ends when the project is complete.

Benefits of joint ventures

There are three main reasons why companies form joint ventures.



1. Leverage resources

A joint venture can take advantage of the combined resources of each of the companies to ensure you are able to complete the work set out in the tender and to make your bid competitive. For example, one business may have a well-established manufacturing process, while another business may have existing distribution channels.



2. Combined expertise

Two or more businesses forming a joint venture might each have unique backgrounds, skill sets and expertise. When combined through a joint venture, each business can leverage the other businesses' experience, expertise and market share. This enables a collective representation of past performance.



3. Cost savings

By using economies of scale, each business in the joint venture can leverage their production at a lower per-unit cost than they would separately. Shared costs and resources can also lead to cost savings.

In addition to these benefits, joint ventures can also:

- enable you to access new markets that would be inaccessible without the partner businesses
- access technical expertise and know-how that your business may not have
- provide access to intellectual property that would otherwise be out of your reach.

It is essential that all parties document the joint venture agreement, setting out the rights and obligations of each of the participants. This should address the objectives of the joint venture, any initial contributions of the participants, the day-to-day operations, the right to the profits and the responsibility for any losses of the joint venture. This is important to avoid the potential of a legal dispute in the future.

If you see an opportunity to bid for work with the NSW Government and think it is out of your reach, think about how you could participate with a joint venture.

The [Brokering Better Partnerships Handbook](https://partnershipbrokers.org/wp-content/uploads/2021/02/Brokering-Better-Partnerships-Handbook.pdf) (partnershipbrokers.org/wp-content/uploads/2021/02/Brokering-Better-Partnerships-Handbook.pdf) provides further information about partnering with another organisation.

It is recommended that you seek your own independent professional advice before entering any joint venture or partnership arrangements.

5 Preparing your bid

Before you start writing

NSW Government agencies are looking for an innovative, customer-oriented supplier who stands out from the competition. When you are preparing a bid/proposal, remember it is important to explain what you will deliver and how you will deliver. 'How' you deliver includes how you will work with the buyer to be successful and what winning this work means for your business.



Step 1: Before you start writing

Have a copy of the applicable conditions of tendering and the evaluation criteria with you before you start writing.

It is important to note that most tenders are non-binding and you do not get paid to put in tenders.



Step 2: Confirm the tender plan

Set tasks and timelines. This is essential in the tendering process as you will need to place other work on hold to find the time to prepare your bid. It is easy to underestimate the amount of time it will take to prepare a fully conforming, quality bid. Make sure you allocate sufficient time to give yourself the best chance of winning the work.

If you have more than one person working on a tender response, it is critical everyone knows what they are accountable for delivering and the associated deadline.



Step 3: Data collection

It is important you collect all the data that is requested in the tender and have it easily accessible. During the tender analysis phase, you should have a list of all the data requirements in the tender including any additional information the Government agency has requested you provide with your response.

These additional attachments could include:

- Certificates, licences, accreditations or evidence of qualifications
- Table of contents or evidence of a management system (Quality, Work Health and Safety etc)
- Audited Financial Statements or Profit and Loss Statements.

If this is your tendering, be sure to set up appropriately titled folders in your company's shared drive so your tendering information is always easily accessible. For example, a top-level folder breakdown may look like this:

1. Tender Folder
 - a. Previous experience
 - b. Management systems
 - i. *Quality*
 - ii. *Work Health and Safety*
 - iii. *Environmental Management*
 - c. Insurances (Current copies of Certificates of Currency)
 - d. Capability and capacity (Capability statement and/or company profile)

This way, you will always have the necessary documentation and right information at the ready for any future tenders you participate in – being organised will save you a lot of time.



Step 4: Talk to the tender contact person

Most tenders will include a contact person's details. This person is usually managing the tender process but may not be deciding who wins the business. It is always useful to ring the contact person to advise that you intend to submit a proposal. It is also an opportunity to ask if the tender is being modified (see Step 6: Tracking amendments to the tender on page 26).

If the contact officer is responsible for determining the tender it is useful to ask the person to explain any background to why the Government wants to buy, who has been supplying previously, how many businesses have been requested to bid, etc.

Creating a compelling story, the three P's: Position, Persuasion and Price

To produce a compelling and conforming tender, it is vital to meet the three P's of *positioning* your business to stand out, to *persuade* the tender evaluation committee and to be competitive on *price*. To achieve this, the following steps will guide you in producing a highly competitive tender response that makes your business stand out.



Step 1: Understand and stick to the bid requirements

Read the instructions carefully and stick to the bid requirements. This includes sticking to word limits, using provided templates, answering all questions and addressing all criteria.



Step 2: Addressing the criteria

Address each criterion as a separate heading in your response – or use a template if it is supplied by the agency. This is usually called a *Returnable Schedule*.



Step 3: Use simple English

Use simple English to ensure your tender is easily and clearly understood. It is best to avoid using too many technical and industry jargon terms. However, if the main tender document uses certain keywords, ensure to use these in your response. If words like “value for money” or “quality assurance” are repeatedly used, be sure you use them wherever it is relevant. For example, if you are discussing your management systems, part of the value could be the fact that your systems enable value for money and your business is continuously improving its processes through your quality management approach.



Step 4: Provide relevant examples

Provide examples of how you have previously met the same criteria in similar jobs you have successfully completed. This is your opportunity to sell yourself. A written reference from a client can help add additional weight to this. Make sure you identify areas within your response where you have specific and highly competitive expertise.



Step 5: Communicate and ask for help if you are stuck

You may come across certain response requirements which you don't understand or are unclear. It is acceptable, within reason, to ask a clarification question of the Government agency.

In the tender notification you received, there will be details of a tender contact. All questions will need to be addressed to the tender contact or as specified in the main tender document. The tender document will also advise when questions will no longer be accepted, which is usually a few days before tender closing time. This is because answering questions goes out in the form of an *Amendment or Addendum* (see step 6). These responses can take some time to formulate and are communicated to the whole group of tenderers.



Step 6: Tracking amendments to the tender

Keeping track of amendments is particularly important because this could change the way you respond to the tender. Government buyers often amend the tender documentation during a tender period and call them *Addenda or Amendments*. 'Addenda' is a plural noun that means things that are added to something else. Addendum is a singular noun that means something that is added. These are usually issued because of clarification questions being asked by other businesses trying to win the work. You need to ensure you know what they are and how to reference them in your response.

In the returnable schedule document, there may be a section that includes an "Addenda Acknowledgement" table. In this table you will need to list all the "Addenda" or "Amendments" issued throughout the tender period. This table is important because it satisfies the evaluation panel or committee that you have received, understood and acknowledged any material changes to the scope of the tender. If there is not a table in the returnable schedule document, add a paragraph in your tender document with Addenda or Addendum as the subheading (depending on whether there was more than one issued). Include a sentence to note that your tender has reviewed and responded to the addenda, including a brief sentence that explains how you have responded to it.



Step 7: Pricing

You will need to ensure your price is in the ballpark to be competitive. You can ensure your pricing is competitive by searching for previously awarded tenders on eTendering NSW where you can see how your competitors have been pricing previous contracts. Details can be found on the eTendering website:

tenders.nsw.gov.au/?event=public.CN.search.

You also need to consider any additional requirements and costs that may apply in some circumstances when selling to the NSW Government, such as ongoing administrative or reporting requirements, and ensure that you have included these costs in your quote.



Step 8: Putting it all together

At this point, you will have produced all the content required for your tender response. Now it is time to put it all together as a final draft, ready for a critical internal and/or external review. The following tips are important to ensure that you have produced a conforming tender response:

- Make sure you have understood how the Government agency wants the tender response to be submitted. Tender responses often have multiple *returnable schedules*, and generally these are broken up into a pricing schedule and a non-price schedule. The reason for this is that price (or the way the buyer is evaluating value for money) is treated separately to the other evaluation criteria.
- If the tender response has asked you to include additional attachments with the response, check to see if they have asked you to label these in a certain way. Re-save your documents accordingly.
- If labelling has not been specified, it is recommended to include all the attachments into one PDF document labelled *"Associated Attachments"*. Make sure this document includes page numbers and a table of contents. This will make it easy for the evaluation panel to navigate your response. To get this right, go back through your tender response and wherever you reference an *Associated Attachment*, you can direct the evaluation panel to the appropriate section. For example, you could say something like:

"For more information, please refer to our Profit and Loss statement on Pg. 7 of the Associated Attachments document."

Once your tender response has been put together and checked over to ensure it complies with the Government agency's requirements, it is ready for internal evaluation prior to submitting it by the due date.

6

Understanding NSW Government buyers

The NSW Government's procurement of goods and services is guided by some key documents including:

- NSW Government's Procurement Policy Framework:
buy.nsw.gov.au/policy-library/policies/procurement-policy-framework
- NSW Government's Small and Medium Enterprise and Regional Procurement Policy:
buy.nsw.gov.au/policy-library/policies/sme-and-regional-procurement-policy
- NSW Government's Aboriginal Procurement Policy:
buy.nsw.gov.au/policy-library/policies/aboriginal-procurement-policy

Five things all buyers must think about when buying



1. Value for money

Value for money is the primary objective. It is critical that as a seller you understand what value for money means, and can show that what you are selling is value for money.

Value for money is not the lowest price or the best bargain. Value for money is all the benefits over the life cycle of what is being purchased minus all the costs. What you are selling can be the best on the market and the cheapest but, if the Government sees that it may fail or cost more to adopt or maintain, your product may not be the best value for money.



2. Fair and open competition

Buyers must encourage competition through their buying. Importantly, they are specifically required to encourage new businesses, including small businesses, to compete for government work.

This objective gives your small business an opportunity to pitch for work.



3. Innovative products and services

Buyers are told not to just keep buying the same things, over and over. They are specifically encouraged to consider innovative options when buying goods or services.

Remember to point out innovative aspects of what you are selling.



4. Economic development, social outcomes and sustainability

Buyers are told to spend public money wisely. This means they should only buy what they need and source sustainable alternatives wherever available.



5. Easy to do business

The NSW Government is committed to making NSW the easiest place in which to do business, especially for small and medium enterprises. Public servants are encouraged to buy through contracts and schemes and also to notify suppliers in advance of opportunities to give them time to prepare.

More information about these 5 considerations is available at:

buy.nsw.gov.au/buyer-guidance/get-started/procurement-objectives



Other rules applying to public servants buying

There are a number of rules, which all public servants must follow:

- They must buy from whole-of-government contracts if available, although some exemptions apply
- They must have the authority to buy from you if they ask you to quote on supplying a product or service
- They must evaluate suppliers based on pre-arranged criteria, not just pick who they like or the first supplier they think of.

The Supplier's Code of Conduct also applies to buyers. When buying goods or services, public servants are required to:

- Comply with applicable laws, regulations, policies and procedures
- Act with integrity and openness
- Demonstrate fairness and transparency in dealings with individuals and organisations
- Disclose any perceived or real conflicts of interest
- Encourage fair and open competition while seeking value for money and innovative solutions
- Adopt procurement processes to make it easy to do business
- Publish details of contracts awarded as required by legislation
- Protect and prevent the release of commercial-in-confidence information
- Not seek, or accept, any financial or non-financial benefits from potential, current or past suppliers
- Respond to reasonable requests for advice and information, including tender debriefings
- Investigate complaints.

If you want to complain about any part of a procurement process, please use the Buy NSW link [here](https://buy.nsw.gov.au/supplier-guidance/supplier-obligations/complaints) (buy.nsw.gov.au/supplier-guidance/supplier-obligations/complaints). The information available through this link can assist you to lodge a complaint to the correct authority and help you understand how the NSW Government deals with complaints from sellers.

7 Evaluation and peer review of your bid

The last steps before you are ready to lodge your tender are to have it reviewed by a fresh set of eyes such as a colleague, employee, partner, friend or third party and to evaluate your tender against the weighted criteria to ensure your response will be competitive.

Peer review (optional)

Getting a third-party such as your business advisor, an industry professional, Business Connect advisor, or someone with experience in winning tenders is not necessary but can help to ensure your tender complies with the agency's requirements and that the claims you have made about your business are accurate.

The nature of preparing tenders means you may be under pressure to deliver a high-quality document in a tight timeframe – regardless of whether it is a small or large tender. An independent peer review of your tender, before it is submitted, can help improve the quality of your response and puts you in the best position to win the bid.

Ideally this should be someone who understands tendering requirements as well as your business. They can provide valuable feedback on ways to improve the content and the structure of your response. Having a new perspective can offer new insights with ideas that you may not have considered.

A peer reviewer can help you by:

- Double checking you have not overlooked any requirements such as attaching documents
- Ensuring you have addressed the key elements such as addressing the evaluation criteria and relevant tender requirements, and checking it is easy to read and score and you are offering the best value for money.

Evaluate your tender

The final step at this stage is to review your tender submission against the weighted criteria to make sure you have ticked all the boxes. While a peer review will help to ensure you have not overlooked anything, it is a good idea to do a final check to confirm everything has been addressed. Make sure you do this with plenty of time before the lodgement deadline in case there is additional information you need to chase up.

Review the weighted criteria to check you have addressed each one appropriately and have provided sufficient detail. This is essential to ensuring you have a compelling case to win the work. This will increase your chance of being the successful tenderer as, the better your bid scores on each of the criteria, the better your overall score in the evaluation process compared to other bids.

8 Bid lodgement

How to lodge your tender

This is a vital step in the process as lodgement of tenders through electronic tender boxes can have specific requirements, for example, labelling returnable schedule documents in a particular way. Make sure you allow yourself plenty of time before the lodgement deadline in case you have any problems during the process.


Step 1:

Log in to the BuyNSW Supplier Hub account: buy.nsw.gov.au.


Step 2:


Click on the eTendering link at the bottom right-hand corner of the web page.

For general enquiries and help


 buy.nsw@customerservice.nsw.gov.au


buy.nsw services and platforms

[eQuote](#) 

[eTendering](#) 

[Supplier hub](#)

[catalogues.buy.nsw](#) 

[Major Suppliers' Portal](#) 

Step 3:

Find and click on the tender that you are lodging a response to.

Step 4:

You will see a 'Lodge a Response' link at the bottom of the detail page for that tender. Click that link when you have your response files ready and follow the instructions on screen. The process is very similar to attaching files in an email.

Example:

 **NPWS Fire Access and Fire Trail Network Program (FAFT) – Renewal of fire trails within Mutawintji National Park at Broken Hill NSW, 2880**

This RFT covers strategic and tactical fire trail renewal works within Mutawintji National Park NSW

[Lodge a response](#) [Full details](#)

RFT ID SR2912567343
RFT Type Open Tenders
Published 7-Apr-2021
Closes 29-Apr-2021 10:00am
Category (based on UNSPSC)
Building and Facility Construction and Maintenance Services
Agency Department of Planning, Industry and Environment
Last Updated: 20-Apr-2021 3:40pm

IMPORTANT:
You have indicated that you are about to submit a tender response.
It is essential that the actual legal entity or organisation is identified prior to submission of the tender.

1 Who is Tendering? 2 Lodge a Response 3 Response Processing 4 Response Confirmation

Who is Tendering?

☐ I am submitting this tender response on behalf of *Procure Spot*

☒ I am submitting this tender response on behalf of a different legal entity or organisation (please complete fields below)

The larger your file(s), the longer it will take.

How to upload supporting documentation

Response File 1
Choose file No file chosen

Response File 2
Choose file No file chosen

Response File 3
Choose file No file chosen

Response File 4
Choose file No file chosen

Response File 5
Choose file No file chosen

Notify me when a Contract Award Notice / Standing Offer Notice is published against this RFT?

☒ Yes

☐ No

Lodge response **Clear all**

Successful transmission

Each successful transmission of your submitted files will be confirmed with an on-screen receipt displaying details of what has been received (file names, time and date received, and a receipt number).

You may print screen and retain the receipt information for your records. Please note you will also be sent an email with the receipt information.

If for some reason you are having difficulties lodging your tender over the Internet, you can contact the NSW Procurement Service Centre on telephone **1800 679 289** or International **+61 2 8229 2322**, during the hours of 8:30am – 5:00pm (Sydney local time), Monday to Friday, or you can email: buy.nsw@customerservice.nsw.gov.au.

Alternatively, if there are special contact directions included in the tender documents, you may need to contact the Officer nominated in the RFT directly.

NSW Government agencies must inform all tender participants of the outcome of a tender and provide feedback to participants if requested. Depending on the type of tender, agencies may offer a debrief to all tender participants in a tender process. This guidance describes factors to consider when you are receiving a debrief from an agency or asking for feedback about your bid. Win or lose, always obtain feedback from the tender evaluation committee to help you better understand your strengths and weaknesses and make you more competitive for future bids.

The debrief process

Debriefing is the process by which a NSW Government agency provides participants with feedback on their tender submission. A debrief is generally available to both successful and unsuccessful participants. The debrief process helps to identify areas where participants can improve. It gives participants the chance to ask questions to improve their knowledge and understanding of the agency and the Government procurement process.

Debriefs provide the agency with the opportunity to be fully accountable and transparent and demonstrate that the procurement was conducted fairly. Debriefs also provide the opportunity for NSW Government agencies to receive feedback from participants.

A debrief generally occurs at the end of the tender process – that is, after the contract has been executed with the successful participant. During the debrief, the agency will explain the decision-making process that led to the tender outcome. They won't be able to discuss specifics in the final contract or bid, such as the pricing or exact contract terms, as these are confidential.

Debriefs can be held in person, via invitations to virtual meetings or via email depending on the agency and the nature of the tender.

Advising unsuccessful participants of the outcome of the procurement is different from a debrief. Advising the outcome is specifically about letting participants know they were unsuccessful, rather than providing a more detailed debrief about the reasons. The opportunity to receive a debrief is usually included in the tender documentation. You should take this opportunity up as the feedback may assist you to be successful next time.

Internal debrief

In addition to receiving feedback from the agency in the debrief, it is good practice to debrief with your internal tender team to reflect on and capture insights on what worked well and what can be improved in the future. This helps your business with opportunities for continuous improvement.

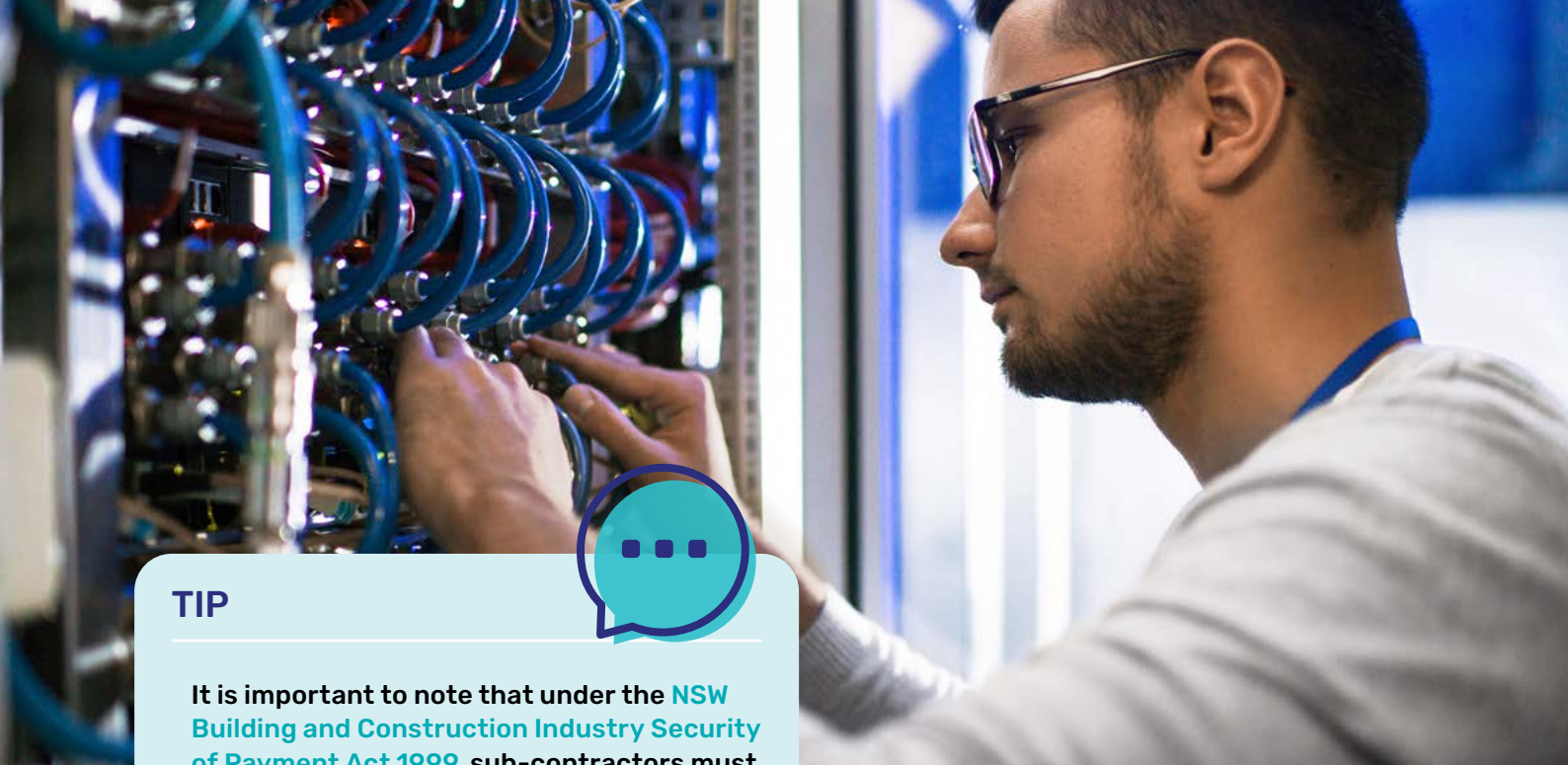
10 Managing contracts for success

Getting paid in a timely way is important for all businesses and particularly for small businesses to help them to manage their cashflow. The NSW Government has no set rules about whether your business gets paid in advance or arrears. This is usually specified in the contract. If your contract means that you will incur up-front expenses, ask if you can be paid in advance.

There are four things you can do to make sure your business gets paid correctly and quickly by the Government:

- 1.** Accept payment by EFTPOS – the NSW Government can pay most invoices up to \$10,000 this way
- 2.** Ask to be paid to an Australian bank account and include the BSB and account number
- 3.** Ask for a purchase order number and put this in your invoice
- 4.** Register your business under the Faster Payment Terms policy if your annual turnover is under \$2 million.





TIP

It is important to note that under the **NSW Building and Construction Industry Security of Payment Act 1999**, sub-contractors must be paid within 20 days.

Purchase orders are very important to Government agencies. Unless you are being paid by credit card, you will not be paid for work you perform without a purchase order. Most Government agencies will not let you start work until you have been issued with a purchase order. Quoting your purchase order on your invoice also makes getting paid easier and faster.

Some Government agencies will ask you to register your business as a supplier before issuing a purchase order. Ask the person responsible for your contract if you need to register.

Unless your business can issue a written tax invoice, it won't be paid. A correctly rendered tax invoice must include:

- The full, correct name of your business (not just its trading name)
- The correct Australian Business Number (ABN)
- The words 'Tax Invoice'
- A purchase order number issued by the Government (if you have one).

The Australian Taxation Office has more information about how to **prepare a tax invoice** (ato.gov.au/business/gst/tax-invoices).

Make sure you know where to send your invoice. It is usually faster if you send your invoice to the Government agency's centralised accounts processing centre, which is specified in the purchase order or written contract.

Under the NSW Government's **Faster Payment Terms Policy** (smallbusiness.nsw.gov.au/what-we-do/our-work/faster-payment-terms), invoices valued under \$1 million can be paid to your small business within five business days.

You need to register your business for Faster Payment Terms on Supplier hub to get paid under this policy. Registration only takes a few minutes, and only needs to be done once. Click [here](https://suppliers.buy.nsw.gov.au/login/signup) (suppliers.buy.nsw.gov.au/login/signup) to register your small business now.

Successful contracting checklist

1.	Have you negotiated the contract to achieve your maximum commercial advantage?	Yes	No
2.	Have you assigned clear roles to other people in your business to manage the contract?	Yes	No
3.	Have you agreed performance targets or goals with the customer?	Yes	No
4.	If it is required, have you prepared a Services Plan for this contract?	Yes	No
5.	Has the Services Plan been approved by the customer?	Yes	No
6.	Have you supplied all the documents required under the contract ?	Yes	No
7.	If the contract payments are likely to be under \$10,000, have you offered the customer the option of paying by EFTPOS facilities?	Yes	No
8.	If it has been requested, have you registered your business on your customer's database?	Yes	No
9.	Have you requested a Purchase Order from the customer?	Yes	No
10.	Can your business meet the requirements to produce a correct invoice?	Yes	No
11.	If eligible, have you registered your small business to get paid within 5 working days?	Yes	No
12.	Have you requested a meeting to be debriefed on your quote, proposal or tender?	Yes	No
13.	Have you developed a strategy to identify and meet more Government customers?	Yes	No
14.	If you require more support, have you contacted NSW Business Connect?	Yes	No
15.	If you would like to investigate additional training, have you investigated the courses available through NSW TAFE?	Yes	No

The above topics are covered further in Session 4 of the [Free Online Training](https://training.tafensw.edu.au/smallbusiness) (training.tafensw.edu.au/smallbusiness).

Other opportunities for your business

Once your business is ready to tender for NSW Government opportunities, you may also like to explore other opportunities to do business in the public and private sector, as information requirements and processes can be similar. Some options to consider are listed below.

Industry Capability Network (ICN) NSW

Industry Capability Network (ICN) NSW is a NSW Government funded not-for-profit organisation. Government-funded and private project owners list their projects with ICN.

ICN Gateway helps connect suppliers to a range of projects and work packages in NSW and across Australia. Suppliers can search for work, review these projects and submit their expression of interest. This helps businesses find upcoming procurement and contracting opportunities and promote their capabilities.

ICN consultants actively work with both project owners and suppliers behind the scenes to build the right procurement partnerships and refer businesses to other organisations when appropriate.

For more information visit: icn.org.au/icn_nsw

Sourcing other government tenders and prequalification schemes

It is important to note that whilst this Guide is focused on applying for NSW Government tenders, many small businesses will be able to use the same concepts to apply for tenders for other government agencies outside of NSW. A list of further information about these is provided below:

- Commonwealth Government (AusTender): tenders.gov.au
- Local Councils in NSW: tenders.nsw.gov.au/?event=public.superDepartment.show&superDepartmentUUID=E9F5C0BD-A593-4752-441F88476909DEC8
- Also check directly with local councils how to register on any relevant supplier lists and what other opportunities are available
- South Australian Government: tenders.sa.gov.au
- Queensland Government: qtenders.hpw.qld.gov.au/qtenders
- Victorian Government: tenders.vic.gov.au
- Western Australian Government: www.tenders.wa.gov.au
- Northern Territory Government: nt.gov.au/industry/procurement/how-government-buys/quotations-and-tenders-online
- TAS Government: www.tenders.tas.gov.au

Whilst this Guide focuses on selling to the NSW Government there are also many opportunities to sell goods and services to the private sector and many of the same approaches can be undertaken.

Free training and other useful resources

This section outlines a range of tools and other supporting information to help small businesses when bidding for work with the NSW Government.

Free online training

The NSW Small Business Commission and TAFE have developed four free online learning sessions for small business owners and their employees. Some sessions may also be provided face to face in some locations. Anyone that completes all four sessions will receive a certificate of attainment from TAFE. To view this training please [click here](https://training.tafensw.edu.au/smallbusiness) (training.tafensw.edu.au/smallbusiness).

BuyNSW website

- Supplier guidance: buy.nsw.gov.au/supplier-guidance
- How and why to supply to Government: buy.nsw.gov.au/supplier-guidance/supply-to-government
- Small and Medium Enterprises and Regional Procurement Policy: buy.nsw.gov.au/policy-library/policies/sme-and-regional-procurement-policy
- Supplier obligations: buy.nsw.gov.au/supplier-guidance/supplier-obligations
- Training tools for buyers and suppliers: buy.nsw.gov.au/training
- Resources (for buyers and suppliers): buy.nsw.gov.au/resources
- An example of training for suppliers: buy.nsw.gov.au/training/gc21-training-for-suppliers

NSW Small Business Commission

- Guides and templates for small businesses to assist you to sell to local Government: smallbusiness.nsw.gov.au/what-we-do/our-work/improving-local-procurement-opportunities
- Guide for developing your Business Continuity Plan: smallbusiness.nsw.gov.au/news/build-your-own-small-business-continuity-plan

Mediation services

If you have any type of business dispute, the NSW Small Business Commission offers a cost-effective commercial mediation service to help solve many types of disputes without the high cost and delays inherent in going to court. Many matters are resolved at no cost or low cost. For more information: smallbusiness.nsw.gov.au/what-we-do/mediation. Phone: **1300 795 534** or contact we.assist@smallbusiness.nsw.gov.au.

Business Connect

The NSW Government's Business Connect program has specialist procurement advisors that can assist small businesses with tendering to NSW Government. Business Connect also runs regular webinars and training on a range of topics to assist you with selling to the NSW Government: business.nsw.gov.au/support-for-business/businessconnect.

NSW Procurement Service Centre

The staff here may be able to answer queries related to procurement processes. Please email: buy.nsw@customerservice.nsw.gov.au or phone: **1800 679 289**.

Industry Capability Network (ICN) NSW

Assists buyers to identify competitive local suppliers of goods and services: icn.org.au/icn_nsw

Professional advisors

You may seek advice from a specialist business advisor, tender support advisor or financial advisor. Some examples of guidance provided by these advisors include:

- Business planning
- Bid strategy
- Bid management
- Tender writing
- Management system development and advice
- Certification services.

Industry associations

The relevant industry association for your industry may provide specific guidance. Some examples are:

- Australian Computer Society: acs.org.au
- Institution of Engineers Australia: engineersaustralia.org.au
- Australian Institute of Architects: architecture.com.au
- APRA AMCOS: apraamcos.com.au
- International Council of Mining and Metals: icmm.com
- Australian Food and Grocery Council: afgc.org.au
- Australian Marketing Institute: ami.org.au
- Australian Construction Industry Forum: acif.com.au/resources/associations

For more information on Industry Associations, please visit the ACCC website: accc.gov.au/business/industry-associations-professional-services/industry-associations.

Private Sector Tender Opportunities

For private tenders many head contractors use the following tendering platforms to issue and award private sector tenders:

- estimateone.com
- www.cm3.com.au

Glossary of common procurement terms

Government procurement processes often include many highly technical terms that can be difficult to understand. This is a glossary of the key terms used in government tenders, with simple, easy to understand definitions.

Common procurement terms

Addendum/Addenda –

Changes to an offer or tender made by the Government after it has been issued.

Bid – A bid is an offer by one party to enter into a legally binding contract with another party. A bid can also be referred to as a quote, proposal, tender and/or offer.

Conflict of interest – A conflict of interest is an actual, perceived or potential situation whereby a personal, family or business relationship or interest has the scope to unfairly affect or influence the outcome of a decision or process.

Contract – A contract is a legally binding verbal and/or written agreement between two or more organisations, signed by the appropriate authorised persons, to undertake or perform a specific task or activity.

Contractor – A contractor is an individual or organisation engaged under a contract (other than an employee) to provide goods and/or services. They are sometimes referred to as the 'supplier' or 'vendor'.

Deliverables – The minimum goods or services your business will need to deliver and by when.

Due diligence – Due diligence is the process of reviewing and analysing in detail an organisation's ability to meet future contract performance requirements. This may include a detailed assessment of the organisation's financial stability, legal risks, capability, resource capacity and infrastructure.

Expression of interest (EOI) – An invitation from the Government to supply where both the invitation to supply and your offer are nonbinding. An Expression of Interest is a formal market approach and the first step in a multi-stage sourcing and acquisition process. Usually it is to shortlist suppliers based on capability and capacity for the second stage, and/or to obtain further information from suppliers on the goods and/or services being sought to inform the second stage process.

Evaluation criteria –

Evaluation criteria are used to review the conformity of market approach responses. These include measures to assess how well competing responses meet requirements and expectations such as criteria to shortlist or rank suppliers. All evaluation criteria must be clearly stated in the request documentation.

Invitation to supply –

Invitation to supply is a formal request where potential suppliers are invited to supply goods and/or services.

Lead agency contract –

A lead agency contract is an arrangement sponsored by a NSW Government agency where that organisation is the prime user of the goods and/or service and where one or more other organisations may also use the arrangement.

> *Continued*

Multi-use list – Multi-use list is one of prequalified suppliers who have satisfied the conditions for participation for inclusion on that list. A multi-use list is intended for use in more than one sourcing and acquisition process. A multi-use list is not the same as a panel arrangement. Multi-use lists (or prequalified supplier lists) can be established provided they publish annually or continuously a notice inviting interested suppliers to apply for inclusion on the list.

Non-complying tender – Where someone submits an offer that doesn't meet what the buyer is asking for.

Panel contracts – Panel contracts are a contractual arrangement established with at least two suppliers for the anticipated provision of goods and/or services, as and when required, over a specified period of time.

Prequalification – A process where your business may become a supplier if it meets specific standards. Prequalification schemes are lists of suppliers that the Government maintains. These lists contain businesses that are prequalified. Some government buyers are only permitted to buy from suppliers on these lists.

Procurement – The process of acquiring goods and services by:

- identifying the need to purchase goods and services
- selecting suppliers for goods and services
- contracting and placing orders for goods and services.

Public servant – An employee of the NSW Government (in this Guide). Public servants can also work for the Australian Government, other Australian State or Territory governments or local government.

Request for Proposal (RFP) – A Request for Proposal (RFP) is a formal request inviting offers to supply goods and/or services from suppliers. It is a full binding proposal (including prices and delivery details).

Request for Quotation (RFQ) – A Request for Quotation (RFQ) is a formal request inviting a binding delivery price on the supply of stated goods and/or services from suppliers. This is generally used for lower value purchases, when there are a limited number of potential suppliers. A RFQ is not usually advertised publicly.

Request for Tender (RFT) – A Request for Tender (RFT) is a formal request inviting offers, usually open to all the market, to supply goods and/or services from suppliers. RFTs are usually publicly advertised. In the RFT response, each tenderer must show they satisfy the evaluation criteria and meet any specific requirements.

Responsibilities – Your legal liabilities.

Scope – A description of why the procurement is being undertaken and what the buyer wants.

Selective invitation to supply – A selective invitation to supply is a method in which the purchasing NSW Government agency invites specific potential suppliers to submit tenders.

Selection may be from a multi-use list, a list of potential suppliers that have previously responded to an expression of interest, or a list of potential suppliers that have been granted a specific licence or comply with a legal requirement.

Single source approach – A single source approach is a market approach where only one supplier is approached rather than an open market approach or a limited market approach.

Timetable – Almost always non-negotiable dates set by the buyer.

Unsolicited proposal – An unsolicited proposal is a unique or innovative method, concept, approach or idea submitted to a NSW Government agency from a private entity, not in response to a formal request and not readily available in the marketplace.

Value for money – Value for money involves determining the extent to which the proposed solutions will deliver the best combination of whole-of-life cost and quality (non-cost) factors.

Factors that may be considered in assessing value for money include: fit for purpose; whole of life cost; timeliness; flexibility; price; quality; service support and warranty; efficiency and effectiveness; intangible costs and benefits; and contribution to NSW Government priorities.

Example 1: capability statement

Business logo

General Surveying Ltd

General Surveying Ltd is a small business based in Cooma in NSW, operating since 2015.

We are a fully accredited surveying business capable of completing large scale aerial surveys.

Our surveying business has won nine industry awards for excellence and commitment to service over the last three years.

About our business

Over the last six years, General Surveying Ltd has undertaken over 230 surveys for personal, government and businesses across the NSW southern tablelands and south coast.

Since starting as a two-person operation, General Surveying has grown to be the third largest business of its type in southern NSW. We are regularly working in northern Victoria and the Australian Capital Territory. We aim to open a new office in Goulburn next year.

General Surveying recently completed work for the Southern Hydro Authority and the Milk Valley Regional Council. Each were significant jobs in difficult terrain, required the use of satellite imaging.

General Surveying has four registered surveyors, plus a trainee surveyor. They are located in Cooma, and work across southern NSW.

Mary Smith is General Surveying's office manager, with 24 years in the industry. Mary manages all government contracts. If Mary is ever immediately unavailable the business owners will inform you who is leading our work for you.

Our approach to business

At General Surveying, we pride ourselves in delivering quality surveys on time. Over the last year we have met all of our agreed delivery deadlines.

General Surveying is committed to delivering a survey which is 100% accurate. When deadlines threaten, we have the potential to call on additional resources thanks to our wide industry network. We work with our clients to manage the sorts of delivery risks which arise when surveying the unknown.

Winning work from the NSW Government may mean that we will be able to offer two new roles within our business

Contacting our business

We would like the opportunity to talk about opportunities for our small business to supply to you. Please contact Mary Smith, [office manager](#), on [telephone](#) or [email](#).

More information about our business

ABN: 00000000000000

Main office: Number, street name, suburb, state/territory, postcode

The following people have graciously agreed to act as our business referees:

- 1 Bob Smith, Principal, Cooma Earthmoving
 - 2 Georgina Jones, Partner, Southern Accountants
 - 3 Errol Flynn, Actor, Screen Actors Association
- We can supply our referees' contact details upon request.*

You can find our business on [LinkedIn](#), [Facebook](#), [Instagram](#), [Twitter](#) [Pinterest](#), [Etsy](#)

Example 2: insurance contract record

Insurance contract 1

Insurance type	
Insurer and policy number	
What's covered	
What's not covered	
Insurance company contact	
Expiry date	
Amount paid and how often	

Insurance contract 2

Insurance type	
Insurer and policy number	
What's covered	
What's not covered	
Insurance company contact	
Expiry date	
Amount paid and how often	

Insurance contract 3

Insurance type	
Insurer and policy number	
What's covered	
What's not covered	
Insurance company contact	
Expiry date	
Amount paid and how often	

Example 3: written referee report

Referee report

SCM0256-General Construction Works up to \$1 million Scheme



Referee reports are used to assess demonstrated experience in nominated work categories.

- Referee Reports must be signed/endorsed by the referee or will not be considered
- Engagements should have been completed in the last two years
- The Department of Regional NSW may contact the referee to verify any relevant information

Nominated categories and contract system

Please indicate which work category this report applied to, e.g. C4-Demolition	T12 – Residential Building Works C1 – Non Residential Building Works B2 – Building Electrical
Please indicate the applicable contract system (i.e. Construction or Design and Construct)	Construction Only Design and Construct

Engagement details

Name of applicant's entity applying for prequalification	ABC Electrical Services
Applicant's ACN and/or ABN	12 345 678 910
Contract Title / Project Name	ABC Constructions
Description of Work (Outline of construction activities completed in the category applying for)	Design and Installation Commercial PV systems
Contract Start Date	01.04.2019
Contract Completion Date	30.06.2020
Original Contract Price (excluding GST)	\$870,000

Referee report

SCM0256-General Construction Works up to \$1 million Scheme



Referee Comments

Applicants Nominated Category (e.g. C5-Civil Works)	C1 – Non Residential Building Works
REFeree'S COMMENTS – Please comment on the Applicant's performance in relation to their nominated categories	<p>ABC Electrical Services did a great job on this project. Their project documentation was thorough and extensive and they understood and were able to respond to the Government's detailed reporting and safety requirements.</p> <p>With the work covering nine locations across Sydney, they clearly communicated throughout the project and delivered a quality finished product that was exactly what was specified in their quote.</p> <p>We would happily work with them again based on this experience.</p>

Please:

- indicate the applicant's performance in relation to their nominated categories and contract system
- submit a separate form for each nominated work category.

U = Unsatisfactory M = Marginal A = Acceptable G = Good S = Superior	U	M	A	G	S
Project Management (Time) Ability to keep the project on time. Achieve milestones according to work timetable. Overcome delays from inclement weather or external sources.				✓	
Project Management (Human Resources) Ability to engage and retain sufficient numbers of staff as well as appropriately qualified and experienced staff for the project.				✓	
Project Management (subcontractors and suppliers to the project) Ability to manage on-site and off-site subcontractors. Ability to effectively co-ordinate trade groups on-site. Ability to manage suppliers.				✓	
Project Management (Documentation) Ability to maintain proper records of the project. Ability to submit claims for payment with the correct supporting evidence. Ability to request further information, drawings and reports in a timely manner.					✓
Co-operation level Ability to develop and maintain co-operative relationships between key stakeholders. Ability to promptly inform key stakeholders of matters likely to affect delivery, cost, quality of work and workplace safety.					✓
Management of worksite safety Ability to establish and maintain a system of work that did not repeatedly expose the site workers and others to injury or harm. Ability to manage sub-contractors to ensure effective worksite safety.				✓	

Referee report

SCM0256-General Construction Works up to \$1 million Scheme



Management of site industrial relations Ability to properly and effectively manage industrial relations matters. Ability to maintain a reasonable level of harmony on the site.				✓	
Management of environmental preservation matters Ability to take proper measures to control any damage, harm or threats to the environment.				✓	
Quality of the finished product Ability to provide the correct quality of the finished product as set down in the specification. Ability to accept responsibility for defects and to fix them in a timely manner					✓
Quality Assurance System The level of compliance with the required Quality Assurance Standard. Their ability to provide in a professional and timely manner the information, evidence and records in document form you needed as a client.				✓	

Referee details

Name	John Smith
Title	Project Manager
Organisation	ABC Constructions
Email	jsmith@abcconstrutions.com.au
Phone number	0401 234 567
Date	08.08.2020
Signature	<i>John Smith</i>

Additional resources to assist small business owners are available on the NSW Small Business Commission website smallbusiness.nsw.gov.au

To assist you with selling goods and Services to your local Council:

- Doing business with your local council: a guide for small businesses smallbusiness.nsw.gov.au/resources/doing-business-local-councils



The Get Ready Toolkit: to help you prepare for and recover from unexpected disasters

- Prepare for the Unexpected: Build a Business Continuity Plan
- Get back to Business: A guide to recovering from disaster
- Guide to making insurance claims

smallbusiness.nsw.gov.au/get-help/natural-disasters/get-ready-disasters

Guides for Retail Tenants

- Retail Tenancy Guide 2022 smallbusiness.nsw.gov.au/resources/Retail-Tenancy-Guide
- Mediation guide smallbusiness.nsw.gov.au/resources/nsw-small-business-commissioner-mediation-guide





Small Business Commissioner

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