



Australian Capital Territory

# **Government Procurement Regulation 2007**

**SL2007-29**

made under the

**Government Procurement Act 2001**

**Republication No 10**

**Effective: 1 March 2022**

Republication date: 1 March 2022

Last amendment made by [A2022-1](#)

## About this republication

### The republished law

This is a republication of the *Government Procurement Regulation 2007*, made under the *Government Procurement Act 2001* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 March 2022. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 March 2022.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Government Procurement Regulation 2007

made under the

**Government Procurement Act 2001**

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Australian Capital Territory

# Government Procurement Regulation 2007

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**Government Procurement Act 2001**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Government Procurement Regulation 2007*.

### 3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## Part 2                      Government procurement— quotation and tender thresholds

### 4                      Application—pt 2

- (1) This part does not apply to procurement by the Territory or a territory entity under a standing-offer contract.

- (2) In this section:

*standing-offer contract* means a contract to supply goods, services or works or a common-use contract that the Territory or a territory entity may procure from time to time during a stated period.

### 5                      Procurement of goods, services or works less than \$25 000

A territory entity must seek at least 1 oral quotation from a supplier for the procurement of goods, services or works if the total estimated value of the procurement is less than \$25 000.

### 6                      Procurement of goods, services or works for \$25 000 or more and less than \$200 000

A territory entity must seek at least 3 written quotations from suppliers for the procurement of goods, services or works if the total estimated value of the procurement is \$25 000 or more and less than \$200 000.

### 9                      Procurement of goods, services or works for \$200 000 or more

A territory entity must invite public tenders for the procurement of goods, services or works if the total estimated value of the procurement is \$200 000 or more.

**10 Procurement of goods, services or works—exemption from quotation and tender requirements**

- (1) The responsible chief executive officer for a territory entity may, in writing, exempt the entity from a requirement mentioned in section 6 or section 9 for a particular procurement proposal.

*Note* **Responsible chief executive officer**—see the [Act](#), dictionary.

- (2) However, the responsible chief executive officer may exempt the entity only if satisfied, on reasonable grounds, that the benefit of the exemption outweighs the benefit of compliance with the requirement.

**Examples—when exemption may be given**

- 1 only 1, or a limited number of, suppliers is available because of a need to buy equipment that is compatible with existing equipment, or because of a supplier's specialist knowledge
  - 2 only 1 supplier can supply a particular good or service
  - 3 standardisation of a product is agreed after public tenders are called for the original equipment
  - 4 the time within which a particular procurement activity must be completed prevents public tenders being called
  - 5 where a secondary objective of the procurement is to achieve an appreciable social or community benefit
  - 6 the procurement is through a common use agreement established in another jurisdiction.
- (3) If the responsible chief executive officer exempts an entity, the chief executive officer may, in writing, direct the entity to do 1 or more of the following:
- (a) seek a stated kind or number of quotations for the procurement;
  - (b) invite a tender from a stated supplier for the procurement.



- (4) An exemption must state—
- (a) the procurement proposal to which it applies; and
  - (b) the responsible chief executive officer's reasons for giving the exemption; and
  - (c) any direction to which it is subject under subsection (3).

## Part 3 Procurement proposals

### 11 Procurement proposals of territory entities—Act, s 6 (c)

- (1) The following procurement proposals of territory entities must be reviewed by the board:
  - (a) a procurement proposal that has a total estimated value of \$5 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
  - (b) a procurement proposal of a territory entity (other than an administrative unit) that has a total estimated value of \$1 million or more, unless the proposal is covered by an endorsed strategic procurement plan;
  - (c) a procurement proposal in relation to information and communications technology that includes an element of system development or redesign and has a total estimated value of \$1 million or more;
  - (d) a disposal that has a total estimated value of \$1 million or more.
- (2) In this section:

*endorsed strategic procurement plan* means a procurement plan that—

  - (a) states that it applies to separate procurement proposals, or activities, of a stated kind; and
  - (b) has been endorsed by the board as a strategic procurement plan.

**12 Procurement proposals—minimum requirements**

- (1) This section applies to a procurement proposal that may be reviewed by the board.
- (2) The procurement proposal must—
  - (a) address the matters the entity must have regard to under the [Act](#), section 22A (3) (Procurement principle—value for money); and
  - (b) include—
    - (i) the evaluation methodology to be used to decide the successful supplier; and
    - (ii) the evaluation criteria to be applied to the procurement; and
    - (iii) the contract management arrangements to be applied to the procurement.

## Part 4 Secure local jobs code

### 12AA Prescribed value of services or works—Act, s 22F (1) (a) (ii)

The prescribed amount is \$200 000.

### 12AB Excluded services or works—Act, s 22F (3)

- (1) The following services are prescribed:
  - (a) information media and telecommunications services within the meaning of the ANZSIC, Division J;
  - (b) rental, hiring and real estate services within the meaning of the ANZSIC, Division L;
  - (c) financial and insurance services within the meaning of the ANZSIC, Division K;
  - (d) professional, scientific and technical services within the meaning of the ANZSIC, Division M;
  - (e) hospital services within the meaning of the ANZSIC, Subdivision 84;
  - (f) medical and other health care services within the meaning of the ANZSIC, Subdivision 85.

- (2) In this section:

**ANZSIC** means the Australian and New Zealand Standard Industrial Classification 2006 as in force from time to time.

*Note* The ANZSIC is available free of charge at [www.abs.gov.au](http://www.abs.gov.au).

**12AC      Labour relations, training and workplace equity plan—  
Act, s 22G (6) (b)**

- (1) A tenderer's labour relations, training and workplace equity plan must state the following:
- (a) how the tenderer will incorporate compliance with the code into its systems of work, operating procedures and policies;
  - (b) how the tenderer will ensure that all the tenderer's directors, executive managers and employees understand the tenderer's obligations under the code;
  - (c) how the tenderer will ensure that its subcontractors comply with the code;
  - (d) whether and how the tenderer will minimise insecure work arrangements, including the use of insecure work arrangements by any of its subcontractors;

**Examples—insecure work arrangements**

- temporary employment arrangements
- casual employment arrangements

- (e) how the tenderer will support the physical and mental health of its employees, including with any health and well-being activities, to reduce the impact and incidence of impairment in the workplace;
- (f) how the tenderer will promote and support diversity in the tenderer's workforce;

**Examples—promoting and supporting diversity**

policies or strategies to address barriers to employment, or career development, for Aboriginal or Torres Strait Islander people, women, people with disability and people from culturally and linguistically diverse backgrounds

- (g) if the plan is submitted in relation to a procurement for services or works being provided by an existing contractor—whether and how the tenderer will support transmission of the existing contractor’s employees to the tenderer;
  - (h) if the plan is submitted in relation to a procurement valued at \$5 million or more—
    - (i) how the tenderer will provide workers in the ACT and surrounding region with the opportunity to apply for employment before undertaking recruitment outside the region; and
    - (ii) what training will be available to the tenderer’s employees for their career development and to help them attain externally-recognised qualifications; and
    - (iii) whether the tenderer will provide internships, traineeships, cadetships or apprenticeships;
  - (i) if the tenderer was previously engaged with the Territory or a territory entity under a contract for procurement for territory-funded work—how the tenderer complied with the code and the tenderer’s commitments in the labour relations, training and workplace equity plan in relation to the contract.
- (2) The plan must be developed in consultation with the tenderer’s employees and include a statement about how this has been done.

**12AD Details for secure local jobs code register—Act, s 22N (1) (c)**

The following details are prescribed for each secure local jobs code certificate:

- (a) the identifying number for the certificate;
- (b) the period for which the certificate has been granted under the [Act](#), section 22J;

- (c) the name of the approved auditor that completed the report under the [Act](#), section 22I (2) (a) that was included with the application for the certificate;
- (d) if the secure local jobs code certificate is held by an entity other than an individual—the entity’s business address, phone number and email address.

**Part 5                      Notifiable contract, notifiable  
amendment and notifiable  
invoice thresholds**

**12A              Notifiable contract threshold—Act, s 25 (2) (a)**

The prescribed amount is \$25 000.

**12B              Notifiable amendment threshold—Act, s 26 (a) (ii)**

The prescribed amount is \$25 000.

**12C              Notifiable invoice threshold—Act, s 42A (1)**

The prescribed amount is \$25 000.



## Part 6 Miscellaneous

### 13 Procurement procedure

- (1) The Minister may give directions about the management of the procurement activities of territory entities.
- (2) A direction is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3) In this section:

*territory entities* does not include—

- (a) the Office of the Legislative Assembly; and
- (b) an officer of the Assembly.

### 14 Confidentiality of information—Act, s 35 (1) (a) (vi)

The following information is prescribed:

- (a) information that, if disclosed, would have a significant adverse effect on the financial or property interests of the Territory or of a territory entity;
- (b) information that, if disclosed, would unreasonably constrain the development or consideration of policy alternatives by government.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**Government Procurement Regulation 2007 SL2007-29**

notified LR 28 September 2007

s 1, s 2 commenced 28 September 2007 (LA s 75 (1))

remainder commenced 1 October 2007 (s 2 and see [Government Procurement Amendment Act 2007](#) A2007-11, s 2 and [CN2007-14](#))

as amended by

**[Government Procurement Amendment Regulation 2009 \(No 1\)](#)  
SL2009-17**

notified LR 30 April 2009

s 1, s 2 commenced 30 April 2009 (LA s 75 (1))

remainder commenced 1 May 2009 (s 2)

**[Government Procurement Amendment Regulation 2012 \(No 1\)](#)  
SL2012-10**

notified LR 26 March 2012

s 1, s 2 commenced 26 March 2012 (LA s 75 (1))

remainder commenced 5 April 2012 (s 2 and see [Government Procurement Amendment Act 2012](#) A2012-11 s 2)

**[Legislative Assembly \(Office of the Legislative Assembly\) Act 2012](#)  
A2012-26 sch 1 pt 1.5**

notified LR 24 May 2012

s 1, s 2 commenced 24 May 2012 (LA s 75 (1))

sch 1 pt 1.5 commenced 1 July 2012 (s 2)

**[Officers of the Assembly Legislation Amendment Act 2013](#) A2013-41  
sch 1 pt 1.4**

notified LR 7 November 2013

s 1, s 2 commenced 7 November 2013 (LA s 75 (1))

sch 1 pt 1.4 commenced 1 July 2014 (s 2)

**[Government Procurement \(Transparency in Spending\) Amendment Act 2015](#) A2015-14 pt 3**

notified LR 20 May 2015

s 1, s 2 commenced 20 May 2015 (LA s 75 (1))

pt 3 commenced 1 July 2015 (s 2 (1))

## Endnotes

3 Legislation history

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**Public Sector Management Amendment Act 2016 A2016-52 sch 1  
pt 1.33**

notified LR 25 August 2016  
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))  
sch 1 pt 1.33 commenced 1 September 2016 (s 2)

**Government Procurement (Secure Local Jobs) Amendment  
Regulation 2018 (No 1) SL2018-22**

notified LR 22 November 2018  
s 1, s 2 commenced 22 November 2018 (LA s 75 (1))  
sch 1 commenced 7 November 2019 (s 2 (2) and see [Government  
Procurement \(Secure Local Jobs\) Amendment Act 2018 A2018-41](#),  
s 2 (3))  
remainder commenced 15 January 2019 (s 2 (1))

**Government Procurement (Secure Local Jobs) Amendment  
Regulation 2019 (No 1) SL2019-24**

notified LR 12 September 2019  
s 1, s 2 commenced 12 September 2019 (LA s 75 (1))  
remainder commenced 7 November 2019 (s 2 and see [Government  
Procurement \(Secure Local Jobs\) Amendment Regulation 2018 \(No 1\)  
SL2018-22](#), s 2 (2))

**Government Procurement Amendment Act 2022 A2022-1 pt 3**

notified LR 16 February 2022  
s 1, s 2 commenced 16 February 2022 (LA s 75 (1))  
pt 3 commenced 1 March 2022 (s 2)

## 4 Amendment history

### Commencement

s 2 om R1 LA s 89 (4)

### Procurement of goods, services or works less than \$25 000

s 5 sub [SL2009-17](#) s 4

### Procurement of goods, services or works for \$25 000 or more and less than \$200 000

s 6 sub [SL2009-17](#) s 5

### Procurement of works less than \$20 000

s 7 om [SL2009-17](#) s 6

### Procurement of works for \$20 000 or more and less than \$100 000

s 8 om [SL2009-17](#) s 6

### Procurement of goods, services or works for \$200 000 or more

s 9 hdg am [SL2009-17](#) s 7

s 9 am [SL2009-17](#) s 7

### Procurement of goods, services or works—exemption from quotation and tender requirements

s 10 am [SL2009-17](#) s 8; [SL2012-10](#) s 4; [A2016-52](#) amdt 1.98

### Procurement proposals

pt 3 hdg sub [SL2018-22](#) s 4

### Secure local jobs code

pt 4 hdg ins [SL2018-22](#) s 5

### Prescribed value of services or works—Act, s 22F (1) (a) (ii)

s 12AA ins [SL2018-22](#) amdt 1.1

### Excluded services or works—Act, s 22F (3)

s 12AB ins [SL2018-22](#) amdt 1.1

am [SL2019-24](#) s 4

### Labour relations, training and workplace equity plan—Act, s 22G (6) (b)

s 12AC ins [SL2018-22](#) s 5; [A2022-1](#) s 19

### Details for secure local jobs code register—Act, s 22N (1) (c)

s12AD ins [SL2018-22](#) s 5

### Notifiable contract, notifiable amendment and notifiable invoice thresholds

pt 5 hdg ins [SL2018-22](#) s 5

### Notifiable contract threshold—Act, s 25 (2) (a)

s 12A ins [SL2012-10](#) s 5

### Notifiable amendment threshold—Act, s 26 (a) (ii)

s 12B ins [SL2012-10](#) s 5

## Endnotes

### 4 Amendment history

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**Notifiable invoice threshold—Act, s 42A (1)**

s 12C ins [A2015-14](#) s 6

**Miscellaneous**

pt 6 hdg ins [SL2018-22](#) s 6

**Procurement procedure**

s 13 am [A2012-26](#) amdt 1.30; [A2013-41](#) amdt 1.26

**Regulation repealed**

s 15 om R1 LA s 89 (3)

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Oct 2007	1 Oct 2007– 30 Apr 2009	not amended	new regulation
R2 1 May 2009	1 May 2009– 4 Apr 2012	<a href="#">SL2009-17</a>	amendments by <a href="#">SL2009-17</a>
R3 5 Apr 2012	5 Apr 2012– 30 June 2012	<a href="#">SL2012-10</a>	amendments by <a href="#">SL2012-10</a>
R4 1 July 2012	1 July 2012– 30 June 2014	<a href="#">A2012-26</a>	amendments by <a href="#">A2012-26</a>
R5 1 July 2014	1 July 2014– 30 June 2015	<a href="#">A2013-41</a>	amendments by <a href="#">A2013-41</a>
R6 1 July 2015	1 July 2015– 31 Aug 2016	<a href="#">A2015-14</a>	amendments by <a href="#">A2015-14</a>
R7 1 Sept 2016	1 Sept 2016– 14 Jan 2019	<a href="#">A2016-52</a>	amendments by <a href="#">A2016-52</a>
R8 15 Jan 2019	15 Jan 2019– 6 Nov 2019	<a href="#">SL2018-22</a>	amendments by <a href="#">SL2018-22</a>
R9 7 Nov 2019	7 Nov 2019– 28 Feb 2022	<a href="#">SL2019-24</a>	amendments by <a href="#">SL2018-22</a> and <a href="#">SL2019-24</a>