



EPROJECTS PLUS

STATEMENT OF REQUIREMENTS AND GUIDE TO BECOMING A PANEL SUPPLIER

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1. OVERVIEW

1.1. Purpose

To provide potential suppliers information on the eProjects Plus including the requirements and process to become a panel supplier.

1.2. Definitions

Defined terms used in this document have the same meaning as in the eProjects Plus Agreement.

1.3. Background

In 2007 the Government of South Australia [State] established the eProjects Panel [ePP] to help reduce red-tape and streamline Information and Communications Technology [ICT] project services procurements. A Cyber Security Services portal was launched in 2012 because of the specialised nature of these services. In 2015 a Low Risk ICT Projects portal was launched for agencies to utilise when projects are determined to be low risk and < \$100,000 (inc. GST).

Entities with an ABN that can provide ICT project services as outlined in this document can apply to become a panel supplier. Once approved, membership of the eProjects Plus remains in place until terminated by either party.

State agencies may use the eProjects Plus portal to purchase ICT services between the value of \$700,001 to \$4.4M (including GST) by issuing Requests for Quotes (RFQs) to selected suppliers.

State agencies may use the eProjects Plus to purchase ICT project services to selected panel suppliers.

The broad *categories* of services in-scope of the eProjects Plus include:

- Application/System Development /Deployment
- Application/System Integration
- Professional Project Services
- Other Information and Technology Projects, including Software-as-a-Service

Expanded information on the *categories* is provided in Form B – Supplier Statement. Suppliers must be able to provide services in at least one of the *categories* in the portal they are applying to join.

All procurements under the eProjects Plus must be transacted via the eProjects Plus portal

Suppliers and agencies use the relevant portal to exchange:

- Supplier Statements (summarising capability, capacity and experience);
- Agency RFQs;
- Supplier RFQ responses; and
- Agency and supplier Project Reviews.

Note that the eProjects Plus portal cannot be used to;

- procure hardware, software or other goods or services for which there are mandated State procurement arrangements in place;

- recruit temporary staff.

The eProjects Plus is designed to create a competitive and dynamic market; therefore being a supplier does not guarantee being issued a RFQ or being awarded any business.

1.4. Levy

To enable the State to fund the administration of the panel, suppliers are contractually required to remit to the government a State Levy equalling 1.3% of the total, GST exclusive cost of all projects transacted up to a ceiling of \$40,000 under the eProjects Plus Agreement. Suppliers will be required to provide a Contract Levy Report three-monthly throughout the term of the Customer Agreement, and at the completion of a project. This is to be submitted by email, in Spreadsheet format to the Contract Authority. Please see Schedule 4 – Levy in the eProjects Plus Agreement for details on reporting.

1.5. About the eProjects Plus Agreement

To become an eProjects Plus supplier you must agree to the eProjects Plus Agreement. Complete and unqualified acceptance of the Agreement is mandatory. Applicants not willing to fully accept the Agreement will not be granted membership

The Agreement consists of the main agreement and eighteen schedules, one of which is the Customer Agreement Memorandum. This is the contractual instrument that must be used by agencies when placing an order with a supplier following an RFQ process.

The following terms in the eProjects Plus Agreement are to be agreed in the Customer Agreement between the Customer and Supplier on a project by project basis and subject to the minimum levels agreed in the Agreement:

Clause 7.1.3 of Schedule 1 – Termination of a Customer Agreement

Clause 22.1 of Schedule 1 – Vesting (IP Models)

Clause 23.1 of Schedule 1 – Confidential contract conditions

Clause 25.2 of Schedule 1 – Liability Cap – Must be determined in accordance with Schedule 13

Clause 45.11 of Schedule 1 – Additional Insurance

Clause 46 of Schedule 1 – Security – Financial undertaking

Clause 11.14 of Schedule 5 – Escrow of Source Code

1.6. Dealing with the State

To apply to become an eProjects Plus supplier the State requires specific information to be provided.

All information and statements provided by a supplier must be true and correct. The State reserves the right to ask for evidence supporting any statements made by a supplier. The State may at its option exclude or remove a supplier from the eProjects Plus if there are unsupported statements.

Applicants and the State may disclose information to any relevant party engaged for the purpose of this eProjects Plus application process providing that third party is required to preserve the confidentiality of that information.

Information supplied by or on behalf of the State is confidential to the State and applicants are obliged to maintain its confidentiality.

The State accepts the need to keep commercial matters confidential in appropriate circumstances, however we reserve the right to disclose some or all of the contents of the application if required to do so by a constitutional convention or in order that the relevant Minister may discharge their duties and obligations to the South Australian parliament and the State.

1.7. Contacting the State

Please contact the State if you have any questions or require clarification of any matters relating to this application process.

Formal communication must be in writing and addressed to the e-mail address located on the home page of the website and clearly identified as relating to the eProjects Plus.

1.8. How do you apply to become an eProjects Plus supplier?

There is a link to the application package at:

<https://plus.eprojects.sa.gov.au/Documentation/Suppliers.htm>

The following documents are included in the package:

Name	Description
eProjects Plus: Statement of Requirements to become a Panel Supplier	This document
eProjects Plus Form A	To be completed by all applicants
eProjects Plus Form B	To be completed by all applicants
eProjects Plus Agreement	For information purposes and to obtain legal review. This is applicable to all eProjects Plus suppliers.

The State may reject incomplete applications.

1.9. Lodging an eProjects Plus Supplier Application

A signed electronic copy of the relevant forms (as tabled above) must be sent to the Contract Authority as above. Please forward the signed, original hard copy of Form A to the above address.

1.10. Assessment of Applications

Following assessment of the criteria for conformance and compliance, there will be an assessment of the threshold evaluation criteria to confirm that applicants have the appropriate organisational capability, capacity and experience to provide in-scope services to the State. Refer application Forms A and B as applicable.

Information that will be assessed includes:

- Identity of the applicant;
- Financial capability, viability, stability and insurance; and
- All other relevant information in the application regarding general organisational capability, capacity, qualifications and experience.

The State will advise applicants if their application has been approved or declined. The State is not obliged to provide any reasons for its decision.

1.11. Formation of Agreement

Subject to the assessment above, approved applicants will receive an email detailing how to electronically execute the eProjects Plus Agreement in the portal.

Following electronic execution by a supplier, the State will send an email to the supplier's nominated contact confirming membership of the portal and providing a copy of the executed Agreement.

Any Customer Contract established as a result of an RFQ process through one of the portals must be in the form of the Customer Agreement Memorandum physically signed by the customer agency and the supplier.

1.12. Conditions of Submitting an Application

This application process does not give rise to or amount to a process contract.

Entities with an Australian Business Number that can demonstrate appropriate levels of capability, capacity, qualifications and experience in providing ICT project services can apply to become a panel supplier.

Applicants must ensure that the information they provide to the State is true, correct and accurate. If there are material changes to a supplier's capability, capacity, qualifications, experience, or any other relevant information, they must, at the earliest possible opportunity, advise the State's Contract Authority, as well as update their profile and supplier statement on the eProjects Plus portal.

The State reserves the right to:

- invite an applicant to clarify any aspect of an application after receipt of the application;
- invite an entity to submit an application to become an eProjects Plus supplier;
- make enquiries of any person, company or organisation to ascertain information in relation to the applicant and its application;
- consider an application submitted otherwise that in accordance with these rules.

The State expects that the applicant will:

- Declare any actual or potential conflict of interest;
- Not seek to employ or engage the services of any person who has a duty to the State as an adviser, consultant or employee in relation to this application process;
- Not collude with any other applicant or potential applicant, or existing ePP supplier;
- Comply with all laws in force in South Australia applicable to the process including the *Competition and Consumer Act 2010 (Cth)* and other Commonwealth legislation;
- Disclose whether acting as agent, nominee or jointly with another person and disclose the identity of the other person;
- Not offer any incentive to or otherwise attempt to influence, any employee of the State; and
- Not make any news releases or responses to media enquiries or questions pertaining to this process without the State's written approval.

By submitting an application the applicant will be taken to:

- license the State to reproduce for the purposes of this process the whole or any portion of the application despite any copyright or other intellectual property right that may subsist in the application;
- transfer ownership of the documents and any other materials constituting the application to the State; and
- accept that information provided by the State is done so in good faith

Applicants are responsible for the cost of preparing and submitting an application and all other costs arising out of the process.

1.13. State Federal Cooperation on Trade Practices Matters

Notwithstanding any undertaking regarding confidentiality, by submitting an application, you agree that the State may forward information relating to you or your application to the Australian Competition and Consumer Commission (“**ACCC**”) if the State reasonably suspects, or is notified by the ACCC that it reasonably suspects, that there is cartel conduct or unlawful collusion in relation to this process (whether or not the suspicion relates to your application), and any condition in your application that purports to prohibit or restrict the State’s right to make such disclosures cannot be accepted.

eProjects Plus Application Form A includes a supplier declaration in relation to unlawful collusion.

In addition, eProjects Plus suppliers responding to an Agency RFQ must include a declaration in relation to unlawful collusion.

2. COMPLETING THE APPLICATION FORMS

Information provided in the application forms is used by the State to assess a supplier's application.

In addition, Form B – Supplier Statement will be made available to agency portal users to help inform their choices when it comes to determining which suppliers will be invited to respond to RFQs. The forms must be completed in the templates provided.

2.8. Completing Form A

All applicants must complete Form A – Applicant Declaration to apply to become an eProjects Plus supplier (to provide services via the *eProjects Plus* Portal).

All fields must be completed with the relevant information or by selecting an option from the drop down box.

Form A must be signed by an 'Authorised Person' as explained below:

Sole Trader/Partnership

The 'Authorised Person' signing "Form A – Applicant Declaration" is a person authorised to bind the business/partnership by executing the eProjects Plus agreement electronically and consents to signing the eProjects Plus agreement electronically.

Company

The 'Authorised Person(s)' signing "Form A Applicant Declaration" is (are) a Director(s), Secretary(ies) or Director/Secretary of the Applicant registered with Australian Securities and Investments Commission. For the purposes of s9 of the Electronic Transactions Act (SA) 2000 and s126 of the Corporations Act 2001, the Applicant will be required to confirm that the Authorised Person is a duly authorised agent and consents to signing the eProjects Plus Agreement electronically (details on how to sign the eProjects Plus agreement will be provided on acceptance by the State).

The information provided by successful applicants in Form A will be used to establish a supplier profile in the *eProjects Plus* Portal.

In addition to Form A, applicants must also complete Form B

2.9. Completing Form B – eProjects Supplier Statement

All applicants seeking to become a supplier of a *category* in-scope of the *eProjects Plus* Portal must complete Form B.

Instructions on how to complete the form are included in each section of the form.

Form B will be accessible to agencies in the *eProjects Plus* Portal to help inform their choices when determining which suppliers will be invited to respond to RFQs.

Applicants are required to provide Form B in searchable PDF format.

