



Table of changes to the Commonwealth Procurement Rules (CPRs) commencing 1 July 2024

| CPR Change | General Comment |
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| Foreword | Repeals the previous CPRs. |
| Procurement Framework (2.6 and Footnote) | <p>Amendment to allow an Accountable Authority to delegate decision making in relation to this paragraph.</p> <p>New footnote added in response to recommendation 3 of Joint Committee of Public Accounts and Audit Report 498 Commitment Issues' – An Inquiry into Commonwealth procurement (JCPAA Report 498) to clarify that even when 2.6 is applied, the overarching obligations of the PGPA Act regarding the proper use of resources still applies.</p> |
| Procurement Definition (2.7) | Updated definition in response to recommendation 1 of JCPAA Report 498, to include reference to supply chain analysis. |
| Figure 1: Legislation and Policy | Inclusion of the Commonwealth Supplier Code of Conduct. |
| How to use the Commonwealth Procurement Rules (3.2, 3.3 and footnote) | <p>New paragraphs to clarify that the CPRs applies to officials and that ministers must not direct officials undertaking procurement activities.</p> <p>Footnote added to clarify that ministers may seek information on the progress of a procurement.</p> <p>Policy response to recommendation 12.a of the Independent Review of Services Australia and NDIA Procurement and Contracting (the Watt Review).</p> |
| Achieving value for money (4.5.e) | Amended text to update the language of environmental sustainability to be consistent with the revised Sustainable Procurement Guide. |
| Achieving value for money (4.6.f) | Amended text for consistency with the change to 4.5.e to recognise environmental sustainability relates to all aspects of procurement. |

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| Broader benefits to the Australian economy (4.7) | Reduced the threshold for procurements from \$4 million to \$1 million. |
| Small and Medium Enterprises (SMEs) (5.6) | Amended text to increase the commitment for non-corporate Commonwealth entities (NCEs) procuring at least 25% of contracts by value from SMEs, for contracts with a value of up to \$1 billion. The previous commitment was 20% of all contracts. |
| SMEs (5.7) | Amended text to increase the target for NCEs for non-corporate Commonwealth entities procuring at least 40% of contracts by value from SMEs, for contracts with a value of up to \$20 million. The previous target was 35%. |
| Ethical behaviour (6.6- 6.7) | Paragraph 6.6 has been split into two paragraphs – 6.6 and 6.7. Paragraph 6.7 now includes a reference to preventing corrupt behaviour, and has been declared to be a relevant provision for the purposes of the <i>Government Procurement (Judicial Review) Act 2018</i> . Change in response to recommendation 1 of the Australian National Audit Office performance audit <i>Procurement Complaints Handling (Report No. 19 of 2022-23)</i> (ANAO Procurement Complaints Handling Audit). |
| Judicial Review (6.10) | Paragraph 6.7 is now included in the list of paragraphs captured by paragraph 6.10 and is a relevant provision for the purposes of the <i>Government Procurement (Judicial Review) Act 2018</i> . Change in response to recommendation 1 of the ANAO Procurement Complaints Handling Audit. |
| Commonwealth Contracts (6.12) | New mandatory requirement to include the Commonwealth Supplier Code of Conduct (Code) in all contracts with limited exceptions. |
| Providing Information (7.17) | Clarification that notification to unsuccessful tenderers should be provided in writing as best practice, and must be provided in writing if requested by the supplier. Clarification in response to recommendation 1 of the ANAO Procurement Complaints Handling Audit. |

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| Reporting arrangements (7.18-7.19) | <p>Amended text to improve the clarity of the reporting threshold at which all contracts and amendments to contracts must be reported on AusTender.</p> <p>Clarification in response to recommendation 6 of the Australian National Audit Office performance audit <i>Management of the Australian War Memorial's Development Project (Report No. 21 of 2023-24)</i>.</p> |
| Specifications (10.6a and 10.10b) | For clarity and to promote consistency across the CPRs, references to 'technical specifications' in paragraphs 10.6a and 10.10b have been changed to 'specifications'. |
| Request Documentation (10.6f) | <p>Amended text to clarify that any other terms or conditions 'relevant to the procurement' must be included, rather than previous text of 'relevant to the evaluation of submissions'.</p> <p>Clarification in response to recommendation 1 of the ANAO Procurement Complaints Handling Audit.</p> |
| Appendix A: Exemptions | |
| Procurement of goods and services from an SME (17) | Amended text allowing all relevant entities to directly engage an SME for procurements valued up to \$500,000 and exempt the procurement from the rules of Division 1 paragraphs 4.7, 4.8 and 7.26 and Division 2. |
| Appendix B: Definitions | |
| Amendment | New definition |
| Reported contract | New definition |
| Reporting threshold | Amended text to clarify the reporting threshold |
| Small and Medium Sized Enterprises | Amended definition to clarify that an SME seeking an Appendix A exemption must be an independent entity, rather than a small or medium sized entity supported by the resources of a larger entity. |

Consequential renumbering of paragraphs is not included in the table.