



# *Industry Briefing*

## **People Panel**

Phase 2 – Labour Hire Services  
for the Australian Government



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November 2022



# Introduction and welcome

- ◆ Acknowledgement of Country
- ◆ Introduction
- ◆ Welcome



## Purpose of this briefing

- ◆ Overview of the process to establish the Panel
- ◆ Benefits and expectations
- ◆ Information about how to complete and submit a tender
- ◆ This briefing is for the second phase of the People Panel – **Labour Hire Services**



## Probity Reminder

Do not offer gifts or hospitality during the procurement process

Do not try to elicit any information about the RFT or procurement process except from the Request Manager

Do not engage in improper conduct

Declare any conflicts of interest as soon as possible

All questions must be sent to the Request Manager via the 360 tender system

*This industry briefing does not amend the RFT. If there is any inconsistency between the information given in the industry briefing and the RFT, the RFT terms prevail. Any change to the RFT will be made via an Addendum notified on AusTender and issued through the 360 tender system.*



# Coordinated procurement

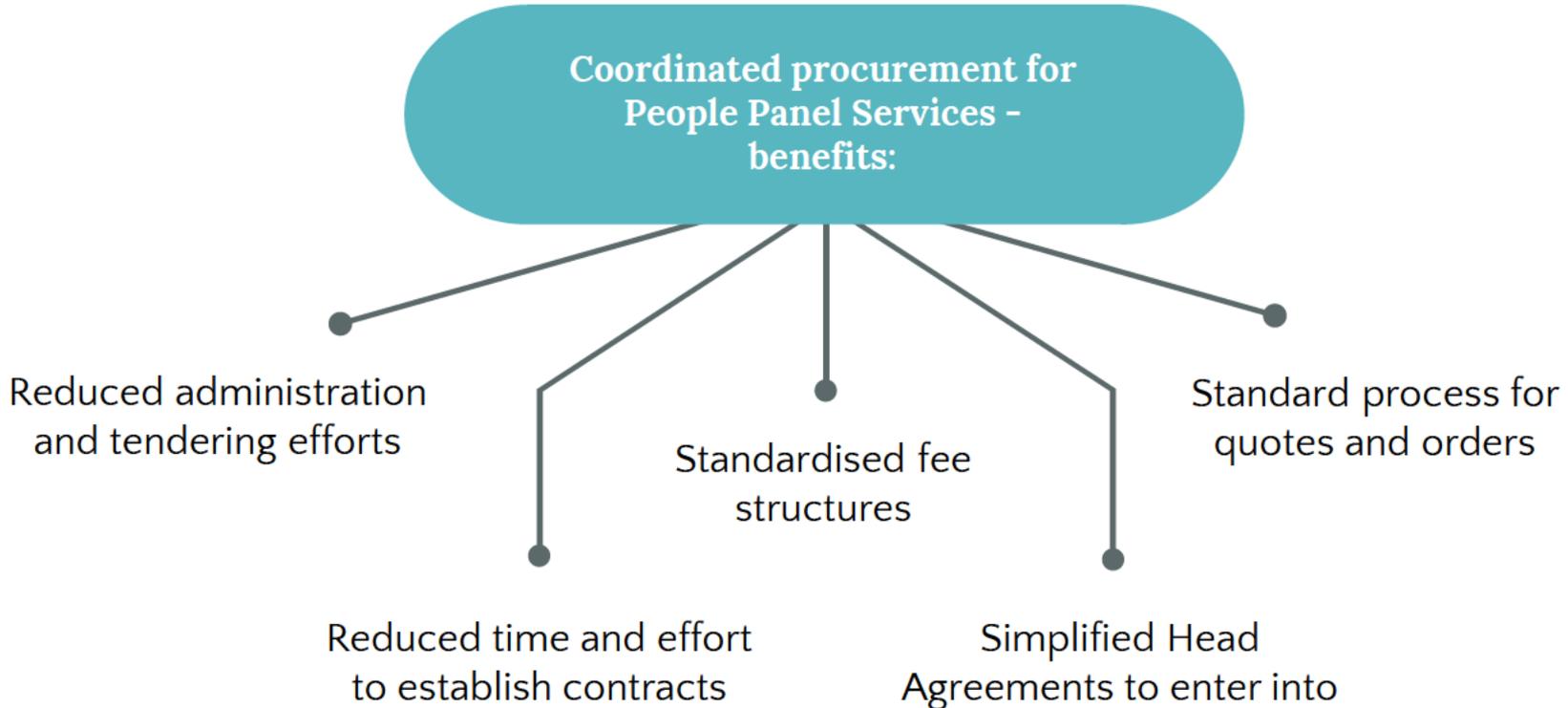
- ◆ What is a coordinated procurement?
- ◆ Other coordinated procurements

## Benefits

- ◆ Efficient processes to deliver better pricing
- ◆ Better service and quality
- ◆ Increased transparency
- ◆ Standard terms and conditions
- ◆ Improved contract management
- ◆ Efficiencies for both government and suppliers



# Benefits of the Panel





## Expectations of the Panel



Standard terms and conditions for all panellists



Fair apportioning of risk



Highly competitive pricing



No intention to negotiate

Value for money

Successful Respondent



## Background and General Information



## Analysis and consultation

- ◆ Reviewed more than 20 panel arrangements
- ◆ Analysis of AusTender reporting
- ◆ Agency consultation to determine:
  - ◆ Which current panels are in scope
  - ◆ The scope of services required
- ◆ Industry consultation on:
  - ◆ Approach to the procurement
  - ◆ Draft Service Categories
  - ◆ Draft Pricing Structure



## Outcome of consultation activities

- ◆ Revised scope of services
- ◆ Changes to the procurement approach meet industry requests:
  - ◆ Better explanations of out of scope services and interaction with other WoAG Arrangements
  - ◆ Better explanation of the pricing structure and how the pass through costs will vary dependent on inputs
  - ◆ Separate pricing per APS (equivalent) classification level, rather than groupings
  - ◆ Limitations for consequential loss
  - ◆ Pricing increase to GPM based on CPI



## About the Panel

The Labour Hire Services phase consists of:

- ◆ *Labour Hire workers to do work for a Commonwealth Entity for a defined period of time*
- ◆ *Conversion of labour hire workers in a relevant position to be a directly engaged Commonwealth Entity employee*
- ◆ *Introductions (S26 transfers)*
- ◆ *Placements (Non-ongoing APS employees)*

The service categories have been aligned to the APSC Job Families and include:

- ◆ Corporate Services
- ◆ Policy and Program
- ◆ Data & Knowledge
- ◆ Compliance & Legal
- ◆ Other Workers



# Out of scope services

- ◆ Services available under other Whole of Australian Government arrangements such as legal services and property services
- ◆ ICT Labour Hire
- ◆ Resources and Construction (Industrial, agricultural, infrastructure, mining, forestry, fisheries, maritime, meatworkers, manufacturing, textiles, building)
- ◆ Military engineering
- ◆ Statutory Appointments
- ◆ Non-Statutory Appointments
- ◆ Recruitment of permanent and non-ongoing Australian Public Service employees
- ◆ Contractor services
- ◆ Consultancy services
- ◆ Learning and Development

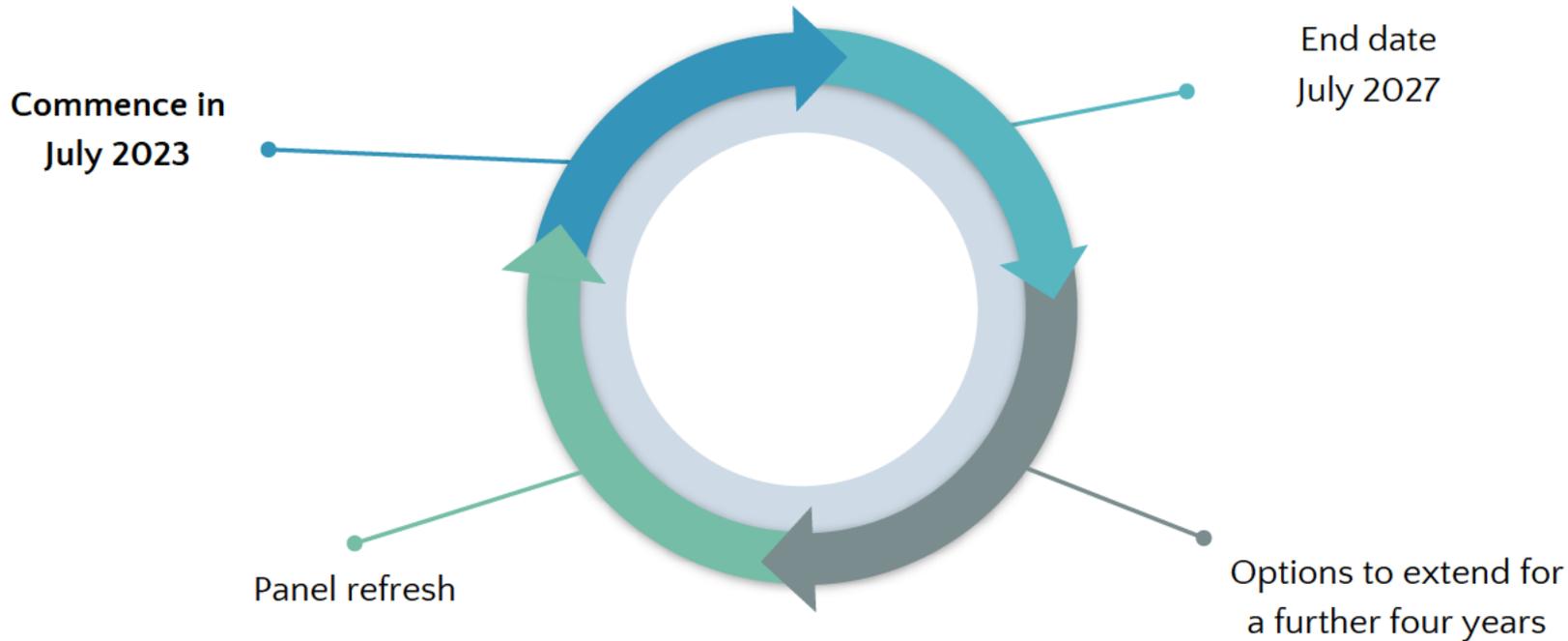


## Phase 2 - Procurement Timetable



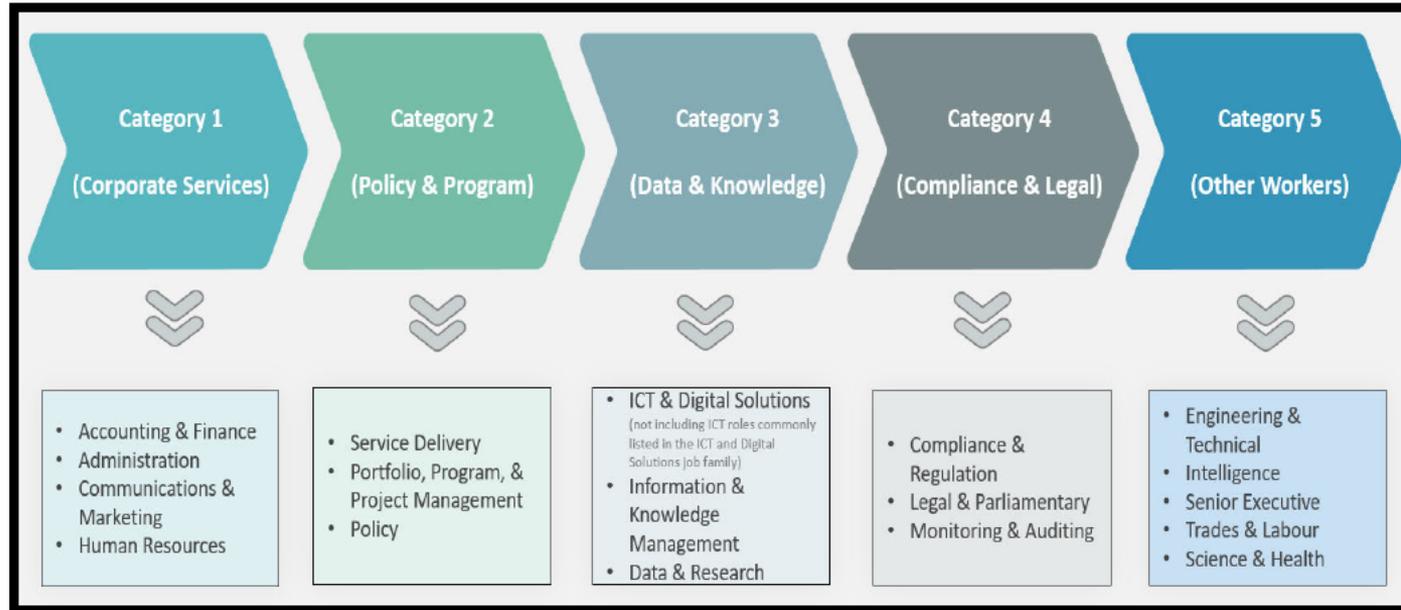


## Panel Term





## Phase 2 - Scope of Services





## Pricing – Labour Hire Services

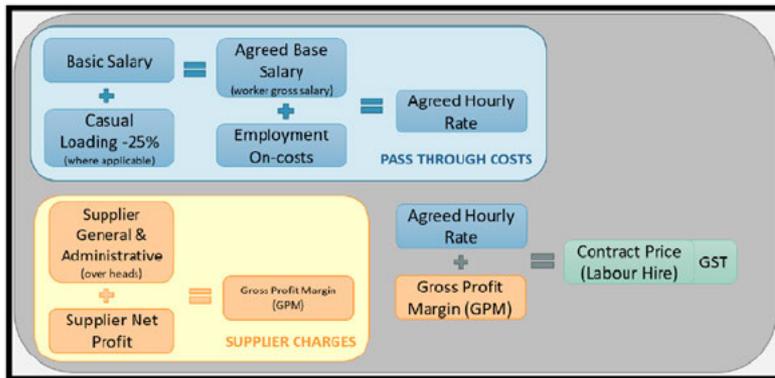
**Gross Profit Margin** is to be expressed as a fixed price amount against each relevant APS equivalent classification (Non-Referred and Referred) being tendered for.

Respondents should note that separation of APS (equivalent) classifications in the pricing table should not be seen as an opportunity to inflate prices based on a sliding scale, and you are reminded that tenders will be assessed on an overall value for money basis.

**Labour Hire Fees** are worked out by multiplying the Contract Price by the Hours Worked

Table 1 – Gross Profit Margin

Gross Profit Margin Rate Card for all Service Categories (exclusive of GST)		
APS equivalent classification	Non-Referred Gross Profit Margin	Referred Gross Profit Margin
Level 1	\$(Insert) per hour	\$(Insert) per hour
Level 2	\$(Insert) per hour	\$(Insert) per hour
Level 3	\$(Insert) per hour	\$(Insert) per hour
Level 4	\$(Insert) per hour	\$(Insert) per hour
Level 5	\$(Insert) per hour	\$(Insert) per hour
Level 6	\$(Insert) per hour	\$(Insert) per hour
Executive Level 1	\$(Insert) per hour	\$(Insert) per hour
Executive Level 2	\$(Insert) per hour	\$(Insert) per hour
SES	\$(Insert) per hour	\$(Insert) per hour





## Pricing – Conversion to APS Employee

**Conversion Fee** – No specific pricing response is needed for this Fee because it is calculated by reference to the Non-Referred Service Fee (GPM), pro-rated over a 12-month term, less the number of weeks already worked.

The conversion fee only applies to a non-referred labour hire worker in the circumstances described in the Head Agreement.

The conversion fee will not apply to:

- any engagement greater than 12 months
- any other position beside the relevant role
- any role that has been publically advertised
- a Referred labour hire worker



## Pricing – Introductions

**Introduction Fee** is a once off, fixed fee for the introduction of current APS employees between entities that subsequently results in a section 26 transfer between entities.

Table 2 – Introduction Fee

Introduction Fee Pricing Table (inclusive of GST)	
APS equivalent classification	Introduction Fee (Fixed price)
Level 1	[\$Insert]
Level 2	[\$Insert]
Level 3	[\$Insert]
Level 4	[\$Insert]
Level 5	[\$Insert]
Level 6	[\$Insert]
EL1	[\$Insert]
EL2	[\$Insert]
SES	[\$Insert]



## Pricing – Direct Placement

**Direct Placement fee** is a once off, fixed fee for the placement of a candidate as a non-ongoing APS employee with a Commonwealth entity.

Table 3 – Direct Placement Fee

Placement Fee Pricing Table (inclusive of GST)	
APS equivalent classification	Direct Placement Fee (Fixed Price)
Level 1	\$(Insert)
Level 2	\$(Insert)
Level 3	\$(Insert)
Level 4	\$(Insert)
Level 5	\$(Insert)
Level 6	\$(Insert)
EL1	\$(Insert)
EL2	\$(Insert)
SES	\$(Insert)



## Pricing – Order Value Discounts

**Order Value Discounts** may be nominated by Respondents, but it is not mandatory to submit order value discounts.

If a respondent chooses to tender order value discounts, the threshold amount(s) should be in whole Australian dollars, and the discount must be expressed as a percentage.

Table 4 – Order Value Discounts

Order Value Discount Table	
Order Value Threshold	Discount applied to Referred and Non-Referred Gross Profit Margin
#[Insert]	[Insert]



## **Panel Administration Platform**

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# System Objectives

- ◆ Web Based Single Entry Point
- ◆ Receive and Request data
- ◆ Manage Registration and System Access
- ◆ Store, Manage and Protect all data
- ◆ De-identify Sensitive and Personal data



# System Overview

Based on Reporting  
Outlined in Schedule 8  
to Head Agreement

Intention to implement an ICT  
System that all Service  
Providers and Labour Hire  
Workers must use

Each Labour Hire Worker  
must be registered

Labour Hire Worker or  
Service Providers must report  
timesheets for work  
completed

Intention is to enable a  
Service Provider to undertake  
bulk uploads

Does not replace  
requirements to provide  
information to and  
communicate with entities



## Timing

- ◆ Expected to be available prior to Phase 2 commencing to enable your Labour Hire Workers to register in advance
- ◆ If not available at the time for Phase 2 to commence, the department will communicate at that time the revised expected timing



## Conditions for Participation

- ◆ Paragraph 8.2 of the RFT
- ◆ Tenders that do not meet the Conditions for Participation will be excluded from the evaluation
- ◆ The Respondent must:
  - ◆ Be a legal entity
  - ◆ Not be bankrupt or insolvent
  - ◆ Not be subject to any judicial decision against them relating to employee entitlements
  - ◆ Not be listed as a non-compliant employer under the *Workplace Gender Equality Act 2012* (Cth)



## Minimum Content and Format Requirements

- ◆ Paragraph 8.3 of the RFT
- ◆ Tenderers that do not meet the Minimum Content and Format Requirements will be excluded from the evaluation
- ◆ The tender must be written in English
- ◆ Valid and Satisfactory Statement of Tax Record or receipt from the Australian Taxation Office



## Shadow Economy Policy

- ◆ Refer to Attachment J – Guidance on the Black Economy Policy
- ◆ Request your STR from the ATO as early as possible
- ◆ You are responsible for ensuring that your STR is submitted
- ◆ Submit the correct STR for your organisational structure
- ◆ If you submit a receipt, you **must** send your STR to [PeoplePanel@Finance.gov.au](mailto:PeoplePanel@Finance.gov.au) **within 4 business day from the Closing Time**
- ◆ Non-compliance with this requirement may disqualify your tender from the evaluation process



## Shadow Economy Policy

- ◆ The Australian Taxation Office (ATO) has confirmed that every organisation is required to provide an STR. This includes (but is not limited to):
  - ◆ Companies
  - ◆ Sole traders
  - ◆ Not-for-Profits and educational not-for-profits
  - ◆ Partnerships
  - ◆ Trusts
  - ◆ Joint ventures
  - ◆ Consolidated groups



## Shadow Economy Policy

- ◆ Finance **cannot** accept audited accounts, recent annual reports, or activity statements in lieu of an STR
- ◆ Please submit your request for the STR through the ATO Portal
- ◆ If you make a request for an STR via phone, the ATO will mail your STR to you which may mean you do not receive the STR in time



## STR Clarification

- ◆ Paragraph 8.1 of the RFT – Respondents can seek clarification as to whether or not their STR would meet the minimum content and format requirements and Finance will provide a preliminary view about the Respondents STR.
- ◆ The final date for seeking clarification on STRs is 28 November 2022
- ◆ Regardless of any view that Finance offers under the process at paragraph 8.1 of the RFT, Respondents are still required to comply with the minimum content and format requirements at paragraph 8.3 of the RFT
- ◆ It is the Respondent's sole responsibility to ensure its STR meets the requirement at paragraph 8.3 of the RFT



## Completing and Submitting Tenders



## 360 Tender System

- ◆ Respondents must use the 360 Tender System to complete the Tender Response Questionnaire – which will constitute the Respondent's Tender.
- ◆ Attachments D and K of the RFT provide information and guidance about the Tender Response Questionnaire, and 360 Tender Support System
- ◆ Further information is available through guidance notes in the Tender Response Questionnaire and in the 360 Tender System Respondent's User Guide



## Capability

- ◆ The extent to which the Respondent has the demonstrated capability to provide the Services, in accordance with the Statement of Requirement.
- ◆ Please refer to Attachment E – Evaluation Criterion 1 – Capability for information required to demonstrate capability.
- ◆ Maximum 5 pages – for all Service Categories
- ◆ Provide details on your capability to provide Labour Hire Services.



## Capacity

- ◆ The extent to which the Respondent has the demonstrated capability to provide the Services, in accordance with the Statement of Requirement.
- ◆ Please refer to Attachment F – Evaluation Criterion 2 – Capacity for information required to demonstrate capacity.
- ◆ Maximum 2 pages – for all Service Categories
- ◆ Provide details on your capacity to provide Labour Hire Services.
- ◆ Complete the tables in 360 for location of services, company profile, and company candidate profile



## Referee Details

We use referees to validate your claims relating to:

- ◆ Relevant projects, value and date of work complete
- ◆ Description of work provided
- ◆ Their level of satisfaction with service provided

Respondents must provide two (2) Referee Reports on the Referee Company or entity letterhead as part of their Tender. The Referee Report template is at Attachment I – Referee Report Template and available on the 360 Providers' Portal.

Respondents must submit their completed Referee Reports through the 360 Tender System with their Tender at the Closing Time.



## Tender Response Tips: General

- ◆ Address all elements of each question and demonstrate your ability to provide the Services required
- ◆ Make sure your examples are relevant to **Labour Hire Services**
- ◆ Provide factual and focused responses, using examples
- ◆ Do not assume we know who you are and what you can do
- ◆ Detail and clarify the basis of any assumptions you make
- ◆ Focus on your organisation, **not** other organisations
- ◆ Ask questions, avoid guess work



## Other considerations

- ◆ Read your responses before submitting
- ◆ Be careful if cutting and pasting information from previous responses to similar tenders
- ◆ Consider having someone outside the process QA your response
- ◆ Write in complete sentence but avoid lengthy paragraphs
- ◆ Be consistent with the use of your business or legal name
- ◆ Submit your best offer – do not assume you will be given any additional opportunity to clarify your bid



## RFT – Key Messages

- ◆ RFT documents must be downloaded from the 360 Tender System.
- ◆ Notification of changes and responses to questions will be issued by addenda via AusTender and through the 360 Tender System (contact details must be correct).
- ◆ Ensure you allow sufficient time for lodgement (including time that may be required for troubleshooting any technical issues).
- ◆ Ensure your internet connection is strong and stable.



## RFT – Key Messages *continued*

- ◆ Upload of tenders must be complete before the RFT Closing Time
- ◆ Tender Receipts are issued on screen in 360 and via email.
- ◆ Contact the 360 Tender Support Help Desk immediately (before the tenderbox closes) if you experience any technical issues or require any assistance.



## 360 Tender Support Team

For assistance please contact (between 9am and 5pm ACT Local Time, Monday to Friday, excluding ACT and national public holidays):

### **360 Tender Support Team**

Email: [support@simplylogical.net](mailto:support@simplylogical.net)

Telephone (within Australia): 02 51 004 009

Telephone (International): +61 251 004 009



## Enquiries

Enquiries must be directed to the **Request Manager** through the “Contact Request Manager” feature within the 360 Providers’ Portal, which opens an “Enquiries” page.

Emails or telephone calls to Finance will be directed to paragraph 6 of the RFT.



# Questions

