



# Whole of Australian Government People Panel Professional Contractor Services

Industry Briefing (FIN/PP03/23Phase3)



Whole of Australian Government People Panel  
Professional Contractor Services  
Industry Briefing (FIN/PP03/23Phase3)



# Acknowledgement of Country

*Finance acknowledges the traditional owners and custodians of the land in which we live and work.*

*We extend that acknowledgement to their continuing connection to country, waters and community*

*We pay our respects to elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.*



**Whole of Australian Government People Panel**  
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## Introduction and Purpose

Anush Avakian

Assistant Secretary, Strategic Procurement Branch

Department of Finance



Whole of Australian Government People Panel  
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Industry Briefing (FIN/PP03/23Phase3)



## Purpose of this briefing

- Provide an overview of the process to establish the Whole of Australian Government (**WoAG**) People Panel Professional Contractor Services Arrangement
- Provide information regarding the objectives, structure and key requirements for the Request for Tender (**RFT**) for People Panel Professional Contractor Services
- Provide an opportunity for questions and clarifications

This presentation and answers to questions asked at this briefing will shortly be made available through AusTender and the 360 Public Portal.



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# Probity Briefing – Industry Briefing

Whole of Australian Government People Panel  
Professional Contractor Services RFT

  
Senior Executive Lawyer  
Australian Government Solicitor

8 November 2024

## Probity Adviser



- The Australian Government Solicitor (AGS) has been appointed as the Probity Adviser for the People Panel (Professional Contractor Services) RFT process.
- We are working with Finance to ensure this procurement is conducted in a way that meets the highest standards of probity and to provide independent oversight of the process.



## Purpose

- This Industry Briefing is conducted for the purposes of providing you with background information about the People Panel and the Request for Tender (RFT) documentation.
- Please note this Industry Briefing is not intended to provide guidance specific to your particular Tender application.
- Tenderers should not rely on a statement made by Finance in this Industry Briefing as adding to or amending the RFT, unless that is confirmed by Finance in writing as an Addendum to this RFT via AusTender and the 360 Public Portal.
- Finance will answer as many questions as possible but may take questions on notice and provide answers via an Addendum.



## Questions and Answers – Process

- Following the Industry Briefing, Finance will issue an Addendum through AusTender and the 360 Public Portal to Tenderers, providing a copy of the Industry Briefing presentation and answers to questions asked at the briefing.
- Please keep this in mind when you are asking questions, and let us know if there is any reason why this should not occur for your query.
- Outside of this briefing, all enquiries, questions or other communications regarding the RFT must be directed in writing to the Request Manager via the 360 Public Portal.
- Tenderers should not discuss the RFT with, or seek information regarding the RFT from, their business as usual Finance contacts.



## Key Probity Reminders

1. The Request Manager is your single point of contact for this RFT process.
2. Do not approach or attempt to influence Finance officials. Finance can exclude any Tenders prepared with improper assistance or information improperly obtained.
3. Do not make any public statements about the RFT process without prior Finance approval.
4. Treat any confidential RFT information provided to you in connection with the RFT process as confidential and disclose it only for the purpose of preparing your response.
5. Tenders will also be treated as confidential subject to specific public accountability requirements.



# Coordinated procurement

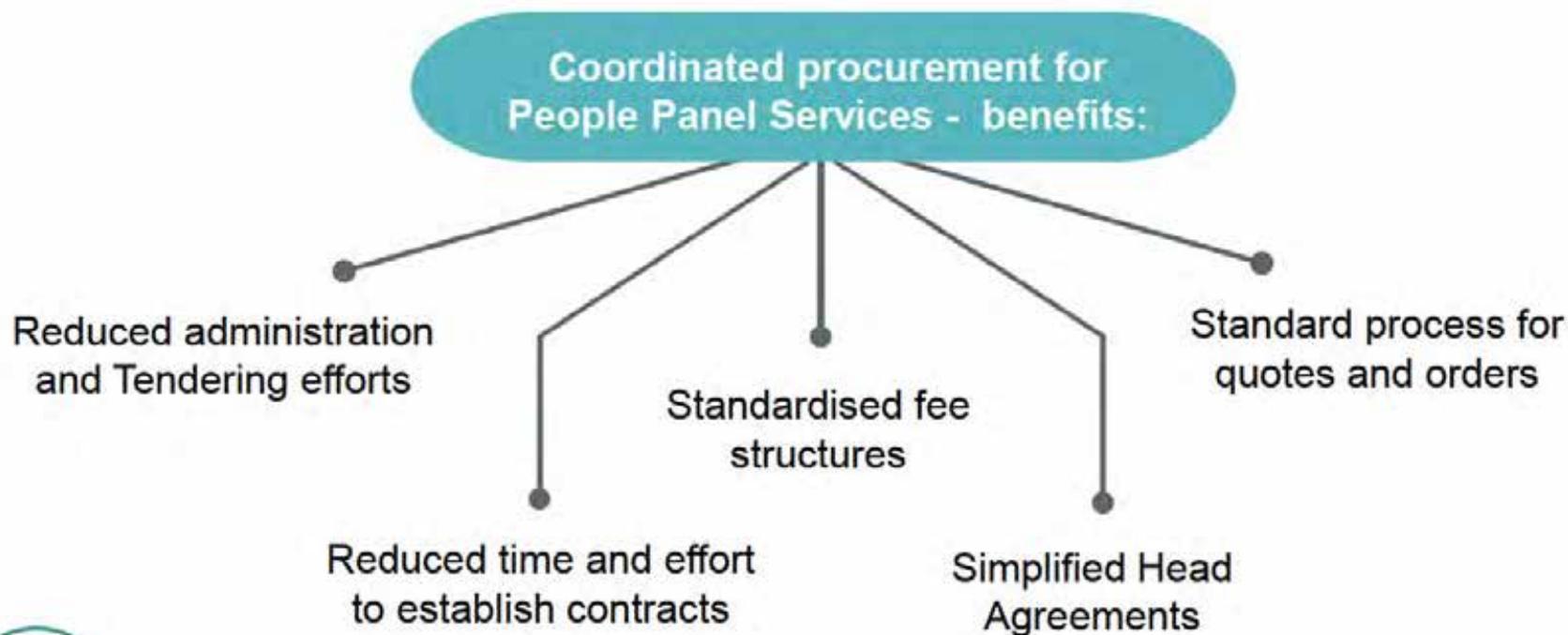
- What is a coordinated procurement
- As a coordinated procurement, use of the People Panel is:
  - **mandatory** for non-corporate Commonwealth entities (NCEs) that are subject to the *Public Governance, Performance and Accountability Act 2013* (PGPA Act); and
  - **optional** for corporate Commonwealth entities (CCEs) and Commonwealth companies (CCs), including Government Business Enterprises (GBEs), authorised by the Finance to use the Panel.
- Other coordinated procurements



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# Benefits of the Panel



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# Establishment of the People Panel

- Commonly used categories of contractor services used extensively by Commonwealth entities
- Determined that the People Panel arrangement to comprise of three streams of services and implemented under three separate, consecutive phases of approaches to the market



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# 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 Tenderer



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# Commonwealth Procurement Rules

- Non-discriminatory procurement process
- Accountable and transparent
- Value for Money – not solely about price
- Open and competitive process
- Coordinated Procurements
- Mandatory for Non-corporate Commonwealth Entities
- Deliver cost reductions and efficiencies and improved quality of goods and services

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# Professional Contractor Services Overview



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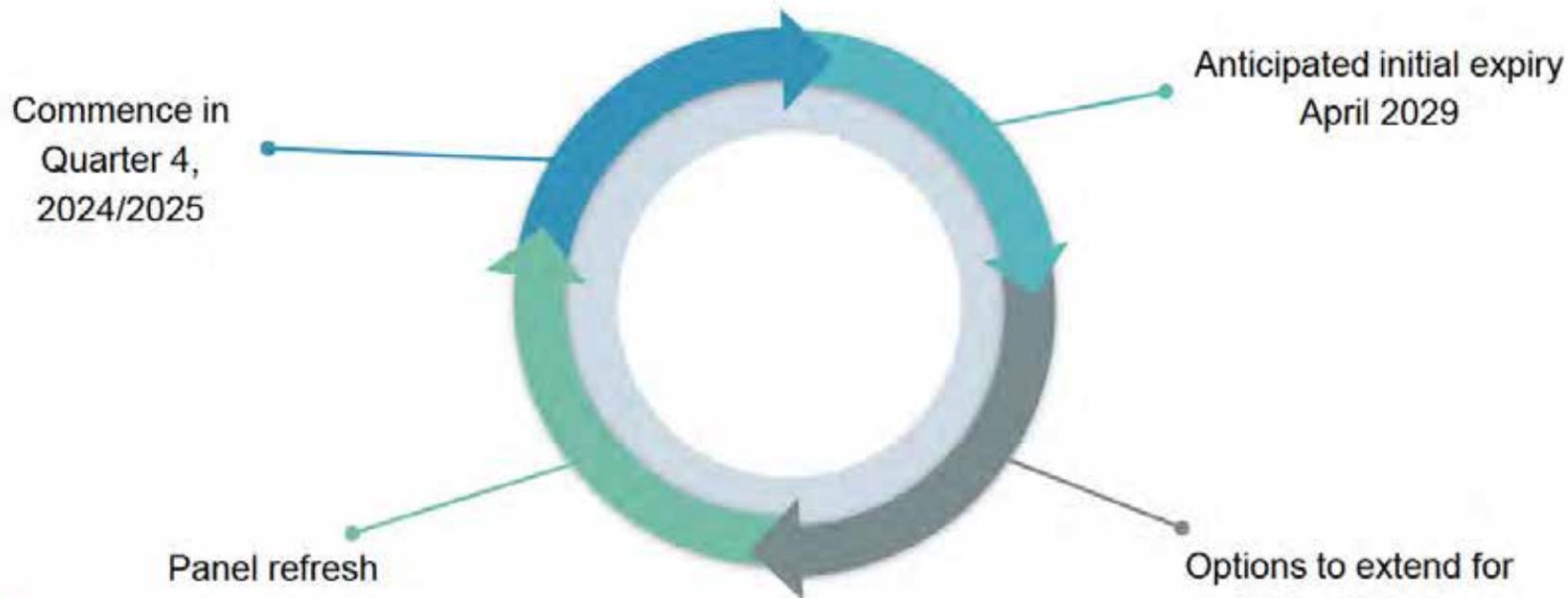
# Procurement Timetable



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# Panel Term



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# Background and General Information



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# Analysis and Entity Consultation

To ensure the Professional Contractor Services arrangement is fit for purpose and provides a competitive market, Finance undertook extensive Entity consultation in December 2023.

This consultation determined which current panels were in scope and the services required under the People Panel Professional Contractor Services arrangement.

Finance also worked extensively with our Defence and Australian Federal Police colleagues, as several service categories will transition from their current panel arrangements to the Professional Contractor Services Panel.

Overall, Finance reviewed more than 20 panel arrangements and undertook extensive analysis of AusTender data to help inform the establishment of this arrangement.



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# Industry Consultation

Industry consultation was undertaken in May 2024. This sought feedback on:

- Approach to the procurement
- Draft Work Level Standards and Service Categories; and
- Draft Pricing Structure; and
- Proposed Head Agreement

Finance used this feedback to inform the strategy for the People Panel Professional Contractor Services arrangement.



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# Outcome of consultation activities

Revised scope of services

Updated Work Level Standards to include an additional Level and amended qualification requirements

Changes to the procurement approach to meet industry requests:

- Revised pricing structure - Daily Rate
- Inclusion of Order Discounts
- Including an Outcomes based pricing model alongside the Time and Materials model



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# What is a Professional Contactor

A Professional Contactor is defined as a person who provides services that are:

- specialised in nature, requiring
  - the holding of any required qualifications and licences for that specialisation; and
  - relevant industry experience in the field of specialisation
- not referable to an on-going Australian Public Service position and is not work that would be performed under the People Panel Labour Hire Services; and
- short-term involving a one-off or irregular task

The Professional Contactor is not an employee of the Commonwealth Entity



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## Deed Overview

- The Deed is the overarching document that provides definitions, obligations, requirements and rights, contractual provisions, application of fees and key terms etc.
- The Deed includes Commonwealth clauses and expectations, including relating to ethical conduct and Conflict of Interest
- Service Providers are expected to work collaboratively with all stakeholders and appropriately managing risk to deliver services
- The Commonwealth will enter into a single consistent Deed with each successful Tenderer



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# Deed Overview cont..

## *Management*

- The Deed is between Finance, on behalf of the Commonwealth, and the Service Provider
- Finance manages the Arrangements at an overarching level – including the Performance Management
- Entities and the Service Provider are expected to manage the day-to-day delivery of services for their portfolio
- Service Providers must adhere to, at all times, the highest level of ethical conduct in the delivery of services, including avoiding and managing Conflict of Interest



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# Deed Overview cont..

## *Key Terms*

- 4 year initial term, with a further extension period of up to 4 years in total is available at the sole discretion of Finance
- A Fee increase will be awarded on 1 July each year, with the first being at least 12 months after the Head Agreement Commencement Date, and will be applied on 1 July each year thereafter during the Head Agreement Period
- Services must be delivered to the highest standard, in line with the requirements of the Deed, Work Level Standards and Performance Framework



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## Out of scope services

- ICT services roles
- Resource and construction roles (including industrial, agricultural, infrastructure, mining, forestry, fisheries, maritime, meatworkers, manufacturing, textiles, building)
- Military engineering roles
- Statutory and non-statutory appointments
- Services provided under other Whole of Australian Government coordinated procurements
- Learning and Development
- Consultancy services as defined in RMG423; and
- Independent advisors, witnesses, and expert witnesses



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# Work Level Standards

The Professional Contractor Services Panel has five (5) Work Level Standards.

Each Work Level Standard has different:

- Qualifications / years of relevant experience;
- Responsibilities; and
- Skills





# Scope of Services

The Professional Contractor phase consists of 4 Service Areas and 18 Service Categories encompassing the following:



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# Pricing

The fees Tenderers are offering in their nominated Service Categories and Work Level Standards are required to be completed in the Tenderer's response. Tenderers cannot add or amend the Service Areas, Service Categories or the Work Level Standards.

**Service Provider's  
Fees by Service Area,  
Service Category and  
Work Level Standard**

Service Area	Service Category	Work Level Standard	Daily Rate (GST Inclusive)
Financial and Audit Services	General Financial Services	Level 5	
		Level 4	
		Level 3	
		Level 2	
		Level 1	

Each Service Provider will have a rate card included in their Head Agreement. The rate card template will be the same format for all services. The RFQ will set out pass through costs and the candidate's daily rate or key milestone payments.



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# Order Discounts

The offering of Order discounts are discretionary, this will not form part of the Service Providers eligibility to be on the panel.

A Service Providers offered discount, if any, will be specified in the Deed.

Discounts may apply to the daily rate based on either:

- the Order Term; or
- the total fee Value of the Order

Work Orders will set out the discount that applies.

Order Discount - Term	
Less than 3 months	[Insert %]
From 3 months – to less than 6 months	[Insert %]
From 6 months – to less than 12 months	[Insert %]
Greater than 12 months	[Insert %]

Order Discount - Value	
\$0 - \$99,999.99	[Insert %]
\$100,000 - \$249,999.99	[Insert %]
\$250,000 - \$499,999.99	[Insert %]
\$500,000+	[Insert %]



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# Milestone Payments

- Milestone Payments must be calculated based on the Professional Contractors Daily Rate
- Service Providers must provide the Entity with that basis for the calculation, if requested

Milestone	Deliverable	Due date
1.	[insert]	[insert]
2.	[insert]	[insert]
3.	[insert]	[insert]





## Department of Defence – update

Racheal Kuczma

First Assistant Secretary, Procurement and Contracting  
Capability Acquisition and Sustainment Group  
Department of Defence



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# Defence Support Services Panel and the People Panel Professional Contractor Services

The Defence Support Services (DSS) Panel was established in April 2018

No DSS 'refresh' has been conducted to date

To 30 September 2024 DSS:

- Has 516 Service providers
- 7,304 contracts reported on AusTender valued at \$7.589 Billion (AUD, GST inc.)

Defence will remove duplication of skill sets across panels to ensure alignment with People Panel Professional Contractor Services

Defence Industry Security Program - <https://www.defence.gov.au/business-industry/industry-governance/industry-regulators/defence-industry-security-program>



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# Defence Capability Support Panel

- Defence is seeking to establish a new Defence Capability Support Panel which will provide Defence specific skill sets containing military and technical requirements
- Defence is currently reviewing the feedback we have received in August 2024 and undertaking further consultation
- DSS Skill Areas that have not been absorbed by the People Panel Professional Contractor Services will continue to be available on DSS until the transition to DCSP
- Further detail on the DCSP will be provided by Defence when available and Defence will release information via AusTender [Annual Procurement Plan CASG/PP/27857](#) when available
- Defence's DCSP team can be contacted via email at [dcs.panel@defence.gov.au](mailto:dcs.panel@defence.gov.au)



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# Request for Tender Process & Conditions for Participation

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# Request for Tender Overview

The RFT establishes the Conditions of Tender and the Evaluation Process.

The RFT includes the following attachments:

- Attachment A – Definitions
- Attachment B – Work Level Standards and Service Categories
- Attachment C – Panel Head Agreement
- Attachment D – Information and Guidance on Tender Response Questionnaire
- Attachment E – Sustainable Procurements & Benefits to Australian Economy
- Attachment F – Guidance on the Shadow Economy Procurement Connected Policy
- Attachment G – Guidance on 360 Public Portal Tenderer's User Guide
- Attachment H – Modern Slavery
- Attachment I – Tender's Declaration Information



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# Conditions for Participation

As provided at paragraph 8.2 of the RFT, the Tenderer must:

- be a legal entity under Australian law
- not be bankrupt or insolvent
- not be subject to any judicial decision against them (not including decisions under appeal) relating to employee entitlements (or if subject to such judicial decision, must have satisfied any resulting order)
- not be listed as a non-compliant employer under the *Workplace Gender Equality Act 2012* (Cth); and



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## Conditions for Participation cont...

- hold all Valid and Satisfactory Statement of Tax Record (**STRs**) required for the Tenderer's entity type
- hold a copy of all Valid and Satisfactory STRs required to be held by any first tier Subcontractor that it proposes, as part of its Tender, to engage to deliver Services with an estimated value of \$4 million or more (GST inclusive) if known at the time of submission;

Tenderers that **do not** meet the Conditions for Participation will be excluded from the evaluation



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# Shadow Economy Policy

- Refer to Attachment F – Guidance on the Shadow Economy Policy
- Tenderers need to submit Valid and Satisfactory STRs required for the Tenderer's entity type
- Finance cannot accept audited accounts, recent annual reports, or activity statements in lieu of a STR
- Non-compliance with this requirement may exclude your Tender from the evaluation process
- Requests for STRs are to be processed in accordance with the ATO process



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## Shadow Economy Policy cont...

The ATO has confirmed that every tendering organisation is required to provide a Valid and Satisfactory STR for its entity type. This includes (but is not limited to):

- Companies (including overseas companies)
- Sole traders
- Not-for-Profits and educational not-for-profits
- Partnerships
- Trusts
- Joint ventures/Consolidated groups

Australian Government  
 Australian Taxation Office

<TITLE> <FIRST NAME> <LAST NAME>  
 <ADDRESS LINE 1>  
 <ADDRESS LINE 2>

Our Reference: <ABN>  
 Date of Issue: <DD Month YYYY>  
 Date of expiry: <DD Month YYYY>

**Statement of tax record – Satisfactory**

<Entity Name> has met the criteria for a satisfactory tax record.  
 This statement may be required for your tender. Check your tender request documentation.

This statement of tax record is issued to <Entity Name> to confirm that this entity has met the criteria of having a satisfactory engagement with the Australian tax system, as detailed in the Procurement Connected Policy – *Attack economy – Increasing the integrity of government procurement.*  
 For further information on how the criteria are applied to determine the outcome of a statement of tax record see [ato.gov.au/STR](http://ato.gov.au/STR)

Yours faithfully,  
 Tim O'Keefe  
 Deputy Commissioner of Taxation



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# Minimum Content and Format Requirements

The Minimum Content and Format Requirements that apply to this RFT are:

- The Tender must be written in English
- Pricing must be submitted in Australian dollars
- Subject to paragraph 8.3.3 of the RFT, the Tenderer must submit with its Tender all Valid and Satisfactory STRs required for the Tenderer's entity type.



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## Common STR Issues

- Leaving it to the last minute
- Not providing a STR for the Tendering Organisation
- Relying on internal or external advice regarding STR requirements without seeking confirmation from the ATO
- Submitting the wrong documentation
- Forgetting to submit the STR with your Tender
- Not responding to correspondence from Finance about your STR



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# Ethical Conduct

- It is Commonwealth policy to engage in the highest standards of ethical behaviour
- The Commonwealth expects all suppliers to abide by the highest ethical standards
- Finance may exclude from consideration any Tenderer which, in Finance's reasonable opinion, has engaged in any unethical or improper behaviour, or any behaviour that is contrary to any law
- Tenderers must commit to upholding these minimum standards during the Tender process and during the delivery of services if successful



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# Tender Response Requirements

- Address all elements of each question and demonstrate your ability to provide the Services required
- Make sure your examples are relevant
- 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
- Submit your best offer – do not assume you will be given any additional opportunity to clarify your bid



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# Reporting obligations

- The Service Provider must, at its own expense, provide Finance with reports in accordance with the mandatory reporting requirements under **Attachment C – Head Agreement, Schedule 13 – Reporting**, and any additional reports reasonably requested by Finance
- Reports Timing requirements include:
  - Professional Contractor Engagement Report to be provided **within 10 Business Days** of execution of an Order or variation with a Commonwealth entity.
  - Professional Contractor Worker Timesheet Reports to be provided **within 5 Business Days** of the end of each fortnight, where a fortnight begins on the Order Commencement Date





# Completing and Submitting Tenders



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## 360 Public Portal

- Tenderers must use the 360 Public Portal to complete the Tender Response Questionnaire – which will constitute the Tenderer's Tender Response
- Attachment D of the RFT provides information and guidance about the Tender Response Questionnaire
- Further information is available through guidance notes in the Tender Response Questionnaire and in the 360 Public Portal Tenderer's User Guide (Attachment G of the RFT)
- Submit any enquiries to the Request Manager.





# Capability - Corporate

- The extent to which the Tenderer has the demonstrated capability to deliver Professional Contractor Services against their nominated Service Areas, Service Categories and Work Level Standards, in accordance with the Statement of Requirement
- If the Tenderer proposes to use any Subcontractor(s) to deliver any part of the Services, the Tenderer is to provide details of these arrangements
- The Tenderer is to detail its approach to proactively and transparently ensuring ethical conduct in its organisation and its Subcontractors (if applicable)





## Capability - Technical

- for **EACH** nominated Service Category, the Tenderer is to specify how long it has been supplying or providing services substantially similar to, or the same as, the nominated Service Categories
- A summary, with at least two (2) relevant examples, in the past five (5) years that are substantially similar to, or the same as, **EACH** of the nominated Service Categories, where the Tenderer supplied or provided these services for the Commonwealth, Australian State/Territory Governments and/or large corporate, entities or organisations of a similar size and scale
- provide the details of two Referees in relation to engagements where the Tenderer has provided Services substantially similar to, or the same as, **EACH** of the nominated Service Categories, for the Commonwealth, Australian State/Territory Governments and/or other organisations of a similar size and scale





## Capability – Technical cont...

- provide a summary of the Tenderer's relevant skills, qualifications, licenses, authorisations, professional body memberships, industry certification and experience of personnel relevant to the provision of the nominated Work Level Standards and Service Categories
- Has the Tenderer recently increased or undertaken other significant changes which would enhance their capability to deliver or supply the services in their nominated Service Categories





# Referee Details

We use Referees to validate your claims relating to:

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

Relevant information will be provided to nominated referees for the sole purpose of validating claims made in the Tenderers submissions

All information shared will be treated confidentially and used strictly for evaluation purposes in accordance with the terms outlined in the RFT

**Note:** It is important to contact your nominated Referee(s) prior to submitting your Tender to ensure the referee details, especially their email address you have entered, are correct



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# 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 Professional Contractor 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
- Take note of word limits, information exceeding word limits may not be evaluated.



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Australian Government  
Department of Finance

Selling to  
Government

# Selling to Government

[sellingtogov.finance.gov.au](http://sellingtogov.finance.gov.au)

  
Communication and Industry Engagement



## Selling to Government website



- The Department of Finance's **Selling to Government** website [sellingtogov.finance.gov.au](http://sellingtogov.finance.gov.au) provides information and resources to support businesses to understand how to discover and participate in Australian Government procurement and contracting opportunities, including:
  - Where to find opportunities to sell to the Australian Government
  - What rules and processes Australian Government organisations follow when procuring goods and services
  - How to respond to an approach to market
  - What to expect if you are awarded a contract.
- The Department of Finance is continuously updating the website to improve information for suppliers so please provide us with your feedback.

If you are interested in supplying to the Australian Government, visit [sellingtogov.finance.gov.au](http://sellingtogov.finance.gov.au) to find out more.



## New learning resources available soon

- Series of twelve animated videos with easy to understand information for suppliers new to selling to government
- Four supplier workshops:
  - Introduction to government procurement for suppliers
  - Introduction to government procurement for indigenous suppliers
  - Building your best tender response
  - Supplier rights and obligations

If you are interested in supplying to the Australian Government,  
visit [sellingtogov.finance.gov.au](http://sellingtogov.finance.gov.au) to find out more.



# Selling to Government enquiries

- For selling to government enquiries please contact us at [sellingtogov@finance.gov.au](mailto:sellingtogov@finance.gov.au)

If you are interested in supplying to the Australian Government,  
visit [sellingtogov.finance.gov.au](http://sellingtogov.finance.gov.au) to find out more.



## 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 submitted pricing





## RFT – Key Messages

- RFT documents should be downloaded from the 360 Public Portal or via AusTender
- Notification of changes and responses to questions will be issued by Addendum via;
  - AusTender; and
  - through the 360 Public Portal to the email address of the registered user whose detail were recorded at login for the 360 Public Portal
- Ensure you allow sufficient time for lodgment (including time that may be required for troubleshooting any technical issues)
- Ensure your internet connection is strong and stable





## RFT – Key Messages cont...

- Upload of Tender submissions must be complete before the RFT Closing Time
- Submission Receipts are issued on screen in 360 Public Portal and via email
- Contact the 360 Public Portal Support immediately (before the 'tenderbox' closes) if you experience any technical issues or require any assistance.
- Being a panelist on another government panel does not translate to automatically becoming a panelist on the Professional Contractor Services Panel. You must Tender for each individual government panel you wish to be considered for, such as the Defence Capability Support Panel and the Professional Contractor Services Panel.



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# 360 Public Portal Support

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

## **360 Public Portal Support**

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

Telephone (within Australia): 02 5100 4009

Telephone (International): +61 2 5100 4009



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# AusTender Help Desk

For assistance please contact (between 9am and 5pm AEDST, Monday to Friday, excluding Australian Capital Territory and national public holidays):

## **AusTender Help Desk**

Email: [tenders@finance.gov.au](mailto:tenders@finance.gov.au)

Telephone: 1300 651 698

International: +61 2 6215 1558



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# Enquiries

Enquiries relating to this RFT must be directed to the **Request Manager** through the "Contact Request Manager" feature within the 360 Public Portal, which opens an "Enquiries" page

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



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# Panel Administration Platform



Procurement Policy and Systems  
Branch

Department of Finance



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