



Department of
Education

Procurement and Contract Management Framework

Effective date: 10 September 2024

This framework must be read in conjunction with the Procurement and Contract Management Policy.

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This framework must be read in conjunction with the Procurement and Contract Management Policy.

1. Framework

1.1 Purpose

The Procurement and Contract Management Framework (**Framework**) outlines the legislative and policy environment for all Department of Education (**Department**) Contracting Lifecycle activities and prescribes accountability and responsibility for undertaking those activities. Detailed guidance, templates and tools are available on Ikon and the Department of Finance website and support and advice for all Contracting Lifecycle activities is provided by the Commercial and Contracting Services Directorate.

The Framework is consistent with whole of government procurement legislation and policy including but not limited to the Procurement Act 2020 and the WA Government Procurement Rules and should be read in conjunction with those documents.

The Framework satisfies the requirements of WA Procurement Rules F1, F2 and F3.

1.2 Scope and Application

Application

The Framework applies to all officers, staff, and principals in all Department offices, regional offices, and public schools (**Department Officers**). All Department Officers are responsible for understanding and complying with all legislative and policy requirements relevant to the Contracting Lifecycle activity they are undertaking.

Scope

The Framework applies to the planning, sourcing, and contract management (**Contracting Lifecycle**) for goods and/or services, and community services. References to Contract in this Framework should be read to include any and all of the contract arrangements listed below:

- **Goods and Services (including Common Use Arrangements)**

procurement of goods being tangible items or services provided to Department staff and students. Examples include but are not limited to professional learning, software applications, engagement of a consultant, purchase of computers.

- **Community Services**

procurement of predominantly non-education services delivered to students and their families under the Delivering Community Services in Partnership (DCSP) Policy to further the best interest of students in education.

- **Works Procurement – Direct to Market (D2M) Program**

procurement of new works that are:

- construction works as defined in the Construction Contracts Act 2004 (WA) section 3
- undertaken in a Public School
- are listed in the D2M project category list.

- **Public Private Partnerships (PPP)**

procurement of a school facility that is designed, built, financed and maintained by a private sector consortium, with education services provided by the Department.

- **Disposal of goods**

disposing of department of school equipment deemed surplus to requirements, unserviceable or obsolete, this includes the sale of agricultural produce.

- **Any contract arrangement with a financial implication for the purchase of a goods or service regardless of the source of funding.**

The Framework does not apply to:

- Procuring works (capital or minor works projects, including maintenance) outside the D2M Program. This is undertaken by the Department of Finance, as per WAPR Rule C1 Involve the Department of Finance – Works Procurement. Refer to Ikon ([Undertake a school-funded capital or minor works project](#)).
- Community Service Grant Agreements, which are covered by the Grant Management Framework. Refer to Ikon ([Grant Management Framework](#)).
- Outgoing Sponsorship Agreements, which are covered by the [Outgoing Sponsorships Framework](#).

- Memorandums of Understanding (between other Government agencies or where no legally binding contracted commitment is intended)

1.3 Procurement Directions

Procurement Directions

General Procurement Directions and Agency Specific Procurement Directions are issued under the Procurement Act 2020 from time to time and State agencies must comply with the Directions.

The Western Australian Procurement Rules (WAPRs) are issued as General Procurement Direction 2021/02.

Agency Specific Procurement Directions

The Department has an Agency Specific Procurement Direction (D24/0028203) that enables it to procure and deliver New Works with a Total Estimated Value less than or equal to \$50,000 (GST inclusive) under the Direct to Market Program without the involvement of the Department of Finance.

1.4 Governing Principles

Contracting Lifecycle activities must be undertaken in accordance with the overarching Governing Principles.

- Apply all reasonable considerations to ensure adherence to this Framework, including any Practice Notes, and the WAPR.
- Ensure all decisions and actions are based on integrity, fairness and achieving the best outcome for the Department and the State.
- Ensure procurement and contract management actions are based on principles of informed decision making, and continuous disclosure.
- Identify and manage governance and operational risk throughout the Contracting Lifecycle.
- Undertake responsible budget acquisition and management, staff resourcing and timeline management.
- Assure and realise Value for Money throughout the Contracting Lifecycle.

- Ensure all process approvals in the Contracting Lifecycle are documented, comply with this Framework and ensure fair and equitable treatment of potential suppliers.
- Ensure that contract management provides assurance that contract outcomes are realised, that supplier relations remain at arms-length, are honest and build trust, and that all contract records and administration are complete, up to date and compliant with Record Keeping obligations.
- Act honestly, ethically, respectfully, and with integrity, in all procurement and contract management actions and behaviour, and preserve confidentiality when undertaking procurement or contract management.
- Proactively determine and manage actual, potential, or perceived conflicts of interest in procurement and contract management functions throughout the Contracting Lifecycle.
- Identify and safeguard against bias and the perception of bias, and
- Recognise the potential for fraud or misconduct and safeguard against fraud or misconduct.

1.5 Contracting Lifecycle Responsibilities

The Contracting Lifecycle involves three phases of Contract Planning, Sourcing and Contract Management with roles and responsibilities allocated as depicted in the matrix below. The matrix may not depict every activity or action applicable to a specific Contract.

The Contracting Lifecycle Responsibilities Matrix

Contracting Lifecycle Activities	Key Business Areas/school responsibilities	Key Commercial and Contracting Services Responsibilities
CONTRACT PLANNING Complete Procurement Readiness Activities / Business Case preparation.	Responsible for leading contract planning activities including: <ul style="list-style-type: none"> • Needs analysis • Timely planning • Stakeholder consultation • Budget approval and 	Assists and supports contract planning activities including: <ul style="list-style-type: none"> • Support with market

Contracting Lifecycle Activities <small>Define business need and contract objectives</small>	<small>management responsibilities</small> Key Business Areas/school responsibilities <small>including and price models</small>	<small>sounding</small> Key Commercial and Contracting Services Responsibilities <small>Establishing timelines</small>
<ul style="list-style-type: none"> • Evaluate and review current or past arrangements • Assess and understand required timelines to implement • Identify required staff resources • Acquire and / or approve budget • identify contractual and procurement risk • Identify market conditions and profiles 	<ul style="list-style-type: none"> • Determining the Total Estimated Value of the proposed Contract • Determining contract scope and objectives • Risk identification • Preparation of Procurement initiation documents and Business Cases. 	<ul style="list-style-type: none"> • Provides contracting, procurement, and risk advice • Provides advice about market approaches • Review procurement initiation documentation.

PROCUREMENT and SOURCING Complete procurement activities to award of Contract	Responsible for: <ul style="list-style-type: none"> • Developing contract requirements, scope, specifications and KPIs • Reviewing and contributing to Procurement Plans, Request 	Responsible for: <ul style="list-style-type: none"> • Probity oversight • Support and advice on development of
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<p>Contracting Lifecycle Activities</p> <p>Clarify Scope Develop sourcing strategy/market approach</p>	<p>Key Business Areas/school responsibilities</p> <p>development, qualitative criteria, and evaluation reports to meet agreed timelines and quality standards</p>	<p>Key Commercial and Contracting Services Responsibilities</p> <p>procurement documents Approach on</p>
<ul style="list-style-type: none"> Establish contract terms and deliverables Draft detailed requirements and specification Develop qualitative criteria Establish Key Performance Indicators Issue tender and facilitate tender evaluation Complete due diligence and award contract. 	<ul style="list-style-type: none"> Contributing to industry briefings Ensuring availability of key staff and resources, including approving officers Complying with agreed timelines Participating in evaluation and negotiations Approving procurement and contract documents Managing Conflicts of Interest. Risk assessment. 	<ul style="list-style-type: none"> appropriate contract terms. Assistance with industry briefings Support with Contract Negotiations <p>Undertakes:</p> <ul style="list-style-type: none"> Liaison with business area and Department of Finance (if required) Preparation of Request and evaluation report to meet agreed timelines The issue and close of tenders The management and facilitation of the evaluation of offers Liaison with

Contracting Lifecycle Activities	Key Business Areas/school responsibilities	Respondent, Key Commercial and Contracting Services Publishing Responsibilities <ul style="list-style-type: none"> • Management of timelines.
CONTRACT MANAGEMENT	Responsible for Contract	Supports and advises on:
Implement Contract Governance and Management.	management activities including:	<ul style="list-style-type: none"> • Handover from procurement to contract manager.
<ul style="list-style-type: none"> • Assemble contract management resources 	<ul style="list-style-type: none"> • Contract governance and performance 	<ul style="list-style-type: none"> • Review of contract change and management documents.
<ul style="list-style-type: none"> • Establish contract administration processes 	<ul style="list-style-type: none"> • Maintaining value for money 	<ul style="list-style-type: none"> • Measures for supplier relationship management.
<ul style="list-style-type: none"> • Monitor and manage contract performance 	<ul style="list-style-type: none"> • Appointing Contract Manager 	<ul style="list-style-type: none"> • Contract performance management and administration.
<ul style="list-style-type: none"> • Undertake supplier management 	<ul style="list-style-type: none"> • Setting up contract administration 	<ul style="list-style-type: none"> • Spend management,
<ul style="list-style-type: none"> • Undertake contract pricing, cost, and budget management 	<ul style="list-style-type: none"> • Managing transition arrangements 	<ul style="list-style-type: none"> • Contract reporting.
<ul style="list-style-type: none"> • Monitor and record contract spend 	<ul style="list-style-type: none"> • Implementing governance and performance measures. 	<ul style="list-style-type: none"> • Contract variations and extensions.
	<ul style="list-style-type: none"> • Drafting Contract Management Plan 	<ul style="list-style-type: none"> • Contract disputes and
	<ul style="list-style-type: none"> • Contractor/Service Provider relationship management 	
	<ul style="list-style-type: none"> • Completing timely service reviews and evaluations 	
	<ul style="list-style-type: none"> • Completing variations and extensions in line with contract 	
	<ul style="list-style-type: none"> • Managing contract changes and scope variations 	
	<ul style="list-style-type: none"> • Managing contract issues and disputes 	

- Ensure value for money
- Contracting Lifecycle Activities
- Managing risk management.

- Budget control and contract spend recording and management
- Managing Conflicts of Interest
- Risk management.

- issues mediation and disputes
- Key Commercial and Contracting Services Responsibilities
- termination.

1.6 Mandatory Requirements

Engage with the Commercial and Contracting Services Directorate

Commercial and Contracting Services provides procurement advice, support, and assistance to Department and School based staff when undertaking Contracting Lifecycle activities to ensure compliance with this Framework and the WAPR.

Procurement of goods and services for contracts with a Total Estimated Value of \$50,000 (inc. GST) or greater must be facilitated by Commercial and Contracting Services, except for CUAs that do not include agency involvement obligations[1]. Advice should be sought from Commercial and Contracting Services for any planned procurements where there is a potential for the Total Contract Value to exceed \$50 000 (inc GST).

All community services agreements of any value must be facilitated by Commercial and Contracting Services, including from the early planning phase.

Keep Adequate Records

In accordance with the State Records Act 2000 and the Department's [Records Management Policy](#), officers must maintain a level of documentation commensurate with the scale, scope, value and risk of the Contract throughout the Contracting Lifecycle.

Use the Procurement and Contract Management System (PaCMS)

PaCMS is the Department's central procurement and contract documents record system for all parts of the Contracting Lifecycle and must be used for all goods and services contract actions valued at a Total Estimated Value of \$50 000 (inc. GST) or more, and community services contract actions of any value. This Includes procurement initiation and approvals, all contract management approvals, events, issue reporting, other contract reporting and change/variation management, and to record all contract spend and spend management.

PaCMS is the Department's Contract Register and complies with the Department's financial delegations, the Procurement and Contract Management Authorising Schedule, Government procurement policies, record keeping policies and agency reporting obligations.

Schools are supported by the Commercial and Contracting Services Directorate to meet this requirement to maintain records on PaCMS.

[1] Seek advice from Commercial and Contracting Services regarding CUA use and requirements.

1.7 Key Roles and Responsibilities

Accountable Authority

The Accountable Authority is responsible for approving the Framework and delegating responsibility Contracting Lifecycle activities to Department Officers as set out in the Procurement and Contract Authorising Schedule.

Corporate Executive

Corporate Executive have a role in:

- Championing across the Department, the implementation and compliance with the Framework
- Having oversight and responsibility for all Contracts that fall under their delegations.

Chief Procurement Officer

The Chief Procurement Officer is the Specialist Advisor – Commercial and Contracting Services.

The Chief Procurement Officer is responsible for:

- Understanding the Department's business and its role in public value creation
- Promoting integrity, compliance, and good practice in all Contracting Lifecycle activities.
- Building and continuously improving procurement and contract management capability and technical expertise within the Department.
- Implementing and managing this Framework, including making amendments and changes to suit new conditions, or provide improvements.

- Establishing Practice Notes, guidelines, lkon information, templates, and other tools to support the implementation of and compliance with this Framework, good practice, or that support Contracting Lifecycle functions.
- Establishing procurement and contract management proficiency requirements.
- Meeting agency reporting, compliance and governance measures designated by General Procurement Directions, the WAPRs, other procurement connected policies and any Agency Specific Procurement Direction.

Contract Owner/Authorised Officer

The Contract Owner is the Authorised Officer position delegated by the Procurement and Contract Management Authorising Schedule to provide approvals for Contracting Lifecycle actions relevant to their business area.

The Contract Owner is responsible for:

- Ensuring alignment of contractual outcome with business need and that contract management meets the appropriate standard
- Approving the Contracting Lifecycle activities as set out in the Procurement and Contract Management Authorising Schedule
- Oversight of the Contracting Lifecycle activities noted as Business Area/School responsibilities in the Contracting Lifecycle Responsibilities Matrix
- The budget that funds the contract(s)
- Assigning a Contract Manager who has the skills commensurate to the value, risk and complexity of the Contract to be managed and other Department Officers to support the Contract Manger where appropriate.
- Ensuring Contract risks are managed and where necessary escalated to line managers
- Approving remedial actions on performance issues

Contract Manager

The responsibilities of the contract manager may depend on the complexity of the contract. However, as a minimum standard, a contract manager is responsible for:

- Understanding the role and responsibilities in managing the contract and ensuring value for money.
- Having in-depth knowledge about the operation and performance of the contract they

manage.

- Ensuring the contract meets the contractual requirements, objectives, timeframes and continues to provide value for money for the Department.
- Maintaining adequate contract management records and provide reporting to senior management as appropriate.
- Declaring any conflict of interest as it arises.
- Undertaking regular training on contract management in line with their role and requirements set by the Chief Procurement Officer.
- Ensuring re-tendering activities are commenced in a timely manner to ensure ongoing delivery of services.

Evaluation Panel

In undertaking an evaluation, the Evaluation Panel are to:

- Undertake a fair and thorough assessment of all Offers
- Assess Offers against the selection criteria and the Request specifications to determine a value for money decision
- Include a mix of appropriately skilled and experienced Department Officers
- Declare any conflicts of interest
- Maintain confidentiality of the process at all times
- Provide input to support the drafting of the evaluation report that clearly documents the reasons for the decision.

Commercial and Contracting Services

Commercial and Contracting Services is responsible for:

- Oversee Agency Obligations under the Procurement Directions
- Provide advice and support to Department Officers to undertake Contracting Lifecycle activities in compliance with this Framework
- Facilitate the procurement of all goods and services with an estimated contract value of \$50,000 (inc GST) or greater
- Facilitate the procurement of all community services contracts inline with the DCSP Policy

- Educating Department Officers on the Contract Lifecycle including identification of training available through the Department of Finance (DoF) and other professional bodies.

Endorsing Officer

An officer from the Commercial and Contracting Services Directorate. Responsible for compliance management, and having considered all provided and relevant documents, provides advice on Procurement Activities and contract management on procurement and contract risks, practice and alignment with the WAPR and this Framework for procurement and contract management activities.

Department of Finance

As per the WAPR the DoF must be involved in goods and services procurements over the value of \$250,000(inc GST). Note this excludes all procurements under the DCSP.

Commercial and Contracting Services will negotiate with DoF their role in the procurement and sourcing part of the process.

1.8 Practice Notes and guidelines

The Chief Procurement Officer (Specialist Advisor – Commercial) may issue Practice Notes and guidelines to support this Framework. Practice Notes and guidelines will enhance effective operations across the Contracting Lifecycle or the Procurement and Contract Management Authorising Schedule.

Practice Notes and guidelines may specify, define, or guide discrete actions that assure good practice or compliance with the WAPR, General Procurement Directions, Agency Specify Procurement Directions or this Framework.

Practice Notes that include specified requirements must be complied with.

1.9 Procurement and Contract Management Authorising Schedule

In accordance with WAPR - Rule F3 Establish and Maintain a Delegation and Authorisation Register, the Accountable Authority (the Director General) has delegated the authority to make procurement decisions to Authorising Officers within the Department through the (Schedule) (Annexure 1) (D22/0593352).

1.10 Related Legislation and Policies

Legislation

The following legislation and Departmental policies are to be used in conjunction with this Framework. Whilst the list is not exhaustive best efforts have been made to reference items most relevant to Contract Lifecycle activities.

- [Auditor General Act 2006 \(WA\)](#)
- [School Education Act 1999 \(WA\)](#)
- [Electronic Transactions Act 2011](#)
- [Financial Management Act 2006 \(WA\)](#)
- [Freedom of Information Act 1992 \(WA\)](#)
- [Australia's free trade agreements \(FTAs\) | Australian Government Department of Foreign Affairs and Trade \(dfat.gov.au\)](#)
- [Goods and Services Tax Act 1999](#)
- [Public Interest Disclosure Act 2003](#)
- [Procurement Act 2020 \(WA\)](#)
- [Public Sector Management Act 1994 \(WA\)](#)
- [State Records Act 2000 \(WA\)](#)
- [Treasurer's Instructions](#)
- [Integrity Strategy for WA Public Authorities 2020 – 2023](#)

Department Policies and Ikon Services

The following Departmental policies are to be used in conjunction with this Framework. The following list is not exhaustive, and other Departmental policies may apply to a specific procurement process.

- [Fraud and corruption control plan – Ikon – Department of Education](#)
- [Corruption Prevention and Detection – Policies – Department of Education](#)
- [Our Code of Conduct and Standards – Ikon – Department of Education](#)
- [Conflict of interest Policy and Procedures– Ikon – Department of Education](#)

- [Working with Children Checks in Department of Education Sites Policy – Policies – Department of Education](#)
- [Records Management Policy – Policies – Department of Education](#)
- [Information and Communication Technologies Security Policy – Policies – Department of Education](#)
- [Software Use Policy – Policies – Department of Education](#)
- [Students Online in Public Schools Policy – Policies – Department of Education](#)
- [Acceptance and Provision of Gifts Policy – Policies – Department of Education](#)
- [Criminal History Screening for Department of Education Sites Policy – Policies – Department of Education](#)
- [Expenditure on Hospitality Policy – Policies – Department of Education](#)
- [Intellectual Property Policy – Policies – Department of Education](#)
- [Official Travel Policy – Policies – Department of Education](#)
- [Staff Conduct and Discipline Policy – Policies – Department of Education](#)
- [Identify and manage risks in the workplace – Ikon – The Department of Education](#)
- [Access the Financial management manual for central and regional services – Ikon – Department of Education](#)
- [Finance and accounting manual – Ikon – The Department of Education](#)

2. Definitions

Accountable Authority

The Director General Department of Education – as defined by section 4 of the Financial Management Act 2006 (WA).

Authorised Officer

The Accountable Authority or the Department of Education Officer delegated or authorised by the Procurement and Contract Management Authorising Schedule.

Contract

An agreement between two parties intended to create binding, legal and enforceable performance, and payment obligations to provide goods and/or services and achieve an objective or service outcome. Under this Framework a Contract includes arrangements with a third-party service provider or arranger, where the intent is to provide a service for the benefit of a school or services on behalf of school students where the intent is to create enforceable service delivery or to provide indemnities or protections in the event of service failure or cancellation.

Contract Management

Contract management refers to the activities undertaken, after the contract has been awarded or commenced to achieve optimal contract outcomes and value for money.

Contract management includes.

Contract Governance: establishing and managing the stakeholder engagement mechanisms, decision making and reporting, risk assessment, monitoring and issue management.

Performance Management: measuring, monitoring, and assessing contract performance in line with the contract, and enable early warning of, and response to, performance issues.

Supplier Relationship Management: ensuring collaborative engagement approaches with the contractor.

Contract Administration: Regular reporting, including, escalating issues, disputes or other contentious matters in relation to the contract, or contractor performance for the information or consideration of line management.

Department Officer

A person employed by the Department of Education, including principals and school officers.

Endorsing Officer

An officer from the Commercial and Procurement Services Directorate denoted by the Procurement and Contract Management Authorising Schedule, who having considered all provided and relevant documents, provides advice on procurement risks, practice and alignment with the WA Procurement Rules and the Department's Procurement Framework in relation to procurement and contract management activities.

Practice Note

A Practice Note defines and specifies actions and requirements that support implementation of this Framework and specify actions, activities or operational requirements to support good practice or compliance with the WAPR, General Procurement Directions, and Agency Specify Procurement Directions.

Procurement

Procurement is defined in Part 1 section 4 of the Procurement Act to include:

- obtaining goods, services or works by purchase, lease, licence, public private partnerships or other means; and
- disposing of goods or works; and
- purchasing community services

Procurement Activities

Procurement Activities is defined in Part 1 section 4 of the Act to mean decisions or other things done in the course of, or as a result of, a process to procure goods, services (including community services) or works.

Procurement and Contract Management System (PaCMS)

The system used by the Department of Education as its Contract Register (WAPR F5) and to manage and record Endorsing Officer and Authorised Officer approvals and to house and manage all final documents for Procurements and Contracts across the Department.

Procurement Directions

The Procurement Act establishes the power for the Department of Finance (as authorised delegate under the Procurement Act), to issue general or specific Procurement Directions.

General Procurement Directions are Directions that all State agencies must comply with. General Procurement Directions enable core Government requirements such as the Aboriginal Procurement Policy, and the Delivering Community Services and Partnership Policy.

Agency Specific Procurement Directions may be issued to a specified agency and apply only to that agency in respect of Procurement functions and activities.

Request

The relevant sourcing or approach-to-market documentation.

This can include a Request for Tender, Request for Proposal, an Expression of Interest document, or a Request for Quotation, as the circumstances require. The document type, specifications, and form of contract (terms and conditions) will be determined by the Chief Procurement Officer.

Responsible Officer

The Department of Education Officer accountable for a Contract, and may also be a senior contract sponsor, accountable budget manager or similar.

Total Estimated Value

The total estimated value of a Procurement is the reasonably assessed monetary value of the total cost of the Procurement and resulting contract (including panel of standing offer contracts) to the State agency, including all extension options, indexation and is inclusive of GST.

Variations

A variation is an agreed change to the contract (for example, in scope or in price).

Variations do not include:

- (a) exercising an extension option provided within the original contract
- (b) spending more (or less) under a panel/standing offer arrangement than originally estimated (where there is no contractual maximum expenditure cap).

Value for Money

Value for money includes the assessment the initial price and any ongoing costs and is the most economic combination of fitness for purpose, price, cost to implement and maintain, sustainability, risk exposure, supplier capability and consideration of government's social, economic, and environmental priorities. Value for money is the paramount outcome of all Procurement Activities and Contracts and underpins ongoing contract management.

3. Contact information

Specialist Advisor - Commercial and Contracting Services is the custodian of this Framework.

The Manager, Contract Management and Advisory Services is the contact officer for this Framework. Contact as below:

Manager, Contract Management and Advisory Services
Commercial Services
Telephone: 9264 5567
Email: buying@education.wa.edu.au

4. More information

Supporting content

Policy

[Procurement and Contract Management Policy](#)

