

## Slide 1: Time to Work Employment Service 2018-2021 (Time to Work Service) Request for Tender

Good morning/afternoon. I am from the Providers and Purchasing Branch and my co-presenter today is from the Time to Work program area, and we are both from the Department of Employment. I'd like to welcome you to today's webinar session on the Request for Tender for the Time to Work Employment Service.

Before we begin, I'd like to respectfully acknowledge the traditional owners and custodians of the lands on which we meet today. I would also like to pay respect to their Elders, both past and present, and to any Aboriginal and Torres Strait Islander peoples who are in attendance.

Today we will provide you with information on the Time to Work Employment Service. We will also provide you with details on the purchasing process and information for the Request for Tender that was released on 12 October 2017.

The Department of Employment is committed to ensuring the Time to Work Employment Service 2018-2021 purchasing process is conducted in a fair and transparent manner. The Department has appointed the law firm Maddocks as the independent Probity Adviser to assist and monitor the Department's compliance with probity principles. Representatives from Maddocks are in attendance today.

We recognise that you will have questions and we will answer as many as possible today, but there may be some that we need to take on notice and come back to you with a response. There may also be some questions that we are not in a position to answer. Responses will be published on the Employment Services Purchasing Information website. Respondents are encouraged to regularly check this site for publication of new responses.

If you have further questions following today's session, you may send them by email to the Employment Services Purchasing Hotline. A slide at the end of today's presentation has the contact details for both the Employment Services Purchasing Information website and the Employment Services Purchasing Hotline. The addresses are also set out in the Request for Tender under "Contact Details".

A copy of the PowerPoint slides used in this presentation will be available on the Department's website after all the sessions have been delivered.

I will now hand over to the Time to Work program area representative will take you through the program design elements of the presentation.

## Slide 2: Overview

I will start by providing an overview of the Time to Work Service including:

- service content and delivery
- payment structure, and
- who can apply to deliver the service.

We will then talk about the probity and purchasing arrangements before moving on to the tender and evaluation process.

This will include:

- going through the tender process and selection criteria outlined in the Request for Tender document
- other considerations for your tender application, and
- the process for lodging your tender.

### Slide 3: Time to Work Service

We will start with an overview of the Time to Work Service initiative.

### Slide 4: Prison to Work Report

The Australian Government is committed to creating better opportunities for Aboriginal and Torres Strait Islander peoples to secure employment to help close the gap in employment outcomes between Aboriginal and Torres Strait Islander peoples and non-Aboriginal and Torres Strait Islander peoples.

In the 2017–2018 Federal Budget, the Australian Government announced the introduction of a new in-prison employment program targeted at Aboriginal and Torres Strait Islander prisoners. This new program is the Time to Work Service and will provide eligible prisoners with employment assistance while they are in prison to help them prepare for employment post-release.

The Time to Work Service responds to recommendations made in the Prison to Work Report, released by the Council of Australian Governments (COAG) on 9 December 2016. The Report highlights the challenges Aboriginal and Torres Strait Islander peoples face while trying to find and retain work following their release from prison and identifies how all governments can improve services for Aboriginal and Torres Strait Islander prisoners leaving prison.

Statistics indicate that while Aboriginal and Torres Strait Islander peoples make up two per cent of the Australian adult population they are 13 times more likely to be incarcerated than non-Aboriginal and Torres Strait Islander peoples and make up 27 per cent of the total prison population. Aboriginal and Torres Strait Islander imprisonment rates have increased by 42 per cent over the past decade and, now, one quarter of Aboriginal and Torres Strait Islander jobactive job seekers are ex-offenders.

Employment is an important way to help break the cycle of re-offending however it is recognised that many of these ex-offenders face major barriers to employment including: substance abuse, poor education, intergenerational trauma, family violence, a lack of employability skills and limited work history.

### Slide 5: Key features of the service

The Time to Work Service has been designed to help address the current pattern of high rates of Aboriginal and Torres Strait Islander peoples re-offending by providing eligible Aboriginal and Torres Strait Islander prisoners assistance while they are in prison. It will operate as a separate but complementary service that supports post-release employment services, including jobactive, the Community Development Programme, Transition to Work, ParentsNext, Disability Employment Service and the New Enterprise Incentive Scheme.

While the Time to Work Service is not designed to directly find prisoners jobs it is aimed at better preparing prisoners for their release, improving the prospect of a prisoner connecting with post-release support services and better supporting the post-release employment services provider to place ex-offenders in employment.

Those who wish to participate will receive:

- a comprehensive employment assessment to identify their specific needs and any employment barriers they might face, these will include the Job Seeker Classification Instrument (JSCI) and Employment Services Assessment (ESAt).

- assistance to develop a Transition Plan which will contain activities to address these barriers, and
- a Facilitated Transfer to an employment services provider who will assist them with finding work once they leave prison.

Providers will be required to deliver Time to Work Service in a culturally competent manner, to build trust with Participants.

## Slide 6: Culture Competence

Improving outcomes for Aboriginal and Torres Strait Islander prisoners requires organisations to have a high level of cultural competence.

Cultural competence is the set of attitudes, practices and policies that come together to link individual capability with organisational business needs to enable the achievement of outcomes in cross-cultural situations. Cultural competence supports an ability to understand, interact and communicate effectively and sensitively with Aboriginal and Torres Strait Islander peoples. It is about *respecting* and *valuing* diverse language groups and traditions, and recognising those connections to family, community, country and culture as central to a person's wellbeing. It includes building mutually respectful, solid relationships with the individual and community, as well as valuing their strengths. This is particularly necessary when understanding the cultural aspects of prison environments and drivers of incarceration.

Organisations with Aboriginal and Torres Strait Islander cultural competence will be committed to social justice, human rights and the process of reconciliation. They will value and support Aboriginal and Torres Strait Islander cultures and knowledge, and acknowledge that Aboriginal and Torres Strait Islander peoples are integral to the core business of the organisation. They will have inclusive policies and procedures, including monitoring mechanisms to foster culturally competent behaviours and practices at all levels of the organisation.

This would include human resources practices and policies that encourage and support the recruitment, retention and ongoing career development of Aboriginal and Torres Strait Islander staff. The organisation will continually assess its operations with the clear objective of improving engagement and program delivery, and producing better outcomes for Aboriginal and Torres Strait Islander peoples and communities.

Cultural competence is a continual process that is incorporated into staff training and development of policies and involves increasing awareness, knowledge and understanding of:

- different cultural perspectives
- the unique aspects of Aboriginal and Torres Strait Islander societies and cultures
- history and of how the past has shaped and continues to impact the lives of Aboriginal and Torres Strait Islander peoples today, and
- the complexities, challenges and opportunities involved in improving and sustaining policy and program outcomes in partnership with Aboriginal and Torres Strait Islander peoples.

## Slide 7: Overarching Principles

Providers will be required to provide face-to-face, in-prison employment services to eligible prisoners, that consider the needs of different Participants, including the use of interpreters where needed.

They will be expected to have:

- knowledge of specific issues faced by Aboriginal and Torres Strait Islander prisoners and be able to interact and communicate effectively and sensitively with Aboriginal and Torres Strait Islander peoples
- an understanding of the particular reintegration needs and barriers to employment faced by male and female Aboriginal and Torres Strait Islander prisoners
- an understanding of relevant state and territory criminal justice and corrections systems and support services particularly as they relate to Aboriginal and Torres Strait Islander peoples
- linkages with community networks, particularly Aboriginal and Torres Strait Islander networks, in the area they propose to provide Time to Work Services and in areas that prisoners are likely to move to following release (noting that after release most prisoners will not live near the prison in which have been incarcerated)
- the ability to deliver the proposed employment services in-prison, and
- knowledge of and the ability to work with other relevant in-prison services and post-release employment services programs.

## Slide 8: Where and when will Service be delivered?

The Department is seeking one Provider per participating Prison operating in non-remote locations. These prisons are listed in the RFT at Appendix E for Participating Prisons and anticipated Participant data.

The number of participating Prisons may change over the term of the Deed. The Department may, in its absolute discretion, seek expressions of interest from one or more Providers to offer to deliver Time to Work Services at additional Prisons.

The Department of the Prime Minister and Cabinet will separately engage service providers under the Indigenous Advancement Strategy to deliver the program within the prisons located in the remote Community Development Programme Employment Regions. These prisons are listed in the RFT at Appendix F—Prisons in Remote Employment Regions.

Commencement of Time to Work Servicing is reliant on a Memorandum of Understanding being successfully agreed between the Commonwealth and each state and territory.

Subject to this, it is proposed that servicing would commence:

- from January 2018 in NSW, ACT and Tasmania
- from April 2018 in SA and Victoria, and
- from July 2018 in NT, WA and Qld.

## Slide 9: Who is eligible for the service?

All Sentenced adult Aboriginal and Torres Strait Islander prisoners with approximately three months (and no less than two months) remaining until their scheduled release date (this could include their sentenced release date or earliest possible parole release date) are eligible to participate in the Time to Work Service.

For the purposes of Time to Work, prisoner self-identification of their Aboriginal and Torres Strait Islander status is sufficient.

Participation is voluntary. Prisoners are not on income support and do not have mutual obligations until after they are released from prison and commence receiving income support. Providers will therefore

need to work with prisons to promote the benefits of the Time to Work Service and encourage eligible prisoners to participate.

Prisons will identify eligible Aboriginal and Torres Strait Islander prisoners for the Time to Work Service. The referral mechanisms may vary across jurisdictions. However, in all cases, Providers will need to work with prisons as referral will be a manual notification (initiated from the prison) to the Provider and not through the Department's IT Systems.

## Slide 10: What can a Participant expect?

Eligible prisoners who elect to receive in-prison employment services through the Time to Work Service should expect to receive culturally competent tailored assistance with a minimum of three face-to-face meetings with their Provider (noting there may be some exceptions).

Providers will need to provide information on the Time to Work Service, including:

- the services they could receive
- how often they will meet with the Provider
- what they will need to do if they choose to participate, and
- Information of the different employment services available following their release.

This information may be provided at either a group session or as part of their first individual face-to-face session, depending on their service delivery model and requirements of individual prisons.

Providers will also need to explain a prisoner's privacy rights and how their details may be used. Where a prisoner agrees to participate, Providers will need to obtain a signed Privacy Consent Form so they can register the Participant in the Department's IT Systems and begin to provide the service.

During their sessions with Participants who have provided consent, Providers will focus on building trust to:

- undertake or assist comprehensive employment assessments, including a JSCI and ESAt
- obtain information from the Participant on their:
  - ✓ relevant work history, including any work they did in Prison
  - ✓ barriers to employment
  - ✓ in-prison services received, and
  - ✓ skills, training and education qualifications, including any qualifications obtained in Prison or training underway
- develop a Transition Plan
- encourage attendance at the DHS pre-release interview, and
- coordinate a Facilitated Transfer.

## Slide 11: Employment assessments

Participants will undergo comprehensive employment assessments via both a JSCI and an ESAt. These assessments will serve two purposes:

- provide valuable information to the Provider to identify employment assistance for the Participant, informing the Provider as to what should be included in the Transition Plan and discussed at the Facilitated Transfer, and
- identify to DHS the appropriate post-release employment service to which the Participant should be referred.

### **Job Seeker Classification Instrument (JSCI)**

The JSCI is an interview-based questionnaire that measures the relative disadvantage of an individual and determines the level of support they should receive, to ensure they are serviced by the most appropriate employment service after their release. Providers will complete a JSCI questionnaire with all Participants, during a face-to-face meeting.

Once complete, the Provider will upload the JSCI into the Department's IT Systems.

Providers will be provided with the JSCI questionnaire and supporting guidelines on how to best deliver the questionnaire.

### **Employment Services Assessment**

An ESAt identifies an individual's:

- barriers to finding and maintaining employment (this may relate to the impact of a person's disability, injury, illness, or other disadvantage)
- work capacity (in hour bandwidths), and
- interventions and assistance that may be of benefit to improve their current work capacity.

For the Time to Work Service, all Participants will be offered an ESAt.

Greater knowledge of the Participant's barriers to employment, will better inform the Transition Plan, the Facilitated Transfer and the employment service the Participant will be referred to post-release.

It is anticipated that the ESAt will be conducted jointly by DHS and the Provider. Providers will arrange the ESAt timing with the Prison and DHS and be in the room to assist the Participant (where consent has been obtained). The intent is that the ESAt will be conducted over the phone by a DHS ESAt Assessor.

Providers will also need to help, or get the permission of Participants, to obtain medical records from the relevant health organisation to complete the ESAt, if that information is not already held in DHS IT systems.

## **Slide 12: Transition Plan**

The Transition Plan will reflect the needs of the Participant depending on their post-release employment services provider, including different requirements for Community Development Programme participants and Participants with job search activity requirements on release. The Transition Plan will be developed in consultation with the Participant and, where relevant, with the assistance of Prison officers and other in-prison providers so the Participant does not need to re-tell their story multiple times.

Providers will discuss and review a Participant's skills, work experience and work history in addition to any education or training undertaken while in Prison. This will ensure the Participant's full employment history can be taken into consideration to identify what additional support, further training, or work opportunities the Participant can be offered post-release.

In developing the Transition Plan, a Provider must also take into account a Participant's:

- post-release activities, support needs and referrals to relevant services, including:
  - assistance meeting parole requirements, outlining how these will relate to employment, and
  - reintegration services such as health and housing

- support services accessed while in Prison
- career and work goals, including realistic employment options, aspirations and skills
- labour market conditions of the area in which the Participant will live
- skill gaps, including any education or training that may be needed
- vocational barriers
- relevant family obligations, and
- post-release employment services.

As part of the Transition Plan, a Provider will ensure a Participant is aware of the implications of their criminal record on their employment. The Transition Plan will also encourage a Participant to connect with their post-release employment services provider sooner rather than later, including opting out of exemptions to benefit from their assistance and support as soon as possible.

The Transition Plan must be reviewed and agreed by both the Participant and Provider (the Participant's verbal agreement is acceptable, the Provider must make a written note that the Participant has verbally agreed).

Both the Provider and post-release employment services provider will use the Transition Plan to identify any transitional support or rehabilitation services a Participant may need to help them successfully reintegrate into the community, including housing, health care and other relevant issues.

The Transition Plan will be uploaded into the Department's IT Systems and transferred to the post-release employment services provider for use when engaging the Participant post-release.

### Slide 13: Facilitated Transfer

Providers will be required to conduct a Facilitated Transfer for all Participants who attend a pre-release interview with the Department of Human Service (DHS) and are referred to one of the Government's employment services.

The DHS pre-release interview will be conducted with a Participant close to 21 days prior to their release to organise arrangement for Centrelink or other payments. This will ensure access to income support after the participant is released.

A Provider will need to discuss with a Participant the purpose of the DHS pre-release interview and encourage them to attend. A Provider would not be expected to participate in the DHS pre-release interview under ordinary circumstances.

Following the DHS pre-release interview and before the Participant is released where they have been referred to a post-release employment service the Participant will be part of a Facilitated Transfer from their Provider to their post-release employment services provider in the region the Participant intends to live following release.

The Facilitated Transfer is an opportunity for the Provider and the post-release employment services provider to discuss the Transition Plan with the Participant and identify any transitional support services or post-release rehabilitation and/or reintegration requirements they may require once released.

Providers will be notified in the Department's IT Systems of a Participant's post release employment services provider. The Provider will contact the post-release employment services provider to arrange a time for the Facilitated Transfer meeting and work with the Prison to organise access, a meeting room and telephone access, if required.

If a Facilitated Transfer is unable to occur for reasons outside of their control, the Provider must use their best endeavours to contact the post-release Employment Services Provider to discuss the participant and their Transition Plan.

Participants may return to different and possibly remote locations in Australia and may be referred to any of the Government's employment services including, jobactive, Transition to Work, the New Enterprise Incentive Scheme, ParentsNext, Disability Employment Services or the Community Development Programme depending on their circumstances.

To ensure the benefits of the Time to Work Service are maximised Providers will need to build strong relationships with other employment services providers that will be involved in the Facilitated Transfer to ensure continuous provision of support to Participants before and after they are released from Prison.

Information about each employment service is available at [employment.gov.au/employment](http://employment.gov.au/employment).

## Slide 14: Payments

Providers will receive up to \$555 (GST inclusive) for each Participant. There are two components: upfront payments and a Transition Plan service fee.

### **Upfront Payment**

Providers will receive an upfront Payment based on the expected number of prisoners they will service over the following six months (based on the Department's estimated minimum number of eligible prisoners anticipated as upcoming for release – detailed at Appendix E—Participating Prisons and Participant Data). This fee recognises that the take up of the service by prisoners is voluntary and there may be a higher administrative burden than for out-of-prison services, including possibly higher occurrences of prisoners not being able to attend appointments.

The calculation for the upfront Payments is based on an expectation that 50 per cent of eligible prisoners will participate in the program, with Providers receiving \$335 (GST incl) upfront for every prisoner expected to participate.

The upfront Payments amount will not be reduced from the initial payment where the expected number of eligible prisoners decreases or where fewer than 50 per cent of eligible prisoners participate in the program. The upfront Payments will, however, be increased where the expected number of eligible prisoners increases or where a Provider's performance is such that more than 50 per cent of eligible prisoners participate in the program. This Payments structure recognises that Providers who have a high take up should be appropriately remunerated.

### **Transition Plan Service Fee**

The Transition Plan service fee will be paid after the Provider finalises services to a Participant; that is, when a Participant has agreed to their Transition Plan and it has been approved in the Department's IT system.

The Provider will be paid \$220 (GST incl) for each approved Transition Plan. An approved Transition Plan will demonstrate that the Provider was able to keep their Participants engaged by recording the outcome of the Facilitated Transfer. That is whether a Facilitated Transfer occurred or whether there was a valid reason that one did not occur, for example the Participant was not referred to a post release employment services provider.



Where a Participant exits the Service before a Transition Plan is agreed the Provider will not be eligible for the Transition Plan Service Fee.

Providers will also not receive a pro-rata payment for Participants who are transferred during their service from one Prison to another.

Providers will be expected to provide services to all Aboriginal and Torres Strait Islander prisoners who have approximately three months before their release, who wish to participate in their Prisons, including Participants who have been transferred during their service.

## Slide 15: Upfront Payment example

For example:

In the Request for Tender, it is anticipated that 200 Aboriginal and Torres Strait Islander prisoners will be eligible for release during a six-month period at prison A.

The first payment the Provider receives is therefore \$33,500 (this being 50% of 200 eligible prisoners X \$335).

The number of anticipated eligible prisoners remains constant at 200 for the second six month period.

The percentage calculation for the second six months is based on the performance of the provider in the previous six months. During the previous months the provider took time to develop a relationship with the prison and only serviced 45 per cent of eligible prisoners (that is 90 rather than 100). However given this is less than the minimum percentage calculation 50 per cent will continue to be used for the second payment.

Therefore the second payment will also be \$33,500 (this being 50% of 200 eligible prisoners X \$335).

For the third six month period the number of eligible prisoners reduces to 180. As this is less than the minimum number of eligible prisoners detailed in the RFT the original anticipated number of 200 will be used for the third payment.

The percentage calculation for the third six months is once again based on the performance of the provider in the previous six months. During the previous six months the provider worked hard to promote the Time to Work Service and was able to provide services to 70 per cent of eligible prisoners. As this is more than the minimum percentage calculation it will be used for the third payment.

Therefore the third payment is \$46,900 (this being 70% of 200 eligible prisoners X \$335).

For the fourth six month period the number of eligible prisoners increases to 220. As this is more than the minimum number of eligible prisoners detailed in the RFT, this number will be used for the fourth payment.

The percentage calculation for the fourth six months is once again based on the performance of the provider in the previous six months. During the previous six months the provider continued to promote the Time to Work Service well and was able to continue to provide services to 70 per cent of eligible prisoners. As this is more than the minimum percentage calculation it will be used for the fourth payment.

Therefore the fourth payment is \$51,590 (this being 70% of 220 eligible prisoners X \$335).

## Slide 16: Transition Plan Payment example

The Transition Plan is simply based on the number of approved Transition Plans:

Therefore in this example:

- 90 transition plans were approved in the first six months for which they receive \$19,800 (that is 90 x \$220)
- 140 transition plans were approved in the second six months for which they receive \$30,800 (that is 140 x \$220)
- 126 transition plans were approved in the third six months for which they receive \$27,720 (that is 126 x \$220), and
- 154 transition plans were approved in the fourth six months for which they receive \$33,880 (that is 154 x \$220).

## Slide 17: Time to Work Employment Service – Probity and Purchasing Arrangements

I will now hand you to the representative from the Providers and Purchasing Branch to talk about the probity and purchasing arrangements for the Time to Work Employment Service purchasing process.

## Slide 18 – Probity and Purchasing – Overview

Thank you.

In this part of the session I will cover:

- the objectives of the Request for Tender process, including factors that will be taken into account in assessing value for money
- probity principles
- communication protocol, and
- some aspects of electronic lodgement, including use of 360Pro, and the Request for Tender closing time.

I will also cover the key points about preparing a submission and the assessment process, including the selection criteria and evaluation process.

You are strongly encouraged to read the Request for Tender as it sets out the definitive requirements for the Time to Work Employment Service.

## Slide 19: Probity Principles

The Department of Employment is committed to ensuring that the Time to Work Employment Service purchasing process is conducted in a fair and transparent manner. The Request for Tender will be undertaken in accordance with the Probity Principles outlined on the slide.

As mentioned earlier, the Department has appointed Maddocks as the independent external Probity Adviser to assist and monitor the Department's compliance with probity principles.

The role of the external Probity Adviser is to advise the Delegate on the probity and integrity of the Request for Tender process to conduct appropriate probity training and to advise on relevant security arrangements.

In addition to the external Probity Adviser, there is a complaints handling process in place.

Any issues relating to the integrity of the Request for Tender can be raised directly with the Department's legal adviser. More details on the complaints handling process are provided in Appendix A (Communication Protocol) of the Request for Tender.

## Slide 20: Purchasing Objectives

As stated earlier, the purpose of the Request for Tender purchasing process is to select, for each prison, the organisation that represents the best value for money to deliver the Time to Work Employment Service. This process is governed by the Commonwealth Procurement Rules and our external Probity Adviser will oversee the process to ensure adherence to those rules.

The fundamental principle of the Commonwealth Procurement Rules is achieving value for money, which, in terms of purchasing, includes:

- encouraging competitive and non-discriminatory processes
- using public resources in an efficient, effective, economical and ethical manner, that is consistent with the policies of the Commonwealth
- making decisions in an accountable and transparent manner
- considering the risks, and
- conducting a process commensurate with the scale and scope of the procurement.

While a complaint may be lodged about how the Request for Tender process is conducted, the actual decisions made regarding the outcome of assessment of responses is not appealable.

## Slide 21: Communication Protocol

A Communication Protocol has been developed for the Time to Work Employment Service purchasing process.

The purpose of the protocol is to establish procedures to minimise the risk of any improper practice that could influence the fair operation of the market or the probity of the process and to ensure consistent messaging.

If Respondents have questions about any element of the Request for Tender, they should contact the Employment Services Purchasing Hotline preferably via email. The Hotline is the primary means of contact during the Request for Tender period.

Contact details for the Hotline are on page iii of the Request for Tender and I will repeat them at the end of this presentation.

## Slide 22: Eligibility to Apply

The Department will only contract with legal entities that have a current and valid Australian Business Number and full legal capacity to enter into a Deed to provide the Time to Work Employment Service.

There are three main types of business models that a respondent may put forward:

- a single entity that enters into the Deed and delivers all the services itself
- a group of entities that jointly enter into the Deed and each entity delivers part of the services,  
or

- a single entity or group of entities enters into the Deed and some or all of the services are delivered by subcontractors.

## Slide 23: Eligibility to Apply (2)

I now want to draw your attention to particular issues relating to group submissions.

A group of legal entities – which we refer to as a Group Respondent – can submit responses in a number of forms to deliver the services. These include as a consortium, a joint venture, a partnership, or some other form of alliance. Group Respondents will need to provide details and evidence of their Group's proposed or actual legal arrangements that meet the group tendering requirements specified in the Request for Tender.

The Department expects membership of a Group Respondent will remain constant from receipt of the Request for Tender submission, through assessment and contracting, and throughout the Deed. However, changes may be approved by the Department in writing in certain circumstances – for example, the insolvency of a member of a Group Respondent.

Each Group Respondent member must have a current and valid Australian Business Number. The Group must appoint a lead member to lodge the response on behalf of all members, who is authorised to negotiate, act on behalf of, and contractually binds members of the Group. Each member's written confirmation of the lead member's authority must be uploaded in the 'Group Respondent' tab in 360Pro with the Group Respondent's submission.

## Slide 24: Eligibility to Apply (3)

The Australian Government and state/territory government departments, agencies, employees or agents are not eligible to respond to this Request for Tender. Further, government departments, agencies, employees or agents cannot assist potential Respondents in responding.

A Respondent that has received assistance from a government department, agency, employee or agent to prepare its response may be excluded from consideration at the Department's discretion.

This does not include persons who are, or may be, regarded as authorised agents of any government departments (including the Department of Employment) under existing employment services arrangements or arrangements for the administration of the Social Security Law. So a current jobactive provider who intends to respond to this Request for Tender can still interact with government staff to do their job.

Local government entities are eligible to apply.

The Department will only accept a response from a foreign company if it is registered under Part 5B.2 of the *Corporations Act 2001* (Cth).

## Slide 25: Eligibility to Apply (4)

The purchasing process is designed to promote open and fair competition. Respondents and their officers must not engage in collusive bidding, anti-competitive conduct or any similar unlawful conduct with any other Respondents or any other person regarding preparation of their response.

A Respondent must not compete against itself by submitting multiple or alternative responses for the same Prison. This does not apply to Subcontractors. Subcontractors may be nominated as part of a response by one or more Respondents for the same Prison and can respond in its own right.

Likewise, where a Respondent identifies that a conflict of interest exists or might arise in relation to providing the Time to Work Employment Service under the Deed, the Respondent must identify the actual or potential conflict of interest.

## Slide 26: Coverage and Conditionality

The Department's intention is to select one Time to Work Service Provider per participating Prison. A list of participating Prisons is available in Appendix E of the Request for Tender.

Respondents must identify the Prison or Prisons they are bidding for.

Respondents should note that the Department reserves the right, in its absolute discretion, to:

- negotiate with Respondents in relation to the Prison(s) nominated in their response where the Department considers that it is necessary to do so in order to achieve the objectives of this Request for Tender process, and
- seek expressions of interest from one or more Providers during the term of the Deed to offer to deliver Time to Work Services at Prisons that later participate in the program.

The Department does not guarantee a specified or minimum level of business to any Provider.

The Department will not accept conditionality across states or territories except between ACT and NSW as they are being considered as a single jurisdiction for the purposes of the conditionality requirements in the Request for Tender.

Respondents may specify that its provision of Time to Work Services at a specific Prison or Prisons is conditional on it winning Time to Work Service business in:

- other specific Prisons within a state or territory, or
- a minimum number of the Prisons it has nominated within a state or territory.

Respondents must use the Coverage and Conditionality form to specify which Prison or Prisons they are bidding for and to specify any conditions.

## Slide 27: Purchasing and Selection Process

Now we will move on to the purchasing and selection process.

When responding to the Request for Tender, the response must address all selection criteria and be submitted on the relevant forms. Responses that are not received on the correct forms may, at the Department's sole discretion, be excluded from the evaluation process. This is the minimum content and format requirement.

When responding to the selection criteria, Respondents should address each of the sub-criteria under the heading. Failure to address each of the sub-criteria may have a negative impact on the assessment of a Respondent's response in relation to the selection criterion.

Respondents should also include any information they consider will support their responses to the selection criterion.

Where a character limit has been specified for a selection criterion, the inclusion of the text beyond the limit may not be considered under the assessment process. Character limits include spaces and punctuation.

## Slide 28: Selection Criterion 1

Selection Criterion 1 – The organisation has the capacity and capability to deliver and manage the Time to Work Employment Service and to address any risks that may arise.

Selection Criterion 1 has a limit of 3,000 characters and will be assessed on a Pass/Fail basis. Only responses that receive a Pass for Selection Criterion 1 will be assessed against Selection Criterion 2, 3 and 4 and assessed for value for money.

In preparing a response to Selection Criterion 1, Respondents must describe and provide relevant examples of:

- organisational structure, governance arrangements and reporting framework
- risk management arrangements and how these will be used to mitigate the key risks of this program
- how staff are recruited and retained, and how this will happen for this program, and
- how your organisation increases Indigenous business participation, in accordance with the Indigenous Procurement Policy.

If any elements of this program will be subcontracted, the Respondent must describe these arrangements.

## Slide 29: Selection Criterion 2

Selection Criterion 2 – The organisation will have a demonstrated strong relationship and credibility with the Aboriginal and Torres Strait Islander community, a demonstrated understanding of the specific issues faced by Aboriginal and Torres Strait Islander peoples, and ability to interact and communicate effectively and sensitively with Aboriginal and Torres Strait Islander peoples.

Selection Criterion 2 has a limit of 6,000 characters and a weighting of 40%.

In preparing a response to Selection Criterion 2, Respondents must describe:

- examples of previous programs or services your organisation currently delivers / previously delivered to Aboriginal and Torres Strait Islander peoples
- how your organisation has built trust in the past with Aboriginal or Torres Strait Islander people and the outcomes achieved, or how it will build trust with Aboriginal or Torres Strait Islander peoples
- how your organisation plans to engage with prisoners from different Aboriginal and Torres Strait Islander communities, taking into account different language and other cultural needs
- your organisation's commitment to employ Aboriginal and Torres Strait Islander people to deliver this program, and
- your organisation's cultural training for current and new employees, working within this program.

Respondents must demonstrate that their organisation has experience, or can develop positive relationships and/or credibility with Aboriginal and Torres Strait Islander communities in different locations.

## Slide 30: Selection Criterion 3

Selection Criterion 3 – The organisation has experience delivering programs or services to Aboriginal and Torres Strait Islander peoples in Prison, or on their release from Prison, and an in depth

understanding of the issues affecting Aboriginal and Torres Strait Islander prisoners and the problems they will face getting and keeping a job when they leave Prison.

Selection Criterion 3 has a limit of 5,000 characters and a weighting of 30%.

In preparing a response to Selection Criterion 3, Respondents must:

- demonstrate their understanding of employment services and/or government support services and how these services help address Aboriginal and Torres Strait Islander prisoner's issues/barriers when they leave prison and demonstrate how your organisation will maximise the usage of employment services and/or government support services, and
- describe how your organisation will build relationships with other key stakeholders, such as the prison and criminal justice system, Department of Human Services, in-prison service providers, non-prison employment services providers and other government support service providers.

In addition, Respondents who wish to provide services to female prisoners, prisoners with special needs or to prisoners whose convictions negatively impact their job prospects will need to demonstrate an understanding of their particular needs.

Respondents **must** use examples that are relevant to the services they will provide.

## Slide 31: Selection Criterion 4

Selection Criterion 4 – The organisation has the ability to deliver all elements of the Time to Work Employment Service in each specific Prison in which it is tendering to deliver the Program, working with the Prison.

Selection Criterion 4 has a limit of 4,000 characters per Prison and a weighting of 30%.

In preparing a response to Selection Criterion 4, for each Prison being tendered for, Respondents must:

- demonstrate their understanding and strategies for working within the Prison to deliver this program across a range of different needs, including program engagement, working with other services delivered within the Prison and other service providers, and
- where a Prison has prisoners with specific cohort needs, the response must include strategies for how this service will differ to provide the same or similar outcomes.

## Slide 32: Evaluation Process

The Request for Tender evaluation process involves several stages. Chapter 4 of the Request for Tender has more details.

Each response will be downloaded from 360Pro after the closing date and time, and will be checked to ensure that:

- the Response includes all information required, as listed in the Respondent Checklist, and
- the Respondent has submitted the correct response forms, in the correct format, containing completed information, including responses to the selection criteria.

Following this, Responses will be checked for conformance with mandatory requirements and then assessed against the eligibility conditions.

All assessments will be undertaken by departmental staff with the appropriate expertise, knowledge and training.

All eligible responses will then be assessed against Selection Criterion 1 and awarded a Pass or Fail.

All responses that are awarded a Pass against Selection Criterion 1 will then be assessed against Selection Criterion 2, 3 and 4 and a score assigned against each Selection Criterion.

### Slide 33: Evaluation Process (2)

In assessing the responses, the Department may consider all information contained in a response, as well as any other relevant information available to it, including a Respondent's past performance when delivering contracted services. Submissions will also be assessed against their *Financial and Credentials Information Form*, for financial viability and assigned a risk rating.

The Department's intention is to select one provider per participating Prison. Respondents must identify the Prison(s) they are bidding for in the *Coverage and Conditionality Form*.

A committee of senior Department managers will consider the outcome of the assessment and make recommendations to the Delegate. The Delegate will examine the recommendations and make the final decision based on the principle of value for money for the Australian Government.

It is expected that successful providers will be announced between December 2017 and May 2018 on a state/territory basis.

All Respondents must provide contact details of at least two and no more than four referees who are able to verify the respondent's claims in the selection criteria. **All referees** must complete the *Referee Endorsement Form* and Respondents must include the completed signed forms as part of their response.

The Department reserves the right, in its absolute discretion, to contact the nominated referees to seek clarification of information provided in a response. Importantly, Respondents must not make false or misleading statements in their response and must answer all questions honestly and completely.

### Slide 34: Contracting with the Department

Offers to successful Respondents to enter into a Deed with the Department will be despatched following the announcement of the outcome of their submission to the Request for Tender process. The Draft Deed will be available on the Department's website.

The Department reserves the right to make changes to the Draft Deed in the period between the publication of the Draft and the execution of final Deeds.

When an offer does not proceed to an executed Deed, the Department may make an offer to another suitable Respondent.

### Slide 35: Contracting with the Department (2)

The Department does not want to discourage responses for the Time to Work Employment Service from Respondents that receive other public sector funding. However, a Respondent cannot claim payments from the Department that would constitute double funding, that is, receiving a fee from another Australian Government, state, territory, or local public funding source, including a different source within other departments, for providing the same or similar services.

Successful Respondents must have a current and valid ABN and will be required to obtain and maintain the insurance specified in the Deed.



Providers to the Department are required to have access to and use the Department's IT systems, which include a number of internet-based and transactional systems. Details of the Department's IT requirements, can be found in Appendix D of the Request for Tender.

### Slide 36: Lodgement of Response

As required under the Commonwealth Procurement Rules, the Request for Tender was published on AusTender, but Respondents are redirected to the 360Pro system to download the Request for Tender pack. 360Pro is the Department's tool used to submit responses. The Department will not be providing printed Request for Tender documentation.

The Request for Tender pack includes the forms Respondents must use to submit their responses. The Department will **only** accept responses on the correct forms and will not accept any attachments submitted with a response unless specifically requested by the Department.

Any addenda will be issued in both AusTender and 360Pro. You will receive notification through the email address you have used to register in 360Pro.

Responses that are incomplete or clearly non-competitive may be excluded from consideration at any time during the evaluation process at the Department's sole discretion. Alternatively, the Department may still consider such responses and seek clarification.

### Slide 37: Key Dates

I would now like to draw your attention to the key dates that are listed on the slide.

The closing time and date for Request for Tender submissions is 12.00 noon, Canberra time, on 6 November 2017.

It is intended that Notification and Announcements will be made progressively on a state/territory basis, starting in December 2017.

Successful Respondents will commence delivery of services under the Time to Work Employment Service Deed 2018–2021 in different states and territories between January 2018 and July 2018.

### Slide 38: Further Information

Further information regarding the Time to Work Employment Service can be obtained from the Request for Tender published on AusTender and 360Pro and the Frequently Asked Questions published on the Department's Employment Services Purchasing Information website.

Respondents can also contact the Employment Services Purchasing Hotline as per the contact details on the slide. The Hotline can only provide information that is publicly available, and cannot provide interpretation or advice.

The Department also has a complaints handling process in place for purchasing processes. Any concerns about the probity or integrity of the Time to Work Employment Service purchasing process can be raised with the internal legal adviser, Luke de Jong. Where appropriate, complaints will be referred to the external Probity Adviser, the law firm Maddocks.

## Slide 39: Questions

We would be happy to take any questions you may have. If a question cannot be answered, we will take it on notice and publish the answer at a later date.

If you have questions outside of this webinar session, please submit these through the Employment Services Purchasing Hotline.

The responses to questions received through the Hotline may be published under the Frequently Asked Questions on the Department's website.

When asking questions, please include your name and organisation for the record.

Thank you.