Australian Government
Department of Health

Ref: Health/21-22/08545

To: Allyson Essex, A/g First Assistant Secretary, Heath Economics and Research Division

Subject: **Evaluation of Responses for Procurement of Rapid Antigen Test (RAT) Self Tests and Point of Care (POC) Tests – Health/21-22/08545**

RECOMMENDATIONS

That you:

1. **NOTE** the alternative supplier options presented in the Evaluation Report (**Attachment A**), based on overall score, shortest timeframe and lowest cost, for your consideration.

NOTED / PLEASE DISCUSS

2. **AGREE** to the Evaluation Team's recommendation of suppliers for your preferred option.

AGREED / NOT AGREED / PLEASE DISCUSS

3. **NOTE** the detailed assessment of responses in the Evaluation Criteria Assessment Worksheet (**Attachment A, Appendix 1**).

NOTED / PLEASE DISCUSS

4. **AGREE** to nominate s22 , A/g Assistant Secretary, to enter into contract negotiations with the successful suppliers.

AGREED / NOT AGREED / PLEASE DISCUSS

s22

Allyson Essex
A/g First Assistant Secretary
Health Economics and Research Division

/ 01 / 2022

Key Points:

1. The procurement for pricing and reimbursement scoping services was conducted in accordance with the Commonwealth Procurement Rules.
2. Based on highest overall ranking from the selection criteria and value for money, the Evaluation Team recommends the following suppliers:

Self test	Point of Care test
s22	s22
Emergence Technology Pty Ltd	s22
s22	s22
s22	s22
s22	s22

3. The Evaluation Team has also identified two alternative options for suppliers based on prioritising the shortest delivery timeframes or lowest overall cost.

4. If the option to proceed is with the shortest delivery timeframe, the Evaluation team recommends the following suppliers as the preferred suppliers:

Self test	Point of Care test
s22	s22
s22	s22
s22	s22
s22	s22
s22	s22
Emergence Technology Pty Ltd	s22
	s22

5. If the option to proceed is with the lowest overall cost, the Evaluation team recommends the following suppliers as the preferred suppliers:

Self test	Point of Care test
s22	s22
s22	s22
s22	s22
	s22
s22	s22

6. The Evaluation Team recommends you nominate s22 , A/g Assistant Secretary, to start contract negotiations with the successful suppliers and confirm prices, including freight, and delivery dates.

Contact Officer: s22 , A/g Assistant Secretary, Health Economics and Modelling Branch

Date: 03 January 2022

s22

A/g Assistant Secretary

Health Economics and Modelling Branch

Procurement of Rapid Antigen Test (RAT) Self Tests and Point of Care (POC) Tests – Health/21-22/08545 – Further instructions

s22

Please note the decisions on the attached decision minute and note the following additions to manage the risk of non-supply or supply chain failure.

1. Procure up to 40 Million RAT self- tests in total.
    a. Approach the suppliers ranked 1-7 in the balanced assessment to procure a total of 40 million tests.
2. Procure up to 10 Million RAT point of care tests, approaching the suppliers ranked 1-6 in the balanced assessment.
3. Insert into the contract a requirement that the test remain registered on the ARTG and noting that the Commonwealth will not proceed with any order if product suspended from or removed from ARTG
4. Note that all rapid antigen self tests will be subject to the TGA's post market review process, including validation testing of their claimed performance.\

Please contact me if further clarification is required.

s22

Allyson Essex

A/g First Assistant Secretary

Australian Government
Department of Health

Approach to Market Evaluation Plan

for

Rapid Antigen Test (RAT) Self Tests and Point of Care (POC) Tests

Approach to Market ID: Health/2021-2022/08545

ISSUED 30/12/2021

Delegate's approval of this Evaluation Plan Name:_Allyson Essex_____ Position:_____A/G First Assistant Secretary HERD	X☐ Approved ☐ Not approved **(please notate any comments/conditions)** s22 Signature Date **31/12/21**

Contents

SCHEDULE FOR THE APPROACH TO MARKET

Activity	Timing
Release of ATM	30/12/2021
Enquiry Cut-Off Date	31/12/2021
Closing Time	1700 ACT Local Time 31/12/2021
Negotiation with preferred Potential Suppliers	03/01/2022
Execution of Contract with successful Potential Suppliers	10/01/2022
Notification of unsuccessful Potential Suppliers	11/01/2022
Commencement of Services	10/01/2022

PART 1 – INTRODUCTION

1. PURPOSE

1.1 The purpose of this Evaluation Plan is to ensure the Approach to Market (ATM) process is conducted fairly, transparently and in accordance with the ATM and the *Commonwealth Procurement Rules,* and minimise risks to the Commonwealth arising from the Evaluation Process.

1.2 This Evaluation Plan provides direction to:

(a) members of the Evaluation Team in their evaluation and recommendation of preferred Potential Supplier(s);

(b) Advisers (if used); and

(c) the Delegate.

1.3 This Evaluation Plan is an internal Departmental document and when populated, should be classified as commercial in-confidence. It should not be shown to any person other than the personnel listed under clause 3 below without the permission of the Delegate.

1.4 If there is an inconsistency between this Evaluation Plan and the ATM, the ATM prevails.

1.5 Any material changes to the Evaluation Process set out in this Evaluation Plan, other than changes to the Evaluation Team personnel, must be approved in writing by the Delegate, including:

(a) Evaluation Process governance arrangements;

(b) the process for selecting any preferred Potential Suppliers;

(c) the process for excluding any unsuccessful Potential Suppliers; and

(d) any material changes to the Evaluation Process, as determined by the Chair in consultation with the Probity Adviser.

1.6 The Chair must seek the advice of the Probity Adviser prior to any changes to this Evaluation Plan.

2. BASIC PRINCIPLES

2.1 In conducting the evaluation of Responses received, the Evaluation Team **must** assess Responses received strictly against the approved Evaluation Criteria and strictly in accordance with the methodology set out in this approved Evaluation Plan.

2.2 The Evaluation Criteria approved in this Evaluation Plan must be consistent with the published ATM documentation and in any evaluation assessment forms or tools.

2.3 The success of the Evaluation Process will depend on the protection of the process from improper influence by internal or external sources, and on fair dealing during the Evaluation Process. These matters and all related matters are dealt with in this Evaluation Plan and in the Probity Plan (Attachment B) (if used).

2.4 A Probity Plan is in place for the procurement and a suitably qualified Probity Adviser has been appointed. If in doubt, the advice of the Procurement Advisory Services (PAS) will be sought.

2.5 LEFT BLANK.

2.6 The Legal and General Council Division (LGCD) acts as default Legal Adviser if no separate Legal Adviser is appointed.

2.7 The Evaluation Report must clearly substantiate recommendations and demonstrate how the preferred Potential Supplier(s) (if any) best meets the Department's requirements as specified in the ATM and are value for money.

PART 2 – THE ATM EVALUATION TEAM

3. THE ATM EVALUATION PERSONNEL AND THEIR ROLES

3.1 The following persons and entities are responsible for the conduct of this Evaluation Process:

Name	Position
Allyson Essex	Delegate
s22	Evaluation Team Chair
s22	Evaluation Team Member
s22	Evaluation Team Member
s22	Evaluation Team Member
s22	Evaluation Team Member
TGA Representative	Technical Adviser
s47F	Probity Adviser
TBA	Legal Adviser

The Delegate

3.2 The Delegate is responsible for the final decision as to which Potential Supplier or Potential Suppliers should be awarded a Contract or Contracts. The Delegate is also responsible for the following decisions:

(a) appointing the Chair;

(b) appointing and approving changes to Members of the Evaluation Team;

(c) the exclusion of a Potential Supplier from the Evaluation Process, including by deciding:

(i) whether a Response is late;

(ii) whether a Response does not conform to the Minimum Content Requirements (if any) or has not satisfied a Condition for Participation;

(iii) whether a Response has not satisfied an Essential Requirement; and

(iv) the shortlisting of Potential Suppliers;

(d) whether to terminate the ATM process;

(e) adopting or not adopting the recommendations of the Evaluation Team, including taking into consideration any minority report or recommendation of the Evaluation Team; and

(f) considering and deciding any other significant issues when the Chair seeks the Delegate's input.

3.3 The Delegate will also resolve issues in relation to conflict of interest as required, which may be raised by any Member of the Evaluation Team or the Probity Adviser. Should a conflict of interest issue arise in relation to the Delegate, this will be resolved by the Delegate's supervisor with advice from the Probity Adviser and/or Legal Adviser.

3.4 The Delegate may appoint a negotiator(s) to negotiate the Contract with the preferred Potential Supplier.

The Chair

3.5 The Chair is responsible for managing the Evaluation Process and for ensuring that the process undertaken complies with Commonwealth policies, this Evaluation Plan and the ATM.

3.6 The Chair **must** ensure all persons involved in the evaluation of Responses have signed Conflict of Interest and Confidentiality Statements (Attachment C) and that those persons maintain, on an ongoing basis, the currency of the statements made in those documents.

3.7 The Chair must ensure that procedures for the opening, registration, distribution to the Evaluation Team and safekeeping of Responses are carried out in accordance with clause 5.

3.8 The Chair must organise the recording of all aspects of the Evaluation Process on a commercial-in-confidence basis and according to Departmental record-keeping policies and procedures.

3.9 The Chair is responsible for:

(a) coordinating and conducting Team meetings and for liaising with the Delegate;

(b) obtaining from the Delegate decisions in relation to the exclusion of Potential Suppliers and the shortlisting of Potential Suppliers;

(c) coordinating the use of Advisers as and when needed;

(d) nominating Members to contact referees (if Potential Supplier's referees are required);

(e) approving clarification questions to Potential Suppliers.

(f) ensuring that the scope of the Evaluation Criteria in this approved Evaluation Plan has been provided to the market in the published ATM documentation and is replicated in any evaluation assessment forms or tools; and

(g) ensuring that submissions received are evaluated strictly in accordance with this approved Evaluation Plan, using the approved Evaluation Criteria.

3.10 The Chair and Evaluation Team are responsible for preparing the Evaluation Report, including the making of recommendations, and submitting it to the Delegate.

Contact Officer

3.11 The ATM nominates a Contact Officer for ATM enquiries. This officer should not be the Chair to ensure that there is clear separation between day-to-day contact with Potential Suppliers and the management of the Evaluation Process.

3.12 All enquiries, whether from the Department to a Potential Supplier or from a Potential Supplier to the Department, must be communicated by or to the Contact Officer. All contacts must be documented.

3.13 The Contact Officer must consult with the Chair in connection with any proposed or actual communications with or from Potential Suppliers.

The ATM Evaluation Team

3.14 The Evaluation Team is responsible for assessing the Responses received against the Evaluation Criteria in this approved Evaluation Plan (which **must** be consistent with the published ATM criteria) and for making a recommendation or recommendations to the Delegate.

3.15 Team meetings will be conducted in a secure office environment or, if necessary, by teleconferencing (conducted in a secure manner).

3.16 All Members of the Evaluation Team **must** read this approved Evaluation Plan and the entire ATM, including the Draft Contract. The ATM is at Attachment A. Members cannot be in a position to evaluate Responses without full knowledge of what is being sought by the Commonwealth and terms and conditions on which the procurement is to occur.

3.17 Each Member is also responsible for:

(a) seeking advice from Advisers, through the Chair, as required;

(b) identifying where clarification is required from Potential Suppliers and, through the Chair, seeking advice from the Legal Adviser and Probity Adviser on submitting clarifying questions to Potential Suppliers; and

(c) immediately notifying the Chair of any conflict of interest issues as and when they arise.

3.18 The Evaluation Team and the Chair are responsible for preparing the Evaluation Report, including the making of recommendations, and submitting it to the Delegate.

Advisers

3.19 Advisers have no role in recommending or deciding the outcome of the Evaluation Process. They are available for consultation and assistance in their areas of expertise.

3.20 Decisions about when an Adviser is to be used must be made by the Chair.

Probity Adviser

3.21 The role of the Probity Adviser in the Evaluation Process is to advise the Chair and if necessary, the Delegate on the probity aspects of the Evaluation Process and compliance with the processes set out in the Probity Plan (if any).

3.22 The scope of work of the probity adviser includes the following:

(a) providing comment on the ATM and this Evaluation Plan;

(b) attending meetings as requested by the Chair;

(c) providing ongoing advice on procedural and probity issues arising during the ATM process;

(d) providing comments on the Evaluation Report or other reports;

(e) providing independent "sign off" that the Evaluation Process has been performed in accordance with probity requirements, this Evaluation Plan and the ATM; and

(f) liaison as necessary with the Legal Adviser.

3.23 If an Evaluation Team Member has any concerns in relation to the conduct of the Evaluation Process he or she should contact the Probity Adviser. These concerns may include possible conflicts of interest, incorrect disclosure of confidential information or Evaluation Process irregularities.

3.24 "Sign off" from the external Probity Adviser (if any) should be specifically sought prior to approaching the market and before a recommendation is put to the Delegate following the Evaluation Process.

PART 3 - PROBITY PROTOCOLS

4. PROBITY PROTOCOLS

Confidentiality

4.1 All personnel involved in the ATM process are under a duty of confidentiality in respect of the information provided by Potential Suppliers and information about the Evaluation Process. This duty means that it is not permissible to communicate information outside the Evaluation Team, in particular to other Commonwealth officers who are not involved in this procurement, except with the permission of the Chair.

4.2 A person may not have access to any Confidential Information (inclusive of Responses, proposals and evaluation material) unless authorised by the Chair.

4.3 The Chair must ensure that the Evaluation Team only have access to information to the extent necessary to enable the efficient conduct of the ATM (i.e. on a "need to know" basis). The Chair will also consider what information is required by Advisers in order for them to provide advice when requested.

4.4 Documents (both hardcopy and electronic format) comprising the Responses may only be copied or reproduced with the prior approval of the Chair.

Conflicts of Interest

4.5 It is essential that Members of the Evaluation Team be free from any real, potential or perceived conflict of interest. Members of the Evaluation Team will be required to:

(a) prior to the commencement of the Evaluation Process - sign the Conflict of Interest Disclosure and Confidentiality Statements (Attachment C); and

(b) on an ongoing basis and as requested by the Chair - notify the Chair of any circumstance, including any prior or proposed association with prospective Potential Suppliers, which could possibly be construed as representing a conflict of interest.

4.6 A conflict of interest will exist if:

(a) through any dealings or relationship with a Potential Supplier or any related body, a member of the Evaluation Team or his or her family might gain a benefit or advantage from the outcome of the Evaluation Process; or

(b) there is any other reason why a Member of the Evaluation Team might not deal with a Response or a Potential Supplier in an objective manner.

4.7 A perceived conflict of interest may exist where the person is in a position to appear conflicted as set out above.

4.8 A potential conflict of interest may exist where the person may or is likely to become subject to a conflict of interest in the future.

4.9 The Delegate may deal with a conflict of interest as the Delegate sees fit, and may remove a Member from the Evaluation Team. An affected Member must immediately comply with any such direction of the Delegate and take any associated action, such as for the return of working papers, as requested.

Communication with Potential Suppliers

4.10 LEFT BLANK.

4.11 Any person other than the Contact Officer who is contacted by a Potential Supplier must report such contact immediately to the Chair. The Chair will consult with the Probity Adviser and/or Legal Adviser and make a recommendation to the Delegate as to what action is to be taken.

4.12 The Contact Officer is responsible for the coordination of all communications with Potential Suppliers from ATM release through to completion of the ATM process.

4.13 The Department may, through the Contact Officer, provide answers to any reasonable enquiry from a prospective Potential Supplier that is received by the Department before the Enquiry Cut-Off Date set out in the ATM, in which case:

(a) questions and related answers may be disclosed to all prospective Potential Suppliers via Email (without disclosing the source of the questions); and

(b) any Potential Supplier Confidential Information contained in a question (that is expressly nominated as such by the relevant Potential Supplier and agreed to by the Department) will be removed prior to disclosure on Email.

Business as Usual

4.14 The Department recognises that an incumbent service provider may have a potential advantage over other potential Potential Suppliers in terms of their understanding of the environment in which the Department operates. There is also a higher risk of an incumbent service provider obtaining Confidential Information relating to the Evaluation Process, because of their day to day interaction with the Department.

4.15 Accordingly, it is essential in order to maintain the probity of the Evaluation Process that as far as practical the Department treats an incumbent service provider in the same way that it treats other

Potential Suppliers and ensures an equitable access to information that may be relevant to the outcome of the Evaluation Process.

4.16 The Department also recognises that business as usual functions will need to continue, and Evaluation Team will need to continue to work with an incumbent service provider for the purpose of ongoing contract management.

4.17 However, as part of "business as usual", Evaluation Team Members and other stakeholders should not enter into discussions with an incumbent service provider in respect of the ATM. If questioned directly about the ATM, the Evaluation Team Member should advise the person that the matter cannot be discussed and report the contact to the Chair.

4.18 Evaluation Team Members and Advisers should ensure that:

(a) that material relating to the procurement is stored securely and separately from their business as usual material; and

(b) they do not conduct work in relation to the procurement in a location that the incumbent service provider's personnel are able to view related material (eg a shared working environment).

4.19 The Chair must ensure that any material that will be released to Potential Suppliers does not contain information that constitutes the incumbent service providers proprietary or Confidential Information.

4.20 Except where approved by the Probity Advisor after consultation with the Chair or as part of attendance at negotiations, any members of the Department who are on the Evaluation Team will not interact with the incumbent service provider during the period from the Closing Time until the execution of the Contract.

Documentation

4.21 There must be a clear audit trail of the Evaluation Process to ensure:

(a) the Evaluation Team have acted consistently and logically and in accordance with the ATM and this Evaluation Plan; and

(b) that the basis for the recommendations in the Evaluation Report can be substantiated.

4.22 All conclusions and decisions are to be recorded, including the process and deliberations on which they are based. All judgments on technical and other matters are to be supported, so far as possible, by documentary evidence.

4.23 All records are to be retained by the Department in accordance with the *Archives Act 1983* and the Department's record management policies.

Security

4.24 All electronic and hard copies of Responses, and any documents related to the Evaluation Process must be managed and protected.

4.25 Where the Department's systems permit, ATM information must only be made available to the Evaluation Team via secure electronic directories with permissions appropriate to the Evaluation Team Members' role.

4.26 Any meetings or discussions by the Evaluation Team should take place either in person or over private conference calls (or video calls) where each Member or Adviser takes part from a private room at their location.

4.27 The Evaluation Team must ensure that documents and portable data store facilities (such as CD/DVD or memory sticks) in their possession or control containing Response information are:

(a) kept in locked offices and/or locked filing cabinets when not in use;

(b) not left unattended for any period of time;

(c) not displayed at times or in places where they could be read by unauthorised persons; and

(d) not made available to a person who is unauthorised.

4.28 ATM information which is no longer required is to be considered classified waste and is to be disposed of according to the Department's disposal policies.

PART 4 – EVALUATION OF RESPONSES

5. ATM OPENING, REGISTRATION AND SAFEKEEPING

5.1 All Responses are to be lodged electronically through Email in accordance with the ATM and no later than the Closing Time specified in the ATM.

5.2 After the Closing Time specified in the ATM:

(a) Responses will be downloaded by a member of the Evaluation Team to a separate folder or directory and the Chair notified of their availability;

(b) following completion of the download, the Contact Officer should ensure that all Responses have downloaded successfully and that they are readable and are not corrupted; and

(c) all downloaded Responses must be kept in a secure place consistent with their status as commercial-in-confidence material.

6. SCREENING

6.1 Members of the Evaluation Team will initially review all Responses to determine:

(a) whether each Response satisfies the Conditions for Participation and Minimum Content Requirements (if any) of the ATM;

(b) whether the ATM discloses a conflict of interest.

6.2 Subject to clarifying any unintentional errors of form, Responses that are not compliant with a Condition for Participation or Minimum Content Requirement (if any) must be excluded from the evaluation and a recommendation to the Delegate to this effect must be made by the Chair.

6.3 Any decision to exclude a Response based on non-compliance with the Conditions for Participation or Minimum Content Requirements (if any) must be documented in the Evaluation Report.

6.4 Potential Suppliers that appear to have significant conflicts of interest that may impact on the evaluation of that Response will be referred to the Probity Adviser (and Legal Adviser if necessary) for advice in relation to issues and risks relevant to the Evaluation Process. Any findings and a recommendation will be forwarded by the Chair to the Delegate for final decision.

6.5 Potential Suppliers excluded at this stage must be notified at the earliest opportunity of their exclusion and the reasons for their exclusion.

7. GENERAL PRINCIPLES APPLICABLE TO THE EVALUATION PROCESS

Assessment against Evaluation Criteria

7.1 The Evaluation Team will consider all relevant information for each Evaluation Criterion provided in each Response. The Evaluation Team may use material tendered in response to one Evaluation Criterion in the evaluation of other Evaluation Criteria in accordance with the ATM. Responses must be evaluated strictly in accordance with this approved Evaluation Plan, using the approved Evaluation Criteria.

The Evaluation Criteria are:

1. The suitability of the proposed timeframes for the volume being supplied;
2. The suitability of the proposed costs per test according to volume being supplied; and
3. The suitability of the test itself, in terms of its validity and reliability in yielding timely, safe & accurate results, which takes into account departmental feedback of the supplier as well.

Exclusion of Responses

7.2 The Evaluation Team may, but is not required to, at any time, request that the Chair recommend to the Delegate the exclusion of a Potential Supplier if the Evaluation Team considers that their Response is incomplete, clearly not competitive or is not fully capable of undertaking the Contract. Prior to recommending the exclusion of a Potential Supplier from consideration, the Evaluation Team must seek advice from the Probity Adviser (and Legal Adviser, if necessary).

7.3 Potential Suppliers which have been excluded should be notified at the earliest opportunity of their exclusion and the reasons for the exclusion.

Clarification questions

7.4 The procedure for clarifying questions raised by the Evaluation Team is as follows:

(a) the clarifying question is raised by a Evaluation Team Member and should, if necessary, be referred to the Probity Adviser (and Legal Adviser if necessary) for advice before the Chair considers it for sending, through the Contact Officer, to the Potential Supplier;

(b) when clarification is sought from a Potential Supplier, it must be made clear to the Potential Supplier that the request for clarification is not an opportunity to revisit or revise their Response or to enter into negotiations;

(c) the Potential Supplier's response to the question is reviewed by the Probity Adviser (and Legal Adviser, if necessary) then discussed with the Chair;

(d) the Potential Supplier's response is recorded against the clarifying question and assessed by the Evaluation Team.

Site visits and presentations

7.5 The conditions under which any Potential Supplier presentations or site visits will be conducted are:

(a) Potential Supplier's presentations may be subject to a time limit and format prescribed by the Evaluation Team;

(b) Potential Suppliers must provide copies of all presentation aids before the presentation;

(c) Potential Suppliers may be required to answer questions of clarification immediately following the presentation or site visit;

(d) Potential Suppliers are not permitted to use the presentation or site visit to provide new substantive information and/or documentation that would materially advantage their Response; and

(e) if a Potential Supplier cannot provide an answer to the Evaluation Team at the time of giving their presentation or conducting a site visit, the Potential Supplier will be required to provide written answers within the time notified in the request.

Referees

7.6 The Chair will nominate Members of the Evaluation Team to make contact with referees and undertake referee checks (if necessary). The Evaluation Team must determine the content and format of the referee checks.

7.7 The Evaluation Team Members responsible for undertaking the referee checks must keep complete records of the discussions held with the referee.

7.8 The Evaluation Team may consider it requires clarification of issues following the referee checks and if so, this should be done in consultation with the Probity Adviser.

8. EVALUATION AGAINST EVALUATION CRITERIA

8.1 Each member of the Evaluation Team will initially assess each Response against Evaluation Criteria independently of the other members. Members should record their initial scores and their substantiation for each score given. The Evaluation Criteria are shown in the CCS ATM Response Evaluation Template. An example Evaluation Score Sheet is provided at Attachment E.

8.2 The Evaluation Team will then, as a group, assess each Response to arrive at an agreed score for Evaluation Criteria.

8.3 During the Evaluation Process, the Evaluation Team will be guided by:

(a) the strengths and weaknesses of each Response and how it conforms (including completeness) to the relevant Evaluation Criterion; and

(b) the degree with which the Potential Supplier's assertions and claims are demonstrated or supported, and the merit of any supporting information provided.

8.4 The information (oral and/or written) and documents provided during presentations, site visits or referee reports may be considered by the Evaluation Team as supporting material for evaluation at this Stage.

8.5 In agreeing a score, the Evaluation Team will have regard to all of the information submitted by each Potential Supplier and may have regard to information available from other sources, such as Departmental records or referee reports.

8.6 An appropriately detailed and evidence based narrative must be written in accordance with Attachment F to support each score allocated and summary narratives must be provided. The quality of these narratives and summaries is vital to the success of the evaluation and should form the basis of the Evaluation Report.

8.7 The Evaluation Team will meet to discuss scores with particular reference to any major differences in the assessment of individual Evaluation Team Members and will confirm, by consensus, the scores for each Response for each Technical Evaluation Criterion. If this is not possible, Members may record a dissenting report detailing a different score and substantiating narrative.

Mandatory Conditions for Participation

8.8 If the ATM contains Mandatory Conditions for Participation and the Evaluation Team assess a Response as failing to meet the conditions, the Potential Supplier must be excluded and a recommendation to the Delegate to this effect must be made by the Chair. There are currently no Mandatory Conditions outside of the ability to deliver an agreed upon amount of goods within the given timeframe and providing a quote before 5:00pm ACT local time 31/12/2012.

Moderation Process

8.9 The Evaluation Team will then compare each Response against the other Responses to reduce the likelihood of any relative imbalance between initial agreed Evaluation Team scores. In particular they will consider whether the scores awarded for each Evaluation Criterion should be higher, lower or the same as for other Responses having regard to their relative merit.

8.10 If a Potential Supplier's score is adjusted during the moderation process, detailed reasons for that adjustment should be recorded in the Evaluation Report.

9. EVALUATION AGAINST CRITERIA: TOTAL COSTS

9.1 If used, the Financial Adviser should prepare a report on each Potential Supplier's pricing to assist the Evaluation Team undertake the evaluation of total costs set out below.

9.2 In undertaking an evaluation of costs, the Evaluation Team should satisfy itself that the prices offered are reasonable. Potential Suppliers have agreed to provide access to such information in order for the Department to determine whether the price is reasonable.

9.3 The assessment of costs will be undertaken by the Evaluation Team to:

(a) compare the prices submitted by each Potential Supplier on a consistent basis (this includes separating the different types of services or supplies and only comparing the prices within the group); and

(b) determine the cost to the Department of each Response over the term of the proposed Contract (including options).

9.4 In the Evaluation Process, the Evaluation Team may, at its absolute discretion, consider and, if necessary adjust prices in order to establish a common basis for the comparison of Responses. Such adjustments may include, but are not limited to:

(a) consideration of normalised and discounted cash flow;

(b) cost of administration of the proposed Contract;

(c) any assumptions or other caveats attaching to the price;

(d) implementation and transition-out costs; and

(e) other costs, if any, or financial impacts on the Department that may arise from selecting a particular Potential Supplier.

9.5 Discounted cash flow may be used to estimate the net present value of amounts in future years of the proposed Contract, with all assumptions on costs, interest rates and related factors to be determined solely at the discretion of the Evaluation Team.

9.6 Each Potential Supplier from the public sector (if any) must demonstrate in its price that the requirements of competitive neutrality have been met, including payment of relevant taxes and charges, rates of return and costs of funds.

10. EVALUATION OF RISK

10.1 The Evaluation Team's assessment of overall risk in respect of each Response must take into account:

(a) the Potential Supplier's information provided in response to the ATM;

(b) the risk associated with any proposed Additional Contract Terms;

(c) the total costs proposed by the Potential Supplier;

(d) risks identified as a result of the assessment of the Response against the other Evaluation Criteria;

(e) risks identified from sources other than the Potential Supplier; and

(f) other risks identified during the evaluation of each Response that have not been considered as part of another Evaluation Criterion.

10.2 The Evaluation Team should assign and document an overall risk level to each Potential Supplier. Refer to Attachment G for further guidance.

11. ASSESSMENT OF BEST OVERALL VALUE FOR MONEY

11.1 The Evaluation Team will determine which of the Responses (if any) is likely to be able to provide the services to the Department at the best overall value for money. The Department will not necessarily accept the Response with the lowest price, or any Response.

11.2 The final agreed scores from the Evaluation Criteria, together with a consideration of the total cost and risk Evaluation Criteria, will be used to determine best overall value for money.

11.3 Upon agreement by the Evaluation Team as to the overall evaluation, a final Evaluation Report will be prepared and submitted with appropriate recommendations to the Delegate for decision.

12. ATM EVALUATION REPORT

12.1 The Evaluation Team must prepare the Evaluation Report (noted at Attachment D) which is to be provided to the Delegate. Prior to being provided to the Delegate, the draft Evaluation Report may be provided to the Probity Adviser and Legal Adviser for consideration and comment.

12.2 Where a Member or Members of the Evaluation Team do not agree with any aspect of the Evaluation Report they may submit a 'minority' report or reports on any aspect of the Evaluation Process or the recommendations for consideration by the Delegate.

12.3 The Delegate may:

(a) accept the Evaluation Report and its recommendations and:

(i) arrange for the proposed Contract to be executed (subject to a letter of compliance with the *Workplace Gender Equality Act 2012* (Cth) being provided, if applicable); or

(ii) nominate a negotiator to negotiate particular issues and seek to achieve particular outcomes with the preferred Potential Supplier(s); or

(b) request that the Evaluation Team consider amendments to the Evaluation Report that are designed to address deficiencies in the clarity or substantiation of recommendations in the Evaluation Report; or

(c) reject the recommendations in the Evaluation Report; or

(d) decide to terminate part or all of the ATM process in accordance with the ATM and the *Commonwealth Procurement Rules*.

12.4 Any decision by the Delegate to terminate the ATM process (or any part of the ATM process) must be supported by legal advice from the Legal Adviser.

12.5 The Chair will ensure that any decision and associated reasons provided by the Delegate is recorded and appropriately filed.

PART 5 – POST-EVALUATION PROCEDURES

13. NEGOTIATION WITH PREFERRED POTENTIAL SUPPLIER(S)

13.1 In the event that negotiations are necessary with any Potential Supplier, the Delegate or a negotiator appointed by the Delegate (if not already appointed) will engage in negotiations with the preferred Potential Supplier(s). The Delegate or appointed negotiator must list the preferred outcomes to be achieved in the negotiations. Negotiations should be limited to issues approved by the Delegate and which have been identified in the Evaluation Report, which may include but are not limited to:

(a) negotiation of the scope of services;

(b) the expertise of the providers of the services;

(c) pricing;

(d) any non-compliance with the Draft Contract;

(e) other contractual and risk issues.

13.2 Where issues are likely to include contractual and risk issues advice should be sought from the Legal Adviser.

13.3 Negotiations can be conducted with more than one Potential Supplier (parallel negotiations).

13.4 The negotiations phase is a sensitive and critical stage. Negotiations must be conducted by the Delegate or the person nominated by the Delegate as a negotiator, assisted by the Legal Adviser and the Probity Adviser when required. Legal and probity advice may be sought by the negotiator as appropriate during this phase. Legal and probity advice must be obtained in relation to any parallel negotiations.

13.5 It is **not** permissible to conduct a "Dutch auction", that is, telling one Potential Supplier another Potential Supplier's price with a view to obtaining a lower price.

13.6 It is **not** permissible to disclose one Potential Supplier's innovative idea to another Potential Supplier with a view to persuading the latter to include the idea.

13.7 It is permissible to invite best and final offers.

13.8 The Department may determine that a negotiation protocol or plan is required. A negotiation protocol or plan will be required where parallel negotiations are to occur.

13.9 The negotiator must ensure that all negotiation outcomes are summarised and, at the completion of negotiations, the negotiator must prepare a negotiation report for approval by the Delegate. A draft of this negotiation report may be provided to the Probity Adviser and Legal Adviser for consideration and comment prior to it being submitted to the Delegate for approval.

13.10 The negotiation report must include:

(a) summaries of the negotiation process;

(b) the outcomes of the negotiations against the outcomes approved by the Delegate;

(c) details of any issues arising from the negotiations that may adversely impact on the value for money assessment previously approved by the Delegate;

(d) recommendations to the Delegate regarding the selection of successful Potential Supplier(s), with supporting reasons; and

(e) details of any issues that need to be dealt with during implementation or as future contract management issues.

13.11 The Delegate may:

(a) approve or reject the recommendations in the negotiation report; or

(b) require further negotiation, including further negotiation with any other shortlisted Potential Supplier(s); or

(c) terminate the ATM process.

13.12 The Chair will ensure that any decision (and reasons) are recorded and appropriately filed. Any decision by the Delegate to terminate the ATM process and not award a Contract must be supported by legal advice from the Legal Adviser.

14. NOTIFICATION TO AND DEBRIEFING OF POTENTIAL SUPPLIERS

14.1 Once a Contract has been executed by the successful Potential Supplier and the Department, the Department must notify all remaining Potential Suppliers of the outcome of the Evaluation Process.

14.2 All Potential Suppliers must be offered the opportunity for a debriefing on their Response.

14.3 Debriefs may be undertaken in person or via teleconference.

14.4 The Chair or his/her authorised representative and at least one other Member of the Evaluation Team should provide the debrief. The Chair may consult with the Probity Adviser and the Legal Adviser before briefing unsuccessful Potential Suppliers.

14.5 Specific comparisons with other individual Responses should not usually be made, however, general overall statements of comparison, without specific reference to any other Response may be made. Potential Suppliers cannot be given any Confidential Information of the successful Potential Supplier (or any other Potential Supplier).

15. COMPLAINTS HANDLING

15.1 The Department requires all complaints to be in writing detailing all relevant issues. In the first instance the Contact Officer will deal with any complaints received. If the complaint cannot be resolved, the Contact Officer should advise the Potential Supplier to make its complaint to the PAS.

15.2 The PAS will seek advice from the Chair before responding to a complainant outlining the issue raised, what has been examined and an assessment of the complaint. The response will also inform the complainant of their options, in case they remain dissatisfied with the Department's response.

PART 6 – GLOSSARY

Term	Definition
Advisers	means the Business Adviser (if any), Financial Adviser (if any), external Probity Adviser (if any), external Legal Adviser (if any) and any other persons or organisations who are appointed to provide advice which is related to the ATM process
Chair	means the Chair of the Evaluation Team
Conditions for Participation	means the mandatory conditions (if any) identified in the ATM, and which a Potential Supplier must comply with in order to participate in the ATM process
Confidential Information	means information (whether or not owned by the Commonwealth) that: (a) is by its nature confidential; or (b) the receiving party knows or ought to know is confidential, but does not include information which: (c) is or becomes public knowledge other than by breach of the Contract; (d) is in the possession of a party without restriction in relation to disclosure before the date of receipt; or (e) has been independently developed or acquired by the receiving party
Contact Officer	means the person for all matters pertaining to this ATM process
Delegate	means the Delegate identified in clause 3.1 who carries out responsibilities identified in clause 3.2
Department	means the Department of Health
Draft Contract	means the proposed Contract to be entered into between the Department and the successful Potential Supplier(s) based on the Commonwealth Contracting Suite Commonwealth Contract Terms
Essential Requirements	means the mandatory conditions (if any) identified in the ATM, and which a Potential Supplier must comply
Evaluation Criteria	means the criteria set out in clause A.B.5 of the published ATM Terms that will be used to evaluate the Responses
Member(s)	means members of the Evaluation Team and includes the Chair
Minimum Content Requirements	means those mandatory content requirements identified in the ATM, and which a Potential Supplier must comply with in order to participate in the ATM process
ATM	means the provision of Rapid Antigen Test (RAT) Self Tests and Point of Care (POC) Tests, Health/2021-2022/08545, attached as Attachment A

Term	Definition
Response	means a response submitted by a Potential Supplier to the ATM
Potential Supplier	means an entity that submits a Response
Evaluation Plan	this plan as approved by the Delegate
Evaluation Process	the process of evaluating Responses commencing at the Closing Time and completing on the execution of a Contract with a preferred Potential Supplier or the termination of the ATM process
Evaluation Team	the persons identified in clause 3
Evaluation Report	the report prepared by the Evaluation Team as required by clause 12

ATTACHMENT A – APPROACH TO MARKET

D21-6267964

ATM ID: Health/2021-2022/08545 - for the provision of: Rapid Antigen Test (RAT) Self Tests and Point of Care (POC) Tests

ATTACHMENT B - PROBITY PLAN

D21-6269913

ATTACHMENT C - CONFLICT OF INTEREST DISCLOSURE AND CONFIDENTIALITY STATEMENTS

1. I have been asked to disclose any interests that I may have which might preclude me from undertaking my role as a Member of the Evaluation Team, the Delegate, an Adviser or being otherwise involved in the evaluation or negotiation of Responses to the Approach to Market (ATM ID Health/2021-2022/08545) being undertaken by the Department of Health for the procurement of Rapid Antigen Test (RAT) Self Tests and Point of Care (POC) Tests.

2. To the best of my knowledge and belief, I:

   (a) have not had, do not have and am unlikely to have in the future, any relationship (whether professional, commercial or personal) with any of the Potential Suppliers or known likely Potential Suppliers, or their employees for this project or related bodies, such that:

      (i) myself or a member of my family stands to gain a benefit or advantage from the outcome of the Evaluation Process; or

      (ii) I might not deal with a Response or a Potential Supplier in an objective manner; or

   (b) make the disclosures described below.

3. I am aware of the Department's requirement for probity in the Evaluation Process and if I subsequently discover that there is a relationship of a kind mentioned in paragraph 2 with any of the Potential Suppliers or known likely Potential Suppliers or their employees or related bodies, I will immediately report it to the Chair of the Evaluation Team or Probity Adviser.

4. I will also immediately report to the Chair of the Evaluation Team or Probity Adviser any contact that I have with any Potential Supplier or known likely Potential Suppliers, or their employees or related bodies, which is not officially authorised, including any approach made to me in the way of a direct or implied offer of future employment or other benefit.

5. I will treat as confidential all ATM evaluation and negotiation information and keep secure all associated documentation to which I have access and will not disclose this information without the prior written authority of the Chair of the Evaluation Team.

6. I will immediately disclose any breach that occurs subsequent to signing this declaration to the Chair of the Evaluation Team. In the event that the person making the disclosure is the Chair of the Evaluation Team or the Delegate, the disclosure will be made to the Probity Adviser.

Signed: _____

Dated: _____

Witnessed: _____

Set out below or attach any other disclosure by the signatory, as required.

ATTACHMENT D – EVALUATION REPORT

To be finalised upon completion of evaluation.

ATTACHMENT E – PRO FORMA EVALUATION SCORE SHEET

See 'Evaluation Criteria assessment of limited tender RFQ – RAT Procurement 28 December 2021.xlsx'

ATTACHMENT F – PROPOSED SCORING SCALE AND WORD DESCRIPTIONS

Scoring of the technical (non-price) Evaluation Criteria will be done on a five-point scale (5 highest, 1 lowest) and a word description (Exceptional down to Non-compliant) as set out below:

The evaluation criteria are weighted. The following ratings were applied to each of the evaluation criteria:

(5)	**Very Good**	The Response satisfies the evaluation criterion to a very high standard and presents minimal or no risk to the Commonwealth and its claims are fully supported by the information provided.
(4)	**Good**	The Response satisfies the evaluation criterion to a high standard and/or presents limited risk to the Commonwealth. The Potential Supplier's claims are supported by the information provided.
(3)	**Satisfactory**	The Response satisfies the evaluation criterion to a satisfactory degree and/or presents an acceptable level of risk to the Commonwealth. There are some minor deficiencies and shortcomings in the information provided.
(2)	**Poor***	The Response barely satisfies the evaluation criterion and/or presents some degree of unacceptable risk to the Commonwealth. There are major deficiencies in the information provided.
(1)	**Unsatisfactory***	The Response does not satisfy the evaluation criterion and/or presents an unacceptable level of risk to the Commonwealth.

***** A '**Poor**' or '**Unsatisfactory**' rating for one or more evaluation criteria will exclude the Potential Supplier from further participation in the procurement process.

ATTACHMENT G – RISK ASSESSMENT MATRIX

The following table can be used to assist in deteriming the risks presented by Potential Suppliers.

Australian Government Department of Health			RISK ASSESSMENT MATRIX				
			Likelihood →				
Date Approved:			Rare	Unlikely	Possible	Likely	Almost Certain
	General description of Consequences		Exceptional circumstances only	Not expected to occur	Could occur at some time	Will probably occur in most circumstances	Expected in most circumstances
Consequence ↑	Would stop achievement of functional goals/objectives	Severe	High	High	Extreme	Extreme	Extreme
	Would threaten functional goals/objective(s)	Major	Medium	Medium	High	High	Extreme
	Requires significant adjustment to overall function to achieve objective(s)	Moderate	Medium	Medium	Medium	High	High
	Would threaten an element of the function and would require some adjustment to achieve objective(s)	Minor	Low	Medium	Medium	Medium	High
↓	Lower consequence to achievement of objectives.	Insignificant	Low	Low	Low	Medium	Medium

RAT SELF-TEST SUPPLIER EMAIL for informal RFQ

Subject: URGENT - Request for information on supply of COVID-19 Rapid Antigen Self-tests [SEC=OFFICIAL]

The Commonwealth Department of Health is seeking some advice from sponsors regarding the supply of SARS-CoV-2 Rapid Antigen Self-tests to be delivered to the National Medical Stockpile. The Department has been considering options for the use of RATs as part of the transition to Living with COVID and is keen to understand possible supply over the coming weeks.

We are seeking your urgent advice on a number of key areas and would appreciate any advice you can provide **by COB tomorrow 31 December 2021**.

The key areas include: (please complete this table or provide a response to these questions per your own formatting)

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the cost (GST exclusive) for 1,000,000 tests?				
What is the earliest delivery timeframe for 1,000,000 tests?				
What is the cost (GST exclusive) for 5,000,000 tests?				
What is the earliest delivery timeframe for 5,000,000 tests?				
What is the cost (GST exclusive) for 10,000,000 tests?				
What is the earliest delivery timeframe for 10,000,000 tests?				
What is the cost (GST exclusive) for 40,000,000 tests?				
What is the earliest delivery timeframe for 40,000,000 tests?				
What is the cost (GST exclusive) for 100,000,000 tests?				
What is the earliest delivery timeframe for 100,000,000 tests?				
Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?				
Can you deliver to the National Medical Stockpile Warehouse? If not, do you have a current distribution network? Who are they and where can they deliver to?				

Note this is an informal request and any information you provide would be treated as indicative and confidential. We will again be in touch shortly.

We would appreciate your best contact number once you see this email.

Kind regards

XXX

Rat Self-test - manufacturer and supplier List:

	Manufacturer	Supplier (s)/Sponsor(s)	Test name	ARTG	Sponsor Contact
1	Hangzhou Testsea Biotechnology Co Ltd (China)	s22	TESTSEALABS COVID-19 Antigen Test Cassette	373151	s22
2	Guangzhou Decheng Biotechnology Co Ltd (China)	s22	V-Chek COVID-19 Antigen Saliva Test	374065	s22
3	CTK Biotech Inc (United States Of America)	s22	OnSite COVID-19 Ag Self Test	332961	s22
4	Jiangsu Well Biotech Co Ltd (China)	s22	Orawell COVID-19 Ag Rapid saliva test device (Self-test)	377136	s22
5	Innovation Scientific Pty Ltd (Australia)	s22	InnoScreen COVID-19 Antigen Rapid Test Device (Self Test)	336146	s22
6	Hangzhou Laihe Biotech Co Ltd (China)	s22	LYHER Novel Coronavirus (Covid-19) Antigen Test Kit (colloidal Gold) Self-Test	374507	s22
7	Abbott Rapid Diagnostics Jena GmbH (Germany)	s22	Panbio COVID-19 Antigen Self-Test	345192	s22
8	Assure Tech (Hangzhou) Co Ltd (China)	Emergence Technology Pty Ltd	Ecotest COVID-19 Antigen Saliva Test kit (COV-S35Pen)	372335	s47F
9	Access Bio Inc (United States Of America)	s22	CareStart COVID-19 Antigen Home Test	342512	s22
10	BIOHIT HealthCare (Hefei) Co Ltd (China)	s22	Hough COVID-19 Home Test	345031	s22
11	Hangzhou Biotest Biotech Co Ltd (China)	s22	RightSign COVID-19 Antigen Rapid Test Cassette (Nasal Swab)	333344	s22
12	SD Biosensor Inc (Korea - Republic of)	s22	SARS-CoV-2 Antigen Self Test Nasal	352250	s22
13	Hangzhou Alltest Biotech Co Ltd (China)	s22	My Covid Test Antigen Rapid Test (Oral Fluid) Self-Test (ICOV-802H)	376310	s22
14	Hangzhou Alltest Biotech Co Ltd (China)	s22	All Test SARS-CoV-2 Antigen Rapid Test (Nasal Swab) Self-Test (ICOV-502H)	376310	s22
15	Hangzhou Alltest Biotech Co Ltd (China)	s22	All Test COVID-19 Antigen Rapid Test (Oral Fluid) Self-Test (ICOV-802H)	376310	s22

RAT POC TEST SUPPLIER EMAIL FOR INFORMAL RFQ

Subject: URGENT - Request for information on supply of COVID-19 Rapid Antigen POC tests [SEC=OFFICIAL]

The Commonwealth Department of Health is seeking some advice from sponsors regarding the supply of SARS-CoV-2 Rapid Antigen Point of Care (POC) tests to be delivered to the National Medical Stockpile. The Department has been considering options for the use of RATs as part of the transition to Living with COVID and is keen to understand possible supply over the coming weeks.

We are seeking your urgent advice on a number of key areas and would appreciate any advice you can provide **by COB tomorrow 31 December 2021**.

The key areas include: (please complete this table or provide a response to these questions per your own formatting)

Question	Your Response	Manufacturer Name	Supplier/Sponsor Name	Test Name
What is the cost (GST exclusive) for 500,000 tests?				
What is the earliest delivery timeframe for 500,000 tests?				
What is the cost (GST exclusive) for 1,000,000 tests?				
What is the earliest delivery timeframe for 1,000,000 tests?				
What is the cost (GST exclusive) for 5,000,000 tests?				
What is the earliest delivery timeframe for 5,000,000 tests?				
What is the cost (GST exclusive) for 10,000,000 tests?				
What is the earliest delivery timeframe for 10,000,000 tests?				
What is the cost (GST exclusive) for 50,000,000 tests?				
What is the earliest delivery timeframe for 50,000,000 tests?				
Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?				
Can you deliver to the National Medical Stockpile Warehouse? If not, do you have a current distribution network? Who are they and where can they deliver to?				

Note this is an informal request and any information you provide would be treated as indicative and confidential. We will again be in touch shortly.

We would appreciate your best contact number once you see this email.

Kind regards

XXX

RAT- POC test suppliers list:

Sponsor	Manufacturer	Test Device Name	ARTG	Approval date	Sponsor Contact details	Title	First Name	Last Name
s22	Abbott Rapid Diagnostics Jena GmbH (Germany)	Panbio™ COVID-19 Ag Rapid Test Device (Nasopharyngeal)	**345192**	s22				
s22	Abbott Rapid Diagnostics Jena GmbH	Panbio COVID-19 Ag Rapid Test Device (Nasal)	**345192**	s22				
s22	Access Bio Inc (United States Of America)	Atomo Covid-19 Antigen Test	**346587**	s22				
s22	Becton Dickinson and Company (United States Of America)	BD Veritor™ System for Rapid Detection of SARS-CoV-2	**344030**	s22				
s22	SD Biosensor Inc (Korea - Republic of)	STANDARD™ Q COVID-19 Ag Test	**345219**	s22				
Emergence Technology Pty Ltd	Assure Tech (Hangzhou) Co Ltd (China)	Ecotest COVID-19 Antigen Saliva Test Kit	372335	6/08/2021	**Emergence Technology Pty Ltd** s47F	s47F		
Emergence Technology Pty Ltd	Assure Tech (Hangzhou) Co Ltd (China)	COVID-19 Antigen Rapid Test Device	**346643**	27/10/2020	**Emergence Technology Pty Ltd** s47F	s47F		
s22	PCL Inc (Korea - Republic of)	PCL COVID19 Rapid FIA	335597	s22				
s22	RapiGEN Inc (Korea - Republic of)	BIOCREDIT COVID-19 Ag	**365551**	s22				
s22	Arista Biotech Pte Ltd (Singapore)	ARISTA™ COVID-19 Antigen Rapid Test	**370592**	s22				

					s22			
s22	BIOHIT HealthCare (Hefei) Co Ltd	SARS-CoV-2 Antigen Rapid Test Kit: Point of care testing	**345031**	s22				
s22	Innovation Scientific Pty Ltd	InnoScreen COVID-19 Antigen Rapid Test Device	**336146**	s22				
s22	BioNote Inc (Korea - Republic of)	NowCheck COVID-19 Antigen Test	**343293**	s22				
s22	CTK Biotech Inc (United States Of America)	Aria and OnSite Covid-19 Rapid AG Test	**332961**	s22				
s22	GenBody Inc (Korea - Republic of)	GenBody COVID-19 Ag	**349933**	s22				
s22	Access Bio Inc	CareStart™ COVID-19 Antigen test kit	**342512**	s22				
s22	Quidel Corporation (United States Of America)	Sofia® SARS Antigen FIA	**342390**	s22				
s22	SD Biosensor Inc	SARS-CoV-2 Rapid Antigen Test Nasal	352250	s22				
s22	SD Biosensor Inc (Korea - Republic of)	SARS-CoV-2 Rapid Antigen Test	**352250**	s22				
s22	Hangzhou Realy Tech Co Ltd	Novel Coronavirus (SARS-CoV-2) Antigen rapid test	334501	s22				

s22	VivaChek Biotech (Hangzhou) Co Ltd (China)	VivaDiag™ SARS-CoV-2 Ag Rapid Test	**348890**	s22				
s22	BTNX Inc (Canada)	COVID-19 Antigen Rapid Test Cassette/Surescreen Diagnostics COVID-19 Antigen Rapid Test	**347092**	s22				
s22	Hangzhou Testsea Biotechnology Co Ltd (China)	Testsea SARS-CoV-2 Antigen Test Kit	373151	s22				
s22	Beijing Wantai Biologicalpharmacy Enterprise Co Ltd	Wantai SARS-CoV-2 Ag Rapid Test (Colloidal Gold)	345191	s22				
s22	MP Biomedicals Germany GmbH (Germany)	Rapid SARS-CoV-2 Antigen Test Card	373711	s22				
s22	HANGZHOU BIOTEST BIOTECH NO LTD (China)	COVID-19 Antigen Rapid Test Cassette	333344	s22				
s22	Guangzhou Decheng Biotechnology Co Ltd (China)	2019-nCoV Ag Saliva Rapid Test Card	374065	s22				
s22	Empowered Diagnostics LLC (United States Of America)	CovClear COVID-19 Antigen Test	374063	s22				
s22	Hangzhou Laihe Biotech Co Ltd (China)	LYHER SARS-CoV-2 Antigen Rapid Test (Colloidal Gold) (Nasal Swab)	374507	s22				
s22	Hangzhou Alltest Biotech Co Ltd	SARS-CoV-2 Antigen Rapid Test INCP-502-N	374574	s22				
s22	Hangzhou Alltest Biotech Co Ltd	COVID-19 Antigen Rapid Test (Oral Fluid) ICOV-802	374574	s22				
s22	iXensor Co Ltd (Taiwan)	PixoTest® COVID-19 AG Test Kit	374627	s22				
s22	Hangzhou Alltest Biotech Co Ltd (China)	SARS-CoV-2 Antigen Rapid Test (Swab)	374693	s22				
s22	Hangzhou Testsea Biotechnology Co Ltd (China)	Cellife Covid-19 Antigen Test Cassette	375418	s22				

s22	Guangzhou Wondfo Biotech Co Ltd (China)	2019-nCoV Antigen Test (Lateral Flow Method)	375754	s22				
s22	Hangzhou Alltest Biotech Co Ltd (China)	All Test COVID-19 Antigen Rapid Test (Swab) (INCP-502)	376310	s22				
s22	Hangzhou Alltest Biotech Co Ltd (China)	All Test COVID-19 Antigen Rapid Test (Oral fluid) (ICOV-802)	376310	s22				
s22	Jiangsu Medomics medical technology Co Ltd (China)	SARS-CoV-2 antigen Test Kit (LFIA)	380739	s22				

RAT POC and RAT Self-test Phone Call Script with suppliers for informal RFQ:

Hi, my name is [Insert name here]. I work for the Federal Department of Health.

How are you today?

Am I speaking to the individual responsible for the procurement of RATs?

[Yes/No]

If no – request the contact details of the individual responsible for their respective provider, provide no more information and end conversation with a corresponding ending salutation of 'have a good day'.

If yes – We would like to enquire about quotes for purchasing [self-tests or point of care tests].

May I ask firstly what are your batch tests?

If they have information on batch tests request on what is the current maximum purchase order available?

If requested specify that we are currently looking at batch tests of [self-tests: 1, 5, 10, 40 and 100 million or POC: 0.5, 1, 5, 10 and 50 million].

What are the test costs of these batches? What are your earliest timeframes for delivery? Are you able to deliver to the National Medical Stockpile (NMS), if not, do you have a current distribution network? Who are they and where can they deliver to?

> (note: there are a number of warehouses that are used by the NMS and so we do not provide a specific address. Can state their per unit cost of delivery won't change as a result)

Are there any other equipment that is required in addition to testing kits, and what would be the cost of this equipment?

Thank you for that information.

For self-test: We have made a request for quote on 23 December 2021, with your supplier previously, has the process to make a formal quote changed? Have the test costs changed?

Given the test costs have not changed, can we request that the test price quoted previously on XX December 2021, remain the same?

For POC: We intend to make a request for quote. Are these details correct for who we send this information to? Quote supplier details?

Thank you for that information. Someone from our department will again be in touch shortly.

End conversation

From: MCBRIDE, Paul
To: MCCORMACK, Paul; s22 ; SIERANT, Rowena; Procurement Advice
Cc: s22 PHILBRICK, Bernard; s22
Subject: RE: Para 2.6 CPRs exemption for RATs [SEC=OFFICIAL:Sensitive]
Date: Friday, 24 December 2021 12:51:08 PM
Attachments: image001.png

Thanks all!!

From: MCCORMACK, Paul <Paul.McCormack@health.gov.au>
Sent: Friday, 24 December 2021 12:48 PM
To: s22 @health.gov.au>; SIERANT, Rowena <Rowena.Sierant@health.gov.au>; Procurement Advice <procurement.advice@health.gov.au>
Cc: s22 @health.gov.au>; PHILBRICK, Bernard <Bernard.Philbrick@health.gov.au>; MCBRIDE, Paul <Paul.McBride@health.gov.au>; s22 @health.gov.au>
Subject: RE: Para 2.6 CPRs exemption for RATs [SEC=OFFICIAL:Sensitive]

Great, thanks s22 .

Rowena, Paul, let us know if you need anything further.

P.

Paul McCormack
A/g Chief Operating Officer
Australian Government Department of Health
T: 02 6289 1829 | M: s22 | E: paul.mccormack@health.gov.au
Location: Scarborough Level 14.113

PO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: s22 @health.gov.au>
Sent: Friday, 24 December 2021 12:26 PM
To: MCCORMACK, Paul <Paul.McCormack@health.gov.au>; SIERANT, Rowena <Rowena.Sierant@health.gov.au>; Procurement Advice <s22 @health.gov.au>
Cc: s22 @health.gov.au>; PHILBRICK, Bernard <Bernard.Philbrick@health.gov.au>; MCBRIDE, Paul <Paul.McBride@health.gov.au>; s22 @health.gov.au>
Subject: RE: Para 2.6 CPRs exemption for RATs [SEC=OFFICIAL:Sensitive]

Hi Paul,

A procurement plan was cleared this morning by our team for these requirements, under the current application of 10.3.b of the CPR's urgent and unforeseen.

I have advised while the procurement can be done under 10.3.b it the current 2.6 exemption would also cover this requirement as well, as it was approved for procurement of Rapid Kits to the NMS, and in parallel conducting a pilot for RACF.

Regards

s22

s22
Director
Procurement Advisory Services
Financial Management Division | Corporate Operations Group
Corporate and Financial Services Branch
Australian Government Department of Health
T: s22 | E: s22 @health.gov.au
Location: Sirius Building s22
GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: MCCORMACK, Paul <Paul.McCormack@health.gov.au>
Sent: Friday, 24 December 2021 12:09 PM
To: s22 @health.gov.au>; SIERANT, Rowena <Rowena.Sierant@health.gov.au>; Procurement Advice <s22 @health.gov.au>
Cc: s22 @health.gov.au>; PHILBRICK, Bernard <Bernard.Philbrick@health.gov.au>; MCBRIDE, Paul <Paul.McBride@health.gov.au>; s22 @health.gov.au>
Subject: Para 2.6 CPRs exemption for RATs [SEC=OFFICIAL:Sensitive]

s22

The RATs folk are planning to procure a supply/distribution arrangement for RATs from certain pharmacies in the very near future. Hopefully the July 2021 exemption that is still in place covers this, and isn't too closely linked to aged care.

If not, then tow pathways exist to my mind:

1. A quick further exemption putting the matter beyond doubt, or
2. Reliance on the urgency provisions in the CPRs to undertake a limited tender in any case.

I have suggested to Rowena that she reach out to you for some urgent advice. Given they are all pretty busy, can you please dig out the July RATs exemption and give Rowena a call to discuss her needs.

Thanks heaps.

P.

Paul McCormack
A/g Chief Operating Officer
Australian Government Department of Health
T: 02 6289 1829 | M: s22 | E: paul.mccormack@health.gov.au
Location: Scarborough Level 14.113

PO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

Australian Government
Department of Health

PROBITY PLAN
for
Procurement of COVID-19 Rapid Antigen Tests – Self Tests and Point of Care Tests

Background

Purpose

The Department is seeking to urgently engage with a number of suppliers to procure rapid antigen test (RAT) self-tests and point of care tests for the Commonwealth's Strategic Reserve. It is proposed to purchase sufficient supply until June 2022, noting the duration is expected to be significantly less due to increased uptake.

Additional information

In response to the ongoing pandemic situation, the Australian Government is making RAT kits available as part of the Commonwealth Strategic Reserve via the National Medical Stockpile (NMS), with free staff RAT training, to organisations who deliver essential care services. RAT kits are being made available to providers in specific high-risk areas of concern, such as the following services:

- residential aged care facilities (RACFs); and
- short-term restorative care.

Since the week beginning 13 December 2021, New South Wales has seen a sharp increase in COVID-19 case numbers, principally in the Western Sydney and Newcastle regions, due to Omicron variant seeding and transmission. Cases are spread across all Local Health Districts, with 71,623 cases reported in the four weeks to 28 December.

Given the increased transmissibility and uncertainties regarding severity of illness that may ensue from a COVID-19 Omicron infection in vulnerable populations, and widespread infection along with increased people movement between jurisdictions over the holiday period, urgent direct requests have been received from jurisdictions in respect of additional surge provision of RAT products for the purposes of workforce screening to manage risk of COVID-19 incursion into high risk settings over the holiday period.

Further to this, interstate borders have opened in most states and territories, which, exacerbated by end-of-year holiday movements, have caused significant transmission within and across state boundaries. Requests are expected to increase as states may wish to mitigate the risk that increased transmissions pose to high risk settings.

To enable the continuation of the program during the initial transition to living with COVID further it is recommended that RATs will be included in the NMS and made available to high risk settings until the end of June 2022. However, a revised approach to the procurement of RAT devices to facilitate implementation of the program in the medium term to address the issues noted above is highly desirable, and will yield improved program management and fiscal outcomes.

The Commonwealth is investigating procurement options available in the medium term. The Department's recommendation is a limited tender, approaching entities familiar with the supply and transport of health products to Strategic Reserve storage location(s), primarily the NMS. This would best balance the operational needs of the RAT deployment program, which may include transport of reserve supplies to vulnerable population service areas, such as RACFs, and match well with the core business of service providers. Using the NMS pricing structure as an upper estimate guide, an indicative baseline logistics cost of $2 million (through to 30 June 2022) is likely to be required, subject to outbreak management demand, proportion of delivery to regional or remote areas and urgent deployment requirements.

Purpose of paper

The purpose of the paper is to outline probity processes and standards for the evaluation and to present these to senior management for consideration and endorsement. The process is being run in accordance with the department's procurement framework as outlined within the Procurement intranet site.

Probity is defined as evidence of ethical behavior in a particular process. It contributes to sound decision-making management processes that accord equal opportunities for all participants. A good outcome is achieved when probity is applied with common sense.

Ethics are the moral principles or values that guide a person in all aspects of their work. Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Ethical behavior includes avoiding conflicts of interest, and not making improper use of an individual's position.

The Need for a Probity Plan

This document provides guidance to those involved in managing the procurement process to ensure that processes, procedures and documentation are robust, defensible, transparent and capable of external audit. The Delegate must be advised of any issues of non-compliance with this Plan. This document sets out the minimum, mandatory probity requirements. It does not discuss requirements for post-execution processes apart from the probity principles, or attempt to provide a step-by-step guide for the decision-making process, as these issues are covered in the Commonwealth Procurement Rules and the Procurement intranet site.

The Probity Plan aims to:

- produce better outcomes against stated objectives;
- minimise conflicts/problems and the potential for litigation;
- avoid the potential for corrupt practices to occur; and
- maintain public sector integrity.

Decisions should not be driven by probity, as only focusing on this aspect could limit the achievement of value for money. Instead, it should be applied to each aspect of the decision-making process with common sense and flexibility.

This document is drawn from a range of guidance material including the Department of Finance Guidance on Ethics and Probity in Government Procurement and the Australian National Audit Office's Better Practice Developing and Managing Contracts.

Objectives of Probity in the Procurement Process

Probity in the procurement process is the responsibility of everyone involved. The broad objectives are to:

- ensure conformity to the process;
- provide accountability;
- ensure that the interests of applicants are protected by an equitable process;
- ensure that all proposals will be assessed against the same criteria;
- preserve the confidence of the public and applicants in the Australian Government processes; and
- improve defensibility of decisions to potential legal challenge.

Probity Principles

There are a number of principles to promote proper and ethical practices. These principles must guide all stages of the process and are:

- fairness and impartiality;
- consistency and transparency of the process;
- use of an appropriately competitive process;
- appropriate security and confidentiality arrangements;
- identification and management of actual and potential conflicts of interest; and
- compliance with legislative obligations and Government policies.

Ethical Decision-Making

Decisions need to be made in a visible manner and appropriately documented to allow them to be understood or justified upon review. Transparency is also a primary consideration throughout the decision-making process from the initial identification of need through to the end of the contract.

Responsibility for important decisions must be clearly defined and appropriately authorised by the delegate and if appropriate, cleared through Procurement Advice Services (PAS) and Legal Services Branch (LSB). In particular, probity principles must be observed in relation to:

- preparing tender documents and related documents;
- analysing proposals, preparing recommendations and making decisions on short listing and successful applicant selection;
- handling applicant information;
- managing liaison with applicants, including the provision of information and negotiation; and
- appropriate consultation with the Minister, other areas of the Department and other parties which are not directly involved in the management of the process but have an interest in its conduct and outcome.

Conflicts of Interest

Conflicts of interest can endanger both the actual and perceived objectivity and ethical standing of the decision-making process. A conflict of interest may arise where either a person involved in managing the process or an applicant, has an affiliation or interest which might be seen to prejudice his or her impartiality.

Conflicts of interest are commonplace and, provided they are identified early and dealt with effectively, they need not be indicative of any wrongdoing. It is important for conflicts of interest to be addressed as early as possible in the process. Personnel must strive to avoid actual or perceived conflicts of interest.

Applicants and non-APS staff involved in the assessment process are required to submit Conflict of Interest Declarations including any actual or perceived conflicts of interest. For non-APS staff, this should include other employment, prior employment or financial interests in organisations that may be potential applicants and relationships with people who have interests in these organisations. Conflicts of interest declarations and further information can be found here.

Responses to a potential or actual conflict of interest may vary. At one extreme, a conflict may result in an individual being excluded from the process. At the other end of the scale, simply documenting and advising, if appropriate, the Expenditure delegate and PAS of the conflict may resolve it. All disclosures of conflict must be fully documented and PAS advised.

Tender Documentation

The Request for Tender is a key probity-related document in the process and should be agreed by all interested parties, including PAS, before being finalised and sent to potential tenderers. The Request for Tender should clearly document the requirements of the decision-making process including:

- restrictions on the eligibility of parties to submit proposals;
- the scope, content and format required (minimum content) of conforming submissions;
- the mandatory requirements of submissions (Conditions of Participation), including any skills or experience which the tenderer must possess in order to participate in the process;
- a statement of the objectives for the project;
- the assessment criteria against which tenders are to be assessed and guidance on the relative importance or 'scoring' of criteria;
- When conducting multi-stage procurements, The initial approach to market for a multi-stage procurement ***must*** include, for every stage, the criteria that will be used to select potential suppliers, and if applicable, any limitation on the number of potential suppliers that will be invited to make submissions.

- notice that the Department reserves the right to have regard to such other matters as, in its absolute discretion, it regards as relevant;
- the deadline for the receipt of tender applications and the location for lodgement;
- procedures for handling day-to-day contact with potential applicants; and
- other procedures governing the provision of information to potential applicants.

Where the Request for Tender contains a clear rule (such as a deadline), the Tender Evaluation Team should ensure it is strictly applied. If the teams wish to tolerate minor errors or variances from its requirements, they should ensure these are consistent with the explicit provisions in the Request for Tender and the reason for any variation must be fully documented. All deadlines and extensions should be managed consistently for all submissions. Consultation with PAS is mandatory before implementing any variance to the provisions of the Request for Tender documentation.

Conditions for eligibility and assessment criteria must be clearly documented. Decisions on the selection of submissions must be made purely against these criteria. Well defined conditions for eligibility provide potential suppliers with a clear indication of requirements that they must meet, and reduce the resources wasted as a result of lodgement of unsuitable or misdirected proposals. Tender documentation must clearly identify and separate conditions for eligibility from those assessment criteria that are 'desirable' or 'optional'. Proposals must meet the conditions for eligibility. 'Desirable' or 'optional' criteria enable ranking of the proposals and if necessary, can be weighted, but the weighting must be published in the tender documentation.
Note: The evaluation criteria in the approved Tender Evaluation Plan should match the published Request for Tender/Quotation criteria.

Provision of Information to Tenderers

As a matter of principle, information needs to be available to all interested parties within the same timeframe and each tenderer needs to have access to the same material for the process to remain fair. For fair and equitable access to information for all tenderers it must be ensured that:

- contact between the Department and tenderers is channelled through a nominated Contact Officer only;
- requests for information are provided to the Departmental Contact Officer in writing via email only;
- communication is limited to factual answers and personal opinions are not provided;
- all communication is documented and recorded in a manner that can be readily audited (if required);
- questions and related answers are disclosed to all prospective tenderers via the AusTender website (without disclosing the source of the questions);
- any tenderer confidential information contained in a question (that is nominated as such by the relevant tenderer) will be removed prior to disclosure on AusTender; and
- **a tenderer who communicates other than to the Contact Officer may be disqualified from participating further in the tender.**

These processes will minimise the risks of discriminatory conduct and of disputes with tenderers. It will allow the Department to demonstrate that it has taken all reasonable steps to ensure that all tenderers are provided with the same opportunities to gain information.

Receipt of Tenders

Effort must be made by all staff handling tender submission, evaluation and selection documents, to ensure confidentiality is not compromised and that these documents are stored and accessed in compliance with Department's Record Keeping Policy. Proposals must be registered upon receipt, and entered into an appropriately secure TRIM file, for example, the file should be restricted to the evaluation team and PAS. Physical copies must be labelled 'Commercial-in-Confidence' and stored in a locked facility, for example, a cabinet or compactus when not in use. Information provided by unsuccessful applicants must also be treated as confidential after contracts have been awarded.

Personnel who receive commercially sensitive material from applicants and contractors are subject to confidentiality obligations. Confidentiality of proposal information is particularly important and information should only be shared on a 'need to know' basis. All public servants are under a general obligation of confidentiality. Those involved in the process who are not public servants (eg, non-APS staff involved in the short listing process) must sign a Deed of Non-Disclosure and Confidentiality.

Security measures should also include limiting the number of, and numbering copies made of the documents; limiting access to the proposals, such as only allowing access by authorised staff; and ensuring that documentation is secure at all times.

Electronic security issues should also be considered, including controls over electronic delivery of proposals. Security measures may include transmitting documents as Portable Document Format (PDF) files to prevent alterations and double-checking emails and

attachments before sending to potential applicants. Any e-mail messages of significance, particularly messages regarding the distribution of applicant information should filed accordingly in TRIM.

Acceptance of Late Applications

Adherence to deadlines is important in maintaining integrity. Applications received after the closing time and date will not be accepted unless the lateness is due to a Departmental error. Approach-to-market documents will state that late proposals will not be accepted. This will ensure that all potential applicants are aware that this is the case.

Requests for Extensions

Any action regarding requests for extensions will be exercised with due care and be fully documented as a decision either way may affect the probity of the process. If a request is received and granted, all potential tenderers must be offered the same extension. However, if a request for extension is refused, the Department may be excluding suitable applicants. Guidance should be sought from PAS and LSB in relation to any request for extension.

It is good practice to specify in the approach to market whether or not requests for extensions will be accepted. A description of the guidelines for extensions should be included in the RFT/RFQ, so all potential tenderers are aware of the procedures that will be followed. A closing date for requests for extensions can also be used to prevent extensions being requested on the morning the proposals are due.

Tender Evaluation and Selection

Departmental officers only will be responsible for evaluating tenders. No external advisers or technical specialists will be engaged. However, procurement and probity advisors will be consulted along the process.

Each tender needs to be considered in a fair and impartial manner, with no conflicts of interest or bias towards or against certain applicants. Tender assessment related documents are critical documents for ensuring an ethical process. Each part of this stage of the process - assessment, recommendation and decision - must be comprehensively documented and tied explicitly to the assessment criteria.

Note:

i). the evaluation criteria in the approved Tender/Quotation Evaluation Plan must match the published Request for Tender/Quotation criteria.

ii). submissions received **must** be evaluated strictly in accordance with the approved Tender Evaluation Plan, using the approved evaluation criteria.

It is critical that Tender Evaluation Teams ensure that the evaluation criteria are applied consistently and transparently to all tenders. Guidance for evaluation is dealt with in the Evaluation Plan.

Recommendations by the Tender Evaluation Team as to the successful tenderers will be based on a consolidated overall decision, which may be derived from individual proposal assessment reports. If the selection of successful tenderers rests on a trade-off between criteria, this should be made explicit in assessment documents, with the reasoning clearly explained. Full records must present a clear paper trail illustrating how and why specific recommendations were made and decisions taken.

Prior to any formal negotiations with tenderers, Expenditure delegate approval must be obtained and tenderers must be informed that the discussions are on a “without-prejudice” basis. Contracts with successful tenderers will need formal COMMITMENT APPROVAL from the COMMITMENT APPROVER **before** they are executed. To maintain fairness in the process, separation of duties is important. Personnel involved in assessment of tenders should not be those who are approving the spending of RELEVANT MONEY.

All documents regarding approval of tenderers must be cleared by PAS before forwarding to the delegate.

Tenderers must be notified in writing whether or not they are successful. Once the successful applicant has been advised and after contract executions have been completed, all unsuccessful applicants should be advised of the outcome of their proposal as soon as possible and offered the opportunity of a de-briefing by the Chair of the Evaluation Team.

Managing Problems

In any tendering and procurement process there is always the possibility that actions, errors or omissions may occur that result in a breach of probity requirements. These problems will need to be addressed quickly and in accordance with guidance provided in the probity plan, or advised by the Probity Advisor. These problems will be resolved jointly with PAS.

The question to be addressed when an error occurs is whether the process can continue while still ensuring all tenderers receive, and are perceived to receive, fair and equal treatment. Where the issue can be resolved, tenderers are to be notified of any factors that may affect their proposals and consideration may need to be given to allowing revised proposals from all parties.

The process by which a decision is made can be just as important as the outcome of the decision. There is always a possibility of a challenge to the decision-making process. It is important that it can be clearly demonstrated that decisions were made using ethical processes.

Delegate (name):	Allyson Essex
Delegate (signature):	s22
Date:	December 2021

Reference material and further information: Buying for the Australian Government