



OIAD-2286

OIAD-2318

29 September 2022



Tēnā koe 

Thank you for your Official Information Act requests to the Department of Conservation, received on 17 August 2022 (OIAD-2286) and 24 August 2022 (OIAD-2318). I have decided to respond to both of your requests in this response letter. I am providing you with a detailed narrative of the events that have occurred since our work with Ka Awatea Services Ltd (Ka Awatea) began. I will also be providing you with copies of three deliverables we received from Ka Awatea.

On 24 August 2022, we confirmed the effect of your second email was to amend your first request and, therefore, automatically reset the timeframe for our response. We informed you of this and you replied that you were not happy with this. Considering your response, I decided to combine both requests and determined we would respond within the timeframe of OIAD-2286.

On 17 August 2022, you requested the following information:

*Under the Official Information Act please may I request all information held relating to the appointment and awarding of the contract to Ka Awatea Services Ltd referred to above?*

Your entire request received on 17 August 2022 is in Appendix One attached to this letter.

On 24 August 2022, you submitted an additional request in which you asked for the following:

- 1. has the Department ever received any communication from Ka Awatea Services Ltd (or Kawai Catalyst Ltd) proposing, suggesting or enquiring about the possibility of the Department engaging its services? E.g. emails, letters or telephone calls from Ka Awatea Services Ltd to Departmental officials setting out its services and referring to the ability of the company to provide services to the Department.*
- 2. in search of the above, please examine the email systems of the Department for any emails containing these business entity names. I note that in pursuing a similar request with a separate agency they were able to search their email systems in a broad manner and located an engagement approach from Ka Awatea Services of this nature. I want*

*to confirm if any such approach has ever been made by either of these firms to the Department and suggest this would achieve that.*

On 14 August 2022, we extended your requests due to the amount of information in scope. We informed you that we would respond by 28 September 2022, earlier if possible.

I have addressed all your questions in the narrative below.

In July 2018, we held an event called Tai Timu, Te Pari, Tai Ao – DOC Treaty Partner Summit (the Summit). The purpose was to celebrate and to reflect on our 30-year journey in conservation alongside iwi, hapū, and whānau. First Nations representatives from Canada and Australia, tangata whenua speakers, and participants from all our regions, came together to share perspectives and stories and to acknowledge the challenges and opportunities of working together for conservation.

A group of rangatahi (young Māori people) at the summit provided their perspectives about what the future of the environment and conservation meant to them. As a follow-up to rangatahi participation at the Summit, the Department of Conservation's Kahui Kaupapa Atawhai (KKA) business group considered it important to embed rangatahi views in our work.

In June 2019, the Deputy Director-General, KKA contacted a contractor who had attended the Summit to test the idea of how we might engage with rangatahi. The contractor was involved in rangatahi initiatives and had a network across the country that the Deputy Director-General KKA thought would be beneficial to DOC. With these insights, the Director KKA developed an initial draft to scope a project in May 2020. We realised we could not deliver this project with our in-house resources and determined that we needed to outsource this work.

Our procurement guidelines provide that if a contract is valued between \$20,000 - \$100,000, a selective or a competitive approach may be followed. This is in line with guidance from Ministry of Business Innovation and Employment (MBIE). We decided to take a selective approach in this case because:

- The project required working with rangatahi, a specialised area where there are limited or no other providers of this type of service;
- We had never undertaken a project of this nature and wanted to procure services that would provide access to a rangatahi network; and
- The total value of the project was projected to be \$60,000 (\$52,074 excluding GST).

The Ka Awatea contractors with were active in the rangatahi environmental and conservation movement. They initiated Pipiri ki Papatūānuku, a social movement to promote consciously making decisions and taking action to minimise impact on the environment.

The primary goal of the contract was to develop a framework for engaging with a rangatahi network. The contract was valued at \$60,000 including GST (\$52,074 excluding GST) for seven deliverables. The value of the contract was determined by the Terms of Reference and in comparison with other projects of a similar scope.



Two of the deliverables were not connected to a milestone payment and five were once the work was complete. The deliverables connected to a milestone payment were the delivery of a:

- Preliminary scoping report, due 27 November 2020;
- Regional register of rangatahi advisors, due 17 December 2020;
- Proposed advisory model, due 29 February 2021;
- Identification and proposed models of rangatahi projects, due 12 March 2021; and
- Final report and recommendations, due 30 May 2021.

Additionally, the deliverables not connected to a milestone payment were:

- Draft presentation to KKA group articulating dynamic contribution rangatahi can bring to Te Papa Atawhai, due 17 December 2020; and
- Draft report and meeting, due 12 April 2021.

No conflicts of interest were identified or declared in respect of Ka Awatea or their representatives and officers. Neither the Deputy Director-General nor the Director of KKA had a personal relationship with any of the directors of Ka Awatea. We did not need to consult with the Public Service Commission or the Minister of Conservation prior to awarding the contract to Ka Awatea. Accordingly, there is no material to release in relation to your third request of 17 August 2022.

On 7 November 2020, we signed the Rangatahi Engagement Strategy contract with Ka Awatea. The course of the contract was from November 2020 to May 2021.

On 27 November 2020, we received the *Progress report: Deliverable 01 – preliminary scoping to framework the working schedule*. This document outlined the creation of their methodology and schedule of events that would drive the Rangatahi Engagement Strategy. They also sent us their invoice for this service. We paid the first milestone payment of \$11,800 (excluding GST). The document was compared against the project Terms of Reference contained in the contract, prior to releasing payment.

On 17 December 2020, we were due to receive a copy of the regional register and the draft presentation to the KKA group; however, these were not received. Following this, there was limited communication between us and Ka Awatea until mid-2021.

In January 2021, Director KKA, the contract manager, was seconded out of the Department.

On 1 July 2021, Ka Awatea provided one of the deliverables which was not connected to a payment milestone. On 4 August 2021, they delivered the regional register of rangatahi advisors, which was the second deliverable connected to the milestone payment schedule. Due to changes in staff circumstances we did not review these two deliverables. At the end of 2021 and the beginning of 2022, the project did not make any further progress.

In August 2022, we began considering the general health of the contract and decided to suspend the contract due to its inactivity. On 25 August 2022, we terminated our contract with



Ka Awatea noting that no final report had been received and no further progress on completing the contract had been made.

An internal review into our engagement with Ka Awatea began in September 2022 to determine whether our processes and policies were followed in relation to contracting the project. It is intended that this will be completed by the end of October.

To meet the interest of your request, I am providing you with the three deliverables Ka Awatea provided us. This information is being released to you in part, with some information being withheld under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons, including deceased people. You requested meeting minutes and notes for those attended or facilitated by Ka Awatea. This information, if any exists, is not held by the Department and this aspect of your request is declined under section 18(g) of the OIA. You also requested advice provided by Ka Awatea to the Minister. No such information exists and this part of your request is declined under section 18(e) of the OIA.

We have provided our Minister with information to support her responses to Parliamentary Questions. These responses, as tabled by the Minister, are published and the supporting advice provided is considered free and frank advice, the release of which would hinder provision of advice in the future.

Additionally, there were no evaluation or tender documents, as Ka Awatea was appointed to do this work with a selective approach. This approach does not involve the use of [Government Electronic Tendering Services](#) for tendering or advertising as an approach is made from DOC to the selected service provider in line with government procurement guidelines.

We also never received any communication from Ka Awatea or Kawai Catalyst Ltd proposing, suggesting, or enquiring about the possibility of us engaging its services. As a result, I am declining your request for this documentation, correspondence, and any related material under section 18(e) of the Official Information Act, as the information does not exist.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests which outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.



Please note that this letter (with your personal details removed) and enclosed documents may be published on our website.



Nāku noa, nā



Huia Lloyd  
Kaihautu / Director Te Putahitanga  
Department of Conservation  
*Te Papa Atawhai*



**Table 1 - Schedule of documents**

<b>Item</b>	<b>Date</b>	<b>Document description</b>	<b>Decision</b>
1	27 November 2020	Progress report: Deliverable 01 – preliminary scoping to framework the working schedule	Released in part
2	30 June 2021	Toa Taua Taiao	Released in part
3	3 August 2021	Progress Report: 02 – Recommendations for a Regional Rangatahi Register	Released in part



## **Appendix One:**

### **Request 1 - process leading up to awarding of contract to Ka Awatea Services Ltd**

*Under the Official Information Act please may I request all information held relating to the appointment and awarding of the contract to Ka Awatea Services Ltd referred to above?*

*For clarity and specificity I am requesting any and all documents and information that detail the conception, design and process followed for the contract awarding, including:*

- 1. how was Ka Awatea Services Ltd recommended to the Department of Conservation? Please detail who the recommendation originated from, in what form and when.*
- 2. what criteria was defined for one to be considered a suitable service provider (e.g. the 'service provider specification')? Please provide the criteria.*
- 3. how and where was the existence of the need for a service provider advertised and communicated to the public, if at all? Please document how and where. I note your statement that "the decision to award the contract was based on recommendations from other work provided by Ka Awatea Services in Rangatahi engagement", however I would like to formally confirm if the need for a service provider was put to open tender or advertised anywhere.*
- 4. were any conflicts of interest declared and/or identified in relation to Ka Awatea Services Ltd or their representatives and officers? Please document any conflicts.*
- 5. if any conflicts were declared or identified as above in (4), how were these managed prior to Ka Awatea Services Ltd's appointment? Please document the process(s) followed including what official committees/agencies any potential conflicts were referred to before Ka Awatea Services Ltd was awarded the contract.*
- 6. if any conflicts were declared or identified as above in (4), were any referred to any ministers?*
- 7. how was Ka Awatea Services Ltd's (and any other applicants') suitability evaluated? Were ranking/scoring matrices used? Please document the evaluation method.*
- 8. how many applications were received (if any) other than Ka Awatea Services Ltd's?*
- 9. please provide all documents describing how Ka Awatea Services Ltd's suitability was evaluated and assessed (e.g. scoring matrices/tables and verbatim free-form commentary/notes/remarks documented by the assessment panel or evaluators).*
- 10. what communication was there between any ministers and the Department of Conservation in respect of the appointment process (aside from any conflict matters discussed in (6))?*
- 11. Did the Department of Conservation consult with the Public Service Commission in any respect (including on any conflicts of interest) prior to awarding the contract to Ka Awatea Services Ltd?*

### **Request 2 - work produced by Ka Awatea Services Ltd**



*Under the Official Information Act please may I request all work produced by Ka Awatea Services Ltd as part of the contract, including any associated outputs and documentation produced over the course of their work?*

*For clarity and specificity I am requesting any and all documents and information that detail the activities the work carried out under the contract and produced for the Department, including:*

- 1. any 'Deliverables' as specified in the contract.*
- 2. all meeting and workshop minutes and notes for those attended or facilitated by Ka Awatea Services Ltd.*
- 3. all advice, proposals and recommendations provided to the Ministry by the Ka Awatea Services Ltd (as envisaged by the contract).*
- 4. any other documents or information that detail what work and activities were performed by Ka Awatea Services Ltd prior to the contract being paused.*

**Request 3 - communication with ministers**

*Lastly, under the Official Information Act please may I request any and all documents and information where ministers with responsibility for the Department of Conversation (including the Minister and Associate Ministers) were informed of the contract and work being undertaken? For example, documents such as the below where any ministers were informed of the contract's existence, its progress, work and outputs:*

- 1. weekly reports*
- 2. briefings*
- 3. aide memoirs*