

# Procurement and Supplier Management Policy

### Contents

1.	What you need to know	1
	1.1. When you need to use this policy	1
	1.2. What this policy covers	1
	1.3. Where this policy comes from and how to apply it	2
	1.4. What we want to achieve	2
	1.5. Glossary	2
2.	Our procurement and supplier management policy	4
	2.1. The six Principles of Procurement Error! Bookmark not defined.	
	2.2. Role of the Procurement Team	4
3.	Government policy framework and professional conduct	5
	3.1. Government policy framework	5
	3.2. Professional Conduct	5-6





### UNCLASSIFIED

4.	General Considerations	7
	4.1. Legal Considerations	7
	4.2. Commercial Considerations	7
	4.3. Relationship Considerations	7
	4.4. Approvals and Governance	8
	4.5. Sustainability & Economic Benefit to New Zealand	8
	4.6. Record Keeping and Document Management	8
5.	Procurement Approach and Planning	9
	5.1. Selecting the procurement approach	9
	5.2. Existing contracts	9
	5.3. All of government contracts	10
	5.4. Planning a procurement	10
6.	Principles for evaluating and selecting a supplier	10
	6.1. Evaluation process	10
	6.2. Evaluation criteria	11
	6.3. Due Dilligence	11
7.	Principles for negotiating and entering a contract	11
	7.1. Contract negotiations	11
	7.2. Awarding the contract and contract terms	12
	7.3. Supplier debriefing	12
8.	Principles for contract and supplier management	12
	8.1. Requirements for contract and supplier management	12
	8.2. Managing change	13
	8.3. Contract renewal, expiry and termination	13
	8.4. elnvoicing capability	13
	8.3. Prompt payments	13
9.	Other useful information	15
10.	Document record	15
	10.1. Document history	15

### 1. What you need to know

### 1.1. When you need to use this policy

This document explains the main ideas and rules for good <u>buying</u> practices in the Department.

To get good results that follow government rules and ethical standards, staff must follow these key principles.

To help staff follow this policy, there are many resources available. The "Standard Operating Procedure – Procurement & Supplier Management" document (docCM-912450) explains the steps and requirements for making purchases. You can find tools, guidelines, templates, information, training, and support on the intranet or from the procurement team.

### 1.2. What this policy covers

This policy covers buying all goods, services, and works, no matter the cost. It includes hiring consultants and contractors, and any buying done by others for the Department. It also applies to leases, 'build-operate-own' contracts (PPPs), concessions contracts, and partnerships that supply goods, services, or works to the Department.

This policy does not apply in emergencies (see below for more details).

All Department staff, and anyone buying on behalf of the Department, must follow this policy. This policy covers:

- Government policy, professional conduct, and general considerations.
- The buying approach and planning.
- How to evaluate and choose suppliers.
- How to negotiate and draft contracts.
- How to manage contracts and suppliers.
- · Related documents and resources.

### 1.2.1 Departing from this policy

In a real emergency, staff may depart from this policy to quickly get goods, services, or works needed for emergency help and relief. Any exceptions must be fully explained and recorded during or after the event.

When using a more flexible buying process, staff should think about what is reasonable and justifiable based on the situation. They need to balance the need to act quickly (like saving lives, protecting buildings, or fixing critical infrastructure) with their public sector duties (being accountable, open, fair, getting value for money, acting legally and with integrity).

The glossary of terms defines what counts as an emergency.

### 1.3. Where this policy comes from and how to apply it

Buying in the Department of Conservation means sourcing and managing goods, services, and works from suppliers. It starts with identifying a need and ends with either the end of a contract or the disposal of an asset. This includes everything from routine items (like stationery and furniture) to complex purchases (like construction, helicopter services, and research projects).

### 1.4. What we want to achieve

Implementing this policy will ensure that the Department meets its goals. The Government also requires departments to follow certain rules and guidelines.

### 1.5. Glossary

Term	Definition
Emergency	A sudden unforeseen catastrophe, where life, health, property or equipment is at immediate risk, or standards of public health, welfare, or safety need to be re-established without delay, such as disaster relief. Examples of emergency situations are:
	<ul> <li>natural disasters: such as earthquakes, cyclones, tsunamis, volcanic eruptions or flooding,</li> </ul>
	failures of critical infrastructure: such as a major power outage affecting the whole of New Zealand,
	• critical health emergencies: such as a pandemic,
	• political emergencies: such as a coup or civil insurrection,
	critical security emergencies: such as a terrorist attack.
	An emergency is <b>not</b> a situation that arises due to inadequate planning.
Partners	Partners are outside groups or organisations that work with the Department to help fund and invest in important conservation projects.
	They provide resources, form business partnerships, and support community conservation efforts.
	These partners are essential for improving conservation results by helping the Department attract resources, manage government funds, and coordinate different projects.
Purchasing	Involves ordering and receiving goods, services, or works based on contracts established during the procurement process.
Procurement	Sourcing or buying goods, services or works from third party suppliers. Covers all or several of the following processes:
	identifying needs and specifying requirements,

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Term	Definition	
	<ul> <li>sourcing goods, services or works (either through a competitive tender process or direct from suppliers),</li> </ul>	
	negotiating and establishing contracts,	
	managing supplier & contract performance and paying suppliers	
Submission	Tender, proposal, bid, offer, quote.	
Supplier	Vendor, seller, contractor, potential supplier, respondent, participant.	
Tender	Can be used in two different ways:	
	<b>'To tender' (verb)</b> is a generic term used to describe making an approach to market (e.g. 'going out to tender')	
	<b>'Tender' (noun)</b> is a word used to refer to suppliers' submissions in response to a Request for Tender (e.g. 'the tender arrived on Tuesday')	
Total value of procurement	Is the total value of all the contracts that will result from the procurement over their lifetime. This includes the value of:	
	The purchase price – how much you pay for the goods/services/works.	
	Options to purchase additional goods, services or works.	
	Options to extend the term of the contract(s).	
	Paying any premiums, fees or commissions to the supplier or a broker.	
	Any revenue streams a supplier receives.	
	<ul> <li>Any other form of remuneration or payment due to the supplier or a third party or any interest payable.</li> </ul>	
Value for money	An assessment of the suitability, compared to the costs of the goods, services and works over their whole life.	
	Value for money is not necessarily about achieving the lowest initial price. To assess value for money, staff members should take account of the balance of quality, resource use and timeliness, as well as the total cost over the life of the goods/services/works.	
	Better value for money in procurement can be achieved by:	
	<ul> <li>a supplier delivering the same quality of goods, services or works for less cost, time or effort; or</li> </ul>	
	<ul> <li>a supplier improving the quality or timeliness of its goods, services or works for the same cost or effort.</li> </ul>	
Economic Benefit	The benefits to New Zealand which are generated through the procurement of goods, services or works.	

## 2. Our procurement and supplier management policy

### 2.1. The Six Principles of Procurement

The following six principles apply to all procurement in the Department:

- Plan and manage for great results.
- Be proportionate and right-size the procurement.
- Be fair to all suppliers.
- · Get the right supplier.
- Get the best deal for everyone.
- Play by the rules.

### 2.2. Role of the Procurement Team

The Department's buying and supplier management is mainly led by the central procurement team, working closely with other groups in the business. All groups must write procurement plans for goods and services over \$20,000 (excluding GST). Any purchases between \$20,000 and \$99,999 must be checked by the procurement team, including grants and MOUs.

The procurement team has five categories:

- Conservation
- Construction
- Corporate Services
- ISS
- Infrastructure, Machinery and Facilities

For more details, check the **Procurement** page on the Intranet.

To contact the procurement team, submit a help request via <u>DOC Connect</u>. Your request will go to the category lead that matches your type of procurement.

The Procurement team's role is to:

- Give central advice and work with business groups on procurement.
- Manage supplier relationships and lead strategic sourcing.
- Update this policy to match government rules and best practices.
- Provide tools, guidance, templates, and training to help staff follow this policy.

## 3. Government policy framework and professional conduct

### 3.1. Government policy framework

Public sector buying in New Zealand follows these rules and guidelines (in order of priority):

- <u>Government Procurement Rules | New Zealand Government Procurement</u>, 5th Edition from the Ministry of Business, Innovation and Employment.
- <u>Procurement Guidance for Public Entities</u> from the Office of the Controller and Auditor-General, June 2008.
- <u>Guide to procurement | New Zealand Government Procurement</u> from the Ministry of Business, Innovation and Employment.

All public servants must follow these rules when buying goods, services, or works from suppliers. The 'Government rules of sourcing' set mandatory standards and procedures for government departments, with some exceptions.

Procurement staff should know these key documents; department staff should consult procurement team for advice when buying.

The Director-General of the Department is responsible for making sure the Department follows the Government Procurement Rules, as directed by Cabinet through responsible Ministers.

Suppliers can challenge any non-compliance with the Government Procurement Rules through the Ministry of Business, Innovation and Employment, the Office of the Auditor-General, the Ombudsman, the State Services Commission, the Commerce Commission, and the Courts.

### 3.2. Professional Conduct

### 3.2.1. Code of Conduct

Department staff (and agents) must always act fairly, openly, and without bias when buying goods, services, or works.

Staff must know and follow the Department's <u>Standard of Integrity and Conduct Policy</u> (docCM-228772) and <u>Gifts and Hospitality Received Policy</u> (docCM-244156) at all times.

### 3.2.2. Conflicts of Interest

Conflicts of interest can happen at any stage of the buying process. Having a conflict of interest doesn't mean something is wrong, but it must be identified, disclosed, and managed.

Any staff involved in buying must declare any personal interest that might affect, or appear to affect, their impartiality.

Staff must know and follow the Department's <u>Conflict of Interest Policy</u> (docCM-7146314) at all times. They must not use their position to influence the outcome of a procurement for personal benefit or to advantage themselves, a relative, or a friend.

### 3.2.3. Confidentiality

Confidentiality is important throughout the buying process, for the duration of contracts, and after contracts end, especially with sensitive information.

#### Department staff must:

- Protect suppliers' confidential or sensitive information.
- Not use this information for personal gain.
- Communicate information accurately, fairly, and without misleading suppliers.

The Official Information Act 1982 (OIA) means the Department might have to share sensitive information if requested. There are reasons to withhold information under the OIA, but these can be overridden if the public interest in disclosure is greater.

### 3.2.4. Managing National Security Risks

National security includes the protection of sensitive New Zealand assets, both physical and digital, from threats.

Department staff must use the <u>Managing National Security Risks Assessment Tool</u> when planning procurements that may involve access to sensitive premises, bulk government data holdings, critical services, or government networks.

Where national security risks are identified, appropriate mitigation measures must be applied, and exclusion of suppliers may be considered if risks cannot be adequately managed.

### 3.2.5. Competence

Many staff in the Department are involved in procurement and managing suppliers. This ranges from those making small purchases with a P-card to those handling high-value contracts. Different buying activities need different skills.

To meet the Department's goals and avoid poor procurement, staff involved in buying must have the right skills for their tasks. Complex or high-risk purchases should be led by experienced staff who can manage the process and achieve the desired results.

If an agent is hired to handle buying for the Department, they must have the necessary skills and work with a department staff member to follow this policy and procedures.

### 4. General Considerations

### 4.1. Legal Considerations

The Department must always act fairly, reasonably, and follow the law. Staff should know about any laws that apply when buying goods, services, or works.

If needed, get legal advice early in the buying process. Talk to Legal Services if there might be a legal claim against the Department because of the procurement.

### 4.2. Commercial Considerations

The Department must ensure responsible use of public funds by securing good value for money, purchasing quality goods, services, and works that support its objectives, managing resources effectively, and exploring opportunities to deliver economic benefits to New Zealand.

When buying goods, services, or works, consider the total value of all contracts over their entire life. The goal is to get the best value for money for the Department and the Crown throughout the life of the product or service.

### 4.3. Relationship Considerations

When the Department buys goods or services, it can affect relationships with:

- Suppliers and their subcontractors
- The supply chain
- Partners
- Concessionaires
- Community groups

Competition is key in procurement, meaning there will be winners and losers. Any supplier, whether current or local, can win contracts through a fair process if they are the best choice and offer the best value for money. No supplier can get special treatment, as this would break government rules.

If current or potential suppliers are also partners, they must be treated like any other supplier. Partnerships should not influence procurement outcomes. This should be made clear to the partner.

Sometimes, the Department may partner with other organizations for conservation goals. If these partnerships involve providing goods or services, even if these are provided free of charge, the same procurement rules apply. Staff should use the <u>Government procurement principles | New Zealand Government Procurement</u> to ensure the best value.

Suppliers may sometimes offer proposals without being asked. This is called a Market-Led Proposal and should only be considered if they offer unique benefits or concepts not available elsewhere. For more details, see the <a href="Guidance: Market-led proposals - Guidelines for submission">Guidelines for submission</a> and assessment - November 2024

### 4.4. Approvals and Governance

Department managers with the right delegated financial authority must approve spending and contracts with suppliers, ensuring they can cover the total contract value.

Managers need to know the estimated costs and have an approved budget for the procurement.

Procurement activities must follow the processes in the <u>Procurement and Supplier Management SOP</u> (DOCCM-912450P). Staff must also follow any other relevant governance frameworks, like the <u>DOC Project Management Framework</u> (docCM-1253681).

### 4.5. Sustainability & Economic Benefit to New Zealand

The Department aims to practice sustainable business and is committed to embedding the principles of economic benefit into its procurement practices to ensure that economic benefits are realised for New Zealanders. The Department's procurement decisions will reflect our strategic purpose of delivering environmental, social, and economic benefits from healthy ecosystems and heritage stewardship, ensuring that public value is maximised across all dimensions. Staff should consider the long-term impacts of their purchases by:

- Avoiding unnecessary use and waste, and managing demand for goods, services, and works.
- Considering the procurement total value and the environmental, social, and economic impacts of goods, services, and works throughout their life cycle.
- Support regional development, employment outcomes, and local supplier participation.
- Supporting sustainability innovation.
- Encouraging and requiring suppliers to adopt socially and environmentally responsible business practices.

Staff must follow the MPI Timber and wood products policy when buying timber and wood products. Staff must follow Construction procurement guidelines | New Zealand Government Procurement when planning new construction works. DOC is committed to use woollen fibres, where practical and appropriate in government buildings and follow the guidance in Using woollen fibres in government buildings — Construction procurement guide

Staff must follow the <u>Property Procurement Guidance</u> when buying property services. DOC should only hire cleaning providers who are members of the Building Services Contractors Association of New Zealand.

### 4.6. Record Keeping and Document Management

Keep full and accurate records of procurement processes, decisions, and contracts. Follow good business practices, the Department's <u>Information Management SOP</u> (docCM-2527619), and the <u>Public Records Act 2005</u>.

Make sure all decision records and supporting documents are available for audits.

### 5. Procurement Approach and Planning

### 5.1. Selecting the procurement approach

The procurement process includes identifying needs, specifying requirements, sourcing goods, services and works, establishing contracts, ordering and receiving goods, managing supplier performance, and paying suppliers.

Ways to source goods, services, and works range from simple P-card purchases to complex multistage tenders. The procurement approach should be proportionate to the value, complexity, and risk of the purchase, ensuring the process is "right sized" for the specific requirements. This means applying more rigorous processes only where justified, and streamlining procurement for lower-value, low-risk purchases. The approach and process must be suitable for what is being bought, considering:

- The total value, including premiums, fees, commissions, interest and disbursements
- Government Procurement Rules
- The supplier market's ability to respond and be influenced
- The complexity and risks, including national security or confidentiality concerns.

Staff should consider the cost of procurement activities for both the Department and suppliers, aiming to minimise it by using the best approach. Competitive procurement is encouraged when the market is competitive, and benefits outweigh costs or negative consequence.

Staff must act in good faith and use good judgement to estimate the total monetary value of a procurement to determine whether it meets or exceeds the following value thresholds for open advertising:

- a. \$100,000 for goods, services, and refurbishment works
- b. \$300,000 for new construction works

Note: DOC has a lower threshold (\$300,000) for new construction works than the value threshold (\$9 million) set in the Government Procurement Rules, reflecting our specific operating context.

Bundling requirements should be considered to maximise purchasing power, achieve economies of scale, and benefit the Department. However, bundling is not appropriate if it:

- Creates a market monopoly or dominant supplier
- Requires a specific supplier with no alternatives
- · Compromises the Department's goals.

#### Staff must not:

- Break a procurement or contract into parts to avoid using proper procurement methods
- Use non-standard valuation methods to avoid proper procurement.

### 5.2. Existing contracts

Before buying goods, services, or works, staff must check if there is an existing contract that meets the needs. If there is, it must be used.

Contracts for commonly needed goods and services are set up to benefit the Department. Even if other deals seem better, existing contracts should be used if they meet the requirements, as they usually offer better terms and prices overall. Using other suppliers might also breach existing contract terms and conditions.

### 5.3. All of government contracts

The Department supports 'All-of-Government' (AoG) contracts. These contracts create a single agreement between the Crown and approved suppliers for common goods and services purchased across the government. They offer benefits like cost savings, productivity gains, and improved competition.

Sometimes, the Director-General will commit to an AoG contract. When this happens, staff must buy from and follow the terms of that contract if it meets their needs.

### 5.4. Planning a procurement

Develop procurement plans for purchases over \$20,000:

- \$20k \$99k: Procurement Plan Lite
- Over \$100k: Procurement Plan

Procurement planning helps to:

- Find the best way to approach the procurement
- Identify and manage risks and costs
- Achieve the procurement objectives
- Understand the impact on the supplier market
- Ensure the necessary resources and capabilities are in place, including enough time for the process
- Develop procurement plans with input from relevant stakeholders to meet business needs.

### Principles for evaluating and selecting a supplier

### 6.1. Evaluation process

Staff must receive, open, and evaluate supplier submissions fairly and impartially. Staff evaluating submissions should understand all aspects of the business requirements and issues.

Document evaluation processes and decisions, including the reasons for the selection to highlight the strength of the decision and process. Evaluation must be supported by documented due diligence findings. No contract may be awarded without resolving due diligence concerns.

Evaluation methods will vary but must always ensure the best supplier is chosen for the right reasons and at a price that offers value for money over the product's or service's entire life.

### 6.2. Evaluation criteria

Evaluation criteria must include a minimum weighting of 10 percent for economic benefits to New Zealand for contracts over \$100,000 for goods, services, and refurbishment works; \$300,000 for new construction works.

Agree on and clearly define evaluation criteria before going to market. Make these criteria clear in tender documents so suppliers know how their submissions will be evaluated. If price isn't the only criterion, indicate the importance of each criterion.

Ensure evaluation criteria are detailed enough to compare the strengths and weaknesses of suppliers, goods, services, or solutions against the requirements.

Evaluation criteria must be fair, appropriate, and relevant to the procurement's nature, scope, value, risk, and complexity. Only include pre-conditions that are essential for a supplier to deliver the contract.

### 6.3. Due Diligence

Due diligence means verifying a supplier's claims and conducting checks such as reference checks, site visits, financial history analysis, legal structure verification (including beneficial ownership), and integrity assessments including corruption history. Staff must undertake a thorough and appropriate level of due diligence that has been planned for and applied to all procurements. Staff, with help from the Procurement Category team, should decide the level of due diligence needed based on the procurement's value and risk.

Resolve any issues from due diligence before signing a contract.

## 7. Principles for negotiating and entering a contract

### 7.1. Contract negotiations

Contract negotiation can happen after a tender process or when buying directly from a supplier. Negotiation can help reduce costs or improve other aspects of the supplier's proposal.

Negotiations must be ethical and should:

- Not distort competition by changing the original requirements too much.
- Not result in unsustainable terms for the supplier or compromise the quality of goods, services, or works for the Department.

Record everything agreed upon in the final contract.

### 7.2. Awarding the contract and contract terms

Use the Department's standard terms and conditions for contracts unless there are strong reasons not to. Additional terms and conditions need to be reviewed by DOC Legal team before being applied.

Contracts must be fair and reasonable, and clearly describe:

- Everything the supplier must do to deliver the goods, services, or works.
- The commercial terms of the agreement.
- The obligations of both the Department and the supplier, including any relevant laws, policies, or procedures relevant to the delivery of the contract.

Contracts must be signed by a manager with the right financial authority. Before awarding a contract, staff must confirm that due diligence has been completed and documented. Contracts must not be awarded to suppliers who fail integrity or capability checks.

High-risk, complex, or high-value contracts may need additional review by Legal Services before signing. A Contract Award Notice must be published on GETS within 30 business days of signing.

The principles in section 7.2 apply to new contracts with new or existing suppliers, or when there is a variation to an existing contract.

### 7.3. Supplier debriefing

The Department must offer debriefs to both successful and unsuccessful suppliers. Debriefs must:

- Provide clear reasons for the outcome of the supplier's own submission.
- Be transparent and constructive.
- Exclude any commercially sensitive information about other submissions.

## 8. Principles for contract and supplier management

### 8.1. Requirements for contract and supplier management

Contract and Supplier management includes:

- Contract management: Actively managing the agreement and relationship with the supplier to ensure goods, services, or works are delivered as agreed on time, within budget, and meeting business needs.
- Relationship management: Keeping the relationship open and constructive, resolving or easing tensions, and identifying problems early.
- Contract administration & change management: Handling the formal governance of the contract and any changes to it.

Every contract must have a designated contract manager responsible for understanding and ensuring both parties meet their obligations and business needs.

Every contract must have a contract management plan that is proportionate to the contract's value, complexity, risk, and duration. A contract management plan should include the objectives of the contract, key terms and conditions, and the price. The contract management plan and level of contract management should always be proportionate for the procurement. The level of performance monitoring and relationship development depends on the nature of the goods, services, or works supplier, the contract length, and the associated risks and opportunities.

### 8.2. Managing change

Any changes to a contract must be formally documented and agreed upon by both the Department and the supplier using the Department's standard variation templates.

Changes must be approved by a manager with the financial authority for the total value of the original contract and the variation.

Control changes to contracts carefully. Significant changes to the contract's nature or scope, or increases in value, may require re-advertising.

If a contracted supplier can provide additional goods, services, or works not covered by the existing contract, a new procurement process must be followed in accordance with this policy.

### 8.3. Contract renewal, expiry and termination

Contract Managers must know when contracts will expire and plan renewals or extensions well before the expiry date. Contracts cannot be changed or extended once they have expired.

Contracts can be renewed if the contract terms allow a right of renewal, and any renewal requirements are met. Contracts can be extended if both parties agree to a variation in writing before the initial term ends. Renewal or extension is only suitable if it continues to provide the best value for money and meets business needs. The length of any renewal or extension should consider the obligation to promote open and effective competition.

Contracts can be terminated in certain situations. The Department aims to work constructively with suppliers, addressing disputes or poor performance early to resolve issues with minimal disruption.

### 8.4. eInvoicing capability

In compliance with the elnvoicing requirements set in Government Procurement Rules, the Department is enabled to send and receive elnvoices. elnvoicing solutions must comply with the PEPPOL capabilities and associated services (including elnvoicing) | New Zealand Government Procurement and integrate with existing financial systems to enable accurate, efficient, and transparent invoice processing. Procurement teams are responsible for ensuring suppliers are informed of elnvoicing requirements during onboarding and contract negotiations.

### 8.5. Prompt payments

The Department must ensure suppliers are paid promptly in accordance with the Government Procurement Rules. Payment terms must be clearly stated in all contracts and should not exceed the standard timeframe as required <a href="Prompt payment times">Prompt payment times</a> | New Zealand Government <a href="Procurement">Procurement</a>. The Department is required to implement processes that support timely invoice approval and payment, including monitoring compliance and reporting where necessary. Prompt payment practices are essential to maintain supplier confidence, support cash flow for businesses, and uphold the principles of responsible expenditure of public funds.

### 9. Other useful information

- Accounts Payable SOP (docCM-148163)
- Budget Managers Policy (docCM-626686)
- Capital Expenditure and Fixed Assets Manual (docCM-353864)
- Conflicts of Interest Policy (docCM-7146314)
- <u>Sensitive Expenditure SOP</u> (docCM-7497151)
- <u>Financial Delegations</u> (docCM-282333)
- Gifts and Hospitality Received Policy (docCM-244156)
- Emergency Procurement
- New Zealand Timber and Wood Products Procurement Policy (docCM-1211004)
- P-Card SOP (docCM-180000)
- Petty Cash SOP (docCM-109130)
- Procurement and Supplier Management SOP (docCM-912450)
- <u>Information Management SOP</u> (docCM-2527619)
- Standard of Integrity and Conduct Policy (docCM-228772)
- Sustainable Building Design SOP (docCM-376651)

### 10. Document record

### 10.1. Document history

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Date	Details	Document ID and version	Amended by
25/10/2011	First version published	DOCCM-844315 revision #1	Laura Porterhouse
29/09/2014	Minor amendments	DOCCM-844315 revision #2	Laura Porterhouse
30/08/2016	Team name change	DOCCM-844315 revision #3	Sharon Gamble
1/12/2017	Minor amendments	DOCCM-844315 revision #4	Sharon Gamble
13/03/2024	3-yearly review / amendments for Category managed procurement	DOCCM-844315 revision #5	Sharon Gamble
13/03/2024	Minor amendment to reflect consideration of threats to national security or sensitive government information arising from any procurement activity	DOCCM-844315 revision #6	Shayne Gray
17/06/2024	Amendments relating to changes in new POM. SPAGG reviewed.	DOCCM-844315 revision #7	Simon James
9/07/2024	Updated links to the new Procurement pages on the intranet	DOCCM-844315 revision #8	Sharon Gamble
01/05/2025	Simplified language and moved into a new template as part of the Shared Services Improvement Project.	DOCCM-844315 revision #9	Jill Walker
18/11/2025	Amendments to comply with 5th Edition Government Procurement Rules	DOCCM-844315 revision #12	Clara Liu

### **About this document**

Disclaimer	For Department of Conservation (DOC) internal use only.		
Document Coordinator	Moana Te Rito, Supplier Administrator		
Document Owner	Simon James, National Procurement Manager		
Approved for use by	Mike Tully, DDG, Organisation Support  Date: 27/11/2025  DOC-10540968		
Last reviewed	27/11/2025 (please check this document within three years to ensure it is up to date)		
Classification	UNCLASSIFIED		
docCM ID	docCM-844315		