

Hātepe Kaimahi

Poipoi – Kauawhi – Tāuteute – Pūnaha Auaha – Ārahi
Nurture – Include – Engage – Innovate – Lead

What guides us

Living Te Tiriti o Waitangi
Ensuring ākongā are at the centre of everything we do
Delivering high-quality, future-focused teaching and learning

PROCUREMENT

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| Sponsor | : Deputy Chief Executive Systems and Support |
| Owner | : Manager Procurement |
| Who are these procedures for | : All kaimahi |

This hātepe supports the [Financial and Human Resources Delegations Governance Policy](#) approved by the Board of Trustees.

Scope and purpose

1. This hātepe provides direction to Te Aho o Te Kura Pounamu (Te Kura) Kaimahi to ensure a clear and consistent understanding of key concepts and underlying principles of good Procurement practice for all Procurement activity at Te Kura.
2. This hātepe applies to the Procurement of all goods, services, and works (regardless of value), including consultants and contractors engaged by Te Kura, as well as any Procurement managed by a third party on behalf of Te Kura.
3. Recruitment and employment agreements (contracts of service) are excluded from this hātepe.
4. This hātepe applies to all Te Kura Kaimahi as defined.
5. Everyone covered by this hātepe, regardless of their role, must consistently adhere to all Te Kura policies and comply with New Zealand laws.

Delegated authorities

6. Approval of any contracting or purchasing decision must comply with the [Financial and Human Resources Delegations Governance Policy](#).

Definitions

7. In this hātepe, unless the context requires otherwise:

| Term | Definition |
|-----------------------------|--|
| AoG Contracts | All-of-Government contracts for the purpose of this hātepe kaimahi include all of government, syndicated, and common capability contracts. |
| Conflict of Interest | Where someone’s personal interests or obligations conflict, or have the potential to conflict, with the responsibilities of their job or position or with their commercial interests. It means that their independence, objectivity or impartiality can be called into question. |

| Term | Definition |
|--------------------------------|--|
| GETS | The Government Electronic Tenders Service, a website managed by New Zealand Government Procurement. It advertises Government contract opportunities to suppliers. |
| Kaimahi | Staff member, including permanent, fixed-term, temporary, and seconded employees, as well as volunteers and contractors engaged by Te Kura, regardless of whether they work full-time, part-time, or casually. |
| Kāinga | Te Kura cost centre. |
| Kāinga Manager | Cost Centre Manager, who has delegated financial and/or human resources authority and who is at least one level higher than the person requesting reimbursement or approval. |
| Procurement | All aspects of acquiring and delivering goods, services, and works. It starts with identifying the need and finishes with either the end of a service contract or the end of the useful life and disposal of an asset. |
| Total Cost of Ownership | An estimate of the total cost of goods, services, or works over their entire lifecycle includes both the purchase price and all additional costs and benefits Te Kura will incur. This may include expenses for installation, training, operating and maintenance, repairs, decommissioning, disposal costs, and any remaining value at the end of the product's life. |

Procedure

Objectives

8. Effective Procurement is critical for Te Kura to meet its strategic goals and manage its budget efficiently. The Government also expects Te Kura to adhere to specific rules and guidelines during Procurement.
9. Public sector Procurement in New Zealand is governed by the following rules and guidelines (in order of precedence):
 - a. [Government Procurement Rules](#), issued by the Ministry of Business, Innovation and Employment and endorsed by Cabinet in April 2013.
 - b. [Procurement Guidance for Public Entities](#), issued by the Office of the Controller and Auditor-General in June 2008.
 - c. [Guide to Mastering Procurement](#), Ministry of Business, Innovation and Employment.
10. All Kaimahi should follow these directions when procuring goods, services, or works.

Expectations

Competence

11. Kaimahi involved in Procurement range from those making small, low-value purchases to those managing high-value or complex contracts. Different Procurement activities require different levels of skill and capability.
12. To achieve successful Procurement outcomes and reduce risks, Kaimahi involved in Procurement must have the appropriate skills for the type and complexity of the Procurement. Complex or high-risk Procurement must be managed by Kaimahi with the necessary experience.

13. If an external agent is engaged to manage Procurement for Te Kura, they must have the appropriate skills and work closely with Kaimahi to ensure compliance with this hātepe and [Procurement Guidelines](#).

Confidentiality

14. Confidentiality is crucial throughout the Procurement process and continues after the termination of contracts. Kaimahi must:
 - a. Protect suppliers' confidential and commercially sensitive information.
 - b. Avoid using such information for personal gain.
 - c. Communicate accurately, impartially, and without misleading suppliers.
15. Under the Official Information Act 1982 (OIA), Te Kura may be required to release sensitive information if requested, particularly if the public interest justifies disclosure.

Code of Conduct

16. Kaimahi (and agents acting on Te Kura's behalf) must always act fairly, openly, and without bias when procuring goods, services, or works.
17. Kaimahi must comply with the [Kaimahi Code of Conduct](#) and [Gifts Given and Received Hātepe Kaimahi](#) at all times.

Conflicts of Interest

18. Conflicts of Interest can arise at any stage of the Procurement process. Identifying a conflict does not necessarily mean wrongdoing, but such conflicts must be disclosed and managed properly.
19. Any Kaimahi involved in Procurement must declare any personal interests that could affect, or be perceived to affect, their impartiality.
20. Kaimahi must adhere to the [\[Conflict of Interest Hātepe Kaimahi\]](#) and must not use their position to influence Procurement outcomes for personal benefit or to benefit whānau or friends.

General considerations

Relationship considerations

21. Procurement decisions can affect relationships with suppliers, partners, and the wider community. All suppliers must be treated equally, with no preferential treatment. If a supplier has an existing relationship with Te Kura this should not influence the Procurement outcome.

Progressive Procurement considerations

22. Progressive Procurement encourages government agencies to diversify their suppliers, with a focus on increasing Māori participation in the economy. This approach recognises the broader social and economic benefits of working with Māori businesses.
23. To support this initiative, Kaimahi can promote supplier diversity by removing barriers and actively supporting the progressive procurement policy. Ensuring Procurement opportunities are widely advertised to Māori businesses through platforms like GETS, agency websites, and other relevant channels.
24. Effective contract management with Māori businesses is key to ensuring successful outcomes. This includes offering feedback for their growth and being open to feedback from suppliers to foster continuous improvement.

Commercial considerations

25. As Te Kura uses public funds, it has a duty to ensure value for money by securing quality goods, services, and works that meet its objectives. Decisions should factor in the Total Cost of Ownership over the lifespan to ensure best value for both Te Kura and the government.

Legal considerations

26. Te Kura must conduct Procurement fairly, reasonably, and in compliance with the law. Specific purchases may be subject to additional legal requirements. If there is a risk of legal complications, Procurement should be consulted early in the process.

Approvals and governance

27. Only Kāinga Managers with appropriate financial delegation can approve expenditure and contracts. All Procurement activities must adhere to the procedures outlined in the [Procurement Guidelines](#) and any other relevant policy documents.

Sustainability

28. Te Kura is committed to sustainable practices, which include reducing waste, considering environmental impacts, and encouraging suppliers to adopt socially and environmentally responsible practices.

Record keeping and document management

29. Accurate records of Procurement processes, decisions, and contracts must be maintained as per the [Public Records Act](#), ensuring documentation is available for audits and reviews.

Procurement approach and planning

30. Procurement involves identifying needs, sourcing goods and services, and managing contracts. The chosen approach should be appropriate for the value, complexity, and risk of the Procurement.

Existing contracts

31. Before initiating new Procurement, check for existing contracts that meet the requirements. If a suitable contract is in place, it should be used, even if other offers seem more favourable.
32. Existing contracts include any available AoG contracts for commonly purchased goods and services. AoG contracts offer cost savings, productivity benefits, and enhanced competition across government agencies.

What you must consider when planning Procurement

33. When planning any Procurement you must consider the [Government Procurement Principles](#):
 - a. **Plan and manage for great results:** Know what you need, involve the right people, and choose the best approach.
 - b. **Be fair to all suppliers:** Treat all suppliers equally, encourage competition, and give feedback.
 - c. **Get the right supplier:** Choose someone who meets your needs, offers a good price, and follows the rules.
 - d. **Get the best deal for everyone:** Focus on long-term value and be open to new ideas.
 - e. **Play by the rules:** Be honest, transparent, and protect supplier information.

34. For purchases where the Total Cost of Ownership exceeds \$100,000, a Procurement plan must be developed. The complexity of the plan should match the purchase amount. These plans should outline the approach, risks, costs, and resources required, and should be created with input from relevant stakeholders. Refer to the [Procurement Guidelines](#).
35. For purchases where the Total Cost of Ownership exceeds \$50,000 but is less than \$100,000 the Kāinga Manager must contact Procurement to develop a procurement approach.
36. For purchases where the Total Cost of Ownership is equal to or less than \$50,000, the Kāinga manager must obtain at least three written quotes before approving the purchase - refer to the [Procurement Guidelines](#).

Evaluating and selecting suppliers

37. Supplier evaluations must be transparent, fair, and based on clearly defined criteria provided to suppliers in advance. Criteria should be detailed and tailored to the needs of the Procurement.

Due diligence

38. Where necessary, verify the claims of suppliers, particularly for high-value or high-risk contracts. Any issues identified during due diligence must be resolved before finalising the contract.

Negotiating and entering contracts

39. Negotiations must be conducted ethically and ensure the final contract reflects all agreed terms. The standard terms of Te Kura should be used unless there are valid reasons for alternatives. Non-standard terms must be approved by the Manager Procurement.

Supplier debriefing

40. Both successful and unsuccessful suppliers should be offered a debrief after competitive processes. Debriefs must be transparent but avoid disclosing any commercially sensitive information from other submissions.

Contract and supplier management

41. Every contract must have a designated manager responsible for ensuring compliance and performance. Any changes to contracts must be formally documented and approved to avoid significant alterations or cost increases.

Contract renewal, expiry, or termination

42. Plan contract renewals well in advance of expiry dates. Contracts can be renewed if allowed by the terms and if they continue to offer value. If termination is necessary, aim to resolve issues with minimal disruption to service delivery.

Emergency Procurement

43. Emergencies are sudden, unforeseen events. They can cause injury, loss of life, or critical damage to property or infrastructure. Refer to the [Guide to Emergency Procurement](#) and the Te Kura [Business Continuity Plan](#).
44. Urgent situations that are created by Kaimahi, such as lack of advance planning, do not constitute an emergency.

Conflict of interest

45. A conflict of interest occurs when a Kaimahi has a private or personal interest that could benefit, or seem to benefit, from their professional decisions or actions within Te Kura.

46. If you become aware of a potential conflict of interest, you must report it following the procedures outlined in the [[Conflict of Interest Hātepe Kaimahi](#)].

Fraud

47. If you suspect that a fraudulent act may be occurring or may have occurred, you must report this immediately in accordance with the [Fraud Reporting & Investigation Hātepe Kaimahi](#).

Compliance

48. Breaches of this hātepe may be treated as a performance issue, misconduct, or serious misconduct and will be managed in accordance with the Te Kura [Kaimahi Code of Conduct](#) and the relevant employment agreement.

Key accountabilities and responsibilities

| Role | Description of responsibility |
|---------------------------------------|---|
| Chief Executive | Responsible for: <ul style="list-style-type: none"> approval of this hātepe. Te Kura meeting its obligations under this hātepe. ensuring any breaches of this hātepe have been addressed. |
| Chief Advisor, Strategy | Responsible for: <ul style="list-style-type: none"> ensuring the owners of this hātepe regularly review and meet Te Kura’s current standards. |
| Deputy Chief Executives (DCEs) | Responsible for: <ul style="list-style-type: none"> embedding this hātepe in their wāhanga. ensuring their wāhanga are compliant with this hātepe. |
| Hātepe Kaimahi Owner | Responsible for: <ul style="list-style-type: none"> ensuring the hātepe is working effectively through regular monitoring and reporting of compliance with the hātepe. ensuring Kaimahi have had the opportunity to receive training on this hātepe, where required. ensuring any breaches of this hātepe have been addressed. |
| Kāinga Managers | Responsible for supporting Kaimahi and ensuring that any proposed expenditure, decision, or activity within their area of responsibility: <ul style="list-style-type: none"> includes a rigorous approach to the management of operational, financial and human resources. is reasonable, appropriate, justified, and can withstand public scrutiny. complies with the Code of Conduct, all relevant Te Kura policies, and the Financial and Human Resources Delegations Governance Policy. stays within the available budget, whenever financial approval is necessary. is documented correctly, with relevant supporting materials provided. |
| All Kaimahi | Responsible for: <ul style="list-style-type: none"> complying with the Code of Conduct and all relevant Te Kura policies. reporting any non-compliance with this hātepe to their manager. |

Monitoring and assurance

49. The Hātepe Kaimahi Owner has the overall responsibility for monitoring the hātepe for effectiveness and compliance.

Measures of success

50. The hātepe will be considered effective if:

- a. Hātepe users' feedback on appropriateness and ease of application is positive.
- b. Reporting is complete and accurate.
- c. There are no breaches of the hātepe, or if there are breaches, they are dealt with in a timely and appropriate manner.

Compliance management

51. Compliance management tools and processes will be used to ensure compliance with this hātepe. The tools and processes may include:

- a. Monitoring of compliance with required processes, procedures or guidelines as set out in this hātepe and related procedures.
- b. Spot checks conducted by the Hātepe Kaimahi Owner on a regular basis to ensure compliance.
- c. Key messages will be provided to the business where spot checks have identified non-compliance.
- d. Tools such as checklists or online modules to help inform Kaimahi of their relevant obligations.

Reporting and information

52. The Hātepe Kaimahi Owner will report to the Risk Assurance Committee in accordance with the annual assurance plan.

Further support and guidance

53. Additional information that supports this hātepe can be found in:

- a. [Kaimahi Code of Conduct](#)
- b. [Conflict of Interest Governance Policy](#)
- c. [\[Conflict of Interest Hātepe Kaimahi\]](#)
- d. [Expenses, Allowances, & Reimbursements Hātepe Kaimahi](#)
- e. [Financial and Human Resources Delegations Governance Policy](#)
- f. [Fraud Prevention and Detection Governance Policy](#)
- g. [Fraud Reporting and Investigation Hātepe Kaimahi](#)
- h. [Gifts Given and Received Hātepe Kaimahi](#)
- i. [Koha Given and Received Hātepe Kaimahi](#)
- j. [Policy Framework Governance Policy](#)
- k. [Protected Disclosure Hātepe Kaimahi](#)
- l. [Procurement Guidance](#)
- m. [Purchase Card Hātepe Kaimahi](#)
- n. [Sensitive Expenditure Hātepe Kaimahi](#)
- o. [Sensitive Expenditure Guidance to Kaimahi](#)

- p. [Te Tiriti o Waitangi Governance Policy](#)
- q. [Travel Hātepe Kaimahi](#)
- r. [Government Procurement Rules](#) (Ministry of Business, Innovation, & Employment)
- s. [Guide to Mastering Procurement](#) (Ministry of Business, Innovation and Employment)
- t. [Procurement Guidance for Public Entities](#) (Office of the Controller and Auditor-General)
- u. [Crown Entities Act 2004](#)
- v. [Education and Training Act 2020](#)
- w. [Education \(School Boards\) Regulations 2020](#)
- x. [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)
- y. [Public Records Act 2005](#).

Approved by Te Rina Leonard, Chief Executive, Te Aho o Te Kura Pounamu