# **SOCIAL PROCUREMENT FRAMEWORK**

# **MODEL CLAUSES FOR INVITATIONS TO SUPPLY**

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| **DRAFTING NOTE:**These model clauses are designed for inclusion in invitations to supply, to inform Bidders of the Social Procurement Framework requirements. For advice and support on how to use model clauses, please contact:* the DJPR team for projects under $20 million at socialprocurement@ecodev.vic.gov.au
* the DTF team for projects over $20 million at spf.assurance@dtf.vic.gov.au

The clauses are drafted in generic language to minimise the need to align them with the language of the invitation to supply. Key steps:1. Ensure that the words or phrases in these clauses are consistent with the words or phrases used in your invitation to supply. For example, the words or phrases ‘Bidder’, ‘invitation to supply’, ‘Agency’ and ‘Agreement’ may need to be changed.
2. Update the references to ‘Response Schedule X’ to reflect the structure of this invitation to supply.
3. Remove all drafting notes from your invitation to supply.
4. Separately complete the relevant sections of the Response Schedule – Social Procurement Commitment Proposal and ensure it is attached to the invitation to supply.
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## **Social Procurement Framework**

#### **Overview**

1. The Victorian Government is committed to social procurement. Victoria’s Social Procurement Framework aims to increase the value of procured goods, services and construction by delivering social and sustainable outcomes that benefit all Victorians. These outcomes broadly relate to:
	1. fair and inclusive employment;
	2. supplier diversity;
	3. environmental sustainability.
2. Value for money underpins government procurement. It is achieving a procurement outcome at the best possible price — not necessarily the lowest price — based on a balanced judgement of financial and non-financial factors relevant to the procurement. The Victorian Government recognises environmental, social and economic factors as a core component of value for money.
3. The Social Procurement Framework applies to all procurement activities undertaken by, or on behalf of, Victorian Government departments and agencies from 1 September 2018.
4. For the Bidder, the Social Procurement Framework is an opportunity to work with Government to deliver social and sustainable outcomes, while continuing to grow its business by participating in government procurement. The Victorian Government considers that all Bidders can deliver one or more of these outcomes when doing business with Government.
5. Definitions

**Social Procurement Commitment** means a commitment made by a Bidder, as set out in their Social Procurement Commitment Proposal, to deliver a Social Procurement Framework Outcome.

**Social Procurement Commitment Proposal** means the proposal submitted by a Bidder as described in clause 3, in response to this invitation to supply, by completing Response Schedule [X].

**Social Procurement Framework** means Victoria’s Social Procurement Framework published on 26 April 2018 by the Victorian Government, as amended from time to time.

**Social Procurement Objective** means an objective listed in Tables 1 and 2 of the Social Procurement Framework.

**Social Procurement Framework Outcome** means an outcome listed in Tables 1 and 2 of the Social Procurement Framework.

1. Social Procurement Commitment Proposal
2. All Bidders must submit a Social Procurement Commitment Proposal.
3. The Social Procurement Commitment Proposal is where the Bidder:
	1. provides information about its current performance, at the time of the invitation to supply, in relation to delivering Social Procurement Framework Outcomes;
	2. proposes Social Procurement Commitments;
	3. details how it plans to comply with, report on and demonstrate its compliance with proposed Social Procurement Commitments.
4. The Social Procurement Commitment Proposal must contain sufficient information to demonstrate to the reasonable satisfaction of the Agency how the Bidder will comply with its Social Procurement Commitments if successful in its bid.

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| **DRAFTING NOTE:**Departments and agencies must determine which Social Procurement Framework Outcomes are being prioritised in the invitation to supply. Key steps:* + - 1. Complete a social procurement opportunity analysis for the procurement activity. Please contact socialprocurement@ecodev.vic.gov.au if you need support.
			2. For procurement activities valued at or above $20 million, departments and agencies must prepare a Social Procurement Plan in relation to the activity. Specific requirements apply to these activities in relation to prioritising Social Procurement Framework Outcomes. Please contact spf.assurance@dtf.vic.gov.au for further support.
			3. For each Social Procurement Framework Outcome that is prioritised for this procurement activity, in Table 1 in the ‘Response Schedules and Social Procurement Commitment Proposal’ model clause document, answer ‘YES’ in the column: ‘Outcomes prioritised by the Agency’.
			4. Departments and agencies must then select one of two options for Bidders in the Social Procurement Commitment Proposal response:
* Option A: allow Bidders to identify and respond to the prioritised outcomes and any additional Social Procurement Framework Outcomes. If selected, departments and agencies will need to ensure that the evaluation criteria and evaluation plan incorporates how the additional Social Procurement Framework Outcomes will be considered as part of the evaluation process. For example, additional outcomes can be takeninto consideration as part of the value for money assessment.
* Option B: do not allow Bidders to identify and respond to additional Social Procurement Framework Outcomes.

If Option A is selected, retain model clause 3(e) in this sectionIf Option B is selected, delete model clause 3(e) in this section. |

1. The Social Procurement Framework Outcomes identified in Table 1 of Response Schedule [X] are prioritised by the Agency for this invitation to supply.
2. In addition to the Social Procurement Framework Outcomes prioritised in Table 1 of Response Schedule [X], Bidders may also identify and respond to other Social Procurement Framework Outcomes in the Social Procurement Commitment Proposal.
3. Agency’s use of the Social Procurement Commitment Proposal
4. The Bidder’s Social Procurement Commitment Proposal is a key selection criterion as part of the overall evaluation process. This criterion is allocated the weighting set out in this invitation to supply.
5. The Agency may, at its discretion, request further information from, or hold discussions with, the Bidder regarding its Social Procurement Commitment Proposal.
6. The successful Bidder’s Social Procurement Commitment Proposal (including any Social Procurement Commitments) will be included and form part of the Bidder’s obligations under the Agreement to be entered into between the successful Bidder and the Agency.

#### **Further information and assistance**

1. Bidders can access further information and resources about the Social Procurement Framework on the Buying for Victoria website and accessing the [SPF Supplier Guidance](https://www.buyingfor.vic.gov.au/social-procurement-framework-supplier-guidance).
2. Bidders are strongly encouraged to attend any briefing provided by the Agency on the Social Procurement Framework. Where it is not practicable for a Bidder to attend such a briefing, the Bidder is responsible for:
	1. reading any briefing materials provided by the Agency to the Bidder; and
	2. providing confirmation to the Agency that it has read and understood the briefing materials (if requested).