

Internal Memo Ministry Of Health

To: Memo Musa
Group Manager (Acting) Mental Health Service Improvement Group

From: Derek Thompson
Team Leader Problem Gambling

Subject: Approval to engage contractor for Problem Gambling Service Plan Development

Date: 6 December 2011

For Your: ACTION: () DECISION: (✓) INFORMATION: ()

Purpose

To obtain your approval to appoint a short term contractor to back fill the senior advisor role seconded to the DPMC Youth Mental Health Project.

Background

In late August the Senior Advisor in the Problem Gambling work stream was seconded onto a priority youth mental health cross government project. Whilst initially thought to be only a six week secondment with further work expected in February 2012 the reality has been project work has continued and is looking to be ongoing through to at least May of this year.

While short term coverage could be achieved within the team the impact is now effecting the delivery of the NPGT annual workplan. The lack of senior advisor time and input will place the delivery of the workplan at risk. This is not a situation that can be accepted as the Ministry of Health is required to prepare for and deliver a draft Preventing and Minimising Gambling Harm Service Plan for the three year period 2013 to 2016.

The draft service plan needs to be completed to a point where the DG and Accountable Ministers can sign off on the legal requirement to undertake public consultation on the draft plan can begin in July 2012. As time frames are bound by legislation there is no option to defer the process.

Accordingly it is proposed to call for expressions of interest to engage a consultant to work with the problem gambling team and assist in delivering the project to develop the draft service plan to the point where authorisation to proceed with the public consultation is obtained in May of 2012. Expressions of interest will be sought from three to five sources including:-

- Recruitment agencies - The Johnson Group; Beyond Recruitment
- Individual contractors (3 persons possibly available)

It is anticipated this will be an approximate DE cost of up to \$50,000 dependent upon hourly rates for the period concerned. There is sufficient budget within the Problem Gambling cost centre in the current year.

Recommendations

Note the Mental Health Service Improvement Group's support for the DPMC youth mental health priority project has resulted in senior advisor role within the problem gambling team being redirected to this project	Yes / No
Note the resulting impact will affect the delivery of the problem gambling workplan deliverables	Yes / No
Agree that the Ministry seek expressions of interest to select a contractor to undertake project based activities for the next five month period	Yes / No
Note that sufficient DE budget exists within the problem gambling Cost centre	Yes / No

Memo Musa
Group Manager (Acting)
Mental Health Service Improvement Group
Sector Capability and Implementation
Date _____

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Ministry of Health ConCare 1.5.2



Contract [Expired]

111200068 - Contractor

Job Initiator April-Mae Marshall
 Job # 111200068
 Job Type New
 Document Type RFx
 Contract Manager Derek Thompson
 Delegated Financial Authority Memo Musa

Covering Memo

To Memo Musa
 From April-Mae Marshall
 Subject MARKland and Markland Contract - Problem Gambling
 Title Contractor
 For Your Action
 Business Unit SCT
 Group Mental Health Service Improvement
 Team Problem Gambling

Recommendations

It is recommended that you Apologies with what will appear to be repeat work for you. However with the change from the e-register to ConCare there seems to be no other way to ensure John Markland will be logged as a contractor and paid.
 It is recommended that you RE AGREE to contracting Markland and Markland Ltd.

Executive Summary

Description of Goods and/or Services/Project/Programme Work on the Problem Gambling Team to assist in the creation of the 2013-2016 Minimising Harm Action Plan.
 How aligns to Ministry SOIs/Strategies/Outcomes The work is part of the work stream for the Problem Gambling Team. The Action Plan 2013-2016 is a key deliverable within this workplan.

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure

Expenditure Details

Contractor
 Position Backfill Resource (while a resource is being found) - 2982
 Part of Approved Business Plan? Yes

Other Options Considered

#	Description	Advantages	Disadvantages
1	Do nothing		
2	Deliver the services in house		

Budget Details

Approved Expenditure Opex
 Funding Source DE,
 Cost Centre 457000 - Problem Gambling
 GL Code 6655 - Contractor

Contractor Specifications

Vendor details

Name Markland and Markland Ltd
 Address [REDACTED]

Contractor details

First Name John
 Last Name Markland
 Address [REDACTED]

Contractor role details

Role Title Advisor
 Group Mental Health Service Improvements
 Section Team Problem Gambling
 Location The Terrace Wellington
 Hours of work Varied
 Domestic Travel Required Yes

Term of contract

Start Date 20/02/2012
 End Date 30/06/2012

Contractor key relationships

Manager's First Name Derek
 Manager's Last Name Thompson

Deliverables and acceptance criteria

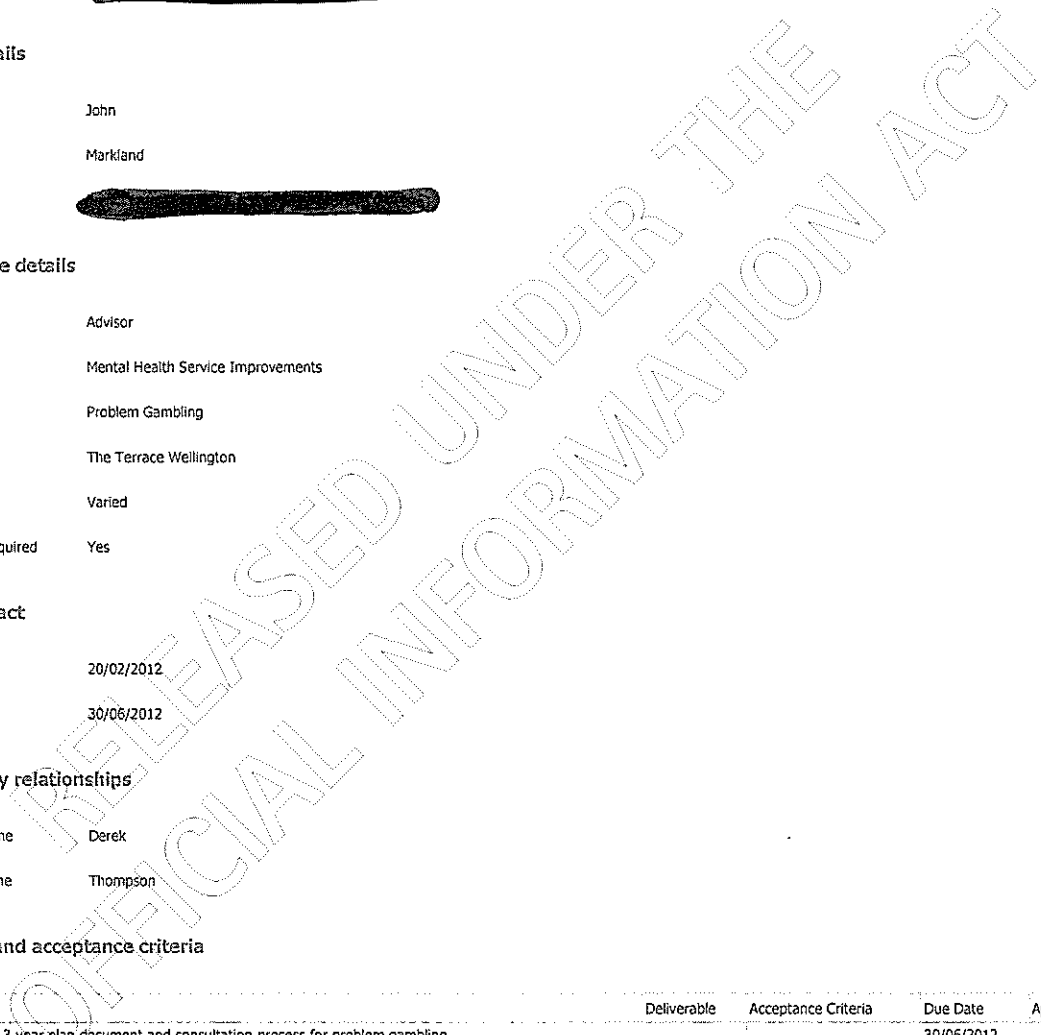
#	Activity	Deliverable	Acceptance Criteria	Due Date	Approver
1	Contribute to a 3 year plan document and consultation process for problem gambling			30/06/2012	
2	Give general policy advise to the 3 year workplan			30/06/2012	
3	Assist in the procurement of services as appropriate to the problem gambling team			30/06/2012	

Rates

Hourly Rate
 Hours Per Day
 Number of Days

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)



Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Contractor	457000					

Total Cost

Actual Expenditure Capital - \$0.00 Operational

Procurement plan

Purchase Type

Purchase Type Conventional

Tender Method

Tender Method RFQ - Closed Tender

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process	Three recruitment agencies requested to respond with quotes. Three CVs received and selection completed.	Limited responses.
3	Selective Purchase		

Proposed Procurement Process Timeline (dd/mm/yyyy)

Tender Document Release 16/01/2012
 Tender Closing 06/02/2012
 Tender Evaluation Commencement 06/02/2012
 Contract Recommendation 13/02/2012
 Negotiations Complete 20/02/2012
 Contract Start 20/02/2012

Proposed Evaluation (or Interview for PRO Porcess) Panel:	Name	Title	Position	Declaration of Conflicts of Interest
	Derek Thompson	Team Leader Problem Gambling		No
	Adrian Portis	Senior Advisor Problem Gambling		No

Tender

Legal approval received Yes
 Contract Manager authorisation Yes
 DFA Approval Yes
 Tender issue date 16/01/2012
 Tender close date 06/02/2012
 No. of respondents 3
 Shortlisted respondents Johnson Group 2 candidates, Markland and Markland Ltd
 Unsuccessful respondents Johnson Group
 Awarded contract on 13/06/2012 12:12:44 p.m. By April-Mae Marshall
 Successful tenderer(s) Markland and Markland Ltd
 Award recommendation Markland and Markland proposal cost closely matched the expense required and was best price.

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				

Memo Musa	Group Manager (acting) Mental Health Service Improvements	Memo_Musa@moh.govt.nz	Memo can you please approve. This did not go thru a business case process so you are the approving body.	12/03/2012 Email sent. 30/05/2012 Approved By Memo Musa.
DFA Approval				
Memo Musa	Delegated Financial Authority	Memo_Musa@moh.govt.nz		30/05/2012 Email sent. 30/05/2012 Approved By Memo Musa.
Contract Approval				
Memo Musa	Group Manager (acting) Mental Health Service Improvements	Memo_Musa@moh.govt.nz	You have already agreed to this resource in fact the resource has been working since 21 Feb 2012.	13/06/2012 Email sent. 14/06/2012 Approved By Memo Musa.
Vendor & RAPs validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		14/06/2012 Email sent. 14/06/2012 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 41621	14/06/2012 Email sent. 15/06/2012 Approved By Kevin Hobman.
Contract completed on	22/06/2012 10:53:55 a.m. By Michael Blake			

Audit Log

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Contract Extension: Markland and Markland Ltd

Memo Musa to: Mike McCarthy

Cc: Barbara Phillips

18/07/2012 06:52 p.m.

Hi Mike,

I have been advised that our request for the above contract to be extended is with you for consideration and approval.

We have requested this extension through to 21 December 2012. The consultant is working on a discrete project to help the team meet the Ministry's legal obligations with regard to preparing the next three year strategy for Preventing and Minimising Gambling Harm.

- The Gambling Act 2003 prescribes a lengthy consultation process for developing the strategy these are legal obligations the Ministry must comply with.
- The required steps and timeframe is already tight in that the levy regulations must be passed and implemented on 1 July 2013
- Between now and Feb 2013 two consultation processes must be completed under the Act and the relevant Cabinet level agreements obtained.
- Responsible Ministers (Health and Internal Affairs) need to agree the outcome of the consultations and make recommendations by December 2012 for both input into Budget 2013 and Cabinet sign-off of levy regulations in Feb 2013

In addition the normal business plan activity is escalating given the Government's negotiations with SKY CITY and the Private Member's Bill to amend the Gambling Act currently before the select committee.

Key Risks are

- Workforce - there two FTE vacancies in the team. One is on hold due to the SC1 FTE cap. The second we are in the process of seeking approval to recruit, this will not be complete for another 8 weeks at least.
- [REDACTED] will be leave during August/September 2012 due to [REDACTED]
- If we have no approval to proceed as requested Markland and Markland Ltd will cease at end of this week.
- Ministry has significant reputation risks associated with not meeting ministers expectations and legal obligations

I am away as of lunch time tomorrow and not back until 21 August 2012. Peter Kennerley will be covering pending Rod Bartling commencing as Group Manager. My key message is that we are thin on the ground and we cannot afford to fail to meet the requirements of this complex process. Any delay in meeting the legislative obligations has implications for us as an organisation as well as other agencies like the Department of Internal Affairs whose independent consultation process follows on from ours, including scrutinising ours

Recommend agree to renew Markland and Markland Ltd to 21 December 2012

Regards

Memo

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Contract [Expired]

111200068-Var-001 - Contractor for the development of Preventing and Minimising Gambling Harm Strategy

Job Initiator April-Mae Marshall
 Job # 111200068-Var-001
 Job Type Existing
 Document Type Var
 Contract Manager April-Mae Marshall
 Delegated Financial Authority Kevin Woods

Covering Memo

To Kevin Woods
 From Memo Musa Group Manger (Acting) SCI
 Subject Extension of Term
 Title Contractor for the development of Preventing and Minimising Gambling Harm Strategy
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Problem Gambling

Recommendations

It is recommended that you Approve the extension of this contract to an end date of 31 December 2012.

- Note this is a retrospective approval of a contractor totalling over \$100,000.00 and over 6 months in duration - This variation commenced on July 1 2012 The original commenced 20/2/2012
- Note this has not yet recieved Health Legal approval
- Note this was Approved by Mike McCarthy while he was acting CFO

Executive Summary

Description of Goods and/or Services/Project/Programme Markland & Markland Ltd (John Markland)
 Background
 The Problem Gambling Team is currently working developing draft Preventing and Minimising Gambling Harm Strategy and Problem Gambling Levy Regulations for the 2013/14 to 2015/16 period.
 John Markland commenced as a contractor on the 20th of February 2012 to support the Problem gambling Team to put in place and lead preparation of the draft Preventing and Minimising Gambling Harm Strategy and Problem Gambling Levy Regulations documents. Current contract expires 30 June 2012.
 John Markland was commissioned following an open procurement process with five organisations with specialist skills asked to respond. Three responses were received. Markland & Markland was selected from those based on value for money and previous experience.
 As at 30 June the total cost is likely to be (note June invoice not yet received) [REDACTED]
 On July 10 a letter was sent to Markland and Markland from the Team Leader of Minimising Harm - Problem Gambling in regards to this arrangement. Noting an end date of August 30 2012. This was written while approval of the variation in Concare was being processed. This letter is attached.

Summary

Work on the Preventing and Minimising Gambling Harm Strategy and Problem Gambling Levy Regulations for the 2013/14 to 2015/16 period will continue through to April/May 2013, when it is expected that Cabinet will have struck levies to commence from 1 July 2013. There will be a condensed period of public consultation including independent consultation by the Gambling Commission prior to Cabinet sign off (expected February 2013) for any levy proposal. This project is listed in the Ministry's 2012/13 output plan and the SCIBU Business Plan. This project is expected to be completed in April 2013 with final cabinet sign off on the Strategy and regulations at that time.
 It is proposed to extend the contract through to 31 December 2012 - this means an additional 25 weeks at approximately 32 hours per week at [REDACTED] per hour equalling [REDACTED] maximum value as not all weeks will require 32 hours during the project lifetime). These costs have been budgeted for the year 2012/13. Currently the Problem Gambling Team has two staff FTE vacancies hence additional support is required to ensure the key deliverables are achieved on time.

Senior Advisor services to assist in the completion of Statutory requirements of the Ministry of Health pursuant to the Gambling Act 2003. This involves cabinet approval to undertake consultation on the draft strategy, drafting regulatory impact statements for the problem gambling levy regulations, supporting the Gambling Commission to complete their independent consultation, and the final cabinet sign off processes due for completion in December 2012

Contractor will provide support to the Problem Gambling Team in preparing and completing all the required documents and leading the process including the CAB 100 process that will ensure the delivery of the Problem Gambling Minimising Harm Strategy and Problem Gambling Levy Regulations for the 2013/14 to 2015/16 period.

How aligns to Ministry SOIs/Strategies/Outcomes

Aligns with the Preventing and Minimising Gambling Harm Strategy 2010 to 2016. This is included in the Ministry Output Plan and the SCI Business Plan 2012/13.

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure

Expenditure Details

Reasons/Objectives Existing Contract Expiry,
Contractor

Position Replacement Resource - 2982

Part of Approved Business Plan? Yes

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Do nothing		
	2	Deliver the services in house		

Budget Details

Approved Expenditure Opex

Funding Source DE,

Cost Centre 457000 - Problem Gambling

GL Code 6655 - Contractors non it

Contractor Specifications

Vendor details

Name Markland and Markland Ltd

Address 

Contractor details

First Name John

Last Name Markland

Email John_Markland@moh.govt.nz

Contractor role details

Role Title Contractor

Group Problem Gambling

Section Team SCI

Location The Terrace

Term of contract

Start Date 01/07/2012

End Date 31/12/2012

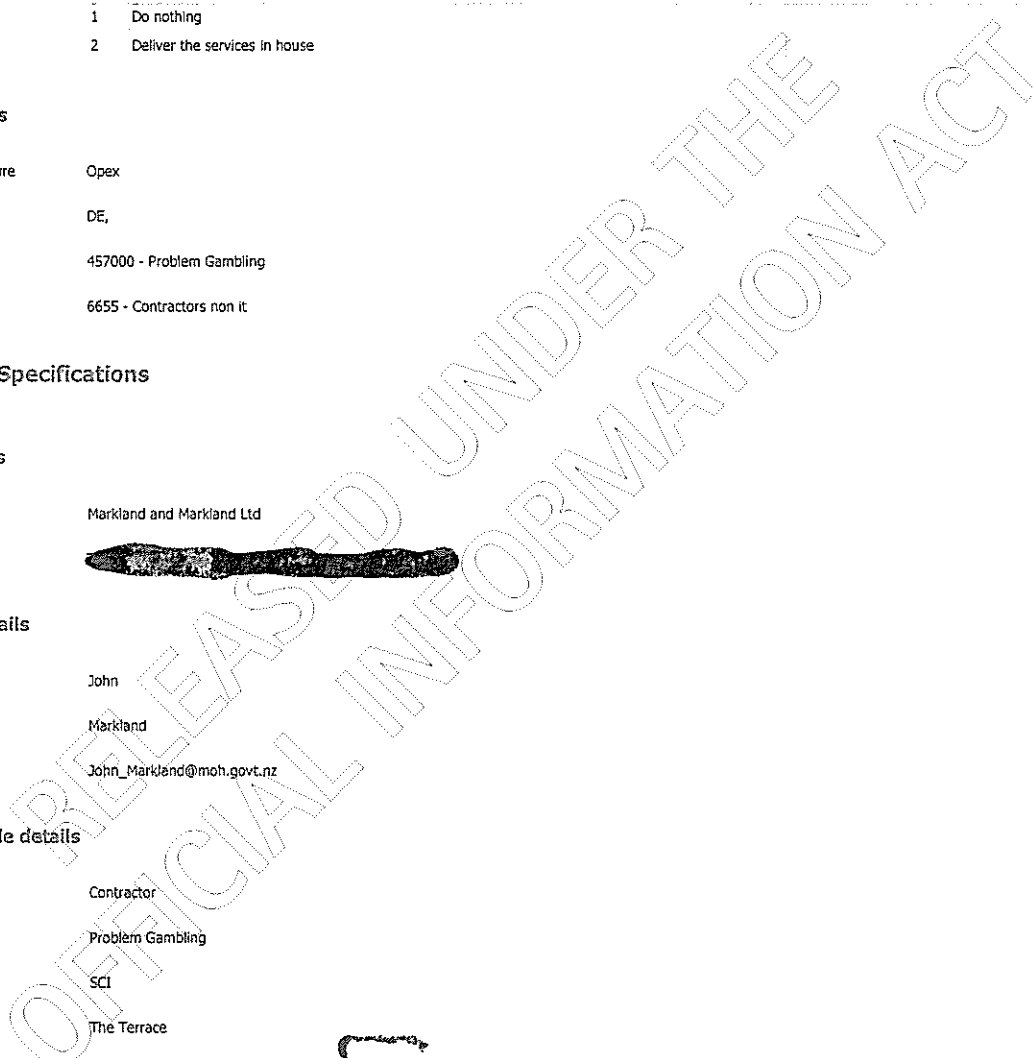
Contractor key relationships

Manager's First Name Memo

Manager's Last Name Musa

Rates

Hourly Rate 



Hours Per Day 8

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Service Fees	457000					

Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
per hour for service fees (35 weeks at 32 hours per week maximum)	457000							

Total Cost

Actual Expenditure Capital - \$0.00 Operational - [redacted]

Procurement plan

Purchase Type

Purchase Type Conventional

Tender Method

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

For Relational Purchase and/or Selective Purchase

Provider Highly Specialised When first tendering for this contractor there were 3 quotes received from 5 groups. This provider was both the least expensive and had held the best level of experience in this field.

Tender

Legal approval received No
 Contract Manager authorisation No
 DFA Approval No
 No. of respondents 0
 Awarded contract on 25/06/2012 02:13:53 p.m. By April-Mae Marshall
 Successful tenderer(s) Markland and Markland Ltd

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Memo Musa	Group Manager (acting) Mental Health Service Improvements	Memo_Musa@moh.govt.nz	as discussed previously Memo.	25/06/2012 Email sent. 25/06/2012 Email sent. 04/07/2012 Approved By Memo Musa.
Ashley Bloomfield	DDG of SCI	Ashley_Bloomfield@moh.govt.nz	for your information if you have any queries please speak to Memo or Derek	25/06/2012 Email sent. 25/06/2012 Email sent. 29/06/2012 Approved By Ashley Bloomfield.
Mike McCarthy		Mike_McCarthy@moh.govt.nz	Retrospective Variation	02/07/ 012 Email sent. 10/07/2012 Email sent. 26/07/2012 Email sent. 30/07/2012 Email sent.

Sarah Fitzgerald

sarah_fitzgerald@moh.govt.nz

30/07/2012 Approved By Mike McCarthy.

10/08/2012 Email sent.
14/08/2012 Email sent.
14/08/2012 Approved By Sarah Fitzgerald.

DFA Approval

Kevin Woods

Delegated Financial Authority

Jo_Waugh@moh.govt.nz

30/07/2012 Email sent.
30/08/2012 Approved By Kevin Woods.

Document Completed on

25/06/2012 02:30:00 p.m. By April-Mae Marshall

Contract Approval

Peter Kennerley

Peter_Kennerley@moh.govt.nz

30/08/2012 Email sent.
03/09/2012 Approved By Peter Kennerley.

Vendor & RAPS validation

Earl Kahu

Earl_Kahu@moh.govt.nz

03/09/2012 Email sent.
04/09/2012 Approved By Earl Kahu.

Kevin Hobman

kevin_hobman@moh.govt.nz

RAPS Contract Purchase Agreement
44769

04/09/2012 Email sent.
05/09/2012 Approved By Kevin Hobman.

Contract completed on

06/09/2012 04:37:31 p.m. By Jane Loughnan

Audit Log

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Internal Briefing for the Director-General

To:	Kevin Woods	For your:	Decision
Date:	13 December 2012	Timing:	Immediate, Soon (3 days)
From:	Rod Bartling Group Manager Mental Health Service Improvement	Security:	Confidential
Copy to:	Cathy O'Malley, DDG, SCI Business Unit		

Extension of contract term for DE contractor

1. Background

The Mental Health Service Improvement Group is required to seek final Government approval for the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period by April 2013.

We are seeking your agreement to the extension of contract term for a part time contractor who has been engaged to lead this project for the Group.

John Markland (Markland and Markland Ltd) was contracted, as a Department Expenditure contractor, for up to four days a week from 20th February 2012. The contract term is due to expire on 21 December 2012.

To the end of November, the Ministry has paid a total of \$ [REDACTED] to the contractor, being \$ [REDACTED] per hour for [REDACTED] hours year to date. John was selected from an open procurement process and was assessed as the best value for money in terms of both

- the lowest hourly rate from the proposals received at that time
- his specialist topic knowledge given his previous role as Manager Gambling Policy in the Department of Internal Affairs (DIA).

The main task was to manage the project to develop and seek approval for the Preventing and Minimising Gambling Harm Service Plan (PMGH) for the period 2013 to 2016.

The project has proceeded very well to date including two consultation processes as required by the Gambling Act 2003. Immediately after the consultation processes the Ministry was commended by both the Gambling Commission and the office of the Associate Health Minister Dunne for the quality of the documentation and the consultation processes undertaken.

2. Key issues

A number of circumstances have led to the need to extend the contract term:

- the Mental Health Service Improvement Group has a high workload and increasing new demands related to current government initiatives e.g. the Youth Mental Health Projects and implementation of the Mental Health and Addiction Service Development Plan.

- There is increased activity around the gambling issue including the Government's signalled review of Class 4 gambling legislative controls, a private members Gambling Harm Amendment Bill progressing through the parliamentary select committee process and public speculation regarding the proposal for an Auckland convention centre.
- the Team Leader managing this process has [REDACTED] [REDACTED] been unavailable during key parts of the process. John Markland has led the process during these absences.

The key risks to the Ministry if the contract term is not extended are if further unavoidable absences occur then there will be little continuity of process therefore impeding the ability to obtain a Cabinet decision agreeing the appropriation for the PMGH Service Plan and failure to Gazette the Gambling (Problem Gambling) Levy Regulations by 30 June 2013. This represents a \$54 million dollar risk over the three years 2103/14 to 2015/16, as well as reputational risks for the Ministry at an operational and political level.

3. What is the Ministry doing about it?

The project to complete the PMGH Service Plan requires three further steps:

- the development of a regulatory impact statement (RIS) for the problem gambling levy regulations. This involves working with DIA and Treasury as well as a public sector agency consultation on the draft RIS.
- jointly preparing a cabinet paper with DIA
- putting the RIS and the cabinet paper to SOC and Cabinet in April 2013.

This must occur no later than April to ensure that the regulations are gazetted before 1 July 2013 as the current levy regulations expire on 30 June 2013.

4. Advice

Given the positive feedback from stakeholders and to ensure efficiency through continuity, an extension of the Markland and Markland Ltd contract to 31 May is recommended.

John is paid on an actual hours worked basis at an hourly rate of \$ [REDACTED] per hour. At [REDACTED] hours per week to 31 May 2013 the cost of this extension would be a maximum of [REDACTED].

5. Expected action of the Director-General

Approval to extend the DE contract term with Markland and Markland Ltd through to 31 May 2013.

Recommendations

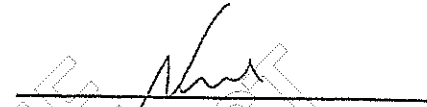
Recommended that you:

note	Director General approval is required under the Ministry's DE procurement policy for contractors where the term is for more than 6 months (including extensions) or where the total cost is over \$100,000.	Yes/No <input checked="" type="checkbox"/>
2. approve	An extension of the DE contract with Markland and Markland Ltd on the existing terms and conditions through to 31 May 2013.	Yes/No <input checked="" type="checkbox"/>



Ministry lead
Rod Bartling
Manager Mental Health Service
Improvement Group
Sector Capability and Implementation

DDI: 04 816 4392
Mobile: 021 385 367



Kevin Woods
Director-General of Health

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Contract [Expired]

121300688 - Request to extend John Markland of Markland and Markland Contract to 31 May 2013

Job Initiator April-Mae Marshall
 Job # 121300688
 Job Type New
 Document Type RFX
 Contract Manager April-Mae Marshall
 Delegated Financial Authority Kevin Woods

Covering Memo

To Kevin Woods
 From Rod Bartling
 Subject Extension of Contract Term for DE Contractor - Problem Gambling
 Title Request to extend John Markland of Markland and Markland Contract to 31 May 2013
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Minimising Harm of Problem Gambling

Recommendations

It is recommended that you NOTE - request is being made as part of the requirement under the Ministry's DE Procurement Policy for Contractors noting that where the term is more than 6 months (including extensions) and where the total cost is over \$100,000 DG approval is necessary.

Executive Summary

Description of Goods and/or Services/Project/Programme Work with the Minimising Harm of Problem Gambling team to ensure that the work needed to implement the Preventing and Minimising Gambling Harm Service Development Plan for 2013-2016 runs effectively. This will include but not be limited to assisting the Ministry to receive Cabinet agreement of appropriation for the plan and ongoing gazetting of the Gambling Levy Regulations due in June 2013. The contractor will also help in the following three steps:
 1. development of a regulatory statement (RIS) for the problem gambling levy regulations working closely with DIA and Treasury
 2. jointly preparing cabinet paper with DIA
 3. putting the RIS and Cabinet paper to SOC and Cabinet in April 2013

How aligns to Ministry SOIs/Strategies/Outcomes The work is part of the work stream for the Minimising Harm of Problem Gambling. The Action Plan 2013-2016 implementation is a key deliverable for the Ministry.

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure**Expenditure Details**

Reasons/Objectives Legislative Compliance, Increase Capacity, Contractor

Position Additional Resource - none noted

Part of Approved Business Plan? No

Key Benefits of Proposed Procurement The preferred contractor assisted led the creation of the Preventing and Minimising Gambling Harm Service Development Plan for 2013-2016 which passed through Cabinet in late 2012. Using this contractor for the completion of this work will ensure continuity in the process and reduce delays that would occur should a contractor unfamiliar to the process be appointed.

Risks There is no risk associated with the appointment of Markland and Markland - risks of poor continuity and delayed timeframes could occur if a different contractor was considered.

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Deliver the work in house	none as the proposed contractor has been the key resource for this project to date.	Significant credibility issues surrounding continuity of process in the absence of lead MoH staff due to

Impact of Proposed Procurement unknown

Budget Details

Approved Expenditure Opex
 Funding Source DE,
 Cost Centre 457000 - Preventing and Minimising Gambling Harm
 GL Code 6655 - Contractor

Contractor Specifications

Vendor details

Name Markland and Markland Ltd
 Address [REDACTED]

Contractor details

First Name John
 Last Name Markland
 Address [REDACTED]
 Email [REDACTED]

Contractor role details

Role Title Contractor
 Group MHSI
 Section Team Minimising Harm of Problem Gambling
 Location The Terrace Wellington
 Hours of work no more than 32 hours per week
 Domestic Travel Required Yes

Term of contract

Start Date 04/02/2013
 End Date 31/05/2013

Contractor key relationships

Manager's First Name Derek
 Manager's Last Name Thompson
 Number of direct reports 0
 Overall staff responsibility 0

Deliverables and acceptance criteria

#	Activity	Deliverable	Acceptance Criteria	Due Date	Approver
1	1. obtain Cabinet Decision on the appropriation for the service plan. 2. Gazette the Gambling Levy Regulations by 30 June 2013. 3. Development of a regulatory impact statement working with DIA and Treasury. 4. Cabinet paper creation with DIA. 5. put regulatory impact statement and cabinet paper before SOC and Cabinet in April 2013.				

Rates

Hourly Rate [REDACTED]
 Hours Per Day 8
 Number of Days [REDACTED]

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Contractor Fees - monthly invoices	454000		[REDACTED]			

Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
Contractor Fees - monthly invoices	454000							

Total Cost

Actual Expenditure Capital - \$0.00 Operational -

Procurement plan

Purchase Type

Purchase Type Conventional

Tender Method

Tender Method RFQ - Selective Purchase

#	Description	Advantages	Disadvantages
1	Selective Procurement	The contractor chosen has worked on the initial phases of this project and knows the complexities moving forward. This will allow for continuity and reduce delays.	none as the contractor selected did go through an open tender process when first appointed and was chosen due to specialist knowledge and lowest hourly rate of the proposals received.

For Relational Purchase and/or Selective Purchase

Proposed Tender Evaluation Criteria knowledge base on this topic value for money - low cost

Tender

Legal approval received No
 Contract Manager authorisation Yes
 DFA Approval Yes
 No. of respondents 0
 Shortlisted respondents NA
 Unsuccessful respondents NA
 Awarded contract on 05/02/2013 11:52:48 a.m. By April-Mae Marshall
 Successful tenderer(s) Markland and Markland Ltd
 Diary notes Please note this was a selective procurement based on past work the vendor has done in this area.

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Rod Bartling		Rod_Bartling@moh.govt.nz		16/01/2013 Email sent. 17/01/2013 Approved By Rod Bartling.
DFA Approval				
Kevin Woods	Delegated Financial Authority	Jo_Waugh@moh.govt.nz	please refer to the attached internal memo for further detail	17/01/2013 Email sent. 31/01/2013 Approved By Kevin Woods. 31/01/2013 Approved By Kevin Woods.
Contract Approval				
Rod Bartling		Rod_Bartling@moh.govt.nz		05/02/2013 Email sent. 05/02/2013 Approved By Rod Bartling.
Vendor & RAPS validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		05/02/2013 Email sent. 05/02/2013 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 50340	05/02/2013 Email sent. 13/02/2013 Approved By Kevin Hobman.
Contract completed on	15/02/2013 02:51:33 p.m.	By Michael Blake		
Audit Log				

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Memo



Date:	7 May 2013
To:	Dr Kevin Woods, Director General
Copy to:	Cathy O'Malley, DDG SCI Rod Bartling, Manager Mental Health Service Improvement Group, SCI
From:	Derek Thompson, Team Leader Gambling Harm Minimisation
Subject:	Extension of Contractor's term
For your:	Decision <input checked="" type="checkbox"/>

Background

The Ministry has employed a contractor, Markland and Markland Ltd -John Markland (the Contractor), to manage a project to ensure the preparation and consultation on the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period (the Strategy).

The Contractor has been contracted for a term from 20 February 2012 to 31 May 2013 based on up to four days per week at a rate of [redacted] per hour excluding GST, Note only hours worked are paid.

The prime goal of the Contractors project was to facilitate completion of the Ministry's responsibilities with regard to obtaining Government decisions to approve the Vote Health appropriation for the Strategy and subsequently to work with the Department of Internal Affairs to assist in the passing of the new Problem Gambling Levy Regulations (the Levy). The Contractor has been the lead person for the Ministry during the consultation and strategy development processes [redacted]

The Levy is intended to reimburse the Crown for the cost of implementing the Strategy. The current Problem Gambling Levy Regulations expire on 30 June 2013 and new regulations need to be in place by 1 July 2013.

The Gambling Act 2003 requires a lengthy multi-stage consultation process. As a consequence the Contractor was engaged on 20 February 2012 to begin preparation of consultation documents, the Ministry held its consultation in August 2012 and subsequently the Gambling Commission's independent consultation was completed in November 2012. The Strategy and appropriation was approved by Cabinet in March 2013.

Currently papers, for the Cabinet Legislation Committee meeting on 16 May 2013, are being prepared for approval to draft Problem Gambling Levy regulations for the period 1 July 2013 to 30 June 2016. It is intended that the responsible Ministers (Health and Internal Affairs) will instruct the Governor General to enact the regulations no later than 23 May 2013 subject to Cabinet approval.

Application for Judicial Review

In late April 2013 Clubs NZ, who represent gambling machine operators in chartered Clubs, applied to the High Court for a Judicial Review and also for Interim Orders to prevent further implementation of the problem gambling levy regulations.

Clubs NZ are seeking a Levy rate for Clubs that is separate from the remaining Class 4 Non Casino Gaming Machine sector, that is a Pub and Club split within the NCGM sector.

The application for Interim Orders and a Judicial Review had it's first call at the High Court in Wellington on Monday 6 May 2013. The Judge has confirmed that the application for Interim Orders will be heard on 13 and 14 May 2013 and that the date for the substantive Judicial Review hearing would be determined at that time.

The impact of the applications is difficult to determine as the outcome of the Interim Orders application is as yet unknown and the date for the substantive review has not been determined. Regardless, the Ministry will be involved in preparing evidence to defend the matters raised by the applicant. This has already meant significant work to assist Crown Law in preparing affidavits for the Interim Orders application. To date the Contractor has made and sworn affidavits with regard to the Ministry's evidence for the interim orders hearing. Note the Contractor is the Ministry's Minimising Gambling Harm team representative who attended all consultation meetings.

Summary

The application to the High Court for a Judicial Review will significantly impact the workload of SCI's Gambling Harm Minimisation team. Affidavits in evidence for both the interim orders hearing and the Judicial Review substantive hearings need to be thoroughly prepared. The team is working through this process with Crown Law.

In addition the team is also working to ensure renewal of service delivery contracts for the problem gambling sector whose current contracts expire on 30 June 2013. This is a significant amount of procurement activity.

A higher than normal cross agency workload is also being maintained as the Government's policy commitments are also under way with interactions regarding the review of the Gambling Act and the proposed International Convention Centre negotiations.

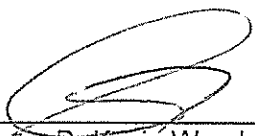
Action

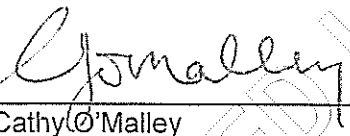
Your approval to extend the Ministry's contract with Markland and Markland Ltd for a further three months is sought to enable preparation of the response to the application to the High Court for a Judicial Review and the application for Interim Orders.

Note while it is currently not possible to determine an exact time frame for these matters to be heard and finalised, three months is an early estimate to meet the pressing needs of the current contract termination date. The Ministry needs to ensure the best quality input and accuracy of advice is made available to Crown Law in this Judicature review process.

Recommendations It is recommended that you:

1.	Note	Markland and Markland Ltd has been contracted by the Ministry to lead the project to complete the development of the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period from 20 February to 31 May 2013.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	Note	That the Contractor has provided services to date on time and to a high quality.	<input checked="" type="radio"/> Yes <input type="radio"/> No
3.	Note	That as a result of an application for a Judicial Review additional services may be required from the Contractor to support the Ministry's defence of the application	<input checked="" type="radio"/> Yes <input type="radio"/> No
4.	Agree	To an extension of the Contractor's contract term to 31 August 2013 at existing terms and conditions.	<input checked="" type="radio"/> Yes <input type="radio"/> No

Signature 
 Name Dr Kevin Woods
 Title Director General
 Date: 20/5/13

Signature 
 Name Cathy O'Malley
 Title Deputy Director General
 Date: 22/5/13

Signature 
 Name Rod Bartling
 Title Manager Mental Health Service Improvement
 Date: 23/5/13

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Ministry of Health ConCare 1.5.2



Contract [Expired]

121300688-Var-001 - Request to extend John Markland of Markland and Markland Contract to 31 August 2013

Job Initiator Gen Hooker-Snell
 Job # 121300688-Var-001
 Job Type Existing
 Document Type Var
 Contract Manager Gen Hooker-Snell
 Delegated Financial Authority Kevin Woods

Covering Memo

To Kevin Woods
 From Rod Bartling
 Subject Extension of Contract Term for DE Contractor - Problem Gambling
 Title Request to extend John Markland of Markland and Markland Contract to 31 August 2013
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Problem Gambling

Recommendations

It is recommended that you Note : Markland and Markland Ltd has been contracted by the Ministry to lead the project to complete the development of the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period from 20 February to 31 May 2013.
 Note : That the Contractor has provided services to date on time and to a high quality.
 Note : That as a result of an application for a Judicial Review additional services may be required from the Contractor to support the Ministry's defence of the application.
 Agree : To an extension of the Contractor's contract term to 31 August 2013 at existing terms and conditions.

Executive Summary

Description of Goods and/or Services/Project/Programme Work with the Minimising Gambling Harm team to respond to and address matters relating to the Judicial Review application to review the Problem Gambling Levy setting process for 2013/14 to 2015/16 Levy period. Also to undertake any relevant actions that may result from the Judicial Review outcomes (once known) as they relate to ensuring that implementing the Preventing and Minimising Gambling Harm Service Development Plan for 2013-2016 runs effectively. This will include but not be limited to assisting the Ministry to identify and remedy if required the processes of Cabinet agreement to appropriation for the plan and ongoing gazetting of the Gambling Levy Regulations 2013.
 The above may require The contractor to assist the Ministry to provide evidence for the Judicial review hearing. The following steps may fall within scope of the review process :
 1. consultation on the draft strategy and the development of the proposed strategy post the Ministry's consultation.
 2. development of a regulatory statement (RIS) for the problem gambling levy regulations working closely with DIA and Treasury
 3. jointly preparing cabinet papers with DIA
 4. putting the RIS and Cabinet paper to SOC and Cabinet in April 2013

How aligns to Ministry SOIs/Strategies/Outcomes The work is part of the work stream for the Minimising Harm of Problem Gambling. The Action Plan 2013-2016 implementation is a key deliverable for the Ministry.

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure**Expenditure Details**

Reasons/Objectives

Existing Contract Expiry, Contractor

Position Additional Resource - n/a

Part of Approved Business Plan? No

Key Benefits of Proposed Procurement The preferred contractor assisted led the creation of the Preventing and Minimising Gambling Harm Service Development Plan for 2013-2016 which passed through Cabinet in late 2012. Using this contractor for the completion of this work will ensure continuity in the process and reduce delays that would occur should a contractor unfamiliar to the process be appointed.

Risks There is no risk associated with the appointment of Markland and Markland - risks of poor continuity and delayed timeframes could occur if a different contractor was considered.

Other Options Considered

#	Description	Advantages	Disadvantages
1	Deliver the services in house	none as the proposed contractor has been the key resource for this project to date.	Loss of continuity of process, significant loss of relevant background knowledge for the Judicial review.

Budget Details

Approved Expenditure Opex

Funding Source DE,

Cost Centre 457000 - Preventing and Minimising Gambling Harm

GL Code 6655 - Contractor - non IT

Contractor Specifications

Vendor details

Name Markland and Markland Ltd

Contractor details

First Name John

Last Name Markland

Address [REDACTED]

Email [REDACTED]

Contractor role details

Role Title Contractor

Group MHSI

Section Team Problem Gambling

Location 1 The Terrace

Hours of work no more than 32 hours per week

Domestic Travel Required Yes

Term of contract

Start Date 31/05/2013

End Date 31/08/2013

Contractor key relationships

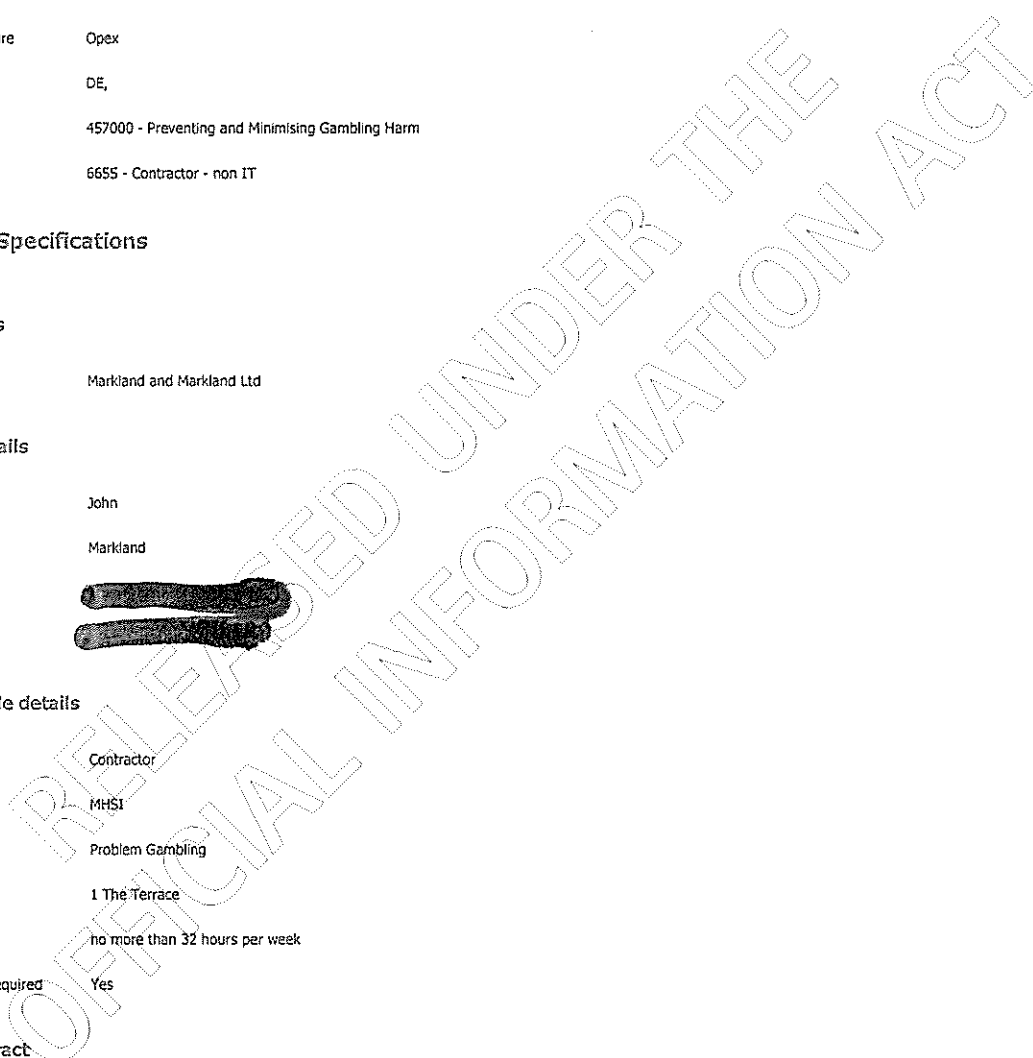
Manager's First Name Derek

Manager's Last Name Thompson

Number of direct reports 0

Rates

Hourly Rate [REDACTED]



Rod Bartling

Rod_Bartling@moh.govt.nz

05/06/2013 Email sent.
05/06/2013 Approved By Rod
Bartling

Vendor & RAPS validation

Kevin Hobman

kevin_hobman@moh.govt.nz

05/06/2013 Email sent.
08/06/2013 Reminder email sent.
03/07/2013 Approved By Eari Kahu.

Kevin Hobman

kevin_hobman@moh.govt.nz

RAPS Contract Purchase Agreement
55701


03/07/2013 Email sent.
04/07/2013 Approved By Kevin
Hobman.

Contract completed on

14/06/2013 12:32:19 p.m. By Gen Hooker-Snell

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Hours Per Day 8
 Number of Days 

Cost breakdown


Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Contractor Fees - monthly invoices	457000					

Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
Contractor Fees - monthly invoices	457000							

Total Cost

Actual Expenditure Capital - \$0.00 Operational 

Procurement plan

Purchase Type

Purchase Type Conventional

Tender Method

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received No
 Contract Manager autorisation No
 DFA Approval No
 No. of respondents 0
 Awarded contract on 27/05/2013 11:06:00 a.m. By Gen Hooker-Snell
 Successful tenderer(s) Markland and Markland Ltd

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Rod Bartling		Rod_Bartling@moh.govt.nz		29/05/2013 Email sent. 29/05/2013 Approved By Rod Bartling
Cathy O'Malley		Cathy_O'Malley@moh.govt.nz		29/05/2013 Email sent. 29/05/2013 Approved By Cathy O'Malley
DFA Approval				
Kevin Woods	Delegated Financial Authority	Jo_Waugh@moh.govt.nz		29/05/2013 Email sent. 05/06/2013 Approved By Kevin Woods.
Document Completed on	05/06/2013 09:26:45 a.m. By Gen Hooker-Snell			
Contract Approval				

Memo



Date: 20 August 2013

To: Dr Kevin Woods, Director General

Copy to: Cathy O'Malley, DDG SCI
Rod Bartling, Group Manager Mental Health Service Improvement, SCI

From: Derek Thompson, Team Leader Gambling Harm Minimisation

Subject: Extension of Contractor's term

For your: Decision

Background

The Ministry has employed a contractor, Markland and Markland Ltd - John Markland (the Contractor), to manage a project to ensure the preparation and consultation on the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period (the Strategy). The Contractor has been contracted for a term from 20 February 2012 to 31 August 2013 based on up to four days per week at a rate of [REDACTED] per hour excluding GST. Note only hours worked are paid.

The prime goal of the Contractors project was to facilitate completion of the Ministry's responsibilities with regard to obtaining Government decisions to approve the Vote Health appropriation for the Strategy and to work with the Department of Internal Affairs (DIA) to assist in the passing of the new Problem Gambling Levy Regulations (the Levy). [REDACTED], the Contractor was the lead person for the Ministry during the consultation and strategy development phases.

The Preventing and Minimising Gambling Harm Strategy and the Levy for the period 2013/14 to 2015/16 have been agreed by Cabinet and are being implemented.

Application for Judicial Review

In late April 2013 Clubs NZ, who represent gambling machine operators in chartered Clubs, applied to the High Court for a Judicial Review and also for Interim Orders to prevent further implementation of the problem gambling Levy regulations.

Clubs NZ are seeking a levy rate for Clubs that is separate from the remaining Class 4 Non Casino Gaming Machine sector, that is to split the Non Casino Gaming Machine (NCGM) sector Levy between Pubs and Clubs.

The application for Interim Orders was unsuccessful and the applicant has sought the opportunity to resubmit their application for Judicial Review. Subsequently, Clubs NZ have sought legal disclosure of information and have only recently lodged an amended statement of claim with the High Court on 17 July. In addition to their statement of Claim, Clubs NZ have lodged seven supporting affidavits for their case, the last of these was lodged with the High Court on 23 July.

The impact of the delay in the submission of the amended claim by Clubs NZ has meant that the Ministry's response is also now occurring at a later time.

The Ministry, in collaboration with Crown Law, has applied for legal disclosure of information relating to the amended claim. This is likely to be received in late September 2013. In addition the Ministry is seeking to lodge seven affidavits in support of our statement of defence. The affidavits are from the responsible Ministers Dunne and Tremain, three Ministry of Health staff and two problem gambling service providers. Each of the affidavits will need to be prepared in light of the information obtained from our legal disclosure application, which means the affidavits cannot be finalised until sometime in September or October.

The contractor is currently working to draft as many of the seven affidavits as possible prior to the termination of his current contract term on 31 August 2013. It is not possible to complete each of the affidavits prior to reviewing the information we have sought, but not yet received, from Clubs NZ.

Summary

The application to the High Court for a Judicial Review has progressed more slowly than initially anticipated due to the applicant delaying the finalisation of their statement of claim. The Ministry, working through Crown Law has sought legal disclosure of information which will enable the finalisation of the seven affidavits to support our statement of defence for the Judicial Review hearing.

This process is time consuming as the affidavits need to be co-ordinated with Crown Law, DIA, Inland Revenue, the Gambling Commission and the two responsible Ministers who recommended the Levy regulations. It is critical that the affidavits are accurate and complete. There is risk for the Ministry, post 31 August, if we cannot engage with the contractor to identify and retrieve relevant information given his role in the process to date.

Action

Your approval to extend the Ministry's contract with Markland and Markland Ltd for up to one hundred (100) additional hours is sought to enable analysis and review of the information currently being sought under legal disclosure along with the finalisation of the relevant affidavits as a result of that analysis.

The Ministry needs to ensure the best quality input and accuracy of advice is made available to Crown Law in this Judicial Review process. An additional up to 100 hours, from the contractor, will enable the Ministry to mitigate the risks, and ensure accuracy. Currently the time frame for provision of legal disclosure is not finalised, the up to 100 hours additional service is flexible with regards to the actual dates but will need to occur after 31 August and before the Ministry lodges the final affidavits. This is most likely to happen during November 2013. Actual dates are conditional on the date of receipt of the disclosure information from Clubs NZ.

Recommendations It is recommended that you:

1.	Note	Markland and Markland Ltd has been contracted by the Ministry to lead the project to complete the development of the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period from 20 February 2012 to 31 August 2013. Subsequently the contractor has supported the Ministry's defence of an application for Judicial Review of the Ministry's process.	Yes/No ✓
2.	Note	That the Contractor has provided services to date on time and to a high quality.	Yes/No ✓
3.	Note	That as a result of an application for a Judicial Review additional services will be required from the Contractor to support the Ministry's defence of the application.	Yes/No ✓
4.	Agree	To an extension of the Contractor's contract to enable an addition of up to 100 hours of service post 31 August 2013 at existing terms and conditions.	Yes/No ✓

Signature _____

Name

Dr Kevin Woods

Title

Director General

Date:

29/8/13

Signature _____

Name

Cathy O'Malley

Title

Deputy Director General, Sector Capability and Implementation

Date:

28/8/13

Signature _____

Name

Rod Bartling

Title

Group Manager Mental Health Service Improvement

Date:

27/8/13

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Memo



Date:	11 November 2013
To:	Chai Chuah, Acting Director General
Copy to:	Cathy O'Malley, DDG SCI Rod Bartling, Group Manager Mental Health Service Improvement, SCI
From:	Derek Thompson, Team Leader Gambling Harm Minimisation
Subject:	Extension of Contractor's term
For your:	Decision <input checked="" type="checkbox"/>

Background

The Ministry has employed a contractor, Markland and Markland Ltd - John Markland (the Contractor), to manage a project to ensure the preparation and consultation on the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period (the Strategy).

The Contractor has been contracted for a term from 20 February 2012 to 31 August 2013 based on up to four days per week at a rate of [redacted] per hour excluding GST. Note only hours worked are paid.

The prime goal of the Contractors project was to facilitate completion of the Ministry's responsibilities with regard to obtaining Government decisions to approve the Vote Health appropriation for the Strategy and to work with the Department of Internal Affairs (DIA) to assist in the passing of the new Problem Gambling Levy Regulations (the Levy). [redacted]

[redacted], the Contractor was the lead person for the Ministry during the consultation and strategy development phases.

The Preventing and Minimising Gambling Harm Strategy and the Levy for the period 2013/14 to 2015/16 have been agreed by Cabinet and are being implemented.

Application for Judicial Review

In late April 2013 Clubs NZ, who represent gambling machine operators in chartered Clubs, applied to the High Court for a Judicial Review and also for Interim Orders to prevent further implementation of the problem gambling Levy regulations.

Clubs NZ are seeking a levy rate for Clubs that is separate from the remaining Class 4 Non Casino Gaming Machine sector, that is to split the Non Casino Gaming Machine (NCGM) sector Levy between Pubs and Clubs.

The application for Interim Orders was unsuccessful and the applicant has sought the opportunity to resubmit their application for Judicial Review. Subsequently, Clubs NZ have sought legal disclosure of information and have only recently lodged an amended statement of claim with the High Court on 17 July 2013. In addition to their Statement of Claim, Clubs NZ have lodged seven supporting affidavits for their case, the last of these was lodged with the High Court on 23 July 2013.

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The impact of the delay in the submission of the amended claim by Clubs NZ has meant that the Ministry's response is also now occurring at a later time.

The Ministry, in collaboration with Crown Law, has applied for legal disclosure of information relating to the amended claim. This information was only received in October 2013.

In addition the Ministry is seeking to lodge seven affidavits in support of our statement of defence. Each of the affidavits will need to be prepared in light of the information obtained from our legal disclosure application. This has meant more complex analysis than originally scoped and additional interactions with Crown Law to ensure the affidavits reflect our case.

The contractor is currently working to support the analysis and provision of evidence for the affidavits as a result of the information obtained in the legal disclosure process prior to the termination of his current contract term.

Summary

The application to the High Court for a Judicial Review has progressed more slowly than initially anticipated due to the applicant delaying the finalisation of their statement of claim. The Ministry, working through Crown Law has sought legal disclosure of information which will enable the finalisation of the seven affidavits to support our statement of defence for the Judicial Review hearing.

The legal disclosure information has only recently been received and the complexity of the analysis along with additional interactions with Crown Law require up to a further one hundred (100) hours of the Contractor. This represents a likely cost of between [REDACTED] to a maximum of [REDACTED] (100 hours) for the Contractor.

It is time consuming as the affidavits need to be co-ordinated with Crown Law, DIA, Inland Revenue, the Gambling Commission and the two responsible Ministers who recommended the Levy regulations. It is critical that the affidavits are accurate and complete. There is risk for the Ministry if we cannot engage with the Contractor to identify and retrieve relevant information given his role in the process to date.

Action

Your approval to extend the Ministry's contract with Markland and Markland Ltd for up to one hundred (100) additional hours is sought to complete the analysis and review of the information provided under legal disclosure along with the finalisation of the relevant affidavits as a result of that analysis.

The Ministry needs to ensure the best quality input and accuracy of advice is made available to Crown Law in this Judicial Review process. An additional up to 100 hours, from the contractor, will enable the Ministry to mitigate the risks, and ensure accuracy.


The up to 100 hours additional service is flexible with regards to the actual dates, this is due to the legal process where the applicant can provide further evidence to counter the Ministry's affidavits once these are lodged with the Court.


The additional hours are to be at existing terms and conditions (\$ [REDACTED] per hour exclusive of GST). Only hours worked will be paid – it is expected this will be between 7) and the 100 hours suggested. A cap of 100 hours will apply regardless.

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Recommendations It is recommended that you:

1.	Note	Markland and Markland Ltd has been contracted by the Ministry to lead the project to complete the development of the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period from 20 February 2012. Subsequently the contractor has supported the Ministry's defence of an application for Judicial Review of the Ministry's process.	<input checked="" type="radio"/> Yes/ <input type="radio"/> No
2.	Note	That the Contractor has provided services to date on time and to a high quality.	<input checked="" type="radio"/> Yes/ <input type="radio"/> No
3.	Note	That as a result of an application for a Judicial Review additional services will be required from the Contractor to support the Ministry's defence of the application.	<input checked="" type="radio"/> Yes/ <input type="radio"/> No
4.	Agree	To an extension of the Contractor's contract to enable an addition of up to 100 hours of service at existing terms and conditions.	<input checked="" type="radio"/> Yes/ <input type="radio"/> No

Signature 
 Name Chai Chuah
 Title Acting Director General
 Date: 28/11/13

Signature 
 Name Cathy O'Malley
 Title Deputy Director General, Sector Capability and Implementation
 Date: 18/11/13

Signature 
 Name Rod Bartling
 Title Group Manager Mental Health Service Improvement
 Date: 18/11/13

OFFICIAL INFORMATION ACT

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Ministry of Health ConCare 1.5.2



Pre-Contract [In planning - BCPP]

121300688-Var-001 -Var-001 - Request to extend John Markland of Markland and Markland Contract to 30 June 2014

Job Initiator Justin Dahm
 Job # 121300688-Var-001 -Var-001
 Job Type Existing
 Document Type Var
 Contract Manager Justin Dahm
 Delegated Financial Authority Chai Chuah

Covering Memo

To Chai Chuah
 From Justin Dahm
 Subject Extension of Contract Term for DE Contractor - Problem Gambling
 Title Request to extend John Markland of Markland and Markland Contract to 30 June 2014
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Problem Gambling

Recommendations

It is recommended that you Note : Markland and Markland Ltd has been contracted by the Ministry to lead the project to complete the development of the Preventing and Minimising Gambling Harm Service Plan for the 2013/14 to 2015/16 period from 20 February to 31 May 2013.
 Note : That the Contractor has provided services to date on time and to a high quality.
 Note : That as a result of an application for a Judicial Review additional services may be required from the Contractor to support the Ministry's defence of the application.
 Agree : To an extension of the Contractor's contract term to 30 June 2014 at existing terms and conditions

Executive Summary

Description of Goods and/or Services/Project/Programme Work with the Minimising Gambling Harm team to respond to and address matters relating to the Judicial Review application to review the Problem Gambling Levy setting process for 2013/14 to 2015/16 Levy period. Also to undertake any relevant actions that may result from the Judicial Review outcomes (once known) as they relate to ensuring that implementing the Preventing and Minimising Gambling Harm Service Development Plan for 2013-2016 runs effectively. This will include but not be limited to assisting the Ministry to identify and remedy if required the processes of Cabinet agreement to appropriation for the plan and ongoing gazetting of the Gambling Levy Regulations 2013.
 The above may require The contractor to assist the Ministry to provide evidence for the Judicial review hearing. The following steps may fall within scope of the review process :
 1. consultation on the draft strategy and the development of the proposed strategy post the Ministry's consultation.
 2. development of a regulatory statement (RIS) for the problem gambling levy regulations working closely with DIA and Treasury
 3. jointly preparing cabinet papers with DIA
 4. putting the RIS and Cabinet paper to SOC and Cabinet in April 2013

How aligns to Ministry SOIs/Strategies/Outcomes The work is part of the work stream for the Minimising Harm of Problem Gambling. The Action Plan 2013-2016 implementation is a key deliverable for the Ministry.

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure**Expenditure Details**

Contractor

Position Additional Resource -

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Do nothing		
	2	Deliver the services in house		

Budget Details

Approved Expenditure Opex
 Funding Source DE,
 Cost Centre 457000 - Gambling Harm Minimisation
 GL Code 6655 -

Contractor Specifications

Vendor details

Name Markland and Markland Ltd

Contractor details

First Name John
 Last Name Markland
 Address [REDACTED]
 Email [REDACTED]

Contractor role details

Role Title Contractor
 Group Mental Health Service Improvement
 Section Team Problem Gambling
 Location 1 The Terrace
 Hours of work No more than 32 hours per week
 Domestic Travel Required Yes

Term of contract

End Date 30/06/2014

Contractor key relationships

Manager's First Name Derek
 Manager's Last Name Thompson

Rates

Hourly Rate [REDACTED]
 Hours Per Day 8
 Number of Days

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Contractor Fees - monthly invoices	457000	[REDACTED]	[REDACTED]	[REDACTED]		

Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
Contractor Fees - monthly invoices	457000	\$ [REDACTED]						

Total Cost

Actual Expenditure Capital - \$0.00 Operational - [REDACTED]

Procurement plan

Purchase Type

Purchase Type Conventional

Tender Method

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received No

Contract Manager authorisation No

DFA Approval No

No. of respondents 0

Awarded contract on 27/11/2013 03:42:59 p.m. By Justin Dahm

Successful tenderer(s) Markland and Markland Ltd

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Rod Bartling		Rod_Bartling@moh.govt.nz		27/11/2013 Email sent. 28/11/2013 Approved By Rod Bartling
Cathy O'Malley		Cathy_OMalley@moh.govt.nz		27/11/2013 Email sent. 28/11/2013 Approved By Cathy O'Malley
DFA Approval				
Chai Chuah	Delegated Financial Authority	chai_chuah@moh.govt.nz		28/11/2013 Email sent. 28/11/2013 Approved By Chai Chuah
Document Completed on	02/12/2013 09:40:19 a.m. By Justin Dahm			
Contract Approval				
Rod Bartling		Rod_Bartling@moh.govt.nz		02/12/2013 Email sent. 04/12/2013 Approved By Rod Bartling 04/12/2013 Approved By Rod Bartling
Vendor & RAPs validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		
Kevin Hobman		kevin_hobman@moh.govt.nz		

Audit Log

19

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Memo



Date:	10 April 2014
To:	Cathy O'Malley, Deputy Director-General of Health, Sector Capability and Implementation
Copy to:	Derek Thompson, Team Leader, Problem Gambling
From:	Rod Bartling, Group Manager, Mental Health Services Improvement
Subject:	Urgent resources for the Problem Gambling Team
For your:	Decision

Background

The Ministry of Health ('the Ministry') announced during public consultation in 2012 that it would go to open tender for the provision of gambling harm minimisation services. The tender process has been completed and we are currently entering negotiations with successful tenderers.

During this period, the Problem Gambling team ('the team') has received 17 Official Information Act ("OIA") requests, 5 written Parliamentary Questions ("PQ") and several ministerial's (plus media queries). It is likely that the number of OIAs will increase after the first batch of OIAs is released next week.

John Markland has been contracted to co-ordinate responses to OIAs, but his contract is due to expire on 23 April 2014. Given the growing number of OIAs and PQs, the team is unable to meet OIA deadlines within its current resource. The high profile and complex nature of the OIAs requires urgent extra resources to be allocated as key individuals from the team are already committed to negotiation talks with tenderers.

It is proposed that John Markland's contract is extended for a further 6 weeks from 23 April to 30 May 2014 (inclusive) to provide continuity of cover for the coordination of OIA's. An additional short term contractor will also be essential in assisting the team in handling the large volume of complex OIAs.

Action: Extension to Contractor's Term of Employment: John Markland

John Markland's current contract through Capital Recruitment agency is due to expire on 23 April 2014. Please approve the extension of the contract term for John Markland for an additional six weeks from 23 April to 30 May 2014 (inclusive) at an additional cost of \$[REDACTED] (GST inclusive). This cost will be paid from Problem Gambling Programme DE cost centre 457000.

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Recommendations

It is recommended that you:

1.	Agree to extend the contract term for John Markland for a further six weeks, from 23 April to 30 May 2014 (approximate cost \$, GST inclusive).	<input checked="" type="radio"/> Yes <input type="radio"/> No
----	---	---

Signature *Cathy O'Malley*
Cathy O'Malley
Deputy Director-General of Health
Sector Capability and Implementation
Ministry of Health

Date: 14/4/14

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Ministry of Health ConCare 1.5.2



Contract [Expired]

131401379 - Urgent Resources for Problem Gambling Team

Job Initiator Justin Dahm
 Job # 131401379
 Job Type New
 Document Type RFx
 Contract Manager Justin Dahm
 Delegated Financial Authority Rod Bartling

Covering Memo

To Rod Bartling
 From Derek Thompson
 Title Urgent Resources for Problem Gambling Team
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Gambling Harm Minimisation

Recommendations

It is recommended that you Approve to extend the temporary contract term for John Markland for a further six weeks from 23 April - 30 May at a approximate cost of [REDACTED]

Executive Summary

Description of Goods and/or Services/Project/Programme The Problem Gambling team has received 17 OIA requests, 5 written Parliamentary Questions and several ministerials plus media enquiries. It is likely the number of OIA's will increase after the first batch of OIA's is released. John Markland has a temporary contract to coordinate responses to OIA's but his contract is due to expire 23 April 2014. It is proposed John Marklands contract be extended for a further 6 weeks from 23 April to 30 May 2014 (inclusive) to provide continuity of cover for the coordination of OIA's.

How aligns to Ministry SOIs/Strategies/Outcomes

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure

Expenditure Details

Contractor
 Position Additional Resource - N/A
 Part of Approved Business Plan? No

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Do nothing		
	2	Deliver the services in house		

Budget Details

Approved Expenditure Opex
 Funding Source DE,
 Cost Centre 457000 - Gambling Harm Minimisation
 GL Code 6655 - Contractor Non I.T

Contractor Specifications

Vendor details

Name Capital Recruitment

Contractor details

First Name John

Last Name Markland

Address [REDACTED]

Email [REDACTED]

Contractor role details

Role Title Contractor

Group Mental Health Service Improvement

Location 1 The Terrace

Term of contract

Start Date 23/04/2014

End Date 30/05/2014

Contractor key relationships

Manager's First Name Derek

Manager's Last Name Thompson

Rates

Fixed Amount 24000

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Service Fees	457000			[REDACTED]		

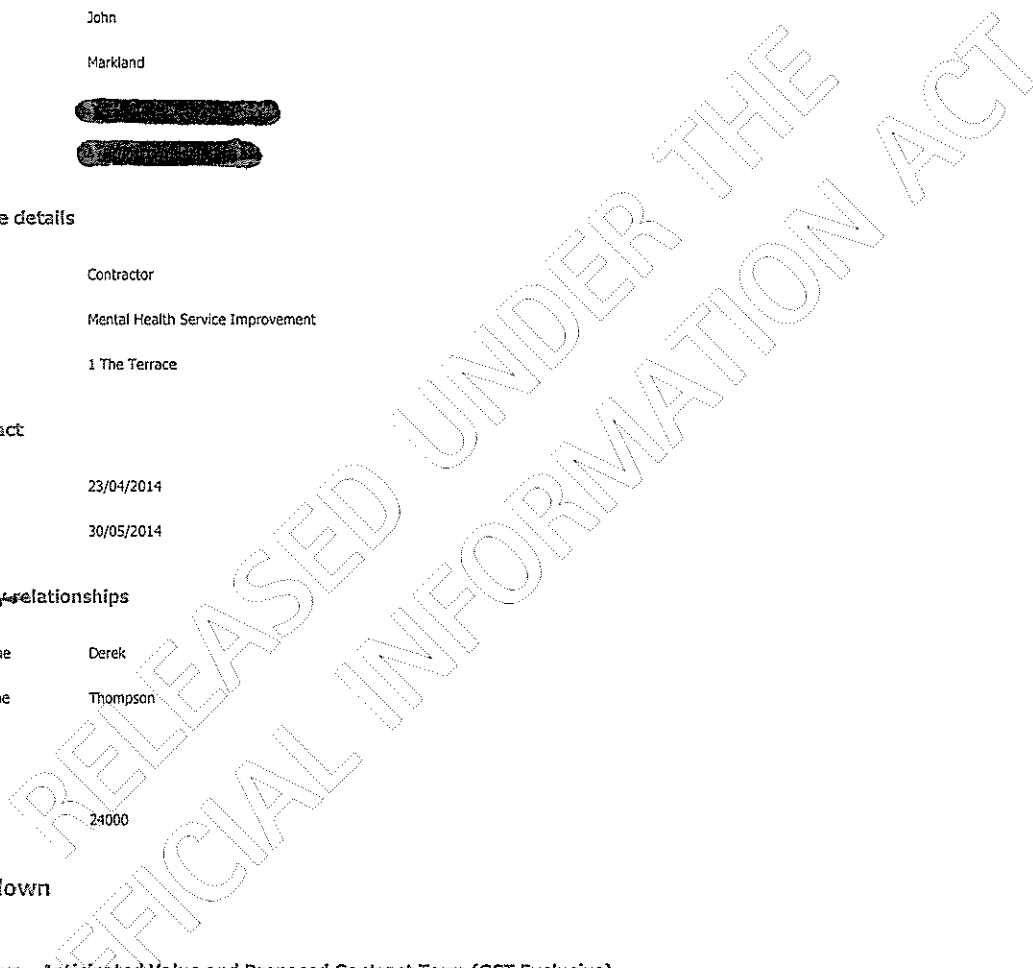
Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
Service Fees		[REDACTED]						

Total Cost

Actual Expenditure Capital - \$0.00 Operational [REDACTED]

Procurement plan



Purchase Type

Purchase Type Conventional

Tender Method

Tender Method RFI - Open Tender

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received No

Contract Manager
authorisation No

DFA Approval No

No. of respondents 0

Awarded contract on 19/05/2014 01:35:19 p.m. By Justin Dahm

Successful tenderer(s) Capital Recruitment

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Derek Thompson		Derek_Thompson@moh.govt.nz		16/05/2014 Email sent. 16/05/2014 Approved By Derek Thompson
DFA Approval				
Rod Bartling	Delegated Financial Authority	Rod_Bartling@moh.govt.nz		16/05/2014 Email sent. 19/05/2014 Approved By Rod Bartling.
Contract Approval				
Rod Bartling		Rod_Bartling@moh.govt.nz		22/05/2014 Email sent. 23/05/2014 Approved By Rod Bartling
Vendor & RAPS validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		23/05/2014 Email sent. 23/05/2014 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 6775	23/05/2014 Email sent. 28/05/2014 Approved By Kevin Hobman.
Contract completed on	23/05/2014 10:15:22 a.m. By Justin Dahm			

Audit Log



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Memo



Date:	22 May 2014
To:	Don Gray, Acting Director-General of Health
Copy to:	Cathy O'Malley, Deputy Director-General of Health, Sector Capability and Implementation, & Derek Thompson, Team Leader, Gambling Harm Minimisation
From:	Rod Bartling, Group Manager, Mental Health Service Improvement
Subject:	Contract Extensions for Gambling Harm Minimisation Team
For your:	Decision

Overview

The Ministry of Health (the Ministry) announced during public consultation in 2012 that it would go to open tender for the provision of gambling harm minimisation services. The tender process has been completed. On Monday, 21 May 2014, The Problem Gambling Foundation (PGF) filed legal proceedings in the Auckland High Court against the Ministry. The hearing is expected to take place in September 2014.

We currently have two contractors working for the Gambling Harm Minimisation team (the team).

John Markland has been contracted from 27 March 2014 at an estimated cost of \$ [REDACTED] (GST inclusive) to coordinate responses to Official Information Act (OIA) requests, Parliamentary Questions and media enquiries for the team with his contract due to expire on 30 May 2014. John is now working with the Ministry to provide information for affidavits. Given the high profile and complex nature of work the team now faces, they require John's ongoing support.

It is proposed that John Markland's contract is extended for a further nine weeks from 31 May to 1 August 2014 (inclusive) to provide continuity of cover for the coordination of OIAs, affidavits, and to help with the large amounts of information that will be required as part of the Judicial Review.

Action: Extension to Contractor's Term of Employment: John Markland

John Markland's current contract through Capital Recruitment agency is due to expire on 30 May 2014. We are seeking to extend the contract term for John Markland for an additional nine weeks at one full time equivalent from 31 May 2014 to 1 August 2014 (inclusive) at an additional cost of [REDACTED] (GST inclusive). This will be reviewed in July 2014 with the possibility of being extended to September 2014. This extension to 1 August 2014 results in a proposed contract term of 18 weeks

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at \$ [redacted] total cost. This cost will be paid from the Gambling Harm Minimisation DE cost centre 457000.

recommendations

It is recommended that you:

1.	agree	To extend John Markland's contract for a further nine weeks from 31 May to 1 August 2014 (approximate cost of \$ [redacted] GST inclusive)	Yes/No
----	-------	--	--------

Signature *Cathy O'Malley*
Cathy O'Malley
Deputy Director-General
Sector Capability and Implementation

Date: 24/5/14

Signature *[Signature]*
Don Gray
Acting Director-General of Health

Date: 28/5/14

* This amount is available within the Problem Gambling DE budget 13/14 & 14/15.

Cathy. This should not exceed SCI budget

*Philippa Upton
PU*

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Ministry of Health ConCare 1.5.2



Contract [Expired]

131401379-Var-002 - Contract Extension for Gambling Harm Minimisation Team

Job Initiator Justin Dahm
 Job # 131401379-Var-002
 Job Type Existing
 Document Type Var
 Contract Manager Justin Dahm
 Delegated Financial Authority Chai Chuah

Covering Memo

To Chai Chuah
 From Rod Bartling
 Title Contract Extension for Gambling Harm Minimisation Team
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Gambling Harm Minimisation

Recommendations

It is recommended that you Agree To extend John Markland's contract for a further nine weeks from 31 May - 1 August 2014

Executive Summary

Description of Goods and/or Services/Project/Programme Ministry of Health announced during public consultation in 2012 that it would go to open tender for the provision of gambling harm minimisation services. The tender process has been completed. On Monday 21 May 2014, The Problem Gambling Foundation (PGF) filed legal proceedings in Auckland High Court against the Ministry. The hearing is expected to take place in September.

How aligns to Ministry SOIs/Strategies/Outcomes

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure

Expenditure Details

Contractor
 Position Additional Resource - N/A
 Part of Approved Business Plan? No

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Do nothing		
	2	Deliver the services in house		

Budget Details

Approved Expenditure Opex

Funding Source DE,
 Cost Centre 457000 - Gambling Harm Minimisation
 GL Code 655 -

Contractor Specifications

Vendor details

Name Capital Recruitment

Contractor details

First Name John

Last Name Markland

Email [REDACTED]

Contractor role details

Role Title Contractor

Group Mental Health Service Improvement

Section Team Gambling Harm Minimisation

Location 1 The Terrace

Domestic Travel Required No

Term of contract

Start Date 31/05/2014

End Date 01/08/2014

Contractor key relationships

Manager's First Name Derek

Manager's Last Name Thompson

Rates

Hours Per Day 8

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Service Fees					[REDACTED]	

Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
Service Fees			[REDACTED]					

Total Cost

Actual Expenditure Capital - \$0.00 Operational - [REDACTED]

Procurement plan



Purchase Type

Purchase Type Conventional

Tender Method

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received No

Contract Manager
authorisation No

DFA Approval No

No. of respondents 0

Awarded contract on 03/06/2014 04:24:29 p.m. By Justin Dahm

Successful tenderer(s) Capital Recruitment

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Rod Bartling		Rod_Bartling@moh.govt.nz		03/06/2014 Email sent. 04/06/2014 Approved By Rod Bartling
David Tonks		David_Tonks@moh.govt.nz		03/06/2014 Email sent. 04/06/2014 Approved By David Tonks
DFA Approval				
Chai Chuah	Delegated Financial Authority	chai_chuah@moh.govt.nz		04/06/2014 Email sent. 06/06/2014 Approved By Chai Chuah.
Document Completed on	06/06/2014 01:40:15 p.m. By Justin Dahm			
Contract Approval				
Audrey Bancroft		Audrey_Bancroft@moh.govt.nz		06/06/2014 Email sent. 09/06/2014 Reminder email sent. 09/06/2014 Approved By Audrey Bancroft
Vendor & RAPS validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		10/06/2014 Email sent. 10/06/2014 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 68315	10/06/2014 Email sent. 11/06/2014 Approved By Kevin Hobman.
Contract completed on	10/06/2014 12:10:39 p.m. By Justin Dahm			

Audit Log

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Memo



Date: 25 July 2014

To: Chai Chuah, Acting Director-General of Health

Copy to: Cathy O'Malley, Deputy Director-General of Health, Sector Capability and Implementation

From: Rod Bartling, Group Manager, Mental Health Service Improvement

Subject: Contract Extension for Gambling Harm Minimisation Team

For your: Decision

Overview

The Ministry of Health (the Ministry) announced during public consultation in 2012 that it would go to open tender for the provision of gambling harm minimisation services. The tender process has been completed. On Monday, 21 May 2014, The Problem Gambling Foundation filed legal proceedings in the Auckland High Court against the Ministry. The hearing is taking place from 22 to 24 September 2014 in the Auckland High Court.

John Markland has been contracted from 27 March 2014 at an estimated cost of [REDACTED] (GST inclusive) to coordinate responses to Official Information Act (OIA) requests, Parliamentary Questions and media enquiries for the team. His contract is due to expire on 1 August 2014. John is now working with the Ministry and Crown Law to provide extensive information for affidavits for the Judicial Review. Crown Law view John's ongoing support to the end of September 2014, which would include attending the hearings with me, as highly beneficial.

I noted in my memo to you of 22 May 2014 that we would need to review John's contract prior to 1 August 2014 as details of the judicial review became clearer. It is now proposed that John's contract is extended for a further eight weeks from 4 August to 26 September 2014 (inclusive) to provide continuity of cover for the coordination of OIAs, affidavits, and to help with the extensive amount of information that is required as part of the Judicial Review. We do not expect to need John's services after that date as it could be several weeks before an outcome is known.

[REDACTED]

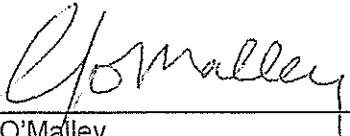
Action: Extension to Contractor's Term of Employment: John Markland

John Markland's current contract through Capital Recruitment agency is due to expire on 1 August 2014. We are seeking to extend the contract term for John Markland for an additional eight weeks from 4 August 2014 to 26 September 2014 (inclusive) at an additional cost of \$ [REDACTED] (GST inclusive). This extension to 26 September 2014 results in a proposed contract term of 26 weeks at \$ [REDACTED] total cost. This cost will be paid from the Gambling Harm Minimisation DE cost centre 457000.

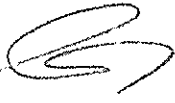
Recommendations

It is recommended that you:

1.	agree to extend John Markland's contract for a further eight weeks from 4 August to 26 September 2014 (approximate cost of \$ [redacted] GST inclusive)	Yes/No <input checked="" type="radio"/> Yes <input type="radio"/> No
----	---	---

Signature 
Cathy O'Malley
Deputy Director-General
Sector Capability and Implementation

Date: 29/7/14

Signature 
Chai Chuah
Acting Director-General of Health

Date: 30/7/14

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Ministry of Health ConCare 1.5.2



Contract [Expired]

131401379-Var-002-Var-001 - Contract Extension for Gambling Harm Minimisation Team

Job Initiator Justin Dahm
 Job # 131401379-Var-002-Var-001
 Job Type Existing
 Document Type Var
 Contract Manager Justin Dahm
 Delegated Financial Authority Chai Chuah

Covering Memo

To Chai Chuah
 From Rod Bartling
 Title Contract Extension for Gambling Harm Minimisation Team
 For Your Decision
 Business Unit SCI
 Group Mental Health Service Improvement
 Team Gambling Harm Minimisation

Recommendations

It is recommended that you Agree To extend John Markland's contract for a further eight weeks from 4 August - 26 September 2014

Executive Summary

Description of Goods and/or Services/Project/Programme Ministry of Health announced during public consultation in 2012 that it would go to open tender for the provision of gambling harm minimisation services. The tender process has been completed. On Monday 21 May 2014, The Problem Gambling Foundation (PGF) filed legal proceedings in Auckland High Court against the Ministry. The hearing is expected to take place in Auckland from 22nd - 24th September 2014.

How aligns to Ministry SOIs/Strategies/Outcomes

Proposed Procurement Strategy

Purchase Type Conventional

Expenditure

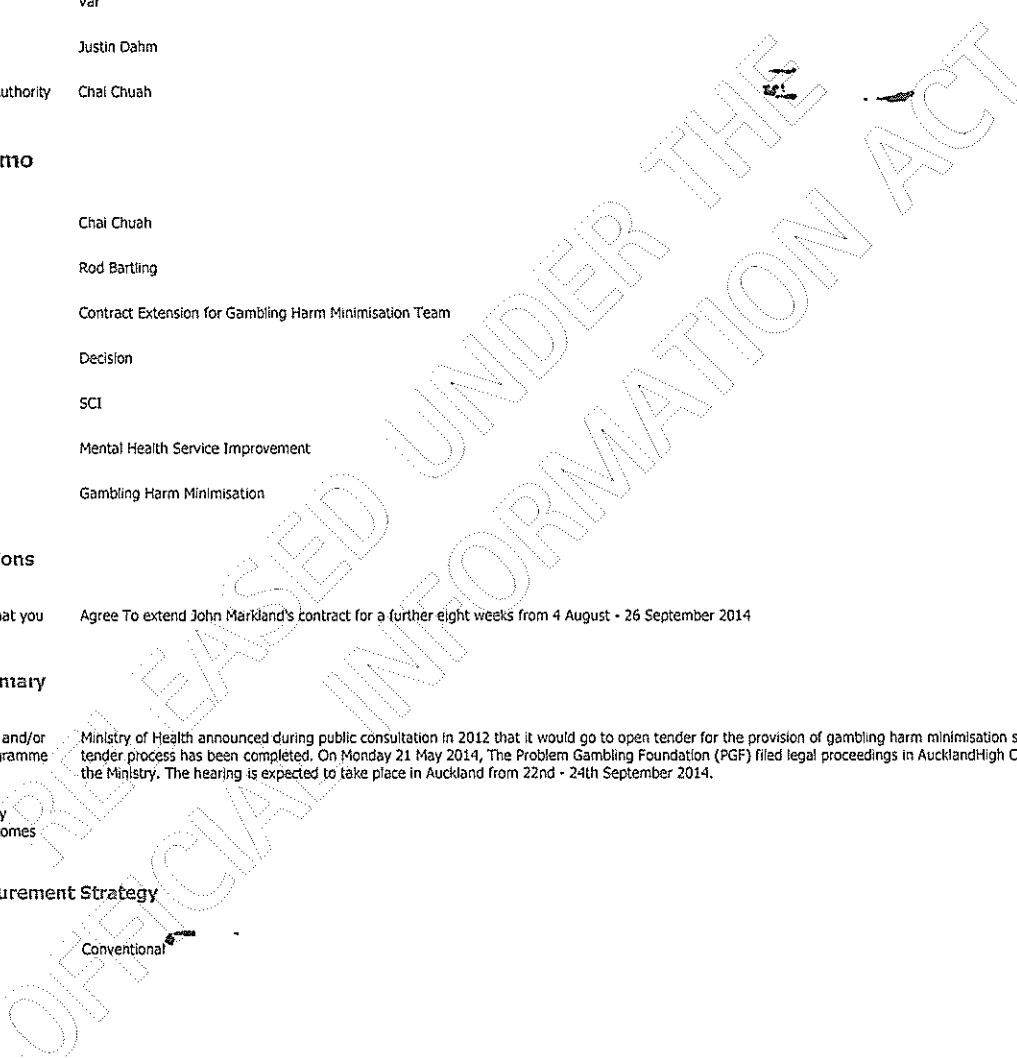
Expenditure Details

Contractor
 Position Additional Resource - n/a
 Part of Approved Business Plan? No

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Do nothing		
	2	Deliver the services in house		

Budget Details

Approved Expenditure Opex



Funding Source DE,
 Cost Centre 457000 - Gambling Harm Minimisation
 GL Code 6655 -

Contractor Specifications

Vendor details

Name Capital Recruitment

Contractor details

First Name John
 Last Name Markland
 Email [REDACTED]

Contractor role details

Role Title Senior Advisor
 Location 1 The Terrace

Term of contract

Start Date 04/08/2014
 End Date 26/09/2014

Contractor key relationships

Manager's First Name Derek
 Manager's Last Name Thompson

Rates

Fixed Amount 40000

Cost breakdown

Cost Breakdown - Anticipated Value and Proposed Contract Term (GST Exclusive)

Operational Expenditure	Cost Code	Financial Year 11/12	Financial Year 12/13	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16
Service fees					[REDACTED]	

Actual Cost Breakdown

Operational Expenditure	Cost Code	Financial Year 13/14	Financial Year 14/15	Financial Year 15/16	Financial Year 16/17	Financial Year 17/18	Financial Year 18/19	Financial Year 19/20
Service fees			[REDACTED]					

Total Cost

Actual Expenditure Capital - \$0.00 Operational [REDACTED]

Procurement plan

Purchase Type

Purchase Type Conventional



Tender Method

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received	No
Contract Manager authorisation	No
DFA Approval	No
No. of respondents	0
Awarded contract on	31/07/2014 02:08:24 p.m. By Justin Dahm
Successful tenderer(s)	Capital Recruitment

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Rod Bartling		Rod_Bartling@moh.govt.nz		31/07/2014 Email sent. 31/07/2014 Approved By Rod Bartling
David Tonks		David_Tonks@moh.govt.nz		31/07/2014 Email sent. 01/08/2014 Approved By David Tonks
DFA Approval				
Chai Chuah	Delegated Financial Authority	chai_chuah@moh.govt.nz		01/08/2014 Email sent. 01/08/2014 Approved By Chai Chuah.
Document Completed on	04/08/2014 08:13:31 a.m. By Justin Dahm			
Contract Approval				
Rod Bartling		Rod_Bartling@moh.govt.nz		04/08/2014 Email sent. 04/08/2014 Approved By Rod Bartling
Vendor & RAPS validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		04/08/2014 Email sent. 04/08/2014 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 70989	04/08/2014 Email sent. 14/08/2014 Approved By Kevin Hobman.
Contract completed on	04/08/2014 08:39:12 a.m. By Justin Dahm			

Audit Log

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Memo

Date:	12 January 2015
To:	Cathy O'Malley, Deputy Director-General of Health, Sector Capability and Implementation
Copy to:	Rod Bartling, Group Manager, Mental Health Service Improvement
From:	Derek Thompson, Gambling Harm Minimisation Team
Subject:	Contractor for Gambling Harm Minimisation Team
For your:	Decision

Overview

The Gambling Harm Minimisation team's (the team) six year strategic action plan is due to expire in 2016. The team is now in the developmental stages of the next six year strategic action plan, which is required to be available for consultation in August 2015. This is a statutory requirement of the Ministry (Gambling Act 2003 s317) which requires stage one to begin now.

The team requires additional resourcing because of the amount of resources committed to the judicial review processes during 2014, which were beyond the anticipated business as usual workplan. In addition, once the outcome of the High Court decision is known in early 2015, the team will need to maintain a higher than normal level of stakeholder and provider relationships management during the transition period of implementing the Court's decision and processing likely appeal actions or responses.

It is proposed that a contractor (senior advisor) is hired for a period of six months from February 2015 to 31 July 2015. To enable the team to also focus on completing stage one of the project to develop a new preventing and minimising gambling harm strategy.

DE budget (\$90,000) is available in the Gambling Harm Minimisation cost centre 457000 for this purpose.

Action: Recruitment of contractor for six months

We are seeking approval to recruit a suitable senior advisor contractor, through the All Of Government contracting procurement process, to assist the team to manage the work programme for the remainder of the 2014/15 year. The impact of managing additional work resulting from judicial reviews conducted in 2014 along with implementing the outcome of the High Court decision which is due in early 2015 requires additional resourcing for the next six months. Budget is available for this purpose and the cost will be paid from Gambling Harm Minimisation DE cost centre 457000.

Recommendation

It is recommended that you:

1.	agree to recruit a senior advisor contractor for six months from February 2015 to end of July 2015.	<input checked="" type="radio"/> Yes <input type="radio"/> No
----	---	---

Signature *Cathy O'Malley*
Cathy O'Malley
Deputy Director-General
Sector Capability and Implementation

Date: 13/1/15

B. Smith 12/1/15

[Signature] 14/1/15

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Ministry of Health ConCare 1.5.2



Contract [Expired]

141501651 - Contractor for Gambling Harm Minimisation Team

Job Initiator: Helen Roulston
 Job #: 141501651
 Job Type: New
 Document Type: RFx
 Contract Manager: Helen Roulston
 Delegated Financial Authority: Rod Bartling

Covering Memo

To: Rod Bartling
 From: Derek Thompson
 Subject: Contractor for Gambling Harm Minimisation Team
 Title: Contractor for Gambling Harm Minimisation Team
 For Your: Action
 Business Unit: SCI
 Group: Mental Health Service Improvement
 Team: Gambling Harm Minimisation Team

Recommendations

It is recommended that you Approve the recruitment of a senior advisor contractor for six months from February 2015 to end of July 2015

Executive Summary

Description of Goods and/or Services/Project/Programme: See attached signed memo to Cathy O'Malley. Have gone to AOG Recruitment Agency, received three candidates and selected lead candidate with most relevant knowledge and experience.
 How aligns to Ministry SOIs/Strategies/Outcomes: Supports preventing minimising gambling harm strategy. And also supports Rising to the Challenge.

Proposed Procurement Strategy

Purchase Type: Conventional

Expenditure

Expenditure Details

Reasons/Objectives: Increase Capacity, Contractor
 Position: Additional Resource - NA
 Part of Approved Business Plan?: No

Other Options Considered

#	Description	Advantages	Disadvantages
1	Do nothing		
2	Deliver the services in house		

Budget Details

Approved Expenditure Opex
 Funding Source DE,
 Cost Centre 457000 - Gambling Harm Minimisation
 GL Code 6655 - Contractor

Contractor Specifications

Vendor details

Name Capital Recruitment
 Address 5/24 Johnston St, Wellington 6011
 Phone 04 4 978 6610
 Email peter@capitalrecruitment.co.nz

Contractor details

First Name John
 Last Name Markland
 Email peter@capitalrecruitment.co.nz

Contractor role details

Role Title Senior Advisor
 Group Mental Health Service Improvement
 Location 1 The Terrace

Term of contract

Start Date 09/02/2015
 End Date 31/07/2015

Contractor key relationships

Manager's First Name Derek
 Manager's Last Name Thompson

Rates

Hourly Rate [redacted]
 Hours Per Day [redacted]
 Number of Days [redacted]

Cost breakdown

Total Cost

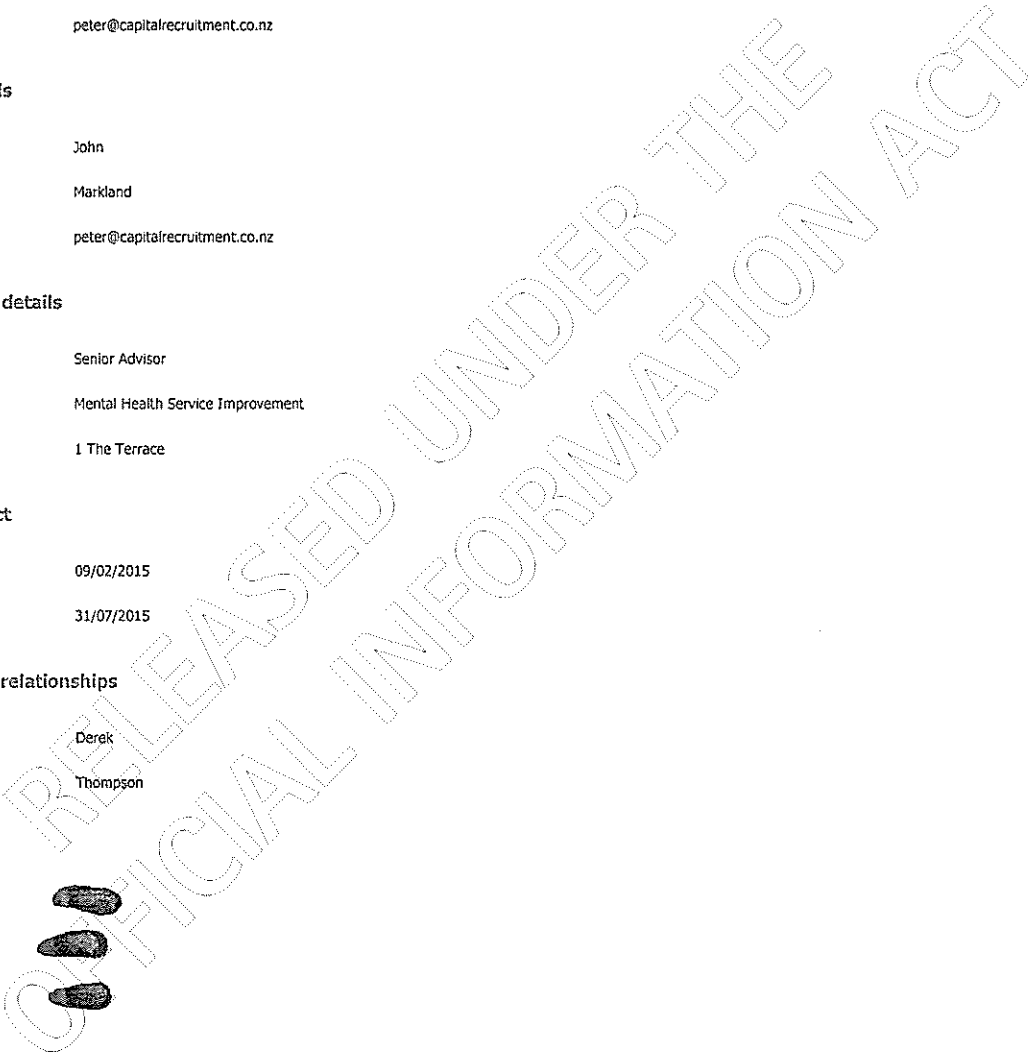
Actual Expenditure Capital - \$0.00 Operational [redacted]

Procurement plan

Purchase Type

Purchase Type Conventional

Tender Method



Tender Method RFI - Open Tender

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received No
 Contract Manager authorisation No
 DFA Approval No
 No. of respondents 3
 Shortlisted respondents John Markland
 Unsuccessful respondents
 Awarded contract on 02/02/2015 12:40:57 p.m. By Helen Roulston
 Successful tenderer(s) Capital Recruitment

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
Derek Thompson		Derek_Thompson@moh.govt.nz		27/01/2015 Email sent. 27/01/2015 Approved By Derek Thompson
Cathy O'Malley		Cathy_O'Malley@moh.govt.nz		30/01/2015 Email sent. 30/01/2015 Approved By Cathy O'Malley
Natu Levy		Natu_Levy@moh.govt.nz		30/01/2015 Email sent. 30/01/2015 Approved By Natu Levy
DFA Approval				
Rod Bartling	Delegated Financial Authority	Rod_Bartling@moh.govt.nz		27/01/2015 Email sent. 28/01/2015 Approved By Rod Bartling.
Contract Approval				
Rod Bartling		Rod_Bartling@moh.govt.nz		02/02/2015 Email sent. 02/02/2015 Approved By Rod Bartling
Vendor & RAPs validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		02/02/2015 Email sent. 02/02/2015 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 77368	02/02/2015 Email sent. 10/02/2015 Approved By Kevin Hobman.
Contract completed on	02/02/2015 03:37:35 p.m. By Helen Roulston			

Audit Log

RELEASSED UNDER THE
OFFICIAL INFORMATION ACT

Memo



Date:	24 June 2015
To:	Chai Chuah, Director-General Of Health
Copy to:	Cathy O'Malley, Deputy Director-General SCI Rod Bartling, Manager, SCI Mental Health Service Improvement Group
From:	Derek Thompson, Team Leader, Gambling Harm Minimisation
Subject:	Approval to extend Contractor position
For your:	Decision

Background

In January 2015, approval was obtained from the DDG SCI to recruit a contractor to commence work on the development of the revised gambling harm minimisation strategy, for a six month or maximum whole of life contract, to assist the Gambling Harm Minimisation Team (GHM) to meet its work programme during the 2015 calendar year. At that time it was noted that additional resourcing was required to meet the impact of the judicial review processes in the latter half of the 2014 year. The memo noted that the outcome of the judicial review had not yet occurred.

As a result John Markland was offered a fixed term contract following a whole of Government procurement process resulting in a contract with Capital Recruitment Agency. The contract commenced on 9 February 2015 with a term through to 17 July 2015.

Current Situation

The GHM Team has a three yearly recurring work programme to review the Prevent and Minimise Gambling Harm (PMGH) Strategy and develop, consult on and recommend to Government a revised strategy, three year service plan and problem gambling levy regulations. This is a requirement of the Gambling Act 2003, a legal requirement that the Ministry must meet and is managed through the ring fenced funding the Ministry has been provided via the levy. Currently the team is in the middle of this large project. Given the three yearly cycle, the GHM Team is resourced with a DE contractors budget that reflects this cyclical legislative requirement.

In addition, at the time of writing, the outcome of the High Court judicial review is still pending. The Ministry is aware that once this decision is known, there will be a need for increased stakeholder and provider relationship management during the transition period of implementing the decision outcome and its associated impacts.

Both paragraphs above include working across government agencies (Department of Internal Affairs, Ministry of Social Development, Ministry of Business Innovation & Employment, Te Puni Kokiri and the Ministry of Pacific Island Affairs) and with the gambling harm minimisation, addictions treatment and mental health services sectors.

Summary

The GHM Team has nearly completed phase one of the new Strategy development project and is aiming to obtain Cabinet approval to release draft documents for public consultation at the end of July. Phase two of this project involves running consultation meetings; analysing public and

stakeholder responses; delivery of a proposed strategy and levy rates to the Gambling Commission before the end of 2015 and the provision of advice and decision papers to Cabinet in April/May 2016.

The GHM Team is resourced with a DE contractor budget that reflects the cyclical legislative requirement to refresh the Strategy and levy regulations. Accordingly approval is sought to extend the contract with John Markland to 20 May 2016. There are clear efficiencies in extending the current contract versus bringing a new contractor on board for this period and bringing them up to speed in this complex programme area.

The proposed contract is to extend existing terms and conditions with Capital Recruitment Agency. Note contract features include sourcing via the whole of government procurement rules, a reasonable hourly rate (\$ [redacted] including the agency fee), paid only for hours worked and a maximum contract term and price (20 May 2016 term, maximum price \$ [redacted]). Note that hours not required would not be charged to the Ministry for the period, from mid December 2015 until mid February 2016. Funding is available within the DE budget for 2016/17 year.


Action

We are seeking approval to extend a contractor who has been employed in the Gambling Harm Minimisation Team since 9 February 2015. Approval is sought due to the work programme requirements flowing from both Gambling Act 2003 legislative requirements to develop the new PMGH Strategy over the next six months and the outcome of the High Court judicial review decision which coincides with the Strategy development project.


Recommendations

It is recommended that you:

1.	Agree	To extend the term of the contract for John Markland, a contractor from Capital Recruitment Agency, until 20 May 2016.	Yes/No
2.	Note	The contract is structured to reflect an hourly rate paid only for hours worked. Within the term it is anticipated there will be several weeks that work is not required due to timing of project milestones. Approval is sought to extend the contract on the basis of a maximum term and maximum price of \$ [redacted] excluding GST.	
3.	Note	Sufficient DE budget is available for this purpose within the gambling harm minimisation cost centre 457000.	

Signature 
 Name Derek Thompson
 Title Team Leader, Gambling Harm Minimisation
 SCI Mental Health Service Improvement

Date:

Signature 
 Name Chai Chuah
 Title Director-General of Health

Date:

30/6/11



Ministry of Health ConCare 1.5.2



Contract [Active]

141501651-Var-001 - Contractor for Gambling Harm Minimisation Team

Job Initiator: Helen Roulston
 Job #: 141501651-Var-001
 Job Type: Existing
 Document Type: Var
 Contract Manager: Helen Roulston
 Delegated Financial Authority: Chai Chuah

Covering Memo

From: Helen Roulston
 Title: Contractor for Gambling Harm Minimisation Team
 Business Unit: SCI
 Group: Mental Health Service Improvement
 Team: Gambling Harm Minimisation

Recommendations

It is recommended that you

Executive Summary

Description of Goods and/or Services/Project/Programme: See attached signed memo to Chai Chuah to extend contract for John Markland to May 2016..
 How aligns to Ministry SOIs/Strategies/Outcomes:

Expenditure

Expenditure Details

Contractor
 Position: Additional Resource - NA
 Part of Approved Business Plan?: Yes

Other Options Considered	#	Description	Advantages	Disadvantages
	1	Do nothing		
	2	Deliver the services in house		

Budget Details

Approved Expenditure: Opex
 Funding Source: DE,
 Cost Centre: 457000 - Gambling harm Minimisation
 GL Code: 6655 - Contractor

Contractor Specifications

First Name John
 Last Name Markland

Contractor role details

Role Title Senior Advisor
 Group Mental Health Service Improvement
 Section Team Problem Gambling
 Location The Terrace, Wellington

Rates

Hourly Rate [REDACTED]
 Hours Per Day 8

Cost breakdown

Total Cost

Actual Expenditure Capital - \$0.00 Operational [REDACTED]

Procurement plan

Tender Method

Tender Method Open (via GETS) -

#	Description	Advantages	Disadvantages
1	Go to the market in an open tender process		
2	Go to the market in a closed tender process		
3	Selective Purchase		

Tender

Legal approval received No
 Contract Manager authorisation No
 DFA Approval No
 No. of respondents 0
 Awarded contract on 09/07/2015 12:34:15 p.m. By Helen Roulston

Approvals

Name	Title	Email	Notes	Approval
BCPP Endorsed Offline				
DFA Approval				
Chai Chuah	Delegated Financial Authority	chai_chuah@moh.govt.nz		15/07/2015 Notification Email sent.
Contract Approval Offline				
Vendor & RAPS validation				
Earl Kahu		Earl_Kahu@moh.govt.nz		15/07/2015 Email sent. 16/07/2015 Approved By Earl Kahu.
Kevin Hobman		kevin_hobman@moh.govt.nz	RAPS Contract Purchase Agreement 84027	16/07/2015 Email sent. 29/07/2015 Approved By Kevin Hobman.
Contract completed on		15/07/2015 01:40:32 p.m. By Helen Roulston		

Audit Log

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Confirmation of Contractor Assignment under AOG Contract for Recruitment Services

Participating Agency Name		Ministry of Health	
Hiring Manager Name		Awhi Tengoungou	
Provider Name		Capital Recruitment Ltd	
Name of Contractor		John Markland	
Position Title		Senior Advisor	
Start Date	Thursday 27 th March 2014	End Date	Wednesday 23 rd April 2014
Expected Number of Hours per day State if there are a Capped number of hours.			
Confirmation of Rate			
Hourly or Day Rate?	Hourly Rate		
Job Role Base Pay (Contract)	██████████		
AOG Provider Fee	\$ ██████████		
On Costs	\$		
AOG Admin Fee	\$ ██████████		
Confirmed Cost	\$ ██████████		

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Confirmation of Contractor Assignment under AOG Contract for Recruitment Services

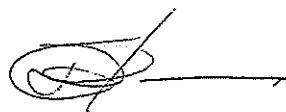
Participating Agency Name		Ministry of Health	
Hiring Manager Name		Awhi Tengoungou	
Provider Name		Capital Recruitment Ltd	
Name of Contractor		John Markland	
Position Title		Senior Advisor	
Start Date	Wednesday 23 rd April 2014	End Date	Friday 30 th May 2014
Expected Number of Hours per day State if there are a Capped number of hours.			
Confirmation of Rate			
Hourly or Day Rate?	Hourly Rate		
Job Role Base Pay (Contract)	██████████		
AOG Provider Fee	██████████		
On Costs	\$		
AOG Admin Fee	██████████		
Confirmed Cost	██████████		

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Confirmation of Contractor Assignment under AOG Contract for Recruitment Services

Participating Agency Name		Ministry of Health	
Hiring Manager Name		Derek Thompson	
Provider Name		Capital Recruitment Ltd	
Name of Contractor		<u>John Markland</u>	
Position Title		Senior Advisor	
Start Date	Monday 2 nd June 2014	End Date	Friday 1 st August 2014
Expected Number of Hours per day State if there are a Capped number of hours.		Up to 8 hours per day as required	
Confirmation of Rate			
Hourly or Day Rate?	Hourly Rate		
Job Role Base Pay (Contract)	██████████		
AOG Provider Fee	██████████		
On Costs	\$		
AOG Admin Fee	██████████		
Confirmed Cost	██████████		



D. Thompson
Min of Health 30/5/2014

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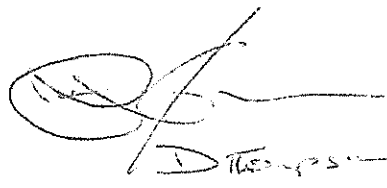
Confirmation of Contractor Assignment under AOG Contract for Recruitment Services

Participating Agency Name		Ministry of Health	
Hiring Manager Name		Derek Thompson PP N. LEVY (TEAM LEADER / ACTING)	
Provider Name		Capital Recruitment Ltd	
Name of Contractor		<u>John Markland</u>	
Position Title		Senior Advisor	
Start Date	Monday 4 th August 2014	End Date	Friday 26 th September 2014
Expected Number of Hours per day			
State if there are a Capped number of hours.			
Notice Period	Either party may terminate this agreement with two weeks' notice in writing to the other party.		
Hourly or Day Rate?	Hourly Rate		
Job Role Base Pay (Contract)	██████████		
AOG Provider Fee	██████████		
On Costs	\$		
AOG Admin Fee	██████████		
Confirmed Cost	██████████		

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Confirmation of Contractor Assignment under AOG Contract for Recruitment Services

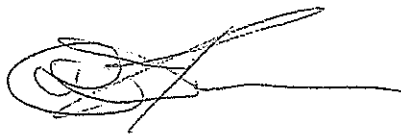
Participating Agency Name		Ministry of Health	
Hiring Manager Name		Derek Thompson	
Provider Name		Capital Recruitment Ltd	
Name of Contractor		John Markland	
Position Title		Senior Advisor	
Start Date	Monday 9 th Feb 2015	End Date	Friday 17 th 2015
Expected Number of Hours per day State if there are a Capped number of hours.		Contract can be terminated with 2 weeks' notice in writing.	
Confirmation of Rate			
Hourly or Day Rate?		Hourly Rate	
Job Role Base Pay (Contract)		██████████	
AOG Provider Fee		██████████	
On Costs		\$	
AOG Admin Fee		██████████	
Confirmed Cost		██████████	


 D Thompson 2/2/2015

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Confirmation of Contractor Assignment under AOG Contract for Recruitment Services

Participating Agency Name		Ministry of Health	
Hiring Manager Name		Derek Thompson	
Provider Name		Capital Recruitment Ltd	
Name of Contractor		John Markland	
Position Title		Senior Advisor	
Start Date	Monday 6 th July 2015	End Date	Wednesday 20 th May 2016
Expected Number of Hours per day State if there are a Capped number of hours.	A maximum of 28 weeks at 40 hours per week over the contract period. Indicatively no or little hours between mid-December 2015 & mid-February 2016. Variations by mutual agreement. 2 weeks' notice in writing. Total budget for this contract capped at a maximum of ██████████		
Confirmation of Rate			
Hourly or Day Rate?	Hourly Rate		
Job Role Base Pay (Contract)	██████████		
AOG Provider Fee	██████████		
On Costs	\$		
AOG Admin Fee	██████████		
Confirmed Cost	██████████		


 D Thompson

2/7/2015

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MINISTRY OF HEALTH

PROCUREMENT
(BUYING GOODS AND SERVICES)
RULES AND GUIDELINES

REVISED EDITION (Version 2.4)
PUBLISHED DECEMBER 2012



MANATŪ HAUORA

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3.6. Consultants and Contractors

Principles

The Procurement Rules and Guidelines apply to the procurement of services from contractors and consultants working within the Ministry as it does for any other supplier of goods or services.

The purpose of these guidelines is to assist Ministry business units and projects to understand how the Procurement Rules and Guidelines apply in the event that you wish to engage with a contractor or consultant.

Engaging former employees as contractors may raise conflict of interest issues. Please contact Human Resources who can provide further advice on this matter.

The default position is to engage the market as per the processes in this Section 3.6.

Contractors and Consultants cannot be paid any additional costs other than for normal disbursements relating to the contract.

3.6.1. Definition of Contractors and Consultants

3.6.1.1. Consultant

A Consultant is a professional entity or self-employed individual engaged to provide discreet outcomes or services, usually some form of specialised advice using their own assets and resources.

Note: The key difference between a consultant and a contractor is that a consultant is engaged to provide specialist, expert or strategic advice whereas a contractor is a resource engaged to carry out tasks and duties that might otherwise be carried out by an employee.

3.6.1.2. Contractor

A contractor is a self-employed individual or an organisation providing individuals, engaged to carry out tasks that might otherwise be carried out by an employee, except that the time or skills are currently not available from existing personnel. They usually work on the Ministry's premises alongside Ministry staff using Ministry assets.

In addition, even if you have entered into a contract for services, it is possible that the relevant individual may be deemed to be an employee at a later stage (length of service is a relevant factor). Human resources can advise on these matters.

3.6.1.3. Temps (Less than four weeks)

When a temp is hired for a period of 4 weeks or more, the contract and approvals process must be entered into ConCare. The last stage of the ConCare mandatory approvals process sees Finance set up a Contract Purchase Agreement (CPA). This CPA is used in the payment process through RAPS.

When a temp is hired for less than 4 weeks, a ConCare entry does not need to be set up. The temp can be paid using a standard purchase order through RAPS. The GL object code that is to be used is 6165. Ensure that the description in the requisition includes the name of the temp and the week end for the period of work.

Note: If an extension (variation) to the temp extends the employment beyond 4 weeks it then needs to be entered into ConCare.

3.6.1.4. Secondees from outside the Ministry

These rules and guidelines do not apply. Secondees from other organisations do not go through procurement processes but go through Human Resources processes.

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3.6.2. Procurement Approach – Consultants and Contractors

Contractors should be engaged as Conventional Purchase. Relational Purchase may be used on exceptional occasions. Processes to engage Consultants and Contractors are set out below.

3.6.2.1. Purchase Category A: Where:

- the Total Cost of Contract \$50,000 or less and;
- less than \$1500 per day and;
- less than 6 months duration

Default Procurement Process	RFQ to Recruitment Agents, Panel Quote
Business Case	NDE: Short-Form Memo outlining justification(s), DE: ConCare Template
Procurement Plan	Not Required (unless requested by the DFA)
GETS Publishing	No
Contract Templates	Purchase Order, DE – less than \$100,000 - AOG Contract for Services (Schedule 1 and 2)
Health Legal review of Contract	Not Required (unless significant risks identified or standard terms and conditions have been changed)
Approvals	Tier 3
Quality Assurance	DFA holder's line manager or appropriate independent source.

3.6.2.2. Purchase Category B: Where:

- the Total Cost of Contract is \$100,000 or less and;
- less than \$1500 per day and;
- less than 6 months duration

Default Procurement Process	RFQ to Recruitment Agents, Panel Quote
Business Case	NDE: Yes, DE: ConCare Template
Procurement Plan	NDE: Yes, DE: ConCare Template
GETS Publishing	No
Contract Templates	DE – less than \$100,000 - AOG Contract for Services (Schedule 1 and 2)
Health Legal review of Contract	Not Required (unless significant risks identified or standard terms and conditions have been changed)
Approvals	Tier 2 -
Quality Assurance	DFA holder's line manager or appropriate independent source.

3.6.2.3. Purchase Category C: Where:

- the Total Cost of Contract over \$100,000 or;
- more than \$1500 per day or;
- more than 6 months duration

Default Procurement Process	RFQ to market, RFQ to Recruitment Agents, Panel Quote
Business Case	NDE: Yes, DE: ConCare Template
Procurement Plan	NDE: Yes, DE: ConCare Template
GETS Publishing	No unless RFQ to market
Contract Templates	DE – Above \$100,000 - Agreement for Services
Health Legal review of Contract	Yes
Approvals	DG (In DG's absence DDG Corporate or CFO)
Quality Assurance	Business Unit Funding Board (or equivalent)

Note: If you are extending a contract for a contractor Section 6 of these rules and guidelines apply.

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Contractors and Consultants

Contractors and Consultants	Justification/Approval to Recruit	Recruitment or Tender Process	Contract
<p>See Section 3.6.2 of the Procurement Rules and Guidelines document for the complete process:</p> <p>http://intranet.moh.govt.nz/finance-planning/spending-money/procurement-ministry/procurement-rules-and-guidelines/procurement-business-rules-and-guidelines</p> <p>Exceptions: A candidate that has been procured using the AoG RSO form but is to be paid directly by the Ministry will require an AoG Contract for Services or Agreement for Services.</p> <p>Please contact the Procurement Team for advice about Contract roles and the HR and Recruitment Teams for advice about Employee roles to discuss any exceptions to the above process.</p> <p>A contract roll over may need to be put through your Business Unit Funding Board for approval to ensure it does not breach any procurement rules or extend over any funding limits. Please check with your Business Unit Funding Board for the process.</p>	<p>1. DE: Complete a business case and procurement plan using the ConCare system and seek the necessary DFA approval to procure the resource.</p> <p>2. NDE: Complete a business case and procurement plan as required in the Procurement BRAG and seek the necessary DFA approval to procure the resource.</p> <p>NOTE: NDE contract templates are held by Sector Services. When you have drafted your service schedule you will then need to contact Sector Services and completed the required forms.</p>	<p>Good procurement practice recommends you seek at least 3 CVs (these can be from a variety of sources).</p> <p>3. If using Preferred Provider AoG Recruitment Agencies (preferably more than one), provide them with your resource requirements (including a position description or detailed statement of work) and each Recruitment Agency will complete a Recruitment Services Order (RSO) form to formalise the request (confirmation can be done by email). The Hiring Manager and the Recruitment Agency must approve this before a contractor can start at the Ministry. A copy of the RSO must be loaded in ConCare.</p> <p>AND/OR</p> <p>4. If approaching individuals: Close Tender: complete a RFQ and provide this along with the draft AoG Contract for Services – Schedule 1 and 2, to the individual(s). This procurement does not need to be published on GETS</p> <p>OR</p> <p>5. Open Tender (recommended if specialised Services required or the value is over \$100k): Complete RFQ and published on GETS. Draft the Agreement for Services contract.</p> <p>6. The Recruitment Agency/s or individuals will provide CVs – you should seek at least three CVs in total (if less than 3 CVs are received, please state how many were received on procurement documentation).</p> <p>7. Interview and choose the preferred candidate. Hiring manager must complete reference checks.</p>	<p>Candidate procured using an All of Government (AoG) Recruitment Agency:</p> <p>8. Complete the Confirmation of Assignment form. This must be loaded into ConCare</p> <p>9. Create RAPS.</p> <p>10. Recruitment Agency invoices the Ministry and the Recruitment Agency pays the contractor (see exceptions)</p> <p>OR</p> <p>Candidate procured using an open or closed tender process:</p> <p>11. Finalise the contract with the preferred candidate and ensure it is signed by the Ministry and the Preferred Candidate. This must be loaded in ConCare (AoG Contract for Services (Schedule 1 and 2) or for contracts over \$100k finalise the Agreement for Services and have it reviewed by Health Legal).</p> <p>12. Obtained a certified copy of relevant qualifications and evidence of the right to work in NZ (passport/birth certificate with photo ID, valid work visa) for all successful candidates. These must be loaded into Concare.</p> <p>13. Obtained completed Ministry of Justice (MOJ) Criminal Convictions Form and forward to MOJ. The result of the check does not need to be received before the successful candidate starts work. The results must be loaded into Concare.</p> <p>14. Created RAPS.</p> <p>15. Contractor invoices the Ministry and is paid through Finance.</p> <p>Less than \$100k – AOG Contract for Services Over \$100k – Agreement for Services (must have a Health Legal review)</p>

Temp Procurement Process

Updated on 30 July, 2014 - 15:44

1. Seek the necessary DFA approval and HR approvals to procure the resource.
2. Contact any of the Preferred All of Government (AoG) Recruitment Agencies (preferably more than one), with your resource requirements
3. The recruitment agency/s will complete a Recruitment Services Order form to formalise the request and this must be loaded into RAPS.
4. The recruitment agency/s will provide CVs – you should request in total at least three CVs
5. Review and interview candidates, if required
6. Email Recruitment Agency to confirm/approve selection of candidate.
7. The Recruitment Agency will complete a Confirmation of Placement form and email you a copy.
8. RAPS need to be created and the RSO form and Confirmation of Placement form must attached.
9. Temp completes a timesheet for the recruitment agency.
10. The recruitment agency invoices the Ministry.

Note: No Contract for Services is required. The approved Recruitment Service Order form **must** be attached.

Contract/Agreement:

RSO form and Confirmation of Placement form completed and approved by the Ministry and the Recruitment Agency

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