

From: [HERALD, Russell](#)
To: s47E(c) s47F
Cc: s47E(c) s47F
Subject: RE: RUSTY - review of procurement s47G transition project CCEMS:03950000100 [SEC=OFFICIAL]
Date: Friday, 19 January 2024 10:43:39 AM
Attachments: [image004.png](#)
[image005.png](#)
[image001.png](#)

Hi s47E(c)
) 47F

I have reviewed the Value for Money assessment and agree with the recommendation to enter into contract negotiation/commitment approval and contract with s47G

Cheers,
 Rusty

Russell Herald
Assistant Secretary

Home Support Operations Branch
 Home and Residential Division | Ageing and Aged Care Group
 Department of Health and Aged Care
 (W) s47E(c) s47F (M) s47E(c) s47F

Executive Assistant: s47E(c) s47F
 s47E(c) s47F @health.gov.au (s47E(c) s47F)

From: s47E(c) s47F <s47E(c) s47F@health.gov.au>
Sent: Friday, 19 January 2024 10:38 AM
To: HERALD, Russell <Russell.Herald@health.gov.au>
Cc: s47E(c) s47F <s47E(c) s47F@health.gov.au>; s47E(c) s47F <s47E(c) s47F@Health.gov.au>; s47E(c) s47F <s47E(c) s47F@Health.gov.au>; s47E(c) s47F <s47E(c) s47F@Health.gov.au>
Subject: RUSTY - review of procurement - s47G transition project CCEMS:03950000100 [SEC=OFFICIAL]
Importance: High

Hey Rusty

PAS have advised we can get you to approve the value for money assessment and start contract negotiations.

Action:

Please approve Attachment C – Value for money assessment

Next steps

- Send Draft contract to s47G
- We will get s47E(c) s47F to help with the Expenditure information Template. PAS weren't happy with Attachment B.
- We will tidy up the track changes and comments in the CA
- Get the full pack to you ASAP
- Put it into SAP
- Execute the contract

From: Procurement Advice s47E(d) @health.gov.au>
Sent: Friday, 19 January 2024 10:02 AM
To: s47E(c) s47F @health.gov.au>; s47E(c) s47F @Health.gov.au>; Procurement Advice s47E(d) @health.gov.au>
Cc: s47E(c) s47F @health.gov.au>; s47E(c) s47F @health.gov.au>
Subject: RE: review of procurement - s47G transition project CCEMS:03950000100
 [SEC=OFFICIAL]
Importance: High

Dear s47E(c) s47E

Thanks for resubmitting your documents and incorporating all of the changes from the initial review.

I have reviewed the documents and have responded to the comments you left in the CA minute.

The only thing that is missing is the Expenditure Information template - I appreciate you sent me the email confirmation from your FBP but unfortunately that refers to overall budget amounts for 23/24 and 24/25 FY and not this specific contract. The Expenditure Information template also contains other information that we need to capture such as funding source and account codes.

Once you have obtained approval from the FBP on the appropriate template you are cleared to proceed.

Kind regards, s47E(c) s47E

Procurement Advisory Services

Financial Management Division | Corporate Operations Group
 Australian Government Department of Health and Aged Care
 T: 02 6289 s47E | E: s47E(d) @health.gov.au
 GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health and Aged Care acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to

land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.

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----- Original Message -----

From: s47E(c) s47F <[redacted]@health.gov.au>;
Received: Wed Jan 17 2024 12:45:54 GMT+1100 (Australian Eastern Daylight Time)
To: Procurement Advice s47E(d) <[redacted]@health.gov.au>; s47E(c) s47F <[redacted]@health.gov.au>; Procurement.Advice-Queue <s47E(d)@health.gov.au>;
Cc: s47E(c) s47F <[redacted]@health.gov.au>; s47E(c) s47F <[redacted]@health.gov.au>;
Subject: RE: review of procurement - s47G transition project CCEMS:03950000100 [SEC=OFFICIAL]

Thanks for your help s47E(c), s47F

Can we have a quick 10min chat, I wonder if there is some confusion.

I've added some comments below

From: Procurement Advice s47E(d) <[redacted]@health.gov.au>
Sent: Wednesday, 17 January 2024 11:55 AM
To: s47E(c), s47F <[redacted]@health.gov.au>; Procurement Advice s47E(d) <[redacted]@health.gov.au>
Cc: s47E(c) s47F <[redacted]@health.gov.au>; s47E(c) s47F <[redacted]@health.gov.au>; s47E(c) s47F <[redacted]@health.gov.au>
Subject: RE: review of procurement - s47G transition project CCEMS:03950000100 [SEC=OFFICIAL]

Hi s47E(c), s47F

There is a lot to work through on reviewing this pack and the PAS team have concerns that the licencing and IP provisions you have outlined below are not robust enough, nor do they cover off the requirements of the contract

Flagging with you now that this will not be able to be endorsed until you have sought advice from the Commercial Legal Team and provided a copy of that advice to PAS

Specific things you need to seek advice on

- How the data is to be transitioned from the old provider to the new provider (and how that is to be captured in the contract)
-
- The data isn't been transitioned between providers. Newcastle Meals on Wheels

owns the data. The consultant is arranging a licencing agreement for Newcastle Meals on Wheels to use the new client record management (CRM) software (the ERP) so they can continue to use the new CRM at the Whitehorse site.

- As part of the standard contract privacy provision, which includes subcontractors, the consultant needs to ensure they abide by the privacy Act and report any data breaches.
- As a deliverable of the contract, the consultant will need to provide the department with a transition plan, which we can specify needs to include how the licencing agreement will be put in place.
- What is the impact on the Department (contractual and risks) of the licencing agreement between the old and new providers for the data
 - Not applicable, given Newcastle Meals on Wheels owns the data, they just need to arrange the right to use the CRM.
 - The department will not access the data.
 - We receive data through other avenues through Newcastle Meals on Wheel's standard Commonwealth Home Support Grant agreement.
- What licence we need in place for the data
 - As above, we don't need a licence because we won't be using the data. Newcastle Meals on Wheel's reports their deliverables through the Data Exchange as required under their standard Commonwealth Home Support Grant agreement.

I will continue to review what I can but I suggest you reach out today to the Commercial Legal to get the ball rolling on the advice that is required as that team has 10 business day turnaround time. They can be contacted via email at s47E(d) [@health.gov.au](mailto:s47E(d)@health.gov.au)

Kind regards, s47E(c), s47F

Procurement Advisory Services

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 Australian Government Department of Health and Aged Care
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----- Original Message -----

From: s47E(c) s47F [@health.gov.au](mailto:s47E(c)@health.gov.au)>;
Received: Tue Jan 16 2024 14:56:11 GMT+1100 (Australian Eastern Daylight Time)
To: Procurement Advice s47E(d) [@health.gov.au](mailto:s47E(d)@health.gov.au)>;

Procurement.Advice-Queue s47E(d) @health.gov.au>;
Cc: s47E(c) s47F @health.gov.au>; s47E(c) s47F
 @health.gov.au>; s47E(c) s47F
 @health.gov.au>;
Subject: RE: review of procurement - s47G transition project
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Hi s47E(c), s47F

Thank you for your feedback.

We have removed all mentions of the upcoming project work and the old project, with exceptions to the Background sections and where it is relevant to demonstrate s47G suitability for the engagement. Additionally, we note that the department or any other party involved will not have access to RAW data without having necessary Licensing agreements in place. Where data is provided to DoHAC, it will be aggregated and should not have any IP/licensing implications.

Please see updated procurement pack for your review. Please let us know if you have any questions.

Regards,
 s47E(c), s47F

From: Procurement Advice s47E(d) @health.gov.au>
Sent: Monday, 15 January 2024 4:59 PM
To: s47E(c) s47F @health.gov.au>; Procurement Advice
 s47E(d) @health.gov.au>
Cc: s47E(c), s47F @health.gov.au>; s47E(c) s47F
 @health.gov.au> s47E(c) s47F @Health.gov.au>
Subject: RE: review of procurement - s47G transition project [SEC=OFFICIAL]
 CCEMS:03950000100

Hi s47E(c), s47F

Thanks for your time speaking with us last week. I have marked up changes and inserted some commentary off the back of our call that covers the everything we spoke about

You will need to work through the changes flagged in each document as well as the below specific issues

IP & licencing arrangements

Who owns the IP? We don't own the software IP and NMoW owns the data. we are not allowed to use others IP unless it has been licenced to us. Contract will need to cover arrangements for transferring IP to a new party. We will need to be Licensed to use data for purposes often contract

Contract document

You will need to remove all references to the old project as well as references you have to upcoming project works where it will provide information and an unfair advantage to the Supplier

Once you have updated your documentation please resubmit to PAS for review

If you have any questions or need to discuss anything please get back in contact with the PAS team

Kind regards, s47E(c),
s47F

Procurement Advisory Services

Financial Management Division | Corporate Operations Group
Australian Government Department of Health and Aged Care
T: 02 6289 s47 | s47E(d) @health.gov.au
GPO Box 9640, Canberra ACT 2601, Australia

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----- Original Message -----

From: s47E(c) s47F @health.gov.au>;
Received: Tue Jan 09 2024 11:18:12 GMT+1100 (Australian Eastern Daylight Time)
To: Procurement Advice s47E(d) @health.gov.au>;
Procurement.Advice-Queue s47E(d) @health.gov.au>;
Cc: s47E(c) s47F @nealrn.gov.au>; s47E(c) s47F
@nealrn.gov.au>; s47E(c) s47F
@nealrn.gov.au>;
Subject: review of procurement - s47G transition project [SEC=OFFICIAL]

Good morning

Can you please review the attached procurement package for contracting s47G
for activities under Commonwealth Home Support Program Meals Future Fit work program. This is a bespoke short term transition project that is critical.

Thanks

s47E(c)
s47F

s47E(c) s47F

Assistant Director
CHSP and Continence Policy Section

Home Support Operations Branch | Home and Residential Funding Division
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