

ACT AUDITOR-GENERAL'S
INFORMATION REPORT

**ACT EMERGENCY SERVICES AGENCY
CLEANING SERVICES ARRANGEMENTS**

REPORT NO. 9 / 2022

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ACT Audit Office

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The ACT Audit Office undertakes audits on financial statements of Government agencies, and the Territory's consolidated financial statements.

The Office also conducts performance audits, to examine whether a Government agency is carrying out its activities effectively and efficiently and in compliance with relevant legislation.

The Office acts independently of the Government and reports the results of its audits directly to the ACT Legislative Assembly.

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Team

Tanja Porter

Stella Pakpahan

PA 21/09

The Speaker
ACT Legislative Assembly
Civic Square, London Circuit
CANBERRA ACT 2601

Dear Madam Speaker

I am pleased to forward to you an Information Report titled 'ACT Emergency Services Agency cleaning services arrangements' for tabling in the Legislative Assembly pursuant to Subsection 17(5) of the *Auditor-General Act 1996*.

Yours sincerely



Michael Harris
Auditor-General
14 December 2022

The ACT Audit Office acknowledges the traditional custodians of the Canberra region. The Office wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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EXECUTIVE SUMMARY

The ACT Emergency Services Agency (ACT ESA) is a business unit of the Justice and Community Safety Directorate (JACS). The ACT ESA has 36 facilities across the Canberra region, including facilities for ACT Fire and Rescue, the ACT Ambulance Service, the ACT State Emergency Service, and the ACT Rural Fire Service, as well as training and communication centres. Many of the sites are 24/7 operations with unique cleaning requirements that are important to supporting emergency services personnel in the workplace.

As part of the performance audit report *Procurement Exemptions and Value for Money* (Report No. 7/2021) tabled in June 2021 the Audit Office became aware of the cleaning services provided by one particular provider (the Service Provider) over a long period of time and what appeared to be a lack of documented procurement for the services.

Since the early 2000s the Service Provider has provided a range of cleaning and other services for the ACT ESA's various facilities. These services may be broadly categorised as:

- general cleaning and grounds maintenance services;
- industrial cleaning services; and
- ad hoc services, including the supply of goods and consumables.

In 2020 the Service Provider started providing additional cleaning services associated with the COVID-19 pandemic.

Since late 2008, which is the earliest record of payment information available, approximately \$8 million has been paid to the Service Provider.

In November 2021, the majority of the services provided by the Service Provider were replaced by an integrated facilities management services contract with another supplier.

The Audit Office undertook some enquiries and met with the General Manager of the Service Provider and officers from the ACT ESA. This report describes JACS' procurement and contracting arrangements with the Service Provider and its administration of the service delivery arrangements.

As the arrangements described in this report are largely historical, and have been replaced by the integrated facilities management services contract, the Audit Office decided not to conduct a performance audit. This information report may be used to inform future performance audit planning processes of the ACT Audit Office.

Key findings

THE SERVICES	Paragraph
<p>The Service Provider has provided a range of cleaning services, grounds maintenance and other ad hoc services to the ACT ESA and its various facilities since the early 2000s. The Audit Office has categorised the services provided by the Service Provider into three broad categories and estimated the payments made against the categories since late 2008 as follows:</p> <ul style="list-style-type: none"> • general cleaning services – \$6.1 million (GST inc); • industrial cleaning services – \$1.1 million (GST inc); and • ad hoc services, including the supply of goods and consumables – \$0.8 million (GST inc). 	1.21
PROCUREMENT AND CONTRACTING ARRANGEMENTS	Paragraph
<p>General cleaning and grounds maintenance services worth approximately \$3.7 million were provided between October 2008 and September 2020 without an agreed contractual arrangement or any evidence of a procurement process. Services have been provided since the early 2000s, similarly without an agreed contractual arrangement or evidence of a procurement process; the value of these services cannot be quantified due to a lack of financial data. The lack of a valid procurement process means that other potential suppliers have not had the opportunity to compete for this work and that JACS has not tested whether the Service Provider provided the best value for money for its cleaning requirements, in accordance with the <i>Government Procurement Act 2001</i>. The lack of a valid contractual arrangement for the services exposed the Territory to financial, legal and regulatory risk.</p>	2.7
<p>There is evidence that JACS entered into four contracts with the Service Provider for the provision of industrial cleaning services between 2009 and 2018. A review of the available procurement documentation for the three latest contracts (i.e. 2016, 2017 and 2018) does not provide confidence that the procurements were sufficiently open and competitive, as required by the <i>Government Procurement Act 2001</i>:</p> <ul style="list-style-type: none"> • for the 2016 procurement three responses were received, one of which was so poor that it received a numeric score of '0'; • for the 2017 procurement the same three firms were approached; the company that scored '0' in the 2016 procurement declined to respond and the second company that was approached scored '0' against the evaluation criteria because it provided a response that was 'deemed as non-conforming'; and • for the 2018 procurement four suppliers were approached, including the supplier that provided a non-conforming response in the 2017 procurement (under a new company name), however only the Service Provider provided a response. 	2.28

In September 2020 a six-month contract was signed with the Service Provider for the provision of general cleaning services, industrial cleaning services and COVID-19 cleaning services. The total value of the contract at this time was \$1,232,918 (GST inc). The Service Provider was directly engaged for these services following a decision by the Director-General of JACS to exempt the procurement from the requirement to conduct a public tender for the services, as required by the *Government Procurement Regulation 2007*. This decision acknowledged a 'requirement to deliver immediate COVID-19 level cleaning services for the ACT Ambulance Stations and ACT Fire and Rescue Stations' and that it was an interim arrangement until the integrated facilities management services arrangements were put in place. The contract with the Service Provider was subsequently extended twice. The total value of the contract, through to November 2021, was \$2,601,057 (GST inc).

2.37

MANAGEMENT AND ADMINISTRATIVE ARRANGEMENTS

Paragraph

The Service Provider submitted invoices for general cleaning and grounds maintenance services on a monthly basis. A review of payments for general cleaning and grounds maintenance services for 2019 and 2020 shows that between January 2019 and March 2020 anywhere between six and nine invoices a month were provided for amounts between \$34,439 (GST inc) and \$39,148 (GST inc). There was a significant change in the value of payments from April 2020, due to additional cleaning services relating to the COVID-19 health pandemic; between April 2020 and September 2020 monthly payments were valued at between \$100,369 (GST inc) and \$103,375 (GST inc).

3.10

Prior to September 2020, JACS did not have any documentation to demonstrate prior approval or agreement for the ongoing general cleaning and grounds maintenance services including agreement with respect to: the scope of works and required service levels; and payments for the services. Work Orders were also not raised for these services. This resulted in poor controls over the commissioning of general cleaning and grounds maintenance services from the Service Provider.

3.11

The Service Provider regularly submitted invoices for ad hoc services. A review of payments for 2019 and 2020 shows the value of ad hoc services could represent a sizeable proportion of the value of regular general cleaning and grounds maintenance services. In the three months to March 2020 the value of ad hoc services was between 36.4 and 51.1 percent of the value of general cleaning and grounds maintenance services, i.e. up to \$18,025 (GST inc) in one month.

3.14

The ACT ESA did not have any contractual arrangements in place with the Service Provider that demonstrated prior approval or agreement for the provision of ongoing ad hoc services including agreement with respect to: the scope of ad hoc services that could be provided; required service levels; and payments for the services. The services that were provided were broad in nature, and included services related to cleaning and grounds maintenance. It is not clear how the ad hoc cleaning and grounds maintenance services differed from, and were in addition to, the regular cleaning and grounds maintenance services provided.

3.26

Work Orders were raised in order to commission the ad hoc services to be provided by the Service Provider. The Work Orders that were raised provided basic controls over the commissioning of services, including: processes for specific types of higher-risk work; access to premises; and work verification steps. Quotes were required for works that were expected to cost more than \$600 (GST inc). The Work Order template stated 'CWI can approve [a] verbal estimate immediately or ask for a full written quote with scope of work and photos'. JACS did not have any policy or procedural guidance with respect to the circumstances in which 'a full written quote with scope of work and photos' would be sought. The Audit Office was advised that when written quotes were received via email, they were not separately recorded and maintained. The Audit Office understands that the administrative arrangements in place for the commissioning of services were also in place for other suppliers of ad hoc cleaning and maintenance services.

3.27

Response from entities

In accordance with subsection 18(2) of the *Auditor-General Act 1996* the Justice and Community Safety Directorate and the Service Provider were provided with a draft proposed report for comment. All comments were considered and required changes were reflected in the final proposed report. The final proposed report was provided for further comment.

Comments for inclusion in the Summary Chapter were provided by the Justice and Community Safety Directorate as follows:

The Directorate has taken direct action in relation to ESA's cleaning services arrangement and on procurement generally, including:

- *the procurement of integrated facilities management services which was concluded in 2021;*
- *the publication of a 'JACS Procurement and Contract Management Framework' which was implemented in April 2021 - this framework incorporated focussed training to improve organisational awareness of our obligations under the Government Procurement Act 2001;*
- *the creation of an executive role within ESA in January 2020 to focus on procurement and contract management within the business unit; and*
- *the establishment within JACS' corporate group of a procurement and contract management capability to update the Procurement and Contract Management Framework, deliver fit for purpose training and work with Procurement ACT on the current Procurement Reform Project.*

1 THE SERVICES

- 1.1 This chapter describes the nature of services provided by the Service Provider. The chapter also provides a brief overview of the history of the services that have been provided.

Key findings

	Paragraph
<p>The Service Provider has provided a range of cleaning services, grounds maintenance and other ad hoc services to the ACT ESA and its various facilities since the early 2000s. The Audit Office has categorised the services provided by the Service Provider into three broad categories and estimated the payments made against the categories since late 2008 as follows:</p> <ul style="list-style-type: none">• general cleaning services – \$6.1 million (GST inc);• industrial cleaning services – \$1.1 million (GST inc); and• ad hoc services, including the supply of goods and consumables – \$0.8 million (GST inc).	1.21

ACT Emergency Services Agency cleaning arrangements

Roles and responsibilities

- 1.2 JACS is responsible for maintaining a fair, safe and peaceful community in the ACT. JACS brings together government activities concerned with justice administration, protection of rights and law reform, law enforcement, business regulation and emergency services.
- 1.3 The ACT ESA is a business unit of JACS. The ACT ESA is responsible for emergency management in the ACT and comprises four operational services:
- ACT Ambulance Service;
 - ACT Fire and Rescue Service;
 - ACT Rural Fire Service; and
 - ACT State Emergency Service.
- 1.4 The ACT ESA is responsible for 36 facilities. The ACT ESA has advised that its facilities must be kept fully operational at all times. The ACT ESA also notes that its facilities must also always meet Work Health and Safety requirements, including through the challenges of staff cooking, sleeping and working from its stations and needing to leave the station very quickly to attend incidents. The ACT ESA advised that many requests for repairs and maintenance and cleaning must be actioned immediately or within a short timeframe.

- 1.5 The ICT, Capital Works and Infrastructure (ICTCWI) Team in JACS and the ACT ESA were jointly responsible for procurement and contract management arrangements until November 2021. In November 2021 the ICTCWI Team was transferred back to ACT ESA.
- 1.6 The ACT ESA is responsible for the integrated facilities management arrangements that were established in November 2021 (refer to paragraphs 1.23 to 1.27).

The services

- 1.7 The Service Provider has provided a range of cleaning services, grounds maintenance and other ad hoc services to the ACT ESA and its various facilities since the early 2000s. The total value of payments to the Service Provider from 2008 to 2022 is approximately \$8 million (GST inc).
- 1.8 The nature of the services provided, and the associated description of the services in invoicing and payment processes, is not always clear. Based on an analysis of available documentation and discussion with the ACT ESA and the Managing Director of the Service Provider, the Audit Office has identified that the services fall into three broad categories:
- general cleaning and grounds maintenance services;
 - industrial cleaning services; and
 - ad hoc services, including the supply of goods and consumables.

General cleaning and grounds maintenance services

- 1.9 General cleaning services involve the regular cleaning of facilities. The most recent integrated facilities management services contract describes general cleaning as a daily service that includes cleaning offices, meeting rooms, toilets and showers, kitchens and sleeping rooms by sweeping, wiping, mopping and dusting and removing rubbish and cobwebs. Facilities with low traffic, however, require only a monthly general clean that includes vacuuming under beds and disinfecting wet areas. Since 2020 the general cleaning services have also featured additional COVID-19-specific protocols. The Service Provider has also provided grounds maintenance services to ESA facilities.
- 1.10 In its response to the draft proposed report the Service Provider advised that there had been no consolidated scope of works for these services.
- 1.11 The Audit Office understands that the Service Provider has been providing general cleaning services at ACT ESA facilities since the early 2000s. For example:
- an April 2020 brief to the Director-General of JACS from the Commissioner of the ACT ESA in relation to COVID-19 cleaning for ACT Ambulance and ACT Fire and Rescue stations states ‘the current contractor ... has been providing reliable cleaning services since early 2000’; and
 - a 2009 quote for services from the Service Provider to the ACT ESA refers to the provision of services relating to the ESA’s Curtin premises for a period of seven years,

and services relating to facilities of the ACT Ambulance Service, ACT Fire and Rescue, and the Australian Federal Police for three years.

- 1.12 In discussion with the Audit Office, the Managing Director of the Service Provider recalled first providing services at the ACT ESA's former headquarters at Curtin in the early 2000s. The Managing Director recalls the company was approached to provide additional and further services after this time and that it also responded to a procurement process for the cleaning of ACT Ambulance Services stations around 2006.

Industrial cleaning services

- 1.13 Industrial cleaning services are a periodic, usually annual, cleaning of facilities. It involves a 'deeper' more rigorous cleaning of facilities.

- 1.14 A 2017 contract between the ACT ESA and the Service Provider for industrial cleaning services described the services as including:

- steam cleaning of carpets;
- stripping and sealing of vinyl floors;
- washing of internal and external windows;
- disinfecting and scrubbing bathrooms; and
- a wash down of engine bays.

Ad hoc services

- 1.15 A review of payment data to the Service Provider shows that payments have been made for ad hoc services that do not appear to be related to industrial or general cleaning. Examples of ad hoc services for which invoices were provided and payments made were:

- dismantling and removal of furniture and other items;
- minor building installation and repair works such as replacing handle rails and fixing broken tiles; and
- the provision of goods and consumables such as toilet paper, plastic bags, and a vacuum cleaner.

Payments to the Service Provider

- 1.16 The Service Provider has been paid a total of approximately \$7.99 million (GST inc) for services provided to the ACT ESA since October 2008. This figure is based on data from JACS' financial information system. The Audit Office was provided with data from October 2008 to August 2022. JACS was not able to provide payment data prior to October 2008.

Description of services

- 1.17 The description of payments to the Service Provider in the financial management system does not always clearly and consistently describe the services that were rendered.
- 1.18 In some instances, it is apparent that the services relate to regular or general cleaning and grounds maintenance including, for example, through the following descriptions:
- ‘cleaning services March 2019’ (March 2019); and
 - ‘ground maintenance June 2018’ (June 2018).
- 1.19 In other instances, it is apparent that the services relate to industrial cleaning, for example:
- ‘Industrial clean – Kambah Fire Station’ (June 2014); and
 - ‘industrial clean 2017-Group 2 period 13th June-28th June 2017’ (June 2017).
- 1.20 Ad hoc services cover a range of activities that do not appear to fit neatly into a description of general cleaning services or industrial cleaning services including, for example:
- ‘disassemble + remove 2 large desks’ (August 2018);
 - ‘move cabinets from Hume to Kambah’ (June 2018);
 - ‘install wall hooks’ (August 2018); and
 - ‘supply + install internal door mats’ (June 2018).
- 1.21 Noting these constraints, the Audit Office has estimated the value of services provided by the Service Provider against the three categories of services between late 2008 and 2022. This is shown in Table 1-1.

Table 1-1 Categorisation of payments (2008-2022)

Services provided	Total value (\$) (GST inc)
General cleaning and grounds maintenance	6,140,317
Industrial cleaning	1,092,690
Ad hoc services	758,661
Total	7,991,668

Source: ACT Audit Office analysis based on data provided by ACT ESA.

1.22 The Service Provider has provided a range of cleaning services, grounds maintenance and other ad hoc services to the ACT ESA and its various facilities since the early 2000s. The Audit Office has categorised the services into three broad categories and estimated the payments made against the categories since late 2008 as follows:

- general cleaning services – \$6.1 million (GST inc);
- industrial cleaning services – \$1.1 million (GST inc); and
- ad hoc services, including the supply of goods and consumables – \$0.8 million (GST inc).

Ongoing provision of services

1.23 The Service Provider no longer provides cleaning services to the ACT ESA on the scale that it used to.

1.24 In 2018 the ACT ESA commenced a procurement for ‘the provision of Integrated Facilities Management Services’. To achieve this the ACT ESA issued a Request for Expressions of Interest in February 2021, which then progressed to a full Request for Tender in May 2021.

1.25 Following the conduct of the procurement, in November 2021 the ACT ESA entered into a contract with another supplier for a period of four years. The execution date for this contract is listed on the ACT Contract Register as 18 January 2022. The contract is valued at \$24.2 million (GST inc). The Audit Office did not audit or otherwise review the procurement arrangements for this contract.

1.26 The integrated facilities management services to be provided under this arrangement are extensive and include:

- asset management and planning, financial management and planning, contract governance, compliance and planning and a 24/7 help desk; and
- preventative and reactive facilities maintenance, regular cleaning (daily, monthly and industrial cleaning as required) as well as ad hoc requests and repair work.

1.27 Between January 2022 and August 2022 payment data shows that the Service Provider has continued to be engaged for a small number of tasks. These have been arranged through Purchase Orders and payments for these services have amounted to \$20,464 (GST inc).

2 PROCUREMENT AND CONTRACTING ARRANGEMENTS

- 2.1 This chapter describes the procurement and contracting arrangements in place for the ACT ESA's engagement of the Service Provider. The relevant parts of the *Government Procurement Act 2001* are summarised in Appendix A.

Key findings

	Paragraph
<p>General cleaning and grounds maintenance services worth approximately \$3.7 million were provided between October 2008 and September 2020 without an agreed contractual arrangement or any evidence of a procurement process. Services have been provided since the early 2000s, similarly without an agreed contractual arrangement or evidence of a procurement process; the value of these services cannot be quantified due to a lack of financial data. The lack of a valid procurement process means that other potential suppliers have not had the opportunity to compete for this work and that JACS has not tested whether the Service Provider provided the best value for money for its cleaning requirements, in accordance with the <i>Government Procurement Act 2001</i>. The lack of a valid contractual arrangement for the services exposed the Territory to financial, legal and regulatory risk.</p>	2.7
<p>There is evidence that JACS entered into four contracts with the Service Provider for the provision of industrial cleaning services between 2009 and 2018. A review of the available procurement documentation for the three latest contracts (i.e. 2016, 2017 and 2018) does not provide confidence that the procurements were sufficiently open and competitive, as required by the <i>Government Procurement Act 2001</i>:</p> <ul style="list-style-type: none">• for the 2016 procurement three responses were received, one of which was so poor that it received a numeric score of '0';• for the 2017 procurement the same three firms were approached; the company that scored '0' in the 2016 procurement declined to respond and the second company that was approached scored '0' against the evaluation criteria because it provided a response that was 'deemed as non-conforming'; and• for the 2018 procurement four suppliers were approached, including the supplier that provided a non-conforming response in the 2017 procurement (under a new company name), however only the Service Provider provided a response.	2.28
<p>In September 2020 a six-month contract was signed with the Service Provider for the provision of general cleaning services, industrial cleaning services and COVID-19 cleaning services. The total value of the contract at this time was \$1,232,918 (GST inc). The Service Provider was directly engaged for these services following a decision by the Director-General of JACS to exempt the procurement from the requirement to conduct a public tender for the services, as required by the <i>Government</i></p>	2.37

Procurement Regulation 2007. This decision acknowledged a 'requirement to deliver immediate COVID-19 level cleaning services for the ACT Ambulance Stations and ACT Fire and Rescue Stations' and that it was an interim arrangement until the integrated facilities management services arrangements were put in place. The contract with the Service Provider was subsequently extended twice. The total value of the contract, through to November 2021, was \$2,601,057 (GST inc).

General cleaning services

- 2.2 In September 2020 JACS entered into a contract with the Service Provider for general cleaning, industrial cleaning and special cleaning services associated with the COVID-19 pandemic. This is discussed in paragraphs 2.29 to 2.36.
- 2.3 Prior to this, there is no evidence of any procurement process being conducted for the general cleaning and grounds maintenance services provided by the Service Provider. There is also no evidence of any contract or standing order arrangement in place for the general cleaning and grounds maintenance services provided by the Service Provider prior to September 2020.
- 2.4 As per the Audit Office's calculations, an estimated \$3,689,225 of general cleaning services were provided between October 2008 and September 2020 without an agreed contractual arrangement or evidence of a procurement process. More services were provided prior to 2008, similarly without an agreed contractual arrangement or procurement process. The value of these services cannot be quantified due to a lack of financial data.
- 2.5 In response to the draft proposed report JACS acknowledged the absence of a contractual arrangement with the service provider but advised that in 2016 it was cognisant of a potential whole-of-government total facilities management arrangement that may have been implemented for ACT Government properties. JACS advised that because this was not ultimately pursued it formed an intention to implement its own total facilities management procurement process. JACS advised that this process took significantly longer to deliver than anticipated. This is outlined in paragraphs 1.23 to 1.27.
- 2.6 The Managing Director of the Service Provider asserted to the Audit Office that they had sought to enter into a contract for services early in the provision of services, but that this was not forthcoming from JACS. In its response to the final proposed report JACS noted that this is an assertion without any indication of when and to whom the request was purportedly made and accordingly cannot be verified.
- 2.7 General cleaning and grounds maintenance services worth approximately \$3.7 million were provided between October 2008 and September 2020 without an agreed contractual arrangement or any evidence of a procurement process. Services have been provided since the early 2000s, similarly without an agreed contractual arrangement or evidence of a procurement process; the value of these services cannot be quantified due to a lack of financial data. The lack of a valid procurement process means that other potential suppliers

have not had the opportunity to compete for this work and that JACS has not tested whether the Service Provider provided the best value for money for its cleaning requirements, in accordance with the *Government Procurement Act 2001*. The lack of a valid contractual arrangement for the services exposed the Territory to financial, legal and regulatory risk.

Industrial cleaning services

2.8 There is evidence that JACS entered into four contracts with the Service Provider for the provision of industrial cleaning services. The value of the contracts and the procurement arrangements undertaken to select the Service Provider for these contracts is summarised in Table 2-1.

Table 2-1 Industrial cleaning service contracts

Contract period	Procurement method	Services	Contract value (\$ (GST inc)
September 2009 to August 2014	Unclear	Industrial cleaning	176,927
April 2016 to July 2016	Quotes sought from multiple suppliers	Industrial cleaning	164,848
May 2017 to July 2017	Quotes sought from multiple suppliers	Industrial cleaning	194,202
December 2018 to February 2019	Quotes sought from multiple suppliers	Industrial cleaning	199,481

Source: ACT Audit Office using information provided by ACT ESA.

September 2009 to August 2014

- 2.9 This contract was for the industrial cleaning of eight ACT Fire and Rescue stations. The period for the contract was 1 September 2009 to 31 August 2012, with the possibility of two one-year extensions. The total contract value was \$176,927 (GST inc) for the five-year period.
- 2.10 The documentation for this procurement consists of a document from the Service Provider titled 'Response to Assessment Criteria' and a pricing schedule for each year of the services for each facility.
- 2.11 There is no evidence of other suppliers being approached for the services or other quotes received, and no tender assessment document, such as an evaluation report or value for money assessment. The Audit Office acknowledges the passage of time since the procurement was conducted and its impact on the availability of documentation.

April 2016 to July 2016

- 2.12 This contract was for the industrial cleaning of ACT Ambulance Service, ACT Fire and Rescue and Rural Fire Service facilities. The services were to be provided between April 2016 and July 2016. The total contract value was \$164,848 (GST inc).
- 2.13 The documentation for this procurement included a Tender Evaluation Report. The Tender Evaluation Report indicated that a four-person evaluation team evaluated three responses that were provided. The Report is not clear how many potential suppliers were approached.
- 2.14 The Tender Evaluation Report identified five weighted criteria against which the responses were evaluated:
- task appreciation and methodology – 20 percent;
 - timing/sequence of works – 20 percent;
 - workplace health and safety – 30 percent;
 - expertise/past performance – 20 percent; and
 - risks and concerns – 10 percent.
- 2.15 The Tender Evaluation Report showed the responses were scored as follows:
- Service Provider – raw score (unweighted) of 23 and total score of 1.15;
 - Supplier 2 – raw score (unweighted) of 8 and total score of 0.4; and
 - Supplier 3 – raw score (unweighted) of 0 and total score of 0.0.
- 2.16 The Tender Evaluation Report is problematic because:
- the responses' raw scores against each of the criteria are tallied to provide a 'technical score', but the raw scores are not weighted and re-tallied to provide a weighted score; and
 - a subsequent table provides a 'total score' for the responses, but the numbers in the table for the 'total score' are inexplicable. It is not clear how the numbers were derived.
- 2.17 While it is appropriate that at least three responses were sought, the extent to which the third supplier's response could be included as a viable competitor is questionable. There was no narrative or discussion to support the numerical ratings.

May 2017 to July 2017

- 2.18 This contract was for the industrial cleaning of ACT ESA facilities. The services were to be provided between 31 May 2017 and 31 July 2017. The total contract value was \$194,202 (GST inc).

- 2.19 An Evaluation Form was produced for this procurement. It indicates that three quotes were sought: from the Service Provider and the two other suppliers that were involved in the 2016 procurement. Responses were received from the Service Provider and Supplier 2 (above); Supplier 3 (above) was approached but did not respond.
- 2.20 The Evaluation Form identified four criteria against which the responses were evaluated, which were of equal weighting:
- task appreciation and methodology;
 - timing/sequence of works;
 - workplace health and safety/security; and
 - expertise/past performance/ capacity and capability.
- 2.21 In addition, up to another five 'points' was available for 'regional small to medium consideration'.
- 2.22 The scoring of the responses was:
- Service Provider – 23; and
 - Supplier 2 – 5.
- 2.23 Supplier 2 scored 0 on all criteria and only received five 'points' for being a regional small to medium enterprise. The Service Provider scored 18 against the criteria and also received five points for being a regional small to medium enterprise.
- 2.24 While it is apparent that three responses were sought:
- the extent to which Supplier 2's response could be included as a viable competitor is questionable. Supplier 2 scored 0 against all four evaluation criteria and the Evaluation Form noted the supplier 'did not adequately address the selection criteria. The submission was deemed as non-conforming but was evaluated as a benchmarking exercise'; and
 - it is not clear why Supplier 3 would be approached to participate in this procurement after what appeared to be a poor response to the procurement for the same services that was conducted in 2016.

December 2018 to March 2019

- 2.25 This contract was for the industrial cleaning of various ACT ESA facilities. The services were to be provided between 26 November 2018 (or when the contract was signed by the second party) and 1 March 2019. The total contract value was \$199,481 (GST inc). The contract was signed on 7 December 2018.
- 2.26 A Tender Evaluation Report was produced for this procurement. It indicated that four suppliers were invited to provide a response. The Service Provider was asked to respond, as was Supplier 2 (above) under a new company name, as well as two other suppliers. The

Tender Evaluation Report identified five weighted criteria against which the responses were evaluated. These were the same criteria that were applied in the 2016 procurement:

- task appreciation and methodology – 20 percent;
- timing/sequence of works – 20 percent;
- workplace health and safety – 30 percent;
- expertise/past performance – 20 percent; and
- risks and concerns – 10 percent.

2.27 Only the Service Provider provided a response. The response was assessed against the criteria and it was identified as the successful tenderer. While approaching multiple suppliers for a response is appropriate, it is not evident that the procurement process was competitive.

2.28 There is evidence that JACS entered into four contracts with the Service Provider for the provision of industrial cleaning services between 2009 and 2018. A review of the available procurement documentation for the three latest contracts (i.e. 2016, 2017 and 2018) does not provide confidence that the procurements were sufficiently open and competitive, as required by the *Government Procurement Act 2001*:

- for the 2016 procurement three responses were received, one of which was so poor that it received a numeric score of '0';
- for the 2017 procurement the same three firms were approached; the company that scored '0' in the 2016 procurement declined to respond and the second company that was approached scored '0' against the evaluation criteria because it provided a response that was 'deemed as non-conforming'; and
- for the 2018 procurement four suppliers were approached, including the supplier that provided a non-conforming response in the 2017 procurement (under a new company name), however only the Service Provider provided a response.

Contractual consolidation (2020)

September 2020 to March 2021

2.29 In September 2020 a six-month contract was signed for the provision of general cleaning, industrial cleaning and COVID-19 cleaning services. The total value of the contract at that time was \$1,232,918 (GST inc).

2.30 The Service Provider was directly engaged for these services without an open and competitive approach to the market (i.e. a public tender). An April 2020 Minute from the Commissioner of the ACT ESA to the Director-General of JACS sought an exemption from the requirement to conduct a public tender for the services and seek three written quotes,

which is required by the *Government Procurement Regulation 2007*. The Minute sought an exemption:

... due to the requirement to deliver immediate COVID-19 level cleaning services for the ACT Ambulance Stations and ACT Fire and Rescue Stations.

2.31 The Minute also recognised the ACT ESA's intention to procure integrated facilities management services and that:

... provision is made to enter into a contract for all cleaning (general and COVID-19) services up to 31 December 2020, with a three month extension option whilst the ACT Emergency Services Agency (ESA) Facility Maintenance Service Solution tender process is conducted for these and other services.

2.32 The Minute noted:

[The Service Provider] has been providing reliable cleaning services since early 2000. The contractor has provided reliable services and has extensive experience working within the ESA environment.

2.33 The Minute also noted:

This engagement will provide ESA the flexibility and time necessary to develop specifications and go to market, via formal tender process, for the full maintenance service solution and deliver a value for money outcome.

2.34 The Director-General approved the request. As a result, JACS was not required to approach the market to seek quotes for the cleaning services.

2.35 Consistent with the expanded scope of services, payment data from April 2020 shows that payments for general cleaning and grounds maintenance services increased significantly from April 2020. For example, payments for general cleaning and grounds maintenance services increased from \$35,303 (GST inc) in March 2020 to \$103,375 (GST inc) in April 2020. Despite the increase in payments, the contract to formalise arrangements with the Service Provider was not signed until early September 2020.

2.36 The contract with the Service Provider was subsequently extended in March 2021 and again in August 2021 through to November 2021. The total value of the contract (to November 2021) was \$2,601,057 (GST inc).

2.37 In September 2020 a six-month contract was signed with the Service Provider for the provision of general cleaning services, industrial cleaning services and COVID-19 cleaning services. The total value of the contract at this time was \$1,232,918 (GST inc). The Service Provider was directly engaged for these services following a decision by the Director-General of JACS to exempt the procurement from the requirement to conduct a public tender for the services, as required by the *Government Procurement Regulation 2007*. This decision acknowledged a 'requirement to deliver immediate COVID-19 level cleaning services for the ACT Ambulance Stations and ACT Fire and Rescue Stations' and that it was an interim arrangement until the integrated facilities management services arrangements were put in place. The contract with the Service Provider was subsequently extended twice. The total value of the contract, through to November 2021, was \$2,601,057 (GST inc).

November 2019 quotations sought

2.38 The April 2020 Minute mentioned above identified an earlier process that sought to engage the Service Provider directly for the provision of general and industrial cleaning services. The Minute stated:

[The Service Provider] has provided recent quotations for the general and industrial cleaning services pending the approval of a single select brief process that was proposed in October 2019. This did not eventuate.

2.39 The Audit Office sought further information from previous and current officers of the ACT ESA about the single select process proposed in October 2019. A clear explanation of JACS intention at that time has not been provided.

3 MANAGEMENT AND ADMINISTRATIVE ARRANGEMENTS

3.1 This chapter describes the management and administrative arrangements in place for general cleaning and grounds maintenance and ad hoc services from the Service Provider.

Key findings

	Paragraph
The Service Provider submitted invoices for general cleaning and grounds maintenance services on a monthly basis. A review of payments for general cleaning and grounds maintenance services for 2019 and 2020 shows that between January 2019 and March 2020 anywhere between six and nine invoices a month were provided for amounts between \$34,439 (GST inc) and \$39,148 (GST inc). There was a significant change in the value of payments from April 2020, due to additional cleaning services relating to the COVID-19 health pandemic; between April 2020 and September 2020 monthly payments were valued at between \$100,369 (GST inc) and \$103,375 (GST inc).	3.10
Prior to September 2020, JACS did not have any documentation to demonstrate prior approval or agreement for the ongoing general cleaning and grounds maintenance services including agreement with respect to: the scope of works and required service levels; and payments for the services. Work Orders were also not raised for these services. This resulted in poor controls over the commissioning of general cleaning and grounds maintenance services from the Service Provider.	3.11
The Service Provider regularly submitted invoices for ad hoc services. A review of payments for 2019 and 2020 shows the value of ad hoc services could represent a sizeable proportion of the value of regular general cleaning and grounds maintenance services. In the three months to March 2020 the value of ad hoc services was between 36.4 and 51.1 percent of the value of general cleaning and grounds maintenance services, i.e. up to \$18,025 (GST inc) in one month.	3.14
The ACT ESA did not have any contractual arrangements in place with the Service Provider that demonstrated prior approval or agreement for the provision of ongoing ad hoc services including agreement with respect to: the scope of ad hoc services that could be provided; required service levels; and payments for the services. The services that were provided were broad in nature, and included services related to cleaning and grounds maintenance. It is not clear how the ad hoc cleaning and grounds maintenance services differed from, and were in addition to, the regular cleaning and grounds maintenance services provided.	3.26
Work Orders were raised in order to commission the ad hoc services to be provided by the Service Provider. The Work Orders that were raised provided basic controls over the commissioning of services, including: processes for specific types of higher-risk work; access to premises; and work verification steps. Quotes were required for	3.27

works that were expected to cost more than \$600 (GST inc). The Work Order template stated 'CWI can approve [a] verbal estimate immediately or ask for a full written quote with scope of work and photos'. JACS did not have any policy or procedural guidance with respect to the circumstances in which 'a full written quote with scope of work and photos' would be sought. The Audit Office was advised that when written quotes were received via email they were not separately recorded and maintained. The Audit Office understands that the administrative arrangements in place for the commissioning of services were also in place for other suppliers of ad hoc cleaning and maintenance services.

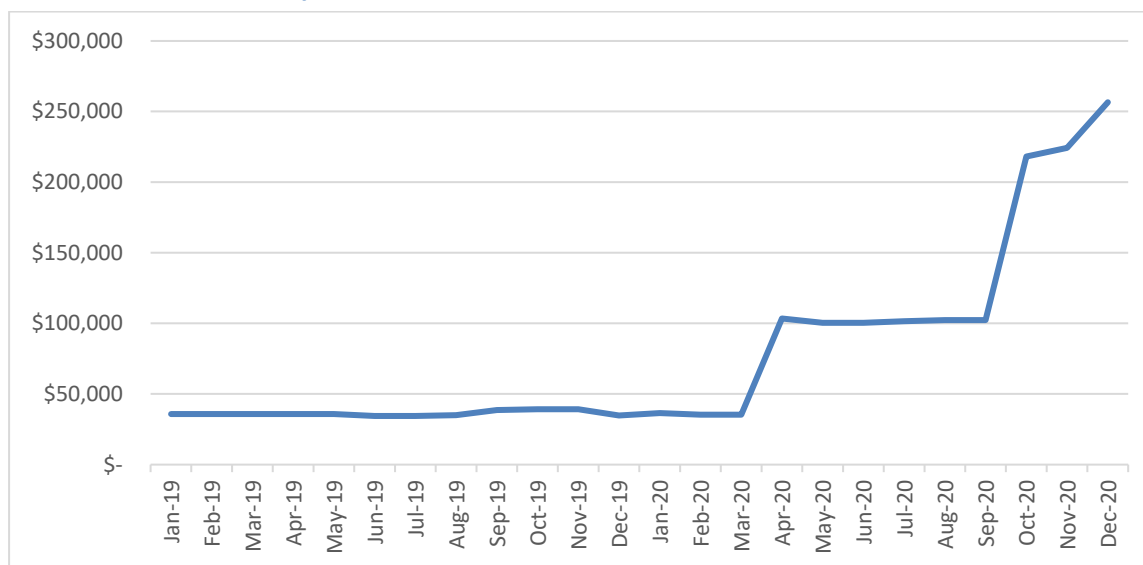
Management arrangements

- 3.2 Notwithstanding the lack of contractual documentation for the Service Provider's services, particularly with respect to its provision of general cleaning and grounds maintenance services, the Audit Office sought to understand what management and administrative controls were in place with respect to the commissioning of work from the Service Provider.
- 3.3 The Audit Office paid specific attention to what, from a review of the description of payments in JACS' financial management system, appeared to be payments for:
- general cleaning and grounds maintenance services; and
 - ad hoc services.

General cleaning and grounds maintenance services

- 3.4 The Service Provider submitted invoices for general cleaning and grounds maintenance services on a regular basis. In any given month, the Service Provider may have issued up to nine invoices for general cleaning and grounds maintenance services for different amounts.
- 3.5 Figure 3-1 shows the payments made to the Service Provider each month for general cleaning and grounds maintenance services for 2019 and 2020 and the total amount that was paid. The Audit Office identified this period because it showed arrangements both before and after the impact of the COVID-19 health pandemic in March 2020. The Audit Office identified these payments as general cleaning and grounds maintenance services based on their description in JACS' financial management system.

Figure 3-1 Payments for general cleaning and grounds maintenance services (2019 and 2020)



Source: Audit Office analysis based on JACS financial data.

3.6 A review of payments for general cleaning and grounds maintenance services for 2019 and 2020 shows:

- between January 2019 and March 2020 anywhere between six and nine invoices a month were provided to the ACT ESA for amounts between \$34,439 (GST inc) and \$39,148 (GST inc);
- there was a significant change in the value of payments from April 2020, due to additional cleaning services relating to the COVID-19 health pandemic. Between April 2019 and September 2019 monthly payments were valued at between \$100,369 (GST inc) and \$103,375 (GST inc); and
- in October 2020, following the signing of the September 2020 contract for services, monthly payments increased to \$218,108 (GST inc) and up to \$256,535 (GST inc) in December 2020.

3.7 Monthly payments for general cleaning and grounds maintenance services (and cleaning of ambulances) decreased after December 2020. Average monthly payments for these services between January 2021 and November 2021 were \$159,228 (GST inc).

Contractual arrangements and commissioning of works

3.8 Prior to September 2020, JACS did not have any documentation to demonstrate prior approval or agreement for the ongoing general cleaning and grounds maintenance services including:

- agreement with respect to the scope of works and required service levels; and
- agreement with respect to the payments for the services.

3.9 Work Orders were not raised for these services.

- 3.10 The Service Provider submitted invoices for general cleaning and grounds maintenance services on a monthly basis. A review of payments for general cleaning and grounds maintenance services for 2019 and 2020 shows that between January 2019 and March 2020 anywhere between six and nine invoices a month were provided for amounts between \$34,439 (GST inc) and \$39,148 (GST inc). There was a significant change in the value of payments from April 2020, due to additional cleaning services relating to the COVID-19 health pandemic; between April 2020 and September 2020 monthly payments were valued at between \$100,369 (GST inc) and \$103,375 (GST inc).
- 3.11 Prior to September 2020, JACS did not have any documentation to demonstrate prior approval or agreement for the ongoing general cleaning and grounds maintenance services including agreement with respect to: the scope of works and required service levels; and payments for the services. Work Orders were not raised for these services. This resulted in poor controls over the commissioning of general cleaning and grounds maintenance services from the Service Provider.

Ad hoc services

- 3.12 The Service Provider regularly submitted invoices for ad hoc services. Table 3-1 shows the number of payments made to the Service Provider each month for ad hoc services for 2019 and 2020 and the total amount payable for the invoices. The value of the payments made for ad hoc services as a percentage of general cleaning and grounds maintenance services is also shown for comparison.

Table 3-1 Payments for ad hoc services (2019 and 2020)

	Number of invoices		Total invoice amount (\$ (GST inc)		Value of ad hoc services as a percentage of general cleaning and grounds maintenance services (%)	
	2019	2020	2019	2020	2019	2020
January	2	22	537.96	13,256.86	1.50	36.43
February	13	17	8,586.55	14,771.44	23.99	41.84
March	7	12	3,333.42	18,024.70	9.31	51.10
April	7	6	3,729.54	4,195.00	10.42	4.06
May	12	12	8,313.97	6,863.70	23.23	6.84
June	5	10	4,344.38	6,171.52	12.61	6.15
July	9	13	7,008.19	8,754.10	20.35	8.63
August	16	10	9,856.14	5,218.79	28.19	5.10
September	12	11	6,780.68	6,007.56	17.57	5.87
October	9	11	8,115.61	5,698.47	20.73	2.61
November	14	15	13,689.10	8,441.25	34.97	3.76
December	8	18	3,900.99	13,026.37	11.22	5.08

Source: Audit Office analysis based on JACS financial data.

3.13 A review of payments for ad hoc services for 2019 and 2020 shows:

- up to 22 payments a month were made for ad hoc services commissioned from the Service Provider; and
- prior to the increase in value of general cleaning and grounds maintenance services in April 2020 due to the COVID-19 health pandemic, the value of ad hoc services could represent a sizeable proportion of the value of general cleaning and grounds maintenance services. In the three months to March 2020 the value of ad hoc services was between 36.4 and 49.5 percent of the value of general cleaning and grounds maintenance services.

3.14 The Service Provider regularly submitted invoices for ad hoc services. A review of payments for 2019 and 2020 shows the value of ad hoc services could represent a sizeable proportion of the value of regular general cleaning and grounds maintenance services. In the three months to March 2020 the value of ad hoc services was between 36.4 and 51.1 percent of the value of general cleaning and grounds maintenance services, i.e. up to \$18,025 (GST inc) in one month.

Controls over the scope and cost of services

3.15 The ACT ESA did not have any contractual arrangements in place with the Service Provider that demonstrated prior approval or agreement for the provision of ongoing ad hoc services including agreement with respect to:

- the scope of ad hoc services to be provided;
- required service levels or standards; and
- payments for the services.

3.16 A review of the JACS financial management data shows that work orders were generated and invoices were provided for a range of ad hoc services, including:

- cleaning services;
 - ‘clean engine bay and surrounds of leaf litter’ (May 2020) – \$469.21 (GST inc)
 - ‘cleaning of 2 microwaves in HQ’ (May 2020) – \$255.53 (GST inc)
 - ‘clean up diesel leakage’ (June 2020) – \$354.86 (GST inc)
 - ‘general clean of BBQ area’ (June 2020) – \$319.66 (GST inc)
- grounds maintenance services;
 - ‘cutting tree and branches’ (May 2020) – \$810.48 (GST inc)
 - ‘spray weeds’ (March 2020) – \$356.66 (GST inc)
- property services;
 - ‘rectify rear gate’ (April 2020) – \$207.46 (GST inc)
 - ‘Fix Air Con’ (November 2019) – \$5,492.08 (GST inc)
 - ‘installing kitchen cabinets’ (September 2019) – \$2,167.00 (GST inc)
 - ‘repair, replace kitchen cupboard’ (September 2019) – \$2,547.98 (GST inc)

- the supply of goods and consumables;
 - ‘supply of steam cleaner machine’ (April 2020) – \$1,974.50 (GST inc)
 - ‘replace soap dispenser’ (January 2020) – \$218.50 (GST inc)
 - ‘install of paper towel holder’ (February 2019) – \$338.30 (GST inc)

3.17 The lack of contractual arrangements in place between the ACT ESA and the Service Provider means that it is unclear how the ad hoc cleaning and grounds maintenance services differed from, and were in addition to, the regular general cleaning and grounds maintenance services provided.

3.18 It is also not clear what qualifications and expertise the Service Provider had to provide some of the services including, for example, property services such as the installation of kitchen cabinets and repairs to the air conditioning system. In response to the draft proposed report, the Service Provider advised that in these instances it would have engaged a sub-contractor with appropriate qualifications.

Commissioning of services

3.19 The ACT ESA advised that the process for commissioning ad hoc services was as follows:

- a requirement for services was typically identified by personnel at the operational sites or by officers responsible for the facilities based in the ACT ESA; and
- the details were registered in a centralised job-logging system. This system would generate a Work Order or Purchase Order and automatically email this to potential suppliers.

3.20 These processes were also relevant and applicable to other suppliers of ad hoc cleaning and maintenance services.

3.21 A review of payments made to the Service Provider for ad hoc services between August 2017 and January 2021 shows that a Work Order was raised for each of the payments. Examples of Work Order descriptions are as follows:

- ‘please arrange clean of engine bay for both ACTAS and Fire side due to birds nesting inside the bay. There is lots of bird poo on the floor and staff carry on their boots inside the station. This needs to be carried out each week until birds are removed from area’ (January 2020). 14 invoices of \$1,260.16 (GST inc) each were issued for services against this Work Order over a 13 month period; and
- ‘due to recent dust storm and increased staffing at gungahlin station. The carpet is very dirty and needs shampoo/stem clean. Please organise this to take place’ (December 2019). An amount of \$466.66 (GST inc) was charged for this service.

3.22 The Work Orders included a section titled ‘Mandatory Contractor Processes, Protocols and Conditions of Engagement’. This covers a range of requirements, including processes for:

- specific types of works, e.g. high-risk work, electrical work and work performed at a height above 1.8 metres;

- access to premises; and
- work verification steps, e.g. before and after photos.

3.23 The Mandatory Protocols also set out the quotation requirements:

If the works will be able to be completed under \$600 Including Gst please proceed to complete and notify CWI of a completion date.

If the works are over \$600 Including Gst please call or email and give a verbal estimate of costs including a scope of work required. CWI can approve the verbal estimate immediately or ask for a full written quote with scope of work and photos.

3.24 JACS did not have any policy or procedural guidance with respect to the circumstances in which 'a full written quote with scope of work and photos' would be sought. The Audit Office was advised that when written quotes were received via email they were not separately recorded and maintained.

3.25 In response to the draft proposed report, JACS advised that ICTCWI delivered a procurement reform project across the Directorate in 2020 and 2021. This included the establishment of the *JACS Procurement and Contract Management Framework* in April 2021 and training to increase awareness of single select exemptions and/or arrangements that are not under appropriate contracts.

3.26 The ACT ESA did not have any contractual arrangements in place with the Service Provider that demonstrated prior approval or agreement for the provision of ongoing ad hoc services including agreement with respect to: the scope of ad hoc services that could be provided; required service levels; and payments for the services. The services that were provided were broad in nature, and included services related to cleaning and grounds maintenance. It is not clear how the ad hoc cleaning and grounds maintenance services differed from, and were in addition to, the regular cleaning and grounds maintenance services provided.

3.27 Work Orders were raised in order to commission the ad hoc services to be provided by the Service Provider. The Work Orders that were raised provided basic controls over the commissioning of services, including: processes for specific types of higher-risk work; access to premises; and work verification steps. Quotes were required for works that were expected to cost more than \$600 (GST inc). The Work Order stated 'CWI can approve [a] verbal estimate immediately or ask for a full written quote with scope of work and photos'. JACS did not have any policy or procedural guidance with respect to the circumstances in which 'a full written quote with scope of work and photos' would be sought. The Audit Office was advised that when written quotes were received via email they were not separately recorded and maintained. The Audit Office understands that the administrative arrangements in place for the commissioning of services were also in place for other suppliers of ad hoc cleaning and maintenance services.

APPENDIX A: ACT PROCUREMENT REQUIREMENTS

ACT Government procurement requirements

Section 22A of the *Government Procurement Act 2001* requires Territory entities to ‘pursue value for money in undertaking any procurement activity’. Value for money is identified as ‘the best available procurement outcome’. In pursuing value for money entities must have regard to:

- probity and ethical behaviour;
- the management of risk;
- open and effective competition; and
- the optimisation of whole of life costs.

The *Government Procurement Regulation 2007* sets quotation and tender thresholds for approaching the market when procuring goods, services or works. These thresholds are shown in Table A-1. They specify the minimum requirements for approaching the market, depending on the total estimated value of the procurement.

Table A-1 Procurement thresholds

Total estimated procurement value	Minimum quotation and tender requirements
Less than \$25,000	Must seek at least one oral quotation
\$25,000 or more and less than \$200,000	Must seek at least three written quotations
\$200,000 or more	Must invite public tenders

Source: Factsheet - Approach to Market and Request Types (Procurement ACT).

There are two exceptions to the ACT Government’s requirement to meet the procurement thresholds:

- *standing offer arrangements* including panels: under these arrangements a supplier provides goods, services and works as and when required (during a stated period) through a work order; and
- *exemptions*: a delegated officer may exempt an entity from the tender and quotation thresholds when satisfied that the benefit of doing so outweighs the costs of complying and that value for money can still be achieved.

Quotation and tender thresholds apply to the establishment of *standing offer arrangements*. That is, quotes or tenders should be sought for the total estimated value of the services, e.g. for a 12-month arrangement a quote or tender should be sought for the estimated value of 12 months of services.

Auditor-General reports

Reports Published in 2021-22	
Report No. 08 – 2022	2021-22 Financial Audits – Overview
Report No. 07 – 2022	ACT Childhood Healthy Eating and Active Living Programs
Report No. 06 – 2022	Annual Report 2021-22
Report No. 05 – 2022	Procurement and contracting activities for the Acton Waterfront Project
Report No. 04 – 2022	Governance arrangements for the planning of services for Parkwood, Ginninderry
Report No. 03 – 2022	Taxi Subsidy Scheme
Report No. 02 – 2022	Fraud Prevention
Report No. 01 – 2022	Management of Detainee mental health services in the AMC
Report No. 13 – 2021	Campbell Primary School Modernisation Project Procurement
Report No. 12 – 2021	2020-21 Financial Audits – Financial Results and Audit Findings
Report No. 11 – 2021	Digital Records Management
Report No. 10 – 2021	2020-21 Financial Audits Overview
Report No. 09 – 2021	Annual Report 2020-21
Report No. 08 – 2021	Canberra Light Rail Stage 2a: Economic Analysis
Reports Published in 2020-21	
Report No. 07 – 2021	Procurement Exemptions and Value for Money
Report No. 06 – 2021	Teaching Quality in ACT Public Schools
Report No. 05 – 2021	Management of Closed-Circuit Television Systems
Report No. 04 – 2021	ACT Government's vehicle emissions reduction activities
Report No. 03 – 2021	Court Transport Unit Vehicle – Romeo 5
Report No. 02 – 2021	Total Facilities Management Contract Implementation
Report No. 01 – 2021	Land Management Agreements
Report No. 10 – 2020	2019-20 Financial Audit – Financial Results and Audit Findings
Report No. 09 – 2020	2019-20 Financial Audits Overview
Report No. 08 – 2020	Annual Report 2019-20
Report No. 07 – 2020	Management of care of people living with serious and continuing illness

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