

29 June 2023

Dear Sir/Madam,

NOTICE OF VARIATION TO MEMORANDUMS OF UNDERSTANDING RELATING TO THE COLLECTIVE PROCUREMENT OF COLLABORATIVE CONTRACT PRODUCTS AND SERVICES

1. Your organisation has entered into one or more Memorandums of Understanding (**MoUs**) set out in Appendix 1 to this notice of variation.
2. New Zealand Government Procurement (**NZGP**) is continuing to progress 'Procurement for the Future'. This is a large programme of work that will examine and improve the current procurement system to meet future economic, social and environmental challenges. 'Data and Transparency' is a key focus area for Procurement for the Future.
3. The purpose of this variation is to amend the MoUs to allow NZGP to disclose and publish data relating to Participating Agencies' procurement activities under the relevant collaborative contracts (including spend data with panel suppliers). This will help improve procurement practices of Participating Agencies and enable greater transparency.
4. The CoE can amend the MoUs on notice to Participating Agencies. The changes to the MoUs are set out in Appendix 2 (the **Variation**).
5. The changes made by this Variation shall be effective from 29 June 2023. Subject to the changes made by this Variation, the terms and conditions of the MoUs remain in full force and effect.
6. The changes do not require any action from your organisation. However, if you have any questions, please contact us at procurement@mbie.govt.nz.

Yours sincerely,

Matt Perkins
Director, Delivery Services (Acting)
New Zealand Government Procurement
Ministry of Business, Innovation and Employment

Appendix 1 – Amended MoUs and Agreements

1. Amended MoUs

This notice amends the following MoUs:

- Advertising services
- Air travel services
- Banking services (relating to foreign exchange, payments and cards)
- Banking services (relating to core crown transactional banking)
- Consultancy services
- Design services
- Electricity
- External legal services
- External recruitment services
- IT hardware
- Motor vehicles
- Office supplies
- Print technology and associated services
- Property consultancy services
- Rental vehicles
- Reticulated gas
- Risk, financing and insurance
- Travel management services

Appendix 2 – Changes to MoUs

1. Advertising services

1.1 Clause 9 (Confidentiality) is amended in the following manner:

(a) A new heading is inserted above clause 9 as follows:

"9.1 Confidential Information"

(b) A new clause 9.2 (Publication of data) is inserted as follows:

"9.2 Publication of data"

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

2. Air travel services

2.1 A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data"

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

3. Banking services (relating to foreign exchange, payments and cards)

3.1 Clause 8 (Confidentiality) is amended in the following manner:

(a) A new heading is inserted above the main body of clause 8 as follows:

"8.1 Confidential Information"

(b) A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data"

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

4. Banking services (relating to core crown transactional banking)

4.1 Clause 9 (Confidentiality) is amended in the following manner:

- (a) A new heading is inserted above the main body of clause 9 as follows:

"9.1 Confidential Information"

- (b) A new clause 9.2 (Publication of data) is inserted as follows:

"9.2 Publication of data"

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

5. Consultancy services

5.1 Clause 8 (Confidentiality) is amended in the following manner:

- (a) A new heading is inserted above the main body of clause 8 as follows:

"8.1 Confidential Information"

- (b) A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data"

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

6. Design services

6.1 Clause 9 (Confidentiality) is amended in the following manner:

- (a) A new heading is inserted above clause 9 as follows:

"9.1 Confidential Information"

- (b) A new clause 9.2 (Publication of data) is inserted as follows:

"9.2 Publication of data"

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

7. Electricity

7.1 A new clause 10.2 (Publication of data) is inserted as follows:

"10.2 Publication of data

Notwithstanding clause 10.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

8. External legal services

8.1 Clause 8 (Confidentiality) is amended in the following manner:

(a) The heading of clause 8.1 is moved to the main body of clause 8.1 and is replaced with the following:

"8.1 Confidential Information"

(b) A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

9. External recruitment services

9.1 A new clause 8.3 (Publication of data) is inserted as follows:

"8.3 Publication of data

Notwithstanding clauses 8.1 and 8.2, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

10. IT hardware

10.1 A new clause 9.2 (Publication of data) is inserted as follows:

"9.2 Publication of data

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

11. Motor vehicles

11.1 A new clause 9.2 (Publication of data) is inserted as follows:

"9.2 Publication of data

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

12. Office supplies

12.1 A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

13. Print technology and associated services

13.1 A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

14. Property consultancy services

14.1 Clause 8 (Confidentiality) amended in the following manner:

(a) A new heading is inserted above clause 8 as follows:

"8.1 Confidential Information"

(b) A new clause 8.2 (Publication of data) is inserted as follows:

"8.2 Publication of data

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

15. Rental vehicles

15.1 Clause 8 (Confidentiality) is amended in the following manner:

- (a) The heading of clause 8.1 is moved to the main body of clause 8.1 and is replaced with the following:

"8.1 Confidential Information"

- (b) The heading of clause 8.2 is moved to the main body of clause 8.2 and is replaced with the following:

"8.2 Limited Disclosure"

- (c) A new clause 8.3 (Publication of data) is inserted as follows:

"8.3 Publication of data"

Notwithstanding clauses 8.1 and 8.2, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

16. Reticulated gas

16.1 Clause 8 (Confidentiality) is amended in the following manner:

- (a) The heading of clause 8.1 is moved to the main body of clause 8.1 and is replaced with the following:

"8.1 Confidential Information"

- (b) The heading of clause 8.2 is moved to the main body of clause 8.2 and is replaced with the following:

"8.2 Limited Disclosure"

- (c) A new clause 8.3 (Publication of data) is inserted as follows:

"8.3 Publication of data"

Notwithstanding clauses 8.1 and 8.2, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

17. Risk, financing and insurance

17.1 Clause 9 (Confidentiality) is amended in the following manner:

- (a) The heading of clause 9.1 is moved to the main body of clause 9.1 and is replaced with the following:

"9.1 Confidential Information"

- (b) A new clause 9.2 (Publication of data) is inserted as follows:

"9.2 Publication of data"

Notwithstanding clause 9.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."

18. Travel management services

18.1 Clause 8 (Confidentiality) is amended in the following manner:

- (a) The heading of clause 8.1 is moved to the main body of clause 8.1 and is replaced with the following:

"8.1 Confidential Information"

- (b) The heading of clause 8.2 is moved to the main body of clause 8.2 as is replaced with the following:

"8.2 Limited Disclosure"

- (c) A new clause 8.3 (Publication of data) is inserted as follows:

"8.3 Publication of data

Notwithstanding clause 8.1, the CoE may disclose and publish data relating to Participating Agencies' procurement activities under the Services Agreement (including spend data with panel Providers) for the purposes of improving procurement practices of Participating Agencies and otherwise fulfilling the CoE's role as System Leader for Procurement."