



# Exclusions checklist

This checklist is designed to assist with the supplier exclusions process. For more detailed information on each stage, see the step-by-step guide.

1. Check and **exclude** any supplier who has:

- a. Failed to provide information (or provided information that is inaccurate, incomplete or misleading) requested by the contracting authority about their connected persons, associated persons or sub-contractors

2. Check any supplier who has:

- b. Unduly influenced the decision-making process,
- c. Failed to provide information / accurate information (or provided inaccurate, incomplete or misleading information) , where requested or accessed confidential information that has put them at an unfair advantage that cannot otherwise be avoided?
- d. Obtained an unfair advantage – either by participating in pre-market engagement or through a conflict of interest – that cannot be otherwise avoided

Having invited and considered representations and evidence from the supplier, exclude any supplier who remains in this position.

3. Check the debarment list (suppliers & associated persons) and **exclude** suppliers where a mandatory ground applies. For private utilities, any reference to an excluded supplier, becomes reference to an excludable supplier. Where the supplier (or associated persons) is on the debarment list based on schedule 6 para 34A (national security only), then the

supplier is only excluded from contracts of the nature that are described in their entry on the list (e.g. they may only be debarred for providing certain products /services). For **excludable** suppliers exercise discretion.

4. Check and review self-declarations for the supplier (including self-declarations on behalf of associated persons, connected persons and sub-contractors).
5. If an exclusion ground applies, allow the supplier to provide evidence for “self-cleaning” purposes.
6. Review the self-cleaning information provided. If you are satisfied that the circumstances are continuing or likely to reoccur, then the supplier must be **excluded** (mandatory ground) or is **excludable** (discretionary ground) and discretion must be exercised. Where the supplier is an excluded or excludable supplier by virtue of an associated person or sub-contractor, before excluding the supplier, invite and consider representations and evidence before excluding.
7. For excludable suppliers, use discretion to determine whether to **exclude** these suppliers (subject to ministerial approval - if the supplier is to be excluded on the basis of the discretionary exclusion ground in paragraph 14 of schedule 7 threat to national security, you must notify a minister of the crown of the intention to exclude the supplier, and gain confirmation to exclude) or **continue with them as part of the procurement**.
8. If the contract is being procured using the direct award procedure, and there is an overriding public interest in awarding the contract to an excluded supplier, you may proceed to award the contract.
9. Where a supplier is excluded from a procurement or their tender disregarded (or action is taken in relation to an associated person or sub-contractor or exclusion from a dynamic market - other than exclusion for failure to co-operate with a debarment investigation under paragraph 43 of schedule 6), you must notify the Procurement Review Unit of the decision to do so within 30 days.
10. Notify the supplier, in writing, of the decision to exclude, as soon as reasonably possible.
11. Keep and store a record of the decision-making process.