

Procurement Policy

Purpose and Scope

1. This Policy outlines the approach that Crown Law will take to planning, sourcing and managing our procurement. They must be followed by all Crown Law staff, including our permanent and temporary employees, secondees, contractors and consultants who procure goods or services or manage contracts for or on behalf of Crown Law.
2. The Policy aligns with the [Government Procurement Framework](#), including the Government Procurement [Principles, Charter](#), and [Rules](#) to enable informed decision-making by undertaking well-planned, ethical, sustainable, robust, transparent and fair procurement activities to get the best procurement results. It ensures Crown Law's procurement activity demonstrates responsible expenditure, achieves public value, and complies with all applicable government requirements.
3. This Policy applies to all procurements, with the **following exceptions** that are out of the scope to this Policy:
 - 3.1 recruitment of permanent, fixed-term, seconded or casual employees¹;
 - 3.2 work done by Crown Solicitors that is funded by their annual fees paid by Crown Law²;
 - 3.3 gifts, donations and any form of unconditional grants are not procurement activities;
 - 3.4 payment of any Court filing fees or Court awarded costs³;
 - 3.5 purchases from other government departments;
 - 3.6 the briefing of external counsel⁴; and
 - 3.7 the engagement of an expert witness⁵.
4. This policy should be read in conjunction with other policies listed in the **Related policies, procedures, and guidance** section.

Policy statement

5. **Our procurement obligations.** As a government department, Crown Law must apply the Government Procurement Rules when planning, sourcing, and managing procurement. Because procurement involves public money, decisions must be made with good judgement, prudence, and strong controls so they can withstand parliamentary and public scrutiny. This is essential to maintaining trust and confidence in the public sector.
6. **Public value and effective delivery.** Effective procurement supports timely, cost-effective delivery and reduces commercial risk for Crown Law and suppliers. It is not simply about choosing the lowest

¹ Governed by the Crown Law Recruitment Policy and HR Delegations Policy.

² Refer to the Public Prosecutions Unit. Note that any payments made by Crown Law not related to Crown Solicitors' warrants must follow this Policy or the Briefing External Counsel Policy and Guidelines.

³ These should be paid as directed by the Ministry of Justice and the Courts.

⁴ Governed by the Briefing External Counsel Policy and Guidelines and financial limits set out within the Financial Delegations Policy.

⁵ Governed by the Engagement of Expert Witnesses Policy and Guidelines, and financial limits set out within the Financial Delegations Policy.

price; procurement decisions must consider total public value while maintaining integrity, transparency, and accountability.

Principles of Government procurement

7. Crown Law is committed to getting the best procurement outcomes by adopting the Principles of Government Procurement and the Government Procurement Charter. All procurement decisions should:
 - 7.1 Comply with the [Six Principles of Government Procurement](#):
 1. Plan and manage for great results.
 2. Be proportionate and right-size for the process.
 3. Be fair to all suppliers.
 4. Get the right supplier.
 5. Get the best deal for everyone (public value).
 6. Play by the Rules (integrity and accountability).
 - 7.2 Applying the Government Procurement Charter, wherever possible:
 1. Delivering economic benefits to New Zealand.
 2. Promoting inclusion and participation by Māori, Pacific, regional and small-to-medium enterprises.
 3. Engaging responsibly with suppliers demonstrating ethical business practices.
 4. Managing risk appropriately and proportionately.
 5. Encouraging collaboration across agencies and suppliers.
 - 7.3 Ensure procurement activities
 1. Are transparent, well documented, and defensible.
 2. Uphold the highest standards of integrity, impartiality, and probity.
 3. Embed the [Supplier Code of Conduct](#) in all contracts.
8. Crown Law is committed to ensuring that:
 - 8.1 staff are aware of, and where appropriate apply, this Policy.
 - 8.2 the obligations of all parties to the contract are met – any variation required should be completed in time to ensure continuity of service or supply.
 - 8.3 all contracts are recorded and actively managed for their duration, and all signed agreements, supporting documentation, and approved variations must be maintained to support an accurate, complete, and current centralised contracts register.

Procurement process requirements

9. Procurement thresholds and methods
 - 9.1 Crown Law applies procurement thresholds in line with Rule 7 and Rule 10 of the Government Procurement Rules

Procurement Threshold (Estimated WoLC - excl. GST)	Sourcing method	Minimum Process
Up to \$10,000	Direct purchase	Service Order, email approval or phone confirmation. Managed by budget DFA holder
\$10,000 to \$50,000	Limited Competition	<ul style="list-style-type: none"> At least 2-3 written quotes (RFQ) for standard goods/ services Lite Procurement Plan and RFP for customised (not a standard off-the-shelf) goods/ services
\$50,000 to \$100,000	Competitive	Lite Procurement Plan and closed tender
\$100,000 or more	Opening advertising on GETS	Tender process per Rule 10

Whole of life costs (WoLC - including renewals, options, disposal, and related services) must be used to determine thresholds. Procurement processes must always be proportionate to value, risk, and complexity.

10. All-of-Government (AoG) Panels and Collaborative Arrangements

10.1 Where an AoG, Open Syndicated, or Common Capability contract exists (Rules 38-40), Crown Law staff must use these arrangements as the first option for sourcing goods and services unless a clear, documented justification is approved by the relevant Leadership Team member and endorsed by the Chief Financial Officer.

10.2 Integration of AoG arrangements ensures consistency, efficiency, and better public value outcomes by leveraging government-wide purchasing power, pre-qualified suppliers, and negotiated terms.

11. Procurement Planning should:

11.1 Identify whether the goods or services required is covered by an existing AoG or other government collaborative contract before market engagement (Rule 6.2(a)).

11.2 Assess whether the AoG arrangement provides the best-fit solution or if a specific exemption is warranted.

11.3 Document rationale where alternative sourcing is used, referencing value-for-money, fit-for-purpose, or technical considerations.

12. When using AoG or panel suppliers:

12.1 Apply secondary procurement procedures outlined by the panel owner (Rule 22).

12.2 Evaluate suppliers fairly and transparently, including assessment of capability, capacity, risk, and economic benefits (Rule 8).

12.3 Record all panel-based procurements in the Contracts Register.

13. Using AoG panels is a key mechanism to achieve public value and align Crown Law with whole-of-government procurement strategies.

Delivering economic benefit to New Zealand (Rule 8)

14. All procurements over \$100,000 should include a minimum weighting of 10% for economic benefit to New Zealand. Where appropriate, a higher weighting may be used to reflect the nature and value of the procurement. Below-threshold procurements should preference capable New Zealand suppliers where this offers public value.
15. Procurement documentation should:
 - 15.1 State the expected economic benefits sought.
 - 15.2 Include proportionate evaluation and monitoring criteria.
 - 15.3 Include contractual provisions to ensure delivery and reporting of agreed benefits
16. Examples of economic benefits include:
 - 16.1 Workforce participation and training.
 - 16.2 SME or regional supply-chain inclusion.
 - 16.3 Innovation and capability development.
 - 16.4 Environmental sustainability and social outcomes.

Integrity and transparency (Rules 2, 3, 5, 25, 32, 46)

17. Procurement must be conducted with integrity, fairness, and transparency.
 - 17.1 Conflicts of interest must be declared and managed.
 - 17.2 All decisions must be justified and documented.
 - 17.3 Due diligence should be undertaken at all lifecycle stages (Rule 25).
 - 17.4 Confidential or commercially sensitive supplier information must be protected (Rule 5).
 - 17.5 Contract Award Notices will be published on GETs within 30 days of all parties signing the contract/s for all procurements, meeting or exceeding open tender thresholds or where opt-outs or exemptions apply (Rule 32).
 - 17.6 Records should comply with Rule 46 and Crown Law's Information and Records Policy.

Opt-Outs and Exemptions (Rules 11–12)

18. Crown Law may opt out of applying some Rules (Rules 11) or exempt procurements from open advertising (Rules 12) only where justified.
 - 18.1 The rationale must be documented before market engagement.
 - 18.2 The Deputy Chief Executive should approve all opt-outs.
 - 18.3 A Contract Award Notice must be published on GETS.
 - 18.4 Supplier complaint mechanisms still apply.
19. Opting out of open competition is discouraged unless strictly necessary to achieve public value.

Contract Management and Reporting (Rules 34–36, 45–46)

20. All contracts >\$10,000 must be entered into the Crown Law's Contracts Register.
21. Contracts >\$100,000 or high-risk procurements require a Contract Management Plan (Rule 35).
22. Crown Law strives to pay suppliers promptly, with a target of 5 business days for domestic trade businesses. (Rule 36).

23. Procurement performance and public value outcomes must be reported to MBIE when required (Rule 45).

Emergency Procurement

24. Crown Law recognises that in an emergency, we may need to depart from usual procurement processes in order to respond effectively. We will still follow best practices for emergency situations including:
- 24.1 documenting our emergency procurements during the event, or as soon as possible afterwards
 - 24.2 acting within existing delegated authority, where possible
 - 24.3 if there is no existing delegated authority, and no time to obtain an approval, exercising good judgement and being prepared to provide a rationale for procurements
 - 24.4 if a procurement involves a **major expense**, obtaining verbal approval, at the very least, from a LT member, CFO, or a manager with sufficient delegated financial authority - followed up in writing if possible before making a commitment, or as soon as possible afterwards.

Procurement over Internet

25. Goods may be purchased over the internet, if that is deemed the most cost effective and efficient method of procurement. The Crown Law credit card may be used for internet purchases up to the individual limits of their purchase card.
26. All internet purchases must be approved by the budget holder within their financial delegation, before the purchase takes place.
27. Goods may only be purchased from reputable companies using a secure, encrypted connection. The supplier must have a known physical address or contact details other than the address of the website. The full terms and conditions of the purchase must be known and understood by both parties and all delivery arrangements, including who is responsible for the goods in transit, must be agreed before the purchase is made.

Definitions

Public Value	Public value means the best available result for New Zealand for the money spent. It includes using resources effectively, economically, and responsibly, and taking into account: <ul style="list-style-type: none"> • the procurement’s contribution to the results you are trying to achieve, including economic benefits • the total costs and benefits of a procurement (total cost of ownership).
Procurement	All aspects of acquiring and delivering goods, services and works. It starts with identifying the need and finishes with either the end of a service contract or the end of the useful life and disposal of an asset.
Purchasing	Purchasing is the process of how goods and services are ordered and received once a procurement process has been established.

Whole of life costs	Whole of life costs are the total expenditure expected during the life of the contract. If the contract runs for several years, the cumulative spending should be used when applying the thresholds for the different procurement methods that are required.
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Responsibilities

Person/Party	Responsibilities
Leadership Team	<ul style="list-style-type: none"> Promote and enforce the Procurement Policy Point of approval for any exceptions to this Policy
Chief Financial Officer	<ul style="list-style-type: none"> Set and maintain Crown Law's Procurement Policy and procedures Be responsible for and have oversight of all procurement within Crown Law (including tracking and maintaining a register of all contracts, training staff and having responsibility for all procurement reporting)
Managers	<ul style="list-style-type: none"> Manage and ensure procurement undertaken within their area of responsibility complies with all Crown Law policies and procedures and in particular this Policy and Financial Delegation Policy Determine who in their respective group will be involved in procurement undertaken on behalf of Crown Law Manage all actual, potential or perceived conflicts of interest appropriately Approve and sign procurement documents within their financial delegations and budget Provide all signed contracts and variation documentation to Finance for registration and filing in the centralised contracts register Ensure all staff, contractors and service providers are inducted properly and understand their health and safety obligations Manage all actual, potential or perceived conflicts of interest appropriately
All Staff	<ul style="list-style-type: none"> Be familiar with this Policy, the Financial Delegations Policy and other related policies as referred to herein Capability to purchase goods or services consistent with this Policy Ensure any actual or perceived conflict of interest is formally declared and disclosed to the appropriate manager and that this is managed accordingly.

Related References

- [Guide to emergency procurement](#)
- [Government Procurement Principles Government Procurement Principles and Rules](#)
- [Guide to using the 3rd edition government model contracts](#)
- [Supplier code of conduct | New Zealand Government Procurement](#)
- [Templates | New Zealand Government Procurement](#)

- [The Code of Conduct for the Public Sector](#)
- Crown Law Credit Card Policy
- Crown Law Conflict of Interest Policy
- Crown Law Financial Delegations Policy
- Crown Law Information and Records Policy

Legislation

- Commerce Act 1986
- Fair Trading Act 1986
- Official Information Act 1982
- Public Audit Act 2001
- Public Finance Act 1989
- Public Records Act 2005

Policy information

Policy owner	Chief Financial Officer
Approved by	Performance & Capability Governance Committee (PCGC)
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