



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

12 September 2018

Mr Gavin Jones  
Director, Adjudication  
Australian Competition and Consumer Commission  
GPO Box 520  
MELBOURNE VIC 3001

**By email: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)**

Dear Mr Jones

**AA1000414-1 – COUNCIL SOLUTIONS & ORS (COLLECTION)**

We refer to our pre-decision submission dated 20 August 2018 in relation to the previously assessed joint procurement proposals AA1000414, AA1000419 and AA1000420; and to the issues raised by stakeholders at the AA1000414 (Kerbside Collection) pre-decision conference held on 27 August 2018.

We wish to further express our support for the recent submission of the Small Business Commissioner of South Australia, specifically:

- We consider that it is difficult to understand how the Australian Competition and Consumer Commission can consider the current application separately to the two other related tenders, which were previously proposed as a joint procurement. Clearly the tender processes for these three packages have been coordinated to facilitate joint tendering.
- The tendering practice, scope of proposed contracts, capital required by the successful tenderer, and the risks imposed on tenderers (and the successful tenderer) will preclude small businesses from tendering, which will have the effect of lessening competition.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Jill Lawrence on 02 6263 1558 or at [jill.lawrence@asbfeo.gov.au](mailto:jill.lawrence@asbfeo.gov.au).

Yours sincerely

**Kate Carnell AO**  
Australian Small Business and Family Enterprise Ombudsman

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