



Our ref: 02206594
Your ref: A90811 & A90812

9 January 2002

Mr Gavin Jones
Adjudication Branch
Australian Competition &
Consumer Commission
By fax (02) 6243 1211

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Dear Gavin

**Applications for authorisation by Health Purchasing Victoria, numbers
A90811 & A90812**

I refer to our meeting with the adjudication branch of 20 December 2001 regarding the above applications for authorisation lodged by Health Purchasing Victoria ("HPV") in relation to a proposed tender for the exclusive acquisition of temporary nurse agency staff from suppliers of nurse agency staff to be called and awarded by HPV on behalf of a number of health service providers.

I am writing to ask whether the ACCC sees any difficulties with HPV proceeding to publish notice of the tender and issue the tender documents prior to receiving interim or final authorisation provided that HPV:

- does not award the tender; and
- does not enter into any agreements with:
 - any of the successful tenderers for the exclusive provision of agency nursing staff; or
 - any of the health services appointing HPV as their agent to contract on their behalf with the successful tenderers.

You will understand that time is critical for the health service providers given their budgetary constraints. For this reason, HPV is concerned to proceed with any non-contentious elements of the tender process as soon as possible to minimise the delay in finalising the outcome of the tender following receipt of interim or final authorisation.

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

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If you would like to discuss this matter further, I can be contacted on (03) 9274 5470.

Yours sincerely



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Partner

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