



PROCUREMENT POLICY
2021 – 2025

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Definitions and Abbreviations

Term	Definition
Act	Local Government Act 2020 .
Best and Final Offer ("BAFO")	Best and final offer refers to a multi-stage procurement process, in which written offers from bidders are subject to clarification and/or negotiation, and then the bidder[s] are invited to submit their final offer, which will not be subject to subsequent negotiation
Chief Executive Officer ("CEO")	The highest ranked officer responsible for managing the whole organisation
CMS	Council's online Procurement and Contract Management System (CMS) which prescribes the processes, templates and guidelines for all stages of the end-to-end procurement and contract management lifecycle.
Collaborative Procurement Arrangement	A contract established by the Council, government or a nominated agent, such as Procurement Australasia, Municipal Association of Victoria (MAV), Eastern Region Group of Councils or local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.
Commercial in Confidence	Information that, if released, may prejudice the business dealings or commercial interests of Council or another party, e.g. prices, discounts, rebates, profits, methodologies and process information, etc.
Competition and Consumer Act 2010	The Competition and Consumer Act (CCA) protects businesses and their customers from unfair trading practices. Council's rights and responsibilities under the CCA are considered in all procurement transactions. The requirements of the CCA are applied to all aspects of Council business to ensure that it is operating fairly and competitively in the marketplace.
Competitive Neutrality Policy	All tenders submitted by Whitehorse City Council must comply with the Competitive Neutral Pricing Principles as outlined in the Victorian State Government's "Competitive Neutrality Policy" dated September 2012. Competitive Neutrality pricing principles should be applied when tendering against external or private companies. The State Government has introduced a Competitive Neutrality Policy to ensure that where government's business activities involve it in competition with private sector business activities, the net competitive advantages, or disadvantages that accrue to a government business as a result of their public ownership are offset. The Competitive Neutrality Policy promotes efficient competition between public and private businesses operating in the same market. Competitive Neutrality pricing principles are also applied when evaluating tenders received from other Councils.
Contract	An agreement between two or more authorised persons on behalf of Whitehorse to perform or not perform specific act(s) that are enforceable in law. Contract may be verbal or written or inferred by conduct.
Contract Management	The process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the contract objectives and provide Value for Money.
Councillors	Council's elected representatives (the Mayor, Deputy Mayor and Councillors) or Administrator(s) appointed to act in this capacity.
Council Staff	Includes all Council officers, temporary employees, contractors, volunteers and consultants while engaged by Council.
Eastern Region Group (ERG)	The ERG comprises of 6 Councils including the metropolitan Councils of Knox, Whitehorse, Maroondah, Manningham, Monash,

Term	Definition
	and Yarra Ranges. It is made up of CEOs, Mayors and Deputy Mayors from these organisations with a rotating chair.
Eastern Regional Procurement Network (ERP)	The ERPN comprises of 7 Councils including the metropolitan Councils of Knox, Whitehorse, Boroondara, Maroondah, Manningham, Monash, and Yarra Ranges. It is made up of procurement professionals from these organisations with a rotating chair.
Enterprise Resource Planning ("ERP")	Is a multi-faceted Major IT Project that encompasses strategic planning for Council's Finance, Pay Roll and Human Resource Functions and other associated functions.
The Independent Broad-based Anti-Corruption Commission (IBAC)	IBAC is Victoria's agency responsible for preventing and exposing public sector corruption and police misconduct. Their jurisdiction covers state and local government, police, parliament and the judiciary.
Indigenous Business	As per Supply Nation's definition, an Indigenous Business is one that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s).
Local Business	<p>A commercial business with an operational premise that is physically located primarily within Whitehorse Municipality or has its supply chain (material or labour) within the municipality, then broadening to the municipal borders of the 6 Eastern Regional Councils. 'Local content' includes but is not limited to:</p> <ul style="list-style-type: none"> • Locally based businesses geographically (within Whitehorse or neighbouring) • Enterprises that source locally based manufacturers for materials / infrastructure / equipment / vehicles • Enterprises that employ local residents • Enterprises that provide evidence of broad based local solutions to maximise economic development for Whitehorse • Businesses demonstrating cooperative enterprises with social & economical outcomes for local community
Local Government Victoria ('LGV')	Local Government Victoria provides policy advice, oversees legislation and works with councils to support responsive and accountable local government services.
National Competition Policy	The National Competition Policy (NCP) impacts on Council's procurement processes. In brief, NCP extends the Australian Consumer Law to Councils and introduces Competitive Neutrality Policy
Northern Councils Alliance (NCA)	The NCA comprises of 7 Councils including the Councils of Banyule, Darebin, Hume, Mitchell Shire Council, Moreland, Nillumbik Shire and Whittlesea.
Probity	In the context of a procurement process probity is a defensible process which is able to withstand internal and external scrutiny – one which achieves both accountability and transparency, providing tenderers with fair and equitable treatment both real and perceived.
Probity Advisor	A probity advisor is involved in providing advice on probity issues which may arise, together with advice on strategies to overcome potential problems.
Probity Auditor	A probity auditor's role is more generally confined to reviewing all processes and documentation throughout the tender process and reporting to council or the CEO after the end of the process.
Procure to Pay	Procure to pay is the process of seeking/requesting tenders/quotations or expressions of interest, requisitioning, purchasing, receiving, paying for and accounting for goods and services
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from

Term	Definition
	initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Project Control Group ("PCG")	The PCG is a group established to oversee, facilitate and monitor the development of a Capital Project from inception to practical completion. The PCG communicates with and directs the Project Manager through the planning, design, construction and inception.
Request for Quote ("RFQ")	An RFQ, or Request for Quote, is direct invitation to suppliers, asking them to send offers – it is subject to thresholds set within the procurement policy framework
Request for Tender ("RFT")	An RFT, or Request for Tender, is a formal open invitation to suppliers, asking them to send offers in a structured format – it is subject to thresholds and the LG Act
Schedule of Rates Contract	A standing offer arrangement based on a Schedule of Rates contract that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services.
Subject Matter Expert ("SME")	A subject matter expert, or SME, is the person who possesses a deep understanding of a particular subject.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Sustainable Procurement	Involves decision making that has the most positive environmental, social and economic impacts possible across the entire lifecycle of goods, services and works. The United Nations Environment Programme defines sustainable procurement as a "process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves Value for Money on a whole of life basis in terms of generating benefits not only the organisation, but also to society and the economy whilst minimising damage to the environment." Social procurement is when organisations use their buying power to generate social value above and beyond the value of the goods, services or construction being procured.
Tender Process	The process of inviting parties from either a select list or via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder in accordance with pre-determined evaluation criteria.
Total Contract Sum	The potential total value of the contract including: <ul style="list-style-type: none"> • costs for the full term of the contract, including any options for either party to extend the contract; • applicable goods and services tax (GST); • anticipated contingency allowances or variations; • all other known, anticipated and reasonably foreseeable costs (this should include provisional items and project management fees)
Value for Money	Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • Contribution to the advancement of Council's priorities; • Non-cost factors such as fit for purpose, quality, service and support; and • Cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
Whitehorse City Council ("Council")	The entire Whitehorse City Council organisation, including Councillors and Council Staff.

I. PROCUREMENT POLICY

A. Overview

This Procurement Policy is made under Section 108 of the [Local Government Act 2020 \(the Act\)](#). The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council; and
- Review its Procurement Policy at least once during each 4-year term of the Council.

A strategic Procurement Framework has been established collaboratively by the Eastern Regional Group (ERG) in consultation with Northern Council Alliance (NCA) and Council's Procurement Policy has been developed in alignment with this framework with a view to facilitating consistent procurement processes. This will allow Council's to collaborate and develop a strategic and coordinated approach to aggregate procurement and shared services in the future.

The Policy sets the strategic legislative direction for procurement governance for Council and the Procurement Manual must be used in conjunction with this policy. The manual outlines the mandatory processes and procedures for procurement at Whitehorse. A breach of the policy and subsequent manual is considered a breach of the Act.

Whilst the Act requires Council to review its Procurement Policy at least once during each 4-year term of the Council, Council can also opt to review it more regularly if required

B. Scope

This Policy applies to all contracting and procurement activities at the Council and is applicable to Councillors and Council Staff included contracted or agency staff.

It is recognised this will enhance achievement of the Council's objectives such as sustainable procurement, supporting local economies and obtaining Value for Money, leading to a better result in the provision of services for the community.

This Procurement Policy provides direction on the conduct of procurement activities throughout the sourcing, management and close-out phases. It also covers the general procurement framework but does not extend to the related accounts payable processes.

The Council must comply with this Procurement Policy before purchasing or entering into a contract for the purchase of goods or services or the carrying out of works.

The procurement function for Council is currently both centre-led from a strategic, leadership, compliance and policy perspective with decentralised purchasing and contract management execution. Central control of the procurement function is currently achieved by the Procurement Policy. The Procurement Policy applies to all purchases made by Council, regardless of the funding source.

C. Objectives

The Procurement Policy will adhere to the requirements of S108 (2) of *the Act* and will:

- Seek to promote open and fair competition and provide Value for Money;
- Provide clear guidelines to the Council to allow consistency and control over procurement activities;
- Demonstrate accountability to ratepayers;
- Provide guidance on ethical behaviour in public sector procurement;
- Demonstrate the application of best practice in procurement activities;
- Demonstrate the consideration of sustainability in procurement with respect to financial, social, economic and environmental factors;
- Increase the probability of obtaining the best outcome for the municipal community when procuring goods and services; and
- Seek to undertake collaborative procurement in accordance with Item 7.26 of this Policy.
- Encourage new entrants to the Local Government sector to broaden competition

These objectives will be achieved by requiring that the Council's procurement and contract management activities:

- Support the Council's corporate strategies, aims and objectives;
- Take a long term strategic view of its procurement needs whilst assessing, reviewing and auditing its procedures, strategy and objectives;
- Consider the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal;
- Ensure that risks are identified, assessed and managed at all stages of the procurement process;
- Are conducted, and demonstrate an impartial, fair and ethical manner;
- Seek continual improvement through innovative and technological initiatives;
- Generate and support Local Business through inclusion wherever practicable.

D. Training

All staff involved in procurement are required to undertake a mandatory 'Procure to Pay' training session including Contractor Health and Safety Management.

1 POLICY COMPLIANCE AND CONTROL

1.1 Ethics and Probity

1.1.1 Requirement

The Council's procurement activities shall be performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements.

All quotation and tender processes shall be conducted in accordance with the requirements of this Procurement Policy, all requirements in the CMS, and any associated procedures, relevant legislation, relevant Australian Standards, Commercial Law and *the Act*.

1.1.2 Conduct of Councillors and Council Staff

Councillors and Council Staff shall at all times conduct themselves in ways that are in accordance with the Councillor Code of Conduct and the Employee Conduct Policy respectively, and will perform their duties ethically and with integrity.

All personnel (i.e: Council staff, consultants, contractors or other persons that will have any input to the development of the specification documents, criteria and weightings, in an advisory or other capacity or will be privy to any of the submissions) involved in a procurement process, subsequent evaluation and the ongoing contract management including payment of invoices must at all times conduct themselves in a way that is, and is seen to be ethical and of the highest integrity and will:

- ensure that they avoid personal or private interests either real or perceived that intersect or overlap with their official duties;
- treat potential and existing suppliers equally and with fairness;
- not seek or receive personal gain
- seek external probity advice and/or appoint an external probity auditor in accordance with this policy under section 4.1
- seek probity advice as soon as an ethical issue or policy breach is identified, in order to minimise the risk of harm to tenderers and Council;
- be scrupulous in their use of public property;
- comply with all legislative obligations including those required by safety and consumer protection legislation;
- be accountable for all decisions made and be able to provide evidence to support outcomes;

- invite quotations and tenders only where there is a clear intent to procure the goods/services/works in the near future;
- protect Commercial in Confidence and other sensitive information;
- not receive gifts or hospitality under any circumstances
- not endorse any unauthorised products or services;
- not use Council's purchasing system for personal use items;
- disclose all personal or private interests associated with the supplier (including interests from previous employment, personal business dealings and matters affecting family members) that might compromise their ability to act solely in the public interest;
- complete and sign a Conflict of Interest and Confidentiality Declaration Form; and
- remove themselves from decision-making processes in the event that a conflict of interest is identified.

1.1.3 Conduct of Suppliers

Council commits to ethical, sustainable and socially responsible procurement and expects its suppliers maintain the same values. Council's suppliers will be expected to adhere to the Supplier Code of Conduct (being developed by LGV). When conducting business with or on behalf of Council, the Code outlines the minimum ethical standards in behaviour expected of suppliers in the areas of:

- integrity, ethics, and conduct;
- conflict of interest, gifts, benefits, and hospitality;
- corporate governance;
- labour and human rights;
- social responsibility;
- health and safety; and
- environmental management.

1.1.4 Conflict of Interest

Councillors and members of Council Staff must at all times avoid situations whether material or general or may give rise to an actual, potential or perceived conflict of interest.

Councillors and members of Council Staff have a general conflict of interest in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

Councillors and members of Council Staff have a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit or loss may be direct or indirect and pecuniary or non-pecuniary. Affected persons include, among others, the member of Council Staff and their family members

Council Staff involved in the procurement process, in particular preparing tender documentation, writing tender specifications, opening tenders, participating in tender evaluation panels, preparing a recommendation report; and Councillors and Council Staff awarding tenders must declare that they do not have a conflict of interest in respect of the procurement. All Council Staff participating in tender evaluation panels must complete a Conflict of Interest declaration. Council Staff must declare any actual or perceived conflicts in line with Council's internal processes for reporting conflicts of interest

Where a conflict of interest is declared, the matter will be referred to the Coordinator Procurement for consideration. The affected panel member will comply with all directions of Coordinator Procurement in relation to the management of the issue, so as to minimise any reputational risk to Council.

1.1.5 Fair and Honest Dealing

All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to tender or submit a quotation.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

1.1.6 Probity, Accountability and Transparency

Accountability in procurement means being able to justify and provide evidence of the process followed. An independent third party must be able to see clearly that a process has been followed and that the process was fair, reasonable and transparent.

Council Staff must be able to account for all procurement decisions and ensure all procurement activities leave an audit trail for monitoring and reporting purposes.

When engaging a probity advisor and/or a probity auditor staff must ensure that these roles in no way overlap and are from separate organisations with very clear roles and responsibilities outlined.

1.1.7 Gifts and Benefits

A Councillor or members of Council staff shall act in accordance with the Fraud and Corruption Policy, Council's Gifts, Benefits and Hospitality Policy.

A Councillor or members of Council staff shall not seek or accept any inducements, gifts, benefits or hospitality from current or prospective suppliers during a procurement or tender process or in the performance of their duties for Council.

Councillors and Council Staff, particularly contract supervisors:

- must not knowingly visit a current supplier's premises without invitation when acting in their official capacity; and
- must not knowingly engage a Council supplier for private benefit, unless that engagement is on proper commercial terms

1.1.8 Disclosure of Information

Council deals with large volumes of confidential and commercial in confidence information in the context of its procurement activities. Improper disclosure of this information can undermine the competitive nature of Council's procurement, and breach legal obligations to maintain confidentiality owed to third parties.

Confidential information received by the Council must not be disclosed and is to be stored in a secure location. A confidentiality declaration must be signed prior to any procurement process (this is combined with the Conflict of Interest Form). Information must be stored securely and in accordance with the Privacy and Data Protection Act 2014.

Council will make every effort to maintain the confidentiality of information provided by existing and prospective suppliers to protect their commercial interests, particularly in relation to commercially sensitive material, including (but not limited to) prices, discounts, rebates, profit, methodology and intellectual property.

Councillors and Council Staff must not discuss current or proposed procurement or tender processes with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to clarify what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

1.1.9 Complaints & Reporting Suspicious Activities

Complaints Handling

We encourage feedback as a valuable opportunity to review our policies, procedures and practices. We manage complaints about the quality of our actions, decisions made or service provided in line with Council's complaints policy as well as other relevant policies and legislation for specific types of complaints.

Reporting Suspicious Activities

All members of Council Staff, Councilors and Council suppliers are required at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible. Council is committed to protecting all revenue, expenditure and assets from any attempt to gain illegal benefits (financial or otherwise).

Council will take all reasonable steps to protect those who assist Council by providing information about suspected fraud. This will include confidentiality of identity and protection from harassment.

Suspected improper conduct, offers of bribes, commissions and any other irregular approaches from suppliers, prospective suppliers or individuals will be investigated and reported in accordance with Council's policy and procedures.

The CEO must notify IBAC of any matter they suspect on reasonable grounds to involve corrupt conduct occurring or having occurred in accordance with mandatory reporting requirements under the *Independent Broad-based Anti-Corruption Commission Act 2011*.

1.2 Governance

1.2.1 Structure

Council has delegated a range of powers, duties and functions to the CEO in relation to procurement. The delegation aims to ensure that the Council's procurement structure operates according to processes that:

- Are flexible enough to procure in a timely manner the diverse range of goods, works and services required by Council;
- Guarantee that prospective contractors and suppliers are afforded an equal opportunity to tender or submit a quotation; and
- Encourage competition and collaboration.

1.2.2 Procurement Principles

Council will apply the following fundamental best practice principles to procurement, irrespective of the value and complexity of that procurement:

- Value for Money
- Open and Fair competition
- Accountability
- Risk Management
- Probity and Transparency
- Sustainable and social procurement objectives

1.2.3 Methods

The Council's procurement activities shall be carried out to the professional standards in accordance with best practice and in compliance with the Act and applicable policies and procedures listed in this Policy.

The Council's standard methods for procuring goods, services and works shall be by any of the following:

- Purchase order following a quotation process from suppliers for goods or services that represent best Value for Money under the directed procurement thresholds. An approved purchase order must be created prior to committing expenditure on behalf of Council for the provision of services, goods or works in accordance with the Council's procurement thresholds and guidelines;
- Under contract following a quotation or tender process;
- Using Collaborative Procurement Arrangements;
- Multi-stage tenders commencing with an EOI followed by a tender process;
- Under an exempted arrangement in line with the conditions contained in Section 2.3 and 2.4 for example: seeking tenders from contractors shortlisted from the Construction Supplier Register, Department of Treasury and Finance Panels and other State Government Panels accessible to Local Government or participating in an aggregate arrangement via MAV or Procurement Australasia.
- Corporate Purchasing Cards; and
- Other arrangements are authorised by Council or under appropriate delegated authority on a needs basis as required by abnormal circumstances such as emergencies.

1.2.4 Dual Authorisation of Expenditure

All purchase orders must have a minimum of two officers approve each transaction in accordance with the delegations set out in this policy under section 3.1. The final approving officer must have an expenditure authority limit that is equivalent to or higher than the purchase amount.

1.2.5 Responsible Financial Management

The principle of responsible financial management shall be applied to all procurement activities. Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy. Accordingly, to give effect to this principle

- The availability of funding within an approved budget, or other source of funding, is established prior to the commencement of any procurement activity, is managed in accordance with any contractual arrangement and in alignment with the procurement policy;
- Delegated officers do not authorise expenditure of funds in excess of the approval levels detailed under section 3.1;
- Funds are spent efficiently and effectively;
- Every attempt is made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy;
- Council considers the overall need for a purchase across the various functions of Council and over time before approaching the market;
- Smaller contracts of like services are consolidated where practical into a single procurement;

- Contracts are not split (either intentionally or inadvertently) to avoid the application of the financial thresholds;
- Active consideration is given to reuse of existing solutions already in place with Council and major procurement activities are viewed strategically, in the context of Council's priorities and market factors;
- Ensure Council is best placed to achieve its objectives and obtain maximum value for money.

1.2.6 Information Technology (IT) Considerations

Council shall ensure that any purchases that are for IT-based systems, cloud-based systems, IT enhancements to current systems, digital-based projects or any projects whereby there are potential or real privacy or security issues must be approved by Council's IT Steering Committee prior to commencing the procurement process.

1.2.7 Property Considerations

Council shall:

- Ensure that the Manager Property and Leasing has obtained an independent valuation report, which is not more than six months old, prior to , purchasing property, entering into either a property lease or a property license where Council is the tenant or sub-tenant or entering into an agreement for the management of Council owned property.
- A resolution of Council is required prior to Council purchasing any property
- Council is an "acquiring authority" under the Land Acquisition and Compensation Act 1986 and this act places additional obligations on Council when purchasing property

1.2.8 Equipment and Other Non-Property Related Leases

A procurement analysis must be done for all new leases for equipment and goods to ascertain Council is receiving the best value by entering in to a lease arrangement. All lease of this nature must be pre-approved by the Manager Finance and Corporate Performance or Director Corporate Services depending on the value.

1.3 Internal Controls and Compliance Management

The Director Corporate Services will install and maintain a framework of internal controls over procurement processes that will ensure:

- More than one person is involved in and responsible for the authorisation of a transaction from end to end;
- Transparency in the procurement process;
- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented;
- Systems are in place for appropriate monitoring and performance measurement, and
- A process is in place for escalation, where appropriate, of procurement matters (including procedural non-compliance) to the Executive Leadership Team, the Audit and Risk Committees and Council.

Compliance will be monitored by the Council's Procurement Team and Controls and Compliance Team, and minor issues identified will be addressed by Council Staff in leadership positions. Council conducts independent review of procurement practices on a regular basis. Where required, serious compliance issues will be reported by the Director Corporate Services and to the Audit and Risk Committee and Council.

In all cases, Council staff are responsible for complying with the Policy. Non-compliance with the Policy is managed in accordance with Employee Code of Conduct and is also considered to be a breach of the Act.

1.4 Framework Policies and Legislation

1.4.1 Standards

Council's procurement activities are carried out to the professional standards required by best practice and in compliance with the following relevant policies and legislation, including any subsequent amendments:

- Local Government Act 2020 (Vic);
- Local Government (General Regulations) 2015;
- Local Government (Planning and Reporting) Regulations 2020;
- Occupational Health and Safety Act 2004;
- National Competition Policy
- Competition and Consumer Act 2010 (Cth);
- Privacy and Data Protection Act 2014
- Employee Conduct Policy;
- Councillor Code of Conduct
- Relevant Council policies; and
- Other relevant legislation.

1.4.2 Goods and Services Tax (GST)

- When obtaining quotations/tenders, the value of the GST is included in the quoted/tendered price unless the goods or services are GST-exempt under legislation.
- All monetary values stated in this policy include GST unless specifically stated otherwise.

1.4.3 Occupational Health and Safety

The requirements of the Victorian Occupational Health and Safety Act 2004 and Council's Occupational, Health and Safety Policy are applied to the procurement of goods, services and works. Council is obliged to ensure that its employees and Suppliers/Contractors/Consultants (and their employees) carry out their activities:

- In a safe manner;
- Applying safe systems of work for the provision of their contracted activities;
- Using proper and safe plant and substances; and
- Employing systems of work that are safe and in which there has been adequate instruction, training and supervision.

Note: All vendors with medium to high risk areas of supply are required to complete Council's on-line Contractor Manager Portal as part of their induction. They must also provide copies of their insurances, licenses and other safety documentation prior to commencing with Council.

1.4.4 Equal Opportunity

The requirements of the Victorian Equal Opportunity Act 2010, Council's Equal Opportunity and Human Rights Policy and Commonwealth anti-discrimination legislation are applied to the procurement of goods, services and works.

1.4.5 Disability Considerations

The legislative requirements of the Disability Discrimination Act 1992 and the current Whitehorse Disability Policy and Action Plan are considered to ensure that procurement processes and decisions do not directly or indirectly discriminate against people with a disability.

The Whitehorse Disability Policy and Action Plan details Council's commitment to the rights of people with a disability to access goods, services and facilities enjoyed by the whole community.

1.4.6 Human Rights

The requirements of the Victorian Charter of Human Rights and Responsibilities Act 2006 ensure that Council gives proper consideration to human rights during the procurement of goods, services and works.

1.4.7 Gender Equity

The requirements of the Gender Equality act 2020 (vic) will be considered to ensure that Council gives proper consideration to gender equity during the procurement of goods, services and works.

2 PROCUREMENT THRESHOLDS AND METHODOLOGY

2.1 Procurement Thresholds

Section 108 of *the Act* details that each Council will set the public tender threshold circumstances when tenders or expressions of interest for contracts must be publicly invited.

In every procurement activity all practicable efforts will be made to consider the sustainable procurement considerations as listed in Under Section 6.2.

When applying the procurement thresholds illustrated in the table below, the following must be strictly adhered to:

- The value of the purchase is to include the total anticipated cost of the goods, services or works to be supplied over the contract term, including any option to extend the contract;
- Where it is known that there will be multiple purchases from the same supplier for the same type of goods or services over a period of time, the value of the purchase is determined by the total of the expected purchases, not the value of each individual transaction. For the purposes of the threshold – cumulative spend will be calculated over a period of three (3) years.
- For contracts, the total value is the estimated value or reasonably anticipated value of the goods, services or works to be procured over the term of the contract, including contingencies, provisional sums and any contract extension options that may or may not eventuate.
- A record of all verbal quotations and written quotations received and all other documentation supporting procurement processes and decisions is stored in Council's Corporate Records Management System.

2.1.1 Contract splitting prohibited

The length and value of a contract must be determined in good faith and optimised having regard to Council's needs and the scope of the goods, services or works to be procured.

Under no circumstances are purchases or orders to be split so that the total value of the procurement activity falls under the amount of the individual's authority level or so that the value falls under the applicable threshold.

Council will invite tenders, proposals, quotes and expressions of interest from the supply market for goods, services, building and construction works in accordance with the thresholds listed in table below.

Value of Purchase (including GST)	Minimum Selection Method	Comments
Up to \$9,999	<ul style="list-style-type: none"> • Best Offer • Where possible, seek quote from a local supplier 	Purchase Order mandatory unless listed for exemption such as utilities, reimbursements etc
\$10,000 to \$49,999	<ul style="list-style-type: none"> • At least three written quotes are to be invited from suppliers who are considered able to meet the requirements. • Where only one quote is received from those invited, Value for Money must be demonstrated. • When seeking and or evaluating quotes, preference will be applied to local suppliers and a minimum of one local supplier must be invited, depending on availability of local suppliers. 	Purchase Order must be in place and Value for Money Exemption from 3 quotes must be approved by Manager Finance and Corporate Performance on the advice of the Coordinator Procurement
\$50,000 to \$249,999.99	<ul style="list-style-type: none"> • Undertake a formal Request for Quote process by following the CMS process within Council's e-Tendering Portal. • At least three written quotes are to be received from suppliers who are considered able to meet the requirements. • Where less than three quotes are received from those invited, Value for Money must be demonstrated. • When seeking and or evaluating quotes, preference will be applied to local suppliers and a minimum of one local supplier must be invited, depending on availability of local suppliers. 	A Procurement Plan and Contract is mandatory and Value for Money It is expected that Council will receive at least three compliant bids in order to obtain a best value outcome.
\$250,000 and over	A public tender process is required for goods, services or works where once-off or on-going cumulative spend over the life of the contract is expected to exceed \$250,000.	

2.2 Cumulative Spend

Care must be taken to ensure that Council complies with its procurement obligations in circumstances in which cumulative payments to a single supplier, or to multiple suppliers in respect of similar goods, services or works, meet or exceed the thresholds set out in this Policy. Cumulative spend is calculated over three (3) years. Cumulative spend is calculated across the organisation and will be tracked and reported on via the Procurement Team. Contract Mangers are responsible for tracking spend under their contracts to ensure the amounts spent against the contract do not exceed the amount approved under delegation.

Council should, wherever possible, leverage this cumulative spend, rather than treating each discrete arrangement as a separate procurement, to achieve greater value for money. Council must proactively identify opportunities for aggregation.

The likely total cumulative value of a procurement activity, or a category of activity for which there are a number of suppliers providing similar goods, services or works, must be considered during the planning phase of a procurement.

If, during the planning phase for a proposed procurement, an ongoing or recurring need is identified, and the foreseeable value of the procurement activity is likely to meet or exceed the tendering threshold, Council must commence a public tender process to ensure that Council achieves value for money.

No competitive process is required if Council considers that the nature of the procurement and the characteristics of the market are such that the public tender process would lead to Council achieving lesser value for money.

2.3 Exemptions from Seeking Minimum Three Quotations

Council officers may seek exemptions from a minimum three quotes process, where one or more of the following circumstances apply (the circumstances must be documented):

- there is a sole supplier of a particular product or specialised service, this must have accompanying evidence to illustrate that all avenues have been exhausted and any alterations to scope have been considered to create a larger market;
- where there is a technical requirement to integrate with an existing operating environment;
- service authorities where there are contestable works undertaken
- the purchase involves the sole source of, or access to, particular intellectual property;
- the product, service or work is an extension of previous work undertaken by the supplier and the Manager/ Director is satisfied that the background knowledge, site knowledge or capability to match the product justifies obtaining only one quotation. The quotation must be competitive and the extension is a bridging period only to allow for aggregating services of contracts that expire at different times or when there is extreme market volatility and going to the market is not in Council's best interests. It is not a solution to defer or delay a re-tendering process or not being prepared. The total value of the accumulated spend under the vendor must not exceed the tender threshold of \$250,000 including GST;
- the purchase is for a matter of emergency, urgent public health, security or safety, and
- One of more circumstances listed Under Section 2.4

Council Officers wishing to access an exemption from quotation requirements must complete a Procurement Exemption Form. These exemptions must be facilitated and endorsed by Coordinator Procurement and approved by the Manager Finance and Corporate Performance. Upon approval of the exemption, the required work flow and templates in CMS are to be followed.

2.4 Exemptions from Tendering

The following circumstances potentially meet the criteria of applying for an exemption from the general tender requirements. This exemption process, with the proposed alternative procurement strategy must be facilitated and endorsed by Coordinator Procurement.

Upon approval of the exemption, the required work flow and templates in CMS are to be followed.

Exemption Description	Explanation, limitations, responsibilities and approvals
<p>1. A contract or purchase made because of genuine emergency or disaster</p>	<p>In an emergency where “emergency” is defined as:</p> <ul style="list-style-type: none"> • A state disaster declared under the Emergency Management Act 1986, or any other declaration made by the State’s Premier under an enactment; • Any local / regional disaster as declared by the CEO and whereby Council’s Business Continuity Plan or Emergency Management Plan is enacted; • Any urgent circumstance which may present a risk to public health and/or safety • Where the Council or CEO has resolved that the contract must be entered into because of a declared emergency or disaster. • The failure of a key service provider such as Council’s Waste Collection Service; • Significant damage to a municipal building; • Major business disruptions such as an extensive IT failure resulting in a loss of services to the community.
<p>2. A contract made with, or a purchase from a contract made by, another government entity, government-owned entity or other approved third party</p>	<ul style="list-style-type: none"> • This general exemption allows engagements with another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government. And the contracts were entered by complying with the Act. • Contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA), Regional Waste Management Group, etc. Such contracts were entered into by undertaking a public tender process <p>With prior discussion and approval from Procurement and/or Executive Leadership Team and where Value for Money can be demonstrated the following additional panels are also exempt:</p> <ul style="list-style-type: none"> • Construction Supplier Register / Department of Treasury and Finance Consultants Panel • Marketing Services Register • E-services Panel

Exemption Description	Explanation, limitations, responsibilities and approvals
3. Proven Monopoly Market	<ul style="list-style-type: none"> • Statutory Compulsory Monopoly Insurance Schemes, such as Work Cover and Motor vehicle compulsory third party • Other statutory bodies, such as water, telecommunication services etc • When supply of goods, services or works can only be sought from a monopoly supplier, for example – marketplace is restricted by statement of license, technology or third party ownership of an asset • Whereby the purchase of an alternate provider is untenable for Council due to the presence of patents, IP and other stipulations necessitating Council to replace current systems or infrastructure with no allowable budget (ie: upgrades, licensing, enhancements and maintenance on existing IT systems, municipal access keys, specialised replacement parts for fleet or plant etc)
4. Professional and other Services unsuitable for tendering	<ul style="list-style-type: none"> • Legal Services • The issuing of Insurances (exclusive of Insurance Brokerage Services) • Payments with statutory/legislative requirements, such as payments to the ATO, fire levy etc • WorkCover and Injury Management Related Expenditure • Non-contestable services and works undertaken by and on behalf of Utility and Service owners including water, electricity, gas and other energy based services, telecommunications and ISPs whereby the infrastructure is owned and managed by a particular party • Procurement of works of art by a specific nominated artist (<i>Note Commissioning of Art Works is <u>NOT</u> exempt</i>) • Procurement of performing arts (including individual / groups of artists and / or shows) defined as forms of creative activity that are performed in front of an audience, such as drama, music and dance.
5. Adverse effect on Value for Money or public interest	<ul style="list-style-type: none"> • Council considers that the nature of the procurement and the characteristics of the market are such that the public tender process would lead to Council achieving lesser value for money or adverse effect on public interest
6. Novated Contracts	<ul style="list-style-type: none"> • Where the initial contract was entered into in compliance with this Policy and due diligence has been undertaken in respect to the new party

Where an exemption applies, the Key Purchasing Principles set out in this Policy still apply, in particular:

- Maintaining probity;
- Demonstrating ethical conduct;
- Avoiding and managing conflicts of interest; and
- Obtaining Best Value for money.

2.5 Exemptions from Raising Purchase Orders

The following expenditure types are exempt from the requirement to raise a purchase order (but they must still follow the Procurement Thresholds in 2.1 and existing authorisation operating procedures):

- Where a purchase is made using a corporate credit card
- Where the transaction is one of the following types:
 - Staff salaries or wages;
 - Temporary staff
 - Taxation;
 - Superannuation and WorkCover;
 - Payroll deductions;
 - Investments/term deposits;
 - Payments to statutory authorities including legislatively required audits such as VAGO and Ombudsman;
 - Telephone rentals and charges;
 - Couriers;
 - Utilities;
 - Half-cost fencing;
 - Subscription and Membership renewals;
 - Warranty renewals;
 - Cab charges;
 - Conferences, seminars and travel arrangements;
 - Councillors and Mayoral allowances;
 - Grants;
 - Fees paid to committee members;
 - Property and Lease arrangements, Bank fees and other transactional charges that are facilitated via pre-authorised direct deposits
 - Insurance Expenses; and
 - Legal Expenses.

3 DELEGATION OF AUTHORITY

3.1 Delegations

Delegations define the limitations within which Council Staff are permitted to commit Council expenditure for the procurement of goods, services or works. The Instrument of Delegation allows specified Council Staff to undertake certain purchases, quotation, tender and contractual processes under delegation. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Council and the CEO have delegated responsibilities relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotations and tenders and for contract management activities.

Council shall maintain a documented scheme of procurement delegations, identifying Council staff delegated to make such procurement commitments in respect of goods, services and works.

The procurement of all goods, services and works and the refund or reimbursement of moneys (including cash refunds, bank guarantees, bonds etc.) is approved by delegated officers in accordance with the following levels:

Council Officer	Approval Limit (Excluding GST)	Petty Cash	Staff Reimbursements
Council	Unlimited	N/A	N/A
CEO	\$1,000,000	\$100	\$5,000
Director / Executive Manager	\$500,000	\$100	\$1,000
Manager	\$250,000	\$50	\$100
Coordinator / Assistant Manager	\$50,000	\$50	\$0

NOTE:

*All staff are required to obtain prior approval for any expenditure that involves petty cash or staff reimbursements

*Staff undertaking higher duties in excess of a week will be delegated authority in accordance with the above table. If the tenure is less than a week in duration staff will be directed to other senior officers to sign-off.

*To enable the processing of transactions that have been approved by Council and for administrative purposes only the Manager Finance and Corporate Performance has unlimited delegation in ERP (Enterprise Resource Planning) system.

*The procurement of goods, services and works with a total value exceeding \$1,000,000 is approved by the Council at a Council Meeting. Procurement of goods, services and works under \$1,000,000 that are deemed to be high risk or high sensitivity as determined by the CEO will be required to go to Council also.

*The CEO may approve additional delegations to individual officers where operational circumstances require this authority however, any additional delegation must not exceed the CEO's authority.

*The authority to approve the procurement of goods, services and works can be transferred to an authorised officer by the Procurement Team if requested by a delegated officer in writing when the delegated officer is on leave or is unavailable due to other reasons.

*Council may increase the CEO's Delegation Approval Limit by resolution to address specific contractual arrangements provided:-

- the increase is within budget and
- there is an established governance framework

3.2 Additional Approvals

The following additional approvals are required:

Item	Approval required
Additional Fleet	CEO
Interstate / International Attendance at Conferences	CEO and Mayor
Financial Leases and Agreements	Manager Finance and Corporate Performance
Property Leases / Licenses	Manager Property and Leasing
IT Applications / Hardware	Manager Information Technology
Replacement of Fleet	Manager City Services

4 EVALUATION OF TENDERS

4.1 Evaluation Panel Composition, Criteria and Weightings

Evaluation criteria and their associated weightings must be established and agreed to by the Evaluation Panel prior to the tender being officially open to the market. Criteria, weightings and use of BAFO must have the rationale / justification signed off as per the following delegations:

Contract Value (Including GST)	Delegated Evaluation Criteria and Weightings Sign-Off
<\$1,000,000	Manager
\$1,000,000 - \$5,000,000	Director
>\$5,000,000	EMT

***Note:** The contract value includes the whole life cycle of an acquisition from initial concept to the end of useful life of an asset including disposal. You must include any extensions in the total cost.

*For contracts valued over \$5M that require prior EMT approval for criteria and weightings the nominated evaluation team and procurement advisor must be listed on the report.

*Contracts valued less than \$5M may also require prior approval if deemed necessary by the CEO.

*All tender or quotation documentation between \$50,000 - \$500,000 in value must be submitted to and approved by Procurement one week prior going to the market, any that are valued over \$500,000 are required 2 weeks prior unless agreed to beforehand.

Please refer to the Procurement Manual to assist with the panel composition.

Tender Evaluation Panel Composition as a minimum must include as follows:

Contract Value	Panel Number	Minimal Panel Composition
Under \$1M	Min 3	<ul style="list-style-type: none"> Coordinator of the relevant Department Subject Matter Experts from Business Area and / or Project Manager Independent Stakeholder with relevant experience and seniority to the project
\$1M - \$10M	Min 4	<ul style="list-style-type: none"> Coordinator and/or Manager of the relevant Department Subject Matter Experts from Business Area Independent Stakeholder with relevant experience and seniority to the project Procurement (Probity Oversight non-scoring) May include external expertise
Over \$10M	Min 5	<ul style="list-style-type: none"> Coordinator and/or Manager of the relevant Department Subject Matter Experts from Business Area Independent Stakeholder with relevant experience and seniority to the project Member of Finance Team Procurement (Probity Oversight non-scoring) May include external expertise May include a Director if the project has an established Project Control Group in place to provide decision-making governance oversight Probity Advisor (non-scoring) *Major ProjectsOnly and / or Probity Auditor (non-scoring)*Major ProjectsOnly

NOTE: Engagement of a Probity Advisor and/or Auditor is undertaken in consultation with the Procurement Team who will maintain oversight of the roles via a panel contract arrangement and funded via the individual project budgets. On occasion the Procurement Team may undertake either of the Probity Roles but are unable to undertake both roles on any given piece of work.

*It is expected that staff make greater use of the subject matter expertise available across the organisation in areas such as Risk Management, Economic Development and Sustainability

4.2 Weighted Attribute Method

Tenders are evaluated using the weighted attribute method.

Criteria	Definition	Mandatory Weighting
The Offer	The final price whether Lump Sum or Schedule of Rates	Minimum 30%
Capability	The ability to deliver the required scope / specification within the timeframe, budget and to the standards required.	Minimum 25%
Credibility	Includes the qualifications and experience of the key personnel, business/financial viability, referee check and past performance	Minimum 15%
Local Content	Includes the ability to address and evidence the tender submission against the definition applied in this document	5%
Social and Environmental Sustainability	Includes the ability to address and evidence the tender submission against the definition applied in this document	5%

A rationale must be stipulated as to how and why the criteria were determined and % weightings applied. Staff are required to provide a methodology on how they will allocate scoring to each weighted criteria. Council will give preference to local, social and sustainable (including recycled products) outcomes when commercial viability and fit for purpose can be obtained.

Council is committed to promoting child safety and ensuring compliance with the Victorian Child Safe Standards. As a Child Safe organisation, Council will formally review contractors who are undertaking work on behalf of Council and who may have direct or incidental contact with children.

*OHS criteria is a pass/fail only

*NOTE: It is expected that low risk high cost procurements such as stationary, traffic surveys, feature surveys and road safety audits will be allocated 50% for price and a justification provided for all weightings where price remains at or substantially close to the minimum 30% (ie: under 40%).

4.3 Business Viability Assessment

A business viability assessment must be conducted for all short-listed suppliers on purchases over \$1M or are considered complex, high risk and critical purchases and/or projects. However, procurement value is not used as the sole indicator of risk. In assessing whether a business viability assessment is required, consideration is given to the likelihood and consequence of a financial viability issue in the purchase or project and subsequent contract, as well as any other factors that have the potential to impact on the overall level of risk. Business viability assessments are not required for panel contracts.

Council's Procurement Staff will determine if a business viability assessment is required and will conduct this on behalf of the relevant area. Before a supplier can be considered for further

evaluation beyond the financial assessment the assessment must be considered by Procurement and signed-off by the Manager Finance and Corporate Performance or delegate.

5 APPROVAL

5.1 Signing of Tender Evaluation Form

The completed weighted attribute tender evaluation form is signed off by every member of the Tender Evaluation Panel and approved in accordance with the delegations outlined in 4.3.

5.2 Signing of Letters of Offer, Contracts and Agreements

Letters of Offer can be signed by the relevant Manager of the area however, all legal agreements must be signed in accordance with the delegated approval levels detailed in clause 4.3. Prior to final execution of documents Procurement must have reviewed and approved.

5.3 Council Staff Responsibilities

Council staff must be aware of their role in ensuring that the principle of responsible financial management is maintained in their own procurement activities. For example,

- Council staff must not authorise the expenditure of funds in excess of their procurement authority (delegated level of authority). Council staff must not authorise or write multiple purchase orders to avoid the authorisation process requirements or their procurement authority;
- Expenditure must be recorded in a timely manner i.e. once the services or works have been completed (or payment certificates authorised by the project superintendent), or the goods have been received, the appropriate Council officer must ensure that the correct amount is delivered against the relevant purchase order.
- Failure to comply with this Policy has the potential to expose Council to financial loss, risks non-compliance with the 'Act' and damage of Council's reputation. In accordance with Council's Employee Conduct Policy, which requires all staff to comply with all Council Policies, it is essential that the procurement criteria outlined in this Policy be strictly adhered to. Non-compliance with this Policy will constitute a breach of the Council's staff Code of Conduct and the Local Government Act.

5.4 Council Contracts

Existing Council contracts must be utilised for the procurement of goods, services and works unless the panel of providers cannot provide a specialist type of good, service or works. Council is committed to developing constructive long-term relationships with suppliers.

5.5 Contractual Terms and Conditions

All contractual relationships must be documented in writing based on Council's standard terms and conditions. Council officers are not to accept changes to Council's standard terms and conditions proposed by a supplier and / or any agreements provided by an external supplier under any circumstances.

In the event that difficulties are encountered with a supplier accepting Council's standard contractual terms and conditions, no changes are to be accepted without prior consultation and agreement with Council's Procurement Team and written approval from the appropriate delegated authority. Such approval is to be supported with procurement, risk management and legal advice as relevant.

Furthermore, Council Officers are not permitted to sign any contracts, agreements, terms and conditions, leases or other similar purchasing documents without Council’s Procurement Team first reviewing the documents.

Contractual terms and conditions must be settled prior to issue of the Acceptance Letter or Award Letter and the Contract Documents or any commitment is made to the supplier. To facilitate this, Council’s proposed contractual terms and conditions must be issued as part of any request for quotation/tender documentation (on all purchases over \$50,000) to ensure that suppliers are fully aware of the contractual terms and conditions that will be the basis of any contractual relationship between the parties. For purchases under \$50,000 Council’s standard Purchase Order terms and conditions will apply.

Contract terms must be considered and selected to provide the best procurement outcome for Council. It is critical that Council enforce market testing and have rigor around the length of contracts to ensure receipt of Best Value and competitive pricing.

Council’s contractual award arrangements are as follows:

Type of Contract	Time-Frame
Information and Business Technology	Up to 10 years
Panel Contracts	3 + 2 year
Ongoing Services	Up to 10 years
Goods	Within an agreed timeframe
Major Projects and Capital Works	Within agreed timeframe + Defects Liability

5.6 Contract Extensions

Any decision to award a contract does not include the awarding of any extension options for the contract unless specifically stated.

Any extension of a contract containing an extension option requires a further, separate decision at least one month prior to, the expiry of the initial term.

The extension of a contract containing an extension option is approved by the same delegated officer or Council that approved the original contract. If the original contract was approved by Council, then the contract extension is also approved by Council, unless otherwise delegated and approved by Council.

In order for an extension to be approved a contract performance review must be undertaken including a thorough assessment of KPIs and performance against the contract. Prior to approval there needs to be assurance that there is still best value present and the criteria / principles in the original evaluation have been re-assessed and re-considered.

Where all opportunities for an extension allowable under an existing contract have been exhausted and circumstances are such that there is a critical requirement to extend the contract further the CEO may approve an additional extension where:

- the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected; or
- an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality

5.7 Contract / Purchase Order Variations

Contract variations must be approved and signed off as per the list of delegations under 3.1. Any variation must include a report including justification, type of variation (i.e: time, cost, changes to goods, works, services etc), financial impact and any risks / implications involved.

Purchase order variations are allowable within a tolerance of 10% or up to \$300, whichever is the lesser.

Council may choose to delegate expenditure of variations and/or extensions to contracts to an officer with a lower delegation than the CEO in order to achieve greater efficiency in the delivery of projects and/or works whereby an agreed amount has been approved prior and is within budget.

Where contracts have exceeded the dollar amount approved to be spent through the contract any additional funds will need to be re-approved by the original approver of the contract as per the delegations set out in item 3.1.

Council may increase the CEO’s Delegation Approval Limit by resolution to address specific contractual arrangements provided:-

- the increase is within budget and
- there is an established governance framework

5.8 Contract Security

Contractors lodge a security deposit in the form of a bank guarantee, cash payment or bank cheque.

The amount of the security deposit is as follows, unless otherwise approved by the Manager Procurement and Contracts:

Type of Contract	Security Payments / Bank Guarantees Required
Goods and Services (non-annual)	Not Required unless the nature of the services are deemed high risk as determined by Procurement and Risk Management.
Annual Supply Services (Sole Provider)	The minimum amount of the security deposit is 2.5% of the contract sum or \$2,000, whichever is greater
Annual Supply Panels	Not Required
Works	The minimum amount of the security deposit is 5% of the contract sum or \$2,000, whichever is greater
Consultants	Not required if engaged under a panel arrangement however, if engaged for a specific project valued >\$500K then a security deposit of 5% of the contract sum will be applied.

5.9 Rate Adjustments

For all contracts longer than 12 months, provisions are made in the contract for rate adjustments based on the Consumer Price Index (Melbourne All Groups Index Numbers), minimum wage increases as provided by the Australian Fair Pay Commission or other approved methods.

Reasonable requests for rate increases resulting from circumstances that are clearly beyond the control of the supplier/contractor/consultant or that could not have been foreseen at the time of submitting a tender are given due consideration.

If a contract is silent in relation to the rates payable during any contract extension, then because Council has discretion to exercise the option, it may also propose the applicable rates to apply during the extension period. It is the responsibility of the Contract Manager to discuss and agree with the Contractor at the annual review period what will be applied and when.

5.10 Insurances

Successful tenderers take out and maintain insurance cover for the term of the contract and provide evidence of cover prior to providing goods and services and prior to commencing works under the contract. The insurance policies do not contain policy exclusions that are relevant to the contract.

The type and minimum amount of insurance cover required varies depending on the type of contract, as follows:

Type of Contract	Type of Insurance	Minimum Level Required
Goods and Services	Public Liability	\$20M
	Professional Indemnity	\$5M
	Products Liability	\$10M
	WorkCover / Motor Vehicle	As required
Panel / Annual Supply / Works	Public Liability	\$20M
	Professional Indemnity	\$10M (if applicable)
	Products Liability	\$20M
	WorkCover / Motor Vehicle	As required
Consultants	Public Liability	\$5M
	Professional Indemnity	\$5M
	WorkCover / Motor Vehicle	As required

5.11 Use of State Government and other Panels

Where possible officers must seek public tenders from the open market for all procurement above the thresholds. Officers must not access State Government panels or any other external panels unless they have prior discussion and approval from Procurement and/or Executive Leadership Team This is to ensure the process remains competitive, is accessible to the local Community and provides best value to Council.

6 DEMONSTRATE SUSTAINED VALUE

6.1 Achieving Value for Money

6.1.1 Requirement

The Council's procurement activities will be carried out on the basis of obtaining Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of Value for Money.

6.1.2 Approach

This will be facilitated by:

- Achieving continuous improvement in procurement activity in accordance with the direction set out in CMS and the Council's Strategic Procurement Plan;
- Developing, implementing and managing processes that support the co-ordination and streamlining of activities throughout the procurement lifecycle;
- Effective use of competition;
- Using existing Council contractual arrangement or Collaborative Procurement Arrangements where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient quotation and tender processes, and
- Working with suppliers to create relationships that are professional, productive, and are appropriate to the value and importance of the goods, services and works being acquired.

6.2 Sustainable Procurement

6.2.1 Applying sustainable procurement in Council

Sustainability will be embedded in the organisation's work. All Council Staff will have a clear and shared understanding about what it means and how they can apply it to their daily tasks. Council commits to applying the principles of sustainability to all of its decision-making and activities.

Council demonstrates sustainable procurement by:

- Being accountable for its impacts on society, the economy and the environment including the impacts of the organisation's supply chain;
- Examining anticipated organisational, project and/or community needs;
- Continually improving sustainability specifications, practices and outcomes;
- Giving preference to environmentally sustainable goods and services within the context of purchasing on a value for money basis; or tenders that will deliver a social benefit to the local community in addition to or as part of delivering the required goods or services

- Planning and undertaking sustainability evaluations as part of contracting activities.

6.2.2 Financial Sustainability

6.2.2.1 Objectives

Council's financial sustainability approach aims to

- Seek opportunities to capitalise on aggregate spend and collaboration
- Ensures that financial savings can be obtained over the life cycle of the arrangement
- That procurement activity is undertaken with Council's commitment to long-term financial sustainability at back of mind

6.2.3 Economic Sustainability (Buy Local)

6.2.3.1 Objectives

Council's economic sustainability approach aims to:

- Achieve Value for Money on a whole-of-life (including disposal) basis, rather than just initial cost;
- Consider broader life cycle impacts of products procured;
- Ensure probity and accountability in the procurement process;
- Source locally where possible
- Build relationships with local businesses and encourage procuring from local suppliers to help build their capacity;
- Increase local employment.

6.2.3.2 Principles

Council is committed to procurement that supports local business and economic diversity in the Whitehorse Municipality and ERPN council areas.

Where practicable and applicable Council will give preference to goods manufactured or produced in Australia and will actively seek quotations and tenders from Local Businesses in the Whitehorse Municipality and ERPN council areas.

Council's sustainable procurement will be underpinned by the following principles:

- Ensuring accountability and transparency;
- Ensuring Value for Money (VFM) outcomes;
- Ensuring open and effective competition, and development of competitive local business and industry;
- Fostering innovation and emerging sectors;
- Considering life cycle costs.

6.2.4 Environmental Sustainability

6.2.4.1 Objectives

Council's environmental sustainability and approach aims to:

- improve energy efficiency, lead on renewable energy and reduce greenhouse gas emissions;
- protect and enhance the natural environment and biodiversity;
- improve water sustainability;

- reduce air, water, land and soil pollution, and
- minimise the waste and increase use of recycled and sustainable products and materials to:
 - reduce demand for raw materials and non-renewable resources; and
 - close the loop on kerbside recycling.

6.2.4.2 Principles

Where applicable Council will purchase goods, services and works that improve environmental sustainability, as outlined above, whenever they present an acceptable Value for Money outcome.

Council's sustainable procurement will be underpinned by the following principles:

- Minimise unnecessary purchasing through the conscious and thoughtful purchasing of goods and services;
- Minimise waste by using the waste hierarchy to assess purchases (Avoid, Re-use, Recycle, Repair, Treatment, Containment and Disposal);
- Minimise greenhouse gas emissions by considering the energy efficiency rating of products, including the manufacture and transport energy costs;
- Minimise habitat destruction by purchasing goods and services from sustainable and renewable resources;
- Minimise toxicity by purchasing goods that are free of toxic or polluting materials;
- Minimise soil degradation by using goods and services that do not degrade or pollute the soil, or result in erosion through their use;
- Avoid use of single-use plastics;
- Maximise use of quality products containing recycled content; and
- Maximise water efficiency by purchasing goods or services that conserve water.
- Ensure vendor responsibility for supply chain providers and sub-contractors to adhere to principles of sustainability also.

6.2.5 Social Sustainability

6.2.5.1 Objectives

Council's social sustainability approach aims to:

- ensure vendors do not exploit workers and provide fair wages, including inclusive business practices;
- maintain a social procurement strategy to increase social procurement spend;
- increase employment opportunities for indigenous people, people with a disability, disadvantaged people and long term unemployed;
- ensure gender equality and diversity within supplier businesses;
- recognising equality, equity and diversity, and
- prevent, detect and address modern slavery from Council's supply chain.

6.2.5.2 Principles

Council is committed to building stronger communities and meeting social objectives which benefit the municipality and commits to integration of measures in its procurement processes and documentation which promote improved social outcomes.

Council's sustainable procurement will be underpinned by the following principles:

- a thorough understanding of the socio-economic issues affecting the community;
- creation of training and employment opportunities for unemployed, disadvantaged municipal residents or marginalised job seekers to address local socio-economic issues;
- promotion of equity, diversity and equal opportunity; and
- respect for human rights, the rule of law and international norms of behaviour.

6.2.6 Understanding the Market

Purchasing must be informed by a good understanding of the supply chain (that is, the individuals and organisations that manufacture, sell or provide the goods and services needed by Council). Council actively seeks to understand and influence the supply chain and to develop relationships with suppliers, within the bounds of probity. This can be done by:

- Actively engaging in discussions with key suppliers to better understand issues that are important to suppliers;
- Seeking feedback from suppliers about the way Council does business;
- Agreeing to meet with new suppliers and encouraging them to bid for Council business where appropriate;
- Actively researching issues affecting the supply chain such as regulatory changes or availability of raw materials that may have a follow-on impact on Council; and
- Participating in industry groups and maintaining dialogue with peak bodies representing suppliers to ensure a good understanding of the market.
- Actively researching the sustainability of manufacturing and transport processes, as well as end-of-life opportunities.

7 FRAMEWORK

7.1 Treatment of GST

All monetary values stated in this policy include GST unless specifically stated otherwise.

7.2 Procurement and Contract Management Framework

Council has an online Procurement Portal and Contract Management System (CMS) as well as a Procurement Manual which prescribes the processes, templates and guidelines for all stages of the end-to-end procurement and contract management lifecycle. Council commits to innovation and continuous improvement to the CMS. It is a requirement that all procurements must be conducted within CMS, which include all Request for Quotes over \$50,000. Tenders and all contract management, including contract variations.

Council staff are required to be equipped with proficient understanding of the contents contained in the CMS and Procurement Manual prior to undertaking procurement and contract management activities.

NOTE: If there is a panel arrangement in place only the original contract is required to be managed via the CMS not the individual job allocations.

7.3 Quotations (RFQ)

Quotations are awarded to the supplier providing a best value outcome, following a transparent and defensible evaluation process conducted in accordance with Council's Tendering and Contract Administration Guidelines.

Written quotations and invoices for goods, services and works, are approved in accordance with the Approval Levels detailed under section 3.1

The approval of a purchase order or invoice using the electronic purchasing system is deemed to be an approval under delegation.

7.4 Expression of Interest (EOI)

Expression of Interest may be invited prior to tendering where Council wishes to:

- Identify which companies are able to meet its requirements
- Seek innovative proposals from industry where specifications are not yet fully defined, such as new sustainability initiatives in construction materials or waste management processes.
- Ensure only the most suitable tenderers are put to the expense of preparing a full tender
- Give the market early notice of the upcoming procurement

7.5 Public Tender Requirements (RFT)

A public tender must be considered for all goods, services and works that are valued over \$250,000 (including GST). All public tenders invited by the Council, must be published by any method including via Council's e-Tendering Portal. Information regarding Current Tenders and Awarded Tenders will be published on Council's website.

A tender evaluation panel will be established to evaluate each tender submission against the tender's selection criteria. Tender evaluation process and guidelines are detailed in Council's Procurement Manual and must be adhered to.

Public tenders can also be conducted when:

- Council does not have a sound and current knowledge of the suppliers in the marketplace;
- there has been no comparable recent procurement from which Council can determine a reliable pre-tender estimate of the likely cost of the goods or services required;
- Council is unhappy with its current suppliers' performance or price, and wishes to encourage competition;
- Council is seeking innovative proposals or has an unusual requirement; or
- One or two suppliers have been servicing this requirement for a period exceeding 5 years, during which time the market has not been tested for alternatives.

7.6 Procurement Plan

A Procurement Plan is prepared by the project for all procurement requiring a contract (over \$50,000) and detail:

- The business case for the procurement;
- The method of procurement selected and justification for that selection (by reference to the value and risk profile of the purchase and prevailing market conditions);
- The key roles and responsibilities for the procurement to ensure individual accountability; and
- Evaluation criteria and weightings that will be used to select the preferred tenderer.

NOTE:

- These will vary in detail depending on the size and complexity of the procurement and are used as a mechanism to trigger a contract number.

- Purchase of Passenger Vehicles are exempt from the need for a formal contract and procurement plan

7.7 Probiity Plan

A formal Probiity Plan sets out the steps to be taken and the processes implemented to ensure a tender is conducted fairly and ethically.

A Probiity Plan must be prepared and implemented when:

- The expected purchase value is above \$1,000,000;
- The purchase is highly complex, or of a high risk or sensitive in nature; or
- Requested by the CEO or a Director

The Probiity Plan is to be reviewed and approved by the relevant Director and Coordinator Procurement and Contracts. The approval process includes whether a Probiity Advisor and/or a Probiity Auditor is to be appointed for the procurement process.

The appointment of a Probiity Advisor and/or Probiity Auditor needs to be considered early on in the project life and well before the tendering phase.

7.8 Shortlisting and Negotiations

Council may conduct a shortlisting process during Expression of Interest, tender and quotation processes. Shortlisting is based on the agreed selection criteria in pursuit of the most advantageous outcome for the Council.

Shortlisted Tenderers may be invited by the Council to submit a best and final offer in relation to all or certain aspects of their respective tenders, in accordance with the Conditions of Tendering. Once a preferred tenderer(s) is/are selected, negotiations can be conducted in order to obtain the optimal solution and commercial arrangements, providing the scope remains within the intent of the tender. Probiity requirements apply to all negotiations.

7.9 Risk Management Plan

Whitehorse's risk management policy framework and processes are to be applied in the procurement and contract management life cycle, to ensure that risks are identified, assessed and managed to minimise unexpected or undesirable outcomes. The level of analysis (risk assessment) and detail in the management of risk will vary depending on the scope of the procurement and contract, complexity and value. Planning for risk needs to occur at commencement of the procurement design. Council's three lines of defence assurance function has an ongoing role in the monitoring, auditing and continuous improvement of high risks associated with this important function of Council.

Procurement and contract risks include but are not limited to fraud and corruption, breadth of variation to scope, overspend and increased costs, public safety and Work, Health & Safety, poor specification, supply chain delay, unfunded liability exposure and contractor failure etc.

A risk management plan is prepared by the project manager and a probiity auditor is appointed for all purchases over \$1,000,000 and projects of lower value but of a complex nature and services that are critical to the continuity of Council business. The risk management plan considers all stages of the procurement cycle.

7.10 Advertising Tenders

All tenders for the procurement of goods and services and works with a value exceeding \$250,000, are publicly advertised. All tender advertisements must be approved by the relevant Manager and a member of the Procurement Team prior to being publicly advertised.

Letters appointing an authorised third party to act as a tendering agent on behalf of Council are approved by Coordinator Procurement and signed by the CEO prior to the tender being publicly advertised. The third party must ensure compliance with the requirements of the Local Government Act 2020 including the requirement for a publicly advertised tender and (where applicable) this Procurement Policy.

7.11 Quotation / Tender Period

The period for advertising in the market unless otherwise approved by the Coordinator Procurement is a minimum of:

- Quotation – 7 days
- Tender – 21 days

7.12 Charges for Tender Documents

Tender documents are issued to tenderers free of charge.

7.13 Receipt of Tenders

Tenders are received exclusively in the electronic tender box by the specified closing time.

7.14 Availability of Project / Contract Manager and Evaluation Panel Members during Procurement Phase

Project / Contract Managers allocated to manage the procurement process must be available to manage the process from inception to contract execution as well as the ongoing contract management. Staff allocated these roles must be available to respond to questions for the duration of the time the tender is in the market. It is also expected that the Project / Contract Manager will chair the evaluation panel and that the panel is available to assess all tender / quote submissions during the timeframe allocated within the procurement plan. It is expected that the tender/quotation evaluation is concluded within 45 days from the closing date.

7.15 Receipt of Tenders in the Electronic Tender Box

The use of the electronic tender box is approved by the Coordinator Procurement prior to inviting tenders. For Tenders over \$500k all tender associated documentation must be approved by the Procurement Team a minimum of two weeks prior to being uploaded to the procurement portal and one week for those under \$500k.

Tender submissions, will only be received via the electronic tender box, emailed or mailed submissions will not be accepted under any circumstances.

7.16 Communication during the tender period

No verbal or email communication from Tenderers to any Council Officers will be accepted during the Tender time. All request for information or clarification must be submit via Council's eTender portal.

7.17 Unlocking of Tenders

Tenders are unlocked in the presence of two officers, one of whom is an officer from the Procurement Team. The second officer is the Contract Manager or a nominated representative. Tenders are recorded and signed by the officers present at the tender opening.

7.18 Late Tenders

Tenders submitted after the advertised closing date and time are not accepted under any circumstances and are considered to have never been received. The date and time of receipt

is recorded. The late tender is returned to the tenderer with an explanation that it arrived too late to be eligible for consideration.

Late or incomplete tenders due to delays in electronic transmission or system faults by either party will not be accepted under any circumstances.

7.19 Non-Conforming Tenders

Submission of non-conforming tender / quotation responses may risk exclusion at Council' sole discretion.

7.20 Application of Best and Final Offers (BAFO)

Prior approval must be obtained from the relevant Director. Council Staff must justify the use of a BAFO and engage a probity advisor and a probity auditor. Council's intent or reservation to consider this methodology must be stated within the tender specification.

Use of a BAFO in a competitive procurement process will be subject to review by Procurement prior to going to market.

*NOTE: A BAFO process cannot alter the intent or the scope of services, contract terms and conditions or standards being requested or have any impact on non-conforming tender submissions

A BAFO can be used:

- only when all aspects of probity are clearly understood and Council is not exposed to risk by being perceived to favour one supplier/contractor over another
- only when Council Staff reserve the right to negotiate using this methodology and this is highlighted as part of the conditions of tender
- when there is a clear benefit to Council
- when all tender responses do not sufficiently address the RFT requirements
- where there are project specific requirements and Council will clearly benefit from being able to drill down on certain technologies or methodologies

7.21 Contract Management

In order to continually improve its outcomes, Council will evaluate and seek to improve on all aspects of procurement and contract management, in accord with procurement processes and Contract Management Guidelines located in the CMS.

Good contract management ensures goods, services or works are delivered to the required standards of quality and quantity as intended by the contract through:

- Establishing a system monitoring and achieving the responsibilities and obligations of all parties under the contract;
- Providing a means for the early recognition of issues and performance problems and the identification of solutions, and
- Adhering to the Council's risk management framework and relevant Occupational Health and Safety and sustainability requirements.

Council contracts are to include contract management requirements commensurate with the complexity of the procurement. Furthermore, contracts are to be proactively managed by the member of Council Staff responsible for the delivery of the contracted goods, services or works to ensure the Council and therefore the community, receives Value for Money.

Council awards some contracts that are strategically critical and of relatively high value. Council will provide additional senior oversight of the management of a significant contract.

7.22 Dispute Resolution

Where relevant, all Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

7.23 Contract Variations

All contract variations must be assessed to determine whether they are properly characterised as variations, or whether they are in effect a new contract. This will depend on factors like:

- The monetary value of the proposed variation, i.e. the value of the variation in the context of the thresholds fixed by the Procurement Policy;
- The subject matter of the proposed variation, and whether it is consistent with the subject matter scope of the initial contract or some different and additional service or product scope, and/or
- Contract variations are approved within applicable limits and by the authorised staff.

7.24 Purchase Orders

7.24.1 Raising and Approving Purchase Orders

A purchase order is raised and approved for the procurement of all goods, services and works using Council's electronic purchasing system except for items listed in under section 2.5.

All officers must ensure that purchase orders are raised and approved for all goods, services and works prior to ordering and receiving the goods, services or works. Compliance Reporting on Purchase Order prior to Invoice Dates will be regularly submitted to the Executive Leadership Team for their action. Officers must not authorise or raise multiple purchase orders (ie: tender/invoice split) to avoid the procurement process and/or delegated approval levels specified in this Policy.

A blanket order can be raised for repetitive purchases from a single vendor if the vendor is under a formal contractual arrangement with Council. Council's Purchase Order Terms and Conditions applies to all purchases under \$50,000 and can be found on Council's website.

7.24.2 Use of Electronic Purchasing System

The electronic purchasing system must not be used by any Council officer for personal purchases or for any financial gain by themselves, friends or relatives. Misuse of the Council purchasing system is contrary to Council's Employee Conduct Policy.

Access to the electronic purchasing system is not granted to any Council officer until an approved training course has been completed.

7.24.3 Payment Terms

Vendor invoices are paid on a 30 day payment cycle from the date of the invoice received and after completion/receipt of the goods, services or works, whichever is the latter (generally within 30 days).

Payment terms are only changed with the approval of the Manager Finance and Corporate Performance.

The preferred payment method is by electronic funds transfer, directly to the relevant bank. Bank account details must be obtained for all new vendors.

Consideration must be given to milestone payments for larger projects, there is a requirement for contractors to meet certain obligations under the contract prior to receiving any lump sum payment. Council will not accept 100% upfront payment for any works or consultancy contracts.

7.24.4 Corporate Credit Cards and Purchasing Cards

Corporate credit cards and purchasing cards are used in accordance with Council's Credit Card Usage Policy which states that corporate credit cards are not used for personal use. Furthermore, all corporate training is required to be directed via the Corporate Training Credit Card held by the Executive Assistant to the Director Corporate Services.

7.24.5 Personal Credit Cards

Personal credit cards are not to be used for Council business purchases and will only be reimbursed in accordance with the Petty Cash Policy. The use of personal credit cards to avoid the Procurement and Approval Levels detailed in this Policy is not permitted.

7.24.6 Petty Cash

The petty cash system operates to reimburse legitimate, urgent and operational business expenses incurred by Council officers in the conduct of Council activities. The maximum claim for petty cash reimbursement is \$100 per receipt and will be authorised as per the delegations listed under 3.1 of this document. In using this methodology staff are required to refer to the Petty Cash Policy

7.24.7 New Vendors

If a new vendor is created following a robust procurement process and awarded a contract for goods, services and/or works, approval is not required for them to be added to the ERP system.

All other new vendor requests are to be approved by the Coordinator Procurement.

7.25 Build and Maintain Supply Relationships

7.25.1 Managing Suppliers

Council recognises the importance of effective and open working relationships with its suppliers and is committed to managing existing suppliers via performance measurements to ensure the benefits negotiated through contracts are delivered.

7.25.2 Supply Market Development

A wide range of suppliers are encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Green suppliers;
- Local, small to medium sized enterprises (SMEs) and Social enterprises;
- Ethnic and minority businesses (e.g. Indigenous Business), and
- Voluntary and community organisations.

7.26 Collaborative Procurement

In accordance with Section 108 (c) of *the Act*, the Council will first give consideration to collaboration with other Councils and public bodies or utilise Collaborative Procurement Arrangements, when procuring goods, services and works in order to take advantage of economies of scale.

Council Staff must consider any opportunities for collaborative procurement in relation to a procurement process undertaken by Council. Any tender award report that recommends entering into a contractual arrangement must set out information relating to opportunities for collaborative procurement, only if available, including:

- the nature of those opportunities, if any, and the councils or public bodies with which they are available; and

- why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

When collaborating with the ERPN, the Council will do so in accordance with the following:

- The ERPN will develop a consolidated contract register to identify joint procurement projects on an annual basis;
- Council contracts with a minimum value of \$1 million per annum (per Council), for the ongoing supply of goods or provision of services or works, other than projects that are unique to an individual Council (e.g. unique construction or works projects), will be included in the consolidated contract register for collaboration consideration;
- Other contracts which, due to the subject matter, nature or scope, are likely to deliver operational efficiencies if procured in collaboration with the ERPN, must be included in the consolidated contract register for consideration as a possible joint procurement opportunity;
- Where Collaborative Procurement is to be pursued: A pre-market approval submission will be submitted to each Council and the ERPN prior to commitment to collaboration, seeking delegation of contract approval to CEOs;
- The ERPN will establish a Heads of Agreement that gives authority for a lead council to act as each Council's agent in the Collaborative Procurement;
- Each of the Councils who participate will be able to enter into a contract with the preferred supplier identified through the Collaborative Procurement process, or may choose as a group to enter into a contract using "jump in/opt-in" contract provisions during the contract term, or with the Council which conducted the public tender; and
- Each participating council must be involved in:
 - The initial decision to undertake the Collaborative Procurement;
 - Preparation of, and agreement to, the specifications;
 - Ensuring probity for the Collaborative Procurement; and
 - The acceptance of tender(s) and awarding of contract(s).

Furthermore, Council may collaborate with other Councils or other bodies such as MAV Procurement or Procurement Australasia to procure goods, services or works, or utilise existing Collaborative Procurement Arrangements for the procurement of goods, services or works established through a public tender process where it provides an advantageous, Value for Money outcome for the Council.

Any Federal or State Government grant funded projects may be excluded from collaborative procurement.

7.27 In-Kind Contributions

An in-kind contribution is defined as a donation of goods, materials, services, time or expertise, by a community group or club that assists a tenderer to deliver their contractual obligations to Council. Where a community group or club wishes to provide an in-kind contribution to a Council funded project, and the value of the project is such that Council's policy requires a competitive arrangement, then the community group or club may elect to either:

- Tender direct to Council for the entire project (noting that Council's Conditions of Contract and protocols will apply), or
- Engage with the tenderer(s) for the provision of the in-kind contribution for the project and the tenderer submits the tender to Council.

In either scenario the tenderer must be capable of performing the work. This would include having the required skills, regulatory registrations and financial capacity to undertake the works. The tenderer will be assessed on their ability to complete the project to the satisfaction of

Council within the contract price, and in doing so will bear total contractual liability for the delivery of the project including the in-kind contribution.

8 RELATED POLICIES

- Risk Management Plan
- Risk Management Framework
- Project Risk Management Plan
- Municipal Emergency Management Plan (MEMP)
- Councillor Code of Conduct
- Supplier Code of Conduct by LGV (in progress)
- Corporate Credit Card Policy
- Employee Code of Conduct
- Performance Management Policy
- Fraud and Corruption Policy
- Councillor Gift Policy
- Gifts, Benefits and Hospitality Policy

9 SUPPORTING PROCEDURES AND GUIDELINES

- Procurement Manual and Contract Management System (CMS)
- Preface to New Best Practice Procurement Guidelines
- Victorian Local Government Best Practice Guidelines 2013.
- Complaints Policy
- LGA 2020 - Confidential Information

10 RELATED LEGISLATION

- *Occupational Health and Safety Act 2004*
- *Gender Equality Act 2021*
- *Fair Work Act 2009*
- *Local Government Act 2020*
- *Environment Protection Act 2017*
- *Competition and Consumer Act 2010*
- *Emergency Management Act 1986*
- *Emergency Management Act 2013*
- *Privacy and Data Protection Act 2014*
- *Goods Act 1958*
- *Working with Children Act 2005*
- *Working with Children Regulations 2016*