



Ararat Rural City

# Procurement Policy

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## 1. SUMMARY

### 1.1 Background

Ararat Rural City Council (Council) recognises that developing a procurement framework based on integrated policy, strategy, service delivery plans and associated procedures for the procurement of all goods, services and works by Council, will enhance achievement of Council objectives such as sustainable and social procurement; bottom-line cost savings, supporting local economies; achieving innovation; and better services for communities.

The elements of best practice applicable to local government procurement incorporate:

- broad principles covering ethics, value for money, responsibilities and accountabilities;
- guidelines giving effect to those principles;
- a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process);
- procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement.

In addition to these elements, Council's contracting, purchasing and contract management activities endeavour to:

- support Council's corporate strategies, aims and objectives including, but not limited to those related to service delivery in support of the community's needs and aspirations, protection of the environment, and corporate social responsibility;
- take a long term strategic view of its procurement needs while continually assessing, reviewing and auditing its procedures, strategy and objectives;
- provide a robust and transparent audit trail which ensures that procurement projects are delivered on time, within cost constraints and that the needs of end users are best met;
- be conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- achieve value for money and quality in the acquisition of goods, services and works by the Council;
- ensure that risk is identified, assessed and managed at all stages of the procurement process;
- Use strategic procurement practices and innovative procurement solutions to promote sustainability and best value, in particular making use of collaboration and partnership opportunities;
- Use social procurement to enhance sustainable and strategic procurement to effectively contribute towards building stronger communities and meeting the wider social objectives of the Council;
- Comply with legislation, corporate policies or other requirements, ensuring that all staff responsible for procurement and contract management are aware of and adhere to the legislative requirements, Council standards and best practice.

The Victorian Local Government *Best Practice Procurement Guidelines* 2013 provide detail of how these objectives may be achieved.

This Policy endeavours to promote best practice in procurement.

### 1.2 Scope

This Procurement Policy is made under Section 186A of the *Local Government Act* 1989 (the Act). The Act is the key legislative framework that regulates the process of all local government procurement in Victoria. Section 186A of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy is to apply in addition to applicable sections of the Act.

The introduction of the Local Government Act 2020 – Division 2 – Procurement, will take effect from 1 July 2021, will provide all legislative requirements of this policy and directions of Council thereafter.

## 1.3 Purpose

The purpose of this Policy is to:

- Provide the governance framework for Council's procurement
- Ensure goods, services and works meet the requirements and expectations of the community
- Ensure procurement is undertaken on the basis of best value for money
- Ensure procurement is undertaken fairly with respect to existing and prospective suppliers and service providers.
- Ensure procurement is undertaken with due probity, accountability and transparency.

## 1.4 Treatment of GST

All monetary values stated in this policy exclude GST except where specifically stated otherwise.

## 1.5 Definitions and Abbreviations

TERM	DEFINITION
<b>Act / The Act</b>	<i>Local Government Act 1989 (Pre 1 July 2021)</i> <i>Local Government Act 2020</i>
<b>Aggregated Spend</b>	The total value of goods, services or works procured from a single supplier associated with an approach to market via quotation or tender process.
<b>Authorised Officer</b>	A member of Council staff authorised to approve the release of a purchase order or the entry into an agreement or contract.
<b>Best Value</b>	Best value in procurement requires that the selection of suitable supply of goods, services and works is based on both cost and non-cost factors as defined as Best Value Principles in section 208 of the Act. These include: <ul style="list-style-type: none"> <li>• Quality, time and cost standards defined by Council for the delivery of services;</li> <li>• Services that are accessible to those members of the community for whom the service is intended;</li> <li>• Services that meet the community's expectations and values; and</li> <li>• Services that provide value for money.</li> </ul>
<b>Collaborative Tendering</b>	Opportunities for tendering with other Council's undertaking similar works.
<b>Commercial in Confidence</b>	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information.
<b>Contract Management</b>	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
<b>Council Staff</b>	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.

<b>e-Procurement</b>	The use of online tendering and / or electronic systems to purchase and pay for supply.
<b>EOI</b>	Expression of Interest
<b>Expression of Interest</b>	An invitation for persons to submit an EOI for the provision of the Goods and/or Services generally set out in the overview of requirements contained in the document. This Invitation is not an offer or a contract.
<b>Officer</b>	Any member of Council staff.
<b>Outsourced Council Works</b>	Works undertaken under request, purchase order or contract to Council by an entity that is independent of Council.
<b>Probity</b>	Uprightness, honesty, proper and ethical conduct and propriety in dealings. Within Government, the word "probity" is often used in a general sense to mean "good process." A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
<b>Procurement</b>	Procurement is the whole process of acquisition of external goods, services or works. This process spans the whole life-cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
<b>Public Tender</b>	A formal written request to for the provision of goods, services or works that is open to any prospective supplier. A public notice or advertisement must be issued.
<b>Request for Quotation</b>	A formal written request to selected prospective suppliers for the provision of goods, services or works. In general, a request for quotation will allow the supplier to define some or all of the terms of supply and the specification of the supply.
<b>Responsible Officer</b>	Any Council staff member who is responsible for a service or project for which procurement is being undertaken.
<b>Select Tender</b>	A formal written request to selected prospective suppliers for the provision of goods, services or works. In general, a tender will define the terms and specification of supply. A select tender is equivalent to a request for quotation.
<b>Standing Offer Arrangements</b>	A contract that sets out rates for goods, services or works which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services
<b>Supply</b>	Goods, services or works that have been procured from another entity.
<b>Sustainability</b>	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
<b>Tender Process</b>	The process of inviting parties to submit a quotation or tender, followed by evaluation of submissions and selection of a successful bidder or tenderer.

## 2. EFFECTIVE LEGISLATIVE AND POLICY COMPLIANCE CONTROL

### 2.1 Ethics and Probity

#### 2.1.1 Requirement

Council's procurement activities must be performed with unquestionable integrity and in a manner that is able to withstand the closest possible scrutiny.

## 2.1.2 Conduct of Councillors and Council Staff

### 2.1.2.1 General

Councillors and Council Staff shall at all times undertake procurement activities in ways that are, and are seen to be, ethical and of the highest integrity, embracing Council's values of Respect, Excellence and Passion.

Councillors and Council staff will:

- treat potential and existing suppliers equally and fairly;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner;
- provide all suppliers and bidders with the same information to ensure equal opportunity;
- be accountable for all decisions made;
- maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities;
- act in accordance with the Employee Code of Conduct (A.1.14) or the Councillor Code of Conduct (C.1.6.) policies; and
- not perform any outsourced Council services and works.

### 2.1.2.2 Members of Professional Bodies

Councillors and Council officers belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

## 2.1.3 Tender and Quotation Processes

All tender and quotation processes shall be conducted in accordance with the Act, the requirements of this policy and any associated procedures, and other relevant legislation.

### 2.1.4 Conflict of Interest

Councillors and Council Staff shall not participate in procurement activities where they have a conflict of interest. Further, Councillors and staff shall avoid situations in which private interests have a potential to, or might be thought to conflict with their Council duties.

Councillors and Council staff involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, tender opening, and tender evaluation panels, must:

- **Avoid** conflicts of interest, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates;
- **Declare** any conflict of interest that exists or that they have no conflict of interest;
- **Observe** prevailing Council, and Victorian Government Purchasing Board guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

### 2.1.5 Fair and Honest Dealing

All prospective contractors and suppliers are to be afforded an equal opportunity to tender or quote on public tenders.

Impartiality is to be maintained through the procurement process so it can withstand public scrutiny.

## 2.1.6 Gifts and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any supplier, provider or contractor, or any other member of the public, involved with any matter that is connected with the procurement of goods, services or works. Council's Gifts, *Gratuities and Favours in Kind Policy* (C.1.17) also applies.

## 2.1.7 Confidentiality

Information received by the Council in relation to requests for quotation or tenders must not be disclosed to other parties and securely stored.

Councillors and Council Staff are to prevent information disclosure by refusing to release or discuss the following:

- Pre-contract information including, but not limited to, information provided in quotations and tenders or subsequently provided in pre-contract negotiations.
- Information disclosed by organisations in tenders, quotations or during tender negotiations;
- All information that is Commercial in Confidence;

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on 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.

## 2.1.8 Disclosure of Information

Information related to procurement shall be disclosed where required by the Act or in accordance with [Appendix 3](#) of this Policy.

## 2.2 Governance

### 2.2.1 Structure

The Council shall maintain a procurement framework and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council.

The framework shall comprise:

- This Policy;
- A Procurement Strategy;
- A Procurement Service Delivery Plan; and
- Other forms, templates and business systems.

Council will also ensure that the procurement framework:

- Is flexible enough to enable the purchase of the diverse range of goods, services and works required by Council in a timely manner;



- Ensures that prospective contractors and suppliers are afforded an opportunity to tender/quote on equal terms;
- Encourages competition; and
- Ensures that changes to this policy and associated procedures are communicated and implemented.

## 2.2.2 Standards

Council's procurement activities shall be carried out in compliance with:

- The Act;
- Other Council policies;
- Council Employee Code of Conduct A.1.14 and Councillor's Code of Conduct C.1.6;
- Other relevant legislative requirements such as, but not limited to, the *Competition and Consumer Act 2010* (Cwth), *Australian Consumer Law and Fair Trading Act 2012* (Vic) and the *Environmental Protection Act 1970* (Vic).

Where appropriate, guidance shall be obtained from:

- Victorian Local Government Best Practice Procurement Guidelines 2013.

## 2.2.3 Methods

Council's standard methods for procuring goods, services and works shall be by one or more of the following methods:

- Purchase card (i.e. fuel card);
- Credit card;
- Purchase order;
- Under contract following quotation or select tender process;
- Under contract following a public tender process; or
- Using collaborative purchasing arrangements with other Councils, MAV Procurement, Victorian Government, Procurement Australia or other bodies where procurement processes meet the requirements of the Act and this policy.
- Other arrangements authorised by the Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

## 2.2.4 Responsible Financial Management

Responsible financial management shall be applied to all procurement activities.

Accordingly, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works. Where the quotation or tender sum exceeds the budget allocation, the Responsible Officer will review the scope of the project or obtain an expenditure variation to the budget prior to making a commitment.

Council staff shall not authorise the expenditure of funds in excess of their financial delegations.

Council staff shall only undertake procurement that directly relates to a budget under their management or as delegated.

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.

## **2.3 Procurement Processes and Thresholds**

### **2.3.1 Process**

Council procurement processes are based on a number of principles:

#### **2.3.1.1 Fair Value**

Where procurement is undertaken through direct purchase or single quotation, or where an approach to market through a request for quotation or a request for tender results in less than 3 responses, the decision to enter into a supply arrangement shall be based on an assessment of fair value.

Fair value can be assessed on the basis of one or more of the following:

- price;
- quality;
- time;
- fit for purpose; or
- other applicable criteria.

Fair value must be assessed to be in accordance with the Best Value Principles in section 208 of the Act.

#### **2.3.1.2 Best Value**

Best value procurement requires that the selection of suitable supply of goods, services and works is based on both cost and non-cost factors as defined as Best Value Principles in section 208 of the Act. These include:

- Quality and cost standards defined by Council for the delivery of services;
- Services that are accessible to those members of the community for whom the service is intended;
- Services that meet the community's expectations and values; and
- Services that provide value for money.

#### **2.3.1.3 Open and Fair Competition**

All suppliers are to be treated fairly and have access to the same information and opportunity.

#### **2.3.1.4 Accountability**

Council shall maintain consistency in the approach to procurement across the whole organisation through established frameworks, policies and procedures. Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Additionally, all Council staff must be able to:

- account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and provide feedback on them; and

- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

### **2.3.1.5 Risk Management**

- Procedures for managing risks associated with all procurement processes are to be maintained and enacted.
- Procedures for managing risks are to be reviewed at regular intervals.

### **2.3.1.6 Probity and Transparency**

All Council procurement processes shall be transparent and be conducted fairly, honestly and with integrity.

## **2.3.2 Procurement Thresholds**

Procurement thresholds for different procurement methods are defined in [Appendix 3](#).

The procurement thresholds for different procurement methods shall not exceed thresholds defined by the Act.

Use of procurement methods below their thresholds is recommended where the following may occur or be achieved:

- Improved competitiveness of procurement;
- Better management of risk;
- Fairer opportunity for prospective suppliers; or
- Variations to supply may take total expenditure above the applicable threshold.

Where a procurement process has been undertaken, and the tendered cost of supply (including contingency for variations) by the preferred supplier exceeds the limit for the procurement method, the process shall be declared void and a new approach to market undertaken.

Supply shall not be intentionally divided to avoid exceeding a procurement limit.

## **2.3.3 Aggregated Spend**

Aggregated spend with a supplier shall not exceed the Value of Procurement limit for the procurement method (refer [Appendix 3](#)). Aggregation of spend shall conclude at each subsequent approach to market.

Aggregated spend limits shall not apply to:

- suppliers of utility/essential services (electricity, gas, water, telecommunications, medical services)
- suppliers of other services where no competitive market exists (e.g. Workcover, Superannuation).

## **2.3.4 Procurement Method**

### **2.3.4.1 Direct Purchase**

- a) Direct purchase may be used for minor purchases valued up to the procurement limit for this procurement method as defined in [Appendix 3](#). The Officer must be able to demonstrate that fair value has been obtained.

- b) Direct purchase may be used up to the procurement limit for single or multiple written quotation as defined in [Appendix 3](#) where goods, services or works are provided by suppliers who have been pre-approved or prequalified through an approach to market that meets the applicable procurement method. The Officer must be able to demonstrate that fair value has been obtained.

#### **2.3.4.2 Single Written Quotation**

- a) Purchase using a single written quotation may be used for goods, services and works up to the procurement limit for this procurement method as defined in [Appendix 3](#). The Officer must be able to demonstrate that fair value has been obtained.
- b) Purchase using a single written quotation may be used without a defined limit to its value where the purchase relates to unique objects such as works of art, artefacts and other items for which there is no alternative or equivalent supply option. Delegations as defined in [Appendix 1](#) apply. Where a competitive procurement process cannot be undertaken, due to the nature of the goods being acquired, the Responsible Officer must ensure that the procurement has addressed issues of risk, best or fair value, and is in accordance with other applicable policies, strategies and plans of Council.
- c) All procurement over the price of \$10,000 must be registered with the Contracts and Procurement Coordinator.

#### **2.3.4.3 Multiple Written Quotation**

- a) Three or more written quotations are to be sought for the procurement of goods, services and works up to the procurement limit for this procurement method as defined in [Appendix 3](#). Lowest price or fair value (value based assessment) is to be demonstrated. Where value based assessment is used, the procurement is to be approved by the Responsible Officer's line manager.
- b) Use of quotation (rather than tender) for procurement should only apply where risk associated with procurement has adequate protection under Australian consumer law.
- c) Where the allocated budget is above \$30,000, the Responsible Officer must formalise the quotation/tender through the procurement processes stipulated in [Appendix 3](#).

#### **2.3.4.4 Select Tender or Request for Quotation**

A tender process should be used where such process provides better management of procurement risk than is achieved through quotation.

Three or more suitable suppliers are to be sought for the procurement of goods, services and works up to the procurement limit for this procurement method as defined in [Appendix 3](#). Lowest price or value based assessment is to be demonstrated. Where value based assessment is used, evaluation is to be in accordance with [Appendix 2](#).

Where supply is sought through pre-qualified suppliers, expressions of interest for each service type shall be called by public notice at least once each financial year (or greater period as defined in the expression of interest) to enable new registrations of interest.

Where a select tender is called Council shall either:

- Invite all respondents to an expression of interest for the service type who are, upon assessment, deemed to be suitable suppliers and who, upon assessment, can reasonably be expected to affect supply, the opportunity to tender, or;
- Invite three or more respondents to an expression of interest for the service type who are, upon assessment, deemed to be suitable suppliers and who, upon assessment, can reasonably be expected to affect supply, the opportunity to tender, or;
- Where no expression of interest has been called, invite three or more suitable suppliers who can reasonably be expected to affect supply the opportunity to tender.

### **2.3.4.5 Public Tender**

Public tenders shall be called where the cost of supply may or will exceed the minimum thresholds identified in [Appendix 3](#).

Public tenders may be called where the cost of supply is less than the threshold and such a tender may:

- Improve competitiveness of supply
- Ensure fairer opportunity to supply
- Provide better quality of supply
- Result in better timeliness of supply

Public tenders shall be called by public notice as defined in the Act.

### **2.3.4.6 Exemptions from market Engagement Methods**

An exemption to the Market Engagement Methods and procedures may be requested under the following circumstances:

- a) In matters of emergency including public health, security or safety as a result of an unforeseen event or occurrence;
- b) Installations where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability;
- c) An absence of competition for technical reasons;
- d) the Goods, Services or Works are required as part of a grant, funding agreement, lease or similar arrangement specifically stating how the Goods, Service or Works are to be provided or undertaken;
- e) where the acquisition is of a cultural or artistic nature i.e. a live show or art piece; and
- f) where the procurement is on Council's procurement exemptions list (refer to Appendix 4).

### **2.3.5 Evaluation of Tenders and Quotations**

Tenders and quotations shall be evaluated on the basis of either:

- lowest price; or
- value weighted assessment.

Where value weighted assessment is applied, assessment shall be undertaken by a panel in accordance with [Appendix 2](#).

### **2.3.6 Tender Panels**

Tender panels shall be formed in accordance with [Appendix 2](#).

For tenders exceeding the threshold for Council approval, the Chief Executive Officer shall approve the panel membership prior to the evaluation.

## **2.4 Delegation of Authority**

### **2.4.1 Requirement**

Delegation of authority for procurement allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

### **2.4.2 Delegations**

#### **2.4.2.1 Chief Executive Officer**

The Chief Executive Officer holds delegation to all aspects of procurement except those delegations that are reserved for the Council.

The Chief Executive Officer can establish, amend and revoke sub-delegations to staff with respect to procurement.

The Chief Executive Officer can authorise procurement of goods, services and works to unlimited value in emergency circumstances.

#### **2.4.2.2 Council Staff**

Delegations for Council staff are defined in [Appendix 1](#). The delegations include:

- authority to entry into an arrangement to procure goods, services and works within an approved budget;
- authority to approve payments for goods, services and works in part and in full against an approved budget;
- authority to use purchase cards;
- authority to approve variations to contracts; and
- authority to approve contract extensions.

These delegations are to be reviewed in conjunction with each review of this policy.

#### **2.4.2.3 Delegations Reserved for Council**

The following procurement values, including those defined in the Act, must be approved by the Council:

- \$50,000 and above for works of art and other unique purchases; or
- \$150,000 and above for agreements or contracts for the purchase of goods and services; or
- \$200,000 and above for entry into contract for works;
- Contract variations that require allocation of funds in excess of Council approved budgets;
- Contract term extensions that require allocation of funds in excess of Council approved budgets.
- Contracts, regardless of value, requiring execution under the common seal.

## **2.5 Internal Controls**

Council maintains a framework of internal controls over procurement processes that ensures:

- More than one person is involved in, and responsible for, end to end procurement transactions;
- Financial and audit control methods are applied to all procurement transactions;
- Transparency in the procurement process;
- Appropriate authorisations are obtained and documented;
- Systems exist for appropriate monitoring and performance measurement; and
- The administration of contracts will be undertaken to ensure variations and extensions are approved in accordance with staff delegations.

## 2.6 Risk Management

### 2.6.1 General

Where appropriate, procurement risks are to be assessed and mitigated through risk planning to address:

- Financial risks including cost management, insurances and securities;
- Social risks including community expectations, indigenous and cultural heritage, and public and workplace safety; and
- Environmental risks including threatened flora and fauna, contamination of water, air and soil.

Management of risk is to be undertaken through all stages of procurement and commensurate with the level of assessed risk and associated mitigation plans.

### 2.6.2 Supply by Contract

Where procurement risk can be better managed through supply by contract, as an adjunct to the *Australian Consumer Law and Fair Trading Act 2012*, use of contract should be considered.

The Council will minimise its risk exposure by measures such as:

- Use of standard contracts that are appropriate to the specific supply;
- Use of securities including retentions, bank guarantees or cash deposits where appropriate;
- Use of pre-qualification procedures to assess supplier capability;
- Use of post-contract evaluation to manage contractor performance;
- Use of controls such as liquidated damages to manage contractor performance;
- Use of specifications appropriate to the specific supply including use of peer or professional review prior to approach to market;
- Requiring contractual agreement before allowing the commencement of work;
- Use of, or reference to relevant, Australian Standards (or equivalent); and
- Accurate and effective administration of contracts including monitoring and enforcing performance.

## 2.7 Contract Terms

All contractual relationships must be documented and based on standard terms and conditions or terms and conditions defined in the approach to market.

In general, terms and conditions are to be defined prior to an approach to market and shall be settled prior to any commitment being made with the supplier.

It is noted that acceptance of a quote and or issue of a purchase order without a formal contract in place amounts to a contract and is subject to Australian consumer law.

## 2.8 Contract Management and Dispute Resolution

Contract management shall be undertaken to ensure goods, services or works are provided to the defined standards, quantities and timeframes.

Contracts shall be administered to:

- Fairly and proactively manage the performance of responsibilities and obligations of both parties under the contract; and
- Provide a means for the early recognition of issues and performance problems and the identification of resolution methods; and
- Enable disputes to be resolved prior to and without recourse to litigation

## **2.9 e-Procurement**

e-Procurement includes the use of online tendering and electronic systems to procure, purchase and pay for supply.

Council may use e-procurement to:

- reduce transaction costs;
- make administrative processes more efficient;
- improve compliance and auditability;
- increase control and consistency of processes; and
- improve budget control.

## **3. DEMONSTRATE SUSTAINED VALUE**

### **3.1 Integration with Council Plans and Strategies**

This Policy and associated procedures shall support the Council Plan, Strategic Resource Plan and other related documents.

### **3.2 Achieving Best Value**

#### **3.2.1 Requirement**

Council's procurement activities will be carried out on the basis of obtaining best value.

This will be facilitated by:

- developing, implementing and managing procurement activities that support the co-ordination and streamlining of procedures;
- identifying and rectifying inefficiencies in procurement processes;
- promoting effective use of competition;
- using contractual pricing and/or Standing Offer Arrangements where appropriate;
- establishing panels of preferred suppliers;
- developing cost and time efficient tender processes including appropriate use of e-procurement;
- use of pre-qualified suppliers to minimise costs associated with tender completion and compliance;
- providing staff training to ensure adequate understanding of policies and procedures;

#### **3.2.2 Role of Specifications**



Specifications used in quotations, tenders and contracts are to support Council's best value objectives through:

- ensuring impartiality and objectivity;
- clearly identifying the procurement requirements;
- encouraging the use of standard products;
- encouraging sustainability;
- eliminating unnecessarily stringent requirements; and
- supporting local supply.

### **3.2.3 Asset Disposal**

Council shall apply best value principals when undertaking disposal of assets.

The following principals shall apply to disposal:

- Where appropriate, sale of assets shall be through public process including tender, quotation or auction, or other 'arms-length' arrangement;
- Where appropriate, opportunities for local sale shall be facilitated.

## **3.3 Sustainability**

### **3.3.1 General**

The Council is committed to Corporate Social Responsibility through taking positive social action to promote social, financial and environmental sustainability.

The Council is committed to sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to these elements of sustainability.

### **3.3.2 Social Procurement**

Social Procurement generates positive outcomes by building on initiatives already undertaken by the Council in enhancing sustainable and strategic procurement practice, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives of the Council.

The Council is committed to Social Procurement by:

- Ensuring all procurement practices are sustainable and strategically aligned with the wider Council objectives;
- Achieving greater value for money across the community through the use of effective procurement;
- Ensuring all businesses have the same opportunity to tender for Council contracts;
- Enhancing partnerships with other Councils, suppliers and community stakeholders;
- Building and maintaining a strong community by exploring ways to generate local employment (particularly among disadvantaged residents) and further strengthening the local economy; and
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade.

### **3.3.3 Environmentally Sustainable Procurement**

The Council is committed to adopting an environmentally sustainable approach to procurement through attention to the following:

- Efficient resource use;
- Appropriate waste management;
- Re-use and recycling;
- Energy management;
- Emission and pollution management;
- Water conservation; and
- Energy efficient building design.

### 3.4 Local Supply

Council is committed to supporting local suppliers where such supply can be justified on best value grounds. Where procurement is based on price alone or on a value weighted assessment process, a local benefit of 5% shall be applied to the weighted cost component of supply that is sourced within the municipality.

A local supplier is defined as:

- Any organisation that employs one or more people who currently reside in the municipality, and who have continually done so for at least 12 months; or
- Any organisation that has its registered business premises located within the municipality (refer to the Australian Business Register – <http://abr.business.gov.au>)

Consideration is also to be given to s186 (6) of the Act which requires, where practicable, to give effective and substantial preference to the purchase of materials or goods produced in Australia or New Zealand.

### 3.5 Collaboration between Councils

Council Officers will seek collaborative opportunities with other Councils and Public Bodies for eligible procurement requiring Council approval in accordance with section 108(3)(c) of the Act, This procurement shall not be works or services specific only to Council.

When a report for a procurement is presented to Council for approval, it will include information relating to any collaborative arrangement opportunities that were explored as part of the procurement process.

## 4. APPLY A CONSISTENT AND STANDARD APPROACH

The Council will apply a consistent and standard approach in relation to procurement of goods, services or works.

### 4.1 Standard Processes

Council will maintain standard operating procedures for all stages of procurement.

Standard operating procedures will be documented in a Service Delivery Plan.

The Service Delivery Plan shall be reviewed and revised in accordance with the principles of continuous improvement.

The manager responsible for procurement has responsibility for managing and amending the Service Delivery Plan including associated forms, templates, work instructions and other business processes.

The Service Delivery Plan will address the following:

- Pre-procurement planning;
- Tender and quotation requests;
- Tender and quotation evaluation;
- Contract administration;
- Post-contract evaluation;
- Records Management;
- Reporting; and
- Roles and responsibilities.

## 4.2 Management Information

The Council will capture procurement management information in a variety of areas, including:

- Maintaining a register of all quotations and contracts above \$10,000;
- Tender and contract status;
- Approved supplier lists;
- Pre-qualified supplier lists;
- Supplier performance; and
- Aggregated spend.

## 5. BUILD AND MAINTAIN SUPPLY RELATIONSHIP

Council recognises that in order to achieve best value, a strategic assessment of the appropriate approach to market should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider which supply arrangement delivers best value outcomes in terms of time, cost, sustainability, value and outcome.

### 5.1 Developing and Managing Suppliers

Council recognises the importance of effective and fair working relationships with its suppliers. Council is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the best performance;
- Maintaining an up to date Approved Supplier Lists; and
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

Broadening the base of suppliers benefits the competitiveness of procurement and provides opportunities for business development. Council is committed to supporting:

- Social enterprises;
- Voluntary and community organisations; and
- Small to medium sized businesses.

### 5.2 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to the Council. The Council website will be updated regularly and provide:

- Information about Council and how to become an approved supplier;
- Guidelines for doing business with Council;
- Standard documentation used in the procurement process; and
- Links to other relevant sites.

## 6. CONTINUAL IMPROVEMENT

Council is committed to the principles of continuous improvement. The Manager responsible for procurement will review the procurement policy on an annual basis to ensure it continues to meet Council's strategic objectives and the requirements of the Local Government Act. Procurement performance measures will also be reviewed regularly to:

- Report on outcomes adopted following service audits;
- Highlight trends and exceptions where necessary to enhance performance and effectively manage risk;
- Improve the internal efficiency of procurement processes; and
- Monitor key supplier performance.

## 7. POLICY RESPONSIBILITY

It is the responsibility of all managers to monitor and ensure compliance with the requirements of this Policy.

It is the responsibility of all staff to ensure all purchases for goods, services or works are undertaken in compliance with the systems and procedures designated by this Policy and associated procedures.

The manager responsible for staff inductions shall ensure all new staff are familiar with the requirements of this Policy and associated procedures.

## 8. REFERENCES

- Local Government Act 1989 – Pre 1 July 2021
- Local Government Act 2020
- Competition of Consumer Act 2010
- Freedom of Information Act 1982
- Privacy Act 1988
- Public Records Act 1973
- Security of Payments Act 2002
- Social Procurement: A Guide for Victorian Local Government
- Victorian Local Government Best Practice Procurement Guidelines 2013
- Victorian Government Gazette, Order in Council 7 August 2008

## 9. APPENDICES

### APPENDIX 1: FINANCIAL DELEGATIONS

The following table defines financial delegations for the CEO, Managers and other positions based on identified tiers. Refer to Council's financial system for delegations by specific role or position.

POSITION	DELEGATION	COMMENT
<b>Tier 1: Chief Executive Officer</b>	goods / services: <b>\$150,000</b> works: <b>\$200,000</b>	Within approved budget. Unlimited if approved by Council or in emergency circumstances.
<b>Tier 2: Managers</b>	<b>\$75,000</b>	Within approved budget.
<b>Tier 3: Nominated Managers &amp; Coordinators</b>	<b>\$50,000</b>	Within approved budget under direct management, or budget as delegated by Manager.
<b>Tier 4: Nominated Coordinators &amp; Officers</b>	<b>\$30,000</b>	Within approved budget under direct management, or budget as delegated by Manager or Tier 3 Coordinator.
<b>Tier 5: Nominated Coordinators, Officers &amp; Team Leaders</b>	<b>\$5,000</b>	Within approved budget as delegated by Manager, Tier 3 or 4 Coordinator/Officer.

Note: All amounts exclude GST

Note: Tiers relate solely to the requirements of the Procurement Policy.

### APPENDIX 2: EVALUATION PANEL

PROCUREMENT VALUE	METHOD	EVALUATION PANEL
<b>&lt; \$10000</b>	Quotation	<ul style="list-style-type: none"> <li>Officer</li> </ul>
<b>\$10,000 ~ \$30,000</b> - lowest price	Quotation	<ul style="list-style-type: none"> <li>Responsible Officer</li> </ul>
<b>\$10,000 ~ \$30,000</b> - value weighted	Quotation	<ul style="list-style-type: none"> <li>Responsible Officer</li> <li>Tier 4 Coordinator, Tier 3 Manager, or Tier 2 Manager</li> </ul>
<b>\$30,000 ~ \$75,000</b> - lowest price	Tender or Quotation	<ul style="list-style-type: none"> <li>Tier 3 Coordinator/Manager or Tier 2 Manager</li> </ul>
<b>\$30,000 ~ \$75,000</b> - value weighted	Tender or Quotation	<ul style="list-style-type: none"> <li>Responsible Officer</li> <li>Manager</li> <li>Procurement Officer (Chairperson non-voting)</li> </ul>

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PROCUREMENT VALUE	METHOD	EVALUATION PANEL
<b>\$75,000 ~ \$150,000</b> - goods or services <b>\$75,000 ~ \$200,000</b> - works	Tender or Quotation	<ul style="list-style-type: none"><li>• Responsible Officer</li><li>• Other staff member</li><li>• Manager</li><li>• Procurement Officer (Chairperson non-voting)</li></ul>
<b>&gt; \$150,000</b> - goods or services <b>&gt; \$200,000</b> - works	Tender	<ul style="list-style-type: none"><li>• Responsible Officer</li><li>• Manager</li><li>• Procurement Officer (Chairperson non-voting)</li></ul>

Note: All amounts exclude GST.

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## APPENDIX 3: PROCUREMENT METHODS



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METHOD	DIRECT PURCHASE	SINGLE QUOTE	MULTIPLE QUOTES	REQUEST FOR QUOTATION OR SELECT TENDER	REQUEST FOR QUOTATION OR SELECT TENDER	PUBLIC TENDER
VALUE OF PROCUREMENT	\$0 - \$1,000	\$1,000 - \$10,000 (OR GREATER AMOUNT IN ACCORDANCE WITH SUB-CLAUSE 2.3.4.2(B))	\$10,000 - \$30,000	\$30,000 - \$75,000	\$75,000 TO \$150,000 (GOODS AND SERVICES) \$75,000 TO \$200,000 (WORKS)	\$150,000+ (GOODS AND SERVICES) \$200,000+ (WORKS)
<b>MINIMUM REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>Use of any suitable supplier.</li> <li>Fair value applies</li> <li>Purchase order issued, or</li> <li>Credit card invoice, or</li> <li>Cash sale invoice for petty cash reimbursement, or</li> <li>Purchasing card invoice.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 1 written quote.</li> <li>Fair value applies</li> <li>Use of any suitable supplier.</li> <li>Purchase Order issued.</li> <li>Credit card invoice</li> <li>Procurement Summary between \$5,000 to \$10,000</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 3 written quotes.</li> <li>Lowest price, or</li> <li>Best value to be demonstrated.</li> <li>Use of any suitable supplier.</li> <li>Procurement summary to be completed.</li> <li>Use of preferred supplier without quotation subject to aggregated spend.</li> <li>Purchase Order issued.</li> <li>Registration of all quotations over \$10,000 with Procurement department.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 3 suitable suppliers approached.</li> <li>Written Scope / Specification.</li> <li>Use of template proforma for procurement.</li> <li>Procurement evaluation criteria to be defined.</li> <li>Evaluation by officer or tender panel</li> <li>Procurement summary may be used if assessment by lowest price, or</li> <li>Tender evaluation report detailing assessment process if value weighted assessment used.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 3 suitable suppliers approached.</li> <li>Written Scope / Specification.</li> <li>Use of template proforma for procurement.</li> <li>Procurement &amp; Risk plan prior to tender.</li> <li>Procurement evaluation criteria to be defined.</li> <li>Evaluation by tender panel.</li> <li>Tender evaluation report detailing assessment process</li> <li>Recommendation prepared for approval by CEO.</li> </ul>	<ul style="list-style-type: none"> <li>Public Tender</li> <li>Written Scope / Specification</li> <li>Use of template proforma for procurement.</li> <li>Procurement &amp; Risk plan prior to tender.</li> <li>Procurement evaluation criteria to be defined.</li> <li>Evaluation by tender panel.</li> <li>Evaluation criteria reviewed by tender panel – variance reported.</li> <li>Tender evaluation report detailing assessment process.</li> <li>Recommendation prepared to CEO for approval by Council.</li> </ul>
<b>OPTIONAL REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>Written quotes.</li> </ul>	<ul style="list-style-type: none"> <li>1 written quote.</li> <li>Use of preferred supplier without quotation subject to aggregated spend.</li> </ul>	<ul style="list-style-type: none"> <li>Use of preferred supplier without quotation subject to aggregated spend.</li> <li>Request for Quotation or Select Tender.</li> <li>Written Scope / Specification.</li> </ul>	<ul style="list-style-type: none"> <li>Public Tender, or</li> <li>Expression of Interest and Select Tender to follow.</li> <li>Select Tender or RFQ to Pre-qualified suppliers.</li> <li>Aggregated purchasing arrangements that have met multiple quotation requirements</li> </ul>	<ul style="list-style-type: none"> <li>Public Tender</li> <li>Expression of Interest and Select Tender to follow.</li> <li>Select Tender or RFQ to Pre-qualified suppliers.</li> <li>Aggregated purchasing arrangements that have met multiple quotation requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Expression of Interest and Public Tender to follow.</li> <li>Aggregated purchasing arrangements that have met public tender requirements.</li> </ul>
<b>APPROVAL OF SCOPE / SPECIFICATION</b>	<ul style="list-style-type: none"> <li>Officer</li> </ul>	<ul style="list-style-type: none"> <li>Officer</li> </ul>	<ul style="list-style-type: none"> <li>T4 Coordinator / T4 Officer</li> </ul>	<ul style="list-style-type: none"> <li>T3 Coordinator / Manager</li> </ul>	<ul style="list-style-type: none"> <li>T3 Coordinator / Manager</li> </ul>	<ul style="list-style-type: none"> <li>T3 Coordinator / Manager</li> </ul>
<b>REPOSITORY FOR PROCUREMENT RECORDS</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>Service Network Directory</li> </ul>	<ul style="list-style-type: none"> <li>Service Network Directory</li> </ul>	<ul style="list-style-type: none"> <li>Contracts Network Directory</li> </ul>	<ul style="list-style-type: none"> <li>Contracts Network Directory</li> </ul>	<ul style="list-style-type: none"> <li>Contracts Network Directory</li> </ul>
<b>NOTIFICATION OF OUTCOME / PERIOD</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Web site / 1 month</li> </ul>	<ul style="list-style-type: none"> <li>Web site / 3 months</li> </ul>	<ul style="list-style-type: none"> <li>Web site / 6 months</li> </ul>
<b>RESPONSIBILITY FOR EVALUATION</b>	<ul style="list-style-type: none"> <li>Officer</li> </ul>	<ul style="list-style-type: none"> <li>Officer</li> </ul>	<ul style="list-style-type: none"> <li>Responsible Officer or</li> <li>Responsible Officer and Coordinator / Manager if value assessment used</li> </ul>	<ul style="list-style-type: none"> <li>Responsible Officer or</li> <li>Responsible Officer and T4 Coordinator / Manager</li> </ul>	<ul style="list-style-type: none"> <li>Tender panel</li> </ul>	<ul style="list-style-type: none"> <li>Tender panel</li> </ul>
<b>APPROVAL OF PROCUREMENT PROCESS PRIOR TO EXECUTION</b>	<ul style="list-style-type: none"> <li>Authorised Officer</li> </ul>	<ul style="list-style-type: none"> <li>Authorised Officer</li> </ul>	<ul style="list-style-type: none"> <li>Procurement Officer</li> </ul>	<ul style="list-style-type: none"> <li>Manager Corporate Support</li> </ul>	<ul style="list-style-type: none"> <li>Manager Corporate Support</li> </ul>	<ul style="list-style-type: none"> <li>Manager Corporate Support</li> </ul>
<b>CONTRACT EXECUTION</b>	<ul style="list-style-type: none"> <li>Authorised Officer</li> </ul>	<ul style="list-style-type: none"> <li>Authorised Officer</li> </ul>	<ul style="list-style-type: none"> <li>Authorised Officer</li> </ul>	<ul style="list-style-type: none"> <li>T3 Coordinator / Manager</li> </ul>	<ul style="list-style-type: none"> <li>Chief Executive Officer</li> </ul>	<ul style="list-style-type: none"> <li>Council resolution</li> <li>Signed and sealed by Mayor &amp; Chief Executive Officer</li> </ul>
<b>APPROVAL OF VARIATIONS (PERCENTAGE OF PRICE OR CONTRACT AMOUNT)</b>	<ul style="list-style-type: none"> <li>NA</li> </ul>	<ul style="list-style-type: none"> <li>&lt;10% Officer</li> <li>&gt;10% Coordinator / Manager</li> </ul>	<ul style="list-style-type: none"> <li>&lt;5% T4 Coordinator / T4 Officer</li> <li>5~10% T3 Coordinator / Manager</li> <li>10~15% Manager</li> <li>&gt;15% CEO</li> </ul>	<ul style="list-style-type: none"> <li>&lt;5% T3 Coordinator / Manager</li> <li>5~10% Manager</li> <li>&gt;10% CEO</li> <li>Council if budget variation</li> </ul>	<ul style="list-style-type: none"> <li>&lt;5% T3 Coordinator / Manager</li> <li>5~10% Manager</li> <li>&gt;10% CEO</li> <li>Council if budget variation</li> </ul>	<ul style="list-style-type: none"> <li>&lt;5% T3 Coordinator / Manager</li> <li>5~10% Manager</li> <li>&gt;10% CEO</li> <li>Council if budget variation</li> </ul>

Note 1: All amounts exclude GST

Note 2: An Officer or Responsible Officer cannot be the Authorised Officer to the procurement task.

Note 3: T4 refers to Tier 4 etc. as per Appendix 1.

## APPENDIX 4 – EXEMPTIONS

The following procurements are either exempt from market engagement and/or the requirement for a Purchase Order. With the Chief Executive’s approval, exemptions can be added or removed from this list at any time.

Category	Description	Exempt from Market Engagement	Exempt from Purchase Order
Utilities	Electricity, gas, water and telephone services.	No	Yes
Insurance premiums and claims	WorkCover and other insurances.	No	Yes
Prescribed contracts	Legal services	Yes	No
Payroll expenses	Superannuation and PAYG.	Yes	Yes
GST	Goods and Services Tax payable.	Yes	Yes
Postage	Australia Post.	Yes	Yes
Vehicle registrations	VicRoads vehicle registrations.	Yes	Yes
Councillor expenses	Allowances and Reimbursements.	Yes	Yes
Refundable trust funds	Includes Security Bonds, Contract Retentions and other funds held in trust.	Yes	Yes
Levies	EPA Victoria Levy.	Yes	Yes
	Fire Services Property Levy.	Yes	Yes
Other	Acquisition of Land and Buildings.	Yes	Yes
	Medical expenses.	Yes	Yes
	Venue hire.	Yes	Yes



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Category	Description	Exempt from Market Engagement	Exempt from Purchase Order
	Memberships and subscriptions.	Yes	Yes
	External audit fees – Victorian Auditor-General’s Office.	Yes	No
	HACC service agreement.	Yes	Yes
	Annual community grants.	Yes	Yes
	Professional workshop and conference registration fees and associated costs.	Yes	No
	Loans and investments.	Yes	Yes
	General advertising.	Yes	No
	Recruitment advertising.	Yes	No