



# Procurement (Purchasing) Policy

|                        |   |
|------------------------|---|
| Policy Number          | F12   |
| Responsible Officer(s) | Chief Executive Officer; Manager Finance; Manager Asset Delivery; Manager Strategic Asset Planning; Manager Development & Regulatory Services.      |
| Policy Adopted         | August 2023   |
| Next Review Date       | August 2027   |
| Minutes reference      | 2023/08-05  |
| Applicable Legislation | <i>Local Government Act 1999</i>  |
| Related Policies       | Internal Control Policy; Risk Management Policy; Prudential Management Policy; Fraud, Corruption, Misconduct & Maladministration Prevention Policy. |

## 1. INTRODUCTION

In compliance with Section 49 of the *Local Government Act 1999* ("the Act"), Council should refer to this policy when acquiring goods and services.

Section 49 of the Act requires Council to prepare and adopt policies on contracts and tenders on:

- The contracting out of services;
- Competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; and
- The use of local goods and services.

Furthermore, Section 49 (a1) of the Act requires Council to develop and maintain policies, practices and procedures directed towards:

- Obtaining value in the expenditure of public money;
- Providing for ethical and fair treatment of participants; and
- Ensuring probity, accountability and transparency in all operations.

This Policy seeks to:

- Define the methods by which Council can acquire goods and services;
- Demonstrate accountability and responsibility of Council to ratepayers;
- Be fair and equitable to all parties involved;
- Enable all processes to be monitored and recorded; and
- Ensure that the best possible outcome is achieved for the Council.

## **2. OTHER POLICIES**

The following procurement activities are covered by other policies of Council:

- Non-procurement expenditure such as grants (refer Grants, Sponsorships & Donations Policy);
- Funding arrangements (refer to Community Groups & Local Organisations Loan Policy);
- Employment contracts (refer to HR Attraction & Recruitment Policy); or
- The disposal of land and assets owned by the Council (refer to Disposal of Land & Assets Policy).

## **3. POLICY OBJECTIVE**

The aim of this policy is to:

- Enhance value for money through fair, competitive, non-discriminatory procurement;
- Promote the use of resources in an efficient, effective and ethical manner;
- Make decisions with probity, accountability and transparency;
- Provide reasonable opportunity for competitive local businesses to supply to Council;
- Appropriately manage risk; and
- Ensure compliance with all relevant legislation.

## **4. PROCUREMENT PRINCIPLES**

Council must have regard to the following principles in its acquisition of goods and services:

### **4.1 General Principles**

- Encouragement of open and effective competition
- Obtaining Value for Money:
  - This is not restricted to price alone.
  - An assessment of value for money must include, where possible, consideration of:
    - The contribution to Council's long-term plan and strategic direction;
    - Any relevant direct and indirect benefits to Council, both tangible and intangible;
    - Efficiency and effectiveness of the proposed procurement activity;
    - The performance history, quality, scope of services and support of each prospective supplier;
    - Fit for purpose of the proposed goods or service;
    - Whole of life costs;
    - Council's internal administration costs;
    - Technical compliance issues;
    - Risk exposure; and
    - The value of any associated environmental benefits.
- Probity, Ethical Behaviour and Fair Dealing;

- Accountability, Transparency and Reporting;
- Ensuring compliance with all relevant legislation; and
- Encouragement of the development of competitive local business and industry. Where the evaluation criteria are comparable, Council may consider the following:
  - The creation of local employment opportunities;
  - Increased availability of local servicing support;
  - Increased convenience with communications with the supplier for contract management;
  - Economic growth within the local area;
  - Benefit to Council of associated local commercial transaction; and/or
  - The short- and long-term impact of the procurement on local business

#### 4.2 Environmental Protection

Council will seek to:

- Adopt purchasing practices which conserve natural resources;
- Purchase recycled and environmentally preferred products where possible;
- Integrate relevant principles of waste minimisation and energy;
- Provide leadership to business, industry and the community in promoting the use of environmentally sensitive goods and services.

#### 4.3 Work, Health & Safety

Council is committed to providing a healthy and safe environment and service providers will be required to adhere to the relevant Work Health & Safety (WHS) procedures in place. Tenders will be evaluated based on the capacity of potential contractors that have appropriate (and auditable) systems to manage relevant WHS or that can demonstrate a capability to establish such a system prior to commencing the contract. Each contract should include a condition requesting for a project specific WHS Management Plan, based on a risk assessment, to be submitted to Council prior to the commencement of the Contract. All plant or chemical purchases must comply with relevant WHS procedures.

#### 4.4 Accountability, Transparency, Compliance and Management of Risk

Council will ensure appropriate procedures of internal control and risk management are in place for all procurement activities including risk identification, assessment and control implementation.

#### 4.5 Economic Development of the Wakefield region

To the full extent permitted by law, Council will seek to support local businesses by:

- promoting to local businesses opportunities to supply to Council;
- preference will be given to locally based suppliers depending on an assessment of Value for Money as described in section “4.1 General Principles”; and
- ensuring, wherever reasonably practical, procurement specifications do not have the potential to exclude local suppliers and contractors.

## 5. PROCUREMENT METHODS

Generally, open and fair competition is best achieved by undertaking a tender process so that all interested parties have an opportunity to bid. However, there may be procurements in which a tender process will not necessarily deliver the most advantageous outcome for the Council – in such instances, other market approaches may be more appropriate.

The Council may, having regard to its Procurement Principles and any other factors considered relevant by the Council, in its absolute discretion determine to utilise one or more of the following procurement methods:

### 5.1 Direct Purchasing

- This is where Council purchases from a single source, without first obtaining competing quotes.
- This method is suitable for low value, small risk goods and services, and where the supplier already has a successful service history with the Council.
- Methods of direct purchasing often include petty cash, corporate credit cards and purchase orders.

### 5.2 Informal Quotations

- An informal quotation is a quote for a purchase that requires minimal details.
- This method may be suitable for low value, low risk goods and services.
- If a written quote cannot be obtained, the Council must keep detailed written records of the oral quote obtained, including any details of the commercial terms of the quote (refer to Form A).

### 5.3 Formal Quotations

- A Formal Quotation is required when a level of detail or scope of works is necessary, i.e. vehicle specifications, specific technical requirements etc.
- This method may be suitable for more complex, largely price-based purchases.
- A “Short Form Request for Quotation” can be used for purchases with minimum specifications.
- A “Long Form Request for Quotation” can be used for purchases with detailed specifications.

### 5.4 Requests for Expressions of Interest

- A request for expression of interest is a briefing document used as a tool to stimulate and assess market interest in a project and to solicit useful information from interested parties.
- This method may be used where there is some uncertainty in terms of market supply or capability.
- This method may in certain instances be suitable to establish a panel arrangement of contractors, consultants or suppliers.

### 5.5 Request for Tenders

- This is where the Council issues a tender for a proposed goods and/or service.
- Council may issue a “Select” Request for Tender where it has already issued requests for expressions of interest, or where it has reasonable grounds for only

dealing with a select group of potential suppliers.

- Otherwise, Council may issue an “Open” Request for Tender.
- When tendering for goods and services a “Tender Procurement Plan” must be completed and authorised by the Chief Executive Officer prior to tendering (refer to Form B).

## 5.6 Strategic Alliances

This is where the Council undertakes procurement through contract arrangements already established and administered by other organisations, including:

- LGA Procurement;
- Legatus Group;
- Procurement Australia;
- State Government contracts; and
- a purchasing group of which the Council is a member.

Formal Quotations, Requests for Expressions of Interest and Request for Tenders may be undertaken using the current model templates on LGA Procurement website.

## 6 PROCUREMENT REQUIREMENTS

### 6.1 Methods of Procurement:

| Value of Procurement                 | Method of Procurement  | Considerations   |
|--------------------------------------|--|--|
| Less than \$500 (excluding GST)      | <b>Direct Purchase</b><br>Purchase order not required<br>Quotation not required<br>Tax invoice required                    |  |
| \$501 - \$1,000 (excluding GST)      | <b>Direct Purchase</b><br>Purchase order required<br><br>Tax invoice required  |  |
| \$1,000 - \$10,000                   | <b>Informal/formal quotation</b><br>Minimum of one written quotation<br>Purchase order required<br>Tax invoice required    | Informal/formal quotation requirement will depend on the complexity of the purchase as outlined in 4.2 and 4.3 |
| \$10,001 – \$30,000 (excluding GST)  | <b>Informal/formal quotation</b><br>Minimum of two written quotations<br>Purchase order required<br>Tax invoice required   | Informal/formal quotation requirement will depend on the complexity of the purchase as outlined in 4.2 and 4.3 |
| \$30,001 to \$50,000 (excluding GST) | <b>Informal/formal quotation</b><br>Minimum of three written quotations<br>Purchase order required<br>Tax invoice required | Informal/formal quotation requirement will depend on the complexity of the purchase as outlined in 4.2 and 4.3 |

|                                       |   |   |
|---------------------------------------|---|---|
| \$50,001 to \$100,000 (excluding GST) | <b>Formal Quotation</b><br>Minimum of three written quotations<br>Purchase order required<br>Tax invoice/receipt required   | Established strategic alliances such as LGA Procurement Vendor Panel arrangements may be used in lieu of an organisation procurement process. |
| \$100,001 and above (excluding GST)   | <b>Formal Tender</b><br>Tender Procurement Plan to be completed and authorised by the Supply contract required<br>Council Report for receiving and noting<br>Tax invoice required | Established strategic alliances such as LGA Procurement Vendor Panel arrangements may be used in lieu of an organisation procurement process. |

The value of the purchase will be determined as follows:

- *single one-off purchase* – the total amount, or estimated amount, of the purchase (excluding GST);
- *multiple purchases* – the gross value, or the estimated gross value, of the purchases (excluding GST) per annum;

The following sub-sections inform procurement methods, considerations, restrictions, exemption and waiver:

## 6.2 Multiple Purchases

A multiple purchase is a purchase of a particular item or service that is repeated several times throughout the year/s (i.e. tyres, road signs, spray seal, bitumen, stationery, etc.). Those responsible for multiple purchases must consider the policy principles and objectives and document reason why the gross value of multiple purchase is not being procured in accordance with the above procurement table. The multiple purchase proforma is to be completed and authorised by the Chief Executive Officer (see Form C).

## 6.3 Procurement Restrictions

- IT Purchases greater than \$1,000 (excluding GST) must be signed off by the Chief Executive Officer or Deputy CEO, prior to purchase.
- All legal engagement requires Chief Executive Officer approval prior to engagement.
- Procurement of consultants that exceed \$10,000 will require a decision of Council.

## 6.4 Procurement Exceptions

The following list of procurement items may be directly purchased as they are either included in ongoing service supply arrangements or are regular purchases where the market is known or unable to be influenced. These items will also be excluded from requirements of quotes and purchase order:

- Banking and income collection services;
- Licences (i.e. Microsoft, Adobe);
- Subscriptions and memberships (i.e. LGA Membership);
- Utility services where Council has entered into an agreement with the supplier or is bound by occupation to pay for services (water rates, electricity, telephone);
- Insurance premiums and excess payments;

- Vehicle registrations;
- Supply of bulk and light vehicle fuel;
- Supply of small bulk chemical (i.e. chlorine);
- Vehicle and plant servicing, maintenance and repairs;
- Fees or payments imposed under any Act;
- Payments pursuant to any court order binding upon a Council;
- Allowances to elected members and independent members on Council committees;
- Software licencing;
- Purchases made via a corporate credit card;
- Debt collection legal and collection services;
- Donations;
- Auditors Fees;
- Borrowing costs (principal and interest);
- Leases;
- Travel and accommodation;
- Conference / Training and associated expenditure for Elected members or staff;
- Fuel payments where the account consists of fuel card purchases;
- When a contract has been signed and is contained within the Contracts Register and the periodic payment amount and unit rates are fixed;
- Insurance and freight charges that are incidental to the purchase of goods;
- Monthly Payroll Creditors (Union, Social Club and other deductions);
- Quarry royalties (recipient created invoice);
- Annual renewal Subscriptions to the Local Government Association and other Local Government Regional Groups;
- Goods purchased from petty cash;
- Postal freight and courier services;
- Emergency situation e.g. cost to remove fallen tree, cost to resolve drainage issues, urgent customer service request etc.;
- Lawyers / Conveyancers fees and charges;
- Reimbursement to employees and elected members.

## 6.5 Procurement Waiver

This Policy contains general guidelines to be followed by the Council in its procurement activities. There may be emergencies, or procurements in which an alternative approach will deliver the best outcome for the Council.

In such circumstances, the Chief Executive Officer may waive application of the prescribed procurement method and pursue a method which will bring the best outcome for the Council (see Form D).

A register must be maintained by Council that records all approved waivers and an annual report must be put to Council on approved Procurement Waivers.

Some examples of when it may be appropriate for a Chief Executive Officer to waive prescribed procurement methods are:

- emergency situations threatening life and property;
- timing constraints;
- best value for money; and
- Council's best interest.

## 6.6 Policy Objectives and Principle

Procurement of goods and services can be complex and vary in risk. As such, the appropriate method of procurement should always be guided by the objective and principles contained within the policy.

# 7 FINANCIAL DELEGATIONS

In accordance to sections 44(4)(b) and 101 of the *Local Government Act 1999*, the Chief Executive Officer can sub-delegate the function and power listed in section 137 of the *Local Government Act 1999*, with appropriate limitations, the power to expend funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties. The Chief Executive Officer may, from time to time, alter financial delegations as appropriate.

Please refer to Appendix A for financial delegations.

# 8 PRUDENTIAL REQUIREMENTS

Refer to [Council's Policy Prudential Management](#).

# 9 RECORDS

The Council must maintain all records in relation to procurement including written reasons for deviating from the abovementioned methods.

# 10 POLICY REVIEW

This policy will be reviewed at least every four years, or more frequently if legislation or council requires. No revision or amendment of this policy will affect any process that has already commenced.



**Document history:**

| <b>Version</b> | <b>Date</b>          | <b>Description of change</b>   |
|----------------|----------------------|--|
| 1.0            | Mar 2014 - Min 213   | New Document   |
|                | November 2014        | Policy Numbering System Changed and inclusion of this Document History Table.  |
| 2.0            | April 2016 - Min 243 | Policy objectives heading added. Inclusion referring to Prudential Management policy C10. Inclusion within item 4.1 table over \$10,000<br>Inclusion of supporting local business 1.3.6 and 2.2.2  |
| 3.0            | May 2018             | Major rewrite to simplify and change values for each method of procurement. New template.  |
| 4.0            | December 2019        | Major rewrite.   |
| 5.0            | July 2022            | Updated designation of responsible officers.<br>Updated reference to other policies to reflect updated names of policies<br>Updated Table 6.1 Method of Procurement and introduced a new level for procurement value i.e \$1,000 to \$10,000<br>Under 6.4 included list of instances which are exempted from requirement of quotes and purchase order<br>Updated Financial delegation table and shifted from body of the policy to Appendix A<br>Updated "Form B" to include list of documents required for tender<br>Update "Form D" to insert a check for Governance & HR Officer to update tracking spreadsheet for CEO Waivers |
| 6.0            | August 2023          | Reviewed to address Auditor's recommendations.   |

# APPENDIX A – FINANCIAL DELEGATION TABLE

| Position                                  | Budgeted Expenditure  |
|---|---|
| Chief Executive Officer                   | Annual Budget   |
| Manager People & Governance               | \$50,000  |
| Manager Finance                           | \$50,000  |
| Manager Development & Regulatory Services | \$50,000  |
| Manager Asset Delivery                    | \$50,000  |
| Manager Strategic Asset Planning          | \$50,000  |
| Group Team Leader Infrastructure          | \$30,000  |
| Team Leader Northern Areas                | \$5,000   |
| Team Leader Southern Areas                | \$5,000   |
| Team Leader Parks & Gardens               | \$5,000   |
| Team Leader Community                     | \$5,000   |
| Facility & Procurement Coordinator        | \$5,000   |
| Public Services Coordinator               | \$5,000   |
| Strategic Assets Coordinator              | \$5,000   |
| Contractor Management Coordinator         | \$5,000   |
| Project Coordinator                       | \$5,000   |
| Environmental Health Officer              | \$1,000   |
| Planning Officer                          | \$1,000   |
| Community Safety & Compliance Officer     | \$1,000   |
| Economic Development & Grants Coordinator | \$1,000   |
| All other staff                           | All staff are authorised to purchase tea, coffee, milk, sugar and other sundry items for the office under \$100 |

Version as at August 2023

# FORM A – INFORMAL QUOTATION RECORD FORM



In accordance with Council’s Procurement Policy, (5.2 Informal Quotation) if a written quote cannot be obtained, the Council must keep detailed written records of the oral quote obtained, including details of the commercial terms of the quote. **Please attach any supporting evidence.**

| Details of goods and/or services / commercial terms |
|---|
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| Record of verbal quotes provided |                               |                      |          |
|----------------------------------|-------------------------------|----------------------|----------|
| Date                             | Supplier name & Contact name: | Quote provided (\$): | Comments |
|                                  |                               |                      |          |
|                                  |                               |                      |          |
|                                  |                               |                      |          |
|                                  |                               |                      |          |

| Recommendations                                     |
|---|
| Responsible Officer:                                |
| Form of procurement chosen:                         |
|   |
| Signature: <span style="float: right;">Date:</span> |

# FORM B – PROCUREMENT PLAN

When tendering for goods and services a “Tender Procurement Plan” must be completed and authorised by the Chief Executive Officer prior to tendering. **Please attach any supporting evidence.**

## Project Overview

*Brief overview of procurement required and the suggested process*

## Identified Project Risks

## Market Approach (i.e. Open Tender, Select Tender etc)

## Evaluation Criteria (tick appropriate option below)

Using Council’s Evaluation Matrix included in this form

Using third party (LGA Procurement) Evaluation Matrix

## Evaluation Panel

**Following members are nominated for evaluation**

Name & position

Name & position

Name & position

Name & position

## Indicative Key Milestones

**Milestone**

**Date**

*Quotes received*

*Completion of evaluation*

*Approvals*

*Notification to successful supplier(s)*

*Contract executed*

*Notification to unsuccessful supplier(s)*

*Contract commencement*

## Recommendations

Responsible Officer:

Recommendation:

*Signature:*

*Date:*

Manager:

Recommendation:

*Signature:*

*Date:*

CEO :

Approved/Not Approved/Approved with conditions:

|                   |              |
|-------------------|--------------|
| Conditions:       |              |
| <i>Signature:</i> | <i>Date:</i> |

| Checklist of Documents for Tender Process   | Yes or N/A |
|---|------------|
| Completed Procurement Plan  |            |
| Tender Evaluation Matrix  |            |
| Conflict of Interest and Confidentiality Form (signed by all members of the evaluation panel) |            |
| Signed Agreement (if using a third party i.e. LGA Procurement)                                |            |
| Employee Evaluation (if required)   |            |

# FORM B – ATTACHMENT 1

## Tender EVALUATION MATRIX

|  |                  |                    |                       |                    |                       |                    |                       |
|--|------------------|--------------------|-----------------------|--------------------|-----------------------|--------------------|-----------------------|
| <b>Title:</b>  |                  |                    |                       |                    |                       |                    |                       |
| <b>Quotation No.:</b>  |                  |                    |                       |                    |                       |                    |                       |
| <b>Evaluation Date:</b> .....  |                  |                    |                       |                    |                       |                    |                       |
|  |                  | <b>QUOTATION 1</b> |                       | <b>QUOTATION 2</b> |                       | <b>QUOTATION 3</b> |                       |
| <b>Mandatory Criteria (Change these items to reflect the procurement)</b>  |                  | <b>YES</b>         | <b>NO</b>             | <b>YES</b>         | <b>NO</b>             | <b>YES</b>         | <b>NO</b>             |
| Compliance with Insurance requirements   |                  |                    |                       |                    |                       |                    |                       |
| Work Cover Registration details provided   |                  |                    |                       |                    |                       |                    |                       |
| WHS Policy (signed and dated) provided   |                  |                    |                       |                    |                       |                    |                       |
| Copy of Trade Licences (if necessary)  |                  |                    |                       |                    |                       |                    |                       |
| Is this a Conforming Quotation? If not, you are not obliged to continue with this Quotation.   |                  |                    |                       |                    |                       |                    |                       |
|  |                  |                    |                       |                    |                       |                    |                       |
| <b>Evaluation Criteria</b>   | <b>Weighting</b> | <b>Score</b>       | <b>Weighted Score</b> | <b>Score</b>       | <b>Weighted Score</b> | <b>Score</b>       | <b>Weighted Score</b> |
|  |                  | (Out of 10)        |                       | (Out of 10)        |                       | (Out of 10)        |                       |
| <b>Capability - Knowledge and Experience</b>   | <b>10%</b>       | 0                  | 0                     | 0                  | 0                     | 0                  | 0                     |
| <b>1. Supplier has knowledge and experience in this type of work/deliverable. 2. Demonstrated understanding of the scope of works. (Change these items to reflect the procurement)</b> |                  |                    |                       |                    |                       |                    |                       |

|  |     |   |   |   |   |   |   |
|--|-----|---|---|---|---|---|---|
| Capability – Resources   | 20% | 0 | 0 | 0 | 0 | 0 | 0 |
| 1. Ability to supply project deliverables within project timeframes. 2. Key personnel identified and able to perform the required works.<br>(Change these items to reflect the procurement)  |     |   |   |   |   |   |   |
| Compliance to Specifications   | 20% | 0 | 0 | 0 | 0 | 0 | 0 |
| 1. Proposed deliverable is compliant with the specification provided. 2. Design is compatible with character of the Park. 3. Disability access provided. 4. Warranty Period is acceptable. (Change these items to reflect the procurement) |     |   |   |   |   |   |   |
| Compliance with Conditions of Quotation  | 5%  | 0 | 0 | 0 | 0 | 0 | 0 |
| 1. Supplier advised they are compliant with Conditions of Quotation.<br>(Change these items to reflect the procurement)  |     |   |   |   |   |   |   |
| Environmental Sustainability   | 5%  | 0 | 0 | 0 | 0 | 0 | 0 |
| 1. Commitment to environment through Environmental Policy<br>(Change these items to reflect the procurement)   |     |   |   |   |   |   |   |
| Price information (Ex GST) See scoring guidelines below  | 40% | 0 | 0 | 0 | 0 | 0 | 0 |
|  |     |   |   |   |   |   |   |
| Totals   | 100 |   | 0 |   | 0 |   | 0 |
| Additional Comments  |     |   |   |   |   |   |   |

| Guide to scoring Non-price criteria |   |  |   |   |  |   |   |
|-------------------------------------|---|--|---|---|--|---|---|
| Score ranges                        | 10  | 9  | 8   | 7   | 6  | 5   | Below 5   |
|                                     | Meets all major and all minor requirements of the quotation | Meets most major and all minor key requirements of the quotation | Meets several major and all minor key requirements of the quotation | Meets a few major and all minor key requirements of the quotation | Meets a couple of major and most minor key requirements of the quotation | Meets minimum requirements of the quotation | Fails to meet minimum requirements of this quotation. |
|                                     |   |  |   |   |  |   |   |
| Guide to scoring Price criteria     |   |  |   |   |  |   |   |
| Score ranges                        | 10  | 9  | 8   | 7   | 6  | 5   | Below 5   |
|                                     | Excellent Price Offered                                     | Very good price offered  | Good price offered  | Reasonable price offered  | Satisfactory price offered   | Price is not favourable                     | Price is excessive                                    |
|                                     |   |  |   |   |  |   |   |
|                                     | <b>Quotation 1</b>  | <b>Quotation 2</b>   | <b>Quotation 3</b>  |   |  |   |   |
| <b>Lump Sum Price Supplied</b>      | <b>\$</b>   | <b>\$</b>  | <b>\$</b>   |   |  |   |   |
| Price Variables listed below        |   |  |   |   |  |   |   |
| 1                                   | \$  | \$   | \$  |   |  |   |   |
| 2                                   | \$  | \$   | \$  |   |  |   |   |
| 3                                   | \$  | \$   | \$  |   |  |   |   |
| 4                                   | \$  | \$   | \$  |   |  |   |   |
| 5                                   | \$  | \$   | \$  |   |  |   |   |
| 6                                   | \$  | \$   | \$  |   |  |   |   |
| 7                                   | \$  | \$   | \$  |   |  |   |   |
| 8                                   | \$  | \$   | \$  |   |  |   |   |
| 9                                   | \$  | \$   | \$  |   |  |   |   |
| 10                                  | \$  | \$   | \$  |   |  |   |   |
| <b>Total Contract Price</b>         | <b>\$</b>   | <b>\$</b>  | <b>\$</b>   |   |  |   |   |
|                                     |   |  |   |   |  |   |   |
|                                     |   |  |   |   |  |   |   |
| <b>Budget Amount</b>                | <b>\$</b>   |  |   |   |  |   |   |



# FORM B – ATTACHMENT 2

## Conflict of Interest and Confidentiality Agreement

### Who and when?

Anyone involved in a procurement activity must complete this agreement before developing tender documents, joining an evaluation panel or making a decision.

|  |  |
|--|--|
| <b>Name:</b>                             |  |
| <b>Position:</b>                         |  |
| <b>Organisation:</b>                     |  |
| <b>Tender:</b>                           |  |
| <b>Role in the procurement activity:</b> |  |

*"In a small country council like ours, conflicts of interest in our working lives are natural and unavoidable. The existence of a conflict of interest does not necessarily mean that someone has done something wrong, and it need not cause problems. It just needs to be identified and managed carefully."*

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### Do you have any actual or perceived conflicts of interest?

Do you have any personal interest in the purchasing decision?

*(e.g. you own shares in a supplier or related company)*

☐ **Yes** ☐ **No** ☐ **Perceived** (tick 'Perceived' if others could perceive you have a conflict)

Are you a relative or close friend of someone with a personal interest in the goods or services being purchased or who could be personally affected by the purchasing decision?

*(e.g. a family member is an employee or shareholder of a supplier)*

☐ **Yes** ☐ **No** ☐ **Perceived** (tick 'Perceived' if others could perceive you have a conflict)

Do you have any personal obligations, loyalties or bias that could influence the way you evaluate offers and recommend purchases?

*(e.g. a close friendship with an employee of a supplier)*

☐ **Yes** ☐ **No** ☐ **Perceived** (tick 'Perceived' if others could perceive you have a conflict)

Have you recently been offered any special discounts, gifts, trips, hospitality, rewards or favours by suppliers of the goods or services being purchased?

*(e.g. free travel; free samples for your own use)*

☐ **Yes** ☐ **No** ☐ **Perceived** (tick 'Perceived' if others could perceive you have a conflict)

Are you aware of anything that could give the appearance that you might be biased towards or against a particular supplier?

*(e.g. you have expressed strong views about a supplier; you worked for a supplier; you use a supplier's corporate box at a sports event)*

☐ **Yes** ☐ **No** ☐ **Perceived** (tick 'Perceived' if others could perceive you have a conflict)

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## Confidentiality responsibilities

All of the procurement project's discussions, meetings and material (written and electronic) are confidential and I agree to keep this information safe. I will not give this information to anyone outside the immediate tender team without prior approval from the Project Manager.

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## Restrictions on contact with suppliers

I agree that my contact with potential suppliers is restricted during the period of the tender. I understand that until the successful supplier has been announced I will not:

- pass information or make comments to them about the tender
- receive any gift, gratuity, hospitality or any inducement from them
- meet them or have any discussion about the tender.

I will pass any requests for information and meetings from potential suppliers to the Project Manager.

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## Declaration of conflict of interest

**Actual** conflict of interest is where you already have a conflict.

**Potential** conflict of interest is where the conflict is about to happen or could happen.

**Perceived** conflict of interest is where other people might reasonably think you are not being objective.

If you have answered 'Yes' or 'Perceived' to any of the above questions, please provide details here. Otherwise sign the declaration below.

---

## Your declaration

**Declaration** – I confirm that the above details are correct to the best of my knowledge and I make this declaration in good faith.

Signature:

Date:

**Review by Project Manager** – I confirm that I have received this declaration and noted the contents. Where a conflict of interest is declared, complete the next part of the form.

Name:

Signature:

Date:

# Conflict of Interest Management Plan

## Who and when?

The Project Manager must complete this Plan when you declare a conflict of interest. Decide how to manage the conflict and give details below.

|                |  |
|----------------|--|
| <b>Tender:</b> |  |
|----------------|--|

## How the conflict of interest will be managed

|  |   |
|--|---|
| <b>There are five options for managing or resolving your conflict of interest:</b><br><b>Restrict</b> your involvement in the process<br><b>Recruit</b> an independent third party to oversee part or all of the process<br><b>Remove</b> yourself from the process<br><b>Relinquish</b> your private interest that causes the conflict<br><b>Resign</b> from the agency | The following plan has been agreed to manage your declared conflict of interest. This takes into account the conflict's likely effect on your role and responsibilities in the procurement activity, as well as the risks to the process and the agency's reputation. |
|--|---|

### Approval – I approve the above Conflict of Interest Management Plan

|                               |  |       |
|-------------------------------|--|-------|
| Signature:<br>Project Manager |  | Date: |
|-------------------------------|--|-------|

### Declaration – I agree to the above Conflict of Interest Management Plan

|   |  |       |
|---|--|-------|
| Signature:<br>Person making the declaration |  | Date: |
|---|--|-------|

### Resolved – the conflict of interest has now been resolved and no further action is required

|                               |  |       |
|-------------------------------|--|-------|
| Signature:<br>Project Manager |  | Date: |
|-------------------------------|--|-------|

## Wakefield Regional Council

PO BOX 167 Scotland Place Balaklava SA 5461

Phone: 8862 0800

Email: [admin@wrc.sa.gov.au](mailto:admin@wrc.sa.gov.au)

[www.wrc.sa.gov.au](http://www.wrc.sa.gov.au)

## Office hours

Mon - Fri

9am - 5pm

# FORM C – MULTIPLE PURCHASES



In accordance with Council's Procurement Policy (6.2 Multiple Purchases), it is acknowledged that throughout the purchase cycle there will be occasions where items are procured multiple times. Those responsible for multiple purchases (i.e. tyres, road signs, spray seal, bitumen, stationery, etc.) must consider the policy principles and objectives and document reason why the gross value of multiple purchases is not being procured in accordance with the policy. This Multiple Purchase Form is to be completed and approved by the Chief Executive Officer. **Please attach any supporting evidence.**

|  |
|--|
| <b>Goods/services being purchased:</b>   |
| <i>Brief overview of procurement required and the suggested process</i>  |
| <b>Reason why multiple purchase would not benefit from procurement methods (i.e. tender) outlined in Council's Procurement Policy:</b> |
|  |

|   |                        |
|---|------------------------|
| <b>Signatures</b>                               |                        |
| Responsible Officer:                            |                        |
| <div>Signature: _____ Date: _____</div>         |                        |
| Director:                                       |                        |
| <div>Signature: _____</div>                     | <div>Date: _____</div> |
| CEO :   |                        |
| Approved/Not Approved/Approved with conditions: |                        |
| Conditions:                                     |                        |
| <div>Signature: _____</div>                     | <div>Date: _____</div> |

# FORM D – PROCUREMENT WAIVER

In accordance with Council's Procurement Policy, (6.5 Procurement Waivers), there are policy guidelines to be followed by Council in its procurement activities. There may be emergencies, or procurements in which an alternative approach will deliver the best outcome for the Council.

In such circumstances, the Chief Executive Officer may waive application of the prescribed procurement method and pursue a method which will bring the best outcome for the Council.

A register must be maintained by Council that records all approved waivers and an annual report must be put to Council.

| Details of goods and/or services (include supplier name) |
|--|
|  |
|  |

The Chief Executive Officer has agreed to waive the application of the procurement method for the reasons noted below:

| Reasons for waiving application of policy   |  |
|---|--|
| <input type="checkbox"/> Emergency situation<br><input type="checkbox"/> the supply market is known;<br><input type="checkbox"/> timing constraints<br><input type="checkbox"/> best value for money<br><input type="checkbox"/> Councils best interest<br><input type="checkbox"/> Sole Supplier |  |
| Any other details   |  |
|   |  |
| Form of procurement chosen:   |  |
|   |  |

| Signatures   |                        |
|--|------------------------|
| Responsible Officer:   |                        |
| <div>Signature: _____ Date: _____</div>  |                        |
| <b>RESPONSIBLE OFFICER <u>MUST</u> REGISTER THIS FORM IN SYNERGY IN FILE NUMBER 7.2.2.1 AND SHORT TITLE OF RECORD <u>MUST</u> SAY "CEO PROCUREMENT WAIVER"</b> |                        |
| Manager:   |                        |
| <div>Signature: _____</div>  | <div>Date: _____</div> |
| CEO :  |                        |
| Approved/Not Approved/Approved with conditions:  |                        |
| Conditions:  |                        |
| <div>Signature: _____</div>  | <div>Date: _____</div> |

