

POLICY REGISTER

PROCUREMENT AND DISPOSAL POLICY

Policy adopted: 26th October 2017 (Minute No. 273.10.17)

Amended: 17th April 2018
27th September 2018
5th December 2019
23rd September 2021
17th November 2023

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Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 273.10.17 (26th October 2017)
1.1		Amended	Manex (17th April 2018 – Item 8) Minute No. 85.4.18
1.2		Amended	Council Minute No. 214.9.18 (27th September 2018)
1.3	Glenn Wilcox	Amended Purchasing amounts amended in line with Act.	Council Minute No. 248.12.19 (5th December 2019)
1.4	Gary Woodman	Amended Purchasing amounts in line with Act. Clear details of use of VendorPanel and Auction methods for the sale of fleet plant and equipment.	Council Minute No. 205.9.21 (23rd September 2021)
1.5	Gary Woodman	NSW Local Government (General) Regulation date updated from 2005 to 2021	General Manager, Gary Woodman (17th November 2023)

BACKGROUND

The NSW Local Government Act 1993 and NSW Local Government (General) Regulation 2021 covers the procurement of all goods and services and is binding on all Local Government Authorities.

OBJECTIVE

The objectives of the Procurement and Disposal Policy are to:

- obtain value for money when evaluating, selecting and disposing of goods and services that are paid for with public funds;
- ensure essential accounting and control procedures are followed for the process of requisition, ordering, receipt, issue, return and disposal of all goods and services;
- provide a set of basic Procurement and Disposal Guidelines for the purchase and disposal of goods and services including a Local Preference provisions;
- promote purchasing practices which protect the health and safety of Council officers and contractors;
- ensure goods purchased by Council meet relevant safety standards;
- ensure that all parties involved in the procurement process at Warren Shire Council comply with relevant legislation, regulations and industry standards;
- promote purchasing practices which conserve resources, save energy, minimise waste, protect human health and maintain environmental quality and safety; and
- behave with impartiality, fairness, independence, openness, integrity and professionalism.

SCOPE

This Policy applies equally to elected Councillors, Council staff and Contractors.

Managers of each Division are accountable for the implementation, maintenance and the management of any breach of Policy within their areas of responsibility in accordance with this Policy, related procedures and relevant legislation.

DEFINITION

Procurement can be defined as a means of acquiring goods and/or services whether by purchase, lease, hire or contracting.

Disposal can be defined as a means of disposing of property, goods and/or services.

Delegation of Authority

The Council delegates the General Manager (GM) the authority to incur financial expenditure on behalf of Council where expenditure has been provided for in Council's budget or genuine emergency or hardship.

The GM is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised.

Other Officers may only incur expenditure on behalf of the Council if:

- a) the officer has been granted a financial delegation by the GM and such delegation is recorded in the Register of Delegations, and
- b) expenditure is provided for in Council's budget; or
- c) in the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

No Officer may have a procurement delegation exceeding \$250,000.

Purchase of Goods and Services

Requirements relating to the purchase of goods and services are summarised as follows:

Purchases up to a value of \$50.00	May be purchased from petty cash when available.
Purchases up to a value of \$100.00	May be purchased from Petty Cash. However, if the item sourced is used regularly, then Officers are encouraged to complete a purchase order.
Purchases with an estimated value from \$101 to \$3,000	A purchase order is required.
Purchases with an estimated value from \$3,001 to \$15,000	Purchase orders must not be issued unless either: 1. A Standing Order Arrangement (SOA) is in place, or 2. A Preferred Supplier Arrangement (PSA) is in place, or 3. A Government Contract Pricing Arrangement is in place, or 4. At least two quotations have been sought (sole supplier situations excepted) using a Local Government Procurement Pricing Arrangement (LGPPA) or Regional Procurement Pricing Arrangement place (RPPA), or 5. At least two quotations have been sought (sole supplier situations excepted) using VendorPanel in the first instance to ensure transparency.

Purchases with an estimated value from \$15,001 to \$50,000	Purchase orders must not be issued unless either: 1. A Standing Order Arrangement (SOA) is in place, or 2. A Preferred Supplier Arrangement (PSA) is in place, or 3. A Government Contract Pricing Arrangement is in place, or 4. At least two quotations have been sought (sole supplier situations excepted) using a Local Government Procurement Pricing Arrangement (LGPPA) or Regional Procurement Pricing Arrangement (RPPA), or 5. At least two quotations have been sought (sole supplier situations excepted) using VendorPanel in the first instance to ensure transparency. Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Divisional Manager will assess the coverage of such public advertising.
Purchases with an estimated value from \$50,001 to \$249,999	Public advertising for quotations is essential unless one of the following is undertaken: 1. A Standing Order Arrangement (SOA) is in place, or 2. A Preferred Supplier Arrangement (PSA) is in place, or 3. A Government Contract Pricing Arrangement is in place, or 4. At least three quotations have been sought (sole supplier situations excepted) using a Local Government Procurement Pricing Arrangement (LGPPA) or Regional Procurement Pricing Arrangement (RPPA), or 5. At least three quotations have been sought (sole supplier situations excepted) using VendorPanel. The responsible Divisional Manager will assess the coverage of such public advertising.

Purchases with an estimated contract value of \$250,000 and above.	Purchases shall be administered in accordance with Section 55 of the NSW Local Government Act 1993 and the NSW Local Government (General) Regulation 2021 Part 7 - Tendering.
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In the interest of maintaining efficiency in the purchasing process there are some instances where the procedures outlined in this Policy can be bypassed. Exceptions to the required process include:

- telephone accounts;
- electricity accounts;
- subscriptions;
- credit and fuel card purchases;
- monthly rentals;
- legal costs;
- payments to contractors where a contract has been awarded;
- donations/contributions;
- statutory levies, fees and taxes;
- payroll deduction remittances;
- reimbursements;
- in genuine urgent circumstances for the supply of goods or materials/services which are required in an emergency or unplanned event; and
- insurance premiums.

Purchases shall be administered in accordance with Section 55 of the NSW Local Government Act 1993 and the NSW Local Government (General) Regulation 2021 Part 7 - Tendering.

Receipt of Goods and Services

When the ordered goods are received or the ordered works and services carried out, a goods received entry must be processed by the Receiving Officer in Council's Practical Plus purchasing system.

Bi-Annual Tenders

Except where the supply of goods and services are provided through a formal contract/pricing arrangement (e.g. Regional Procurement Pricing Arrangement (RPPA), Preferred Supplier Arrangement (PSA), NSW Government Contract, Local Government Procurement Pricing Arrangement (LGPPA), quotations or tenders will be invited every 2 years for goods and services including:

- Supply of Fuel, Distillate, Oils & Grease;
- Supply of Tyres, Tubes & Sleeves;
- Winning, Blasting & Crushing of Gravel;
- Cleaning of Council Premises;
- Security Services;
- Bitumen Sealing;
- Provision of Hygiene Services;
- Provision of Catering Services;
- Pest control services; and
- Fire compliance services.

Tenders for Professional Services and Utilities except where the supply of goods and services are provided through a formal contract/pricing arrangement (e.g. Regional Procurement Pricing Arrangement (RPPA), NSW Government Contract, Local Government Procurement Pricing Arrangement (LGPPA), Preferred Supplier Arrangement (PSA), tenders, expressions of interest or quotations will be called at least every six (6) years for the following: -

- Banking Services;
- Legal Services;
- Gas Supplies;
- Electricity Supplies; and
- Telecommunications.

Casual Hire of Plant and Equipment and Trade Services quotations will be sourced through VendorPanel which is a web-based eProcurement platform used by Warren Shire Council to increase transparency and compliance in quotation-based purchasing processes.

Workplace Practice Service

Providers and their employees must comply with work health and safety, workers compensation, compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

Workplace Health & Safety Management and Workplace Injury Management

Warren Shire Council attaches a high priority to the continuous improvement of work health and safety management and workplace injury management in procurement for all construction and other industry participants.

Service providers shall have a demonstrated commitment to, acceptable performance with, and systematic approach to, work health and safety management and workplace injury management.

Workplace Health and Safety Compliance Service providers and their employees must comply with their work health and safety obligations under the NSW Work Health and Safety Act (2012), NSW Workplace Injury Management and Workers Compensation Act (1998) and NSW Workers Compensation Act (1987) and Regulations, workers compensation insurance premium requirements, relevant WHS industry codes of practice, and safety and dispute settlement procedures in applicable industrial awards and approved agreements.

Disposal of Council Goods

All assets to be disposed of by Warren Shire Council should be publicly advertised for sale either:

- at a set price, or
- by tender or quotations; or
- by auction (physical or online)

Any disposal of goods with an estimated sale value of \$150,000 and above should be made through resolution of Council after inviting tenders or expressions of interest.

Council may decide via resolution or delegation to the General Manager to dispose of assets via donation to community organisations where appropriate.

All motor vehicles, motorised plant and fleet equipment are to be disposed of by auction (physical or online) with an appropriate reserve to be set to ensure an advantageous sale price is obtained.

Governance of Tender and Quotation Process

To ensure compliance with the NSW Local Government (General) Regulation 2021, Tenders and procurement of items requiring more than one quotation shall be maintained in a separate file which is to be available to the auditors.

Tenders

Each Tender file shall be created and shall include the Local Government Tendering Checklist to ensure that staff are following best practice. The file will contain, the advertisements issued, any third-party information e.g. Regional Procurement Pricing Arrangement (RPPA), Local Government Procurement Pricing Arrangement (LGPPA) etc, all tenders submitted, all determinations made, and documents of staff involved in the assessment process, all decisions of Council including report thereto and the local government tender checklist completed for all items (Annexure C).

General Procurement

All quotations shall be maintained on a separate procurement file (this file may be electronic or hard copy). The quotation file shall include a checklist stating the price of the item, the number of quotations required by the Policy to be sought, any reason that the number of quotations could not be obtained, and any other information used to decide on the purchase. If the purchase is the result of a decision of Council including a budget item, then a copy of the Council's decision shall be included in the file for reference. This file will require sign off from the Divisional Manager of each Department.

Complaints

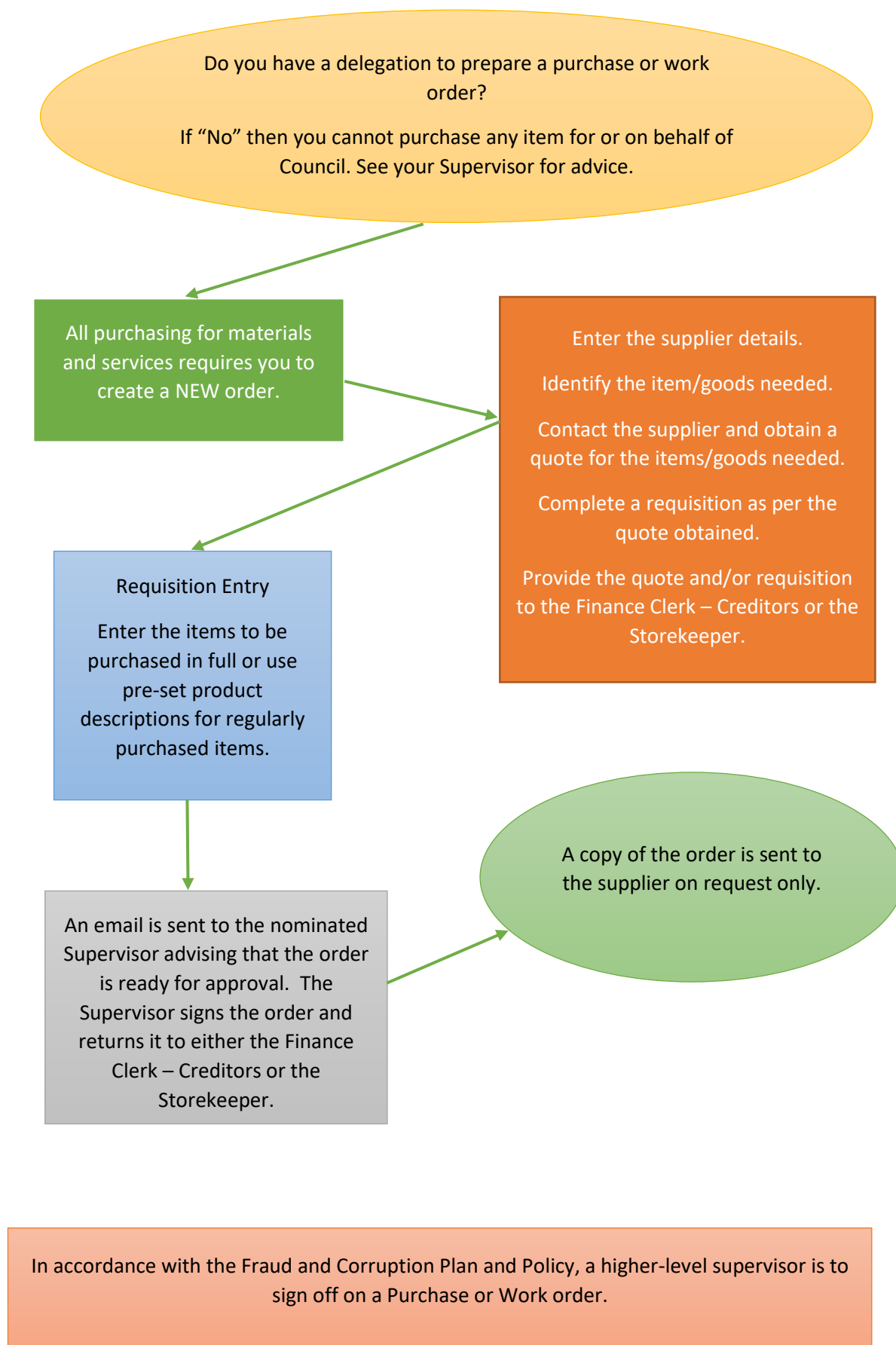
Those persons wishing to lodge a complaint regarding purchasing and procurement or disposal practices at Warren Shire Council should phone 02 6847 6600 or forward their written complaint to the following address:

General Manager
Warren Shire Council, P.O. Box 6, WARREN, NSW 2824

RELATED DOCUMENTS

- The NSW Local Government Act 1993;
- The NSW Local Government (General) Regulation 2021;
- Tendering Guidelines for NSW Local Government;
- ICAC Guidelines;
- Warren Shire Council Code of Conduct;
- Warren Shire Council Corporate Credit Card Policy;
- Warren Shire Council Local Preference Purchasing Policy (Annexure B); and
- Warren Shire Council Statement of Business Ethics Policy.

ANNEXURE A – PROCUREMENT FLOW CHART for COUNCILS PRACTICAL PLUS IT SYSTEM



Annexure B - Warren Shire Council Local Preference Purchasing Policy

OBJECTIVE

To ensure that Council achieves the best 'overall value-for-money' in its procurement of goods and services, while (where possible) giving preference to local suppliers, and non-local suppliers using local content to support the Warren Shire's economic development.

LOCAL PREFERENCE STATEMENT

The Council's Local Preference Purchasing recognises that 'overall value-for-money' is about broader economic benefits to the Shire and not just the lowest price. The Council acknowledges that economic benefits flow to all local businesses where Council maximises opportunities for local suppliers to compete for Council's business based on value-for-money.

The Council's Local Preference Purchasing aims to use Council's procurement actions to encourage and support local suppliers and support economic activity within the Shire where it is efficient to do so, while achieving the Council's overall 'value for-money' objectives. This approach seeks to maximise overall community benefit for the Shire.

DEFINITIONS

'Worker' - in the context of this policy has the same meaning as that in the *NSW Work Health and Safety Act 2012*.

'local content' means goods or services procured from a local supplier or employees living permanently in the Warren Shire.

'local supplier' means a business, contractor or industry either permanently based in, or employing permanent staff operating from, permanent premises situated within the Warren Shire boundaries for not less than six months prior to the date of the Procurement request; and registered or licensed in New South Wales.

'net cost' means, in relation to a quotation, tender or expression of interest, the total amount quoted or offered by a supplier for the supply of goods or services, including any freight or delivery charges and excluding GST and any discounts or rebates offered by the supplier.

'procurement request' means Tender under the NSW Local Government Act 1993.

PROVISIONS

To assist local industry and local economic development the Council will:

- Encourage a 'buy local' culture within the Council;
- Encourage local suppliers to participate in Council business by advertising in local newspapers and other means considered appropriate;
- Ensure that procurement policies and procedures do not disadvantage local suppliers;
- Ensure transparency in Council procurement practices;
- Encourage use of local suppliers by contractors, whenever goods or services must be sourced from outside the Shire;
- Consider the non-price value-for-money considerations set out in this Policy; and
- Apply a price preference discount in favour of local suppliers, as set out in this Policy.

NON-PRICE VALUE-FOR-MONEY CONSIDERATION

Council acknowledges that in assessing 'overall value-for-money', the following non-price considerations should be considered (where relevant) in relation to a Procurement Request:

- availability and access to after-sales service and maintenance;
- quality, type and availability of goods or services;
- advantages in dealing with a local supplier, including administrative and operational efficiency;
- the proportion of local content to be supplied;
- whole-of-life costs of the purchase or contract;
- compliance with specifications, guidelines and requirements;
- the suppliers' knowledge, experience and ability to fulfil the requirements of the contract or purchase;
- the suppliers' commitment to supporting local businesses and the local economy through sub-contracting and other supplier arrangements;
- net benefits to the Shire, including economic benefits; and
- all other factors relevant to consideration of the Procurement Request.

Notwithstanding the Council's Local Preference Purchasing Policy, an assessment of responses to a Procurement Request must consider all the above factors, in conjunction with price and locality considerations.

PRICE PREFERENCE DISCOUNTS

For the purposes of comparing the price tendered by local and non-local suppliers, the price preference discount set out below will be applied and given to:

- Local suppliers submitting responses to Procurement Requests which are assessed in relation to this Policy; and
- Non-local suppliers submitting responses to Procurement Requests, which include use of local content and which are assessed in relation to this Policy.

LOCAL SUPPLIER DISCOUNT

For local suppliers who respond to Council's Procurement Requests;

- Council will assess their response as if their total net cost bid was reduced by 5%.
- Discounts will be limited to a maximum of \$15,000.

LOCAL CONTENT DISCOUNT

For non-local suppliers who respond to Council's Procurement Requests if at least 25% of the net cost of their response or tender includes or is attributable to local content, Council will assess such response as if the total net cost attributable to local content were reduced by 5%. Discounts will be limited to a maximum of \$15,000.

OBTAINING DISCOUNTS

To be eligible for either discount, suppliers must specifically detail and explain in their response to Council's Procurement Request the facts upon which they rely to establish their eligibility for the discount and must provide any evidence of such eligibility as reasonably required by the Council.

PROCEDURAL MATTERS

All Procurement Requests issued by Council must clearly state whether and how a price preference for local suppliers will be applied so that respondents to such Procurement Requests are aware of the Local Preference Purchasing Policy prior to the Procurement Request.

If the Local Preference Purchasing Policy is applied in a procurement process, the community should be notified and advised of the cost to the community of applying the policy by posting details of the successful supplier, the monetary cost of applying the policy and a brief statement of the rationale behind the policy on Council's website within a reasonable time of award of the tender.

All Procurement Requests resulting in local preferences being applied must be capable of identification and verification through Council's audit or internal control mechanism.

OVERALL LOCAL PREFERENCE

If:

- The net costs bid by a local supplier and a non-local supplier are equal (after calculating any applicable discounts in accordance with this policy;
- Both suppliers otherwise meet the criteria and requirements of the Procurement Request; and
- Each supplier (and its goods and/or services) is otherwise regarded as being 'equal', considering the non-price value-for-money considerations set out above,
- Preference will be given to the local supplier. To avoid doubt, normal processes of assessment of non-price considerations still apply, and this policy does not require that the lowest cost tender is necessarily successful. The purpose of this policy is to give preference to local suppliers (compared to non-local suppliers) where all else is equal.

IMPLEMENTATION

Examples of how the policy may be implemented are shown below.

Example 1

A tender for the supply of goods and services attracts the following bids:

- Bid A of \$9,750 (net cost) is received from a non-local supplier, which is using non-local supplies and services. No price preference discount applies.
- Bid B of \$10,000 (net cost) is received from a local supplier within the Shire. A 5% price preference discount applies to the net cost, which is discounted to \$9,500 for comparison purposes.

The local price preference discount is applied as follows:

Bid B is successful, subject to all other considerations being met. Price paid is \$10,000.

Example 2

A tender for contract attracts the following bids:

- (a) Bid A of \$490,000 (net cost) is received from a non-local supplier, which includes local content of \$150,000. Since local content comprises more than 25% of the net cost, a 5% price preference discount applies to the local content component of the bid. The discounted total net cost of the bid is therefore \$482,500 for comparison purposes.
- (b) Bid B of \$497,500 (net cost) is received from a local supplier. A 5% price preference discount applies to the total net cost of the bid. The discount is limited to the maximum discount of \$15,000. The total discounted net cost of the bid becomes \$482,500 for comparison purposes.

The local price preference discount is applied as follows:

Tenders received	Preference	Calculation	Total bid for evaluation Only
Bid A (non-local supplier) \$490,000	5% price discount is applied to the local content	Less 5% of \$150,000 = \$7,500	\$482,500
Bid B (local supplier) \$497,500	5% price discount is applied	Less 5% of \$497,500 = \$24,875 (Max. \$15,000)	\$482,500

Because Bid B comes from a local supplier, and on the basis that all other considerations were equal, Bid B is successful even though the discounted prices were equal. Price paid is the original \$497,500, this costing the Council a notional \$7,500 (i.e. Council could have purchased from non-local supplier for \$490,000).

Tender for the Purchase of Grader

Warren Shire Council is seeking Tenders for the for the supply of a Grader that complies with Specification Marked "A".

A person or organisation may Tender for the purchase of a Grader only complying with Specification "B".

Council reserves the right to exclude non-complying tenders and to not accept the lowest or any tendered priced.

Persons or organisations shall be excluded from the tender process if they contact staff or Councillors other than the person nominated.

All tenders shall be submitted via Tender Link or to Councils Tender Box no later than 3pm on Friday ## (month) 2017 and Marked "Tender for Sale and Purchase of Grader".

For further information on this Tender please contact Bill Smith Councils Procurement Officer on 6847 6600 or email Procurement @warren.nsw.gov.au

4. Resources

4.1 Tendering Checklist

Contract:		
Contract Sum:		
1. Evidence Council selected open or selective tendering methods (Clause 166 of the <i>NSW Local Government (General) Regulation, 2021</i>), together with reasons, recorded on file?	Yes ☐	No ☐
2. Copy advertisement for tenders is on file?	Yes ☐	No ☐
3. Copy of any other invitation to bid is on file?	Yes ☐	No ☐
4. Copy of all documents provided to tenderers on file?	Yes ☐	No ☐
5. Documents provided to tenderers include:		
❖ Details of work, facilities or services	Yes ☐	No ☐
❖ Compliance with the <i>NSW Local Government (General) Regulation, 2021</i> Clause 170(1)(e) (if appropriate)	Yes ☐	No ☐
❖ Closing date and tender lodgement requirements	Yes ☐	No ☐
❖ Outline of policies applicable to the procurement	Yes ☐	No ☐
❖ Evaluation criteria and methodology	Yes ☐	No ☐
❖ Specify contact person	Yes ☐	No ☐
❖ Whether formal tender documents are required and how to obtain them	Yes ☐	No ☐
❖ Information on obtaining copies of relevant council policies	Yes ☐	No ☐
❖ Proposed terms and conditions of contract	Yes ☐	No ☐
❖ Specify criteria on which tenders will be assessed	Yes ☐	No ☐
❖ Council's Statement of Business Ethics	Yes ☐	No ☐
❖ Council's Code of Conduct	Yes ☐	No ☐
❖ A statement that unethical or inappropriate conduct will result in the tender being disqualified	Yes ☐	No ☐
❖ Advice to tenderers of steps to take if they suspect corrupt and the action the council will take if it suspects corrupt conduct	Yes ☐	No ☐
❖ Include information on interaction between council and tenderers including prohibition on contacting councillors	Yes ☐	No ☐
6. Record of all requests for tender documents on file?	Yes ☐	No ☐
7. Record of staff involved in preparing and issuing tender documents on file?	Yes ☐	No ☐

8. Declaration of conflicts of interest for all staff involved on file?	Yes ☐	No ☐
9. Written records of all communications between tenderers and Council staff on file (including records of advertising, attendance and information provided at any briefing sessions)?	Yes ☐	No ☐
10. Full documentation of any changes made to tender specifications (including who made the change and why)?	Yes ☐	No ☐
11. Evidence any changes to tendering specifications communicated to all tenderers or potential tenderers and that no tenderer or potential tenderer was disadvantaged on file?	Yes ☐	No ☐
12. Records of any variation to closing date (including reasons and identity of who made the decision)	Yes ☐	No ☐
13. Evidence Council took all reasonable steps to inform tenderers or potential tenderers of the later closing date?	Yes ☐	No ☐
14. All tenders date and time stamped?	Yes ☐	No ☐
15. Records of tender opening carried out in accordance with Clause 175 of the <i>NSW Local Government (General) Regulation, 2021</i> (two persons also present/members of public able to attend)?	Yes ☐	No ☐
16. Records of receipt for facsimile and electronic delivery with tenders submitted by fax or electronically?	Yes ☐	No ☐
17. Documentation recording the acceptance of any late tenders, including when received and why accepted?	Yes ☐	No ☐
18. Documented tender assessment criteria on file?	Yes ☐	No ☐
19. Documented tender list in alphabetical order of amounts prepared and displayed at council as per Clause 175 of the <i>NSW Local Government (General) Regulation, 2021</i>	Yes ☐	No ☐
<i>Tender assessment documents</i>		
20. Details of any non-complying tenders and why they were assessed as non-complying?	Yes ☐	No ☐
21. Documented tender assessment matrix completed for every member of assessment panel?	Yes ☐	No ☐
22. Tender assessment panel members identified and include declaration of conflicts of interest?	Yes ☐	No ☐
23. Records kept of all communication between potential tenderers and panel members on file?	Yes ☐	No ☐
24. Records of any variations to tenders under Clause 176 of the <i>NSW Local Government (General) Regulation, 2021</i> including reasons why tender(s) varied and evidence all other tenders of same or similar characteristics were given the same opportunity?	Yes ☐	No ☐
25. Recommendation for preferred tenderer is in line with assessment documents?	Yes ☐	No ☐
26. Report to Council on the tender includes:		
❖ Background information on the calling of tenders including history of decision to go to tender	Yes ☐	No ☐
❖ Background information on the performance of the previous contractor, if any	Yes ☐	No ☐
❖ Advice on whether, for continuing contracts, the terms of the terms of the contract have been reviewed	Yes ☐	No ☐

❖ A summary of the tender process	Yes ☐	No ☐
❖ Details of tenders received and details of any non-complying tenders	Yes ☐	No ☐
❖ Financial analysis of the comparative tenders based on unit price/service price/annual cost/total contract cost	Yes ☐	No ☐
❖ Details of assessment criteria used together with weightings	Yes ☐	No ☐
❖ Details of post-tender communication with tenderers	Yes ☐	No ☐
❖ Compliance with the <i>NSW Local Government (General) Regulation, 2021</i> Clause 178(1A) (if appropriate)	Yes ☐	No ☐
❖ Conclusion and recommendation based on analysis of assessment criteria results	Yes ☐	No ☐
❖ If recommendation is not to accept any tender, the reasons for that recommendation	Yes ☐	No ☐
27. Evidence contract entered by Council is in accordance with the tender?	Yes ☐	No ☐
28. Where Council enters into negotiations with one or more unsuccessful tenderers, Council resolution includes reasons for that decision, including the choice of tenders with whom it negotiates?	Yes ☐	No ☐
29. Evidence Council advised all tenderers of outcome of process and copy of notice displayed at Council advising of outcome (clause 179 of the <i>NSW Local Government (General) Regulation, 2021</i>)?	Yes ☐	No ☐

Tendering Guidelines for NSW Local Government – October 2009