



Procurement Policy

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References	<p>Legislative References</p> <ul style="list-style-type: none"> • Local Government Act 2020 • Competition and Consumer Act 2010 • Goods Act 1958 • New Tax System (Goods and Services Tax) Act 1999 • OHS Safety Act 2004 • National Environment Protection Council Act 1994 • Environment Protection Act 1970 • Environment Protection Act 2017 • National Competition Policy • Competitive Neutrality Policy Victoria 2000 <p>Related Council Policies</p> <ul style="list-style-type: none"> • Purchasing Card Policy • Grants Policy • Gifts, Benefits and Hospitality Policy • Fraud and Corruption Control Policy 	

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	<ul style="list-style-type: none"> • Fraud and Corruption Control Plan Wood Encouragement Policy <p>Other Associated Documents</p> <ul style="list-style-type: none"> • Procurement Operational Policy • Grants and Sponsorship Operational Policy • Disposal of Assets Operational Framework • Instrument of Delegations • Conflict of Interest Guidelines • Councillor Code of Conduct • Employee Code of Conduct • Occupational Health and Safety State and National Regulations • OHS Purchasing of Goods • Disability Action Plan
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Approved by Latrobe City Council

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1. Principles

1.1 Background

Latrobe City Council:

- Recognises:
 - Developing a procurement policy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Latrobe City Council, will enhance achievement of objectives. These objectives include sustainable and social procurement, bottom-line cost savings, supporting the local economy, 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); and
 - Procurement processes, with appropriate processes covering minor, simple procurement to high value, more complex procurement.
- Contracting, purchasing and contract management activities endeavour to:
 - Achieve value for money and quality in the acquisition of goods, services and works;
 - Support Latrobe City Council's corporate strategies, aims and objectives;
 - 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 fully met;
 - Are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;

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- 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 Value for Money, in particular making use of collaboration and partnership opportunities; and
- 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, Latrobe City Council standards and best practice.

1.2 Scope

This Procurement Policy is made under Section 108 and 109 of the *Local Government Act 2020*, (the Act) which is the key legislative framework that regulates the process of all local government procurement in Victoria.

Section 108 and 109 of the Act requires Victorian councils to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works.

Latrobe City Council's Procurement Policy applies to all contracting and procurement activities and is binding upon Councillors, Council officers, temporary employees, contractors and consultants while engaged by Latrobe City Council.

1.2.1 Other Acts and Policies

The *Competition and Consumer Act 2010* - protects businesses and its customers from unfair trading practices. Latrobe City Council officers are to ensure that they are operating fairly, transparently and competitively in the marketplace.

- The National Competition Policy - extends the Australian Consumer Law to councils and introduces Competitive Neutrality Policy.
- *Competitive Neutrality Policy Victoria 2000* - promotes efficient competition between public and private businesses operating in the same market.

1.2.2 Procurement during Council Elections

The *Local Government Act 2020* stipulates that councils are prohibited from making certain prescribed decisions during an election period¹. This includes a decision to enter into a contract that has a total value which exceeds the threshold amounts or 1% of

¹ Section 69 (b) of the Local Government Act 2020

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Latrobe City Council's revenue from general rates, municipal charges and service rates and charges in the preceding financial year; in the preceding year, whichever is greater.

Any decision which does not follow this requirement is deemed to be invalid. Latrobe City Council is liable to pay compensation as a result of acting on a major policy decision made in contravention of the legislation. The decision also applies to special committees or persons acting under a delegation from Council.

1.3 Purpose

The purpose of this policy is to:

- Provide policy and guidance to the Council to allow consistency and control over procurement activities;
- Demonstrate accountability to rate payers;
- Provide guidance on ethical behaviour in public sector purchasing;
- Demonstrate how to apply best practice principles when purchasing; and
- Increase the probability of obtaining the right outcome when purchasing goods, services and works.

1.4 Integration with Council Strategy

This policy supports the following Strategic Objectives contained within *Latrobe 2026: The Community Vision for Latrobe Valley* and the *Council Plan 2017-2021*:

Latrobe 2026

Governance:

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Regulation and Accountability:

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights outline obligations and support community values and cohesion.

Council Plan 2017 – 2021 Objective 6:

Ensure Council operates openly, transparently and responsibly

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Strategies:

- Enhance Council's engagement with the community to better understand the community's priorities.
- Develop Council's long term financial plan and asset management plan to ensure that Council remains financially sustainable.

1.5 Treatment of GST

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

1.6 Definitions and Abbreviations

Term	Definition
The Act	<i>Local Government Act 2020</i> (as amended)
CEO	Chief Executive Officer
Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party (for example discounts rebates, profits, methodologies and process information). It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.
Conflict of Interest	Refer to Division 2 of the <i>Local Government Act 2020</i> .
Contract Management	The process that ensures both parties to a contract that 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.
Corporate Social Responsibility (CSR)	Corporate Social Responsibility is about taking positive action to demonstrate Latrobe City Council's commitment to the local community and environment on which it impacts.
The Council / Council	The Latrobe City Councillor's as the governing body
Council officers	Includes temporary, full-time and part-time Latrobe City Council employees, as well as contractors and consultants while engaged by Latrobe City Council.
Delegation	A power handed down by the Council or Chief Executive Officer in an instrument to enable a delegate to act on Council's behalf.

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Term	Definition
Expression of Interest (EOI)	An invitation for potential suppliers to submit an EOI for the provision of the goods, services and works generally set out in the overview of requirements contained in the document. This invitation is not an offer or a contract. It is usually the first stage of a multi-stage procurement process.
e-Procurement	Refers to the use of electronic methods at any stage of the procurement process from identification of a requirement through to any contract management and possibly procured asset management. Electronic procurement is the undertaking of the procurement process stage by electronic methods.
GM	General Manager
MECC	Municipal Emergency Coordination Centre
MERC	Municipal Emergency Response Coordinator
MERO	Municipal Emergency Resource Officer
MRM	Municipal Recovery Manager
Probity	Within Local 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 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.
Probity Advisor	Reviews dealings with tenderers and the evaluation panel at presentations and interviews. Probity advisors provide advice to the evaluation team and/or steering committee.
Probity Auditor	Reviews all processes and documentation throughout the procurement process and provides a report on their findings at the conclusion of the process.
Procurement	Procurement is the whole process of acquisition of external goods, services and 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.
RERC	Regional Emergency Response Coordinator
SERC	State Emergency Response Coordinator

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Term	Definition
Social Procurement	Social Procurement uses procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Tender Process	The process of inviting suppliers to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value for Money	Value for money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • contribution to the advancement of Latrobe City Council's priorities; • non-cost factors such as fit for purpose, quality, service and support; and • cost-related factors including whole of life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services and works.

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2. Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity

2.1.1 Requirement

Latrobe City Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible audit scrutiny.

All staff involved in procurement should be skilled in probity fundamentals, their application and be familiar with Latrobe City Council's Conflict of Interest Guidelines.

2.1.2 Conduct of Councillors and Council Officers

2.1.2.1 General

Councillors and Council officers shall at all times conduct themselves in ways that are, and are perceived to be, ethical and of the highest integrity and will:

- Treat potential and existing suppliers with equality and fairness;
- Not seek or receive personal gain;
- Maintain confidentiality of Commercial in Confidence information such as competing suppliers information, pricing, specifications, quotations, tenders or any other sensitive information;
- Present the highest standards of professionalism and probity;
- Deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- Invite quotations and tenders only where there is a clear intent to procure the goods, services and works in the near future;
- Not behave in a fraudulent or criminal manner as detailed in Latrobe City Council's Fraud and Corruption Control Policy and Fraud and Corruption Control Plan;
- Not use Latrobe City Council's purchasing system or purchasing card for the purchase of personal items;
- Provide all suppliers with the same information and equal opportunity;
- Be able to account for all decisions and provide feedback on them;

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- Maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Latrobe City Council's procurement activities; and
- Report matters if they are concerned that improper conduct is being undertaken, this includes:
 - Corrupt conduct;
 - A substantial mismanagement of public resources;
 - A substantial risk to public health or safety; and
 - A substantial risk to the environment.

2.1.3 Procurement Activity Processes

All procurement activity processes shall be conducted in accordance with the requirements of this policy, Latrobe City Council's Procurement Operational Policy, Procurement Guidelines and any associated procedures, relevant legislation, relevant Australian Standards and the *Local Government Act 2020*.

2.1.4 Probity Advisors/Auditors

An independent probity advisor or auditor must be appointed in the following circumstances and provide a written report of results:

- If the procurement activity exceeds the probity excess limit of \$10M; or
- If the relevant General Manager or Chief Executive Officer requests the inclusion of a probity auditor or advisor.

2.1.5 Conflict of Interest

Councillors and Council officers will at all times adhere to the Latrobe City Council Conflict of Interest Guidelines.

2.1.6 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to participate in a procurement activity.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

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Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to individual rates or prices, discounts, rebates, profit, manufacturing and product information.

2.1.7 Gifts and Hospitality

Councillors and Council officers will at all times adhere to the Gifts, Benefits and Hospitality Policy.

2.1.8 Disclosure of Information

Commercial in Confidence information received by Latrobe City Council must not be disclosed and must be stored in a secure location.

Councillors and council officers are to protect Commercial in Confidence information, by refusing to release or discuss the following:

- Allocated Council budgets for proposed procurement activities;
- Information disclosed by suppliers in tenders, quotations or during tender negotiations;
- All information that is Commercial in Confidence information; and
- Pre-contract information including but not limited to information provided in procurement activities or subsequently provided in pre-contract negotiations.

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.

Summary information relating to contracts entered into with an estimated expenditure which exceeds the tender thresholds set by Council and specified in this Policy will be published on Latrobe City Council's external website.

2.1.9 Non-Compliance

Non-compliance to the Procurement Policy or the Procurement Operational Policy will be recorded and actions will be taken as per the procedures detailed in the Procurement Operational Policy.

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2.2 Governance

2.2.1 Structure

Latrobe City Council shall:

- Establish formal procurement approvals and a delegations structure that will ensure accountability and auditability of all procurement decisions made over the lifecycle of all goods, services and works;
- Ensure that Latrobe City Council's procurement structure:
 - Obtains value for money;
 - Is flexible enough to purchase the diverse range of material, goods, works and services required by Council in a timely manner;
 - Ensures that prospective contractors and suppliers are afforded an equal opportunity to participate in procurement activities; and
 - Encourages competition.

2.2.2 Standards

Procurement activities shall be carried out to the professional standards required by Local Government Best Practice Guidelines and in compliance with:

- *Local Government Act 2020*;
- Latrobe City Council's policies, operational policies and procedures;
- Latrobe City Council's Procurement Operational Policy;
- Councillor Code of Conduct;
- Latrobe City Council's Employee Code of Conduct;
- Occupational Health and Safety State and National Regulations; and

Other relevant legislative requirements such as but not limited to the *Competition and Consumer Act 2010*, *Goods Act 1958*, *New Tax System (Goods and Services Tax) Act 1999*, *OHS Safety Act 2004*, *Environment Protection Act 1970*, *Environment Protection Act 2017* and the *National Environment Protection Council Act 1994*.

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2.2.3 Latrobe City Council Related Policies, Frameworks and Guidelines

Latrobe City Council's policies, operational policies and guidelines relating to procurement that must also be complied with are:

- Purchasing Card Policy;
- Grant Governance Policy;
- Instrument of Delegations;
- Sponsorship Policy;
- Fraud and Corruption Control Policy
- Fraud and Corruption Control Plan;
- Disposal of Assets Operational Framework;
- Conflict of Interest Guidelines;
- OHS Purchasing of Goods;
- Wood Encouragement Policy; and
- Disability Action Plan.

2.2.4 Methods

Latrobe City Council's standard methods for purchasing goods, services and works shall be by some or all of the following methods:

- Purchasing card;
- Purchase order following the quotation process in accordance with section 2.3.2.2;
- Under contract following a tender process;
- Using aggregated purchasing arrangements with other Councils, MAV Procurement, Procurement Australia, Victorian Government, the Construction Suppliers Register or other bodies; and
- Other arrangements authorised by the Council or the Chief Executive Officer on a needs basis as required by abnormal circumstances such as emergencies.

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2.2.5 Responsible Financial Management

Responsible financial management shall be applied to all procurement activities.

To give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement activity for the supply of goods, services or works.

Council officers must not authorise the expenditure of funds in excess of their financial delegations.

Council officers must not disclose allocated procurement activity budgets to suppliers.

Latrobe City 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

Latrobe City Council's procurement processes are based on a number of principles:

- **Value for Money**

The benefits of the purchase are weighted against the costs necessary for the optimum result for Latrobe City Council and the local community. Latrobe City Council is not required to accept the lowest tender. Instead, Latrobe City Council is required to take into account issues of quality, cost, the accessibility of the service and other factors relevant to the overall objectives of the *Local Government Act 2020*.

Value for Money is often mistaken for meaning the lowest price, however, in terms of the contracting process, Value for Money requires Latrobe City Council to balance quality and price with as much transparency as is reasonably achievable. In this context price should take into account the whole life cost of the provision as far as is practicable. It follows that the delivery of Value for Money is dependent upon Latrobe City Council's priorities.

Achieving Value for Money also requires challenging the need for the procurement and the way in which the service may be reconfigured to achieve improvements in service delivery, comparing service provision options against all those available, consulting with key stakeholders and ensuring competition in the open market.

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Achieving Value for Money for money must be the basis of all procurement decisions within Latrobe City Council.

Value for Money is the guiding principle of Council procurement decisions and is in according with the Act, Section 108(3b). Value For Money (VFM) seeks to make sound judgement procurement decisions based on more than least cost. For each goods, services or works opportunity, VFM considers aspects relevant financial and non-financial elements such as (but not limited to):

- Quality
- Longevity
- Fitness for purpose
- Operational costs
- Experience and performance history
- Flexibility, innovation and adaptation
- Whole of life costs including acquisition, decommissioning and disposal costs
- Environmental impact including recyclability or reuse considerations.
- Backup and Support systems
- Licencing, registering and training costs
- Legal costs
- Risk, security and safety considerations

The relevant aspects of each procurement are to be considered by each officer in making each procurement decision.

In a multi-quote and tendered opportunity, the relevant VFM elements form the assessment criteria and are weighted and scored as a quantitative means to determine the offer representing best value for money to Council. These criteria and their weighting are to be established and fixed prior to quotes and tenders being sought, are to be included in the quote/tender documentation, and then responses evaluated once all responses have been provided. The response evaluation is to be included with the recommendation to the final tender/contract approver.

- **Open and Fair Competition**

All suppliers are treated fairly in an open and transparent manner and have access to the same information.

- **Accountability**

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.

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Therefore the processes by which all procurement activities are conducted will be in accordance with this Procurement Policy and associated Latrobe City Council's policies, operational policies and procedures. Additionally:

- All Council officers are required to comply with the Employee Code of Conduct and accordingly they must be able to account for all procurement decisions they have been involved in that were made over the lifecycle of all goods, services and works purchased by Latrobe City Council and provide feedback on them;
- All procurement activities are to leave an audit trail for monitoring and reporting purposes; and
- Councillors must not direct or influence Council officers in the exercise of any power in the performance of any procurement related duty or function.

- **Risk Management**

Strategies for managing risks associated with all procurement processes are in place and consistent.

- **Probity and Transparency**

All procurement processes must be conducted in a fair, honest and open manner, with the highest levels of integrity and in the public interest.

2.3.2 Minimum Spend Competition Thresholds

All Latrobe City Council procurement activities must comply with this policy and in accordance with Latrobe City Council's documented authorised delegations. The only exception to this is when a critical incident is declared invoking emergency incident procurement policies at 2.5.1.

Procurement activities must not be split into smaller amounts to circumvent the thresholds or financial delegate levels and must be calculated on total cost of ownership (options to extend the contract, contingency and travel or out of pocket expenses).

Latrobe City Council's minimum spend competition thresholds are listed below.

2.3.2.1 Tenders

Purchase of all goods, services and works for which the estimated expenditure (total value of the contract including all extension options and any provisional sums) exceeds the tender thresholds set by Council and specified in this Policy as required by the *Local Government Act 2020* must be undertaken by public tender. There is no specific time limit applicable to the length of a contract which is subject to the thresholds.

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Latrobe City Council may undertake a public tender process where the value of goods, services and works does not reach the threshold sums. These may be situations where a public tender is preferred or prudent, managing risk considerations are paramount, or there is a desire for greater transparency of the procurement.

An exemption can be obtained to not go to public tender. This must be endorsed by the Chief Executive Officer and Council. Exemptions from public tender must then be approved in accordance with Victorian Government Regulations.

A Procurement Plan must be completed and approved prior to tender

An evaluation panel is required for all publicly advertised procurement activities and must contain a minimum of three people. All evaluation panels will contain a member with relevant knowledge, an independent person (independent from the contract manager's team) and a representative from the Procurement Team.

All evaluation panel members must complete an individual conflict of interest declaration.

All tender documents must be created using Latrobe City Council's standard templates and the eTendering portal must be used.

Evaluation criteria and assigned weightings must be developed prior to advertising the procurement activity. Latrobe City Council's standard evaluation criteria consists of the following:

- Gateway Criteria – required to be met to proceed to the evaluation stage
- Mandatory Criteria – required for all tenders
- Discretionary Criteria – criteria from which the Contract Manager may select the relevant option depending upon the specifications

All evaluation criteria must be listed in the documentation; however criteria weightings will not be released.

If a briefing or site visit is required to support the procurement activity, the documentation is to specify whether these are to be compulsory or optional. All compulsory site visits will form part of the Gateway evaluation criteria.

Any additional information to be provided after the Procurement Plan has been released will be made available to all potential suppliers.

Any questions asked during the procurement activity process will be made available for all suppliers.

All publicly advertised procurement activities will be open for a minimum of 21 calendar days. A selected procurement activity will be open for a minimum of 7 calendar days.

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All submissions must be submitted via the eTendering portal. Hardcopy submissions will not be accepted. If a hardcopy submission is received via post or courier, the submission will not be accepted and will be returned via post unopened.

Latrobe City Council will not accept late submissions; however an exception may exist where it can be substantiated that there was a Latrobe City Council system failure or interruption to the eTendering portal. The CEO or General Manager can accept a late submission where it can be determined this circumstance prevailed at the time of attempted lodgement.

The gateway criteria must be met by tenderers to be eligible for evaluation.

The evaluation panel has discretion to exclude any tenders from further evaluation at the Gateway stage if the price submitted is 15% higher than the total project budget for that tender.

A procurement team member will evaluate the mandatory and gateway criteria. All evaluation panel members will complete the evaluation against the discretionary criteria. A full evaluation to review and agree on a recommendation is completed with all evaluation panel members.

Price can be measured either by lump sum or schedule of rates.

The evaluation panel is required to score submissions from 0 – 5 against the evaluation criteria to allow a comparison of submissions. Reasons and justifications for scores given must be documented.

All recommendations to award a contract must be submitted for CEO or Council approval. The recommendation for goods or service contracts must include any options to extend the contract.

2.3.2.2 Quotations

Purchase of goods, services and works having a total valuation of less than the compulsory tender threshold and do not require a contract, may be undertaken using the procurement by quotation method as described in Table 1 below:

Table 1

Quote Requirements	
Quotations	
Less than \$1,000	Minimum one (1) verbal quotation
\$1,001 - \$5,000	Minimum one (1) written quotation

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\$5,001 - \$25,000	Minimum two (2) written quotations
\$25,001 - \$250,000	Minimum three (3) written quotations
Tender	
Greater than \$250,000	Public Tender process required

In addition to the quotation requirements above, quotations may be publicly advertised at the Council officer's discretion. This may occur when a field of potential suppliers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices.

2.3.2.3 Purchasing Cards

Purchasing cards are available and the preferred method, for low value purchases. They must be used in accordance with Latrobe City Council's Purchasing Card Policy and must not be used for personal use.

2.3.2.4 Petty Cash

A petty cash system operates to provide temporary cash advances for legitimate, urgent and operational business expenses.

The maximum cash advance is \$50 and must be authorised by the requesting officer's supervisor.

Petty Cash will only be used to reimburse business expenses in exceptional circumstances or where a delay in reimbursement will cause financial hardship.

2.3.2.5 Reimbursements

A reimbursement system operates to reimburse legitimate and operational business expenses incurred by employees on behalf of Latrobe City Council. Legitimate and operational business expenses are defined as expenses incurred that are essential to performing functions of the relevant business unit.

All reimbursement expenditure must adhere to quotation requirements and purchasing approval delegations prior to incurring any expenses.

The reimbursement facility should not be used for purchases that can reasonably be made in advance via the quotation processes.

All reimbursements must be undertaken in accordance with council's reimbursement procedure.

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2.3.2.6 Agency

Council may use the services of a third party agent to undertake a tender on its behalf. Where this engagement is determined Council will:

- Endorse the tender and contract specifications, conditions and other contract documentation before public tenders are called;
- Ensure proper procurement processes and procedures are in place;
- Make a decision to either accept one of the tenders or reject all tenders as allowed by the Act, including reviewing the evaluation panel's assessment of submissions and recommendation to select one tender or a panel of tenderers; and
- Exercise discretion in accepting one of the tenders and merely rely on the work undertaken by the agent.

2.3.2.7 Collaboration

In accordance with the Act, Section 108(3c), Council will seek to collaborate with other Councils and Public Bodies through the various networks including through the Gippsland Regional Procurement Excellence Network (RPEN) and the Gippsland GROW network. Other networks in which Council officers are engaged may also provide collaboration opportunities depending on the procurement opportunity being considered.

Collaboration will be sought where it can be demonstrated that the value for money proposition will be improved by the scaling up of the opportunity with the inclusion of other Councils and Public Bodies. Value For Money, in regards to collaboration, will consider the relative cost reductions for the scaling up of the opportunity in comparison to any additional costs incurred such as delays to accommodate timing differences between Councils, the multi-party contract management regime imposed, and the contractual complexities incurred such as handling of securities and early contract withdrawal by one or more parties. Collaboration will be sought by email request to the Procurement representative of each Gippsland RPEN member seeking their interest in collaborative participation. Relevant opportunities will also be communicated with the Gippsland GROW network.

In accordance with the Act, Section 109(2), each report to Council recommending entering into a procurement agreement, will include information relating to the opportunities for collaboration.

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2.4 Delegation of Authority

2.4.1 Requirement

Delegations define the limitations within which Council officers are permitted to work. Delegation of procurement authority allows specified Council officers to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables council officers to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

2.4.2 Delegations

2.4.2.1 Council Officers

The following tables outline the authorised procurement delegations, identifying Council officers authorised to make procurement commitments in respect of goods, services and works on behalf of Latrobe City Council.

The delegations for all purchasing at Latrobe City Council are in accordance with Table 2:

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Table 2

Procurement Approval Delegations	
Limit of Delegation	Approving Officer
Purchase Card	As delegated by CEO or delegate
Up to \$500	Supervisor or equivalent*
Up to \$25,000	Coordinator / Team Leader**
Up to \$100,000	Manager
Up to \$250,000	General Manager
Up to \$1,000,000	Chief Executive Officer
Greater than \$1,000,000	Council

*for the approval of reimbursements only

**delegation for Team Leaders with budget responsibility only

All procurements require the applicable approval prior to providing advice to potential suppliers. Council officers must not authorise the expenditure of funds in excess of their financial delegations. Council officers are not permitted to authorise expenditure which directly benefits them or they are the recipient of the goods, service and works.

To ensure segregation of duties, Latrobe City Council requires at least three different officers to be involved and responsible for an end to end procurement activity. No single officer is to have complete control over any procurement activity. The delegations to award a contract at Latrobe City Council are in accordance with Table 3:

Table 3

Contract Award Delegations	
Limit of Delegation	Power to Award
<\$1,000,000	Chief Executive Officer
>\$1,000,000	Council

Where a contract variation is required, approval must first be sought from the applicable approving officer. The approving officer has the delegation to sign all correspondence in relation to the variation.

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The delegations for contract variations at Latrobe City Council are in accordance with Table 4:

Table 4

Contract Variation Delegations (per contract)	
Cumulative value of variations	Approving Officer
Up to \$25,000	Coordinator / Team Leader
Up to \$100,000	Manager
Up to \$250,000	General Manager
Greater than \$250,000	Chief Executive Officer

Where the Cumulative value of all variations;

- **exceeds 10%** of the original contract value, endorsement must be sought from the General Manager or Chief Executive Officer
- **exceeds \$500,000** it must be approved by the Chief Executive Officer and a briefing note be submitted to Council for their noting only.

Table 5

Latent Conditions (as per Australian Standards) and Design Variations	
Limit of Delegation	Approving Officer
Up to project budget	Contract Superintendent or Representative
Over project budget	Council

2.4.2.2 Delegations Reserved for the Council

Commitments and processes which exceed the Chief Executive Officer's delegation must be approved by Council. See Tables 2, 3 and 4 for Council officer's delegations to approve purchasing, award contracts and approve contract variations.

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2.5 Exemptions from Procurement Levels and Procedures

The delegations for endorsing and approving exemptions are in accordance with Table 6:

Table 6

Purchasing Exemption Delegations		
Value	Endorsed by	Approving officer
Up to \$25,000	Procurement Officer	Manager
Up to \$100,000	Coordinator Procurement; or Chief Financial Officer	General Manager
Up to \$250,000	Coordinator Procurement; or Chief Financial Officer	Chief Executive Officer
Greater than \$250,000	Chief Executive Officer	Chief Executive Officer

2.5.1 Exemptions less than \$250,000 (below tender)

Acceptable justifications for exemptions below the tender threshold are specified in the Procurement Operational Policy.

2.5.2 Exemptions greater than \$250,000 (above tender)

Exemptions for the above tender threshold are detailed in Table 7:

Exemptions from Tendering	
Exemption Name	Explanation and limitations
A contract made because of genuine emergency or hardship	<ul style="list-style-type: none"> Where the Council has resolved that the contract must be entered into because of an emergency (e.g. to provide immediate response to a natural disaster, declared emergency, etc.)
A contract made with, or a purchase from a contract made by, another government entity, government-owned entity or other approved third party	<ul style="list-style-type: none"> This general exemption allows engagements: With another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or

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	In reliance on contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA).
Extension of contracts while Council is at market	<ul style="list-style-type: none"> Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality
Professional services unsuitable for tendering	<ul style="list-style-type: none"> Insurance (incl. WorkCover) Legal Services (exempt under the Local Government (General) Regulations 2015).
Information technology resellers and software developers	<ul style="list-style-type: none"> Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software
Regional Waste and Resource Recovery Groups	<ul style="list-style-type: none"> Situations where a Regional Waste and Resource Recovery Group constituted under the <i>Environment Protection Act 1970</i> had already conducted a public tender for and on behalf of its member councils

The CEO may approve ad-hoc exemptions in exceptional circumstances where it can be demonstrated that it is in the best interests of the community to do so.

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2.5.3 Critical Incidents

Emergency Management policies and processes are invoked when a relevant Incident Controller, State Emergency Response Coordinator (SERC), Regional Emergency Response Coordinator (RERC) or Municipal Emergency Response Coordinator (MERC) (if not already self-activated by the Municipal Emergency Resource Officer (MERO) / Municipal Recovery Manager (MRM)) contacts Council requesting Council assistance in relation to:

- An emergency within the meaning of the *Emergency Management Act 1986* and the *Emergency Management Act 2013*;
- Latrobe City Council's Municipal Emergency Management Plan being activated;
- An emergency impact that requires activation of Council resources through the MERO/MRM via the Municipal Emergency Coordination Centre (MECC);
- An incident that activates the Councils Business Continuity Plan;
- An incident that represents a serious threat to health, safety, security of person or property; or
- A situation that represents a serious or urgent disruption to Latrobe City Council services.

In recognition that full compliance with existing Latrobe City Council procurement policies may not support the requirements during a critical incident, an alternative procurement process is in place to operate during a critical incident. Critical incident procurement aims to accommodate urgent procurement needs whilst ensuring that procurement processes adopted are reasonable and conducted with appropriate consideration of the standard procurement principles. In the event of a critical incident being declared, the process for procuring goods, services and works is to:

- Take into account value for money, accountability and probity to the extent that they can be applied given the severity and urgency of the incident;
- Adopt minimum record keeping processes through the Crisisworks Emergency Management System for relief, response and recovery;
- Ensure records of all procurements and decisions are documented in Crisisworks and disclosure of the value of goods, services and works procured for the emergency are reported to Council upon request;
- Ensure a procurement team member is to be part of the Emergency Management team to manage all procurement activities; and

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- Ensure emergency incident approval processes are activated through the MERO via delegated authority of the Chief Executive Officer.

2.6 Public Advertising

All public procurement activities are to be published on Latrobe City Council's e-tendering portal to promote open and fair competition as specified in the *Local Government Act 2020*.

2.7 Internal Controls

Latrobe City Council will establish and maintain the Procurement Operational Policy which will detail the internal controls over procurement processes and will ensure:

- A minimum of three people are involved in and are responsible for a transaction end to end;
- Transparency in the procurement process;
- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented; and
- Systems are in place for appropriate monitoring and performance measurement.

2.8 Risk Management

2.8.1 General

Risk management is to be appropriately applied at all stages of procurement activities. This will be properly planned and carried out in a manner that will protect and enhance capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

Risk management will be carried out in accordance with the stated requirements in the Risk Management Policy and the Guidelines for Occupational Health and Safety, Management of Contract and any Federal or State regulatory requirements.

2.8.2 Supply by Contract

The provision of goods, services and works by contract potentially exposes risk.

Latrobe City Council will minimise its risk exposure by measures such as:

- Standardising contracts to include current, relevant clauses;

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- Requiring security deposits where appropriate;
- Referring specifications to relevant experts;
- Requiring contractual agreement before allowing the commencement of work;
- Use of or reference to relevant Australian Standards (or equivalent); and
- Effectively managing the contract including monitoring and enforcing performance.

2.9 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions unless changes to this are supported by the Procurement and Governance teams.

The maximum contract term is not to exceed five years (initial period plus all extension options). Exceptions may be made in exceptional circumstances where there is a genuine economic reason to do so (e.g. the contract is linked to significant assets).

To protect the best interests of Latrobe City Council, terms and conditions must be settled in advance of any commitment being made with a supplier.

2.10 Endorsement

Council officers and Councillors must not endorse any products or services.

2.11 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the potential for legal action.

2.12 Contract Management

The purpose of contract management is to ensure that Latrobe City Council, and where applicable its contractors, receive the goods, services and works provided to the required standards of quality and quantity as intended by the contract by:

- Establishing a system monitoring and achieving the responsibilities and obligations of both parties' under the contract;
- Providing a means for the early recognition of issues and performance problems and the identification of solutions;
- Goods, services and works have been completed to council officers satisfaction prior to payment occurring;

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- Contract variations are approved prior to any work commencing;
- Contract variations are reported to Council on a quarterly basis; and
- Adhering to Latrobe City Council’s Risk Management Operational Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the Council officer responsible for the delivery of the contracted goods, services and works to ensure Latrobe City Council receives value for money.

A Contract Superintendent will be appointed and delegated authority as assigned by Australian Standards for the purpose of directing latent conditions and design variations.

2.13 e-Procurement

e-Procurement is integral to the overall development of procurement processes and involves the use of electronic systems to acquire and pay for goods, services and works.

By utilising e-Procurement Latrobe City Council aims to:

- Reduce transaction costs;
- Increase supplier competition;
- Make processes more efficient;
- Improve management information and visibility of spend;
- Increasing control and consistency of processes; and
- Improve spend compliance.

For these reasons Latrobe City Council will only be accepting tender submissions electronically via the electronic Tender Box, unless otherwise approved prior to the closing time and date by the Coordinator Procurement. The electronic Tender Box is a free service.

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3. Demonstrate Sustained Value

3.1 Achieving Value for Money

3.1.1 Requirement

Latrobe City Council's procurement activities will be carried out on the basis of obtaining value for money (as defined in 1.6 Definitions and Abbreviations and detailed in 2.3.1 Process – Value for Money).

This means minimising the total cost of ownership over the lifetime of the requirement, consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of value for money.

3.1.2 Approach

This will be facilitated by:

- Developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout the lifecycle;
- Developing and implementing a variety of standard selection criteria and weightings. Criteria and weightings will be established at the beginning of a tendering process to ensure value for money is achieved;
- Effective use of competition;
- Using a schedule of rates and panel contract arrangements where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Placing emphasis on the procurement activity planning process;
- Developing more cost efficient procurement processes including appropriate use of e-solutions;
- Council officers responsible for providing procurement services or assistance within Latrobe City Council and providing competent advice in terms of available products and agreements;
- Working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired;
- Undertaking analysis of Council's category spending patterns; and

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- Ensuring procurement effort corresponds with risk and expected return.

3.1.3 Role of Specifications

Specifications used in quotations, tenders and contracts are to support and contribute to Latrobe City Council's Value for Money objectives by being written in a manner that:

- Ensures impartiality and objectivity;
- Clearly defines Latrobe City Council's requirements;
- Encourages the use of standard products;
- Encourages sustainability; and
- Eliminates unnecessarily stringent requirements.

3.2 Performance Measures and Continuous Improvement

Latrobe City Council will establish appropriate performance measures and reporting systems to monitor performance and compliance with procurement policies, procedures and controls which will be reported to Latrobe City Council's Senior Leadership Team and / or Executive Team.

Procurement procedures, practices and costs may be benchmarked externally.

The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers; and
- Facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies.

3.3 Corporate Social Responsibility

Corporate Social Responsibility is about taking positive action to demonstrate Latrobe City Council's commitment to the local community and the environment on which it impacts. This means maximising the benefits of the services we provide across the community and minimising the negative aspects of activities.

Latrobe City Council integrates Corporate Social Responsibility into its organisational policies and practices through social procurement, sustainability and diversity.

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3.3.1 Social Procurement

Social Procurement is the process of generating positive social outcomes through the procurement of goods, services and works. Social Procurement generates positive outcomes by building on initiatives already undertaken by Latrobe City Council in enhancing sustainable and strategic procurement practices, further enabling procurement to effectively contribute towards building stronger communities and meeting the social objectives.

Social Procurement can effectively contribute to building stronger communities and meeting social objectives and in particular facilitating employment opportunities to target communities within the Latrobe City region,

Latrobe City Council is committed to Social Procurement by:

- Ensuring all procurement practices are sustainable and strategically aligned with 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;
- Purchasing ethical and fair trade goods to support equitable, local, national and international trade; and
- Ensuring business meets its obligations to its employees under applicable industrial instruments and legislation.

3.3.2 Buy Local

3.3.2.1 Local Suppliers

Latrobe City Council is committed to buying from local businesses where purchases can be justified against Value for Money grounds, while remaining compliant with the *Competition and Consumer Act 2010* and other fair trading legislation requirements.

Wherever practicable, Latrobe City Council will fully examine the benefits available through purchasing goods, services and works from suppliers within Latrobe City.

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To ensure that value for money is achieved through use of local suppliers when purchasing, Latrobe City Council shall:

- Encourage a 'buy local' culture within 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 the use of local suppliers by contractors.

3.3.2.2 Local Economic Development

Latrobe City Council will also seek from prospective suppliers/contractors, where applicable, what economic contribution they will make to the Latrobe City region. Latrobe City Council will assign weighting percentage up to a maximum of 15% to this criteria element. The quotation or tender evaluation panel will determine the percentage applied to any procurement.

Such examples may include a supplier/contractor who:

- Engages and contracts with local suppliers
- Engages local sub-contractors
- Participates in apprenticeship schemes or employs apprentices when tendering for projects upon award
- Contributes to the financial, social and environmental wellbeing of the region
- Enables the expansion, growth and servicing of local businesses and contractors
- Uses existing local businesses

3.3.2.3 Social Contribution

A social enterprise is a revenue generating business with primarily social objectives that reinvest surpluses in the business or community, rather than being driven by the need to deliver profit to shareholders and owners. These organisations are commonly referred to as social benefit suppliers and include social enterprises, Australian Disability Enterprises, Fair Trade Businesses, Indigenous Businesses, and can include women-owned and minority-owned businesses.

Latrobe City Council will identify opportunities to work with social enterprises and other not for profit businesses in the Latrobe City region that deliver social outcomes as part of doing business, either directly or as part of our supply chain.

3.3.2.4 Indigenous Engagement

Latrobe City Council is committed to exploring opportunities in engaging local indigenous businesses for the delivery of goods, services or works.

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3.3.2.5 Social Employment

Latrobe City Council is committed to Social Procurement, effectively achieving social objectives and facilitating employment opportunities to target communities in the Latrobe City region via our procurement processes. Latrobe City Council will seek from prospective suppliers/contractors, where applicable, what employment contribution they will make to the Latrobe City region.

3.3.3 Sustainable Procurement

Latrobe City Council recognises it has an implicit role in furthering sustainable development, through its procurement of goods, services and works.

In addition, Latrobe City Council recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. Latrobe City Council aims to achieve this by:

- Taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods, services and works;
- Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured;
- Considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner;
- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products;
- Selecting products and services that have minimal effect on the depletion of natural resources and biodiversity;
- Working more effectively with local suppliers to ensure they are encouraged to bid for Latrobe City Council's business in line with the Procurement Policy;
- Ensuring all relevant procurement activities contain sustainability specifications as appropriate to the product or service being procured;
- Comply with all Australian regulations and legislation and ensuring our suppliers do the same; and
- Training all Council officers on sustainability considerations within the procurement process.

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3.3.4 Diversity and Inclusion

Promoting equality through procurement can improve community relations, satisfaction among users, competition, value and the quality of public services, . It should be a consideration in every procurement activity and reflect corporate commitment to diversity and equal opportunities wherever possible.

Latrobe City Council recognises the importance of having a diverse supplier base that reflects the breadth of our clients and the Victorian community.

Diversity and inclusion in procurement can refer to diverse suppliers, for example indigenous, culturally diverse, disability or gender diverse suppliers or can refer to generic suppliers providing consideration of the needs of diverse groups.

Latrobe City Council's Procurement Policy looks at including diverse enterprises in procurement processes and Latrobe City Council's Disability Action Plan is considered to ensure procurement processes and decisions do not directly or indirectly discriminate against people with a disability.

3.3.5 Occupational Health and Safety

Latrobe City Council will undertake due diligence assessments on all suppliers to ensure compliance to legislative and business requirements. Latrobe City Council requires all contractors, service providers and volunteers to comply with all Occupational Health and Safety legislative requirements. These are mandatory requirements and non-compliance will disqualify prospective suppliers. Suppliers will be required to provide evidence of insurances in providing goods, services and works.

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4. Apply a Consistent and Standard Approach

Latrobe City Council will provide effective and efficient commercial arrangements for the acquisition of goods, services and works.

4.1 Standard Processes

Latrobe City Council will provide effective commercial arrangements covering standard products and provision of standard services to enable **Council officers** to source requirements in an efficient manner.

This will be achieved via a combination of the following:

- Use of Latrobe City Council's approved suppliers;
- Pricing where relevant;
- Processes, procedures and techniques;
- Tools and business systems (e.g. e-Procurement arrangements);
- Reporting requirements; and
- Application of standard contract terms and conditions.

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5. Build and Maintain Supplier Relationships

Latrobe City Council recognises that in order to achieve sustainable value, appropriate relationships must be developed and maintained with suppliers.

5.1 Developing and Managing Suppliers

Developing and managing suppliers is essential to achieving a competitive market capable of delivering Latrobe City Council services and works requirements. Latrobe City Council recognises the importance of effective and open working relationships with its suppliers and is committed to the following:

- Managing existing approved suppliers, to ensure the benefits are delivered;
- Maintaining approved suppliers compliance with Latrobe City Council's requirements for insurances, Occupational Health and Safety, etc.; and
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

All suppliers have a responsibility to follow and comply with the principles outlined in Latrobe City Council's Supplier Code of Conduct, which should be read in conjunction with Latrobe City Council's Purchase Order Terms and Conditions.

5.2 Communication

External communication is very important in ensuring a positive interest from potential suppliers. Latrobe City Council's website will be updated and provide:

- Information about Council and how to become an approved supplier;
- A list of open Public Procurement Activities;
- Summary information relating to contracts entered into with an estimated expenditure which exceeds the compulsory tender thresholds as per section 2.1.8;
- Purchase Order Terms and Conditions;
- Supplier Code of Conduct;
- Guidelines for "Doing Business with Latrobe City Council";
- Standard documentation used in the procurement process; and
- Links to other relevant sites.

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6. Review Process

6.1 Review

To ensure compliance with Section 108 of the *Local Government Act 2020*, this policy will be reviewed and updated at least once during each 4-year term of the Council, unless one of the following occurs first:

- Significant changes to legislation applicable to the subject matter of the policy
- Upon request of Council

Unless otherwise indicated, this policy will still remain applicable beyond the process review date until that review has been finalised by Council.

6.2 Administrative Updates

It is recognised that from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include updating to the latest style/template for policy, a change to the name of a Council department or applicable responsible position, a change to the name of a Federal or State Government department and minor update to legislation which does not have material impact.

Any change or update which materially alters this document must be by decision of Council.

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