

8. PROCUREMENT POLICY

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Purpose

This document defines Douglas Shire Council’s (Council’s) policy for the procurement of goods and services and adherence to the ‘sound contracting principles’, as stipulated in s198 of the *Local Government Regulation 2012 (Qld)* (the Regulation).

The policy serves to provide Council with a framework for managing the procurement function that ensures compliance with statutory requirements, an efficient and effective process, and a reduction in the risk of fraud and corruption.

Scope

This policy applies to all procurement and contracting activities undertaken in the acquisition of all goods and/or services for Council and is binding upon all employees working for or on behalf of Council, regardless of financial delegation. This includes but is not limited to, permanent, temporary and casual employees, as well as volunteers, contractors and consultants.

Policy Content

Objectives

Council’s purchasing activities aim to achieve advantageous procurement outcomes by:

- promoting value for money with probity and accountability;
- advancing Council’s economic, social, and environmental strategies;
- providing reasonable opportunity for competitive local businesses that comply with relevant legislation to supply to Council; and
- promoting compliance with relevant legislation.

In accordance with relevant legislation, this policy incorporates requirements regarding the procurement of goods and services and the application of the sound contracting principles.

Responsibility

Council officers responsible for the procurement of goods and services must comply with this policy. It is the responsibility of Council officers involved in the procurement process to understand the meaning and intent of this policy.

Council officers are required to:

- adhere to the ‘sound contracting principles’ as defined in s104(3) of the *Local Government Act 2009* (the Act);
- preserve Council’s integrity in the procurement process to ensure that Council may be seen to have acted beyond reproach in all dealings;
- abide by Council’s Code of Conduct and all applicable policies and instructions; and
- source quotations and raise purchase orders to ensure funds are committed, prior to receiving goods and services.

The expected value of a contractual arrangement with a supplier for a financial year is the total expected value of all of Council's contracts, in the financial year, with the supplier for goods and services of a similar type. Accordingly, the purchase of goods or services must not be divided into unreasonable components, or order quantities reduced, to avoid the necessity to comply with the dollar limit requirements under this policy.

All relevant documentation relating to the procurement process is to be recorded in Council's record management system. Documentation which must be recorded includes, but is not limited to, probity and evaluation plans, quotations, emails, letters, e-procurement files, evaluation documentation, meeting minutes, tender/site briefings, draft & finalised documentation versions etc.

Sound Contracting Principles

S104(3) of The Act requires that a local government adheres to the following five sound contracting principles in all purchasing activities:

1. Value for money
2. Open and effective competition
3. The development of competitive local business and industry
4. Environmental Protection
5. Ethical behaviour and fair dealing

1. Value for money

Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value for money assessment must include consideration of:

- contribution to the advancement of Council's priorities;
- fit for purpose, quality, services and support;
- whole-of-life costs including costs of acquiring, using, maintaining and disposal;
- value adds, cost savings and/or discounts;
- internal administration costs
- technical compliance issues;
- risk exposure;
- benefits to the community (e.g. employment of local labour);
- the value of any associated environmental benefits; and
- proven ability to fulfil the contract.

2. Open and effective competition

Purchasing should be open and transparent, and result in effective competition in the provision of all goods and services. Council must give fair and equitable consideration to all prospective suppliers by ensuring that:

- Procurement and contracting practices are visible and transparent;
- Suppliers with the capability and capacity to provide Council with goods and services have equal opportunity to provide such goods and services, and are given reasonable opportunities to do so;
- Maintain confidentiality of offers, security of information and commercial in confidence material; and
- All documentation relating to purchasing is recorded in Council's records system to maintain an accurate audit trail of Council's decision-making processes.

3. The development of competitive local business and industry

Council encourages development of competitive local business and industry by:

- (a) Actively seeking out potential local supplies and suppliers and where applicable, encourage local businesses to provide a quote;
- (b) Encouraging principal contractors to give local suppliers every opportunity, to participate in major projects as partners or subcontractors;
- (c) Giving preference to locally sourced goods and services, where price, performance, quality, suitability and other evaluation criteria are comparable;

- (d) Ensuring that payments are prompt and in accordance with the agreed terms of contract; and
- (e) Giving consideration to the advantages of buying locally sourced goods and services, and to dealing with local suppliers, including:
 - i) Spare parts and servicing support are more readily available;
 - ii) Compliance with warranty provisions is more reliable;
 - iii) Supply lines are shorter; and
 - iv) Communications for contract administration are more convenient.

Where an expression of interest, tender or quotation is evaluated, all other things being equal, it is Council's preference to purchase locally.

If a tender or quotation is evaluated using selection criteria, then a local preference selection criterion with a weighting of no more than 20% (of the selection criteria total) may be utilised in the evaluation process. Local preference is not simply a 20% price benefit to a local supplier, but also a quantitative measurement that can be utilised in recognition of location of supplier and the associated benefits that this provides to Council, such as:

- creation of local employment opportunities;
- more readily available servicing support;
- more convenient communication for contract management; and
- economic growth within the local area.

In this policy statement, a "local supplier" is a supplier which:

- is owned by persons who are residents or ratepayers of the local government area; or
- has its principal place of business within the local government area; or
- otherwise has a place of business within the local government area, which solely or primarily employs persons who are residents or ratepayers of the local government area.

4. Environmental Protection

Council promotes environmental protection through its purchasing procedures. In undertaking any purchasing activities, Council will:

- promote the purchase of environmentally friendly goods and services that satisfy value for money criteria;
- consider the environmental impact of goods and services during the procurement decision making process;
- Provide an example to business, industry, and the community by promoting the use of environmentally friendly goods and services; and
- wherever possible, encourage environmentally responsible activities, and specification of environmentally friendly products in request for quotation and tender documents; and
- Endeavour to reduce, reuse and recycle surplus goods and/or materials.

5. Ethical behaviour and fair dealing

Council officers involved in purchasing must behave with impartiality, fairness, independence, openness, integrity and professionalism in their discussions and negotiations with suppliers and their representatives. Appropriate records are to be maintained evidencing decisions and terms of engagement with all related documentation to be saved in secured folders within Council's records system.

All employees must:

- Report and seek advice on any potential, perceived or actual conflict of interest in the end-to-end procurement process, and ensure that all conflicts of interest are documented and recorded in alignment with Council policy; and
- Not seek or accept any remuneration, gift or advantage; and
- Ensure probity, transparency, impartiality and accountability for all procurement and contracting activities; and
- Keep confidential and secure, all sensitive information obtained as part of the procurement activity; and

- Promote high standards of professionalism in procurement and contracting activities.

Administrative Complaints

Complaints concerning procurement are managed through Council’s Administrative Action Complaints Policy.

Modern Slavery Act 2018 (Cth)

Council is committed to respecting human rights in our operations and supply chains. Where required, Council will engage with key suppliers to understand how they address identified modern slavery risks and improve information about the source of products.

Procurement of Goods and Services

Procurement Thresholds

Procurement thresholds refer to the expenditure with a supplier for goods and/or services.

Purchase of goods and services		
<i>Micro arrangement</i>	Less than \$10,000	One written quote
<i>Small arrangement</i>	\$10,000 to less than \$15,000	Two written quotes *
<i>Medium-sized Contractual Arrangement</i>	\$15,000 to less than \$200,000	Three written quotes
<i>Large-sized Contractual Arrangement</i>	\$200,000 or more	Tender required

All amounts are GST exclusive.

* In accordance with s229-235 of The Regulation - exceptions exist for medium-sized and large-sized contractual arrangements. As The Regulation does not stipulate minimum quote requirements for goods and services less than \$15,000, Council extends the available exceptions as defined in The Regulation and on page 6-7 of this procurement policy, to purchases within the range of \$10,000-\$15,000.

All purchases greater than \$500,000 (ex GST), other than recurring operational expenditure outlined in Appendix 1, require approval by means of Council resolution.

VendorPanel

Council’s preference is to issue all requests for quotations and tenders via the e-procurement platform VendorPanel. Any requests for quotations or tenders with a budget or anticipated value of \$10,000 (ex GST) and above, VendorPanel use is mandatory – unless otherwise approved by a Manager.

Recurring operational expenditure, such as ICT licences, insurance, utilities etc. as defined in the Definitions, are exempt from obtaining quotes via VendorPanel. This expenditure will require approval in line with financial delegations.

Tendering for large-value contracts

In accordance with s229-235 of The Regulation - Council must invite written tenders if the expected value of goods and/or services of a similar type procured from the same supplier is \$200,000 or more in a financial year, or over the proposed term of the contractual arrangement; unless an exception applies. S228 further outlines the tender process Council must adhere to once a decision to enter into a Tender or Expression of Interest process has been confirmed. Council specific guidelines for the tendering process can be found in documents titled ‘Inviting Expressions of Interest and Tenders’ and the ‘Tender Process Flowchart’.

Expression of Interest (EOI)

Council may invite expressions of interest for contracts valued at \$200,000 (exc GST) and above, only once a Council Resolution is obtained. EOI's may only be utilised to facilitate a closed tender process if Council has decided by resolution that it would be in the public interest to call for EOIs prior to inviting tenders and has recorded its reasons for doing so, including community benefits, in the minutes of the meeting.

EOI/Tender Process

Invitations for EOIs and tenders must be published on the Tenders page of Council's website for a minimum of 21 days and allow written tenders to be given while the invitation is published on the website.

All EOIs and tenders must be released to market via Council's electronic tendering platform, with all submissions to be received through the same channel.

Document Retention

Documentation relating to any large value procurement must be saved within Council's record system, where documents must be saved to a secure procurement/project folder with security access provided to only those with direct involvement in the procurement. Tender submissions, commercial-in-confidence information, and evaluation decision making records must always remain secured and confidential.

Probity and Evaluation Plan

A Probity Plan must be prepared for all contracts greater than \$200,000 (exc GST).

For purchases below \$200,000 (exc GST) a probity plan must also be prepared where the probity risk has been deemed to be high by the actioning Council officer. In consideration of probity risk, the Council officer should consider the level of cost, complexity, and public interest.

Where any large-scale procurement arrangement is sensitive, highly complex, of public interest, or likely to be challenged, the use of internal or external probity advisors and/or probity auditors should also be considered.

Budgetary Provisions

Procurement must be in accordance with the adopted annual budget, or a council resolution and sufficient funds must be available to meet the full cost of the proposed procurement.

Exceptions for Medium and Large-sized Contractual Arrangements

S229-235 of The Regulation allows for exceptions to the number of quotes or tender requirement for medium-sized and large-sized contractual arrangements. If an exception applies, Council may enter into:

- a medium-sized contract without first inviting written quotes; or
- a large-sized contract without first inviting written tenders.

The exceptions are:

- exception if a quote or tender consideration plan is prepared;
- exception for a contractor on an approved contractor list;
- exception for a supplier on a register of pre-qualified suppliers;
- exception for a supplier on a preferred supplier arrangement;
- exception for LGA Arrangements; or

Further exceptions exist if:

- Council resolves it is satisfied that there is only one supplier who is reasonably available;
- Council resolves that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders;
- a genuine emergency exists;
- the contract is for the purchase of goods and is made by auction; or

- the contract is for the purchase of second-hand goods; or the contract is made with, or under an arrangement with, a government agency (Federal government, State government or another Local government).

Exceptions for LGA Arrangements (Local Buy)

S234 of The Regulation allows for exceptions to the number of quotes or tender requirement if engaging via a LGA Arrangement (LGAQ Ltd – ‘Local Buy’). This exception applies to *all* engagements via Local Buy regardless of value.

Council recognises that Local Buy arrangements are compliant with The Act and The Regulation and provide local government entities with the assurance that all suppliers are vetted and compliant based on comprehensive tender, evaluation and approval process. The arrangements are established as a free service to Councils and government entities and offer pricing benefits and savings as a result of aggregated purchasing, while eliminating the time and cost associated with a full tender

Register of Pre-Qualified Suppliers (RoPS)

S232(a) of The Regulation allows Council to establish a Register of Pre-Qualified Suppliers of particular goods and services if the preparation and evaluation of invitations every time the goods or services are needed would be costly.

Appointment to a RoPS is a non-exclusive acceptance of the supplier’s tender submission and does not guarantee that the supplier will be engaged to provide any, or any minimum quantity or value of goods/services during the term. Once the RoPS is established, multiple quotes should still be sourced prior to engagement in the interest of procurement best practice and achieving value for money. Council reserves the right to seek quotes within or outside of the RoPS.

Where extension options on RoPS arrangements are available, existing suppliers who demonstrate a continuous high quality of service and value for money to Council may be extended for an additional term. This approach is intended to eliminate unnecessary sourcing activities and allow Council resources to be directed elsewhere. New suppliers, or suppliers who missed the original Tender opportunity, cannot be added to existing RoPS arrangements, unless another open market invitation and Tender process is undertaken.

Sole and Specialised Suppliers

S235(a)(b) of The Regulation provides exceptions to the number of quotes or tender requirement where the required goods or services are available only from one source or supplier or where only one supplier is available due to specialised or unique services, or where services are confidential in nature that makes it disadvantageous or impractical to seek additional quotes.

Such suppliers can be added to or removed from Council’s Sole and Specialised Suppliers register via a Council Resolution.

Council operated events Tender Consideration Plan

Council may approve the adoption of a Tender Consideration Plan for Council Operated Events to be exempt from obtaining three written quotes under *s230(1) of the Regulation*. The Tender Consideration Plan would allow Council to enter into contractual arrangements over \$15,000 and less than \$200,000 with contractors, suppliers and sponsorship for Council operated events.

Emergencies

Council acknowledges that strict compliance with its procurement policy during an emergency may impede Council’s ability to engage suppliers promptly and respond to the immediate needs of the community. Therefore, an alternative procurement process may be adopted for responding to emergency situations, that is conducive to prompt Council action and addressing community needs, while still giving appropriate consideration to the *sound contracting principles*.

Council also acknowledges that emergent procurement actions during an emergency will likely exceed budget.

As such, the Procuring During an Emergency document provides an accelerated procurement process. This document applies to emergencies and incidents such as:

- A state of disaster declared under the *Disaster Management Act 2003 (Qld)*, or any other emergency declaration made by the State's Premier under an enactment;
- An incident declared by the Chief Executive Officer where the safety or security of any person or property associated with the Council is threatened; and
- An incident to which the Chief Executive Officer has authorised the provision of urgent support.

Retrospective Approval: As soon as practicable upon cessation of the emergency, a report must be presented to Council to authorise the unapproved expenditure.

Evaluation of Quotes and Tenders

Council ensures probity and considers the 'sound contracting principles' in its approach to all procurement activities including the evaluation of quotes and tenders. To maintain probity during the evaluation process, Council will implement appropriate measures proportionate to the value and risk of the procurement activity such as:

- maintain a full audit trail of the evaluation process undertaken;
- develop a Probity Plan for all contracts greater than \$200,000 (exc GST), or, where the risk to maintaining probity is deemed high;
- ensure any potential, perceived or actual conflicts of interest are declared, documented and handled accordingly;
 - ensure interactions, meetings, clarifications and negotiations with suppliers are documented;
 - ensure evaluation panel meetings are minuted and saved in Council's record system; and
 - ensure supplier's information of a commercial in confidence nature is safeguarded.

Financial and Contractual Delegation

The Chief Executive Officer implements Council's policies and decisions (e.g., spending in accordance with the adopted budget). Refer also to Appendix 1.

Other Council officers may only incur expenditure on behalf of Council if:

- the Council officer has been granted the financial and contractual delegation by the Chief Executive Officer and this delegation has been recorded in the Register of Delegations; and
- the expenditure is provided for in Council's budget.

Splitting Orders and Contracts

Splitting orders or splitting contracts to stay below certain thresholds is prohibited.

Variations

Variations may be required to a Council contract which can be a Council purchase order, contract, or agreement signed by a delegated Council officer.

For a contract variation to be considered, the Council officer must ensure that:

- a) There are sufficient funds in the budget;
- b) The authorising Council officer has the requisite level of financial and contractual delegation; and
- c) Where the proposed variation is in excess of the authorising Council officer's delegation, approval by the relevant approving authority.

Council officers must ensure that the contract variations are not to the extent that they significantly change the contract requirements and/or substantial parts of the original procurement. If this is the case, it may be necessary to undertake another procurement process.

Corporate Credit Cards

Corporate credit cards are to be used for low value, low risk purchases that would normally be purchased over the counter or online and where it is cost effective to do so. For the purposes of corporate credit card purchases, low value means up to the transactional delegation of the individual's corporate credit card.

Contracts (including Purchase Orders) are the preferred method of procuring any services, however services that are low value and low risk and usually purchased over the counter or online (for example, booking travel) may be made on corporate credit card.

Reporting

Council must comply with reporting requirements set out in the Act the Regulation.

Publishing Details of Contracts

As required by s 237 of the *Local Government Regulation 2012 (Qld)*, Council must publish details of all contracts worth \$200,000 or more (exclusive of GST) as soon as is practicable after entering into the contractual arrangement.

These details must be published monthly on Council's website and on a noticeboard located in the customer service area of Council's Administration Building in Front Street, Mossman. In line with the regulation requirements, details of all contractual arrangements will be published for a period of at least 12 months.

Information to be documented in these publications includes the following:

- the person/company with whom Council has entered into the contract;
- the value of the contract; and
- the purpose of the contract.

Annual Report

s 190(1)(e) of the *Local Government Regulation 2012* requires that the local government's Annual Report include the number of invitations to change tenders under s 228(8) of the LGR during the financial year.

Definitions

Item	Definition
Approved Contractor List	means a list of persons who Council considers to be appropriately qualified to provide the service
Contractual arrangement	Means a legally binding agreement between two parties
Council	Means Douglas Shire Council
Council officer	Means any employee working for or on behalf of Council. This includes but is not limited to, permanent, temporary and casual employees, as well as volunteers, contractors and consultants.
Council operated events	Means public facing events that Council is responsible for (i.e. Carnivale, Anzac Day, New Year's Eve)
Goods	Means an inherently useful and tangible item (article, commodity, material, merchandise)
Local Supplier	Means a business entity that has its principal place of business/registered office within the Douglas Shire Council Local Government Area (LGA), or otherwise has a place of business within the Douglas Shire Council LGA which solely or primarily employs persons who are residents or ratepayers within the Douglas Shire Council LGA
Preferred Supplier Arrangement (PSA)	Means a contractual arrangement where there is a known program of works or services which are usually required in large volumes and frequently. Council is able to obtain better value for money by aggregating the demand for those goods and services. Prices or a schedule of rates are usually fixed for the duration of the PSA arrangement.
Pre-Qualified Supplier	Means a supplier who has been assessed by the Local Government as having the technical, financial and managerial capability necessary to perform contracts on time and in accordance with agreed requirements.
Probity	Probity is evidence of ethical behaviour in a particular process. Demonstrating probity means more than just avoiding corrupt or dishonest conduct. It involves proactively demonstrating that any procurement process is robust and the outcome beyond reproach.
Procurement	Means the entering into of an agreement to purchase, hire, lease, rent or exchange by way of any transaction involving the outlay by Council of funds, goods, equipment, or services in return for the provision of goods and/or services to Council by another person, company or other entity.
Recurring Operational Expenditure	Means expenditure associated with recurring operational expenses. This is limited to utilities, vehicle registration, telecommunication, ICT licences, subscriptions, memberships and insurances.
Register of Pre-Qualified Suppliers (RoPS)	Means a 'list' of suppliers who satisfy certain key selection criteria relating to their interest and capability in supplying goods and/or services.
Services	Means intangible products including but not limited to accounting, banking, cleaning, consultancy, education, expertise, medical treatment, and transportation.
Sound contracting principles	Means the sound contracting principles set out in 104(3) of the <i>Local Government Act 2009</i> .

Related Legislation

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Integrity Act 2009

Competition and Consumer Act 2010

Public Service Ethics Act 1994

Modern Slavery Act 2018

Public Records Act 2002

Related Documents/Resources

- Corporate Sustainability General Policy
- Council’s Role in Economic Development General Policy
- Douglas Shire Council Code of Conduct
- Douglas Shire Council Supplier Code of Conduct
- Gifts and Benefits Register
- Invitations for Expressions of Interest and Tenders
- Procurement Checklist
- Procuring During an Emergency
- Probity and Evaluation Plan
- Tender Process Flowchart

Policy Review

This policy is to be reviewed annually as stated in s198(3) of The Regulation.

Policy Details

Policy Name	Procurement General Policy
Policy Number	8
Policy Version	14
Document Number	814364
Endorsed by	Chief Executive Officer
Policy Type	Statutory
Approval Authority	Council
Date Adopted	29/04/2025
Time Period	Annually
Review Date	01/02/2026
Policy Department	Finance and Corporate Services
Link to Corporate Plan	Robust Governance and Efficient Service Delivery
Revoked/Superseded	Nil

Appendix 1

Financial and Contractual Delegations

Council approves delegation to the Chief Executive Officer as per below table.

The Chief Executive Officer will determine financial delegations for all other Council employees as outlined in The Douglas Shire Council Delegations Register

Council officers may incur expenditure on behalf of Council but only if the expenditure is provided for in Council's budget and the Council officer has been delegated the power to enter into contracts up to an amount not less than the amount of the expenditure proposed to be incurred.

The delegation is based on a Council officer's position within Council and can be delegated to their back-up if the incumbent is on leave. The delegation lapses if the delegate is transferred or promoted to a different position.

Any Council officer incurring expenditure on behalf of Council must do so in accordance with any constraints imposed by Council or the Chief Executive Officer.

Delegation level	Operational expenditure within budget	Capital expenditure within budget	Expenditure outside of budget
Chief Executive Officer	Up to \$500,000*	Up to \$500,000*	Utilise emergency provisions of the Local Government Act. These require a Council Resolution.

*Council further gives the Chief Executive Officer delegated authority to negotiate, finalise and execute recurring operational expenditure (e.g., insurance, electricity, telephone, vehicle registration, ongoing contracts, etc.) regardless of whether the value of the expenditure is more or less than \$500,000.

All delegation amounts are GST exclusive.