

7.14. PROCUREMENT EXCEPTION LOCAL GOVERNMENT REGULATIONS 2012 S235(C) - TC JASPER

REPORT AUTHOR	Manager Infrastructure Recovery
MANAGER	Chief Engineer TC Jasper Infrastructure and Recovery
DEPARTMENT	Infrastructure Recovery

RECOMMENDATION

That:

1. Council retrospectively acknowledges the procurement in accordance with *Local Government Regulation 2012 exception s235(c)* of the organisations listed in Attachment 1 of the report during the declared emergency for Tropical Cyclone Jasper.
2. Council in accordance with the Council Resolution 6.8 CEO Delegation for TC Jasper Recovery Project dated 30 April 2024, Council retrospectively endorse the engagement of organisations listed in Attachment 1 of this report related to Tropical Cyclone.
3. Council acknowledges the funding received from the Disaster Recovery Funding Arrangements, jointly funded by the state and federal government, and administered through the Queensland Reconstruction Authority.

EXECUTIVE SUMMARY

In response to the devastating impacts of Tropical Cyclone Jasper (TC Jasper), Council utilised *Local Government Regulation 2012 section 235(c)* to facilitate fast and efficient emergency procurement. Utilising section 235(c) allowed the Chief Executive Officer (CEO) to enter contracts above the position's financial delegation at the time (\$200,000) without seeking a Council resolution in advance. Councils Procurement Policy requires that Council be provided an opportunity to retrospectively consider such contracts.

A review of records indicates that some engagements undertaken within the Emergency response period using section 235(c) of the Regulation have not been presented to Council for consideration. There are fifteen (15) engagements (Attachment 1) that have been identified as requiring consideration by Council.

The fifteen companies identified played a critical role in providing emergency response within the Douglas Shire, serving key functions such as clean up, traffic management, and transport. Funding for the engagements outlined in Attachment 1, were fully recoverable under the Disaster Recovery Funding Arrangements (DRFA).

Furthermore, Council has adopted a new procedure for procuring during an emergency (Attachment 2). This provides guidance on emergency engagements to assist with prioritisation and compliance in procurement.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

At the Ordinary Meeting dated 30 April 2024 it was resolved that Council:

1. Delegate's authority to the Chief Executive Officer (CEO) to award contracts valued at more than \$200,000 associated with Tropical Cyclone Jasper recovery works.
2. Delegates authority under s257 of the *Local Government Act 2009* to the Chief Executive Officer to negotiate, finalise and execute any and all matters related to the awarding of those contracts.
3. Notes that, in accordance with Council's Procurement Policy, Council will retrospectively consider all contracts valued at more than \$200,000 awarded by the Chief Executive Officer (CEO) associated with funded projects related to Tropical Cyclone Jasper.

At the Ordinary Meeting dated 29 July 2025, Council resolved that:

1. Council retrospectively acknowledges the procurement in accordance with Local Government Regulation exception s235(c) of Stantec Australia Pty Ltd during the declared emergency for Tropical Cyclone Jasper;
2. Council in accordance with the Council Resolutions adopted in its report dated 30 April 2024, Council retrospectively consider the engagement of Stantec Australia Pty Ltd related to Tropical Cyclone; and
3. Council delegates authority under s 257(1)(b) of the Local Government Act 2009 to the Chief Executive Officer to finalise all outstanding matters related to the engagement of Stantec Australia Pty Ltd related to Tropical Cyclone Jasper.

BACKGROUND

Tropical Cyclone Jasper (TC Jasper) impacted the Douglas Shire Council and the broader region on 13 December 2023, followed by a significant rain event, resulting in a large amount of damage. The Douglas Shire deployed its own resources and, due to the magnitude of the event, engaged the services of various contractors and service providers in order to provide immediate disaster relief, delivery of critical supplies, clean up, road access and many other operational supports to the community.

Typically following the declaration of an emergency, all funds expended are recoverable under DRFA through the Queensland Reconstruction Authority (QRA).

Procurement

Outside of an emergency, the *Local Government Regulation 2012* (the Regulation) requires written quotations or tenders be invited for procurement of works or the supply of goods or services that are greater than \$15,000 (medium sized contracts) or \$200,000 (large sized contracts) respectively.

Council's current Procurement Policy contains provisions for obtaining quotes for amounts less than \$10,000 up to \$200,000, as well as seeking tenders for amounts greater than \$200,000.

The Regulation acknowledges that there are instances when it is not always possible to meet these provisions and subsequently provides several exceptions, including the following under sections: 235(a); 235(b); and 235(c).

- Section 235(a) – "The local government resolves it is satisfied that there is only one supplier who is reasonably available"
- Section 235(b) – "The local government 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"

- Section 235(c) – “a genuine emergency exists”

In response to the devastating impacts of Tropical Cyclone Jasper (TC Jasper), Council utilised Local Government Regulation section 235(c) to facilitate fast and efficient emergency procurement. Utilising section 235(c) allowed the Chief Executive Officer (CEO) to enter contracts above the position’s financial delegation at the time (\$200,000) without seeking a Council resolution in advance. Councils Procurement Policy requires that Council be provided an opportunity to retrospectively consider such contracts, which was included in the resolutions of the Council Report dated 30 April 2024 (below):

1. Delegates authority to the Chief Executive Officer (CEO) to award contracts valued at more than \$200,000 associated with Tropical Cyclone Jasper recovery works.
2. Delegates authority under *s257 of the Local Government Act 2009* to the Chief Executive Officer to negotiate, finalise and execute any and all matters related to the awarding of those contracts.
3. Notes that, in accordance with Council’s Procurement Policy, Council will retrospectively consider all contracts valued at more than \$200,000 awarded by the Chief Executive Officer (CEO) associated with funded projects related to Tropical Cyclone Jasper.

As a result, contracts awarded post 30 April 2024 have been presented to Council for retrospective consideration in accordance with Council’s resolution above. Recently it has been highlighted that a number of contracts awarded prior to 30 April 2024 have not been presented to Council for retrospective consideration.

Attachment 1 identifies the balance of companies to be presented to Council for retrospective consideration in accordance with Councils resolution proposed above.

The Tropical Cyclone Jasper event outlined a need for Council to improve the procedure for procurement of services during an emergency event. In response to this, Council has developed the Procuring During an Emergency Procedure which was adopted in April 2025 for future emergency events.

PROPOSAL

That:

1. Council retrospectively acknowledges the procurement in accordance with *Local Government Regulation 2012 exception s235(c)* of the organisations listed in Attachment 1 of the report during the declared emergency for Tropical Cyclone Jasper.
2. Council in accordance with the Council Resolution 6.8 CEO Delegation for TC Jasper Recovery Project dated 30 April 2024, Council retrospectively endorse the engagement of organisations listed in Attachment 1 of this report related to Tropical Cyclone.
3. Council acknowledges the funding received from the Disaster Recovery Funding Arrangements, jointly funded by the state and federal government, and administered through the Queensland Reconstruction Authority.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the engagements outlined in Attachment 1, were fully recoverable under the DRFA arrangements. As a result, there are no financial implications for Council.

RISK MANAGEMENT IMPLICATIONS

The purpose of this report is to retrospectively present procurements undertaken under emergency works provisions in accordance with legislation and Council Policy. Failure to report may result in a breach of legislation and Council Policy.

ENVIRONMENTAL IMPLICATIONS

Nil impact from the approvals in this report as works have already occurred.

SOCIAL IMPLICATIONS

Nil impact from the approvals in this report as works have already occurred.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 4 - Recovery and Resilience

To partner with community to build resilience against natural disasters creating a strong sense of social capital.

4.1 - Support our community's journey of recovery and rebuilding after natural disasters.

4.2 - Deliver infrastructure asset restoration and betterment.

4.3 - Foster collaboration, sustainability, and a strong sense of belonging.

Operational Plan 2025-2026 Actions:

3.6.4 - Provide restoration of essential public assets during natural disaster events.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Advocate	Council makes representation on behalf of the community on important issues, funding opportunities, projects and programs. Council will use its influence to seek the best outcomes for the community.
Regulator	Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.
Service Provider	Council provides many services to the community from roads and waste services to libraries and recreational facilities. Services evolve over time and it is the Council's mission to ensure that these services are appropriate, delivered efficiently, and designed with the customer at the centre.

CONSULTATION

Internal: Infrastructure Recovery Project Management Team, Finance Team, Senior Leadership Team

External: Queensland Reconstruction Authority (QRA)

ATTACHMENTS

1. Supplier Listing [7.14.1 - 1 page]
2. Procuring During an Emergency Procedure [7.14.2 - 17 pages]

Table 1		
Company	Total Value of Engagement (\$)	Works Description
AquaManage Environmental Pty Ltd	\$617,590.00	Water Treatment- Supply of ultrafiltration membranes
B Conway	\$200,931.82	Earthworks - North of the River
Dawsons Engineering (NQ) Pty Ltd	\$206,410.21	Water Main Repairs- Crees Creek
Doug McCormack Pty Ltd	\$261,955.90	Machinery Hire- Cyclone clean up - North of the River.
Far North Queensland Traffic Control Pty Ltd	\$1,100,801.38	Traffic Control - road works & water repairs across the Shire.
FNQ Civil	\$948,526.31	Machinery Hire - Degarra clean up.
HEH Civil	\$941,534.95	Undertake emergent works on Thorntons Beach.
JDI Earthworks and Machinery Hire	\$503,949.44	Machinery Hire- Cyclone clean up.
Marrin Pty Ltd	\$1,836,299.50	Machinery Hire- Cyclone clean up and Daintree River dredging.
MC Group QLD Pty Ltd	\$1,208,954.97	Machinery Hire- Cyclone clean up.
Mossman Quarries	\$357,704.43	Supplies - Roads – Various locations within shire.
Nautilus Aviation Pty Ltd	\$482,161.40	Helicopter services for areas with no vehicle access.
RoadTek	\$687,131.21	Cyclone clean up- across Shire, supporting Council.
Up North Building Pty Ltd	\$964,544.78	Cyclone Clean Up - Degarra.
John Lyng Group Disaster Management (QLD) Co Pty Ltd	\$2,133,299.30	Phase 1 Douglas Shire kerbside collection and clean up
TOTAL Expenditure	\$12,451,795.60	Total expenditure combining company list above.

DOUGLAS SHIRE COUNCIL – PROCURING DURING AN EMERGENCY

*Guidance on emergency procedures
for procurement during emergency
events*

2 April 2025



Engaging, Planning, Partnering
Muruku Kirraji - Eastern Kuku Yalanji
Nganyji pina ngunda-lum ... Ma:Inyjiirri-yngku - Yirrganydji

Photograph: Cane Field Fire

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Title:	Douglas Shire Council – Procuring During an Emergency		
Type:	Procedure		
Details:	Outline of procedure to follow during an emergency event		
Version:	1	Doc#:	1287766
Effective:	Tuesday, 22 April 2025	Last updated:	April 22, 2025

Responsibility

Coordinator Procurement, Finance.

Purpose

The purpose of this procedure is to provide guidance to Council staff for engaging in procurement during an emergency event.

Scope

This procedure covers the classification of a “genuine emergency”, as per section 235 (c) of the *Local Government Regulation* and how to carry out procurement activity during each stage of the emergency event.

Audience

Council staff conducting procurement activity during emergency events.

Introduction

Context

Far North Queensland is subject to natural disasters and other genuine emergencies, including trees falling down, water pipes bursting, flooding events, cyclones and pandemics. In Douglas Shire Council (Council) a genuine emergency is when there is:

1. A risk to human life.
2. A risk of damage to essential service infrastructure or
3. A declared event.

A declared event is when declarations of a disaster situation made by the Disaster Management Unit or, State or Federal Government, and exist for varying periods of time.

Importantly, Council needs to be equipped to quickly respond to emergencies, with supporting guidance on how to appropriately procure to ensure communities in need receive critical, fit-for-purpose supplies and/or services as soon as possible, while observing expected standards of value for money, probity and accountability.

Purpose

Section 235 (c) of the Local Government Regulations 2012 states that a Local Government may enter into a medium-sized and large-sized contractual arrangements without first inviting written quotes or tenders if a genuine emergency exists.

When responding to emergency situations Council is at a heightened risk of fraud or cyber-attack during emergency periods. This is due to the shift in focus from business-as-usual activities to quick response procurements that are done out of the usual procedure. The legislated exception **does not** relieve Council of our responsibility to perform due diligence when undertaking procurement activities. We are still required to perform checks, apply the right terms, conditions, processes and **document** all decisions made. This ensures that we have legally sound contracts are in place and managed accordingly. These emergency procurement guidelines are required to be followed when there is an emergency event or declared event declared within the Shire.

The purpose of this guide is to enable Council's Purchasing Officers to procure goods and services that meet community and business needs:

- In response to genuine emergencies.
- In line with Council's Procurement Policy and procedures.

This guide will be distributed to all Purchasing Officers, procurement decision-makers and delegates, and will be available on Council's record management system.

Emergency Response Stages

There are three main types of emergency response – immediate response, sustained emergency relief and recovery response – categorised according to risk level.

A summary of each emergency response stage is outlined in Table 1 below.

Table 1: Emergency response stages - summary

Emergency Response Stage	Brief Description
Stage 1 – Immediate response	Rapid, reactive response to provide immediate relief to critical events that have a direct impact on life or public safety (e.g. medical supplies, food security)
Stage 2 – Sustained emergency relief	Response to urgently sustain state infrastructure or core services, however the environment is characterised by a lack of imminent risk to human life, significant environments or infrastructure.
Stage 3 – Recovery response	Response when the emergency situation has been contained and activities are returning to a normal procurement process.

For further information on emergency response stages, and a quick reference Purchasing Officer checklist, please refer to Appendices 1 and 2.

Objectives of Douglas Shire Procurement in An Emergency

Council's Procurement Policy is Council's overarching framework for conducting procurement. Procurement decision-making in an emergency should be guided by the following objectives:

1. Preserve life, safety and wellbeing
2. Support critical suppliers, local and regional businesses and manufacturers
3. Observe principles of integrity, probity and accountability
4. Continue 'business as usual' procurement for non-emergency activity.

Guidance about the objectives

During an emergency, there are a number of options for Purchasing Officers to advance the abovementioned four procurement objectives, which provide a rapid and appropriate emergency response to the need for procuring essential goods and services.

Obligations in an Emergency Situation

Although the following emergency procurement guidelines allow Purchasing Officers to not adhere to Council's Procurement Policy and procedures, Council is still obligated to undertake due diligence when procuring at times of genuine emergencies or declared events.

The same due diligence that is carried out in procurement activity for business-as-usual procurements does not change for procurements in an emergency situations. Emergency situations, due to the nature of the procurement activity occurring outside of Council's Policy or procedure and a shift of focus from business-as-usual, expose Council to increases potential risks. These risks include:

- Fraud
- Cyber attack
- Corruption
- Perception of unfair practices from suppliers
- Poor supplier performance or supplier overcharging, etc.

At all stages, Purchasing Officers and delegates are still required to:

- Apply a common-sense approach and use sound reasoning and good judgement under pressure.
 - For Purchasing Officers, ensure any Conflicts of Interest between yourself and the Contractor/Supplier are declared to the delegate at the time of engaging the Contractor/Supplier.
 - For Delegates, ensure any Conflicts of Interest between yourself and the Contractor/Supplier are declared and if so, push the delegation up to the next appropriate delegation level.
 - When seeking approvals in writing (retrospectively or not) ensure that you clearly state if there are any Conflicts of Interest or not.
- Approvals remain as per the delegations in Appendix 1 of Council's Procurement Policy. With the exception of the CEO, the CEO may approve any above \$350,000 (ex GST) and retrospectively report it to the Councillors.
- Communication where possible should be in writing, e.g. emails. Keep all the communication related to a contract in the same email chain. This will help to keep all the information in one place.
 - For arrangements/contracts agreed to verbally ensure you follow up in writing as soon as possible.

Emergency Procurement Guidelines

Stage 1 – Immediate Response

The following emergency procurement guidelines are to provide Purchasing Officers with a streamlined approach to engaging suppliers in response to a genuine emergency or declared event. When either:

- a genuine emergency arises, or
- a declared event has been announced by the Disaster Management Unit, State or Federal governments,

then these guidelines will override Council's current procurement policy and procedures.

The emergency procurement guidelines only apply to procurements associated with the response to the genuine emergency or declared event; business as usual activities are required to continue to comply with Council's Procurement Policy.

The emergency procurement guidelines may only be applied while the Council is in the immediate response stage of a genuine emergency or declared event. Once the immediate response of the emergency has passed, the response will be reduced to Stage 2 – Sustained Emergency Relief. In the event of a declared event this will be directed by the Local Disaster Coordinator.

Emergency Procurement Guidelines:

1. Ensure that a genuine emergency or declared event is occurring or been declared before following these guidelines.
2. Under the *s235(c) of the Regulations* written quotes are not required. However, we are still required to maintain best practice when engaging with suppliers.
3. Preference is to use suppliers on Council's Register of Pre-qualified Supplier lists (RoPS) and Local Buy arrangements. These suppliers have been through the tender process and have existing contractual terms and conditions.
4. Use of VendorPanel to obtain quotes is not required.
5. Verbal quotes may be sourced, approved by an appropriate delegate and followed up in writing as soon as practical.
6. For contracts is over \$200,000 (i.e. requiring Council approval), this procurement process will need to be conducted by the Procurement Team, approved by the appropriate delegate and (if required) retrospectively approved by Council in an Ordinary Council Meeting. ([link to TC Jasper report](#))
7. Where a RoPS or Local Buy arrangements can't be utilised use the Purchase Order as the contract utilising Council's standard terms and conditions on our website.
8. When engaging Suppliers the term of the contract should not extend beyond 14 days or until the scope of works is completed, whichever comes first. This is to cover the initial urgent response period of the genuine emergency or declared event. Contracts beyond 14 days will need to be approved by the CEO or their delegate.

- Understanding that the period the genuine emergency or declared event will last is unknown, interim contracts should only be stood up for a period of no more than 14 days.
 - If a Contract is to be required throughout the whole genuine emergency or declared event and recovery periods, then extension options should be included so the contract can be extended as the event persists.
 - If a contract is initially proposed for a period of time that extends beyond the immediate response, i.e. for 6 months, this will need to be procured in conjunction with the Procurement Team.
9. Inform the Procurement team of all contractual arrangements so that the contracts register can be updated; as these actions are audited.
 10. Payments on correctly rendered invoices for work related to emergency work should be made within the next available weekly payment run to support cashflow of the suppliers and to ensure expenses are quickly captured for Emergent CDO (Counter Disaster Operations) claims.

Stage 2 – Sustained Emergency Relief

Once the immediate response to the genuine emergency or declared event has passed, Council will move to a sustained emergency relief. For the most part procurement processes will return to business as usual as per Council's Procurement Policy requirements.

Where possible, procurements should be requested via VendorPanel as per the Procurement Policy. Only procurements that are in response to the genuine emergency or declared event, and are time sensitive may be conducted outside of VendorPanel.

During this period an assessment of the contracts set-up during the genuine emergency or declared event to identify:

- if an extension is required or
- If we need to terminate the contract or
- need to be re-negotiated for a longer period of time and follow Council's Procurement Policy.

Seek assistance from the Procurement Team as required.

Undertake a check of all contracts engaged during the emergency process and:

- Ensure all verbal arrangements are in writing.
- Formalise any contractual arrangements that are continuing.
- Ensure that the procurement team have a copy of all contractual arrangements.

Liaise with the Procurement Team and other business areas, Managers, Coordinators, Team Leaders, other departments and the procurement team to identify opportunities to collaborate.

Maintain supplier performance management. In emergency or declared events there may be less scrutiny on suppliers, providing an opportunity for deception and fraud activity happening

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from suppliers. If any fraud or deception is identified from our suppliers please notify the procurement team as soon as possible.

Advise suppliers that the purchase is subject to emergency arrangements that may be revoked at any point when the situation is deemed contained, and/or reverted to a normal procurement process for a longer-term solution.

Stage 3 – Return to Business as Usual

All procurement practices are to return to business as usual and follow Council's Procurement Policy. All procurements are to:

- Adhere to the relevant thresholds.
- Comply with legislative requirements.
- Seek quotes via VendorPanel.

The Procurement Team will resume the usual checks and balances of procurement activity across the organisation.

Related Documents

Local Government Act 2009

Local Government Regulations 2012

Douglas Shire Council Procurement Policy

This Administrative Instruction is to remain in force until otherwise determined by the Chief Executive Officer.

Manager	Tara Killeen
Originally Approved	22 April 2025
Current Approval	22 April 2025
Due for Revision	22 April 2026
Revoked/Superseded	None.


.....

Scott Osman

CHIEF EXECUTIVE OFFICER

Appendix 1: Emergency Response Stages - Detailed

Stage 1 – Immediate Response

A rapid reactive procurement response seeks to provide immediate relief to critical events that have a direct impact on life or public safety, the threat is of a catastrophic nature (e.g. environmental or core infrastructure damage) and where if a response was delayed it would result in increased harm to individuals or infrastructure and the Douglas Shire community.

Purchasing Officers should consider the following questions to determine whether a rapid reactive procurement response is required:

- Are there genuine reasons for extreme urgency (e.g. public health risks, loss of existing provision at short notice)?
- Were there extraordinary, unforeseeable events that led to the need for extreme urgency?
- Is it impossible to comply with traditional procurement timeframes?
- Has the agency done anything to cause or contribute to the need for extreme urgency?
- Has a declaration of a disaster situation been made?

Examples of circumstances which may warrant a rapid reactive procurement response are as follows:

- accessing medical equipment and supplies for health services.
- personal protective equipment for frontline services.
- sourcing food and housing for displaced people.
- transportation of essential goods.
- Other essential services, goods, supplies and items deemed necessary to support the impacts on Life, Property & Environment as approved by the Local Disaster Coordinator.

Circumstances which do not warrant a rapid reactive procurement response:

Inadequate lead times as a result of poor procurement planning do not justify undertaking an emergency procurement process. In this instance, Purchasing Officers will have to abide by Council's Procurement Policy, procurement procedures and, seek any relevant approvals in such circumstances.

What this looks like in practice

- Apply a common-sense approach and use sound reasoning and good judgement under pressure.
- Use established common-use arrangements and pre-qualified supplier lists to meet demand.
- Verbal approval may be the only available approval at the time. Ensure the officer has appropriate delegated financial authority to approve and follow-up in writing as soon as possible.

- Record all information in InfoXpert in a dedicated folder as advised by the Local Disaster Coordinator (LDC) or Incident Management Team (IMT).
- Record file notes of decisions and rationales for approvals, collect invoices from suppliers and details of goods or services purchased in Guardian IMT if possible.
- Use direct procurement practices (suspend requirement for multiple quotes and VendorPanel) on a case-by-case basis when there is no reasonable prospect of applying usual competitive processes to meet emergency need for essential goods and services.
- Use a dedicated Work Order number for Purchase Orders as advised by the LDC or IMT.
- Use Council's Standard Terms and Conditions or existing terms and conditions (e.g. Local Buy arrangements), to increase timeliness of responses, where appropriate.

Stage 2 – Sustained Emergency Relief

An emergency response is required to urgently sustain state infrastructure or other core services once immediate criticality has been addressed. These procurements may be appropriate where there is no direct impact on human life, no threat to significant environments or infrastructure but there is still a need to respond urgently to sustain and maintain Douglas Shire communities.

What this looks like in practice

- Identify, specify and prioritise immediate procurement requirements.
- Speak with other business areas, Managers, Coordinators, Team Leaders and the procurement team to identify opportunities to collaborate and avoid duplication.
- Seek approvals and consider formalising an appropriate approval process for your agency during the emergency period.
- Check in with suppliers for advice on frontline conditions, critical supply chain situations and to obtain assurances on immediate delivery, to the right location and the right time and price.
- Advise suppliers that the purchase is subject to emergency arrangements that may be revoked at any point when the situation is deemed contained, and/or reverted to a normal procurement process for a longer-term solution.
- Confirm all arrangements in writing and obtain approvals retrospectively.

Stage 3 – Recovery response

A recovery response is enabled when the emergency event has been contained and activities are returning to the normal procurement process. This is appropriate when there is no longer an urgent need to respond but there is a need to rapidly activate business as usual and non-essential procurement activities to establish a pipeline for the Douglas Shire economy.

What this looks like in practice

- Return to Council's Procurement Policy and procedures, with the view to meeting recovery needs
- Sufficient rigour is balanced with the view to accelerating procurement processes to achieve greater responsiveness to support long-term recovery.

Appendix 2: Purchasing Officer Checklist

Stage 1: Immediate Response

Action	Checked
Has a genuine emergency or declared event occurred?	
Are there any Conflicts of Interest declared with the Purchasing Officer or Delegate?	
Has due diligence been conducted to reduce risk of fraud, corruption or cyber attacks?	
Are you able to obtain the services from a supplier on our Register of Pre-qualified Supplier lists or a Local Buy arrangement?	
Is the supplier on another agency's supplier list that we can utilise? (Consult with the Procurement Team for assistance with this one).	
Is the supplier qualified and insured for the works they are carrying out?	
Is the length of the contract expected to be longer than the Event/Declared Event period? If so please consult with the Procurement Team.	
Is the contract value expected to be over \$200,000? If so, please consult the Procurement Team.	
Apply appropriate terms and conditions and contracts	
Use the dedicated Work Order as advised by the LDC or IMT	
Has the delegate with the appropriate delegation approved the contract, verbally or in writing?	
Act within an appropriate probity framework, having regard to the need to act without delay	
Keep a written record of the procurement	
Expedite receipting processes and make payment on correctly rendered invoices for the next available payment run	
Save everything in InfoXpert dedicated folder	

Stage 2: Sustained Emergency Relief

Action	Checked
Review agency procurement plans and prioritise immediate procurement activities that will bring relief	
Are there any Conflicts of Interest declared with the Purchasing Officer or Delegate?	
Has due diligence been conducted to reduce risk of fraud, corruption or cyber attacks?	
Find out what other government agencies and non-government organisations are doing and collaborate where possible	
Consider obtaining the necessary goods or services direct from local suppliers (where possible), or procure outside a supply arrangement	
Consider establishing a blanket financial approval to cover emergency-related procurements	
Complete due diligence checks	
Apply appropriate terms and conditions	

Act within existing delegated authority	
Act within existing delegated authority or establish short-term emergency approval arrangements	
Keep a written record of the procurement	
Save everything in InfoXpert dedicated folder	
Expedite receipting processes and make payment on correctly rendered invoices as quickly as possible	

Stage 3: Recovery Response

Action	Tick if Applicable or insert N/A
Keep updating the forward procurement pipeline	
Are there any Conflicts of Interest declared with the Purchasing Officer or Delegate?	
Has due diligence been conducted to reduce risk of fraud, corruption or cyber attacks?	
Apply appropriate terms and conditions	
Act within existing delegated authority	
Act within existing delegated authority or establish short-term emergency approval arrangements	
Keep a written record of the procurement	
Save everything in InfoXpert dedicated folder	

Appendix 3: Emergency Response Procurement Procedure (Step by Step Guide)

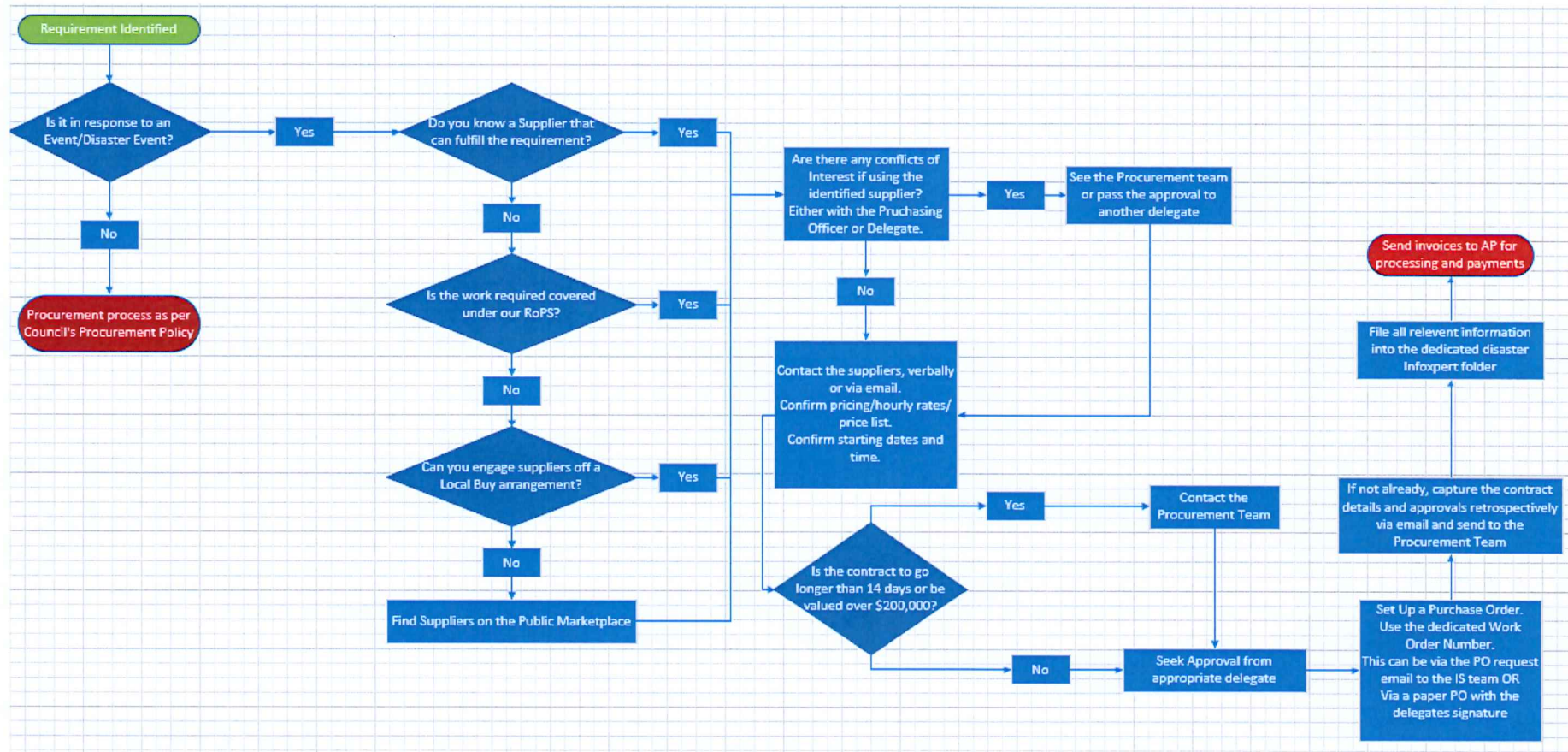
To provide a quick guide for Purchasing Officers during the immediate response, follow the steps below to undertake procurements inline with these emergency procurement guidelines:

1. Identify whether or not the need/response/requirement that is in response to the Event/Declared event.
 - If yes, proceed below.
 - If no, proceed with Council's Procurement Policy.
2. Do you know of a supplier who can complete the works?
 - If yes, proceed to step 6.
 - If no, proceed below.
3. Are the works covered by one of our RoPS?
 - If yes, proceed to step 6.
 - If no, proceed below.
4. Are there suppliers we can engage from a Local Buy arrangement?
 - If yes, proceed to step 6.
 - If unsure, utilise VendorPanel to search for suppliers – Search for Suppliers by Category using Local buy lists, and search for an appropriate category. In the results click on Location, the title of the furthest column and it will display the result in order of the closest to Mossman. Click on the company names to get their phone numbers to contact.
 - If no, proceed below.
5. Find suppliers on the Public Marketplace:
 - You can Utilise VendorPanel to search for suppliers – Search for Suppliers by Category using Public Market lists, and search for an appropriate category. In the results click on Location, the title of the furthest column and it will display the result in order of the closest to Mossman. Click on the company names to get their phone numbers to contact.
6. Assess if there are any conflicts of interest with engaging the supplier – either with the delegate or Purchasing Officer.
7. Contact the supplier verbally, stating what is required and when. Confirm pricing/hourly rates/price list etc (if possible).
8. Seek approval from required delegate.
 - If it is over \$200,000 (ex GST) or the engagement will need to be longer than 14 days contact the procurement team.
9. Ensure works are commenced and being carried out correctly.
10. If the value is over \$10,000, capture from steps 6 to 8 in writing, sending to the delegate for their approval.

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- Even if the contract has ended.
11. Set up a PO, this may be via a paper PO, which can be found in the Accounts Payable section.
- Use the dedicated Work Order Number as advised by the LDC or IMT.
 - Use s235(c) as the exception to the normal procurement process
 - State which terms and conditions are being utilised, RoPS, LB or Standard
 - Get the delegate with the appropriate approval to sign (paper version) or approve (electronic version)
 - File all relevant information in the dedicated InfoXpert folder.

Appendix 4: Emergency Response Procurement Procedure (Flowchart Guide)



Appendix 5: Sample Email Contract

Initial Contractual Arrangement:

Subject: PO number

To (Supplier),

Confirming arrangements made via phone on (date). Douglas Shire Council is contracting (company name) to (Scope of works).

The agreed prices are: (or attached).

Currently this arrangement is for 14 days from the first day of commencement of work. If the declared event persists, we will extend this contract as required.

This will be conducted under Douglas Shire Council's standard terms and conditions on our [website](#).

Please respond to this email with your confirmation/agreement of the above.

Thanks

(Contract Manager)

Extension:

Subject: RE: PO Number

To (Supplier),

As the declared event has persisted, Douglas Shire Council requests a continuation of the above Scope of works.

Your services will be required until (date). We will reassess the declared event closer to this date and extend the arrangement further if required.

Thanks

(Contract Manager)

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

Nil

10. PETITIONS

Nil

11. CLOSED SESSION

Nil

12. MEETING CLOSURE