

## Policy P607 Tenders and Expressions of Interest

Responsible Business Unit/s	Financial Services
Responsible Officer	Director Corporate Services
Affected Business Unit/s	All business units

### Policy Objectives

The purpose of this policy is to provide a framework by which the City can invite, evaluate and accept Tenders and Expressions of Interest. Openness and accountability are critical elements of the tendering process and hence it is essential to have a framework which adequately addresses matters of probity in the acquisition of goods and services.

### Policy Scope

This Policy will affect all business units that engage in tendering or expressions of interest activities.

### Policy Statement

#### General Principles

The City uses Tendering and Expression of Interest processes that are based on the Western Australian Local Government Association (WALGA) Purchasing and Tendering Guide, the *Local Government Act 1995* and Part 4 *Local Government (Functions and General) Regulations 1996*.

The City has also incorporated a comprehensive suite of conditions of contract based on Australian Standard AS 4000 - *General Conditions of Contract* into its Tender documentation.

Tenders and Expressions of Interest are to be called and accepted in accordance with the principles contained in the City's Purchasing & Tendering Manual and reflected in Management Practice M607.

These documents reflect the guidelines of the WALGA Purchasing & Tenders Guide and the delegation of authority contained in Delegations DC607 and DC685. They are designed to provide a clear, auditable trail of the tender process and establish accountability for the various stages of the tender process. Any exercise of delegated authority by City officers under these delegations is to be properly documented in accordance with the procedures specified in the City's Tendering Manual and recorded in the City's Record Keeping System.

#### Regulatory Compliance

In the following instances, public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as provided by the *Local Government Act 1995*;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;

- Any of the other exclusions under Regulation 11 of the Functions and General Regulations.

In all other circumstances where it is expected that the expenditure on the acquisition of goods or services will exceed the tender threshold (\$250,000 excluding GST), tenders must be called in accordance with all relevant statutory obligations and the City’s documented tender process.

**Anti-Avoidance**

Officers shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the consideration below the level of \$250,001, thereby avoiding the need to publicly tender.

**Tender Evaluation Criteria**

The City shall, before tenders are publicly invited, determine in writing, the criteria that will be used for evaluating which tender should be accepted.

**Evaluation Panel**

The evaluation panel shall be established prior to the advertising of a tender and shall include a mix of skills and experience relevant to the nature of the purchase. For Requests with a total estimated (Ex GST) price of \$250,000 and above, the panel must contain a minimum of three members.

**Advertising Tenders**

Tenders must be advertised in a Statewide publication e.g. “The West Australian” newspaper, preferably in the Local Government Tenders section, and preferably on a Wednesday or Saturday.

The tender must remain open for at least 14 days after the date the tender is advertised. Care must be taken to ensure that 14 **business** days are provided as a minimum.

The Notice of Tender must include:

- A brief description of the goods or services required;
- Information as to where and how tenders may be submitted;
- The date and time after which tenders cannot be submitted;
- Particulars identifying a person from whom more detailed information as to tendering may be obtained;
- This detailed information includes:
  - Such information as the City decides should be disclosed to those interested in submitting a tender;
  - Detailed specifications of the goods or services required;
  - The criteria for deciding which tender should be accepted;
  - Whether or not the City has decided to submit a tender; and
  - Whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

**Issuing Tender Documentation**

Tenders will be made available via the e-Procurement portal.

It is necessary to register on the e-Procurement portal in order to be able to bid for the supply of goods and/or services. The portal is used exclusively to advertise, publish and receive responses to and from suppliers and the City.

Once confirmed as a register supplier, users will receive email updates and notifications each time the City adds a new request for tender, quotation or EOI to the system.

**Addendum to Tender**

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<b>Policy Number:</b>	P607	<b>Relevant Council Delegation:</b>	DC607 DC685
<b>Council Adoption:</b>	26/11/02	<b>Relevant Delegation:</b>	DM607
<b>Reviewed/Modified:</b>	10/05, 03/07, 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 02/15, 03/16, 11/16, 03/17, 06/18, 04/20	<b>Relevant Management Practice:</b>	M607

If, after the tender has been publicly advertised, the City wishes to make any variations to the tender documentation, it must take reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

### **Tender Deadline**

A tender is required to be rejected unless it is submitted at a place and within a time specified in the invitation for tenders.

### **Submitting a Tender**

Tender documentation must be submitted electronically via the City's e-Procurement portal no later than the closing times. Completed tenders must be submitted in accordance with the Request for Tender documents. . Tenders received after the closing time or in a manner other than that stipulated in the Request for Tender documents shall be non-conforming and will be rejected. The City accepts no responsibility for a submitted tender failing to meet the requirements outlined in the Request for Tender documents.

### **Opening of Tenders**

No tenders are to be, opened, examined or assessed until after the tender deadline. Tenders are to be opened in the presence of an officer authorised by the Chief Executive Officer and at least one other City Officer. Details of all tenders received / opened shall be recorded in the Tender Register.

Tenders are to be opened after the advertised time and at the advertised place. There is no obligation to disclose or record tendered prices at the tender opening and price information should be regarded as *commercial-in-confidence* to the City. Members of the public are entitled to be present at the opening.

If the Request for Tender documents requests that the manner for delivery is by post or hand delivery, then the tenderer's offer form, price schedule and other appropriate pages from each tender shall be date stamped and initialled by the City officer present at the opening of tenders.

### **If No Tenders Received**

Where the City has invited tenders and no tender was submitted that met the tender specifications, direct purchases can be arranged on the basis of the following:

- This fact is clearly and adequately documented;
- The specification for goods and / or services remains unchanged;
- Purchasing is arranged within six months of the closing date of the lapsed tender.

### **Tender Evaluation**

Tenders that have not been rejected as non-conforming shall be assessed by the City by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept. The tender evaluation panel is to determine which tender would be most advantageous to the City to accept.

### **Minor Variations**

If after the tender has been publicly advertised and a successful tenderer has been chosen, but before the City and tenderer have entered into a contract, the City may make a minor variation in the goods or services required. A minor variation will not alter the nature of the goods or services required, nor will it materially alter the specification or structure requested by the initial tender.

### **Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following its determination. Notification shall include the name of the successful tenderer. The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

### **Records Management**

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All documentation associated with the tender process must be recorded and retained. This includes:

- Tender specification and supporting documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

Record retention shall be in accordance with the minimum requirements of the *State Records Act*, and the City's internal records management policy.

## Legislation / Local Law Requirements

Conditions of Contract based on AS4000 - 1997 - *General Condition of Contract*

Western Australian Local Government Association (WALGA) Purchasing and Tendering Guidelines

*Local Government Act 1995* and Part 4 Local Government (Functions and General) Regulations 1996

## Other Relevant Policies / Key Documents

Policy P605 Purchasing

City of South Perth Strategic Community Plan 2017-2027