

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

This Policy provides a framework by which the City can invite, evaluate, and accept Tenders and Expressions of Interest. Openness and accountability are critical elements of the process and hence it is essential to have a framework that adequately addresses matters of probity in the acquisition of goods and services.

Policy Scope

This Policy will affect all business units within the City of South Perth.

Policy Statement

General Principles

The City uses Tendering and Expression of Interest processes based on the *Local Government Act 1995* and Part 4, Division 2, *Local Government (Functions and General) Regulations 1996*. Tenders are governed by Regs. 11 to 21A and Expressions of Interest are governed by Regs.21 to 24.

Tenders and Expressions of Interest (Public Requests) 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.

Delegation of authority contained in Delegations DC607 and DC685 are designed to provide a clear, auditable trail of the process and establish accountability for the various stages of the process. Any exercise of delegated authority by City officers under these delegations is to be adequately 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 requests 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 Council has authorised;

- 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 \$250,000, thereby avoiding the need to tender publicly.

Evaluation Criteria

The City shall, before inviting public requests, determine in writing the criteria that will be used for evaluating which tender should be accepted or EOI respondent/s selected to submit a tender.

Evaluation Panel

The evaluation panel shall be established prior to the advertising of a Public Request and shall include a mix of skills and experience relevant to the nature of the purchase or subject matter; the panel must contain a minimum of three members.

Advertising

Public Requests 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.

Public Requests must remain open for at least 14 days after the date advertised. Care must be taken to ensure that 14 days (from the date of notification) are provided as a minimum.

The Notice must include:

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

Issuing Documentation

Public request documentation will be made available via the e-Procurement portal.

It is necessary to register on the City's e-Procurement portal in order to be able to respond to the public request. The portal is used exclusively to advertise, publish and receive responses to and from suppliers and the City.

Once confirmed as a registered supplier, users will receive email updates and notifications each time the City adds a new public request to the system.

Addendum

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

Response Deadline

A response to a public request is required to be rejected unless it is submitted at a place and within a time specified in the request documentation.

Submitting a Response

Response documentation from respondents must be submitted electronically via the City's e-Procurement portal no later than the deadline. All response documents must be submitted in accordance with the request process conditions stated in the request.

Responses received after the deadline or in a manner other than that stipulated in the request shall be non-conforming and will be rejected. The City accepts no responsibility for a submitted response failing to meet the requirements outlined in the request documents.

Opening of response document senders

No submissions or response to any public request are to be opened, examined or assessed until after the request deadline. Public requests 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 or EOIs received/opened shall be recorded in the Tender Register.

Public requests 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 states 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 responses received

Where the City has invited tenders or EOI, and no response was submitted that met the request specifications, direct purchases can be arranged based on the following:

- This fact is clearly and adequately documented; and

- The specification for goods and/or services and/or works remains unchanged; and
- Purchasing is arranged within six months of the closing date of the lapsed request.

Evaluation

The City shall assess responses received that have not been rejected as non-conforming by means of a written evaluation of the extent to which each response satisfies the specified criteria for deciding which response to accept. The evaluation panel determines which tender or EOI response would be most advantageous to the City.

Minor Variations

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

Notification of outcome

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

Records Management

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

- Request 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

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Other Relevant Policies / Key Documents

P605: Purchasing

P611: Pre-Qualified Supplier Panels

P674: Management of Corporate Records

P695: Risk Management Policy

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Policy Number:	P607	Relevant Council Delegation:	DC607 DC685
Council Adoption:	26/11/02	Relevant Delegation:	DM607
Reviewed/Modified:	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, 03/21, 09/22, 05/23, 06,24	Relevant Management Practice:	M607

City of South Perth Strategic Community Plan 2021 - 2031

DC607: Acceptance of Tenders/E-Quotes/Common Use Agreements

DC607B: Non-Acceptance of Tenders

DC685: Inviting Tenders or Expressions of Interest

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