

ATTACHMENTS

Special Council Meeting

21 April 2020

ATTACHMENTS TO AGENDA ITEMS

Ordinary Council - 21 April 2020

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Policy P697 Financial Hardship Assistance

Responsible Business Unit/s	Finance
Responsible Officer	Manager Finance
Affected Business Unit/s	Community, Culture and Recreation; Development Services; Governance; Finance

Policy Objectives

The City recognises that a person(s) and organisations may suffer from financial stress and experience difficulty in paying their debts as and when they are due. Whilst individual circumstances may vary, situations that may cause hardship include pandemics (COVID-19), natural disasters, economic downturn, other state, national and international events.

This Policy is intended to ensure the City offer a fair, equitable, consistent and dignified approach to individuals and organisations suffering financial hardship, whilst balancing the needs and expectations of our community. In addition, the Policy promotes a simple application and assessment process and where possible utilises existing Federal and/or State Government hardship criteria.

Policy Scope

This policy applies to debts owed to the City, including:

- Annual rates notice: inclusive of rates, Emergency Services Levy (ESL), waste service charge and fees and charges as per the City's adopted schedule of fees and charges.
- Leases, licences and rentals
- Self-supporting loans
- Other

Policy Statement

Payment difficulties, or short term financial hardship, occurs where there is a change in a person(s) or organisations circumstances resulting in an inability to pay a City debt as and when it falls due.

It is a reasonable community expectation that person(s) and organisations that have the capacity to pay their debts continue to do so, especially under abnormal or crisis circumstances. For this reason the Policy is not intended to provide debt relief to persons(s) or organisations whom are not in a financial hardship situation. Therefore, the City's payment terms, statutory provisions of the *Local Government Act 1995*, various local government regulations, other laws and City Policies still apply.

For person(s) or organisations experiencing financial hardship, the City is committed to working with them to find an alternative payment solution that is effective and sustainable. We will ensure debtors are treated fairly, consistently, with respect and compassion when considering their circumstances in recognising financial hardship.

Financial Hardship

Financial hardship means that a person or organisation is experiencing difficulty in meeting their financial obligations. The debtor has the intention but not the financial capacity to pay. In the case of an individual, paying their debt to the City will impact on their ability to meet their basic living needs. This may be as a result of unexpected events or unforeseen changes outside their control. Examples of events that may cause financial hardship may include, but not limited to: a loss of employment; reduction of income due to illness; relationship breakdown; natural disaster; pandemic and economic downturn.

Financial hardship may be of a temporary nature. The City will consider all financial hardship applications, working with each person or organisation in an effort for them to be able to repay their debt.

Financial hardship will be determined by the City's assessment process which may allow for criteria established by an external body, for-example State or Federal Government. The intent is to create an expedient and administrative efficient process. An application will be assessed by applying the principles of fairness, integrity and confidentiality whilst complying with statutory requirements.

In relation to state, national and international events (for example natural disasters or pandemics), the City will utilise, where appropriate, current or introduced state and/or federal financial hardship criterion.

Assistance

In considering an application for Financial Hardship Assistance, the City may apply temporary and permanent measures.

Temporary measures may include reduction in repayment amounts, deferring payments for a specified time, reduction or elimination of penalty interest for a specified time and suspension of the debt recovery process. Permanent measures are included incorporated within Delegation DC616 Write off debts.

Existing laws and Delegations determine the responsibility (Council or Chief Executive Officer) for determining financial hardship. Where possible the City will ensure the assessment and determinations are made as soon as possible.

Review

The City will advise all applicants for Financial Hardship Assistance of the decision made and inform all unsuccessful applicants that the decision may be reviewed by applying in writing to the Chief Executive Officer. The City will observe Good Practice Guide issued by the Ombudsman Western Australia (Local government collection of overdue rates for people in situations of vulnerability).

Communication and confidentiality

The City will maintain confidential communications with a nominated person or other third party at the request of the applicant. We recognise that Financial Hardship Assistance applicants are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communication and will communicate with alternative formats where possible, if required. We will ensure communication with the applicants is clear and respectful.

Legislation / Local Law Requirements

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Rates and Charges (Rebates and Deferments) Act 1992

Other Relevant Policies / Key Documents

Delegation DC616 – Write-off Debts

Policy P605 Purchasing

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

Policy Objectives

Local government buyers operate in an increasingly dynamic commercial environment. It is essential to have a structured and consistently applied approach to the purchase of goods and services which is both transparent and accountable. The process should deliver both legislative compliance and value for money outcomes through the application of a best practice approach.

Policy Scope

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

Policy Statement

Statement of Purpose

The City is committed to creating and deploying efficient, effective, economical and sustainable procedures for all purchasing activities. The City's purchasing policies are designed to:

- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the *Local Government Act 1995*, Local Government (Functions and General) Regulations 1996, as well as any relevant legislation, Codes of Practice, Standards and the City's Policies and procedures;
- Risks identified and managed within the City's Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the City's Record Keeping Plan;

Ethics and Integrity

All officers and employees of the City shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the City.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

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- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
 - All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the City's
 - policies and Code of Conduct;
 - Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
 - All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
 - Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
 - Any information provided to the City by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Purchasing Assessment Criteria

It is important that purchases of goods or services deliver the best possible outcome for the City. In assessing the procurement of products and services, Officers should responsibly balance Value for Money, Environmental Sustainability & Social Responsibility considerations. A higher priced conforming offer may be recommended should there be clear and demonstrable benefits over and above the lowest priced conforming offer. The establishment of appropriately weighted selection criteria will assist in this regard.

Compliance with a comprehensive and thoughtfully prepared specification is considered to be more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, service benchmarks, social impact, sustainability and life cycle costing.

Value for Money Assessment

Value for money is an over-arching principle governing the City's purchasing. When officers are undertaking a purchasing action, they should consider goods services and processes that maximise value for money.

Considerations that may be taken into account include:

- All relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default - including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Environmental Sustainability Assessment

Where appropriate, in developing specifications, City officers should consider goods, services and processes that minimise negative environmental impacts or that provide positive environmental impacts.

Sustainability considerations that may be taken into account include consideration of:

- Products or services that demonstrate energy efficiency as demonstrated through suitable rating systems and eco labelling.
- Products that demonstrate water efficiency.
- Products that are environmentally sound in their manufacture, use and disposal with a preference for products that use a minimal amount of raw materials from a non-sustainable resource and for those that are free of toxic or polluting materials.
- Products that may be re-used, recycled or reclaimed to minimise waste.
- Fuel / energy efficiency.

Corporate Social Responsibility Assessment

Where appropriate, in developing specifications, City officers should consider goods, services and processes that minimise negative social impacts or provide positive social impacts. This responsibility may be reflected in the supplier's demonstrated respect for people, communities and environment around the world.

Considerations that may be taken into account include:

- The social impact of the good or service before, during or after its deployment.
- Whether the supplier follows international conventions and labour laws,
- The suppliers demonstrated commitment to healthy and safe work practices

Legislative Requirements

All purchases must be made in accordance with Section 6.8(1) of the *Local Government Act 1995* and Local Government (Functions & General) Regulations 1996.

Obtaining Quotations for Purchases

The general principles for obtaining quotations from suppliers are:

- Ensure that the requirement /specification is clearly understood by the City employee seeking the quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.

As the purchasing becomes more complex and / or the purchasing thresholds increase, a more sophisticated written specification is required for the quotation to be sought.

Purchasing Thresholds

Category A - Up to \$2,000 (GST exclusive)
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One Verbal or Written Quotation Required
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Where the value of goods or services is of a minimal amount, say less than \$2,000 it is permissible to direct purchase based on a single verbal or written quote where the market is known and the purchase is very low risk. This instance should only apply for a single, simple purchase where the cost of seeking competitive quotes would be unreasonable on a cost to benefit analysis basis (e.g.: purchasing library books or minor catering supplies).

Category B - \$2,001 up to \$10,000 (GST exclusive)

Two Written Quotations Required

Where the value of goods or services is of a minimal amount, between \$2,001 and \$10,000 it is permissible to direct purchase based on two written quotes where the market is known and the purchase is very low risk. This instance should only apply for a single, simple purchase where the cost of seeking competitive quotes would be unreasonable on a cost to benefit analysis basis.

The rationale for the procurement decision should be documented and recorded in accordance with the City Records Management Policy and Quotation Summary Procedure.

Category C - \$10,001 up to \$50,000 (GST exclusive)
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Three Written Quotations Required

Where the value of procurement of goods or services is between \$10,001 and \$50,000 it is permitted to purchase on the basis of at least three written quotations. However, it is recommended to use professional

discretion and to occasionally test the market with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is in a known market or is relatively small and low risk.

The rationale for the procurement decision should be documented and recorded in accordance with the City Records Management Policy and Quotation Summary Procedure.

Category D - \$50,001 up to \$150,000 \$250,001 (GST exclusive)
Formal Request for Quote with a Written Specification & Predetermined Evaluation Criteria

For the procurement of goods or services where the value exceeds \$50,001 but is less than ~~\$150,000~~ **\$250,001** it is necessary to seek at least three written quotations containing price and sufficient information relating to the specification of goods and services being acquired.

For procurement of goods and services in this range, the selection should not be based on price alone, and it is required to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, the organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quotes.

The rationale for the procurement decision should be documented and recorded in accordance with the City Records Management Policy.

Category E – Purchases in Excess of \$150,001 \$250,001 (GST exclusive)
Tender Process Required

This policy does not apply to the purchase of goods or services where the expected consideration is more than ~~\$150,000~~ **\$250,001** (excluding GST) as such transactions are the subject of the Tender Regulations and are to be progressed in accordance with Policy P607 - Tenders & Expressions of Interest.

Sole Source of Supply

A sole source of supply arrangement may only be approved where the:

- Purchasing value is estimated to be over \$5,000; and
- purchasing requirement has been documented in a detailed specification; and
- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

A sole source of supply arrangement will only be approved by Finance for a period not exceeding one (1) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists. Sole Source of Supply is to be made in accordance with Local Government (Functions & General) Regulations 1996 11 (2)f.

Purchasing from Disability Enterprises

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, where a value for money assessment demonstrates benefits for the City's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

Purchasing from Aboriginal Businesses

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- the contract value is or is worth \$250,000 or less, and
- a best and sustainable value assessment demonstrates benefits for the City's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

State Government (Department of Treasury & Finance) Common Use Agreements (CUA)

Officers are encouraged to make use of government supply contracts for goods and services (Common Use Agreements) where possible - as these items have been the subject of a competitive tendering process to pre-qualify them prior to their inclusion on the relevant government supply contract. As such they are likely to offer the City reliable quality, value for money outcomes and administrative cost savings.

Where a purchase is made from a listed Common Use Agreement (CUA) participant, the requirements to seek multiple quotations may be waived, requiring the Directors Purchasing Discretion process to be undertaken. The Purchase Order and or Cheque Requisition Form should record the relevant CUA Reference Number.

WALGA Preferred Supplier Panels

Where a collective bargaining initiative has been established on behalf of local governments by WALGA through the WALGA Preferred Supplier Panels. The City may elect to use these panels for services including, but not limited to, insurance services, telephone and data services and software licencing.

Officers are encouraged to utilise the WALGA E-Quotes process to obtain competitive quotations from a series of pre-qualified suppliers. The E-Quotes service is a secure web-based tool that covers a broad range of goods and services, it stream-lines the quotation process and it meets all statutory reporting requirements in a transparent manner.

Should officers be seeking quotations outside of the WALGA E-Quotes process, the general principles relating to written quotations are:

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - Written specification
 - Selection criteria to be applied
 - Price schedule
 - Conditions of responding
 - How long the offer is valid for
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made.

Local Economic Benefit

The City encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the City will:

- where appropriate, consider the capability of local businesses, buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the City, or substantially demonstrate a benefit or contribution to the local economy. This criteria will relate to local economic benefits that result from Tender processes.

The City will also consider adopting KPIs for successful suppliers that encourage the placement of the local workforce.

Exemptions

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 acquired from an Australian Disability Enterprise, a person/organisation registered on the WA Aboriginal Business Directory, WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (Common Use Arrangements), or from a Regional Council, or another Local Government, or a State Government, or the Federal Government;
- The purchase 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 that apply.

Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

- A local emergency and the expenditure is required to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 and F&G Reg. 11(2)(a); or
- A State of Emergency declared under the *Emergency Management Act 2005* and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

Statutory Authorities & Uncontested Markets

Where the City needs to acquire services from an uncontested market where there is only a single provider for a service such as Landgate Valuation Services, WA Electoral Commission, Fines Enforcement Registry or Water Authority; there is no requirement to seek quotations.

Local Government Panels of Suppliers (Not WALGA Preferred)

In certain limited circumstances, the City may wish to establish its own panel of prequalified suppliers (for purchases such as legal services, catering or project management). In these cases the City must be satisfied that there is a continuing and ongoing requirement for the goods and services and the purchasing must be low to medium risk.

The establishment of the panel, distribution of work and purchasing from the panel are controlled by the legislative requirements of Part 4, Division 3 of the Local Government (Functions & General) Regulations

1996. These include, but are not limited to, the requirement for a minimum of three panel members, a minimum two year contract term and the requirement for a commercial 'panel contract'.

Given the complexity of this style of purchase, it should only be used in very limited circumstances.

Repetitive Purchases

In making regular or repetitive purchases for the same goods or services, officers should be conscious of the potential for the triannual (across a rolling three (3) year period) purchases to accumulate to an amount in excess of the tender threshold (currently more than \$150,000). Where this repetitive purchasing issue is relevant and such occurrence is subsequently identified, officers should take appropriate actions to ensure that future purchases for these items are progressed in accordance with the requirements of Policy P607 - Tenders & Expressions of Interest.

Purchasing Policy Non-Compliance

Purchasing Activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the City's policies and procedures.

Failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is identified it may be treated as:

- an opportunity for additional training to be provided;
- a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
- misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Anti Avoidance

When making purchases City officers are to ensure that actions taken are in accordance with the Anti Avoidance provisions of the Local Government (Functions & General) Regulations 1996 (Part 4) and Section 3.57 of the *Local Government Act 1995*.

Record Keeping

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the City's Record Keeping Plan.

Legislation / Local Law Requirements

Local Government Act 1995

Local Government (Functions & General) Regulations 1996

Other Relevant Policies / Key Documents

P607: Tendering & Expressions of Interest

City of South Perth Strategic Plan 2017-2027

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 (~~\$150,000~~ **\$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 ~~\$150,000~~ **\$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 ~~\$150,000~~ **\$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

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

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