



LITHGOW CITY COUNCIL

3. CONTRACTING

Policy 3.1

CONTRACTS – DISCLOSURE ON REQUEST OF INFORMATION
CONTAINED IN COUNCIL CONTRACTS

Version 2

3. CONTRACTING

3.1 DISCLOSURE ON REQUEST OF INFORMATION CONTAINED IN COUNCIL CONTRACTS

OBJECTIVE: To identify information contained in Council contracts which may be publicly disclosed upon request.

POLICY:

1. That the information contained in Council contracts identified in Schedules 1 and 2 be publicly disclosed upon request, after execution of the contract.
2. That the information contained in Schedule 3 not be publicly disclosed in respect of any contracts entered into by the Council.

SCHEDULE 1 INFORMATION TO BE DISCLOSED FOR ALL CONTRACTS

- Details of contract (description of project to be completed or goods/services to be provided or property to be transferred; commencement date of the contract; the period of the contract);
- The full identity of the successful tenderer/contractors;
- The price payable by the Council and the basis for future changes in this price;
- The significant evaluation criteria and the weightings used in tender assessment;
- Provisions for re-negotiation and/or renewal (where applicable).

SCHEDULE 2 ADDITIONAL INFORMATION TO BE DISCLOSED FOR CONTRACTS INVOLVING LAND SALES, SWAPS, ASSET TRANSFERS, LEASES AND SIMILAR ARRANGEMENTS

- Details of present and future transfers of assets, sale price, special conditions of sale and details of the right to receive the asset and the date of the future transfer;
- The identification and timing of any assets transferred to the contractor by the Council;
- All operation and/or maintenance provisions in the contract;
- The basis for changes (price variation clauses) in the price payable by the Council;
- The results of cost-benefit analyses of the successful tender;
- The risk sharing in the construction and operational phase of the project, quantified in net present value terms (where possible) and specifying the major assumptions involved;
- Significant guarantees or undertakings between the parties, including loans entered into or agreed to be entered into.

**SCHEDULE 3
COMMERCIAL-IN-CONFIDENCE INFORMATION
INFORMATION NOT TO BE DISCLOSED FOR ANY CONTRACTS**

- The financing arrangements;
- The cost structure or profit margins;
- Items of the contractor having an intellectual property characteristic (eg non-tangible property that is the result of creativity, such as patentable ideas or inventions, trademarks, copyrights, etc);
- Any other matters where disclosure would place the contractor at a substantial commercial disadvantage with its competitors both at the time of entering into the contract and at any later date when there would be an effect on future competitive arrangements.

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