



1. ASSETS

Policy 1.4

TENDERING

Version **76**

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1. TENDERING

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OBJECTIVE:

To provide a framework that ensures Council Tenders are called in accordance with provisions of Section 55 of the *Local Government Act 1993 (the Act)* and Part 7 of the *Local Government (General) Regulation 2005 (the Regulation)*.

POLICY:

GENERAL

1. Tenders shall be called for the procurement of all goods / services an apparent value of greater than ~~\$2~~50,000 (excluding GST) per annum, unless purchased through an Organisation prescribed for the purposes of Section 55 (3) (a) of *the Act*. The threshold for contracts involving services provided by Council employees at the time of entering the contract is \$150,000.
2. Unless specifically altered by the General Manager, the "appropriate person" who shall be responsible for the management of tender documents in accordance with *the Act* and *the Regulation* is the senior officer in the Records section of the Council, or in their absence, their immediate supervisor or the General Manager
3. All tenders will be conducted with reference to the Office of Local Government's *Tendering Guidelines for NSW Local Government* and Lithgow City Council's Tendering Standard Working Procedure. Council may determine to charge a fee for the provision of tender documents
4. Council will endeavour to provide the same information to all interested parties wherever possible
5. The General Manager shall delegate staff to be responsible for opening, processing and assessing tenders
6. The General Manager will appoint a Manager or another member of staff to take leadership of the tender assessment group
7. A set of criteria shall be developed for the assessment of tenders.

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ADVERTISING:

1. All Tenders and Expressions of Interest shall be advertised in the *Sydney Morning Herald* as well as Council's contracted local newspaper. Advertisements shall be placed in the Council Column
2. More than one local newspaper may be utilised in addition if required to advertise tenders and expressions of interest at the tender team leader's discretion

METHODS OF TENDERING:

1. Tenders can be sought by one of two methods, Open Tendering or Selective Tendering.
2. The Open Tender method involves inviting all interested parties to Tender for the project
3. The Selective Tender method requires Council to call for Expressions of Interest (EOI), screen the responses received and then call for tenders from the preferred respondents
4. All tenders shall be advertised for a period of 21 days from the date of the later publication. A shortened or extended period can be sought in accordance with Clause 171 and 172 of *the Regulation* and must be approved by Council's General Manager

COUNCIL RESOLUTION

1. Council Resolution is to be sought at the following stages, noting that the General Manager has authority to accept tenders valued up to \$500,000:
 - In an Open Tender process, to award or reject the tenders following a tender evaluation
 - In a Selective Tender process, to invite selected tenderers following the EOI process and then to award or reject the tenders following a tender evaluation

GENERAL MANAGER'S AUTHORITY TO ACCEPT TENDERS

1. Council resolved to delegate acceptance of tenders valued up to \$500,000 to the General Manager in accordance with Section 377 (i) of *the Act* (resolution no. 18-195).
2. The General Manager also has authority to execute the resultant contract and any associated documentation under this delegation.
3. The General Manager cannot reject the acceptance of tenders in accordance with Section 178 of *the Regulation*.

GENERAL

1. Tenders are to be submitted in accordance with Clause 173 of the Regulation. Council's preferred method of receiving tender submissions is by electronic means
2. Receiving tenders by electronic means must be performed via Council's Tenderlink e-tendering portal. Electronic submissions of tenders by standard email will not be accepted
3. Tenders are to be opened in accordance with Clause 175 of *the Regulation*
4. Tenders may only be varied or amended in accordance with Clause 176 of *the Regulation*

5. Tenders received after the closing time and date as advertised will not be considered
6. Council may accept or reject tenders in accordance with Clause 178 of *the Regulation*.
7. The Council resolution is to include that authorisation is to be given to the General Manager to execute the resulting contract and any associated documentation under his delegation.
8. All tenderers will be advised in writing of the Council resolution/s.

CONTRACTS:

1. Contracts are to be drafted in accordance with Council’s Purchasing Standard Working Procedure.

LOBBYING OF COUNCILLORS AND COUNCIL STAFF:

1. Contacting Councillors or Council staff other than the designated contact person directly will automatically disqualify an interested party from all Tender or EOI processes.

DRAFT

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