

PROCUREMENT POLICY



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Responsible Manager:	Manager Governance, Property and Risk
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Acknowledgement

Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

Purpose

The purpose of this policy is to:

- provide a framework to guide the efficient, effective, socially and ecologically responsible procurement of goods, services and works on behalf of the community;
- provide guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to ratepayers;
- provide guidance to Council employee's regarding ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and
- align the City's procurement practices with the Guidelines.

Application and Scope

This Policy applies to all Council staff and Councillors.

Definitions and Abbreviations

Term	Definition
Act	Section 108 <i>Local Government Act 2020</i> . (<i>The Act</i>)
Collaborative Procurement Arrangement	A contract established by the Council, government or a nominated agent, such as Procurement Australasia (PA), Municipal Association of Victoria (MAV), Loddon Mallee Procurement Network of Councils or a local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.
Commercial in Confidence	Information that, if released, may prejudice the business dealings or commercial interests of Council or another party, e.g. prices, discounts, rebates, profits, methodologies, and process information, etc.
Conflict of Interest	A conflict of interest exists when private interests conflict with public duty. In a situation where private interests may benefit from or be adversely affected

Term	Definition
	by public duty a conflict of interest probably exists and it should be declared.
Contract Management	The process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the contract objectives and provide Value for Money.
Council	The Central Goldfields Shire Council organisation, including Councillors and Council Staff.
Councillors	Council's elected representatives (the Mayor and Councillors) or Administrator(s) appointed to act in this capacity.
Council Staff	Includes all Council officers, temporary employees, contractors, volunteers and consultants while engaged by Council.
Cumulative Spend	<p>The combined total spent on a good, services or works or with a single supplier.</p> <p>Council will consider the cumulative spend over a period of 2 Financial Years.</p>
Emergency	As per the Emergency Management Act 2013: An actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person, or threatens to destroy or damage, any property or endangers or threatens to endanger the environment or an element of the environment.
IBAC	The Independent Broad-based Anti-corruption Commission
Indigenous Business	An Indigenous Business is one that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s) (consistent with Supply Nation's definition).

Term	Definition
	https://supplynation.org.au/benefits/indigenous-business/
Local Business	<p>A commercial business with an operational premises that is physically located within the municipal borders.</p>
Loddon Procurement (LMPN) Mallee Network	<p>The 10 Councils comprising the LMPN, being the Buloke Shire Council, Campaspe Shire Council, Central Goldfields Shire Council, City of Greater Bendigo, Gannawarra Shire Council, Loddon Shire Council, Macedon Ranges Shire Council, Mildura Rural City Council, Mount Alexander Shire Council and Swan Hill Rural City Council.</p>
Preferred Supplier Panels	<p>Panels of suppliers or vendors who are able to supply goods, works or services. Panels are based on categories such as trade services and plant hire. Panels mean that Council staff are able to request a quotation (from suppliers on the panel) without publicly inviting tenders (noting that the number of quotations requested still needs to be compliant with the policy). Preferred Supplier Panels are also known as Approved Supplier Lists or Approved Contractor Lists.</p>
Principles	<p>Procurement principles are the fundamental propositions or forces that serve as the foundation for the policy and will govern procurement practices and decision making.</p>
Probity	<p>Within government, the term "probity" is often used in a general sense to mean "good process". A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation, are established, understood, and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.</p>

Term	Definition
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
Procurement System	The Procurement System is the IT system for managing procurement and contract management processes.
Public Advertising	Public Advertising is through The Maryborough District Advertiser and online/digital through Councils eTender Portal. Print advertising is at the discretion of the Tender Evaluation Panel.
Schedule of Rates Contract	A standing offer arrangement based on a Schedule of Rates contract that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services.
Social Benefit	The positive impacts on people, places or communities generated through procurement practices within the municipal boundary.
Suppliers	Any organisation which supplies goods or services to Council including but not limited to, contractors, subcontractors, manufacturers, wholesalers, retailers and consultants.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Tender Process	The process of inviting parties from either a select list or via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria.

Term	Definition
Total Contract Sum	<p>The potential total value of the contract including:</p> <ul style="list-style-type: none"> • costs for the full term of the contract, including any options for either party to extend the contract; • applicable goods and services tax (GST); • anticipated contingency allowances or variations, and • all other known, anticipated and reasonably foreseeable costs.
Value for Money	<p>Value for Money in procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:</p> <ul style="list-style-type: none"> • non-cost factors such as contribution to the advancement of Council’s priorities, fitness for purpose, quality, service and support, and • cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
Variation	<p>A change to a contract that varies the original agreement. This includes increases and decreases in contract price, extensions of time and changes to scope.</p>

Overview

This Procurement Policy is made under Section 108 of the [Local Government Act 2020 \(the Act\)](#). The Act requires each council to:

- Prepare and adopt a procurement policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services and carrying out of works by the Council; and
- Review its procurement policy at least once during each 4-year term of the Council.

The Policy has been developed collaboratively by the Loddon Mallee Procurement Network (LMPN) with a view to facilitating smooth collaborative procurement processes, consistent with *the Act*.

The Policy will enhance achievement of the Council's objectives such as sustainable and socially responsible procurement, supporting local economies and obtaining Value for Money, leading to a better result in the provision of goods, services and works for the benefit of the community.

Applicability

This Policy applies to all procurement activities at the Council and is applicable to all Councillors and Council Staff.

The Policy provides direction on the conduct of procurement activities throughout the sourcing, management and disposal phases. It does not extend to the related accounts payable processes.

The Council must comply with this Procurement Policy before purchasing, or entering into a contract for, the purchase of goods, services or the carrying out of works.

Objectives

The Policy is consistent with the requirements of s 108 (2) of *the Act* and will:

- Promote open and fair competition and provide Value for Money;
- Provide clear guidelines to the Council to allow consistency and control over procurement activities;
- Demonstrate accountability to ratepayers and residents;
- Provide guidance on ethical behaviour in public sector procurement;
- Demonstrate the application of best practice in procurement activities;
- Demonstrate the consideration of sustainability in procurement with respect to social, economic and environmental factors;
- Increase the probability of obtaining the best outcome for the municipal community when procuring goods and services; and delivering works, and
- Promote collaborative procurement.

These objectives will be achieved by requiring that the Council's contracting, purchasing and contract management activities:

- Support the Council's corporate strategies, aims and objectives;
- Span the whole life cycle of an acquisition and take sustainability and environmental benefit considerations into account;
- Consider adaptability and resilience to climate change impacts;
- Achieve demonstrable Value for Money, inclusive of supplementary benefits such as increased local employment;
- Are conducted in and demonstrate an impartial fair and ethical manner;
- Seek continual improvement through innovative and technological initiatives, and
- Prioritise supporting Local Business through inclusion wherever practicable.

1 Application of GST

All monetary values stated in this policy are inclusive of GST.

2 Effective Legislative and Policy Compliance and Control

2.1 Ethics and Probity

2.1.1 Requirement

The Council's procurement activities will be performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements.

All tender processes will be conducted in accordance with the requirements of this Procurement Policy and any associated procedures, relevant legislation, relevant Australian Standards, Commercial Law and *the Act*.

2.1.2 Conduct of Councillors and Council Staff

Councillors and Council Staff will at all times conduct themselves in ways that are in accordance with the Councillor Code of Conduct and the Staff Code of Conduct respectively, and will perform their duties ethically and with integrity and must:

- Treat potential and existing suppliers with equality and fairness;
- Not use their position to seek or receive personal gain in procurement matters;
- Maintain confidentiality of Commercial in Confidence information;
- Present the highest standards of professionalism and probity;
- Afford suppliers and tenderers with the same information and an equal opportunity to tender or quote for goods, services and works contracts;
- Be able to account for all decisions and demonstrate and provide evidence of the processes followed;
- Not perform any work under any Council contracts they are supervising i.e. Council Staff cannot also work for the relevant supplier;
- Query incidents, decisions or directions that appear to contradict or deviate from Council's standards of ethics or probity or established policies and procedures; and
- Ensure that this Procurement Policy and Council's Procurement guidelines are adhered to in relation to any expenditure of Council funds.

2.1.3 Conflict of Interest

Councillors and Council Staff will at all times avoid situations which may give rise to an actual or perceived conflict of interest. A conflict of interest may be a 'general' or a 'material' conflict of interest.

A person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty. A general conflict of interest includes a perceived conflict of interest, that is, when it could be perceived that there may be a conflict of interest.¹

A person has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit or loss may be direct or indirect and pecuniary or non-pecuniary. Affected persons include, among others, the member of Council Staff, Councillors and their family members.

¹ The policy for managing conflicts of interests and the codes of conduct can be referred for further information.

Council Staff involved in the procurement process, in particular preparing tender documentation, writing tender specifications, participating in tender evaluation panels, preparing a recommendation report; and Councillors and Council Staff awarding tenders must:

- **Avoid** conflicts of interest, whether material or general or actual, potential or perceived;
- **Declare** if they have a conflict of interest in respect of the procurement. Council Staff, Contractors and external parties participating in any stage of the tender process must complete a Conflict of Interest and Confidentiality declaration. and
- **Observe** prevailing Council and Government guidelines on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

2.1.4 Fair and Honest Dealing

All prospective contractors and suppliers must be treated impartially and afforded an equal opportunity to tender or submit a quotation.

Any suspected improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action should be managed in accordance with Council's internal policies and processes.

2.1.5 Probity, Accountability and Transparency

Accountability in procurement means being able to justify and provide evidence of the process followed. An independent third party must be able to see clearly that a process has been followed and that the process was fair and reasonable.

Council Staff must be able to account for all procurement decisions and ensure all procurement activities leave an audit trail for monitoring and reporting purposes.

2.1.6 Gifts and Benefits

- Any gift or benefit offered to a Councillor or Council Staff will be managed in accordance with the Local Government Act 2020 and Council's internal policies and processes, but noting that Councillors and Council Staff:
 - Must not receive a private benefit from a contractor or supplier;
 - Must declare the offer of a gift or benefit even if this is refused;
 - must not knowingly engage a Council supplier for private benefit,

2.1.7 Disclosure of Information

Councillors and Council Staff must take all reasonable measures to maintain confidentiality of:

- Information disclosed by organisations in tenders, quotation or during tender negotiations; and
- Commercial in Confidence information.

Councillors and Council Staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could improperly influence the procurement process or negotiation of a contract prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

2.1.8 Complaints, suspected fraud and misconduct

All complaints management and reports of suspected fraud and misconduct are to be carried out in accordance with the Local Government Act 2020, with consideration of the requirements of the IBAC Act and the Public Interest Disclosure Act, and in accordance with Council's Complaints Handling Policy and Fraud Prevention Policy.

2.2 Governance

2.2.1 Structure

Council has delegated a range of powers, duties and functions to the CEO in relation to procurement. The delegation aims to ensure that the Council's procurement structure operates according to processes that:

- Are flexible enough to procure in a timely manner the diverse range of goods, works and services required by Council;
- Guarantee that prospective contractors and suppliers are afforded an equal opportunity to tender or submit a quotation; and
- Encourage competition and collaboration.

2.2.2 Methods

The Council's standard methods for procuring goods, services and works will be by any of the following:

- Purchase order that represent best Value for Money under the quotation process from suppliers for goods or services under the thresholds adopted by the Council. An approved purchase order must be created prior to committing expenditure on behalf of Council;
- Under contract following a quotation or tender process;
- Under a Preferred Supplier Panel
- Using Collaborative Procurement Arrangements;
- Multi-stage tenders commencing with an EOI followed by a tender process;
- Under a sole-sourcing arrangement or other exemption contained in Appendix 4;
- Purchasing Cards (in a manner consistent with this policy);
- Petty Cash

unless other arrangements are authorised by Council or under appropriate delegated authority on an 'as needs' basis as required by exceptional circumstances such as emergencies.

2.2.3 Responsible Financial Management

The principle of responsible financial management will be applied to all procurement activities. Accordingly, to give effect to this principle, the availability of existing funds within an approved budget or source of funds will be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

2.2.4 Procurement Thresholds and Competition

In every procurement activity all practicable efforts will be made to consider the sustainable procurement considerations as listed in Section 3.2.

Council will invite offers from the supply market for goods, services, and works in accordance with the thresholds listed in Appendix 1.

2.2.5 Procurement Principles

Council will apply the following fundamental best practice principles to procurement, irrespective of the value and complexity of that procurement:

- Value for Money;
- Sustainability (social, economic and environmental);
- Open and fair competition;
- Accountability;
- Risk management, and
- Probity and transparency.

Council also recognises the importance of purchasing locally.

2.2.6 Procurement Methodology

Section 108 of *the Act* details that each Council will set the public tender threshold above which tenders or expressions of interest for contracts must be publicly invited.

A public tender process must be used for all procurements valued at \$200,000 (inclusive of GST) and above for goods, services or works through either a single contract or cumulative spend over a period of two Financial Years.

For procurements valued under \$200,000 (inclusive of GST), the procurement methodology and thresholds detailed in Appendix 1 will apply.

2.2.7 Contract Variations

All contract variations must be assessed to determine whether they are properly characterised as variations, or whether they are, in effect, a new contract. This will depend on factors like:

- The monetary value of the proposed variation, i.e. the value of the variation in the context of the thresholds fixed by the Procurement Policy; and
- The subject matter of the proposed variation, and whether it is consistent with the scope of the original contract.

Variations must take into account the cumulative spend under the contract.

2.2.7.1 Recording of Contract Variations

All contract variation requests, including specification variation requests, must be recorded in Council's contract management section of Procurement System. A record of the decision of a variation, including the reasons for the decision, must also be saved in the Procurement System.

2.2.7.2 Approving of Contract Variations

Approval of contract variations must be in accordance with Financial Delegation and take into account the cumulative spend under the contract. A variation can only be approved by a Council staff member holding the correct financial delegation for the revised contract sum.

Where the revised contract sum falls above the financial delegation of the CEO, or above the nominated figure or percentage of a figure delegated by Council to approve variations to the contract, the variation must be approved by Council at a Council meeting.

2.2.8 Public Tender Requirements

All public tenders invited by the Council will be published via Council's eTender Portal and may be advertised in the media.

Information regarding Current Tenders and Awarded Tenders will be published on Council's eTender Portal.

2.2.8.1 Procurement Conduct Plan

A detailed Procurement Conduct Plan, completed by the chairperson, will be developed, approved, and strictly adhered to by that panel.

The Procurement Conduct Plan should be completed and signed off prior to the tender being issued.

2.2.8.2 Tender Evaluation

A tender evaluation panel will be established to evaluate each tender submission against the tender's selection criteria. Tender evaluation panels can include external personnel in order to ensure the best outcome for a procurement activity and must comprise of at least 3 Council Officers including a chairperson and Procurement Officer. The Procurement Officer does not score submissions, but their role is to oversee the evaluation process, including compliance to the best practice guidelines, this Procurement Policy and legislation.

2.2.8.3 Evaluation Criteria

The Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money:

- Mandatory Compliance criteria (e.g. ABN registration, OH&S, Fair Work Act, risk and conflict of interest);
- Tendered price;
- Capacity of the Tenderer to provide the goods and/or services and/or works;
- Capability of the Tenderer to provide the goods and/or services and/or works;
- Local Economic Benefit;
- Environmental Benefit; and
- Social Benefit.

2.2.8.4 External Probity Advisor

An external probity advisor must be appointed, in the following circumstances:

- Where the proposed Total Contract Sum exceeds \$1.5 million over the life of the contract or for a lesser value set by Council from time to time; or
- Where a proposed contract is considered by Council or the CEO to be particularly complex, of a high risk or controversial nature, and requiring a high level of public confidence; or
- Where a Councillor or member of Council's executive staff have or are perceived to have a pecuniary interest in the proposed contract.

A probity advisor may be appointed to any tender evaluation panel and may be appointed to oversee the evaluation process.

2.2.8.5 Shortlisting and Negotiations

Council may conduct a shortlisting process during EOI, tender and quotation processes. Shortlisting must be based on the advertised selection criterion.

Shortlisted tenderers may be invited by the Council to submit a best and final offer in relation to all or certain aspects of their respective tenders.

Once one or more preferred tenderers are selected, negotiations can be conducted in order to obtain the optimal solution and commercial arrangements within the original scope and intent of the tender. Probity requirements apply to all negotiations.

2.2.8.6 Expression of Interest

Council may conduct an expression of interest prior to conducting a tender. A tender must follow the expression of interest. An expression of interest should be used in the following circumstances;

- Where there is likely to be many tenderers and Council does not wish to impose the costs of preparing full tenders on a large number of potential tenderers

- Where there is uncertainty as to the interest of suppliers or vendors or their capacity to fulfil the contract.

2.2.8.7 Request for Information

Council may conduct a request for information where Council is uncertain as to what goods or services it requires. A request for information does not replace the need for public tender or an expression of interest followed by a tender. Requests for information may be undertaken to establish:

- Available technologies, products or services
- If proposed terms and conditions or deliverables are acceptable to the market
- Whether proposed budgets are adequate

2.2.9 Collaborative Procurement

In accordance with section 108(c) of *the Act*, this policy must describe how council will seek collaboration with other councils and public bodies in the procurement of goods or services.

Council Staff must consider any opportunities for Collaborative Procurement in relation to a procurement process undertaken by Council. Any report to the Council that recommends entering into a procurement agreement must set out information relating to opportunities for Collaborative Procurement, if available, including:²

- The nature of those opportunities, if any, and the councils or public bodies with which they are available; and
- Why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

When collaborating with the LMPN, the Council will do so in accordance with the following:

- The LMPN will develop a consolidated contract register to identify joint procurement projects on an annual basis;
- Council contracts with a minimum value of \$1 million per annum (per Council), for the ongoing supply of goods or provision of services or works, other than projects that are unique to an individual Council (e.g. unique construction or works projects), will be included in the consolidated contract register for collaboration consideration;
- Other contracts which, due to the subject matter, nature or scope, are likely to deliver operational efficiencies if procured in collaboration with the LMPN, must be included in the consolidated contract register for consideration as a possible joint procurement opportunity;
- Where Collaborative Procurement is to be pursued:
 - A pre-market approval submission will be submitted to each Council and the LMPN prior to commitment to collaboration, seeking delegation of contract approval to CEOs;

² *Local Government Act 2020*, s 109 (2).

- The LMPN will establish a Heads of Agreement that gives authority for a lead council to act as each Council's agent in the Collaborative Procurement;
- Each of the Councils who participate will be able to enter into a contract with the preferred supplier identified through the Collaborative Procurement process, or may choose as a group to enter into a contract using "jump in/opt-in" contract provisions during the contract term, or with the Council which conducted the public tender; and
- Each participating council must be involved in:
 - The initial decision to undertake the Collaborative Procurement;
 - Preparation of, and agreement to, the specifications and evaluation criteria;
 - Ensuring probity for the Collaborative Procurement; and
 - The acceptance of tender(s) and awarding of contract(s).

Furthermore, Council may collaborate with other Councils or other agents such as MAV Procurement or Procurement Australasia to procure goods, services or works, or utilise existing Collaborative Procurement Arrangements for the procurement of goods, services or works established through a public tender process where it provides an advantageous, Value for Money outcome for the Council.

The following principles will be applied when utilising procurement agents (e.g. MAV Procurement and Procurement Australasia) and whole of government contracts:

- Council will use an agent where potential cost savings exist.
- Council will follow the procurement agent's established procedures.
- The use of procurement agents must not eliminate the ability of suppliers locally and within our region to submit a quotation or tender.

Any Federal or State Government grant funded projects may be excluded from collaborative procurement if required as part of the funding agreement.

2.3 Delegation of Authority

Instruments of Delegation define the limitations within which Council Staff are permitted to commit Council to the procurement of goods, services or works and the associated costs. The Instrument of Delegation allows specified Council Staff to undertake certain purchases, quotation, tender and contractual processes without prior referral to the Council. This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Council has delegated responsibilities relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotations and tenders and for contract management activities to the CEO. The CEO has further delegated some of those responsibilities to other members of Council Staff, subject to specified conditions and limitations.

Procurement approval delegations can be found in Appendix 1

2.4 Internal Controls

The CEO will install and maintain a framework of internal controls over procurement processes that will ensure:

- More than one person is involved in, and responsible for, the creation and authorisation of a contract (this includes creation and authorisation of purchase orders);
- Transparency in the procurement process;
- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented;
- Systems are in place for appropriate monitoring and performance measurement; and
- A process is in place for escalation, where appropriate, of procurement matters (including procedural non-compliance) to the Executive Management Team, the Audit and Risk Committee and Council.

2.5 Risk Management

Council is committed to the practice of effective risk management to provide improved stakeholder confidence and trust, and to support improved compliance and better corporate governance. Risk management is to be appropriately applied at all stages of procurement activities including:

- Standardisation of contracts including current and relevant clauses
- Requiring security deposits where appropriate
- Referring specifications to relevant industry experts as required
- Ensuring contractual agreements are in place before the commencement of works
- Use of and enforcement of delegated authorities
- Effectively manage the contract through ongoing monitoring to ensure the required performance is being achieved

To protect the interests of Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to this requirement exposes Council to risk.

Contracts are to be proactively managed by Council staff responsible for the delivery of the project/contract. Each should be assessed equivalent to size, type, complexity, duration and value to determine the level of risk. This will then determine the level of management of the particular project / contract and forms an integral part of good contract management.

Risk assessments are a vital part of the procurement planning process, particularly for significant contracts. Risks will be identified for each part of the sourcing, transition, delivery and finalisation stages of procurement. Appropriate risk avoidance and mitigation strategies will be employed whenever practicable and appropriate.

2.6 Endorsement

Council Staff must not publicly endorse any products or services without the permission of the CEO.

2.7 Dispute Resolution

All Council standard contracts will incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

2.8 Contract Management

In order to continually improve its procurement and contract management processes and outcomes, Council will evaluate and seek to improve on all aspects of procurement and contract management, in accordance with its documented procurement processes and Contract Management Guidelines.

Good contract management ensures goods, services and works are delivered to the required standards of quality and quantity as intended by the contract through:

- Establishing a system for monitoring and achieving the responsibilities and obligations of all parties under the contract;
- Providing a means for the early recognition of issues and performance problems and the identification of solutions;
- Adhering to the Council's risk management framework and relevant Occupational Health and Safety and sustainability requirements.

Council contracts are to include contract management requirements commensurate with the complexity of the procurement. Furthermore, contracts are to be proactively managed by the member of Council Staff responsible for the delivery of the contracted goods, services or works to ensure the Council, and therefore the community, receives Value for Money.

Council awards some contracts that are strategically critical and of relatively high value. Council will provide additional senior oversight to the management of such significant contracts.

2.9 Training

All staff with duties that involve the purchasing of good and services will undertake procurement training when they commence employment. In order to ensure existing staff are up-to-date with the latest requirements of this policy they should participate in refresher training every 12 months.

Staff that breach the policy will be required to undertake refresher training immediately and may be subject to disciplinary action. Until initial training and/or refresher training has been completed, any staff member that has breached the policy will be prohibited from participating in any procurement process.

2.10 Cost Splitting

Any attempts to circumvent procurement thresholds by order splitting or other methods constitutes a breach of the Procurement Policy.

2.11 Approved Panel of Suppliers

An approved panel supplier is a contractor or consultant that has been appointed following a public tender process. Unless specified during the tender process there is no minimum quantity of work guaranteed to an approved panel supplier.

The use of panel of suppliers contracts should be transparent as suppliers appointed to the panel will have a reasonable expectation that Council will provide panel members with an equal opportunity to quote for goods, services or works.

Thresholds listed in Appendix 1 Table 4 Panel Contract Thresholds apply when using approved panel of suppliers.

3. Demonstrate Sustained Value

3.1 Achieving Value for Money

3.1.1 Requirement

The Council's procurement activities will be carried out to obtain Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinant of Value for Money.

3.1.2 Approach

This will be facilitated by:

- Achieving continuous improvement in procurement activity;
- Developing, implementing and managing processes that support the co-ordination and streamlining of activities throughout the procurement lifecycle;
- Effective use of competition;
- Using existing Council contractual arrangement or Collaborative Procurement Arrangements where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient tender processes;
- Council Staff responsible for providing procurement services or assistance within the Council providing competent advice in terms of available products and agreements; and
- Working with suppliers to create relationships that are professional, productive, and are appropriate to the value and importance of the goods, services and works being acquired.

3.2 Sustainable Procurement

3.2.1 Sustainable procurement definition

Sustainable procurement involves decision making that has the most positive environmental, social and economic impacts possible across the entire lifecycle of goods, services and works. It looks beyond up-front costs to make purchasing decisions that consider associated environmental and social risks and benefits, and broader social and environmental implications.

The United Nations Environment Programme defines sustainable procurement as a "process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves Value for Money on a whole of life basis in terms of generating benefits not only the organisation, but also to society and the economy whilst minimising damage to the environment."

3.2.2 Applying sustainable procurement in Council

Sustainability will be embedded in Council's work. All Council staff will have a clear and shared understanding about what it means and how they can apply it to their daily tasks. Council commits to applying the principles of sustainability to its decision-making and activities.

Council demonstrates sustainable procurement by:

- Being accountable for its impacts on society, the economy and the environment including the impacts of the organisation's supply chain;
- Examining anticipated organisational, project and/or community needs;
- Continually improving sustainability specifications, practices and outcomes, and
- Planning and undertaking sustainability evaluations as part of contracting activities.

Social, environmental and economic sustainability criteria are to be considered at the planning stage of procurement and included in Council's tender documentation to achieve Council's sustainability outcomes. Environmental and social outcomes sought to be achieved through the tender may be imbedded in any tender criteria.

Social, environmental and economic sustainability criteria are to be evaluated independently of one another and are not to be bundled into a single sustainability measure.

3.2.3 Principles and objectives

In its Procurement Activities Council commits to

- Applying specific principles of sustainability to its decision-making and activities, and
- Focusing on specific Economic, Environmental and Social objectives.

While Council is not subject to the reporting requirements of the Modern Slavery Act 2018, Council understands its responsibility to resist modern slavery through its procurement processes. Council will take the following steps to ensure it is avoiding modern slavery risks in its procurement:

- Include in tender document a declaration of whether the Act applies to them, and if so, ask them to provide Modern Slavery Statement (if one has been prepared) or to provide details of activities they have undertaken so far and have planned to address the Act reporting requirements.

Consider including modern slavery as an evaluation criterion in high risk procurement such as electronics, clothing, construction and cleaning services.

The following economic, environmental and social objectives have been determined in line with these principles.

Area	Principles	Objectives
<p>Economic</p>	<p>Council is committed to procurement that supports Local Business and economic diversity in the LMPN.</p> <p>Where practicable and applicable Council will give preference to goods manufactured or produced in Australia and will actively seek quotations and tenders from Local Businesses in the Shire as a first priority and the LMPN as a second priority</p> <p>Council's Procurement Policy will be underpinned by the following economic sustainability principles:</p> <ul style="list-style-type: none"> • Ensuring accountability and transparency; • Ensuring Value for Money outcomes; • Ensuring open and effective competition, and development of competitive Local Business and industry; • Fostering innovation and emerging sectors; • Considering life cycle costs; and • Considering adaptability and resilience to climate change impacts 	<p>Council's economic sustainability approach aims to:</p> <ul style="list-style-type: none"> • Achieve Value for Money on a whole of life (including disposal) basis, rather than just initial cost; • Consider broader life cycle impacts of products procured; • Consider climate adaptability and resilience of products procured; • Ensure probity and accountability in the procurement process; • Increase purchasing from businesses within the Shire and LMPN; • Build relationships with Local Business and provide opportunities to increase their capacity and capability to become suppliers to Council; and • Increase local employment.

Area	Principles	Objectives
<p>Environmental</p>	<p>Where applicable Council will purchase goods, services and works that reduce air, water and soil pollution, greenhouse gas emissions, waste production, natural resource depletion and biodiversity depletion whenever they present an acceptable Value for Money outcome, and in some cases where they might not.</p> <p>Council's procurement will be underpinned by the following environmental sustainability principles:</p> <ul style="list-style-type: none"> • Considering a product's or asset's lifecycle; • Promoting circular economy participation; • Managing demand to reduce procurement requirements; • Encouraging innovation through specifications; and • Engaging suppliers who are also committed to reducing their environmental impact. 	<p>Council's environmental sustainability and approach aims to:</p> <ul style="list-style-type: none"> • Improve energy efficiency; • Reduce greenhouse gas emissions from Council operations, capital works and supply chain (working towards target of net zero emissions from Council operations by 2030) t; • Minimise waste generation and waste to landfill; • Improve water efficiency; • Reduce air, water and soil pollution; • Reduce biodiversity impacts; and • Increase the use of recycled materials to: <ul style="list-style-type: none"> ○ Reduce demand for raw materials and non-renewable resources; ○ Support the ongoing viability of the recycling and resource recovery sector; and ○ Close the loop on kerbside recycling.

Area	Principles	Objectives
<p>Social</p>	<p>Council is committed to building stronger communities and meeting social objectives which benefit the municipality and commits to integration of measures in its procurement processes and documentation which promote improved social outcomes.</p> <p>Council's procurement will be underpinned by the following social sustainability principles:</p> <ul style="list-style-type: none"> • A thorough understanding of the socio-economic issues affecting the community; • Creation of training and employment opportunities for unemployed or disadvantaged residents and ratepayers in Council's municipality, and marginalised job seekers in Council's municipality, to address local socio-economic issues; • Promotion of equity, inclusion, diversity and equal opportunity; and • Respect for human rights, the rule of law and international norms of behaviour. 	<p>Council's social sustainability approach aims to:</p> <ul style="list-style-type: none"> • Ensure vendors do not exploit workers and provide fair wages, including inclusive business practices; • Maintain a social procurement program to increase both direct and indirect social procurement spend across the LMPN (Direct – engaging a social benefit provider to deliver goods or services; Indirect – including social benefit(s) as an outcome of a procurement contract); • Ensure sourced products are accessible by all segments of the community; • Increase employment opportunities for: <ul style="list-style-type: none"> ○ Dja Dja Wurrung people and all Aboriginal and Torres Strait Islander People; ○ People living with a disability; and ○ People experiencing long term unemployment or other socioeconomic barriers. • Improve gender equity; and • Prevent, detect, report and remove modern slavery from Council's supply chain.

4. Build and Maintain Supply Relationships

4.1 Managing Suppliers

Council recognises the importance of managing existing suppliers including through performance measurements which ensure supplier responsibilities of the contract are delivered.

4.2 Supply Market Development

A wide range of suppliers are encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Green suppliers;
- Local, small to medium sized enterprises (SMEs) and Social enterprises;
- Ethnic and minority businesses;
- Indigenous businesses;
- Businesses employing people with disability; and
- Volunteer and community organisations.

Review

This Policy must be reviewed a minimum of once every 2 years.

Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

Relevant Legislation and Council Policies

Local Government Act 2020

APPENDICES

Appendix 1 Council – Procurement Methodology Thresholds

Council will invite tenders, proposals, quotes and expressions of interest from the supply market for goods, services and works in accordance with the thresholds in Table 3, except where a panel is in place for the goods/services, in which case the requirement for quotes is in accordance with the thresholds in the Table 4.

Table 1: Procurement Approval Delegations

Up to \$10,000	Coordinator
Up to \$25,000	Manager
Up to \$150,000	General Manager
Up to \$500,000	Chief Executive Officer
Greater than \$500,000	Council

Table 2: Contract Award Delegations

Limit of Delegations	Power to Award
<\$500,000 or as otherwise determined by Council	Chief Executive Officer
>\$500,000	Council

Table 3: General Procurement Thresholds

Financial Thresholds	Minimum Requirements			
	Including GST	Processed by	Market Engagement	Engagement Type
<\$2,000	Business Unit	1 Verbal Quote	Purchase order or Purchase card to financial delegation	
\$2,001 to \$5,000	Business Unit	1 Written Quote	Purchase order	Quotes must be saved in document management system
\$5,001 - \$19,999	Business Unit	2 Written Quotes	Purchase order	Quotes must be saved in document management system
\$20,001- \$30,000	Business Unit	3 Written quotes	Purchase order	Quotes must be registered in procurement system and saved in document management system
\$30,001 - \$199,999	Procurement Unit	Request for Quote via eTendering portal	Purchase order for goods Contract for services or works	Request must be registered in procurement system. Evaluation Report signed by General Manager
\$200,000 and above	Procurement Unit	Request for Tender via eTendering portal	Contract	Request must be registered in procurement system.

				Evaluation Report signed by General Manager
<p>Note:</p> <p>All Pricing is inclusive of GST</p> <p>Exemptions to the requirements detailed in this table (as per Appendix 4) must be forwarded to the Procurement Unit who will obtain Manager, General Manager and CEO approval before any purchase is made or contract entered into.</p> <p>Threshold values to be presented for review annually</p>				

Table 4: Panel Contract Thresholds

The thresholds for additional panels will be determined as part of the procurement process until this Procurement Policy is next reviewed.

Goods/services supplied under the Panel Contract	Business Unit will seek at least one verbal quote	Business Unit will seek at least one written quote in consultation with Procurement Unit	Request for quote to panel members via eTender portal	Public Request for Quote via eTender portal	Public Tender via eTender portal
Cleaning Products	\$0 - \$999	\$1,000-\$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Plant and Equipment	\$0 - \$999	\$1,000-\$14,999	\$15,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Crushed Rock and Aggregate	\$0 - \$999	\$1,000-\$99,999	\$100,000 or more		
Landscape Materials	\$0 - \$999	\$1,000-\$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Office Products	\$0 - \$999	\$1,000-\$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Civil Engineering Consultancy Services	\$0 - \$4,999	\$5,000 - \$19,999	\$20,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above

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Supply and Fitting of Tyres	\$0 - \$999	\$1,000 - \$4,999	\$5,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Plumbing Services	\$0 - \$999	\$1,000-\$4,999	\$5,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Electrical Services	\$0 - \$999	\$1,000 - \$4,999	\$5,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Supply, Delivery and Lay Asphalt	\$0 - \$4,999	\$5,000 - \$29,999	\$30,000 or more		
Weed, Pest Control and Environmental Services	n/a	\$0 - \$29,999, two quotes must be sought	\$30,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Kerb and Channel Works	\$0 - \$4,999	\$5,000 - \$19,999	\$20,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Trees Services and Removal	\$0 - \$1,999	\$2,000 - \$9,999	\$10,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Specialist Project Services	\$0 - \$4,999	\$5,000 - \$29,999	\$30,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above
Trade Services	\$0 - \$4,999	\$5,000 - \$29,999	\$30,000 - \$99,999	\$100,000-\$199,999	\$200,000 and above

Note:

All Pricing is inclusive of GST

Documentation requirements remain the same as Table 1: General Procurement Thresholds.

Exemptions to these requirement must be in accordance with Appendix 4, and be forwarded to the Procurement Unit who will obtain Manager, General Manager and CEO approval before purchase is made.

Threshold values to be presented for review annually.

Further details of the applicable procedures and processes is available in the Council's Procurement Procedures.

Appendix 2 Council – Performance KPIs

Performance Indicators

Central Goldfields Shire Council will improve its procurement performance by seeking to capture and analyse data on key performance indicators including:

- *Extent of contracts delivered on time and on budget;*
- *Addendums issued;*
- *New Collaborative Procurement contracts;*
- *New preferred supplier (panel) contracts;*
- *The number of Local Businesses engaged and proportion of local spend;*
- *Value of savings and benefits achieved;*
- *Compliance with the Procurement Policy;*
- *Annual spend on sustainable (economic, environmental and social) goods and services;*
- *Annual Social engagement;*
- *Retrospective Purchase Orders;*
- *Conflict of Interest Declarations;*
- *CEO Exemption requests; and*
- *Contracts awarded between the RFT threshold and the CEO financial delegation*

A report will be presented quarterly to the Executive Management Team, Audit & Risk Committee and the Council regarding procurement performance.

Appendix 3 Related Council Plans, Strategies and Policies

- Council Plan 2021-2025
- Long Term Financial Plan 2021-2031
- Council's Annual Budget
- Councillor Code of Conduct
- Central Goldfields Climate Action Plan 2022-30
- Complaints Management Policy
- Fraud Prevention Policy
- Delegations
- Inclusive - Disability Action Plan
- Economic Development Strategy
- Gender Equality Strategy
- Gifts, Benefits & Hospitality for Council Staff Policy
- Gifts, Benefits & Hospitality for Councillors Policy
- Managing Conflicts of Interest for Council Staff Policy
- Managing Conflicts of Interest for Councillors & Council Committee Members Policy
- Occupational Health and Safety Manual
- Public Interest Disclosure Policy
- Staff Code of Conduct Policy
- Risk Management Policy

Appendix 4 Exemptions from the Policy

The following circumstances may, with evidence and recording of decision making, allow an exemption from the general requirements for publicly advertised tender, quotations and expression of interest. These exemptions also apply to collaborative procurements and require the same approvals. Exemptions can only be granted by the CEO within the CEO’s financial delegation.

It is also noted that Council may apply to the Minister for an exemption to the requirement for public tender or compliance to the Procurement Policy, pursuant to *Local Government Act 2020* s 177.

Exemption	Explanation, limitations, responsibilities and approvals
<p>1. A contract or purchase made because of a genuine emergency</p>	<ul style="list-style-type: none"> • Where the CEO has declared that an emergency exists, purchases may be made without the need to initially follow policy during the emergency. Situations covered by this include genuine concerns for public safety, security, building specific critical works, loss of essential services and, invoking an emergency response plan. • This exemption ceases where there is no further imminent threat or requirement to take immediate action to protect life or property. • This exemption must not be used for the procurement of extended goods, works or services.
<p>2. A contract made with, or a purchase from a contract made by, another government entity, government-owned entity or other approved third party</p>	<ul style="list-style-type: none"> • This general exemption allows engagements: <ul style="list-style-type: none"> ○ With another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or ○ In reliance on contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA). or LMPN
<p>3. Extension of contracts while Council is at market to replace that contract.</p>	<ul style="list-style-type: none"> • Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. • This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.

Exemption	Explanation, limitations, responsibilities and approvals
4. Novated Contracts	<ul style="list-style-type: none"> Where the initial contract was entered into in compliance with <i>the Act</i> and due diligence has been undertaken in respect to the new party.
5. Information technology resellers and software developers	<ul style="list-style-type: none"> Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software who holds the intellectual property rights to the software. Decision making must be recorded and include the matters below: <ul style="list-style-type: none"> the existing software must be fit for purpose: the availability of other software products and the costs and benefits of these compared with the current software; and whether value for money would be received under the proposed renewal or upgrade. To reduce the need to consider the use of this exemption, tender specifications for all software licenses must include maintenance, support, upgrades and a reasonable contract term to ensure value for money.
6. Regional Waste and Resource Recovery Groups	<ul style="list-style-type: none"> Situations where a Regional Waste and Resource Recovery Group (or equivalent entity) constituted under the <i>Environment Protection Act 1970</i> had already conducted a public tender for and on behalf of its member councils.
7. Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> Motor vehicle compulsory third party
8. Operating Leases	<ul style="list-style-type: none"> Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle.
9. Plant and Equipment Servicing	<ul style="list-style-type: none"> Where it is required to maintain a valid warranty, Where works needs to be carried out by recognised suppliers using genuine parts. To achieve this Council utilises servicing by the manufacturers from whom the plant and equipment was originally purchased. Spare parts from specific manufacturers can be purchased to complete works on a plant and equipment in Council's workshop.
10. Artworks, Statues and Monuments	<ul style="list-style-type: none"> It is not practical to obtain quotes for artworks, statues and monuments as each piece of work is unique. Please note that if an artwork is commissioned to be created then this exemption does not apply and quotations or tenders must be sought.
11. Shop Supplies	<ul style="list-style-type: none"> Units of Council that operate a retail outlet that are required to purchase stock for resale to the public. This is due to the nature of the goods that are offered for resale, which may be of a unique nature.

Exemption	Explanation, limitations, responsibilities and approvals
12. Performers	<ul style="list-style-type: none"> Units of Council that engage performers as part of their performance program are exempt.
13. Specialist sole supplier knowledge and skills	<ul style="list-style-type: none"> if Council requires advice from a supplier who offers specialist knowledge which is not available from any other supplier. An exemption to complying with minimum number of quotes form must be completed for these purchases.
14. Sole Supplier (Core Service)	<ul style="list-style-type: none"> The Council deals with a number of core service sole suppliers. There is no market to test and obtain multiple quotations. Examples of core service sole suppliers are: Central Highlands Water, Coliban Water PowerCor, Professional membership payments (relating to positions held at Council), where the supplier is the sole source of intellectual property e.g. Facebook, Google, Advertising (newspapers)
15. Contractor filling critical vacancy in workforce	<ul style="list-style-type: none"> If a vacancy for a general manager position, manager position, coordinator position or position required by legislation has been advertised but has not been able to be filled, the vacancy may be filled by a contractor.
16. Accommodation	<ul style="list-style-type: none"> When providing short term emergency accommodation inline with Council's Emergency Management function, or For overnight/short term accommodation for Council staff when their approved work requires travel, or When Council is required to provide accommodation facilities to visiting representatives.
17. Labour Hire	<ul style="list-style-type: none"> The use of labour hire providers as defined in the Labour Hire Licensing Act 2018 (Vic) to fill short term or temporary additional labour requirements. This is separate to a contractor filling critical vacancy.
18. Legal Services	<ul style="list-style-type: none"> This does not extend to include debt recovery services
19. Chief Executive Officer exemptions	<ul style="list-style-type: none"> A member of Council staff may apply, in writing, for an exemption under this policy to the Chief Executive Officer. The Chief Executive Officer may consider an application and provide a written exemption under this policy, where it can be clearly demonstrated that a public procurement process will not be in the best interests of the organisation or community to do so, the Council staff member must be able to demonstrate in their application that clear and robust market testing as occurred. The Chief Executive Officer may also provide a written exemption under this policy where he or she is satisfied that: <ul style="list-style-type: none"> Exceptional circumstances exist; and It is in the public interest to depart from the procurement processes that would otherwise apply. The Chief Executive Office must present to a Council meeting details of any contract or other agreement entered into as result of such exemption being provided.

Appendix 5 Evaluation Criteria

MANDATORY	
Relevant Insurances	Pass/Fail
OH&S Requirements	Pass/Fail
Financial Viability	Pass/Fail (as required)
FINANCIAL	
Financial Benefit to Council <ul style="list-style-type: none"> - Relative cost to Council 	Up to 45%
Financial Benefit to Community <ul style="list-style-type: none"> - Business Ownership/Head Office - Business Branch/Office - Employment of Local Staff - Use of Local Sub-Contractors - Use of Local Materials - Local Accommodation for duration of works - 	Up to 20%
OTHER	
Capability <ul style="list-style-type: none"> - Response to specification - Demonstrated experience. - Depth of technical skills and knowledge - Management and monitoring system - Quality Assurance System and accreditation 	Weighted criteria to be determined by Tender Evaluation Panel prior to quotation or tender being released.

<p>Capacity</p> <ul style="list-style-type: none"> - Available access to required resources - Available access to required labour - Key Sub-contractors - Demonstrated system and processes for deploying resources 	<p>Weighted criteria to be determined by Tender Evaluation Panel prior to quotation or tender being released.</p>
<p>Environmental Sustainability</p> <ul style="list-style-type: none"> - Environmental Management System, Policy etc - Level of Environmental Objectives, Actions and Specifications proposed under this contract - Demonstrated level of past Environmental Performance 	<p>Minimum 5%</p>
<p>Social Sustainability</p> <ul style="list-style-type: none"> - Level of Social Employment Opportunities and Strategies - Social Enterprise Strategies, Purpose and Social Outcomes 	<p>Minimum 5%</p>
<p>Aboriginal and Torres Strait Islander People</p> <ul style="list-style-type: none"> - Employment opportunities within Central Goldfields Shire - Business ownership and subcontractor engagement - Opportunities in the Loddon Mallee Region 	<p>Minimum 5%</p>