

GREATER SHEPPARTON CITY COUNCIL

# PROCUREMENT POLICY

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**PROCUREMENT POLICY**

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## PURPOSE

This Procurement Policy (“the Policy”) is made under Section 108 of the *Local Government Act 2020 (Vic)* (“the Act”).

It is Council’s intention that this Policy govern purchasing activities across the organisation in accordance with the requirements of the Act, being to:

- prepare, adopt and comply with a procurement policy which specifies the principles, processes and procedures applying to all purchases of goods and services and the carrying out of works by the Council to promote open and fair competition and ensure value for money;
- establish a threshold for public tender procurement activities;
- provide for collaboration in procurement activities; and
- review the Procurement Policy at least once during each 4-year term of the Council.

## OBJECTIVES

The objectives of this Policy are as follows:

- a) ensuring value for money, innovation and continuous improvement in the provision of services for the community;
- b) incorporating a strategic approach to procurement planning, implementation and evaluation;
- c) enabling sustainable outcomes including economic, environmental and social sustainability, having regard to whole of life impacts and benefits;
- d) efficient and effective use of Council resources;
- e) demonstrating high standards of probity, transparency, risk management and accountability to ratepayers; and
- f) ensuring compliance with legislation, Council Plan objectives, Council policies and industry standards.

## SCOPE

This Policy provides overarching principles to be applied in the carrying out of procurement activities throughout the sourcing, management and disposal phases of a purchase.

All Council Staff and Councillors are expected to observe the terms of this Policy in relation to any procurement activities they may undertake on behalf of Council.

The scope of this Policy commences from when there is an identified need for procurement requirements and continues through to the delivery of goods or completion of works and services, but does not extend to related accounts payable processes.

## DEFINITIONS

Reference term	Definition
Accountability and Transparency	Accountability in procurement means being able to explain and evidence what decisions have been made and what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.
Aggregated Purchasing Contract	A contract established by another government agency or a nominated third party (ie, Municipal Association of Victoria or Procurement Australia) for the benefit of numerous State, Federal and/or Local Government entities in the interests of achieving best value by leveraging combined economies of scale.
Procurement Best Practice Principles	The Procurement Best Practice Principles issued by the Victorian State Government in July 2021, and any revised principles which may replace same from time to time.
Commercial in confidence	Information that, if released, may prejudice the business dealings of a party e.g.: prices, discounts, rebates, profits, methodologies and process information.
Collaborative Procurement	Procurement activities undertaken in accordance with the requirements of Section 109(2) Local Government Act 2020 (as amended from time to time). For the purposes of this Policy, the term 'Collaborative Procurement' is distinguished from supply arrangements which have been entered into by third party agencies such as MAV or Procurement Australia and are pre-approved ('Pre-Approved Supply Arrangements').
Contract management	The process that ensures that both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
Council Staff	Includes full-time, part-time and temporary Council staff, contractors and consultants engaged by the Council.
Expression of Interest (EOI)	A procurement process used to identify suppliers interested in, and capable of, delivering the required goods or services. Potential suppliers are asked to provide information on their capability to perform the work. It is usually the first stage of a multi-stage tender process.
First Nations Business	A First Nations Business is broadly defined as a business which is predominantly First Nations - owned, or which demonstrates a significant contribution to First Nations employment and/or proceeds to First Nations communities.
Local Business	A business having a head office or main depot/operations centre within one of the following municipalities: Greater Shepparton City Council, Moira Shire Council, Benalla Rural City Council, Strathbogie Shire Council or Campaspe Shire Council.

Panel contract	A panel contract is a standing offer agreement where multiple contractors are appointed to a panel of suppliers, rather than an agreement with just one contractor, with no obligation by Council to engage any one supplier for any particular volume of work.
Probity	Within local 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 legislation, the Council's policies and procedures 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.
Probity Advisor	Refers to Council personnel or a contractor with extensive experience and skills in procurement who may develop probity plans and other key documents and provide advice and training to staff on probity principles and Corporate Procedures.
Probity Auditor	Primarily reviews all processes and documentation throughout the procurement process and provides a report on their findings at the conclusion of the process.
Probity Plan	A document developed to ensure the key aspects of Probity in relation to the relevant procurement process are captured for evidentiary purposes.
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. Used interchangeably with the term purchasing.
e-Procurement	e-Procurement is integral to the overall development of procurement processes and involves the use of an electronic system/s to acquire and pay for goods, services & works.
Service Performance Principles	The principles outlined in s106 of the Local Government Act 2020 (Vic).
Social procurement	Social procurement uses procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Standing offer agreement	The contractor agrees to provide Council with specific goods or services as nominated in the contract and the contract is for a fixed period. There is no obligation on Council to purchase any goods or services, however if purchases are made under the contract, they are made under the terms and conditions which form part of the contract.
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 to submit a quotation by tender, usually by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Value for Money	A balanced benefit measure covering quality levels, performance standards, risk exposure and sustainability factors as well as price. Where appropriate, value for money is assessed on a 'whole of life' or 'total cost of ownership'

	basis, taking into account costs associated with acquiring, transitioning, using, holding, maintaining and disposing of the goods, services or works.
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## POLICY

### I. BEST PRACTICE PROCUREMENT PRINCIPLES

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

1. value for money;
2. probity and transparency;
3. open and fair competition;
4. accountability;
5. risk management;
6. sustainable procurement; and
7. confidentiality.

This Policy details the overarching obligations to be observed by all Council Staff and where relevant, Councillors involved in procurement of goods, services or works on behalf of the Greater Shepparton community and an outline of the method by which purchases are to be made, by reference to anticipated spend.

#### 1. Value for Money

In determining value for money in any procurement activity, Council is not required to accept the lowest cost. Council must instead have regard for a range of factors relevant to the particular good or service procured, including but not limited to quality, social and local outcomes, competitive pricing, risk, equity and responsiveness to the needs of the community, continuous improvement and capacity of the supplier.

#### 2. Probity and Transparency

Councillors and members of staff (and all persons engaged in procurement activities on the Council's behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny.

No prospective tenderer should be given or perceived to have an advantage over another tenderer.

In accordance with the Act, all members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest (Sections 126-131 of the Act).

In procurement matters:

- a. members of staff must disclose a general or material conflict of interest and Councillors must comply with the Councillor Conduct and avoid conflicts between their public duties as a Councillor and their personal interests and obligations. Councillors, members of delegated committees and members of the Audit Committee must disclose a conflict of interest (Sections 126 - 130 of the Act);
- b. Councillors must comply with the *Councillor Code of Conduct and Councillor Gift Policy*;
- c. Councillors must not improperly direct or improperly influence a member of Council staff in the exercise of any power in the performance of any duty or function (Section 120 of the Act);
- d. all consultants and external parties must complete a Deed of Confidentiality before assisting or evaluating quotation or tenders; and
- e. all must adhere to the Employee Code of Conduct in relation to matters of procurement.
- f. Councillors and staff must make their interests known in any situation where it could be perceived that an interest might exist.

### 3. Late Tenders

Late tenders will not be accepted under any circumstances.

### 4. Open and Fair Competition

Council will apply the highest standards of integrity and ethical conduct, and will conduct business in a fair and transparent manner consistent with the public interest.

Council will manage purchasing activities in a manner which prevents or minimises the likelihood of bias or perceived bias.

Council Staff will ensure that all prospective suppliers are treated fairly, with the same access to information.

All Council Staff undertaking procurement activities on Council's behalf are responsible for the actions they take and decisions they make in relation to the procurement activity itself and the outcome of that activity.

Where a third-party agent is engaged to procure works, goods or services on behalf of Council, that agent must comply with this Policy and all relevant legislation.

Council staff must not endorse any products or services for internal contracts. Any requests for endorsement of external contracts must be referred to the relevant Director or Chief Executive Officer.

### 5. Accountability and Ethical Conduct

Councillors and Council staff must at all times conduct themselves in ways that are and are seen to be, ethical and of the highest integrity and must:

- a. treat potential and existing suppliers with equality and fairness;
- b. not seek or receive personal gain;
- c. maintain confidentiality of Commercial-in-Confidence matters and information such as tender and contract prices and other sensitive information;
- d. present the highest standards of professionalism and probity;
- e. deal with suppliers in an honest and impartial manner that does not allow conflicts of interest;
- f. be able to account for all decisions and provide feedback on them;
- g. remain neutral prior to all decisions.

Council Staff involved in the procurement process, in particular preparing tender documentation, writing tender specifications, opening tenders, participating in tender evaluation panels, preparing a recommendation report; and Councillors and Council Staff awarding tenders, must avoid conflicts of interest wherever possible.

All Tender Evaluation Panel members or other persons required to provide advice in relation to a procurement activity will be required to complete a conflict of interest declaration.

Where a conflict arises, whether general or material, Council Staff must declare the conflict and remove themselves entirely from the procurement process at the earliest opportunity.

### 6. Risk Management

Risk management is to be appropriately applied at all stages of procurement activities ensuring sufficient planning is carried out, in order to protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works and/or other forms of loss.

All procurement activities will be conducted within Council's risk framework, as detailed in the Risk Management Policy and this Policy.

## 7. Sustainable Procurement

The organisation's procurement decisions and initiatives will be based on clear and transparent evidence, informed economic, environmental and social considerations. In order to achieve sustainable procurement outcomes, Council will adopt a triple-bottom-line approach by considering economic, environmental and social sustainability.

### 7.1 Economic Sustainability

Council's procurement activities will be carried out in such a way as to encourage value for money. The objective is to minimise the total cost of ownership over the lifetime of the requirement, including disposal and end of life costs, consistent with acceptable quality, reliability and delivery considerations. Lowest purchase price is not the sole determinant of value for money and must be considered in conjunction with other factors essential to the service or product being procured.

Whenever practicable, Council must give effective and substantial preference to contracts for the purchase of goods, machinery or material manufactured or produced in Australia.

A whole of life cost assessment should be undertaken in the evaluation of quotes or tender submissions for plant or fleet purchases under the public tender threshold (\$200,001 excluding GST), or where utilising a pre-approved purchasing arrangement via agencies such as the Municipal Association of Victoria (MAV) or Procurement Australia.

### 7.2 Environmental Sustainability

Council is committed to enhancing the environment by supporting the principles of environmentally sustainable procurement within the context of purchasing on a value for money basis. Council aims to achieve this by:

- a. taking steps to avoid carbon dioxide and other greenhouse gas emissions through the detailed consideration of products, services and works procured in line with Council's Carbon Zero 2030 Plan;
- b. taking into account the need to avoid emissions and reducing the negative impacts of transportation when procuring goods, services and works;
- c. ensuring the environmental credibility of tenders and requiring contractors to conduct their operations in an environmentally responsible manner;
- d. selecting products, services and works that have minimal effect on the depletion of natural resources and biodiversity;
- e. giving a preference to fair trade, or equivalent, and ethically sourced and produced goods and services;
- f. eliminating the use of gas as a power source in design and other projects, with a view to reducing greenhouse gas emissions wherever possible;
- g. applying an Environment and Sustainability criteria with a mandatory 10 (ten) percent weighting to encourage the purchase of environmentally sustainable products.
- h. Consider total cost of ownership or service in procurement (not up-front cost alone), where the upfront purchase price and the ongoing costs are evaluated. For example one service or material may be more expensive but require less operational, maintenance or energy costs or resources.

### 7.3 Social Procurement

Council is committed to improving the quality of life in the Greater Shepparton municipality and its local community through the involvement of the community in

a range of factors including the provision of goods, services and works. Council is also committed to ensuring that all views are considered through inclusive deliberation and active involvement of the community.

#### **7.4 Local Supply Market**

Council is committed to fostering positive supply relationships with Local Businesses.

To demonstrate support for Local Businesses, Council shall ensure the following methodology is applied in procuring goods, services or works:

- a. For purchases of between \$10,001 and \$50,000 (excluding GST), Council Staff must use their best endeavours to obtain at least one of the two required quotes from a Local Business unless it is not possible to do so, or where a third party local business support/liaison organisation (ie. GROW Greater Shepparton or similar) has first been approached.
- b. For purchases of between \$50,001 and \$200,001 (excluding GST), Council Staff must use their best endeavours to obtain at least one of the three required quotes from a Local Business unless it is not possible to do so, or where a third party local business support/liaison organisation (ie. GROW Greater Shepparton or similar) has first been approached.
- c. For all publically advertised tenders over \$200,001 (excluding GST), a benefit to the local region will be considered and a mandatory weighting of 10 (ten) percent will be applied in evaluating the likely contribution by a supplier to the local economy.

### **8. Confidentiality**

Information received by the Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Councillors and Council staff are to protect, by refusing to release or discuss information to the extent that it is Commercial in Confidence.

This may include:

- a. information disclosed by organisations in tenders, quotation or during tender negotiations; or
- b. pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

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 must not go beyond the extent necessary to resolve doubt as to the proposed work under contract to be undertaken by the supplier.

### **9. Occupational Health and Safety**

Council is committed to procurement activities that provide a safe working environment for employees, volunteers and contractors.

Council requires all of its contractors and suppliers to share this commitment in providing a safe and healthy environment, so far as is reasonably practicable.

All persons working with Council under a contract, agreement or other documented work arrangement, must comply with obligations under *Occupational Health and Safety Act 2004*, Regulations, Codes of Practice, Safety Standards and contract specific requirements.

## 10. Child Safe Standards

In compliance with the Victorian Child Safe Standards, Council must ensure the consideration of these standards in the procurement of goods and services, across all Council owned and operated facilities.

Greater Shepparton City Council is committed to ensuring Councillors, employees, contractors, volunteers and third party service providers understand their responsibilities in relation to Child Safety and adhere to Council's policies and procedures.

## II. PROCUREMENT FUNCTION

### 1. Planning & Methodology

All procurement by Council Staff will be conducted via one of the following methods:

- Direct purchase (using Corporate credit card or utilising existing supplier contracts).
- Request for Quotations.
- Approved purchasing schemes or use of Panel contract (including panels established by councils in the eastern region and Victoria).
- Select tender.
- Public tender.
- Collaborative or joint procurement.
- Victorian State Government contracts (e.g. State Purchase Contracts, WholeofGovernment contracts).
- Under an exemption outlined in this Policy.

To ensure that goods, services or works meet Council's needs, a Procurement Plan must be prepared for:

- a. all purchases greater than \$200,001 (excluding GST); and
- b. any project which, following a risk and complexity assessment at the commencement of the procurement activity, is considered by the purchasing staff member (in liaison with the Contracts and Procurement and Risk Teams) to require a specification and contract to adequately detail the scope of the work or Council's requirements.

### 2. Public Tenders

A public tender process must be undertaken when purchases of goods or services or the carrying out of works is estimated to exceed \$200,000 (excluding GST).

The Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders. A multi-stage tender process will commence with an expression of interest (EOI) followed by a selective tender process involving some or all of the EOI respondents.

A public tender process must be undertaken for all procurements valued at \$200,001 and above (excluding GST). This threshold applies to the procurement of any goods, services and works save for situations not falling within the scope of this Policy, as detailed in Section 11, or situations for which the Chief Executive Officer has granted an exemption under Section 12 of this Policy.

The procurement process for all requests for tender will be managed by the Contracts and Procurement Team via Council's chosen e-tendering platform to ensure a consistent approach for all tenders.

### 3. Notice of public Requests for Tender

Information regarding current tenders will be published on Council's website and Council's e-tendering platform, via an advertisement in the local newspaper and on social media.

### 4. Procurement Thresholds

All purchases under the public tender threshold (\$200,001 excluding GST) will be made in accordance with the below table.

Where a panel of suppliers contract exists for the good or service being procured, all Council staff must attempt to first engage a supplier from that contract prior to sourcing externally.

Where Council wishes to test an unfamiliar market or encourage innovation within an established market, a public invitation for an Expression of Interest may be issued, following which either a public or select Request for Tender or Request for Quotation may be requested.

Procurement Threshold (excluding GST)	Procurement Methodology
>\$1,000 - \$10,000.00	<ul style="list-style-type: none"> <li>One written quotation. This methodology is appropriate only where purchases are one-off.</li> </ul>
\$10,001 - \$50,000	<ul style="list-style-type: none"> <li>Obtain at least two written quotations, one of which must be sought from a Local Business unless it is not possible to do so (for example, where suppliers are unable to be sourced from the local market).</li> </ul>
\$50,001 - \$200,000	<p><b>Low risk purchases/projects:</b></p> <ul style="list-style-type: none"> <li>Obtain at least three written quotations, one of which must be sought from a Local Business unless it is not possible to do so (for example, where suppliers are unable to be sourced from the local market)</li> </ul> <p><b>High risk purchases/projects:</b></p> <ul style="list-style-type: none"> <li>The above is subject to a risk and complexity assessment. Where the project or service is complex or requires a detailed specification and contract to sufficiently detail the work and minimise risk, a formal Request for Quotation process should be undertaken.</li> </ul>
\$200,001+	<ul style="list-style-type: none"> <li>Public Request for Tender process, following which a Contract is to be entered into with the successful Tenderer.</li> </ul> <p><b>High risk purchases/projects:</b></p> <ul style="list-style-type: none"> <li>Probity Plan required.</li> </ul>

### 5. Cumulative Spend

Council Staff must not split purchases as a means of avoiding procurement thresholds.

Assessment of purchases to establish whether the public tender threshold (\$200,001 excluding GST) has been reached will be based on a consideration of a rolling spend on like goods, services or works over the course of a two year period, taking into consideration the lifetime spend of the goods, services or works purchased. Where that threshold limit is reached within the two year timeframe, a public Request for Tender process should be undertaken.

## 6. Risk Assessment

At the commencement of any formal procurement process, the Council Staff member undertaking the procurement activity will be responsible for conducting a risk assessment, by reference to Council's risk framework. The identified level of risk will inform the particular procurement process to be undertaken and the risk mitigation or management requirements to be incorporated in that process.

## 7. Probity Plan and Probity Audits

A probity plan is a document that sets out the steps to be taken and the processes to be implemented to ensure a complex, high value or high risk tender is conducted in such a way as to minimise or manage risk. Formal probity plans should be developed and implemented in any of the following circumstances:

- a. In any Tender Process where the budgeted figure is \$10 million (excluding GST) or above;
- b. where a probity plan is considered necessary in complex procurement activities , where the proposed Contract is in the Executive view particularly complex, high risk or controversial in nature and requires a high level of public confidence.

An independent probity advisor must be engaged from procurement plan stage in any procurement activity with a budget estimate of \$5 million (excluding GST) or above.

## 8. Shortlisting and Negotiations

Council may provide for a shortlisting stage during any procurement process. The criteria to be applied to shortlisted suppliers should be relevant to the particular good or service being procured with the intention of producing an outcome which reflects the Service Performance Principles.

Council may also elect to invite a best and final offer from shortlisted Tenderers. The best and final offer may relate to the whole of the tenderer's submission or certain aspects.

Once a preferred tenderer or tenderers are selected, negotiations may be conducted in order to refine the commercial aspects of the contract, so long as the scope is not varied from that which was reasonably contemplated as part of the original tender documentation. Probity principles must apply to all negotiations.

## 9. Criteria to be considered in evaluating value for money

All procurement activities must be sufficiently documented to provide an audit trail for monitoring and reporting purposes. All Council staff members involved in procurement activities must be able to demonstrate accountability for all actions taken and decisions made by the staff member over the lifecycle of the particular good or service procured.

Every Procurement Plan must include all of the following as mandatory criteria:

- a. Price;
- b. Environmental Sustainability;
- c. OH&S Systems (for construction contracts);
- d. Benefit to Local Region; and

A minimum of two of the below criteria as considered appropriate for the goods, services or works being procured:

- e. Ability of the tenderer to meet the timeframes desired by Council;
- f. Experience and capability of the tenderer;
- g. Quality management systems;
- h. Continuous improvement systems;

- i. Any accreditation which may be required as a prerequisite; and  
Any other criteria considered relevant to the particular Contract.

### **10. Collaborative Purchasing Opportunities**

Before engaging any other purchasing method and in accordance with s108(c) of the Act, Council staff must first consider whether there exists any opportunity to join other Councils or other government bodies in a procurement activity in the interests of leveraging value through economies of scale.

Any report to Council recommending a particular procurement process must set out:

- any opportunities for collaboration, including the nature of the collaborative arrangement/s;
- with whom opportunities to collaborate may be available; and
- where a collaborative process is not undertaken, the reasons why Council cannot enter into a collaborative procurement process.

Any Federal or State funded projects are excluded from the requirement to seek opportunities for collaboration. When collaborating with other councils and public bodies, Council will do so in accordance with the following:

- A list of prospective contracts with a value of \$500,000 or greater for supply of goods, services or works will be shared annually between the Hume Region Regional Procurement Excellence Network Group (RPEN Group) in advance of the next budget year to allow Council staff to consider potential opportunities for collaboration.
- Where Council wishes to collaborate with two or more local Councils, a Heads of Agreement will be entered into, with one council nominated as the lead council for the purposes of the procurement activity. The Heads of Agreement will give authority for the Lead Council to act as procuring agent for participating councils and will detail the way in which the procurement activity will be conducted. Each participating council will be given the option to enter into a contract with its preferred service provider/s following evaluation.
- Alternatively, a Joinder Agreement will allow one or more Councils to join an existing contract allowing each Council to 'opt in' at any such time as it should require to do so. Each Council will then follow its own internal approval process and the contract term will be staggered to meet the individual requirements of each participating Council.

In collaborative procurement activities with the Hume RPEN Group, each participating council must be involved in:

- the initial decision to undertake the procurement (unless subsequently joining an existing contract under a Joinder Agreement);
- preparation of, and agreement to, specifications;
- ensuring probity in the procurement process; and
- deciding which tenders it will accept or reject.

### **11. Purchasing situations outside the scope of this Policy**

A number of purchasing scenarios are expressly stated not to fall within the scope of this Policy. Council is not required to undertake any tender, quotation, or expression of interest process if any of the following circumstances apply:



Purchasing Situation	Explanation
1. A contract made because of genuine emergency or hardship	<ul style="list-style-type: none"> <li>Where the CEO determines that a contract must be entered into because of a genuine emergency (e.g. to provide immediate response to a natural disaster, prevent disruption to essential services or the situation poses a risk to public safety)</li> </ul>
2. A contract made with, or a purchase from a contract made by, another government entity, government-owned entity or other approved third party.	<ul style="list-style-type: none"> <li>This general exemption allows engagements with another government entity or government owned entity. For example, Federal, State or Local Governments or an entity owned by the Federal, State or Local Government.</li> <li>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 similar.</li> </ul>
3. Professional services	<ul style="list-style-type: none"> <li>Legal services providers, probity advisors, financial and auditing consultants.</li> </ul>
4. Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> <li>Motor vehicle compulsory third party</li> <li>WorkCover</li> <li>Joint/mutual insurance schemes, specifically catering to Local Government</li> </ul>
5. Information technology resellers and software developers	<ul style="list-style-type: none"> <li>Allows Council to contract with a copyright holder where the solution is tendered directly with a software provider, or via an authorised re-seller. (e.g. Software licence agreements)</li> </ul>
6. Development Works (where a DCP exists)	<ul style="list-style-type: none"> <li>Works of the type defined in the Procurement of Public Infrastructure Works Policy – specifically, where works of the type required are already being carried out by a developer on the relevant site, in circumstances where it would not provide value for money to engage an alternative contractor.</li> </ul>
7. Regional Waste and Resource Recovery Group arrangements	<ul style="list-style-type: none"> <li>Any collaborative or other arrangement entered into as part of or via a Regional Waste and Resource Recovery Group.</li> </ul>
8. Essential services authorities	<ul style="list-style-type: none"> <li>Third party owned assets and related charges, where the service cannot reasonably be provided by any other supplier or where changing suppliers would not provide value for money eg. Electricity providers, water authorities, telecommunications providers.</li> </ul>
9. Traditional Owners	<ul style="list-style-type: none"> <li>Engagement of Traditional Owners where the primary purpose of the procurement activity is to gather information relating to Aboriginal culturally sensitive issues, including land management considerations pursuant to the <i>Aboriginal Heritage Act 2006</i> (Vic).</li> </ul>

## 12. Exemptions

Where a Council Staff member wishes to purchase directly, without first undergoing a procurement process outlined in this Policy, unless any of the circumstances in Section 11 of this Policy apply, then an exemption request must be made to the Chief Executive

Officer for approval. Council deems the following situations acceptable for the purpose of exempting a purchase from the requirements of this Policy:

Exemption request scenario	Explanation and requirements for approval
1. Sole supplier/proprietary owned products/services	<ul style="list-style-type: none"> <li>Where there is a genuine need for a particular good or service for which the Intellectual Property is owned by one supplier.</li> </ul>
2. Extension of contracts while Council is at market	<ul style="list-style-type: none"> <li>Allows Council to extend an existing contract or make alternative arrangements for a maximum period of six months from the expiry where the tender to replace the contract has commenced. Switching supply for such a short period is usually not cost effective or practical.</li> <li>Extension may be required where the tender process or negotiations have taken longer than expected</li> </ul>
3. Previously failed public market approach	<ul style="list-style-type: none"> <li>Where a previous public tender process has failed to produce a viable result.</li> </ul>
4. Grant Funding partner involvement	<ul style="list-style-type: none"> <li>Where grant funding partners are involved to a significant degree in the requirements for the delivery of works (specifically, where the requirements of any particular funding agreement may conflict with the requirements of this Policy).</li> </ul>

### III. GOVERNANCE PRINCIPLES

All procurement activities by Council must be conducted in a manner which is consistent with procurement best practice and the Service Performance Principles. All Council Staff are required to comply with the Act and this Policy, the Procurement Corporate Procedure and other internal Codes of Conduct at all times.

#### 1. Compliance monitoring and reporting

The CEO will have responsibility for internal procurement processes with the aim of ensuring:

- A system of approvals governs any particular transaction from end to end and no one person is responsible for the entire process;
- All procurement processes are transparent;
- Procurement activities are well documented and capable of producing an audit trail;
- Compliance is monitored and areas of exposure to increased risk are identified and managed.

The Contracts and Procurement Team report minor compliance issues to the relevant Team Leader, Manager or Director. Any serious breaches identified will be reported to the Audit and Risk Management Committee, the CEO and Council as appropriate.

#### 2. Contract Management

The Council Staff member procuring the goods, services or works will be the owner of, and responsible for, the management of any contract which may be entered into resulting from that initial procurement activity, to ensure value for money for Council.

The Contracts and Procurement team will manage a central database of contracts and carry out regular auditing and reporting functions with the aim of ensuring that the integrity and currency of the contract information is maintained.

The contract owner will be responsible for updating all information relating to their particular contract.

The effective management of contracts is considered to require at a minimum:

- a. establishing a system to monitor and the responsibilities and obligations of both parties under the contract;
- b. a commitment to early identification of issues and performance problems and finding solutions; and
- c. adhering to Council's Risk Management Framework and monitoring contractor compliance with Occupational Health and Safety and other requirements.

### **3. Supplier Code of Conduct**

Council will demonstrate a commitment to ensuring its suppliers observe Council's Supplier Code of Conduct, as updated from time to time.

The Supplier Code of Conduct will state the obligations of suppliers to act in accordance with recognised human rights and environmental, Occupational Health and Safety and a generally accepted standard of ethical behaviour.

Suppliers will be required, prior to commencing work under a contract, to complete an acknowledgment that they have read and understood, and agree to act in accordance with the Supplier Code of Conduct.

### **4. Risk and Audit Committee Review**

The Audit and Risk Management Committee shall be responsible for reviewing and monitoring procurement activities on a quarterly basis (by financial year) and identifying potential risk areas.

## **POLICY REVIEW**

Council will review its Procurement Policy at least once during each 4-year term of the Council. This is the responsibility of the Manager Corporate Governance.

## **RELATED PLANS**

- Council Plan 2021 – 2025

## **RELATED POLICIES**

- Councillor Code of Conduct
- Conflict of Interest Policy
- Exercise of Delegations Policy
- Councillor Gift Policy
- Risk Management Policy
- Fraud Control Policy
- Corporate Credit Card Procedure
- Employee Code of Conduct

## RELATED GUIDELINES AND PROCEDURES

- Procurement Corporate Procedure
- Procurement Operational Policy
- Best Practice Procurement Principles

## RELATED LEGISLATION

- *Local Government Act 2020*
- The relevant provisions of the *Competition and Consumer Act 2010*

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**Peter Harriott**  
**Chief Executive Officer**

**Date**

## ATTACHMENTS

*Greater Shepparton City Council Supplier Code of Conduct – Version 1*

**DOCUMENT REVISIONS**

<b>Version #</b>	<b>Date Adopted</b>	<b>Date Effective</b>
1	21 December 2021	21 December 2021
2	29 November 2022	29 November 2022



## **Supplier Code of Conduct**

Version 1  
October 2022

**Greater Shepparton City Council (Council) is committed to ethical, sustainable and socially responsible procurement and we expect the same high standards of our Suppliers. It views its Suppliers as partners and it cares about the way they do business when providing goods or services, including construction works and services, to the Council.**

**The Supplier Code of Conduct (Code) describes the minimum expectations in the areas of: integrity, ethics and conduct; conflict of interest, gifts, benefits and hospitality; corporate governance; labour and human rights; health and safety; and environmental management. Suppliers to the Council are advised to review the Code and ensure that relevant areas of their business and supply chain meet these standards.**

### **Application of this Code**

Council seeks to work with its Suppliers to meet and exceed minimum expectations as outlined in this Code and continuously strives to improve the standard of its business practices. By Supplier, the Council means any entity that supplies goods or services, including construction works and services, to the Council. Where the Code refers to workers, it includes employees, contractors, agency and temporary staff of the Supplier and its related entities. Where the Code refers to the law it means the laws in the jurisdiction that apply where the goods are procured, or services are performed. Fundamental to this Code is an expectation that all Suppliers operate in full compliance with all laws, rules and regulations of the jurisdictions in which they do business.

The expectations outlined in the Code are not intended to supersede or alter the Supplier's regulatory and contractual obligations. The Council expects all existing and new Suppliers to commit to the Code. Suppliers should check their respective contracts, agreements and purchase orders as they may contain additional obligations or higher standards than those set out in this code.

The Council expects Suppliers to communicate the Code to their related entities, Suppliers and subcontractors who support them in supplying goods and services to the Council, so that they are aware of, understand and comply with the Code.

### **Reporting misconduct, unethical behaviour or suspected corruption**

If a Supplier considers that another Supplier has deviated from or breached their obligations under this Code or that a Council employee has breached Council's Code of Conduct, it is expected to report these concerns to:

- (a) in relation to other Suppliers, the relevant department Manager, the Team Leader – Contracts and Procurement, or if there is no such appointed person then either the appointed manager under the contract or the primary Council contact in relation to the goods or services or construction works, and services being provided;
- (b) in relation to Council personnel breaching Council's Code of Conduct or in relation to allegations of misconduct of Council personnel, the relevant public body head or the Independent broad-based Anti-corruption Commission; or
- (c) in relation to allegations of suspected corruption involving Suppliers or Council personnel, to the Independent Broad-based Anti-corruption Commission.

### **Corrective action process**

Suppliers are expected to self-assess their compliance with the Code and take timely action to correct any deficiencies or breaches reported or identified by an audit, assessment, inspection, investigation or review. Suppliers are encouraged to raise any concerns, discuss and seek clarification accordingly to any elements of the Code with the relevant department or Manager, Team Leader – Contracts and Procurement, or if there is no such appointed person then the Contract Manager under their contract or the primary Council contact in relation to the goods or services or the construction works and services they are providing. If requested by Council, Suppliers must provide evidence and confirmation of their compliance with the Code, including the provision of

documents and records that support their compliance. Suppliers are expected to support the Council in reviewing compliance with the Code.

## **A. Integrity, ethics and conduct**

The Council expects high standards of ethical conduct and compliance with all applicable laws. Suppliers are expected to be ethical in their business activities, including relationships, practices, sourcing and operations.

### **1.1 Business integrity**

Suppliers are expected to comply with all anti-bribery, anti-corruption, anti-money laundering, and modern slavery laws. Suppliers must not engage in, either directly or indirectly, fraudulent, corrupt, exploitative or collusive activities.

### **1.2 Record keeping and documentation**

Suppliers are expected to maintain adequate records that accurately record all financial transactions and information regarding its business activities, labour, health and safety and environmental practices in accordance with applicable laws, policies and procedures. Disclosure of information is expected to be undertaken without falsification or misrepresentation.

### **1.3 Professional conduct**

Suppliers are expected to conduct themselves in a manner that is fair, professional and that will not bring the Council into disrepute.

### **1.4 Confidentiality**

Suppliers must not improperly use any private, confidential or commercially sensitive information in its possession relating to or in connection with its dealings with the Council.

### **1.5 Codes of Conduct for Council employees**

The Council's Code of Conduct describes the behaviours that exemplify the Council values contained in its Code of Conduct in accordance with section 95, 95A of the Local Government Act 1989. The Council Code of Conduct applies to and is binding on all council employees, and a contravention may constitute misconduct.

## **B. Conflict of interest; gifts, benefits and hospitality**

The Council believes that all business activities should be undertaken with impartiality and any conflict of interest should be raised and managed.

### **1.6 Conflict of interest**

Suppliers must:

- (a) notify the Council's Chief Executive Officer or anyone acting in that capacity (and where there is no such appointed person then either the relevant department or Team Leader - Contracts and Procurement or appointed Contract Manager under the contract or the primary Council contact in relation to the goods or services or construction works and services being provided), any situation that raises an actual, potential or perceived conflict of interest related to or in connection with its dealings with the Council; and
- (b) avoid financial, business or other relationships which may compromise the performance of their duties under their business arrangement with the Council. Under the Council's Code of Conduct, employees are expected to avoid actual, perceived and potential conflicts of interest wherever possible. Any conflicts of interest that cannot be avoided are expected to be declared and managed appropriately.



## 1.7 Gifts, benefits and hospitality

Council personnel must:

- (a) conduct themselves with the highest standards of integrity, impartiality and accountability; and
- (b) perform public duties without favouritism, bias or for personal gain.

The appropriate handling of offers of gifts, benefits and hospitality is critical to earning and sustaining public trust. As such, Suppliers should not:

- (c) offer Council personnel gifts or benefits, either directly or indirectly, and offers of hospitality will be limited to those acceptable under the council gift policy or
- (d) take any action in order to entice or obtain any unfair or improper advantage.

## C. Corporate Governance

Commitment to sound management administration, risk and corrective action systems, are key to a reliable supply chain for the Council. Suppliers are expected to maintain sound administration processes.

### 1.8 Risk assessment and management

Suppliers should develop and maintain a process to identify, manage and control relevant risks associated with its operations. These include supply chain risks and risks relating to labour and human rights, health and safety, the environment, business ethics, and corporate governance.

### 1.9 Critical incident management

Suppliers should:

- (a) identify and assess potential critical incident, emergency situations and business continuity risks; and
- (b) develop and implement emergency plans and response procedures that minimise harm to life, environment and property, while minimising disruption to business continuity.

### 1.10 Audits and assessments

To ensure compliance with this Code and the applicable laws, Suppliers are expected to:

- (a) perform periodic evaluations of their facilities and operations, and the facilities and operations of their subcontractors; and
- (b) cooperate openly and honestly with any Council audit, assessment or review.

## D. Labour and human rights

Council believes that all workers in its supply chain deserve to be treated with dignity and respect. Suppliers are expected to provide a fair and ethical workplace, which upholds high standards of human rights and integrates appropriate labour and human rights policies and practices into its business.

### 1.11 Anti-discrimination

Subject to applicable laws, Suppliers are expected not to discriminate against any worker based on age, disability, ethnicity, gender, marital status, political affiliation, race, religion, sexual orientation, gender identity, union membership, or any other status protected by law, in hiring and other employment practices.

### **1.12 Anti-harassment**

Suppliers are expected to commit to a workplace free from workplace bullying, harassment, victimisation and abuse. Suppliers are expected not to bully workers or threaten workers with, or subject them to, unlawful or inhumane treatment. This includes, but is not limited to, abuse and harassment which can be verbal, physical, sexual or psychological.

### **1.13 Human rights**

Suppliers are expected to provide goods and services in a manner consistent with any applicable human rights obligations.

Consistent with relevant modern slavery legislation, Suppliers are expected to proactively identify, address and – where required by legislation – report on risks of modern slavery practices (defined broadly to include all forms of human trafficking, forced labour and slavery-like practices) in their business operations and supply chains.

### **1.14 Prevention of involuntary and underage labour**

Suppliers are expected to:

- (a) ensure that all work is undertaken without coercion;
- (b) not use any form of forced, bonded or indentured labour; and
- (c) employ only workers who are the applicable minimum legal age.

All use of temporary and outsourced labour should be within the limits of the law. Suppliers are therefore expected to:

- (d) use all reasonable endeavours to ensure that the third-party recruitment agencies it uses are compliant with the provisions of this Code and applicable law; and
- (e) be responsible for payment of all recruitment-related fees and expenses in recruiting foreign contract workers either directly or through third party agencies.

### **1.15 Working hours, wages and benefits**

Suppliers must:

- (a) follow all applicable laws and regulations with respect to wages, working hours and workers compensation insurance;
- (b) ensure that all workers receive their legally mandated minimum wages, benefits, superannuation, leave entitlements and time off for legally recognised holidays; and
- (c) pay workers' wages as required under applicable laws in a timely manner and not be expected to use wage deductions as a disciplinary measure. All overtime is expected to be reasonable and paid at the rate and in accordance with the applicable laws.

### **1.16 Freedom of association and collective bargaining**

Suppliers are expected to freely allow workers to associate with others, form and join (or refrain from joining) industrial organisations or associations of their choice and bargain collectively, or engage in any lawful industrial activity without interference, discrimination, retaliation or harassment.

## **E. Health and safety**

Worker health, safety and well-being is important to the Council. Suppliers are expected to provide a healthy and safe work environment and integrate sound health and safety management practices into its business.

### 1.17 Workplace health and safety management

Suppliers must comply with all applicable laws relating to workplace health and safety. Suppliers are expected to:

- (a) manage occupational health and safety hazards; and
- (b) provide workers with job-related training and consult with employees in relation to the provision of information and training.

### F. Environmental management

The Council is committed to promoting environmental responsibility. Suppliers are expected to minimise the environmental impact of their operations and maintain environmentally responsible policies and practices.

#### 1.18 Environmental impacts

Suppliers must comply with all applicable laws and regulations relating to the environment, including any management and reporting obligations. Suppliers are expected to manage the environmental impact of their operations by:

- (a) ensuring the safe storage, transportation and disposal of high-risk and hazardous materials and substances including combustible recyclable and waste materials and hazardous waste;
- (b) maintaining policies and practices for the efficient use of energy, water and natural resource consumption; and
- (c) maintaining policies and practices that reduce the risk of pollution, loss of biodiversity, deforestation, damage to ecosystems and greenhouse gas emissions

Authorised tag to be included as last paragraph

Authorised by Local Government Victoria

Department of Jobs, Precincts and Regions

1 Spring Street Melbourne Victoria 3000

Telephone (03) 9651 9999

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