



George Town Council

CODE FOR TENDERS AND CONTRACTS

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Contents

- 1. Introduction 3
- 2. Type of Policy 3
- 3. Policy Objective 3
- 4. Link to Strategic Plan 4
- 5. Legislative Requirements 4
- 6. Risk Considerations 4
- 7. Policy 4
- 8. Implementation of Policy 18

1. Introduction

This Code for Tenders and Contracts (Code) provides a policy framework on purchasing and tendering requirements for Council.

The Code essentially provides a high level overview of Tender and Contract requirements as they apply to Council. Although some procedural detail associated with Council tender and contract management systems and processes is included in this document, additional lower level detail is held in Council procedure documents.

Consistent with the requirements specified in regulation 28, Council will establish and maintain local level procedures to:

- ensure all potential service providers are provided with the same information relating to the requirements of an open tender process or contract and are given equal opportunity to meet the requirements
- that fair and equitable consideration is given to all tenders or quotations received
- deal honestly with and be equitable in the treatment of all potential service providers
- ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing service providers
- protect commercial in confidence information and
- review each tender process to ensure that each tender is in accordance with the Regulations and this Code

Council will also establish and maintain procedures for:

- amending or extending a tender once it has been released
- opening tenders
- the consideration of tenders that do not fully conform with the tender requirements
- handling complaints regarding processes related to the supply of goods or services

2. Type of Policy

This policy is a statutory policy that is required to be in place under section 333A of the Local Government Act 1993.

3. Policy Objective

The Code aims to:

- ensure compliance with relevant legislation
- enhance value for money through fair, competitive, non-discriminatory procurement
- promote the use of resources in an efficient, effective and ethical manner

- encourage probity, accountability and transparency in decision making
- provide reasonable opportunity for competitive local businesses to supply to Council
- minimise the cost to suppliers of participating in the tendering process
- allow Council to appropriately manage risk
- promote Council's economic, social and environmental plans and policies

4. Link to Strategic Plan

This policy aligns with Goal 5 -ensure Council listens to and understands community needs and continues to make responsible decisions on behalf of the community.

Key Objective 4 contained within the Council Strategic Plan 2016-2026 says:

- Consistently achieve a high standard of internal financial and governance arrangements.

5. Legislative Requirements

In accordance with Part 16, Division 2A, Section 333A and 333B of the Local Government Act 1993 (Act), Council must comply with this Code when acquiring goods and services.

Detail contained in the Code is consistent with the requirements of the Local Government (General) Regulations 2005 (Regulations), Regulations 23 – 29 inclusive.

6. Risk Considerations

This policy aligns with the objectives and strategies of the George Town Council Risk Management Policy and Risk Management Strategy.

7. Policy

PROCUREMENT PRINCIPLES

Council will have regard to the following principles when acquiring goods and services:

Open and Effective Communication

The Council will ensure that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- use transparent and open purchasing processes so that service providers and the public are able to have confidence in the outcomes
- adequately test the market through seeking quotations or via tender as appropriate
- avoid biased specifications
- treat all service providers consistently and equitably
- ensure a prompt and courteous response to all reasonable requests for advice and information from service providers

Value for Money

The Council will ensure that it is buying at the most competitive price available, but value for money does not mean buying at the lowest price.

In practice this means that Council will consider

- the contribution the good or service makes to achieving Council's strategic plans or policies
- the value of the acquisition and potential benefits against the costs of that purchase
- an assessment of risks associated with the purchase including the preferred procurement method
- how well goods or services meet needs
- maintenance and running costs over the lifetime of a product
- disposal value
- time constraints
- the impact of the procurement decision on the local economy, such as through industry development and employment creation
- the impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel)
- the impact of the procurement decision on the society, (social value generated) such as through the elimination of discrimination and the promotion of equal opportunity, training, and other identified social objectives

Enhancement of the capabilities of the local business industry

The Council will ensure that where local capacity exists it will seek to engage the local market and encourage participation in tender and quotation processes.

In practice this means that Council will:

- actively seek quotes from local businesses that are able to provide quality goods and or services
- where local capability exists, ensure that discretionary elements of specifications do not prevent local business from competing

not give preferential treatment to local service providers where it cannot be reasonably justified

Ethical behaviour and fair dealing

The Council will promote procurement practice that is legal, ethical, fair and unbiased

In practice this means that Council will:

- comply with legal requirements
- conduct all business in the best interests of the Council
- be as effective and efficient as possible when sourcing, ordering and paying for goods and services.
- expect individuals involved in procurement processes to declare and act upon any conflicts of interest that may be seen to influence impartiality
- ensure that specifications are clear
- ensure that any Service Provider is not provided with information or clarification that is not provided equally to all service providers
- maintain confidentiality at all times in dealing with service providers
- ensure that conditions of contract are not excessively onerous
- decline gifts or benefits offered by those involved in the procurement process, particularly from service providers

In practice this means that Council expects service providers to:

- ensure that they are well acquainted with Council requirements identified in this Code
- are familiar with particulars relating to a specific tender and quotation processes including the relevant specifications
- not submit a tender or quotation unless they have the financial, technical, physical, management resource or other capabilities to fulfil Council's requirements
- not seek to influence a procurement process by improper means or collude with other service providers
- declare and act upon any conflicts of interest that may be seen to influence impartiality
- comply with all applicable legislative, regulatory and statutory requirements, including Acts of the Commonwealth and State, regulations, by laws and proclamations made or issued under such Acts and lawful requirements or directions of public and other authorities
- not offer gifts or benefits to a Council officer for the discharge of official business

PROCUREMENT METHODS

While open and fair competition may often best achieved by undertaking a tender process where all interested parties have an opportunity to bid, there are times when this practice will not deliver the most advantageous outcome for the Council. In such instances, other market approaches may be more appropriate.

The Council will, having regard to the procurement principles and any other factors considered relevant by the Council, in its absolute discretion, determine the appropriate method that will be employed to procure goods and services at any particular time.

NON TENDER – PROCESSES FOR ACQUISITION OF GOODS AND OR SERVICES

Direct Purchasing

This method is to be used for all goods and services under the value of \$250.

This is where Council purchases from a single source, without first obtaining competitive bids. This method will be used only for low value, low risk goods and services where the Service Provider already has a successful history with the Council and the goods are openly market priced.

Purchase Orders

This method is to be used for all goods and services between the value of \$250 and \$5,000 and will not be used for non-routine, high value and high risk goods and services.

This is where Council purchases from a single source, without first obtaining competitive bids. This method will be used only for lower value, low risk goods and services where the Service Provider already has a successful history with the Council and the goods are openly market priced.

Quotations (Informal)

This method may be used for medium value, low risk goods and services where the value of the purchase is between \$5,000 and \$15,000.

This is where Council will only enter into a contract where 2 quotations from suitable service providers able to provide the goods or services have been sought.

Records must be kept of quotations received and quotations approved. If written quotations cannot be obtained Council must keep detailed written records of the oral quotation obtained including details of the commercial terms of the quotation.

Request for Quotations (RFQ)

This method may be suitable for simple, largely price based purchases where the value of the purchase is between \$15,000 and \$150,000–

This is a more formal quotation process. Council may enter into a contract where 3 written (including email) quotations from suitable service providers able to provide the goods and or services that have been sought. Where less than 3 suitable service providers are reasonably available, records outlining this circumstance will be kept and the General Manager may approve the request of quotations from a lesser number of potential suppliers.

Council must keep detailed written records of the quotations obtained including details of the commercial terms of the quotation.

Purchasing goods and or services through the National Procurement Network (NPN) is an option for Councils. Purchasing through this mechanism involves an RFQ process. Items with a financial value above the prescribed amount may be legitimately purchased

through the Network RFQ process. Use of the Network as a purchasing option for Councils is justified under the Regulations. See Exemptions.

TENDER – PROCESSES FOR ACQUISITION OF GOODS AND OR SERVICES

The Act and Regulations require that Council invite Tenders for any Contract it intends to enter into for the supply or provision of goods or services valued at or above a prescribed amount (\$250,000). Council has determined that the prescribed amount for the requirement of open tender is \$150,000 (GST exclusive).

That said, Council may also determine that tenders should be called in certain circumstances as appropriate, where the estimated value of the purchase is less than the prescribed amount.

Open Tenders

An open tender process is an invitation to tender by public advertisement. There are generally no restrictions regarding who can submit a tender, however, service providers are required to submit all required information and will be evaluated against stated selection criteria.

General Manager - responsibilities

Consistent with the Regulations (Regulation 24) Council will ensure that when open tenders are used as a method of procurement; the General Manager will invite tenders.

The General Manager will advertise the tender locally via the daily newspaper circulating in the municipal area and on via Councils website – making the tender available to all qualified and interested bidders.

The public notice will identify:

- clearly the nature of the goods and or services the Council requires
- the period within which the tender must be lodged (must be at least 14 days after the date on which the notice is published)
- where the tender must be lodged
- details of a person from whom more detailed information relating to the tender may be obtained

The General Manager will ensure that prospective tenderers are provided with details regarding:

- the specifications of the goods and or services required
- the duration of the contract, including any extensions that are specified in the contract
- any mandatory tender specifications and contract conditions
- objective criteria for evaluating the contract and
- must make reference to the Council Code for Tenders and Contracts

Service Provider – responsibilities

A person submitting a response in relation to a Council public tender must do so in writing.

The Service Provider must specify the goods and or services tendered for, provide

details of the goods and or services being offered and must lodge the tender within the period specified in the public notice.

Multi Staged Tender

There are occasions – although usually limited (because the process can be resource intensive), where Council may use a multi stage tender process. Reference is made to this process in the Regulations at Regulation 26.

This tender method will be used by Council to gain knowledge about the market, obtain industry input – where it is unclear what goods and services are available or to shortlist appropriate suppliers before seeking offers.

At each stage in this process, service providers may be culled to those who are most suited to the specific contract requirements. Service providers will be evaluated against criteria determined by Council.

Once a short list of potential service providers is developed, these service providers may be invited to participate in an open tender process.

General Manager - responsibilities

As a first stage in this process, the General Manager will request – expressions of interest from prospective tenderers.

The General Manager will advertise the expression of interest locally via the daily newspaper circulating in the municipal area and via Councils website.

The public notice will identify:

- clearly the nature of the goods and or services the Council requires
- contract identification details
- the period within which the expression of interest must be lodged
- where the expression of interest must be lodged
- details of a person from whom more detailed information relating to the expression of interest may be obtained

The General Manager will ensure that prospective tenderers are provided with details regarding:

- the specifications of the goods and or services required
- objective criteria for evaluating the expression of interest
- the method of evaluating expressions of interest against the criteria
- details of any further stages in the tender process
- the Council Code for Tenders and Contracts

At the final stage of a Multi Staged Tender process, the General Manager will invite all service providers who have met the criteria determined by the Council, to tender for the supply of goods and or services

If only one service provider meets the criteria determined by Council, the Council may contract with that supplier after

- a tender from that Service Provider or

- a decision by the absolute majority of the council to do so.

Service Provider – responsibilities

A person submitting a response in relation to a Council expression of interest must do so in writing.

The service provider must specify the goods and or services the expression of interest relates to, provide details of the goods and or services being offered and must lodge the expression of interest within the period specified in the public notice.

The service provider must complete all tender documentation including conflict of interest.

ONGOING SUPPLY ARRANGEMENTS – GOODS AND SERVICES

Standing Contract

A Council, through an open tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process. Reference is made to this process in the Regulations at Regulation 23.

Service providers listed on a standing contract panel will be selected following an evaluation process.

Council may legitimately purchase directly from a service provider listed on a standing contract panel.

Council may implement its own standing contract arrangements or may make use of goods and or services panels that have been negotiated for example for Tasmanian Councils via LGAT as a member of the National Procurement Network or via similar arrangements through State Government.

Multiple Use Register

A multiple use register is a list, intended for use in more than one procurement process, of pre-qualified providers, who have satisfied the conditions for participation or inclusion on the register. Reference is made to the multi-use register process in the Regulations at Regulation 25.

Council may establish a multi-use register of service providers who meet criteria established by the Council in respect to the supply of particular categories of goods and services.

Inclusion on a multi-use register provides certainty for potential service providers that they have been recognised as meeting conditions for participation.

Council will invite tenders for a contract for the supply of goods and or services from all Service Providers included on a multiple use register for a particular category of goods and or services.

General Manager - responsibilities

As per Regulation 28, Council will establish and maintain procedures for the use of multiple use registers for contracts valued at under the current prescribed amount, excluding GST.

Essential procedural requirements include that, the Council will invite applications from service providers for inclusion on a multiple use register by advertising locally via the

daily newspaper circulating in the municipal area and via Councils website.

The public notice will identify:

- clearly the nature of the goods and or services the Council requires
- any identification details associated with the register
- the period within which the application must be lodged
- where the application must be lodged
- details of a person from whom more detailed information relating to the multiple use register may be obtained

The General Manager will ensure that applicants are provided with information regarding:

- the specifications of the goods and or services required
- the criteria for evaluating the applications
- the method of evaluating applications against the criteria
- must make reference to the Council Code for Tenders and Contracts

Council may accept an application for inclusion on the multiple use register or reject an application.

If Council rejects the application, the General Manager will advise the applicant of the reasons for rejection.

If Council accepts the application the General Manager will advise the applicant of the category their application will be included in on the multiple use register.

The multiple use register will be reviewed by Council at least every 2 years.

Council will allow a service provider to apply for inclusion on the multiple use register at any time unless the service provider has made an application in the previous 12 months and the application has not been accepted.

Strategic Alliances

Council may choose to procure goods and or services through contract arrangements already established and administered by other organisations, including:

- LGAT through the National Procurement Network
- State Government Contracts and
- any other purchasing group of which Council is a member such as Vendor Panel.

AWARDING OF TENDERS AND CONTRACTS

Lodgement of Tenders

Public tenders and requested tenders must be lodged in ~~writing~~ writing either in hardcopy or via Council's electronic tender platform TenderLink and must be accompanied by all relevant information required by the tender documents including all fully completed forms and schedules.

Tenders should be submitted as outlined within the invitation to tender. This may include:

Hand delivery to the designated council office and placement in the tender box (this should be 16-18 Anne Street, George Town unless extenuating circumstances exist)

By postal delivery to P.O. Box 161, George Town TAS 7253

By email to council@georgetown.tas.gov.au

By submission to the TenderLink website if the tender is lodged on the TenderLink website.

All tenders must be clearly labelled as tender documentation with the contract number and description of the works or services tendered for. Envelopes must clearly display the name and contact details of the tenderers. Tenders submitted by email must be received in full at the council office prior to the closing time for tenders to be considered as valid tenders.

Posted tenders must be delivered to the council offices prior to the date and time notified for the receipt of tenders. Council cannot guarantee the receipt of emailed tenders or the delivery time of posted tenders. It is the tenderers responsibility to ensure that their tender is received by council prior to the notified date and time for receipt of tenders.

Where a tender is based on any assumption or interpretation of the tender documents due to uncertainty by the applicant, the tenderer must clearly state in the tender the basis of the tender.

Opening of Tenders

Council staff will open the tender box immediately after the notified time of closure of tenders and shall remove all tenders from the tender box. Unless specified otherwise in the tender documents, public tenders shall be opened one hour after the notified closing time. This time period allows for the collation of any emailed or online tenders, to ensure that all valid tenders are available for the opening of the tenders.

Requested tenders for goods or services shall not be publicly opened unless directed by the appropriate departmental manager. Two council officers shall be present at the opening of requested tenders and at that time shall record details of the tenders received including total tender sum.

Tender and Application Evaluation

The tender evaluation criteria to be used in the evaluation of open tenders and shall be included in the tender documents. The criteria shall be selected to suit the requirements of the project, and the tender documents shall request tenderers to provide information relevant to the adopted criteria to support their tender and to allow assessment of compliance with the criteria. If a weighted attributes system is to be used then the weighting of the attributes shall not be revealed in the tender documents. For open tenders, total tender price shall be the primary criteria.

Criteria for evaluation of tenders may include the following:

- Tender price
- Experience in undertaking similar projects
- Availability and ability to meet time schedule

- Previous performance undertaking works for council
- Available resources
- Quality, environmental, and/or work health and safety systems
- Risk analysis

Tender and Application Evaluation – Consideration of Tenders

Council will not necessarily accept the lowest priced tender or quote, or accept any tender or quote for any goods or services. Council will endeavour to accept the tender that it considers to be the most advantageous for its community. Tenders that do not satisfy all statutory and legal requirements will be disqualified from consideration by council. Any tender which does not address all the criteria required by the tender documents may be excluded.

All public tenders for the provision of goods or services valued in excess of \$150,000 – quotes, or invited applications for any works or service shall be evaluated by a tender evaluation panel approved by the General Manager, the relevant departmental manager, or a person appointed by that manager. Tender evaluation panels usually comprise as a minimum his will generally be of the council officer responsible for managing the project and the Procurement Officer . For specialist projects the evaluation may be undertaken by/or with assistance from consultants. Quotes and invited applications for any works or services shall be evaluated by the relevant department manager or a person appointed by the manager and the council officer responsible for managing the project.

Consideration of tenders received from local suppliers/contractors.

Suppliers and or contractors submitting tenders will be considered as local based where they are located within the George Town local government area.

Council will determine their decision as to whom a successful tender may be awarded to taking into account the range of criteria defined within this code and the tender documents. If a tender is submitted from a local supplier or contractor Council may award a tender to the local supplier or contractor where the tender price exceeds competing non local tenders by up to 10% to a maximum of \$5,000, which may be varied by Council depending on the circumstances.

Acceptance of Tenders, Quotes and Applications

All public tenders received for the provision of goods or services valued in excess of \$150,000 over a single financial year must be the subject of a council meeting agenda item for a decision by council.

Agenda items shall detail the name and address of each tenderer and the total value of each tender submitted. If alternative tenders have been submitted then the agenda item must detail any advantages or disadvantages to council of each alternative tender.

If council determines to accept a tender then the successful tenderer shall be advised in writing as soon as possible after the council meeting.

Once a decision has been made to accept a tender the successful tenderer shall be advised as soon as possible. The letter of acceptance to the successful tenderer shall include the following:

- the identification number of the contract
- the name of the contract
- the date of the council meeting at which the tender was accepted
- the accepted tender price including any options accepted
- details of information required to be supplied to council and the date by which such information is to be provided
- the date or time for commencement of the works or service
- the contact details of the responsible council officer.

At the discretion of Council the successful tender and total tender sum and selection criteria matrix may be made public with all other information remaining confidential.

Unsuccessful Tenders

Within five working days of the issue of a letter of acceptance of a tender for any works or services all unsuccessful tenderers shall be advised in writing that their tender was not successful. The letter shall advise the name of the successful tenderer, and where commercial confidence would not be breached, the accepted tender price.

Third Party Queries

Will be provided further information relating to the merit of the selection criteria and weighting process.

CALCULATING THE VALUE OF A PURCHASE

Price

The dollar value of the purchase may be calculated as follows:

- single one-off purchase – the total amount, or estimated amount, of the purchase (excluding GST)
- multiple purchases – the gross value, or the estimated gross value, of the purchases (excluding GST); or
- ongoing purchases over a period of time – the annual gross value, or the estimated annual gross value, of the purchases (excluding GST).

As per Regulation 23, Council will not split a single procurement activity into 2 or more separate contracts for the primary purpose of avoiding the requirement to publicly invite tenders.

Non price considerations

Council will ensure that it is buying at the most competitive price available, but quantifying the value of a purchase does not simply mean buying at the lowest price. Specific issues that will be taken into account by Council that relate to non-price related matters are identified in the Principles section at 5.2.

GOODS AND SERVICES TAX (GST)

All procurement thresholds are GST exclusive

Tenders and quotations must be sought on a GST exclusive basis.

EXECUTION OF CONTRACTS

All contracts for the provision of goods or services valued in excess of \$150,000 over a single financial year can only be executed following a decision of council. All contracts for the provision of goods or services valued less than \$150,000 over a single financial year can be executed at the approval of the General Manager in accordance with the principles of Code for Tenders and Contracts.

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EXTENSION OF CONTRACTS ENTERED INTO

Consistent with Regulation 23, Council may extend a contract entered into:

- as specified in the contract or
- if the contract does not specify extensions, by an absolute majority,

Council may also delegate authority to the General Manager to extend contracts.

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EXEMPTIONS

The Regulations identify circumstances where Council is not required to issue a public tender process.

The exemption circumstances identified in Regulation 27 – Non application of the public tender process are:

- an emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency
- a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth
- a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania
- a contract for goods or services obtained as a result of a tender process conducted by another council, a single authority, a joint authority, the Local Government Association of Tasmania or an agency of a State or of the Commonwealth
- a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender
- a contract for goods or services that is entered into at public auction
- a contract for insurance entered into through a broker
- a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance

- a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of–
 - extenuating circumstances or
 - the remoteness of the locality or
 - the unavailability of competitive or reliable tenderers
 - a contract of employment with a person as an employee of the council
- a contract for employment with a person as an employee of the Council
- The General Manager will authorise non-use of the public tender process in accordance with the exemption directions identified above.

ENGAGING A THIRD PARTY TO MANAGE A PROCUREMENT PROCESS

Council may engage third parties to manage the procurement process for individual projects. The use of a third party as an agent or consultant to advise on, arrange or manage a procurement process does not exempt Council from complying with Council procurement policy and procedures.

Should Council engage a third party to manage a procurement process, it will be ensured that material is included in the contractual arrangements with the third party that requires the third party to comply with Council procurement policy and procedures.

REPORTING PROCEDURES

Council is obliged to report at a minimum on a series of procurement matters.

Procurement at or above the prescribed amount

As per Regulation 23, Council will report in its Annual Report details of any contract for the supply or provision of goods and or services valued at or above the currently legislated prescribed amount of \$100,000.

Council may also at its absolute discretion report detail of instances of procurement below the prescribed amount identified in the Regulations.

Contract Extension

As per Regulation 23, Council will report in its Annual Report, the details of any extension of a contract, where Council agreed to extend a contract by an absolute majority and the pre-existing contract did not specify extensions.

Detail that will be reported for 12.1 and 12.2 at a minimum as required under the Regulations is:

- a description of the contract
- the period of the contract
- the periods of any options for extending the contract
- the value of any tender awarded, or if a tender was not required, the value of the contract excluding GST

- the business name of the successful contractor
- the business address of the successful contractor

Emergency Provision

As per Regulation 27 Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied as a result of an emergency, where in the opinion of the General Manager, there was insufficient time to invite tenders for the goods and services required in that emergency.

Other Circumstances

As per Regulation 27 Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied because Council agreed by absolute majority, that a satisfactory result would not have been achieved if tenders were invited because of

- extenuating circumstances
- the remoteness of the locality
- the unavailability of competitive or reliable tenderers
- a contract of employment with a person as an employee of the Council

Detail that will be reported for 12.3 and 12.4 at a minimum as required under the Regulations is:

- a description of the reason for not inviting public tenders
- a description of the goods and or services acquired
- the value of the goods and or services acquired
- the name of the supplier.

In addition to ensuring the above reporting occurs, as per Regulation 28, the General Manager will establish and maintain procedures for reporting to Council circumstances where a public tender or quotation process was not used and reasonably should have been.

WORK HEALTH AND SAFETY

Goods

Council will endeavour to comply with all Australian Standards and any industry codes or standards where applicable in the purchasing of any goods. The safety of Council staff and the safety of the community should not be jeopardised by purchasing inferior or non-compliant goods.

Services

Council will ensure that any contractor engaged to provide a service to Council, will comply with the WH&S Act, WH&S regulations, Councils WH&S Policy, Procedures, industry standards or codes of practice at all times whilst working for Council.

DELEGATION

Council procurement and financial approvals delegations register is kept updated and current and reflects each authorised officer's delegations under the code. The General Manager will ensure that all staff comply with their delegations. The delegations register is annexure 1.

BREACH OF THE CODE

Council will take all reasonable steps to comply with this Code. Council will not be liable in any way to a Service Provider or any person for a breach of this Code.

If any employee of the Council, or a body controlled by the Council breaches this Code, Council may take disciplinary action, if in its absolute discretion it considers it desirable to do so.

If a Service Provider commits a breach of this Code, Council may, in its absolute discretion, take action against that Service Provider.

8. Implementation of Policy

Consistent with Section 333B of the Act, as a measure of accountability and transparency, the General Manger will:

- make a copy of this Code and any amendments, available for public inspection at the Council's offices during ordinary office hours and
- make copies of this Code available for purchase at reasonable charge and
- publish a copy of the Code on the Council's internet site – free of charge.

Consistent with the requirements identified in Section 333B of the Act, Council will formally review this Code at least every 4 years.

The Code may be modified on an as needs basis from time to time by Council to reflect changed operational requirements.

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