



CODE FOR TENDERS & CONTRACTS

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1. OBJECTIVES

This Code sets out how George Town Council will meet its legislative obligations under the Local Government Act 1993 ("the Act") and the Local Government (General) Regulations 2025 ("the Regulations").

The procurement principles outlined in Section 7 of George Town Council's Procurement Policy (GTC-C-24) apply.

2. TYPE OF POLICY

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

In accordance with Section 8 of Policy GTC-12, this policy is categorised as a Council Policy.

This categorisation is consistent with the definitions as stated in Policy GTC-12 which are as follows:

Council - Policies pertaining to the Governance of the Council and the activities of its elected members, including the establishment of Committees, and the government of the municipality including resident and ratepayer compliance policies and by-laws.

3. SCOPE

3.1 Application of the Code

This Code applies to all procurement activities undertaken by George Town Council at or above the prescribed public tender threshold of \$250,000.

It covers the acquisition of goods, services, and works, including building and construction, civil works, plant and equipment and consulting services.

It applies to Council employees, agents, and all service providers including contractors, subcontractors, consultants, and suppliers, who are involved in or seek to participate in Council business through tenders, quotations, proposals, or expressions of interest.

3.2 Availability of the Code

A copy of the Code is available free of charge:

- at the George Town Council, 16 -18 Anne St George Town TAS 7253
Monday–Friday, 9.00 am – 5.00 pm

on the Council's website <https://georgetown.tas.gov.au/volumes/documents/Shared/Council-Policies/GTC-C-19-Code-for-Tenders-and-Contracts-Policy-V9.pdf>

4. DEFINITIONS

Alternative Tender or Quotation	A Tender or Quotation which meets all of the Council requirements but in a manner different to that specified.
Code	Refers to this Code for Tenders and Contracts which has been developed in accordance with the requirements of the Act and Regulations.
Closing Time	The closing time and date for Tenders or Quotations stated in the Conditions of Participation or Conditions of Tendering.
Conditions of Contract	The terms and conditions that a Service Provider will be required to substantially agree to if their Tender or Quotation is accepted.
Contract	A formal agreement entered into between the Council and the successful Tenderer for performance of the Council requirements.
Council	George Town Council (GTC) and where context permits, its employees and assigns.
Contractor	A person or organisation, external to Council, engaged under contract for service (other than as an employee) to provide specified services to Council.
Consultant	A person or organisation, external to Council, engaged under a contract on a temporary basis to provide recommendations or high-level specialist or professional advice to assist decision making by Council. The consultant is expected to exercise their own skills and judgement independently of Council. It is the advisory nature of the work that distinguishes a consultant from a contractor.
Conditions of Participation / Conditions of Tendering	The terms and conditions under which the Council will seek receive and evaluate Tenders and Quotations.

Evaluation Panel Council officers or consultants who have been assigned to assess the quotations/tenders. The evaluation panel provides recommendations to the Director/General Manager/Council.

Expressions of Interest (EOI) A preliminary procurement process used to identify and assess the capability, experience, and interest of potential suppliers. It enables Council to shortlist suitable respondents for the next stage of procurement, ensuring that only qualified and capable suppliers are invited to submit formal offers.

Invitation to Tender The advertisement or other written advice issued by the Council in order to seek Tenders.

Local Businesses and Industry Any business operating in the northern region of Tasmania and preferably having a permanent office or presence in the George Town Municipal Area.

LGAT Vendor Panel The LGAT Vendor Panel is a pre-qualified supplier panel established by the Local Government Association of Tasmania for use by Tasmanian councils.

National Procurement Network (NPN) The National Procurement Network (NPN) is a collaborative initiative between the Local Government Association of Tasmania (LGAT) and other state and territory local government associations across Australia. It provides Councils with access to a range of pre-qualified suppliers through nationally negotiated contracts for commonly purchased goods and services.

Non-Routine Works Non-Routine Works generally refer to projects or services that are infrequent or irregular in nature, distinguishing them from Council's regular maintenance or operational works.

Open Tender An open tender process is an invitation to tender by public advertisement either through Local Newspaper, TenderLink or LGAT Vendor Panel

Periodic Standing Contract An agreement established by Council through an open tender process, under which one or more tenderers are appointed for a defined period to provide specified goods

or services as required, without the need to conduct a new tender process for each purchase during that term.

Preferred Tenderer	The Tenderer adjudged by the Council as best satisfying the Council requirements.
Procurement Process	The process whereby the Council seeks to engage a Service Provider to provide the Council with goods, equipment, services or construction or building works.
Probity	Probity is a risk management approach to ensuring procedural integrity
Probity Officer	A Probity Officer is an independent person (internal or external) appointed to oversee a procurement process and ensure it is conducted fairly, transparently, and in accordance with legislative and policy requirements.
Project Manager	A nominated Council Officer that will manage the project and act as the direct liaison with the suppliers
Public Tender	A tender where a supplier that can meet the requirements of the request for tender has the opportunity to bid.
Purchasing	The acquisition of goods or services.
Purchase Order (PO)	A formal document issued by Council to a supplier confirming the purchase of goods or services under specified terms and conditions.
Quotation	The bid submitted in response to a request for quotation from Council.
Quotation Process	A procurement method used to obtain competitive prices and offers from suppliers for defined goods, services, or works, typically below the public tender threshold. It ensures value for money by comparing quotes based on price, quality, and suitability before awarding a contract.
Request For Quote (RFQ)	A formal invitation issued by Council to suppliers to submit priced offers for specified goods, services, or works. It is typically used for lower-value or routine procurements to obtain competitive pricing and ensure value for money.
Request For Fee (RFF)	A procurement process used to invite consultants or service providers to submit their proposed fees for delivering defined professional or technical services.
Request for Tender (RFT)	A formal procurement process inviting suppliers to submit detailed offers for the provision of specified goods, services, or works. It is typically used for high-value or complex projects and aims to ensure transparency,

	competitiveness, and value for money in the selection of a preferred supplier.
Service Providers	Any contractors, subcontractors, consultants participating, or seeking to participate, in a Procurement Process, and where the context so permits includes a reference to the “Tenderer”.
Supplier	A person or organisation, external to Council, that is able to comply with the requirements as stated in the tendering/quotation process and delivers the requested goods or service in compliance with this Code and relevant legislation.
Tender	A proposal, bid or offer that is submitted by a consultant, contractor or supplier in response to a request for tender.
Tenderer	An individual or supplier/company that submits a tender.
Tender Box	A box or cabinet used as the point of lodgement for tenders to ensure that the documentation is kept secure until the tender period closes. Council also provides this facility through the provision of an electronic account.
Tender Meeting	A session in which tenderers are invited to attend to enable Council to provide the tenderers with more information and answer questions. This process enables all interested parties to receive the same information. Meeting minutes shall be provided to all attendees prior to the close of tender.

5. LINK TO STRATEGIC PLAN

Future Direction Two – Prosperity in all aspects of life and living

7. Local businesses thrive and respond to local and visitor needs

- ii. support Local; Buy Local; Employ Local’ campaigns grow local businesses and employment’

Future Direction Three – Community Pride

1. All communities take pride in their place

- iii The design and maintenance of public spaces and places reinforces community identity and reputation

6. RELATED LEGISLATION

Pursuant to section 333B of *the Local Government Act 1993 (Tas)* (the Act), the George Town Council (the Council) is required to adopt a Code for Tenders and Contracts (the Code), which must:

- be consistent with *the Act*;
- include any prescribed matter and promote any prescribed principles as set out in *the Regulations*;
- be reviewed at least every four years

The specific legislative and regulatory obligations with respect to procurement are set out under:

- *Section 333A and Section 333B* of the Act.
- *Local Government (General) Regulations 2025*
 - Part 3 – Tendering and Contracting, Division 1 – Tenders for goods and services, Regulations 24–28.
 - Part 3 – Tendering and Contracting, Division 2 – Code for tenders and contracts, Regulations 29.

7. RISK CONSIDERATIONS

This policy aligns with the objectives and strategies of the George Town Council Risk Management Policy (GTC – 15).

8. POLICY

8.1 Tendering Procurement Methods

8.1.1 Prescribed Amount

The Tendering Method of Procurement is a formal process through which Council invites competitive submissions from suppliers to provide goods, services, or works. This method is typically used for high-value or complex projects to ensure transparency, fairness, accountability, and value for money.

The table below summarises tender thresholds and requirements:

Threshold	Method	Requirements
≥\$250,001	Formal Tender Process	<ul style="list-style-type: none">• A complete RFT or RFQ package.• RFT if advertised in Local Newspapers or web-based tendering platforms, including TenderLink.• RFQ if advertised in LGAT Vendor Panel.• Maintain documented evaluation process• Evaluation by panel approved by the General Manager.• Approval by Council.• Formal Instrument of Agreement or Contract for Good & Services.• Purchase order required.

Tender opportunities must be publicly advertised in a daily newspaper circulating in the municipal area. They may also be advertised on web-based tendering platforms, including TenderLink, AusTender, LGAT Vendor Panels, and TenderSearch, to reach a wider audience.

Under *Section 333A (1) of the Act* and *Part 3, Division 1 of the Regulations*, Council is required to invite public tenders for any contract involving the supply or provision of goods or services valued at or above the prescribed amount, currently **\$250,000 (GST exclusive)**.

There are, however, a number of conditions where Council is exempt from inviting tenders – see *Regulation 28 of the Regulations*.

Council may also decide to invite tenders for contracts valued below the prescribed amount where it considers it appropriate—for example, when the procurement is high-risk, complex, subject to potential public scrutiny, or within a market unfamiliar to Council.

8.1.2 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.

Consistent with *Regulation 25 of the Regulations*, 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 local newspaper and/or on web-based tendering platforms 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.

A supplier who submits a tender must do so in writing. The supplier must specify the goods or services tendered for and conform to the lodgement instructions.

8.1.3 Multi Staged Tenders

There are occasions - although usually limited (because the process can be resource intensive) - when we may use a multiple-stage tender process. Reference is made to this process in *Regulation 27 of the Regulations*.

This tender method is used to gain knowledge about the market and 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. Suppliers will be evaluated against criteria determined by Council officers.

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

As a first stage in this process, the General Manager will seek expressions of interest from prospective tenderers. The General Manager will advertise the expression of interest publicly via the local newspaper and/or on web-based tendering platforms.

This will be in accord with the requirements of the *Regulation 27 of the Regulations*.

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

At the final stage of a multiple-stage tender process, the General Manager will invite all suppliers who have met the criteria determined by Council officers, to tender for the supply of goods 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.

A supplier who submits a tender must do so in writing. The supplier must specify the goods or services tendered for, in accord with the requirements of the tender and must lodge the tender within the period specified as per the public notice and the specific tender documentation.

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

8.1.4 Periodic 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 *Regulation 26 of the Regulations*.

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.

8.1.5 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 *Regulation 26 of the Regulations*.

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.

As per *Regulation 26 of the Regulations*, 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 local newspaper and/or on web-based tendering platforms.

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 (GM) will ensure that applicants are provided with information consistent with the requirements of *the Regulations*, including but not limited to:

- 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.

8.2 Variation of Tenders

Where Council seeks to amend or extend the closing date for a tender it will advertise the variation/s in the form of Addendum in the local newspaper and/or on web-based tendering platforms. If tender documents have been issued or a written tender has already been received, then the General Manager will ensure the notification of recipients of the tender documentation and any tenderer in writing of the variation/s to the tender.

8.3 Price Escalation

For short term contracts there shall be no provision in the tender documents for variation of the tendered price or rates over the duration of the contract. For long term contracts the relevant departmental manager shall determine if the tender documents shall include a price escalation clause.

If a price escalation clause is to be included in a contract, then details shall be included in the tender documents. A price escalation clause shall be based upon changes in the Consumer Price Index (All Groups) for Hobart unless a standard index figure which is more relevant to the specific contract is available. Price adjustments due to changes in index figures shall not be calculated more frequently than quarterly.

8.4 Exemptions From Requirement to Tender

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

The exemption circumstances identified in *Regulation 28 of the Regulations – Non application of the public tender process* are:

- a) 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;
- b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- c) 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;
- d) a contract for goods or services obtained as a result of a tender process conducted by –
 - i. another Council; or
 - ii. a single authority or a joint authority; or
 - iii. the Local Government Association of Tasmania; or
 - iv. any other local government association in this State or in another State or a Territory; or

- v.any organisation, or entity, established by any other local government association in this State or in another State or a Territory;
- e) a contract for goods or services in respect of which a Council is exempted under another Act from the requirement to invite a tender;
 - f) a contract for goods or services that is entered into at public auction;
 - g) a contract for insurance entered into through a broker;
 - h) a contract arising when a Council is directed to acquire goods or services due to a claim made under a contract of insurance;
 - i) a contract for goods or services, if the Council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of –
 - i. extenuating circumstances; or
 - ii. the remoteness of the locality; or
 - iii. the unavailability of competitive or reliable tenderers;
 - j) a contract of 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

8.5 Tender Lodgement

8.5.1 Submission of Tenders

Public tenders and requested tenders must be received in writing either via email or Council's electronic tender platform such as TenderLink (if the tender is lodged through such website) and must be accompanied by all relevant information required by the tender documents including all fully completed forms and schedules. All information is to be received by the notified date and time.

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

- By email to tenders@georgetown.tas.gov.au
- By electronic submission through Council's tendering platform (e.g. TenderLink or LGAT Vendor Panel).

All tenders must be clearly labelled as tender documentation with the contract number and description of the works or services tendered for.

Electronic tender submissions carry inherent risks, including transmission delays, file size limitations, server filtering and delivery failures. Council accepts no responsibility for such issues. A submission will only be deemed received when it is fully received by Council's email system prior to the specified closing date and time.

Tenderers are responsible for ensuring all documents are transmitted in full, accessible and free from corruption. Submissions must be supported by verifiable evidence of lodgement prior to the closing time. Council may deem a submission non-conforming and exclude it from further consideration if received late or where sufficient evidence of timely submission is not provided.

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.

8.5.2 Alternative Tenders

Tenderers are permitted to submit alternative proposals for consideration by Council. However, the Council is not bound to consider such alternative tenders. A tenderer submitting an alternative proposal shall include a fully detailed description of the alternative and shall state clearly the manner by which it varies from the requirements of the tender documents and the advantages to Council of the alternative proposal. A failure to provide the detailed information with the tender may result in the tender being excluded.

8.5.3 Late Tenders

All tenders must be lodged within the specified time period, or by the date specified in the request for tender.

Any tender received after the specified closing time will not be considered unless supported by evidence that the delay was caused by circumstances beyond the tenderer's control.

8.5.4 Opening of Tenders

Public tenders shall be opened one hour after the notified closing time, allowing for the collation of all submissions received, whether by tender box or electronic means, to ensure no valid tender is overlooked.

A Probity Officer shall collate all tender submissions prior to opening. Two Council officers must be present at the opening and shall record the details of each submission received, including the total tender sum.

8.6 Tender 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

8.6.1 Tender Evaluation Panel

All public tenders for the provision of goods or services valued in excess of \$250,000 (ex. GST) shall be evaluated by a Tender Evaluation Panel (TEP) consisting at least three (3) members approved by the General Manager.

The TEP will include following:

- Chairperson (usually departmental manager)
- Technical/subject expert (external or internal)
- Project Manager/Lead
- Probity Officer

Note – A Probity Officer provides independent oversight of a procurement process to ensure it is conducted ethically, impartially, and in accordance with relevant laws, policies, and probity principles. Probity Officer is not part of the decision-making process.

For specialist projects the evaluation may be undertaken by/or with assistance from external service providers such as consultants, subject experts etc.

8.6.2 Confidentiality

Tender evaluations should be strictly confidential. All contact with the suppliers must be confirmed in writing through the Responsible Officer advising the TEP. Members of the TEP will not discuss with any other person outside the TEP issues regarding the evaluation. The Chair of the TEP may obtain advice from specialists to assist in the Tender evaluation process.

8.6.3 Consideration of Tenders

Council will not necessarily accept the lowest priced. 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 must be excluded.

8.6.4 Tender Clarification

Council may request additional information from any tenderer in order to clarify details of any tender or offer. Any requests for additional information shall be made in writing and the tenderer's response shall also be in writing. If a tender is accepted then the written clarification documents shall be included as part of the contract documents. Request for additional information shall not allow for the alteration of the tendered price and shall not provide an unfair advantage to that tenderer over other tenderers.

8.6.5 Tender Negotiations

If none of the tenders received for a particular work or service fully meets Council's requirements then Council may negotiate with the tenderer that has provided the most advantageous offer in an attempt to achieve a satisfactory offer.

During such negotiations Council shall not disclose any details of any other tender received. Council shall not seek to price bargain between tenderers.

If a satisfactory offer cannot be negotiated with the preferred tenderer then Council may negotiate with the other tenderers in order of preference from most to least preferred.

Where no tender meets Council's requirements but it is possible to proceed by making minor changes to the nature of the works or services Council shall negotiate a revised tender with

the preferred tenderer, the only acceptable changes to the original tender being those directly associated with the alterations to Council's requirements.

If the negotiations do not result in a satisfactory outcome, the tender shall be re-advertised.

8.7 Acceptance of Tenders

All public tenders received for the provision of goods or services valued in excess of \$250,000 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.

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

8.7.1 Successful Tenderer

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.

8.7.2 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.

8.8 Calculating the Value of Purchase

8.8.1 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 24 of the Regulations*, 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.

8.8.2 Non – Price Consideration

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 non-price related matters that we will take into account are identified in the Procurement Policy (GTC-C-24).

8.8.3 Goods and Services Tax (GST)

All procurement thresholds are GST exclusive

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

8.9 Contract Documents

8.9.1 Execution of Contract

All contracts for the provision of goods or services valued in excess of \$250,000 over a single financial year can only be executed following a decision by the Council. All contracts for the provision of goods or services valued less than \$250,000 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.

8.9.2 Contract Documents

A formal contract for goods and services or formal instrument of agreement is required for all contracts. The Council officer responsible for any project shall prepare at least two (2) bound copies of the contract documents for every contract as soon as possible after the acceptance of a good and services offer.

The document shall include the following:

- Formal Instrument of Agreement or Contract for Goods and Services
- The letter of acceptance of tender
- The submitted tenders and associated attachments
- Any correspondence between Council and the tenderer subsequent to the tender clarifying the offer
- The entire tender documents

8.9.3 Distribution of Contract Documents

For all contract documents, including those containing a formal signed agreement, one copy of the official signed documents shall be provided to the contractor and one copy retained by the Council officer responsible for the implementation of the project.

The responsible officer must ensure that a digital copy of the complete contract documentation is filed in Council's Electronic Record Management System immediately after signing.

8.9.4 Security Bond

If a contract for goods and services specifies that a security bond is required, the George Town Council will accept the following means of security:

- Unconditional bank guarantees from an approved financial institution. or
- Retention of monies by Council from progress payments for work completed. or
- Cash deposit to the Council Bank Account, or

Receipt of security guarantees must be recorded in Council's Record Management System and the original security documents supplied to Senior Executive Support & Governance Officer for safekeeping.

8.10 Contract Management

8.10.1 Extension of Contract

Regulation 24(5) of the Regulations provides that a Council may only extend a contract entered into by tender –

- As specified in the contract; or
- If the contract does not specify extensions, by an absolute majority.

8.10.2 Responsible Officer

The Council officer responsible for any contract shall ensure that the works or services provided under that contract are in accordance with the requirements of the contract documents. Any agreed variations to the contractor's obligations shall be confirmed in writing. Adequate supervision and monitoring of the contractor shall be undertaken to ensure compliance in a timely manner.

8.10.3 Payments

The authorised Council officer shall be responsible for checking all claims for payment under a contract. No payment shall be approved unless a Tax Invoice has been received from the contractor having a value equal to or exceeding the value of the authorised payment. All approvals for payment under contracts shall be authorised by a Council officer having the relevant purchasing authority.

When approving payment, the Council officer shall:

- Ensure that the approval relates only to work actually completed under the terms of the Contract.
- Shall have regard to all previous payments made under the contract, and
- Shall ensure that the request complies with the requirements of the contract documents, including any requirements for Council to hold retention money

8.10.4 Completion of Contract

Immediately prior to contract completion, the responsible Council officer and the contractor's representative must jointly inspect the works to confirm that all obligations have been met, or otherwise meet to verify that all services have been satisfactorily delivered. Any defects or areas of non-compliance must be formally documented and issued to the contractor before the contract completion date, along with a request to rectify the outstanding matters in accordance with the contract requirements.

All manuals, warranties, instructions, training, and asset data must be provided to Council before final payment is approved. Upon completion of the contract, the responsible Council officer must ensure that any final payments are processed, and any securities are released.

8.11 Reporting Procedures

8.11.1 Procurement at or above the prescribed amount

As per *Regulation 30 of the Regulations*, 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 \$250,000.

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

8.11.2 Contract Extension

As per *Regulation 30 of the Regulations*, 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 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

8.11.3 Emergency Provision

As per *Regulation 30 of the Regulations*, Council will report in its Annual Report all instances where *Regulation 28(a) (emergency) of the Regulations* has been applied.

The report will include, at a minimum:

- a brief description of the emergency circumstance;
- a description of the goods and/or services acquired;
- the value of the goods and/or services acquired (excluding GST); and
- the name of the supplier.

8.11.4 Other Circumstances

As per *Regulation 30 of the Regulations 2025*, Council will report in its Annual Report all instances where *Regulation 28(i) of the Regulations* 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

The report will include, at a minimum:

- a brief description of the circumstances leading to the decision not to invite tenders;
- a description of the goods and/or services acquired;
- the value of the goods and/or services acquired (excluding GST); and
- the name of the supplier.

In addition, as required by *Regulation 29(j) of the Regulations*, 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.

8.12 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.

8.13 Work Health & Safety

By submitting and accepting goods and service contracts, the supplier/contractor guarantees that all work shall be executed in compliance with any relevant Workplace Health and Safety legislation and conform to the George Town Council workplace health and safety requirements. Relative to the engagement, contractors will be required to present a comprehensive Workplace Health and Safety program as part of their submission.

8.14 Delegations

Council procurement and financial approvals delegations register is kept updated and current and reflects each authorised officer's delegations under the Code.

8.15 Breach of the Code

The Council will comply with its Code and its legislative obligations.

If any employee of the Council, or a body controlled by the Council, breaches this Code, the 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, the Council may, in its absolute discretion, take action against that Service Provider. Action may include, but not be limited to:

- giving a warning to the service provider
- a reduction in future opportunities for that service provider to bid (i.e. submit Tenders or Quotations)
- the Council refusing to consider any Tender submitted by that service provider
- reporting of the breach to a statutory, professional or other relevant body
- termination or suspension of the service provider's engagement

8.16 Implementation & Review of Policy

Consistent with section 333B of *the Act*, as a measure of accountability and transparency, the General Manager 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 four (4) years. The Code may be modified on an as needs basis from time to time by Council to reflect changed operational requirements



.....
Shane Power

GENERAL MANAGER

DATED 8 , 5 , 26