

Responsible Directorate	Corporate Services
Responsible Business Unit	Finance
Responsible Officer	Manager Finance
Affected Business Units	All

Objective

The Shire of Serpentine Jarrahdale (the Shire) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the "Act") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "Regulations"). Procurement processes and practices to be complied with are defined within this Policy and the Shire's prescribed procurement procedures.

Scope

This policy applies to all staff in all Directorates who are required to call tenders for goods or services. The policy specifies the role of the Evaluation Panel and the Procurement Team.

If there is a change of procurement methodology from quoting to tendering, the incumbent suppliers are to be notified of the change of methodology prior to the tender being advertised.

Policy

Ethics and Integrity

All officers and employees of the Shire of Serpentine Jarrahdale shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions to ensure the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements and be consistent with the Shire's policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial in confidence and shall not be released unless authorised by the supplier or relevant legislation.



Value for Money

Value for money is one of the overarching principles governing purchasing that allows the best possible outcome to be achieved for the Shire of Serpentine Jarrahdale. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any tenders shall consider:

- all relevant whole-of-life costs and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive tenders wherever practicable.

Where a higher priced conforming tender is recommended, there shall be clear and demonstrable benefits over and above the lowest total priced, conforming tender.

Tendering

1. Requirement for Tender

Regulation 11(1) of the *Local Government (Functions and General) Regulations* 1996 determines where tenders are required:

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;
- The purchase is from a Regional Local Government or another Local Government;
- The purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money;
- The purchase is acquired from an Australian Disability Enterprise and represents value for money;
- The purchase is from a pre-qualified supplier under a Panel established by the Shire; or



Any of the other exclusions under Regulation 11 of the Regulations apply.

3. Anti-Avoidance

It is not permissible to enter into two (2) or more contracts in circumstances such that the desire to avoid the requirements of tendering is a significant reason for not dealing with the matter in a single contract. Refer Regulation 12 of the *Local Government (Functions and General)* Regulations 1996.

4. Tender Criteria

The Shire of Serpentine Jarrahdale shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender shall be accepted.

Procurement Services will compile and be responsible for the tender package, comprising the specifications received from the authorised officer and based on the Shire's standard terms and conditions of contract and decision matrix as per Appendices A - E.

There are five categories to cater for:

- Construction Works (major and minor);
- Professional and Consultant Services;
- Other Services;
- Plant and Equipment; and
- Goods and Merchandise.

A Director may appoint professional consultants to assist with the development of the tender documentation.

All contracts will include the following sections:

- a) Conditions of tendering;
- b) Specification;
- c) General Conditions of Contract; and
- d) Special Conditions of Contract.

The Shire may use Australian Standards as its General Conditions of Contract if required.

Conditions of contract can be adjusted to incorporate specific aspects of a tender.

5. Specifications

The role of the specification is to provide the tenderer with a concise, unambiguous description explaining to the tenderer exactly what is required. The object of the specification is to ensure:

- a valid comparison between tenderers, keeping variations to a minimum;
- avoidance of price loadings by tenderers to cover contingencies;
- the prevention of interpretive dispute; and
- better cost management.

Specifications may be functional with focus on what is to be achieved; performance orientated with emphasis on outcome, or, technical being highly prescriptive.



The specifications shall be clear and incorporate detailed design briefs and drawings if appropriate. Standard specifications are to be utilised where appropriate.

6. Probity

In order to ensure the tender selection process is fair and objective, the Shire shall observe the highest standards of integrity. This will be achieved by ensuring that:

- (a) a Probity Auditor is to be appointed for each Tender expected to be greater than \$1 million in value.
- (b) processes, procedures and documentation that demonstrate fairness, openness and accountability;
- (c) tenders are undertaken on a competitive basis, in which the Shire seeks to attract a wide range of Tender Respondents that are treated impartially, honestly and consistently so that no individual Respondent is either advantaged or disadvantaged;
- (d) actual or perceived conflicts of interest are identified, disclosed and dealt with according to local government obligations. For clarity, the following is specified:
 - (i) Where a member of the Tender Evaluation Panel has accepted a personal gift directly or a gift of hospitality from a Tender Respondent that employee must not participate in a relevant Tender Evaluation Panel;
 - (ii) Where an employee has any financial interest in relation to a Tender Respondent, that employee must not participate in a relevant Tender Evaluation Panel;
 - (iii) Where an employee is related to a person who has an interest in a business that is a Tender Respondent, that employee must not participate in a relevant Tender Evaluation Panel;
 - (iv) Where an employee has either a personal association with or a close working relationship with a former work colleague who has an interest in a business that is a Tender Respondent, that employee must not participate in a relevant Tender Evaluation Panel;
 - (v) For the purpose of clarity:
 - "related" has the meaning assigned to "closely associated persons" at Section 5.62 of the Local Government Act 1995;
 - "personal association" has the meaning assigned to "impartiality interests" of the Shire's Code of Conduct and includes friends and colleagues, whether current or previous associations, with whom a person has had a direct relationship; and
 - "a close working relationship" includes a person who was previously the employee's direct supervisor, direct subordinate or a colleague within a work team";
- (e) recommendations are made and decision-making is undertaken in a manner that is transparent, free from bias and fully documented; and
- (f) 'Commercial in Confidence' information provided by Tender Respondents shall be treated in confidence, unless authorised for publication by the Tender Respondent or relevant legislation.



7. Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday and local media outlets.

The advertisement shall be placed on the public notice boards located at the Shire of Serpentine Jarrahdale Administration Building and the Mundijong Public Library.

Tenders are also to be advertised on the Shire's website.

The tender must remain open for a minimum of 14 working days after the date the tender is advertised. Care must be taken to ensure that 14 full working days are provided as a minimum.

The notice must include:

- a) a brief description of the goods or services required;
- b) information as to where and how tenders may be submitted;
- c) the date and time after which tenders cannot be submitted;
- d) particulars identifying a person from who more detailed information as to tendering may be obtained;
- e) detailed information shall include:
 - i such information as the Shire of Serpentine Jarrahdale decides shall be disclosed to those interested in submitting a tender;
 - ii detailed specifications of the goods or services required;
 - iii the criteria for deciding which tender shall be accepted; and
 - iv whether or not the Shire of Serpentine Jarrahdale has decided to submit a tender.

Part 4, Division 2 of the Local Government (Function and General) Regulations 1996 applies.

8. Issuing Tender Documentation

The Shire has entered into an agreement with an e-tender provider. The e-tender provider hosts an online portal for the detailed tender information on behalf of the Shire.

Tenders will not be made available by any other means.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Serpentine Jarrahdale not to compromise its duty to be fair.

9. Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected. Refer Regulation 18 of the *Local Government (Functions and General)* Regulations 1996.

10. Opening of Tenders

All tenders shall be closed at the nominated date and time as stipulated in the tender documents.



All tenders shall be opened by Procurement Services through the Electronic Tender Box. The Electronic Tender Box key will be forwarded to Procurement Services by email from the e-tender provider at the time nominated in the Tender Documents.

At least two (2) employees of the local government must be available for the opening.

The details of all tenders received and opened shall be recorded in the Electronic Tender Register.

All Tenderers and members of the public may attend or be represented at the opening of Tenders.

The names of the Tenderers who submitted a tender by the due deadline will be read out at the tender opening.

No discussions will be entered into between tenderers and the Shire's officers, present or otherwise, concerning the Tenders submitted.

Note: In accordance with Part 4, Regulation 16-3(c) and 17-3 of the Local Government (Functions and General) Regulations 1996 the Principal is only required to record the price of the winning Tenderer/s in the Tenders Register.

All tenders received and opened on the due date and time shall be electronically date stamped by the e-tender providers system.

11. No Tenders Received

In accordance with Section 11.2(c) of the *Local Government (Functions and General)* Regulations 1996, where the Shire of Serpentine Jarrahdale has invited tenders and no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$75,001 and \$149,999 as detailed in Council Policy – Purchasing;
- the specification for goods and/or services remains unchanged; and
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

12. Tender Selection Criteria and Evaluation Panel Guidelines

An evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase. The panel shall contain a minimum of three (3) members.

Procurement Services will fulfil a governance function to ensure the panel understands and performs its responsibilities in determining value for money.

When purchasing goods or services the Tender Evaluation Panel must be aware of the principles underlying probity - these principles are referred to as procedural fairness.

Procedural fairness can be defined as the duty to act fairly and the duty to adopt fair procedures that are appropriate and adapted to the circumstances of a particular case.

In order to ensure the tender selection process is fair and objective, the following principles of procedural fairness must be adhered to:



a) Knowledge

Before commencing the tender process, Panel members must have an understanding of the contents of the tender, the selection criteria against which tenders will be rated, and the process by which each tender will be rated.

b) Relevant Considerations

Panel members must consider all relevant information related to each tender. This would include the tenderer's responses to the selection criteria, and all other information tenderers were required to supply. Tender evaluation ratings and selections must be made on the basis of the material presented and included in the tender submissions rather than hearsay.

c) Bias

The tender selection process must be free of bias, and any perception of bias. Any connections between a Panel member and a tenderer must be disclosed to Procurement Services by completing a Declaration of Interest form. Panel members shall not accept gifts, under any circumstances and shall limit contact with tenderers during the tender selection process. Any Panel member who has been nominated by one of the tenderers as a referee is to also complete a Declaration of Interest form before the tender assessment commences, but can provide a referee report.

e) Confidentiality

The contents of each tender shall not be disclosed to any outside party.

Each tender shall be viewed as commercially confidential information. However, it is acceptable to have disclosure of the awarded tenderer's overall tender price after the tender has closed.

f) Commenting During the Tender Selection Process

Procurement Services are the only staff members to communicate with tenderers during the tender process. Panel members shall not discuss any element of the selection process with work colleagues or any other party.

13. Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Serpentine Jarrahdale may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation. Refer regulation 14(5) of the Local Government (Function and General) Regulations 1996.

14. Tender Clarification

Tender Clarification questions will be answered via the tender forum hosted by the e-tender provider.

15. Minor Variation

If, after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Serpentine Jarrahdale and tenderer have entered into a Contract, a minor variation may be made by the Shire of Serpentine Jarrahdale.



A minor variation will need to meet all three requirements:

- Does not alter the nature of the goods and/or services procured;
- Does not materially alter the specification or structure provided for by the initial tender; and
- Less than 10% of the original contract price.

If the variation does not meet all three of the minor variation requirements, then the variation must be presented to Council for consideration/adoption.

Refer regulation 20 of the Local Government (Functions and General) Regulations 1996.

16. Variation after Contract Commencement

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j) of the *Local Government (Functions and General) Regulations* 1996.

Regulation 21A of the Local Government (Functions and General) Regulations 1996 applies.

17. The Evaluation Process

Following the closing of tenders:

- a) Panel members will receive a copy of each tender submission and an evaluation sheet.
- b) Panel members will individually score each tender submission using the 0-5 rating scale, with a comment as to what led to this determination.
- c) The Panel shall then reach a consensus as to the recommended score. If consensus cannot be reached the majority view will be that which is recommended.
- d) Procurement Services, once satisfied with the content of the Consensus form, will complete the report to Council.
- e) The Agenda report will then be submitted to Council for Council consideration.
- f) Upon acceptance by Council, a letter of award will be issued by Procurement Services to the successful Tenderer.
- g) Upon acceptance by Council, Procurement Services will issue a letter advising all unsuccessful Tenderers of Council's decision.

18. Scoring System

Each Panel member will individually assess each submission on a 0-5 score basis, as shown in the following table.



		Risk Analysis		
Evaluation Factor	Tender Submission Demonstrates:	Descriptor	Definition	
0	No evidence of addressing criteria	Severe risk	Fail - fails to meet minimum requirements in all respects or did not respond. Therefore, the tender submission will be rejected as a risk to the Shire	
1	Minimal evidence on how the criteria will be achieved. Evidence does not address all the requirements of the criteria.	Major risk	Poor - fails to meet minimum requirements in several respects: contains insufficient or unclear information. Therefore, the tender submission will be rejected as a risk to the Shire.	
2	Moderate evidence on how the criteria will be achieved. Evidence does not address all the requirements of the criteria in current form.	Moderate risk	Marginal - some areas of concern in relation to ability to meet minimum requirements or some deficiencies. Therefore, the tender submission will be rejected as a risk to the Shire.	
3	Evidence on how the criteria will be achieved. Evidence may have some minor deficiencies.	Minor risk	Negligible impact on the objectives of the tender.	
4	Clear evidence meeting all the requirements of the criteria.	Negligible risk	Negligible impact on the objectives of the criteria.	
5	Evidence exceeded the requirements of the criteria.	Minimal risk	Minimal impact on the objectives of the criteria.	

If a tender submission scores below a 3 for any of the qualitative criteria it will be rejected as a risk to the Shire, and will play not further part in the assessment.

19. Records Management

All records associated with the tender process must be recorded and retained. This includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation; and
- Notification and award documentation.



Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Serpentine Jarrahdale's internal records management policy.

Definitions

Not applicable

Relevant Policies/Council Documents

- Strategic Community Plan 2017 2027
- Council Policy 3.2.4 Purchasing Procurement of Goods or Services up to \$250,000
- WALGA Purchasing and Tendering Guidelines
- WALGA Procurement Toolkit
- Business Operating Procedure (BOP) 3.3.5 Provision of Goods and Services to External Clients
- E11/1439 Process 16 Request for Tender
- E11/1464 Procedure 16 Tender Evaluation Panel Guide
- E11/1592 Procedure 16 Tender Evaluation Panel Authorisation
- E13/489 Tender Compliance Summary
- E15/2297 Tender Register

Legislation/Local Law Requirements

- Local Government Act 1995 s. 3.57
- Local Government (Functions and General) Regulations 1996 Part 4 Division 2

Office Use Only				
Relevant Delegations	Tenders for Goods and Services			
Council Adoption	Date		Resolution #	
Reviewed	Date	28/05/2012	Resolution #	OCM147/05/12
Reviewed	Date	14/04/2014	Resolution #	OCM163/04/14
Reviewed	Date	29/09/2015	Resolution #	OCM187/09/15
Reviewed	Date	14/03/2016	Resolution #	OCM037/03/16
Modified	Date	18/12/2017	Resolution #	OCM179/12/17
Amended	Date	15/07/2019	Resolution #	OCM148/07/19
Amended	Date	20/07/2020	Resolution #	OCM226/07/20



APPENDIX A

TENDER EVALUATION CRITERIA

CONSTRUCTION WORKS

(major and minor)

Definition: All Infrastructure projects such as building, road, carpark, footpath, drainage, park and

bridge construction.

Description of Criteria	Weighting
Compliance Criteria	
 Tenders submitted by the due date and time prescribed in the tender documentation; Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and Tenders must address qualitative selection criteria. 	Mandatory criteria must be addressed no weighting applied.
Qualitative Selection Criteria – Service delivery plan	
Relevant Experience Demonstrated relevant experience of the Company in providing the same or similar services to local government over the past five years. Include the following: Project Client Duration Value Deliverables Achieved Results	10% - 15%
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / professional skills. Name Years in Roles and Responsibility Experience Plant, Equipment Support facilities	10% - 15%
Financial capacity (a credit reference check may be required)	
Demonstrated Understanding Tenderers shall detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process shall include a timetable for delivering the services. A demonstrated understanding of the scope of work including Project specific plans including safety and environmental management plans.	10% - 15%
Price:	55% - 70%
Total	100%



APPENDIX B

TENDER EVALUATION CRITERIA

PROFESSIONAL AND CONSULTANT SERVICES

Definition: Delivery of legal, accounting, auditing, governance or similar services. The services may

be delivered as a one-off service or on an ongoing basis.

Description of Criteria	Weighting
 Compliance Criteria Tenders submitted by the due date and time prescribed in the tender documentation; Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and Tenders must address qualitative selection criteria. 	Mandatory criteria must be addressed no weighting applied.
Qualitative Selection Criteria – Service delivery plan Relevant Experience Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. Include the following: Project Client Duration Value Deliverables Achieved Results	0% - 30%
Key Personnel, Skills and Resources Capacity to deliver the services including: Key Personnel / Professional skills. Name Years in Roles and Responsibility Experience Responsibility Support facilities	15% - 30%
Demonstrated Understanding Tenderers shall detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process shall include a timetable for delivering the services.	0% - 15%
Price:	40%
Total	100%



APPENDIX C

TENDER EVALUATION CRITERIA

OTHER SERVICES

Definition: All services with the exception of professional and consulting services. The services may be delivered as a one-off service or on an ongoing basis.

Description of Criteria	Weighting
 Compliance Criteria Tenders submitted by the due date and time prescribed in the tender documentation; Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and Tenders must address qualitative selection criteria. 	Mandatory criteria must be addressed no weighting applied.
Qualitative Selection Criteria – Service delivery plan Relevant Experience Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. Include the following:	10% - 20%
Project Client Duration Value Deliverables Achieved Results Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills	
Name Years in Roles and Responsibility Experience Support facilities Financial capacity (a credit reference check may be required).	10% - 20%
Demonstrated Understanding Tenderers shall detail the process they intend to use to achieve the Requirements of the Specification. Use dot points to explain the process. The process shall include a timetable for delivering the services.	0% - 15%
Price	50% - 60%
Total	100%



APPENDIX D

TENDER EVALUATION CRITERIA

PLANT AND EQUIPMENT

Definition: All light vehicles, heavy vehicles, earthmoving and ground care machinery plus ancillary equipment such as mechanical saws and static pumps.

Description of Criteria	Weighting
Compliance Criteria	
 Tenders submitted by the due date and time prescribed in the tender documentation; Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and Tenders must address qualitative selection criteria. 	Mandatory criteria must be addressed no weighting applied.
Qualitative Selection Criteria	
The ability to supply parts in a timely manner	20%
Mechanical Assessment (In House Assessment)	10%
Driver / Operator Assessment (In House Assessment)	10%
Price	60%
Total	100%



APPENDIX E

TENDER EVALUATION CRITERIA

GOODS / MERCHANDISE

Definition: All goods, chattels, stores and the like.

Description of Criteria	Weighting
 Compliance Criteria Tenders submitted by the due date and time prescribed in the tender documentation; Submitted mandatory requirements (as specified e.g.: insurance, Gantt chart, price schedule, etc.); and Tenders must address qualitative selection criteria. 	must be addressed no
Qualitative Selection Criteria	
Relevant Experience Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. Include the following: Project Client Duration Value Deliverables Achieved Described D	
Project Client Duration Value Deliverables Results	
Key Personnel, Skills and Resources Capacity to deliver the services including: Key personnel / Professional skills	
Name Years in Roles and Industry Responsibility Experience	
Support facilities	
Price	80% - 100%
Total	100%