

Tender Acceptance Policy

1 Purpose

The introduction of the Local Government Amendment (Governance and Planning) Bill 2016 has instigated changes to s377 of the Local Government Act 1993. This change was in relation to the general power of council to delegate, and Council can now delegate the acceptance of most tenders to the General Manager. Council resolved to delegate this power to the General Manager at the Ordinary Meeting on 27 October 2016. The only exception is 'the acceptance of tenders to provide services currently provided by members of staff of the council.'

The purpose of this policy is to outline the authority that Council has delegated to the General Manager for the purpose of accepting tenders and provides details on limits and supporting processes to ensure Councillors maintain appropriate governance oversight.

2 Policy

1. After the necessary tender process and evaluation is undertaken, under delegated authority the General Manager shall accept tenders, with the following exceptions that should be referred to Council:
 - a. The limitation legislated in s377(1)(i) of the Local Government Act (as amended by the Local Government Amendment (Governance and Planning) Bill 2016, being the acceptance of tenders required under the Act to be invited by the council.
 - b. Any tender which binds Council for a period exceeding the current elected term of the Council, and where the value of the tender exceeds \$1.5 million.
 - c. Any tender for a service or project where cost exceeds the adopted budget limit for that service or project.
 - d. Any tender for a service or project which is not in an approved Operational Plan.
2. A quarterly briefing note summarising all tenders accepted by the General Manager during the previous period shall be provided to Council.
3. The General Manager shall retain the discretion to refer to Council for decision any tender which otherwise falls within the General Manager's delegated authority.

3 Definitions

Delegated Authority: Authority that would otherwise be vested only with the Council, that has been the given to General Manager by way of a Council resolution.

Tender: An offer made by a party to Council for the supply of goods or services. In accordance with the Local Government Act, Council must call open tenders for, amongst other things, goods or services greater than \$250,000 in value.

4 Key Responsibilities

The General Manager has overall responsibility for implementing this policy.

5 References (laws, standards and other Council documents)

- Local Government Act, as amended by Local Government Amendment (Governance and Planning) Bill 2016
- The Local Government (General) Regulations 2005

6 Details of Approval and revision

- **Approval date:** 12/10/2017
- **Responsible Section:** N/A
- **Superseded policies/procedures:** N/A
- **Next review date:** 12/10/2021

Table of amendments

Amendment	Authoriser	Approval ref	Date
Increased the contract value requiring Council to conduct a formal RFT from \$150,000 to \$250,000 in line with an amendment to section 55(3) of the Local Government Act 1993.	NSW Government	Circular No 19-14/10 July 2019	Assented 25/06/2019