

Wyndham City Procurement Policy

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1 Statement of Intent

Wyndham City Council acknowledges and pays respect to the past, present and future Traditional Custodians, Elders and emerging leaders and the continuation of the Kulin Nation cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples. Council is committed to forging strong kinship, reciprocity and provide opportunities for collaborative engagement to breach the divide through learning and connection whilst enabling business engagement for first generation Aboriginal and Torres Strait businesses and sole traders supported by the creation of a Social Procurement Framework.

2 Purpose

The purpose of the Policy is to provide a framework for all procurement and to demonstrate that all public monies have been spent in line with community objectives and expectations

Wyndham City Council is required under section Part 5 Council Operations – Division 2 – Procurement – Clauses 108 and 109, Procurement Policy of the Local Government Act 2020 (the Act) to prepare, approve and comply with a Procurement Policy.

In accordance with the Act, this Policy sets out the key principles, processes and procedures applied to all purchases of services and works by Council.

The purpose of this Policy is to:

- provide a procurement framework that seeks to achieve best value in price, quality and timeliness through consistent, competitive and transparent processes;
- provide a framework to achieve ethical behaviour in all procurement;
- prioritise, where practical, the procurement of environmentally responsible, locally sourced and socially responsible goods and services; and
- minimise and manage risks in procurement.

The Procurement Policy will come into effect from 01 January 2022 and be reviewed at a minimum once during each 4-year term of the Council.

3 Context

Procurement is the process through which an organisation establishes contracts for goods, services, works. Procurement starts with an identified need and seeks to put in place a contract or contracts, which effectively meet the need. This involves research, planning and market engagement, the conducting of procurement exercises such as tenders and quotations, Memorandums of Understanding (MOUs), the formal award of contracts, support and guidance regarding the management and monitoring of contracts.

4 Scope and Application

This policy represents the principles, processes and procedures that will be applied to the procurement of all goods, services and works by Council. The scope of this policy commences from when Council has identified a need for procurement requirements. It continues through to the delivery of goods or completion of works or services.

This policy will apply to Councillors, Council staff and all persons undertaking procurement on Council's behalf and they are accountable for complying, with all relevant procurement legislative and policy requirements.

4.1 Roles and Responsibilities

Elected Council

- Adopt Council's Annual Plan and Budget
- Accept tenders called by Council with a value > \$2.5m
- Comply with legislative, policy and procedural requirements when determining tenders
- Comply with the Councillor Expenses and Entitlements Policy

CEO and Directors

- Make budgetary recommendations to the Council through Annual Plan and Budget
- Oversee the development of program, project and strategic procurement plans to support the delivery of projects within budget
- Ensure Service Managers comply with legislative, policy and procedural requirements when undertaking Procurement and tendering
- Take appropriate action in response to instances of non-compliance with this Policy or relevant legislation
- Ensure probity principles and requirements are met
- Negotiate, review, execute and administer Procurement contracts in accordance with Financial Authorisation

Service Manager

- Ensure all Procurement undertaken by their Service complies with the principles and requirements of this Policy
- Ensure the Responsible Officer has completed relevant training and is suitably qualified in the area of procurement and contracts administration
- Ensure the Responsible Officer complies with legislative, Policy and procedural requirements when undertaking procurement and tendering
- Ensure that there is an approved budget before allowing the procurement to commence
- Negotiate, review, execute and administer Procurement contracts in accordance with Financial Authorisation
- Identification of contract disputes and escalation to the Procurement Services in a timely manner
- Ensure all publicly advertised Procurement has been approved by Senior Management of the relevant Department

5 Related Council Policies and Legislation

This policy should be read and carried out in conjunction with Council Policies, related material and legislation.

6 Council Policies and Related Material

- Corporate Code of Conduct Policy

- Gifts, Benefits and Hospitality Policy
- Health and Safety Policy
- Credit Card Policy
- Governance Rules
- Wyndham City Council Procurement Ethics and Probity in Procurement Guidelines
- Complaint Handling Procedure
- The Instrument of Delegation Register
- Wyndham City Staff Procurement Guide
- Social and Economic Inclusion Framework
- Reconciliation Action Plan
- Wyndham City Staff Sustainable Procurement Guide
- Accessibility Action Plan
- Greenhouse Action Plan
- Wyndham Auction Policy
- Market Led Proposal Policy
- Debt Management Policy
- Wyndham City Council's Supplier Code of Conduct

7 Legislation

- The Local Government Act, (2020)
- The Local Jobs First Act 2003 (All Victorian Government Grants over \$3m must adhere with this Act)
- Service Performance Principles Legislation (2020)
- Competition and Consumer Act 2010 (previously Trade Practices Act)
- Victorian Occupational Health and Safety Act 2004
- National Competition Policy (NCP)
- Victorian Equal Opportunity Act 2010
- Victorian Charter of Human Rights and Responsibilities Act 2006

8 Wyndham Council Procurement Policy

The Procurement Policy reflects Part 5 Council Operations – Division 2 - Procurement - Clauses 108 and 109, Procurement Policy of the Act. This policy is supported by the Wyndham City Staff Procurement Guide to provide guidance to staff on all operational aspects of procurement related policies, guides, processes and procedures.

8.1 Prescribed Regulations

In accordance with Clause 108 – (3)(f) and Clause 108 (4), Council will update the Policy to include any other matters or contract values prescribed by the regulations.

9 Procurement Continuous Improvement

Council will apply continuous improvement methods to review current processes and govern new initiatives developed by procurement. These initiatives may be incorporated into the Procurement Policy, guidelines, processes and procedures as required.

10 Policy Principles

10.1 Procurement Principles

Council will apply the following best practice principles to every procurement, irrespective of the value, risk or complexity of the procurement:

- Value for money;
- Open and fair competition;
- Accountability;
- Risk management;
- Sustainability (Social, Environmental and Economic)
- Probity and transparency.

10.2 Treatment of GST

All monetary values stated in this policy exclude GST except, where specifically stated otherwise.

10.3 Probity and Risk Management Requirements

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

All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest (Part 6 – Council Integrity of the Local Government Act).

At all times, this Policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council staff, temporary employees, individuals employed through an employee agency, contractors and consultants while engaged by Council.

Councillor's, members of staff and all persons engaged in procurement on Council's behalf must:

- Declare all actual, perceived and potential conflicts of interest before providing advice or reports (or any other matter)
- Conduct themselves ethically and with integrity
- Comply with the Gifts, Benefits and Hospitality Policy
- Maintain confidentiality and security of information
- Comply with the Code of Conduct
- Comply with the Wyndham City Council Procurement Ethics and Probity in Procurement Guidelines
- Comply with Procurement Conduct and Evaluation Plans

10.4 Probity Auditors and Advisors

A probity auditor or advisor may be considered and appointed by the Chief Executive Officer (CEO) a Director, Chief Finance Officer (CFO), Procurement Manager, or the Procurement Leads to be part of a procurement activity:

- Where the integrity of the process may be called into question;
- Where a project is technically complex or departs from standard contractual and legal obligations;
- Where the activity is politically sensitive and/or potentially controversial, which may include protecting the reputation of Council;
- To avoid a perception of bias or favouritism;
- Where there is substantial government funding involved.

The Procurement Unit may provide advice to the organisation with respect to probity, for low risk/low value procurement activities, or provide advice regarding when an independent probity advisor is required.

10.5 Confidentiality of Information

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

- All information that is Commercial in Confidence information;
- Only the nominated Governance team and Procurement are to be involved in supplier evaluation discussions;
- Pre-contract information including but not limited to information provided in quotations and tender submissions or subsequently provided in pre-contract negotiations, and;
- Council has the right to close the Ordinary Council Meeting to the public when presenting Contractual matters which may be deemed sensitive, or confidential information as defined in the LGA 2020, Part 1, Preliminary.

Discussion with potential suppliers during tender evaluations must be conducted by the Procurement Unit, in writing or by formal meeting, to an agenda with documented minutes, and clarification should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

10.6 Fair and Honest Dealing

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained throughout the procurement process, in a manner to withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected. Confidentiality of information provided by existing and prospective suppliers must always be maintained, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

11 Procurement Processes

11.1 Tender/Quotation Process

The Wyndham City Staff Procurement Guide and other associated approved Guides and Policies outline the detailed processes and procedures to be used to comply with the Procurement Policy.

The following will apply at a minimum for all procurement activities:

- Procurement must approve all Requests for Tender and formal Quotation processes prior to market release.
- Selection criteria and weightings will be agreed by the Tender Evaluation Panel (TEP) or Evaluation Team (ET) and documented prior to the issue of Request for Tenders (RFT) and formal Quotation processes. The criteria will include consideration for both qualitative and quantitative aspects and will be weighted accordingly.
- A Procurement Conduct and Evaluation Plan will be documented and agreed by all Tender Evaluation Panel members prior to the tender closing date and time;
- Late tenders and quotes will only be accepted in accordance with the rules of tendering. Reasons for acceptance must be fully documented and approved;
- All submissions must be evaluated against the agreed selection criteria;
- The evaluation process must be robust, transparent, unbiased and defensible by documented evidence;
- The TEP may conduct a shortlisting process, providing this is outlined within the Rules of Tender or Quotation. Shortlisted respondents may be invited by Council to submit a Best and Final Offer (BAFO)
- Contract negotiations can be conducted to obtain the best outcome for Council, providing negotiations have a documented & approved Negotiation Plan which remains within the intent and scope of the tender;
- Outcomes of Request for Tender and formal Quotation processes must be documented including demonstration of the robustness of the process, in a Tender/Quotation Award Report.
- All Public Tenders will be advertised through Councils Website

11.2 Leveraging Buying Power/Aggregating Demand

Council will review procurement plans to identify where leveraging buying power would provide stronger value for money outcomes that benefit the organisation and community.

11.3 Collaborative Procurement

Council Officers are to discuss opportunities for collaborative procurement with the Procurement team for agreed processes to connect with other Councils or public bodies to seek opportunities for collaboration.

Any report to Council, that recommends entering a contract, must include details of collaboration opportunities undertaken with other Councils or public bodies.

Council's procurement strategy will address collaborative procurement and any future category strategies will incorporate a section and direction on collaborative procurement.

11.4 State Purchase Contracts/Registers/Panels

Council may engage using aggregated purchasing arrangements with other Councils, MAV, Procurement Australia, Victorian State Government Purchasing Contracts, the Victorian Construction Register or other Government bodies;

- Procurement will be registered buyers for the Council and advise and support the business with the process for engaging against these.
- Where contracts or panels have rules of use, these must be followed and the standard threshold approach to market is no longer applicable for these engagements; or
- Where the rules of market engagement refer to Council Procurement Policy thresholds, Council thresholds are to be applied, except where a public tender would be called, then a minimum of three quotes is required.

11.5 Government Authorities and Mandated Contractors

The Chief Executive Officer (CEO), Chief Finance Officer (CFO) and Procurement Manager may approve exemptions to procurement thresholds and procedures where the supplier for the delivery of Goods, Services or for the undertaking of Works is mandated by the Victorian State or Federal Government.

A tripartite relationship between the Victorian State or Federal Government and their appointed contractors may be engaged directly by Council, for specific works, relating to specific strategic opportunities in order for efficiency gains, minimise disruption to the community and demonstrate forward planning and collaboration.

These include, but are not limited to the following:

- PowerCor for Public Street Lighting and Maintenance;
- VicRoads;
- Water Authorities;
- Australia Post;
- EPA Consultants;
- Funding Agreements where a list of suppliers is specified for direct engagement;
- Legislated requirements for Animal Management de-sexing
- Land Acquisitions / Land Levy
- Fire Levy
- Level Crossing Removal Projects (LXRP)

11.6 Subscriptions

Subscriptions must be reviewed annually for sustained value for money and continued suitability for purpose except for IT Subscriptions / licenses, which must be reviewed every 5 years.

11.7 Artists and Entertainers

Council grants a special dispensation, exemption to the procurement spend thresholds and the traditional procurement process for the procurement of Arts and or Entertainment works and services.

The process of engaging artists and entertainers requires adherence to the key purchasing principles set out in this Policy and must demonstrate meeting the tests of achieving value for money, probity, demonstrated ethical conduct, managing conflicts of interest, transparency and accountability and deemed to be in the interest of Wyndham community.

Different methods for procurement of Arts, Culture and Entertainment are determined by several factors such as overall estimated cost, procurement sourcing strategy, risk, intellectual property, the competitive landscape and the community interest and needs. Refer to the Procurement Guidelines for the process in the procurement of Arts and Entertainment.

An exemption to procurement levels and procedures may be requested for the delivery of Arts or Entertainment where the Artist/s are represented by management companies of the people of the Kulin Nation. Council has the opportunity to engage with the Traditional Owner groups where the arts or entertainment piece, is to be produced, exhibited or held. Where direct engagement cannot occur within that Traditional owner group, Council will work with the Traditional owner group on a fit for purpose approach in engaging other artists or entertainers of the Kulin Nation. However, the process of engaging artists and entertainers should still meet the tests of achieving value for money

11.8 Market Led/Unsolicited Proposals

Council may consider proposals brought by the market, unsolicited by Council, providing the evaluation of such a proposal is assessed according to the Market Led Proposals Policy.

11.9 Total Cumulative Spend

Consideration should be taken when reviewing the procurement threshold limits. In order to comply with the requirements of this policy, where significant financials are spent with one supplier or on one service. Council will monitor cumulative spend with suppliers annually. If expenditure with a supplier or a number of suppliers providing similar goods, services or works is ongoing in nature and the cumulative spend is likely to exceed the public tender thresholds in this policy over a two year period , Council will review the opportunity to conduct a public tender process to pursue a contract agreement.

11.10 Contract Splitting

Contract splitting which involves dividing large contracts into smaller components that individually fall below the threshold for a public tender is in breach of this policy. Any evidence of Purchase Order Splitting is to be recorded and reported to the Procurement Manager and Chief Finance Officer.

12 Procurement Thresholds

12.1 Goods / Services

Range of total value of goods or services (exclusive of GST)	Procurement Action
Up to \$5,000	A minimum of one (1) quotation (verbal, email or screen shot is satisfactory within this threshold) demonstrating consideration of Local business, Aboriginal or Torres Strait Islander business or social enterprise where possible.
\$5,001 to \$50,000*	A minimum of one (1) written quotation demonstrating consideration from a Local, social or Aboriginal business. Where 1 written quote is not obtainable, evidence should demonstrate that an attempt has been made to obtain a quote; or be able to demonstrate value for money using an alternative process outlined within Section 11 – Procurement Processes of this Policy.
\$50,001 to \$150,000*	A minimum of two (2) written quotations demonstrating consideration from a Local, social, or Aboriginal business. Where 2 written quotes are not obtainable, evidence should demonstrate that an attempt has been made to obtain a quote; or be able to demonstrate value for money using an alternative process outlined within Section 11 – Procurement Processes of this Policy.
\$150,001 - \$300,000*	A minimum of three (3) written quotes through a formal selective tender process with at least 1 quote from a local, social or Aboriginal business. Where 3 written quotes or 1 quote from a local, social or Aboriginal business are not obtainable, evidence should demonstrate that an attempt has been made to obtain the required number of quotes; or be able to demonstrate value for money using an alternative process outlined within Section 11 – Procurement Processes of this Policy.
\$300,000 and above*	Public competitive process in accordance with the processes outlined within Section 11 – Procurement Processes of this Policy.

12.2 Works

Range of total value of Works (exclusive of GST)	Procurement Action
Up to \$50,000*	A minimum of one (1) written quotation (email or screen shot is satisfactory within this threshold) demonstrating consideration of local business, Aboriginal or Torres Strait Islander business or social enterprise where possible.
\$50,000k to \$150,000*	A minimum of two (2) written quotes demonstrating consideration from a Local, social or Aboriginal business. Where 2 written quotes are not obtainable, evidence should demonstrate that an attempt has been made to obtain the required number of quotes; or be able to demonstrate value for money using an alternative process outlined within Section 11 – Procurement Processes of this Policy.
\$150,000 - \$500,000*	A minimum of three (3) written quotes through a formal tender process with at least 1 quote from a Local, social or Aboriginal business. Where 3 written quotes or 1 quote from a local, social or Aboriginal business are not obtainable, evidence should demonstrate that an attempt has been made to obtain the required number of quotes; or be able to demonstrate value for money using an alternative process outlined within Section 11 – Procurement Processes of this Policy.
\$500,000 and above*	Public competitive process in accordance with the processes outlined within Section 11 – Procurement Processes of this Policy.

* State Government contracts/Registers, Procurement Authorities, other Council or Government bodies can be used in accordance with Point 11.4 and 11.5 - State Purchase Contracts/Registers/Panels.

12.3 Exemptions to the Procurement Process and Financial Thresholds

An exemption to the market approach thresholds may be requested under the following circumstances:

- In matters of emergency including public health, security or safety because of an unforeseen event or occurrence;
- For additional delivery of goods and services that are intended either as replacement parts, extensions or continuing services for existing equipment, or;
- Installations where a change in supplier would necessitate the procurement of goods and services that do not meet the requirements for interoperability or interchangeability;
- Pending insurance claims for projects where Council has practical completion/ownership and works are continuing with separable portions; or where the site is unable to be activated due to damage or theft and is pending an Insurance claim, Council may use the contractor/supplier originally awarded the works unless the damage was caused by the contractor.
- An absence of competition for technical reasons.
- For reasons of specialist expertise or service aligned to the business need or strategy.
- Developer contributions and Works in Kind
- Auctions in accordance with the Auctions Policy
- Borrowings, in accordance with the Debt Management Policy
- Land Acquisition in accordance to Council's community engagement policy. Council must publish notice of intention on the Council's website before selling or exchanging the Land.
- Local Government "Beneficial Enterprises" (LGBE) where Council applies a broad assessment of investment total and risk exposure to be undertaken before a Council participates in a beneficial enterprise. Council will report on the operations and performance of each beneficial enterprise in its annual report

Exemptions must be authorised by the Councillors (Ordinary Council meeting) or Chief Executive Officer (CEO), or the Chief Finance Officer (CFO) or the Procurement Manager (PM), relevant to their financial delegations outlined in the Instrument of Delegation and fully justified as to why a competitive process is not possible or of benefit to the organisation. The exemption may be granted irrespective of the financial value. Exemptions approved by Councillors will be registered on the Annual Report.

13 Delegation of Authority

The Instrument of Delegation Council to CEO and the Instrument of Delegation CEO to staff sets out the limits of financial delegations for the CEO and staff in respect of their procurement activities.

The delegations allow approval of supplier recommendation, approval of expenditure and the Council to enter into agreements and contracts. Delegated officers must ensure the Procurement Activity complies with the Procurement Policy before approving a contract for the purchase of goods or services or the carrying out of works.

All staff have a duty to comply with Council's Procurement Policy before entering into a contract for the purchase of goods or services or for the carrying out of works.

The Instrument of Delegation outlines the power to approve expenditure and enter into agreements and contracts up to the financial amounts specified within the Instrument.

14 Contract Management

The purpose of contract management is to ensure that both parties to an agreement, meet their individual obligations as specified in the contract.

Council contract managers are responsible for the delivery of all specified contractual outcomes that comply with qualitative and quantitative requirements as per the contract.

14.1.1 Variations

Variations can involve both parties agreed changes to the supply of goods, the provision of services or the execution of works which are the subject matter of the relevant Contract.

Variation approvals must be applied as follows:

1. Where a contingency or contract term extension has previously been approved, a delegate will be named as part of that approval who can then approve use of the contingency or execute extension;
OR
2. Approval of all other variations is related to the cumulative total being the contract, the variation being approved and any previously approved variations. Only Delegated Officers with the appropriate level of approval for the cumulative total are authorised to approve expenditure relating to Variations.

14.1.2 Contract Close out Review

For all contracts greater than \$300,000, Contract Managers must complete a close out review which at a minimum address:

- the contact performance
- business outcomes and value for money
- original contract value vs final contract value
- the original contract timelines vs final contract timelines

14.2 Risk Management

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance the Councils capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

Risk management is to be applied in accordance with the Councils Risk Management Framework.

14.3 Internal Controls

The Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- high levels of probity are upheld;
- appropriate authorisations are obtained and documented; and
- systems are in place for appropriate monitoring and performance measurement.

14.3.1 Standard Contracts

Council will minimise its risk exposure by measures such as:

- Strategies for managing risks associated with procurement processes are consistent with Council's risk appetite.
- Standardising contracts to include current, relevant clauses;
- Requiring security deposits where appropriate;
- Referring specifications to relevant experts;
- Requiring contractual award before allowing the commencement of work;
- Use of or reference to relevant Australian Standards (or equivalent); and
- Effectively managing the contract including monitoring and enforcing performance.

15 Corporate Social Responsibility

Corporate Social Responsibility (CSR) is about taking positive action to demonstrate the Council's commitment to the local community and environment on which it impacts. This means the Council maximising the benefits of the services they provide across the community and minimising the negative aspects of their activities.

15.1 Sustainability

Council's supply chain has a material impact on the organisation's sustainability performance, therefore; Council has a strong focus on sustainable procurement. To deliver on Council's commitment to the local community and the environment, Council uses procurement as an opportunity to generate social, environmental and economic benefits beyond the purchases required. The Council integrates CSR into its organisational policies and practices through social procurement, sustainability and diversity.

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises (SME's)
- Social enterprises
- Ethnic and minority business
- Voluntary and community organisations

15.2 Environmental Sustainability

Council has committed to reducing its impact on the natural environment by making decisions which reduce natural resource and biodiversity depletion. Council works from the premise that every purchase has an impact on the environment and has developed a guide to advance the purchasing of greener products and services to ensure better social and environmental outcomes. A "Wyndham City Staff Sustainable Procurement Guide" has been developed and embedded into the organisation.

15.3 Economic Sustainability

Council is committed to procurement that supports local businesses and economic diversity and viability by:

- generating local employment
- considering the life cycle impacts of products purchased (purchase, operation and disposal)
- building relationships and encouraging purchasing from local suppliers; and
- fostering innovation and emerging sectors

15.4 Social Sustainability

Council is committed to pursuing – social value and positive social outcomes through its purchasing and procurement activities to strengthen social equity, and build community cohesion, wellbeing within Wyndham.

Procurement considerations will include:

- undertaking procurement processes which promote inclusion through social capacity building
- exploring joint ventures with Council and social benefit suppliers
- the ethical procurement of goods and services
- engaging businesses on a local level to achieve social outcomes
- improving equity of access to opportunities
- supporting social and service innovation
- supporting and working to build capacity and capability in Aboriginal and Torres Strait Islander businesses in line with the Wyndham City Council Reconciliation Action Plan
- using procurement to reinvigorate depressed or marginalised communities; and
- helping build the capacity of social enterprises and exploring opportunities in engaging Social Enterprises for the procurement of goods and services where the nature of the procurement allows

16 Audit & Non-Compliance

Procurement will be included in Internal and external Audits reviews for compliance to the Procurement Policy.

Non-compliance is reported regularly to Executive and the Audit and Risk Committee. Performance and compliance with procurement policies, procedures and controls and legislative compliance.

17 Administrative Updates

It is recognised that circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

18 Glossary of Terms

Term	Definition
Aboriginal Business	<p>Kinaway Chamber of Commerce defines an Aboriginal business as the following:</p> <ul style="list-style-type: none">- must be at least 50% Aboriginal owned- must be located within Victoria <p>To be certified Kinaway must receive the business' certificate of Aboriginality</p>
The Act	Local Government Act 2020
The Arts, Culture and Entertainment	Industry includes a broad range of individuals and organisations, producing artistic and creative works for both commercial and social outcomes for the City of Wyndham.
Best value	<p>Best value in procurement is about selecting the supply of goods, services and works considering both cost and non-cost factors including:</p> <p>Contribution to the advancement of Council's priorities;</p> <p>Non-cost factors such as fit for purpose, quality, services and support; and</p> <p>Cost related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.</p>
Commercial in confidence	Information that, if released, may prejudice the business dealings of a party e.g. prices, discounts, rebates, profits, methodologies and process information.
Confidential Information	<p>Defined as in the Local Government Act 2020, means the following information—</p> <ol style="list-style-type: none">a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

- f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);
- i) internal arbitration information, being information specified in section 145;
- j) Councillor Conduct Panel confidential information, being information specified in section 169;
- k) information prescribed by the regulations to be confidential information for the purposes of this definition;
- l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

Contract management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and, to provide value for money.
Corporate Social Responsibility (CSR)	CSR is about taking positive action to demonstrate the Council’s commitment to the local community and environment on which it impacts.
Councillors and Council staff	Councillors, Council staff, temporary employees, individuals employed through an employee agency, contractors and consultants while engaged by Council.
Delegation	A power handed down by Council or Chief Executive Officer (CEO) in an instrument to enable a delegate to act on Council’s behalf.
Expressions of interest (EOI)	An invitation to submit an EOI for the provision of goods and/or services generally set out in the overview of requirements contained in a document. The process is usually undertaken to test the market and may be a precursor to a tender process or a request for quotation. EOI is not an offer or a contract.
e-Procurement	The automation of an organisation’s procurement processes using web-based applications.
Local Business	For the purposes of this policy a local business must meet at least one of the following definitions: <ul style="list-style-type: none"> • An actively trading entity with an Australian Business Number registered to a City of Wyndham address

- An actively trading entity with an Australian Business Number registered outside the City of Wyndham but which has a “bricks and mortar” presence in the City trading from retail, commercial or industrial zoned land. These entity’s may include franchised stores or branches of national or international companies which employ people whose principal place of employment is a Wyndham City address

For the purposes of this policy a business is not defined as a local business if any one of the following apply:

- An actively trading entity with an Australian Business Number which does not meet the definition of a local business under this policy; even if the entity is owned or operated by an individual or group of individuals whose residential address is located in the City of Wyndham
- An actively trading entity with an Australian Business Number registered outside the City of Wyndham which does not meet the definition of a local business under this policy; even if that business services a Wyndham City market

For the purpose of this policy a business includes:

- A sole trader
- A partnership
- A company
- A trust
- A registered not for profit entity
- A registered incorporated association

Probity

Probity refers to uprightness, honesty, proper and ethical conduct, and propriety in dealings. Within local government, the word “probity” is often used in a general sense to mean “good process”. A procurement process that conforms to the expected standards of probity is one in which clear procedures that are

consistent with Council’s policies and legislative requirements are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equally.

Procurement

Procurement is the whole process of acquisition of external goods, services and works. The process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.

Public body

A public body means any government department or municipal Council, or body established for a public purpose by an Act of the Parliament of Victoria, any other State, or a Territory of the Commonwealth, or the Commonwealth.

Request for quotation (RFQ)	An RFQ is generally an invitation to a specific or closed supplier market, designed to capture commercial information and pricing and allows Council to assess suitability and evaluate responses against a set of predefined requirements.
Request for tender (RFT)	RFT is the process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
Social Enterprise	<p>A Social Enterprise is defined as businesses which:</p> <ul style="list-style-type: none"> a) are led by an economic, social, cultural, or environmental mission consistent with a public or community benefit; b) trade to fulfil their mission; c) derive a substantial portion of their income from trade; and d) reinvest the majority of their profit/surplus in the fulfilment of their mission.
Social procurement	Social procurement uses procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works.
Sustainability	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
Thresholds	The value above which a procurement, unless exempt, is subject to the mandatory procurement processes.