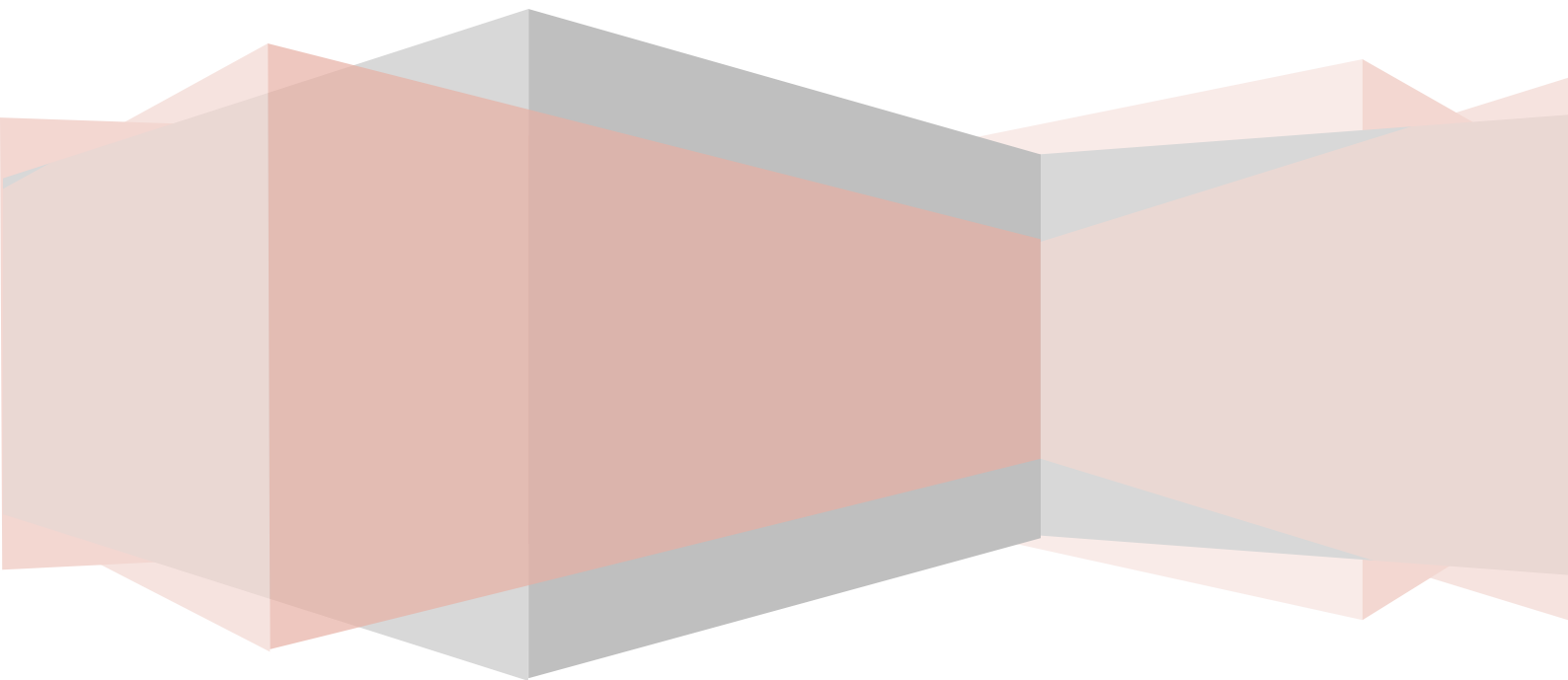




Procurement Policy



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OBJECTIVE

Wangaratta Rural City Council recognises that applying best practice investment and procurement principles, policies and procedures for all goods, services and works by council, will enhance achievement of council objectives.

Procurement activities will:

- support corporate strategies, aims and objectives;
- span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
- achieve value for money, quality and triple bottom line objectives;
- demonstrate that public money has been well spent;
- be conducted, and be seen to be conducted, in an impartial, fair and ethical manner.

SCOPE

This Procurement Policy is made under Section 186a of the Local Government Act 1989. This section of the Act requires the council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the council.

This policy applies to all contracting and procurement activities and is binding upon councillors, council officers and temporary employees, contractors and consultants while engaged by the council.

Procurement shall be by some or all of the following methods:

- Petty cash
- Internet transactions
- Purchase order;
- Purchase order following a quotation process;
- Under contract following a tender process;

- Using aggregated purchasing arrangements with other councils, MAV procurement, Victorian Government, or other bodies;

Procedures outline the process to be used for each of the methods listed above. Other arrangements may be authorised by the council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

DEFINITIONS

Act	<i>Local Government Act 1989.</i>
CEO	Chief Executive Officer
CMT	Corporate Management Team
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, etc.
Contract management	A process that ensures that the council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract
Council	Rural City of Wangaratta
Council Staff	Includes full-time and part-time council officers, and temporary employees, contractors and consultants while engaged by the council.
EOI	Expressions of Interest
Estimated total value	Includes GST and all forms of remuneration including premiums, fees, commissions, interest, other revenue streams, options to extend and applies to any contractual agreement including purchase, rental or lease
Standing Offer Arrangements (SOA)	A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.
Procurement	Procurement is the whole process of acquisition of external goods, services and works. This 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.
RFQ	Request for Quotation
RFT	Request for Tender
Tender Process	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.
Value for Money	Value for Money is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • Contribution to council's triple bottom line priorities; • non-cost factors such as fitness for purpose, quality, service and support; and • 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.

POLICY

1 ETHICS AND PROBITY

Procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

1.1 CONFLICT OF INTEREST

Councillors and council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their council duties.

Councillors and council staff shall not participate in any matter associated with the arrangement of a contract (i.e., evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the councillor or the member of council staff involved being alert to and promptly declaring an actual or potential conflict of interest to the council.

1.2 FAIR AND HONEST DEALING

Prospective contractors and suppliers shall be afforded an equal opportunity to tender or quote.

Impartiality shall be maintained throughout the procurement process.

The commercial interests of existing and potential suppliers shall be protected.

1.3 EVALUATION AND CONSISTENCY

All prospective suppliers shall be evaluated in a systematic manner against explicit predetermined and disclosed evaluation criteria.

Only officers with the appropriate delegation shall approve the evaluation criteria.

Once approved, the evaluation criteria shall be used consistently throughout all RFQ or RFT process steps including concept briefs, business cases, advertising and evaluation.

Evaluation criteria will be weighted to assist in identifying suppliers offering best value for money and the most advantageous outcomes for the community.

1.4 ACCOUNTABILITY AND TRANSPARENCY

An independent third party shall be able to see clearly that process has been followed and that the process is fair and reasonable.

All council staff shall be able to account for all procurement decisions and provide feedback on them.

All procurement activities shall provide for an audit trail for monitoring and reporting purposes.

1.5 GIFTS AND HOSPITALITY

No councillor or member of council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which the council is interested.

Councillors and council staff shall exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. Councillors and council staff should also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited whether or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals shall be promptly brought to the attention of the CEO.

1.6 DISCLOSURE OF INFORMATION

Commercial in-confidence information received by the council shall not be disclosed.

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

- information disclosed by organisations in tenders and quotations or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Councillors and council staff shall avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorised pre-contract negotiations.

1.7 ENDORSEMENT

Councillors and council staff shall not endorse any products or services. Individual requests received for endorsement shall be referred to Director level or above.

1.8 GOVERNANCE

A procurement management responsibility structure shall be established:

- flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by council;
- ensuring purchasing policies and procedures are communicated and implemented; and,
- encouraging competition.

Procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- The Act,
- Council policy,
- Council Code of Conduct,

- Relevant Australian Standards or codes,
- National Competition Policy incorporating the competitive neutrality pricing principles,
and
- Other relevant legislative requirements such as but not limited to the Trade Practices Act, Goods Act and the Environmental Protection Act.

2 COMPETITION THRESHOLDS

The council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by the council by analyzing the historical size and complexity of the procurement activity and of proposed procurement activities.

2.1 ESTIMATED TOTAL VALUE < \$1,000

Standard purchasing process using a purchase order shall apply. A formal competitive process is not required. Officers shall ensure that Council is receiving value for money and that proper accountability and probity is applied. See section 7 for the process outline.

2.2 ESTIMATED TOTAL VALUE \$1,000 TO \$5,000

A RFQ process shall be used such that a minimum of two email quotations shall be obtained and the details recorded before placing an order (similar details shall be recorded where more than two suppliers have quoted) and documented in the councils' Records system.

Quotations may be advertised at the council staff member's discretion in addition to the methods above. This may occur, for example, when a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices.

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers and an appropriate comment shall be recorded.

See section 7 for the process outline.

2.3 ESTIMATED TOTAL VALUE \$5,001 TO \$50,000

A RFQ process shall be used such that Council will receive a minimum of three email quotations.

The quotation offering the best value for money shall be confirmed by the supplier on company letterhead and the order placed with that firm.

Details of the suppliers contacted and their quotations shall be recorded on at least a simple spreadsheet or similar document in the councils' Records system.

Quotations may be advertised at the council staff member's discretion in addition to the methods above. This may occur, for example, when a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices.

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the contacted suppliers and an appropriate comment shall be recorded.

See section 7 for the process outline.

2.4 ESTIMATED TOTAL VALUE \$50,001 TO \$150,000

Purchase of all goods and services for which the estimated total value is \$50,001 to \$150,000 shall be undertaken by tender.

Tenders shall be sought by either:

- issuing of a public notice of the purpose of the contract and inviting tenders from any person wishing to undertake the contract; or
- issuing a public notice of the purpose of the contract or the project to which the contract relates and inviting expressions of interest from any person interested in undertaking the contract or all, or any part of, the project; or
- inviting tenders from a known number of suppliers where there are few suppliers for the goods, services or works being sought or the work is highly specialised.

However, should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better

result for the council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below this threshold.

See section 7 for the process outline.

2.5 ESTIMATED TOTAL VALUE > \$150,000

Purchase of all goods and services for which the estimated total value exceeds \$150,000 shall be undertaken by public tender.

Tenders shall be sought by either:

- issuing of a public notice of the purpose of the contract and inviting tenders from any person wishing to undertake the contract; or
- issuing a public notice of the purpose of the contract or the project to which the contract relates and inviting expressions of interest from any person interested in undertaking the contract or all, or any part of, the project

Funds will be available and approved for the RFT process.

See section 7 for the process outline.

2.6 TENDERS

The council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with an Expression of Interest (EOI) stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

EOI may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;

- council wishes to consider ahead of formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;
- it is necessary to pre-qualify suppliers and goods to meet defined standards; and
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required both of the objective and the solution.

Additionally, for highly complex projects the council may run sequential tenders, the first to solicit solutions, the second to compete to provide the solution selected by council. Such sequential tenders may or may not be preceded by the registration of interest phase as required by the council based on the actual needs of the project.

Wherever appropriate, the RFT should be made available in draft form to the marketplace for comment before the document is finalised. This allows suppliers to put their case where they consider the draft RFT could be improved is deficient, onerous or biased. The draft RFT should include the proposed evaluation criteria.

Industry briefings should be held with suppliers before or during the RFT process. Because potential suppliers who will be competing against each other will be represented at the industry briefing, try to obtain questions from potential tenderers before the briefing. These questions can then be answered during the briefing without identifying the originators. In this way problem areas common to all prospective suppliers can be handled without some vendors being provided with more information than others. Any questions unable to be answered at the meeting should be taken on notice with written answers circulated to attendees as soon as possible following the meeting.

3 DELEGATION OF AUTHORITY

Delegation of procurement authority allows specified council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to the council.

This enables the council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

3.1 COUNCIL STAFF DELEGATIONS

Procurement delegations shall be documented and communicated, covering the following activities:

- Evaluation criteria approval
- Acceptance of tenders
- Acceptance of quotes
- Contract term extensions within authorised budget
- Contract amendment non-financial
- Contract amendment financial
- Appointment to register of pre-qualified suppliers
- Credit Card purchases
- Procedural exceptions

3.2 DELEGATIONS RESERVED FOR COUNCIL

Commitments and processes which exceed the CEO's delegation and which shall be approved by the council are:

- Initial signing and sealing of contract documents.
- Tender recommendations and Contract approval for all expenditure over \$150,000 for goods and services and \$200,000 for Design and Construct works in value.
- Contract term extensions requiring additional budget.

4 RISK MANAGEMENT

Risk Management shall be appropriately applied to all procurement activities to prevent, withstand and recover from interruption to the supply of goods, services and works.

High value purchases and projects of lesser value but of a complex nature require the preparation of a project risk management plan.

The risk management plan should address the following factors:

- Risk Identification: Identifying risks associated with the project.
- Risk Assessment: The likelihood and magnitude of the risks.
- Risk Mitigation: Strategies for pre-empting and treating the occurrence of a risk.
- Risk Allocation: Detailing responsibility for managing a risk.
- Monitoring and Control: Identifying new risks as they emerge.

4.1 STATEMENT OF REQUIREMENTS

Specifications used in quotations, tenders and contracts shall be written in a manner that:

- ensures impartiality and objectivity;
- encourages the use of standard products;
- eliminates unnecessarily stringent requirements

4.2 SUPPLY BY CONTRACT

Risk exposure will be minimized by applying such measures as:

- Using standardised contracts;
- Applying security deposits where appropriate;
- Referring specifications to relevant experts;
- Requiring contractual agreement before allowing the commencement of work;
- Use of, or reference to, relevant Australian Standards or equivalent; and

4.3 CONTRACT TERMS

All contractual relationships shall be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be obtained from the appropriate member of council staff listed in the council Delegations. A request for such an approval should be supported with procurement and legal advice as relevant.

Terms and conditions shall be settled in advance of any commitment being made with a supplier.

4.4 DISPUTE RESOLUTION

All council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes getting out of hand and leading to legal action.

4.5 CONTRACT MANAGEMENT

All council contracts shall include contract management requirements and shall be proactively managed according to those requirements.

5 TRAINING

All staff shall be made aware of this procurement policy and associated processes and training shall be made available.

All councillors shall be provided with this policy and the associated processes.

All staff involved in procurement shall be provided with training in procurement including on-going opportunities to keep knowledge and skills up to date.

6 PROCUREMENT STRATEGY

6.1 INTEGRATION WITH COUNCIL STRATEGY

Procurement activities shall support the Council Plan, Vision and strategies.

6.2 VALUE FOR MONEY

Procurement activities shall be carried out on the basis of obtaining Value for Money. Evaluation of procurement options will take into account whole of life costs and triple bottom line non-price factors including environmental, economic and social outcomes.

Value for money is the core principle underpinning Council procurement. In a procurement process this principle requires a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle (whole-of-life costing).

Value for money is enhanced by:

- encouraging competition by ensuring non-discrimination in procurement and using competitive procurement processes;
- promoting the use of resources in an efficient, effective and ethical manner; and
- making decisions in an accountable and transparent manner.

In order to be in the best position to determine value for money when conducting a procurement process, request documentation needs to specify logical, clearly articulated, comprehensive and relevant conditions for participation and evaluation criteria which will enable the proper identification, assessment and comparison of the costs and benefits of all submissions on a fair and common basis over the whole procurement cycle.

Cost is not the only determining factor in assessing value for money. Rather, a whole-of-life value for money assessment would include consideration of factors such as:

- fitness for purpose;
- the performance history of each prospective supplier;
- the relative risk of each proposal;
- environmental, economic and social outcomes;

- the flexibility to adapt to possible change over the lifecycle of the property or service;
- financial considerations including all relevant direct and indirect benefits and costs over the whole procurement cycle; and
- the evaluation of contract options (for example, contract extension options).

6.3 SUSTAINABLE PROCUREMENT

A sustainable procurement approach shall be adopted within the context of purchasing on a Value for Money basis through a preference for environmentally sustainable products whenever they achieve the same function and value for money outcomes.

Suppliers shall be encouraged to adopt good environmental practices.

6.4 DIVERSITY

Promoting equality through procurement can improve competition, Value for Money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

6.5 SUPPORT OF LOCAL BUSINESS

Council is committed to buying from local business within the context of purchasing on a Value for Money basis consistent with whole-of-life costs and a triple bottom line approach.

Preference may be given to local economic benefit when sourcing products. When this criterion is nominated the benefit must be quantifiable and reasonable. These benefits may take the form of:

- increased local employment
- increased activity and spend in the local economy with identifiable benefits.
- the level of local content in the goods, services and works.

The application of local content shall have consideration of both the Best Value Principles of the Local Government Act 1989 and National Competition Policy (Trade Practices Act).

6.6 SUPPLY RELATIONSHIPS

Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

6.7 PERFORMANCE MEASURES AND CONTINUOUS IMPROVEMENT

The council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

Appropriate performance measures shall be established and reporting systems will be used to monitor performance and compliance with procurement policies and procedures.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within the council and performance against these targets will be measured and reviewed regularly to support continuous improvement.

The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance.
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers
- Facilitate programs to drive improvement in procurement to eliminate waste and inefficiencies across key spend categories.

Performance measures shall include the following at the minimum:

1. Internal audit review non-conformances. Reviews shall be conducted at three yearly intervals
2. Number of suppliers – in total and by spend category
3. Competitive spend percentage
 - a. Percentage of total procurement spend through RFQ
 - b. Percentage of total procurement spend through RFT and contracts
 - c. Percentage of total procurement spend through collaborative procurement arrangements

PROCEDURES

7 PROCEDURE DECISION MATRIX

Estimated Total Value	< \$1,000	\$1,000 to \$5,000	\$5,001 to \$50,000	\$50,001 to \$150,000	> \$150,000
Approval	As per delegations	Unit Manager	Director or Unit Manager as per delegations	CEO	Council
Complexity	Simple	Simple	Medium	Complex	Complex
Risk	Low	Low	Medium	High	High
Planning	None	None	Concept brief	Business Case	Business Case
Strategy	None	None	Procurement strategy	Procurement strategy	Procurement strategy
Process	Standard Purchasing	Request for Quotation 7.2	Request for Quotation 7.3	Request for Tender 7.4	Request for Tender 7.4
Proposals received	Responsible Officer	Responsible Officer	Tender Box	Tender Box	Tender Box
Form of contract	Purchase Order	Purchase Order	Purchase Order	Written Contract	Written Contract

7.1 STANDARD PURCHASING – ESTIMATED TOTAL VALUE <\$1,000

Step	Who	Tools
Decide supplier	Responsible Officer	
Create purchase requisition and submit for approval	Responsible Officer	TechnologyOne
Approve purchase order	Alternative Officer within delegation	TechnologyOne
Order goods or services	Responsible Officer	

7.2 REQUEST FOR QUOTATION – ESTIMATED TOTAL VALUE \$1,000 TO \$5,000

Step	Who	Tools
Create a new quote in Quote Register	Responsible Officer	Quotes database
Establish evaluation criteria	Responsible Officer Unit Manager approval	Evaluation Guideline Criteria Selection Guide
Request a minimum of two email quotations by either: a. Direct contact if potential suppliers are known b. Advertising if a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.	Responsible Officer	RFQ Template
Receive quotations	Responsible Officer	
Record details in the Quote Register	Responsible Officer	Quotes database
Evaluate quotes	Responsible Officer	Evaluation Guideline Criteria Scoring Tool Evaluation Tool
Decide supplier and record in Quote Register	Responsible Officer Unit Manager approval	Evaluation Report (brief) Quotes Database
Create purchase requisition and submit for approval	Responsible Officer	TechnologyOne
Approve purchase order	Alternative Officer within delegation	TechnologyOne
Order goods or services	Responsible Officer	

7.3 REQUEST FOR QUOTATION – ESTIMATED TOTAL VALUE \$5,001 TO \$50,000

Step	Who	Tools
Complete strategic assessment – concept brief, procurement strategy and specification or service brief	Responsible Officer	Investment Logic Map Concept Brief template Strategic Assessment template
Gate 1 – review and approve concept brief, procurement strategy and specification or service brief	Director or Unit Manager as per delegations	Gate 1 Checklist
Create a new quote in Quote Register	Responsible Officer	Quotes database
Establish evaluation criteria	Responsible Officer	Evaluation Guideline Criteria Selection Guide Evaluation Plan template
Request a minimum of three email quotations using the RFQ template by either: a. Direct contact if potential suppliers are known b. Advertising if a field of potential tenderers hasn't been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices, etc.	Responsible Officer	RFQ template
Receive quotes	Tender Box	
Open quotes	Governance & Property Officer	
Record details in the Quote Register & forward proposals to the Responsible Officer	Governance & Property Officer	Quotes database
Evaluate quotes	Responsible Officer	Evaluation Guideline Criteria Scoring Tool Evaluation Tool
Decide supplier and record in Quote Register	Responsible Officer Director or Unit manager approval as per delegations	Evaluation Report
Create purchase requisition and submit for approval	Responsible Officer	TechnologyOne
Approve purchase order	Alternative Officer within delegation	TechnologyOne
Order goods or services	Responsible Officer	

7.4 REQUEST FOR TENDER

Step	Who	Tools
Complete strategic assessment – concept brief	Responsible Officer	Investment Logic Map Concept Brief template Strategic Assessment template
Gate 1 – Concept Brief review	CMT	Gate 1 Checklist
Options analysis	Responsible Officer	Options Analysis Guideline Options Analysis template Evaluation Guideline Criteria Selection Guide Criteria Scoring Tool Evaluation Tool
Business Case	Responsible Officer	Business Case template Community Engagement Toolkit
Gate 2 – Business Case review	CMT	Gate 2 Checklist
Procurement Strategy & Evaluation Plan	Responsible Officer	Procurement Plan Evaluation Plan Evaluation Guideline Criteria Selection Guide Tendering Conditions Proposed Contract Conditions Statement of Requirements Vendor Response Schedules Risk Management Plan
Gate 3 – Market Readiness review	CMT	Gate 3 Checklist
Create a new tender in Tender Register	Responsible Officer	Tender Register
Seek Expressions of Interest or Tender	Responsible Officer	Advertising Request template RFT template EOI template
Receive Expressions of Interest or Tenders	Tender Box	
Open Expressions of Interest or Tenders	Governance & Property Officer	
Record details of Expressions of Interest or Tenders in Tender Register	Governance & Property Officer	Tender Register
Evaluate Expressions	Evaluation Panel	Evaluation Guideline Criteria Scoring Tool Evaluation Tool Evaluation Report template
Gate 4 – Tender Decision	CMT or Council as per delegations	Gate 4 Checklist

Record details in tender Register	Responsible Officer	Tender Register
Create and execute contract	CEO	Standard Goods or Service Agreement
Initiate contract	Responsible Officer	
Implement Contract Management processes	Responsible Officer	Contract Management Guideline TechnologyOne
Gate 5 – Commissioning & Readiness for Service Review	CMT	Gate 5 Checklist
Gate 6 – Post Implementation Review	CMT	Gate 6 Checklist

POLICY OWNER AND CONTACT DETAILS

Director Business Services is responsible for administration of this policy.