1. **SCOPE**

   1.1 To provide an overarching framework and controls for the purchase of goods and services to Council.

2. **PURPOSE**

   2.1 The objective of this policy is to ensure the following principles are applied when purchasing goods and services and that Council encourages open and effective competition, obtains value for money, enhances the capability and opportunities for local businesses and promotes ethical and fair dealing.

   2.2 The policy aims to support efficient, timely and responsive acquisition of goods and services.

3. **POLICY STATEMENT**

   3.1 All procurement is to be consistent within adopted budgetary allocations and conducted within the financial delegation of authorised officers.

   3.2 Contracts, approved purchase agreements and purchase orders are the preferred purchasing method.

   3.3 Credit card purchasing is permissible within the limitations defined within the Credit Card Policy.

   3.4 Small, low cost items generally under $100 can be purchased locally using petty cash, and complying with the petty cash reconciliation procedure.

   3.5 More significant purchases of individual goods and services valued below $1,500 (incl GST) do not require any formal pre-approval; however a purchase order, providing an estimated cost prior to purchase is preferred.

   3.6 In urgent circumstances or where response time is limited, purchase orders and receipts authorised by a more senior officer can be provided after the purchase.

   3.7 For purchases between $1,500 and $15,000 (incl GST), two published prices and/or verbal quotations (at least one from a local/regional business if available) are required to support a written purchase order.

   3.8 Purchases between $15,000 and $100,000 (incl GST), three written quotations (at least one from a local/regional business if available) are required to support a written purchase order.

   3.9 Purchases between $100,000 and $250,000 (incl GST) may require a formal public tender, rather than three quotes, where:
(a) quotes are difficult to obtain;
(b) public interest, requires a higher level of transparency; or
(c) competitive prices may not be achieved.

3.10 Senior Executives are required to advise the General Manager where these circumstances exist and to seek approval on whether to proceed without tender.

3.11 Purchases up to $250,00 (incl GST) may be made through previously approved purchasing arrangements, that have been established based on a competitive assessment process, either internally or through government approved purchasing schemes.

3.12 Purchases greater than $250,000 (incl GST) require a formal public tender, unless exemptions available under the legislation are satisfied. Attempts to secure at least one tender from a local/regional business should be made and verifiable.

3.13 An exemption to bypass a public tender process must be authorised by the General Manager, and whenever possible formally authorised by Council.

3.14 In emergency circumstances the General Manager should wherever possible advise and seek guidance from the Mayor and/or councillors and provide formal notice to the next Council meeting for endorsement.

3.15 All purchasing should comply with the Code for Tenders and Contracts.

Legislative Requirements
Local Government Act 1993 – sections 74, 333A and 333B, 333(2)(b)
Local Government General Regulations 2015 – Part 3 – Tenders and Contracting

Related Procedures/Guidelines:
Credit Card Policy
Code for Tenders and Contracts
Procedures for Tenders and Contracts
1. **SCOPE**

1.1 The Credit Card Policy enables clear guidelines to be set and observed in relation to the allocation, use and management of Corporate Credit Cards for the purposes of conducting business on behalf of Council.

2. **PURPOSE**

2.1 Corporate Credit Cards are recognised as an efficient and flexible method of paying for goods and services in the public sector. They offer a convenient and highly traceable payment option, particularly for low value, day-to-day transactions and can substantially improve purchasing efficiency by reducing administrative costs.

3. **POLICY**

3.1 Credit Card purchases must comply with Council's Purchasing Policy and Credit Card Guidelines.

3.2 Credit Card purchases must be within the card holder's delegated authority.

3.3 It is the responsibility of the cardholders to ensure that they have considered any alternate payment methods such as purchase orders and purchase contracts before using the credit card. Refer to FIN.007.1 Credit Card Policy Guidelines for examples of appropriate use.

3.4 The General Manager's and Mayor's credit limits (and any changes to those limits) require Council approval.

3.4.1 The General Manager's credit limit will be set (capped per month) at $5,000 upon appointment.

All statement reconciliations for the General Manager's credit card are reviewed by the Mayor and authorised by the Director Organisational Performance or the Manager Financial Services.

3.4.2 The Mayor's Credit will be set at $2,500 (capped per month) upon appointment and will be authorised by the General Manager.

3.5 The allocation of all other credit cards to staff and their credit limits is to be set according to the Credit Card Guidelines and the Purchasing Policy, staff delegations and operational requirements and authorised by the General Manager (or someone Acting in the role) as per the Credit Card Guidelines.

3.6 This policy is to be reviewed every two years. Credit Card Allocation, credit limits and the Credit Card Guidelines are to be reviewed at the same time as the Credit Card Policy review or at other times as required in the Credit Card Guidelines.
4. LEGISLATION

- Local Government Act 1993 (Tasmania)

5. RELATED DOCUMENTS

- Allocated Credit Cards and Credit Limits Register
- Credit Card Guidelines
- Purchasing Policy
- Staff Conference and Travel Expenses Policy
- Councillor Conference and Travel Expenses Policy
- Gifts & Benefits Policy
1. EXECUTIVE STATEMENT

1.1 Scope

Corporate credit cards are recognised as an efficient and flexible method of paying for goods and services in the public sector. They offer a convenient and highly traceable payment option, particularly for low value, day-to-day transactions, and can substantially improve purchasing efficiency by reducing administrative costs.

However, any transaction method holds the potential for misuse and the convenience and flexibility of credit cards can be a risk if not managed correctly. These guidelines for the use and control of credit cards ensure that the organisation can take advantage of improved purchasing efficiency while minimising the opportunity and impact of misuse of cards/funds.

These guidelines are intended to apply to credit cards, as well as any other similar type of corporate or organisational purchasing card. In these guidelines, the term "credit card" is used to refer to any purchasing card, including credit, debit, EFTPOS and similar bank cards issued by Council and used for purchasing on behalf of Council. The key features of an account to which these guidelines apply are:

1. Purchasing responsibility on the account holder; and
2. A bank card for making purchases utilising Council finances; and
3. A periodic transaction statement cycle.

1.2 Purpose

The purpose of these guidelines is to provide guidance on how Council corporate credit cards are to be allocated, used and administered to ensure that they assist in efficient delivery of local government services while minimising the potential for misuse and fraud.

1.3 Purchasing Principles

Cardholders must conform to sound principles of purchasing as detailed in Council’s Purchasing Policy at all times.

1.4 Preferred Purchasing Methods

In using a Council credit card, Cardholders must consider the alternative purchasing methods available, such as purchase orders and purchase contracts.
Credit cards are appropriate for purchasing in the following typical situations:

(1) Smaller purchase amounts, typically below $500;
(2) Invoices for goods or services requiring immediate payment e.g. supermarket purchases, meal purchases while on council business;
(3) Where purchase orders:
   (a) are impossible or unworkable (such as internet purchases of approved goods or services); or
   (b) would take too long, unreasonably impact operational efficiency or result in missed opportunity, for example, if a PO would incur significant and unreasonable additional costs (either to Council or the supplier) relative to the cost of the goods or services being procured;
(4) Where payment by credit card has been formally authorised, such as emergency situations; or
(5) For purchases that cannot be made in the office, such as work-related travel expenses generated while travelling, or field work expenses requiring payment in the field.

Purchase orders or purchase contracts are preferred in the following typical situations:

(1) For invoices not requiring urgent or immediate payment, such as invoices with a future due date;
(2) Larger purchase amounts, typically of $1,000 or more; or
(3) Purchases requiring agreement between parties on terms (of service, engagement or sale).

Cardholders operate with some discretion, but must justify their purchasing decisions, including the purchasing method chosen. Seek guidance or written instruction from the Manager Financial Services if you are in doubt.

1.5 Related Policies – Essential Reading

Understanding and complying with these guidelines relies on understanding and complying with several other related Council policies, including:

- Purchasing Policy;
- Councillor Conference and Travel Expenses Policy;
- Staff Conference and Travel Expenses Policy; and
- Any other policies that may be implemented in relation to Councils financial management practices.

All Council purchasing, including with a Council credit card, must be undertaken in compliance with these and any other related policies.
1.6 Policy Review And Update Cycle

This policy is to be reviewed every two years. Credit card allocation and credit limits are to be reviewed at the same time as the policy review, as well as those time specified in section 0.

1.7 Legislation

Understanding and complying with these guidelines relies on understanding and complying with the *Local Government Act 1993*. 
2. CONTROL OF CREDIT CARDS – FOR AUTHORISERS

2.1 Risk Management Strategy

Each active credit card represents a risk of accidental or intentional misuse of public funds and each credit limit amount is the extent of that risk. To minimise risks associated with credit cards, The General Manager should:

(1) Allocate credit cards according to an organisation-wide strategy, and avoid allocating on an ad hoc or individual basis; and
(2) Only issue cards to organisational roles where the operational benefits of efficient purchasing outweigh the increase in risk; and
(3) Maintain control on the total number of credit cards issued and their combined purchasing potential (or credit limit) at any one time; and
(4) Control the credit available on each card to an appropriate amount required to facilitate efficient purchasing for each role, considering the alternative payment options available; and
(5) Ensure Cardholders and Authorisers adhere to the procedures and responsibilities set out in these guidelines by placing the onus of evidence for each purchase upon the Cardholder.

2.2 Authorising Credit Cards And Card Limits

The following roles are Authorisers for the purpose of these guidelines:

- General Manager (or someone Acting in the role of General Manager);
- Director Organisational Performance; and
- Manager Financial Services.

Authorisers have a key role in the control of credit cards, managing purchasing risk and maintaining compliance with these guidelines. Authorisers:

(1) May authorise or decline the issuing of credit cards to a Cardholder;
(2) May authorise or decline discretionary transactions, such as entertainment or gifts in accordance with these guidelines;
(3) May direct a Cardholder to reimburse Council for transactions deemed not to be in accordance with these guidelines;
(4) May or may not be allocated a credit card; and
(5) If they are allocated a credit card, may not authorise their own purchases, or the issuing their own credit card.

2.3 Allocation and Issue of Credit Cards and Credit Limits

Credit cards are allocated and issued according to the rules in the following sections.
2.3.1 Allocating Credit Cards

(1) The Allocated Credit Cards and Credit Limits Register lists the roles that, at the absolute discretion of the Authorisers, may potentially be issued with a credit card and the maximum credit limit for each role;
(2) The General Manager and the Director Organisational Performance or Manager Financial Services must authorise the allocation table;
(3) Council credit cards are allocated to people in roles that require them. Credit cards may not be applied for. Contact your supervisor if you believe your role requires a credit card or a different credit limit;
(4) A credit card will be issued to the Mayor as per the Credit Card Policy; and
(5) A credit card will not be allocated to Councillors.

2.3.2 Issuing Credit Cards

(1) The issue of each credit card must be authorised by an Authoriser and recorded.
(2) An Authoriser cannot authorise the issue of their own credit card.
(3) A person in a role that is allocated a credit card is not obliged to hold one.

2.3.3 The General Manager’s Credit Card

(1) The General Manager is allocated a card upon appointment.
(2) The credit limit for the General Manager is determined by Council approval, including subsequent adjustments as per the Credit Card Policy (3.4.1).
(3) All statement reconciliations for the General Manager’s credit card are reviewed by the Mayor and authorised by the Director Organisational Performance or the Manager Financial Services.

2.3.4 Setting Limits and Controls on Credit Cards

(1) A maximum total credit limit of all will be set from time to time and reviewed every year during the budget process according to needs, acceptable risk and business requirements;
(2) Monthly credit limits will be set to the lowest amount required by the Cardholder to conveniently execute their role, considering budget constraints and the alternative payment methods available.
(3) Limits on individual transactions may be set.
2.4 Review of Credit Card Allocation and Credit Limits

The allocation of each credit card and their credit limits detailed in The Allocated Credit Cards and Credit Limits Register is to be set according to operational requirements and authorised by the General Manager and Director Organisational Performance. Only the General Manager's credit limit requires Council approval and is set in the Credit Card Policy; all other roles and limits are set according to Council operational requirements, as determined by the General Manager and Director Organisational Performance or the Manager Financial Services.

In addition to the periodic review, it is recommended that Card allocations and credit limits are reviewed if:

1. Requests are received to add or remove roles from the Credit Card Allocation Table, or alter individual credit limits;
2. Proposed changes to the Credit Card Allocation Table require changes to the maximum total credit limit;
3. A Cardholder terminates employment or returns their card;
4. A card is lost or stolen or the subject of fraud or identity theft;
5. A significant breach of the policy (under section 2.5) occurs; or
6. Significant reorganisation of Council roles is undertaken.

Where the operational benefits to Council of a role holding a credit card no longer outweigh the increase in risk of the extra card, the credit card should be returned and cancelled.

2.5 Breach of Policy or Misuse

Any breaches of these guidelines by any Cardholder, Authoriser, staff or elected member, depending on the nature and extent of the breach, may result in:

1. Counselling and retraining in the policy and requirements;
2. Reimbursement of costs;
3. Cancellation of card;
4. Disciplinary action in accordance with Councils’ Disciplinary Policy; or
5. Referral to police or civil proceedings.

If you become aware of policy breaches or misuse, report them immediately to an Authoriser. Policy breaches or misuse should also be reported to Council and credit card allocation should be reviewed.
3. STATEMENT RECONCILIATION AND ACQUITTAL PROCESS – CARDHOLDERS AND AUTHORISERS

3.1 The purpose of the Statement Reconciliation and Acquittal Process is to ensure that:

- Cardholders justify and prove every purchasing decision to Council; and
- Council can justify and validate its endorsement and validation of Cardholders’ purchasing decisions to auditors, investigators and the public.

On receipt of the account transaction statement each month, the statement will be reconciled according to the following process:

(1) The Cardholder must collate all purchase evidence (including tax invoices with purchase purpose or signed purchase statement) with all written approvals for discretionary purchases and allocate the appropriate cost code to each transaction and have the appropriate manager co-sign the credit card statement.

(2) Credit Card statements and all attachments will be provided to the appropriate Manager before going to the designated Finance Department Officer for reconciliation:
   - (a) Directors statements to be co-signed and verified by the General Manager.
   - (b) Senior Managers statements to be co-signed and verified by appropriate Director
   - (c) Council Officer statements to be co-signed and verified by appropriate Senior Manager

(3) A delegated Finance Department Officer will:
   - (1) Reconcile transactions individually against the supporting documentation and the requirements of these guidelines and Council Policy; and
   - (2) Question with the Cardholder any transactions:
     - (i) without supporting documentation;
     - (ii) that may be in conflict with these guidelines; and
     - (iii) that appear suspicious, unauthorised, excessive or of unknown purpose.
   - (c) If there are any outstanding transactions that cannot be adequately explained or reconciled with these guidelines, the officer must report these to the Director Organisational Performance or the Manager Financial Services for further investigation and appropriate action.

(4) Any breaches of the Credit Card Policy or Guidelines will be dealt with according to risk and severity of the breach in accordance with section 2.5 2.5 Breach of Policy or Misuse.

(5) Full statement reconciliation, acquittal and approval for payment must be completed by the 15th of each month.
4. USE OF CREDIT CARDS – FOR CARDHOLDERS

4.1 General Use

4.1.1 Cardholder Responsibility and Liability

As a Cardholder, you are responsible for the safe custody and security of the card and account and liable for any misuse and associated costs. You are responsible for resolving use and transaction disputes and ensuring that use of the card is ethical and strictly in accordance with the guidelines and Council Policy.

Credit cards are provided strictly for business-related purchasing only. Cardholders must be able to justify and prove their purchasing decisions in a manner that allows Council to be able to justify and validate their endorsement of purchasing decisions to auditors, investigators, and the public. Always follow these guidelines and seek guidance from an Authoriser if in doubt.

Cardholders must comply with any terms and conditions of use provided by the card issuer and should follow the guidelines and recommendations of the issuing institution.

4.1.2 Non-Cardholder Use

Only the designated Cardholder may use the credit card. You must not let any other person use your credit card or account or record or share your credit card number, including other Council staff or elected members.

Where for an approved purchase in compliance with these guidelines, you may use your credit card to purchase work-related items on behalf of another staff member or elected member, provided you are satisfied the expense is appropriate, within budget and approved in accordance with these guidelines. If you choose to do so, the purchase must always be made, documented and justified by the Cardholder in accordance with these guidelines.

4.1.3 Receipts and Documentation for Every Purchase

You must obtain a valid tax invoice for all credit card purchases and note the purpose of the purchase.
A valid tax invoice must provide sufficient information to demonstrate that the document is intended to be a tax invoice and include the following\(^1\):

1. The seller’s identity;
2. The seller’s Australian Business Number (ABN);
3. The date the invoice was issued;
4. A brief description of the items sold, including the quantity (if applicable) and the price;
5. The GST (goods and services tax) amount payable (if any) – this can be shown separately or, if the GST amount is exactly one-eleventh of the total price, as a statement such as ‘Total price includes GST’; and

You should make every attempt to obtain valid original documents in support of transactions. Council cannot claim the GST credit for purchases over $82.50 without a valid tax invoice\(^2\), so it is always important your purchases have original documentation. Contact vendors for original tax invoices if necessary.

In the absence of a valid tax invoice or original receipt, the you must provide sufficient information regarding the transaction to satisfy an Authoriser that the purchase is a valid work-related purchase that complies with these guidelines. The supporting information should include details of the transaction purpose, date, time, amount, vendor name and ABN, and your signature.

If you make a transaction of over $82.50 and fail to retain a valid tax invoice for it, you will be asked to complete and sign a statutory declaration\(^3\) that includes all the required supporting information to justify the purchase, including the transaction purpose, date, time, amount, vendor name and ABN.

Cardholders will be liable for the cost of transactions that cannot be verified in compliance with these guidelines. Repeated purchases without original supporting documentation (valid tax invoice), requiring the Cardholder’s explanation, or a statutory declaration are a purchasing risk to Council and may result in a credit card being revoked or disciplinary action in accordance with 2.5 2.5 Breach of Policy or Misuse.


\(^3\) Statutory declaration forms are available from the Department of Justice: [http://www.justice.tas.gov.au/forms/statutory_declarations](http://www.justice.tas.gov.au/forms/statutory_declarations)
4.1.4 Lost, Stolen or Damaged Cards

If your Council credit card is lost or stolen, you must immediately contact the Manager Financial Services who will contact the issuing institution to report the lost or stolen card. In the event a card is lost or damaged out of hours contact the financial institution directly and follow their instructions.

Damaged cards can be reported to Council’s financial management team for a replacement card to be arranged.

4.1.5 Return of Cards

Return your Council credit card immediately to your manager if you:

1. Are ceasing or terminating employment;
2. Moving to a role that is not assigned a credit card;
3. Taking extended leave from your role for [6] or more months, or otherwise where you feel retaining your card is an unnecessary risk; or
4. No longer require, or do not wish to hold, a credit card.

Credit cards will be destroyed or held locked in the Council’s safe as appropriate.

4.2 Permitted Transactions

The following types of transactions are permitted, and purchases may generally be made with a Council credit card without written approval from Authorisers.

Transactions for expenses that are in accordance with the policy and guidelines and approved and budgeted for, such as approved projects, approved entertainment or approved travel, AND are within the officers approved delegations may be made without additional approval from Authorisers.

4.2.1 Travel Expenses

Travel expenses are expenses incurred during authorised work-related travel. They include accommodation, transport, meals, and expenses incidental to travel. Credit cards are ideally suited to cater for expenses incurred while travelling.

Travel expenses should be purchased in accordance with Council’s Staff Training and Conference and Travel Policy.
4.3 Discretionary Transactions Requiring Authorisation

The following types of transactions and purchases generally require written approval from one or more Authorisers and are discretionary transactions. Written approvals for discretionary purchases must be provided with all purchase invoices as part of the Statement Reconciliation and Acquittal Process (see Part 0).

4.3.1 Entertainment Expenses

Entertainment means the provision of food, drink or recreation – even if business discussions or transactions occur. Entertainment is typically considered a private expense and must not be purchased using a council credit card or funds without clear prior approval to do so.

Entertainment expenses are discretionary transactions and should only be purchased where approved by the General Manager or a Director in accordance with Council’s Policies.

There are a range of circumstances where entertainment expenses may be considered to be work-related and may be purchased with your Council credit card. These include travel expenses (in accordance with section 0 4.2.1 Travel Expenses above), to support approved overtime work, for approved Council events or social functions or within an approved entertainment expenses budget for your role.

Certain roles are delegated the discretion to incur work-related entertainment expenses as part of their roles. These roles and their discretionary expense limits are allocated in the Delegations Register.

4.3.2 Gifts

Gifts are typically considered to be private expenses and must not be purchased with a Council credit card without prior approval. However, there may be limited instances where a gift using Council funds is appropriate, such as in recognition of exceptional service of a community volunteer, or as prizes for Council-sponsored community awards, and so are discretionary transactions.

Refer to Council’s Gifts & Benefits Policy for guidance and how to apply for approval to purchase a gift.
4.3.3 Fuel

Wherever available, use a fuel card to purchase fuel for work-related fuel expenses. In the event a fuel card is not available or not accepted by vendors in a location, you may use your Council credit card to purchase fuel for work-related travel, however you must provide sufficient supporting evidence that documents the trip, its length, and purpose.

4.4 Prohibited Use and Transactions

The following types of transactions and purchases are generally prohibited and must not be made on a Council credit card.

4.4.1 Cash Advances / Withdrawals

Council credit cards must not be used for cash advances or withdrawing cash.

4.4.2 Refunds

Any refunds for purchases made on a Council credit card must be refunded back to the credit card account. Refunds must not be accepted in cash.

4.4.3 Purchases of a private or personal nature

Council credit cards must not be used for purchases of a private or personal nature, even if you intend to reimburse Council. Only approved, work-related expenses in accordance with the policy and guidelines may be incurred.

Personal Loyalty cards (e.g. frequent shopper or frequent flyer cards) are not to be used in conjunction with Council Credit Cards.

4.4.4 Fines

Council credit cards must not be used to pay fines of any nature. You must pay any fines that you incur.

4.4.5 Alternative Online Payment Methods and Storing Credit Card Details

Use of Council credit cards on, or linking to, alternative online payment methods and e-commerce payment systems or accounts, such as PayPal, Google Pay, Apple Pay, iTunes, or any system that records and stores credit card details, are prohibited unless authorised.
Where a payment for necessary goods or services can only be made through such a payment/e-commerce system, and that system requires the storage of credit card details or linking to a credit card account (such as Drop Box, Grants Hub), then the Manager Financial Services may delegate certain Cardholders to set up and manage an online account. These guidelines apply for the online account, as for the credit card itself:

(1) The online account is restricted to use by the Cardholder only;
(2) The online account is for work-related purchases only; and
(3) The online account is to be set up with the Cardholder’s work email address and details and to be managed separately from any personal online payment/e-commerce accounts.

Permissions for online accounts should be centrally controlled and recorded by Council. Council credit cards must never be linked to personal online payment systems or accounts.

Related Documents

• Allocated Credit Cards and Credit Limits Register
• Credit Card Guidelines
• Purchasing Policy
• Staff Conference and Travel Expenses Policy
• Councillor Conference and Travel Expenses Policy
• Gifts & Benefits Policy
General Managers Directive

CODE FOR PROCUREMENT, TENDERS AND CONTRACTS

CONTROLLER: GENERAL MANAGER
IMPLEMENTATION DATE: DECEMBER 2010
REVIEW DATE: FEBRUARY 2012

1.0 PURPOSE

2.0 OBJECTIVE

For Council to procure goods and services through tender and contract processes that are consistent with the principles expressed in the following Local Government Act.

PART 3 - Tendering and contracting
Division 1 - Tenders for goods and services
23. Public Tenders

(1) For the purpose of section 333A(1) of the Local Government Act 1993 the prescribed amount is $100,000 (excluding GST).

(1A) A tender is to be publicly invited by one of the following:
(a) an open tender under regulation 24;
(b) a multiple-use register under regulation 25;
(c) a multiple-stage tender under regulation 26.

(2) A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.

(3) A council must not split a contract into 2 or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.

(4) A council may extend a contract entered into by tender –
(a) as specified in the contract; or
(b) if the contract does not specify extensions, by an absolute majority.

(5) A council is to report the following in its annual report in relation to any contract for the supply or provision of goods or services valued at or exceeding the amount prescribed under subregulation (1), entered into or extended under subregulation (4)(b) in the financial year:
(a) a description of the contract;
(b) the period of the contract;
(c) the periods of any options for extending the contract;
(d) the value of any tender awarded or, if a tender was not required, the value of the contract excluding GST;
(e) the business name of the successful contractor;
(f) the business address of the successful contractor.
24. Open Tenders
(1) The general manager is to invite tenders by publishing at least once a notice in a daily newspaper circulating in the municipal area specifying –
   (a) the nature of the goods or services the council requires; and
   (b) any identification details allocated to the contract; and
   (c) where the tender is to be lodged; and
   (d) particulars identifying a person from whom more detailed information relating to the tender may be obtained; and
   (e) the period within which the tender is to be lodged.

(2) The period within which a tender is to be lodged must be at least 14 days after the date on which the notice is published.

(3) The general manager is to ensure that prospective tenderers are provided with the following in order to make a tender:
   (a) details of the goods or services required;
   (b) details of the duration of the contract, including any extensions that are specified in the contract;
   (c) the criteria for evaluating tenders;
   (d) the method of evaluating tenders against the evaluation criteria;
   (e) any mandatory tender specifications and contract conditions;
   (f) a reference to the council’s code relating to tenders and contracts.

(4) A person making a tender must –
   (a) do so in writing; and
   (b) specify the goods or services tendered for; and
   (c) lodge the tender within the period specified in the notice.

25. Multiple-Use Register
(1) A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.

(2) A council is to invite applications from suppliers for inclusion on a multiple-use register by causing to be published at least once in a daily newspaper circulating in the municipal area a notice specifying –
   (a) the nature of the goods or services the council requires; and
   (b) any identification details allocated to the register; and
   (c) where the application is to be lodged; and
   (d) the person from whom more detailed information may be obtained; and
   (e) the period within which the application is to be lodged.

(3) The general manager is to ensure that applicants are provided with the following in order to make an application:
   (a) details of the categories of goods or services required;
   (b) the criteria for evaluating applications;
   (c) the method of evaluating applications against the criteria;
   (d) a reference to the council’s code for tenders and contracts.

(4) A council may –
   (a) accept an application for inclusion on a multiple-use register; or
   (b) reject the application.
(5) If a council rejects an application, the general manager is to advise the applicant of the reasons for that rejection.

(6) If a council accepts an application, the general manager is to advise the applicant of the category for which the applicant is to be included on the multiple-use register.

(7) A council is to invite tenders for a contract for the supply of goods or services from all suppliers included on a multiple-use register for a particular category of goods or services.

(8) A multiple-use register is to be reviewed at least once every 2 years.

(9) A council must allow a supplier to apply for inclusion on a multiple-use register at any time, unless the supplier –
   (a) has made an application within the previous 12 months; and
   (b) the application has not been accepted.

26. Multiple-stage tender

(1) A council may invite tenders for a contract for the supply of goods or services using a multiple-stage tender process.

(2) A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council.

(3) At the first stage of a multiple-stage tender process, the general manager is to invite expressions of interest from prospective tenderers by causing to be published at least once in a daily newspaper circulating in the municipal area a notice specifying –
   (a) the nature of the goods or services the council requires; and
   (b) any identification details allocated to the contract; and
   (c) where the expression of interest is to be lodged; and
   (d) the person from whom more detailed information may be obtained; and
   (e) the period within which the expression of interest is to be lodged.

(4) The general manager is to ensure that prospective tenderers are provided with the following in order to lodge an expression of interest:
   (a) details of the goods or services required;
   (b) the criteria for evaluating expressions of interest;
   (c) the method of evaluating expressions of interest against the criteria;
   (d) details of any further stages in the tender process;
   (e) a reference to the council's code for tenders and contracts.

(5) At the final stage of a multiple-stage tender process, the general manager is to invite all suppliers who have met the criteria determined by the council to tender for the supply of goods or services.

(6) If only one supplier meets the criteria determined by the council at the first stage as specified in subregulation (3), the council may contract with that supplier after –
   (a) a tender by that supplier; or
   (b) a decision by absolute majority of the council to do so.

(7) The general manager is to ensure the consistency of the criteria used at each stage of a multiple-stage tender process.
27. Non-application of public tender process

(1) Regulation 23 does not apply to the following:

(a) an emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
(b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
(c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
(d) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
(e) a contract for goods or services that is entered into at public auction;
(f) a contract for insurance entered into through a broker;
(g) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
(h) a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –
   (i) extenuating circumstances; or
   (ii) the remoteness of the locality; or
   (iii) the unavailability of competitive or reliable tenderers;
(i) a contract of employment with a person as an employee of the council.

(2) A council is to report in its annual report all instances where subregulation (1)(a) or (h) has been applied with the following details:

(a) a brief description of the reason for not inviting public tenders;
(b) a description of the goods or services acquired;
(c) the value of the goods or services acquired;
(d) the name of the supplier.

Division 2 - Code for tenders and contracts

28. Code for tenders and contracts

The code adopted under section 333B of the Act is to –

(a) promote the following principles:
   (i) open and effective competition;
   (ii) value for money;
   (iii) enhancement of the capabilities of local business and industry;
   (iv) ethical behaviour and fair dealing; and

(b) establish and maintain procedures to ensure that all potential suppliers are provided with the same information relating to the requirements of a tender or contract and are given equal opportunity to meet the requirements; and

(c) establish and maintain procedures to ensure that fair and equal consideration is given to all tenders or quotations received; and

(d) establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers; and

(e) establish and maintain procedures to ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers; and

(f) seek to minimise the cost to suppliers of participating in the tendering process; and

(g) protect commercial-in-confidence information; and

(h) for contracts valued at under $100 000 excluding GST, specify when 3 written
quotations are required; and

(i) establish and maintain procedures for the use of multiple-use registers for contracts valued at under $100,000, excluding GST; and

(j) establish and maintain procedures for reporting by the general manager to the council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used; and

(k) establish and maintain procedures for the review of each tender process to ensure that each tender is in accordance with these regulations and the code; and

(l) establish and maintain procedures for the following:
   (i) amending or extending a tender once it has been released;
   (ii) opening tenders;
   (iii) the consideration of tenders that do not fully conform with the tender requirements;
   (iv) the debriefing of unsuccessful tenderers;
   (v) handling complaints regarding processes related to the supply of goods or services.

### 3.0 SCOPE

### 4.0 PROCEDURE
Code for Procurement, Tenders and Contracts

Waratah-Wynyard Council

December 2005
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1 Introduction

The purpose of this Code for Procurement, Tenders and Contracts (Code), is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of the Local Government Act 1993 (the Act) and the Local Government Regulations 2005 (Regulations). The act requires Councils to adopt a Code relating to tenders and contracts.

With this Code Waratah-Wynyard Council aims to achieve the purchasing principles of:

- open and effective competition;
- value for money
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

This Code:

- is consistent with the Act and the Regulations; and
- includes procedures and guidelines for any prescribed matter.

As a measure of accountability and transparency, this Code (with any amendments) is:

- available for public inspection at the public office during ordinary office hours; and
- available for purchase at a reasonable charge; and
- published on Council’s website.

The Act and Regulations require Council to invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above $50,000 (excluding GST).

In accordance with the Regulations, our Council will invite tenders by one of the following means:

(i) an open tender process; (refer Sections 5.1 through to 5.11)

(ii) a multiple-use register; or (refer Section 5.12)

(iii) a multiple-stage tender. (refer Section 5.13)

There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 6.
For purchases under the $50 000 threshold, Council, in accordance with the Regulations, will undertake a quotation process although this may be exempted in circumstances described in Section 6.

Council will not split a contract into two or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.

2 Definitions

Building Construction - the construction and refurbishment of buildings and residential properties, and associated maintenance (services and residential) and professional services (eg. architects).

Code – refers to this Code for Procurement, Tenders and Contracts which has been developed in accordance with the requirements of the Local Government Act 1993 and the Local Government Regulations 2003.

Consultant - a person or organisation, external to a council, engaged under a contract on a temporary basis to provide recommendations or high-level specialist or professional advice to assist decision-making by council. The consultant will be expected to exercise his or her own skills and judgement independently of the council. It is the advisory nature of the work that distinguishes a consultant from a contractor.

Contractor - a person or organisation, external to the council, engaged under a contract for service (other than as an employee) to provide specified services to a council.

Contract - a contract is an obligation, such as an accepted offer, between competent parties upon a legal consideration, to do, or abstain from doing, some act.

Expression of Interest (EOI) - an Expression of Interest may be used as a means of exploring the market or to pre-qualify businesses to reduce the cost of tendering by restricting the issue of formal tenders.

Industry Capability Network Tasmania (ICNTAS) - promotes Tasmanian industry through import replacement and opportunities for participation in major projects, government procurement and commercial developments. For more information go to www.icntas.org.au

Local Business - all businesses operating in the State, which have a permanent office or presence in Tasmania and employ Tasmanian workers.

Multiple-stage purchasing - a process which allows for a preliminary assessment of the market to be made in terms of the capabilities of potential suppliers and the goods and services that are available to satisfy the requirement, before a final purchasing stage is undertaken.

Procurement - the entire process by which all resources are obtained by an entity, including planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.

Probity - probity is a risk management approach to ensuring procedural integrity.
**Probity Advisor** - a Probity Adviser provides advice on probity issues before and during the process of tendering and contracting to ensure the process is fair and in accordance with the Council’s guidelines.

**Public Tender** - a tender where any business that can meet the requirements of the Request for Tender has the opportunity to bid.

**Purchasing** - the acquisition of goods or services.

**Quotation** - the bid submitted in response to a Request for Quotation from the Council.

**Request for Quotation** - either a verbal or written request for offers from businesses capable of providing a specified work, good or service.

**Request for Tender** - a document soliciting offers from businesses capable of providing a specified work, good or service. Requests for Tender are usually advertised.

**Standing Tender** – a tender from which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.

**Tender** - a proposal, bid or offer that is submitted in response to a Request for Tender from the Council.

**Tender Box** – the point of lodgement for tenders to ensure that the documentation is kept secure until the tender period closes. Generally a tender box: is a box or cabinet with an opening which allows large envelopes to be lodged, but which does not permit access to the contents; should be secured in a fixed position; and should be locked with two locks with different keys, maintained by two different officers.

**Tender Review Committee** – a committee established to review the process used for all building and construction and goods and services tenders over $50 000.

**Value for Money** - achieving the desired outcomes at the best possible price.

**Verbal Quotation** - a verbal Request for Quotation. A verbal response may be adequate for low value purchases.

**Written Quotation** - a written Request for Quotation to undertake specific works or supply goods and services.
3 Purchasing Principles

This Code has been developed in order to have a transparent set of strategies that Council will follow in order to comply with the four purchasing principles as required in the Local Government Act 1993. Below is a brief definition of each principle and what it means in practice to Council.

3.1 Open and effective competition

Open and effective competition – ensuring that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- use transparent and open purchasing processes so that potential contractors, suppliers and the public can have confidence in the outcomes;
- adequately test the market by applicable processes. For example, by open tender or by seeking quotations;
- avoid biased specifications; and
- treat all suppliers consistently and equitably.

3.2 Value for money

Value for money – achieving the desired outcome at the best possible price.

In practice this means that Council will weigh up the benefits of each purchase against the costs of that purchase. In doing this we may take the following factors into consideration:

- fitness for purpose;
- maintenance and running costs over the lifetime of the product;
- the advantages of buying locally, eg shorter delivery times, local backup and servicing, and the availability of spare parts;
- the contribution to the achievement of other Council objectives such as industry development and employment creation;
- quality assurance and perceived level of risk;
- the capacity of the supplier (eg managerial and technical abilities); and
- disposal value.
3.3 Enhancement of the capabilities of local business and industry

Enhancement of the capabilities of local business and industry – ensuring that local businesses that wish to do business with Council are given the opportunity to do so.

In practice this means that Council will:

- actively seek bids from local business, particularly from those which have previously requested the opportunity to quote;
- for purchases less than $10,000, we will seek at least one verbal quote from a local business;
- for purchases between $10,000 and $50,000, we will seek at least one written quote from a local business;
- for purchases greater than $50,000, we will seek to get at least one tender from a local business; and
- where the market is unfamiliar and capacity is unknown, we may contact ICNTAS and use BIZTAS, to check local capability.

3.4 Ethical behaviour and fair dealing

This principle means that all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.

In practice this means that Council will:

- be fully accountable for the purchasing practices that we use and the decisions we make;
- ensure that decisions are not influenced by self-interest or personal gain (i.e., declining gifts or other personal benefits from suppliers);
- identify and deal with conflicts of interest;
- maintain confidentiality; and
- ensure that all procurement is undertaken in accordance with Council’s policies.

4 Ethics and Probity

4.1 Ethics

Council will observe the following ethical standards when making purchasing transactions:

- all business will be conducted in the best interests of the ratepayers, avoiding any situation which may impinge, or might be deemed to impinge, on impartiality;
- all expenditure will be in accordance with the requirements of the *Local Government Act 1993*;
• all procurement activity will be undertaken without favour or prejudice and will aim to maximise value in all transactions;
• confidentiality will be maintained in all dealings; and
• acceptance of gifts, gratuities or any other benefits which may influence, or might be deemed to influence, equity or impartiality will not be permitted.

4.2 Probity
In order to achieve probity, Council will consider the following five probity principles throughout all stages of procurement and contracting processes to ensure success in achieving the best value for public money:
• open competitive processes;
• transparency of process;
• identification and resolution of conflicts of interest;
• accountability; and
• monitoring and evaluating performance.

4.3 Purchasing Code of Conduct
The following points make up Council’s Purchasing Code of Conduct. The Council aims to:
• ensure that all potential suppliers are provided with identical information upon which to base tenders and quotations and are given equal opportunity to meet the requirements;
• establish and maintain procedures to ensure that fair and equal consideration is given to all tenders and quotations received;
• promote honesty and equity in the treatment of all suppliers of goods and services;
• provide a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
• promote fair and open competition and seek value for money for the Council and its local community;
• seek to minimise the cost to suppliers for participation in the procurement process;
• protect commercial-in-confidence information;
• satisfy accountability standards;
• establish processes that avoid situations where private interests of Council’s employees may conflict with public/council duty and provide for the declaration of any conflicts of interest that do arise;
• provide a clear statement that soliciting or accepting remuneration or other benefit from a supplier for the discharge of official duties is not permitted and may be illegal; and

• inform tenderers that, if a tenderer, during the tender process, canvasses a Councillor/s, or interferes in the process in any way, this will result in the automatic disqualification of the tenderer from consideration.

5 Making the Purchase

5.1 Procurement overview - processes

The following procurement overview is provided to give a brief outline on the way in which Council procures routine goods and services:

(i) plan the purchase (which includes the selection of the most appropriate purchasing method);

(ii) prepare the relevant documents (eg quotation, tender or expression of interest);

(iii) invite and receive offers;

(iv) evaluate those offers;

(v) advise the successful bidder and offer to debrief any unsuccessful bidders; and

(vi) manage any contract that has been implemented as a result of the procurement.

5.2 Planning the Purchase

During the planning phase of a purchase the following steps may be taken by Council’s staff:

• any relevant approval to undertake a purchase is obtained;

• an estimate of the cost of the good or service is undertaken and available Council funding of such a purchase is confirmed and an appropriate method of purchasing is chosen;

• market research and consultation is undertaken (eg what products are available on the market and how many suppliers);

• the specification is defined and mandatory requirements are identified. The specification will usually be developed in consultation with relevant Council stakeholders (useful resources during this phase may include previous or similar specifications);

• the establishment of an evaluation committee;

• the establishment of evaluation criteria and evaluation methodology including;
  • the resources of the tenderer including technical, managerial, physical and financial resources;
  • proposed methodology;
  • tenderer’s understanding of the task;
  • price;
• the tenderer’s past experience and performance history including:
  o time management;
  o standard of work and product;
  o management and quality of site personnel;
  o co-ordination of service providers, consultants and suppliers;
  o after delivery service;
  o conformance with the specification;
  o occupational health and safety; and
  o employee relations

• experience of key personnel;
• time for completion;
• quality assurance;
• compliance with this Code; and
• any other criteria specified in the tender documentation.

• the development of a risk assessment and management plan;

• the commencement of a contract management plan; and

• if necessary, the engagement of a probity advisor.

There are three tendering and procurement thresholds that require different levels of involvement in planning and executing the purchase. The following table refers to the thresholds and summarises what purchasing method Council utilises based on the total dollar value of the purchase.

<table>
<thead>
<tr>
<th>Procurement Value</th>
<th>Minimum Requirement</th>
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| $10,000 and below  | Verbal Quotations
Where possible, at least three verbal quotations will be obtained, of which we will seek at least one from a local business (if available). |
| Between $10,000 and $50,000 | Written quotations
Where possible, at least three written quotations will be obtained, of which we will seek at least one from a local business (if available). |
| $50,000 and greater | Public Tender
• Our tenders will be advertised in the Saturday edition of the “Advocate” newspaper.
• Each of our tenders will be advertised on our own website.
• We will seek at least one tender from a local business (if available). |

Council will apply the above requirements to the purchase of all goods and services with the exception of certain circumstances. The circumstances in which the above requirements may not be used are described under section 6 - Exemptions.
5.3 Purchasing Documentation

5.3.1 Verbal Quotations (for purchases below $10 000 excluding GST)
Council will undertake most purchases below $10 000 on a verbal basis and as such there will not be any formal quotation documentation. However, Council may choose for all but very low-value / low-risk purchases, to provide suppliers with a written specification and request a written quotation.

5.3.2 Written Quotations (for purchases between $10 000 and $50 000 excluding GST)

The Request for Quotation (RFQ) is a document inviting offers from businesses to provide a specified good or service. Council’s quotation documents will include all terms and conditions of quotation, together with a clear description of the goods or services required, and the details of any applicable Council policies.

The complexity of the documentation will depend upon the nature and value of the purchase. Generally, the RFQ documentation will consist of:

- **Conditions of Quotation** - the conditions set out the terms under which Council will receive and evaluate offers. The conditions will usually include:
  - the evaluation criteria and a brief outline of the evaluation methodology to be used;
  - the closing date, time and place of lodgement;
  - the Council’s contact details;
  - pricing requirements (e.g. the price should exclude GST);
  - relevant Council policies and principles;
  - the entitlement of unsuccessful bidders to be debriefed; and
  - information about the Council’s complaints process.

- **Specification** - The specification clearly, accurately and completely describes the essential requirements of the good or service being purchased. It is the basis of all offers and is the foundation for the contract. The specifications will usually include:
  - functional requirements;
  - performance requirements; and
  - technical requirements.

5.3.3 Tenders (for purchases greater than $50 000 excluding GST)

Council’s Request for Tender (RFT) is a document inviting offers from businesses to provide specified goods or services. Council’s Request for Tender documentation usually consists of four main parts. These four parts are:

- **Conditions of Tender** - The Conditions of Tender set out the terms under which Council will receive and evaluate tenders. The conditions will usually include:
  - evaluation criteria and a brief outline of the evaluation methodology to be used;
  - closing date, time and place of lodgement;
- Council contact details;
- pricing requirements (eg the price should exclude GST);
- relevant Council policies and principles;
- entitlement of unsuccessful bidders to be debriefed; and
- information on the Council’s complaints process.

- **Specification** - The specification clearly, accurately and completely describes the essential requirements of the goods or service being purchased. It is the basis of all offers and is the foundation for the contract. The specification will usually include:
  - functional requirements;
  - performance requirements; and
  - technical requirements.

- **Conditions of Contract** - The Conditions of Contract contain the contractual terms defining the obligations and rights of the parties concerned. Generally, contracts are used for all purchases over $50,000, or where there are material risks involved.

- **Tender Form** - The Tender Form must be completed, signed and returned by the tenderer. It includes a declaration by the tenderer that: the tenderer agrees to the Conditions of Tender; the information provided in the tender is accurate and correct; and the person signing the form is duly authorised to do so.

Council, when preparing our tender documentation we will undertake the following procedures and processes:

- prepare clear and concise tender documentation that include all the terms and conditions of the planned purchase with a clear description of the goods or services required and details of any applicable Council policies;
- prepare tenders that include details of the intended duration of the contract, including any extensions that are applicable to the contract;
- prepare tenders that include details of the evaluation criteria (which are based on the specifications), any weightings to be used in the assessment of bids and the evaluation methodology;
- under no circumstances will we modify the evaluation criteria or methodology after the request for tender has been released without advising all potential tenderers;
- prepare specifications that do not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives;
- provide advice and details of any briefing sessions to be held in relation to the purchase;
- provide details on the availability of de-briefing sessions for unsuccessful bidders;
- provide details on Council’s complaints process and include the contact details of the complaints officer;
• prepare documentation that clearly specifies the Council’s contact details (including Contact Officer), closing time, date and place of lodgement;

• prepare documentation that clearly states how and in what circumstances the purchasing documentation can be altered including the length of time given to bidders to prepare their submissions (which is to be at least 14 days from the date on which the tender notice is published);

• provide advice on the treatment of late submissions;

• provide an indication if alternative bids will be considered; and

• where applicable, documentation such as tenders will be cleared by Council’s legal advisors and the General Manager before being issued.

5.4 Inviting Offers

5.4.1 Verbal Quotations

Council will follow the following procedures when inviting verbal quotations:

• provide each supplier with the same information and will give each supplier the same amount of time to prepare a quote; and

• seek at least one verbal quotation from a local business (if available).

5.4.2 Written Quotations

Council will follow the following procedures when inviting written quotations:

• where possible, we will seek at least three written quotations of which one quotation will be sought from a local business if available;

• in some cases, we may choose to advertise a quotation if advantageous to do so;

• we will directly send the invitation to quote to identified businesses (such as businesses that already provide the service and businesses identified during the market research phase);

• exemption from seeking quotations will only be granted by the General Manager in circumstances outlined below under Exemptions;

• we will issue the request for quotation documentation either by mail, facsimile or by e-mail;

• when issuing a request for quotation to a business, the details of that business being will be recorded. The details recorded include: name of business; address; contact person; e-mail; telephone; and facsimile; and

• the time the Council provides to bidders to respond to the request for quotation will depend largely upon the nature and the complexity of the purchase, but equal time will be given to all businesses requested to quote.
5.4.3 Tenders

Council will do the following in respect of inviting tenders:

- for tenders, we will advertise each tender at a minimum in the Saturday edition of the “Advocate” newspaper, on our website at www.warwyn.tas.gov.au. The following information will be specified:
  - the nature of the goods or services the council requires;
  - any identification details allocated to the contract;
  - where the tender is to be lodged;
  - particulars identifying a person from whom more detailed information relating to the tender may be obtained; and
  - the period within which the tender is to be lodged.

- our tender documentation will either be made available via mail, email, facsimile or electronically available from our website at www.warwyn.tas.gov.au.

- any electronic or online tendering process undertaken by Council will be in accordance with the requirements of the Electronic Transactions Act 2000.

- we may send tender documentation directly to identified businesses, however, we will not provide any documentation to any potential tenderer until the tender has been advertised (so as not to give one tenderer an advantage over another);

- we will endeavour to get a minimum of three bids of which we will seek at least one from a local business if available;

- in accordance with our Purchasing Code of Conduct we will ensure that all potential suppliers are provided with identical information upon which to base tenders and are given equal opportunity to meet the requirements;

- when inviting tenders we will ensure that sufficient time has been provided to allow bidders to prepare an adequate response. At a minimum our tenders will be open for 14 days. However, this may increase dependant on whether the requirements are complex, or if it is likely that interested businesses may need to form partnerships/consortiums with other businesses in order to fulfil the requirements of the tender;

- when issuing a request for tender to a business, the details of that business will be recorded. The details recorded include: name of business; address; contact person; e-mail; telephone; and facsimile.

- if for any reason, there is a need to alter the tender documentation once it has been issued, an addendum will be sent to all businesses that have been issued with that documentation; and

- if it is necessary to extend the closing date of the tender then all businesses that have been issued with tender documentation will be advised in writing of the change in closing date.
5.5 Communication with all potential suppliers and bidders – Contact Officer

In accordance with Council’s Purchasing Code of Conduct and the Purchasing Principles Council will do the following in respect of communication with all potential suppliers and bidders:

- nominate one contact person for each purchasing activity and clearly specify their name, contact details (including phone number and mailing address) so that tenderers know who to contact for more information (one only for probity reasons);
- the Contact Officer will be the sole point of communication with potential suppliers and bidders and will document any questions asked of them by a potential supplier or bidder and any response given;
- where possible, the Contact Officer will request that questions from potential suppliers and bidders be put in writing (email or facsimile will suffice). Any response from the Contact Officer will also be provided in writing;
- where possible the Contact Officer will limit the provision of information to the clarification of procedural issues; and
- any additional information provided to one prospective tenderer is also provided to everyone else who has requested or received tender documentation.

5.6 Receiving Offers

5.6.1 Verbal and Written Quotations

In receiving quotations, Council will hold any written or verbal quotation received prior to the closing time in a secure location to maintain confidentiality, to ensure probity and to protect the individuals involved from claims of unfair practices.

Depending upon the nature and value of the purchase, Council may from time to time, choose to use a tender box as a point of lodgement for written quotations, to ensure that the documentation is kept secure until the tender period closes.

All quotations that the Council receives will be clearly marked with the time and date of receipt, and recorded in an appropriate schedule or register.

The Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

For written quotations, Council will follow the procedures set out in the conditions of quotations for any late quotations and by accepting a late quotation, we will ensure that we are not providing an advantage to that bidder over other bidders.

5.6.2 Tenders

Council will provide a locked tender box at the designated tender lodgement location. Our tender box will not be opened until the time set for the closing of tenders has elapsed.

Tenders lodged by facsimile or email will not be accepted.
Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

In receiving tenders, Council may reject non-compliant offers (in accordance with the terms of our tender documents) which:

- are lodged after the closing time without a valid reason;
- are not signed where required;
- are incomplete - for example, questions have not been answered, pages are missing, or required documentation has not been attached (for example, insurance certificates);
- do not comply with mandatory conditions of tender; or
- fail to meet mandatory specifications.

Tender opening must not be held in public.

When opening Tenders Council will ensure that tenders are:

- opened in the presence of a minimum of two officers; and
- clearly identified and recorded.

5.7 Evaluating Offers

5.7.1 Verbal and Written Quotations

Council when evaluating verbal and written quotations do so with the objective of identifying the offer that best meets our requirements and provides the best value for money. When evaluating quotations we take into consideration the following aspects of a bid:

- value for money, taking into account estimated life, disposal value and maintenance requirements and costs;
- price;
- compliance with quotation specifications;
- quality, delivery and service;
- the full benefits of sourcing locally;
- the consequences, including possible risks, of entering into a contract where there is one supplier, or a limited number of suppliers, that can provide and maintain the particular product over its lifetime; and
- any relevant Council policies.
5.7.2 Tenders

Council will evaluate tenders in accordance with the evaluation criteria and methodology specified in the evaluation plan, which was developed prior to offers being invited. Under no circumstances will we modify the evaluation criteria or methodology after the Request for Tender has been released unless all potential tenderers are advised of the change in writing.

In evaluating tenders we will undertake the following steps:

- **Evaluate compliance** - Screen all offers to ensure that they are complete and comply with all mandatory evaluation criteria. Offers that do not meet all mandatory criteria may be excluded from further evaluation. Non-compliant offers include those that:
  - were lodged after the closing time;
  - are not signed where required;
  - are incomplete - for example, questions have not been answered, pages are missing, or required documentation has not been attached (for example, insurance certificates);
  - do not comply with mandatory conditions of tender; or
  - fail to meet mandatory specifications.

- **Clarify offers** - It may be necessary to seek clarification from a tenderer if an offer is unclear. Clarification does not mean that tenderers can revise their original offer. Any clarification sought should be documented.

- **Evaluate qualitative / non-cost criteria** - this stage involves a detailed analysis of each offer against the non-cost or qualitative evaluation criteria and weightings specified in the evaluation plan (the supplier must demonstrate that they meet the evaluation criteria, not just assert it).

- **Shortlist offers** - This step is only used for complex purchases in order to eliminate offers that are clearly not competitive. However, during this process, eliminated offers are not yet totally rejected, and may be re-visited later in the evaluation process.

- **Requests for Tenderers to make a formal presentation** - If appropriate, and tenderers have been forewarned in the Conditions of Tender, tenderers may be requested to make a formal presentation to the evaluation committee, clarifying their tender and providing the opportunity for the committee to ask questions. Under these circumstances, the tenderer will be directed to not introduce new or revised information. All information, questions and answers will be formally recorded by the Council.

- **Calculate value for money and compare offers** - The aim of Council’s comparative evaluation process is to determine which offer best meets all the requirements of the specification and offers the best value for money. The major factors which Council take into consideration when evaluating value for money are:
  - the quality of the proposed good or service, that is, how well it meets the specified requirements; vs
  - whole of life costs; vs
- risk, that is, the capacity of the tenderer to deliver the goods or services, as specified, on-time and on-budget.

- **Select preferred tenderer** – when selecting the offer that represents the best value for money for Council and where two or more firms are ranked equally following the value for money assessment, we will give preference to a Tasmanian business over an inter-State or overseas businesses. In selecting a preferred tenderer for a high risk/high value or complex process, Council will often undertake a due diligence investigation to ensure that the tenderer has the capacity and stability to fulfil all of the requirements of the contract.

- **Write the evaluation report** - on completion of the evaluation process Council will document the selection of a successful tenderer in an Evaluation Report to be submitted to the relevant approval authority (eg. Tender Review Committee and/or General Manager). Council’s evaluation reports include:
  - a comprehensive record of the evaluation method, the rationale used to select the preferred supplier, and whether it is recommended that negotiations should be undertaken, and on what basis; and
  - reasons for overlooking lower priced tenders.

### 5.8 Tender Review Committee

A Tender Review Committee may be established by Council to review the purchase/lease of all goods and services over $50,000 (excluding GST), prior to the awarding of contracts, to ensure that Council’s procurement policies are adhered to.

The Tender Review Committee may review and consider the following aspects of a tender:

- the tender and evaluation process adopted;
- the final tender evaluation report;
- critical dates (eg when the contract is to start, when the current contract is due to expire, critical project milestones, expenditure constraints [eg funds only available this financial year] etc);
- any other relevant issues or information, such as a Probitly Adviser’s report; and
- a certification by the officer responsible for managing the tender process, verifying conformity with relevant Council policies and guidelines.

### 5.9 Notification of successful and unsuccessful bidders

Once the preferred bidder is selected and all relevant Council approvals to proceed with the purchase have been granted, Council shall write and (in most cases) telephone the preferred provider to notify them that they have been successful. After the preferred bidder has been notified, Council will notify all unsuccessful bidders in writing of their non-selection.

Council will advise the unsuccessful bidders in writing of:

- the tender outcome, including the contract number and title;
- the successful contractor;
• the term of the contract; and
• the total contract price for the term of the contract.

Details of tenders awarded will be displayed on Council’s public notice board and on our web site for a period of not less than fourteen days.

All unsuccessful bidders will be offered a debriefing session.

5.10 Debriefing unsuccessful bidders

The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which the tenderer’s offer could be improved.

Council will provide a debriefing interview to any unsuccessful bidder who requests one. Where a multiple-stage purchasing process is used (for example where Expressions of Interest are used to short-list tenderers) suppliers not short-listed may be offered a debriefing interview, in a similar way to unsuccessful tenderers.

5.11 Contract Management

A contract defines the rights and obligations of both parties once the tender is awarded. A contract is established when an offer is made and accepted. A contract comprises all relevant information provided to and by the business that has made the successful offer. This includes:

• the conditions of tender;
• the specifications, including any plans and other attachments;
• the successful offer; and
• the conditions of contract.

A draft copy of the conditions of contract will usually be included in Council’s original request for tender package.

For complex or high value purchases it may be necessary for Council to enter into negotiations prior to finalising the contract in consultation with Council’s legal advisors. The purpose of these negotiations is to:

• test the understandings and assumptions made by tenderers in determining their costs;
• clarify and rectify any false assumptions; and
• achieve operational refinements and enhancements that may result in cost reductions.

The outcomes of these negotiations will be reflected in the final contract and once completed and agreed, the formal contract is then be signed by both parties.
A formal contract management plan is not required for all contracts, but Council may develop contract management plans for contracts that involve large dollar amounts, complex technical requirements, or when the contract manager is responsible for managing a large number of contracts simultaneously.

5.12 Standing tenders

From time to time Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

5.13 Multiple-use register

From time to time Council may utilise a multiple-use register process to establish a register of suppliers that Council has determined satisfy the conditions for participation in that register, and that Council intends to use more than once.

If it is determined that Council will establish such a register, the General Manager will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying—

- a description of the goods and services, or categories thereof, for which the register may be used;
- the name and address of the council and other information necessary to contract the entity and obtain all relevant documents relating to the register; and
- any deadlines for submission of application for inclusion on the register.

The General Manager will ensure that applicants are provided with the following in order to make an application:

- details of the categories of goods or services required;
- the criteria for evaluating applications;
- the method of evaluating applications against the criteria; and
- the conditions for participation to be satisfied by suppliers and the methods that the council will use to verify a supplier’s satisfaction of the conditions;
- a reference to the council’s Code for Tenders and Contracts.

The General Manager will advise all prospective tenderers of the results of their application including all categories for which they are registered and the reasons for rejection of inclusion on the register as soon as practicable.
When Council wishes to use the register, The General Manager will invite all successful applicants that are registered for the relevant category to tender for the provision of the required good or service.

We will review any established register at least once every 2 years.

We will allow a prospective applicant to apply for inclusion on a register of tenderers at any time, unless the perspective tenderer –

(a) has applied within the previous 12 months; and

(b) has not been accepted.

The following table outlines the differences between a standing tender and a multiple-use register:

<table>
<thead>
<tr>
<th>Standing Tender</th>
<th>Multiple-use register</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcome of a procurement process</td>
<td>Part of a procurement process</td>
</tr>
<tr>
<td>Can purchase directly from a panelist</td>
<td>Basis for select tendering</td>
</tr>
<tr>
<td>Panellists selected following evaluation</td>
<td>conditions for participation stated</td>
</tr>
<tr>
<td>Size is set at conclusion of process</td>
<td>Cannot limit size</td>
</tr>
<tr>
<td>Indicative or set price</td>
<td>No pricing</td>
</tr>
<tr>
<td>Operates for a finite period</td>
<td>Can operate indefinitely</td>
</tr>
<tr>
<td>Re-opens at conclusion of period</td>
<td>Open continuously or annually</td>
</tr>
</tbody>
</table>

5.14 Multiple-stage tenders

From time to time Council may utilise a multiple-stage tendering process to:

- gain market knowledge and clarify the capability of suppliers (however, it will not be used as a substitute for conducting market research);
- shortlist qualified tenderers; and
- obtain industry input.

A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for Council, and as such we will usually only use them where:

- the best way to meet the requirement is unclear;
- it is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders (to reduce the cost of tendering);
- there are benefits which cannot be obtained by researching the market through conventional means; and
- maximum flexibility is required throughout the procurement process.
The multiple-stage processes that Council may use are as follows:

- **Expression of interest** - an expression of interest (sometimes called a registration of interest) is generally used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity.

- **Request for proposal** – may be used by Council when a project or requirement has been defined, but where an innovative or flexible solution is sought.

- **Request for Tender** - may be used by Council when a project requirement has been defined to solicit offers from businesses capable of providing a specified work, good or service.

- **Request for information** – may be used at the planning stage of a project to assist with defining the project. Council will not issue a request for information to identify or select suppliers.

- **Closed tender process** – may be used if the initial specification is well defined and an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.

Council are mindful of the following aspects when conducting a multiple-stage tender process:

- the same mandatory requirements regarding advertising and seeking at least one bid from a local business, that apply to a public tender process;

- that a short-listed party can not be engaged without going through a more detailed second (tender) stage process unless approved by an absolute majority of Council; and

- when using a Request for Information, issues relating to intellectual property and copyright must be clarified prior to using the information provided to prepare the Request for Tender.

5.14.1 Process

The General Manager will invite expressions of interest, and use the list of suppliers who lodge an application as the basis for inviting potential suppliers to submit tenders.

The General Manager is to publish at least once in a daily newspaper circulating in the municipal area a notice requesting any interested supplier to submit an expression of its interest to supply the good or service required. The notice is to specify:

- the nature of the goods or services the council requires;

- any identification details allocated to the contract;

- where the expression of interest is to be lodged;
• particulars identifying a person from whom more detailed information relating to the tender may be obtained;
• the period within which the expression of interest is to be lodged.

The General Manager will ensure that prospective tenderers are provided with the following in order to lodge an expression of interest:
• details of the goods or services required;
• the criteria for evaluating expressions of interest;
• the method of evaluating expressions of interest against the criteria;
• details of any further stages in the tender process; and
• a reference to the council’s Code for Tenders and Contracts.

The General Manager will then send an invitation to tender to all of the suppliers that expressed an interest in providing the good or service required unless it has stated specifically in the notice that the council may limit the suppliers that it will invite to participate.

Provided that the notice requesting expressions of interest states specifically that we may limit the suppliers we will invite to participate and the relevant requirements and evaluation criteria have been specified in the notice or associated documentation, The General Manager in determining the suppliers that will be invited to tender may:
• in assessing the technical ability, assess the extent to which an application meets the technical performance specifications of the procurement; and
• limit the number of businesses that it invites to tender, based on its rating of applications, provided that the largest number of potential suppliers selected, is consistent with an efficient tender process.

The General Manager will:
• ensure that the evaluation criteria that is used to make a decision at the first stage of the process (expression of interest), is consistent with the criteria to be used for the second (tender) stage; and
• not directly engage a short-listed party without going through a more detailed second (tender) stage process unless approved by an absolute majority of Council.

6 Exemptions

The *Local Government Regulations 2005* provide that councils must publicly invite tenders for the purchase of goods and services with a value in excess of $50 000. Council are committed to:
• encouraging open and effective competition between suppliers with the objective of obtaining value for money; and
• enhancing opportunities for local business.

As per the Regulations, Council may not issue a tender or use a quotation process where the goods and services sought relate to:

(a) an emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;

(b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;

(c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;

(d) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;

(e) a contract for goods or services that is entered into at public auction;

(f) a contract for insurance entered into through a broker;

(g) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;

(h) a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of:

   (i) extenuating circumstances; or

   (ii) remoteness of the locality; or

   (iii) the unavailability of competitive or reliable tenderers;

(i) a contract of employment with a person as an employee of the council.

Point (h) above may be applied for one or more of the following reasons:

• where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;

• where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;

• the product is being trialed to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;

• to assist in the development of a new product in conjunction with a private sector business;
where the cost to Council and to suppliers would outweigh the value for money benefits of calling public tenders;

• projects of genuine urgency (eg, in the case of a natural disaster or similar emergency circumstances); or

• other exceptional circumstances, where conclusive justification of the request is provided.

Where an exemption has been granted on the basis of point (a) and (b) above, we will report in Council’s Annual Report the following details:

(i) a brief description of the reason for not inviting public tenders;

(ii) a description of the goods or services acquired;

(iii) the value of the goods or services acquired; and

(iv) the name of the supplier.

7 Complaints Process

Tasmanian Councils are provided with broad competency powers under the Local Government Act 1993 to carry out the role of providing services to their communities.

The Local Government Act 1993 also includes accountability measures under which Councils can be held responsible to their communities for their actions and decisions.

The resolution of complaints against Council is a responsibility of Council. Information regarding our formal complaint resolution process is available in Council’s Customer Service Charter.

In the first instance, complainants are encouraged to seek resolution through the manager in charge of Council’s purchasing/tender process. If relevant, complainants are encouraged to seek a debriefing, if they have not already done so.

If a complainant is not satisfied with the response of Council’s manager in charge of the purchasing/tender process, the complainant is able to write to The General Manager providing copies of all correspondence and other relevant material. Council’s General Manager will take whatever action is considered necessary to resolve the complaint. In certain circumstances, Council may employ a Probity Auditor to investigate the complaint.

Council will maintain the following for any complaint made against Council in relation to a procurement activity:

• the date the complaint was made;

• the complainant’s details (eg, business name, contact details);

• a brief description of the complaint;

• action in progress (including dates actions are taken);
• the outcome (including whether the complaint was resolved or whether it was referred to another body for further review); and
• the response time.

8 Contract Renewals and Extensions

8.1 Contract Renewals

In most cases, where the goods or services being delivered under the contract are required on an ongoing basis, Council will undertake a new procurement process (tender/quotation) prior to the completion of the existing contract.

8.2 Contract extension

In some circumstances, it may be desirable for Council to extend an existing contract, rather than seek new tenders or quotations for the delivery of the goods or services.

Contracts will only be extended:
• by an absolute majority of Council;
• following a full evaluation of the performance of the current contractor; and
• where the principles of open and effective competition are protected.

As a general rule, Council will not extend contracts if:
• the original contract does not allow an extension;
• since the previous tender, the market has changed substantially; or
• the nature of the goods/services required has substantially changed.

9 Disposals

Disposals are to be conducted so that the best return to Council is achieved. Disposal of land will be made in accordance with Division 1 of Part 12 of the Local Government Act 1993.

9.1 Disposals less than $500

Council will dispose of items with a disposal value of less than $500 at the discretion of the General Manager.

Council will only dispose of items that cannot be reused or recycled and with no commercial use or appreciable market value by dumping them at approved refuse sites or by destruction.
9.2 Disposals greater than $500.

Council shall dispose of items with an estimated disposal value in excess of $500 by way of tender, public auction, or trade-in.

When disposing items by tender Council may choose to advertise the item for disposal in specialist newspapers or journals, or in the appropriate classified section of the local newspaper (eg. boats and marine if disposing of a boat), if these are more likely to attract appropriate interest.

10 Reporting

10.1 Annual Report

Council will publish in its Annual Report in relation to all contracts for the supply or provision of goods and services valued at or above $50,000 (excluding GST), awarded or entered in the financial year, including extensions granted:

- a description of the contract;
- the period of the contract;
- the periods of any options for extending the contract;
- the value of any tender awarded or, if a tender was not required, the value of the contract excluding GST;
- the business name of the successful contractor; and
- the business address of the successful contractor.

Where an exemption has been granted from a tender process [refer Section 6 point (a) and (b)], we will report in Council’s Annual Report the following details:

- a brief description of the reason for not inviting public tenders;
- a description of the goods or services acquired;
- the value of the goods or services acquired; and
- the name of the supplier.

10.2 Reporting to Council

The General Manager will report at each Council meeting any instance, since the previous meeting, where a purchase of a good or service is made where a public tender or quotation process is not used.
11 Common Use Contracts

Where the Department of Treasury and Finance has established whole-of-Government contracts for the supply of goods or services to agencies and other authorised organisations, Council may choose to utilise the following whole-of-Government contracts:

<table>
<thead>
<tr>
<th>Contract</th>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C106</td>
<td>Cartage – Interstate</td>
<td>Provision of express freight services throughout Australia. This contract provides government users with competitive rates for the following delivery services – next flight, overnight, 2-day economy, 3-day off-peak, prepaid mailbags and international document and parcel freight.</td>
</tr>
<tr>
<td>C141</td>
<td>Computer Software – Microsoft</td>
<td>The contract is for the supply of Microsoft licenses through Open Government program (no minimum order size) and Enterprise Agreement program (minimum 250 licenses).</td>
</tr>
<tr>
<td>C150</td>
<td>Computer Hardware and related Services</td>
<td>Provision of computer hardware and related services via a manufacturer/reseller network.</td>
</tr>
<tr>
<td>P450</td>
<td>Petroleum Products</td>
<td>Provision of motor spirit and automotive diesel either in bulk or via a fuel card/reseller network, fuel oil, heating oil and kerosene.</td>
</tr>
<tr>
<td>V672</td>
<td>Vehicles</td>
<td>Provision of a comprehensive range of passenger and light commercial vehicles.</td>
</tr>
<tr>
<td>V675</td>
<td>Vehicles Hire and Drive</td>
<td>This contract covers the rental of passenger vehicles in Tasmania and throughout Australia.</td>
</tr>
</tbody>
</table>

Information on these contracts is available from the Department of Treasury and Finance’s website at [www.purchasing.tas.gov.au](http://www.purchasing.tas.gov.au).