



POLICY:

TENDERING POLICY

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ADOPTED

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ISSUED BY:

Corporate Policy Group

INQUIRIES:

Financial & Risk Mgt

OBJECTIVE

To ensure that any Tenders called by council are in accordance with the provisions of Section 55 of the Local Government Act (1993) and the regulations accompanying that Act.

POLICY STATEMENT

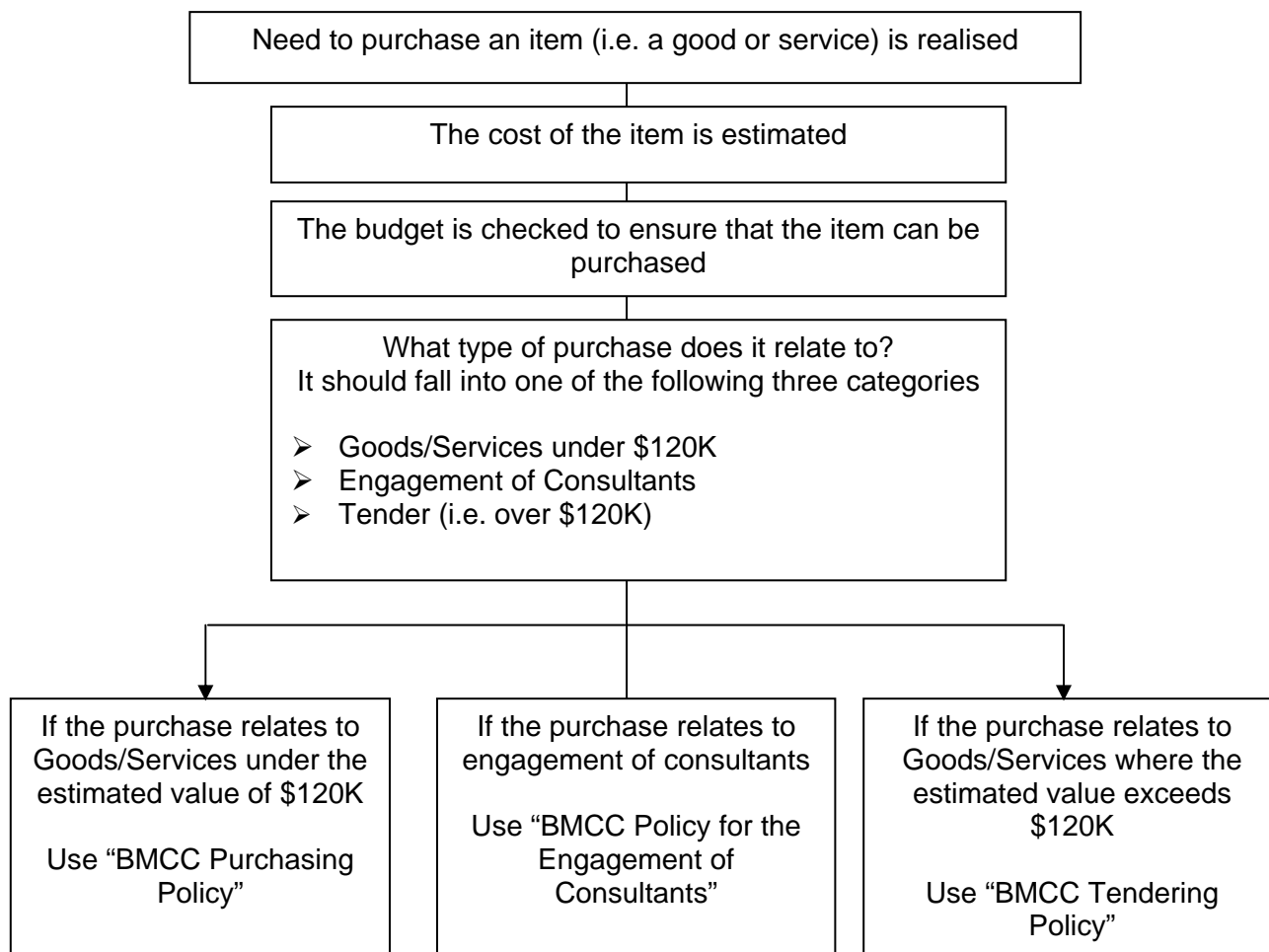
The Tendering Procedures have been adopted by the Executive Management Team and **shall be adhered** to for all tenders.

It is the responsibility of the initiating officer to familiarise themselves with the contents of council's tender documents.

PROCEDURES

1. Tenders shall be called in accordance with the steps outlined in the Tendering Procedures.
2. It will be the task of the Tender Review Committee to review the process followed in each Tender and ensure that the process has been in accordance with the procedure as outlined in the Procedures. Any non-adherence shall be reported to the General Manager.
3. The Tendering Procedures is an evolving document. Any requests for changes/amendments to the document are to be reported to your Group Manager. The Group Manager will then refer these proposed changes to the Executive Management Team for consideration.

PURCHASING DECISION TREE



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TENDERING PROCEDURES

INTRODUCTION

Council deals with the private sector in providing a wide range of works and services to the community by contract. It is important to demonstrate to all who do business with council that proper procedures are in place to obtain the best value for public money while observing the principles of fairness and impartiality in awarding contracts.

The establishment of proper tendering procedures enhances the reputation of council by reducing the risk of corruption and the wastage of time and public money.

The purpose of the Tendering Procedures is to document the procedures to be followed in the tendering process so as to meet the standards of probity and value for money referred to above and to ensure compliance with legislation and all applicable codes and standards.

In order to achieve uniformity and consistency throughout the organisation, the Procedures cover the following aspects of tendering:

- * justification for acquisition of assets or other major contract expenditures and their inclusion in the Management Plan and Budget
- * preparation, invitation, evaluation and acceptance of tenders
- * compliance with legislation and probity requirements
- * contract documents.

These Procedures shall be followed in all instances involving contracts for expenditure of \$120,000 or more; when otherwise required to call tenders under Section 55 of the Local Government Act, 1993; and when it is decided to call tenders with a view to obtaining the most benefit for council.

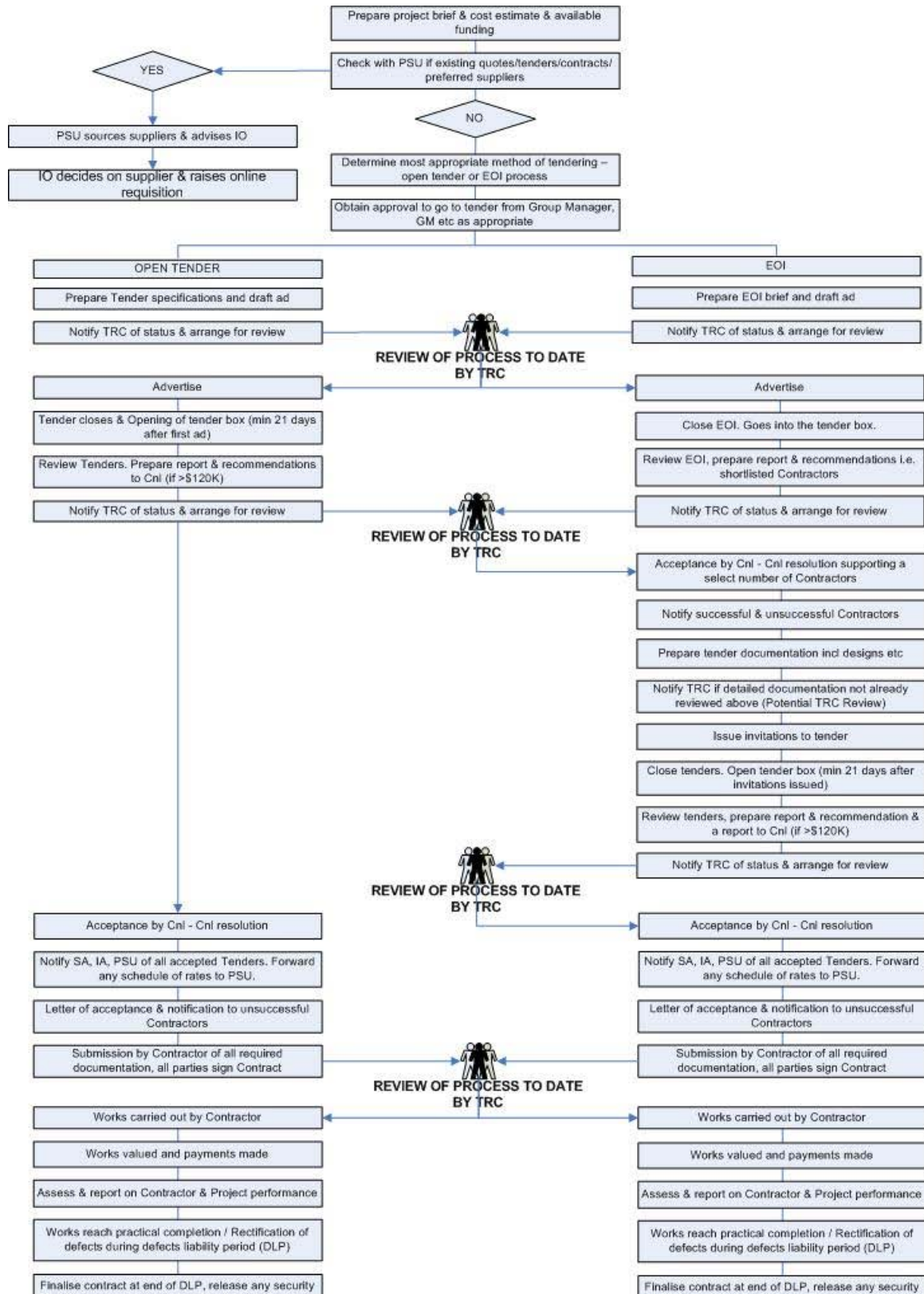
The Local Government (Tendering) Amendment (Threshold Amount) Regulations 2004 require tenders to be called for expenditure over \$150,000. Council's Executive Management Team has, however, resolved to subject estimated expenditure over \$120,000 to a Tendering process. If the actual expenditure comes in below \$150,000 threshold there is no requirement to report to Council.

Where consultants are engaged, reference should be made to the companion policy document titled "Blue Mountains City Council Policy for the Engagement of Consultants". For expenditure under \$120,000 or where the expenditure does not involve the engagement of consultants, reference should be made to the companion document titled "Blue Mountains City Council Purchasing Policy".

Reference material from other authorities has been used in compiling the Procedures. Blacktown and Parramatta City Councils have kindly made available their tendering manuals through the internal auditor network and reference has been made to the principles expounded in the Capital Project Procurement Manual issued by the New South Wales Government.

These Procedures have been updated to include the changes to the regulations effective 1 September 1999 (supporting the Local Government Act 1993), as well as a small number of amendments arising from the Local Government Amendment Act 2000.

TENDER AND EOI PROCESS FLOWCHART



IA – Internal Auditor, IO – Initiating Officer, SA – Senior Accountant, PSU – Purchasing Services Unit

1 GENERAL REQUIREMENTS

1.1 Requirement to Call Tenders

1.1.1 Under the provisions of Section 55 of the Local Government Act, 1993, council must invite tenders before entering into contracts for any of the following:

- * carrying out any work
- * performing a service or providing facilities
- * providing goods or services to council
- * disposal of property other than land
- * instalment contracts over a period of two or more years.

The terms “works”, “services” and “facilities” include the acquisition and replacement of assets and the construction of assets under council’s capital works program.

It is also important to note the changes arising from the Local Government Amendment Act 2000. Under the amendments, council must also invite tenders in the following circumstances:

- * where it seeks to subcontract work, and for
- * services such as legal services, computing services and other “consultancy type” contracts.

1.1.2 An exhaustive list is provided in Section 55(3) of the Act of those contracts which do not require the prior calling of tenders. The two main exceptions are contracts for goods, materials or services specified by the State Contracts Control Board or the Commonwealth Department of Administrative Services and contracts involving an estimated expenditure or receipt of an amount of less than \$150,000.

1.1.3 The Executive Management Team of council has determined that any purchase where the estimated cost of the purchase exceeds \$120,000 is to adhere to the requirements of this Policy. This determination is set out in further detail in council’s Purchasing Policy. For purchases under \$120,000, and that do not involve the engagement of consultants, reference should be made to the companion document titled “Blue Mountains City Council Purchasing Policy”.

1.1.4 Other exceptions are contracts with the Crown or another council; purchase, sale or lease of land; purchase or sale at auction; employment contracts and exemptions under other legislation. Council may by resolution decide not to call tenders in cases of emergency or if a satisfactory result would not be achieved by calling tenders.

1.1.5 Notwithstanding the above requirements, it is appropriate to call tenders if it is considered necessary for probity purposes or if council would obtain the most benefit or best price by going to tender.

1.1.6 The legislative requirements for calling tenders apply to the selection of both contractors and consultants. However, a separate policy titled “Policy for the Engagement of Consultants” has been prepared covering the special requirements which must be followed when engaging those services.

1.2 Applicable Legislation Codes and Standards

Tendering procedures are governed by the requirements of the following legislation, tendering codes and standards. Members of staff dealing with tenders and contracts should be familiar with these documents:

- * Local Government Act, 1993 (Section 55)
- * Local Government Amendment Act 2000
- * Local Government (General) Regulation, 2005
- * Code of Tendering - Australian Standard AS 4120-1994
- * Code of Practice and Code of Tendering for the Construction Industry
 - Department of Local Government Practice Note No. 8(a)
- * Practical Guide to Corruption Prevention (ICAC) Module 12 -
 Purchasing
- * Local Government (Tendering) Amendment (Threshold Amount)
 Regulations 2004.

In instances where requirements may differ, the provisions of the Local Government (General) Regulation must take precedence over the standards.

1.3 Tendering Methods

- 1.3.1 Clause 166 of the General Regulations specifies the tendering methods available to council. The method must be employed which is best suited to the project to be undertaken.
- 1.3.2 Open tenders under Clause 167 of the General Regulation are tenders invited by public advertisement where any tenderer may bid for the work. Open tendering is appropriate when there are many contractors in the field and council knows the market. The advantage of this form of tendering is that market pressure from a wide field of tenderers can force the best price out of the system.
- 1.3.3 Selective tenders for a particular contract are dealt with in Clause 168 of the General Regulation. After inviting expressions of interest by public advertisement from those interested in tendering for a particular contract, tenders are invited from those who best meet the required criteria. This form of tendering is appropriate when council is unsure of the market or the availability of contractors specialising in the work required. The advantage of this form of tendering is that council is only dealing with a small number of tenderers with proven ability at a lower cost both to council and the industry.

1.3.4 Clause 169 of the General Regulation enables council to use the selective tendering method for particular kinds of proposed contracts. After inviting expressions of interest by public advertisement from those interested in tendering for contracts of that kind, council prepares a list of suitably qualified tenderers. Selected contractors from that list are invited to tender for proposed contracts. This form of tendering is appropriate for regular and routine works, goods or services and has similar advantages to those outlined in 1.3.3 above.

1.3.5 As an alternative to preparing a list of recognised contractors in accordance with Clause 169 of the General Regulation council may adopt a list of contractors prepared by another public authority following a public advertisement calling for expressions of interest. (Clause 169(8))

1.4 Confidentiality

1.4.1 Council is required to take all practical steps to ensure the confidentiality of tender information. Information contained in a tender or related document must not be disclosed to any person without the permission of the tenderer. This does not apply to disclosure of information which is lawfully made for the purposes of the Act or the General Regulation.

1.4.2 Section 664 of the Act makes it an offence for a person to disclose information obtained in connection with the administration or execution of the Act except where that disclosure is made in certain specified circumstances. One of the intended effects of that section is to preserve the confidentiality of tender documents submitted by tenderers.

1.4.3 Clause 4.2 of the Code of Tendering (Practice Note 8(a)) requires that council must preserve, throughout the tendering process, the confidentiality of information, particularly intellectual property. This precludes the disclosure to any person of commercial information, documents under copyright, detailed alternatives and comparable prices for alternative proposals, the names of persons who have requested tender documents and trade secrets.

1.5 Delegations of Authority

1.5.1 Responsibilities for the tendering function are governed by the delegations of authority made by the General Manager to staff members.

1.5.2 The General Manager has delegated authority from Council to carry out all the functions of council made under the Local Government (General) Regulation other than the acceptance of tenders which council is required to call under the Local Government Act and accompanying regulations.

1.5.3 Authority has been sub-delegated by the General Manager to all Group Managers to carry out the following functions in their areas of responsibility. "To carry out the following tendering functions in accordance with the requirements of the relevant legislation and Council's tendering policies:

- (i) to call (but not determine) public tenders, when required to do so under the tendering legislation, for the provision of goods and services up to the estimated contract value of \$250,000, and
- (ii) to call tenders when not required to do so under the tendering legislation if the delegate is of the opinion that the calling of tenders is

appropriate as the best means of testing the market, and

- (iii) to determine the appropriate tendering method to be employed as provided under Clause 166 of the General Regulation.

1.5.4 The effect of the delegations to Group Managers is that for contracts having a value of greater than \$250,000 the approval of the General Manager must be obtained in respect of the following:

- (i) whether tenders shall be called and the tendering method to be employed.

The General Manager has sub-delegated authority to the Executive Officer to determine whether tenders shall be called and the tendering method to be employed for all contracts having a value greater than \$250,000. Where the Executive Officer does not exercise approval, or the recommendation is to refuse, the matter will be forwarded to the General Manager for determination.

1.5.5 Applications to the General Manager, the Executive Officer or a Group Manager, as the case may be, for approval to call tenders must show:

- (i) the purpose of the tender
- (ii) estimated value of contract
- (iii) items to be sold or traded-in
- (iv) availability of funds, covering cost and method of financing the purchase
- (v) whether circumstances have changed since the proposed purchase was included in the Management Plan
- (vi) in the case of purchases not included in the Management Plan the authority for the proposed contract
- (vii) the recommended method of tendering.

A sample approval form to call tenders is attached in Appendix 3 and available electronically from staff intranet under BMCC Policies.

A copy of the approval must be placed on the relevant contract file.

1.5.6 Authority has been delegated to the Senior Accountant to carry out the functions of “appropriate person” in accordance with the requirements of Clause 164 of the General Regulation as the person designated for the purpose.

1.5.7 Those occupying the following positions have delegated authority to be present at the opening of tenders as persons designated for that purpose under Clause 175 of the General Regulation:

- * Manager Financial and Risk Management
- * Senior Accountant
- * Finance Officer Taxation Compliance
- * Systems & Reporting Accountant
- * Management Accountant
- * Executive Officer
- * Administration Officer
- * other officers as directed by the Manager, Financial & Risk Management.

In addition a member of council's Tender Review Committee shall be present at all Tender openings.

1.6 Tender Period

1.6.1 General Requirement

The Regulation requires that the deadline for submission of tenders or of expressions of interest in tendering for a particular proposed contract, shall be at least 21 days after the date of publication of the first advertisement.

Under the Interpretation Act, the day of publication of the advertisement must be excluded from the reckoning of 21 days.

No period of time is prescribed for the submission of applications from persons interested in being listed as a recognised contractor for particular kinds of proposed contracts. However, the deadline for both selective tendering arrangements is set as a minimum of 21 days in these Procedures.

1.6.2 Shortened Tender Period

Clause 171 of the Regulation provides that in exceptional circumstances Council may decide on a shorter period of at least 7 days after the first publication of an advertisement under clauses 167, 168 and 169 or an invitation under Clauses 168(4) or 169(6).

Such a decision can be made by council or by the initiating officer with the approval of the Group Manager. Where the Executive Officer or the General Manager have approved the calling of tenders that position should determine whether or not it is appropriate to shorten the tender period. A record must be kept on file documenting the reasons for this decision, as well as the name of the person who made and approved the decision.

1.6.3 Extended Tender Period

If there are circumstances that show that the deadline of 21 days will not allow sufficient time for meaningful tenders to be submitted, the initiating manager may obtain the approval of the relevant Group Manager, to an extended tender period. Such approval can be obtained either in conjunction with the approval to call tenders or after tenders have been called or invitations invited. In the latter case, advice must be given to the persons who have been issued with tender documents or invitations. (See Clause 172 of the General Regulation).

A record must be made and kept on file documenting the reasons for the decision to extend as well as the names of the person who made and approved the decision.

1.7 Risk Management

1.7.1 Council has a responsibility under the law to ensure the health and safety of all non-employees including contractors. Council is also responsible for ensuring that contractors carry out their work in safe premises, using proper and safe plant and substances and employing safe work systems in which adequate training and supervision is provided. When engaging a contractor, council has a duty to ensure, as far as practicable, that nobody suffers a risk to their health and safety from the work of the contractor. It is therefore essential that council follow all requirements in respect of Risk Management. Contractors must be required to bear the risks that are fairly their responsibility.

Council's Risk Management Coordinator and Occupational Health and Safety Coordinator should be contacted in respect to these requirements.

2 PLANNING

2.1 Planning and Forecasting

Justification of Capital Outlays and Sales

- 2.1.1 Under the provisions of Section 403 of the Local Government Act, 1993 council must provide details of proposed capital works projects, asset replacement programs and sales of assets in the Management Plan and Budget. It is essential for the purpose of planning tenders in the coming year that the Management Plan include only firm proposals for expenditure. This requires the justification for, and approval of, capital expenditures and asset sales as part of the budgetary process.

Budget Funding Proposals

- 2.1.2 Funding proposals for capital outlays in the ensuing year are to be submitted to the Group Manager, City Solutions and must include how the project/outcome is likely to affect the factors below.

1. Environmental Sustainability

- Protection of natural resources (e.g. soil, vegetation, water, air quality)
- Rare or Threatened flora or fauna/biodiversity
- Efficient energy usage (maintenance)
- Efficient use of renewable resources (inputs)
- Effective waste management, minimisation and recycling (outputs)
- Effective ongoing waste management and minimisation
- Restores damaged areas of the natural environment
- Contributes to the reduction in greenhouse gases
- Restores damaged areas of the built environment.

2. Economic Sustainability

- The project can operate in a profitable manner
- Accurate budget has been prepared
- Additional non council funds are available
- Investment mitigates exposure to financial risk
- Diversified local employment opportunities
- Support local economy
- Methods of Life cycle costing have been analysed and costed appropriately
- Life cycle costing of the asset is sustainable
- The timing of the project represents cost efficiencies.

3. Community and Social Sustainability

- Project goals align with City Strategy Objectives
- Incorporates community consultation strategy
- There is demonstrated community need
- Required by relevant laws, government and council policies
- Encourages and supports a healthy community lifestyle
- Protects diverse cultural and heritage values
- The project accords access and equity and social justice principles
- Consistent with adopted council strategies and plans
- Community/other partnerships in place and viable.

Further inquiries regarding the criteria should be addressed to the Group Manager, City Solutions.

2.1.3 Tender Forecasting

The following measures are to be adhered to in relation to the forecasting of tenders:

- (i) As part of the annual budgeting process undertaken for each year, Group Managers are to provide a listing of proposed contracts for which it is expected that tenders will be called. The listing shall include plant, equipment, capital works, non-capital works, as well as goods and services. This listing shall be provided to the Tender Review Committee (TRC) (care of the Internal Auditor) and the General Manager.
- (ii) Group Managers are to provide an update to these listings following each quarterly budget and capital works review process.
- (iii) Initiating officers (those responsible for the tender) are to prepare a formal Tender Planning Timeline (as outlined below) and forward this to the Internal Auditor and the appropriate person at the start of the tender process.
- (iv) Initiating officers are to keep the TRC informed of the progress of the tender and if there are likely to be any deviations in timelines.

2.2 Planning and Supervision

An officer of the initiating Group of Council shall be appointed to take responsibility for the management of each tender and to be accountable for the results. The following action shall be taken to plan each tendering project:

- (i) complete the formal Tender Planning Timeline as outlined in Appendix 1.
- (ii) appoint the Tender Evaluation Panel (refer 2.3 below).
- (iii) in order to facilitate audit and independent review, arrange for full documentation of all processes and decisions including records of specification details, assessment criteria, weightings, decisions, reasons for departures from established procedures and approvals of such departures by a senior officer not directly involved in the tendering process.
- (iv) complete the Tender Checklist for each stage of the tender process. This checklist is outlined in Appendix 2.

2.3 Tender Evaluation Panel

As part of the planning responsibilities of the initiating officers they will appoint a Tender Evaluation Panel to assess Tenders and/or Expressions of Interest received. The Tender Evaluation Panel is to be made up of the following people:

- (i) the initiating officer/Manager responsible for the Tender

- (ii) at least one other staff member with the relevant skills in the area of the Tender. This person could also be from outside of council or a consultant etc
- (iii) at least one staff member with no interest in the outcome of the Tender (i.e. an independent). This person could also be from outside the council (i.e. a person from another council, a consultant or industry expert etc).

The Tender Evaluation Panel should convene to assess Tenders as well as Expressions of Interest.

The initiating officer/Manager should advise panel members to disclose at the start of, or during, the Tendering process any potential pecuniary or non-pecuniary conflict of interest that could affect their impartiality. This process should be documented and placed on file.

2.4 Tender Review Committee - Oversight of Procedures

The General Manager shall establish a TRC consisting of appropriate officers.

The role of the Committee shall be to review the process for each tender and the draft report prepared by the initiating manager, with a view to ensuring compliance with council's tendering procedures and relevant legislation. The Committee shall have regard to:

- * expressions of interest processes
- * tender documents
- * advertisement
- * project plans and specifications
- * Occupational Health and Safety requirements
- * selection criteria
- * documentation of evaluation of tenders by the responsible manager
- * probity requirements
- * risk management arrangements
- * environmental impact considerations.

TRC will formally meet at the following stages of the tender process:

1. Once the specification is ready and approval to go to tender has been obtained. A tender will not be advertised until the review is complete and signed off.

This review will focus on the adherence to the Procedures to this stage in the Tender process. Any non-adherence to the Procedures will be formally reported to the initiating officer/Manager.

2. Once the draft report to Council has been prepared.

The review will focus on the adherence to the Procedures to this stage in the Tender process. Again, any non-adherence to the Procedures will be formally reported to the initiating officer/Manager.

Any dispute between members of the TRC or between the TRC and the initiating officer/Manager shall be referred to the General Manager for resolution.

3. Once the tender process has been finalised and the contract executed.

The reviews undertaken by the TRC will need to be allowed for in the planning/scheduling of the Tender undertaken by the initiating officer/Manager. The TRC should be notified as to when these reviews will need to take place by the initiating officer/Manager. The initiating officer/Manager should allow for one working day for the initial and final reviews and two to three days for the second review. This is outlined in the Tender Planning Timeline and the Tender Checklist (as per Clause 2.2 above).

2.5 Document Issued Register

The initiating Group shall maintain a Document Issued Register to record the names and addresses of persons issued with expressions of interest and tendering information documents. The register must be treated as confidential.

2.6 Procurement Strategies

- 2.6.1 At the planning stage of tendering, it will be necessary to determine the type of contract to be used to procure the project, goods or services. This involves selection of the appropriate delivery system and the appropriate contract system.

Delivery Systems

- 2.6.2 The delivery systems are single contracts, multiple contracts and period contracts.

- 2.6.3 Single contracts involve one main contract which covers construction of the project with or without smaller associated contracts. Projects most suited to single contracts are those where there is no advantage in splitting the works.
- 2.6.4 Multiple contracts involve a number of contracts of various sizes and complexity. They allow separate contracts to be awarded as documentation proceeds for each segment of the project within an overall program. Projects most suited to this system are those requiring staging, fast tracking or greater control over the project.
- 2.6.5 Period contracts are used for programs of works rather than for projects. These are “schedule of rates” contracts let for specific types of works over a period of time.

Contract Systems

- 2.6.6 Single or multiple contracts can be used for the following contract systems:
- * construct only
 - * design development and construct
 - * design, novate and construct
 - * design and construct.
- 2.6.7 Construct only contracts are based on a fixed detailed design and are entered into on the basis of a lump sum with or without a bill of quantities or schedule of rates. Under these contracts there are advantages in quality, realistic pricing, lower tender cost and greater competition. There is less risk to council.
- 2.6.8 Design development and construct contracts are let to develop a conceptual design prepared by council and construct the work. They are most suitable for work where council has a conceptual design but either wishes to avoid the coordination problems and risks associated with the “construct only” system or does not have the resources or time required under that system.
- 2.6.9 Design, novate and construct contracts are similar to design development and construct contracts but the contractor assumes full responsibility for the design as well as the construction and pays the designers fees. Council has full control of the conceptual design and can ensure continuity of the single designer’s input from conception to completion. Contracts of this type are suitable for large, one-off projects where the brief is clear and well defined, there are specialist firms, proprietary designs and construction processes available in the market place or there is a benefit from having the contractor responsible for design and documentation. They are usually lump sum.
- 2.6.10 Design and construct contracts are let for the preparation of the conceptual design, design development and construction. They are usually lump sum. Council prepares a performance and quality requirements specification. These contracts are more applicable to projects with simple and concise briefs, few complex requirements and little likelihood of changes after the contract has been awarded. The main advantages are that the contractor assumes total responsibility for the work, scope for innovation can be broadened, fewer council resources are required and project time can be reduced.

Lower Value Contracts - \$500,000 or less

- 2.6.11 One of two delivery systems should be used for works valued at \$500,000 or under:
- (i) single contracts with one contract covering the majority of the work with or without satellite contracts, or
 - (ii) multiple overlapping contracts awarded progressively in trade packages.
- 2.6.12 The single contract is most suited to small contracts which are well defined because a single contractor is given responsibility for the management and coordination of all trades involved.
- 2.6.13 Multiple contracts are used where:
- (i) fast tracking is required
 - (ii) brief is imprecise
 - (iii) elements of the work are subject to impacts of fast-changing technology
 - (iv) work is fragmented because of physical constraints or distance
 - (v) staging is difficult
 - (vi) other high-risk situations exist.
- 2.6.14 For lower-valued contracts one of two contract systems are usually employed. These are the traditional system and the non-traditional system with various degrees of design completion.
- 2.6.15 The traditional system consists of the completion of all design and documentation before calling tenders. The contractor is responsible for construction only and it can be either lump sum or schedule of rates methods of payment. It is appropriate where there is sufficient time to carry out design and documentation and construction consecutively.
- 2.6.16 The non-traditional contract system is best adopted for works where well established standards exist for details and finishes. They can range from design and construct based on a functional brief to design development and construct based on a completed conceptual design.

2.7 Estimate of End Cost

A realistic estimate of cost should be prepared for the overall project before calling tenders. The estimate should be based on a comparison of the works to similar works and estimating cost based on unit rates. The estimate must include all costs outside the contract such as design and/or documentation fees if applicable, contingencies, supervision costs and insurances for which council would be responsible.

The estimate needs to be reliable and verifiable, formally documented and placed on file prior to any decision being made on the method of procurement.

Under the following circumstances, the formal tendering process (as outlined in these Procedures) should be followed:

- * where the previous year's expenditure has exceeded \$120,000
- * where the technology/methodology is new or untested and there is no reliable/verifiable basis for estimating the costs
- * where the estimates of costs are reliant on unknown/unreliable factors which given unfavourable outcomes may increase the contract value to greater than \$120,000
- * where the estimate of the total cost of the project is less than \$120,000 but the tender method is considered the best way of testing the market
- * to comply with the EMT threshold of \$120,000.

Where the initiating officer is unsure as to which way they should proceed the members of the TRC should be contacted to discuss the situation prior to a decision being made.

3 INVITING EXPRESSIONS OF INTEREST

3.1 Scope

3.1.1 This section of the Procedures sets out the procedures to be followed in inviting expressions of interest in conjunction with the two selective tendering methods provided for in the General Regulation:

- (i) invitations to tender for a particular proposed contract (Clause 168)
- (ii) invitations to tender for particular kinds of proposed contracts with a view to preparing a list of suitable tenders (Clause 169).

3.2 Document Preparation

3.2.1 The initiating Manager shall arrange for the allocation of a contract number and the preparation of any expression of interest information documents which it is proposed to provide to enquirers.

3.2.2 Expressions of interest documents should include all information necessary to give interested persons a clear understanding of the works, goods or services required by council and to enable them to provide details of their capacity to meet council's requirements. The information could include such information as:

- (i) registered company name, ACN and GST registered ABN (note council's policy with regard to conducting business only with organisations with a GST registered ABN)
- (ii) business address and numbers for telephone, facsimile, mobile phone and email
- (iii) name of the contact person and the position held in the company
- (iv) number of years in business
- (v) number of years experience in similar work to that proposed by council
- (vi) details of past and current projects of a similar kind to that proposed by council and details of contracts which the company has failed to complete
- (vii) names, roles and technical experience of the principal persons who would be involved in the proposed work
- (viii) details of the financial capacity of the company including latest audited financial statements and names of bankers and accountant
- (ix) details of labour, plant and equipment which would be dedicated to the proposed project
- (x) management systems which would be employed to manage the proposed project

- (xi) the names, addresses and contact numbers of two referees and their relationship to the company.

3.2.3 The documents must also include the requirement for all persons/companies submitting a tender to complete the Tenderer's Declaration as set out as per Appendix 11. Any tender not submitting this declaration will be considered invalid. A Tenderer's disclosure of any potential conflict of interest will be evaluated by council's TRC to determine their impact on the overall probity of the tenderer's submission. Disclosure of a potential conflict of interest will not necessarily result in the disqualification or non-consideration of the tenderer's submission.

3.3 Advertisements

Preparation of Draft Advertisement

3.3.1 The advertisement shall be prepared by the initiating officer based on example given in these Procedures (refer Appendices) and specific requirements.

3.3.2 It is essential that the advertisement satisfies the requirements of Clauses 168 and 169 of the General Regulation which provides that advertisements must:

- (i) be placed in a Sydney Metropolitan daily newspaper and either or both a newspaper circulating in council's area or a newspaper circulating in the district where potential tenderers are likely to be carrying on business or to be residing
- (ii) include a brief description of the work, goods, facilities, services or property concerned
- (iii) specify the name of the contact person and how that person can be reached to enable enquirers to obtain additional information concerning the proposed contract or kinds of contracts
- (iv) invite applications from persons interested in tendering for the proposed or kinds of contracts by a specified time on a date at least 21 days after the date (or first date) of publication.

In addition, the advertisement should include:

- (i) an indication that expressions of interest documents can be obtained from the nominated officer, the purchase price of those documents (if applicable), and telephone number of the of the person to be contacted in that regard
- (ii) an indication (if possible) of when council proposes to call tenders following consideration of the expressions of interest received
- (iii) the place for lodgement of expressions of interest (the tender box located in the Business and Information Centre on the ground floor)
- (iv) a statement that applicants and members of the public are invited to the opening of the expressions of interest immediately after the time for closing of invitations.

- 3.3.3 The initiating officer should also determine whether the tender document is to appear on council's website as a downloadable document. This is to be done in conjunction with council's IT Department. It should also be considered whether a document fee is to apply to hard copies obtained. Specifications to be lodged on council's website are to be electronically provided to IT in two parts – one part comprising the full specification and one part comprising documentation to be completed and submitted with the tender.

Design and Placement of Advertisement

- 3.3.4 Consideration should be given to the requirement of the ICAC "Practical Guide to Corruption Prevention" concerning the design of advertisements to attract the attention of bidders in the relevant industry or location and the placement in appropriate journals as well as newspapers. The size and placement of the advertisements will be commensurate with the value, importance and nature of the proposed contract.

Distribution of Copies of Advertisement

- 3.3.5 The initiating officer shall ensure that copies of the advertisement are forwarded to:
- * Records and Archives to assist with identification of expressions of interest
 - * contact persons named in the advertisement
 - * Business and Information Centre
 - * the Internal Auditor for referral to the TRC.

Advertising deadlines

- 3.3.6 For advertisements to appear in the following week's Sydney Morning Herald (Tuesday) and Blue Mountains Gazette (Wednesday), they need to be completed and forwarded to the Administration Assistant, in Executive Services, by no later than 11am on the preceding Thursday.
- The initiating officer will also have to coordinate a meeting of the TRC in accordance with the requirements set out in Clause 2.4. This should be held by the Tuesday preceding the advertisement lodgement. A tender will not be advertised until the review is complete and signed off.

3.4 Issue of Expressions of Interest Documents

- 3.4.1 The initiating officer may direct documents to interested persons, either nominated by the initiating officer or from known historic data.
- 3.4.2 One set of expressions of interest documents and drawings shall be supplied to the Internal Auditor for referral to the TRC.
- 3.4.3 The initiating officer shall maintain a Document Issued Register and enter details of the persons and companies who have been issued with expressions of interest documents. These details will include the name of those persons or companies, contact details and date of issue.
- 3.4.4 Information shown in the Document Issued Register must not be disclosed to any persons enquiring as to which companies have been issued with expressions of interest documents.

3.5 Receipt, Opening and Recording of Expressions of Interest

The procedure set out in these Procedures for dealing with the receipt, opening and recording of tenders shall apply to expressions of interest. (See Section 5).

3.6 Evaluation of Expressions of Interest

Consideration of Applications Received

The procedure set out in these Procedures dealing with the evaluation of tenders shall apply to the evaluation of expressions of interest. Reference should be made to Section 6.1 of these Procedures.

- 3.6.1 Clauses 168(3) and 169(3) of the Tendering Regulations require that all expressions of interest received by Council must be considered. However, consideration shall not be given to late applications except in accordance with Clause 177 of the General Regulation and Clause 6.1.3 of these Procedures.

If consideration is not given to an expression of interest, the reasons for rejection must be recorded by the Senior Accountant and the TRC.

Matters for Consideration

- 3.6.2 When considering expressions of interest applications, the following criteria shall be taken into account:

- * experience of the applicant in fulfilling the requirements of similar contracts
- * capacity of the applicant to fulfil the requirements of the proposed contract
- * general selection criteria as applicable.

Submission to Tender Review Committee

- 3.6.3 Before submission of a report to Council the responsible manager shall prepare a draft report recommending the acceptance of suitable expression(s) of interest and present this to the TRC for consideration. Supporting documentation including copies of all expressions of interest submitted and working papers justifying the recommendation should also be presented with the draft report. Further details of the TRC's role are given in Clause 2.4.

3.7 Report to Council

- 3.7.1 A report to Council concerning evaluation of expressions of interest is to be prepared by the responsible manager at the earliest practical opportunity. The report shall include a comparison of all expressions submitted and reasons as to why the selected expression(s) of interest is recommended.
- 3.7.2 The report to Council is to be signed by the relevant Group manager and include a statement that the TRC has reviewed the Tender procedures and is satisfied as to the fairness of the process. Note: This statement will be subject to the appropriate clearance of any issues highlighted by the TRC.
- 3.7.3 The evaluation methodology and evidence supporting the decision for

acceptance of an expression of interest by Council shall be fully documented and held on file.

3.7.4 Interested parties shall not be advised of report details or recommendations prior to the Council meeting.

3.7.5 It is necessary that commercial information is not disclosed in an ordinary report or attachments. Should it be necessary to provide this information to Council for its consideration then this should be supplied in the form of a confidential report or confidential attachments.

3.8 Acceptance of Expressions of Interest

3.8.1 Council may decide either to send invitations to tender to all applicants or those it considers will be able to fulfil the requirements of the proposed contract, or to decline to invite tenders from any of the applicants. All applicants must be advised of the outcome of their applications by the initiating officer. (See Appendix 4)

3.8.2 Confidential details shall not be disclosed to any person concerning the expressions of interest completed by the successful, or any other party.

3.8.3 In the case of invitations to tender for a proposed contract under Clause 9 of the Tendering Regulation, the successful applicants should be advised that they will be invited to submit tenders for the proposed contract by the initiating officer.

3.8.4 In the case of invitations to tender for particular kinds of proposed contracts under Clause 169 of the General Regulation, the successful applicants should be advised by the initiating officer that they have been listed as recognised contractors for some or all of the kinds of work, goods, facilities, services or property listed in their applications.

4 PREPARATION OF TENDER DOCUMENTS

4.1 Scope

- 4.1.1 This section is applicable to the preparation of tender documents both for tenders invited from selected applicants under the selective tendering methods and for public tenders called under the open tendering method.

4.2 Records for Open Tenders

Contract Number

- 4.2.1 The initiating Manager shall arrange for the allocation of a contract number which shall appear on each page of the tender documents.

File Number

- 4.2.2 The initiating officer must arrange with the Records and Archives for the opening of a contract file. The written approval of the General Manager or the relevant Group Manager to the calling of tenders must be placed on the contract file. The tender advertisement and the specification should also be placed on this file.

4.3 Project Definition

- 4.3.1 To assist with the preparation of tender documents, a clear and specific project brief shall be designed and documented by the responsible manager. The brief must adequately define the project to be undertaken by council. (See Code of Tendering for the Construction Industry, Page 40 and AS 4120 Clause 6.1).

4.4 Legislative Requirements

- 4.4.1 Tender documents must be prepared by the responsible manager and, in accordance with Clauses 167(3), 168(6), 169(7) and 170 of the General Regulation must include:
- (i) details of the work, goods, services, facilities or property concerned
 - (ii) if the proposed contract is an instalment contract, details of the instalments, the instalment period and intervals between instalment payments
 - (iii) criteria for assessment of tenders
 - (iv) name of the contact person and how that person can be reached to enable enquirers to obtain additional information
 - (v) a statement to the effect that tenders will not be considered unless formal tender documents are submitted to council and indicating the circumstances under which council will consider tenders received after the advertised deadline.

4.5 Code of Tendering Requirements

4.5.1 The Code of Tendering for the Construction Industry (Practice Note 8(a)) applies to all council building, construction, maintenance and material supply contracts, consultant commissions and government funded projects and sites within the construction industry. The Code requires that tender documents should include the following matters:

- (i) a clear definition of the contractual obligation of the parties (e.g. safety matters, insurance and industrial relations)
- (ii) any special conditions or obligations under the proposed contract which depart from council's normal practice
- (iii) any supporting information required from tenderers
- (iv) positive encouragement to tenderers allowing them the option, in addition to submitting a conforming tender, to incorporate maximum innovation while still satisfying council's objectives
- (v) inclusion of the statement:

"All tenderers must comply with the New South Wales Government Code of Practice for the Construction Industry. Lodgement of a tender will be evidence of the tenderer's agreement to comply with the code for the duration of any contract that may be awarded. If any tenderer fails to comply with the code, the failure may be taken into account by Council when considering this or any subsequent tender and may result in this or any subsequent tender being passed over."

4.6 Other Requirements

4.6.1 Consideration should be given to the relevance for inclusion in the tender documents any of the following matters specified in the Code of Tendering, Australian Standard As 4120 -1994 and the ICAC Manual, Practical Guide to Corruption Prevention:

- (i) information known to Council which is relevant to enable tenderers to evaluate the risks in the project
- (ii) a statement that each tenderer is required to state the main sub-contractors to be used on the project or a small panel from which those main sub-contractors will be drawn
- (iii) the tender validity period
- (iv) arrangements for opening of tenders and display of tenders list with reference to clauses 175 of the General Regulation
- (v) copy of the draft contract and documents to be used for the tender.

4.7 Composition of Tender Documents

4.7.1 The Commissioning and Assets branches of council maintain a set of standard tender documents based on Australian Standards AS 2124, AS 2125 and AS 2127 which can be used for most tenders for provision of services, supply of goods and materials, civil engineering and building work. These include:

- * letter of invitation
- * general description of the works and site
- * conditions of tendering
- * the tender form
- * essential information to be submitted with tenders including risk management and environmental protection
- * insurance documents including Indemnity and Risk Assessment
- * general conditions of contract and the form of contract to be used
- * special conditions of contract
- * specifications of required works or services, performance requirements or standard of workmanship and materials
- * schedule of rates or bill of quantities
- * drawings
- * Occupational Health and Safety requirements
- * conditions under which alternative tenders will be considered
- * criteria for assessment of tenders
- * form of agreement.

4.7.2 The conditions of tendering must include the statement: "The lowest or any tender will not necessarily be accepted".

4.7.3 Provision should be made on each page of a Schedule of Rates or Bill of Quantities for the name, address, telephone number, signature and date for the tenderer to complete.

4.7.4 Tender documents for the supply of goods or services will depend on the type of contract intended and shall form part of the procedures relating to such acquisition or work to be carried out.

4.7.5 Tender documents should clearly indicate milestones that must be achieved if progress payments are to form part of the tender process.

4.7.6 Ownership of Intellectual Property, Disclosure and/or Subsequent Use of Information.

Where appropriate these factors should be specified. This may be necessary to protect council's interest in software or systems being developed, or for copyright of other items being written or produced. Some invitations seek preliminary proposals and ideas which are used as a basis for short-listing firms for a second round of bidding. In such cases council must respect the confidentiality of responses and the intellectual property of firms. This is particularly relevant where council may be tempted to use an innovative idea of a firm in a specification for issue to other firms. It is desirable to declare any such intent so that the owner of the intellectual property rights can elect to grant a license to use the rights and to negotiate an appropriate fee and/or restrict the form of license. Legal advice should be sought before pursuing that option

- 4.7.7 The documents must also include the requirement for all persons/companies submitting a tender to complete the Tenderer's Declaration as set out in Appendix 11. Any tender not submitting this declaration will be considered invalid. A Tenderer's disclosure of any potential conflict of interest will be evaluated by council's TRC to determine their impact on the overall probity of the Tenderer's submission. Disclosure of a potential conflict of interest will not necessarily result in the disqualification or non-consideration of the Tenderer's submission.

4.8 Criteria for Assessment of Tenders

- 4.8.1 Clause 170(16) of the General Regulation requires council to specify, in the tender documents, the criteria on which the assessment of tenders will be based. The criteria should contain the critical factors that will make the project successful. These include, but are not limited to, the following:
- * conformity with tender requirements
 - * innovation
 - * value for money
 - * construction period or length of service period
 - * technical, management, physical, environmental management and financial resources to be applied to the project including risk management
 - * quality assurance
 - * industrial relations and OHS&R performance record
 - * price compared with estimated cost
 - * current commitments
 - * previous performance of contractor
 - * ability to trade electronically
 - * local supplier preference (all other criteria being equal).

4.9 Specification for Supply of Goods

- 4.9.1 Where the proposed contract is for the supply of goods the specification should include precise details of the product required. The description should specify the type, class, style, grade or other identification, number or quantity, time or period of delivery and delivery charges. Where applicable, requirements should be included for submission of drawings, engineering standards, technical details and for approval of samples and inspections prior to acceptance

4.10 Lodgement of Tenders by Facsimile

The tender documents must clearly state that Tenders may be lodged by facsimile on (02) 4780 5555 (Records and Archives fax number) provided that the transmission is complete and sufficient time has been allowed for the submission to be lodged in the tender box by the advertised closing time. Tender documents must also state that:

- * Tenders must not be lodged on any other number without the prior agreement of council
 - * The availability of facsimile facilities at all times or the confidentiality of tenders lodged by facsimile cannot be guaranteed
-
- * Facsimile transmissions not completed and lodged in the tender box

Preparation of Tenders Documents

- by the closing time will be invalid
- * Facsimile submissions must provide the tender amount and all other essential information in accordance with the specification
- * Satisfactory independent evidence of dispatch of the formal tender documents prior to the closing time must be provided either with the facsimile transmission or with the formal submission for the tender to be considered valid
- * Formal tender documents must be received within two (2) working days to allow the facsimile lodgement to be considered valid
- * It is recommended that Tenders not be lodged by facsimile.

Failure to meet these requirements will render the Tender invalid (under Clause 6.1.3).

5 INVITING TENDERS

5.1 Scope

- 5.1.1 This section applies to tenders invited under the selective tendering methods for particular projects and particular kinds of projects, and to tenders invited by public advertisement under the open tendering method.

5.2 Inviting Selective Tenders

- 5.2.1 The manager responsible for the project shall invite tenders from selected persons or firms approved by council for a particular proposed contract or from a list approved by council for particular kinds of proposed contracts.
- 5.2.2 The letter of invitation shall be in a similar format to that set out in Appendix 4. It must give details of where and when tender documents can be obtained and the purchase price (if applicable), and indicate that tenders must be submitted by a specified time on a date that is at least 21 days after the date of the invitation.
- 5.2.3 A copy of the letter of invitation and the tender documents must be referred to the TRC for dealing with the tenders in the normal course. See 5.4 below.

5.3 Inviting Open Tenders

Preparation of Draft Advertisement

5.3.1 The advertisement will be prepared by the initiating officer

- 5.3.2 It is essential that the advertisement satisfies the requirements of Clause 167 of the General Regulation and the Code of Tendering. The advertisement must:
- (i) be placed in a Sydney metropolitan daily newspaper and either or both a newspaper circulating in Council's area or a newspaper circulating in the district where potential tenderers are likely to be carrying on business or to be residing
 - (ii) express the purpose of the proposed contract (a description of the work, goods, services or property concerned)
 - (iii) give details of where and when tender documents can be obtained and the purchase price of those documents (indicate the nominated officer and telephone number of the person to be contacted in that regard)
 - (iv) specify the name of the contact person and how that person can be reached to enable enquiries to obtain additional information (technical information in relation to the proposed contract)
 - (v) invite any person willing to fulfil the requirements of the proposed contract to submit a tender by a specified time on a date at least 21 days after the date (or first date) of publication
 - (vi) state that "the lowest or any tender will not necessarily be accepted"

- (vii) display, in respect of proposed construction contracts the words “Tenderers are required to comply with the Local Government (General) Regulation 2005 and the New South Wales Government’s Code of Tendering for the Construction Industry”.

- 5.3.3 The initiating officer should also determine whether the tender document is to appear on council’s website as a downloadable document. They should also consider whether a document fee is to apply to hard copies obtained. This should be discussed with the TRC prior to printing to ensure that a minimum number of specifications are produced. Specifications to be lodged on council’s website are to be electronically provided to IT in two parts – one part comprising the full specification and one part comprising documentation to be completed and submitted with the tender.

Design and Placement of Advertisement

- 5.3.4 Consideration should be given to the requirement of the ICAC “Practical Guide to Corruption Prevention” concerning the design of advertisements to attract the attention of bidders in the relevant industry or location and the placement in appropriate journals as well as newspapers. The size and placement of the advertisements will be commensurate with the value, importance and nature of the proposed contract.

Distribution of Copies of Advertisement

- 5.3.5 The initiating officer shall ensure that copies of the approved advertisement are forwarded to:
- * Records and Archives to assist with identification of tenders
 - * Contact persons named in the advertisement
 - * Business & Information Centre
 - * The Internal Auditor for referral to the TRC.

Advertising deadlines

- 5.3.6 For advertisements to appear in the following week’s Sydney Morning Herald (Tuesday) and Blue Mountains Gazette (Wednesday), advertisements need to be completed and forwarded to the Administration Assistant, in Executive Services, by no later than 11am on the preceding Thursday.

The initiating officer will also have to coordinate a meeting of the Tender Review Committee in accordance with the requirements set out in Clause 2.4. This should be held by the Tuesday preceding the advertisement lodgement. A tender will not be advertised until the review is complete and signed off.

5.4 Issue of Tender Documents

- 5.4.1 The initiating officer may direct documents to interested persons, either nominated by the initiating officer or from known historic data.
- 5.4.2 One set of tender documents and drawings shall be supplied to the Internal Auditor for referral to the TRC.
- 5.4.3 The initiating officer shall maintain a Document Issued Register and enter details of the persons and companies who have been issued with expressions of interest documents. These details will include the name of

those persons or companies, contact details and date of issue.

- 5.4.4 Information shown in the Document Issued Register must not be disclosed to any persons enquiring as to which companies have been issued with tender documents. This is to minimise the possibility of collusion between tenderers.

5.5 Requirements During Tender Period

Tender Inquiries

- 5.5.1 In accordance with the Code of Tendering for the Construction Industry (Department of Local Government) and the Code of Tendering, AS 4120, information must not be given to one tenderer without being given to all tenderers.

Errors in Tender Documents

- 5.5.2 If an inquiry reveals a significant error, omission, ambiguity or discrepancy in the tender documents, the information provided to resolve the problem must be conveyed promptly in writing to all tenderers.

Pre-tender Briefing

- 5.5.3 If the tender documents require pre-tender briefing conferences, such meetings must be minuted, and the minutes forwarded to all tenderers and become part of the tender documents.

Amendment to Tender Documents

- 5.5.4 Where it becomes necessary to amend tender documents during the tender period, the amendments must be forwarded to all tenderers as an addendum in sufficient time for full and proper consideration before tenders close. The addendum should clearly state that it forms part of the tender documents. Tenderers should be requested to acknowledge receipt of an addendum in writing and to confirm in their tenders that allowance has been made therein for each addendum. When an addendum is issued, consideration should be given to extending the tender period in accordance with Clause 172 of the General Regulation (particularly if the amendment is issued within three (3) working days of the closing date). If more than one addendum is issued they must be numbered in the order of issue.

5.6 Receipt and Custody of Tenders

- 5.6.1 This section applies both to tenders and expressions of interest.
- 5.6.2 Persons delivering tenders by hand are to be directed to the locked tender box located in the foyer of the Headquarters, Katoomba and instructed to personally place their tender in the box. The keys of the tender box shall be kept by the appropriate person. The tender box shall not be opened except for the extraction of tenders at the appropriate time. If a tender is too bulky to fit into the tender box it must be immediately referred to the Records and Archives who shall keep it secure and produce it when the tender box is opened.
- 5.6.3 Tenders received by post or by courier must be clearly identified and handed by the receiving officer to the appropriate person who shall place them in the

tender box without delay.

5.6.4 Tenders received by telex, facsimile machine or other telegraphic device must be clearly identified and handed promptly to the appropriate person who shall seal them in an envelope endorsed with the description of the tender, and place them in the tender box.

5.6.5 Prior to the advertised closing time the appropriate person shall check to ensure that all tenders received by mail or fax have been placed in the tender box. The Records and Archives supervisor should be advised that tenders may be received by facsimile transmission and that these must be referred immediately to the appropriate person for attention in accordance with 5.6.4 above.

5.6.6 If any tenders received by mail prior to the closing time are inadvertently opened, the contents should be replaced in the envelope, resealed, dated, and initialled by the Records and Archives Supervisor and handed to the appropriate person for placing in the tender box.

5.7 Opening of Tenders

5.7.1 This section applies both to tenders and expressions of interest.

5.7.2 Tenders will be taken from the tender box and opened by the appropriate person, who has been designated by the General Manager as the appropriate person. They must be removed and opened in the presence of the Internal Auditor or his representative if available and at least two other persons from the panel designated by the General Manager. The appropriate person must give adequate notice to those required to be present.

The following opening procedures in relation to the opening of tenders shall be followed:

- * A stamp, indicating the date of the opening and provision for the signature of the 3 members of the opening panel, shall be affixed to all pages showing a price relevant to the tender, i.e. lump sum, breakdown of the lump sum, schedule of rates etc
- * Supporting pages showing details of previous projects completed or financial details (i.e. balance sheets, profit and loss statements) shall be stamped but need not be signed. All other supporting pages do not need to be stamped
- * In the event that multiple copies are received, one complete set shall be endorsed 'original' stamped and signed as appropriate, while the other copies shall be endorsed 'copy only' with the leading page stamped and signed.

5.7.3 Tenderers and members of the public may attend the opening of tenders but are not entitled to receive any information about the tenders other than whether council has received a particular tender and the number of tenders received. (Clause 175 of the General Regulation).

5.7.4 After the envelopes have been removed from the tender box, any tender envelopes which relate to other tenders not yet closed shall be replaced in the tender box. Any envelope not clearly endorsed shall be opened and identified and if it relates to a tender not yet closed, it shall be resealed, properly endorsed with the description of the relevant tender, dated, initialled

by all members of the panel, and replaced in the tender box. The tender box shall then be locked.

- 5.7.5 Any tender identified as relating to a tender which has previously been closed, should be initialled by all members of the panel, time and date stamped and registered with the Records and Archives. The appropriate person shall amend the Summary of Tenders list by inserting details of the tender as a tender received after the closing time and the time on which it was opened. The appropriate person and the initiating Manager shall determine whether or not the tender should be considered as a late tender.

- 5.7.6 The remaining tenders shall then be placed in groups for each of the tenders closing on that day.

5.8 Recording of Tenders

Preparation of Tender List

- 5.8.1 As soon as practicable the appropriate person must record the apparent amounts tendered and prepare a list of Tenders Received (Appendix 5) specifying the names of tenderers in alphabetical order and including any other information considered appropriate by the appropriate person. (Clauses 175(3) and (4) of the General Regulation)

The values of each tender shall not be disclosed and, if appropriate, additional wording such as: ***“This list is in alphabetical order as the apparent order of price has not been determined”*** may be included as a disclaimer under Section 175 of the General Regulation.

Summary of Tenders Received

- 5.8.2 A Summary of Tenders Received list recording apparently tendered amounts is to be prepared for file purposes (refer Appendix 5). This is in accordance with Section 175(3)(a) of the Local Government (General) Regulation 2005.

Registration and Filing

- 5.8.3 On completion of the relevant documentation the appropriate person shall refer all tenders and the summary of tenders to the Records and Archives for filing and registration as correspondence in the correspondence register. Note: This should be done on the closing date of the tender. However, if there is a large number of submissions or there is more than one tender, this can be undertaken the following day.
- 5.8.4 Where tender deposit cheques are received, the appropriate person shall lodge the cheques with the Cashier, obtain receipts on the same day and include the receipts with the tender documents on the respective file.
- 5.8.5 The originals of all tender documents including receipts for tender deposits where applicable) are then to be forwarded to the initiating Manager for evaluation and the preparation of a report to Council as soon as practicable.

Public Display of Tender List

- 5.8.6 Immediately after preparing the Tender List, the appropriate person must place it on display on the notice board in the foyer of the Administrative Headquarters, Katoomba where it can be readily seen by members of the public. (Clause 175(4) of the General Regulation). This list will not disclose the amount tendered.

Confidentiality and Security of Tenders

- 5.8.7 Tenders, when not required for processing and evaluation, must be secured in a safe place to safeguard confidentiality.
- 5.8.8 Information contained in tenders must be kept confidential at all times and only made available on a need-to-know basis. No information shall be divulged to another tenderer at any stage other than the information which is publicly available in the tender list referred to in Clauses 5.8.1 and 5.8.6 above.

6 EVALUATION, REPORTING AND ACCEPTANCE OF TENDERS

6.1 Evaluation of Tenders

Prompt Attention to Tenders

- 6.1.1 Clause 177(1) of the General Regulation requires that tenders must be assessed as soon as practicable after the closing date.

Tenders Not to be Considered

- 6.1.2 This section applies to the rejection of both tenders and expressions of interest.

- 6.1.3 Consideration shall not be given to the following tenders and the reasons for rejection must be clearly documented:

- (i) tenders received by council after the advertised closing time, unless received within five (5) working days thereafter and the tenderer is able to provide evidence that those tender documents and all other requisite and essential information were posted or lodged at the Post Office or other recognised delivery agency in sufficient time to enable the documents to have been received by council before the advertised closing time
- (ii) tenders not submitted on formal tender documents where specified by council that formal documents must be submitted in accordance with Clause 177(4) of the General Regulation
- (iii) tenders received by facsimile that do not comply with the requirements as set out in Clause 4.10
- (iv) an alternative tender unless it was specifically invited or a conforming tender was also submitted
- (v) Tenders received after the closing time shall be endorsed with the time of receipt and signed by the appropriate person and the Internal Auditor
- (vi) The appropriate person shall contact the tenderer, if appropriate, to establish whether there are grounds to consider the tender valid
- (vii) Subject to the results of (2) above, the appropriate person shall immediately advise the tenderer in writing whether their submission is valid or invalid
- (viii) All submissions declared invalid shall be registered and held by Records and Archives until the tender process has been finalised. The invalid tender will then be placed on file

- (ix) Such tenders shall be sealed and will only be released upon the authority of the Internal Auditor.

6.1.4 All tenders apart from those rejected under 6.1.3 above must be considered.

Tender Evaluation Panel

6.1.5 The manager responsible for the contract shall refer the tenders to the Tender Evaluation Panel appointed to assess the tenders. (See Clause 2.3 of the Procedures).

6.1.6 Members of the Panel must be invited, in accordance with council's Code of Conduct, to disclose any pecuniary or non-pecuniary interest they may have in the matter. Any disclosures must be referred to the General Manager for determination.

6.1.7 The Panel shall ensure that all relevant schedules have been completed, all necessary documents submitted and that the tender is in conformity with the tender documents issued by council.

6.1.8 In evaluating the tenders the Panel should give consideration to the following:

- (i) experience of the tenderer in fulfilling the requirements of similar contracts
- (ii) capacity of the tenderer to fulfil the requirements of the proposed contract
- (iii) the selection criteria as specified in the tender documents issued by council (See 4.8.1)
- (iv) the contract price.

Weightings

6.1.9 Before the evaluation commences, the Panel should meet to determine the weightings to be allocated to each of the criteria to be used in the evaluation process. Not all criteria will be of equal weight because some will have a greater impact than others depending upon their importance. Furthermore, the weightings given to criteria will vary from one contract to another and weights should therefore be determined for each contract having regard for its particular characteristics.

6.1.10 The usual method of allocating weights is to allocate to each of the criteria a value out of 100, i.e. with the values for all criteria totalling 100. A score is given by each panel member to each of the criteria satisfied by a tender which is then multiplied by the relevant weightings factor to obtain the weighting score for that tender. That process is completed for each tender and the weighted scores made by each panel member aggregated for all tenders to ascertain a preferred tender.

- 6.1.11 All tender evaluations shall be fully documented by the manager responsible for the contract to substantiate the reason for the recommended selection.

6.2 Variations to Tenders

- 6.2.1 Clause 176 of the General Regulation provides that tenders may be varied in certain circumstances. These requirements should be carefully noted and they are quoted in full below:

“176 (1) At any time before a council accepts any of the tenders that it has received for a proposed contract, a person who has submitted a tender may, subject to subclause (2), vary the tender:

- (a) by providing the council with further information by way of explanation or clarification, or
- (b) by correcting a mistake or anomaly.

(2) Such a variation may be made either:

- (a) at the request of the council, or
- (b) with the consent of the council at the request of the tenderer, but only if, in the circumstances, it appears to the council reasonable to allow the tenderer to provide the information or correct the mistake or anomaly.

(3) If a tender is varied in accordance with this clause, the council must provide all other tenderers whose tenders have the same or similar characteristics as that tender with the opportunity of varying their tenders in a similar way.

(4) A council must not consider a variation of a tender made under this clause if the variation would substantially alter the original tender.”

- 6.2.2 When communicating with tenderers, care must be taken to ensure that no indication is given of the possible outcome of the evaluation. Communication should be limited to seeking further particulars, explanation or clarification but care should be taken to ensure that any variation which might arise is dealt with strictly in accordance with Clause 176 of the General Regulation. It may be preferable in larger contracts to call a meeting of tenderers where all tenderers have an equal opportunity to provide explanations and to consider the need for variations. All communications with tenderers must be recorded.

6.3 Tender Review Committee

- 6.3.1 Before submission of a report to Council detailing the recommendations of the Tender Evaluation Panel, the responsible manager shall present a draft of the report to the Tender Review Committee. Copies of the tenders, the contract files, supporting documentation and working papers justifying the recommendation must be presented with the draft report. Further details are available as per Clause 2.4.

6.4 Report to Council

6.4.1 A report to Council concerning acceptance of a tender is to be prepared by the responsible Manager at the earliest practical opportunity. The report shall include a comparison of all tenders submitted and reasons as to why the selected tender is recommended. **The responsible Managers shall have undertaken checks and searches on the successful tenderer, including financial checks and company searches.** The report and recommendations must address the following:

- * the reasonableness of the recommended tender
- * the reasons for passing over any tender lower in price than the recommended tender
- * the ability of the recommended tenderer to satisfactorily carry out the work
- * justification for accepting a tender well below the market price for the work or accepting any departures from the tender documents
- * availability of the site
- * availability of funds
- * the reasons for not recommending the acceptance of any tender and the action which should follow
- * authority for affixing the seal to the contract documents.

The report to Council is to be signed by the relevant Group Manager and include a statement that the Tender Review Committee has reviewed the tender procedures and is satisfied as to the fairness of the process.

6.4.2 The evaluation methodology and evidence supporting the decision for acceptance of a tender by Council shall be fully documented and held on file.

6.4.3 Tenderers shall not be advised of report details or recommendations prior the Council meeting. Staff should ensure, in that regard, that tenderers are given no information until the business paper is finalised and then provided only with the time and place of the meeting where tenders will be considered and where business papers are available to the public. Care must be taken to ensure that no information is divulged which is proposed to be considered by Council in the confidential session to be closed to the public.

6.4.4 It is necessary that commercial information other than lump sum figures is not disclosed in an ordinary report or attachments. Should it be necessary to provide this information to Council for its consideration then this should be supplied in the form of a confidential report or confidential attachments.

6.5 Acceptance of Tenders

6.5.1 After considering the tenders submitted for a proposed contract and the report and recommendations thereon, Council must, in accordance with Clause 178 of the General Regulation, do either of the following:

- (i) accept the tender which appears to be the most advantageous to council having regard for all the circumstances; or
- (ii) decline to accept any of the tenders.

- 6.5.2 There are a number of courses open to Council if it decides not to accept any of the tenders submitted or if no tenders are received. The Council may, by resolution, do one of the following:
- (i) postpone the proposed project
 - (ii) cancel the proposed contract entirely
 - (iii) invite fresh tenders using any of the three tendering methods using the same or different details
 - (iv) carry out the requirements of the proposed contract itself
 - (v) enter into negotiations with any person in accordance with Clause 178(3)(e) of the General Regulation with a view to entering into a contract. Councils are prevented to vary contracts during the negotiation process so that they no longer reflect the substance of the contracts initially tendered. Negotiations may be entered into with any person whether the person was a tenderer or not. The resolution must state the reasons for deciding not to call or invite fresh tenders. (See below).
- 6.5.3 If Council decides to enter into post tender negotiations in accordance with (v) above the requirements of the Code of Tendering - Practice Note 8(a) and the Code of Tendering - AS 4120 should be carefully noted. Both codes state that the principal (Council) should not, in post tender negotiations, seek to trade off different tenderers prices against others in an attempt to seek lower prices. This is regarded as “unconscionable” conduct and amounts to “bid shopping”. Council should first exhaust negotiations with the initially preferred tenderer before negotiating with a subsequent tenderer in order to achieve a conforming tender.
- 6.5.4 When the tenders have been dealt with by Council, tenderers shall be notified by the responsible Manager as to the outcome of their tenders. If no tenders are accepted the tenderers must be advised of the terms of Council's resolution. (See 6.5.2 above and Appendices 9 and 10 for examples of correspondence).
- 6.5.5 The responsible Manager shall prepare a Result of Tender notice in accordance with the requirements of Clause 179(b) of the General Regulation. The notice must specify the name of the successful tenderer and the amount of the tender. If no tender is accepted by Council, the notice should be to that effect and specify the action proposed by Council. (See Appendix 7). The notice shall be displayed on the notice board in the foyer of the Headquarters, Katoomba where it can be readily seen by members of the public. The notice should also be published on council's website.
- 6.5.6 Clause 178(2) of the General Regulation requires that every contract entered into as a result of a tender must be in accordance with the tender, or as it may be modified by any variation under Clause 176 of the General Regulation.

7 CONTRACTS AND DOCUMENTATION

7.1 Forms of Contract

7.1.1 The following forms of contract are available:

- * Australian Standard AS2124-1986 is the main form of contract for building or civil works and services of any value. The standard was re-issued in 1992 but there are a number of legal issues which require resolution before it comes into general use
- * Public Works Minor Services or Works General Conditions are used by the Department of Public Works and Services for building or civil works and services up to a value of \$250,000
- * NPWC3 General Conditions of Contract issued by the National Public Works Council is available for works such as roads and bridges
- * The RTA uses the RTA General Conditions of Contract for Minor Contracts for works supervised by the Authority
- * For the supply or supply and installation of equipment or items which are manufactured off-site, the contract documents can be based on AS2987 General Conditions of Contract for the Supply of Equipment With or Without Installation.

7.1.2 Tender documents which later form the basis of a contract must contain the following (See also Clause 4.7.1):

(i) Contractual/commercial conditions comprising:

- * Notices to tenderers
- * Conditions of Tendering
- * General Conditions of Contract
- * Annexure to the General Conditions
- * Preliminaries/Special Conditions of Contract.

(ii) Details of the extent of work under the contract

(iii) Technical requirements, including performance requirements or standards of workmanship and materials and drawings.

7.2 Completion Time

7.2.1 The completion time for the works must be clearly specified in the Annexure to the General Conditions. It should be realistic and based on the following factors:

- (i) the needs of council
- (ii) the availability of the site and any site restrictions, if applicable
- (iii) an allowance for extensions of time due to such occurrences as wet weather
- (iv) the availability of resources to the contractor including labour, materials and finance.

7.3 Extent of the Work

7.3.1 The extent of the work must be clearly defined in the tender documents forming part of the contract and should cover all work to be carried out under the contract.

7.3.2 A contract must not be varied to include additional work except where circumstances arise which could not have reasonably been foreseen when the work was being documented for calling of the tender.

7.4 Use of Brand Names

The use of brand names in tender and contract documents should be limited to where this is the only satisfactory method of specifying requirements. Care must be taken to ensure that all suitable proprietary items are specified rather than a limited number.

7.5 Letter of Acceptance

7.5.1 The letter of acceptance of a tender should include the following details:

- (i) date of Council meeting
- (ii) details of resolution
- (iii) the contract sum
- (iv) details of security deposit required when signing contract
- (v) arrangements for signing of the contract agreement pointing out the need to affix the company seal and letter of authority for person signing the contract (Note: the contract must be signed by the Managing Director or the Company Secretary or a person authorised by both of those officers in writing)
- (vi) arrangements for insurances.

7.6 Contract Documents

The contract documents shall be bound in the following order:

- * Instrument of Agreement
- * Specifications
- * Relevant correspondence
- * Schedules
- * Form of Tender
- * Conditions of Tendering and Contract
- * Copy of acceptance letter
- * Drawings
- * Brochures and other literature.

7.7 Execution of Contract by Council

- 7.7.1 The initiating Manager shall make arrangements for signing of the contract agreement by Council and affixing the seal.
- 7.7.2 The contract shall be signed by the Mayor and the General Manager or by at least one Councillor other than the Mayor and the General Manager or otherwise in accordance with council's Code of Meeting Practice and its delegation.
- 7.7.3 The original of the contract shall be filed as a legal document.
- 7.7.4 To ensure that a budget commitment is achieved within the Financial Management System an electronic requisition shall be raised authorising the creation of a Purchase Order. The requisition must contain details of the resolution of Council by providing the meeting date and minute. All invoices submitted must contain the Purchase Order number to ensure that the correct commitment value is maintained.

7.8 Contracts Register

- 7.8.1 The following details shall be entered in the Contracts Register maintained by Accounts Payable:
- * Contract number
 - * Nature of contract
 - * Name and address of contractor
 - * amount of contract or rates
 - * deposit paid, date and receipt number or details of bank guarantee
 - * minute number of Council resolution accepting the tender
 - * security deposit or retention amount.

- 7.9** The initiating officer shall advise Purchasing Services Unit of the outcomes of the tender. This advice shall include the contract lump sum. In a case of schedule of rates contract the pricing schedule shall be forwarded to Purchasing Services Unit and Internal Auditor.

8 CHECKLISTS

8.1 In the following appendices are attached checklists which are to be used by staff engaged in tendering procedures, by internal audit and by the Tender Review Committee in the review process.

8.2 Checklists of Tendering Procedures cover:

- * Project Planning and Initiation
- * Procurement Strategies
- * Documentation
- * Inviting Tenders
- * Opening of Tenders and Expressions of Interest
- * Evaluation of Tenders
- * Report to Council
- * Acceptance of Tenders.

TENDER PLANNING TIMELINE

Once the need to call a tender has been established, the initiating officer must complete the following timeline. This timeline works back from the date of the proposed Council Meeting. This should be retained on file with a copy sent to the Internal Auditor and the Senior Accountant (Corporate Policy). This timeline is available electronically from staff intranet under BMCC Policies.

Description of task	Example Dates
• Date of proposed Council Meeting	25/6/02
• Date of proposed TRC review (allow 3 day window)	17-18/6/02
• Council report preparation	12-14/6/02
• Tender Evaluation Panel review	12-13/6/02
• Opening of Tender (Tuesday)	11/6/02
• Tender period	21/5/02 - 11/6/02
• Date of first advertisement	21/5/02
• Date of initial TRC review	15/5/02
• Draft advertisement and hard copies of specification	16/5/02
• Preparation of specification	6-16/5/02
• Approval to go to tender/tendering method sought	6/5/02
• Pre-planning - funding/other requirements	6/5/02

CHECKLIST FOR THE TENDER PROCESS

- | | | |
|----|--|--|
| 1. | Need to call a tender is established in line with the Management Plan/Capital Works budget/Operating budget. | <input type="checkbox"/> |
| 2. | Estimate of cost established (cl 2.7) <ul style="list-style-type: none"> • Estimate to include design/documentation fees, contingencies, supervision costs. • Estimate to be <u>realistic</u> and <u>verifiable</u>. • Estimate must be documented and placed on file. | <input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> |
| 3. | Budget/funding provisions checked (cl 2.1.2) <ul style="list-style-type: none"> • Is there funding available? • Is this provided in the budget? | <input type="checkbox"/>
<input type="checkbox"/> |
| 4. | Tender planning documentation completed (cl 2.2 and Appendix 1 & 2) | <input type="checkbox"/> |
| 5. | Approval to go to tender and the tendering method obtained (cl 1.5) <ul style="list-style-type: none"> • For those tenders where cost estimate is less than \$250K - approval by Group Manager. • For those tenders where cost estimate is greater than \$250K - approval from General Manager (Executive Officer). | <input type="checkbox"/>
<input type="checkbox"/> |
| 6. | Tender specification prepared (cl 3.2 (EOI) & 4.7 (Tenders)). Ensure that specification includes the following (as appropriate): <ul style="list-style-type: none"> • Contract conditions • Extent/description of work • Technical requirements • Completion time | <input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> |

- Details of instalments ☐
- Evaluation criteria ☐
- Contact details of initiating officer ☐
- Requirement for the submission of formal tender documents ☐
- Encouragement for innovation ☐
- Statement of necessity for compliance with NSW Government Code of Practice ☐
- Arrangements for the opening of the tender box ☐
- Declaration by Tenderers **(Appendix 11)** ☐

7. Initial review by Tender Review Committee (TRC) **(cl 2.4)**

- Cost estimate, approval to go to tender, tender specification presented to the TRC ☐

8. Advertisement drafted by the initiating officer. The minimum information to be supplied is set out as follows **(cl 3.3.2 (EOI) & 5.3.2 (Tenders))**

- Purpose and description of work/materials/services ☐
- Placement/coverage/date of advertisement ☐
- Price of documentation ☐
- Contact officer ☐
- Account number(s) to be charged for cost of advertisement ☐
- Whether specification is downloadable ☐
- Information required by 3pm on the Tuesday preceding advertisement **(cl 3.3.7 (EOI) and 5.3.7 (Tenders))** ☐

9. Hard copies of the specification available for distribution by the initiating officer prior to first advertisement

- Required by the Tuesday preceding advertisement **(cl 3.3.7 (EOI) & 5.3.7 (Tenders))** ☐

10. Tender advertised:

- Minimum period of 21 days
- Period can be shortened - **cl 1.6.2**
- Period can be extended - **cl 1.6.3**

☐
☐
☐

11. Tender closing date - opening of submissions by approved persons
(**cl 1.5.7**)

- Schedules showing prices must be signed and stamped
- Supporting pages showing previous work, financial statements should be stamped but need not be signed
- Pages showing company details/curriculum vitae etc need not be signed/stamped
- Where multiple copies of the submission are received, one set shall be stamped and signed (as above). The other copies shall have the front page endorsed "copy only" with the leading page stamped and signed

☐
☐
☐
☐

12. Summary of submissions lodged is prepared by the appropriate person (**cl 5.8.1**)

- Copy to Internal Auditor
- Copy to initiating officer
- Copy placed on the noticeboard in the foyer

☐
☐
☐

13. Tender Evaluation Panel (TEP) convened by the initiating officer
(**cl 2.3 & 6.1.5**). Made up of:

- (i) Initiating officer
- (ii) At least one other staff member with relevant skills in the area of the tender
- (iii) At least one other person with no interest in the outcome (independent). This person can either be a member of staff or from outside council

☐
☐
☐

14. Meetings of TEP (**cl 2.3 & 6.1.5**).

Items to address and document on file:

- | | | |
|-------|--|--------------------------|
| (i) | Disclosure by members of the TEP of any potential pecuniary or non-pecuniary interests | <input type="checkbox"/> |
| (ii) | Minutes to be taken of all meetings | <input type="checkbox"/> |
| (iii) | Report/working papers etc outlining TEP's decision? (if not outlined in the minutes) | <input type="checkbox"/> |

15. Formal evaluation by TEP (**cl 6.1.5**)

- | | | |
|------|--|--------------------------|
| (i) | Evaluation criteria as outlined in the specification only to be utilised | <input type="checkbox"/> |
| (ii) | TEP should determine weightings of criteria before evaluation commences | <input type="checkbox"/> |

16. Report to Council prepared (**cl 6.4**)

Report should include as a minimum:

- | | | |
|---|--|--------------------------|
| • | Comparison of submissions | <input type="checkbox"/> |
| • | Selected tenderer | <input type="checkbox"/> |
| • | Reasons for not accepting a lower priced tender | <input type="checkbox"/> |
| • | Ability to carry out the work | <input type="checkbox"/> |
| • | Availability of site and of funds | <input type="checkbox"/> |
| • | Reasons for not accepting any tender (if applicable) | <input type="checkbox"/> |
| • | Statement by the TRC | <input type="checkbox"/> |

17. Second meeting of TRC (**cl 2.4**)

- | | | |
|---|---|--------------------------|
| • | Needs to be planned on (as per planning timeline) and the TRC notified (allow at least 2 days for TRC review) | <input type="checkbox"/> |
| • | Will review adherence to the policy | <input type="checkbox"/> |

18. Councillor Briefing Session (if applicable) and EMT ☐

A presentation will need to be prepared for a Councillor Briefing Session under the following circumstances:

- (i) Where Councillors request a briefing
- (ii) The General Manager is of the opinion that a briefing is appropriate
- (iii) The value of the tender exceeds \$1 million

However, all draft reports to Council will need to be put to the relevant meeting of the EMT. ☐

19. Council Meeting held (**cl 6.5**) ☐

Council must at the meeting:

- (i) Accept the tender which appears to be most advantageous, or ☐
- (ii) decline to accept any of the tenders ☐

Further information is available at **cl 6.5.2** if Council resolves to decline to accept any of the tenders.

20. Initiating officer to prepare a "Result of Tender Notice". A copy of this should be:

- (i) Placed on the noticeboard in the foyer at HQ ☐
- (ii) Sent to the Internal Auditor (by email) ☐
- (iii) Sent to the Purchasing Services Unit (by email) ☐
- (iv) Sent to the IT (by email) for publication on council's website ☐

21. Initiating officer shall advise the successful and unsuccessful tenderers of the outcome of their submissions. ☐

22. Contract documents are to be prepared to include (in order) **(cl 7.6)**
- Instrument of Agreement ☐
 - Specifications ☐
 - Relevant correspondence ☐
 - Schedules ☐
 - Form of tender ☐
 - Conditions of tendering and contract ☐
 - Copy of acceptance letter ☐
 - Drawings ☐
23. Contract executed **(cl 7.7)** & Electronic Requisition raised authorising the creation of a Purchase order. ☐
24. Contract Register updated:
- contact Accounts Payable ☐
25. Post tender review undertaken by the Tender Review Committee. ☐
26. Notify PSU & IA of contract sum and/or schedule of rates. ☐

This checklist is available electronically from staff intranet under: BMCC Policies Tendering Policy.

Prepared by: _____
Name: _____ Signature: _____ Date: _____

BLUE MOUNTAINS CITY COUNCIL
INSTRUMENT OF APPROVAL BY GENERAL MANAGER
CALLING OF TENDERS

A. DETAILS OF PROPOSED TENDER

Items to be Purchased:

Estimated Value:

Items of Plant or Equipment to be sold or Traded-in:

Availability of Funds:

Tendering Method:

B. APPROVAL

Approval is granted to the calling of tenders under Section 55 of the Local Government Act, 1993 in terms of the above and by the tendering method so stated. (If applicable add: Approval is also given to the sale or trade-in of the items indicated above.)

M.WILLIS
General Manager

Date:

EXAMPLE INVITATION TO TENDER

Environmental & Customer Services

Reference File: CO6715

20 February 2002

Mr A Jones
Jones Construction Pty Ltd
49 Industrial Road
PENRITH NSW 2750

**Subject: Expressions of Interest – Invitation to Tender for Construction of
Roads at Katoomba – Contract No 1/02**

Reference is made to your application dated 3 February 2002 expressing an interest in tendering for the construction of Gold, Silver and Copper Streets, Katoomba comprising the construction of roads, drainage, concrete footpaths and kerb and gutter.

All applications received were considered by Council at its meeting held on 17 February 1998. I have to advise that your application has been successful and that you have been placed on a short list of tenders for the works.

You are accordingly invited to tender for the works. The closing date for tenders will be 2.00pm on Tuesday 2 March 2002.

Tender documents are available from Council's contact officer on telephone (02) 4780 5657 between 8.30am and 5.00pm on business days upon payment of a non-refundable fee of \$50.00.

Tenderers are required to comply with the Local Government (General) Regulation, 2005 and the NSW Government Code of Practice and Code of Tendering for the construction industry. The lowest or any tender will not necessarily be accepted.

Formal tenders must be submitted. The tenders must be placed in a sealed envelope endorsed "Tenders for Construction of Roads – Katoomba, Contract No 1/02" and either placed in the tender box located in the foyer on the ground floor of the Administrative Headquarters, Katoomba or posted to the address shown below.

Tenderers are invited to attend the opening of tenders immediately after the closing time.

Further information in relation to the proposed contract may be obtained from council's Roads Engineer, Mr William Smith on telephone (02) 4782 0535.

Yours faithfully,

MICHAEL EDGAR
A/Group Manager, Environmental & Customer Services

**EXAMPLE NOTIFICATION TO UNSUCCESSFUL APPLICANT
EXPRESSION OF INTEREST**

Environmental & Customer Services

Reference File: CO6715

20 February 2002

Mr G Green
Green's Road Services Pty Ltd
17 Pastures Road
GREEN VALLEY NSW 2539

**Subject: Expressions of Interest – Tenders for Construction of Roads at
Katoomba, Contract No 1/02**

Reference is made to your application dated 3 February 2002 expressing an interest in tendering for the above works.

All applications received were considered by Council at its meeting held on 17 February 2002 and I have to advise that your application has been unsuccessful. (or if applicable, Council has declined to invite tenders from any applicants).

I wish to thank you for your interest in this matter and trust you may care to respond to Council's requirements on some future occasion if the opportunity arises.

Yours faithfully,

NAME

Title

NOTICE UNDER SECTION 16(3) / CLAUSE 16 3(A)
LOCAL GOVERNMENT TENDERING REGULATION 1999
BLUE MOUNTAINS CITY COUNCIL

Tender/Expression of Interest:

Tender No:

Contract Number:

Group:

Description of Work:

Closing Date:

File Number:

Branch or Unit:

Contact Person:

Submissions Received:

CONTRACTOR'S NAME & ADDRESS
--

APPARENTLY TENDERED AMOUNT

The above list has been prepared in alphabetical order as the apparent order of price has not been determined at this stage.

Signed:

Group: Corporate Policy

EXAMPLE 1 TENDER ADVERTISEMENT

BLUE MOUNTAINS CITY COUNCIL

**TENDER FOR THE SUPPLY OF LABOUR AND MATERIALS FOR THE INSTALLATION
OF ACOUSTIC CEILINGS, ALUMINIUM PANELS AND ASSOCIATED WORKS AT THE
LOWER BLUE MOUNTAINS AQUATIC CENTRE, SPRINGWOOD**

Contract 2003-116

Tenders closing at 2pm on Tuesday 27 January 2004 are invited for the supply of labour and materials for the installation of internal suspended acoustic ceilings, mineral fibre tiles, aluminium panels internal and external, screw up cement board and associated works, Contract 2003-116.

Tender Documents are available from council's Project Management Administration Officers, Ms Anne Nadarajah or Ms Lisa Macqueen on telephone (02) 4780 5476, between 8.30am and 5pm on business days.

Tenders are required to comply with the Local Government (General) Regulation, 2005 and the NSW Government Code of Practice and Code of Tendering for the Construction Industry. The lowest or any Tender will not necessarily be accepted.

Formal Tenders must be submitted. Tenders must be placed in a sealed envelope, endorsed "Construction of Acoustic Ceilings, Aluminium Panels and Associated Works – Contract 2003-116" and either be placed in the tender box located in the foyer on the ground floor of the Administrative Headquarters, Katoomba or be posted to the address shown below.

Tenderers and members of the public are invited to attend the opening of submissions immediately after the closing time.

Further information in relation to the proposed contract, may be obtained from council's Construction Manager for this project, Ms Kaye Brennan, on (02) 4751 9073.

City of Blue Mountains
Business & Information Centre
2 Civic Place or
Locked Bag 5
Katoomba NSW 2780

Michael Willis
General Manager

EXAMPLE 2 TENDER ADVERTISEMENT

BLUE MOUNTAINS CITY COUNCIL

**TENDER FOR –
PROVISION OF KERBSIDE RECYCABLE MATERIALS COLLECTION SERVICE**

Contract No. EM W01/2004

Tenders closing at 2.00pm on Tuesday 14 October 2003 are invited for the provision of a kerbside recycling collection service for the City of Blue Mountains.

Tender documents are available from council's Administration Assistant, Ms Kerri Mergen on telephone (02) 4780 5588, between 8.30am and 5.00pm on business days upon payment of a non-refundable fee of \$50.00.

A Pre-Tender meeting will be held at 9.30am on Friday 3 October 2003 in the Council Chambers of the Council of the City of Blue Mountains at the address shown below. Attendance at this meeting is compulsory and Submissions will not be considered from a Tenderer who does not have a representative in attendance at this meeting.

Tenders are required to comply with the Local Government (General) Regulation, 2005 and the NSW Government Code of Practice and Code of Tendering for the Construction Industry. Council shall not be bound to accept the lowest or any Tender submitted.

Tenders must be placed in a sealed envelope, addressed to the General Manager, endorsed "Provision of Kerbside Recycling Collection Service – Contract No. EM W01/2004" and either placed in the tender box located in the foyer on the ground floor of the Administrative Headquarters, Katoomba or posted to the address shown below;

City of Blue Mountains
Business & Information Centre
2 Civic Place/
Locked Bag 5
Katoomba NSW 2780

Tenderers and members of the public are invited to attend the opening of submissions immediately after the closing time.

Further information, in relation to the proposed contract, may be obtained from council's Waste & Resources Engineer, Rachel Sutcliffe, on (02) 4780 5566 or email rsutcliffe@bmcc.nsw.gov.au (Monday, Wednesday & Friday only).

Michael Willis
General Manager

EXAMPLE EXPRESSION OF INTEREST ADVERTISEMENT

BLUE MOUNTAINS CITY COUNCIL

**EXPRESSIONS OF INTEREST FOR PROVISION OF COMPANION ANIMAL
IMPOUNDMENT FACILITY AND POUND OPERATOR**

Reference Expressions of Interest No CA1

Expressions of Interest closing at 2.00pm on Tuesday 3 February 2004 are invited for the provision of Companion Animal Management Facility and Pound Operator to serve the Blue Mountains Local Government Area.

Expressions of Interest Documents are available from council's Senior Environmental Ranger, Mr Jim Fishlock on telephone (02) 4780 5698 between 8.30am and 5.00pm on business days.

Expressions of Interest must be placed in a sealed envelope, endorsed "Expressions of Interest for Companion Animal Management Facility and Pound Operator" and be placed in the tender box located in the foyer on the ground floor of the Administrative Headquarters, Katoomba prior to advertised closing date and time.

Applicants and members of the public are invited to attend the opening of submissions immediately after the closing time.

Further information in relation to the Expressions of Interest, may be obtained from council's Branch Manager Environmental Health and Regulatory Compliance, Michael Edgar on (02) 4780 5707 or medgar@bmcc.nsw.gov.au.

Blue Mountains City Council
Business & Information Centre
2 Civic Place/
Locked Bag 5
KATOOMBA NSW 2780

Michael Willis
General Manager

**EXAMPLE NOTICE UNDER CLAUSE 20(B)
LOCAL GOVERNMENT (TENDERING) REGULATION 1999**

BLUE MOUNTAINS CITY COUNCIL

RESULT OF TENDER

1. **Tender:**

2. **Council Meeting Date:**

3. **Item No:**

4. **Minute No:**

5. **Name of Successful Tenderer(s):**

6. **Amount of:** \$

(If no tenders are accepted by Council a statement in or to the effect of the following must be included in lieu of 5 and 6 above).

7. **Decision of Council:** Council resolved not to accept any of the tenders and to postpone the works. (or cancel, or carry out the works itself or call fresh tenders as the case may be)

or

Council resolved not to accept any of the tenders but to enter into negotiations with the preferred tenderer. (name of tenderer). Council's reason for not calling fresh tenders is (explanation).

Signed: _____ **Group:** _____

Date: _____ **Branch or Unit:** _____

EXAMPLE LETTER OF ACCEPTANCE

Environmental & Customer Services

Reference File: CO6715

20 March 2002

Mr A Jones
Jones Constructions Pty Ltd
49 Industrial Park
PENRITH NSW 2750

**Subject: Contract 1/02 – Construction of Gold, Silver and Copper Streets,
Katoomba. Letter of Acceptance of Tender**

Reference is made to your tender dated 2 March 2002 for the above contract.

Council at its meeting held on 17 March 2002 considered all tenders received and resolved in the following terms:

“That the conforming tender submitted by Jones Construction Pty Ltd in the sum of \$757,000.00 be accepted and that the necessary contract documents be executed under the seal of Council”.

Accordingly you will be contacted in the near future so that the necessary contract documents may be completed. It should be noted in that regard that it will be necessary to affix the company seal to the documents and if a person other than the Managing Director or the Company Secretary is to sign the documents, that person will require an authority signed by both of those officers.

In accordance with Clause SC27 of the Specification please supply a security deposit in the form of a Bank Guarantee in the terms and form of Clause 5 of the General Conditions of Contract. This security shall be equal to five percent (\$37,850.00) of the contract sum.

Ten percent (10%) of the certified value of the work executed at each progress claim shall be retained to a maximum of 5 percent (\$37,850.00) of the contract sum.

Copies of all insurances required under Clause SC09 of the Specification shall be submitted prior to signing of the Contract. Could you please fill out the attached forms in regard to insurance requirements.

In accordance with the Annexure to the General Conditions of Contract, you are granted possession of the site as from 30 March 2002. The agreed time for practical completion shall be 30 June 2002.

Council is appreciative of your interest in this project and looks forward to your involvement in the creation of such assets for the people of the City of Blue Mountains.

Yours faithfully,

NAME
Title

EXAMPLE NOTIFICATION TO UNSUCCESSFUL TENDER

Environmental & Customer Services

Reference File: CO6715

20 March 2002

Mr G Green
Greens Road Services Pty Ltd
17 Pastures Road
GREEN VALLEY NSW 2539

Subject: Tender for Construction of Roads at Katoomba – Contract No 1/02

Dear Sir,

Reference is made to your tender dated 3 March 2002 for the above works and have to advise that your tender has been unsuccessful.

After considering all tenders received, Council resolved at its meeting held on 17 March 2002 to accept the tender submitted by Jones Constructions Pty Ltd.

I wish to thank you for your interest in this matter and trust you may wish to tender for Council's requirements on some future occasion.

Yours faithfully,

NAME

Title

EXAMPLE NOTIFICATION OF NON-ACCEPTANCE OF ANY TENDERS

Environmental & Customer Services

Reference File: CO6715

20 March 2002

Mr A Jones
Jones Constructions Pty Ltd
49 Industrial Road
PENRITH NSW 2750

Subject: Tenders for Construction of Roads at Katoomba – Contract No 1/02

Dear Sir,

Reference is made to your tender dated 2 March 2002 for the above works.

Council considered all tenders at its meeting held on 17 March 2002 and resolved not to accept any of the tenders submitted and to postpone the works (or cancel the works or carry out the works itself or call fresh tenders as the case may be).

I wish to thank you for your interest in this matter and trust you may wish to tender for Council's requirements on some future occasions.

Yours faithfully,

NAME

Title

**EXAMPLE NOTIFICATION OF NON-ACCEPTANCE OF ANY TENDERS
WHERE NEGOTIATIONS ARE PROPOSED**

Environmental & Customer Services

Reference File: CO6715

29 March 2002

Mr G Green
Greens Road Services Pty Ltd
17 Pastures Road
GREEN VALLEY NSW 2539

Subject: Tenders for Construction of Road at Katoomba – Contract No 1/02

Dear Sir,

Reference is made to your tender dated 3 March 2002 for the above works.

After considering all tenders, Council resolved at its meeting held on 17 March 2002 not to accept any of the tenders submitted but to enter into negotiations with the preferred tenderer Jones Constructions Pty Ltd. Council also resolved not to call fresh tenders in view of the urgency of the works and the possibility of obtaining a conforming tender by negotiation.

I wish to thank you for your interest in this matter and trust you may wish to tender for Council's requirements on some future occasion.

Yours faithfully,

NAME
Title

TENDERER'S DECLARATION

TENDERNo

I,; and

The company I represent; and

That company's directors, shareholders, officers and employees

- (a) Have not offered or given and will not offer or give any financial reward or other inducement of any kind to any council officer and/or any council staff member, with respect to any of my dealings or the dealings of the aforesaid company with council in relation to this tender/contract
- (b) Have not since publication of council's tender, been in contact with other tenderer(s) for any purpose whatsoever, including without limitation the circumvention of the competitive objective of council's tendering process
- (c) Am not in any way connected with and do not have any actual or potential conflict of interest with any council officer and/or council staff member (whether employed on a permanent, casual or contractual basis), council delegate or Councillor (other than as disclosed in accordance with the attached sheet if applicable).

I have read and I understand the concept of conflict of interest as set out on the attached page.

I understand and accept that Council reserves the right to terminate any contract, transaction or agreement that Council may enter into with me or the aforesaid company as a result of this tender, should it subsequently be shown that I have failed to disclose herein any matter or contravene any statement relevant to this Declaration. I also accept Council's right to reject any future tenders from me or the aforesaid company, if I am shown to have made any false declaration herein or otherwise.

.....
Name & signature of person making declaration

.....
Date

.....
Name & signature of witness

CONFLICT OF INTEREST

Conflicts of interest occur when a council officer/staff (employed on a permanent, casual or contractual basis) could be seen to be influenced by a personal interest in carrying out their public duty. They can be divided in two parts.

1) Non-Pecuniary Interest

A 'non-pecuniary interest' is any private or personal interest with a council officer/staff delegate or Councillor which does not relate to financial gain (e.g. kinship, friendship, membership in an association, society etc), or involvement or interest in an activity.

2) Pecuniary Interest

A 'pecuniary interest' is a financial interest that a person has in a matter because of a likelihood or expectation of financial gain or loss. This may apply to a person or to any other person in Blue Mountains City Council with whom tenderers are associated such as relatives, partners and associates.

Some related interests that may give rise to a conflict of interest include:

- Tenderer's financial interest (other than that relating to a tender submission) in a matter that a council or council officers/staff deal with or the tenderer having friends or relatives with such an interest
- Tenderer's co-ownership or co-interest in any asset, business, transaction etc with any council officer/staff, delegate or Councillor
- Personal relationship with council officers/staff, delegate or Councillors that go beyond the level of a professional relationship.

3) Dealing with Conflict of Interest

A tenderer may often be the only person aware of the potential for conflict of interest. It is their responsibility to avoid any financial or other interest with any council officer/staff, delegate or Councillor. It is also their responsibility to disclose any potential or actual conflicts of interest.

Where a tenderer has any doubts as to whether a conflict of interest exists, the tenderer should err on the side of caution by disclosing the potential conflict.

Tenderer's disclosure of any potential conflict of interest will be evaluated by council's Tender Review Committee to determine their impact on the overall probity of the tenderer's submission. Disclosure of a potential conflict of interest will not necessarily result in the disqualification or non-consideration of the tenderer's submission.

Any tenderer wishing to disclose a potential conflict of interest as described above should attach the disclosure to this document prior to returning it to council.



City of Blue Mountains

The City Within a World Heritage National Park

Blue Mountains City Council Procurement Policies

Policy for the Engagement Of Consultants

Updated July 2002

Policy for the Engagement of Consultants

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Policy for the Engagement of Consultants

INTRODUCTION

Council engages a number of professional technical and management consultancy services to provide expertise that is not available from within the organisation.

The purpose of the policy is to document the procedures to be followed by the organisation in engaging consultants with a view to ensuring that the highest standards of ethics and best practices are applied to the engagement process. Council believes that, in this way, significant benefits will flow to the community in the form of high-quality professional services.

The Public Employment Office of NSW has developed a document titled “Policy for the Engagement and Use of Consultants”. That office invites Government Agencies to copy that document in developing their own policy provided the appropriate acknowledgment is given. Those policy provide information which is relevant to local government and such information has been incorporated in Councils Policy. Acknowledgment is hereby made for the use of that material.

The following reference material was also used in developing the policy:-

- Draft Policy Document “Provision of Consultancy Services” proposed within the Blue Mountains City Council organisation in 1995 but not proceeded with.
- Capital Project Procurement Manual” issued by the NSW Government
- Interim Australian Standard AS 4122 “General Conditions for Engagement of Consultants”
- Practical Guide to Corruption Prevention” issued by ICAC

It would seem that both the Public Employment Office policy and Council’s draft policy document abovementioned include material from the publication “Achieving Value for Money from Consultants in Local Government” issued by the National Local Government Productivity Council. Acknowledgment is also made for the indirect use of that material.

The Policy for the Engagement of Consultants is a companion policy document to Council’s Tendering and Purchasing Policies.

POLICY FOR THE ENGAGEMENT OF CONSULTANTS

1 GENERAL REQUIREMENTS

1.1 Application

This policy shall apply to the engagement of consultancy services whether by negotiation, quotation or tender. When it is required by legislation to call tenders for consultancy services, or when it is decided to do so to obtain the most benefit for Council, the requirements of the companion policy document titled “Blue Mountains City Council Tendering Policy” shall also apply.

1.2 Applicable Legislation Codes and Standards

The Engagement of consultancy services is governed by the requirements of the following legislation, codes and standards. Members of staff dealing with the engagement of consultants should be familiar with those documents:-

- Local Government Act, 1993 (Section 55 dealing with the calling of tenders and Section 422(5) dealing with appointment of Auditors)
- Local Government (Tendering) Regulation, 1999
- Code of Tendering – Australian Standard AS 4120 – 1994
- Code of Practice and Code of Tendering for the Construction Industry – Department of Local Government Practice Note 8(a)
- Code of Ethics and Procedures for the Selection of Consultants – Australian Standard AS 4121
- Practical Guide to Corruption Prevention ICAC Module 12

In instances where requirements may differ the provisions of the local Government (Tendering) Regulation must take Precedence over the standards.

1.3 Definition of a Consultant

A “Consultant” is a person or organisation engaged under contract on a temporary basis to provide recommendations of high-level specialist or professional advice to assist decision making by management.

The definition does not apply to casual or temporary staff employed or engaged by council. Consultants are engaged to provide services under contract (agreement) whereas employees work under Council’s direction and control.

Care must be taken to ensure that circumstances are not established under which a contractor can be considered to be an employee of Council and thus eligible for employee benefits. This can arise if the person is subject to Council's routine direction and control, notwithstanding the existence of a contract which suggests the person is not an employee.

1.4 Minimum number of Bids

- 1.4.1 The optimum degree of competition obtains best value for Council without imposing undue costs on industry. The optimum will vary with circumstances including the costs and complexity of bidding and the value of the services to be provided by the consultant. Assuming all other things to be equal, the degree of competition should increase with the value of the work to be undertaken.

The table below sets out minimum levels of competition to be sought. Council's pre-bid estimate of the total amount which will be paid to the selected consultant determines the minimum level of competition to be sought when inviting bids.

Minimum levels of competition

<i>Where the cost estimate of the consultancy is:</i>	<i>Minimum Market testing process applicable.</i>
<i>Less than \$20,000</i>	<i>Written bids should be sought from at least three consultants who are believed to be capable of performing the work.</i>
<i>\$20,001 - \$50,000</i>	<i>Written bids should be sought from at least five consultants who are believed to be capable of performing the work.</i>
<i>\$50,000 - \$70,000</i>	<i>Formal advertisement in the local press and/or Sydney or National press (if required) seeking bids. *</i>
<i>Over \$70,000</i>	<i>Formal tendering process to be followed (refer Tendering Policy) **</i>

1.4.2 Exceptions to the above table

There will not always be 3 or more bids available. The following circumstances may preclude staff from adhering to the above requirements.

- 1) The consultancy being sought is specialised in nature and there are less than three (or more) consultants capable of providing the services available in the market place.
- 2) The consultancy being sought is to undertake work that is similar in nature to work previously undertaken by the consultant. I.e. to undertake the second or subsequent phase of a project where the initial phase was subject to a competitive process. This exception may only be utilized where Council was unsure as to whether they would be undertaking the second or subsequent phases of a project.
- 3) Where the consultancy is required to upgrade or repair a proprietary product. An example of this may be a consultancy for a proprietary software upgrade.

In the case of exceptions 1 to 3, a covering memorandum will need to be done explaining the reason why the requisite number of bids was not obtained, and also that you are satisfied that the Council is receiving value for money. This should be agreed to and signed by the requester's Manager or Group Manager. The requester of the good/service must retain this.

If the requester invites bids from 3 or more applicable consultants and they are unwilling or unable to provide a bid, notation should be made of this fact on either the "Record of Bids Obtained" form or on a memo. The form must however be completed in terms of the contact details/date/time.

The "Record of Bids Obtained" form must be retained by the requester and should be available for audit check at any time. Alternatively, the requester may enter details into the "Internal Comments" section of the requisition and print off a hard copy of this. This would also need to be retained.

Written submissions can be submitted by mail, facsimile or by e-mail. A hard copy must always be obtained and retained by the requesting officer.

Written bids must be retained by the requesting officer and should be available for audit or management check at any time.

1.4.3 The following specific requirements must be adhered to for each dollar category of consultancy sought.

Consultancies where the cost estimate is between \$0 and \$20,000

Where the cost estimate of the consultancy being sought is between \$0 and \$20,000, written bids can be sourced and collated through the initiating officer in line with the general requirements listed above.

Consultancies where the cost estimate is between \$20001 and \$50,000

Where the cost estimate of the consultancy being sought is between \$20,001 and \$50,000, consultants submitting written bids should be requested to direct them to the attention of Council's Purchasing and Business Support Coordinator via one of the following means: -

- By mail – Locked Bag 5, Katoomba NSW 2780
- By courier/hand delivery – To the customer service counter at the Council's Headquarters building at 2 Civic Place, Katoomba
- By facsimile – 0247 805459

There should be a closing date nominated by the initiating officer in the consultants brief and any submissions received after this date will be considered invalid. Consultants invited to submit bids should be instructed to clearly label the bid with the description of the consultancy along with the (requester generated) consultancy number. The bids received are to be held by the Purchasing and Business Support Coordinator until the closing date of the bids. The Purchasing and Business Support Coordinator will then prepare a summary of bids received and will send a copy to the initiating officer with the bids. A copy of the summary of bids received is also to be sent to the Internal Auditor to assist in the programming of Audit checks.

Consultancies where the cost estimate is between \$50,000 and \$70,000

For all consultancies where the cost estimate exceeds \$50,000 (excluding those made on State Government Contracts or where a tender is in place) there is to be a formal advertisement calling for bids placed (as a minimum) in the local press. Further exposure can be gained by placing the advertisement in the Sydney or nationwide press. Any call for bids can also be placed upon Councils website. **Exceptions to this requirement are allowed where the consultancy is specialised in nature and there may be only one consultant or a limited number of consultants available. In this case advertising could be considered a waste of funds. This decision is to be ratified by the relevant Group Manager with appropriate notation and authorisation given on the "Record of bids obtained". The Internal Auditor and the Purchasing and Business Support Coordinator are to be notified in writing (e-mail acceptable) of this decision. This will again assist with the programming of Internal Audit spot checks.**

All calls for bids for items over \$50,000 (ie. and requiring formal advertisement) are to be prepared by the initiating Officer of the section requisitioning the item (with the assistance of the Purchasing and Business Support Coordinator if required). This preparation is to include the following:

- Preparation of the detailed specification.
- Preparation of the draft advertisement calling for the bids
- Inclusion in the draft advertisement of the following:
 - A description of the item or service required
 - Details of how and where a copy of any relevant specification can be obtained
 - Details of any cost of the specification
 - A contact person and a phone number for persons requiring further information on the quotation
 - Councils address and details of the location of the quotation box (if applicable)
 - The closing time and date for bids

A sample advertisement is given in Appendix C. This layout etc should be utilised by staff in drafting an advertisement

All advertisements are to be sent to the Purchasing and Business Support Coordinator for review along with details of the where and when the advertisement is to appear and a ledger number to cover the cost of the advertisement.

The initiating Officer should notify the Purchasing and Business Support Coordinator of their intention to place an advertisement as soon as they become aware of the need to do this. The Purchasing and Business Support Coordinator has undertaken that where he has received the notification he will process all advertisements within two working days of receipt. Once reviewed the Purchasing and Business Support Coordinator will forward the advertisement to the Administrative Assistant in Executive Services for placement in the relevant publication.

The Purchasing and Business Support Coordinator will also forward a notification to the Records Information Management to assist with the identification of any bids received in the mail (and to ensure that an appropriate Council file has been set up). This notification is also to go to the Internal Auditor to assist in the programming of audit checks

The bids received are to be held by the Purchasing and Business Support Coordinator until the closing date of the bids. The Purchasing and Business Support Coordinator will then prepare a summary of bids received and will send a copy to the initiating officer with the bids. A copy of the summary of bids received is also to be sent to the Internal Auditor to assist in the programming of Audit checks..

Exceptions to this can be made if there are only a limited number of consultants in the market. This decision will need to be ratified by the relevant Group Manager with a note to this effect being placed in the official Council file. The Internal Auditor and the Purchasing and Business Support Coordinator are to be notified in writing (e-mail acceptable) of this decision. This will again assist with the programming of Internal Audit spot checks.

Where the cost estimate exceeds \$70k a formal tendering process (as outlined in the Council's Tendering Policy) shall be used.

1.4.4 Government Contracts

Certain consultancies are available through a range of Government contracts (i.e. Federal/State/MAPS etc). It is the responsibility of the initiating Manager/staff member to check the availability of consultants through these processes. This will avoid any unnecessary costs being incurred or resources being utilised. The Purchasing and Business Support Coordinator should be contacted to ascertain whether the consultancy required is available from these sources.

1.4.5 If bids exceed a cost level where a greater degree of competition is called for, the accountable manager will need to make a judgement as to whether or not to recommence the process. Either way, the reasons should be documented.

1.4.6 In many cases it will be appropriate to increase the number of bids above the minimums shown in the table. This is a matter for judgement in each case. For example, open invitations for bids may be made whenever that is considered justified.

Contracts Involving Expenditure of \$100,000 or More

- 1.5.1 Under the provisions of Section 55(3) of the Local Government Act, 1993 Council must invite tenders before entering into contracts involving expenditure of \$100,000. or more. This includes contracts with consultants. Tenders may be called by the open tendering method or by selective tendering. The requirements of the Local Government (Tendering) Regulation and Tendering Policy shall apply to such tenders.

Contracts Involving Expenditure of Less than \$100,000

- 1.5.2 Contracts with consultants where the contract value is less than \$100,000 may be entered into as a result of one of the following procedures subject to the minimum levels of competition specified in section 1.4 above;
- a) By negotiation: Negotiations are entered into with a particular consultant to achieve a desired outcome.
 - b) By invited proposals: Proposals are invited from a number of consultants known to have the ability to undertake a project of the type proposed. The requirements of Section 5 of Tendering Policy shall apply to the receipt of such proposals.
 - c) By open invitation: Tenders are invited by public advertisement without restriction on the number of proposals sought. Note: Tenders may be called for contracts having a value of less than \$100,000. where if is considered appropriate to do so for probity purposes or to obtain the most benefit or best price for council. In those cases, the requirements of the Tendering Policy shall apply whether the process is by open tenders or selective tenders.
 - d) By a two-stage process: Expressions of interest are invited by public advertisement from those interested in submitting proposals for a specific project or specific types of projects. Proposals are invited from selected consultants. The requirements of Tendering Policy shall apply.

1.6 Legislation and Policies to be Observed by Consultants

Consultants are to comply with relevant Council policies. This includes legislation, policy or any other form of requirement relevant to the matter at hand which, by its nature, should apply to the advisers of Council as well as its staff. Where appropriate, the relevant requirement should be highlighted in the project brief provided to the consultant. Documents which may be relevant are: -

- Local Government Act, 1993 and Regulations made thereunder.
- Code of Conduct for Councillors and Code of Conduct for Staff.
- Standards of Ethical Behaviour in Civic Office and Standards of Ethical Behaviour by Staff
- Fraud Prevention Plan.

- Annual Management Plan adopted by council under Section 402 of the Local Government Act, 1993.
- Human Resource Documents including Local Government Awards; Part 9A of the Anti Discrimination Amendment Act; Councils Equal Employment Opportunity Policy and Equal Employment Opportunity Plan
- Tendering Policy
- Purchasing Policy

2 KEY PRINCIPLES

The key principles to be satisfied are value for money, proper and impartial process, proper and ethical practices by consultants and accountability.

2.1 Value for Money

Getting best value for money means considering all factors relevant to a particular purchase. Although price is important, consideration should also be given to whole of life costs and non-price factors such as quality, reliability, delivery time, ongoing service and support. When contracting for services, other factors such as experience, qualifications of personnel, knowledge of Council's needs and previous work performance are also important. Value for money does not necessarily mean "lowest price". However the lowest bid might offer the best value if it meets other essentials such as quality and reliability.

- 2.1.1 Value for money will be considered when deciding whether or not to engage a consultant. Approval to engage a consultant will be given only when the cost is justified by the anticipated benefits. This means engaging a consultant is better option than undertaking the work in-house or taking other action.
- 2.1.2 Value for money will be pursued through fair and effective competition. Other things being equal, the extent of competition sought by Council will be consistent with the financial value of the procurement or disposal, with higher value cases normally subject to open invitations to bid or to express interest in bidding.
- 2.1.3 Following the engagement of consultants, value for money will be pursued through performance monitoring and evaluation.

2.2 Proper and Impartial Process

- 2.2.1 Impartially in the content of these policy means endeavouring to be objective and even handed in assessing each bid against the criteria established beforehand for that purpose.
- 2.2.2 The skill, knowledge and responsibility of the employees involved in engaging a consultant will be appropriate to the nature, complexity and magnitude of the consultancy engagement.
- 2.2.3 The process of inviting and assessing bids will safeguard against favouritism, improper practices and opportunities for corruption. Private interests will not be allowed to influence decisions about procurement or disposal.
- 2.2.4 Commercially sensitive information from bidders will be treated confidentially subject to the requirements of the law. Key information about winning bids such as name and price accepted will often be released. (Refer to the Freedom of Information Act, 1989 schedule 1, clause 7, concerning the protection given to commercially valuable information.)
- 2.2.5 Council will act fairly. It will not cause industry to unnecessarily incur tendering costs.

- 2.2.6 All actions taken and requirements placed on others will comply with statutory requirements.

2.3 Proper and Ethical Practices by Consultants

- 2.3.1 Consultants will seek to achieve best practice standards in their industry and will demonstrate this in the fulfilment of their contract.

- 2.3.2 Consultants will act honestly and ethically. For example:

They will:

- disclose and conflicts of interest and will not seek to undermine fairness and impartially on the part of Council
- submit bids only when they have a firm intention to proceed;
- not engage in practices such as collusion in bidding, inflation of prices to compensate unsuccessful tenderers, hidden commissions or other such secret arrangements;
- comply with State and Commonwealth legislation including the trade practices and consumer affairs laws.

2.4 Accountability

Council staff and other persons involved in procurements and disposals will be aware of their responsibilities and will be able to account for their actions and decisions. In particular, records of procurement and disposal decisions including the reasons for recommending and deciding on the selection and rejection of bids will be kept in a manner which facilitates audit and other normal processes of accountability.

3 DETERMINING THE NEED TO ENGAGE A CONSULTANT

3.1 Criteria for Consideration

Action to select and engage a consultant must be initiated only when there is clarity concerning:

- the unavailability of appropriate staff or other critical resources in-house, or the greater cost of doing the work in-house.
- the unavailability or inappropriateness of other possible avenues;
- the contribution the consultancy will make to the aims and objectives of Council;
- the particular problem/s or issue/s which will be the focus of the consultancy;
- the work and output expected from the consultant, and the benefits expected;
- an estimate of cost.

3.2 Statement of Estimated Costs

3.2.1 An estimate shall be prepared of the real cost of the project including the costs involved in specification preparation, briefing, tender evaluation, engagement and assisting and supervising the consultants. The costs shall be estimated in monetary and time terms (such as person days) and identified separately in a statement of estimated costs. Calculation of such costs enables a realistic appreciation of likely project costs for comparison against the expected benefits.

3.2.2 The use of consultants does not abrogate Council's responsibility for successful outcomes of projects. Consultants do not provide risk avoidance for Council if projects are not successful. Effective oversight of consultancy projects is essential.

3.3 Conflicts of Interest

Recommendations and decisions at the initiating stage and throughout the processes must be free of any private or other interests which might undermine objectivity. Under the code of conduct there is an obligation on employees to declare any conflict of interest. That obligation extends to all parties advising Council. Following the declaration of a conflict of interest, the appropriate extent of involvement, if any, of the person should be determined.

3.4 Approval to Proceed

3.4.1 Written approval to proceed with the necessary steps to engage a consultant shall be obtained from the **relevant Group Manager** who shall be provided with a preliminary project brief setting out details of the objectives of the project, the benefits expected and the funds available together with the statement of costs referred to in 3.2 above.

3.4.2 The approval must indicate the method to be used to obtain bids having regard for the requirements set out in Section 2.3 above "Minimum Numbers of Bids"

4 PLANNING THE PROJECT AND THE ENGAGEMENT

Sound planning at the outset will increase the probability of successful, cost-effective outcomes for all projects. The degree of detail and formality will vary with the nature of the project but the governing components of a well-planned project will be similar.

The typical components, which should be considered at the outset when initiating processes to engage a consultant, are set out below.

4.1 Project Owner

It is essential that responsibility for a project be clearly assigned. The manager who is ultimately responsible for the management, outcome and costs of the project shall be designated as the Project Owner.

4.2 Project Steering Committee

4.2.1 For all consultancies where the cost estimate exceeds \$20,000 a steering committee shall be established. This steering committee shall be comprised of at least 2 key staff and shall be established to steer the broad direction of the project and assess material presented by the consultant when appointed. The project Manager or initiating officer shall constitute one member of the steering committee.

4.2.2 When tenders are called for a project, the steering committee shall act as the tender Evaluation Panel but with addition of at least one staff member with no interest in the outcome. (See section 6.1.5 of Tendering Policy.)

4.3 A Project Manager, who may be the project owner, shall be appointed for each project and shall be responsible for the detailed project planning and operations including:-

- project budget
- preliminary planning;
- record keeping;
- submissions and briefing to the project owner and the steering committee;
- preparation of the detailed brief and other documentation;
- arranging for invitations for bids and their receipt and assessment;
- arranging for the engagement of the consultant;
- day to day working relationship and liaison with the consultant; and
- statutory and other reporting requirements.

4.4 Project Plan, Objectives and Terms of Reference

4.4.1 The project owner and/or the steering committee shall approve a project plan consisting of a statement of intended outcomes (objectives), terms of reference for the project and a timetable of the major events and deliverables.

4.4.2 Where the engagement of a consultant is part of a much larger project, there shall be a project plan for the larger project and a subsidiary project plan for the consultant showing the linkages with the larger project.

4.5 Reporting Arrangements

Project planning must include reporting arrangements, which usually include periodic reports to the steering committee, supplemented by day to day liaison with the project manager. Those arrangements and some of the other components listed above, such as objectives and terms of reference, should be reflected in the documentation issued to consultants (as discussed in the next section).

5 DEVELOPING THE CONSULTANCY BRIEFING DOCUMENTS

5.1 General Requirements

- 5.1.1 It is important to note that the amount of information provide to bidders will vary according to the complexity of the project.
- 5.1.2 The briefing documents shall consist of a minimum of four parts:-
- a) Specification of Requirements: providing information about the task, why it needs to be done the outcomes sought and the outputs required.
 - b) Conditions of Engagement: setting out the proposed conditions of contract.
 - c) Selection Criteria: indicating the selection criteria established by Council to be used in the evaluation of bids.
 - d) Conditions of Bidding and Other Information: giving details of the requirements for lodgment of bids and specifying the information to be provided by the bidder.

5.2 Specification of Requirements

In preparing the specification, consideration must be given to the following elements.

Objectives and the Context

- 5.2.1 Understanding these is critical to the consultant's appreciation of Council's needs. The documentation should include:
- a statement of what council wants to achieve as a result of the project with a focus on the desired outcomes as distinct from the outputs sought from the consultant;
 - a statement of the background and the context in which the consultancy will occur.

Outputs Sought

- 5.2.2 A very clear statement must be included of the specific things the consultant is expected to produce and/ or do in satisfaction of the consultancy contract. The outputs should be measurable so that there can be no doubt as to Councils expectations.

Terms of Reference

- 5.2.3 The terms of reference set out the substance and scope of the consultant's task and define the boundaries to be worked within. The section of the documentation headed "terms of reference" will often include other components listed here such as the outputs sought, the individual tasks to be performed and relevant legislation and policy to be observed. In order to benefit from the consultant's expertise and innovation, it is not good practice to prescribe the processes the consultant should follow other than processes which are considered essential, such as consultation with various parties and analysis of certain things.

Tasks to be Performed

- 5.2.4 Where there are such essential processes, they should be stated at the outset. If the consultancy is complex it may be appropriate to divide the project into sub-tasks or stages, each with a measurable result specified in the documentation.

Relevant Legislation and Policy

- 5.2.5 Any legislation and policy of particular relevance to the task should be mentioned and the importance made clear. (See Section 1.2 of the Policy).

Final Reporting Requirement

- 5.2.6 Many consultancies culminate in the production of a final report. Anything specific Council has in mind about review of drafts and the coverage, format and number of copies of the drafts and final report should be stated.

Resources to be Allocated to Project by Council

- 5.2.7 Include such details as accommodation to be provided by Council and equipment and staff support as appropriate. Resource provision may be negotiable depending upon the content of the selected bid.

Timetable

- 5.2.8 An indication of timing should be given including where appropriate a timetable for the production of periodic reports and the achievement of specific results. The timetable should be flexible enough to allow negotiation. A statement indicating when the consultancy is expected to commence and finish will often suffice.

Oversight Arrangements

- 5.2.9 These are best considered in the planning stage prior to the invitation for bids and disclosed so that bidders have an understanding of the working arrangements envisaged. The oversight will often include: -

- a steering committee of key staff and/or a project manager for day to day communication (as discussed in Section 4);
- periodic reporting (say, fortnightly in the form of brief written reports on progress and monthly in the form of written and verbal presentations to the steering committee).

5.3 Conditions of Engagement

The following is a list of recommended inclusions in the conditions of engagement. The list is not comprehensive and there will be conditions dictated by circumstances. Legal advice should be sought if there is any doubt as to appropriate conditions to be included.

Conflict of Interest

- 5.3.1 Consultants should be required to disclose any existing conflict of interest and any conflict of interest which arises at any time during the consultancy. They may also be asked to advise Council of the steps they consider appropriate to protect Council's interests.

Ownership of Intellectual Property, Disclosure and/or Subsequent Use of Information

- 5.3.2 Where appropriate these factors should be specified. This may be necessary to protect Council's interest in software or systems being developed, or for copyright of other items being written or produced. Some invitations seek preliminary proposals and ideas which are used as a basis for short-listing firms for a second round of bidding. In such cases Council must respect the confidentiality of responses and the intellectual property of firms. This is particularly relevant where Council may be tempted to use an innovative idea of a firm in a specification for issue to other firms. It is desirable to declare any such intent so that the owner of the intellectual property rights can elect to grant a license to use the rights and to negotiate an appropriate fee and/or restrict the form of license. Legal advice should be sought before pursuing that option.

Equal Employment Opportunity Policy

- 5.3.3 Consultants should be aware of Council's policy on equal employment opportunity and anti-discrimination legislation. If recruitment of Council personnel is the task of the consultant, or part of the task, EEO requirements, including the relevance of Council's EEO management plan, should be highlighted in the specification requirements.

Personnel Nominated to Undertake Consultancy

- 5.3.4 Because of the particular experience of the individuals involved, an important safeguard is to stipulate that personnel nominated in the bid and/or allocated to the task by the consultancy firm cannot be changed without the concurrence of council.

Termination of and Variations to the Contract

- 5.3.5 Provision should be made for the contract with the consultant to be terminated or the work content reduced or varied, upon written notice to the consultant.

Arrangements for Payment of Fees

- 5.3.6 It is important to state the basis upon which fees will be paid. This may be, for example, upon the successful completion of the assignment or upon the completion of measurable interim outputs or stages, with a final payment at the conclusion.

Indemnity and Insurance

- 5.3.7 Councils requirements in regards to insurances and indemnities must be met. You should contact Council's Risk Management section for further advice

Copy of Draft Agreement

- 5.3.8 A copy of the proposed draft agreement shall be included in the briefing documents with the proviso that it is to be considered as a guide and is subject to finalisation. (See Section 10 of the Policy).

5.4 Selection Criteria

The briefing documents **must** set out the selection criteria upon which council will evaluate proposals. The following criteria will be appropriate for most projects.

Best Value

- 5.4.1 The objective is to select from proposals received the best value bid. The best value bid will be the one which best addresses the selection criteria determined by council. Best value does not simply mean the 'lowest cost'. It is the product of the factors, such as expertise and experience, which are reflected in the selection criteria.

Choice of Selection Criteria

- 5.4.2 The choice of the criteria must be governed by relevance to the project and the practicality of assessment. A typical set of criteria is;
- The degree of understanding of Council's requirements demonstrated by the bidder.
 - The appropriateness and quality of the method the bidder proposes to follow including the approach to the task and the proposed schedule and timetable of activities.
 - The firm's experience in the related area
 - The expertise and experience of the people proposed to undertake the work
 - The total cost including any significant, additional use of Council personnel and facilities etc which each bidder's proposal would require.

The Expertise and Experience of People Proposed to Undertake the Work

- 5.4.3 Of particular importance is information about the personnel who will undertake the consultancy. It is good practice to ask firms to set out in their bids the extent that each nominated person will be involved in the project and what their role will be. Otherwise, a bidder's employees who eventually do most of the project work might be much less experienced than the persons highlighted in the bid proposal.

Where multiple skills, which are not usually found together on one firm, are called for, it can be appropriate to state that firms may have to obtain skilled team members by contract from other firms for discrete sections of the task. This clearly signals the serious intent of Council to obtain the skills sought.

5.5 The Conditions of Bidding and Other Required Information

Time and Place for Lodgments

- 5.5.1 As a minimum, the conditions of bidding deal with the information required from bidders and the place and deadline for lodgment of bids.

Detailed Information Requirements

- 5.5.2 The extent of information sought should be proportionate to the scale and cost of the project. The nature of the information required will be virtually determined by the selection criteria and the conditions of engagement. It is usually worthwhile to specify the information sought (such as the personal details noted above) and the format in which it should be presented. Specifying a format facilitates comparisons between bids. It can also be appropriate to ask that bids be limited to a maximum number of pages to save costs for all parties.

6 INVITING BIDS

The following requirements shall apply to all methods of calling bids. In the case of tenders, the requirements shall be additional to those set out in Tendering Policy.

6.1 Time for Submitting Bids

Invitations should allow sufficient time for bidders to fully develop bids. The problems caused as a result of unduly short tender periods include weak competition, poorly prepared proposals and inadequate understanding of contract requirements, the impacts of which may not be manifested until after the consultancy commences. When in doubt it is reasonable to ask several firms for the period they would require to prepare a bid for the type of business on offer.

6.2 Invitation Essentials

Invitations for proposals shall include the following:-

- a) an adequate description of the consultancy work required;
- b) details of when, where and from whom briefing documents may be obtained and the purchase price of those documents if applicable (in the case of tenders indicate the Supply Office) and provide the telephone number of the person to be contacted in that regard.
- c) the name, address and telephone number of Council's contact person for supplying details of the proposed consultancy project;
- d) details of the closing time and place for lodgment of proposals;
- e) indicate that the "Code of Ethics and Procedures for the Selection of Consultants" (AS 4121-1994) applies to all proposals.

6.3 Enquiries and Provision of Information

- 6.3.1 The same conditions must apply to all bidders. The same opportunities for obtaining information and, as far as practicable, the same information, should be provided to all bidders.
- 6.3.2 Information provided to Council in a proposal by a consultant shall not be divulged to another consultant.
- 6.3.3 The initiating officer or a person with knowledge of the work required shall be nominated to respond to all enquiries from consultants. All such enquiries shall be recorded, noting the time, date and the issue discussed.
- 6.3.4 The names and addresses of persons/firms who have been provided with the briefing documents should be recorded to enable contact if changes occur.
- 6.3.5 Where briefing meetings are held for consultants, such meetings shall be minuted. The minutes shall be forwarded to all consultants and shall become part of the briefing documents.

6.4 Amendments to Briefing Documents

- 6.4.1 Where an inquiry reveals a significant error, omission, ambiguity or discrepancy in documentation, the information provided to resolve the matter shall be conveyed in writing to all consultants who received briefing documents. Similarly, where matters of significance make it necessary to amend briefing documents the amendments shall be advised to all consultants who received briefing documents in sufficient time to enable all consultants to consider the amendments properly and fully before the closing date.
- 6.4.2 Where appropriate, the closing date shall be extended when an amendment is issued.
- 6.4.3 Each amendment involving matters of significance shall state clearly that it is meant to be incorporated in the briefing documents. Consultants shall be required to confirm receipt of amendments in writing and to clearly confirm in their proposals that allowance has been made for each amendment. Minor changes to the briefing documents may be dealt with in pre-engagement negotiations.

6.5 General – Receiving of Bids

- 6.5.1 The principle of equity, which is the need for fairness and impartiality, is particularly important in the receipt and processing of proposals.
- 6.5.2 The security and confidentiality of all proposals shall be safeguarded. Information provided in a proposal shall not be used in a subsequent invitation for consultancy work

7 SELECTING A CONSULTANT

7.1 Bids Not to be Considered

7.1.1 It is the responsibility of bidders to ensure that bids are submitted on time. Subject to 7.1.2 below, late bids will not be considered unless it can be demonstrated by the consultants that:-

- a) the circumstances were beyond the control of the bidder; and
- b) there is no advantage to the bidder; and
- c) the integrity of the bidding system will not be compromised.

If the only bid received is late, it may be considered if it conforms with the specification.

7.1.2 Consideration shall not be given to the following bids and the reasons for rejection must be clearly documented:-

- (i) bids received by Council after the advertised closing time, unless received within five (5) working days thereafter and the bidder is able to provide evidence that those bid documents and all other requisite and essential information were posted or lodged at the Post Office or other recognised delivery agency in sufficient time to enable the documents to have been received by Council before the advertised closing time.
- (ii) bids not submitted on formal bid documents where specified by Council that formal documents must be submitted .
- (iii) bids submitted by facsimile or other telegraphic device unless the telegraphic message is received by Council in full before the advertised closing time; the message provides the amount of the bid and other essential information required in the specification; the bidder provides evidence that the formal documents have been lodged at the Post Office or other recognised delivery agency in sufficient time to have enabled the documents to have been received by Council before the actual closing time; and unless the formal documents are received by Council within two (2) working days.

7.1.3 An alternative proposal shall not be considered unless it was specifically invited. Comparable prices for the alternative shall not be obtained from other consultants. Nor shall the alternative proposal be used as the basis for re-calling proposals.

7.2 Evaluation of Bids

Steering Committee

- 7.2.1 The bids received shall be referred by the Project Manager to the Steering Committee for evaluation. In the case of tenders, the Steering Committee shall constitute the Tender Evaluation Panel.

Initial Check

- 7.2.2 Bids received shall be initially checked to ensure that:

- there is a sufficient range of legitimate bids for value for money comparisons;
- they conform with the brief and the time criteria provided;
- they are within budget limits for the project.

If the latter is not the case and it is decided to consider additional expenditure, the factors to consider should include whether or not the scope of work was correctly identified by Council and understood by the bidders. It may be necessary to recommence the process.

Evaluation Principles and Procedures

- 7.2.3 Australian Standard AS4121 specifies the following factors for consideration in evaluating proposals:-

- a) Compliance with the evaluation criteria included in the briefing documents
- b) Appreciation of the task
- c) Demonstrated ability
- d) Value of the proposed services
- e) Consultancy period
- f) Technical, managerial, physical and financial resources
- g) Current commitments of the consultant
- h) Methodology and work plan
- i) Personnel

The Standard recommends the use of a system of evaluation based on the weighting of the various criteria.

- 7.2.4 In addressing the above factors, consideration should be given to the following requirements having regard to the selection criteria specified in the briefing documents (See Section 5.4.2 of these Policy):-

- a) Relevant skills, qualifications and experience of the consultants and key personnel
- b) The consultant's understanding of the objectives of the project, the terms of reference and the tasks which are required
- c) The quality of the staff nominated by the consultant to work on the project. Assess their qualifications and experience with similar projects
- d) The previous experience of the consultants in successfully carrying out similar projects with similar organisations

- e) Reports from the consultants' previous clients
- f) The thoroughness, clarity, presentation and originality of the proposals submitted
- g) The soundness of the methodology proposed by the consultant
- h) Professionalism and customer service orientation in dealings with clients
- i) The availability and acceptability of key personnel during the project period
- j) The project control systems and reporting mechanisms proposed
- k) An estimate of time, daily/hourly rates and total price (including travel, printing and contingencies)

7.2.5 Bids shall be assessed in a consistent fashion against the pre-determined criteria. This should be done by staff with relevant skills and knowledge appropriate to the nature, value and importance of the projects and who are free of any conflict of interest which might undermine the objectivity of the assessment.

7.2.6 Assessments for higher value projects, particularly those over \$50,000 should involve three or more assessors to facilitate a balanced assessment. To help ensure that fairness and impartiality are seen to have been strong features of the assessment, it may be appropriate for the Steering Committee to provide for the participation of an additional experienced staff member to assist with the evaluation or to engage assistance from outside Council.

7.2.7 It will often be appropriate to interview the two or three leading contenders. That will enable Council to gain a better understanding of the bids and the bidders and to explore the depth of understanding each bidder has of the task and quality of the proposed methods of approach. It is important to allow each of the interviewed bidders the same opportunities to prepare and to put forward their approach.

7.3 Late Changes to Council's Requirements

If Council's requirements alter in the course of the assessment process the following options are available:-

- a) recommence the process if the alterations are substantial; or
- b) if the alterations are not substantial, advise all bidders of the alterations and give them an opportunity to adjust their bids accordingly.

In choosing the option to follow, consideration must be given to the impact the alteration may have on the following:-

- a) the value and nature of the contract and the extent of public sector interest
- b) the relativity of the current bids
- c) the fairness and cost of going back to bidders

7.4 Acceptance of Bids

Reports

7.4.1 Reports seeking approval for acceptance of proposals shall be made as follows:-

- a) To the Council: tenders which Council is required to call under the Local Government Act and proposals which Council has indicated it wishes to approve.
- b) To the responsible Group Manager or Manager having the necessary delegation of authority: proposals having a value of \$99,000 or less.
- c) To the General Manager: proposals initiated by the General Manager or designated by the General Manager as requiring his approval.

7.4.2 Reports seeking approval for the acceptance of consultancy bids shall cover the following:-

- a summary of bids received; and
- the justification for the recommendations based on the selection criteria, including statements confirming that -
- the recommended bid conforms with the brief, or any variations are acceptable;
- the bid is acceptable in terms of conditions and limitations, if any;
- the bidder has the resources and ability to successfully undertake the work;
- the performance of the bidder has been checked with referees and found to have been satisfactory on similar projects; and that
- the price is reasonable, conforms with market prices, and rise and fall and/or any other price variations likely are acceptable.

7.4.3 Where Council is required by the tendering legislation to call tenders for consultancy contracts the requirements of Sections 6.4 and 6.5 of Tendering Policy shall also be observed.

7.4.4 The reasons for the selection, the reasons for passing over bids and the evaluation methodology shall be clearly documented and held on file for record and audit purposes.

7.5 Post-Proposal Negotiations

Australian Standard AS4121 specifies the following standards to be observed in conducting post-proposal negotiations with consultants submitting proposals:-

- a) proposal prices shall not be traded off against others in an attempt to seek lower prices. Such conduct is regarded by the Standard as “unconscionable”.
- b) negotiations should initially be entered into with the preferred consultant and these should be exhausted before negotiating with a subsequent bidder.
- c) information from other consultants shall not be utilised in negotiations with the initially preferred consultant or other preferred consultants.
- d) if none of the proposals are acceptable, negotiations for an amended proposal may be conducted, in the first instance, with the initially preferred consultant.

8 ENGAGING THE SELECTED CONSULTANT

8.1 Letter of Engagement

8.1.1 Following the approval to engage a consultant a formal letter of engagement shall be forwarded to the selected consultant together with the contract document if a formal agreement is considered necessary. The letter or the form of contract should refer to, amongst other things, the following:-

- the requirements set out in the original specification and conditions of engagement;
- the proposals set out in the winning bid;
- the content or result of any subsequent correspondence and/or negotiations;
- the indemnity, insurance and any other requirements which may need to be fulfilled;
- any matter warranting special mention; and
- requirements for executing the deed and acknowledging the letter of engagement.

8.1.2 If it is proposed to rely upon an exchange of letters rather than a formal deed of agreement, regard should be given to the draft conditions of engagement discussed in Section 10 to ensure that the letter of engagement properly reflects the nature of the agreement.

8.2 Advice to Unsuccessful Bidders

8.2.1 Unsuccessful bidders should be advised promptly of the decision. After acceptance of the contract by the winning bidder, unsuccessful bidders may be informed of the winning firm or person and, unless there are compelling reasons to do otherwise, any non-confidential details from the winning bid including price.

8.2.2 They may also be informed as to the weaknesses in their own bid. In providing feedback on weaknesses, any comparisons should be made against the selection criteria rather than with details of the successful bid. Explicit advice about future bids should be avoided.

8.2.3 The timing of the release of any information needs to be managed to avoid premature disclosure which might impact on the finalisation of the contract with the winning bidder.

8.3 Acceptance of Tenders

When the bids comprise tenders which Council is required to call by the tendering legislation, the requirements of Section 6.5 of the Tendering Policy shall also be observed.

9 SELECTING THE FORM OF AGREEMENT

9.1 Obligations and Responsibilities

When a consultant is engaged to provide a service, there is established between the parties a contract or agreement. The nature of the agreement, its breadth and scope must be clearly set out in the consultancy agreement and the obligations and responsibilities of the parties clearly and concisely allocated so that both parties understand what their obligations are as the agreement evolves.

9.2 Form of Agreement

- 9.2.1 Depending upon the value and complexity of the project, the agreement may be in the form of a formal deed of sufficient detail to cover all essential requirements or an exchange of letters comprising Council's Letter of Engagement and consultant's acceptance.
- 9.2.2 The proposed form of agreement shall be determined at the time of preparation of the briefing documents (See Section 5.3.8 of the Policy) but should be reviewed in conjunction with the evaluation of bids received to ensure that the agreement is appropriate to protect the interests of Council.
- 9.2.3 Legal advice shall be obtained at this stage if there is any doubt about the form of agreement required.

9.3 Available Standard Forms of Agreement

The following forms of consultancy agreements are available for reference in formulating agreements:

- * Standard consultancy agreement prepared by the NSW Crown Solicitor and included by the NSW Public Employment Office in "Policy for the Engagement and Use of Consultants" for use by Government agencies.
- * AS 4122 (INTERIM) issued by the Standards Association of Australia - "General Conditions for Engagement of Consultants" (Note that this is only an interim standard).
- * Client and Architect Agreement (long and abbreviated versions) issued by the Royal Australian Institute of Architects and Association of Consulting Architects, Australia.
- * "Conditions of Engagement" included in the Capital Project Procurement Manual issued by the NSW Government. The form of agreement is similar to those issued by the NSW Employment Office.

9.4 Use of Standard Forms of Agreement

- 9.4.1 The draft standard consultancy agreement issued by the NSW Public Employment Office and the General Conditions from AS 4122 are considered to be appropriate for local government but care will be necessary to ensure that they are amended to properly reflect the nature of the arrangement with the consultant. Both documents are on disk and their clauses can be used in preparing the documentation. Use of AS 4122 is subject to a letter being forwarded to the Standards Association of Australia and the payment of \$4.25 for each copy used.
- 9.4.2 The Client and Architect Agreement referred to in 10.3 above may be of benefit for consultancies for architectural services in that it contains material relating to that particular type of work. It would also be of use as a reference document for formulating appropriate architectural conditions for inclusion in other standard forms of agreement.

10 STEERING THE PROJECT

10.1 Oversight of Consultancy

10.1.1 The Project Steering Committee shall exercise effective oversight of the consultancy to ensure that:

- Council obtains the product for which it has contracted;
- good value for money is achieved;
- unnecessary delays are avoided; and
- disputes are settled quickly.

10.1.1 The oversight arrangements shall include periodic reporting by the Consultant (as agreed) to the Project Steering Committee on progress being made in implementing the Project Program. (See Section 4.4).

10.2 Co-operation with Consultant

10.2.1 Communication with the Consultant shall be open and free with a view to achieving a high degree of support and co-operation between the consultant and project staff. It will be beneficial for Council staff to work with the consultant both in order to learn new skills and to deal with unforeseen problems and difficulties.

10.2.2 Poor or misdirected performance by the consultant shall be addressed promptly so as to avoid serious damage to the project.

10.3 Variations After the Consultancy has Commenced

10.3.1 Variations to the scope of the work requiring increased payments to the consultant can at times be appropriate as a result of unforeseen circumstances. These must be reported without delay and prior approval obtained for any proposed significant changes in work or cost.

10.3.2 It is not good practice for approvals to significant changes in work or cost to be given by staff directly involved in the supervision of the consultant. Variations should be considered and determined in accordance with Clause 8.4.2 of these Policy; that is by Council, the General Manager, Group Manager or Manager who approved the engagement of the Consultant in the first place.

10.3.3 All proposals for variations require very careful consideration, applying the principles of value for money, probity and accountability.

Particular care is needed to avoid:

- variations being used by a successful low bidder to increase the value of the job;
- variations being used to get around requirements for competitive bidding;
- variations increasing the scope of the consultancy out of proportion to the original scope

11 CHECKLISTS

Attached are checklists which can be used by staff involved in the engagement of consultants and by internal audit in the review process.

Separate checklists for tendering procedures are included in Tendering Policy.

**CHECKLIST OF PROCEDURES FOR
ENGAGEMENT OF CONSULTANTS**

SECTION 3: DETERMINING THE NEED TO ENGAGE A CONSULTANT

- ☐ Criteria addressed (3.1)
 - ☐ Unavailability of staff
 - ☐ Lack of critical resources
 - ☐ Other in-house options
 - ☐ Benefits of a consultancy
- ☐ Statement of estimated costs (3.2)
- ☐ Conflicts of interest dealt with (3.3)
- ☐ Application for approval to proceed (3.4)
 - ☐ Preliminary brief provided
 - ☐ Objectives and benefits stated
 - ☐ Estimate of costs provided
 - ☐ Availability of funds
 - ☐ Bidding method proposed
- ☐ Approval to proceed obtained
 - ☐ From Group Manager
 - ☐ From General Manager
 - ☐ From Council

SECTION 4: PLANNING THE PROJECT AND THE ENGAGEMENT

- ☐ Project Manager appointed (4.3)
- ☐ Steering committee appointed (4.2.1)
- ☐ Project Plan proposed (4.4)
 - ☐ Objectives
 - ☐ Terms of Reference
 - ☐ Timetable of events and deliverables
 - ☐ Reporting arrangements (4.5)

SECTION 5: DEVELOPING THE CONSULTANCY BRIEFING DOCUMENTS

- ☐ Form of consultancy agreement (Section 9; 5.3.8)
 - ☐ Exchange of letters
 - ☐ Standard Agreement
 - ☐ AS 4122
 - ☐ Association of Consulting Architects
 - ☐ As above, abbreviated form
 - ☐ Other (specify)
- ☐ Specification of requirements (5.2)
 - ☐ Objectives and context (5.2.1)

- ☐ Outputs sought (5.2.2)
- ☐ Terms of reference (5.2.3)
- ☐ Tasks to be performed (5.2.4)
- ☐ Relevant legislation and policy (5.2.5)
- ☐ Final reporting requirement (5.2.6)
- ☐ Council resources required (5.2.7)
- ☐ Timetable for project (5.2.8)
- ☐ Oversight arrangements (5.2.9)

☐ Conditions of engagement (5.3)

- ☐ Conflicts of interest (5.3.1)
- ☐ Ownership of intellectual property etc. (5.3.2)
- ☐ EEO Policy (5.3.3)
- ☐ Consultants personnel for works (5.3.4)
- ☐ Termination and variations to contract (5.3.5)
- ☐ Payment of fees (5.3.6)
- ☐ Indemnity and insurance (5.3.7)
- ☐ Copy of proposed agreement (5.3.8)

☐ Selection Criteria (5.4)

- ☐ Understanding Council's requirements
- ☐ Method proposed by consultant
- ☐ Experience in related area
- ☐ Expertise and experience of staff
- ☐ Total cost

- ☐ Conditions of bidding (5.5)
 - ☐ Time and place for lodgement
 - ☐ Information requirements
 - ☐ Bidding method

SECTION 6: INVITING AND RECEIVING BIDS

- ☐ Adequacy of bidding period (6.1)
- ☐ Invitation essentials (6.2)
 - ☐ Description of work
 - ☐ Availability of briefing documents
 - ☐ Contact person
 - ☐ Lodgement of bids (time and place)
 - ☐ Applicable codes
- ☐ Requirements during bidding period (6.3)
 - ☐ Issue of briefing documents recorded (6.3.4)
 - ☐ Enquiries recorded (6.3.3)
 - ☐ Briefing meetings documented (6.3.5)
- ☐ Amendments necessary to briefing documents (6.4)
 - ☐ Amendments distributed to all consultants
 - ☐ Closing date extended

- ☐ Receiving bids (6.5)
 - ☐ Tendering Policy observed for tenders and expressions of interest (6.5.1)
 - ☐ Tendering Policy observed for invited bids (6.5.3)
 - ☐ Prompt referral to Project Manager

SECTION 7: SELECTING A CONSULTANT

- ☐ Tendering Policy observed for evaluation of tenders
- ☐ Referral to Steering Committee (7.2.1)
- ☐ Initial check of bids (7.2.2)
 - ☐ Conformity with briefing documents
 - ☐ Within budget limits
- ☐ Evaluation
 - ☐ Selection Criteria addressed (7.2.5)
 - ☐ AS4121 Standards addressed (7.2.3)
- ☐ Report made (7.4.1)
 - ☐ To Council
 - ☐ To General Manager
 - ☐ To Group Manager
 - ☐ To Responsible Manager

- ☐ Report contents (7.4.2)
 - ☐ Summary of bids received
 - ☐ Conformity of bid to briefing documents
 - ☐ Acceptability of conditions and limitations
 - ☐ Ability to do work
 - ☐ Performance checked
 - ☐ Acceptability of price
- ☐ Documentation of evaluation procedures
- ☐ Post proposal negotiations
 - ☐ With preferred consultant initially
 - ☐ Other bids and prices not traded off
 - ☐ Amended proposal pursued with initially preferred consultant

SECTION 8: ENGAGING THE ELECTED CONSULTANT

- ☐ Formal Letter of Engagement issued
- ☐ Tender accepted (See Tendering Policy)
- ☐ Advice to unsuccessful bidders



POLICY: PRE-PLACEMENT HEALTH ASSESSMENT

STATUS: ADOPTED

ADOPTED: 31.1.2002

LAST REVISION: 1.11.2004

POLICY REF.: 27/2004/Version 2

ISSUED BY: Corporate Policy Group
INQUIRIES: Corporate Human Resources

OBJECTIVE

To ensure that the physical requirements of a position are within the capacity of the applicant, and that the performance of the functions within the position will not create a risk to the health and safety of the applicant and/or others. To determine whether reasonable adjustment is required to enable a potential employee to carry out the function of the job.

BACKGROUND

Legal advice has been obtained from Sparke Helmore Solicitors to ensure that this policy complies with current relevant legislation.

DEFINITIONS

Pre-Placement Health Assessments (PPHAs) are conducted to determine an individual's suitability to perform the range of identified tasks required of a particular job. They ensure fitness for a specific job without risk to self, other staff or members of the public.

Reasonable Adjustment means any form of assistance or adjustment that is necessary, possible and reasonable to make to working arrangements (which does not cause an unjustifiable hardship to the Blue Mountains City Council.) This may include changes to work methods, equipment or the work environment to eliminate or reduce risks to the health and safety of the applicant, other staff or the public arising from conditions identified during the PPHA.

Physical Demands Analysis is a review of the position applied for and involves the physical and other demands of the tasks involved in the performance of the job and will take into consideration the following aspects:

- Physical tasks involved in the job
- Possible chemical exposure
- Personal Protective Equipment (PPE) requirements
- Biomechanical aspects of the position
- Biological hazard exposure
- Working environments.



POLICY STATEMENT

Blue Mountains City Council (BMCC) is committed to the prevention of injury and illness in the workplace by providing a safe and healthy work environment. As a means of identifying whether an applicant for a particular position is able to safely carry out the positional duties and responsibilities, BMCC conducts Pre Placement Health Assessments (PPHAs).

It is a condition of employment that all staff employed (including casual, temporary and internal staff) undergo a PPHA prior to a job offer being made.

PPHAs are designed to ensure that the physical requirements of the position are within the capacity of the potential employee and that the performance of the functions within the position will not create a risk to the health and safety of themselves or others. Where possible BMCC will consider all reasonable options including reasonable adjustment before recommending that an applicant is not suitable for a position due to incapacity.

PROCEDURES

1. PROCEDURE

- All applicants will be advised at the interview that they will be required to undergo a PPHA if they are the preferred applicant. All staff employed (including casual, temporary and internal staff) will be required to undergo a PPHA before an offer of employment is made. If an internal staff member underwent a PPHA with council in the previous six months they *may not* need to undergo another PPHA depending on the differences in the physical requirements of the roles. The previous treating physician will review the staff member's ability to undertake the functions of the role based on their previous assessment and the new job specification and positional physical demands analysis where possible.
- If attendance at council's nominated physician would cause undue hardship (ie applicant from interstate or more than 100km from Penrith) alternatives can be discussed during the interview and appropriate forms forwarded to the agreed physician as required. The agreed alternative physician must be able to undertake all testing required for council's Pre Placement Medical Statement and Report.
- The selection panel convener or a representative of HR will contact the applicants and ask them to undergo a PPHA with council's nominated doctor, or an agreed alternative if the applicant is from interstate or more than 100km from Penrith.
- HR will forward copies of the relevant Position Description and Physical Demands Analysis to council's nominated doctor or agreed alternative. Where the applicant is not attending council's nominated physician the Pre Placement Medical Statement and Report will also be forwarded to the nominated medical practice.
- Following the assessment the doctor will contact HR and advise of the outcome.
- If the applicant is fit for the position, HR will contact the panel convenor who will contact the applicant and verbally offer them the job, a formal letter of offer will then be forwarded by HR to the successful applicant.



- If the applicant is considered unfit or restrictions and health concerns are documented by the examining doctor, the Convener and OH&S Officer will be advised by HR. The convener will organise consultation with the relevant Section Manager, HR Manager, OH&S Officer and the applicant to determine whether reasonable adjustments can be identified and an offer of employment made. If reasonable adjustments cannot be identified it will be recommended that an applicant is not suitable for a position due to incapacity and they will be advised in writing of this outcome.
- If a hearing loss of greater than 4% is detected at the time of the PPHA the successful applicant will be advised in their offer letter of the need to attend a council nominated Ear Nose and Throat specialist for a full audiology examination, at council's cost, within two weeks of commencement of employment with council (any such occurrences must be referred to the Risk Management Coordinator). If the resulting Ear Nose and Throat specialist report determines that the hearing loss is noise induced the staff member will then be requested to lodge a Noise Induced Hearing Loss Workers Compensation Claim notification with their last known noisy employer. If there is a detected noise induced loss of hearing and the applicant has never been subjected to a noisy work environment a "Statutory Declaration" outlining this fact and stating the percentage of hearing loss at the time of employment with council must be completed by the applicant and placed on their personnel file. This information will be used by council to put in place procedures so that the employee does not injure themselves, and is not a risk to the health and safety of themselves or others.

2. RESPONSIBILITY /ACCOUNTABILITY

HR staff are responsible for:

- Advising all applicants of council's PPHA Policy in the 'How to apply for a vacancy at BMCC' brochure.
- Ensuring that all advertised positions have had a Physical Demands Analysis completed prior to the position being advertised.
- Providing all applicants with access to the Job Description that includes the Positional Physical Demands Analysis.
- Referring the applicant for a pre placement assessment and providing the address and contact details for councils' nominated doctor.
- Ensuring that the nominated doctor receives copies of the relevant Position Description and Physical Demands Analysis prior to the medical examination.
- Reviewing the Doctor's recommendation on the completed Pre Placement Medical Statement and Report of all applicants and advising the Convener and OH&S Officer if the applicant is considered unfit or restrictions and health concerns are documented by the examining doctor.
- Ensuring that a copy of the Pre Placement Medical Statement and Report, and any ensuing specialist reports, are made available to the applicant if requested.
- Ensuring that a letter of offer is sent to the applicant following advice from the selection panel convenor.



- Ensuring that a copy of the Pre Placement Medical Statement and Report, and any ensuing specialist reports, are attached to the applicant's personnel file.
- Ensuring that any applicants not suitable for a position due to incapacity following advice from the selection panel convenor are advised in writing of this outcome.
- Ensuring that copies of the Pre Placement Medical Statement and Report for any applicants who were not made an offer of employment are confidentially secured on the recruitment file.
- Ensuring that all invoices from the nominated doctor are paid in a timely fashion.
- Maintaining Confidentiality.

Selection Panel Conveners are responsible for:

- Ensuring that a Physical Demands Analysis has been completed by the supervising manager and included as part of the reviewed Position Specification and forwarded via email to hresources@bmcc.nsw.gov.au with each recruitment request. If the supervising manager or yourself have any questions regarding completing the Physical Demands Analysis please contact the OH&S Officer.
- Informing all applicants during the interview process that a PPHA is a component of council's employee selection process
- Consulting with relevant Group Manager, Sectional Manager, HR Manager, OH&S Officer, Risk Management Coordinator and applicant if special considerations need to be made prior to a formal letter of offer being made.
- Making decisions regarding reasonable accommodation requirements relating to any job suitability when medical or physical restrictions have been identified by the nominated doctor as a result of a PPHA. These decisions will only be made following consultation with the relevant Section Manager, HR Manager, OH&S Officer, the Risk Management Coordinator and applicant.
- Maintaining Confidentiality.

OH&S Officer is responsible for:

- Liaising with the Selection Panel Convenor, Human Resources Manager and applicant when advised by the Recruitment Officer that a medical or physical condition has been detected which may affect the applicant's safety or that of other employees or members of the public.
- Identifying reasonable accommodation or unjustifiable hardship issues in relation to the applicant's capacity to undertake the role.
- Liaising with the Risk Management Coordinator and or appropriate external experts to identify and assess reasonable accommodation issues and actions and advise HR Manager of available options.
- Maintaining Confidentiality.



Council's Nominated Doctor/ Medical Centre is responsible for:

- Providing the Applicant Details and General Health and Occupational Medical History for the applicant to complete at the doctor's surgery prior to the medical examination.
- Conducting the PPHA as requested by council. Where a staff member has undertaken a PPHA in past six months the previous treating physician will review the staff member's ability to undertake the functions of the role based on their previous assessment and the new job specification and positional physical demands analysis where possible.
- Providing confidential verbal and written advice and recommendation regarding an applicant's fitness for the duties he/she has applied for, any restrictions and suggestions regarding reasonable adjustment. These recommendations will be:
 - Fit for the duties applied for
 - Fit for the duties applied for but with the following restrictions and health concerns
 - Not fit for the duties applied for
 - Are there any reasonable adjustments that could be made to the position to accommodate the individual applicant.
- Notifying of any noise induced hearing loss in excess of 4%.
- Maintaining Confidentiality.

The applicant is responsible for:

- Making appointments with council's nominated doctor within a time frame as notified by council. Failure by an applicant to keep an agreed appointment may result in their application being unsuccessful unless extenuating circumstances exist.
- Nominating an alternative doctor to conduct the PPHA at the interview, if it is agreed by the panel that attendance at council's nominated doctor would cause undue hardship (i.e. the applicant is from interstate or more than 100km from Penrith) at the time of the interview.
- Making the appointment with the examining doctor, and arriving 15 minutes before the appointment to complete the Applicant Details and General Health and Occupational Medical History.
- Completing the Applicant Details and General Health and Occupational Medical History truthfully, this form will be provided to the applicant at the doctor's surgery and must be completed prior to the medical examination. The provision of false information in a pre-employment medical assessment may constitute serious misconduct and warrant dismissal.

3. CONFIDENTIALITY

Results from PPHAs will be treated as strictly confidential and kept secure in the personnel files or recruitment files.

The doctor performing the PPHA will only provide details as to the applicant's fitness to perform the duties of the position and any restrictions or recommendations that may need to be considered by BMCC prior to an offer of employment being made.



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Relevant information from medical records related to the PPHA will only be provided on a strictly “need to know basis” to the Group Manager, Section Manager, Human Resources (HR) Manager, OH&S Officer, nominated HR staff, Risk Management Coordinator and council’s Insurers if required.

Copies of the Pre Placement Medical Statement and Report will be maintained on the recruitment file when they have been used to decline an applicant for a position and on the successful applicants file where they have been made an offer of employment.



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ATTACHMENT 1 (A)

Date:

Number of pages including cover sheet:

TO: Tindale Family Practice	FROM: (Name)
ATTENTION: Treatment Room	Human Resources
FAX NO: 02 4731 6204	Blue Mountains City Council
	FAX NO: 02 4780 5796
	PH NO: 02 4780 5700

MESSAGE

RE: Pre Placement Medical Examination

Name of Candidate:

Position:

Please find attached position description for the position that the above candidate is being considered for. This candidate has been advised to contact your office within the next 48 hours and make an appointment to attend the pre – placement examination with you. They have been advised to arrive 15 minutes prior to the appointment to complete the Applicant Details and General Health and Occupational Medical History.

After the examination could you please arrange for the medical report to be forwarded to the above fax number as soon as possible with the original posted in the mail. Please ensure that all medical information forwarded to us is marked “Strictly Confidential – to be opened by addressee only” and is addressed to Paula Ford, Human Resources.

Please forward any invoice regarding costs either with the fax or with the mailed report and we will organise payment accordingly.

If you have any questions on this matter please contact me on the above number to discuss.

.....
Confidentiality/Privilege Notice

This facsimile is intended for the named recipient(s) only. It may contain information that is confidential and/or subject to legal privilege. Any rights and/or privilege are not waived or lost by reason of mistaken delivery or transmission of this facsimile. If you receive this facsimile but are not a named recipient or a person responsible for delivering it to a named recipient:

1. you must not use, distribute, copy, disclose or take any action in reliance on this facsimile or its contents, and
2. please notify us immediately over the telephone or facsimile and return this facsimile to us by mail. We will reimburse your reasonable costs incurred in notifying us and returning this facsimile to us.



ATTACHMENT 1 (B)

Date:

Number of pages including cover sheet:

TO:	Tindale Family Practice	FROM:	(Name)
ATTENTION:	Treatment Room		Human Resources
FAX NO:	02 4731 6204		Blue Mountains City Council
		FAX NO:	02 4780 5796
		PH NO:	02 4780 5700

MESSAGE

RE: Pre Placement Medical Review

Name of Candidate:

New Position:

Date of Previous PPHA:

Doctor who conducted PPHA:

This candidate has undertaken a PPHA with you in the past six months. Please find attached the new position description and physical demands analysis for a new position that the above candidate is being considered for.

Can you please arrange for the previous treating physician to review the staff member's ability to undertake the functions of the role based on their previous assessment and the new job specification and positional physical demands analysis attached.

After the review could you please arrange for the medical report recommendation as to whether they are fit to undertake the new role to be forwarded to the above fax number as soon as possible with the original posted in the mail. Please ensure that all medical information forwarded to us is marked "Strictly Confidential – to be opened by addressee only" and is addressed to Paula Ford, Human Resources.

Please forward any invoice regarding costs either with the fax or with the mailed report and we will organise payment accordingly.

If you have any questions on this matter please contact me on the above number to discuss.

.....
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1. you must not use, distribute, copy, disclose or take any action in reliance on this facsimile or its contents, and
2. please notify us immediately over the telephone or facsimile and return this facsimile to us by mail. We will reimburse your reasonable costs incurred in notifying us and returning this facsimile to us.



ATTACHMENT 2

BMCC POSITIONAL PHYSICAL DEMANDS ANALYSIS

***Note - To be completed with the Recruitment Requisition form by the requesting Manager/Supervisor. Please contact the OH&S Officer if assistance is required in completing this form.**

Position: _____

Responsible Manager/Supervisor: _____

Signature: _____ Date: _____

Complete the physical requirements and working condition sections of the table below based on an employees average daily exposure to the tasks listed, ratings as follows:

No Exposure = 0

Medium Exposure 2 – 4hrs daily = 2

Low Exposure 0 – 2hrs daily = 1

High Exposure 4 – 8hrs daily = 3

PHYSICAL REQUIREMENTS

WORKING CONDITIONS

Heavy Manual Tasks		Shoveling/Digging		CHEMICALS		PHYSICAL	
Light Manual Tasks		Pushing loads > 5kgs		Dusts		Inside Work	
Repetitive Lifting		Pulling loads >5kgs		Liquids		Outside Work	
Trunk Twisting		Frequent bending/ stooping		Mists / Fumes		High Temperatures > 38deg	
Standing for extended periods		Sitting for extended periods		Gases/Vapours		Low Temperatures < 3 deg	
Kneeling for extended periods		Hearing above background noise		Odours		Operating Machinery	
Extend arms for reaching		Walking on uneven ground		Working with Solvents		Working Near Machinery	
Elevating arms above shoulder height		Walking for extended periods				Working at Heights	
		Colour Vision		BIOLOGICAL		Noisy Work Areas	
Climbing to access/ exit excavations		Depth Perception		Possible exposure to Hepatitis A, B, C		Vibration	
Throwing		Balancing		Pesticide Spraying		Confined Spaces	
Crawling		Fine Manipulation		Herbicide Spraying		Prolonged Driving (periods > 2hours)	
				Possible exposure to Tetanus		Working Alone	
						Overhead Work	
USE OF PERSONAL PROTECTIVE EQUIPMENT						Use of Computer for screen based activities.	
Safety Boots/Shoes				BIOMECHANICAL		Prolonged Sitting (periods > 1hour)	
Dust Mask/ Respirator				Repetitiveness		Prolonged Standing (periods > 1 hour)	
Protective Eyewear				Fatigue			
Ear plugs/Muffs							
Hard Hat							

Provide a brief description of the job requirements: _____



ATTACHMENT 3

**BLUE MOUNTAINS CITY COUNCIL
CONFIDENTIAL PRE PLACEMENT MEDICAL STATEMENT AND REPORT**

To be completed by both the applicant and the Examining Doctor and forwarded as soon as possible, marked as confidential, to Recruitment Officer, Blue Mountains City Council, Locked Bag 5, Katoomba NSW 2780.

The information sought in this document is designed to ensure that the physical requirements of the position are within the capacity of the applicant, and that the performance of the functions within the position will not create a risk to the health and safety of the applicant or others.

APPLICANT to complete Part 1 – Applicant Details
Part 2 – General Health and Occupational Medical History

EXAMINING DOCTOR to conduct medical examination and complete Part 3

Part 1 : APPLICANT DETAILS

Name: _____
Address: _____
Phone Number: _____
Name of Family Doctor: _____
Address of Family Doctor: _____
Doctor's Phone Number: _____
Applying for the Position of: _____

Part 2 : GENERAL HEALTH AND OCCUPTIONAL MEDICAL HISTORY

Are you aware of any circumstances regarding your health (past or present) that may interfere with your capacity to fulfill the responsibilities and duties of the position that you are applying for?

YES / NO

Comments:



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Please list your past three positions and companies that you worked for:

Company	Position	Years of Service

Have you ever been exposed to Occupational noise?

YES/NO

If exposed to occupational noise, did you wear appropriate hearing protection?

YES/NO

ARMED SERVICE EXPERIENCE

Has the person served in the Armed Service?

YES/NO

If yes, which service? _____ When? _____

Noise exposure? _____ Disability, if any: _____

HOSPITAL EXPERIENCE

Has the person had an operation or been admitted to hospital?

YES/NO

Condition _____ When _____ Any Disability _____

1. _____

2. _____

3. _____

INJURY EXPERIENCE

Has the person had workplace or any injuries requiring medical attention?

YES/NO

Condition _____ When _____ Any Disability _____

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____



ALLERGIES

Drug or medication:

Environmental:

IMMUNISATION RECORD

Are you immunised against:

Last Booster

Tetanus

YES/NO

Hepatitis B

YES/NO

Others: _____

HABITS

SMOKING:

Does or did the person smoke?

YES/NO

If yes, how many each day?

Age Commenced?

Age Stopped?

ALCOHOL:

Does or did the person drink alcohol?

YES/NO

If yes, how much?

Daily _____ glasses/cans/bottles

Weekend _____ glasses/cans/bottles

RECREATIONAL DRUGS:

YES/NO

HEARING AND NOISE EXPOSURE HISTORY

1. Chain sawing

YES/NO

2. Shooting

YES/NO

3. Lawn mowing

YES/NO

4. Tractor driving

YES/NO

5. Discos, concerts

YES/NO

6. Panel beating

YES/NO

7. Stereo with earphones

YES/NO

8. Scuba diving

YES/NO

9. Played musical instrument

YES/NO

10. Other

YES/NO

If yes, give details (including if ear protection used).



What is the opinion of the person, and their spouse/family of their hearing?

As a result of noise, has the person had ringing in the ears?

YES/NO

If yes, give details.

Has the person ever had a hearing test?

YES/NO

If yes, what was the result?

Has the person made a claim on Workers compensation for hearing loss?

YES/NO

If yes, give details.

OCCUPATIONAL HAZARD/INJURY HISTORY

Has the person been exposed at work to:

- | | | | |
|-------------|--------|------------------|--------|
| 1. Dust | YES/NO | 2. Asbestos | YES/NO |
| 3. Lead | YES/NO | 4. Benzene | YES/NO |
| 5. Solvents | YES/NO | 6. Other hazards | YES/NO |

Has the person lost time because of work injury illness?

YES/NO

If yes, give details

Has the person been on or made a claim on Workers Compensation?

YES/NO

If yes, give details.



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Does or did the person, as result of work, suffer from:

- | | |
|--------------------------------------|--------|
| 1. Back or neck trouble | YES/NO |
| 2. Wrist, arm, elbow, finger trouble | YES/NO |
| 3. Shoulder trouble | YES/NO |
| 4. Hip, knee, ankle trouble | YES/NO |
| 5. Skin trouble | YES/NO |
| 6. Other trouble | YES/NO |

If yes, give details.

PRESENT, PAST AND FAMILY HISTORY

Has the person attended a doctor in the past two years? YES/NO

If yes, give details

Is the person taking any medications, tablets, etc? YES/NO

If yes, give details.

Any history of serious illness or deafness in the family? YES/NO

If yes, give details.



Does or did the person suffer from:

Earache, injury, wax, operation discharge, infection?	YES/NO
Nose obstruction, bleeding, polyps, infection, sinus, hay fever?	YES/NO
Throat infection, tonsillitis?	YES/NO
Headache, migraine, injury, epilepsy?	YES/NO
Gland conditions, thyroid?	YES/NO
Chest infection, pneumonia, TB, bronchitis, asthma?	YES/NO
Heart attack, valve condition, angina, other?	YES/NO
X-ray chest (when)? _____	YES/NO
Blood pressure, high/low?	YES/NO
Indigestion, ulcers, bleeding, vomiting?	YES/NO
Liver, gall bladder trouble?	YES/NO
Hernia?	YES/NO
Skin irritation, rashes, dermatitis, eczema?	YES/NO
Back condition, lumbago, disc?	YES/NO
Diabetes?	YES/NO
Nervous trouble, anxiety, depression?	YES/NO
Kidney, bladder condition?	YES/NO
Hepatitis?	YES/NO

If yes to any of the above, give full details.

STATUTORY DECLARATION

I, _____, certify that the above information is true and correct. I also give permission for a company representative to speak with my family doctor or previous employer if required to verify my previous occupational medical history. A photocopy of this consent is as binding as an original.

Signed: _____

Date: _____

Witness: _____ (name)

Signature: _____



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PART 3: GENERAL PRE-EMPLOYMENT MEDICAL EVALUATION (Medical Practitioner to complete)

Please circle correct alternatives and comment if necessary.

GENERAL APPEARANCE

GENERAL PRESENTATION:

HEIGHT: _____ WEIGHT: _____

SKIN APPEARANCE: _____ SCARS: _____

CARDIOVASCULAR

PULSE RATE: _____ BLOOD PRESSURE: _____ ENLARGED: _____

HEART SOUNDS: Normal/Abnormal VARICOSE VEINS: yes/no E.C.G. (if relevant)

RESPIRATORY

SMOKER: yes/no QUANTITY: _____ CHEST EXAMINATION: yes/no

SPIROMETRY: ACTUAL FEV1 (L) FVC (L) FEV/VC

PREDICTED: FEV1 (L) FVC (L) FEV/VC 80%

RESULT (please circle): _____ Normal/Abnormal

ABDOMEN

URINALYSIS ALBUMIN: _____ SUGAR: _____ BLOOD: _____

HERNIA: _____ YES/NO

COMMENTS: _____

ABDOMEN: _____ Normal/Abnormal

COMMENTS: _____



EYES AND VISION

GLASSES WORN?	YES/NO	PURPOSE: _____		
		RIGHT	LEFT	BOTH
NEAR VISION :	(without glasses)			
	(with glasses)			
DISTANCE VISION :	(without glasses)			
	(with glasses)			
COLOUR (ishihara)	Normal/Abnormal			

E.N.T.

RIGHT EARDRUM	Normal/Abnormal	LEFT EARDRUM	Normal/Abnormal
RIGHT EAR CANAL	Normal/Abnormal	LEFT EAR CANAL	Normal/Abnormal
NOSE	Normal/Abnormal	THROAT	Normal/Abnormal

MUSCULOSKELETAL

POSTURE DOMINANCE	Left or Right	Comments	_____
CERVICAL SPINE	Normal/Abnormal	Comments	_____
THORACIC SPINE	Normal/Abnormal	Comments	_____
LUMBO-SACRAL	Normal/Abnormal	Comments	_____
SHOULDERS – L & R	Normal/Abnormal	Comments	_____
ELBOWS – L & R	Normal/Abnormal	Comments	_____
WRISTS – L & R	Normal/Abnormal	Comments	_____
HANDS & FINGERS	Normal/Abnormal	Comments	_____
HIPS – L & R	Normal/Abnormal	Comments	_____
KNEES – L & R	Normal/Abnormal	Comments	_____
ANKLES – L & R	Normal/Abnormal	Comments	_____
FEET & TOES – L & R	Normal/Abnormal	Comments	_____
MUSCULAR DEVELOPMENT		Comments	_____

SUMMARY

PHYSICAL HEALTH:	_____
MENTAL HEALTH:	_____



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RECOMMENDATION (Please tick the correct recommendation and comment where necessary)

Fit for the duties applied for: _____

Fit for the duties applied for but with the following restrictions and health concerns:

Not fit for the duties applied for: _____

Are there any reasonable adjustments that could be made to the position to accommodate the applicant?

MEDICAL PRACTITIONER'S DETAILS

NAME: _____ SIGNATURE: _____

ADDRESS: _____

TELEPHONE: _____ DATE: _____



ATTACHMENT 4

Pre Placement Health Assessment

with

Tindale Family Practice

115 Lethbridge Street
PO Box 231
Penrith NSW 2751

Phone: (02) 4731 3099
Fax: (02) 4731 6204

Email: tindale@pnc.com.au

Dear

Please contact Tindale Family Practice within the next 48 hours and make an appointment to attend the pre – placement examination. Please arrive 15 minutes prior to the appointment to complete an employee questionnaire.

Regards

HUMAN RESOURCES



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ATTACHMENT 5

Schedule of Fees as at 1 October 2004

Tindale Family Practice

Full Pre Placement Health Assessment - \$142.00

* Where the staff member has undertaken a Full PPHA in the past six months, the previous treating physician will review the staff member's ability to undertake the functions of the role based on their previous assessment and the new job specification and positional physical demands analysis.



POLICY: NEW OR VACANT RESTRUCTURED POSITIONS
– Requirement to Consult with Consultative Committee
STATUS: ADOPTED
ADOPTED: 31.5.2001
LAST REVISION: 2.4.2007
ISSUED BY: COMMUNITY & CORPORATE
TRIM FILE NO: F02139
INQUIRIES: Corporate Human Resources

OBJECTIVE

To ensure that as per the NAPSA, Clause 27C - Scope of Consultative Committee and Clause 34 - Workplace Change and Redundancy, council consults with the Consultative Committee with regard to organisation restructure where restructure involves the creation of new positions or changes to existing vacant positions.

POLICY STATEMENT

As per the NAPSA, council is required to consult with the Consultative Committee with regard to organisation restructure. This policy outlines the procedures to be followed to consult with the Consultative Committee where restructure involves the creation of new positions or changes are made to existing vacant positions. This policy does not cover restructure where existing staff will be affected.

New positions may be created as a result of a restructure, technological change, new services being provided or increased workload.

Changes may be made to existing vacant positions that affect working hours, grading of the position, or significant changes in responsibilities as a result of restructure, technological change or new services being provided.

PROCEDURES

1. Proposal For Implementation Of Workplace Change / Organisational Restructure

When implementing workplace change / organisational restructure which includes the creation or restructure of positions within the organisation a proposal must be prepared. The proposal will include, where available, the following:

- the reasons for the change, including relevant information such as costings where appropriate
- implementation details regarding the area or function affected
- specific positions affected.

The proposal for workplace change must be submitted to the Group Manager for review and authorisation.

2. Staff Consultative Committee Consultation

Once authorised the proposal must be presented to the Staff Consultative Committee. The Staff Consultative Committee is the avenue established by council under the NAPSA for formal consultation between council and its staff to positively cooperate in workplace reform, enhance the efficiency and productivity of council and to provide staff with access to career opportunities and more fulfilling, varied and better paid work.

The Staff Consultative Committee meets on the last Thursday of every month from 9.00am to 11.00am. Staff may choose to present their proposal at the meeting. Staff should contact the Secretary, Staff Consultative Committee to arrange a time on the Agenda and to coordinate circulation of their proposal prior to the meeting.

Alternatively, proposals can be forwarded to the Secretary, Staff Consultative Committee. The Staff Consultative Committee will review the proposal and provide a written recommendation within 5 working days of receipt.

Where Consultative Committee members have a conflict of interest with a particular proposal, they are required to advise the Committee Chairman of their conflict of interest and withdraw from the discussion and recommendation made by the Consultative Committee.

If the proposal is not supported by the Consultative Committee, the proposal will be forwarded to the General Manager with the Consultative Committee's recommendation for review and a final decision.

If the proposal is supported by the Consultative Committee or approved by the General Manager following consultation with the Committee, the Manager can arrange for the position to be advertised in accordance with council's Recruitment & Selection Policy. Human Resources are able to assist Managers with this process.



POLICY: POSITION DESCRIPTIONS
STATUS: ADOPTED
ADOPTED: 1.11.2000
LAST REVISION: 3.04.2007
ISSUED BY: COMMUNITY & CORPORATE
TRIM FILE NO: F02139
INQUIRIES: Corporate Human Resources

OBJECTIVE

The purpose of having an up-to-date Job Description is to ensure it accurately reflects the nature of the job and the responsibilities attached to it, the required qualifications and skills etc.

POLICY STATEMENT

Each position within the Council will have a detailed job description. The job description will be formulated and maintained by each Group with the assistance of the Human Resources Branch. The Human Resources Branch will also maintain a database of all current position descriptions.

PROCEDURES

Each Group will conduct a review of all position descriptions annually to ensure they accurately reflect the nature of the job, required qualifications and skills etc. This will be carried out in conjunction with the Performance Priorities and Review discussion. Where changes have occurred a job analysis will be conducted to identify any significant changes to levels of work, skills and responsibilities. (see Regrading of Positions).

To enable consistency throughout the organisation, position descriptions should be prepared using the attached corporate format – Attachment A.

ATTACHMENT A - POSITION DESCRIPTION CORPORATE FORMAT

POSITION DESCRIPTION

Position Title:

Location/Branch/Department:

Position Classification:

Band Level Grade

POSITION PURPOSE/OBJECTIVE

In one or two concise sentences describe the primary purpose of the job i.e. what does the position do and why does the position exist.

RELATIONSHIPS

Reports to:

Staff Responsibility:

Key Internal Relationships:

Key External Relationships:

SPECIFIC RESPONSIBILITIES

In dot point form, this section lists the main areas of responsibility of the position. This list should be no more than 15-20 points. It is not a list of tasks performed by the position, rather it groups tasks into areas of responsibility. Within a single dot point you can list a few tasks within that area as indicative examples of the work undertaken by the position.

COMMUNICATION

This section describes in paragraph form what type of communication the position undertakes and for what purpose. E.g. does it just relay and receive information, does it provide authoritative advice, is the position required to communicate with a wide range of people - internal, external customers etc. Give some indicative examples.

JUDGEMENT & PROBLEM SOLVING

This section looks at the environment the position works in. Is the position required to follow procedures for example or does it develop the procedure or policies itself? How complicated is the environment, are there many policies, legislative, technical requirements to be aware of and interpret? What kind of problems does the position solve?

AUTHORITY

This can list the delegations held by the position. What type of decisions does the position make and what decisions does it refer to the position it reports to.

SKILL, EXPERIENCE, QUALIFICATIONS & BEHAVIOURAL COMPETENCIES

Describes in dot point form the **essential and desirable skills, experience, qualifications and behavioural competencies** required to adequately perform the job. It is not a list of the skills and experience of the present incumbent. It is possible that the present incumbent or other incumbents may be under or over qualified for the position.

The skills and experience required for the job should directly relate to the specific responsibilities of the position i.e. no internal inconsistencies between what you are asking the position to perform and the skills and experience you are giving it to it.

This will also include behavioural competencies that the person in the role will need to display i.e. commitment to customer service, adaptable and flexible, initiative, teamwork, communication.

ESSENTIAL *(It is recommended that no more than 10 selection criteria are listed)*

DESIRABLE *(It is recommended that no more than 3 selection criteria are listed)*

BMCC POSITIONAL PHYSICAL DEMANDS ANALYSIS

* Note - To be completed with the Recruitment Requisition form by the requesting Manager/Supervisor. Please contact the OH&S Officer if assistance is required in completing this form.

Position: _____

Responsible Manager/Supervisor: _____

Signature: _____ Date: _____

Complete the physical requirements and working condition sections of the table below based on an employees average daily exposure to the tasks listed, ratings as follows:

No Exposure = 0

Medium Exposure 2 – 4hrs daily = 2

Low Exposure 0 – 2hrs daily = 1

High Exposure 4 – 8hrs daily = 3

PHYSICAL REQUIREMENTS

WORKING CONDITIONS

Heavy Manual Tasks		Shoveling/Digging		CHEMICALS		PHYSICAL	
Light Manual Tasks		Pushing loads > 5kgs		Dusts		Inside Work	
Repetitive Lifting		Pulling loads >5kgs		Liquids		Outside Work	
Trunk Twisting		Frequent bending/ stooping		Mists / Fumes		High Temperatures > 38deg	
Standing for extended periods		Sitting for extended periods		Gases/Vapours		Low Temperatures < 3 deg	
Kneeling for extended periods		Hearing above background noise		Odours		Operating Machinery	
Extend arms for reaching		Walking on uneven ground		Working with Solvents		Working Near Machinery	
Elevating arms above shoulder height		Walking for extended periods				Working at Heights	
		Colour Vision		BIOLOGICAL		Noisy Work Areas	
Climbing to access/ exit excavations		Depth Perception		Possible exposure to Hepatitis A, B, C		Vibration	
Throwing		Balancing		Pesticide Spraying		Confined Spaces	
Crawling		Fine Manipulation		Herbicide Spraying		Prolonged Driving (periods > 2hours)	
				Possible exposure to Tetanus		Working Alone	
						Overhead Work	
USE OF PERSONAL PROTECTIVE EQUIPMENT						Use of Computer for screen based activities.	
Safety Boots/Shoes				BIOMECHANICAL		Prolonged Sitting (periods > 1hour)	
Dust Mask/ Respirator				Repetitiveness		Prolonged Standing (periods > 1 hour)	
Protective Eyewear				Fatigue			
Ear plugs/Muffs							
Hard Hat							

Provide a brief description of the job requirements: _____



POLICY: PROBATIONARY PERIOD REVIEW FOR NEW STAFF
STATUS: ADOPTED
ADOPTED: 17.4.2001
LAST REVISION: 10.04.2007
ISSUED BY: COMMUNITY & CORPORATE
TRIM FILE NO: F02139
INQUIRIES: Corporate Human Resources

OBJECTIVE

To ensure a communication channel is maintained between staff and their manager/supervisor during the initial employment period.

To ensure that a review is conducted during, and at the conclusion of the probationary review to determine if the job meets with the expectations of the incumbent and similarly to determine if the incumbent is suitable for the job.

POLICY STATEMENT

To assist council in achieving its objectives, individual staff must be capable of achieving the stated objectives for their position. Performance appraisals, including the Probationary Review, maintain a communication channel between staff and their manager/supervisor and motivate staff to strive for high levels of proficiency. They provide a means of recognising a job well done and of providing constructive advice when staff encounter difficulties with their work.

Performance appraisals improve individual job performance, assist in determining training and development needs, enable the staff member's special talents to be discovered and recorded, assist in the selection of staff for promotion, provide an opportunity for accurate feedback and recognition of individual staff, and aid decisions regarding staff retention.

The appraisal process also provides a means of monitoring the completion of any mandatory training, e.g. Occupational Health and Safety programs, etc.

PROCEDURES

1. PERIODS FOR APPRAISAL

All new council staff members will have their performance appraised after their first 6 weeks and then again at 12 weeks, using the 'Probationary Period Review for New Staff' form (**Appendix A**). At this stage assessment will be on:

- i. council's **five core competencies**:
 - Provide effective Customer Service
 - Operate effectively in Local Government Context
 - Undertake Workplace Learning
 - Follow defined Occupational Health & Safety Policies and Procedures
 - Attendance at Council Staff Induction Program

- ii. the essential & desirable criteria from the position description appropriate to the position.

Once this assessment has occurred a full performance appraisal will be undertaken at the next annual performance review period in July.

2. PERFORMANCE PROBLEMS

At any stage during the performance appraisal process, performance problems should be identified and appropriate action taken (refer to Council's Disciplinary Policy – Guidelines for Managers and Supervisors).

3. RECOMMENDATION

Following completion of the 12 week assessment the manager is to make a recommendation to either (i) permanently appoint the staff member to the position (ii) extend the probationary period or (iii) terminate the staff member's services.

Any extension of the probationary period would involve an agreed time frame (i.e. 3 months) and the preparation of an agreed action plan for review between the staff member and the manager.

Termination of the staff member's services would involve council's dismissal process (refer to Council's Disciplinary Policy – Guidelines for Managers and Supervisors).

APPENDIX A

Probationary Period Review for New Staff

The staff member is to receive a review of his/her performance standards after 6 weeks and then after 12 weeks. All the comments made **MUST** be discussed with the staff and recommendations made for improvement if required.

To enable the staff member to obtain the maximum benefit from the process, accurate accounts of performance are to be provided to enable an effective assessment to be completed at the end of the probation period.

POSITION: _____

NAME: _____ GROUP: _____

COMMENCEMENT DATE: _____

SIX WEEK ASSESSMENT

Date Completed: _____

Comment on the staff member's performance and recommendation for improvement if required. Refer to council's five core competencies and the position description.

Staff Signature: _____

Reviewing Officer: _____ Signature: _____

IF THERE ARE ANY PERFORMANCE ISSUES AT THIS STAGE PLEASE CONTACT HUMAN RESOURCES.



APPENDIX A

Probationary Period Review for New Staff

TWELVE WEEK ASSESSMENT

Date Completed: _____

Comment on the staff member's performance and recommendation for improvement if required. Refer to council's five core competencies, the position description and any comments made in the previous (six-week) review.

Staff Signature: _____

Reviewing Officer: _____ Signature: _____

IF THERE ARE ANY PERFORMANCE ISSUES AT THIS STAGE PLEASE CONTACT HUMAN RESOURCES

RECOMMEND PERMANENT APPOINTMENT: YES ☐ NO ☐

COMMENTS TO INCLUDE:



POLICY: REFERENCES
STATUS: ADOPTED
ADOPTED: 01.07.2001
LAST REVISION: 17.04.2007
ISSUED BY: COMMUNITY & CORPORATE
TRIM FILE NO: F02139
INQUIRIES: Corporate Human Resources

OBJECTIVE

To ensure a consistent approach is maintained throughout Blue Mountains City Council (BMCC) with regard to providing written and verbal references to current or former employees.

POLICY STATEMENT

Requests for written or verbal references for current and former staff will be managed in line with the procedures outlined in this policy.

PROCEDURES

1. VERBAL REQUEST FOR A REFERENCE FROM A PROSPECTIVE EMPLOYER

In accordance with BMCC's Privacy Management Plan "where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work and the position occupied during that time. Council, however, cannot give an opinion as to the person's suitability for a particular position with any potential employer unless satisfied that the person has provided their consent for Council to provide such a reference."

Therefore, if requested for a verbal reference the following information may be given:

- Verification that a current or former employee works or has worked for council
- The duration of that work and
- The position(s) occupied during that time.

The following information must not be given:

- An opinion as to the person's suitability for a particular position unless you have been identified by the person as a referee.

2. WRITTEN REFERENCES – STATEMENT OF SERVICE

Upon request, Human Resources will issue a 'Statement of Service' that includes the period of employment and position occupied.

3. WRITTEN REFERENCES – PERSONAL REFERENCES

Managers or supervisors may, at their discretion, provide a personal reference. Managers or supervisors may mention the title of the position in the body of the letter, however they are not to sign off the reference as the Manager/Supervisor representing BMCC. Personal references must not be presented on official Blue Mountains City Council letterhead.

Work Experience



Application Pack

COMPLETING THE APPLICATION PACK

To enable you to participate in work experience you must read and complete the attached forms carefully and return them to the Recruitment Officer.

The forms include:

- Confidentiality and Code of Conduct Agreement
- Application for Work Experience

Please note: You will also be required to return relevant insurance details and documentation with your completed application pack. Your application is unable to be processed without this information.

FOR YOUR INFORMATION

Our Code of Conduct and Harassment Policy are available to be downloaded from Council's website under Careers with Council / Work Experience Programs.

You will also find our Work Experience Availability List on this page which will assist you in determining a relevant business area to complete your work experience.

It is important that you carefully read and understand these documents and how they relate to your work experience.

APPROVAL TO COMMENCE WORK EXPERIENCE WITH COUNCIL

The approval of work experience is subject to the availability, time constraints and workloads of Council staff in the requested area. Similarly, work experience applications will not be accepted if appropriate insurance coverage has not been arranged.

Effort will be made to accommodate students seeking work experience; however, often the demand on Council to provide work experience is such that we may not be able to accept all applications.

If you are accepted to participate in a work experience program with Council, you agree:

- To be punctual and adhere to hours negotiated
- To notify your supervisor as soon as possible if you are unable to attend
- Work experience is voluntary and that you are not entitled to any form of remuneration from Blue Mountains City Council
- Blue Mountains City Council has the right to terminate your work experience placement at any time

EMAIL YOUR APPLICATION

It is preferred that the completed application pack is returned via email to hresources@bmcc.nsw.gov.au

Clearly label the email subject with 'Work Experience Application'.

CONFIDENTIALITY AND CODE OF CONDUCT AGREEMENT

While conducting work experience at Blue Mountains City Council ("the Council") you are required to sign and comply with the conditions of this agreement. By signing this agreement you agree to comply with the Council's Code of Conduct (copy attached). You will respect confidentiality and agree not to misuse information or resources that you come into contact with during your time with the Council.

You are required to treat as confidential the Council's business affairs and those of our customers and colleagues. You are required to comply with laws, which govern the use and disclosure of information.

As an equal opportunity employer, we acknowledge that all staff have the right to work without unlawful harassment or discrimination and must comply with relevant State and Federal legislation prohibiting it. In signing this agreement you confirm your understanding and compliance with the Council's Workplace Harassment Policy (copy attached).

I, _____, hereby acknowledge that I shall be liable for and indemnify the Council against any liability whatever either under statute or at common law imposed on the Council due to any act or omission by me in the performance of any duties pursuant to this agreement or by any act or omission by me.

I, _____, have read and understand the Council's Code of Conduct and Workplace Harassment Policy and acknowledge that I am bound by their terms. If I fail to observe these documents the Council will be immediately entitled to take action in accordance with Council's disciplinary policy that may result in the termination of this assignment. The Council will also be entitled to be indemnified against any loss the Council may suffer as a result of such a breach in accordance with this clause.

Signed by the above named:

_____	_____	____/____/____
Name	Signature	Date

In the presence of:

_____	_____	____/____/____
Witness Name	Signature	Date

APPLICATION FOR WORK EXPERIENCE

Please read the following thoroughly and complete all sections of this form.

<u>PERSONAL DETAILS</u>		
First Name:	Surname:	
Street Address:		
Suburb:	State:	Post Code:
Home Phone:	Mobile Phone:	
Email:		
<u>EMERGENCY CONTACT DETAILS</u>		
First Name:	Surname:	
Relationship with Student:		
Phone (BH):	Mobile Phone:	
First Name:	Surname:	
Relationship with Student:		
Phone (BH):		
<u>EDUCATIONAL INSTITUTION DETAILS</u>		
Career Advisor's Name (in full):		
Phone (BH):	Fax:	
Alternate Contact Name:	Alternate Phone:	
Educational Institution:		
Address:		
Suburb:	State:	Post Code:

WORK EXPERIENCE REQUEST DETAILS

Preferred Start Date: ____ / ____ / ____

Preferred End Date: ____ / ____ / ____

Preferred Type of Work Experience:
Refer to 'Work Experience Availability List'

Why do you wish to gain work experience in this area?

CHECKLIST

Please use this checklist to ensure you have provided all required information with your application

- ☐ You have read and understand the Code of Conduct
- ☐ You have read and understand the Harassment Policy
- ☐ You have reviewed the Work Experience Availability List
- ☐ You have signed and enclosed the Confidentiality and Code of Conduct Agreement
- ☐ You have enclosed the relevant insurance papers with your application
- ☐ All fields have been completed on the 'Application for Work Experience' form (*this form*)

How to Apply for an Apprenticeship / Traineeship



With Council

INTRODUCTION

Blue Mountains City Council provides a wide range of services to more than 76,000 residents located within our World Heritage Listed area.

We currently employ around 500 people who play an integral role in satisfying the needs of residents and visitors while ensuring the sustainability of our community, economic and ecological environments.

When recruiting new employees, we aim to select people who best fit the requirements for the position and are committed to our objectives.

Blue Mountains City Council is committed to providing a dynamic work environment that enables employees to develop their skills and abilities while enjoying the natural beauty of our World Heritage location – just 1.5 hours drive from Sydney.

This information pack provides you with information on Council's Recruitment & Selection process specific to our Apprenticeship / Traineeship Program.

Thank you for your interest in working with Blue Mountains City Council. We look forward to welcoming those of you who join our team and wish you all every success in your future.

IS THIS JOB RIGHT FOR YOU?

The best way to determine if this position is the one for you is to find out more information about the position and about Blue Mountains City Council.

You can do this by visiting our website at www.bmcc.nsw.gov.au, reading this information, reviewing the position details in the advertisement and speaking with the contact person listed.

THE POSITION ADVERTISEMENT

The position advertisement will outline all of the important information which will assist you with making your decision of whether or not to apply. Wherever possible, these details will include:

- Type of apprenticeship / traineeship
- Work location(s)
- Expected working hours and rosters
- Training patterns and the location of training
- Any additional selection requirements

Please review the position details carefully, paying particular attention to each of the above-mentioned points.

To avoid disappointment, please ensure that you only apply for positions which are suitable to your interests and situation. This may involve evaluating whether the working hours and location of work and training will be appropriate.

THE CONTACT PERSON

Please review the position details before telephoning the contact person.

The contact person will be more than happy to answer any questions that you may have about the position and working with Blue Mountains City Council.

PREPARING YOUR APPLICATION

Once you have identified that this position is what you are interested in, you will need to prepare your application.

Your application will consist of:

- A completed application form; it is important that you complete each field and provide a response to all questions to ensure that your application is eligible for assessment
 - If you are applying for more than one apprenticeship / traineeship, you **only need to complete one application form**
- Your resume
- Copies of any qualifications, certificates or licences which you have completed

Please note: Do not send original documents with your application as they will not be returned.

SENDING YOUR APPLICATION

It is preferred that applications, including supporting documentation, be emailed to hresources@bmcc.nsw.gov.au prior to the closing date.

An automated email response advising that your application has been received will be sent to you.

Alternatively, applications can be faxed to (02) 4780 5796 or posted to:

‘2011 Apprentice / Trainee Program’
Human Resources
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

For applications received by fax or post, we will forward you a confirmation letter acknowledging that your application has been received within 2 working days of us receiving your application.

Please note: Late applications will not be accepted after the closing date. Council cannot be held responsible for applications becoming lost or delayed in the general post.

THE SELECTION PANEL

The selection panel will consist of a minimum of two representatives. One representative will be from the business area where the position will be working (usually the Supervisor of the position) and the second will be an independent representative from another area within or external to Council.

The selection panel is responsible for selecting the best person for the position. When requested, they are also responsible for giving feedback to candidates on their applications and interview performance.

THE SELECTION PROCESS

The selection process may involve a number of stages; all of which are compulsory to participate in:

Eligibility Assessment

After the closing date for the advertised position, the 'Eligibility Assessment' form on page 6 of the application form will be given to Council's Australian Apprenticeship Centre (AAC) to assess. This assessment is based on any prior qualifications which you may hold.

Assessment Centres

All applicants who are initially deemed to be eligible after assessment by Council's AAC may be required to attend an Assessment Centre to participate in a standard variety of assessments. These assessments will run for approximately 1 ½ hours each and will consist of Comprehension and Basic Mathematics.

If you believe you may need additional assistance or resources to participate in the assessment centre, please notify Council when you are invited to participate.

Short-listing of applications

The selection panel will meet to assess the applications. Applications will be ranked against the position details and only selected applicants will be invited to attend an interview.

It is important to note that you are competing against other applicants for the position. If you have not completed your application in full or have not provided all of the information which has been requested, you may not be invited for an interview.

If you have not been successful in being selected to attend an interview, you will receive written notification.

The interview process

If you are invited for an interview you will be contacted by telephone to advise the date, time, location and the anticipated duration time of the interview. You will usually be given at least 3 working days notice to attend an interview.

As well as attending an interview with the selection panel you may be required to complete other assessments or activities that help us to evaluate applicants against the selection criteria. Only assessment or activities that are relevant to evaluating the criteria for the position will be used. If this is a requirement for the position you will be advised of this when you are invited to attend the interview. Any necessary information about the assessments or activities will also be given to you at this time.

If you have any special requirements that may impact your performance in the interview or any of the recruitment assessments or activities, please advise us when you are invited for the interview so we can ensure that you will not be disadvantaged in any way.

Please note: Costs associated with attending an interview will not be reimbursed or covered by Council.

What to bring with you to an interview

Please ensure that you bring your original qualifications, licences or tickets. Failure to do this may result in a delay in the recruitment process.

You will also need to provide evidence that you are legally able to work in Australia. Evidence of permanent resident status includes:

- Australian birth certificate
- Australian or New Zealand passport
- Certificate of Australian citizenship
- Temporary Visa with entitlement to work

If you provide evidence that does not contain a photograph, supplementary documentation that contains a photo, such as a drivers licence or proof of age card, will also need to be sighted and photocopied.

What to wear to an interview

When attending an interview, ensure that you arrive 10 – 15 minutes prior to your scheduled interview time, and allow extra travel time in case of traffic incidents. Should you be running late, ensure that you phone ahead to advise how long you estimate you will be in arriving.

You should wear smart casual or business attire, and ensure you are presented neat and tidy; i.e. brushed hair, polished shoes, etc. It is appropriate for males to wear trousers / slacks and a collared shirt; and for females to wear slacks or a skirt with stockings and a collared shirt or blouse.

Working with Children Check

For positions deemed to be child-related, it is an offence under the Child Protection (Prohibited Employment) Act 1998 for a person convicted of a serious offence to apply for or work in the position. This will be stated in the position description and relevant advertisement if it is a requirement.

At the interview you will be required to give consent for a “Working with Children Check” to be conducted. You will be required to complete and sign an “Applicant Declaration and Consent” form and provide appropriate identification. The Human Resources department will then lodge this information with the Commission for Children and Young People to be assessed.

Employment is conditional on this information being provided at this time, with the completed checks returning satisfactory results. Your employment will also be conditional upon you not becoming a “prohibited person” at any time during your employment in a child-related role.

An example of a child-related apprenticeship / traineeship includes Sport and Recreation.

Reference Checks

Reference checks are carried out on the preferred applicant(s) for the position usually after the interviews have taken place. At least two referees will be contacted and asked questions relevant to the position. They will also be asked to validate information you have provided in your application and at the interview.

Please ensure that you have provided names and contact details of at least two recent referees who have supervised your work.

If you have not had prior work experience, you may also provide details of a teacher, sporting or club coach, or other similar 'Supervisor'.

Please advise the selection panel if you wish to be advised prior to Council contacting any of your referees.

Pre-placement Health Assessments

Before an offer of employment is made, the preferred applicant(s) will be asked to complete a pre-placement health assessment with the Council's agreed medical practitioner.

Human Resources will contact the preferred applicant(s) and advise them of the relevant details. This process is designed to assess an applicant's ability to perform the position they have applied for.

NOTIFICATION OF THE DECISION

A member of the selection panel will contact the successful applicant to make an offer of employment and agree on a date for employment to commence. A written offer and conditions of employment will then be forwarded to the applicant.

Please note: the 2013 Apprentice / Trainee Program will be commencing in the first week of February 2013 (approximately).

If you were invited to attend an interview and you were unsuccessful in being appointed to the position, you will be forwarded written notification within 15 working days of the interview.

A member of the selection panel may be contacted for feedback on your performance at the interview.

FURTHER INFORMATION

If you have further questions please contact our Human Resources team who would be happy to assist you.

Phone: (02) 4780 5700

Email: hresources@bmcc.nsw.gov.au

Website: www.bmcc.nsw.gov.au



SUSTAINABLE PROCUREMENT POLICY

STATUS:	FINAL
ADOPTED:	March 2012
MINUTE No:	93
LIFESPAN:	3 year
TRIM REF.:	F07308
ISSUED BY:	Executive Services
INQUIRIES:	Executive Services

PURPOSE

The purpose of this Policy is to ensure that the Council has a procurement function across the organisation that is in compliance with all legislative and best practice requirements.

BACKGROUND

This Policy has been developed to assist in achieving procurement practices that support the Council's Mission of *Working Towards Sustainability* and the Council Vision of being *A Sustainable Council Leading A Sustainable City*.

The policy also supports achievement of the community strategic plan for the City of Blue Mountains - *Sustainable Blue Mountains 2025*. A key direction set in this community endorsed document, is that '*we use our available resources wisely, ensuring their fair distribution*'.

To achieve this the Council needs to clearly articulate a sustainable procurement policy position that incorporates best practice and contract management processes that focus on:

- Sustainability across social, economic, environmental and governance parameters;
- Creating an understanding of and management of the impacts on our operations of procurement decisions;
- Supporting suppliers that demonstrate a commitment to providing goods and services that are high quality, competitive and sustainable;
- Improving our performance as an ongoing process; and
- Incorporating current trends in sustainable procurement practices to ensure a continuous improvement and best practice culture is maintained.

OBJECTIVES

Through adoption and implementation of this policy Council aims to achieve the following:

- Demonstrate that procurement decisions can be environmentally, socially, and economically responsible while aligning to legislation and thereby contribute towards organisational sustainability;
- Procure environmentally preferred products whenever they perform satisfactorily, are of similar quality and are available at a reasonable price;
- Reduce impacts on both environmental and human health; and
- Support economic development within the local government area.

SCOPE

This Policy will apply to all BMCC staff and covers all procurement decisions made, irrespective of funding source and acquisition process (Tendering, quotations, credit card, supplier management), outlined in the following sustainable procurement framework:

Policy

SUSTAINABLE PROCUREMENT POLICY

Protocols& Procedures Goods& Services

Limits

Management
of Tendering
& Contracting

Written
Quotations

Verbal
Quotes

Purchase
Card

Asset
Disposal

Supplier
Management

Written
Quotations

>\$120k

>\$10,001k
<\$119,999k

>\$3,001k
<\$10,000

<\$75 and
>\$3k

Not on Asset
Register
On Asset
Register

Approvals

Procurement
Approvals
Protocol

POLICY STATEMENT

The Council is committed to implementing a best practice sustainable procurement program with effective policy and processes to deliver sustainable procurement decisions with:

- High standards of probity;
- Management of procurement decisions;
- Compliance across the four areas of sustainability assessment, social, environmental, economic and governance parameters; and
- Risk minimisation strategies.

PROCUREMENT POLICY

All Council procurement decisions will be made on the basis of accepted best practice, in accordance with set procedures/protocols, standards of probity, legislative requirements in order to protect Council, staff and the community while maximising benefit/value and minimising risk.

Key principles

In all procurement decisions for goods and services, Council will apply the following five key principles:

1. **Quality:** Best available fitness for purpose;
2. **Best value for money:** the need to obtain the best value for money overall. This includes a comparison of price/Total Cost of Ownership (TCO) such as ongoing maintenance charges, de-installation costs, inputs operation of a product in terms of energy, water, paper, toner, chemicals, software etc., and, importantly, the cost of environmentally responsible disposal at end of life;
3. **Equity:** the need for fairness and impartiality in all stages of the purchasing process;
4. **Efficiency:** the need to eliminate waste and rework while upholding the principles of economy and equity; and
5. **Social and Environmental Sustainability:** provide for the best possible outcomes for the community, environment and society as a whole, in alignment with the Objectives of *Sustainable Blue Mountains 2025*.

Preferences

Council will give preference to:

- Products produced using sustainable methods/resources when quality, performance and price are comparable to conventional products; and
- Local suppliers where the provider can match or better other providers on price, quality and availability which is in accordance with NSW government guidelines on this preference.

Acquisition of Goods and Services

Procurement processes will conform with the following price thresholds in determining the method of acquisition:

\$ Value	Procurement Method	Procurement Protocol
>\$120,000	Tendering	Management of Tendering & Contracting
>\$10,000 less than \$119,999	Written Quotation	Written Quotation Protocol
>\$3,001 less than \$9,999	Verbal Quotation	Verbal Quotation Protocol
>\$75 less than \$3,000	Purchase Card	Purchase Card Protocol

Risk management

Council officers will consider the level of risks associated with any acquisition when deciding on the procurement method. An assessment will be undertaken for all purchases over \$10,000 to determine if a documented risk analysis is required within the procurement business case. All tenders will have a documented risk section based on a risk analysis.

Any risk analysis will outline how the Council procurement process aligns with the Independent Commission against Corruption (ICAC) Procurement Policies and Division of Local Government guidelines in relation to Fraud Prevention and Corruption.

Procurement procedures

Procurement protocols and guidelines will be developed that provide for sustainable and ethical business dealings and that:

- Reflect health and safety measures for the public and Council Officers in accord with relevant legislation;
- Demonstrate the relationship to Council's priorities, objectives and values;
- Incorporate and model high-quality environmental standards and social responsibility in alignment with the type of goods and service being procured;
- Display professionalism, integrity, probity and not behave in any manner that contravenes any adopted codes, professional or other standards, legislative requirements, leaves Council vulnerable to risk;
- Align with Council's Code of Conduct; values and Code of Business Ethics and avoid any actual, or appearance of any possible, conflict of interest;
- Maintain confidentiality of information obtained that relates to procurement activities; and
- Not provide any unfair advantage or bias to any supplier; and
- Reduce risk associated with procurement activities.

Protocols/Guidelines

Appropriate procurement protocols and guidelines will be documented and approved by the General Manager. Training in those protocols and guidelines will be provided to assist Council staff in implementing this policy as well as achieving Council objectives.

Procurement Decisions and Reporting

All procurement decisions are subject to the following:

- Tenders: All tenders recommendations are resolved by the Council by presentation of a Business Paper report to the relevant Council meeting;
- Written Quotations: Decisions are to be approved by the Director/Group Manager/Manager, under the relevant delegations, with documentation managed within TRIM, and the online Purchase Requisition system.
- Verbal Quotations: May be approved by the Director/Group Manager/Manager, under the relevant delegations, with documentation managed within TRIM, and the online Purchase Requisition system; and
- Purchase Card: All purchases/acquisitions are to be approved by the Manager/Team Leader prior to purchase with a periodic follow-up review of the Purchase Card reports by an external party to the Directorate/Group.

RELEVANT LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

ICAC Act 1998

NSW Government Procurement Policy Statement 2004

OTHER GOVERNMENT POLICY PROVISIONS

NSW Code of Practice for Procurement 2005

NSW Government Procurement: Local Jobs First Plan 2009

NSW Government Procurement Guidelines: Tendering Guidelines 2010

NSW Government Total Asset Management 2008

NSW Government Code of Practice for Procurement and implementation Guidelines 2005

OH&S Purchasing Protocol

BMCC Sustainable Procurement Practice Guidelines 2011

BMCC POLICY

Code of Conduct 2009

Statement of Business Ethics 2010



PROTOCOL:

**PURCHASE CARD
PROCUREMENT STANDARDS**

STATUS:
ADOPTED:
LAST REVISION:
ISSUED BY:
INQUIRIES:
REVIEW:

ADOPTED
Originally 1.9.2002
22 March 2013
Strategic Procurement
Strategic Procurement
2 years - 2015

OBJECTIVE

To provide Council Officers who have a Purchase Card with guidelines and workflow on appropriate registration for a Purchase Card and use of their Purchase Card within the Council for procurement purposes.

POLICY STATEMENT

Procurement expenditures are to be incurred in the performance of a Council Officer's normal duties whilst adhering to the following procedures. All expenditure must be supported by appropriate documentation and authorised in accordance with this protocol.

PROCEDURES

Management of Purchase Card Register

Details of Council Officer positions allocated a Purchase Card are registered as follows:

- Finance will maintain a Purchase Card Master Register on which organisational positions have been allocated a Purchase Card;
- Each Directorate/Group will be provided with a local copy, at the beginning of the Financial Year, of their respective Register to note any updates and refer those back to Finance;
- Each 6 months Finance will provide a copy of the Register to the G&RSG for review as a Governance activity; and
- A Director/Group Manager will provide final sign-off on the documentation required to register a new position for a Purchase Card.

Application for Purchase Card

The Director/Group Manager must:

- Review the Local Register of positions requiring a Purchase Card within a Directorate or Group to ascertain if a Purchase Card is required by the position;
- Review the Delegations for that position to ensure that those delegations align with the Purchase Card requirements; and
- A Director/Group Manager will provide final sign-off on the documentation required to Register a new position for a Purchase Card;

In order for a Card to be provided the *Council Officer* must:

- Demonstrate to their Supervisor an awareness of the scope, usage, conditions and restrictions that apply to Purchase Card
- Provide a written account of how Purchase Cards will improve and simplify the purchasing procedures for the work area defined by the proposed cardholders
- Obtain approval of the relevant Manager and Group Manager and complete the mandatory authority forms available from Finance;

- Forward these forms to Finance and await delivery of Card; and
- Be responsible for the security of the Purchase Card at all times.

The *employee's supervisor* must:

- Ensure that the cardholder has the delegated authority to commit Council to expenditure by checking the Delegations Register; and
- Accept responsibility for the correct use of the Purchase Card by their Council Officer.

Issuing of Purchase Card

The Finance Team will issue all Purchase Cards directly to cardholders following attendance by the Council Officer/Cardholder at a Training Session where they can demonstrate their understanding of the Purchase Card Procurement Standards. Finance will also provide access to the Cardholder to the Flexipurchase System along with a demonstration on how to use that system.

-
- Signing for Purchase Card
- When the Council Officer signs for receipt of the Purchase Card on the Finance Acknowledgement Form they are assuming the following obligations:
- The use of the Purchase Card is limited to expenditure of \$1000 (ex GST) per transaction on goods/services with any expenditure over \$1,000 is to be in accordance with Council's Purchasing Policy;
- There shall be no splitting of a transaction to avoid the \$1,000 limit;
- Cardholders must always ensure that Council is receiving value for money. The use of the Purchase Card and the fact that the expenditure is less than \$1,000 does not preclude the cardholder from testing the market to ensure that Council is receiving value for money;
- Cardholders should check that there is sufficient available funding within the budget prior to incurring the expenditure and whether the transaction requires prior approval or some other approval prior to incurring the expenditure eg training, conferences; and
- The General Manager delegates decisions on the use of Purchase Cards in accordance with organisational requirements to the Director/Group Manager;
-
- Transaction Management
-
- Decision Criteria for a Transaction on Purchase Card
- Stores items should be obtained from the Store unless extenuating circumstance which needs to be justified at month end Reconciliation;
- Items under Contract require a Purchase Order;
- Relevant Delegations for the amount of expenditure;
- Expenditure falls within Card limit which is \$1,000 per transaction with a monthly limit of \$5,000 or \$10,000;
- Able to receive a fully compliant GST Tax Invoice with:
 - Name of Supplier
 - The Australian Business Number (ABN) of the Creditor
 - Date of Issue
 - The quantity and a brief description of what is being supplied
 - The name Blue Mountains City Council (being the recipient)
 - The address OR ABN of Blue Mountains City Council
 - The words "Tax Invoice"
 - The GST as a separate component, OR, the invoice total with a statement stating "Total includes GST";

- Ensure supplier uses Visa; and
- Consider the FBT implications of any expenditure incurred on the Purchase Cards eg meals purchased for staff at off-site locations such as restaurants/cafés are generally subject to FBT which is an additional 100% of the expenditure. Further guidance on FBT is available from Finance.

Unacceptable Transactions

- Splitting of transactions to fall within the Card transaction limit;
- No cash advances and facility is disabled;
- No Petrol purchases – use of Fuel Cards only for petrol;
- Cardholder absent from the workplace;
- Use by another person under any circumstances; and
- Personal items under any circumstances.

Prior Approval

The following guidelines apply to expenditure that could be considered, by the average person, to be outside of an employee's normal duties:

<p>1. Food/Restaurant expenditure</p> <p><u>Acceptable</u> Reasonable expenditure incurred for sustenance while on Council business outside the Blue Mountains Local Government Area ie reasonable expenditure is considered to be \$10-\$20 (per person) for breakfast/lunch and \$20-\$30 (per person) for dinner.</p> <p><u>Conditionally acceptable</u></p> <ul style="list-style-type: none"> ○ Meals for staff at restaurant/café ○ Meals for business associates ○ Food for staff purchased at grocery stores etc ○ Food for section or branch morning/afternoon teas <p><u>Not Acceptable</u></p> <ul style="list-style-type: none"> ○ Personal meals i.e. lunches, morning and afternoon teas 	<p>No prior approval required. Normal authorisation and documentation requirements as set out in the policy apply.</p> <p>Prior approval must be obtained (refer below)</p>
<p>2. Items such as</p> <ul style="list-style-type: none"> ○ Digital cameras ○ Electronic equipment ○ Computer software and hardware 	<p>Prior approval must be obtained (refer below) from the IT Manager and the Branch Manager.</p>

Disputed transactions

The Council is responsible for paying all accounts on the monthly Purchase Card statements and the bank will debit this amount to the Council's bank account at month end.

When a dispute occurs, the cardholder should attempt to correct the situation with the merchant with a direct communication. If you are unable to correct the situation, contact Finance. They will attempt to resolve the matter and may have to contact the bank for assistance.

Finance is notified of all disputed transactions. Cardholders complete the Disputed Transaction section within the Flexipurchase System and notify Finance for reconciliation against the Card statement.

Amendments to Transaction Limits

Requests for an increase to the monthly limit should be directed to Finance who will make the necessary arrangements with the bank.

Reconciliation and Reporting

Authorisation of transactions

All Cardholder transactions are reported on the Flexipurchase System, as follows:

Cardholder	Verify transactions and attach supporting documentation as per protocol Ensure invoices are GST compliant Month end for Transaction Reconciliation is after 28 th of month If transaction outside of normal duties notate with explanation justifying the procurement Sign report and forward to authoriser (with Finance 2 wks of month end)
Supervisor	Review the transaction report on a line-by-line basis Ensure appropriate documentation and explanation of transactions is attached eg where expenditure is not in line with the employee's normal duties, ensure the explanation is clear Investigate any questionable purchases Check account allocations Sign off the report (under supervisor) when satisfied as to the above Forward report to Finance within 2 wks of month end
Manager	For a supervisor cardholder, undertake the role of supervisor as above Review the transaction report on an overview basis Investigate any questionable purchases. Refer to Director/Group Manager, Internal Audit or the General Manager if necessary. Countersign the report and forward to Finance within 2 wks of month end
Director/Group Manager	Where a Manager is a cardholder, then the Director/Group Manager undertakes the Manager's role. Where a Director/Group Manager is the cardholder this would be undertaken by the General Manager.
Finance	It is Finance's role to identify any transaction reports that have not been authorised in accordance with the above and to forward these to the Internal Auditor for inclusion in the monthly report to the Directors/Group Managers.
Internal Audit	Undertakes a regular (monthly) overview of all Purchase Card expenditure and identify any expenditure considered: <ul style="list-style-type: none">• Not in line with an employee's normal duties and/or that there is not sufficient supporting documentation or narrative explaining the expenditure• In breach of the Purchase Card policy• That should be brought to the attention of the relevant Director/Group Manager• Incurred during the month but not verified on the Flexi-Card system. Internal Auditor refers a report to the relevant Director/Group Manager identifying expenditure and requesting investigation followed by a report identifying action taken.
Strategic Procurement	Quarterly Spend Diagnostics

Record Requirements

Cardholders are responsible for receiving sales vouchers and tax invoices/receipts on a daily basis from suppliers, irrespective of whether the purchase was over-the-counter, mail order or online, and must ensure the following:

- Account codes are endorsed on all dockets;
- All dockets satisfy the criteria for a 'GST Tax Invoice';
- Purchases are fully described and for official Council use only;
- Transactions are mathematically accurate; and
- Cardholder has signed the sales voucher.

Auditing and Reporting of Purchase Transactions

Monthly Internal Audit review of Purchase Card transactions.

Quarterly Strategic Procurement trend analysis of Purchase Card transactions provided to Directors/Group Managers for both procurement and risk management purposes

Purchase Card transaction limits will be reviewed at six monthly intervals by Finance.

Purchase Card Cancellation

Cancellation of a Purchase Card may be necessary where:

- The cardholder changes job function within Council;
- The cardholder terminates employment with Council;
- The Card is no longer required;
- The cardholder has not adhered to the set procedures;
- Misuse/abuse of Card; and
- Lost/Stolen Card.

Cancellation responsibilities and duties are outlined as follows:

Role	Responsibility
<i>Cardholder</i>	Return Card to Supervisor/Manager
<i>Supervisor</i>	Complete Cancellation Form; Return Cancellation Form and Card to Finance; and Update Local Purchase Card Register.
<i>Finance Officer</i>	Immediately contact bank to advise of Card cancellation; and Update the Purchase Card Master Register.

SANCTIONS FOR MISUSE OF PURCHASE CARD

Any incidence of unacceptable transactions on a Purchase Card will trigger automatic cancellation of the Card by Finance.

RELATED POLICY/PROTOCOLS

Sustainable Procurement Policy 2012

ATTACHMENT 1**PURCHASE CARD TRANSACTION – PRIOR APPROVAL FORM**

Name:	
Section/Branch:	
Date:	
Name of Business:	
Number of Persons (if applicable):	Staff: Non-Staff:
Type of expenditure:	
Reason for expenditure:	
Duration of Seminar/Training session (if applicable):	
Estimated expenditure: \$	
Approval requested:	_____ Signature of Applicant / Date
Request approved: Yes/No (please circle)	_____ Signature of Manager or Group Manager (if > \$200) / Date
Request approved: Yes/No (please circle)	_____ Signature of IT Manager (if required)

Actual Expenditure to Be Incurred: \$

* Note: Food/Refreshments served as part of an approved training course/seminar is exempt from FBT if the course/seminar has a duration in excess of 4 hours

ATTACHMENT 2**PURCHASE CARD – MANAGERS APPROVAL CHECKLIST**

ACTION	TICK
Ensure all relevant GST compliant invoices are attached	
Are all transactions within 'decision criteria'?	
Is an explanation required for any transaction?	
Is the explanation valid?	
Are there any disputed transactions?	
If so, has the Cardholder contacted the merchant?	
Has Finance been notified of any disputed transaction?	
Are all transactions within limit?	
Are there split transactions to maintain limit?	
Was prior approval sought where necessary?	
Is the reconciliation completed accurately?	
Are there transactions that should be reported to Finance or Internal Auditor?	
Is there a case for a Transaction Limit increase due to trends in card usage?	

Should Card be recommended for Cancellation due to improper transaction management?	
Is this position being reviewed and if so will the Card be required?	



PROTOCOL

NAME:

**Recruitment and
Employment**

STATUS:

APPROVED

APPROVED BY G&R:

06/05/13

ADOPTED BY EMT:

06/05/13

TRIM REF.:

F0

ISSUED BY:

People & Systems

ENQUIRIES:

Human Resources

OBJECTIVES

This protocol outlines the Blue Mountains City Council's (BMCC) approach to recruitment and employment of employees.

It aims to ensure:

- A fair approach to the recruitment, assessment and selection process, ensuring consistency with equal opportunity principles
- The recruitment process is transparent, professional and timely
- Selection processes are based on merit and comply with relevant legislation
- All new employees are inducted appropriately to BMCC
- Probation is managed in a timely and appropriate manner so new employees can easily adjust to their new role and environment

SCOPE

This protocol will outline procedures relating to all recruitment and selection activities, induction to the organisation, and probationary guidelines.

PROTOCOL STATEMENT

Quality recruitment and employment practices are essential to the success of Blue Mountains City Council (BMCC). Recruitment processes should positively impact on the productivity and morale of work teams and the wider organisation. For this reason, considerable resources are devoted to reviewing positions, advertising, selecting the best applicant for the job, welcoming them into the organisation and supporting them during their employment with BMCC.

DEFINITIONS

These definitions will assist you in correctly identifying your type of vacancy.

Permanent Appointments – Full-Time and Part-Time:

- A permanent appointment shall mean an employee who is engaged on the basis of a regular number of hours per week, and no end date associated with the offer of employment.
- EMT approval is required prior to the appointment of any new or existing permanent positions.
- For all new or restructured permanent positions within the organisation structure, the Staff Consultative Committee must be consulted. Please refer to Human Resources.

Casual Appointments:

- A casual position cannot be utilised to replace a permanent Council position.
- A person appointed to a casual position may be engaged on a day to day basis, and not perform duties regularly and systematically; i.e. days and number of hours worked will vary week to week.
- A casual appointment will not have an end date associated with the offer of employment; however cessation of employment will be deemed in instances where there has been no duties performed in a 12 month period.

Temporary Appointments:

- A person may be appointed temporarily to a position that is within the organisation structure, in the following situations:
 - To perform the duties associated with a vacant position until the vacancy is filled on a permanent basis; or
 - To temporarily replace an employee that is on approved leave, workers compensation, or acting in a different position.
- A temporary position is similar to a permanent position in that days and number of hours are set and an appointed employee has the same benefits and entitlements, however an end date to the offer of employment is set.
- EMT approval is required prior to the appointment of any temporary position which is intended to be greater than 3 months in tenure.
- A person appointed to a position temporarily may not continue in that position for a period of more than 12 months, or 24 months in the case of the original incumbent being on parental leave.

Fixed Term Contracts:

- Fixed term contracts will be utilised in the following situations, as prescribed by Section 30 of the Local Government (State) Award 2010:
 - For the life of a specific task or project that has a definable work activity; or
 - To perform the duties associated with an externally funded position where the length of the employment depends on the length of funding; or
 - To temporarily replace an employee that is on approved leave, workers compensation, or acting in a different position, for a period greater than 12 months; or
 - To undertake training and work as part of an apprenticeship, traineeship or student work experience program in conjunction with an education institution; or
 - To trial a new work area, provided that the duration is not longer than is reasonably necessary to trial the new work area; or
 - To perform the duties associated with a vacant position during the intervening period between when a Council has made a definite decision to introduce major changes in production, program, organisation structure or technology that are likely to have significant effects on the employment in the vacant position and the dates that the changes are implemented; or

- To accommodate time limitations imposed by law or sought by the employee; e.g. visa restrictions.
- A fixed term position is similar to a permanent position in that days and number of hours are set and an appointed employee has the same benefits and entitlements, however an end date to the offer of employment is set.
- EMT approval is required for all fixed term appointments.

GENERAL PROCEDURES – Relevant to all vacancies

Identification of Vacancy

A vacancy exists when:

- An existing position within the organisation structure becomes vacant; or
- A new position has been approved within the organisation structure; or
- A position outside the organisation structure has been approved for a fixed period of time.

If a vacancy is to be filled, the immediate supervisor must review the position to determine whether, in its current or modified form, it should continue; and to ensure the position description and competency matrix accurately describes the position.

- If any changes are required to the position description, consult with Human Resources to determine whether a position regrade is required.
- In the event of a newly created position, a position description must be created and graded by Human Resources. Please refer to the 'Regrading of Positions' protocol before progressing further with recruitment activities.

Authority to Recruit

The immediate supervisor must submit the appropriate paperwork to seek recruitment approval, completing each appropriate section of the form. Please contact Human Resources if assistance is required.

- Complete and submit '*Recruitment Requisition*' to Human Resources.

Once EMT/Human Resources approval has been granted for recruitment activities to begin, a suitably trained recruitment panel must be formed to assess applications for all advertised positions. The recruitment panel must consist of a minimum of 2 BMCC employees, the Recruitment Team Leader and the Independent panel member.

- The Recruitment Team Leader is appointed to a vacancy by the appropriate Manager/Director and is responsible for the overall recruitment and selection process, and should ideally be in the direct line of management/supervision above the vacant role
- Both the Recruitment Team Leader and the Independent panel member must have completed Council's Recruitment and Selection training. A list of trained employees can be found on the Intranet.
- The Recruitment Team Leader will usually be the immediate supervisor of the vacant position, and will be responsible for ensuring the recruitment and selection process is followed as per this procedure.
- The Independent panel member must be positioned outside of the branch where the vacant position is located.
- A Technical Expert may be called upon as a third panel member if it is determined that additional technical expertise would be beneficial in the selection process. The Technical Expert is not necessarily a BMCC employee and may not have completed the Recruitment and Selection Training, however they must be briefed by the Recruitment Team Leader as to required conduct of the recruitment panel, and they must participate in all stages of the selection process.

- The panel must be gender balanced if both males and females have applied for the position; i.e. there must be both genders participating in the panel. This does not apply if only one gender has applied for the position.
- All members of the recruitment panel must be of equal or greater salary banding to the vacant position.

An applicant who has previously been assessed as suitable for a vacant position may be appointed to an identical vacant position within a 6 month period from their interview, without advertising the position.

- If it has been greater than a 6 month period a business case may be made to the Group Manager, People & Systems for consideration.

Advertising

All positions to be advertised by Council must be done '*in a manner sufficient to enable suitably qualified persons to apply for the position*'; Sect 348 - Local Government Act 1993, this is in order to enable a suitable pool of applicants to apply for and be considered for a role.

- All advertisements will be published for a minimum of 2 weeks.
- Human Resources are responsible for the placement of all advertising.
- As a minimum, all advertisements will be placed on the weekly Job Vacancy Bulletin on Council's intranet.
- External advertisements will also be placed on Council's website and published in the Blue Mountains Gazette.

Advertisements will normally be published externally however may be published internally with the approval of Human Resources provided that the requirements of Sect 348 – Local Government Act 1993 are met.

The following vacancies must be advertised:

- Permanent vacancies
- Casual vacancies
- Any vacancy which will exceed a 12 month period
- Fixed term contract vacancies
- Temporary vacancies (including relief vacancies) greater than 3 months and not exceeding 12 months
- Any vacancies deemed appropriate by Human Resources

It is the responsibility of the Recruitment Team Leader to prepare and supply the '*Advertising Template*' to Human Resources for publishing at the time of submitting the '*Recruitment Requisition*'.

- Refer to Human Resources for publishing deadlines.

Applications

Human Resources will acknowledge and process all applications as they are received. It is at the discretion of Human Resources whether to accept applications received after the closing date.

- No applications will be accepted once interviews have commenced.

Applications will be provided by applicants as per the "How to Apply for a Vacancy" guide.

Applications will consist of:

- Examples of how applicants have applied their skills and experience to key aspects of the role.

- Relevant work experience, qualifications, skills, abilities and examples. This statement should generally not exceed 3 pages
- Updated resume
- A minimum of two recent professional references
- Copies of relevant qualifications

Once the advertisement period has closed, Human Resources will provide electronic file access to the recruitment panel. The panel will then have 8 working days to assess each of the applications and advise Human Resources who has been shortlisted for interview.

Selection

All appointments are to be based on merit; with the applicant who is deemed to have the greatest merit to be selected.

- Only a person who has applied for the vacancy can be considered for the position.
- All applicants will be assessed on the same selection criteria.

Merit is to be determined according to:

- The nature of the duties of the position; and
- The abilities, qualifications, experience and standard of work performance relevant to those duties.

A conflict of interest may arise should a member of the recruitment panel know or hold a relationship with one or more of the applicants. This must be declared to Human Resources prior to short listing of applicants. Human Resources will advise of further action in line with the Code of Conduct.

- In this event the recruitment panel must record a file note in the electronic recruitment file.

At all times during the recruitment process, applicants may be given feedback regarding their performance. However, specific information regarding the performance of other applicants or their suitability for the position will remain confidential.

Short Listing

The recruitment panel must assess applicants based on the selection criteria and complete 'Assessment Sheet – Applicants'.

- The Recruitment Team Leader must verbally advise any internal applicants who have been unsuccessful in gaining an interview before the recruitment process progresses any further.
- Only applicants who meet the selection criteria should be short listed for interview.

The recruitment panel must then forward the completed assessment sheet to Human Resources and also advise at this time:

- Any materials applicants are required to bring to interview for citation or copy;
- Any non-standard selection tools which may be utilised in the selection process; and
- Suitable date/s for the interviews to occur
 - Applicants must be given a minimum of 3 working days notice prior to the interview being held.
 - It is the recruitment panel's responsibility to arrange suitable facilities for the interviews to take place.

Human Resources will notify applicants of their scheduled interview, any materials they are required to bring to interview for citation or copy, and any non-standard selection tools which may be utilised.

If the recruitment panel need to make contact with any applicants prior to short listing, a file note must be recorded in the electronic recruitment file; i.e. this may be done in cases where qualifications may need to be confirmed.

- Human Resources should be informed prior to this occurring.

Human Resources will process letters for applicants who have been unsuccessful in gaining an interview.

Interview

The recruitment panel must advise the applicants of the recruitment process at the beginning of the interview; i.e. one or two interview process, pre-placement health assessment, minimum of two professional references, WWCC if applicable, checking of status to work in Australia.

The recruitment panel must sight all originals of documentation relevant to the selection criteria and in confirming the right to work in Australia. This may include Drivers licence/passport/birth certificate/work visa, qualifications. Australian citizens and permanent residents have unrestricted rights to employment in Australia. All other residents must have a valid temporary visa that allows employment. The recruitment team leader must also ensure a completed '*Application Form*' is collected from each interviewed applicant and saved to the vacancy TRIM file. (For further information please refer to Human Resources.

Phone interviews may be conducted in certain circumstances; e.g. interstate or overseas applicants. Please refer to Human Resources.

Second interviews may be conducted in certain circumstances; e.g. when 2 top ranked applicants cannot otherwise be separated; however a new set of interview questions must be created. Please refer to Human Resources.

The recruitment panel are to complete an '*Interview Assessment Sheet*' (and notes if required) on each applicant interviewed.

Post Interview

A minimum of two professional reference checks must be completed for the applicant who has been deemed to have the greatest merit. The '*Reference Check Guide*' should be utilised.

- The Recruitment Team Leader is responsible for conducting the reference checks.
- Reference checks should only be completed for the applicant who is deemed to have the greatest merit, unless initial references are returned unsatisfactory, or the reference checks will be a deciding factor between two applicants.
- Reference checks are not required for internal applicants, unless considered appropriate by the Recruitment Team Leader.

Employment History checks will be conducted by Human Resources.

- These will be checked for the prior five years, or last three positions held by the applicant.

Before a verbal offer of employment can be made, the Recruitment Team Leader is to ensure all recruitment paperwork has been TRIM'd to the electronic recruitment file and the '*Recruitment and Selection Report*' completed and forwarded to Human Resources.

- Human Resources will advise you when you are able to make a verbal offer of employment.

Employment Offer

It is the Recruitment Team Leader's responsibility to contact the successful applicant to make a verbal offer of employment.

- If the applicant has accepted this offer, the Recruitment Team Leader will need to confirm a commencement date and advise Human Resources of the outcome.
- If the offer is not accepted, the recruitment panel will need to reconvene to review whether the next applicant, in order of merit, is suitable for the position. Please refer to Human Resources in this event.
- In the event that an internal applicant is successful in gaining a new position within Council, they are to be released from their current position within 1 month, or as agreed by the respective Directors/Group Managers.

Human Resources will prepare and send an Offer of Employment to the successful applicant, and will contact them to advise of the Pre-Employment Health Assessment details.

- The successful applicant will not be able to commence employment until the signed Offer of Employment and completed Pre-Employment Health Assessment report has been returned to Council. This also includes WWCC where applicable.

It is the Recruitment Team Leader's responsibility to verbally advise all applicants who were interviewed and unsuccessful for the position. This will also include the provision of feedback to these applicants should it be requested. Note: internal applicants should be notified first.

- Human Resources will need to be notified once this has occurred so that formal acknowledgement letters can be prepared and sent.

Unsuccessful Applications – Internal Applicants Only

Where an internal applicant has been unsuccessful in gaining a position they have applied for, they may:

- Request in writing the reasons as to why they were unsuccessful
 - The Recruitment Team Leader will be responsible for providing the reasons in writing, within five working days of receiving the request.
 - All written responses must be authorised by Human Resources before being provided to the internal applicant.
- Lodge an appeal to the Group Manager, People & Systems.
 - The appeal must be in writing, and be received within five working days of receiving notification of the unsuccessful application.
 - An appeal may only be lodged on the grounds that:
 - The appellant believes that the Recruitment and Employment protocol was not followed, or
 - That they were treated unfairly in the recruitment process.
 - The Group Manager, People & Systems or their delegated representative, will hear the appeal within five working days of the appeal being lodged. The appellant will receive a written decision within ten working days.
 - If the matter has not been resolved to the appellant's satisfaction, the appellant may write to the General Manager who will hear the appeal and provide a written decision within ten working days.

Prior to Commencement / First Day of Employment

Prior to the newly-appointed employee commencing work, the immediate supervisor must:

- Commence the '*Local Work Group Induction Checklist*'; and upon completion, forward to Human Resources to be saved on the employee's personnel file.
- Schedule appropriate training; i.e. TRIM, purchasing, etc
- Assist Human Resources in ensuring the signed Offer of Employment is returned
- Arrange IT, security access, parking permit and any other requirements

Corporate HR Induction

Human Resources will conduct the Corporate Human Resources Induction for all new employees. This will involve an overview of the organisation structure and a range of employment conditions.

- Upon the employee's commencement, Human Resources will schedule the Induction. Attendance is compulsory.
- During the Induction, the HR representative will complete the '*Corporate HR Induction Checklist*' with the new employee; this will be saved on their personnel file.

Corporate Orientation

Human Resources will coordinate the Corporate Orientation program, which will be conducted every 3 months for all new employees. This will involve greater detail of Council's activities and meeting key personnel.

- Upon the employee's commencement, Human Resources will schedule the next available date for Orientation. Attendance is compulsory.

Probationary Review

Human Resources will schedule 4 and 10 week probationary reviews between new employees and their immediate supervisor. The purpose of these reviews is to:

- Ensure a communication channel is maintained between employees and their manager/supervisor; and
- Determine if the job meets the expectations of the incumbent and similarly, the incumbent is suitable for the job.

The reviews at this stage of employment should assess:

- Council's 5 Core Competencies – Provide Effective Customer Service, Operate Effectively in Local Government Context, Undertake Workplace Learning, Follow Defined Occupational Health & Safety Policies and Procedures, and Attendance at the Council Induction program (Orientation); and
- The selection criteria from the position description.

The '*Probationary Period Review*' form should be utilised during the reviews, and submitted to Human Resources once complete. This will assist the manager/supervisor in recommending:

- Permanent appointment of the employee to the position;
- Extension of the probationary period; or
- Termination of the employee's services.

Should any performance issues be identified, appropriate action should be taken immediately; refer to Council's '*Disciplinary Policy – Guidelines for Managers and Supervisors*' and refer to Human Resources.

- Any extension of probationary period would involve an agreed time frame for improvement and the preparation of an agreed action plan for review between the employee and their immediate supervisor
- Any consideration for termination of services would involve Council's dismissal process.

Note: Before commencing formal disciplinary procedures, Managers/Supervisors must have provided informal performance guidance and counselling. The aim of the counselling session is to inform the employee of the problem, to correct the problem and prevent it from re-occurring. Please refer to Human Resources before commencing any procedures.

For internal applicants who have been successful in gaining a new position, no probationary period will apply. However it is still a requirement to review performance with this employee at 4 and 10 week periods to ensure a smooth transition.

APPENDIX A: REFERENCES

Relevant Legislation

- Local Government Act 1993
- Local Government (State) Award 2010
- Government Information (Public Access) Act 2009 (GIPA)
- Industrial Relations Act 1999
- Anti Discrimination Act 1991
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013

Relevant Council Documents

Recruitment & Employment Forms:

- FORM 1: Recruitment Team Leader Checklist
- FORM 2: Recruitment Requisition
- FORM 3: Advertising Template
- FORM 4: Assessment Sheet - Applicants
- FORM 5: Interview Assessment Sheet and Notes
- FORM 6: Reference Check Guide
- FORM 7: Recruitment and Selection Report
- FORM 8: Induction Checklist
- FORM 9: Probationary Review – Initial
- FORM 10: Probationary Review – Review or Final
- FORM 11: Application Form

Other:

- Position Description Template

RELATED PROTOCOLS

- New or Vacant Restructured Positions
- Position Descriptions
- Pre-placement Health Assessments
- Re-grading of Positions
- Working with Children Check

REFERENCE DOCUMENTS – LOCATED ON THE STAFF INTRANET

- Trained Interviewers
- Interview Listing
- Recruitment & Selection Procedures – A Guide to Using TRIM
- How to Apply for a Vacancy

How to Apply for a Vacancy



With Council

INTRODUCTION

Blue Mountains City Council provides a wide range of services to more than 76,000 residents located within our World Heritage Listed area.

We currently employ around 550 people who play an integral role in satisfying the needs of residents and visitors while ensuring the sustainability of our community, economic and ecological environments.

When recruiting new employees, we aim to select people who best fit the requirements for the position and are committed to our objectives.

Blue Mountains City Council is committed to providing a dynamic work environment that enables employees to develop their skills and abilities while enjoying the natural beauty of our World Heritage location – just 1.5 hours drive from Sydney.

This information pack provides you with information on Council's Recruitment & Selection process.

Thank you for your interest in working with Blue Mountains City Council. We look forward to welcoming those of you who join our team and wish you all every success in your future.

IS THIS JOB RIGHT FOR YOU?

The best way to determine if this position is the one for you is to find out more information about the position and about Blue Mountains City Council.

You can do this by visiting our website at www.bmcc.nsw.gov.au, reading this information, reviewing the position description and speaking with the contact person listed in the advertisement.

THE POSITION DESCRIPTION

The position description outlines the major duties and responsibilities of the position. Please review the position description carefully.

To avoid disappointment, please also review your resume to ensure you have the experience and qualifications required for the position prior to applying.

THE CONTACT PERSON

Please review the position description before telephoning the contact person.

The contact person will be more than happy to answer any questions that you may have about the position and working with Blue Mountains City Council.

PREPARING YOUR APPLICATION

Once you have identified that you have the skills, ability, experience and qualifications required to perform the advertised position and that this position is what you are interested in, you will need to prepare your application.

Your application will consist of:

- Examples of how you have applied your skills and experience to key aspects of the role. You should include relevant work experience, qualifications, skills, abilities and examples. This statement should be succinct and generally not exceed 3 pages
- Your updated resume
- A minimum of two recent professional references
- Copies of relevant qualifications

Please note: Our recruitment and selection process is designed to assess how well each applicant demonstrates their relevant experience, skills, knowledge and qualifications meet the requirements of the advertised position and is separate to your resume. If you do not do this, your application will be unsuccessful.

Please ensure your application clearly indicates the position title and vacancy number of the position that you are applying for as quoted in the advertisement.

Please do not send original documents with your application as they will not be returned.

SENDING YOUR APPLICATION

It is preferred that applications be emailed to hresources@bmcc.nsw.gov.au prior to the closing date.

An automated email response advising that your application has been received will be sent to you.

Alternatively, applications can be faxed to (02) 4780 5796 or posted:

'Staff Applications'
Human Resources
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

For applications received by fax or post, we will forward you a confirmation letter acknowledging that your application has been received within 2 working days of us receiving your application.

Please note: Late applications will not be accepted after the closing date. Council cannot be held responsible for applications becoming lost or delayed in the general post.

THE SELECTION PANEL

The selection panel will consist of a minimum of two representatives. One representative will be from the business area where the position will be working (usually the Supervisor of the position) and the second will be an independent representative from another area within or external to Council.

The selection panel is responsible for selecting the best person for the position. When requested, they are also responsible for giving feedback to candidates on their applications and interview performance.

THE SELECTION PROCESS

The selection process involves a number of stages:

Short-listing of applications

After the closing date for the advertised position, the selection panel will meet to assess the applications received. Applications will be ranked and only the top ranked applicants will be invited to attend an interview.

It is important to note that you are competing against other applicants for the position. If you have not provided information most relevant to the key aspects of the position or if other applicants respond at a higher standard, you may not be invited for an interview.

Within 15 working days from the close date of the advertised position, you will be advised of the status of your application. If you have not been successful in being selected to attend an interview, you will receive written notification.

The interview process

If you are invited for an interview you will be contacted by telephone to advise the date, time, location and the anticipated duration time of the interview. You will usually be given at least 3 working days notice to attend an interview.

The Human Resources Administrator will send you an email confirming your interview details along with an application form which will need to be completed and brought with you to your interview.

As well as attending an interview with the selection panel you may be required to complete other assessments or activities that help us to evaluate applicants. Only assessment or activities that are relevant to the position will be used. If this is a requirement for the position you will be advised of this when you are invited to attend the interview. Any necessary information about the assessments or activities will also be given to you at this time.

If you have any special requirements that may impact your performance in the interview or any of the recruitment assessments or activities, please advise us when you are invited for the interview so we can ensure that you will not be disadvantaged in any way.

Please note: Costs associated with attending an interview will not be reimbursed or covered by Council.

What to bring with you to an interview

Please ensure that you bring your original qualifications, licences or tickets that are required for the position. Failure to do this may result in a delay in the recruitment process.

You will also need to provide evidence that you are legally able to work in Australia. Evidence of permanent resident status includes:

- Australian birth certificate
- Australian or New Zealand passport
- Certificate of Australian citizenship
- Temporary Visa with entitlement to work

If you provide evidence that does not contain a photograph, supplementary documentation that contains a photo, such as a drivers licence, will also need to be sighted and photocopied.

Working with Children Check

For positions deemed to be child-related, it is an offence under the NSW Commission for Children and Young People Act, 1998 for a person convicted of a serious offence to apply for or work in the position. This will be stated in the position description and relevant advertisement if it is a requirement.

The successful applicant will be required to apply for a WWCC prior to commencement of employment and will be responsible for any related fees and charges.

Employment is conditional on this information being provided at this time, with the completed checks returning satisfactory results. Your employment will also be conditional upon you not becoming a “prohibited person” at any time during your employment in a child-related role.

Reference Checks

Reference checks are carried out on the preferred applicant(s) for the position usually after interviews have taken place. At least two referees will be contacted and asked questions relevant to the position. They will also be asked to validate information provided in your application and at the interview.

Please ensure that you have provided names and contact details of at least two recent referees who have supervised your work. Please advise the selection panel if you wish to be advised prior to Council contacting any of your referees.

Employment History Check

An employment check will be carried out on the preferred applicant to confirm the applicant's previous employment including confirmation of job title, employment status and length of service in position. Employment History checks will be conducted by Human Resources, these will be checked for the prior five years, or last three positions held by the applicant.

Pre-placement Health Assessments

Before an offer of employment is made, the preferred applicant(s) will be asked to complete a pre-placement health assessment with the Council's agreed medical practitioner.

Human Resources will contact the preferred applicant(s) and advise them of the relevant details. The pre-employment health assessment process is designed to assess an applicant's ability to perform the position they have applied for.

NOTIFICATION OF THE DECISION

A member of the selection panel will contact the successful applicant to make an offer of employment and agree on a date for employment to commence. A written offer and conditions of employment will then be forwarded to the applicant.

If you were invited to attend an interview and you were unsuccessful in being appointed to the position, you will be forwarded written notification within 15 working days of the interview.

A member of the selection panel may be contacted for feedback on your performance at the interview.

FURTHER INFORMATION

If you have further questions please contact our Human Resources team who would be happy to assist you.

Phone: (02) 4780 5700

Email: hresources@bmcc.nsw.gov.au

Website: www.bmcc.nsw.gov.au



PROTOCOL:**VERBAL QUOTATIONS
PROCUREMENT STANDARDS**

STATUS:
ADOPTED:
LAST REVISION:
ISSUED BY:
INQUIRIES:
REVIEW:

Adopted: September 2013
Originally 1.9.2002
2 August 2013
Strategic Procurement
Strategic Procurement
2 years - 2015

OBJECTIVE

To provide Council Officers with guidelines and workflow on the appropriate use of Verbal Quotations within the Council for procuring goods and services.

PROTOCOL STATEMENT

Procurement expenditures using verbal quotations are only to be incurred in the performance of a Council Officer's normal duties whilst adhering to the procedures outlined in this protocol. All expenditure must be supported by appropriate documentation and authorised in accordance with this protocol.

The following procurement financial limits outlined in the Sustainable Procurement Policy 2013 provide direction on the procurement method:

**Protocols &
Procedures
Goods &
Services**

Management of Tendering & Contracting	Written Quotations	Verbal Quotes	Purchase Card	Asset Disposal	Supplier Management
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Limits

>\$120k	>\$10,001k <\$119,999k	<\$10,000	<\$75 and >\$3k
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PROCEDURES

The following procurement procedures have been documented in a workflow at Attachment 1 and are described in detail below.

Delegations for Procurement Action

The relevant Directorates/Groups Delegations Instrument, available on Staff Intranet at <http://bmcc-intranet/intranet/index.cfm?s=05A6418C-423B-E6C4-863835BF399FDD15> outlines a Council Officers delegated authority in terms of procurement responsibilities as well as the financial limits applied to their role for procurement activities. For example, if there is a \$1,000 financial delegation any individual purchase cannot exceed this amount without approval by a Supervisor or Manager.

Approval to Procure by Verbal Quotation

The Director/Group Manager must ensure that a Council Officer, prior to securing Verbal Quotations, has:

- Developed the Register of Delegations for each role to ensure that those delegations align with procurement limits for purchasing by Verbal Quotation; and
- Ensured the procurement activity is consistent within the Delivery Program or Branch Business Plan; and
- Read this protocol to understand their Records Management requirements in terms of purchasing.

Use of the Online Purchasing and Requisition System (OPRS)

All procurement transactions over \$1000, irrespective of the procurement method, must be entered into the OPRS prior to a procurement outcome being finalised. The raising of a Purchase Order through the OPRS will ensure transparency as well as provide the Audit Trail for Finance to undertake Accounts Payable activity.

Decision Criteria for a Transaction by Verbal Quotation

Acceptable Transactions

- Stores items should be obtained from the Store unless extenuating circumstance which needs to be justified at month end Reconciliation;
- Where purchase transactions are thought to be over under \$10,000 a minimum of three verbal quotations must be obtained by the Council Officer.
- Relevant Delegations for the amount of expenditure;
- Supplier can provide a fully compliant GST Tax Invoice with:
 - Name of Supplier including the Australian Business Number (ABN)
 - Date of Issue
 - The quantity and a brief description of what is being supplied
 - The name Blue Mountains City Council (being the recipient)
 - The address OR ABN of Blue Mountains City Council
 - The words "Tax Invoice"
 - The GST as separate component, OR invoice total states "Total includes GST";

Unacceptable Transactions

- Splitting of purchasing transactions to fall within the Verbal Quotation limit; and
- Personal items under any circumstances.

Seeking of Verbal Quotations

All Verbal Quotations must fall into the relevant expenditure limits for this type of transaction and full details of each verbal quotation must be documented on the Verbal Quotation Register form provided at Attachment 2.

The Verbal Quotation Register must be completed:

- For each individual purchase transaction under \$10,000 unless that transaction falls under an existing BMCC Contract for goods or services; and
- Irrespective of outcome of the request for Verbal Quotation.

Request a Verbal Quotation - Not Provided

Where a quotation is requested and the potential supplier does not supply a verbal quote the Council Officer must record the company details and contact person details should this information need to verify during an Audit of purchases.

If there are only three companies supplying the required goods and services and a requested verbal quotation is not provided the procurement can proceed as follows:

- Engage with any other supplier who can provide an appropriate quotation; or
- Where there is no other supplier who can provide an appropriate quotation note this on the Verbal Quotation Register and progress the procurement transaction.

Reconciliation and Reporting

Authorisation of transactions

Verbal Quotation transactions are reported on the Verbal Quotation Register provided to the Directorates/Groups Business Support function as per the following roles/approval processes:

Council Officer	Ensures purchase is within Delegation role and limits Provides Verbal Quotation Register Ensures transaction is completed in OPRS Ensure invoices are GST compliant Saves signed Verbal Quotation Register in relevant TRIM Record
Supervisor	Responsible for ensuring that staff are aware of procurement standards Implement Delegations for role and financial limits Advise that appropriate documentation electronic documentation is required Investigate any questionable purchases Check account allocations On a quarterly basis review a sample of Verbal Quotation Registers to ensure compliant with this Protocol and report on same to Manager
Manager	If the supervisor, undertake the above Review the Quarterly Audit Report on the Verbal Quotation Where anomalies are noted refer to the Internal Auditor and relevant Director/Group Manager Countersign the report Ensure awareness of Verbal Quotation Procurement Standards is undertaken within scope of authority
Director/Group Manager	Implemented relevant Delegations for each role and undertake periodic review Where a Manager is seeking the Verbal Quotations undertake the role of both Supervisor and Manager. Action Report on any Internal Audit findings.
Finance	It is Finance's role to identify any transaction reports that have not been authorised in accordance with the above and to forward these to the Internal Auditor for in investigation
Internal Audit	Undertakes a bi-yearly review of Verbal Quotation Registers obtained from each Directorate/Groups Business Support Service Internal Auditor refers report to relevant Director/Group Manager identifying expenditure and requesting investigation
Strategic Procurement	Quarterly Spend Diagnostics on Verbal Quotations using the OPRS system and Financial Limits parameters

Record Requirements

All Verbal Quotation Registers must be saved to the relevant TRIM record to ensure that such documentation is retained to meet NSW State Records requirements as well as procurement standards outlined under the Local Government Act.

All purchasing transactions that are the result of a verbal quotation process must be registered in the OPRS system.

A copy of the Purchase Order must be available to Finance to reconcile the Invoice from the Supplier.

SANCTIONS FOR NON-COMPLIANT PURCHASING TRANSACTIONS

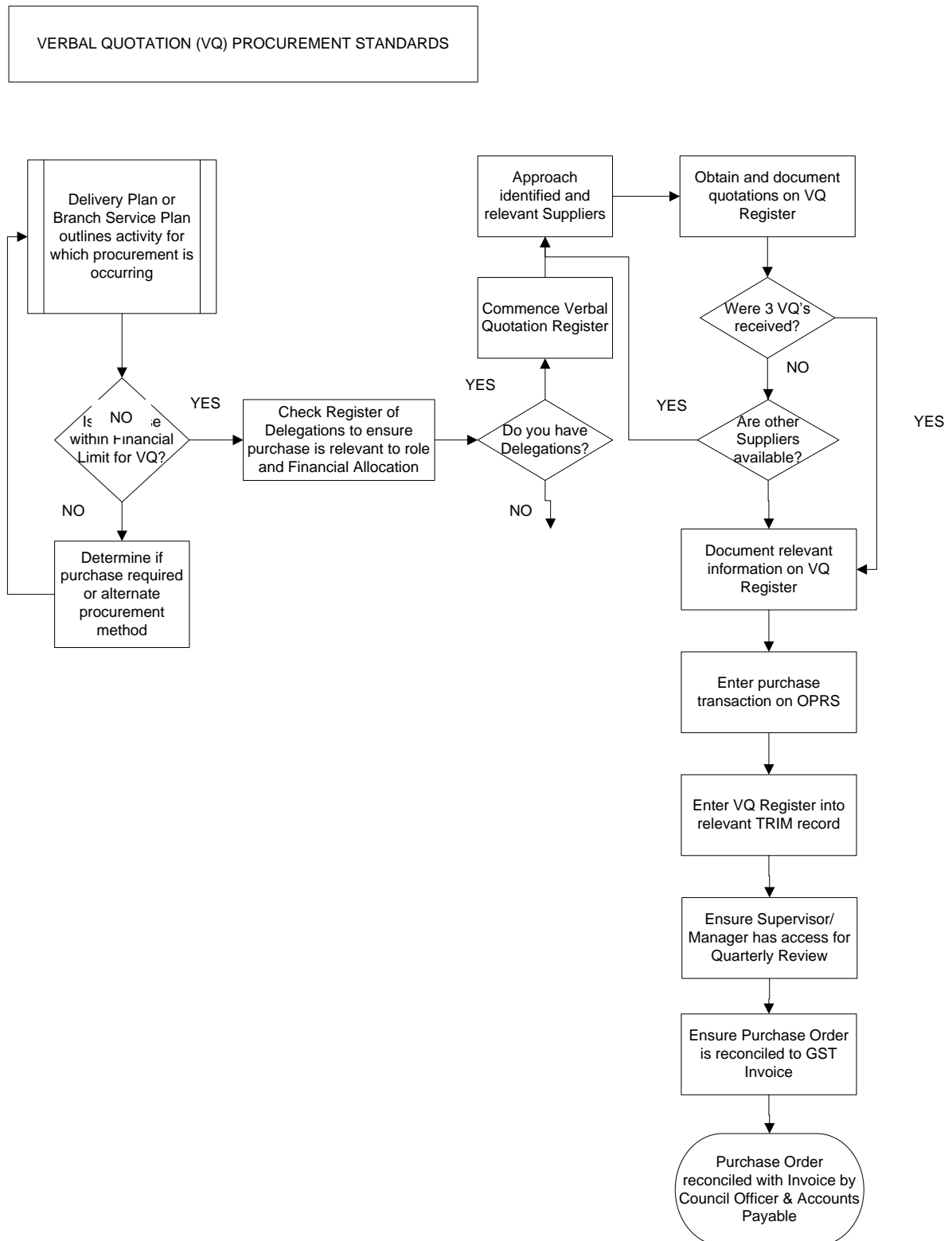
Purchasing outside of the Verbal Quotation Procurement Standards will result in:

- A recommended change to the Delegations for that Council Officer; and
- The basis for a Director/Group Manager to request a Performance Management process.

RELATED POLICY/PROTOCOLS

Sustainable Procurement Policy 2012

ATTACHMENT 1 – Workflow for Verbal Quotation Procurement Standards



VERBAL QUOTATION REGISTER FOR PROCUREMENT ACTIVITY

Good/Service for Purchase:

Project/Activity Name:

Directorate/Group:

Branch:

Within Delegations: YES / NO

Date:

TRIM File #:

Requisitioning Council Officer Name:

Signature:

Company Name and Address	Name of Contact	Contact Details	Quote Obtained
1.			
2.			
3.			
4.			
5.			



Policy: Human Resources

RECRUITMENT AND EMPLOYMENT



RECRUITMENT AND EMPLOYMENT

Document Status and Version Control

Ownership and Version Control

Responsible Directorate/Group:	<i>People & Systems</i>
Contact Position:	<i>Human Resources Business Partner</i>
Staff Consultative Committee Meeting Date:	<i>1 May 2014</i>
GRSG Meeting Date:	<i>29 May 2014</i>
Council Meeting Date:	<i>N/A</i>
Minute No:	<i>N/A</i>
Endorsement Date:	<i>22 May 2014</i>
Policy Ref. No:	<i>223</i>
TRIM Record No:	<i>14/97665</i>
Distribution: <i>(Consultation may be required)</i>	<i>Internal</i>
Status:	<i>Updated</i>
Lifespan:	<i>4 Years</i>
Scope:	<i>All Staff</i>

Version History

Version	Adoption Date	Reason for Change
1	29 May 2014	Include Aboriginal Guidelines

OBJECTIVES

This protocol outlines the Blue Mountains City Council's (BMCC) approach to recruitment and employment of employees.

It aims to ensure:

- A fair approach to the recruitment, assessment and selection process, ensuring consistency with equal opportunity principles
- An appropriate approach in the recruitment, selection and commencement of Aboriginal roles
- The recruitment process is transparent, professional and timely
- Selection processes are based on merit and comply with relevant legislation
- All new employees are inducted appropriately to BMCC
- Probation is managed in a timely and appropriate manner so new employees can easily adjust to their new role and environment

SCOPE

This protocol will outline procedures relating to all recruitment and selection activities, induction to the organisation, and probationary guidelines.

PROTOCOL STATEMENT

Quality recruitment and employment practices are essential to the success of Blue Mountains City Council (BMCC). Recruitment processes should positively impact on the productivity and morale of work teams and the wider organisation. For this reason, considerable resources are devoted to reviewing positions, advertising, selecting the best applicant for the job, welcoming them into the organisation and supporting them during their employment with BMCC.

DEFINITIONS

These definitions will assist you in correctly identifying your type of vacancy.

Permanent Appointments – Full-Time and Part-Time:

- A permanent appointment shall mean an employee who is engaged on the basis of a regular number of hours per week, and no end date associated with the offer of employment.
- EMT approval is required prior to the appointment of any new or existing permanent positions.
- For all new or restructured permanent positions within the organisation structure, the Staff Consultative Committee must be consulted. Please refer to Human Resources.

Casual Appointments:

- A casual position cannot be utilised to replace a permanent Council position.
- A person appointed to a casual position may be engaged on a day to day basis, and not perform duties regularly and systematically; i.e. days and number of hours worked will vary week to week.
- A casual appointment will not have an end date associated with the offer of employment; however cessation of employment will be deemed in instances where there has been no duties performed in a 12 month period.

Temporary Appointments:

- A person may be appointed temporarily to a position that is within the organisation structure, in the following situations:
 - To perform the duties associated with a vacant position until the vacancy is filled on a permanent basis; or
 - To temporarily replace an employee that is on approved leave, workers compensation, or acting in a different position.
- A temporary position is similar to a permanent position in that days and number of hours are set and an appointed employee has the same benefits and entitlements, however an end date to the offer of employment is set.
- EMT approval is required prior to the appointment of any temporary position which is intended to be greater than 3 months in tenure.
- A person appointed to a position temporarily may not continue in that position for a period of more than 12 months, or 24 months in the case of the original incumbent being on parental leave.

Fixed Term Contracts:

- Fixed term contracts will be utilised in the following situations, as prescribed by Section 30 of the Local Government (State) Award 2010:
 - For the life of a specific task or project that has a definable work activity; or
 - To perform the duties associated with an externally funded position where the length of the employment depends on the length of funding; or
 - To temporarily replace an employee that is on approved leave, workers compensation, or acting in a different position, for a period greater than 12 months; or

- To undertake training and work as part of an apprenticeship, traineeship or student work experience program in conjunction with an education institution; or
- To trial a new work area, provided that the duration is not longer than is reasonably necessary to trial the new work area; or
- To perform the duties associated with a vacant position during the intervening period between when a Council has made a definite decision to introduce major changes in production, program, organisation structure or technology that are likely to have significant effects on the employment in the vacant position and the dates that the changes are implemented; or
- To accommodate time limitations imposed by law or sought by the employee; e.g. visa restrictions.
- A fixed term position is similar to a permanent position in that days and number of hours are set and an appointed employee has the same benefits and entitlements, however an end date to the offer of employment is set.
- EMT approval is required for all fixed term appointments.

GENERAL PROCEDURES – RELEVANT TO ALL VACANCIES

Identification of Vacancy

A vacancy exists when:

- An existing position within the organisation structure becomes vacant; or
- A new position has been approved within the organisation structure; or
- A position outside the organisation structure has been approved for a fixed period of time.

If a vacancy is to be filled, the immediate supervisor must review the position to determine whether, in its current or modified form, it should continue; and to ensure the position description and competency matrix accurately describes the position.

- If any changes are required to the position description, consult with Human Resources to determine whether a position regrade is required.
- In the event of a newly created position, a position description must be created and graded by Human Resources. Please refer to the 'Regrading of Positions' protocol before progressing further with recruitment activities.

Note: When a vacancy to be filled is an Aboriginal Identified or Targeted position refer to the Aboriginal and Torres Strait Islander Recruitment and Selection Guidelines (Appendix B).

Authority to Recruit

The immediate supervisor must submit the appropriate paperwork to seek recruitment approval, completing each appropriate section of the form. Please contact Human Resources if assistance is required.

- Complete and submit '*Recruitment Requisition*' to Human Resources.

Once EMT/Human Resources approval has been granted for recruitment activities to begin, a suitably trained recruitment panel must be formed to assess applications for all advertised positions. The recruitment panel must consist of a minimum of 2 BMCC employees, the Recruitment Team Leader and the Independent panel member.

- The Recruitment Team Leader is appointed to a vacancy by the appropriate Manager/Director and is responsible for the overall recruitment and selection process, and should ideally be in the direct line of management/supervision above the vacant role
- Both the Recruitment Team Leader and the Independent panel member must have completed Council's Recruitment and Selection training. A list of trained employees can be found on the Intranet.
- The Recruitment Team Leader will usually be the immediate supervisor of the vacant position, and will be responsible for ensuring the recruitment and selection process is followed as per this procedure.
- The Independent panel member must be positioned outside of the branch where the vacant position is located.
- A Technical Expert may be called upon as a third panel member if it is determined that additional technical expertise would be beneficial in the selection process. The Technical Expert is not necessarily a BMCC employee and may not have completed the Recruitment and Selection Training, however they must be briefed by the Recruitment Team Leader as to required conduct of the recruitment panel, and they must participate in all stages of the selection process.
- The panel must be gender balanced if both males and females have applied for the position; i.e. there must be both genders participating in the panel. This does not apply if only one gender has applied for the position.
- All members of the recruitment panel must be of equal or greater salary banding to the vacant position.

An applicant who has previously been assessed as suitable for a vacant position may be appointed to an identical vacant position within a 6 month period from their interview, without advertising the position.

- If it has been greater than a 6 month period a business case may be made to the Group Manager, People & Systems for consideration.

Advertising

All positions to be advertised by Council must be done '*in a manner sufficient to enable suitably qualified persons to apply for the position*'; Sect 348 - Local Government Act 1993, this is in order to enable a suitable pool of applicants to apply for and be considered for a role.

- All advertisements will be published for a minimum of 2 weeks.
- Human Resources are responsible for the placement of all advertising.
- As a minimum, all advertisements will be placed on the weekly Job Vacancy Bulletin on Council's intranet.
- External advertisements will also be placed on Council's website and published in the Blue Mountains Gazette.

Advertisements which will be published externally:

- Permanent vacancies
- Casual vacancies
- Any vacancy which will exceed a 12 month period
- Other vacancies deemed appropriate by Human Resources

Advertisements which may be published internally only with the approval of Human Resources:

- Fixed term contract vacancies
- Temporary vacancies (including relief vacancies) greater than 3 months and not exceeding 12 months

It is the responsibility of the Recruitment Team Leader to prepare and supply the '*Advertising Template*' to Human Resources for publishing at the time of submitting the '*Recruitment Requisition*'.

- Refer to Human Resources for publishing deadlines.

Applications

Human Resources will acknowledge and process all applications as they are received. It is at the discretion of Human Resources whether to accept applications received after the closing date.

- No applications will be accepted once interviews have commenced.

Applications will be provided by applicants as per the "How to Apply for a Vacancy" guide.

Applications will consist of:

- Examples of how applicants have applied their skills and experience to key aspects of the role.
- Relevant work experience, qualifications, skills, abilities and examples. This statement should generally not exceed 3 pages
- Updated resume
- A minimum of two recent professional references
- Copies of relevant qualifications

Once the advertisement period has closed, Human Resources will provide electronic file access to the recruitment panel. The panel will then have 8 working days to assess each of the applications and advise Human Resources who has been shortlisted for interview.

Selection

All appointments are to be based on merit; with the applicant who is deemed to have the greatest merit to be selected.

- Only a person who has applied for the vacancy can be considered for the position.
- All applicants will be assessed on the same selection criteria.

Merit is to be determined according to:

- The nature of the duties of the position; and
- The abilities, qualifications, experience and standard of work performance relevant to those duties.

A conflict of interest may arise should a member of the recruitment panel know or hold a relationship with one or more of the applicants. This must be declared to Human Resources prior to short listing of applicants. Human Resources will advise of further action in line with the Code of Conduct.

- In this event the recruitment panel must record a file note in the electronic recruitment file.

At all times during the recruitment process, applicants may be given feedback regarding their performance. However, specific information regarding the performance of other applicants or their suitability for the position will remain confidential.

Short Listing

The recruitment panel must assess applicants based on the selection criteria and complete 'Assessment Sheet – Applicants'.

- The Recruitment Team Leader must verbally advise any internal applicants who have been unsuccessful in gaining an interview before the recruitment process progresses any further.
- Only applicants who meet the selection criteria should be short listed for interview.

The recruitment panel must then forward the completed assessment sheet to Human Resources and also advise at this time:

- Any materials applicants are required to bring to interview for citation or copy;
- Any non-standard selection tools which may be utilised in the selection process; and
- Suitable date/s for the interviews to occur
 - Applicants must be given a minimum of 3 working days notice prior to the interview being held.
 - It is the recruitment panel's responsibility to arrange suitable facilities for the interviews to take place.

Human Resources will notify applicants of their scheduled interview, any materials they are required to bring to interview for citation or copy, and any non-standard selection tools which may be utilised.

If the recruitment panel need to make contact with any applicants prior to short listing, a file note must be recorded in the electronic recruitment file; i.e. this may be done in cases where qualifications may need to be confirmed.

- Human Resources should be informed prior to this occurring.

Human Resources will process letters for applicants who have been unsuccessful in gaining an interview.

Interview

The recruitment panel must advise the applicants of the recruitment process at the beginning of the interview; i.e. one or two interview process, pre-placement health assessment, minimum of two professional references, WWCC if applicable, checking of status to work in Australia.

The recruitment panel must sight all originals of documentation relevant to the selection criteria and in confirming the right to work in Australia. This may include Drivers licence/passport/birth certificate/work visa, qualifications. Australian citizens and permanent residents have unrestricted rights to employment in Australia. All other residents must have

a valid temporary visa that allows employment. The recruitment team leader must also ensure a completed '*Application Form*' is collected from each interviewed applicant and saved to the vacancy TRIM file. (For further information please refer to Human Resources.

Phone interviews may be conducted in certain circumstances; e.g. interstate or overseas applicants. Please refer to Human Resources.

Second interviews may be conducted in certain circumstances; e.g. when 2 top ranked applicants cannot otherwise be separated; however a new set of interview questions must be created. Please refer to Human Resources.

The recruitment panel are to complete an '*Interview Assessment Sheet*' (and notes if required) on each applicant interviewed.

Post Interview

A minimum of two professional reference checks must be completed for the applicant who has been deemed to have the greatest merit. The '*Reference Check Guide*' should be utilised.

- The Recruitment Team Leader is responsible for conducting the reference checks.
- Reference checks should only be completed for the applicant who is deemed to have the greatest merit, unless initial references are returned unsatisfactory, or the reference checks will be a deciding factor between two applicants.
- Reference checks are not required for internal applicants, unless considered appropriate by the Recruitment Team Leader.

Employment History checks will be conducted by Human Resources.

- These will be checked for the prior five years, or last three positions held by the applicant.

Before a verbal offer of employment can be made, the Recruitment Team Leader is to ensure all recruitment paperwork has been TRIM'd to the electronic recruitment file and the '*Recruitment and Selection Report*' completed and forwarded to Human Resources.

- Human Resources will advise you when you are able to make a verbal offer of employment.

Employment Offer

It is the Recruitment Team Leader's responsibility to contact the successful applicant to make a verbal offer of employment.

- If the applicant has accepted this offer, the Recruitment Team Leader will need to confirm a commencement date and advise Human Resources of the outcome.
- If the offer is not accepted, the recruitment panel will need to reconvene to review whether the next applicant, in order of merit, is suitable for the position. Please refer to Human Resources in this event.
- In the event that an internal applicant is successful in gaining a new position within Council, they are to be released from their current position within 1 month, or as agreed by the respective Directors/Group Managers.

Human Resources will prepare and send an Offer of Employment to the successful applicant, and will contact them to advise of the Pre-Employment Health Assessment details.

- The successful applicant will not be able to commence employment until the signed Offer of Employment and completed Pre-Employment Health Assessment report has been returned to Council. This also includes WWCC where applicable.

It is the Recruitment Team Leader's responsibility to verbally advise all applicants who were interviewed and unsuccessful for the position. This will also include the provision of feedback to these applicants should it be requested. Note: internal applicants should be notified first.

- Human Resources will need to be notified once this has occurred so that formal acknowledgement letters can be prepared and sent.

Unsuccessful Applications – Internal Applicants Only

Where an internal applicant has been unsuccessful in gaining a position they have applied for, they may:

- Request in writing the reasons as to why they were unsuccessful
 - The Recruitment Team Leader will be responsible for providing the reasons in writing, within five working days of receiving the request.
 - All written responses must be authorised by Human Resources before being provided to the internal applicant.
- Lodge an appeal to the Group Manager, People & Systems.
 - The appeal must be in writing, and be received within five working days of receiving notification of the unsuccessful application.
 - An appeal may only be lodged on the grounds that:
 - The appellant believes that the Recruitment and Employment protocol was not followed, or
 - That they were treated unfairly in the recruitment process.
 - The Group Manager, People & Systems or their delegated representative, will hear the appeal within five working days of the appeal being lodged. The appellant will receive a written decision within ten working days.
 - If the matter has not been resolved to the appellant's satisfaction, the appellant may write to the General Manager who will hear the appeal and provide a written decision within ten working days.

Prior to Commencement / First Day of Employment

Prior to the newly-appointed employee commencing work, the immediate supervisor must:

- Commence the '*Local Work Group Induction Checklist*'; and upon completion, forward to Human Resources to be saved on the employee's personnel file.
- Schedule appropriate training; i.e. TRIM, purchasing, etc
- Assist Human Resources in ensuring the signed Offer of Employment is returned
- Arrange IT, security access, parking permit and any other requirements

Corporate HR Induction

Human Resources will conduct the Corporate Human Resources Induction for all new employees. This will involve an overview of the organisation structure and a range of employment conditions.

- Upon the employee's commencement, Human Resources will schedule the Induction. Attendance is compulsory.

- During the Induction, the HR representative will complete the '*Corporate HR Induction Checklist*' with the new employee; this will be saved on their personnel file.

Corporate Orientation

Human Resources will coordinate the Corporate Orientation program, which will be conducted every 3 months for all new employees. This will involve greater detail of Council's activities and meeting key personnel.

- Upon the employee's commencement, Human Resources will schedule the next available date for Orientation. Attendance is compulsory.

Probationary Review

Human Resources will schedule 4 and 10 week probationary reviews between new employees and their immediate supervisor. The purpose of these reviews is to:

- Ensure a communication channel is maintained between employees and their manager/supervisor; and
- Determine if the job meets the expectations of the incumbent and similarly, the incumbent is suitable for the job.

The reviews at this stage of employment should assess:

- Council's 5 Core Competencies – Provide Effective Customer Service, Operate Effectively in Local Government Context, Undertake Workplace Learning, Follow Defined Occupational Health & Safety Policies and Procedures, and Attendance at the Council Induction program (Orientation); and
- The selection criteria from the position description.

The '*Probationary Period Review*' form should be utilised during the reviews, and submitted to Human Resources once complete. This will assist the manager/supervisor in recommending:

- Permanent appointment of the employee to the position;
- Extension of the probationary period; or
- Termination of the employee's services.

Should any performance issues be identified, appropriate action should be taken immediately; refer to Council's '*Disciplinary Policy – Guidelines for Managers and Supervisors*' and refer to Human Resources.

- Any extension of probationary period would involve an agreed time frame for improvement and the preparation of an agreed action plan for review between the employee and their immediate supervisor
- Any consideration for termination of services would involve Council's dismissal process.

Note: Before commencing formal disciplinary procedures, Managers/Supervisors must have provided informal performance guidance and counselling. The aim of the counselling session is to inform the employee of the problem, to correct the problem and prevent it from re-occurring. Please refer to Human Resources before commencing any procedures.

For internal applicants who have been successful in gaining a new position, no probationary period will apply. However it is still a requirement to review performance with this employee at 4 and 10 week periods to ensure a smooth transition.

APPENDIX A: REFERENCES

Relevant Legislation

- Local Government Act 1993
- Local Government (State) Award 2010
- Government Information (Public Access) Act 2009 (GIPA)
- Industrial Relations Act 1999
- Anti Discrimination Act 1991
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013

Relevant Council Documents

Recruitment & Employment Forms:

- FORM 1: Recruitment Team Leader Checklist
- FORM 2: Recruitment Requisition
- FORM 3: Advertising Template
- FORM 4: Assessment Sheet - Applicants
- FORM 5: Interview Assessment Sheet and Notes
- FORM 6: Reference Check Guide
- FORM 7: Recruitment and Selection Report
- FORM 8: Induction Checklist
- FORM 9: Probationary Review – Initial
- FORM 10: Probationary Review – Review or Final
- FORM 11: Application Form

Other:

- Position Description Template

RELATED PROTOCOLS

- New or Vacant Restructured Positions
- Position Descriptions
- Pre-placement Health Assessments
- Re-grading of Positions
- Working with Children Check

REFERENCE DOCUMENTS – LOCATED ON THE STAFF INTRANET

- Trained Interviewers
- Interview Listing
- Recruitment & Selection Procedures – A Guide to Using TRIM
- How to Apply for a Vacancy

APPENDIX B:

Aboriginal and Torres Strait Islander RECRUITMENT AND SELECTION GUIDELINES

Presently Aboriginal and Torres Strait Islander Australians experience higher levels of unemployment than non-Indigenous Australians. It has been determined that significant contributing causes are the increased barriers that are encountered by Aboriginal people when applying for positions. Further to this Aboriginal people are more likely to leave employment after a short period in the workplace, due to actual or perceived barriers experienced in the workplace.

This guide is to be followed when seeking to fill a vacancy for an Aboriginal identified or Aboriginal targeted position. Elements of this guide may also be useful when it is known that an Aboriginal and or Torres Strait Islander person has applied for a non-identified role.

It must be noted that there is great variety in the backgrounds and experiences of Aboriginal and Torres Strait Islander peoples, therefore a one-size fits all approach is not recommended.

This guide provides advice on alternative approaches or differences that may occur when recruiting vacancies for Aboriginal people during the recruitment and selection process. It is important to use the BMCC Recruitment and Employment Protocol to ensure general procedures are followed along with this guide to ensure the best outcomes for Aboriginal applicants and BMCC.

DEFINITIONS

Aboriginal Identified positions are those in which being Aboriginal and or Torres Strait Islander is a genuine occupational qualification. Typically, such positions work directly with Aboriginal people and are involved in developing and/or delivering services and programs which have an impact on Aboriginal people and/or involve dealing with Aboriginal communities.

Aboriginal Targeted positions are 'mainstream' positions that are filled using advertising and recruitment strategies and provide improved access to employment and career opportunities. This may be as part of an EEO Management Plan or Aboriginal Employment Strategy.

GENERAL PROCEDURES

Authority to Recruit

As part of BMCC's EEO Management Plan and in accordance with the BMCC Workforce Participation Strategy (WPS), when a suitable vacancy exists, Human Resources will develop opportunities in collaboration with business areas, positions that target the employment of an Aboriginal and/or Torres Strait Islander person.

The immediate supervisor must submit the appropriate paperwork to seek recruitment approval, completing each appropriate section of the form. Please contact Human Resources if assistance is required.

- Complete and submit 'Recruitment Requisition' to Human Resources

Position Descriptions

Often position descriptions (PD) often contain organisational jargon, acronyms or terminologies that become barriers for many Aboriginal people when applying for a role. A review of the PD is required to ensure it is free from jargon and acronyms are spelt out and explained.

In PD's in regards to formal qualifications, it is important to consider that life experience, informally acquired skills and community based work could provide valid responses to criteria regarding whether an applicant is qualified for a role. Example of statements as an alternative to formal qualifications can be:

- TAFE Certificate 3 or basic working knowledge of several functions of the role plus specialisation in one function of the role.
- TAFE Certificate 4 or thorough knowledge of one function of the role and thorough knowledge of concepts of specialist area of the role.
- University Bachelor degree or equivalent such as extensive business experience; requiring a high degree of expert knowledge in a major field of high importance of the role.

It is also appropriate to check if all requirements for a position are mandatory, for instance is a drivers licence necessary for a particular role. Revise and amend the Position Description so that competencies and skills of Aboriginal people may be recognised.

Any position description for a targeted or identified Aboriginal role must include under the essential selection criteria the following criterion:

For an Aboriginal identified position:

- Aboriginal and or Torres Strait Islander person (To be considered for this position, applicants must be Aboriginal and or Torres Strait Islander. Being Aboriginal and or Torres Strait Islander is a genuine qualification for this position as authorised under section 14d – NSW Anti-Discrimination Act 1977)

For Aboriginal targeted roles it must be stated preferably at the beginning of the position description that:

- This is a targeted position in accordance with Part 126 of the Anti-Discrimination Act 1977 (NSW), Aboriginal or Torres Strait Islander people are encouraged to apply and greater consideration will be given to suitable Aboriginal and/or Torres Strait Islander applicants, in order to improve access to employment and career opportunities. Aboriginal applicants must demonstrate Aboriginality in addition to addressing the selection criterion.

Under the essential criteria it must also be stated:

- Aboriginal and or Torres Strait Islander person - this role is a targeted position under the Anti-discrimination Act 1977, Please confirm that you identify as an Aboriginal and or Torres Strait Islander person of Aboriginal and or Torres Strait Islander descent.

Before any Aboriginal identified or targeted vacancy is progressed further it is recommended that the immediate supervisor reviewing the position description contacts Human Resources.

Panel Formation

After the PD is reviewed and approval to recruit is given the immediate supervisor must form a suitably trained recruitment panel. As per the recruitment and selection procedures, the panel must consist of a minimum of the Recruitment Team Leader and Independent from BMCC suitably trained staff. The interview panel must have at least one Aboriginal person on the panel that is part of the local community or delivers services to Aboriginal communities. If a position is likely to attract a higher proportion of one gender it may be appropriate to include the Aboriginal panel member of that gender.

It is strongly recommended that non-Aboriginal staff on the interview panel have undertaken Aboriginal cultural awareness training and the Council interview training. For details and a list of appropriate Aboriginal recruitment panel members contact Human Resources or the Council's Aboriginal Community Development Officer.

If the Aboriginal panel member is not a BMCC employee and therefore would not have completed the Recruitment and Selection Training, they must be briefed by the Recruitment Team Leader as to required conduct of the recruitment panel, and they must participate in all stages of the selection process.

It must be noted that this approach particularly focuses on Aboriginal identified and targeted positions. However this approach may be appropriately used in 'mainstream' positions that may attract Aboriginal applicants or for positions where there is a high exposure of working with the Aboriginal community and or culture and heritage.

Advertising

Research into barriers for Aboriginal and Torres Strait Islander seeking employment strongly indicated that often job seekers do not know where to find out about advertised jobs. When advertising a vacancy for an Aboriginal identified or targeted position it is important to make information available through media and web encouraging Aboriginal people to apply. In many instances it will also be necessary to tailor the advertising to attract potential Aboriginal applicants. It is recommended as a minimum to advertise in the Koori Mail and Indigenous Jobs Australia (www.indigenousjobsaustralia.com.au).

When possible it is recommended that positions are advertised at Koori (Aboriginal) Jobs expos, through information sessions on roles, relevant Aboriginal media, health and medical services, secondary schools, TAFE and universities and localised Aboriginal organisations / networks. It may also be appropriate for some roles to send information through to recruitment agencies and Job Services Agencies (JSA's) and specifically request that Aboriginal candidates who might reasonably be considered able to undertake the role be given information about the position. Research has identified that many Aboriginal people find out about job vacancies through word of mouth and by sending advertisements as recommended above, will increase the chance for suitable applicants to find and apply.

Evidence also showed that often Aboriginal jobseekers are unclear on the recruitment process and how to apply. It is recommended the relevant advertising provides clear information in plain English about working for BMCC and how to apply. The BMCC how to apply guide has been reviewed by Human Resources, Aboriginal Staff and Aboriginal community members to ensure the communication is appropriate for Aboriginal applicants.

Encourage applicants to read through the how to apply and ask any further questions. It is also recommended that Aboriginal roles be advertised for a minimum of 3 to 4 weeks.

Clear information about who to contact should also be included where possible in advertising as uncertainty who to contact has also been identified as a barrier for Aboriginal jobseekers.

Applications

In many industries there has been an increasing trend away from hard-copy job applications towards online application processes. This has the potential to exclude many Aboriginal and Torres Strait Islander people from the job application process. Many Aboriginal people do not have direct internet access, the highest access being just over 50% in major cities, 2006 ABS. This figure declines the further you move from major cities and it reflected in the Blue Mountains Community.

In addition to online processes a hard copy application kits should be made available. It may be appropriate to run a workshop or information session on specific advertised vacancies to encourage and provide guidance to potential applicants in applying. The session can also provide an opportunity to discuss the requirements and expectations of the job with potential applicants. It is advised that the Recruitment Team Leader engage the Recruitment Panel Aboriginal member (if possible) or the Council's Aboriginal Community Development Officer in delivering the workshop/information session.

SELECTION PROCEDURES

Interview

It is strongly recommended that non-Aboriginal panel members of recruitment panels have undertaken Aboriginal Cultural Awareness Training. It is anticipated that undertaking such training will ensure that panel members are aware of potential cultural differences and modify their interview technique accordingly. For instance for some Aboriginal people gender issues may feature, for example an Aboriginal male interviewee may feel uncomfortable to shake hands with female panel members. Aboriginal interviewees may also direct answers to questions back to the Aboriginal or gender appropriate panel member. While behaviours such as this may appear disrespectful, it may be a display of cultural respect or discomfort or uncertainty.

The interviewers should also be aware that there may be differences in communication with Aboriginal interviewees. In some instances it may be beneficial to reword questions so that they are informal, in plain English with the removal of acronyms and industry specific jargon. If questions are reworded or restructured it is important that all applicants receive the same questions to ensure equal opportunities to respond to the questions.

Some Aboriginal people are uncomfortable with promoting or 'talking up' themselves, this is especially the case if doing this will make the interviewee sound proud or self-important as there may be cultural shame associated with this behaviour. The applicant may use terms like 'we' or 'us' in place of 'I' or 'me' when discussing activities or work that they were previously involved with. There may be some Aboriginal or Torres Strait Islander interviewees that provide brief answers to interview questions as this is the cultural practice of some Aboriginal and Torres Strait Islander people, where value is placed on a brief but meaningful reply rather than in-depth responses.

There may be occasions where Aboriginal applicants may feel uncomfortable by interviews in small rooms or physical barriers between the recruitment panel and them. It may be beneficial to hold interviews in larger rooms or even consider outdoors (where appropriate). Other locations that may be considered include: a nearby community facility or Aboriginal community centre.

Other ways that may make Aboriginal and Torres Strait Islander interviewees feel more at ease with the interview process might be:

- Asking the Aboriginal member to initially meet the applicants bringing them into the interview then providing the interview introductions and overview;
- Asking the applicant who their people are, their family group or where they are from. This is often considered a sign of respect and is important in establishing rapport;
- Inform applicants that it is fine to ask questions to be repeated; and
- Consider showing applicants around before an interview so that they are familiar with the workspace. This may give interviewees more time to feel more comfortable and confident before the interview.

It is also important to give clear information on the next steps in the process and a timeframe of when they may know the interview outcome. This is also an opportunity to clarify their references and if Aboriginal Community references are used to let them know that these references will be equally considered.

See Appendix C for questions to consider when determining Aboriginality.

References

The irregular work history of some Aboriginal and Torres Strait Islander people has created a situation for those people whereby they do not have recent references from previous employment. Some Aboriginal community members may be able to ask Elders or Aboriginal community leaders to act as referees, known as Aboriginal Community Referees. These Aboriginal Community Referees may be able to provide an account of the applicant's skills and abilities through their knowledge or experience of the applicant in work or volunteering. For some applicants the support from Aboriginal Community Referees may provide the starting point for meaningful work which in turn may produce work based references. It is important not to discount Aboriginal Community references, but take serious consideration that the reference may provide a valid reflection of the applicants work practices, skills and abilities.

Due to the generally close nature of the Aboriginal community occasions may regularly arise where an Aboriginal Recruitment Panel member have a conflict of interest by knowing or holding a relationship with one or more of the applicants. As per standard procedure this must be declared to Human Resources prior to short listing of applicants. Human Resources will advise of further action in line with the Code of Conduct. It is likely in this event the recruitment panel must record a file note in the electronic recruitment file and in most cases the panel will proceed, however this will depend the nature of the relationship of the Aboriginal Recruitment Panel member to the applicant.

Post Interview – Unsuccessful Applications

It has been identified as part of the BMCC Aboriginal Workforce Participation Strategy that appropriate feedback to unsuccessful Aboriginal and Torres Strait Islander applicants is an

important way to provide advice and encouragement for future employment applications by that person. It is recommended that the Recruitment Team Leader provide constructive feedback to Aboriginal applicants, however it must be noted that this feedback should only be given if requested. Furthermore it may be necessary to consult with the Aboriginal panel member to ensure that potential cultural sensitivities are identified prior to providing feedback. It could also be consider appropriate for the Aboriginal panel member to give feedback if they are prepared to undertake this role. All applicants interviewed are to be called and spoken with in addition to the standard unsuccessful letter.

The provision of constructive and culturally sensitive feedback gives unsuccessful Aboriginal and Torres Strait Islander applicants the opportunity to learn from the application and interview experience which may give greater insight into the process in their future job applications. Positive feedback may also help to alleviate concerns that some people may have, that they have been unfairly treated or disadvantaged in the application process. It also encourages a positive relationship between BMCC and Aboriginal community members.

For successful applicants the Council's standard recruitment and selection process should be adhered to.

Prior to Commencement / First Day of Employment

Research has shown that a critical aspect of any Aboriginal or Torres Strait Islander employment or training placement is to ensure that all members in the area of employment are well informed of potential cultural differences and expectations prior to commencement.

It is important for managers and supervisors to manage Aboriginal and Torres Strait Islander staff particularly in identified or targeted positions the same way as staff in other positions. However managers and supervisors must have awareness that there may be occasions when cultural differences and understandings arise which must be handled sensitively and with professionalism.

It is important that all employment stakeholders i.e. Managers, Supervisors and team members have undertaken Aboriginal Cultural Awareness Training in some form.

It is essential prior to commencement and induction of a new Aboriginal or Torres Strait Islander employee to:

- Ensure the stakeholders in the employment / training area have been engaged and briefed, this includes Managers, Supervisors and team members
- Clearly define at the meeting and in writing (through a document/checklist) the following:
 - Expected behaviour from the supervisor and team members;
 - The roles and responsibilities of Managers, Supervisors and team members;
 - The role that HR undertakes in supporting the placement and observation of the placement;
 - Templates and processes that HR will provide;
 - Expected behaviours of the incumbent/ placement, how to manage cultural differences in a respectful way; and
 - Nominate a buddy or mentor from the team or branch as a support person in the initial employment period or the life of the training program.

It is important to note that many Aboriginal and Torres Strait Islander employees may have diverse and or significant experience in working environment; management of the induction process should be responsive to the particular individual to avoid the potential for appearing patronising.

Induction

Evidence has revealed that often Aboriginal and Torres Strait Islander employees feel isolated and unsupported in 'mainstream' work environments. It was also revealed that many Aboriginal and Torres Strait Islander employees indicate that they do not have a good understanding of the formal and informal workplace rules and or knowledge of the workplace. This factor may impact on the transition of the employee into the workplace and can contribute towards a negative impact in the retention of the employee.

As part of the BMCC Aboriginal Workforce Participation Strategy it has been identified that a specific induction program for new Aboriginal employees is undertaken. As supported by evidence from programs developed by other organisations, inductions are undertaken face to face by existing Aboriginal or Torres Strait Islander staff. Through this method the areas that are important to be undertaken in induction are covered as well as sharing understandings of cultural factors that may be present in the workplace. The existing Aboriginal or Torres Strait Islander staff member may be well placed to explain formal and informal workplace practices and specific matters such as leave entitlements including how they may be relevant to family and cultural commitments.

As part of the induction program the new worker will also meet with the existing Aboriginal or Torres Strait Islander staff member and the new workers direct supervisor or manager to clearly identify and discuss the duties of the position along with the expectations of that particular work area.

The role of the existing Aboriginal or Torres Strait Islander staff member also becomes one of an informal mentor who within the initial commencement period of the new Aboriginal or Torres Strait Islander employee can be a support person and resource during and after the induction program. The existing staff member may also be a point of reference and supporting advocate if the new staff member perceives or experiences stereotyping, discriminatory or racist behaviour in the workplace.

APPENDIX C:

Example questions in determining Aboriginality. **Note in most circumstances it will appropriate for the Aboriginal panel member to ask this question during interview.**

The *Aboriginal Land Rights Act 1983 (NSW)* says an Aboriginal person is a person who:

- is of Aboriginal descent;
- identifies as an Aboriginal person; and
- is accepted by the Aboriginal community as an Aboriginal person.

Recruiters must discuss the Aboriginality of the applicant for both identified and targeted positions, especially if the position is externally funded or will work directly with the Aboriginal community.

Due to a number of reasons not all Aboriginal and Torres Strait Islander people may be able to provide formal proof of Aboriginality.

The Council will consider responses by applicants that demonstrate they are of Aboriginal or Torres Strait Islander descent, Identifies as Aboriginal and or Torres Strait Islander and that the applicant meets the other criteria for the position.

Suggested interview questions to establish Aboriginality

The questions below along the following lines will allow applicants to share with the panel their knowledge and understanding of issues affecting their Aboriginal community, and in doing so help to establish their claim to Aboriginality.

- Do you identify as an Aboriginal and or Torres Strait Islander person?
- Are you aware that you are applying for an Aboriginal targeted or identified position?
- Can you briefly outline knowledge of your Aboriginal and or Torres Strait Islander heritage, including where you come from and your community ties?
- What do you consider to be the issues affecting your community from an Aboriginal or Torres Strait Islander perspective?
- (For identified positions) Aboriginality is a selection requirement for this position. Please outline to the panel, how your Aboriginal or Torres Strait Islander cultural background, coupled with your professional skills, knowledge and experience will enhance your ability to do the job.
- As you are aware, this position is an identified/a targeted position under the Anti-discrimination Act 1977, Please confirm that you identify as an Aboriginal and or Torres Strait Islander person of Aboriginal and or Torres Strait Islander descent and demonstrate how you are accepted by members of the Aboriginal community as an Aboriginal and or Torres Strait Islander person?

This checklist should be used by a new employee's Manager / Supervisor, or their nominated delegate, to ensure all appropriate induction activities are completed within a timely manner.

The 'Comments/Action Required' column is to be used to record any issues or queries to be followed up on behalf of the employee.

This form must be forwarded to Human Resources within 2 weeks of the new employee's commencement date. This completed form will be saved on the employee's personnel file.

Section 1: Employee Details

Name:	
Position:	
Group/Directorate:	Branch:
Commencement Date:	Manager / Supervisor:
Date of Induction:	Conducted By:

Section 2: Checklist

Prior to Employees First Day

	✓	x	Comments / Action Required
Security pass, keys, photo ID, parking permit (where required)			
IT and phone access, including appropriate system access; i.e. Pathways			
Uniforms/protective clothing issued/ordered			

Employee's First Day at BMCC

General Induction	✓	x	Comments / Action Required
Introduce employee to team members			
Hours of work, schedules, lunch breaks, RDOs			
Tour of work area, including amenities – kitchen, toilets, etc.			
Work Health and Safety Induction	✓	x	Comments / Action Required
Issue WHS Induction Package			
Emergency/evacuation procedures and meeting point + locations of first aid kits and personnel			
Work area specific safety induction, including manual handling and machinery induction where required			
PPE and uniform issued			

Employee's First Week

General Induction	✓ ✕	Comments / Action Required
Introduce to other employees who the employee will interact with		
Review position description and competency matrix for position – discuss expectations & Review process		
Review Group/Directorate and Branch functions – where does position fit in?		
Discuss probation - 4 & 10 week periods – process, timeframes, objectives to be achieved		
Discuss training needs and interests for the immediate future		
Review of policies and procedures in induction pack including the Employee Assistance Program		
Process for applying for leave, reporting in sick		
Location of office equipment – printers, copiers, fax, use of mail services, stationary supplies, record keeping		
Demonstrate use of intranet; i.e. functions, location of documents, staff search		
Demonstrate use of TRIM, CSTARs and other relevant business systems + book in training		
Work Health and Safety Induction		
Review WHS policies and procedures in WHS induction package		
Introduction to WHS Committee representative and/or HSR		
Record Licences, Certificates and Qualifications		
Review Local Accident / Incident Reporting procedures		
WHS questions responded to and understood		

Section: Acknowledgement

Employee Signature:	Date:
Manager / Supervisor:	
Signature:	Date:

Return completed form to Human Resources within 2 weeks of employee's commencement date



Policy: Operational

PROCEDURE FOR THE ENGAGEMENT OF CONSULTANTS

DRAFT



PROCEDURE FOR THE ENGAGEMENT OF CONSULTANTS

POLICY STATEMENT

Example:

Blue Mountains City Council will adopt policies which are compliant with legislation and which reflect best practice models. Blue Mountains City Council will achieve this by....

Policy Ref. No:	<i>This number is from the Pathway Policy Register.</i>	PCT Endorsement Date:	<i>Date in full</i>
TRIM Record No:	<i>Provide TRIM number of Word document.</i>	ELT Meeting Date:	<i>Date in full</i>
Distribution:	<i>Select Distribution type</i>	Public Exhibition Details:	<i>Provide date range</i>
Status:	<i>Select Status type</i>	Council Meeting Date:	<i>Date in full or "N/A". NB: Only some Operational Policies will go to a Council meeting.</i>
Scope:	<i>Please state briefly who this policy applies to.</i>	Council Minute No:	<i>Insert minute number of when the policy was finally adopted or "N/A". NB: Only some Operational Policies will go to a Council meeting.</i>
Lifespan:	<i>Please complete</i>	Responsible Directorate/Group:	<i>Please complete</i>
Next review:	<i>Month YEAR</i>	Contact Position:	<i>Include title, not the name of an individual,</i>

Version History

Version	Adoption Date	Reason for Change
Example: 2015	23 June 2015 (Minute no. XXX or ELT)	Periodic update.

Responsible Officer	Financial Controller - Financial Services
Contact Officer	Strategic Procurement Manager
Authorisation	Blue Mountains City Council
Effective Date	
Modifications	
Superseded	New Procedure
Review	Strategic Procurement Coordinator or as required by any changes to legislation.
TRIM Record Number	TBA
Associated Documents	Strategic Procurement Policy Tendering Procedure Code of Conduct Statement of Business Ethics
Terms of Reference	NSW Premiers Department – guidelines for the Engagement and use of Consultants – version 4 Issued July 2004 ISBN: 0 7313 32415

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DEFINITIONS

Term	Definition
the Act	<i>Local Government Act 1993 (NSW)</i>
Code of Conduct	The current <i>Code of Conduct</i> as adopted by Blue Mountains City Council.
the Regulation	<i>Local Government (General) Regulation 2005 (NSW)</i>
Consultant	<i>For the purposes of this document a consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. It is generally the advisory nature of the work that differentiates a consultant from other contractors.</i>
Project Plan	<i>A plan that specifies the need, intended outcomes, project budget and all other relevant information relating to the how the engagement will be managed.</i>

RELATED DOCUMENTS DOCUMENTS/LEGISLATION

This document should be read in conjunction with Blue Mountains City Councils:

- Strategic Procurement Manual Council's Statement of Business Ethics;
- Council's Code of Conduct;
- Council's Strategic Procurement Policies and Procedures;
- Council's Tendering Procedure;
- Relevant WH&S legislation and Council Policies;
- Council's Environmental Policies;

1. INTRODUCTION

This procedure details the requirements for the engagement of consultants by any Council staff with the specific delegation to initiate a consultancy arrangement.

2. PROCEDURE OBJECTIVE

The following procedures are designed to ensure that all engagements of consultants result in the best value for Blue Mountains City Council and the Community. The objectives of this procedure are to establish a framework for the implementation of Council's engagement of consultant's arrangements.

3. PROCEDURE SCOPE

This procedure details the requirements for the engagement of consultants by any Council staff with the specific delegation to initiate a consultancy arrangement.

4. LEGAL & POLICY FRAMEWORK

This procedure is to be read in conjunction with the Councils formal adopted Strategic Procurement policy and supporting Procurement Manual, Tendering procedure, Code of Conduct and Statement of Business Ethics.

5. PROCEDURE STATEMENT

All instances where contractors will be engaged to perform works on behalf of Blue Mountains City Council will be subject to this procedure.

6. IMPLEMENTATION

6.1. ROLES & RESPONSIBILITIES

The following Council officers are responsible for the implementation of and the adherence to this procedure:

- General Manager;
- Executive Officer;
- Financial Controller;
- Strategic Procurement Manager.

6.2. SUPPORT & ADVICE

The following Council officers can provide support and advice on this procedure:

- Group Manager Financial Services;

- Strategic Procurement Manager.

6.3. COMMUNICATION

The procedure will be communicated utilising the BMCC Intranet.

A brief will be provided for Councillors, Executive Leadership Group and Business Managers.

6.4. PROCEDURES & FORMS

General Conditions of Contract for Engagement of Consultants – TBA

6.5. REVIEW

Review of this procedure will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The Financial Controller is responsible for the review of this procedure.

7. PROCEDURE

7.1. DELEGATED AUTHORITY TO APPOINT CONSULTANTS

A delegation to appoint consultants must be granted separately to the standard delegation of requisitioning day-to-day goods and services. These delegations are to be approved by the General Manager

7.2. VALUE FOR MONEY, IMPARTIALITY & FAIRNESS

The following definitions are intended to clarify Council's interpretation of these core statements as used in the appointment of consultants:

7.2.1. VALUE FOR MONEY

Value for money is determined by considering all the factors, which are relevant to a particular purpose for example, quality, reliability, timeliness, service, initial and ongoing costs are all factors which can make a significant impact on benefits and costs. Value for money does not mean 'lowest price'. However, the lowest price offer may offer the best value if it meets Council's other requirements, such as quality and reliability.

7.2.2. IMPARTIALITY

Impartiality in the context of this document means endeavoring to be objective and even-handed in all dealings with consultants. For example, evaluation criteria will be objectively established especially in relation to determining best value for money and each submission will be objectively assessed against each of the listed criteria

Please note that the principal of being impartial does not require publicly advertising for bids in every case or inviting bids from consultancies that are poor performers.

7.2.3. FAIRNESS

Fairness in the context of this document overlaps with impartiality in that Council will be even-handed in dealing with all consultants. Fairness does not mean pleasing everyone. It can be unfortunate, but not unfair, that people are adversely affected by decisions

8. KEY PRINCIPLES IN APPOINTING CONSULTANTS

The key principles concern value for money, proper and impartial process, proper and ethical practices by Council and consultants and accountability.

8.1. DELEGATED AUTHORITY TO APPOINT CONSULTANTS

8.1.1. VALUE FOR MONEY

Value for Money will be considered when deciding whether or not to engage a consultant. Approval to engage a consultant should only be given when the cost is justified by the anticipated benefits.

Value for money will be attained through fair and effective competition. The number of submissions sought by Council will be relevant to the financial value of the consultancy, as per the guidelines contained further in this document. In general terms, value for money will be pursued through performance monitoring and evaluation.

8.1.2. PROPER & IMPARTIAL PROCESSES

The skill, knowledge and responsibility of the employees involved in engaging a consultant is required to be appropriate to the nature, complexity and magnitude of the consultancy engagement.

The processes of inviting and assessing bids should safeguard against favouritism, improper practices and opportunities for corruption. Private interests will not be allowed to influence procurement.

Commercially sensitive information from consultant submissions will be treated confidentially subject to the requirements of the law.

8.1.3. PROPER & ETHICAL PRACTICES BY CONSULTANTS

Consultants should seek to achieve best practice standards in their industry and will demonstrate this in the fulfilment of their contract. Consultants will act honestly and ethically and will agree to be bound by Council's Statement of Business Ethics and will be asked to sign a declaration stating that they understand the content and meaning of Council's Statement of Business Ethics.

8.1.4. ACCOUNTABILITY

Council staff involved in the appointment and selection of consultants need to be aware of their responsibilities and will be able to account for their actions and decisions. In particular records of all documentation relating to the appointment of consultants including the reasons for recommending and deciding on the selection and rejection of submissions will be kept in a manner that allows for the standard processes of accountability

9. NUMBER OF SUBMISSIONS

9.1 Where the estimated cost of the consultancy is less than \$50,000

- Two (2) written quotations are required if the circumstances and costs are deemed reasonable and consistent with the market.

Where the estimated cost of the consultancy is between \$50,000 & \$150,000: Either;

- Three (3) written quotations are required from consultants that Council staff believes are capable of performing the work as detailed in the scope of works. Or;
- Formal tenders or RFQ are to be invited by public advertisement or via selective tendering from a list of pre-qualified consultants relevant to the particular area of expertise.

Where the estimated cost of the consultancy is over \$150,000:

- Formal tenders are to be invited by public advertisement or via selective tendering from a list of pre-qualified consultants relevant to the particular area of expertise.

Important Note: If submissions exceed one of the stated levels above, then the General Manager or relevant Director in conjunction with the responsible Council officer must make a decision on whether to recommence the process in line with the actions stated above. Whatever the decision, the reasons must be documented and accountable.

9.2 Exceptions – In some cases, the engagement of a consultant may be genuinely confidential and cannot be publicised, or open competition may be inappropriate or impractical. There may be also be rare occasions where only one firm or person is capable of or available for a particular consultancy and the option of deferring the task is not viable. In these instances, the consultancy should be negotiated commercially with the aim being the best value for money under the circumstances.

9.3 Variations after the consultancy has commenced – in some cases the scope of work may require increased payment to consultants as a result of unforeseen circumstances, but it is important to avoid the following:

- Variations being used by a successful low bidder to increase the value of the job;
- Variations being used to get around requirements for competitive bidding;
- Variations increasing the scope of the consultancy out of proportion to the original scope.

It is important to consider all proposals for variation carefully and to ensure that the principles of value for money, probity and accountability are applied.

Proposals to increase the consultancy by more than 20% in value require rigorous consideration.

Generally, it is not good practice for approvals in work and or cost to be given by the Council officers directly involved in the supervision of the consultants.

Proposals for such variations should be considered and determined by the Council officer's immediate supervisor / manager, divisional Director or the General Manager as appropriate.

In these cases, the General Manager and the Director must approve the appointment.

It is important to treat all "exceptional" cases cautiously especially if it is asserted that one particular consultancy is the only company able to undertake a particular project. If the market was to be tested via invitation for bids etc., it may be found to be an inaccurate assertion.

10. LEGISLATION & COUNCIL POLICIES TO BE OBSERVED BY CONSULTANTS

All consultants are to comply with relevant legislation and Council policies. Where relevant, the particular legislation or policy/policies should be highlighted in the project brief that is to be provided to the consultant. Examples of these documents are:

- Council's Statement of Business Ethics;
- Council's Code of Conduct;
- Council's Strategic Procurement Policies and Procedures;
- Council's Tendering Procedure;
- Relevant WH&S legislation and Council Policies;
- Council's Environmental Policies;

11. BEST PRACTICES IN APPOINTING CONSULTANTS

The following points are a guide as to what to consider when appointing a consultant and should be used by Council officers as justification for wishing to appoint a consultant.

11.1 Determining the need to engage a consultant – the following points should be taken into account when considering the need for the engagement of a consultant:

- The unavailability of appropriate Council staff or critical resources in-house;
- The contribution the consultancy may make to Councils aims and objectives;
- That this one particular problem or issue will be the sole focus of the consultancy;
- An estimate of cost.

The use of consultants in no way removes Councils responsibility for ensuring successful outcomes of the various projects for which consultants are engaged.

Close and effective supervision of a consultancy is essential.

Probity and accountability are to be of paramount importance at all stages before, during and after the consultancy period.

All consultants are to sign a declaration stating that they have read and clearly understand their obligations under Council's Statement of Business Ethics.

11.2 Planning the project and the engagement – Effective and sound planning at the outset will help ensure successful, cost effective outcomes for consultancy projects. The degree of detail will vary from project to project;

Council officers involved in engaging consultants should ensure that there is a detailed project plan, specified intended outcomes, a project budget and effective project management.

All consultancies will be subject to the formal signing of a consultancy agreement.

11.3 Developing the specification and conditions of engagement – the key considerations when preparing documentation for consultants is the achievement of the projects outcomes including best value.

This must be achieved in a proper & impartial manner, which will stand up to scrutiny.

Invitations to bid should include information about the task/s and detailed information about the selection process including the selection criteria.

The selection criteria should be established in advance in all cases.

For further information on how to develop a comprehensive brief for a consultancy, please refer to Section 7 below.

11.4 Inviting and receiving bids – the estimated value of the consultancy will determine what process is to be followed in actually appointing the consultant.

Please refer to the above - "Number of Submissions Required" for guidance in this matter and Council's comprehensive purchasing and tendering procedures.

It is important to ensure that sufficient time is allowed for consultancies to fully develop their submissions. An unduly short tender period can lead to weak competition, poorly prepared proposals and an inadequate understanding of the engagement requirements.

The same conditions must apply to all consultancies and the same opportunities for obtaining information should be available to all consultancies.

All consultancies must be informed of any changes to the conditions of the specification or other information changes, which occur after the invitations are issued and before the closing date.

These additional changes to specifications etc. become part of the formal quotation and or tender documents issued by Council.

For more detailed information relating to the security of submissions and late submissions, please refer to Council's Tendering Procedure.

11.5 Selecting a consultant – all submissions should be evaluated in a consistent manner against the pre-determined criteria.

Staff who has the relevant skills and knowledge appropriate to the nature of the consultancy should perform the evaluation.

For more detailed information relating the selection of a successful consultancy, please refer to Council's Tendering Procedure.

11.6 Engaging a selected consultant – following formal approval to appoint a consultant, a formal letter of engagement together with a contract document (if deemed necessary) and official purchase order should be forwarded to the consultancy.

Depending on the complexity and value of the project, it may be prudent to obtain legal advice in relation to the contract.

The letter of engagement and or contract should include the following information:

- The requirements as set out in the original specification;
- Any specific proposals set out in the winning submission;
- The content of any subsequent correspondence or negotiations;
- The indemnity, insurance and any other requirements which may need to be fulfilled; and
- Any other matter that requires special mention.

The letter of engagement and or contract should be capable legally, financially and operationally of protecting Council's interests.

For more detailed information relating to the security of submissions and late submissions, please refer to Council's Tendering Procedure.

11.7 Managing the project and the consultant – it is essential in the protection of Councils interests that the appointed consultancy is effectively managed by Council officers. This is important in that it protects against poor or misdirected work on the part of the consultant and allows for early intervention to rectify such situations.

11.8 Evaluating the performance – post-completion evaluation of projects is critical to ensure that lessons can be learnt and experiences applied in the future to other projects or consultancies. In particular, valuable lessons can be learnt from the most successful and the least successful projects.

If evaluating the consultant's performance, the following should be taken into account:

- Quality of work;
- Timeliness;
- Final cost compared to budget;
- Methodology;
- Working relationships and
- Other factors that may be relevant.

12. GUIDELINES FOR DEVELOPING A CONSULTANCY BRIEF

The following guidelines are provided as a form of template for Council officers responsible for developing Consultancy Briefs. It is an attempt to bring some consistency to the development of consultancy briefs across Council.

12.1 Contents of a Consultancy Brief – the overriding aim of a consultancy brief is to give prospective consultants as much information as possible relating to the specific project at hand, including some general background information on Council and the Local Government Area (LGA).

12.2 Introduction – the introduction should state briefly and clearly the purpose of the consultancy and the reasons why this consultancy is required. The introduction acts as brief summary of the requirements of the consultancy brief.

12.3 Regional Characteristics – it is important to include some general facts and figures pertaining to the Blue Mountains City Council's LGA, including other LGA areas if relevant and appropriate. This should include general information about the location of the LGA, the population & general economic information etc.

12.4 Discussion – this section of the brief should begin to expand on the information contained in the introduction. The discussion should focus on the background information relating to the consultancy brief and the reason a consultancy brief is required for this specific project.

12.5 Objective – this is one of the most critical aspects of any consultancy brief; it should detail succinctly Council's key objective for the particular consultancy brief and why a consultant is required to perform these documented tasks.

12.6 Scope of Works – this is also one of the most critical aspects of any consultancy brief. The scope of works is where Council sets out the details of the works to be performed by the consultancy. The scope of works is the critical aspect of the brief that all consultancy submissions will be measured against.

Council has a responsibility to ensure that as much information as is known at the time is provided to the consultancies so that they can submit a comprehensive submission addressing Council's requirements.

An inadequate scope of works can result in sub-standard consultancy submissions and perhaps more importantly an underestimation of the cost of such a consultancy, which can lead to additional unbudgeted costs to Council.

12.7 Deliverables – these are the key tasks that need to be delivered as a minimum to achieve the project objectives and scope of works and to satisfy the requirements of the brief.

The deliverables should be clearly stated, include any milestones and expected end date of the consultancy so that there is no confusion or possible alternative interpretation by the consultants or Council staff – ultimately this is how the consultancy will be measured in relation to its success or otherwise.

12.8 Format of Consultancy Report – always ensure that you detail in the brief exactly how many copies of the consultancy report you require and in what format you may need them delivered in.

Generally, you would ask for multiple copies of the report, in line with the number of staff assessing the report – or at a minimum, two copies, one for the review panel and one for

the Records Section to put on file. Also detail whether you require an electronic version of the brief as well. This may be useful if you need to include some details of this report into future Council reports or further reports to senior management.

12.9 Timing – it is important that Council detail clearly the anticipated timelines appropriate to the particular consultancy brief as this allows the consultants to be fully informed as to the expectations of Council. It is important that a consultant is not engaged on an on-going basis.

12.10 Supporting Information – this is where Council provides additional information that is deemed important so that the consultants can prepare a full and detailed submission based on as many facts as possible. This may include copies of various Council plans, reports and policies.

12.11 Methodology / Approach – Council requires all consultants to detail the methodology and approach they will take to achieve the objectives of the brief. Ideally consultants should provide other reference sites where similar work has been completed with similar methodologies.

12.12 Agreement – this simply states whom the formal agreement will be between; generally, directly between Council and the consultancy, however there may be occasions where the agreement is between several Councils and the consultancy etc.

12.13 Statement of Business Ethics – a mandatory requirement for inclusion in all consultancy briefs is reference to Council's Statement of Business Ethics.

- All consultants are to receive a copy of this document when they are sent the consultancy brief.
- All consultants will be required to sign a declaration that states that they have read and understand the content and meaning of the Statement of Business Ethics.

The Statement outlines the ethical standards of behaviour that Council expects from Council Staff, plus all suppliers, contractors and consultants and gives instruction to both Council staff and consultants on how to report any breaches of this Statement of Business Ethics.

12.14 Payment & Fees – Council needs to state clearly how payment will be made under the ensuing consultancy agreement. Generally, this will be by lump sum payments inclusive of all professional fees, related expenses and disbursements, often based on the achievement of set milestones.

It is advised that for the protection of Council and of ratepayer funds, that payment should be linked to satisfactory completion of draft plans and milestones along the way; this protects Council from continuing to engage a consultancy that is not performing to the standard required for the project.

No consultants should be engaged without an official purchase order being supplied by Council first.

All consultants are instructed not to supply services unless they make reference to an official Blue Mountains City Council purchase order number. If a consultant supplies services without a purchase order number, and produces an invoice to Council without reference to an official purchase order number, then Council reserves the right to refuse payment for those services.

12.15 Insurances & GST – all consultants are required to have an Australian Business Number (ABN) and to be registered for GST.

In addition to this, all consultants will be required to hold Professional Indemnity Insurance to the value of five (5) million dollars and Public Liability Insurance of between ten (10) million & twenty (20) million dollars.

The successful consultants will be required to produce documentary evidence of such policies with the interests of Council suitably endorsed.

12.16 Selection Criteria – it is essential that all consultancy briefs include the criteria by which consultancies will be evaluated and selected for the job. The evaluation criteria may be different for each brief, but below are listed some of the most common criteria that can be used – these are examples only:

- Price competitiveness;
- Experience in similar projects;
- Methodology proposed;
- Timing & Completion of the project;
- Conformance with Council requirements, i.e. insurances, Statement of Business Ethics etc.

7.17 Submission Details – it needs to be clearly stated in the brief when submissions are due and where they are to be sent.

For further details on acceptance of submissions and in particular the acceptance or otherwise of late submissions, please refer to Council's formal Tendering procedure, which documents the procedures and standards relating to acceptance of offers.

7.18 Ownership & Copyright – it needs to be clearly stated that ownership & copyright will be vested in Council at all times and that distribution of the report or study are only to occur with the written approval and authority of Council. Copyright shall remain with Council for all data supplied for the purpose of the consultancy.

7.19 Termination – the consultancy brief needs to clearly state how and when termination of the consultancy may occur. Generally, termination would occur due to non-performance or the inability to meet set deadlines and all matters relating to the termination of a consultant needs to be in writing.

13. CONSULTANCY AGREEMENT

Once an evaluation panel has selected the successful consultant and the matter has been reported to Council (if over \$150,000), a formal Consultancy Agreement should be entered into.

Generally, this formal agreement simply states the deliverables of the consultancy, plus the general terms of the engagement and is to be co-signed by Council and the successful consultancy. You must make reference in this formal agreement to the original submission and any subsequent communication between Council and the consultancy, this then means that the original submission forms the basis for the engagement of the consultant along with the formal agreement.

As an option to drafting your own formal consultancy agreement,

Council officers can access and utilise “General Conditions of Contract for Engagement of Consultants” from the Australian Standard – AS4122-2010.

This document covers all the requirements for a formal Consultancy Agreement. For a copy of this contract please contact the Procurement & Contracts officer.

14. ENTITLEMENTS

Consultants shall provide all equipment associated with the consultancy at their own expense.

Consultants will not be entitled to the use of any Council equipment, computer, vehicle, boots or uniform without written permission of the relevant Director or General Manager.



Policy: Operational

STRATEGIC PROCUREMENT POLICY

DRAFT



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2. PURPOSE

This Policy is intended to contribute to the achievement of Council's objectives by ensuring procurement of goods and services achieve best value for money through a fair, ethical, efficient and transparent process that complies with relevant statute, regulation and best practice.

BMCC Procurement will therefore focus on:

- Developing an understanding of the goods & services that BMCC needs to acquire and how their acquisition aligns with its' strategic goals;
- Developing an understanding of the market for these goods & services, including the possible effect of uncertainty on acquisition and how this can be managed;
- Coordinating the acquisition of goods & services in a way that minimises inventory, is cost effective, is consistent with regulatory requirements and avoids that which is unnecessary or embellished;
- Acting as an internal consulting service for innovative and cost effective ways of acquiring goods & services;
- Developing an understanding of the aggregator landscape and help the organisations to leverage off it for maximum benefit;
- Analyse procurement in BMCC and provide regular reporting to ELT on its efficiency and effectiveness;
- Playing a key proactive role in the budgeting process by delivering longer range forecasts of procurement costs.
- Procurement expenditure helps Council attain its economic, environmental and social development objectives.
- We will ensure value for money through a balanced whole of life evaluation that includes consideration of financial, social, ethical, environmental and local economic preference factors.

3. SCOPE

This policy applies to all types of procurement, including acquisition, provision and disposal of materials, services, facilities and human resources by Blue Mountains City Council.

The principles in this policy, and the associated guidelines for implementation, must be followed by all employees (full time, part time, temporary and casual) as well as all consultants and contractors employed in any of Council's business units.

4. Governing Legislation/ Policy/ Documents

This policy should be read in conjunction with the following documents/legislations:

- Section 55 Local Government Act 1993 (NSW)
- Part 7 Local Government (General) Regulation 2005 (NSW)
- NSW Government Procurement Policy Statement 2004
- NSW Code of Practice for Procurement 2013
- NSW Government Procurement: Local Jobs First Plan 2009
- NSW Government Procurement Guidelines: Tendering Guidelines 2010
- NSW Government Total Assets Management 2008

This policy should be read in conjunction with the following Council policies and documents:

- Strategic Procurement Manual
- Statement of Business Ethics
- WH&S Purchasing Policy
- Procedure for the Engagement of Contractors
- Code of Conduct – Councillors and Staff
- Code of Conduct – Contractors, their Staff and Business Associates
- Purchase Card Policy (Staff Policy)

5. Definitions

The Act: Section 55 Local Government Act 1993 (NSW)

Regulations: Part 7 Local Government (General) Regulation 2005 (NSW)

Probity: Ethical behaviour that upholds the values of honesty and integrity and ensures impartiality, accountability and transparency

Procurement: The act of obtaining or buying goods and services. The process includes preparation and processing of a demand as well as the end receipt and approval of payment. It often involves:

- (1) purchase planning,
- (2) standards determination,
- (3) specifications development,
- (4) supplier research and selection,
- (5) value analysis,
- (6) financing,
- (7) price negotiation,
- (8) supply contract administration,
- (9) inventory control, and
- (10) disposals and other related functions.

Purchasing: The activity of acquiring goods or services to accomplish the goals of BMCC Strategic business model.

The major objectives of purchasing are to:

- (1) maintain the quality and value of a company's products,
- (2) minimise cash tied-up in inventory,
- (3) maintain the flow of inputs to maintain the flow of outputs, and
- (4) strengthen the organisation's competitive position.

Purchasing may also involve:

- (1) receipt and processing of requisitions,
- (2) inspection of good received, and
- (3) their appropriate storage and release.

Goods and Services: where Goods and Services are referred to in this policy, it is also applicable for Works, Consultancies and Lease agreements.

6. WH&S PURCHASING POLICY

All WH&S purchase orders, Tenders will be endorsed with the requirements that all prescribed standards of the WHS Act 2011 and the WH&S Regulation 2017 and BMCC WHS Purchasing Procures have been met.

7. INTERNAL CONTROLS

7.1. Authorisations

Purchase approvals are subject to this SPP, or any other related corporate procedures, whereby every restriction, obligation or authorisation is subject to and in accordance with, a position specification and respective delegated level of authority as approved by the Executive Officer/General Manager.

7.2. Compliance

Council has a legislative requirement under the Act to tender for works, goods and services where expenditure for the life of the contract is greater than \$150,000

(including GST). Procurement is also undertaken in accordance with the Tendering Guidelines for NSW Local Government and the NSW Code of Practice for Procurement.

Compliance with this SPP may be subject to internal control reviews undertaken during Council's annual Interim Audit conducted by Council's External Auditor.

Compliance with this SPP may be subject to internal control reviews undertaken by Council's Internal Audit function or an appointed Internal Audit organisation.

Non-compliance with this SPP may result in the Council officer's delegation being revoked.

7.3 Breach of Policy

All procurement activity must be conducted in accordance with this policy and the associated procurement framework. Failure to comply may result in disciplinary or legal action. The Independent Commission Against Corruption (ICAC) has been established to protect the public interest, prevent breaches of public trust and guide the conduct of public officials. Council has an obligation to report serious matters to the ICAC and/or Police which potentially could result in civil or criminal proceedings.

8. CONTROL AND ACCOUNTABILITY

8.1. BEST PRACTICE PROCUREMENT PRINCIPLES

As Council is a publicly funded authority its procurement process is subject to stringent public scrutiny and as such in all commercial dealings, the highest standards of honesty must be observed. Council must conduct its business dealings in a fair, honest and open manner, demonstrating the highest level of integrity consistent with the public interest.

This can be achieved by following these best practice procurement principles, keeping in mind the basic rules of sound and ethical practices throughout the procurement process.

8.1.1. Accountability and Transparency

Council has an obligation to explain and account for the way decisions have been reached and duties performed. It is important to ensure that during the procurement process documentation is retained to explain the decisions and actions that have been made by Council.

Council must ensure that the process for awarding contracts is open, clear, fully documented and defensible. This may be audited and therefore, must be able to withstand public scrutiny.

8.1.2. Consistency

Council must ensure consistency at all stages of the procurement process. All requirements must be clearly specified within the documents; criteria for evaluation must be clearly indicated.

8.1.3. Consultancy

A Consultancy is a Contract with an individual or organisation engaged on a temporary basis to provide recommendations or to provide high level specialist or professional advice to assist decision-making by management

- **Contractor-** a Contractor is a legal entity (i.e. person or corporation) who contracts to supply or arrange the supply of Goods or the performance of Services.
- **Contract** – a contract is an agreement for the supply of Goods or the performance of Services, including those provided by Consultants.
- **Refer** – BMCC Procedure for the Engagement of Consultants

8.1.4. Open Competition

The procurement process must ensure that suppliers are treated equally and that there is no bias or favouritism towards one supplier over another. In addition, all suppliers who wish to participate in business transactions of Council are given, within reasonable limits, the opportunity to do so. Council must not engage in practices that are anti-competitive or engage in collusive practices.

8.1.5. Withstanding Public Scrutiny

To be able to withstand public scrutiny, it is important that activities such as the opening and recording of Tenders, obtaining Quotations and the allocation of Purchase Orders are carried out meticulously. All persons invited to Tender or Quote for Council business must be given equal information. Information provided to Council must be treated as commercial-in-confidence, restricted to persons concerned with the purchase or Contract. Care must be taken to not display or otherwise communicated to competitors during the course of the evaluation.

8.1.6. Value for Money

Obtaining value for money in delivering the best outcomes for our community is the overarching requirement for procurement at the Blue Mountains City Council. Value for money is not necessarily the lowest price; it includes consideration of many factors including quality, performance history, whole of life costing - including the

cost of environmentally responsible disposal at end of life, timely delivery, risk and WH&S requirements

8.1.6 Environmentally Sustainable

Council will promote high-quality environmental standards and responsibility and make procurement decisions which aim to reduce resource consumption, biodiversity depletion and environmental impact where possible. The entire life cycle of goods and services are to be considered, taking environmental risks and benefits into account whilst avoiding unnecessary consumption - for example inputs of natural resources, energy and water in the manufacture, use and disposal of goods.

8.1.7. Social Sustainability and Local Supplier Engagement

Council is committed to assisting local businesses in working with Council and will ensure that its processes are transparent and does not disadvantage local business. Certain circumstances may present opportunities to generate social value through the procurement processes, these opportunities will be pursued where applicable to generate positive outcomes and benefits for the people and communities that Council serves.

8.1.8. A Robust Procurement Framework

A policy, operational processes, manuals and templates which provide guidance in achieving the best value for money delivery of quality services to our community. To the extent possible, procurement processes will be kept simple so as to maximise efficiency and reduce costs.

Key components of the framework are:

- *Financial Thresholds* which define the procurement processes for different levels of expenditure. Processes to be followed for values below the \$150,000 tender threshold prescribed in the Act are detailed in operational guidelines and the procurement manual.
- *Financial Delegations* which define the levels of authority that specified staff have to approve contracts and payments. Prior to the commencement of any procurement process:
- Funds must exist within an approved budget; and
- The appropriate financial delegate must be aware of the procurement.

9. PROCUREMENT DECISION TABLE

The Procurement Decision Tables are to be used to determine the appropriate procurement process relevant to the level of expenditure being undertaken. See [Attachment 1](#), [Attachment 2](#) and [Attachment 3](#).

Where the Responsible Officer is not sure of the estimated cost of a purchase because the cost is variable, or the estimated cost is close to the upper limit of the expenditure threshold, the procurement planning processes should apply the upper threshold limit requirements to comply with Best Practice Procurement Principles.

Order splitting, including purchases via Purchase Card or Petty Cash, to overcome the requirements of this SPP is not permitted.

9.1.1. Level of Expenditure

The level of expenditure refers to the value, excluding GST, per item or per order total. The applicable level of expenditure is also to be determined with reference to the cumulative amount paid to one organisation, or for the same kind of work, during a financial year, or over a series of financial years.

EXPENDITURE THRESHOLDS

9.1.2 \$75 - \$3,000 (excluding GST)

For purchases within this category no written Quotations are required. It is, however, expected that the Council officer making the procurement decision uses best practice process and principles, value for money judgment that is fair and accountable when making the purchasing decision.

Best Practice cannot be demonstrated where that staff member has no previous experience in purchasing the desired Goods or Services; in such circumstances competitive Quotations must be obtained in order to demonstrate Best Practice. For this threshold only, pricing may be assessed from reputable sources located on the Internet. In such circumstances the internet page and/or price schedule is to be recorded.

A Purchase Order must be raised on Council's OPRS for the total value of the Contract excluding any alternative methods of purchase subject to the limitations as specified within this SPP.

9.1.3 \$3,000 - \$10,000 (excluding GST)

For purchases falling within this category, verbal quotes are required with the RFQ containing a specification, contract terms and conditions, close date and any other written information dependent on nature and complexity of the goods or service. This requirement applies to all purchases, including those made by a Purchase Card.

A Purchase Order must be raised on Council's OPRS for the total value of the Contract excluding any alternative methods of purchase subject to the limitations as specified within this SPP.

9.1.4 \$10,000 - \$150,000 (excluding GST)

For purchases falling within this category a request for a minimum of three quotations is required.

\$150,000 + (excluding GST)-

For purchases falling within this category, the tendering process needs to be undertaken in accordance with the Tendering Policies and associated procedures.

Note: A Purchase Order is legally binding.

All documents must be retained on file, including:

- copy of Request for Quote
- copy of Quotations
- copy of Purchase Decision Form and any other supporting documents.

Note: Exceptions apply to expenditure relating to:

- Training and Conferences (including associated accommodation and travel expenses), or Formal Functions and Meetings hosted or arranged by Blue Mountains City Council.
- Professional Services and Consultants. Where the total cost of a professional service or consultancy service is estimated to be between \$15,000 and \$50,000, two Quotations will suffice.

10. COUNCIL STORES – INVENTORY MANAGEMENT

The Council Store at South Street, Katoomba holds inventory of commonly used items. Standardisation of goods can provide a reduction of inventories and inventory investment; allow increases in purchase leverage and overall supplier performance. All Council's Stores purchasing is subject to the requirement of this SPP and the Inventory Management SPP at the time of initial purchase by Stores staff.

There is therefore no requirement to obtain quotes for those items if acquired through Council's stores

Items available at the Council's Stores are to be purchased from the Stores in all instances, except in an emergency situation as defined in section 11. Emergency Procurement.

For a complete list on items available through Council's Stores refer to Smartstream or contact Council's Purchasing Section.

11. EMERGENCY PROCUREMENT

An emergency purchase is defined as any situation or event where there is a risk of injury if maintenance/repair is not carried out or where major works cannot be completed due to breakage in an essential piece of equipment.

In these circumstances, Council must act immediately and take all reasonable and necessary action to mitigate any continuing risk associated with the situation. While procurement policies are to be followed as much as possible, normal tender/quotation requirements need not apply. The legislation only allows this concession be used in genuine cases of emergency and not the result of poor planning.

Where the purchase needs to be made due to an emergency and there is insufficient time to comply with this SPP, the following process is to be followed:

1. An emergency procurement exercise should comply, to the maximum extent possible, with the policies and procedures that would normally apply.
2. Approval should be first sought in writing by an appropriate officer in accordance with the officer's operational delegations.
3. Where no officer with the appropriate delegation is available to provide written approval and the decision cannot be deferred, verbal approval is acceptable.
4. In the circumstance where no officer with the appropriate delegation can be sourced, the most senior officer available may approve an emergency procurement exercise.
5. The emergency procurement (and circumstances leading to them) must be documented by the delegate on an Exemption Form and forwarded to the General Manager/Executive Officer for signing.

Note: An officer's judgment may be open to internal or external scrutiny. Therefore, an officer must always document their decision and the basis on which it was made, and be prepared to justify it.

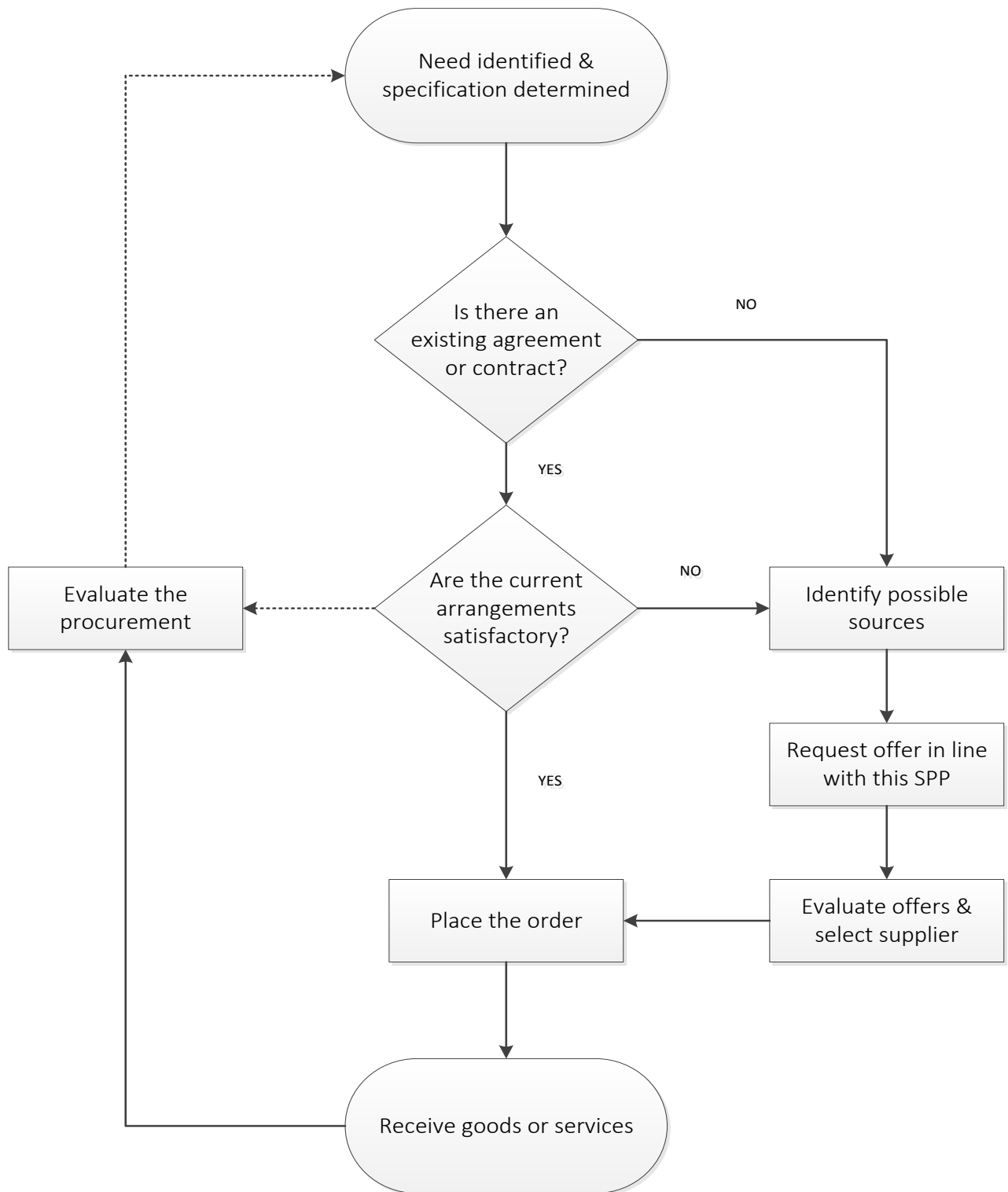
6. As soon as practicable, a Confirmation Order confirming receipt of goods / services is to be raised and duly approved. Orders are to be identified as 'emergency' within the order screen.
7. If the value of the works exceeds \$150,000 the action must be reported to Council at the next available meeting.

Note: Remedial work following the emergency should follow normal procurement procedures.

12. ATTACHMENTS

- Attachment 1 - Process for Procurement of Goods and Services
- Attachment 2 - Procurement Decision Table
- Attachment 3 - Professional Services/Consultants Decision Table

12.1. Attachment 1 - Process for Procurement of Goods and Services



12.2. Attachment 2 Procurement Decision Table

Level of Expenditure (excluding GST)	No Quotes required	2 Written Quotes	3 Written Quotes	Formal Request for Quotes (including written Specs & Scope of Works)	Decision Form	Purchase Order	Tendering Process
Existing Contractual Arrangements **	X					X	
\$75 - \$3,000 **	X					X	
\$3000 - \$10,000**		X			X	X	
\$10,000 - \$100,000			X		X	X	
\$150,000+ – open tender							X
Training / Conferences, Formal Functions	X					X	

**** Exceptions may apply dependent on the requirements specified within this SPP.**

12.3. Attachment 3 Professional Services/Consultants Decision Table

Level of Expenditure (excluding GST)	No Quotes required	2 Written Quotes	3 Written Quotes	Formal Request for Quotes (including written Specs & Scope of Works)	Decision Form	Purchase Order	Tendering Process
Professional Services/Consultants up to \$15,000	X				X	X	
Professional Services/Consultants between \$15,000 and \$50,000		X			X	X	
Professional Services/Consultants between \$50,000 and \$100,000				X	X	X	
Professional Services/Consultants exceeding \$100,000					X	X	X

**** Exceptions may apply dependent on the requirements specified within this SPP**

Corporate Procedures

STRATEGIC PROCUREMENT MANUAL

DRAFT



STRATEGIC PROCUREMENT MANUAL

PROCEDURE OBJECTIVE

These procedures are designed to implement the **??? Policy (policy reference no. ???)**.

What is your objective / purpose in one sentence?

Example: To ensure all staff have access to clear information on how to write effective procedures.

Policy Ref. No:	<i>This number is from the Pathway Policy Register. Note that not all procedures will be entered into the Policy Register.</i>	Staff Consultative Committee Endorsement Date:	<i>Date in full</i>
TRIM Record No:	<i>Provide TRIM number of Word document.</i>	PCT Endorsement Date:	<i>Date in full</i>
Distribution:	<i>Select Distribution type</i>	ELT Meeting Date:	<i>Date in full</i>
Status:	<i>Select Status type</i>		
Scope:	<i>Please state briefly who this policy applies to.</i>	Governing Policy:	<i>Procedures should have a governing policy which it aims to implement. Include the policy name and reference no.</i>
Lifespan:	<i>Please complete</i>	Responsible Directorate/Group:	<i>Please complete</i>
Next review:	<i>Month YEAR</i>	Contact Position:	<i>Include title, not the name of an individual,</i>

Version History

Version	Adoption Date	Reason for Change
1.0	TBA	Merger of purchasing manual, tendering guidelines, and other information as part of revised procurement framework.

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1. DEFINITIONS

NB: The following are examples only.

The primary definitions list for procedures should be contained in the governing policy – please refer to the definitions list in that policy. Guide readers to the governing policy by referencing it, and if appropriate reproduce that definitions list here. This list may have additional definitions not included in the governing policy.

Term	Definition
the Act	<i>Local Government Act 1993 (NSW)</i>
Code of Conduct	The current <i>Code of Conduct</i> as adopted by Blue Mountains City Council.
the Regulation	<i>Local Government (General) Regulation 2005 (NSW)</i>

2. RELATED DOCUMENTS

This document should be read in conjunction with:

Example:

- Blue Mountains City Council, *Code of Conduct*

Related Legislation:

Example:

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2005 (NSW)*

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3. INTRODUCTION

3.1. Relation to the Strategic Procurement Policy

This Procurement Manual ("Manual") is complementary to, and interpretive of, Blue Mountains City Council's Procurement Policy ("Policy").

Where a term, role, standard, process or other element in the Manual has a counterpart in the Policy, then it interacts with that counterpart.

3.2. What is Procurement?

Procurement is the acquisition of goods and/ or services. It is intended that the goods/services are appropriate and that they are procured at the best possible total cost of ownership to meet the needs of Council in terms of quality and quantity, time and location.

It also incorporates processes intended to promote fair and open competition while minimising exposure to fraud and corruption.

Procurement as a process should precede the delivery of those goods and services and the approving officer is required to certify that goods and services have been delivered in accordance with the order raised.

All orders must be processed using Council electronic Online Purchasing Requestion System (OPRS).

3.2 Major purchasing objectives

Council's major purchasing objectives are: -

- Consistent application of procurement policy;
- Efficient and effective purchasing controls;
- Authorised purchasing only;
- Goods and services received are consistent with the purchasing order and invoice for payment;
- Best value for money;
- Maximise savings available through joint procurement arrangements; and
- Procurement decisions based on full and complete knowledge of total cost and other attributes of goods and services.

3.3. Key purchasing controls

Procurement controls are specified throughout the Strategic Policy and Manual. However, the key purchasing controls are: -

- Restriction of access to the (OPRS) to authorised personnel who are registered within the system by the Financial Controller;

- Authorisation of purchasing only in accordance with each individuals delegations ;
- Enforceability of purchase order terms and conditions;
- Restriction of Council credit cards to staff authorised by a business unit Director/Manager where applicable.
- Immediate cancellation by the Finance Controller of any card used improperly;
- Purchasing restricted to Council's purchasing system or credit cards, in accordance with Council's credit card usage policy;
- Channelling of all supplier invoices through Council's mailing address direct to the Finance Department;
- Independent certification of invoices for payment in accordance with Delegation of Authority and Authority Hierarchy Structure.

3.4. Planning the purchase

The following planning is required before raising a purchase order: -

- Ensure an approved budget exists;
- Identify the correct general ledger number;
- Determine what authority is required to approve the purchase;
- Consider whether the item can be procured by Council's preferred suppliers or recognised procurement arrangements;
- Determine and adhere to all policies and procedures applicable to the level of procurement.

3.5. Environmental issues

The Strategic Procurement Department offers assistance in the selection of environmentally friendly goods and service.

3.6. Intent and Scope

Effective procurement ensures Council: -

- Obtains best value for money;
- Does not assume contractual or other liabilities at law which have not been planned or funded; and deals fairly with suppliers of goods and services.

4. THE STRATEGIC PROCUREMENT MANUAL

The Manual is a reference for all Blue Mountains City Council's procurement procedures, particularly in purchasing, that must or should be adhered to in order to

ensure conformance to the Strategic Procurement Policy and related statute, regulation and best practice.

- Formalises procurement procedures and processes;
- Enables monitoring of conformance to policies and procedures;
- Serves as a training guide for new and existing staff;
- Advises accountability when undertaking procurement;
- Recognises that process design should reflect the nature and value of procurement; and
- Does not exhaustively address all procurement matters, and makes reference to supporting documents or contact persons where appropriate.

4.1. Control and upkeep of the Strategic Procurement Manual

The Financial Controller regulates the Manual and has nominated the Strategic Procurement Manager to administer the Manual's upkeep.

To ensure this Manual remains an effective document, it is the responsibility of all Manual users to notify the Strategic Procurement Manager, in writing, of any anomalies or necessary updates required.

4.2. Best value for money

Council seeks best value for money in procurement, recognising that this does not necessarily equate to the lowest price to specification.

Reasons for selecting other than the lowest price must be recorded, referenced to the purchase order and retained. Although the Policy stipulates a minimum two quotes must be sought to satisfy the competitiveness standard, consideration should be given to obtaining sufficient additional offers with regard to the value of the purchase, the number of potential suppliers, and how recently the market has been tested.

The best value for money principle embraces the total cost of the product or service over the life of the requirement, fitness for purpose, timely delivery, and local support.

It also considers broader objectives of Council in areas such as business and industry development, environmental protection, energy conservation, work health and safety, and so on.

'Value for money' does not imply that the lowest-priced option must be selected - the lowest-priced item may cost much more to run than other options. Rather, value for money is determined through a comparative analysis of all the costs and benefits of each proposal throughout its life, from sourcing of materials through to running and eventual disposal – known as a "whole of life evaluation" or "total life cycle analysis".

A balanced whole of life evaluation includes consideration of commercial, technical, financial, social, ethical, local economic and environmental factors, including such issues as:

- the purchase price and its consistency with standard market prices / rates
- ability to perform to required standards or capabilities
- the supplier's ability to provide a reasonable level of service
- direct and indirect effects on the environment and society over a product's manufacture and life.
- Readily available spare parts and servicing support;
- Reliable warranty service;
- Shorter supply lines;
- Local supply
- Convenient communications for contract administration;
- Knowledge of Australian design manufacturing and quality standards;
- Scope for cooperative product development and influence over the supply base;
- Benefits of companies that have a good record of industrial relations; and
- Environmental impact.

It is also important to clearly document decisions to demonstrate that value for money has been obtained.

5. GUIDELINES FOR APPLYING PRINCIPALS OF PROCUREMENT AT BLUE MOUNTAINS CITY COUNCIL

Council's Procurement Policy, to which all Council staff must adhere when involved in procurement, states:

"We will ensure value for money through a balanced whole-of-life evaluation that includes consideration of financial, social, ethical, environmental and local economic preference factors."

To deliver on our commitment to procurement that meets operational requirements and achieves the highest commercial and sustainability outcomes, it is Council's policy to:

- Comply with applicable laws and documentation.
- Avoid unnecessary consumption, manage demand for goods and services, and maximise the efficiency of those products and services we do purchase.
- Establish procedures that ensure fair, open and effective competition by ensuring that tenders are called when required by legislation.
- Foster relationships with suppliers in a manner that is ethical, efficient, fair and transparent, and that respects their confidential information.
- Exercise responsible financial management and accountability for actions.
- Support the establishment of a diverse supply chain, with particular focus on local preference and entities that deliver or have potential to deliver social, economic and/or environmental benefit.
- Support Australian owned suppliers and / or suppliers who manufacture in Australia, where doing so is appropriate and permissible by law, focusing on those in the local area.
- Support suppliers and industry groups that develop and/or apply innovative responses in relation to sustainability issues.
- Establish performance agreements with our key suppliers, monitor their performance over time.
- Develop practical and transparent tools for assessing and providing feedback to existing and potential suppliers about their proposals and performance.
- Identify and manage the risks associated with procurement.

5.1. Compliance with Applicable Laws, Documentation and Relevant Legislation

Both the Local Government Act 1993 and Local Government (General) Regulation 2005 specify requirements for councils undertaking procurement.

The most important aspect of this legislation is that it sets out requirements for when tenders must be called, and for when seeking quotations is sufficient. As a basic rule, a tender is required when either:

- a contract requiring the payment of instalments by or to the Council over a period of two (2) or more years, or
- where purchases have a value of \$150,000 or more including GST, regardless of the timeframe.

The Legislation also sets out a number of exceptions to the tendering rule above such as purchases made under an approved government contract.

Whenever a Council is required to invite tenders, it must also comply with the procedural requirements of the Local Government (General) Regulation 2005. Where there is no requirement to invite tenders, compliance with the Regulations is optional.

Eligible government contracts are nominated in the Act and are currently managed by the NSW State Contracts Control Board, the Local Government Procurement Partnership and MAPS Group Ltd also trading as Procurement Australia.

Purchases from the above contracts do not require a tender process or endorsement by Council as the tender process has already been undertaken by an approved body.

However, if the contract is for a prequalified panel of suppliers and not prices, quotations/ tender must still be undertaken as normal and approval obtained from a suitably delegated officer. Note: check the provisions of the contract to ensure it applies to the intended procurement activity.

Local Government Procurement (LGP) is a subsidiary of the NSW Local Government Shires Association whereas Procurement Australia (PA) is a subsidiary of our Victorian counterparts. Any rebates or commissions earned from procurement activities are returned to their respective “owners”.

Any requests for LGP to establish supply arrangements to match those available from PA are to be made via the Strategic Procurement Manager.

BMCC can form contract or prequalified supplier “panels” as follows:

- To form a panel there must be a competitive, tender process with respondents meeting the evaluation criteria placed on the panel
- Panels can either be “rates” or supplier.
- Rates panels or contracts are where suppliers tender specific goods or services at specific rates (prices) e.g. box of 12 Medium Blue Pilot Pens BP-145-M at \$5.00 each. Purchase decisions are made on best value for money / lowest whole of life cost considerations. No further quotations are necessary.

- Prequalified supplier panels are formed where a tender process is undertaken to identify suppliers for a variety of ongoing work. Tenderers are evaluated on key non-price criteria such as experience, references, safety systems, staff and equipment. This obviates the need to verify this data each time they are engaged.
- These Procurement Guidelines must be followed for each procurement in terms of preparing a specification and calling quotations or going to tender depending on the value of each engagement. Ideally all members of the panel are requested to quote/tender on an equal basis. Supplier performance is monitored and poor performance may result in suppliers being removed from the panel
- Contracts are ideally for no more than three years and consideration should be given to including price escalation clauses such as increasing by a relevant CPI index.
- Another relevant item of legislation that should be reviewed when inviting tenders is the Work Health and Safety Act 2017.

5.2. The Government Information (Public Access) Act 2009 (NSW) (GIPA Act)

- GIPA replaces the Freedom of Information Act 1989 (NSW), and introduces a new right to information system. GIPA requires the Council to record and publish certain information about some contracts with private sector bodies.
- Part 3, Division 5 of the Act states that information about contracts worth more than \$150,000 between Councils and private sector bodies must be recorded in a register of government contracts. Note – Council also requires commitments ≥ \$50,000 to be included in the quarterly report.
- Two specific clauses of the Act need consideration and inclusion in contracts in relation to the Act. The first requires Council will take reasonably practicable steps to consult with the Contractor before providing any person with access to information relating to the Contract.
- The second requires the Contractor within 7 days of receiving a written request by the Council, to provide the Council with immediate access to information contained in records held by the Contractor in relation to the contract.

5.3. Definition of a Contract

A contract is an agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit often referred to as consideration.

At BMCC a contract is normally formed when suppliers are asked to respond to a specification (and associated requirements) with their price and ability to meet our requirements.

Following the selection of the response that offers best value for money, Council's official order must be issued in relation to the contract. The order has Council's Standard Terms and Conditions of Contract on the reverse side. If a different contract is to be used it should accompany the specification when seeking quotes / tenders. Any variations to the contract are to be made on the original order by the addition of lines.

A contract for the purposes of determining when a tender should be called is defined as the procurement of a service stream or supply of good/s or service/s that will be undertaken in either single or multiple purchases from the same supplier over any two year period or that exceeds \$150,000 in value (GST inclusive). The service stream or supply is to comprise all the components necessary to complete a discrete procurement requirement or project. It may be the supply of goods (such as computer equipment or pavers), service/s (such as contractors or temporary staff) or a construction project/s (such as footpaths, laying pavers or concrete grinding). The same concept is to be applied to other procurement thresholds.

The intent of this definition is to stop suppliers being asked to bid more frequently for smaller parcels of work over shorter time periods. This increases their costs, does not give them certainty of supply and the ability to offer volume discounts. Note: tenders can still be broken into components that are small enough to encourage smaller companies to bid where they may not be capable of undertaking all the work to be offered, or where BMCC wishes to provide a development pathway to foster a diverse and/or local supply base.

Progress or milestone payments required by a contract are to be detailed as separate lines on the purchase order so each can be receipted and paid as they become due and are eligible for payment.

5.4. Emergency Action Restrictions

In terms of s55(3) of the Act when a situation has arisen, requiring immediate action to limit damages or prevent injury, Council must act immediately and take all reasonable and necessary action to mitigate any continuing risk associated with the situation. While procurement guidelines are to be followed as much as possible, normal tender/quotation procedures need not apply.

As soon as practicable, BMCC Purchase Orders confirming arrangements are to be approved by an appropriately delegated officer and issued. If the value of the works exceeds \$150,000 the action must be reported at the next Council meeting.

Remedial work following the emergency should follow normal procurement procedures.

During an emergency incident, flexibility in the procurement process may be required to ensure that necessary responses are not delayed and that Council's operations are maintained or restored as soon as practicable.

Council will undertake procurements during an emergency incident utilising preferred suppliers if possible and taking into account Council's procurement principles, given the circumstances at hand.

Emergency incidents where exemption from this Policy applies are:

- A state of emergency declared under the Emergency Management Act 2004
- An incident that requires activation of Council's Emergency Management Plan and/or Business Continuity Plan
- An incident declared by the General Manager (or nominee) where the safety or security of any person or property associated with Council is threatened
- An external incident to which the General Manager (or nominee) has authorised the provision of urgent support
- An incident where an authorised person deems that a purchase is required in the best interest of public safety.

6. RISK MANAGEMENT

Risk is part of the environment within which the Council operates. Risk management involves the systematic identification, analysis, evaluation, treatment, monitoring and, if appropriate, acceptance of risks. Risk management is integral to the cost effective delivery of services and the acquisition of goods by the Council.

As a general principle, risks should be borne by the party best placed to manage them. Council will not accept risk which increases the risk and costs to Council which another party is better placed to manage.

Council will carefully monitor the terms and conditions, including pricing, on which risk allocations are determined, to ensure that they reflect value for money and do not increase the risk to the Council.

6.1. Required Documentation

Council has an obligation to explain and account for the way decisions have been reached and duties performed. It is therefore important to ensure that, during the procurement process, documentation is retained in TRIM to explain the decisions and actions that are taken. It is part of being accountable for the use of public resources.

Probity concerns not only acting with uprightness, truthfulness, honesty in how BMCC's money is spent but also includes being able to account for all expenditure and to show that all procurement is made with appropriate care and attention to detail and costs.

It includes keeping records to show from whom quotations were requested, received and the reason why any particular quotation, offer or variation was accepted. It also includes items such as insurances, performance bonds, and the minutes of meetings, correspondence, change requests, specifications, drawings, warranties and instructions.

This is especially important in relation to construction and service type projects where photographs and notes of site visits or inspections can be used to record the reason for variations assess contractor performance and assist in the resolution of any dispute

Staff decisions about procurement will be regularly audited and must be able to withstand public scrutiny. Forms are specified in these Guidelines to record various aspects of the process – these are to be completed as required and filed in TRIM.

Approvers will be required to review and explain the basis for approvals where supporting documentation is not filed.

Staff can also be called upon to prove they have acted in the best interests of Council by the GM, the Independent Commission against Corruption (ICAC) and the Ombudsman.

Verbal evidence from staff is not acceptable, therefore effective record keeping is essential.

Any changes that are made to data such as prices or dates in official documentation are to be made by ruling through the incorrect entry, writing the correct entry above it and the signatory to the document initialling the change. Altering, writing over or using white out is not permitted.

7. WORK HEALTH AND SAFETY (WHS)

A significant element of risk management is complying with the requirements of the NSW Work Health and Safety Act 2011 and the WHS regulations 2017 Safe Work NSW and associated Codes of Practices

It is the “person conducting a business or undertaking” (GM) responsibility to ensure that WHS requirements are identified, evaluated and incorporated into all purchasing activities. This can be accomplished by:

- Undertaking Risk Identifications and assessments where required.
- Monitoring Contractor WHS performance to ensure continued adherence to WHS

requirements

- Verifying that purchased goods conform to New South Wales WHS requirements and any goods that do not conform are addressed before the goods are put into operational use.
- Disposing of materials and substances in a manner that minimises risk of personal injury and illness, refer to Disposal of Plant Checklist, and any other regulatory requirement e.g. NSW Environmental Protection Authority (EPA)
- Ensuring that the provisions of the Work Health and Safety Act 2011 and Council's procurement guidelines are considered in all procurement activities involving the purchase of goods and/or services for use by Employees, Contractors and members of the Public.

Certain purchases have specific WHS implications requiring licensing, notification, inspecting and testing intervals, maintenance and operator training.

These goods and services include but are not limited to:

- Chemicals, asbestos and substances
- Plant and equipment
- Pressure vessels
- Safety equipment and signs
- Personal protective equipment.
- Electrical equipment
- Construction work
- Engagement of contractors and labour hire

Where goods or services meet any of the following criteria, specific procedures and processes are to be followed prior to procurement. This procedure provides details of specific WHS standards to be applied for these purchases.

Under the provisions of the WHS Regulation 2011 Clause 100, a manufacturer and/or supplier is required to provide information relating to any foreseeable hazard.

However, Council should still conduct a review of the potential hazards in line with Council's WHS Risk Management procedures.

A Risk Assessment complying with Council's requirements must be undertaken for purchases where a Significant Incident may occur as a result of using, storing or transporting the item to be purchased.

Details of specific requirements relating to the Risk Assessment, Legislation, Standards and Codes of Practice must be listed on the Purchase Order or detailed in the quotation/tender documentation and given to the supplier.

Purchase Orders are to include any requirement for suppliers to provide instruction, training and information on the use, maintenance, storage and disposal of the good/s.

This extends to the provision of risk assessments, safe work method statements, safety data sheets and face to face training as required.

8.0 FINANCIAL DELEGATIONS (Expenditure)

Council delegates to the Executive Officer (EO) the day to day management and approval of the financial delegations which are currently in place:

Level	Position of Authority	Delegation
Level 1	All ELT	\$150,000
Level 2	All Managers	\$50,000
Level 3	Program Managers / Project Leaders & equivalent	\$10,000
Level 4	Group/Directorate nominees – all EAs) - In the event that recommendation 3 is not implemented.	\$1,000

It should be noted that the delegation attaches to the position and not the person occupying that position. It is therefore essential to have any transfer of responsibilities documented and referred to the EO on the respective form for approval PRIOR to the period involved or for new starters.

(Note only the EO can approve delegations and the information is referred to respective areas to effect financial system changes)

For advice or guidance regarding delegations contact the office of the BMCC Executive Officer.

8.1 Justification of Choice of Procurement Method

Employees will select a method of approaching the market which is suited to the procurement. Determining the best method in the circumstances will generally be based on the consideration of the following types of issues:

- The nature of the procurement

- The value of the procurement
- The risk associated with the procurement
- Whether the market for the procurement is known
- What is the most efficient process to achieve the Council's objectives in a timely and cost efficient manner

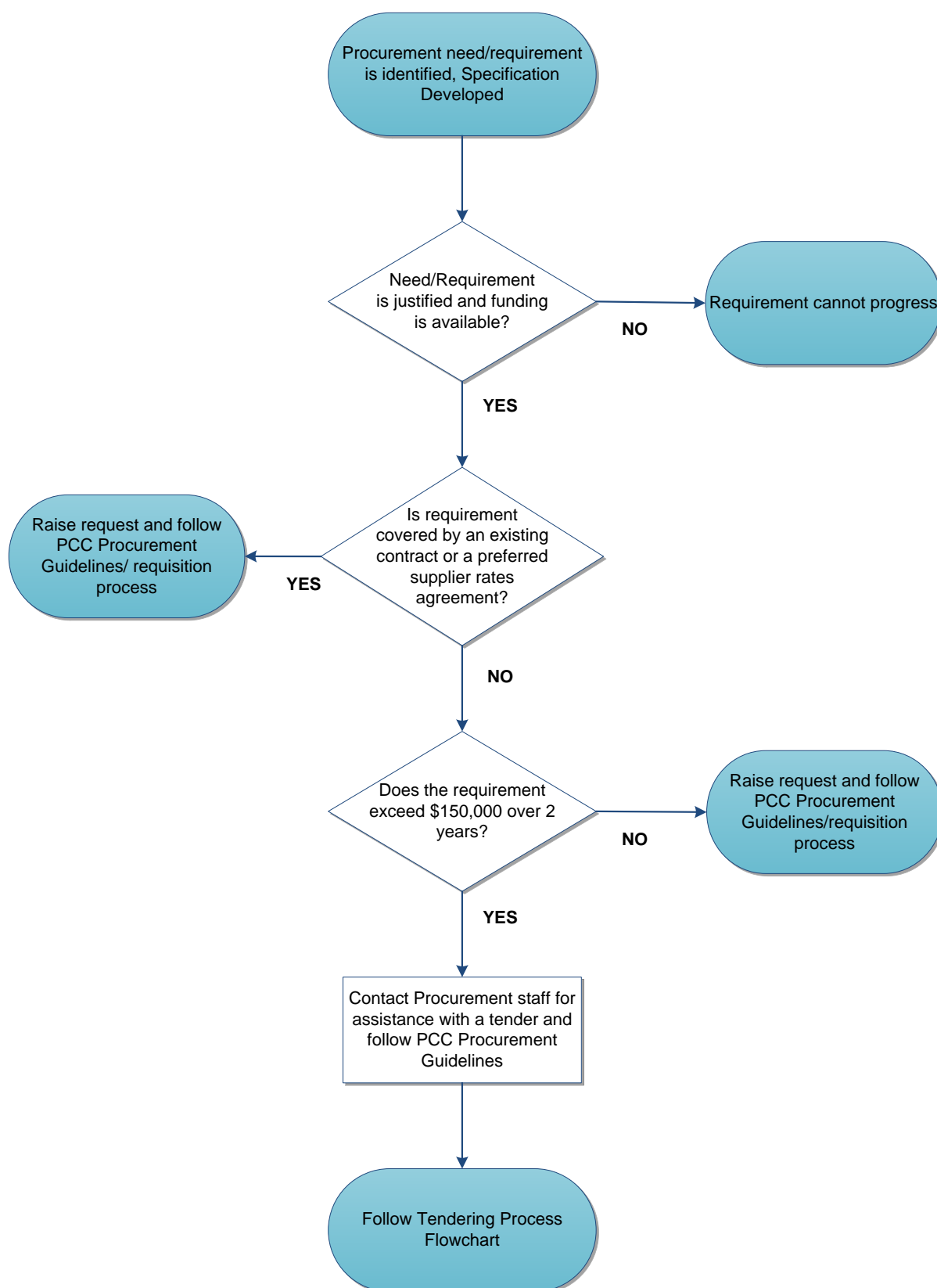
The following table provides direction (unless as otherwise approved within the GM delegated purchasing authority) to Employees regarding approach to market selection and the decision making responsibility for procurements:

Procurement Category	Estimated Value Range (ex GST)	Acceptable Approaches to Market	Decision Making Responsibility
1.0	\$75 > \$3,000	<ul style="list-style-type: none"> • Direct sourcing / negotiation • Use of existing third party contracts • Panel arrangements / arrangements with prequalified suppliers • Joint procurement arrangements with other councils • Purchase Card - reference Purchase Card Protocol • Strategic alliances 	Employees – within the limit of their delegated purchasing authority and the approved budget

Procurement Category	Estimated Value Range (ex GST)	Acceptable Approaches to Market	Decision Making Responsibility
2.0	\$3,000 > \$10,000	<ul style="list-style-type: none"> • Use of existing third party contracts • Panel arrangements / arrangements with prequalified suppliers • Joint procurement arrangements with other councils • Verbal Quotes – reference Verbal Quotation Protocol • Direct negotiation with preferred supplier(s) where market is known to be limited • Strategic alliances 	Employees – within the limit of their delegated purchasing authority and the approved budget
3.0	\$10,000 > \$100,000	<ul style="list-style-type: none"> • Use of existing third party contracts • Panel arrangements / arrangements with prequalified suppliers • Joint procurement arrangements with other councils • Written quotes from at least three (3) suppliers – reference Written Quotation Protocol • Direct negotiation with preferred supplier(s) where market is known to be limited • Open / Select / Limited / Staged Tender • Strategic alliances 	GM – within the limit of their delegated purchasing authority and the approved budget

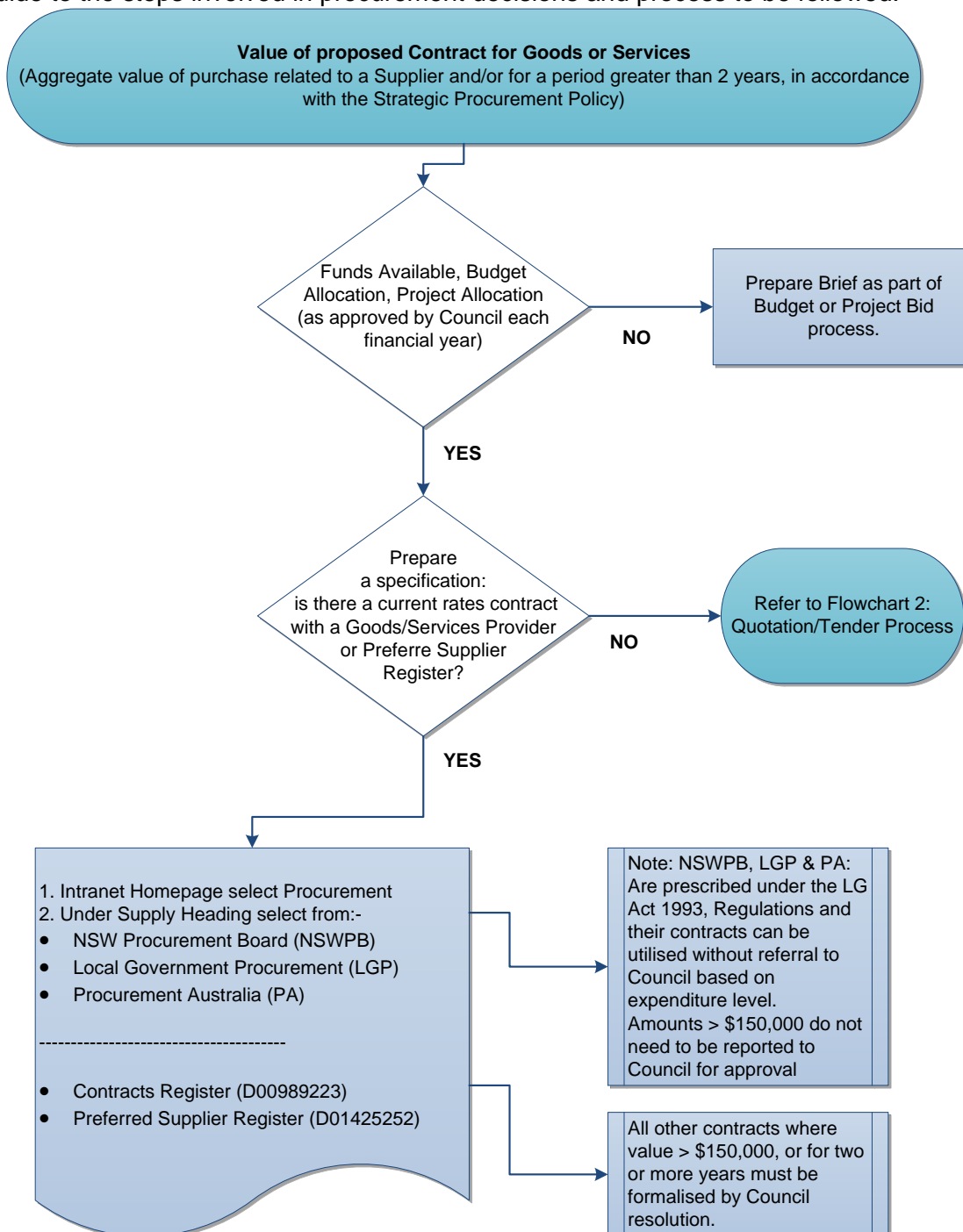
Procurement Category	Estimated Value Range (ex GST)	Acceptable Approaches to Market	Decision Making Responsibility
4.0	\$100,000 > \$150,000	<ul style="list-style-type: none"> • Use of existing third party contracts • Panel arrangements / arrangements with prequalified suppliers • Joint procurement arrangements with other councils • Open / Select / Limited / Staged Tender • Strategic alliances – reference Management of Tendering & Contacting 	GM within the approved budget – based on recommendations by Employees provided in a report supported by the Director/Manager of the Department
5.0	Greater than \$150,000	<ul style="list-style-type: none"> • Use of existing third party contracts • Panel arrangements / arrangements with prequalified suppliers • Joint procurement arrangements with other councils • Open / Select / Limited / Staged Tender • Strategic alliances - reference Management of Tendering & Contacting 	Council – taking into account recommendations by Employees

8.2 Schematically the procurement process can be summarised as:



Procurement decision process

Guide to the steps involved in procurement decisions and process to be followed: -



Note: The process for obtaining quotations is to apply as per Flowchart 2 based on value of spend. E.g. LGP has a web based quotations solution for some of its panel contracts. Council tendered contracts will usually have a key contact within Council e.g. City & Community Outcomes.

8.0 PURCHASE ORDERS

8.1 Introduction

Purchase orders generated through Online Purchasing Requisition System (OPRS) are the predominant and preferred method of ordering goods and services for Council.

In Blue Mountains City Council, we have two (2) different types of purchasing. Items kept in our warehouse (Stores Items) and then buy-in items (Purchase Orders). Both are shown below:

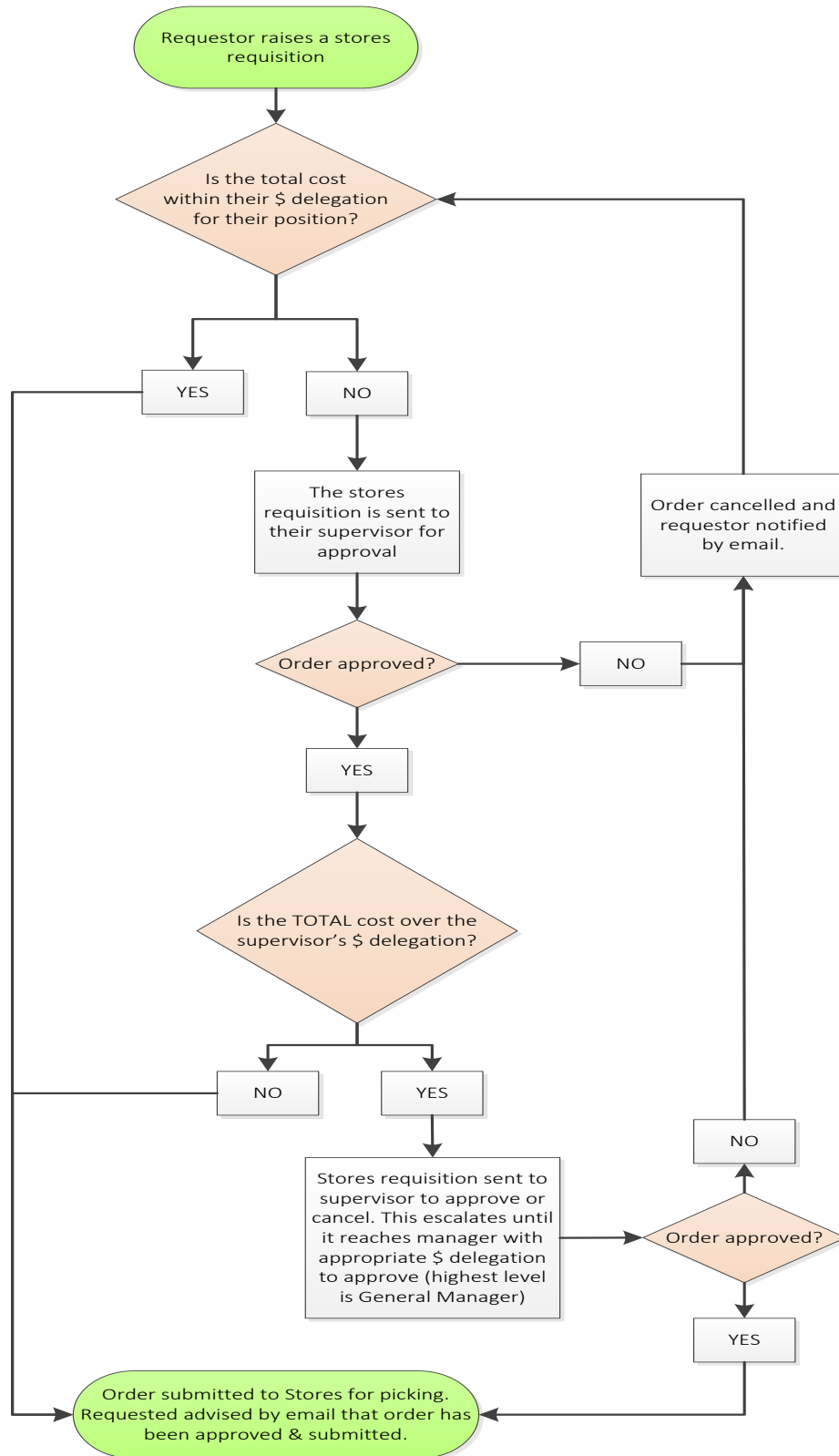
- Item lines on the order can be added or changed at any stage by the PO Requisition requestor, prior to the PO being approved by the final approver.
- Any changes to the PO requisition will mean it will return to the beginning of the approval process.
- Once the PO Requisition has been approved by the final approver, it cannot be altered by the requestor.

Anyone with the appropriate training should be able to raise a requisition through OPRS, which the person accepts frontline responsibility for the manner in which procurement was conducted. The approver (who has the appropriate financial delegation) has the authority to make the approval for payment and agree with procurement methods. This person is also responsible for budgetary oversight.

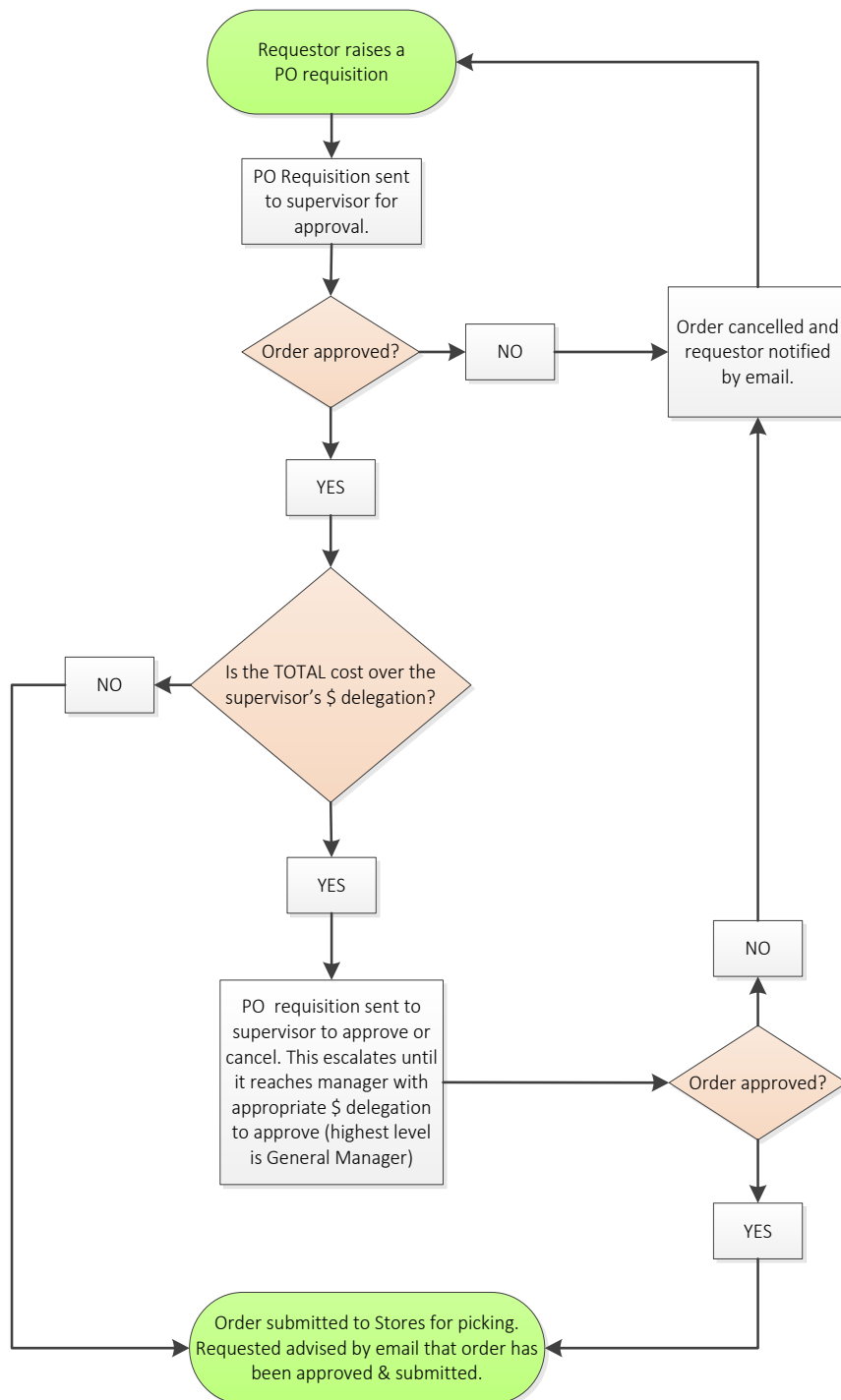
The authorities are stored in the delegations register and supported through OPRS functionality.

This maintains two-step oversight of all procurement, without giving token financial approval limits solely for making requests through OPRS, tightening financial control and oversight of the organisation.

Stores Requisition



Purchase Orders



8.2 Enforceability of purchase order terms and conditions

A properly executed purchase order will become a legally binding document. In some cases, the purchase order could become a key document at law as it is a written contract agreed between Council and a supplier.

Standard trading terms are 30 days' end of month

The purchase order is only overridden by the terms of a separate Contract awarded by Council in keeping with the policy.

8.3 Raising a purchase order

Purchase orders, generated through Council's Authority OPRS are the predominant method of ordering goods and services for Council.

To create a purchase order, those staff (requisition officers and purchasing officers) undertaking the purchasing function need to be authorised to access the system by the relevant Director.

Access to the system can then be organised through the Strategic Procurement Department.

It is the responsibility of the person raising the requisition to ensure the following:

- Adherence to required procedures, including quotation requirements;
- Accuracy of requisition details;

Funds are available within the relevant cost centre, with reference to the Finance Controller where practicable.

An authorised staff member may create a requisition on behalf of their business unit.

8.4 Restricted disclosure of purchasing decision

Prior to placement of a confirming purchase order, details of offers received shall not be disclosed to or discussed with other Applicants/Contractors.

This does not apply when a reverse auction is being undertaken and all suppliers are aware of the auction process being used.

8.5 Invoice Matching

Invoices must be directed to the Financial Department, where: -

The invoice is matched to the purchase order and entered in the accounts payable module which is signed by the card holder, then authorised by the BU Manager.
Payment made following online approval; and

The invoices for credit card payments are matched to the relevant statement.

9.0 STANDING ORDERS

9.1 Introduction

Standing orders relate to entering into an agreement with a supplier to deliver a good or service until being told to stop. This type of order is issued to cover goods and services required by council on a continual basis throughout the financial year, e.g. newspaper deliveries.

9.2 Procedures

A purchase order is entered into in accordance with the core purchasing procedures. The purchase order specifically states that the order is on a continued basis, until requested by council to stop, or the 30th June of the current year, whichever is sooner.

When determining the value of the order for authorisation and quotation purposes, the total value over the life of the standing agreement should be determined as accurately as possible.

Requesters should maintain their own records of the delivery of goods and services to assist in the matching of goods received and authorisation of invoices for payment.

Standing orders should be reviewed every quarter and a new order should be raised on 01 July being the start of a new financial calendar year, following the above procedures.

9.3 Procedures

The core purchasing procedures are to be applied for purchases using Government contracts, except for the following variations:

Because a contract price has been pre-arranged, council quotation procedures are not applicable;

It must be ensured that the relevant government contract number is written in the applicable space provided in the requisition entry field in the Authority purchasing module.

Reference should be made to Council's Strategic Procurement Policy Guidelines.

10.0 PETTY CASH

10.1 Introduction

Petty cash advances and reimbursements are made in accordance with the procedures detailed in the Petty Cash Procedures. The use of petty cash is a method of obtaining supplies in an emergency or where it is considered impractical or inexpedient to use the Core purchasing procedures.

Payments and purchases from petty cash are not to exceed \$100 for a service or for a single purchase transaction.

When purchasing via petty cash the principles of the core purchasing procedures should be applied, with the variations as documented below.

10.2 Variations to core purchasing procedures

It must be ensured that petty cash advances and reimbursements are authorised in accordance with the Delegation of Authority. Appropriate supporting documentation must be retained to support the purchase (i.e. Receipt), so that it can be verified as being Council related and be correctly coded to General Ledger number.

Petty cash may only be used in the following instances:

- Over the counter purchases of non-stock lines which are urgently required;
- Payment for items delivered on a cash on delivery (COD) basis;
- Payment for minor services where cash settlement is requested by the supplier;
- Minor purchases from those suppliers with whom Council does not have an account;
- Any local purchase under \$100 as it may not be considered cost effective to raise a purchase order.

11.0 CREDIT CARDS

11.1 Introduction

A Council credit card may be made available to staff members who are engaged in the procurement of goods and services for Council.

Staff members will only be issued Council credit cards for approved business expenditure on the recommendation of a relevant director/manager. Credit cardholders must ensure the card is used in accordance with the Policy and the Manual.

11.2 Credit card within Strategic Procurement

Credit card, procurement of goods and services may be facilitated by the following methods: -

- Petty cash will still be available for purchases up to a value of \$100.00 however if vendors/suppliers are prepared to accept credit card payments for these smaller sums the use of the credit card is preferred;
- The Credit Card is intended for minor purchases, the bulk of which will be less than \$1,000 per line item (with the exception of corporate travel);
- Purchase Orders will continue to be used where a credit card or petty cash facility is not appropriate. Purchase Orders will be preferred to a credit card transaction when:
- Proof of receipt is deemed necessary for payment to be made;
- Purchases are being made against contracts and the supplier is not prepared to accept the credit card service charge;
- Where it is advantageous for Council to provide detailed specifications and attach conditions of the purchase in writing to the supplier;
- It is important to ensure that technical specifications need to be met;
- Where goods requested are not available for immediate delivery;
- Where supplier details need to be verified prior to payment.

11.3 Restrictions on the use of the Credit Card

The credit card **MUST** not to be used for: -

- Drawing of cash;
- Purchase of goods or services for personal use;
- The purchase of any asset, including I.T. equipment;
- The purchase of goods and services without approved funding;
- The purchase of fuel and associated products for any Council vehicle that has its own fuel card;
- The credit cards are not an executive privilege and as such, are not to be retained by employees during periods of leave or if they are re-assigned to a position where their use is not warranted.

11.4 Credit card issuing procedures

The Financial Controller will be responsible for arranging the issue of credit cards to

Council personnel engaged in the purchase and payment of goods and services.

It is anticipated that only authorised personnel actively engaged in procurement of goods and services will be allocated a credit card.

The issuing process is as follows: -

- Justification for the reasons of a new credit card being issued – written/email to the Financial Controller for approval.
- Potential cardholder completes the standard Bank Cardholder Request form and the Council declaration form: see attached at the end of this manual.
- The BU Director/Manager will confirm transaction and monthly credit limits and special conditions or restrictions to be applied.
- The completed forms are then forwarded to the Financial Controller for confirmation;
- The approved Bank application forms will then be forwarded, by the Financial Department to the Bank.
- The cardholder is required to sign a Cardholder Agreement acknowledging the limitations imposed on the use of the card and the cardholder's responsibilities for its care.
- The original Council cardholder agreement forms will be scanned into the RM folder;
- The Financial Section will issue guidelines for the use of the credit card to the cardholder;
- The Bank will forward the credit card to Council and Finance will forward it to the cardholder;
- The cardholder will sign the card on receipt of the card.

11.5 Features

- Cards are embossed with the names of Council and the staff member, and a cardholder number;
- Cards are issued for a period but may be cancelled by Council or the Bank at any time;
- The monthly credit limit is approved for each cardholder by the relevant Director and the budget holder on whose behalf the cardholder is making a purchase;
- Although the card is issued in the cardholder's name it is a Council credit card

and all approved business transactions are the liability of Council. The use of the card will in no way affect the cardholder's personal credit rating.

11.6 Variations to current limits

When monetary limits require upward/downward adjustment, a memo/email fully explaining reasons for increase and signed by the relevant Director is to be forwarded to the Financial Controller, who will complete and dispatch the appropriate form/email to the Bank.

11.7 Across the counter / point of sale

The cardholder presents the credit card at the time of purchase and keeps the payment receipt form for matching with the statement. This slip effectively performs the functions normally covered by a purchase order and invoice, and must include: -

- Signature of cardholder approval;
- Date of transaction; and
- Full description of the transaction (and not simply "goods", "various items", "miscellaneous", etc.).

Attached to the slip should be any relevant documentation, such as delivery dockets, invoices endorsed "Paid by Credit Card", or cash dockets etc.

A tax invoice must be obtained from the supplier for each transaction.

Records/documents must be kept and attached to the cardholder's monthly statement before being forwarded to the relevant director/manager where applicable for approval.

11.8 Cardholder statement

This monthly statement details individual transactions for each cardholder and will be forwarded by the Finance to individual cardholders.

The statements will also be used by Finance staff to ensure that all transactions have been processed to Council's accounts and assist with the reconciliation of the payment due to the Bank.

11.9 Bank security controls

- Newly issued credit cards must be immediately signed by the new cardholder;
- Upper limits on credit cards exist in a billing period;

11.10 Council security controls

- Strict care will be taken in custody and use of the card;

- Failure to adequately secure your card or any PIN or password will result in disciplinary action;
- The cardholder must immediately notify any loss or theft of the card to the issuing institution, the Financial Section and the cardholder's manager or director. A memo detailing circumstances must be sent to the Operational Financial Section with a copy to the cardholder's director;
- Cards are not transferable;
- The card is not for personal use and will only be used for official purposes;
- Misuse of the card will result in disciplinary action, which may include criminal charges being brought;
- Transaction details on monthly statements will be monitored by the Financial Operations Section;
- It will be the responsibility of cardholders to ensure that limits are not exceeded;
- Monthly audit reports will be supplied to Blue Mountains City Council by the Bank in the form of statements detailing card usage, exceptions etc.
- The card holder MUST return statements with related documents to Operational Financial Department within 5 working days of receipt of Statements
- Return of the Card: A cardholder must return the card to the Operational Finance Department immediately the cardholder: -
 - Resigns / is terminated;
 - Retires;
 - Is transferred or promoted to another position which does not require the use of their card;
 - Goes on extended leave;
 - Is instructed to do so by the Operational Finance Department.
- Please refer to the NAB (National Australia Bank) Business Card Conditions of Use for additional information.

11.11 Directors/Managers

Are responsible to ensure that the Termination Clearance Form / Return of Council Property is completed and sent to the HR department for final sign off.

11.12 Human Resources

Ensures that the card is returned to the Financial Controller by way of the HR Departmental process.

12.0 I.T. PURCHASING

12.1 Introduction

This section covers the purchasing of I.T. related assets and services. This includes but not limited to;

- Hardware
- Desktop and Laptops
- Mobile, Smart Phones, Tablets etc
- Software
 - Licensing
- Consultancy
 - Software configuration
 - Training

12.2 Procedures

At the initial stage of the procurement there should be engagement from Information Solutions. Ideally

The payment for the I.T. related assets and services should be done through IT accounts. This allows Information Solutions to understand the total cost of I.T. for the organisation.

Further allows co-ordination of similar purchases from other organisations. We should have oversight from the relevant team leader position, or manager.

Ideally all Council I.T. assets and purchases would be handled through the appropriate I.T. ledger line. This allows us to properly understand our I.T. expenditure. In the cases where the budget is coming from another ledger we should do a transfer to manage this.

12.3 Variations to core purchasing procedures

Orders placed over the internet, not requiring Council credit card details, are permitted only through the Procurement Department where requisition has been raised and order approved.

For security purposes any orders placed over the internet which allow the input of Council credit card details are not permitted where ordering sites do not have encrypted paths. Orders placed on sites with encrypted paths, which allow the insertion of Council credit card details, must be downloaded printed and retained with approval documentation.

This documentation must be attached to the cardholder's monthly statement. Queries on the security of sites must be referred to the Procurement Department

13.0 TENDER PRINCIPLES

In October 2009 the Division of Local Government issued new guidelines to help Councils get best value for ratepayers.

“The key principles that should be followed by councils when tendering include:

- *Councils are generally required to call tenders where the estimated expenditure or receipt exceeds \$150,000;*
- *Councils are encouraged to consider using tendering processes when a lesser amount is involved to ensure they obtain best value;*
- *Councils must not adopt practices, such as contract splitting, to avoid their obligations under the Act;*
- *Tendering processes should involve councillors, managers and those responsible for the on-ground delivery of services.*

The Guidelines have been developed in consultation with key stakeholders including;

- *Councils,*
- *the Local Government and Shires Association,*
- *the Independent Commission Against Corruption,*
- *the Ombudsman’s office,*
- *the Department of Commerce,*
- *other industry bodies and State Government departments.”*

On the basis of these principles the decision to go to tender can be influenced by a range of factors. Project owners are reminded that where they have any concerns these should be discussed with Strategic Procurement for an appropriate procurement strategy to be determined before going to the market. Sustainability outcomes must be considered as part of the tender development process.

14.0 TENDER PROCUREMENT

Tender procurement is required by legislation in circumstances including when the value of the purchase is likely to exceed \$150,000 or require payments to or by the Council over a period of 2 or more years. It is also desirable to undertake the process where risks and dependencies are significant or where there is the opportunity to obtain significantly better value. The legislation also sets out the methods to be used

for tendering.

For complex or strategically important procurements, you may wish to qualify suppliers before calling for full bids. This is done before going to full tender to:

- a) ensure that those suppliers wishing to compete for business have the opportunity to establish their credentials
- b) reduce the number of bids to a manageable number, reducing costs to both Council and suppliers
- c) select the most suitable suppliers to be invited to submit an offer for a particular requirement or category of requirements.

The tender process can also be used to develop lists of approved suppliers who are prequalified on relevant criteria and are then requested to quote for specific items of work.

This process needs to be undertaken regularly to ensure the lists contain the most suitable contractors available at the time.

Consideration should also be given to the fact that arrangements with several suppliers for the same goods and services at the same time can maintain competition and prevent situations arising in which the capacity of one supplier is over-stretched.

On the other hand, single sourcing can provide benefits through offering continuity of supply, the opportunity to work closely with the supplier to improve performance, reduced contract administration costs and the ability to benefit from economies in the production of goods and services.

Consideration should also be given to breaking down contracts and/or brokering consortia to access specialist services and/or to provide incubation opportunities for Small to Medium Enterprises (SME's) in the local region that is, assisting in the development of a diverse and local supply base.

A more detailed explanation of tender procurement can be found in the BMCC Tendering policies and procedures.

Issues to be considered in relation to more complex type procurements:

15.1 Staged Procurement

For complex and high-cost procurements, a staged approach involving a structured selection process will generally be desirable to secure best value for money, improve communication, reduce areas of uncertainty and eliminate unnecessary costs.

This approach can be used where:

- a) the requirement is unknown or unclear, cannot be adequately defined or may be capable of solution in several ways

- b) the requirement is generally known, but the objective and proposed method of solution need considerable analysis, evaluation and clarification
- c) the requirement is of a developmental nature to meet a particular need and involves a pilot study
- d) the complexity of the requirement, or its potential for large costs in the process of Tender preparation and evaluation, makes it necessary or desirable to shortlist the most competitive suppliers, and to improve all qualified parties' understanding of the project
- e) it is necessary to pre-qualify suppliers for security reasons or to ensure adequate standards of service capability
- f) it is necessary to pre-qualify goods and services to defined standards
- g) standardisation of supplies is required over a period of time.

This is done by:

- a) inviting expressions of interest, followed by
- b) formal requests for tenders.

Each stage should have a clearly defined purpose. You should make shortlisting or selection decisions against criteria specifically related to the requirement. In every case, the aim is to reduce costs and uncertainties to ensure the best possible value (including consideration of sustainability outcomes that could be achieved) at the lowest reasonable cost. Because a poorly managed staged approach could extend the contracting process, plan staging well in advance to minimise delays.

A project definition study may be used to define project parameters and is largely treated as a consultancy (or series of consultancies). Project design studies generally progress from a fairly ill-defined concept stage and develop towards a functional statement of scope, cost and the technology. They highlight other specific matters such as industry development plans and environmental issues, as appropriate. They can be particularly useful where opportunities to deliver innovative sustainability outcomes have been identified, but where no precedent exists for the approach to be taken.

14.1 Expression of Interest and Pre-Qualifying Suppliers

Successful procurement depends on correctly assessing the capabilities of potential suppliers and the supplies they offer. While often this assessment is made after receiving offers, there can be good reasons for making preliminary assessments that is, qualifying suppliers much earlier in the process. For example, it may be desirable to determine the adequacy of experience undertaking similar tasks, the skills and experience of key personnel, their financial capacity to undertake the project, and their track record in delivering on sustainability outcomes.

The list of pre-qualified suppliers can be used in two ways – to proceed to a formal invitation to tender or as a short list for calling quotations for specific items of work that cost less than \$150,000.

The primary objective of qualifying suppliers is to ensure that those invited to bid

have the capability to be genuinely competitive and to deliver on the requirement. It also stops those without the necessary capacity from “wasting” effort in tendering and Council staff from evaluating them further.

The qualification process can also be used to assist with identifying ‘high potential’ suppliers that warrant BMCC choosing to take an ‘incubation’ approach with the qualification process involves assessing suppliers against criteria to develop a list of approved suppliers.

It is used to:

- a) ensure that those suppliers wishing to compete for business have the opportunity to establish their credentials
- b) reduce the number of bids to a manageable number, reducing costs to both Council and suppliers
- c) select the most suitable suppliers to be invited to submit an offer for a particular requirement or category of requirements.

14.2 Developing approved supplier lists for categories of requirements

In assessing the need for an approved supplier list, consider all relevant factors, including Council’s ongoing and likely future requirements for specific categories of goods and services.

Collecting and updating extensive information on a large number of suppliers that are only likely to be used occasionally or for minor purposes is not cost-effective.

Maintain comprehensive information only on those suppliers that are used regularly and that provide critical products or services.

Update approved supplier lists regularly so as to:

- a) remove unsuitable suppliers
- b) add competent new suppliers that wish to be included
- c) record up-to-date information about suppliers, for example, new capabilities, evaluation of recent performance, or changes of address.

14.3 Risks with lists

You should bear in mind that:

- a) lists require regular effort to maintain
- b) lists can quickly become out of date, as suppliers enter or leave the market, or change their products on offer
- c) excessive reliance on lists can reduce competition, stifle innovation and exclude new players from the market.

14.4 Contractual arrangements

Question: How can the choice of contractual arrangement affect the whole of life

value for money objective?

Answer: If the good or service is not the best to meet Council's needs or makes service delivery unnecessarily difficult for the contractor it may increase costs. This is opposed to preparing an accurate specification and giving a contractor certainty of supply over time which may enable him to offer better prices. It therefore requires careful planning to maximise outcomes.

Consider during the planning stage which contractual arrangement will suit Council best. The choice will depend on such factors as:

- a) nature and duration of the requirement
- b) value of the business involved
- c) complexity of the marketplace
- d) degree of dependency on the commodity
- e) extent of competition
- f) The potential sustainability outcomes that could be generated through the supply, including potential innovation opportunities

14.5 Leasing versus buying

Consider the costs and benefits of financial and operating leasing when deciding whether to lease or buy. This includes cash management issues. One of the main benefits of leasing is its flexibility.

For example, it can allow Council to keep its I.T. equipment up to date or deal with periods of peak demand. At all stages the Strategic Procurement Manager should be consulted with regard to any cost benefit analysis to assist with the decision process.

14.6 Short-term or long-term arrangements

Long-term arrangements for frequently purchased items can eliminate the administrative costs involved in repetitive orders. You may be able to negotiate other savings and benefits if you can assure the supplier of a larger volume of business.

Long-term arrangements may also be appropriate for complex procurement where there are few suppliers, and guarantees of continuity of supply are required.

In determining contract duration, consider the need for contractors to have sufficient time to recover investment and set up costs, especially costs that cannot be recovered after the contract has been completed. These might include some capital costs and training for personnel.

Be aware of the potential disadvantages of long-term arrangements, including reduced competition during the term of the arrangements. This may require more effort from Council to contain costs. However, these disadvantages have to be balanced against the benefits of a long-term arrangement.

14.7 One versus several suppliers

Arrangements with several suppliers for the same goods and services at the same time can maintain competition and prevent situations arising in which the capacity of one supplier is over-stretched. On the other hand, single sourcing can provide benefits through continuity of supply, opportunities to work closely with the supplier to improve performance, reduced contract administration costs and the opportunity to benefit from economies in the production of goods and services.

For areas where a particular specialisation is needed, or there are opportunities to deliver sustainability outcomes, consider brokering relationships between larger suppliers and small specialist suppliers to improve the quality of delivery.

14.8 Maintenance and support arrangements

Generally negotiate or contract for the maintenance of, and support for, equipment as part of the procurement. In some circumstances, however, you may negotiate arrangements separately with third parties. In the absence of any contrary provisions, one of the disadvantages of negotiating support by third parties is that it may affect the warranty obligations of the original supplier. Research and consider all the costs and benefits of such arrangements before approaching the market.

14.9 Partnering

Partnering arrangements should be considered in appropriate circumstances where Council and suppliers need to work closely together and there is a high level of mutual dependence.

The partnering approach sits well with electronic trading relationships in which there is direct communication between the transaction systems of the two parties.

Ensure that there is effective competition when selecting the partner and periodic testing of the market thereafter. Contracts with a partner should provide for measurable indicators of improved performance.

14.10 Incentives for contractors

Incentive contracts are difficult and expensive to administer. Only consider them for those procurements where the potential net benefit justifies the effort involved, or there are specific sustainability outcomes (including innovation) being sought that warrant and/or require this approach to generate engagement from potential suppliers.

You may need to consider them when there is uncertainty regarding the level of effort required to provide the supplies and when the supplier's efforts can have an impact on the costs involved.

Developmental contracts are a good example.

The object of incentive contracts is to encourage the supplier to improve upon contracted performance, for example, by earlier delivery or value management contributions (e.g. sustainability outcomes). The incentive may be either the prospect of increased margins for bettering targets, or the prospect of decreases in margins resulting from the failure to meet cost or performance targets.

14.11 Firm or variable pricing regimes

Firm price contracts should be the general rule. Expect the supplier to estimate with reasonable accuracy the cost of producing and supplying the required goods and services and to be capable of improving its cost base. Best practice in commercial procurement is to expect cost reduction and/or containment in real terms.

Suppliers may be reluctant to quote a firm price because of the risks of cost escalations, for example, in long-term contracts. If they have to do so, they may include excessive allowances in the quoted price to cover possible price increases that may not eventuate. A solution is to include price variation clauses in the contract, which provide for both upward and downward changes in price.

Staff should, however, take care to use appropriate indexes for price variation such as the Consumer Price Index (CPI).

In addition productivity-linked wage increases under enterprise agreements must be offset by genuine productivity improvements.

Exclude productivity-related increases from price variations or any mechanism to compensate for such increases in contracts.

14.12 Setting targets and performance measures

Setting targets and performance measures is essential for continuous improvement in the procurement process. BMCC's Strategic Procurement Policy embeds the delivery of sustainability outcomes into its procurement practice and it is therefore necessary to include performance measures and targets for identified sustainability outcomes, in addition to usual contract measures.

For complex and high-cost procurement, targets and performance measures should be a key element of project planning, especially where strategic requirements are involved (including sustainability outcomes). Review and refine these targets throughout the procurement process.

The benefits of effective performance measurement include:

- a) better management of the procurement project, that is, better resource usage
- b) savings made from improved procurement outcomes that can be used elsewhere in the organisation

- c) ability to demonstrate achievements against business needs and government policies.

Develop a range of targets and measures for particular procurement projects. Monitoring performance during a procurement process rather than waiting for completion is essential as it will allow you to identify areas for improvement and enhance the long-term benefits from the process. Focus on performance against specific criteria identified in the business case, supplier performance against milestones or standards, and overall value for money. There are two main categories of targets, which are outlined below.

For supply arrangements that are seeking innovative approaches it can be useful to involve suppliers in establishing the targets and measures to be used in evaluating contract performance. This is particularly true where there may be opportunities to deliver complex sustainability outcomes through the delivery of the contract.

14.13 Targets for cost reduction and containment

Cost reduction and containment targets are particularly relevant where there is continuing demand for similar goods and services. They should be reflected in plans and budgets taking due account of:

- a) predictable movements in costs in industry sectors
- b) expectations for continuous performance improvements by suppliers with regard to the cost, quality, maintenance of their goods and services, and sustainability performance.

It would also be relevant to make comparisons with marketplace information about outcomes being achieved by other purchasers.

14.14 Contract-related targets for supplier performance

Major contracts will require a full range of supplier performance targets and measures. These targets should reflect what is in the contract, including:

- a) achievement of milestones on the critical path
- b) achievement within budget on a whole of life basis
- c) acceptance tests performance
- d) sustainability outcomes

14.15 Research

Research into markets and suppliers and the use of relevant analytical tools such as price and cost analysis, and appropriate sustainability performance targets and measures, are valuable techniques in planning and evaluating procurement. Concentrate your resources and efforts in areas where they will get the best yield from them, especially for complex projects and strategic requirements.

14.16 Market Knowledge

Reliable and advantageous market knowledge can help you to identify possible suppliers, find and develop new supply sources and select the right supplier. For all procurement projects, you need information about sources of supply, as well as a basic knowledge of the goods and services available from the market.

For complex projects and strategic requirements, and particularly where Council has market influence, you may need a greater knowledge of the market including technologies, product cycles, and commercial relationships and alliances.

Analyse market conditions to identify the broad commercial and economic circumstances faced by suppliers. Also understand how product pricing varies with the product cycle. There may be scope to obtain considerable benefits, for example, from the competitive nature of a mature market in which development and capital costs have been written off.

Requests for information can be a valuable means of gathering market information in a staged procurement process. However, take care to safeguard supplier information as discussed below.

15.0 ASSETS

This Policy will apply to all assets recorded in Council's Asset Register.

15.1 Acquisitions

Council's asset acquisition processes will take into consideration the life cycle costs of the asset. Where appropriate, for major acquisitions a cost/benefit analysis of the options will be prepared in conjunction with a Finance Report.

- prior ownership of the asset
- direct relationship with an asset (e.g. painting commissioned or painted by a relative)

16.0 DISPOSAL OF COUNCIL'S ASSETS

16.1 Asset write-off and disposal protocols

The principles that applied to the purchase of items (the achievement of value for money through open and effective competition, avoiding conflicts of interest and ensuring accountability) must also be applied during disposal of any items.

These protocols apply to all employees of Blue Mountains City Council and to any external entity overseeing, or having any involvement in, the disposal or sale of Council Assets.

16.2 Disposal methods

- Auction sale: The Sale of assets, plant and equipment through a registered Auction House.
- Write off: For Assets that have been lost become obsolete or uneconomical to repair.
- Trade-in: The Process of obtaining an appropriate value when exchanging old for new.
- Tender: Competitive processes seeking the sale of assets, plant and equipment at the most cost effective price.
- Negotiated sale: Competitive processes for the sale of items with a value less than \$1,000.00.
- Direct sale: Sale of Assets direct to purchaser using recognised advertising outlets.

Note: Appropriate methods to determine the value of the item must be in place prior to using this method.

16.3 Methods

The approved methods available for disposal of assets include, but are not limited to, negotiated sales, obtaining verbal or written quotes, sale by tender or sale at auction.

Invitations to bid for the purchase of surplus items should not be limited to staff or members of any groups associated with Council. Staff members and others should purchase surplus items on the same basis as any member of public.

There are a number of issues to consider. Direct sale to staff will not necessarily lead to best value. Conflicts of interest can lead to premature disposal of serviceable or repairable items.

Internal disposals can lead to perceptions of impropriety.

16.4 Nature and Condition

The nature and condition of the item (e.g. office furniture in fair condition or an item of mechanical equipment in good condition) should be taken into account when considering how much time should be spent on the disposal process and the method of disposal to use.

For example, when disposing of low value items, disposal costs should be kept to a minimum. Seeking quotations from vendors in the marketplace would be more economical than disposal through auction.

16.5 Environmental Disposal

All efforts should be made to ensure goods are sold or reused rather than disposed

of by dumping or burning.

Methods of disposal should be reviewed annually to ensure best practice.

16.6 Contact Information

Further advice on this issue can be obtained from the Procurement Manager regarding the suitability of any process other than public auction.

16.7 Responsibility / Accountability

- Directors: To approve and sign-off disposal following confirmation from other areas of Council that the item is not required.
- Staff: Identify the need to dispose of obsolete or damaged equipment.
- Procurement Department: Arrange retirement type and date for collection. Advise the Finance Office-Assets Officer of the items disposed of.

16.8 Related policies/legislation

This Manual should be read in conjunction with the Strategic Procurement Policy and the following external document(s): -

- ICAC Guidelines for developing Policies and Procedures for the Disposal of Assets (ISBN07310 7206 5 Practical Guide to Corruption Prevention).

16.9 Procedures for the Disposal of Council Assets

The following established procedures have been developed in conjunction with Council's Asset Disposal Protocols and ICAC guidelines.

As staff identifies a need to dispose of obsolete or damaged equipment they will advise the relevant Custodian or Director and complete the appropriate section of the Asset Write-Off and Disposal Form

All disposals must be initiated through the Procurement Department by submitting completed forms.

Once the method of disposal has been decided, the Procurement Department will arrange retirement type procedures and a date for collection.

The Procurement Department will then complete all additional information on the disposal form, register and distribute it to the Finance Controller.

Note: Asset labels and other identifying labels must not be removed from any item sent for disposal.

17.0 FORMS AND CHECKLISTS

17.1 Asset disposal form

- For single item with purchase
- value no more than \$2,000, ex-GST.
- Completed hard copy to Procurement Mgr.

Financial Services Use Only

Ref. No.

Location			
Department:		Building:	
Room:		Other:	

Asset			
Make:		Model:	
Description:		Serial No.	
Purchase date:		Purchase Amount:	\$

Reason for disposal			
Reason (please circle)	Missing	Stolen	Beyond repair/ obsolete
Description:			
Date Reported to director:			
Date Reported to police:			
Reported by:			

Receipt No.:	
Receipt date:	
Proceeds:	\$
Disposal date:	
P/O No.:	
Removal cost:	\$

Method <i>(please tick)</i>	Sale	Trade-In
---------------------------------------	------	----------

Auction / sale (default)	
Negotiated sale	
Trade-in	
Write-off: Theft	
Write-off: Other	
Tender (see Procurement Panel)	

Removal (to be arranged with Procurement Mgr.)			
Date arranged:		Target date:	
Reason for not arranging with Procurement Mgr.			
Requesting officer			
Printed name		Ext.	
Signature		Date	
Director's authority (on confirmation that asset is not needed by Council)			
Division		Cost Centre	
Printed name		Ext.	
Signature		Date	

17.2 Tender and contract checklist

This checklist for the awarding of contracts by discretionary and statutory tender is based on DLG Tendering Guidelines, and refers to clauses in the Regulation (see the Procurement Policy for details).

The Contract Manager must review this checklist at each stage of the tender process to ensure conformance. Following award of the contract, the checklist is to be jointly reviewed by the Contract Manager, Appropriate Person, and Procurement Panel, and signed off when all requirements are accounted for.

(Note: HPERM is Council's electronic content management system)

Tender / Contract:	
Value (\$ Inc. GST):	
Date awarded:	

Item	Requirement	Achieved (Y/N)	Recorded in HPERM	Comments/Action
1.0	Evidence and reasons for use of open or selective tendering methods (cl.166)			
2.0	Copy of tender advertisement			
3.0	Copy of any other invitation to bid			
4.0	Copy of all documents provided to Proponents			
5.0	Information provided to Proponents			
5.1	Details of work, facilities or services			
5.2	Compliance with Regulation cl.170(1)(e) (if appropriate)			
5.3	Closing date and tender lodgement requirements			

Item	Requirement	Achieved (Y/N)	Recorded in HPERM	Comments/Action
5.4	Outline of policies applicable to the procurement			
5.5	Evaluation criteria and methodology			
5.6	Specified contact person			
5.7	Whether formal tender documents are required and how to obtain them			
5.8	Information on obtaining copies of relevant council policies			
5.9	Proposed terms and conditions of contract			
5.10	Tender assessment criteria			
5.11	Council's Statement of Business Ethics			
5.12	Council's Code of Conduct			
5.13	A statement that unethical or inappropriate conduct will result in disqualification			
5.14	Process to be followed by Proponents and/or Council if corruption is suspected			
5.15	Information on interaction between Council and Proponents, including prohibition on contacting councillors			
6.0	Record of all requests for tender documents			
7.0	Record of staff involved in preparing and issuing tender documents			
8.0	Declaration of conflicts of interest for all staff involved			

Item	Requirement	Achieved (Y/N)	Recorded in HPERM	Comments/Action
9.0	Records of all communication between Proponents and Council (including advertising, attendance and information provided at any briefing sessions)			
10.0	Full documentation of changes made to tender specifications (including by who and why)			
11.0	Communication to of tendering specification changes communicated to all Proponents / potential Proponents, and no Proponent / potential Proponent disadvantaged			
12.0	Records of any variation to closing date (including by who and why)			
13.0	Council took all reasonable steps to inform Proponents / potential Proponents of any variation to closing date			
14.0	All tenders date and time stamped			
15.0	Tender opening carried out with two persons also present / members of public able to attend)			
16.0	Records of receipt for tenders submitted by fax or otherwise electronically			
17.0	Record of the acceptance of any late tenders, including when and why			
18.0	Tender assessment plan, including criteria and weightings, prepared, signed and dated by every member of assessment panel in advance of the tender opening			

Item	Requirement	Achieved (Y/N)	Recorded in HPERM	Comments/Action
19.0	Tender assessment plan includes comprehensive instruction on individual review of submissions, scoring of submissions and the capacity for minority reports by panel members			
20.0	Independent review of tenders by each panel member			
21.0	Record of any non-complying tenders, including reasons for non-compliance			
22.0	Tender assessment matrix completed by every member of assessment panel			
23.0	Tender assessment panel members identified and declared conflicts of interest			
24.0	Records of all communication between potential Proponents and assessment panel members			
25.0	Record of any tender variation including reasons why tender(s) varied; all other tenders of same or similar characteristics given the same opportunity			
26.0	Recommendation for preferred tender consistent with assessment documents			
27.0	Report to Council / Memo to GM includes:			
28.1	Background on the calling of tenders including decision to go to tender			
28.2	Background on the performance of the previous contractor, if any			
28.3	For continuing contracts, whether the terms of the contract have been reviewed			
28.4	Summary of the tender process			

Item	Requirement	Achieved (Y/N)	Recorded in HPERM	Comments/Action
28.5	Details of tenders received and any non-complying tenders			
28.6	Financial analysis of tenders based on unit price/service price/annual cost/total contract cost			
28.7	Assessment criteria and weightings			
28.8	Details of post-tender communication with Proponents			
28.10	Conclusion and recommendation based on analysis of assessment criteria results			
28.11	If recommendation is not to accept any tender, the reasons for that recommendation			
29.0	Contract entered into by Council is in accordance with the tender			
30.0	Where Council enters into negotiations with unsuccessful Proponents, Council resolution / GM's memo includes reasoning			
31.0	All Proponents advised of outcome and copy of notice displayed at council advising of outcome			

	Contract Manager		Appropriate Person		Procurement Manager Chair
Signature:					
Printed Name:					
Date Signed:					

18.0 EXEMPTIONS FROM PURCHASE ORDERS

The items listed below have been identified as being exempt from a Purchase Order being generated to proceed with this purchase:

- Legal and debt collection services
- Software licensing
- Vehicle registrations
- Refunds or reimbursement of expenses
- Banking and income collection services
- Borrowing costs (principal and interest)
- Auditor's fees
- Statutory Government charges
- Courier services
- Insurance premiums and excess payments
- Postal and courier services
- Subscriptions and memberships
- Travel and accommodation (i.e. taxi fares, hotels)
- Utilities (water, electricity, gas, telephone, fuels)
- Elected Member allowances
- Allowances for Independent Members on Council Committees
- Services delivered by Council owned Subsidiaries

This list may change from time to time based on Council's operational requirements.

19.0 DEFINITIONS

- Council..... Blue Mountains City Council
- Client..... Party calling the tender
- Contract..... Agreement for supply of goods and services
- Party..... Client, tender or service provider or Council employee
- Procurement..... Any activity of acquisition or disposal of goods/services
- Purchasing..... Exchange of funds for goods/services
- Service Provider..... Supplier of goods/services
- Tender..... Offer of supply of goods/services
- Tenderer..... Party submitting a tender
- Value for money..... Total value includes but not limited to price



Policy: Operational

CASUAL LABOUR POLICY

DRAFT

CONTRACT AND CASUAL LABOUR POLICY

Policy Statement

Example:

Blue Mountains City Council will adopt policies which are compliant with legislation and which reflect best practice models. Blue Mountains City Council will achieve this by....

Policy Ref. No:	<i>This number is from the Pathway Policy Register.</i>	PCT Endorsement Date:	<i>Date in full</i>
TRIM Record No:	<i>Provide TRIM number of Word document.</i>	ELT Meeting Date:	<i>Date in full</i>
Distribution:	<i>Select Distribution type</i>	Public Exhibition Details:	<i>Provide date range</i>
Status:	<i>Select Status type</i>	Council Meeting Date:	<i>Date in full or "N/A". NB: Only some Operational Policies will go to a Council meeting.</i>
Scope:	<i>Please state briefly who this policy applies to.</i>	Council Minute No:	<i>Insert minute number of when the policy was finally adopted or "N/A". NB: Only some Operational Policies will go to a Council meeting.</i>
Lifespan:	<i>Please complete</i>	Responsible Directorate/Group:	<i>Please complete</i>
Next review:	<i>Month YEAR</i>	Contact Position:	<i>Include title, not the name of an individual,</i>

Version History

Version	Adoption Date	Reason for Change
Example: 2015	23 June 2015 (Minute no. XXX or ELT)	Periodic update.

Definitions

NB: The following are examples only. If there are related procedures written to implement the policy, please ensure that you use the same terminology across all relevant documents.

Term	Definition
the Act	<i>Local Government Act 1993 (NSW)</i>
Code of Conduct	The current <i>Code of Conduct</i> as adopted by Blue Mountains City Council.
the Regulation	<i>Local Government (General) Regulation 2005 (NSW)</i>

Related Documents

This document should be read in conjunction with:

- *Code of Conduct*
- *Recruitment Process and Guidelines*
- *Strategic Procurement Policy*
- *Parramatta City Council Enterprise Agreement 2004*
- *Related Legislation:*
- *Local Government Act 1993 (NSW)*

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1. SCOPE

All Managers and employees who select casual, contract, consultant or temporary labour hire through a commercial Procurement process.

2. PURPOSE

The purpose of this policy is to set out Council's requirements for hiring personnel when engaging casual employees. This policy applies when engaging staff through recruitment agencies, directly by contract, or through any method that does not utilise Council's standard merit-based recruitment process.

As this type of recruitment is considered a commercially competitive opportunity, this policy should be read in conjunction with the Strategic Procurement Policy and Manual Guidelines and the Procedure for the Engagement of Consultants.

In addition, Council's Recruitment and Selection Policy should also be consulted.

3. POLICY

When engaging an individual to fill a vacancy within Council, if the engagement is handled through a commercial entity rather than an individual, Council's Procurement rules regarding commercial engagement must be followed.

For the avoidance of doubt, where a contract is signed with an ABN or ACN, rather than an employment contract being offered to an individual, this policy applies.

This also includes individuals offering their services to Council through their own company – for example as sole traders.

4. PROCEDURE

The Strategic Procurement Guidelines have been developed to ensure that all staff are aware of the appropriate methods and requirements inherent in enacting purchases on behalf of Council.

A Manager must ensure that the appropriate number of comparative quotes has been obtained from different agencies and/or consultancies.

Multiple candidates from the same agency do not count as separate quotes. In addition, due diligence must have been performed to establish the appropriate market rate for the position, either by:

- aligning casual rates with an appropriate comparable permanent grade within Council, or
- by identifying a similar advertised role in a comparable organization externally.

The Manager should ensure that an Agency or contractor has obtained all necessary background and/or police checks before a contract is finalised.



Policy: Human Resources

RECRUITMENT & EMPLOYMENT POLICY



RECRUITMENT & EMPLOYMENT POLICY

Policy Statement

Blue Mountains City Council will recruit and employ staff in a manner that:

- Is based on merit and complies with relevant legislation and industrial instruments;
- Provides equal opportunity and is non-discriminatory;
- Is transparent, fair and timely;
- Provides the greatest opportunities to select the best people for roles in Council;
- Properly inducts new employees into Council including effective probationary reviews.

Policy Ref. No:	<i>This number is from the Pathway Policy Register.</i>	Staff Consultative Committee Endorsement Date:	<i>10 July 2018</i>
TRIM Record No:	<i>18/182426.</i>	PCT Endorsement Date:	<i>10 July 2018</i>
Distribution:	<i>Proactive Release</i>	ELT Meeting Date:	<i>25 July 2018</i>
Status:	<i>Adopted</i>		
Scope:	<i>All staff</i>		
Lifespan:	<i>3 years</i>	Responsible Directorate/Group:	<i>People & Systems</i>
Next review:	<i>June 2021</i>	Contact Position:	<i>Program Leader, HR Services</i>

Version	Adoption Date	Reason for Change
2013	6 May 2013	Periodic update.
2018	25 July 2018	Periodic update.

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Definitions

Term	Definition
the Award	<i>Local Government (State) Award 2017</i>
the A-D Act	<i>Anti-Discrimination Act (NSW) 1977</i>
Code of Conduct	The current <i>Code of Conduct</i> as adopted by Blue Mountains City Council.
Contractor or Consultant	A contractor or consultant is a person engaged through a trust, partnership or company to perform certain services for Council. Council may engage contractors or consultants on a temporary or short-term basis to provide high-level or specialist advice. Contractors or consultants are engaged under a “contract for service” agreement and are paid via invoice.
Lateral transfer	Transfer to a role of equivalent status and location. Lateral transfers may be initiated by Council or an employee.
the LG Act	<i>Local Government Act 1993 (NSW)</i>
Procedures	Blue Mountains City Council’s <i>Recruitment & Policy Procedures</i>
Approved Recruitment Agency	A recruitment agency which is on the local government procurement panel.
GM	General Manager OR delegate of the General Manager

Related Documents

This document should be read in conjunction with:

- Blue Mountains City Council, *Code of Conduct*
- Blue Mountains City Council, *Recruitment & Employment Procedures*
- Blue Mountains City Council, *Child-Related Work Policy*
- Blue Mountains City Council, *Conflicts of Interest and Declarations Management Policy*
- Blue Mountains City Council, *Anti-Discrimination, Harassment and Workplace Bullying Protocol*
- Blue Mountains City Council, *Pre-Placement Health Assessment*
- Blue Mountains City Council, *Equal Opportunity Management Plan*
- Blue Mountains City Council, *Equal Opportunity Policy*
- Blue Mountains City Council, *Redundancy and Redeployment Policy*

Related Legislation:

- *Local Government Act 1993 (NSW)*
- *Local Government (State) Award 2017 (NSW)*
- *Anti-Discrimination Act 1977 (NSW)*

1. SCOPE

This policy outlines Council's approach to all recruitment and employment activities including employee induction and probation.

Contractors are not considered employees under this policy. The procurement of contractors should be conducted in accordance with the *Strategic Procurement Policy*.

Generally contractors are engaged to provide a contract for services for specific activities.

If a contractor through recruitment agency is engaged to backfill a position within the structure for periods of longer than 3 months, it may only be approved in exceptional circumstances by the relevant Group Manager/Director. This period must not exceed 12 months without approval by the General Manager.

Note: Human Resources, together with the General Manager, maintain compliance oversight over all activities as set out in this policy and the Procedures. Human Resources and/or the General Manager or delegated officer may recommend or prevent certain decisions in relation to recruitment.

2. THE PROCEDURES

Council's *Recruitment and Employment Procedures* will specify the details of all recruitment and employment processes which must be followed.

3. TYPES OF EMPLOYMENT

a. Senior Staff Employment

- A senior staff position is **employed under part 2 of chapter 11 of the LG Act**
- The General Manager and other positions as designated by Council are senior staff positions. These may include but not necessarily be limited to Directors and Group Managers.
- Senior staff are employed under a standard form of contract approved by the Office of Local Government on a limited-term basis for a period of between 12 months to 5 years;
- Employees may be employed into a designated senior staff position for a period of less than 12 months using the standard temporary or term contract (see below).

b. Permanent Employment (full-time and part-time)

- A permanent employee is **employed under part 5 of chapter 11 of the LG Act;**
- A permanent employee has set minimum working hours **and** ongoing employment with no end date in their letter of employment;
- Full-time hours are 35 hours per week;
- Part-time hours are any set minimum working hours less than 35 hours per week.

c. Temporary Employment (full-time and part-time)

- A temporary employee is **employed under part 5 of chapter 11 the LG Act** and is employed on a limited-term basis for a period of no more than 12 months (or 24 months for maternity leave backfill);
- A temporary employee is appointed to a position **within** the organisational structure. Positions not represented in the adopted organisational structure will be employed using Term Contracts (see 2d);
- A temporary employee has set minimum working hours **and** with a date specifying the last day the employee may be employed up to in their letter of employment;
- Full-time hours are 35 hours per week;
- Part-time hours are any set minimum working hours less than 35 hours per week.

d. Term Contract Employment (full-time and part-time)

- A term contract employee is **employed under s34 of the Award** and is employed on a limited-term basis for a specific purpose as defined under the Award;
- Employment can be for the duration of time that the specific purpose under the Award remains valid;
- A term contract employee has set minimum working hours **and** with a date specifying the last day the employee may be employed up to (provided the original reason for employment remains valid) in their letter of employment;
- Full-time hours are 35 hours per week;
- Part-time hours are any set minimum working hours less than 35 hours per week.

e. Casual Employment

- A casual employee is **employed under s34 of the Award**;
- A casual employee has no guaranteed hours of work, usually works irregular hours and hours can vary from week to week;
- A casual employee may be employed on a limited-term basis for no longer than 12 months or may be employed on an ongoing basis.

f. Relief work

- Relief work, usually performed as higher grade duties, is intended for short-term backfill only and cannot exceed 3 months for a single person per occasion.
- Where possible to do so, frequent or longer term relief duties should be rotated amongst existing employees to ensure experience and training is appropriately shared amongst employees.
- Relief work can be undertaken by:
 - Council employees under s34 of the Award; or
 - People engaged as contractors via an approved Recruitment Agency
- Additional compensation may be paid to employees for performing relief work, which is calculated in accordance with Council's *Higher Duties Allowance Policy*.

4. PROCESS TO FILL VACANCIES

Council does not consider unsolicited applications for employment with the Council. Positions are only filled as set out below and applications which do not make reference to an advertised vacancy will not be considered.

Council may make use of recruitment outsourcing services to supplement advertising, however advertising and merit-based selection processes as outlined below are mandatory.

Hiring managers should give consideration to employees currently in the redeployment pool.

a. Senior Staff Employment

- All Senior Staff employment vacancies of 12 months or more will be advertised and filled using Council's merit-based selection process (see the procedures);
- These positions must be advertised in a manner consistent with the LG Act.
- In accordance with s337 of the LG Act, the general manager may appoint or dismiss senior officers only after consultation with the Council.

b. Permanent Employment (full-time and part-time)

- All permanent employment vacancies will be advertised and filled using Council's merit-based selection process (see the procedures).
- General Manager or delegated officer approval is required prior to the appointment of any new or existing permanent positions.

c. Temporary Employment (full-time and part-time)

- Temporary employment vacancies that are under 6 months in duration may be filled using:
 - Council's merit-based selection process (see the procedures); or
 - By direct appointment with Director/Group Manager approval (see the procedures);
- Temporary employment vacancies that are **between 6 months and 12 months** in duration will be advertised and filled using:
 - Council's merit-based selection process (see the procedures); or
 - By direct appointment with General Manager or delegated officer approval (see the procedures)
- **No temporary appointment** will be approved beyond 12 months without using Council's merit based selection process.

d. Term Contract Employment (full-time and part-time)

- All term contract employment vacancies that are **greater than 3 months** in duration will be advertised and filled using Council's merit-based selection process (see the procedures);
- Term contract employment vacancies that are under 3 months in duration may be filled using:
 - Council's merit-based selection process (see the procedures); or
 - By direct appointment with approval of General Manager or delegated officer (see the procedures);
- **No extension** will be granted beyond 3 months without using Council's merit based selection process.

e. Casual Employment

- All casual employment vacancies that are **greater than 6 months** in duration will be advertised and filled using Council's merit-based selection process (see the procedures);
- Casual employment vacancies that are **under 6 months** in duration may be filled using Council's merit-based selection process (see the procedures) or by direct employment with approval of General Manager or delegated officer (see the procedures);
- **No extension** will be granted beyond 6 months without using Council's merit based selection process.

f. Relief Work

- Relief work is intended for short-term backfill only and **cannot exceed 3 months per opportunity**;
- Relief work that exceeds 3 months must be filled by way of Temporary appointment (4C, above) or Term Contract (4d, above);
- Relief work can be undertaken by:
 - Council employees under clause 34 of the Award; or
 - People engaged as contractors via an approved Recruitment Agency

g. Exemptions to (the above)

- In exceptional circumstances under s350 of the Act, the General Manager may direct appoint an employee to a position if the appointment is a lateral transfer or demotion;
- With the approval of General Manager an employee who has been appointed to a permanent, temporary or term-contract position via Council's merit based recruitment process that person may be appointed to a casual position in the identical role at the end of their permanent, temporary or term-contract employment;
- With the approval of General Manager an applicant who has previously been assessed as suitable for a vacant position (and is next on the order of merit) may be appointed to an identical vacant position (both role and location) within a 12 month period from their interview without advertising the position.
- Only current Council employees are eligible to apply for internally advertised positions. Contractors and labour hire employees are not eligible to apply for internally advertised positions.
- Council does not accept unsolicited applications.

5. ADVERTISING

When it is required to advertise a vacant position the following will apply:

- Positions to be advertised externally with a minimum of placing advertisements on the Internet, the Council's Intranet and in the Blue Mountains Gazette. Human Resources will meet the cost for this advertising;
- Directors/Group Managers may choose to place advertising in industry journals. Costs for this advertising will be met by the relevant Director/Group Manager.
- Advertisements to be for a minimum period of two weeks.
- Position descriptions must be made available to applicants. Position descriptions must have been recently reviewed and approved by the relevant Manager and Director.

With the approval of General Manager or delegated officer the following exceptions are allowable:

- Positions may be advertised internally only where it can be demonstrated that there already exists in Council a suitable pool of a minimum of three qualified applicants who can be reasonably assumed to have an interest in applying for the position (e.g. where there already a large number of trained casual employees in similar roles);
- In exceptional circumstances advertisements may be for a reduced period of time but never to be less than one week.

6. ELIGIBILITY

To apply for and retain a position with the Council, eligibility criteria may include, but are not limited to, the following:

- That the candidate holds appropriate citizenship or visa status to work in Australia;
- That the candidate has not been a Councillor in the last 6 months;
- That the candidate holds appropriate licences/certifications and:
- With respect to an internally advertised position, that the candidate is already directly employed by Council and not via a recruitment agency.

7. INTERVIEW PANELS (RECRUITMENT TEAM)

When a merit-based selection process is required to fill a position in Council interview panels must consist of a minimum of 2 people as follows:

- A Recruitment Team Leader trained in Council's recruitment and selection processes. The Recruitment Team Leader would generally be the immediate supervisor or manager of the role being recruited for; and
- An independent recruitment team member trained in Council's recruitment and selection processes who must be from a different branch to the vacant position and clearly be seen to be autonomous of the other panel members by applicants;
- An optional 3rd person may be assigned to the Recruitment Team as a technical expert. The technical expert does not have to have completed Recruitment & Selection training;
- Recruitment team members must declare and manage any real or perceived conflicts of interest. The existence of a real or perceived conflict of interest does not necessarily make a person ineligible to participate as a recruitment team member, however it is essential that this is appropriately managed and subject to appropriate oversight by HR. Please refer to Council's *Conflict of Interest and Declarations Management Policy*;
- Different genders must be present if different genders have applied for the vacant position;
- All recruitment team members must be on a band/level/grade of equal or higher value than the vacant position;
- A list of employees who have completed Council's recruitment training can be accessed on the intranet via Human Resources/Your Career Your Future/Recruitment and Selection/Trained Interviewers List.

8. SELECTION METHODS

Consistent selection methods will be applied to all shortlisted applicants who reach the relevant stage of the selection process. Appointments will be made based on merit, where the applicant who is deemed to have the greatest merit will be selected for the role. Merit is to be determined according to:

- The nature of the duties of the position, as set out in the position description and;
- The abilities, qualifications, experience and standard of work performance relevant to those duties.

All applicants will be required to submit their resume and a document on which they have addressed the selection criteria of the role. Each application will be formally assessed.

At the beginning of the interview, the recruitment panel must advise applicants of the recruitment process. All recruitment processes will consist of the following:

- Behavioural-based interviews – where the same interview panel asks the same behavioural-based questions of all interviewees, as a minimum;
- Assessing of interview responses;
- Reference checks and;
- Pre-employment medical assessment to ensure the applicant's ability to meet the physical requirements of the role.

The process may also consist of checking applicants in the following areas:

- Working with Children Check;
- Licence or qualification verification;
- Work rights verification;
- Criminal records checks;
- Second round interviews;
- Employment checks;
- Reference checks with other parties –as specified in the *Recruitment and Employment Procedure*.

As appropriate to the role, the recruitment process may consist of testing applicants with appropriate and relevant behavioural or skill-based testing, which may include literacy or numeracy testing as required.

9. POST SELECTION

a. Offer of Employment

Human Resources will advise the Recruitment Team Leader when it is appropriate to make a verbal offer to the preferred applicant. If the verbal offer is accepted, the Recruitment Team Leader will advise Human Resources of the acceptance and applicant's start date.

If the offer of employment is not accepted by the preferred applicant, the recruitment panel will be re-convened to review other applicants, in order of merit.

Human Resources will prepare employment paperwork to be sent to the successful applicant and co-ordinate return of these documents.

Internal applicants who are successful in their applications are to be released to commence in their new role within one month, which is subject to internal negotiation. It is the responsibility of the Recruitment Team Leader to notify the manager of the successful internal applicant and negotiate a release date.

Human Resources will inform external applicants who do not progress to interview that they were unsuccessful in their application.

It is the responsibility of the Recruitment Team Leader to verbally advise unsuccessful applicants who were interviewed, as well as to meet with and advise any internal applicants who did not progress to interview, and to be prepared to provide feedback to these applicants.

b. Induction

Prior to, or on commencement of work, the immediate supervisor of the new employee must:

- Complete a local induction with the employee;
- Schedule all relevant training;
- Assist Human Resources to obtain any outstanding employment paperwork;
- Arrange IT, security access, parking permit etc.

Human Resources will conduct a Corporate Induction and Corporate Orientation for new employees. New employees will be scheduled to attend the next available induction, and attendance is compulsory.

c. Probation

Unless exceptional circumstances exist, all new employees will be subject to a minimum three month probationary period. Human Resources will schedule probationary reviews between new employees and their immediate supervisor at four weeks and ten weeks. Supervisors are responsible for ensuring that these reviews take place, and that the new employee be assessed for their suitability to the role. Supervisors are responsible for advising Human Resources if:

- Permanent appointment is recommended;
- Extension of the probationary period is recommended or;
- Termination of employment is recommended.

Should any conduct or performance issues be identified during the probationary period, supervisors are to notify Human Resources immediately so that appropriate action can be taken in a timely manner.

Although no probationary period is applicable to internal applicants, or for employees in temporary or term contract roles, supervisors are still required to conduct four and ten week reviews and provide feedback to the employee and to Human Resources.

10. RESPONSIBILITIES

The following parties have recruitment and employment related responsibilities as wet out below:

a. Human Resources:

- To ensure Council's overall compliance with this Policy and the procedures;
- Oversight of all Council recruitment & employment processes; and
- Final determination, subject to General Manager oversight that the appointment is suitable for employment.

b. The Recruitment Team

- To ensure that the recruitment process is conducted fairly, transparently and without bias.

c. The Recruitment Team Leader

- To ensure that all recruitment documentation is completed accurately, in a timely manner and placed in Council's electronic record management system or returned to Human Resources as required.

d. Director/Group Manager:

- To review and, if appropriate, approve recruitment exercises and position descriptions within their directorate/group ensuring that the recruitment process is conducted fairly, transparently and without bias.

e. General Manager:

- Approval for all recruitment exercises, delegated to Human Resources and Directors/Group Managers as per Council delegation.

Corporate Procedures

RECRUITMENT & EMPLOYMENT



RECRUITMENT & EMPLOYMENT PROCEDURES

Procedure objective

These procedures are designed to implement the Recruitment & Employment Policy.

Ensure that all employees follow the correct process when conducting any recruitment & employment activities.

Policy Ref. No:	223	Staff Consultative Committee Endorsement Date:	17 July 2018
TRIM Record No:	18/197034	PCT Endorsement Date:	10 July 2018
Distribution:	Select Distribution type	ELT Meeting Date:	26 July 2018
Status:	Adopted		
Scope:	All staff	Governing Policy:	Recruitment & Employment Policy
Lifespan:	3 years	Responsible Directorate/Group:	People & Systems
Next review:	July 2021	Contact Position:	Program Leader HR Services

Version History

Version	Adoption Date	Reason for Change
2018	26 July 2018 (ELT)	Periodic update.

Definitions

Term	Definition
the Award	Local Government (State) Award 2017
the A-D Act	Anti-Discrimination Act (NSW) 1977
Code of Conduct	The current Code of Conduct as adopted by Blue Mountains City Council.
Contractor or Consultant	A contractor or consultant is a person engaged through a trust, partnership or company to perform certain services for Council. Council may engage contractors or consultants on a temporary or short-term basis to provide high-level or specialist advice. Contractors or consultants are engaged under a “contract for service” agreement and are paid via invoice.
Lateral transfer	Transfer to a role of equivalent status and location. Lateral transfers may be initiated by Council or an employee.
the LG Act	Local Government Act 1993 (NSW)
The Policy	Blue Mountains City Council's Recruitment & Policy Policy
Approved Recruitment Agency	A recruitment agency which is on the local government procurement panel.
GM	General Manager OR delegate of the General Manager

Related Documents

This document should be read in conjunction with:

- Blue Mountains City Council, *Code of Conduct*
- Blue Mountains City Council, *Recruitment & Employment Procedures*
- Blue Mountains City Council, *Child-Related Work Policy*
- Blue Mountains City Council, *Conflicts of Interest and Declarations Management Policy*
- Blue Mountains City Council, *Anti-Discrimination, Harassment and Workplace Bullying Protocol*
- Blue Mountains City Council, *Pre-Placement Health Assessment*
- Blue Mountains City Council, *Equal Opportunity Management Plan*
- Blue Mountains City Council, *Equal Opportunity Policy*
- Blue Mountains City Council, *Redundancy and Redeployment Policy*

Related Legislation:

- *Local Government Act 1993* (NSW)
- *Local Government (State) Award 2017* (NSW)
- *Anti-Discrimination Act 1977* (NSW)

Procedures

The Policy and the “Matrix - Options how to fill vacancies” (attachment 1)

The policy and “Vacancies Matrix – options to fill” consider employment status (full-time, part-time, casual) and the duration of employment (permanent/ongoing, limited term) and determine what procedures can be used to fill a vacant position.

1. Procedure for relief duties/higher grade pay

1a. Identify Vacancy	Responsible	Timeline
<ul style="list-style-type: none"> Review requirement for backfilling 	Manager	As required
<ul style="list-style-type: none"> Assign employee to vacant position for specific period of time 	Manager	As required

1b. Higher Grade Pay form	Responsible	Timeline
<ul style="list-style-type: none"> HGP form completed including the rate of pay for the relief duties (NB when acting in Manager or Director positions employees will be paid at the entry level for the position) 	Supervisor	Prior to commencement of HGP
<ul style="list-style-type: none"> HGP form approval 	Manager or Director	Before midday on Monday prior to payday
<ul style="list-style-type: none"> HGP form sent to Payroll/HR for processing 	Supervisor	Before midday on Monday prior to payday
<ul style="list-style-type: none"> Process payment 	Human Resources	Next available pay when received before midday on Monday prior to payday

2. Procedure for direct appointment to a vacant position

2a. Identify Vacancy	Responsible	Timeline
<ul style="list-style-type: none"> Review position 	Manager	As required
<ul style="list-style-type: none"> Update Position Description 	Manager	As required
<ul style="list-style-type: none"> Confirm grading with HR 	Manager	As required

2b. Approval to Recruit	Responsible	Timeline
<ul style="list-style-type: none"> Conduct assessment checks as required for the role, including reference checks and review of resume 	Manager	Prior to advising HR
<ul style="list-style-type: none"> Approve Recruitment Requisition (see Attachment 1: Matrix - Options how to fill vacancies) 	Manager or Director	Prior to advising HR
<ul style="list-style-type: none"> Signed Recruitment Requisition, resume (if required) and reference checks sent to HR (if internal candidate already in work area reference checks are not required) 	Recruitment Team Leader	Prior to advising HR
<ul style="list-style-type: none"> Recruitment Requisition checked and final approval given 	Human Resources	Prior to advising HR

2c. Employment Offer	Responsible	Timeline
<ul style="list-style-type: none"> Offer made to candidate after HR has confirmed that recruitment process has been endorsed 	Recruitment Team Leader	2 weeks prior to commencement
<ul style="list-style-type: none"> Pre-placement medical and letter of offer organised 	Human Resources	2 weeks prior to commencement
<ul style="list-style-type: none"> Monitor completion of pre-placement medical and other pre-employment checks before commencement of employee 	Human Resources	Prior to commencement

3. Procedure for merit based appointment

3a. Identify Vacancy	Responsible	Timeline
<ul style="list-style-type: none"> Review position 	Manager	As required
<ul style="list-style-type: none"> Update Position Description 	Manager	As required
<ul style="list-style-type: none"> Confirm grading with HR 	Manager	As required

3b. Approval to Recruit	Responsible	Timeline
<ul style="list-style-type: none"> Assign Recruitment Team Leader 	Manager	Prior to advising HR
<ul style="list-style-type: none"> Assign Recruitment Team 	Recruitment Team Leader	Prior to advising HR
<ul style="list-style-type: none"> Approve Recruitment Requisition and Advertising template 	Director/Group Manager	Prior to advising HR
<ul style="list-style-type: none"> Final approvals organised upon receipt of Recruitment Requisition, Advertising template and Position Description 	Human Resources	Within 2 weeks of receipt

3c. Advertising & Applications	Responsible	Timeline
<ul style="list-style-type: none"> All recruitments advert placed in the Job Bulletin 	Human Resources	First Friday after HR approval
<ul style="list-style-type: none"> If externally advertised position recruitment adverts placed in other media 	Human Resources	First Friday after HR approval
<ul style="list-style-type: none"> Recruitment adverts placed in industry specific journals 	Recruitment Team Leader	First Friday after HR approval
<ul style="list-style-type: none"> Manage recruitment file and applications 	Human Resources	From 1 st day of advertising
<ul style="list-style-type: none"> Close recruitment file and give access to Recruitment Team 	Human Resources	1 st Monday after advertising ceases

3d. Selection	Responsible	Timeline
<ul style="list-style-type: none"> Review all documents in each application, assess against the selection criteria using the Short Listing Assessment Sheet and select applicants for interview 	All Recruitment Team	Within 8 working days of close
<ul style="list-style-type: none"> Advise HR of successful applicants, location, time and any other applicant requirement for interview a minimum of 3 days prior to interview 	Recruitment Team Leader	Within 8 working days of close
<ul style="list-style-type: none"> Place Short Listing Assessment Sheet on HP ERM 	Recruitment Team Leader	As soon as completed
<ul style="list-style-type: none"> Unsuccessful internal candidates advised verbally 	Recruitment Team Leader	Prior to HR organising interviews
<ul style="list-style-type: none"> Organise interviews 	Human Resources	3 days prior to interview
<ul style="list-style-type: none"> Unsuccessful candidates advised in writing 	Human Resources	Within 3 days of organising interviews
<ul style="list-style-type: none"> Determine interview questions and other assessment checks as required (see 9. Selection Methods in the Policy) 	All Recruitment Team	1 day prior to interview
<ul style="list-style-type: none"> Conduct Interview and other assessment checks as required, including completing the Interview Assessment Sheet for each candidate 	All Recruitment Team	At scheduled times
<ul style="list-style-type: none"> Select preferred candidate and determine order of merit 	All Recruitment Team	Within 3 working days of last interview
<ul style="list-style-type: none"> Conduct reference checks on preferred candidate – if internal candidate already in work area reference checks are not required 	Recruitment Team Leader	Within 3 working days of last interview
<ul style="list-style-type: none"> Complete Recruitment & Selection Report including recommending preferred candidate 	Recruitment Team Leader	Within 5 working days of last interview
<ul style="list-style-type: none"> Approve Recruitment & Selection Report and selection of preferred candidate 	Director/Group Manager	Within 2 days of receipt
<ul style="list-style-type: none"> All documents placed on HP ERM Recruitment File 	Recruitment Team Leader	As soon as completed
<ul style="list-style-type: none"> Signed Recruitment & Selection Report sent to HR 	Recruitment Team Leader	Within 7 working days of last interview

<ul style="list-style-type: none"> Recruitment file checked and process endorsed 	Human Resources	Within 3 days of receipt
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3e. Employment Offer	Responsible	Timeline
<ul style="list-style-type: none"> Offer made to candidate after HR has confirmed that recruitment process has been endorsed 	Recruitment Team Leader	Within 10 working days of last interview
<ul style="list-style-type: none"> Unsuccessful interviewed applicants advised verbally 	Recruitment Team Leader	Prior to HR sending written confirmation
<ul style="list-style-type: none"> HR advised of start date and that unsuccessful interviewed candidates have been advised verbally 	Recruitment Team Leader	Minimum 2 weeks prior to commencement
<ul style="list-style-type: none"> Pre-placement medical and letter of offer organised 	Human Resources	Minimum 2 weeks prior to commencement
<ul style="list-style-type: none"> Monitor completion of pre-placement medical and other pre-employment checks before commencement of employee 	Human Resources	Prior to commencement
<ul style="list-style-type: none"> Written notification to unsuccessful candidates 	Human Resources	Within 2 days of being verbally advised

Attachment 1



Matrix - Options how to fill vacancies

	Permanent Employment Senior Staff	Permanent Employment Non-senior staff	Up to 3 months (temporary, term contract or casual)	More than 3 months (term contract)	Up to 6 months (temporary or casual)	More than 6 months (temporary)	More than 12 months (temporary or term contract)	Casual ongoing
Relief Duties / HGP	No	No	Yes	No	No	No	No	No
Direct Appointment to vacancy (Director approval)	No	No	Yes	No	Yes	No	No	No
Direct Appointment to vacancy (GM or GM delegated officer approval)	No	No	Yes	No	Yes	Yes	No	No
Internally advertised merit based appointment	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Externally advertised merit based appointment	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

This checklist is to be completed during the Corporate Human Resources Induction with the employee. The completed form will be saved to the employee's personnel file demonstrating attendance at the Corporate Human Resources Induction.

The 'Comments/Action Required' column is to be used to record any issues or queries to be followed up on behalf of the employee.

Human Resources is responsible for ensuring all areas of the Corporate HR Induction are completed, and any queries from the employee are followed up promptly.

Section 1: Employee Details

Name:	
Position:	
Group:	Branch:
Commencement Date:	Manager/Supervisor:
Date of Induction:	Conducted By:

Section 2: Checklist

Working with Blue Mountains City Council (BMCC)

	✓	x	Comments/Action Required
Introduction			
Organisation Structure including Group functions			

Employment Conditions

	✓	x	Comments/Action Required
Hours of Work, RDOs explained			
Pay Arrangements			
Types of Applicable Leave			

Important Information

	✓	x	Comments/Action Required
Code of Conduct			
Ensuring Good Working Relationships			
Staff Services			
Occupational Health & Safety			
Parking & Use of Council Vehicles			
Access to Council HQ			
Secondary Employment			
Important Contact Information			
PPRS			

Where to Next?

	✓	x	Comments/Action Required
Have you completed a 'Local Induction'?			
Speak to your Manager/Supervisor re: training			
Confirm date for Corporate Orientation			

Section 3: Acknowledgement

Employee Name:	
Signature:	Date:
HR Representative:	
Signature:	Date:

The Manager/Supervisor must review performance standards with his/her new employee after 4 weeks and then at 10 weeks (see separate form). All comments must be discussed with the employee and recommendations for improvement made if required.

Employee Details

Name:	
Position:	
Group:	Branch:
Commencement Date:	Manager/Supervisor:

Initial Assessment

Have you reviewed the position description with the employee and provided a copy to the employee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the employee received the Corporate HR Induction Manual and WHS Induction pack?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you reviewed the required Council, HR and WHS requirements with the employee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the employee attended Council's Corporate Orientation Program?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
How has the employee accomplished what you would expect at this point in time with respect to:		
Council's Core Requirements	Fails to Meet Position Standards	Meets Position Standards
Provide effective customer service		
Understands and follows defined WHS policies/procedures		
Operate effectively in the Local Government context		
Undertake workplace learning		
Refer to the employee's position description and competency matrix and comment on the their performance:		

Comment on any areas where improvement may be desired and action/s to assist improvement:

In the case where improvement may be desired, it is the responsibility of the Manager/Supervisor to follow up regularly with the employee to ensure all reasonable assistance has been provided for the employee to achieve required standards.

Employee Comments:

If there are any performance issues at this stage, contact Human Resources immediately.

**Employee
Signature:**

Date: ____/____/____

**Manager/Supervisor
Signature:**

Date ____/____/____

The Manager/Supervisor must review performance standards with his/her new employee after 4 weeks and then at 10 weeks (see separate form). All comments must be discussed with the employee and recommendations for improvement made if required.

Employee Details

Name:	
Position:	
Group:	Branch:
Commencement Date:	Manager/Supervisor:

Final Assessment

Have you reviewed the position description with the employee and provided a copy to the employee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the employee received the Corporate HR Induction Manual and WHS Induction pack?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you reviewed the required Council, HR and WHS requirements with the employee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the employee attended Council's Corporate Orientation Program?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
How has the employee accomplished what you would expect at this point in time with respect to:		
Council's Core Competencies	Fails to Meet Position Standards	Meets Position Standards
Provide effective customer service		
Understands and follows defined WHS policies/procedures		
Operate effectively in the Local Government context		
Undertake workplace learning		
Refer to the employee's position description and competency matrix and comment on the their performance: <i>Within 8 weeks, ownership of the role should be underway; a good grasp of the broad business objectives; and developing working relationships with key stakeholders.</i>		

Comment on any areas where improvement may be desired and action/s to assist improvement:

In the case where previous improvements were identified, comment on whether these have been addressed.

If there are any performance issues at this stage, contact Human Resources immediately.

Employee Comments:

Recommend permanent appointment to position:

☐ Yes

☐ No

If permanent appointment is not recommended:

☐ Extension of
Probation

☐ Termination

**Employee
Signature:**

Date: ____/____/____

**Manager/Supervisor
Signature:**

Date: ____/____/____

Note: If performance issues have been identified, a further review must be undertaken before 12 weeks. Please contact Human Resources immediately.

Applicant Details

Applicant Name:	
Position:	
Vacancy Number:	Interview Date:
Interviewer Name:	

Assessment of Interview

Selection Criteria	Exceeds Requirements	Meets Requirements	Does Not Meet Requirements	Comments *** Note: comments as to why the applicant has been assessed at this level is compulsory
Communication				
Motivational Fit				

Over all comments:

Based on this interview does the applicant display the standard required to perform this position?

☐ Yes
 ☐ No
 ☐ Undecided
 ☐ **Proof of Evidence to work in Australia sighted**

If 'Yes' or 'Undecided' is indicated, this applicant will need to be ranked against other applicants interviewed and a final recommendation made by the panel.

Outline for Opening the Interview
<p>1. Greet the applicant</p> <ul style="list-style-type: none"> <input type="checkbox"/> Give your name and position <input type="checkbox"/> Thank them for making time for the interview <input type="checkbox"/> State that you appreciate their interest in the position and organisation <p>2. Explain the interview's purpose</p> <ul style="list-style-type: none"> <input type="checkbox"/> To give you both a chance to get acquainted <input type="checkbox"/> To help you learn more about the candidate's background and experience <input type="checkbox"/> To help the candidate understand the position and the organisation <p>3. Describe the interview plan</p> <ul style="list-style-type: none"> <input type="checkbox"/> Will first briefly review the candidate's past jobs/experience <input type="checkbox"/> Then will ask for specific examples of things the candidate has done in those jobs/experiences and how he/she went about doing them <input type="checkbox"/> Towards the end of the interview, you will provide information and answer any questions about the position and the organisation the applicant might have <input type="checkbox"/> Indicate that you will be taking notes
Interview Notes
<p>1. Selection Criteria – Question:</p>
<p>2. Selection Criteria – Question:</p>
<p>3. Selection Criteria – Question:</p>

4. Selection Criteria –
Question:

5. Selection Criteria –
Question:

6. Selection Criteria –
Question:

Outline for Closing the Interview

1. Overview of the position

- ☐ Give the candidate a brief overview of the position and Council
- ☐ Advise the candidate of any additional information that you think is relevant to the position

2. Conditions of Employment

- ☐ Advise the candidate of the hours of work of this position
- ☐ Advise the candidate of the RDO scheme
- ☐ Advise the candidate of any other relevant conditions for this position

3. Candidate Questions

- ☐ Ask the candidate if they have any questions about the position or conditions of employment

4. Evidence to work in Australia

- ☐ Ensure that the applicant has the proof of evidence to work in Australia. These include:
 - Evidence of permanent resident status
 - Temporary visa with entitlement to work
 - Australian or New Zealand passport
 - Certificate of Australian citizenship
 - Australian Birth Certificate

If the recruitment panel is shown evidence that does not contain a photograph, supplementary documentation that contains a photo will need to be sighted/copied. For example, drivers licence.

5. Close the interview

- ☐ Advise the candidate that if they are successful in moving through to the next stage of the recruitment process they will be required to attend a pre-employment health assessment, two reference checks, an employment history check and a Working with Children Check if the position is child-related.
- ☐ Advise the candidate that they will be advised if successful or unsuccessful
- ☐ Advise the candidate of the timeframe it will take to advise them of the decision (this generally takes 10-14 days)
- ☐ Thank them for making time for the interview and for their interest in the position and Council.

Use this checklist to ensure all legislative and protocol requirements are met during the recruitment process.

Refer to the 'Recruitment and Employment' protocol or Human Resources for further information at any stage of the recruitment process.

Identification of Vacancy

- ☐ Review position description, including Physical Demands Analysis – refer to Human Resources if significant changes are required
- ☐ Review position Competency Matrix
- ☐ Complete 'Recruitment Requisition' and 'Advertising Template' forms; forward to Human Resources via email
- ☐ If this is a new or restructured position it must be reviewed by the Staff Consultative Committee; refer to Human Resources at this point
- ☐ Form a recruitment panel

During Advertising Period

- ☐ Arrange dates/times/venues for screening applications and interviewing – book these into the recruitment panel's Outlook calendars
- ☐ Prepare interview questions; use the 'Interview Guide' found on the Intranet – Forms/Human Resources/Recruitment Forms

Applications Closed

- ☐ Review all applications in the TRIM vacancy file. Each member of the recruitment panel must complete an 'Assessment Sheet – Applications'. This can be found on the Intranet – Forms/Human Resources/Recruitment Forms
- ☐ Discuss applications with the recruitment panel and confirm who will proceed to the interview stage.
- ☐ Discuss the recruitment process with the recruitment panel and agree on the role each member will play in the process
- ☐ Advise Human Resources which applicants have been selected for interview and confirm the interview dates/times/venues so that Human Resources can book the interviews on your behalf. This must happen within 8 working days from the closing date of applications.
- ☐ Once interviews have been booked by Human Resources, the Recruitment Team Leader will need to verbally notify any internal applicants who have not been successful in gaining an interview.

Interviews

- ☐ Prior to interview, prepare enough copies of interview questions for each of the recruitment panel + any other recruitment materials
- ☐ Arrive early at the venue to:
 - Tidy room
 - Organise water and glasses
 - Remove any disruptions; i.e. divert phones, put a 'do not disturb' sign on the door
 - Greet applicants as they arrive

Post Interview

- ☐ The recruitment panel is to discuss each applicant and rank them in order of merit under the appropriate category – refer to 'Recruitment & Selection Report' available on the intranet under Forms / Human Resources / Recruitment Forms.
- ☐ 2 x reference checks are to be conducted on the applicant who is deemed to be of greatest merit
- ☐ The 'Recruitment & Selection Report' is to be signed by each of the recruitment panel; forwarded to the Group Manager for authorisation
- ☐ Employment History checks will be conducted by Human Resources. These will be checked for the prior five years,

or last three positions held by the applicant.

- ☐ All recruitment documentation (interview guides, assessment sheets, reference checks, qualifications, identification, etc) must be saved into the TRIM vacancy file.
- ☐ The '*Recruitment & Selection Report*' is to be sent to your Human Resource Business Partner.

Human Resources will be required to review the recruitment file to ensure compliance with relevant legislation and internal protocols.

Human Resources will then contact the recommended applicant to advise that they will be progressing to the next stage of the selection process, the pre-placement health assessment, and will make arrangements for the booking of this. Where relevant, Working with Children Checks will also be arranged.

Employment Offer

- ☐ Once Human Resources have advised that a verbal offer of employment can be made, the Recruitment Team Leader is responsible for making the offer and confirming a commencement date with the applicant
- ☐ Once a verbal offer to commence has been accepted, it is the Recruitment Team Leader's responsibility to verbally contact all other interviewed applicants to notify them that they have been unsuccessful, internal applicants must be contacted first.

Human Resources will prepare the written employment offer and send unsuccessful letters to all remaining applicants. The Pay Office will be advised as soon as the signed employment offer has been returned – *must be returned prior to commencement*.

Prior to Commencement / First Day of Employment

- ☐ Refer to the '*Induction Checklist*' and complete with the new employee.

Human Resources will schedule dates for Corporate Orientation and Probation reviews etc.

For further information please refer to the 'Recruitment and Employment' protocol on the intranet.

Reference checks should only be completed for the applicant who is deemed to have the greatest merit, unless initial references are returned unsatisfactory, or the reference checks will be a deciding factor between two applicants.

A minimum of two professional reference checks should be conducted.

Applicant Name:		
Referee's Name:	Referee's Organisation:	
Referee's Position:	Referee Phone Number:	
Reference Check Conducted By:		Date: ____/____/____

Prior to Conducting Reference Check

- ☐ Introduce yourself, state your name and where you are calling from.
- ☐ Explain to the referee that they have been listed as a referee for the above applicant and you would like to ask them some questions in relation to their experience with the applicant. Ask if the referee has time to answer these questions now; advise that the process should take approximately 10 minutes.
- ☐ Tell the referee that whilst we respect the confidentiality of the information that we are given, Council may be requested by subpoena or under GIPA legislation (revised Freedom of Information) to provide access to this information to the applicant.
- ☐ If the referee offers any opinions that will seriously prejudice the applicant's chances for employment, you should ask for specific examples that substantiate the referee's opinion.
- ☐ It is very important for the interviewer to follow up on any incomplete or hesitant responses, asking them to explain further.
- ☐ Briefly describe the role and responsibilities; all questions should be based on the role.

Reference Check Questions

1. **What is your relationship to the applicant? i.e. working, otherwise,**
How long have you known the applicant?

2. **Can you confirm the applicant's position history? i.e. position title, length of service in the position,**

<p>3. Could you please outline the applicant's main responsibilities? i.e. projects, tasks,</p>
<p>4. Ask the Referee to give specific examples of work that are directly related to the duties he/she would be performing at Council should they be successful in their application:</p> <p>Insert Question Here:</p>
<p>5. Could you outline the applicant's three strongest qualities?</p>
<p>6. Areas for Improvement:</p> <p>What areas do you believe the applicant needs the most support?</p> <p>What would you consider are areas where the applicant may require greatest or additional support in their continued development in the workplace?</p>
<p>7. Were there any issues which impacted on their job performance?</p>

<p>8. If given the opportunity, would you re-employ this applicant? Why or why not?</p>
<p>9. Are there any other comments you would like to make in relation to the applicant and their application for this position, or anything you think we should be aware of?</p>
<p>10. Insert other questions here;</p>
<p>11. Insert other questions here;</p>
<p><i>Ask this question only if the position is covered by the 'Working with Children' legislation:</i></p>
<p>12. This position is covered by NSW 'Commission for Children and Young People Act, 1998'. Is there anything else that you feel that we should be aware of in relation to the applicant's performance, behaviour or application for this position?</p>
<p>Thank the referee for their time.</p>
<p><i>Interviewer's Comments:</i></p>

Other examples of questions:

In giving the applicant a task or project, what level of supervision was required?
How would you describe how he/she interacted with other staff? Did you receive any complaints about him/her from other staff or clients?
Are you aware of any performance management or disciplinary action taken?
How would you describe his/her ability to work under pressure or in stressful situations? Examples?
Can you please comment on the applicant's ability to deliver service to his/her customers within specific timeframes? i.e. ability to meet deadlines
How would you describe his/her attitude in general?
Why did the applicant leave / Why is the applicant contemplating a job change?
What type of impact did the applicant have on the organisation / department?
How did you see them 'grow' while you were working together?

- For all vacancies less than 3 months and all casual appointments, complete pages 1 & 2 only.
- For all vacancies greater than 3 months, plus all fixed term contracts and Higher Duties appointments greater than 12 weeks; complete pages 1 – 4. A **signed copy of this completed form must be emailed** to the Program Leader HR Services no later than 10:00am Friday for the following Wednesday's ELT meeting.

Section 1: Position Details				
<input type="checkbox"/> New Position <input type="checkbox"/> Existing Position	Position Title:			Position Number:
Group/Directorate:		Branch:		
Position Reports Directly to (in Organisation Structure): (Position, Name & Position Number)				
Employment Status: Refer to the definitions found in the <i>Recruitment and Employment of Staff</i> policy when selecting employment status.	<input type="checkbox"/> Permanent Appointment <input type="checkbox"/> Temporary Appointment <input type="checkbox"/> Casual Appointment <input type="checkbox"/> Term Contract			
	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Job Share With Who:			
	Is this a child-related role? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Contract Period	Commencement Date:	____/____/____	Termination Date:	____/____/____
Work Pattern: e.g. Mon – Fri, 8:30am – 5:00pm inc RDO				Total Hours per Week:
Salary Classification:	Ledger Number for Payroll Use (salary costs & Motor Vehicle costs): _____ - _____ - _____			
	Salary/Wage:	Band:	Level:	Grade:
Motor Vehicle: (Please tick) <input type="checkbox"/> Existing <input type="checkbox"/> Additional	<input type="checkbox"/> PUA Category 1 (Pre-Tax) <input type="checkbox"/> PUA Category 2 (Post-Tax)	<input type="checkbox"/> Operational PUA only <input type="checkbox"/> Commuter <input type="checkbox"/> Business	If a motor vehicle is applicable you must indicate category. Failure to provide this information will result in non-approval. Refer to Motor Vehicle Management Policy for details on relevant category. Mid-Range vehicle will be supplied for initial 3 month probation period.	
Additional Benefits or Allowances:				
Location of Position: e.g. South Street Depot				
Contact Person:				Contact Phone:

Section 2: Reason for Recruitment Action			
Details of vacancy review / reason for recruitment; i.e. resignation of employee:			
Name of Employee previously in position: (if applicable)			
What alternative options have been considered to fill the position?			
Impacts on the organisation if this recruitment is delayed:			
Name of Employee arranged for assignment if applicable:			
Employment History: If no, please attach the following:	Has this person worked for BMCC previously, within the last 12 months?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> 2 x Reference Checks <input type="checkbox"/> Resume <input type="checkbox"/> Copies of Identification <input type="checkbox"/> WWCC if applicable		

Section 3: Approvals Required – if Casual/Temp Less than 3 Months			
Branch Manager Signature:		Date:	____/____/____

Section 4: Human Resources Use Only			
Pre-Placement Health Assessment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	WWCC Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Any additions/alterations to standard contract:	<input type="checkbox"/> Yes <input type="checkbox"/> No Specify:		
If a new position, has this been reviewed by the Staff Consultative Committee?	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date: ____/____/____
Program Leader HR Services Signature:		Date:	____/____/____

Section 5: Position Review	
Comment on whether the Position Description has been reviewed and outcomes of this: e.g. Job evaluation	
How is this position funded? e.g. grant or other external funding	
Previous Advertising:	<div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> Has this position previously been advertised within the last 12 months? If yes, provide vacancy number. Vacancy:

Section 6: Proposed Recruitment Panel		
Recruitment Panel:	Team Leader:	Position:
Note: All members of the recruitment panel must be of equal or greater salary classification than the position being recruited. The Independent panel member must be from outside the branch of the position being recruited.	Independent:	Position:
	Technical Expert: <i>Or other, if applicable</i>	Position:

Section 7: Summary of Business Case (including reason for vehicle requirement if applicable)	
Recommendation - Include any final comments for ELT's consideration, supporting the business case for recruitment:	

Section 8: Supporting Documentation Required		
<p>All supporting documentation must be supplied at the time of submission to HR Services. Failure to do so may result in the delay of your request being forwarded to ELT.</p>		
<input type="checkbox"/> Position Description	<input type="checkbox"/> Branch Structure <i>Highlight vacant position</i>	<input type="checkbox"/> Advertising Template (Form 3)

Section 9: Director/Group Manager Approval	
<p>Director approval is required before documentation is submitted to HR Services.</p>	
<p>Director/Group Manager Signature:</p>	<p>Date: ____/____/____</p>

Section 10: ELT Approval	
<p>To be completed by an ELT representative or the Group Manager, People & Systems.</p>	
<p>Authority to recruit has been:</p>	<input type="checkbox"/> Approved <input type="checkbox"/> Declined Date: ____/____/____
<p>Changes, conditions and/or comments required for approval:</p>	
<p>Authorising Signature for ELT:</p>	

****Copy to be supplied to Fleet Services if motor vehicle required on approval.***

1 CONTRACT

1.1 Form of Contract

- 1.1.1 This form of Contract BMCC-C2 is used by the Client for consultancies with a nominated contract sum of more than \$150,000.

1.2 Contract Documents

- 1.2.1 The Contract between the Client and the Consultant comprises the following:
1. Procurement Objective and Statement of Requirement detailed in Request For Tender or Quote, as amended from time to time by the Client, whether by the issue of an addendum or otherwise (“Statement of Requirement”).
 2. Any Client Approved Standard Drawings/Plans (the “Drawings”).
 3. Any Client Approved Technical and General Specifications (the “Specifications”).
 4. This form of Contract BMCC-C2 including any Addenda to it.
 5. The Australian Standard General Conditions of Contract for Engagement of Consultants AS 4122-2000, as amended or added to by the Client, (“AS4122-2000”, “General Conditions of Contract” or “AS”).
 6. The Letter of Acceptance of Tender issued by the Client to the Consultant.
 7. The Tender submitted by the Consultant, including Response Schedules (“Tender”).
 8. Any other documents that the Client and the Consultant agree in writing shall form part of the Contract Documents (“other documents”).
- 1.2.2 For the purposes of this Contract the term “Contract Documents” means the documents referred to in clause 1.2.1.
- 1.2.3 Under the Contract Documents Blue Mountains City Council is the “Client”.
- 1.2.4 If there is any conflict or inconsistency between any of the Contract Documents then a Contract Document that is listed in clause 1.2.1 before another Contract Document shall prevail over that other Document:

1.3 General

- 1.3.1 AS 4122-2000 is not attached to this Contract. It is the Consultant’s responsibility to obtain and familiarise itself with the provisions of all Australian Standards and with all other technical or general specifications referred to in any of the Contract Documents.

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1.4 Commencement of Contract Period

- 1.4.1 The Contract period shall be deemed to commence from the date specified in the Letter of Acceptance.

1.5 Insurance

- 1.5.1 The Consultant must effect the insurance policies nominated by the Client in the Contract Documents in respect of all work carried out by the Consultant under this Contract.
- 1.5.2 Any and all insurance policies that the Consultant is required to effect in accordance with this Contract must be made available for inspection by the Client's representative, upon request.
- 1.5.3 If the Client so requests, the Consultant must ensure that the Client is recorded as an interested party under the Consultant's public liability and professional indemnity insurance policies.
- 1.5.4 The insurance policies referred to in clause 1.5.1 must be taken out by the Consultant no later than the issue by the Client of its Letter of Acceptance of the Consultant's tender. The Consultant shall provide such evidence as the Client may nominate to confirm that the policies have been effected, and shall, if so requested, provide to the Client a copy of those policies to the Client upon the Client's request. The Contractor must not commence work under this Contract until the provisions of this clause 1.5 have been fully satisfied.
- 1.5.5 The Consultant must ensure that the policies of insurance referred to in this clause 1.5 remain valid and in full force and effect during the period in which the works under this Contract are being carried out. The Consultant's professional indemnity policy must remain current for at least two (2) years after the date of completion of the Consultant's work under this Contract.
- 1.5.6 The Consultant shall, as soon as possible, give written notice to the Client's representative of any occurrence that may give rise to a claim under one of the Consultant's insurance policies (required to be effected by the Consultant under this Contract), and shall keep the Client's representative informed of all subsequent developments concerning that claim or prospective claim. The Consultant shall ensure that the same notice and information is given to the Client in relation to any occurrence, and any insurance claim or prospective insurance claim, involving any sub-consultant under this Contract.

1.6 Notices from the Insurer

- 1.6.1 The Consultant shall ensure that the insurance policies effected by it pursuant to this Contract shall, if the Client so requests, contain provisions that:
- require the insurer to advise the Client in writing of any notice of cancellation or other notice given by the insurer in relation to the policy concerned; and

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- confirm that a notice of claim given to the insurer by the Client, the Consultant or the Client's representative shall be accepted by the insurer as a valid notice of claim.

1.7 Safety

- 1.7.1 The *Consultant* shall ensure that all work performed under this Contract is performed in accordance with the *Client's* safety policies and requirements, as applicable, and with all relevant health and safety legislation, including the Occupational, Health and Safety Act 1983. Copies of the *Client's* Safety Policies are available from the *Client's* representative.

1.8 Claims for Payment

- 1.8.1 Claims for payment shall be made by the Consultant once in each calendar month and shall be made in accordance with the General Conditions of Contract. Claims shall be accompanied by full details of the work on which the claim is based. Claims shall also include a detailed breakdown (including full work details) of all claims for additional work or for variations, which shall identify the relevant directions, site instructions or advice issued by the Client's representative before that work was performed by the Consultant.

1.9 Program

- 1.9.1 No work shall be commenced by the Consultant under this Contract until:
- the Client issues its Letter of Acceptance of the Consultant's Tender;
 - the Contract Documents have been executed by the Client and the Consultant;
 - the Consultant has lodged with the Client all of the Schedules appended to the Request For Tender (RFT), all of which must be duly completed by the Consultant in accordance with the RFT; and
 - provided evidence to the Client that the Consultant has effected the insurance policy that it is required by this Contract to effect.
- 1.9.2 The Consultant will be issued with a Letter of Acceptance and the Contract period shall be deemed to commence from the date indicated in that letter.

1.10 Contract Revision

- 1.10.1 The parties to this Contract may, at any time while this Contract is in force and effect, agree to:
- (a) delete or amend any clause in this Contract; or
 - (b) add a new clause or clauses to this Contract.
- 1.10.2 Following any such agreement, the signing by the parties of a formal instrument of amendment, identifying the deletions, amendments or additions to this Contract, shall from the date on which it is signed be deemed to be an Addendum to this Contract and shall bind the parties and form part of the Contract Documents.

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1.11 Annexure to AS 4122-2000

1. a) The scope of work to be performed by the Consultant is detailed in the following document: (AS clause 1)	Statement of Requirement, the Drawings and the Specifications
2. a) The <i>Client</i> or Principal is: (AS clause 1) b) The <i>Client's</i> or Principal's address is: (AS clause 1)	Group Manager, Community & Corporate, Blue Mountains City Council A B N: 52699520223, under delegated authority Locked Bag 1005 Katoomba NSW 2780
3. a) The <i>Consultant</i> is: (clause 1) b) The <i>Consultant's</i> address is: (clause 1)	TBA ACN: TBA ABN: TBA TBA
4. The law applicable is that of the State or Territory of: (AS clause 1)	New South Wales
5. The Contract documents are: (AS clause 2)	As specified in clause 1.2.1 of BMCC-C2.
6. Program for carrying out the services (AS clause 3b)	As specified in the Statement of Requirement.
7. Key Personnel (AS clause 3g)	Name / Work to be carried out. TBA.
8. Fees and charges to meet Legislative Requirements. (AS Clause 4f)	<i>Client's</i> responsibility.
9. The <i>Client's</i> representative is: (AS Clause 6.1)	Group Manager, Community & Corporate, Blue Mountains City Council.

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10. The <i>Consultant's</i> representative is: (AS Clause 6.2)	TBA
11. Intellectual Property Rights. (AS clause 8.1)	Alternative 2
12. Additional fee. (AS clause 8.1)	Nil
13. Additional Purposes for Contract material. (AS clause 8.2)	As required
14. <i>Consultant's</i> Liability. (AS clause 9.1)	Limited to the extent of required Insurance.
15. a) Amount of professional indemnity insurance shall not be less than: (AS clause 10.1) b) The period for which professional indemnity insurance shall be maintained is: (AS clause 10.1)	\$1,000,000 (or such other amount as the Client may from time to time specify). Current for two years after the date of completion of the <i>Consultant's</i> work under this Contract.
16. The amount of public liability insurance shall not be less than: (AS clause 10.2)	\$20,000,000
17. Claims for progress payments shall be made on completion of; (AS clause 13.1)	Percentage completion of items in Pricing Instrument (Schedule One), but not more than calendar monthly.
18. a) The <i>Consultant's</i> Fee. (AS clause 13.2) b) The expenses and disbursements to be reimbursed to the <i>Consultant</i> shall be: (AS clause 13.2)	TBA Nil. All expenses and disbursements to be included in <i>Consultant's</i> Tender.
19. Time and Place for Payment (AS clause 13.3)	Paid no later than a) 28 days after the date of submission of a claim for payment b) At Principal's address.
20. The rate of interest on overdue payments shall be:	Nil

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(AS clause 13.4)	
21. Deemed frustration date if Services are not completed. (AS clause 14.1)	TBA
22. Arbitration and Expert Determination: (AS clause 15) a) Person to nominate an arbitrator or Expert: (AS clause 15.3) b) Rules for arbitration: (AS clause 15.3) c) Rules for expert determination: (AS clause 15.4)	 The Chair of the Chapter of the Institute of Arbitrators and Mediators Australia. (NSW) Rules of the Institute of Arbitrators and Mediators Australia for the Conduct of Commercial Arbitrations. Guidelines for the Expert Determination of the Australian Commercial Disputes Centre.

BMCC-C1 CONTRACT FOR MINOR CONSULTANCY

1 CONTRACT

1.1 Form of Contract

- 1.1.1 This form of Contract BMCC-C1 is used by the Client for consultancies with a nominated contract sum of up to \$150,000.

1.2 Contract Documents

- 1.2.1 The Contract between the Client and the Consultant comprises the following:
1. Procurement Objective and Statement of Requirement detailed in Request For Tender or Quote, as amended from time to time by the Client, whether by the issue of an addendum or otherwise ("Statement of Requirement").
 2. Any Client Approved Standard Drawings/Plans (the "Drawings").
 3. Any Client Approved Technical and General Specifications (the "Specifications").
 4. This form of Contract BMCC-C1, including any Addenda to it.
 5. The Australian Standard General Conditions of Contract for Engagement of Consultants AS 4122-2000, as amended or added to by the Client, ("AS4122-2000", "General Conditions of Contract" or "AS").
 6. The Letter of Acceptance of Tender or Quote issued by the Client to the Consultant ("Letter of Acceptance").
 7. The Tender or Quote submitted by the Consultant, including Response Schedules ("Quote").
 8. Any other documents that the Client and the Consultant agree in writing shall form part of the Contract Documents ("other documents").
- 1.2.2 For the purposes of this Contract the term "Contract Documents" means the documents referred to in clause 1.2.1.
- 1.2.3 Under the Contract Documents Blue Mountains City Council is the "Client".
- 1.2.4 If there is any conflict or inconsistency between any of the Contract Documents then a Contract Document that is listed in clause 1.2.1 before another Contract Document shall prevail over that other Document.

1.3 General

- 1.3.1 AS 4122 - 2000 is not attached to this Contract. It is the Consultant's responsibility to obtain and familiarise itself with the provisions of AS 4122 – 2000 and all other relevant Australian Standards and with all other technical or general specifications referred to in any of the Contract Documents.

1.4 Commencement of Contract Period

- 1.4.1 The Contract period shall be deemed to commence from the date specified in the Letter of Acceptance.

1.5 Insurance

- 1.5.1 The Consultant must effect the insurance policies nominated by the Client in the Contract Documents in respect of all work carried out by the Consultant under this Contract.
- 1.5.2 The insurance policies referred to in clause 1.5.1 must be taken out by the Consultant no later than the issue by the Client of the Letter of Acceptance. The Consultant shall provide such evidence as the Client may nominate to confirm that those policies have been effected and shall, if so requested, provide to the Client a copy of those policies.

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- 1.5.3 If the Client so requests, the Consultant must ensure that the Client is recorded as an interested party under the Consultant's public liability and professional indemnity insurance policies.
- 1.5.4 The Consultant must ensure that the policies of insurance referred to in this clause 1.5 remain valid and in full force and effect during the period in which the works under this Contract are being carried out. The Consultant's professional indemnity policy must remain current for at least two (2) years after the date of completion of the Consultant's work under this Contract.
- 1.5.5 The Consultant shall, as soon as possible, give written notice to the Client's representative of any occurrence that may give rise to a claim under one of the Consultant's insurance policies (required to be effected by the Consultant under this Contract), and shall keep the Client's representative informed of all subsequent developments concerning that claim or prospective claim. The Consultant shall ensure that the same notice and information is given to the Client in relation to any occurrence, and any insurance claim or prospective insurance claim, involving any sub-consultant under this Contract.

1.6 Notices from the Insurer

- 1.6.1 The Consultant shall ensure that the insurance policies effected by it pursuant to this Contract shall, if the Client so requests, contain provisions that:
- require the insurer to advise the Client in writing of any notice of cancellation or other notice given by the insurer in relation to the policy concerned; and
 - confirm that a notice of claim given to the insurer by the Client, the Consultant or the Client's representative shall be accepted by the insurer as a valid notice of claim.

1.7 Safety

- 1.7.1 The Consultant shall ensure that all work under this Contract is performed in accordance with the Client's safety policies and requirements, as applicable, and with all relevant health and safety legislation, including the Occupational, Health and Safety Act 1983. Copies of the Client's Safety Policies are available from the Client's representative.

1.8 Claims for Payment

- 1.8.1 Claims for payment shall be made by the Consultant once in each calendar month and shall be made in accordance with the General Conditions of Contract. Claims shall be accompanied by full details of the work on which the claim is based. Claims shall also include a detailed breakdown (including full work details) of all claims for additional work or for variations, which shall identify the relevant directions, site instructions or advice issued by the Client's representative before that work was performed by the Consultant.

1.9 Program

- 1.9.1 No work shall be commenced by the Consultant under this Contract until the Client issues its Letter of Acceptance to the Consultant and until the Consultant complies with clauses 1.5.1, 1.5.2 and 1.5.3..

1.10 Contract Revision

- 1.10.1 The parties to this Contract may, at any time while this Contract is in force and effect, agree to:
- (a) delete or amend any clause in this Contract; or
 - (b) add a new clause or clauses to this Contract.
- 1.10.2 Following any such agreement, the signing by the parties of a formal instrument of amendment, identifying the deletions, amendments or additions to this Contract shall

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from the date on which it is signed be deemed to be an Addendum to this Contract and shall bind the parties and form part of the Contract Documents.

1.11 ANNEXURE TO AS 4122-2000

1. (a) The scope of work to be performed by the Consultant is detailed in the following document: (AS clause 1)	Statement of Requirement, the Drawings and the Specifications.
2. (a) The Client or Principal is: (AS clause 1) (b) The Client's address is: (AS clause 1)	Blue Mountains City Council A B N: 52699520223 Locked Bag 5 Katoomba NSW 2780
3. (a) The Consultant is: (clause 1) (b) The Consultant's address is: (clause 1)	TBA ACN: TBA ABN: TBA TBA
4. The law applicable is that of the State or Territory of: (AS clause 1)	New South Wales
5. The Contract documents are: (AS clause 2)	As specified in clause 1.2.1 of BMCC-C1.
6. Program for carrying out the services (AS clause 3b)	As specified in the Statement of Requirement.
7. Key Personnel (AS clause 3g)	Name / Work to be carried out.
8. Fees and charges to meet Legislative Requirements. (AS clause 4f)	Client's responsibility.
9. The Client's representative is: (AS Clause 6.1)	Group Manager, Community & Corporate Blue Mountains City Council.
10. The Consultant's representative is: (AS Clause 6.2)	TBA

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11. Intellectual Property Rights. (AS clause 8.1)	Alternative 2
12. Additional fee. (AS clause 8.1)	NIL
13. Additional Purposes for Contract material. (AS clause 8.2)	As required
14. Consultant's Liability. (AS clause 9.1)	Limited to the extent of required Insurance.
15. (a) Amount of professional indemnity insurance shall not be less than: (AS clause 10.1) (b) The period for which professional indemnity insurance shall be maintained is: (AS clause 10.1)	\$500,000.00 or such other amount as the Client may from time to time specify. Current for two years after the date of completion of the Consultant's work under this Contract.
16. The amount of public liability insurance shall not be less than: (AS clause 10.2)	\$20,000,000
17. Claims for progress payments shall be made. (AS clause 13.1)	At monthly intervals, unless otherwise agreed in writing by the Client and the Consultant.

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<p>18. a) The Consultant's Fee. (AS clause 13.2)</p> <p>b) The expenses and disbursements to be reimbursed to the Consultant shall be: (AS clause 13.2)</p>	<p>See the Letter of Acceptance.</p> <p>All expenses and disbursements to be included in the Quote.</p>
<p>19. Time and Place for Payment (AS clause 13.3)</p>	<p>Paid no later than</p> <p>(a) 28 days after the date of submission of a claim for progress payment.</p> <p>(b) At Client's address.</p>
<p>20. The rate of interest on overdue payments shall be: (AS clause 13.4)</p>	<p>Nil</p>
<p>21. Deemed frustration date if Services are not completed. (AS clause 14.1)</p>	<p>TBA</p>
<p>22. Arbitration and Expert Determination: (AS clause 15)</p> <p>(a) Person to nominate an arbitrator or Expert: (AS clause 15.3)</p> <p>(b) Rules for arbitration: (AS clause 15.3)</p> <p>(c) Rules for expert determination: (AS clause 15.4)</p>	<p>The Chair of the Chapter of the Institute of Arbitrators and Mediators Australia. (NSW)</p> <p>Rules of the Institute of Arbitrators and Mediators Australia for the Conduct of Commercial Arbitrations.</p> <p>Guidelines for the Expert Determination of the Australian Commercial Disputes Centre.</p>