

Attachment Folder

Item 8.3

Ordinary Meeting

Thursday, 20 June 2024

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Strategic Policy

2024-25 Procurement Policy

DRAFT

Endorsed by Council:

<Corporate Governance
INSERT Ordinary Meeting Date
and OM reference once
endorsed>

Policy purpose

This Procurement Policy will outline the principles as well as the procurement and disposal framework that Council will adopt and apply when conducting Contracting Activities, which include contracts for goods and services (including works) and the disposal of assets.

Policy scope

This policy applies to all Council employees (including contingent workers and volunteers) and relates to anyone who undertakes any part of a Contracting Activity on behalf of Council.

Policy statement

Council adopts the *LGR 2012*, Chapter 6 Contracting, Part 2 Strategic Contracting Procedures for entering into contracts for the:

- a) supply of goods and services (including carrying out work); and
- b) disposal of non-current assets (other than land).

Council will comply with these procedures when conducting Contracting Activities, other than those applying to disposal of land or an interest in land.

Council will deal with the disposal of land under the *LGR 2012*, Chapter 6 Contracting, Part 3 Default Contracting Procedures.

Council will ensure it is financially sustainable by establishing a financial management system that ensures regard is had for the Sound Contracting Principles when contracting for the supply of goods or services (including carrying out of works) and the disposal of assets.

Council will continue to apply the Sound Contracting Principles throughout the financial year along with other adopted principles in relation to Contracting Activities.

Sound Contracting Principles

The Sound Contracting Principles are:

- a) value for money; and
- b) open and effective competition; and
- c) the development of competitive local business and industry; and
- d) environmental protection; and

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e) ethical behaviour and fair dealing.

Regard will be had for each principle, although each principle may not receive equal consideration.

Requirements of Strategic Contracting Procedures

The Strategic Contracting Procedures, comprise of:

- (a) Contract Manual;
- (b) Contracting Plan and associated guidelines, which include:
 - Local Preference in Procurement Guideline;
 - Social Benefit Procurement Guideline;
 - First Nations Procurement Guideline; and
 - Innovation and Market-Led Engagement Guideline; and
 - Environment and Sustainability in Procurement Guideline.
- (c) Significant Contracting Plan/s.

Policy application

This policy details how Council will conduct Procurement Activities. Procurement Activities will occur in the following manner:

Table 1: Procurement Contract thresholds

Contract Threshold	Procurement Routes
\$5,000,000 and greater OR High Risk/Complex Contracts	<ul style="list-style-type: none"> A Significant Contracting Plan is required for any Contract that is: <ul style="list-style-type: none"> expected to reach the Contract Threshold; or of a high risk; or of a complex nature. <p>A Significant Contracting Plan must be made before the Contract starts. Each Significant Contracting Plan will identify the chosen procurement strategy.</p> <p>All Significant Contracting Plans must be approved in accordance with Council's Contracting Plan and may only be modified by resolution of Council.</p>
\$500,000 up to \$5,000,000	<ul style="list-style-type: none"> Expression of Interest (EOI) Invite Tenders Available Exception
\$50,000 up to \$500,000	<ul style="list-style-type: none"> EOI Invite Tenders Request for Quote issued to at least three (3) suitably capable suppliers Available Exception

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Contract Threshold	Procurement Routes
Up to \$50,000	<ul style="list-style-type: none"> Request for Quote issued to at least one (1) suitably capable supplier

Exceptions relating to Procurement Processes

Council has created alternative procurement routes to the primary procurement routes (of EOI, Tender and Request for Quote) by establishing the following Exceptions:

Exception	Process for establishing and/or exercising an Exception
Supplier Arrangements	<p>Council can create Supplier Arrangements to undertake procurement processes to form contracts for goods, services (including the carrying out of works) that are required frequently, in high volume or where it is important to understand the capability of the Suppliers.</p> <p>Council will maintain an open and transparent process for creating, managing, refreshing, and finalising Supplier Arrangements. Public Tender will be used to create a Supplier Arrangement, however a Request For Quote may be used to manage or refresh an existing Supplier Arrangement.</p> <p>The Supplier Arrangement may be priced or non-priced.</p> <p>Utilising Supplier Arrangement with price provided</p> <p>Council will invite the highest ranked Supplier on the Supplier Arrangement to provide the goods, services and/or works. Where the highest ranked does not or cannot provide the goods, services and/or works, the next highest ranked Supplier may be engaged, and so on, until a Supplier is engaged.</p> <p>Utilising Supplier Arrangement without price provided</p> <p>Council will undertake a Request for Quote from any Supplier Arrangement where price is not provided, having regard to the thresholds outlined in Table 2: Procurement Contract value and related procurement routes to market above.</p> <p>Note: In exceptional circumstances, a contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on a Supplier Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a contract if this exception is required.</p>
Governmental Contracts and Arrangements	<p>The Contract is made with, or under an arrangement with, another Government, including Local, State or Commonwealth, and includes any Government Entity or Agency and Utility Providers.</p> <p>This exception is intended to include Local Government Association Arrangements and Utility Providers including water, electricity, gas and telecommunications.</p> <p>Note: In exceptional circumstances, a contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on an</p>

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	Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a contract if this exception is required.
Memberships / subscriptions / conferences (e.g. professional associations, industry bodies, institutes)	Applies where alternatives do not practically exist (for example professional associations, industry bodies, and institutes).
Statement of licence, legislated requirements, third party ownership of assets or industry regulated standards	Applies if the goods, services, or works can only be supplied by a single supplier or a restricted group due to third-party ownership of a public utility plant asset. For example, Energex, Telstra, or APA. Where possible, competitive quotes are to be obtained and value for money demonstrated.
Where existing system, equipment or proprietary brand has requisite goods and services to ensure compatibility or warranty.	Applies if the goods or services being sought are restricted as they can only be supplied by a single supplier, or requires Council to procure a specific brand that restricts the supplier market (for example replacement parts for equipment under warranty or maintenance agreements). Where possible, competitive quotes are to be obtained and value for money demonstrated.
Information and communication Technology: Solutions tendered – re-sellers and software developers	Allows Council to contract with a copyright holder where the solution is tendered by an authorised reseller.
Extension of Information Communications Technology (ICT) licencing, support and maintenance contracts	Council's arrangements and contracts for the provision of ICT software and hardware (ICT products) can often continue to meet business requirements beyond the originally envisioned term. This exception provides a mechanism to approve purchasing of incremental licences as well as maintenance and support (which may include external hosting or subscription to existing solutions) for existing Council ICT products beyond the original term. Where possible, competitive quotes are to be obtained and value for money demonstrated.
Genuine Emergency	A genuine emergency exists. If the money spent in response to the genuine emergency is not provided for in the annual budget, Council must make a resolution about spending the money either before, or as soon as practicable after, the money is spent.

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Innovation and Market-Led Engagement Guideline	Council has adopted an Innovation and Market-Led Engagement Guideline to identify the circumstances and processes for engaging with Suppliers who provide goods, services and/or works that fall within the contemplation of the Guideline.
General Exceptions	<p>A General Exception may be used to form a contract when a standard Procurement Process or other Exception is not available or appropriate under the circumstances. This may include activities previously identified as Exceptions, including:</p> <p>Sole or Specialised Supplier/s</p> <p>Council determines that:</p> <ul style="list-style-type: none"> there is only one supplier who is reasonably available; or because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders. <p>Auction Purchase</p> <p>The Contract is for the purchase of goods and is made by auction.</p> <p>Second-hand Goods</p> <p>The Contract is for the purchase of second-hand goods.</p> <p>Tender/Quote Consideration Plan/s</p> <p>If a Tender/Quote Consideration Plan has been approved or adopted, then Council may form a Contract from that Plan as contemplated by that Plan.</p> <p>A Procurement Plan must be developed prior to contract award for Procurement Activities involving a General Exception. A Procurement Plan for a General Exception must also explain the reasoning for using this Exception, including why a standard Procurement Process/es or other Exception/s were not available.</p> <p>A General Exception may be approved by the Manager, Business & Innovation and the Group Executive from the Group where the contract will be managed and administered, or with the sole approval of the CEO.</p>

NOTE: Use of any of the aforementioned exceptions is limited to those with the delegated authority to conduct Contracting Activities, and within authorised expenditure limits.

Application to Disposal Processes

Council will conduct Disposal Contracting Activities having regard to the adopted Thresholds for Valuable Non-Current Assets.

Thresholds for Valuable Non-Current Assets (VNCA)

The *LGR 2012* provides that a VNCA is:

- land; or

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- another non-current asset that has an apparent value that is equal to or more than a limit set by Council.

Council sets the value for VNCAs, other than land for the following amounts:

- for plant or equipment - \$5,000;
- for another type of non-current asset - \$10,000.

For clarity, items with an estimated value greater than or equal to the above values are VNCAs. Those items with an estimated value below the values above are considered Surplus Assets.

Table 3: Disposal Contract thresholds

Contract Value	Disposal Routes
Plant, Equipment and any other VNCA worth more than \$5,000 (other than land)	<ul style="list-style-type: none"> • Public Tender • EOI • Available Exception
Surplus Assets worth less than \$10,000	<ul style="list-style-type: none"> • EOI • Public Tender • Public Auction • Recycle • Waste/dumping • Trade in • Donating to Government Agency or Community Organisation

Council will consider and apply the most appropriate disposal process to realise the best value for Council from the disposal.

Requirement for the Disposal of Land and Exceptions

Council will continue to dispose of land, or any interest in land in a manner consistent with the *LGR 2012*, Chapter 6 Contracting, Part 3 Default Contracting Procedures. These procedures require that, unless an exception applies, Council will dispose of land, or an interest in land by:

- EOI
- Tender
- Auction

There are a number of exceptions detailed in the LGR which may be exercised instead of undertaking an EOI, Tender or Auction and these are detailed in section 236(1). Exercise of the exceptions is subject to the following qualifications:

- For exceptions mentioned in subsections 236(1)(a) to (e), before the disposal, Council decides by resolution that the exception may apply to that particular disposal.
- For exceptions relating to disposal of land or an interest in land, the consideration for the disposal would be equal to, or more than, the market value of the land or the interest in land including the market value of any improvements. A written report about the market

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value from a valuer registered under the *Valuers Registration Act 1992* (not an employee of Council) will be sufficient evidence of the market value.

- c) Point (b) immediately above does not apply to disposal of land or an interest in land which is disposed of under sections 236(1)(b), (1)(c)(ii) or (1)(f).

Applying the Sound Contracting Principles in Procurement and Disposal Processes

Council will apply, and have regard for, the Sound Contracting Principles in the following manner:

Value for money

The concept of value for money is not restricted to the price of the goods, services or works.

Council will consider a number of factors when assessing value for money, including:

- a) whole-of-life costs including acquisition, use, maintenance and disposal costs;
- b) contribution to the achievement of Council's policies and priorities;
- c) fitness for purpose, quality, service and support;
- d) internal administration costs;
- e) technical compliance costs;
- f) risk exposure; and
- g) the value of any associated environmental benefits.

Open and effective competition

Contracting Activities will be conducted by Council using an open and competitive process unless a specific exception applies. Open and effective competition will be achieved by ensuring that:

- a) procedures and processes for contracting are visible to Council, suppliers and the community;
- b) prospective suppliers are given fair and reasonable consideration; and
- c) evaluation of offers is undertaken pursuant to the legislation, procedures and evaluation criteria applicable to the Contracting Activity.

The development of competitive local business and industry

Council encourages the development of competitive local businesses and will endeavour to promote and support competitive local industry while conducting Contracting Activities.

In addition to standard evaluation criteria, Council may also consider the following factors when conducting Contracting Activities:

- a) creation of local employment opportunities;
- b) economic growth within the local area including economic growth that aligns with the implementation of the *Regional Economic Development Strategy 2013-2033*;
- c) readily available servicing support and supply chain capability; and
- d) the benefit to Council of contracting with local suppliers and the associated local commercial transactions that flow from these engagements.

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Environmental protection

Council will seek to complement its broader environmental commitments and initiatives when conducting Contracting Activities. While conducting those activities, Council will have regard to the *Environment and Liveability Strategy 2017*, the *Organisational Zero-net Emissions Plan 2022* and a range of environment and sustainability factors including:

- a) the environmental and sustainability benefits and impacts for the whole lifecycle of products and services including manufacture, supply, use, maintenance and disposal;
- b) procurement of environmentally responsible goods, services and assets;
- c) goods and services that minimise resources and have reduced environmental impacts throughout their lifecycle, including:
 - reduced toxicity;
 - reduced packaging;
 - reducing waste to landfill;
 - greater energy efficiency and/or reduced carbon emissions,
 - greater water efficiency and/or reduced water use;
- d) use of products made from recycled materials, recycled green organics and/or recycled plastic products;
- e) provide an example to business, industry and the community in promoting the use of environmentally responsible goods and services; and
- f) pursuing, leading and building a circular economy.

Ethical behaviour and fair dealing

Council will conduct Contracting Activities with impartiality, fairness, independence, openness, and integrity to ensure probity, transparency and accountability for the outcomes. Council will promote ethical behaviour and fair dealing by:

- a) ensuring legislative and policy compliance in Contracting Activities;
- b) ensuring compliance with Employee and Councillor Codes of Conduct;
- c) creating and maintaining a robust and effective procurement process that operates in a mature probity environment;
- d) identifying and managing possible, real or perceived conflicts of interest between Council, Council Officers, Councillors and prospective or existing contractors;
- e) Ensuring equal and impartial treatment of all prospective and existing suppliers.

Other obligations

Outlined below is a series of further obligations that must be met or maintained. They are:

Powers to delegate (*LGA 2009*, ss 257, 259 & *LGR 2012*, s 238)

Council may delegate by resolution, a power under the *LGA 2009* or another Act to the Chief Executive Officer (CEO). Any delegation to the CEO will be reviewed annually. The Council must not

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delegate a power that an Act states must be exercised by resolution. Council may delegate a power with conditions.

Council has delegated powers to the CEO relating to Contracting Activities. The CEO has in turn delegated these powers onto appropriately qualified Council Officers. These delegations are recorded in the delegations register maintained by the CEO.

Persons engaged by Council in Contracts for Service (e.g. consultants, project managers and labour hire organisations) are not permitted to commence a Contracting Activity or award a Contract on behalf of Council unless they have been formally given an Instrument of Delegation as available in the Delegation No. 2 approved by the Chief Executive Officer and relevant Group Executive.

For clarity, some persons engaged in Contracts for Service that are considered Contingent Workers may participate in or manage the Contracting Activity through its various phases and provide, for example, technical advice during the evaluation of Tenders. However, they are not permitted to undertake any action or make any decision that results in them commencing a Procurement Process or forming a Contract on behalf of Council, or expending, or agreeing to expend money on behalf of Council unless a Instrument of Delegation has been provided for in the Delegation No. 2, approved by the Chief Executive Officer and relevant Group Executive.

Requirement to keep record of particular matters (LGR 2012, s 164)

Council will keep a written record stating the risks Council's operations are exposed to, to the extent they are relevant to financial management and the control measures adopted to manage the risks. Council will keep a copy of the Procurement Policy with that record.

Unauthorised spending (LGR 2012, s 173)

Council will only spend money in a financial year if it is adopted in the budget for the financial year; or before adopting its budget for the financial year, if it then provides for the spending in the budget for that financial year.

Council may spend money, not authorised in its budget, for genuine emergency or hardship. In this instance Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent. The resolution will state how the spending is to be funded.

Other contents - Annual Report – changes to tenders (LGR 2012, s 190)

Council will include the number of invitations to change tenders under the LGR 2012, Section 228(7) during that financial year in its annual report for the financial year.

Procurement Policy – annual review (LGR 2012, s 198)

Council will prepare and adopt a Procurement Policy that will be reviewed annually. The Procurement Policy will include details of the principles, including the Sound Contracting Principles that Council will apply to purchasing goods and services and undertaking disposal activities.

Public access to relevant financial and planning documents (LGR 2012, s 199)

Council will allow the public to inspect this Procurement Policy by making it available:

- a) on its website <http://www.sunshinecoast.qld.gov.au>; and
- b) at Council's public offices.

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Council will also make a copy of the Procurement Policy available for purchase at a cost of no more than it costs Council to make it available.

Publishing details of contractual arrangements worth \$200,000 or more (*LGR 2012, s 237*)

Council will, as soon as practicable after entering into a contractual arrangement worth \$200,000 or more (GST exclusive), publish the relevant details of the contractual arrangement:

- a) on its website <http://www.sunshinecoast.qld.gov.au>; and
- b) in a conspicuous place in a public office.

Relevant details of a Contract means:

- a) the person with whom Council has entered into the contractual arrangement;
- b) the value of the contractual arrangement; and
- c) the purpose of the contractual arrangement.

For the purposes of this section a reference to Contractual Arrangement means a single Contract.

Councillor requests for information

The *LGA 2009* provides the circumstances under which Councillors may request information or assistance from Local Government Employees. A framework for this process has been established by the Councillors Acceptable Request Guidelines. This guideline outlines the processes for Councillors requesting, and Local Government Employees providing, information.

Councillors and Local Government Employees should comply with the legislation, the relevant Guideline and the respective Codes of Conduct when dealing with matters relating to Contracting Activities.

Councillors should direct any issues regarding Contracting Activities to the CEO. They should not attempt to influence any Contracting Activity. Attempts to do so may constitute a breach of legislation and/or the Councillor Code of Conduct. Further, attempts may cause the favoured industry participant to be disqualified from consideration under Council's probity conditions established under its procurement process and general conditions of offer.

Prohibition on splitting of Orders or Contracting Activities

Splitting orders or splitting Contracting Activities to attempt to avoid thresholds is not permitted.

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Policy review

This policy will be reviewed annually.

Roles and responsibilities

Role	Responsibility
Council	Endorsement authority for setting this policy and for all material changes to this policy. Able to endorse non-material changes.
Chief Executive Officer (CEO)	Policy Sponsor..
Executive Leadership Team (ELT)	Provides advice to the CEO and/or Council on setting this policy and all proposed changes to this policy. Provides feedback to the policy sponsor and policy holder regarding the scope of approaching reviews.
Group Executive (GE), Business Performance	Policy sponsor.
Manager, Business & Innovation	Policy holder.

Measurements of success

Success of this Procurement Policy will be measured by:

- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **Local suppliers** compared with non-local suppliers;
- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **First Nation suppliers**, and consideration of sub-contracting and employment opportunities;
- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **Social Benefit suppliers**, and consideration of sub-contracting and employment opportunities;
- Number and percentage of Contracting Activities with an **Environmental and Sustainability** criterion;
- Number and percentage of Contracting Activities with a **Work health and safety** criterion;

Definitions

Refer to Council's Policy Framework for definitions of common terms. The following contains definitions for terms specific to this policy. For otherwise undefined terms, the plain English meaning informs interpretation.

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Term	Definition
Community Organisation	means: <ul style="list-style-type: none"> a) an entity that carries on activities for a public purpose; or b) another entity whose primary object is not directed at making a profit.
Contract	means a contract (including purchase orders and purchase card transactions) for: <ul style="list-style-type: none"> a) the supply of goods or services; or b) the carrying out of work; or c) the disposal of non-current assets. In this policy, this term does not include a contract of employment between Council and a Local Government Employee (as defined in the <i>LGA 2009</i>).
Contracting Activity	means Procurement Processes and/or Disposal Processes.
Contract Manual	means the Contract Manual prepared and adopted by Council for the financial year, as required under the provisions of the <i>LGR 2012</i> , s 222.
Contracting Plan	means the Contracting Plan prepared and adopted by Council for the financial year, as required under the provisions of the <i>LGR 2012</i> , s 220.
Contract for Service	means a contract to which an independent contractor is a party and that relates to the performance of work by the independent contractor.
Council Employee	means the CEO, senior contract employees, contract employees, award employees, casual employees, part-time employees, contractors, contingent workers, agency casual and volunteers.
Council Officer	means a Local Government Employee (as that term is defined in the <i>LGA 2009</i>) of the Sunshine Coast Regional Council, but does not include a person engaged on a Contract for Service for a defined time or designated project.
Disposal Contract	means a Contract for the disposal of Valuable Non-Current Assets and/or Surplus Assets.
Disposal Process	means the process Council must undertake to enable it to enter into a Contract for the disposal of an asset, including Valuable Non-Current Assets, Surplus Assets and land, including an interest in land.
EOI	means an Expression of Interest.
Expression of Interest	means an Expression of Interest process conducted by the Council.
Government Agency	is: <ul style="list-style-type: none"> a) the State, a government entity, a corporatised business entity or another local government; or

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	b) another Australian government or an entity of another Australian government; or c) a local government of another State.
Invitation to Tender	means a document released to the public titled "Invitation to Tender".
LGA Arrangement	means an arrangement established by Peak Services and/or Local Buy Pty Ltd, LGAQ Ltd or other entity of which LGAQ ILtd is the only shareholder.
Procurement Contract	means a Contract to purchase goods and/or for the provision of services or works.
Procurement Process	means the process Council must undertake to enable it to enter into a contract for the purchase of goods, the supply of services and/or the undertaking of works.
Prospective Respondent	means a person or entity that has requested or received an Invitation to Tender or Request for Quote but has not submitted a Tender Response Form or Request for Quote Response Form.
Quote	means a quote or quotes (including Alternative Quotes) submitted by Respondents in response to a Request for Quote.
Respondent/s	means a person or entity that has submitted an offer in response to an Invitation to Tender or Request for Quote.
Request for Quote/s	means a document released by Council to Prospective Respondents titled "Request for Quote".
Request for Quote Response Form	means the response form set out in the Request for Quote.
Significant Contracting Plan	means a Significant Contracting Plan prepared in accordance with Council's Contracting Plan as required under provisions of the <i>LGR 2012</i> , s 221.
Sound Contracting Principles	means the principles provided in the <i>LGA 2009</i> , s 104.
Supplier Arrangement	means a list of suppliers established by Council or other appropriate entity to facilitate the procurement of goods or services required frequently, in high volume and/or where the capability of the suppliers has been determined.
Surplus Asset	means an asset that is plant or equipment or another type of non-current asset that does not reach the value threshold of a Valuable Non-Current Asset as prescribed by Council in this policy.
Tender/s	means a tender or tenders (including Alternative Tenders) submitted by Respondents in response to the Invitation to Tender.
Tender Response Form	means the response form set out in the Invitation to Tender.

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Valuable Non-Current Asset	means land or another non-current asset that has a value equal to or more than the value threshold of a Valuable Non-Current Asset as prescribed in this policy.
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Appendix

Policy information	
Title	Procurement Policy
Purpose	This Procurement Policy will outline the principles as well as the procurement and disposal framework that Council will adopt and apply when conducting Contracting Activities, which include contracts for goods and services (including works) and the disposal of assets
Document number	<Business Area to include EDDIE reference of document seeking endorsement. Corporate Governance to update with FINAL EDDIE reference>
Corporate Plan reference	<div> Goal Pathway Service Output </div> Outstanding Organisation Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
Category	Administrative
Subcategory	Financial
Approved	<Corporate Governance to INSERT OM Reference>
Approval date	<insert>
Effective date	1 July 2024
Review schedule	A full review must be undertaken annually.
Last review	2023
Next review	May 2025
Policy holder	The Manager responsible for this policy is: Business and Innovation.
Approval authority	Council has authority to endorse material changes.
Related documents	
Legislation	<ul style="list-style-type: none"> Public Sector Ethics Act 1994 (Qld) Local Government Act 2009 (Qld) Local Government Regulation 2012 (Qld) Statutory Bodies Financial Arrangements Act 1982 (Qld) Public Sector Ethics Act 1994 (Qld) Disaster Management Act 2003 (Qld) Human Rights Act 2019 (Qld)
Policy	<ul style="list-style-type: none"> Sunshine Coast Council's Corporate Plan 2024-2028 Sunshine Coast Council Environment and Liveability Strategy 2023 Organisational Zero-net Emissions Plan 2022

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	<ul style="list-style-type: none"> Regional Economic Development Strategy 2013-2033 Community Strategy 2019-2041 Reconciliation Action Plan 2021-2022
Operational documents	<ul style="list-style-type: none"> 2024-25 Contract Manual 2024-25 Contracting Plan Local Preference in Procurement Guideline Social Benefit Procurement Guideline First Nations Procurement Guideline Innovation and Market-Led Engagement Guideline Environment and Sustainability in Procurement Guideline Significant Contracting Plan/s Employee Code of Conduct Code of Conduct for Councillors Councillors Acceptable Request Guidelines Council's current delegations Purchase Cards Guideline

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Template change, updates. Human Rights Compatibility Assessed.	Council	<insert>

Sunshine Coast Council | sunshinecoast.qld.gov.au | customerservices@sunshinecoast.qld.gov.au
07 5475 7272 | Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

2024-25 Contract Manual | Manual

2024-25 Contract Manual		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Manual purpose

The purpose of this Manual is to outline how Council will carry out Contracting Activities:

- (a) In an effective and efficient framework that delivers sound contracting outcomes;
- (b) In a manner that complies with the Procurement Policy; and
- (c) In accordance with all applicable laws including the *Local Government Act 2009* (Qld) (LGA 2009) and the *Local Government Regulation 2012* (Qld) (LGR 2012);

Manual scope

This Manual applies to Council employees (including contingent workers and volunteers) and relates to anyone who undertakes any part of a Contracting Activity on behalf of Council.

Manual

Council adopts the Strategic Contracting Procedures to its Contracting Activities in accordance with Part 2, Schedule 6 of the *Local Government Regulation 2012*.

Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of valuable non-current assets or surplus assets.

The Procurement Policy, Contracting Plan and this Contract Manual, provide the framework for Contracting Activities.

1. Elements of Council's Strategic Contracting Procedures

The LGA 2009 and LGR 2012 impose specific obligations upon Local Governments when conducting Contracting Activities. Contracting Activities are the processes by which Council forms Contracts with suppliers for the provision of goods, services and/or works, and through which it disposes of valuable non-current assets or surplus assets.

Pursuant to Chapter 6, Part 2 of the LGR 2012, Council resolved to apply the Strategic Contracting Procedures to its Contracting Activities and as a result, Council's Procurement and Disposal Framework comprises:

- Procurement Policy;

2024-25 Contract Manual | Manual

- Contracting Plan and any Significant Contracting Plan/s;
- Contract Manual;
- Local Preference in Procurement Guideline;
- Social Benefit Procurement Guideline;
- First Nations Procurement Guideline;
- Innovation and Market-Led Engagement Guideline; and
- Environment and Sustainability in Procurement Guideline.

This Contract Manual must be complied with and read in conjunction with the requirements of the Procurement Policy and Contracting Plan.

2. Limitations on Contractors conducting Contracting Activities

Council Officers are the only persons authorised to initiate any Procurement Process, or to contract on behalf of Council.

Persons engaged by Council in Contracts for Service (e.g. consultants, project managers and labour hire organisations) are not permitted to commence a Contracting Activity or award a Contract on behalf of Council unless they have been formally given an Instrument of Delegation as available in the Delegation No. 2 approved by the Chief Executive Officer and relevant Group Executive.

For clarity, some persons engaged in Contracts for Service that are considered Contingent Workers may participate in or manage the Contracting Activity through its various phases and provide, for example, technical advice during the evaluation of Tenders. However, they are not permitted to undertake any action or make any decision that results in them commencing a Procurement Process or forming a Contract on behalf of Council, or expending, or agreeing to expend money on behalf of Council unless an Instrument of Delegation has been provided for in the Delegation No. 2, approved by the Chief Executive Officer and relevant Group Executive.

Any conflicts of interests of the person must be managed appropriately before they are to be involved in any Contracting Activities. A Council Officer must remain the accountable person in relation to all aspects of the Contracting Activity if a person engaged in Contracts for Service is undertaking or being involved in any part of a procurement or disposal process.

3. Sound Contracting Principles

Council will have regard to the Sound Contracting Principles when entering Contracts for the supply of goods, services and/or works and the disposal of assets.

The **Sound Contracting Principles** are:

- (a) value for money;
- (b) open and effective competition;
- (c) the development of competitive local business and industry;
- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

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Regard must be had for these principles whenever forming a Contract, irrespective of the value or engagement process. This includes Contracts for even the smallest amounts, or those formed under Exceptions. There is never an exception to having regard to the Sound Contracting Principles. Council must only form a Contract with a supplier who provides the most advantageous offer, having regard to the Sound Contracting Principles.

4. Governance and Probity

To ensure that Council is accountable, effective, efficient, and sustainable, anyone performing a function under the LGA 2009 must do so in a manner that is consistent with the Local Government Principles. To meet these obligations the following Governance and Probity Framework sets out the governance and probity requirements for Contracting Activities.

4.1 Probity Requirements

A sound probity environment must be maintained during any Contracting Activity of any value. Promoting probity and having a framework to embed probity in Council's Contracting Activities is an integral element in ensuring that regard has been had for the Sound Contracting Principles, as well as ensuring our conduct reflects the ethical principles and Local Government Principles. The ethical principles are those outlined in the *Public Sector Ethics Act 1994* (Qld) and are:

- Integrity and impartiality;
- Promoting the public good;
- Commitment to the system of government; and
- Accountability and transparency.

It is the responsibility of all Council Officers and Councillors associated with a Contracting Activity to ensure probity is achieved as outlined in the Procurement Policy.

Probity is underpinned by the ethical principles, the Local Government Principles, and the Sound Contracting Principle of ethical behaviour and fair dealing. The broad objectives of probity in Contracting Activities are to:

- ensure conformity to Council's Procurement Policy, principles, and processes that are designed to achieve the most advantageous outcome for Council;
- improve accountability;
- encourage commercial competition on the basis that all offers will be assessed against the same criteria;
- preserve public and Respondent confidence in Council processes;
- improve defensibility of decisions to potential administrative and legal challenge;
- underpin a transparent and competitive process; and
- identify and resolve any conflicts of interest.

The framework for probity in Council's Contracting Activities includes:

- Developing a Probity Plan for Contracting Activities of a certain value;
- Setting evaluation criteria where applicable;

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- Declaring and managing conflicts of interests;
- Ensuring security and confidentiality in the process;
- Having effective and appropriate communication including during the course of the process;
- Consistent processes for how Tenders, EOIs and Quotes are received and opened;
- Undertaking evaluations;
- Identifying critical issues and risks;
- Engaging with probity advisors where applicable; and
- Dealing with breaches of probity.

4.2 Probity Plan and Probity Checklist

A Probity Plan must be completed and signed by each evaluation panel member, the Branch Manager, and/or the Contract Sponsor for a Contracting Activity with value of \$50,000 or greater, where submissions (Tenders, Quotes, and any other submission or offer) will be received from Prospective Respondent/s.

The Probity Plan should be signed during the procurement planning and reflect the Procurement Plan where one is required. The Probity Plan also requires the evaluation panel members to declare that they have read and understood Council's probity requirements. Submissions (Tenders, Quotes, and any other submission or offer) cannot be released to evaluation panel members prior to signing the Probity Plan.

Evaluation criteria weightings in the Probity Plan must be set prior to the Probity Plan being signed to ensure that these are pre-determined well prior to submissions being viewed and evaluated.

A Probity Checklist is provided for guidance on probity related matters for a Contracting Activity of any value.

4.3 Conflict of Interest

Members of the evaluation panel need to declare any relationships or connections they currently have, or previously had, with any of the Respondents or their employees. Throughout any Contracting Activity, members of the evaluation panel or advisors to the panel cannot accept offers of gifts, meals, or any other benefit from any interested party and/or Prospective Respondent. Additionally, members of the evaluation panel and advisors will be expected to declare in writing to the chair of the evaluation panel the existence of any actual, perceived, or potential conflict of interest as soon as they become aware of it. Where the member of the evaluation panel is an employee, they need to comply with the Conflicts of Interest and other Personal Interest Organisational Guideline (including a Declaration of conflicts of interest Form).

Where a member of the evaluation panel has declared a conflict of interest with a Prospective Respondent, and due to the nature of the conflict, either the member or the evaluation panel feel that the person could not continue their involvement without potentially compromising the Procurement Process, that member should be replaced on the evaluation panel and not take further part in the evaluation.

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4.4 Confidentiality

It is essential for the integrity of the Contracting Activity that confidentiality is maintained. Respondents have a right to expect that commercial information will be treated in confidence. Lapses on the part of any evaluation panel member may seriously jeopardise the Contracting Activity. Similarly, the evaluation panel must maintain the confidentiality of all documentation relating to the evaluation including evaluation reports and other information generated during the evaluation process.

At the end of the Procurement or Disposal Processes all documents received from Respondents and records created throughout the Contracting Activity are to be captured into Council's Electronic Document Management System in a secure manner.

While it is understood that requests under the *Right to Information Act 2009* or related legislation could ultimately lead to the disclosure of confidential information, this does not diminish the need for the evaluation process to be conducted in a secure and confidential manner. Confidential information is to be shared only within the evaluation panel environment, unless otherwise authorised by the Chair of the Procurement Contracts Committee.

4.5 Probity Advisor or Auditor

Advice in relation to probity matters can be obtained internally from the Business and Innovation Branch or Legal Services, however there will be instances where an Independent Probity Advisor and/or Auditor may be required. Consideration should be given to engaging an Independent Probity Advisor for Contracting Activities that are high value, high risk, or complex. This should be identified in the procurement planning phase and monitored throughout the Contracting Activity. If circumstances arise that a procurement becomes complex, protracted, probity risks are identified, the risks of the activity increases, or the value increases, then engagement of an external Probity Advisor or Auditor may be required.

Engagement of an Independent Probity Advisor and/or Auditor will be undertaken by the chair of the Procurement Contracts Committee. An Independent Probity Advisor and/or Auditor may also be appointed at the direction of the CEO, Group Executive, or Manager Business and Innovation.

4.6 Probity Check-in Points

During a Contracting Activity, Probity is revisited whenever required but is specifically considered at the following key points:

1. At the commencement of developing the procurement/disposal strategy
2. Prior to approaching the market
3. Prior to and upon the close of a tender box or receipt of submissions
4. Prior to releasing submissions to evaluation panel members
5. During the evaluation
6. Prior to the award of the Contract
7. When providing submission feedback to Respondents.

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4.7 Breach of Probity

Should any breach or suspected breaches of probity processes occur at any time, Council Officers are required to report the breach in writing to the Manager Business and Innovation and/or the chair of the Procurement Contracts Committee.

5. Responsibilities, Delegations and Authorities

Before a Contracting Activity can be undertaken it is necessary to know and understand who has responsibility for the Contract, who has the necessary authority to approve the process and expend Council funds, and who has the necessary delegated authority to bind the Council in a lawful Contract with a supplier.

The following roles have responsibilities for various components of Contracting Activities as detailed in the "How to Guides" relevant to the process being undertaken:

- Contract Sponsor (Group Executive/Branch Manager/other Council Officer as required)
- Contract Administrator
- Procurement Specialist
- Chair of the Evaluation Panel (the Contract Administrator or Procurement Specialist)
- Evaluation Panel Members
- Financially Delegated Officer

5.1 Procurement Contracts Committee (PCC)

The purpose of the PCC is to provide a consolidated and consistent approach to Council's Contracting Activities for high value Contracts, including the formation of Supplier Arrangements. It also provides a key governance mechanism in Council's [Governance and Probity](#) framework. PCC is primarily responsible for:

- approving release of Public Tenders, EOIs, and high value RFQs;
- considering the recommendations of evaluation panels for advertised Public Tenders, EOIs, and high value RFQs;
- making Contracts with Respondents who provide the most advantageous offers to Council;
- considering and approving the establishment and the exercise of exceptions to the general Public Tender or RFQ obligations where necessary;
- considering and approving Contract variations and adjustments, Contract extensions and discharge of Contracts, for Public Tenders and high value RFQs.

The Procurement Contracts Committee is governed by its Terms of Reference.

The Manager, Business and Innovation Branch is the Chair of PCC and has the necessary delegated authority to invite Public Tenders, high value RFQs, and EOIs.

Minutes of PCC meetings are recorded and retained. They provide a clear explanation and justification of the recommendations made by the committee and the exercise of the powers of the delegated officer.

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5.2 Contracting and Financial Delegations

There are two types of delegated authorities relating to a Contracting Activity. They are:

- Authority to make, amend or discharge a Contract, and
- Expenditure authority (sometimes referred to as a Financial Delegation).

It should be noted that there is a significant difference between a delegated authority to make, amend and discharge Contracts (Contracting Delegation), and the authority to expend Council money.

The relevant power in relation to conducting a Contracting Activity is a power to make, amend and discharge Contracts. However, the expenditure authority (Financial Delegation), is given by the CEO to specific positions or officers within the organisational structure authorising them to commit or expend money and make or approve payments, including expenditure relating to Contracts, up to a designated threshold. The expenditure authority is an internal departmental management process whereby the CEO permits persons to expend money, up to a certain limit, for already established Contracts.

It is a combination of the delegated authority to make, amend or discharge a Contract and the delegated authority to expend money that operate in concert to provide a structured process for binding Council in Contract, and approving payments once Council has an existing Contract.

Where a Council Officer has both a delegated authority to make, amend and discharge Contracts, and an authority to expend Council money, that Council Officer may bind Council in Contract. However the maximum value of that contract that Council Officer may bind Council to is limited to the threshold of the expenditure authority.

Where a Council Officer only has an authority to expend money, they are only permitted to approve payments on established Contracts up to the limit of their expenditure authority.

The Contracting Delegation and Financial Delegation have been combined into the one delegation document. A copy of Delegation No. 2 – Delegation of Authority to conduct Procurement and Contracting Activities and Payments from CEO to Council Officers may be found on the Council's [Procurement Intranet Site](#).

5.3 Budget - Unauthorised spending

Council may only spend money in a financial year if the money for that expenditure is adopted in the budget for the financial year, or before adopting its budget for the financial year, if it then provides for the spending in the budget for that financial year.

Contract Administrators must therefore ensure sufficient budget is available for and committed to the Contract being sought before it is formed. It is the responsibility of the Branch Manager from the branch seeking to make a contract to confirm that sufficient budget is available and committed to a contract before it is formed. Evidence of this budgetary commitment will be required during the Contracting Activity.

The only exception to this requirement is where Council expends money for a genuine emergency or hardship. In this instance, Council must make a resolution about spending the money, either before, or as soon as practicable after the money is spent. The resolution must state how the spending is to be funded.

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5.4 Publishing details of Contracts

Section 237 of the LGR 2012 requires that a local government will, as soon as practicable after entering into a Contract worth \$200,000 or more, publish the relevant details of the contractual arrangement. These details must be published on the local government's website and displayed in a conspicuous place in the local government's public office.

5.5 Training

Training is provided by Council to relevant Council Officers in relation to procurement, contracting, and purchasing.

6. Contracting Activities and Procedures

The types of Contracts which may be formed under the Strategic Contracting Procedures are outlined in Table 1.

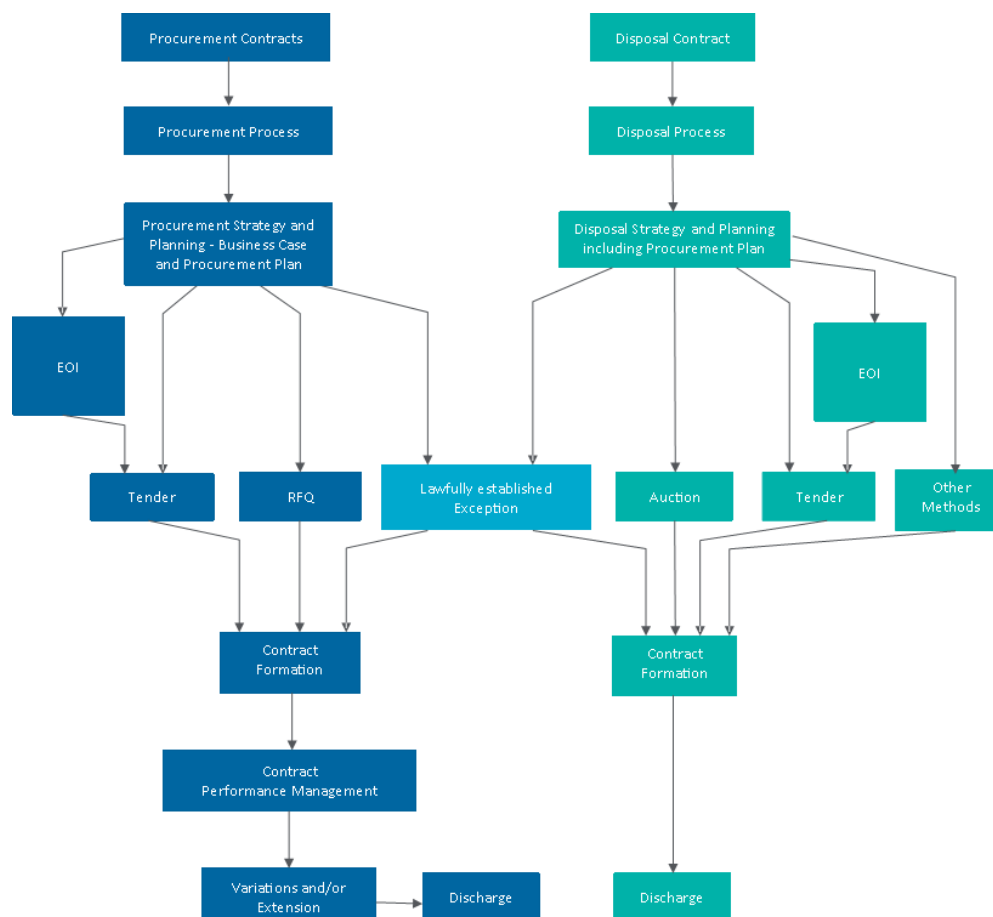
Table 1: Types of contracts

Contract type:	Contract for:
Procurement Contracts	Contracts to purchase goods and services, including the provision of works.
Disposal Contracts	Contracts for the disposal of Valuable Non-Current Assets (excluding Land*) and Surplus Assets.

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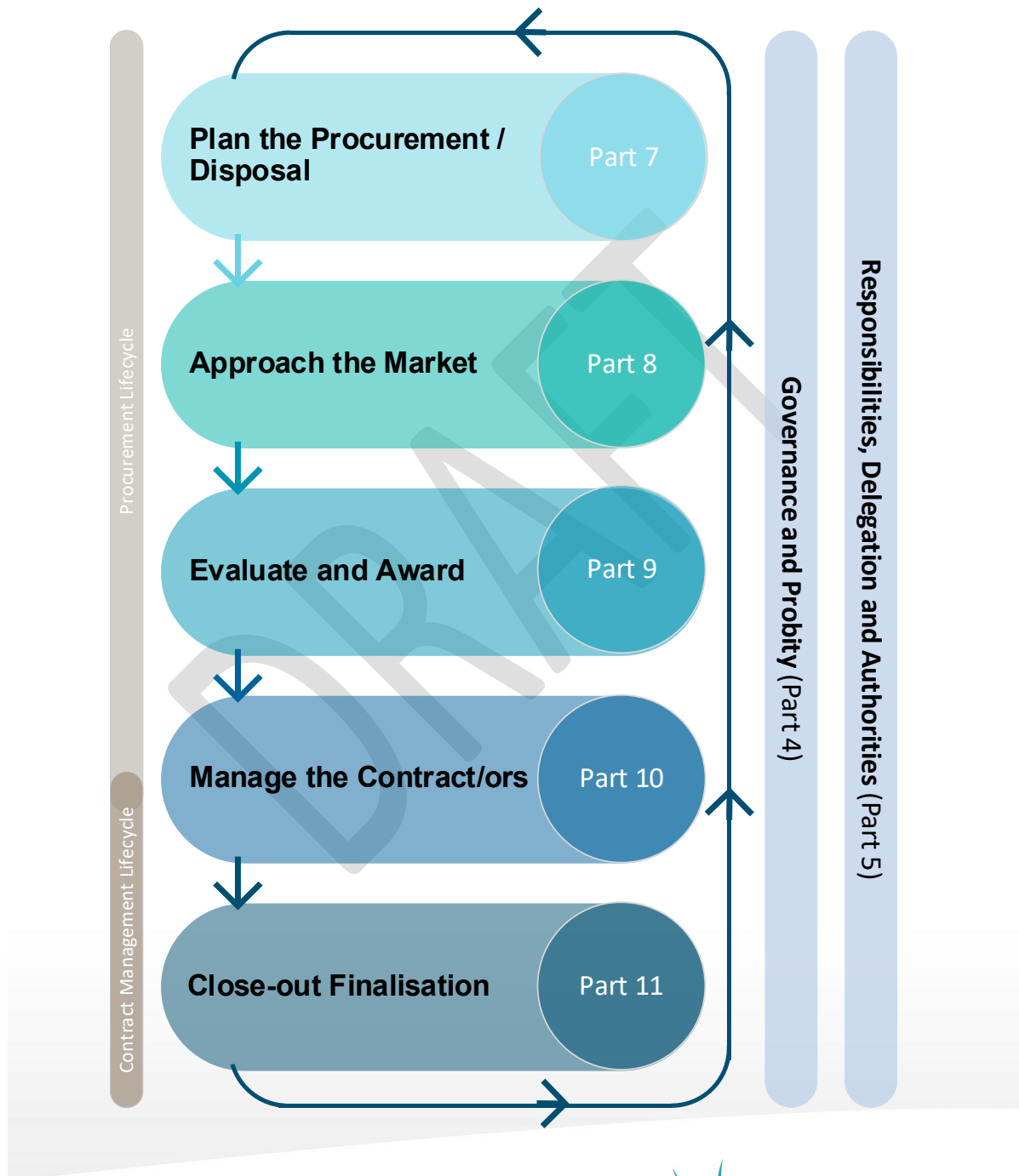
* Other Contracts that Council may form under the LGR 2012 include Contracts for the Disposal of Land (selling and leasing of Council land). Council Officers are to refer to Council's Procurement Policy and the "How to Dispose of Land Guide (including disposal by Leasing the land)".

A diagrammatic explanation of the procedure for procurement Contracts and disposal Contracts are as follows:



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A diagrammatic explanation of the procurement steps are as follows:



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7. Plan the Procurement / Disposal

7.1 Planning & Development

One of the primary steps in procurement and disposal processes is the planning phase to determine which approach to market should be adopted to lawfully procure the goods, services and/or works or dispose of the assets.

Council will conduct its Contracting Activities using an appropriate process having regard to relevant value thresholds. Therefore, it is necessary to determine the anticipated value of the Contract. Relevant Council Officers should also consider what other needs there may be across Council for the same goods, services and/or works for aggregation into one Contract. This may achieve better value, reduce the administrative and contract management effort and avoid conducting multiple procurement or disposal processes.

The values thresholds and corresponding processes are as follows:

Table 2: Procurement Contract value and related procurement routes to market

Contract Value	Procurement Routes	Council requirements
\$5,000,000 and greater OR High Risk/Complex Contracts	<ul style="list-style-type: none"> Public Tender EOI Available Exception 	<p>A Significant Contracting Plan is required for any Contract that is:</p> <ul style="list-style-type: none"> expected to reach this Contract Threshold; or of a high risk; or of a complex nature. <p>A Significant Contracting Plan must:</p> <ul style="list-style-type: none"> be made before the Contract starts identify the chosen procurement strategy be approved in accordance with the Contracting Plan.
\$500,000 up to \$5,000,000	<ul style="list-style-type: none"> Public Tender EOI Available Exception 	<p>Progress through the Procurement Process:</p> <ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
\$50,000 up to \$500,000	<ul style="list-style-type: none"> Public Tender EOI Request for Quote issued to at least three suitably capable suppliers Available Exception 	<p>Progress through the Procurement Process:</p> <ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) RFQ (How to Request Quotes Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)

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Contract Value	Procurement Routes	Council requirements
Up to \$50,000	<ul style="list-style-type: none"> Obtain one Written Quote minimum from at least one suitably capable supplier 	See the "How to undertake Low Value Procurements Guide"

Table 3: Disposal Contract value and related disposal routes to market (excluding Land)

Contract Value	Disposal Routes	Council requirements
Plant, Equipment and any other VNCA worth more than \$5,000 (other than land)	<ul style="list-style-type: none"> Public Tender EOI Public Auction Available Exception 	<ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
Surplus Assets worth less than \$10,000	<ul style="list-style-type: none"> EOI Public Tender Public Auction Other methods <ul style="list-style-type: none"> Recycle Waste/dumping Trade in Donating to Government Agency or Community Organisation 	<ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) All other disposal methods, see the "How to Dispose of Assets (excluding Land) Guide"
Sale or Lease of Land	See Table 1: Types of contracts above – Disposal of Land is not covered by the Strategic Contracting Procedures	Refer to the LGR, Procurement Policy and the "How to Dispose of Council Land Guide"

Order splitting, whereby the required goods, services and/or works are divided into smaller order values for the purpose of circumventing the procedures and delegation levels of upper thresholds, is not permitted.

Planning for the procurement or disposal process and development of the strategy for the process need to be undertaken to ensure Council's objectives are understood and can be achieved.

Consideration during this planning and development phase should be given to:

- applying sustainable procurement practices;
- encouraging strategic procurement decision making;
- establishing innovative Contracts;
- structuring the procurement to deliver value for money;
- promoting an open and competitive market place;

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- developing competitive local business and industry;
- managing exposure to risk.

7.2 Sustainable procurement

Council is committed to using procurement processes and purchasing power to drive sustainability.

Council's approach to sustainable procurement encompasses the following components:

- **Social** - positive social outcomes will be delivered by:
 - ensuring suppliers comply with occupational health and safety legislation, supporting safe workplaces for their employees
 - ensuring suppliers support a fair workplace, remunerate their employees fairly and meet all industrial obligations
 - supporting suppliers that have fair and ethical sourcing practices
 - incentivising the development of a competitive First Nations business and industry by facilitating a preference for First Nations businesses and supply chains in Contracting Activities
 - incentivising the engagement of Social Benefit Suppliers by facilitating a preference for Social Benefit Suppliers in Contracting Activities.
- **Environmental** - improved environmental outcomes, supporting Council's Organisational Zero-net Emissions Plan will be delivered by:
 - reducing carbon emissions in Council's supply chain
 - pursuing, leading and building a circular economy
 - incentivising suppliers to adopt climate resilient practices and incorporate sustainability in their goods and services
- **Economic** - improved economic outcomes will be achieved by:
 - achieving Value for Money across the whole of life (including disposal), rather than solely based on the initial cost
 - planning and market engagement to ensure that competitive markets and availability of services are sustained in the long term
 - supporting local business and industry by facilitating a preference for local suppliers in Contracting Activities

Council has an Environment and Sustainability in Procurement Guideline, which explains, in detail, the approach to matters of environment and sustainability during the Procurement Process.

The social and economic components of sustainable procurement are addressed in the respective guidelines (Local Preference in Procurement Guideline and Social Benefit Procurement Guideline).

7.3 Market Research

To develop effective procurement strategies, Council must have an understanding of the market in which it seeks to engage with. Operating effectively within a marketplace helps to;

- Build procurement capability by analysing demand and supply pressures, tracking extent of competition, and guarding against public sector organisations competing against one another and bidding up prices due to market scarcity;

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- Avoid over-reliance on a small number of industry participants;
- Encourage deeper markets by developing industry capacity and capability;
- Maintain a fair market by preventing bias in favour of particular industry participants.

There is no prescribed method for market research; it typically involves researching and identifying capable suppliers within the relevant market/industry. Contacting Prospective Respondents prior to release of a Public Tender or RFQ to assess their capacity and interest in responding to the proposed procurement is acceptable as is forwarding Tender Alerts to Prospective Respondents. However, it is important to remain transparent and treat suppliers fairly to maintain a level playing field.

When researching the market in which the Contract is to happen, Council Officers should consider whether a closed or restricted process could be warranted, whereby submissions will only be accepted from Respondents who are Social Benefit Suppliers and/or First Nations Businesses. Refer to the Social Benefit Procurement Guideline and the First Nations Procurement Guideline for further information and guidance.

7.4 Planning and Strategy Documentation

Contract Administrators and any other person undertaking Contracting Activities should be guided by and/or prepare the following:

7.4.1 Business Case

A business case should have been completed to identify Council's need to procure any goods, services and/or works. If the project is a capital works project, this will be the project brief delivered to the Capital Steering Committee. This document should be used to assist with the planning phase of the process as it will have already given consideration to some aspects relevant to the planning phase such as the relevant need, the intended scope and the cost vs benefits.

7.4.2 Procurement Plan

A Procurement Plan must be prepared for a Public Tender or EOI and covers the following aspects:

- Council's requirements, internal demand or ongoing need, financial considerations and sustainability considerations;
- Stakeholder engagement and consultation;
- an analysis and summary of the supply market;
- an assessment and identification of procurement strategies;
- procurement implementation;
- contractual arrangement including contract management; and
- an assessment of potential risks and mitigation strategies.

Sound planning is essential to achieving a successful outcome. Sufficient time should be allocated to the planning process to allow assessment of the market, and development and implementation of the procurement strategy, before approaching the market to establish a Contract.

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7.4.3 Significant Contracting Plan

Contracts that have been identified as Significant Contracts due to their value, risk, or complexity, require a Significant Contracting Plan in addition to a Procurement Plan. Significant Contracting Plans must be prepared in accordance with Council's Contracting Plan prior to commencement of the Significant Contract. They will state:

- the objectives of the Significant Contract;
- how the objectives are to be achieved;
- how achievement of the objectives will be measured;
- any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
- proposed contractual arrangements for the activity; and
- a risk analysis of the market in which the Contract is to happen.

7.5 How to undertake Procurement and Disposal Processes

Conducting procurement and disposal processes have a number of legislative and policy influences that necessitate them being conducted by following particular procedures. To assist, Council has a number of "How to Guides" to support Council Officers through the detailed procedures and systems Council utilises. In relation to the Strategic Contracting Procedures these guides are as follows:

- How to Invite Tenders
- How to Request Quotes
- How to request Expressions of Interest
- How to undertake Low Value Procurements
- How to Dispose of Assets (excluding Land)
- How to utilise Supplier Arrangements and other Exceptions Guide
- How to Manage Contracts

This Manual will detail the overarching procedure for how Council will conduct these procurement and disposal processes.

7.6 Documentation

All documents required for conducting procurement and disposal processes are detailed in the "How to Guide" relevant to that procurement or disposal process as identified in Table 2 and 3 above.

8. Approach the Market

8.1 Processes to Approach the Market

8.1.1 Public Tender and EOI

All Public Tenders and EOIs are approved by the Procurement Contracts Committee, prior to being advertised via Council's Tender Alert Service and on the Queensland Government electronic tender

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system, QTenders. This platform provides for Prospective Respondents to download the documentation and upload their submissions.

Public Tenders and EOIs are to remain open for a period of no less than fourteen days after the advertisement has been released. Consideration should be given to the complexity of the project, and how long it would reasonably take Prospective Respondents to appropriately complete their submission. Public holidays that fall within this advertising period are also to be considered.

8.1.2 Request for Quote

The primary platform for requesting quotes from suppliers is through [Council's Contract Management System eTenderbox](#). The invitation should be sent to those from whom a Quote is being requested, outlining the project, referring to a scope and/or specification, and stating a clear Submission (closing) date.

The time for which Quotes must be returned should be determined having regard to the complexity of the project and the time it would reasonably take a supplier to prepare a useful and competitive offer.

8.1.3 Auctions and other disposal methods

Engage a licenced auctioneer, auction house or other platform to approach the market for an auction. The market will be approached for the other disposal methods in the most appropriate manner having regard to realising value.

8.2 Exceptions

How the market is approached will depend on the exception being utilised. Council Officers will be guided by the "How to utilise Supplier Arrangements and other Exceptions Guide" for the relevant exception being sought to the standard procurement and disposal routes (EOI, Public Tender and Request for Quote).

The Procurement Processes (EOI, Public Tender and Request for Quote) outlined above are processes to be adopted for conducting Contracting Activities, unless an Exception exists. The following Exceptions may be exercised where the relevant pre-requisites for use have been met.

It is important to note that Exceptions are alternatives to the standard procurement and disposal processes and routes to market, but are not exceptions to the Sound Contracting Principles or any other sections or obligations imposed by the LGA 2009 or LGR 2012.

Exceptions and the circumstances under which they may be exercised are outlined below.

8.2.1 Exceptions – Procurement Processes

Council has a number of Exceptions available to the EOI, Public Tender and Request for Quote processes for entering into Procurement Contracts.

Table 7: Exceptions for Procurement Contracts

Exception	Process for establishing and/or exercising an Exception
Supplier Arrangements	<p>Council Supplier Arrangements</p> <p>Council can establish Supplier Arrangements that are to be utilised to form contracts for goods and services (including the carrying out of works).</p> <p>Supplier Arrangement are a list of suppliers established by Council to facilitate the procurement of goods, services and/or works that are either required frequently, in high volume or where the capability and/or capacity of</p>

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suppliers is critical and can be established in the formation of a Supplier Arrangement.

Council will maintain an open and transparent process for creating, managing, refreshing, and finalising Supplier Arrangements. Public Tender will be used to create a Supplier Arrangement.

Condensed Procurement Processes are undertaken to form Contracts for goods, services and/or works from Suppliers on these Supplier Arrangement. The Supplier Arrangement may be priced or non-priced.

Utilising Supplier Arrangement with price provided

Council will invite the highest ranked Supplier on the Supplier Arrangement to provide the goods, services and/or works. Where the highest ranked does not or cannot provide the goods, services and/or works, the next highest ranked Supplier may be engaged, and so on, until a Supplier is engaged.

Utilising Supplier Arrangement without price provided

Council will undertake a Request for Quote from any Supplier Arrangement where price is not provided, having regard to the thresholds outlined in Table 2: Procurement Contract value and related procurement routes to market above.

Note: In exceptional circumstances, a Contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on a Supplier Arrangement. Please contact the Procurement & Contract Performance Team prior to commencing a Procurement Process if this exception is required.

Government Arrangements and Local Government Arrangements

The Contract is made under an arrangement established by another Government Agency. This exception is intended to include State Government, Federal Government and Local Government Association Arrangements (such as LocalBuy Arrangements in Queensland) and other relevant Government Arrangements.

Council will frequently utilise Supplier Arrangements created by either another Government Agency, another Local Government or LocalBuy (wholly owned by LGAQ). These Supplier Arrangements will include priced and non-priced arrangements. Council will utilise these arrangements in accordance with the requirements of the Supplier Arrangement. Where the arrangement identifies that we use our own thresholds or Request for Quote requirements, then Council will conduct the Request for Quote from that arrangement in a manner that ensures sufficient quotes are obtained and the Sound Contracting Principles (including value for money) are met.

Note: In exceptional circumstances, a Contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on these Arrangements. Please contact the Coordinator Procurement and Contract Performance prior commencing the Procurement Process if this exception is required.

Government Contracts

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	The Contract is made with, or under an arrangement with, a Government Agency including Local, State or Commonwealth, and includes any Government Entity or agency and utility providers such as water, electricity and telecommunications.
Memberships / subscriptions / conferences (e.g. professional associations, industry bodies, institutes)	Applies where alternatives do not practically exist (for example professional associations, industry bodies, and institutes).
Statement of licence, legislated requirements, third party ownership of assets or industry regulated standards	Applies if the goods, services, or works can only be supplied by a single supplier or a restricted group due to third-party ownership of a public utility plant asset. For example, Energex, Telstra, or APA. Where possible, competitive quotes are to be obtained and value for money demonstrated.
Where existing system, equipment or proprietary brand has requisite goods and services to ensure compatibility or warranty.	Applies if the goods or services being sought are restricted as they can only be supplied by a single supplier, or requires Council to procure a specific brand that restricts the supplier market (for example replacement parts for equipment under warranty or maintenance agreements). Where possible, competitive quotes are to be obtained and value for money demonstrated.
Information and communication Technology: Solutions tendered – re-sellers and software developers	Allows Council to contract with a copyright holder where the solution is tendered by an authorised reseller.
Extension of Information Communications Technology (ICT) licencing, support and maintenance contracts	Council's arrangements and contracts for the provision of ICT software and hardware (ICT products) can often continue to meet business requirements beyond the originally envisioned term. This exception provides a mechanism to approve purchasing of incremental licences as well as maintenance and support (which may include external hosting or subscription to existing solutions) for existing Council ICT products beyond the original term. Where possible, competitive quotes are to be obtained and value for money demonstrated.
Genuine Emergency	A genuine emergency exists. If the money spent in response to the genuine emergency is not provided for in the annual budget, Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent.
Innovation and Market-Led Engagement Guideline	Council has adopted an Innovation and Market-Led Engagement Guideline to identify the circumstances and processes for engaging with Suppliers who provide goods, services and/or works that fall within the contemplation of the Guideline.

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General Exceptions	<p>A General Exception may be used to form a Contract when a standard Procurement Process or other Exception is not available or appropriate under the circumstances. This may include activities previously identified as Exceptions, including:</p> <ul style="list-style-type: none"> • Sole or Specialised Supplier/s Council determines that: <ul style="list-style-type: none"> ○ there is only one supplier who is reasonably available; or ○ because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders. • Auction Purchase The Contract is for the purchase of goods and is made by auction. • Second-hand Goods The Contract is for the purchase of second-hand goods. • Tender/Quote Consideration Plan/s If a Tender/Quote Consideration Plan has been approved or adopted, then Council may form a Contract from that Plan as contemplated by that Plan. Quote or Tender Consideration Plans can be created for types of contracting activities where competitive quotes cannot always be sought (e.g. public art and entertainment). <p>Establishing the Exceptions above</p> <p>The Coordinator Procurement and Contract Performance will facilitate establishment of a valid Exception.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the Contract will be managed and administered, or with the sole approval of the CEO.</p>
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NOTE: Use of any of the aforementioned exceptions is limited to those with the delegated authority to conduct Contracting Activities, and within authorised expenditure limits.

8.2.2 Exceptions – Disposal Processes (excluding Land)

Exceptions to the Public Tender, EOI and Public Auction processes for entering into Disposal Contracts for Valuable Non-Current Asset (excluding Land) are outlined below:

Table 8: Exceptions for Disposal Contracts

Exception	Process for establishing and/or exercising an Exception
General Exceptions	<p>A General Exception may be used to form a Contract when a standard Disposal Process or other Exception is not available or appropriate under the circumstances:</p> <ul style="list-style-type: none"> • Previous offer for Sale or Auction

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	<ul style="list-style-type: none">• Government Agency or Community Organisation (using the definitions of these as set out in the Local Government Act and Regulation) <p>Establishing the Exceptions above</p> <p>The Coordinator Procurement and Contract Performance will facilitate establishment of a valid Exception.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the Contract will be managed and administered, or with the sole approval of the CEO.</p>
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8.3 Communication with Prospective Respondents

The chair of the evaluation panel is the only panel member authorised to deal with Prospective Respondents. Should any other panel member receive an enquiry relating to a Contracting Activity, that officer must direct them to the chair. Any questions or requests from Prospective Respondents are to be put in writing and submitted via proper channels (e.g. Tender Enquiries Mailbox). Should telephone or personal contact be unavoidable, the officer will make file notes of all discussions and forward to the chair for record keeping. In some instances, it may be deemed necessary to provide the information requested or conveyed to all Respondents via a Notice to Respondents.

Regardless of the format in which engagement with a Prospective Respondent occurs, all must be treated equally and fairly. This will ensure the same information is provided to all Prospective Respondents in a timely manner, providing an equal opportunity during the entire Procurement Process.

8.3.1 Notice to Respondents (NTRs)

NTRs are issued to all Prospective Respondents in response to specific queries received, or where the need arises to convey information to Prospective Respondents. NTRs should be issued through the mechanism in which the Invitation was issued in the first instance (e.g. QTender or eTendering).

8.3.2 Information Session

Information sessions and/or site inspections are often held for Public Tenders and some EOIs and Requests for Quote. The Contract Administrator and Procurement Specialist run the sessions jointly where a Procurement Specialist is involved in the process.

At an information session or site inspection, Council emphasises the critical elements that Prospective Respondents need to address in their submission, and Respondents can seek clarification of requirements.

Minutes of the information session, including questions raised and responses provided, are distributed via NTR as soon as possible after the session, to all parties that have downloaded the documents via the relevant electronic tender box.

8.4 Receiving submissions and tender box close

Following tender box close, submissions received into an electronic tender box (i.e. QTenders or eTendering) are downloaded and made available to the evaluation panel. A copy of the

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submissions is to be filed in a secure location in Council's electronic document management system.

9. Evaluate and Award

9.1 Evaluation of submissions

The evaluation of submissions will be undertaken by the evaluation panel who are the appointed evaluation panel detailed in the Probity Plan. The evaluation panel will assess all submissions against predetermined criteria using a prescribed rating system in the following stages:

1. Mandatory Criteria;
2. Non-Price Evaluation;
3. Price Evaluation

The evaluation methodologies will be contained in the Procurement Plan and/or reflected in the Probity Plan, Council's Evaluation Workbooks or [Council's Contract Management System](#).

In the first instance, each panel member conducts their own individual evaluation and allocates a score out of 10 against each predetermined evaluation criteria or sub-criteria. The evaluation panel then meets to undertake an evaluation moderation, where they discuss their individual findings and scores, and arrive at a consensus score for each of the criteria or sub-criteria (moderated scores).

It is imperative to an effective, accountable, and transparent evaluation process that good and comprehensive notes are taken, and that individual evaluations are followed by a moderation to ensure that a consensus has been reached. The detail of the scoring of each Respondent's Submission against the Evaluation Criteria and commentary relating to the evaluation will be included in the Evaluation Workbook or [Council's Contract Management System](#).

9.1.1 Evaluation Panel

An appropriate evaluation panel must be formed to evaluate the submissions against the pre-determined evaluation criteria. A two-tiered evaluation panel structure can be utilised with the first-tier members to conduct a full evaluation, while the second-tier members provide subject matter advice on relevant parts of the submissions. The second-tier members do not directly participate in all the evaluation.

Each member of the panel must sign the Probity Plan acknowledging they have read, understood, and accept the probity requirements. This has the effect of binding the member to undertaking the evaluation in a manner consistent with the Employee Code of Conduct and Council's governance and probity framework.

It is preferable that panel members from outside the branch seeking the Contract (or Unit/Team for RFQ processes under \$500,000) outnumber members from the branch. This is to provide a level of independence of the Branch/Team or project and provides a useful governance mechanism to encourage transparency and fair dealing.

The Probity Plan must be fully signed by all relevant persons listed on the Probity Plan and retained in the relevant document management system prior to the release of submissions to evaluation panel members.

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The Evaluation will be undertaken of the Mandatory Criteria, Non-Price Criteria and Price Evaluation as follows:

9.1.2 Mandatory Criteria

The chair of the evaluation panel (in conjunction with the evaluation panel where necessary) will assess the Mandatory Criteria. This criterion is outlined below and may include:

1. Workplace Health and Safety
2. Financial Capacity
3. Relevant Insurances for the Contract
4. Acceptance of the General Terms and Conditions of Contract
5. Relevant Licences, Certifications and Qualification

In instances where any of the mandatory criteria is not provided as part of a Respondents submission or is assessed as unsatisfactory, that submission may be considered non-conforming or disqualified from further evaluation.

9.1.3 Non-Price Criteria

Members of the Evaluation Panel will assess the Non-Price criteria that will be weighted in accordance with the weightings set out in the Procurement Probity Plan and Procurement Plan (for Procurements with an estimated contract value greater than \$500,000 or high-risk procurements).

Table 4: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$100,000

Criteria	Details
1. Capability and Experience	This may include an assessment of: <ul style="list-style-type: none"> • Previous contract experience • Contract commitments and coordination
2. Methodology	This may include an assessment of: <ul style="list-style-type: none"> • Methodology for delivery, • Resourcing and Subcontracting. • Environment and Sustainability • Quality Assurance • Innovation
3. Social and economic factors	<ul style="list-style-type: none"> • Contribution to Local Economy • First Nation Engagement • Social Benefit Engagement

Table 5: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$50,000 and up to \$100,000 (Short-Form RFQ)

Criteria	Details
1. Capability and/or Methodology	This may include an assessment of: <ul style="list-style-type: none"> • Previous contract experience • Methodology for delivery,

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	<ul style="list-style-type: none"> Resourcing and Subcontracting.
2. Social and economic factors	<ul style="list-style-type: none"> Contribution to Local Economy First Nation Engagement Social Benefit Engagement

The Evaluation Criteria for a disposal process will be dependent on the type of asset being disposed of and may include some of the evaluation criteria in Table 4: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$100,000 and Table 5: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$50,000 and up to \$100,000 (Short-Form RFQ) above.

9.1.4 Price

Upon completion of the evaluation of the Mandatory and Non-Price criteria, a price evaluation will be completed to determine the best value and most advantageous outcome to Council. The price evaluation methodology will be detailed in the Procurement Probity Plan. The results of the staged evaluation are joined to provide assessments that are ranked in order of combined value.

9.2 Contract award

Following any procurement or disposal process, if Council seeks to proceed with an engagement, then the Contract needs to be awarded to the Respondent who provides the most advantageous offer to Council. This step will form the Contract with the Contractor and may be done slightly differently for each type of process. Some Contracts will only be awarded by both parties (Council and the Contractor) signing a Contract that has been specifically drafted for that process. For detailed information on awarding Contracts, see the relevant "How to Guide" for the process being undertaken (see Table 2: Procurement Contract value and related procurement routes to market and

Table 3: Disposal Contract value and related disposal routes to market (excluding Land)).

If the Contract is of the value and type that it is required to go to PCC, then the Contract Administrator and Procurement Specialist draft a PCC Award Report recommending the most advantageous offer based on the outcome of the evaluation, and attach appropriate supporting documents. PCC will make the recommendation for award in this instance.

Contract formation is the point where both Council and the Contractor becomes bound to fulfil its obligations under the Contract. This can result in Council becoming bound to significant expenditure to those contracts. As such, only those with the appropriate delegated authority may form a Contract and only where there is an approved budget for the expenditure (see Part 5.2 for more information on the appropriately delegated officer).

10. Manage the Contract/ors

10.1 Contract Management

Regardless of the process used to form a Contract, once formed it becomes necessary to manage its performance. Contract Management is a central element for ensuring that Council obtains from a supplier what they promised or were contracted to provide. During a Procurement Process for Contracts valued over \$1,000,000, the Contract Administrator must prepare a Contract

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Management Plan (CMP) which details the critical aspects of a contract and assesses key areas of risk that must be managed through the life of the contract.

A short form CMP must be prepared for Contracts with an anticipated value of \$1,000,000 or more, and a long form CMP must be prepared for contracts valued over \$5,000,000. If the Contract is being awarded at a PCC meeting, the CMP should be presented to the PCC at award.

10.2 Managing the Contract

It is the responsibility of the Contract Administrator to manage performance of the contract. The "How to Manage Contracts Guide" will provide detailed guidance on Contract Management to assist Council Officers in managing Contracts. Some key components in Council's Contract Management framework are:

1. Obtaining key deliverables under a Contract;
2. Measuring Key Performance Indicators;
3. Managing risk;
4. Managing workplace health and safety strategies;
5. Managing variations and contract extensions;
6. Finalising Contracts and managing transition to new Contracts or Suppliers.

10.3 Variations

Contract variations are any material change to the specification and scope or any change that alters the price paid for completing the Contract.

For price related variations, if a variation (or cumulative variations) exceeds 10% of the original contract value, the resultant value of the total Contract (original price and variation/s) will dictate the process to be adopted for seeking approval for the variation.

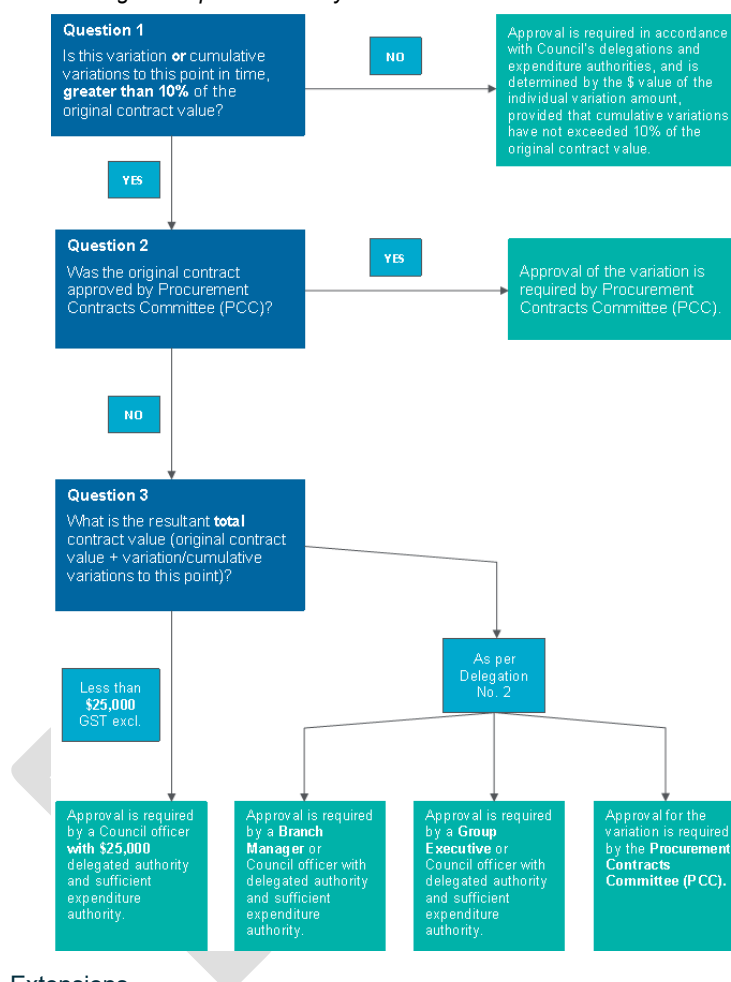
Approval must be sought at the earliest possible opportunity. The Contract Administrator is to ensure the Manager and Group Executive (of the Branch managing the contract) are informed as a minimum. The Group Executive to inform the CEO if they deem necessary.

Contract variations are to be approved in accordance with Council's delegation and expenditure authorities (see 5.2), and only in instances where budget is available for the entire revised Contract Amount.

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The following diagram provides an explanation for approval of variations.

10.3.1 Determining the required authority for contract variations



10.4 Extensions

Contracts will generally contain a term regarding their discharge or end date. Council may include another clause providing a right to extend the Contract for a fixed period, or a number of specific periods of time (Example – a one year extension or options of two by/times one year extensions).

Exercise of the extension periods must be carefully considered, taking into account various factors. Considerations include:

- contractor performance over the term;

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- whether the Contract, if extended, will provide Value for Money to Council over the life of the extension; and
- present market forces, including whether the market has grown, improved, or diminished during the term, thereby placing Council in a better or vulnerable position if a new Public Tender was conducted.

10.5 Discharge

Discharge is the point at which a Contract comes to an end. The common law provides that Contracts may only be discharged by:

- performance (the Contract is completed/reaches the end date);
- termination for breach (following a breach of an essential term or serious breach of an intermediate term);
- frustration (due to some event, not the fault of either party, the Contract cannot be performed as intended); or
- agreement (the parties mutually agree that the Contract is discharged).

The vast majority of Contracts will be discharged by performance, with the time or method of discharge (e.g. following delivery of the goods purchased, or on a certain date) being included in the Contract at the time of formation. When the Contract is performed as required, it will discharge at its end, with nothing further required from the person with appropriate delegated authority.

However, in some circumstances it may be necessary to discharge a Contract by one of the other means in which case, advice needs to be sought from the Business and Innovation Branch and/or the Chief Legal Officer, Legal Services.

10.6 Managing Supplier Arrangements

As with Contracts, Supplier Arrangements must also be managed appropriately. Arrangement Administrators are responsible for managing Supplier Arrangements. The usage and performance of Supplier Arrangements must be reviewed at intervals, including prior to seeking to exercise an available extension.

If a Supplier on a Supplier Arrangement is performing poorly, and/or no longer meeting the requirements of the Supplier Arrangement, they may be removed in accordance with the General Terms and Conditions of the Supplier Arrangement. This may include temporarily suspending the Supplier from the Supplier Arrangement while affording them the opportunity to remedy the existing issues.

If a Supplier Arrangement is not functioning to Council's expectations (e.g. Suppliers on the Supplier Arrangement are not responding to RFQs when invited, or some Suppliers have been removed from the Supplier Arrangement), or there has been significant change in the market since formation of the Supplier Arrangement, this may warrant refreshing the Supplier Arrangement (by conducting a Public Tender) to allow additional suppliers the opportunity to become pre-qualified. Incumbent Suppliers need not re-apply during a refresh, but if the Supplier Arrangement is priced/ranked, they must be afforded the opportunity to re-submit rates.

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10.7 Purchasing and Contracting Systems

Council has two systems to manage procurement and disposal processes, purchasing generally and contract management. These are Council's Financials System (T1 Financials) and [Council's Contract Management System](#) (Open Windows):

10.7.1 Council's Financials System

T1 Financials is Council's financial system where the accounting aspects of the Contracting Activities are to be managed through a Purchase Order and approved in accordance with Financial Delegations. Each "How to Guide" provides the guiding principles and processes for Purchase Orders in T1 Financials relevant to that procurement or disposal process.

10.7.2 Council's Contract Management System

Council's Contract Management System is a system from a software vendor called Open Windows and it is the Council wide system to be used to manage the operational aspects of a Contracting Activity as well as being Council's eTenderbox for some procurement and disposal processes.

11. Learn and Review

11.1 Close Out/Lessons Learnt

At the conclusion of a contracting period, it is necessary to determine the appropriate way to either close it out, vary it, extend it, renew it or transition to a new contractor. While each of these outcomes are different in nature, the key activities performed are basically the same. The number and type of tasks will vary depending on the nature and value of the Contract. Typical Contract finalisation activities are similar to implementation tasks and will include the following:

- Close-out meetings and briefings.
- Finalising or extending schedule of contract performance review meetings.
- Site visits, risk and issues register reviews, or safety update briefings.
- Review benefits targets realisation against total costs including variations or extensions.
- Milestone or Key Performance Indicator review and final reporting.
- Incumbent and Council handover/handback, including records and relevant data or files.
- Facilitation of a lessons learnt workshop or review process.
- Review and re-assignment of administrative roles.
- Collection or release and filing of updated or final contractually required documentation, such as insurance certificates of currency, licenses, bank/director guarantees, etc.
- Conclusion of a purchase order.
- Finalisation or update and review of Contract Management Plan.

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Manual review

This manual will be reviewed annually.

Roles and responsibilities

Role	Responsibility
Council	Endorsement authority for setting this policy and for all material changes to this policy. Able to endorse non-material changes. Maintains awareness of organisational manuals where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Manual Sponsor.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this manual and any proposed material changes to the manual, as appropriate. Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.
Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
All Managers	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities
All Officers	Responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

Refer to any related Council policies for relevant definitions of common terms. The following contains definitions for terms specific to this guideline. For otherwise undefined terms, the plain English meaning informs interpretation.

Term	Definition
Branch Manager	means an L3 manager within Council's organisation structure who has responsibility for a branch of that structure.

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Community Organisation	means: (a) an entity that carries on activities for a public purpose; or another entity whose primary object is not directed at making a profit.
Contract	means a contract (including purchase orders and purchase card transactions) for: (a) the supply of goods or services; (b) the carrying out of work; or (c) the disposal of non-current assets. In this instance, the term does not include a contract of employment between Council and a Local Government Employee (as defined in the <i>LGA 2009</i>).
Contract Administrator	is a Council Officer responsible for a Contracting Activity as set out in relevant "How to Guide" and also means Project Manager (if the Project Manager is a Council Officer)
Contract for Service	means a contract to which an independent contractor is a party and that relates to the performance of work by the independent contractor.
Contract Management System	means the electronic software/system implemented by Council to manage Council's Contracting Activities.
Contracting Activity	means Procurement Processes and/or Disposal Processes.
Council Officer	means a Local Government Employee (as that term is defined in the <i>LGA 2009</i>) of the Sunshine Coast Regional Council, but does not include a person engaged on a Contract for Service for a defined time or designated project.
Disposal Process	means the process Council must undertake to enable it to enter into a Contract for the disposal of an asset, including Valuable Non-Current Assets, Surplus Assets and land, including an interest in land.
Exception Contract	means a contract formed from exercise of the exceptions to Public Tender or RFQ processes.
EOI	means an Expression of Interest.
Expression of Interest	means an Expression of Interest process conducted by the Council.
Genuine Emergency	includes: (a) Any time that the Local Disaster Coordinator is performing a function under the <i>Disaster Management Act 2003</i> ; or (b) Any time an event occurs resulting in actual or likely loss of life or serious injury to person/s and where action from Council may prevent or reduce the actual or likely loss of life or serious injury to person/s, or aid and assist in response to the event; or Any time an event occurs resulting in actual or likely serious damage to property and where action from Council may prevent or reduce the actual or likely serious damage, or aid and assist in response to the event.
Government Agency	is: (a) the State, a government entity, a corporatised business entity or another local government; or (b) another Australian government or an entity of another Australian government; or (c) a local government of another State.

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LGA Arrangement	means an arrangement established by Peak Services and/or Local Buy Pty Ltd, LGAQ Ltd or other entity of which LGAQ Ltd is the only shareholder.
Net Disposal Return	means the revenue from a Disposal Contract, less all costs associated with the disposal.
Notice to Respondents	means a written notice sent by Council to either: (a) all Prospective Respondents to a Public Tender, who have downloaded the tender information, in situations where the tender box has <i>not</i> closed, or all Respondents who submitted an offer in response to a Public Tender, in situations where the tender box <i>has</i> closed.
NTR	means the definition provided under Notice to Respondents.
PCC	means the definition provided under Procurement Contracts Committee.
Procurement Process	means the process Council must undertake to enable it to enter into a contract for the purchase of goods, the supply of services and/or the undertaking of works.
Procurement Contracts Committee	means the committee established and governed by the Procurement Contract Committee Terms of Reference .
Project Manager	(if a Council Officer) see Contract Administrator.
Prospective Respondent	means a person or entity that has requested or received an Invitation to Tender or Request for Quote but has not submitted a Tender Response Form or Request for Quote Response Form.
Public Tender	means the process of Council inviting public tenders, the preparation and submission of Tenders by Respondents, the communications and negotiations between Council and Respondents in relation to the process and Tenders, evaluation of Tenders by Council and the negotiation of and entering into a contract.
Quote	means a quote or quotes (including Alternative Quotes) submitted by Respondents in response to a Request for Quote.
Respondent	means a person or entity that has submitted an offer in response to an EOI, Invitation to Tender or Request for Quote.
Request for Quote	means the process of Council requesting quotes, the preparation and submission of quotes by Respondents, the communications and negotiations between Council and Respondents in relation to the process and quotes, evaluation of quotes by Council and the negotiation of and entering into a contract.
RFQ	means Request for Quote.
Significant Contracting Plan	means a Significant Contracting Plan prepared in accordance with Council's Contracting Plan as required under provisions of the <i>LGR 2012</i> , s 221.
Sound Contracting Principles	means the principles provided in the <i>LGA 2009</i> , s 104.

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Submission	means Tenders, Quotes, or any other response or offer received following Council issuing an invitation.
Supplier Arrangement	means a list of suppliers established by Council or other appropriate entity to facilitate the procurement of goods or services required frequently, in high volume and/or where the capability of the suppliers has been determined.
Surplus Asset	means an asset that is plant or equipment or another type of non-current asset that does not reach the value threshold of a Valuable Non-Current Asset as prescribed by Council in this policy.
Tender/s	means a tender or tenders (including Alternative Tenders) submitted by Respondents in response to the Invitation to Tender.
Tender Response Form	means the response form set out in the Invitation to Tender.
Valuable Non-Current Asset	means land or another non-current asset that has a value equal to or more than the value threshold of a Valuable Non-Current Asset as prescribed in this policy.
Verbal Quote	means a verbal quote from a person or entity offering to supply goods to Council.
Written Quote	means a completed written quote from an entity offering to supply goods, services and/or works to Council, which includes the price and methodology for supply of the goods, services and/or works.

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Appendix

Guideline information		
Title	2024-25 Contract Manual	
Purpose	The purpose of this Manual is to outline how Council will carry out Contracting Activities	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	Goal Pathway Service Output	Outstanding Organisation Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
Approval	< insert OM Ref and date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	Council has authority to endorse material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">Public Sector Ethics Act 1994 (Qld)Local Government Act 2009 (Qld)Local Government Regulation 2012 (Qld)Statutory Bodies Financial Arrangements Act 1982 (Qld)Public Sector Ethics Act 1994 (Qld)Disaster Management Act 2003 (Qld)Human Rights Act 2019 (Qld)	
Policy	<ul style="list-style-type: none">2024-25 Procurement Policy2024-25 Contract Manual2024-25 Contracting PlanSignificant Contracting Plan/sSunshine Coast Council's Corporate Plan 2024-2028	
Operational documents	<ul style="list-style-type: none">Local Preference in Procurement GuidelineSocial Benefit Procurement GuidelineFirst Nations Procurement GuidelineInnovation and Market-Led Engagement Guideline	

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	<ul style="list-style-type: none">• Environment and Sustainability in Procurement Guideline• Employee Code of Conduct• Code of Conduct for Councillors• Councillors Acceptable Request Guidelines• Council's current delegations• Purchase Cards Guideline.
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Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Template updates	<insert>	<insert>



2024-25 Contracting Plan | Guidelines

2024-25 Contracting Plan		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Guideline purpose

Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of Valuable Non-Current Assets or Surplus Assets.

Guideline scope

Council adopts the Strategic Contracting Procedures to its Contracting Activities in accordance with Part 2, Schedule 6 of the *Local Government Regulation 2012*.

The Procurement Policy, Contract Manual, and this Contracting Plan, provide the framework for Council to carry out Contracting Activities in:

- An effective and efficient framework that delivers sound contracting outcomes;
- A manner that complies with the Procurement Policy; and
- Accordance with all applicable laws including the *Local Government Act 2009* (Qld) (LGA 2009) and the *Local Government Regulation 2012* (Qld) (LGR 2012);

Council Contracting Activities undertaken under the framework including this Contracting Plan, must be performed in a manner consistent with the following guidelines:

- Local Preference in Procurement Guideline;
- Social Benefit Procurement Guideline;
- First Nations Procurement Guideline;
- Innovation and Market-Led Engagement Guideline; and
- Environment and Sustainability in Procurement Guideline.

Guideline application

Application of Contracting Plan

This Contracting Plan identifies:

- the types of Contracts Council proposes to make in the 2024/25 financial year;
- the principles and strategies for performing the Contracts;

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- c) a policy about proposed delegations for the Contracts;
- d) a market assessment for each type of Contract;
- e) the Contracts that Council considers will be significant having regard to the market assessment; and
- f) a policy about the making of a Significant Contracting Plan.

Types of Contracts

To service these categories, Council maintain a suite of template Contracts including:

- Design and Construction
- Construction
- Supply and Installation
- Services (including professional and consulting services)
- Supply of Goods
- Queensland Information Technology Framework Contracts

To undertake Contracting Activities, Council has engaged a category procurement model.

Procurement Categories

For the 2023-24 financial year to 29 February 2024, Council spent \$311.7m across the six Procurement Categories as follows:

Categories	Approximate Total Spend
Engineering and Works	\$135.5m
Facilities	\$58.4m
Services	\$52.7m
Waste Services	\$31.1m
Fleet and Plant	\$22.7m
ICTS	\$11.3m

For the 2024-25 financial year, Council anticipates spending \$442m across the below categories:

Categories	Anticipated Total Spend
Engineering and Works	\$180m
Facilities	\$58m
Services	\$89m
Waste Services	\$63m

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ICTS	\$21m
Other (incl Fleet and Plant and Planning)	\$31m

Principles and Strategies

Council will have regard to the Sound Contracting Principles when undertaking Contracting Activities.

The Sound Contracting Principles are:

- value for money;
- open and effective competition;
- the development of competitive local business and industry;
- environmental protection; and
- ethical behaviour and fair dealing.

Strategies and Plans for Procurement Categories and individual procurements will be developed as per the Procurement Policy and Contract Manual.

Delegation

Council has delegated powers to the CEO relating to Contracting Activities. The CEO has in turn delegated these powers onto appropriately qualified Council Officers. These delegations are recorded in the Delegation of Authority No. 2 – Procurement and Contracting Activities and Payments maintained by the CEO.

The procurement process used to enter into Contracts differs depending on the type of Contract. The type of Contract is determined by considering the complexity of the Contract, the associated risks, the anticipated value, and by the category in which it falls.

Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2023/24 financial year can be found in Annexure A of this attachment.

Significant Contracts

Significant Contracts are Contracts that:

- have an anticipated value of \$5 million or more; and/or
- are deemed Significant Contracts by the Procurement and Contract Performance Team following assessment under the Procurement Profiling Matrix, and Risk Assessment Calculator, which includes an assessment of the market relating to the Contract.

A list of the Contracts that Council considers will be Significant Contracts for the 2024/25 financial year are as follows:

2024-25 Contracting Plan | Guidelines

Contract	Reason for Significant Contract	Proposed Procurement Strategy
Oval Avenue and Gosling St Upgrade	>\$5M	Public Tender
Nambour Resource Recovery Centre	>\$5M	Public Tender
Food Organic and Garden Organic Processing Services	>\$5M	Public Tender
Mooloolaba Foreshore Central Meeting Place	>\$5M	Public Tender
Sippy Downs Library & Community Venue	>\$5M	Public Tender
Honey Farm Road Clubhouse Construction	>\$5M	Public Tender
Honey Farm Road Sports Field Establishment	>\$5M	Public Tender
Rail Upgrade Offset Project	>\$5M	Public Tender
Microsoft Enterprise Agreement	>\$5M	Public Tender
Landscape Maintenance Services	>\$5M	Public Tender

Policy about the making of a Significant Contracting Plan

Significant Contracting Plans will be prepared for all Significant Contracts prior to the commencement of the Contract. They will state:

- the objectives of the Significant Contract;
- how the objectives are to be achieved;
- how achievement of the objectives will be measured;
- any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
- proposed contractual arrangements for the activity; and
- a risk analysis of the market in which the Contract is to happen.

The Significant Contracting Plan will be prepared by the Business & Innovation Branch in consultation with the Contract Administrator and any other relevant stakeholders identified in the Procurement Plan.

The Significant Contracting Plan will be endorsed by the Manager of the Branch seeking the Significant Contract and their Group Executive.

2024-25 Contracting Plan | Guidelines

The Significant Contracting Plan will be approved by the Chief Executive Officer prior to the commencement of the Contract to which it relates.

Guideline review

This guideline will be reviewed annually.

Roles and responsibilities

Role	Responsibility
Council	Endorsement authority for setting this policy and for all material changes to this policy. Able to endorse non-material changes. Maintains awareness of organisational manuals where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Manual Sponsor.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this manual and any proposed material changes to the manual, as appropriate. Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.
Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
All Managers	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities
All Officers	Responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this Contracting Plan.

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2024-25 Contracting Plan | Guideline

Appendix

Guideline information		
Title	2024-25 Contracting Plan	
Purpose	Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of Valuable Non-Current Assets or Surplus Assets.	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	Goal Pathway Service Output	Resilient economy / Outstanding Organisation High value economy of choice drives business performance, investment and enduring employment. Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	Council has authority to endorse material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">Public Sector Ethics Act 1994 (Qld)Local Government Act 2009 (Qld)Local Government Regulation 2012 (Qld)Statutory Bodies Financial Arrangements Act 1982 (Qld)Public Sector Ethics Act 1994 (Qld)Disaster Management Act 2003 (Qld)Human Rights Act 2019 (Qld)	
Policy	<ul style="list-style-type: none">2024/25 Procurement Policy2024/25 Contract Manual2024/25 Contracting PlanSignificant Contracting Plan/sSunshine Coast Council's Corporate Plan 2024-2028	

Operational documents	<ul style="list-style-type: none"> • Local Preference in Procurement Guideline • Social Benefit Procurement Guideline • First Nations Procurement Guideline • Innovation and Market-Led Engagement Guideline • Environment and Sustainability in Procurement Guideline • Employee Code of Conduct • Code of Conduct for Councillors • Councillors Acceptable Request Guidelines • Council's current delegations • Purchase Cards Guideline
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Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Templates updates	<insert>	<insert>

Annexure A - Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2023/24 financial year to 29 February 2024, is as follows:

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
Engineering and Works	3,336	453	\$135.5M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>Council's Engineering and Works category of expenditure broadly covers products and services related to roads and construction and includes subcategories such as concrete, bitumen, emulsions & asphalt materials and services, technical and engineering consulting services, playground, open space and recreational infrastructure and traffic management services.</p> <p>According to ABS data, following recent declines, the value of construction done in Australia saw a significant increase of 8.7% in Q4 2023 compared to the same period in the previous year. This is primarily driven by increases in Engineering Construction (15%) and Non-Residential Construction (12%). It should be noted that Residential Construction continued to see a decrease (-1.9%). Broadly, the value of construction done saw double-digit increases in WA (14.7%), ACT (12.4%), QLD (12.3%), and NSW (10.1%). The lowest increase was seen in VIC (1.9%) and SA (4.7%). The Australian Industry Group (Key Australian Industry Indicators) suggests that over 2023, the construction industry saw a 3.1% year-on-year growth in value-add.</p> <p>The ABS Producer Price Indexes (PPI) indicates that input prices to the construction sector rose 2.4% in the 12 months leading to December 2023. The main contributors were Electrical Equipment (+2.2%) due to raw material prices, higher manufacturing costs and limited labour supply in manufacturing, and other materials (+0.5%) including paint and other coatings (+1.6%) due to recent increases in crude oil prices. The price</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>risers were offset by falls in steel products (-3.7%) due to weak demand from China and continued decline in residential building approvals.</p> <p>Output prices from the construction sector rose 5.4% in the same period. This growth was primarily driven by ongoing labour shortages for skilled tradespeople. Joinery trades, mechanical trades, and electricians are particularly in high demand. Additional strength recorded in non-residential construction reflects contractors increasing margins in order to mitigate risks associated with longer term projects.</p> <p>The difficulty of security supply within this category is considered medium as the majority of products and services can be procured via existing panel arrangements and registers of pre-qualified suppliers available both regionally and locally.</p>
Facilities	1,658	241	\$58.4M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>The Facilities category covers expenditure related to the construction, maintenance and operations of Council facilities excluding technical and engineering professional services. According to ABS data, changes in key price drivers are described below.</p> <p>- Labour costs (as measured by Wage Price index) rose 4.2% over the year 2023. This is seen across relevant industries including Utility Services (+3.7%), Construction (+4.1%),</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>Accommodation and Food Services (+4%), Property Services (+3.8%), Administrative and Support Services (+4.5%).</p> <p>- Rental prices rose 7.3%. Continued growth in rental prices reflects low vacancy rates and a tight rental market, particularly in dwellings.</p> <p>- Electricity prices rose 6.9%. The introduction of the Energy Bill Relief Fund rebates from July 2023 has moderated the increase in electricity bills. Excluding the rebates, electricity prices would have increased 17.6% since June 2023 quarter.</p> <p>- Insurance prices rose 16.2%. This is the strongest annual rise since March 2021. Higher reinsurance, natural disaster, and claims costs contributed to higher premiums.</p> <p>According to IBIS Industry Report, facility management businesses have increasingly outsourced non-core, back-office functions to office administration service firms to benefit from their specialist expertise in these functions and reduce the costs of hiring specialised staff to provide various services. Market share concentration is low, there are a high number of businesses operating in this sector. They compete primarily on services quality and range, price and proximity to customers.</p> <p>Supply within this category is expected to continue to have a relatively low difficulty of being secured by Council due to sufficient availability of capable suppliers both regionally and locally and the relatively high level of market competition.</p>
Services	3,995	1,567	\$52.7M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>RBA is forecasting a further slowing in inflation to 3.3% by June 2024 and 3.2% by December 2024 and these forecasts are underpinned by expectations of a further moderation in services inflation. Goods inflation has more than halved from its peak of 9.6% per annum in September 2022 to its current level of 3.8% year on year to December 2023. Services inflation is running at 4.6% year on year to December 2023.</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>The largest services categories are: rents, insurance and financial services, travel, health services, education services, and food services.</p> <p>The Australian Industry Group Australian Industry Index indicates that activities in the business-oriented services sector is improving after a period of decline in 2023. The decline only started to ease in February 2024. Service businesses reported fragility in new orders due to increased prices and customer uncertainty. Some businesses reported improved activity, but shortages of specific skilled occupations constrained capacity to delivery projects.</p> <p>The NAB Quarterly Business Survey reported that after signs of easing cost and price pressures through late 2023 as the economy slowed, the business survey suggests progress was more incremental through Q1 2024. Business conditions appear to have stabilised and confidence also picked up, alongside improved but still weak forward orders. Capacity utilisation levels remain high. Materials availability issues appear to have abated but labour availability remained a significant issue for a third of firms and wage costs continue to be the top concern, alongside pressure on margins. However, NAB suggests that price growth measures are now tracking around a rate that, if maintained, would be consistent with inflation easing towards RBA's target range.</p> <p>Council will continue to seek to procure services competitively and leverage existing preferred supplier arrangements, register of pre-qualified supplier arrangements and panel arrangements when possible to secure various types of services and achieve value for money outcomes.</p>
Waste Services	137	20	\$31.1M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	IBIS Industry Report indicates that the waste services industry's performance has been mixed in recent years. Industry revenue has grown at 2% compound annual growth rate over the past 5 years. Household waste generation has grown steadily, but activity has declined in many of the commercial and construction sectors, which has ultimately constrained industry demand. Furthermore, more recyclable and recoverable waste

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>materials have been diverted to firms outside the industry, further restricting revenue. This trend has partly been due to government regulations encouraging recycling, alternative disposal methods (such as energy generation), and raising landfill disposal costs. However, industry firms have continued to treat and dispose of a large proportion of waste generated by households and businesses, which has supported industry revenue.</p> <p>Internal competition in the industry is low due to the specialised nature of waste treatment and disposal services, the need for economies of scale, and geographic limitations. Waste disposal services are mostly confined to larger operators, particularly in urban areas. Major players in the industry have engaged in significant acquisition activity in recent years, increasing market share concentration. The top four companies generate over 40% of industry revenue.</p> <p>Market size is projected to continue growing due to forecasted population growth, urbanisation trends and increased construction activity that will lead to higher waste generation.</p>
Fleet and Plant	666	125	\$22.7M	<ul style="list-style-type: none"> • Tender • RFQ • Exception 	<p>The Fleet & Plant category covers the purchase, hire and lease of various types of fleet, maintenance of fleet and plant and the purchase of fuel, gas and lubricants.</p> <p>According to ABS data, inflation in the transportation group rose 3.7% in the 12 months to December 2023, driven by automotive fuel (+5.4%) and maintenance and repair of vehicles (+3.9%). Inflation eased by 0.2% in the quarter December 2024 from the previous quarter. The main contributors to the fall were spare parts (-3.4%), motor</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>vehicles (-0.5%) and automotive fuel (-0.2%). This is offset by rises in insurance premiums (+3.8%).</p> <p>Prices of passenger car rental and hiring fell 19.5% in the 12 months to December 2023, driven by reductions in household and business short term car hire rates due to weaker demand and excess fleet size capacity.</p> <p>Prices of goods and equipment rental and hiring rose 5% in the same period, driven by heavy machinery and scaffold hire linked to elevated inputs costs amid construction equipment demand across the infrastructure, mining and heavy industrial markets.</p> <p>Council is to continue to procure services competitively and leverage existing preferred supplier arrangements, register of pre-qualified supplier arrangements and panel arrangements when possible, to secure various types of services and achieve value for money outcomes.</p>
ICT	382	115	\$11.3M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>IBIS Industry Report indicates that ICT enterprises have benefited from climbing demand in recent years. Downstream clients are ramping up investment in IT projects and software solutions to meet growing technological requirements. New South Wales and Victoria have the greatest proportion of enterprises and revenue in 2023-24, along with the largest shares of the national population. These enterprises provide services throughout Australia and services are provided through remote working arrangements. Client businesses have required the most up-to-date technologies, as technology has become ubiquitous and considered a necessity. This factor has supported demand for ICT goods and services. Greater capital expenditure on software and existing computer system upgrades is expected over the coming years.</p> <p>ICT services exhibit a low concentration level. Despite the presence of several high-profile multinational corporations, the four largest players account for only a small</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>portion of industry revenue in 2023-24. Low barriers to entry encourage growth in the number of businesses in this sector.</p> <p>The ICT Industry Landscape Report (prepared by Accenture for NSW Government) indicates that, nationally, demand for ICT workers is expected to grow at 3.8% per year until 2030. It also forecasts a shortfall of over 180,000 workers by 2030. This shortage is expected to keep upward pressure on ICT professional services costs, including ICT contractors/consultants.</p> <p>Council will continue to seek to procure ICT services by going out to market; leveraging existing preferred supplier arrangements; registering pre-qualified supplier arrangements and panel arrangements to secure various types of services and achieving value for money outcomes.</p>

Local Preference in Procurement | Guidelines

Local Preference in Procurement Guideline

DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Guideline purpose

Sunshine Coast Council's Corporate Plan 2024 – 2028 provides the goal that "Our resilient, high value economy of choice drives business performance, investment and enduring employment".

The Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential, with a confident future as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council is also one of the largest contributors to the economy of the Sunshine Coast through its annual budget, which expends upwards of \$300 million per annum in contracting for goods and services, with the majority of that being expended with local suppliers.

Guideline scope

Council recognises the inherent benefits in contracting with local suppliers for the provision of goods and services.

These benefits include:

- Developing a competitive local business and industry;
- Local goods are more readily available reducing lead time to fulfil orders or provide parts required for maintenance;
- Service providers are in closer proximity and can provide faster service and faster support;
- Ability to provide more environmentally sustainable outcomes through conserving the use of energy and resources such as reducing fuel consumption in travel and transport;
- Create new local employment opportunities and maintain the existing local employment base;
- Create new business and commercial opportunities, and continue to support the existing business and commercial base;
- Supporting local supply chains by encouraging all Council suppliers to sub-contract with, or seek goods and services from, local suppliers;
- Council investing in the community it serves to provide benefits to the local community; and
- Economic growth contributing to community prosperity.

Local Preference in Procurement | Guidelines

Guideline

Council will encourage the development of a competitive local business and industry by facilitating a preference for local suppliers in its Contracting Activities. The preference for local engagement to be applied to a Procurement Process as follows:

Inviting Locals to Respond to Procurement Processes

When undertaking a Request for Quote procurement process, the following table is to be followed:

Table 1:

Procurement Process	Contract Value	Local preference
ONE quote required	\$0 - \$50,000	Quote/s must be sought ONLY from Local and Deemed Local Suppliers.
Request for Quote (minimum THREE quotes)	\$50,000 - \$500,000	Quote/s must be sought ONLY from Local and Deemed Local Suppliers, unless a genuine reason not to applies (see below).

Social and Economic Factors Criteria (includes Contribution to Local Economy)

Council's Social and Economic Factors evaluation criteria has an evaluation weighting of 20% as set out in Council's Contract Manual. The Social and Economic Factors evaluation criteria comprises of the following three components:

- Contribution to the Local Economy (which relates to this guideline),
- Social Benefit Engagement (Social Benefit in Procurement Guideline), and/or
- First Nations Engagement (First Nations Procurement Guideline).

If the Social and Economic factors for First Nations and/or Social Benefit engagement are not incorporated into the Procurement Process, then the Evaluation Criteria for Social and Economic Factors must include the Contribution to the Local Economy criterion and must receive the full 20% weighting.

In any invited only Procurement Process (such as a Request for Quote), if non-locals are invited to respond (where there is a Genuine Reason not to follow the guideline as set out below) the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

Supplier Arrangements

When conducting a Procurement Process to create a Supplier Arrangement, Council must, at a minimum, include the evaluation criterion for the contribution made by the Respondent to the local economy as part of the Social and Economic Factors criteria. These factors must receive no

Local Preference in Procurement | Guidelines

less than 20% weighting. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater local engagement.

Council has priced and non-priced Supplier Arrangements. Generally, priced Supplier Arrangements include suppliers in a ranked order, and in most cases, Council will directly approach the highest ranked supplier for the provision of the goods and services. If the highest ranked provider cannot supply those goods or services, Council will approach the next highest ranked supplier.

When forming Contracts from a non-priced Supplier Arrangement, Council will invite Quotes from some, or all, of the suppliers on the Supplier Arrangement with a view to undertaking a short evaluation to identify the most advantageous supplier. Evaluation Criteria for contribution to the local economy does not need to be included when seeking Quotes from a Supplier Arrangement as this has already been evaluated when forming the arrangement above.

Genuine reason not to follow this guideline

Council acknowledges there will be occasions when the requirements of this guideline cannot be followed. A genuine reason not to comply with the guideline will exist where:

- it is not possible to meet the requirements because, for example, there is not a local supplier, or sufficient local suppliers to enable the requirements of this guideline to be met; or
- there is sufficient local supplier availability, but because of the size, complexity or timing of the goods and/or services required, there are not sufficient local suppliers capable of meeting Council's requirements; or
- The supplier invited is invited in accordance with Council's First Nations Procurement Guideline and that supplier may not be local.

Where there is a genuine reason that the requirements of this guideline cannot be met then certain Council Officers may approve a departure from it (except in the instance of complying with Council's First Nations Procurement Guideline, no approval is required).

A Council Officer at the level of Manager (L3 or equivalent position) may approve departure from this guideline when a genuine reason exists and the Contract value is within that Council Officer's delegated authority for creating the Contract. All other departures from this guideline must be approved by a Group Executive (L2).

Where a gap in the local business or industry is identified such that a capable local supplier is not, and will not, be available in the foreseeable future, or it is believed that the most advantageous outcome cannot be achieved by engaging with a local supplier, a Group Executive (L2) may give a blanket exemption from complying with this guideline. Any blanket exemption must be for an identified type of Contract and timeframe.

Further where a gap is identified, it is imperative the Economic Development Branch be advised to ensure appropriate measures and opportunities are explored with industry to address the gap.

All departures from this guideline are to be reported to the Manager, Business & Innovation

Local Preference in Procurement | Guidelines

Contracts formed from External Supplier Arrangements

An externally created supplier arrangement is one that Council did not form, but Council is seeking to utilise for a particular procurement. The most common example of such arrangements are those created by Local Buy, and by Commonwealth, State or other local Governments.

Where a Contract is sought to be formed using an externally created supplier arrangement, Council Officers should seek to identify if there are any suppliers on that supplier arrangement that would be considered local suppliers by this guideline. If there are, appropriate consideration should be given to inviting quote/s from those local supplier/s.

Tender and Request for Quote - Evaluation of the Contribution made to the local economy

Council will invite Public Tenders via QTenders and receive Tenders from any Respondent, regardless of their location. Also, some procurements conducted by Request for Quote will invite Local, Deemed Local and Non-local Suppliers.

In these instances, the contribution made to the local economy must be included in the evaluation of these procurements as part of the Social and Economic Factors criteria.

The criterion will be evaluated having regard to:

- the local presence of the Respondent as categorised as one of the following:
 - a Local Supplier; or
 - a Deemed Local Supplier; or
 - A Non-local Supplier

Scoring for local presence will be applied as follows:

Table 3:

Local presence	Scoring:
Local Supplier	10/10
Supplier deemed local	5/10
Non-Local Supplier	0/10

- the Respondent's explanation of the contribution already being made to the local economy, the contribution that will be made should they be awarded the Contract, or both. Explanation of that contribution may include:
 - Plant and equipment used to deliver business, sourcing of those and maintenance costs;
 - Consumables and sourcing;
 - Opportunities for further local engagement, for example sub-contracting;
 - How the Contract might contribute to the business maintaining its local presence;
 - New employment opportunities or requirements;
 - New or expansion of property, office space, vehicles or plant and equipment;
 - Evidence of support for local Community Organisations;

Local Preference in Procurement | Guidelines

- Contributions, support, sponsorship and volunteering for local community events.

The criterion score is an accumulated score based on local presence and contribution to the local economy.

Guideline review

It is a requirement that Council review and adopt the policy annually.

Roles and responsibilities

Role	Responsibility
Council	Maintains awareness of organisational guidelines where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Approval authority for setting this guideline and for all material changes to this guideline, on advice from the GE. Able to approve non-material changes. CEO will consult with Councillors where the guideline applies to Councillors or impacts the community.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this guideline and any proposed material changes to the guideline, as appropriate. Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.
Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
All Managers	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities
All Officers	Responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

Refer to any related Council policies, including the Procurement Policy and Contract Manual, for relevant definitions of common terms. The following contains definitions for terms specific to this guideline. For otherwise undefined terms, the plain English meaning informs interpretation.

Local Preference in Procurement | Guidelines

Definitions application to this guideline are:

Term	Definition
Deemed Local Supplier	means a supplier who does not have a primary office or business premises within the Sunshine Coast Council LGA, but has a significant business or primary service area in the Sunshine Coast LGA and/or a significant employee base that undertake work within the Sunshine Coast LGA (this employee base may include staff who work remotely on a regular basis from the local government area).
Excluded supplier	means a government body or utility service provider who Council has little or no choice but to Contract with. For example, Government Agencies such as telecommunication providers, fuel suppliers or Australia Post.
Local Supplier	means a supplier who: <ul style="list-style-type: none"> was established in and maintains their primary office or business premises within the Sunshine Coast Council Local Government Area; has an office or business premises, but not the primary premises, within the Sunshine Coast Council Local Government Area (Sunshine Coast LGA).
Non-local Supplier	means a supplier who is not from within the Sunshine Coast LGA, or is not a Deemed Local Supplier.

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Appendix

Guideline information		
Title	Local Preference in Procurement Guideline	
Purpose	Sunshine Coast Council’s Corporate Plan 2024 – 2028 provides the goal that “Our resilient, high value economy of choice drives business performance, investment and enduring employment”	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	Goal Pathway Service Output	Resilient economy / Outstanding Organisation High value economy of choice drives business performance, investment and enduring employment. Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken within every four years, and reviewed guideline document must be provided to highest level approval authority for endorsement. Reviews may occur more regularly as required, having regard to a policy risk assessment.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	CEO has authority to approve material changes on advice of the Group Executive (GE). Relevant GE has authority to approve non-material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">• <i>Public Sector Ethics Act 1994</i> (Qld)• <i>Local Government Act 2009</i> (Qld)• <i>Local Government Regulation 2012</i> (Qld)• <i>Human Rights Act 2019</i> (Qld)	
Policy	<ul style="list-style-type: none">• 2024-25 Procurement Policy• 2024-25 Contact Manual• 2024-25 Contracting Plan other guidelines for that policy	

Local Preference in Procurement | Guideline

	<ul style="list-style-type: none">Sunshine Coast Council Corporate Plan 2024-2028Regional Economic Development Strategy 2013-2033 (REDS)
Operational documents	

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Templates updates	<insert>	<insert>

Sunshine Coast Council | sunshinecoast.qld.gov.au | customerservices@sunshinecoast.qld.gov.au
07 5475 7272 | Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Social Benefit Procurement| Guidelines

Social Benefit Procurement Guideline		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Guideline purpose

Social benefit procurement uses procurement processes and purchasing power to generate positive social and economic outcomes in addition to the efficient delivery of goods, services and works. Council recognises the value of engaging in social procurement.

Guideline scope

Council’s Corporate Plan 2024-2028 provides the goal “Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all”.

The Sunshine Coast Community Strategy 2019-2041 has an outcome measure for “more than 20% growth in social enterprises operating in the Sunshine Coast Local Government Area.”

Council’s support of social benefit procurement can enable local enterprise growth and responses to social issues that improve the quality of life for local residents.

The purpose of this guideline is to outline a framework for Council to conduct social benefit procurement in its contracting activities.

Guideline

This guideline applies to any Contracting Activities undertaken by Council.

Social Benefit Suppliers are organisations whose social mission is centred on benefitting a group of people who are considered disadvantaged in their local community. Such organisations channel economic and social resources into a community in response to an underlying social need/issue.

Social Benefit Suppliers may include:

- Community Organisations, including not-for-profit entities
- Australian disability enterprises
- Charitable business ventures
- Community development finance institutions
- Worker or community owned co-operatives
- Fair trade social enterprises
- Intermediate labour market companies
- Social enterprises

Social Benefit Procurement| Guidelines

Application to Procurement Processes

Council will incentivise the engagement of Social Benefit Suppliers by facilitating a preference for Social Benefit Suppliers in its contracting activities as follows:

1. Conducting a restricted procurement process where capable Social Benefit Suppliers have been identified; or
2. Identifying contracting activities where the contract will require a supplier to reach a specific target relating to the engagement of local Social Benefit Suppliers in the delivery of the services under the contract; or
3. Inviting and assessing Tenders and Quotes from suppliers.

Social and Economic Factors Criteria (includes Contribution to Local Economy)

Council's Social and Economic Factors evaluation criteria has an evaluation weighting of 20% as set out in Council's Contract Manual. The Social and Economic Factors evaluation criteria comprises of the following three components:

- Contribution to the Local Economy (Local Preference in Procurement Guideline),
- Social Benefit Engagement (this Guideline), and/or
- First Nations Engagement (First Nations Procurement Guideline).

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

For any Request for Quote process, the incorporation of Social and Economic Factors will depend on whether there is Genuine Reason not to follow any of the three guidelines for Social and Economic Factors. Where there is not a Genuine Reason, then the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

Forming Supplier Arrangements

Council creates Supplier Arrangements by conducting a public tender.

When conducting a public tender to create a Supplier Arrangement, Council will, at a minimum, include the evaluation criterion for Social and Economic Factors which must receive a combined total weighting of no less than 20%. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater Social Benefit Supplier engagement.

Contracts formed from External Supplier Arrangements

An externally created Supplier Arrangement is one that Council did not form, but Council is seeking to utilise for a particular procurement. The most common example of such arrangements are those created by Local Buy, and by Commonwealth, State, or other Local Governments.

Where a contract is sought to be formed using an externally created Supplier Arrangement, Council Officers should seek to identify if there are any Social Benefit Suppliers on that Supplier

Social Benefit Procurement| Guidelines

Arrangement. If there are, appropriate consideration should be given to inviting quote/s from those supplier/s.

Evaluation of Social Benefit Suppliers

When Council undertakes a contracting activity where responses are to be evaluated against pre-determined evaluation criteria, then the evaluation criterion of Social Benefit Engagement must be included and evaluated.

The criterion will be evaluated having regard to the business of the Respondent and the Respondent's explanation of their Social Benefit Engagement.

Evaluation of each submission will consider the above information and scoring will be applied as follows:

Supplier	Scoring:	Overall weighting
A Supplier that is a Social Benefit Supplier	10/10	As set in the Procurement Process up to 20%
A Supplier that is not a Social Benefit Supplier but demonstrates that they are engaging Social Benefit Suppliers in their supply chain	5 to 10/10	
Not a Social Benefit Supplier and not engaging Social Benefit Suppliers in their supply chain	0/10	

Drafting of specifications

When drafting specifications, the author should consider whether the goods or services sought can be delivered by a Social Benefit Supplier or whether a commercial supplier could engage members from a disadvantaged group.

If drafting of the specification is outsourced to a consultant, this should be conveyed to the consultant for consideration/inclusion in the specification.

Guideline review

This guideline will be reviewed annually.

Roles and responsibilities

Role	Responsibility
Council	Maintains awareness of organisational guidelines where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Approval authority for setting this guideline and for all material changes to this guideline, on advice from the GE. Able to approve non-material changes. CEO will consult with Councillors where the guideline applies to Councillors or impacts the community.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this guideline and any proposed material changes to the guideline, as appropriate.

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	Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.
Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
All Managers	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.
All Officers	Responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

Refer to any related Council policies, including the Procurement Policy and Contract Manual, for relevant definitions of common terms. The following contains definitions for terms specific to this guideline. For otherwise undefined terms, the plain English meaning informs interpretation.

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Social Benefit Procurement | Guideline

Appendix

Guideline information		
Title	Social Benefit Procurement Guideline	
Purpose	Social benefit procurement uses procurement processes and purchasing power to generate positive social and economic outcomes in addition to the efficient delivery of goods, services and works. Council recognises the value of engaging in social procurement.	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	<div>Goal Pathway</div> <div>Service Output</div>	Strong Community / Resilient economy / Outstanding Organisation An inclusive community, with opportunities for everyone. High value economy of choice drives business performance, investment and enduring employment. Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	CEO has authority to approve material changes on advice of the Group Executive (GE). Relevant GE has authority to approve non-material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">Public Sector Ethics Act 1994 (Qld)Local Government Act 2009 (Qld)Local Government Regulation 2012 (Qld)Human Rights Act 2019 (Qld)	
Policy	<ul style="list-style-type: none">2024/25 Procurement Policy2024/25 Contact Manual2024/25 Contracting Plan other guidelines for that policy	

Social Benefit Procurement | Guideline

	<ul style="list-style-type: none">Sunshine Coast Council Corporate Plan 2024-2028Sunshine Coast Council Community Strategy 2019-2041Regional Economic Development Strategy 2013-2033 (REDS)
Operational documents	

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Templates updates	<insert>	<insert>

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First Nations Procurement | Guidelines

First Nations Procurement Guideline		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Guideline purpose

Council recognises the inherent benefits in contracting with First Nations suppliers or supply chains for the provision of goods and services.

Guideline scope

Council’s Corporate Plan 2024-2028 provides the goal that “Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all”.

The Sunshine Coast Community Strategy 2019-2041 identifies that we are committed to reconciliation and social and economic opportunities for the Aboriginal and Torres Strait Islander community as demonstrated through our Reconciliation Action Plan.

Council’s Reconciliation Action Plan 2021-2022 (RAP) commits to work in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development. In addition, the RAP commits to increase First Nations supplier diversity to support improved economic and social outcomes.

Further, the Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential – with a confident future and as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council recognises the inherent benefits in contracting with First Nations suppliers or supply chains for the provision of goods and services.

The purpose of this First Nations (Aboriginal and Torres Strait Islander) Procurement Guideline (“First Nations Procurement Guideline”) is to outline Council’s framework to increase procurement from First Nations suppliers and supply chains.

Guideline

This guideline applies to any Contracting Activities for the provision of goods and services undertaken by Council. Applying this guideline will:

- Develop a competitive First Nations business and industry both locally and regionally;

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- Create new business and commercial opportunities for First Nations suppliers, and supporting the existing First Nations business and commercial base;
- Maintain the existing First Nations local employment base while creating new local employment opportunities;
- Support First Nations supply chains by incentivising all Council suppliers to sub-contract with, or procure goods and services from, First Nations suppliers; and
- Diversify economic growth contributing to community prosperity.

Application to Procurement Processes

Council will incentivise the development of a competitive First Nations business and industry by facilitating a preference for First Nations businesses and supply chains in its Contracting Activities.

The preference for First Nations business and industry engagement to be applied to Contracting Activities is as follows:

1. Conducting a restricted procurement process where capable First Nations businesses have been identified; or
2. Identifying Contracting Activities where the Contract will require a supplier to reach a specific target relating to the employment and/or training of local First Nations people in the delivery of the services under the Contract; or
3. Inviting and assessing Tenders and Quotes from suppliers as set out in the Table 1 below.

Table 1:

Contract Value	Procurement process	First Nations Businesses to be invited
\$0 - \$50,000	One quote required	If a First Nations Supplier with a local presence is identified through the Black Business Finder (or other approved registers that identify First Nations Businesses) who provide the goods or services required then they must be invited to Quote.
\$50,000 - \$500,000	Request for Quote processes for inviting three quotes	If any First Nations Businesses is able to be identified through the Black Business Finder (or other approved registers that identify First Nations Businesses) who provide the goods or services required then they must be invited to Quote. Evaluation criterion for First Nations business contracting will receive a weighting up to 20%
\$500,000 and above	Public Tender	Evaluation criterion for First Nations business contracting will receive a weighting up to 20%

First Nations Procurement | Guidelines

Social and Economic Factors Criteria (includes Contribution to Local Economy)

Council's Social and Economic Factors evaluation criteria has an evaluation weighting of 20% as set out in Council's Contract Manual. The Social and Economic Factors evaluation criteria comprises of the following three components:

- Contribution to the Local Economy (Local Preference in Procurement Guideline),
- Social Benefit Engagement (Social Benefit Procurement Guideline), and/or
- First Nations Engagement (this Guideline).

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

For any Request for Quote process, the incorporation of Social and Economic Factors will depend on whether there is Genuine Reason not to follow any of the three guidelines for Social and Economic Factors. Where there is not a Genuine Reason, then the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

Forming Supplier Arrangements

Council creates Supplier Arrangements by conducting a Public Tender.

When conducting a Public Tender to create a Supplier Arrangement, Council will, at a minimum, consider the Social and Economic Factors including the evaluation criterion for First Nations engagement in contracting. Council may, in appropriate circumstances, consider and apply other strategies in those Tenders to support or drive greater First Nations engagement.

Tender and Request for Quote - Evaluation of contracting opportunities

When Council undertakes a Contracting Activity where responses are to be evaluated against pre-determined evaluation criteria then the evaluation criterion of First Nations engagement in contracting must be included and evaluated.

The criterion will be evaluated having regard to the business of the Respondent and the Respondent's explanation of the contribution to First Nations engagement in contracting. When considering that contribution the following must be evaluated:

- Whether the Supplier is a First Nations Business;
- Whether the Supplier's First Nations people employment rate exceeds 25%;
- Whether the Supplier is engaging in its supply chain, a First Nations Business.

Evaluation of each submission will consider the above information and scoring will be applied as follows:

Evaluation information	Scoring:	Overall weighting
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First Nations Procurement | Guidelines

Supplier that is a First Nations Business	10/10	up to 20%
Supplier that is not a First Nations Business that demonstrates that they are engaging First Nations Business/es in their supply chain, employ more than 25% First Nations people or can demonstrate and commit to the employment of at least one additional First Nations person in the delivery of the contract	5 to 10/10	
Non-First Nations Business that is not engaging First Nations Business in their supply chain	0/10	

Genuine reason not to follow this guideline

Council acknowledges there will be occasions when the requirements of this guideline cannot be followed, either because it is not possible to comply due to the nature of the procurement, or it is not in the best interests for achieving the most advantageous outcome.

A genuine reason not to comply with the guideline will exist where there is a First Nations Business availability, but because of the size, complexity or timing of the goods and/or services required, it is not in the interests of achieving the most advantageous outcome to invite the First Nations Business/es.

Where there is a genuine reason that the requirements of this guideline cannot be met then certain Council Officers may approve a departure from it.

A Council Officer at the level of Co-ordinator (L4 or equivalent position) may approve departure from this guideline when a genuine reason exists and the contract value is within that Council Officer's delegated authority for creating the contract. All other departures from this guideline must be approved by a Manager (L3).

Guideline review

This guideline will be reviewed annually.

Roles and responsibilities

Role	Responsibility
Council	Maintains awareness of organisational guidelines where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Approval authority for setting this guideline and for all material changes to this guideline, on advice from the GE. Able to approve non-material changes. CEO will consult with Councillors where the guideline applies to Councillors or impacts the community.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this guideline and any proposed material changes to the guideline, as appropriate. Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.

First Nations Procurement | Guidelines

Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
All Managers	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities
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Definitions

Refer to any related Council policies, including the Procurement Policy and Contract Manual, for relevant definitions of common terms. The following contains definitions for terms specific to this guideline. For otherwise undefined terms, the plain English meaning informs interpretation. The definitions applicable to this guideline are:

Term	Definition
First Nations Business	means a supplier or respondent who: <ol style="list-style-type: none"> 1. is majority owned by Aboriginal or Torres Strait Islander people; 2. is 50% owned by Aboriginal or Torres Strait Islander people; 3. is a non-First Nations business that employs at least 75% of Aboriginal or Torres Strait Islander workers; 4. is an equal Joint Venture agreement with a majority owned Aboriginal or Torres Strait Islander business entity; or 5. is registered as a First Nations Business with the Black Business Finder or with Supply Nation.

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First Nations Procurement | Guideline

Appendix

Guideline information		
Title	First Nations Procurement Guideline	
Purpose	Council recognises the inherent benefits in contracting with First Nations suppliers or supply chains for the provision of goods and services.	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	<div>Goal Pathway</div> <div>Service Output</div>	<div>Strong Community / Resilient economy / Outstanding Organisation</div> <div>An inclusive community, with opportunities for everyone.</div> <div>High value economy of choice drives business performance, investment and enduring employment.</div> <div>Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council.</div> <div>Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.</div>
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	CEO has authority to approve material changes on advice of the Group Executive (GE). Relevant GE has authority to approve non-material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">Public Sector Ethics Act 1994 (Qld)Local Government Act 2009 (Qld)Local Government Regulation 2012 (Qld)Human Rights Act 2019 (Qld)	
Policy	<ul style="list-style-type: none">2024/25 Procurement Policy2024/25 Contact Manual2024/25 Contracting Plan other guidelines for that policySunshine Coast Council Corporate Plan 2024-2028Regional Economic Development Strategy 2013-2033 (REDS)Sunshine Coast Council Community Strategy 2019-2041Sunshine Coast Council Reconciliation Action Plan 2021-2022	

First Nations Procurement | Guideline

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Innovation and Market-Led Engagement | Guidelines

Innovation and Market-Led Engagement Guideline		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Guideline purpose

- The purpose of this guideline is to outline a framework for Council to:
- identify, invite, and consider Submissions from suppliers offering innovative or unique approaches to delivering goods, services, or works (Innovation Contract); and
 - receive and consider Market-Led Proposals (MLP's).

Guideline scope

Council is committed to the Sunshine Coast being a prosperous, and high-value economy of choice for business, investment, and employment. This is underpinned by an appreciation for, and strong commitment to, innovation. Council is committed to the Sunshine Coast being a regional hub for innovation, entrepreneurship, and creativity.

The Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential, with a confident future as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council is also one of the largest contributors to the economy of the Sunshine Coast through its annual budget, which expends upwards of \$300 million per annum in contracting for goods and services, with the majority of that being expended with local suppliers.

Council realises, however, that it cannot achieve its vision for the Sunshine Coast alone and that the private sector can contribute to the delivery of goods, services, and infrastructure across the Sunshine Coast.

Guideline

- This guideline *may* apply to:
- Innovation proposal - certain Contracting Activities for the provision of goods, services, or works to be undertaken by Council, and any other existing service provided by Council that may be improved through some innovation; and
 - Market-Led Proposals involving some form of contracting by Council for provision of goods or services, including works or disposal of Valuable Non-Current Assets (VNCA) (under certain defined circumstances - not land).

Innovation and Market-Led Engagement | Guidelines

Innovation Proposal

Council's strong commitment to innovation is imbedded within the Corporate Plan. Council also appreciates that opportunities to innovate are not without some challenges. Often great ideas and innovative opportunities need to be tested, developed, incubated and matured. Additionally, entities seeking to receive the benefit of an innovative opportunity (from a supplier) need to ensure the legitimacy and capability of the goods or services.

Council also recognises that, in some instances, mainstream procurement frameworks can restrict, and be counter-productive to, the introduction and realisation of innovative solutions. This tension can lead to the loss of otherwise viable opportunities.

A structured solution to the tension between mainstream procurement and realising innovation is to identify circumstances when the procurement will depart from that mainstream framework in pursuit of an innovative solution. Any departures or alternative processes will require governance mechanisms that adequately manage the risk associated with the solution.

Application to Contracting Activities

Council may depart from the Activities outlined in the Procurement Policy when it seeks to establish an Innovation Contract, but only in accordance with this Guideline.

An Innovation Contract may be considered by Council if it meets the following characteristics:

- the Innovation Contract will introduce a potential innovation that provides a cost, time, service improvement or advantage to Council or the Community; and
- the innovation sought is (in the opinion of Council) either:
 - only reasonably available to Council from a single external entity; or
 - a solution which
 - is from a market or provider with limited depth, capability or maturity; and
 - requires some level of further testing, development, verification, support or the like prior to adoption with any degree of permanency
- the Innovation Contract is valued at no more than \$250,000 (Exclusive of GST); and
- the Innovation Contract is for a term of no longer than 12 months.

Establishing the basis for an Innovation Contract

A Council Officer who believes a potential innovation may be realised from an Innovation Contract should:

- seek assistance from a Procurement Specialist or other appointed Council Officer from the Business and Innovation Branch;
- ensure appropriate budget exists for the Innovation Contract being pursued; and
- prepare an Innovation Contract Report.

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Innovation Contract Report

Prior to establishing an Innovation Contract, a report (Innovation Contract Report) must be produced for the consideration of an Evaluation Panel. The Council Officer proposing the Innovation Contract must prepare an Innovation Contract Report which identifies the following:

- comprehensive details of the proposed Innovation Contract, including the total anticipated cost and term of the Innovation Contract;
- the anticipated outcomes from the Innovation Contract, including the time, cost, service improvement or advantage to Council or the Community that may be realised from the Innovation Contract;
- a plan of how those outcomes will be measured and reported;
- any alternative ways of achieving the outcomes, and why the alternative ways were not adopted;
- a risk assessment of the Innovation Contract and the market from which the goods or services are to be obtained; and
- a Procurement Plan outlining the procurement strategy to be employed to establish the Innovation Contract that ensures appropriate regard for the Sound Contracting Principles.

For clarity, it is acknowledged that the Procurement Plan may propose a procurement route that is not consistent with the Procurement Policy. Innovation Contract Reports should be supported by the Branch Manager and submitted to the Manager of Business and Innovation who will establish an Evaluation Panel to evaluate the report. The Evaluation Panel will consider the report and make a recommendation to the Manager of Business and Innovation. The Manager of Business and Innovation may provide the report and recommendation to the Group Executive from the Group where the report was generated, for consideration.

That Group Executive may approve, reject or require further information about the proposed Innovation Contract.

Managing an Innovation Contract

When an Innovation Contract has been approved, the Contract should be managed in a manner consistent with contemporary contract management as outlined in the Contracting Manual. During the life of the Contract, the following matters should be considered:

- cost;
- risk; and
- ongoing assessment of the outcomes derived from the Innovation Contract, service improvement or advantage to Council or the Community.

Innovation Contract Finalisation Report

At the conclusion of an Innovation Contract, the Contract Administrator is required to produce a report (Innovation Contract Finalisation Report) for the consideration of the approving Group Executive and the Procurement Contracts Committee, outlining the following:

- the outcomes from the Innovation Contract, including the time, cost, service improvement or advantage to Council or the Community;

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- total cost and term of the Innovation Contract;
- a critical assessment of the Innovation Contract, including whether it:
 - met Council's objectives for the Innovation Contract;
 - provided the intended benefit to Council or the Community; and
 - represented value for money;
- a recommendation as to whether the Innovation Contract should be considered for renewal or further investigation by Council.

The Innovation Contract Report should be an annexure to the Innovation Contract Finalisation Report.

Market-Led Proposal (MLP)

MLP's provide an opportunity for Council to engage with the private sector in a manner that allows both Council and the private sector to collaboratively take part in the delivery of goods, services, and infrastructure to address the needs of the Sunshine Coast Community.

A MLP could be for:

- a commercial activity, involving some contribution from Council;
 - the acquisition of, or access to, Council assets, including land or other assets, information or partnerships;
- (Note: where a MLP involves disposal of Council land, Council must ensure compliance with the provisions of the *Local Government Regulation 2012* regarding Contracts for the disposal of land and the Procurement Policy regarding Disposal Processes);
- development of public or open access infrastructure on the Sunshine Coast; or
 - delivery of services to, or on behalf of, Council.

A successful MLP may result in Council departing from the primary procurement route for conducting a Contracting Activity provided in the Procurement Policy to Contract directly with a proponent.

To justify this direct sourcing, the proposal must meet stringent criteria, outlined under 'Criteria for assessment' section of this guideline.

Criteria for assessment

A successful MLP must satisfy the following assessment criteria:

1. Council policy, priority and community need
The proposal must satisfy a community need and align with Council policies, strategies and priorities.
2. Justification for direct negotiation
The proposal must demonstrate that the public interest is best served by Council negotiating directly with a proponent, rather than by engaging in a competitive process.
3. Sound Contracting Principles
The proposal must be consistent with the Sound Contract Principles, including demonstration that the proposal represents value-for-money for Council.

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4. Capacity and capability of the proponent
A proponent must demonstrate that it has the financial and technical capacity, capability, and experience to deliver the outcome successfully.
5. Risk and cost allocation
The proposal must include the proposed allocation of costs and risks between the proponent and Council.
6. Feasibility of the proposal
The proposal must be technically, commercially and practically feasible.

Submission and assessment of Market-Led Proposals

The process for assessing MLPs is staged so that proponents can align their effort with the level of Council interest and commitment. An assessment is completed by Council at each stage and proposals only move forward at the recommendation of Council.

There are four steps in the assessment process:

- Preliminary assessment
- Stage 1: Initial Proposal
- Stage 2: Detailed Proposal
- Stage 3: Final Binding Offer.

An Evaluation Panel of relevant senior Council Officers will be established when any proposal is received. The Evaluation Panel will determine whether or not a proponent will be invited to submit a proposal for Stage 1: Initial Proposal.

Preliminary assessment

The preliminary assessment stage enables Council to provide high-level feedback to proponents about the likely alignment of the MLP with criteria prior to proponents committing considerable resources to a formal Submission.

The MLP preliminary assessment template sets out the initial information a proponent should provide to Council. Key requirements include a clear articulation of the proposal, what is sought from Council and the expected outcomes.

Possible outcomes

The Evaluation Panel may decide that the proposal:

- may meet the MLP criteria, in which case the proponent may be invited to submit the proposal for consideration in Stage 1: Initial Proposal;
(Note: An invitation by Council to submit a Stage 1 proposal does not give any inference or indication that Council will accept the proposal, it simply indicates that the Evaluation Panel considers the concept somewhat aligns with the MLP criteria and would like to consider the concept further)
- is unlikely to meet the MLP criteria in its present form;
(Note: Feedback will be provided to the proponent to help them decide whether the

Innovation and Market-Led Engagement | Guidelines

proposal could be amended to better align with the MLP criteria)

- is unlikely to meet the MLP criteria but is considered to have merit and so the concept may be further developed by Council; or
- should proceed via a competitive Procurement Process.

Preliminary Assessment responsibilities

The proponent will:

- submit their idea to Council, using the MLP preliminary assessment template to inform the discussion; and
- respond to requests for further information, as requested by the Evaluation Panel. The information requested will depend on the size and complexity of the proposal. The Evaluation Panel will:
 - promptly acknowledge receipt of the proposal;
 - undertake a preliminary assessment of the proposal; and
 - provide feedback to the proponent

Stage 1:

Initial Proposal

During Stage 1: Initial Proposal, the proponent will expand on the information provided in the preliminary assessment and, in particular, address in more detail the following criteria:

- Council policy, priority and community need;
- justification for direct negotiation;
- value for money; and
- capacity and capability of the proponent.

An Evaluation Panel will be established to review the Initial Proposal against these criteria to determine whether the Initial Proposal aligns with these criteria.

The Evaluation Panel will also consider:

- whether any other proposal addressing the same need, or proposing a similar outcome, is under active consideration by Council; and
- if the proposal is a genuine and feasible commercial proposition requiring the support of Council and is unsuited to existing funding mechanisms.

Possible outcomes

The Evaluation Panel may decide, upon review of the Stage 1: Initial Proposal, that:

- the proposal meets the MLP criteria in principle and the proponent may be invited to progress to Stage 2: Detailed Proposal;

(Note: An invitation by Council to submit a Stage 2 proposal to Council does not give any

Innovation and Market-Led Engagement | Guidelines

inference or indication that Council will accept the proposal, it simply demonstrates that Council considers the proposal to meet the MLP criteria in principle and have an interest in the concept)

- the proposal is not suitable to progress to Stage 2: Detailed Proposal, but has merit and so the concept may be further developed by Council; or
- the proposal is not suitable for further consideration.

Responsibilities

The proponent will:

- provide a formal Submission to Council; and
- provide additional information, participate in meetings or workshops and respond to any requests for clarification as requested by Council to assist in the assessment of the proposal.

The Evaluation Panel will:

- undertake a formal assessment of the proposal against the MLP criteria;
- request further information from the proponent, if necessary;
- maintain regular contact with the proponent; and
- advise the proponent about Council's decision and provide a written summary of assessment findings

Proponents can discuss the findings with the Evaluation Panel (or a representative of the Evaluation Panel appointed to discuss the findings with the proponent on the Evaluation Panel's behalf).

Stage 2:

Detailed Proposal

At the detailed proposal stage, a proponent is required to comprehensively demonstrate how the proposal satisfies all of the MLP criteria, namely:

- Council policy, priority and community need;
- justification for direct negotiation;
- value for money;
- capacity and capability of the proponent;
- risk and cost allocation; and
- feasibility of the proposal.

The Evaluation Panel will consider the Detailed Proposal against these criteria.

The Evaluation Panel will also consider whether:

- any other proposal addressing the same need, or proposing a similar outcome, is under

Innovation and Market-Led Engagement | Guidelines

active consideration by Council; and

- the proposal is a genuine commercial proposition requiring the support of Council and is unsuited to existing funding mechanisms.

The output of this stage is a comprehensive final proposal, the content of which is similar to a detailed business case or a detailed bid in a competitive process. The detailed proposal will inform Council's decision as to whether it will enter into a final binding offer for progression and delivery of the proposal (Stage 3).

Unless otherwise agreed between the parties it is expected that the proponent will:

- bear all their own risks and costs of preparing, lodging, developing, and negotiating the proposal; and
- meet Council's reasonable costs in Stages 2 and 3.

All or part of the activities in Stage 3: Final Binding Offer may be run concurrently with Stage 2: Detailed Proposal. If this occurs it does not necessarily represent any commitment on the part of Council that Council has decided the proposal will progress to Stage 3.

Possible outcomes

The Evaluation Panel may decide that:

- the proponent is invited to progress to Stage 3 subject to any specific terms being agreed with Council;
(Note: An invitation by Council to progress to Stage 3 indicates that Council is considering entering into a Contract with the proponent but it does not infer or imply any obligation on the part of Council to actually enter into the Contract)
- the proposal is not suitable to progress to Stage 3 but has merit and so the concept may be further developed by Council; or
- the proposal is not suitable for further consideration.

Responsibilities

The proponent will:

- enter into a process deed with Council, which will guide the proponent's engagement with Council;
- provide information to enable a determination as to whether or not the proposal meets the assessment criteria;
- where requested by Council, provide additional information and participate in meetings or workshops; and
- assist in Council's assessment of the proposal.

The Evaluation Panel will:

- assess the detailed proposal and provide recommendations to Council about it;
- undertake an interactive process to facilitate the proponent's development of a detailed

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proposal;

- undertake a formal assessment of the detailed proposal against each of the assessment criteria;
- request further information from the proponent, where necessary; and
- advise the proponent about Council's decision and provide a written summary of assessment findings.

Proponents can discuss the findings with the Evaluation Panel (or a representative of the Evaluation Panel appointed to discuss the findings with the proponent on the Evaluation Panel's behalf).

Stage 3:

Final Binding Offer

The final binding offer stage involves the preparation by the proponent of a final binding offer which may be accepted or rejected by Council.

If the offer is accepted, this stage will involve the negotiation of a Contract between Council and the proponent for delivery of a project. Council's Evaluation Panel will negotiate with the proponent and prepare a Contract for consideration by the CEO and/or Council.

Possible outcomes

The Evaluation Panel may decide to recommend to the Business and Innovation Manager that:

- Council accept the terms contained in the final binding offer and approve that a Contract be entered into with the proponent on this basis; or
- Council accept the final binding offer subject to specific conditions; or
- Council does not accept the final binding offer, but that the proposal has merit and Council should seek to further develop the concept; or
- Council does not accept the final binding offer and conclude the MLP assessment process without entering into a Contract.

The Business and Innovation Manager may provide the Evaluation Panel's assessment and recommendations to the CEO for approval. The CEO may decide to adopt the Evaluation Panel's recommendations, and Council may enter into a Contract with the proponent as a result.

Responsibilities

The proponent will:

- participate in the negotiation process; and
- submit a final binding offer to Council.

Council will:

- advise the proponent of the processes, protocols, and elements for negotiation and agreement through Stage 3, and keep the proponent apprised of contract management and implementation materials developed through this stage; and

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- develop contract management arrangements setting out how to monitor implementation and operational stages of the project and ensure contracted outcomes are achieved.

The Evaluation Panel will:

- undertake a comprehensive assessment of the contractual documentation included in the final binding offer submitted by the proponent; and
- decide whether or not to recommend that Council accept the proponent's final binding offer and communicate its decision to the proponent.

Guideline review

This guideline will be reviewed annually.

Roles and responsibilities

Role	Responsibility
Council	Maintains awareness of organisational guidelines where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Approval authority for setting this guideline and for all material changes to this guideline, on advice from the GE. Able to approve non-material changes. CEO will consult with Councillors where the guideline applies to Councillors or impacts the community.
Executive Leadership Team (ELT)	May provide advice to the CEO on setting this guideline and any proposed material changes to the guideline, as appropriate. Provides feedback to the GE and Manager regarding the scope of approaching reviews as appropriate.
Group Executive, Business Performance	Responsible for overseeing all financial management systems and services, including Contracting Activities.
Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
All Managers	Responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities
All Officers	Responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

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Definitions

Refer to any related Council policies, including the Procurement Policy and Contract Manual, for relevant definitions of common terms. The following contains definitions for terms specific to this guideline. For otherwise undefined terms, the plain English meaning informs interpretation.

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Innovation and Market-Led Engagement | Guideline

Appendix

Guideline information		
Title	Innovation and Market-Led Engagement Guideline	
Purpose	The purpose of this guideline is to outline a framework for Council to: <ul style="list-style-type: none">identify, invite, and consider Submissions from suppliers offering innovative or unique approaches to delivering goods, services, or works (Innovation Contract); andreceive and consider Market-Led Proposals (MLP's).	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	<div>Goal Pathway</div> <div>Service Output</div>	Strong Community / Resilient economy / Outstanding Organisation An inclusive community, with opportunities for everyone. High value economy of choice drives business performance, investment and enduring employment. Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	CEO has authority to approve material changes on advice of the Group Executive (GE). Relevant GE has authority to approve non-material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">Public Sector Ethics Act 1994 (Qld)Local Government Act 2009 (Qld)Local Government Regulation 2012 (Qld)	
Policy	<ul style="list-style-type: none">2024/25 Procurement Policy2024/25 Contact Manual2024/25 Contracting Plan other guidelines for that policySunshine Coast Council Corporate Plan 2024-2028	

Innovation and Market-Led Engagement | Guideline

	<ul style="list-style-type: none">Regional Economic Development Strategy 2013-2033 (REDS)
Operational documents	

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Templates updates	<insert>	<insert>

Sunshine Coast Council | sunshinecoast.qld.gov.au | customerservices@sunshinecoast.qld.gov.au
07 5475 7272 | Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Environment and Sustainability in Procurement | Guidelines

Environment and Sustainability in Procurement Guideline		
DRAFT	Approved by CEO:	<OCEO INSERT signature>
		<OCEO INSERT date>
	Considered by ELT:	<INSERT date>

Guideline purpose

The purpose of this Guideline is to outline Council’s framework for and approach to conducting Contracting Activities in an environmentally considerate and sustainable manner, with the goal of reducing Council’s Scope 3 – indirect GHG emissions.

Guideline scope

The Corporate Plan 2024-2028 recognises Council’s vision is to be Australia’s most sustainable region: Healthy. Smart. Creative.

The Environment and Liveability Strategy 2023 provides the overarching direction to guide growth and deliver a healthy environment and liveable Sunshine Coast. A key direction in the *Environment and Liveability Strategy 2023* is to embed sustainable practices into Council’s own business and decision making.

A target in the strategy commits Council to being a zero emissions organisation (and low carbon community) by 2041.

Council’s Organisational Zero-net Emissions Plan 2022 (ZNE), supported by science-based research, confirms that Council’s Contracting Activities (which form part of Scope 3 emissions – indirect GHG emissions) account for approximately 20% of Council’s overall GHG emissions in 2020/21.

In response, the ZNE Plan identifies a priority to incorporate sustainable procurement and circular economy principles into Council’s supply chain and Contracting Activities.

Guideline

The following parts of this Guideline outline the processes and activities that will be applied to Council’s Contracting Activities in order to achieve being a zero net emissions organisation by 2041. This Guideline provides guidance on how to consider sustainability in the different stages of the procurement process, from identifying the business need to the end of the contract, including review and reporting.

Sustainability in Procurement

Council identifies Sustainability in Procurement critical to achieving its zero net emissions target. While sustainability comes in a variety of forms, Council officers should consider sustainability factors including:

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- a) the environmental and sustainability benefits and impacts for the whole lifecycle of products and services including manufacture, supply, use, maintenance and disposal;
- b) procurement of environmentally responsible goods, services and assets;
- c) goods and services that minimise resources and have reduced environmental impacts throughout their lifecycle, including:
 - reduced toxicity;
 - reduced packaging;
 - minimising waste to landfill;
 - greater energy efficiency and/or reduced carbon emissions,
 - greater water efficiency and/or reduced water use;
- d) use of products made from recycled materials, recycled green organics and/or recycled plastic products;
- e) use of pre-owned, hired or shared resources;
- f) provide an example to business, industry and the community in promoting the use of environmentally responsible goods and services; and
- g) pursuing, leading and building a circular economy.

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Circular Economy

Council is committed to building a circular economy, aiming to reduce social, environmental and economic impacts of purchased goods and services throughout their life. This includes consideration of waste disposal, cost of operation and maintenance over the life of the goods and services.

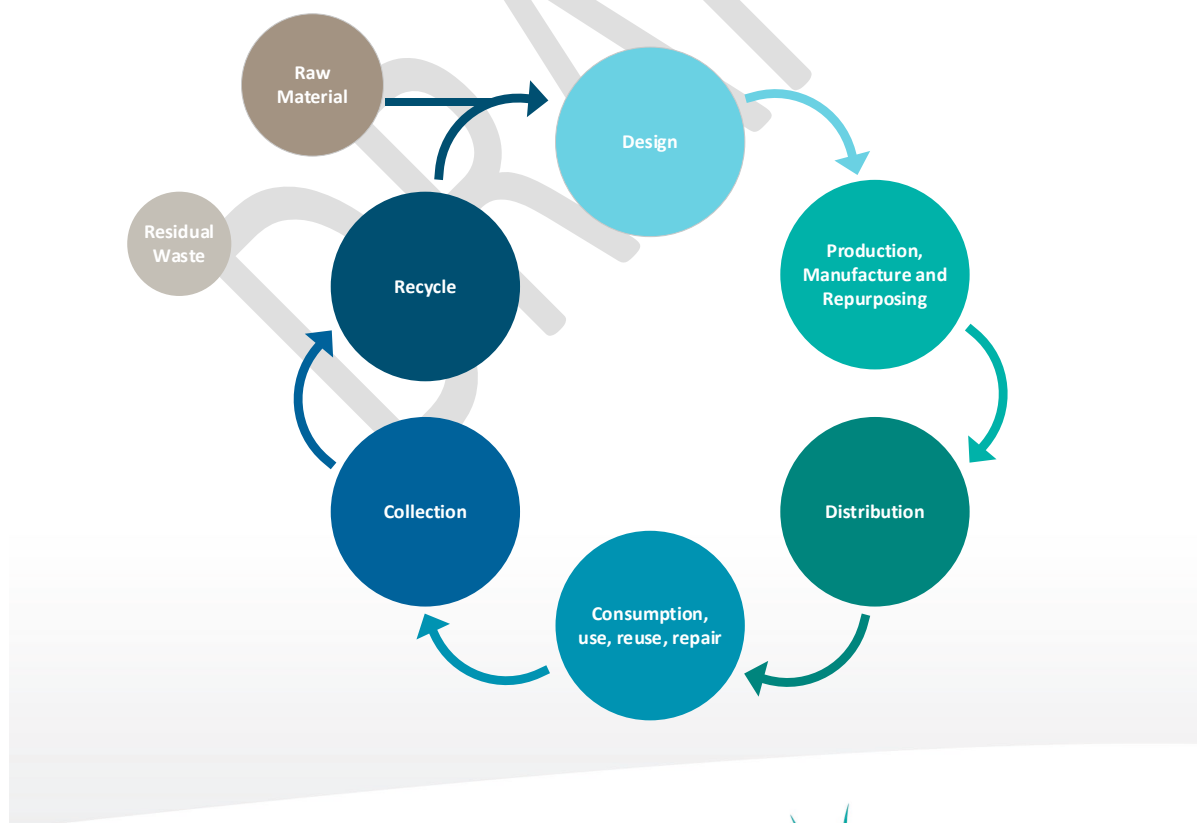
Benefits of a circular economy:

- Effective use of resources
- Increasing market opportunities for local business
- New jobs and skills capacity in local communities

Council has an opportunity to lead by example with its purchasing power and preference to purchase goods with recycled content where feasible.

Consideration of these benefits is required when making procurement decisions in line with our obligation to spend public money efficiently, effectively, economically and ethically.

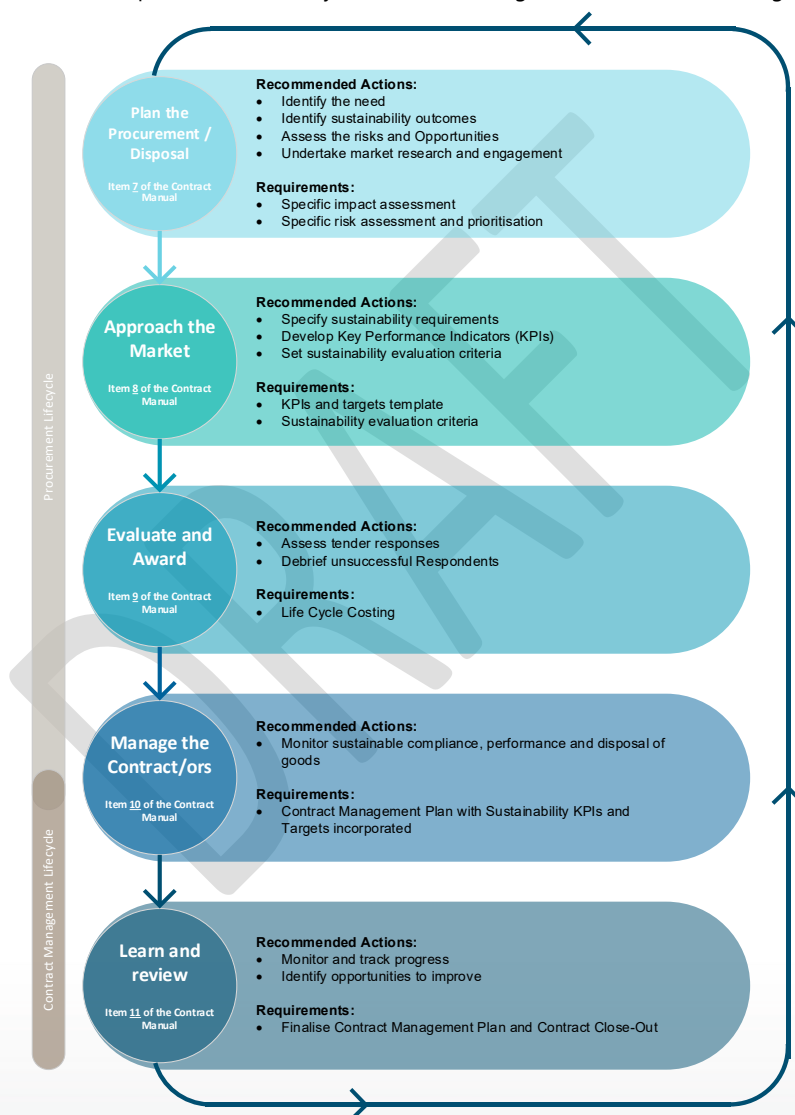
This will see most goods and services being continually used, reused, recycled and reprocessed as part of a circular economy (refer below diagram).



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Application to Planning Procurement and Disposal Activities

Council will incorporate sustainability into its Contracting Activities, in the following manner:



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1. Plan the Procurement / Disposal

1.1 Identify the need for the goods or services

Council can avoid and reduce waste by carefully considering the business need for the good or service. By employing demand management strategies, Council will avoid excess consumption and reduce unnecessary purchasing costs. Strategies to achieve this include identifying:

- alternatives to buying new including reusing, hiring or sharing goods or services; and
- functional and performance requirements at strategic and operational levels.

1.2 Identify and prioritise the sustainability outcomes

After confirming the need for the good or service, determine and prioritise sustainability outcomes. Council officers then need to identify approaches to realise these outcomes.

This could include considering:

- the environmental impact of the materials used;
- Material sourced from a verified recyclable resource; and
- Substitute material with a lower environmental impact.

1.3 Conduct a risk assessment and identify opportunities

Council Officers should use Council's risk framework and templates to conduct a risk assessment for the procurement, identifying sustainability risks.

The table below helps identify risks when procuring recycled content. The questions may be adapted to suit other Sustainability outcomes.

Element	Key Questions to identify sustainability risk	Supporting Questions to identify sustainability risk
Organisational Need	Assess the need for the product, good(s), service or infrastructure. Can we avoid or reduce consumption? What alternatives exist to purchasing? e.g. reuse, recycle or hire	Are there other specific targets, objectives or policies that need to be met? Do we really need this? What other options are there? What specifications are required to improve sustainability outcomes?
Sustainability Outcomes	What is the scope for improvement ie to increase the tonnage/percentage of recycled material in this project?	What are the major components in the purchase that could involve using recycled content?

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	<p>What are the cost benefits of introducing higher requirements for recycled content in this procurement?</p> <p>What are the potential environment and sustainability impacts related to this good or service? e.g. Use of fossil fuels, energy efficiency, waste, transport, are non-renewable resources required?</p> <p>Are there products that have lesser environment and sustainability impacts?</p> <p>How should Council consider the sustainability credentials of the supplier's business operations?</p>	<p>What are possible mitigations to reduce the impact of any sustainability risks?</p> <p>Are there any reputational benefits of using recycled material?</p> <p>Where is the raw material being sourced, e.g. reclaimed timber, compost material or recycled plastic?</p> <p>What is the level of recyclable-content material?</p> <p>How far has it travelled e.g. local, national, or international?</p> <p>Are there environmental impacts with the item's manufacturing?</p> <p>Does it have any environmental or sustainability impacts during use?</p> <p>How will the item be disposed when it reaches the end of its life?</p>
Market Analysis	<p>Are products containing recycled material available on the market?</p> <p>Does the market have capacity to respond?</p> <p>Can the supplier manage the risk or opportunity?</p> <p>Are there alternatives that might offer reduced environment and sustainability impacts?</p> <p>Are there emerging alternatives? Eg new technology</p> <p>Is there capacity to specify environmental and sustainability requirements as either minimum (preferable) or desirable requirements?</p>	<p>Are there available products or materials using recycled content on the local, state or national market?</p> <p>Could Council encourage innovation around new products or services containing recycled content? And/or to build a local market?</p> <p>What emerging technologies or innovative approaches are available?</p> <p>Are the procurement specifications for environmental and sustainability considerations clearly outlined?</p> <p>Request detailed information about the manufacture, use, and disposal of the good(s)/service/infrastructure?</p>
Cost Analysis	<p>What are the financial impacts from these sustainable impacts?</p>	<p>Is there a financially sound (within budget) solution/product/service available on the market that can be used?</p>

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	<p>Will it be cost-efficient to increase recycled content in the procurement?</p> <p>How will the environment and sustainability cost aspects be assessed?</p> <p>Which tool should be used when evaluating and comparing the whole-of-life costing?</p>	<p>How are the environment and sustainability cost aspects being addressed?</p> <p>Have the whole-of-life cost considerations been factored in during the final decision?</p> <p>Has the supplier provided evidence of their environment and sustainability management practices?</p>
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1.4 Undertake market research and engagement

Market research is undertaken to identify the available market for the goods or services being sought. This can include identifying alternative approaches for goods or services that could reduce sustainability impacts. Factors to consider include:

- eco-labelling;
- sustainability certification;
- membership of product stewardship schemes;
- the potential of emerging technologies;
- goods that are under development to meet the procurement need and deliver improved environmental outcomes.

1.5 Engage with the market

Market engagement should be conducted and, where appropriate, in collaboration with a Procurement Specialist. Information Sessions and Supplier Briefings can identify Prospective Respondents and provide the market with a greater opportunity to identify sustainable solutions.

2 Approach the Market

Once the sustainability requirements for your procurement have been identified, the specific sustainability requirements should be incorporated into the procurement documentation. This will include outlining requirements within the Service Specification, incorporating Key Performance Indicators to measure success of the contracted sustainability deliverables, an allocated portion of the evaluation criteria committed to sustainability.

2.1 Specify sustainability requirements

The procurement documentation, should consider how to incorporate the sustainability priorities into the procurement.

The scope, scale and risk of the procurement will inform the degree to which sustainability requirements will inform the procurement documentation. Incorporation in the documentation will include:

- **physical or descriptive requirements**, which specify characteristics of the goods or service (e.g.

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contain recycled content).

- **functional requirements**, which specify the proposed function for the goods or service to fulfil (e.g. specify the function of the surface of the road to be constructed).
- **performance requirements**, which define the performance standards to be met by the goods or service (e.g. percent of waste diverted from landfill, delivery of energy efficiencies and minimising GHG emissions).

Within your procurement documentation, requirements should be categorised as:

- A **mandatory requirement** is a requirement that must be met (e.g. a Green Star rating).
- A **minimum requirement** sets the lowest level to be met and may be exceeded (e.g. a minimum requirement for packaging to contain at least 25 per cent).
- A **desirable requirement** sets a requirement for a goods or services provider that is wanted by Council but not compulsory (e.g. supplier having a zero net emissions plan).

Other consideration may be:

- **Rating and certification schemes** - can be used as a framework in capital work projects. These schemes have the benefit of allowing comparisons across multiple projects, verifying performance, supporting measurement of progress and helping to build capacity in government and industry.
- **Ecolabels, certifications, standards and product stewardship schemes** - useful in evaluating the environmental credentials of goods and services along with the environmental credentials of suppliers.

It is important that you are transparent about the key sustainability requirements and the evaluation criteria that will be used, to help potential suppliers develop their responses.

2.2 Key performance indicators

Contract performance management is considered as part of the procurement development stage where it is established how the performance of the contract will be managed. The identified performance measures are incorporated in the Specification or Scope as KPIs or other performance measures that are to be utilised in managing performance under the Contract.

Incorporating Sustainability specific key performance indicators allows a particular sustainability requirement to be measured and tracked throughout the duration of a contract. All KPIs should be reliable and repeatable without taking too much effort to calculate or monitor. It is important that KPIs and any measuring and monitoring expectations, roles, processes, or systems are detailed in the Contract.

2.3 Setting evaluation criteria

When developing your procurement documentation, evaluation criteria for Council's sustainability requirements are to include:

- **Qualifying** sustainability criteria may be used to set minimum standards for the procurement. These should be clearly articulated to ensure potential suppliers are aware and are treated equitably.

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- **Rated** criteria are weighted to allow bids/proposals to be scored and ranked in order of merit.
- **Quantifiable** criteria are applied to prices to enable comparison between responses (e.g. Energy consumption, carbon emissions or disposal of waste to landfill avoided).
- **Fit for purpose** criteria are used to identify and evaluate whether goods or services have limited performance, have higher repair or replacement costs, are over engineered or have unwanted functionality.

Evaluation criteria are weighted to indicate to prospective respondents the importance of the criterion to Council. Sustainability criteria weightings should be considered relative to other priorities for the procurement.

3 Evaluation and Award

3.1 Assess tender responses including value for money

The evaluation of submissions will be undertaken by the appointed evaluation panel detailed in the Probity Plan.

The Environment and Sustainability requirements outlined by Council in the Procurement documents will have been addressed by Respondents as part of their submission. This will form part of the criteria evaluated by the evaluation panel.

It is imperative to an effective, accountable, and transparent evaluation process that good and comprehensive notes are taken, and that individual evaluations are followed by a moderation to ensure that a consensus has been reached.

Council can access several tools to assist assessing whole-of-life costs of the procurement.

Two commonly used tools are the:

- Life Cycle Cost (LCC) model – which calculates the long-term costs for goods or a service, beyond the initial price for the procurement. It places a monetary value (where possible) to sustainability outcomes, such as carbon emissions, electricity, resource use, disposal or local air pollutants.
- Materials Circularity Index (MCI) - calculates how well the product is using recyclable material instead of virgin material, how much of the product can be reused or recycled, and how much waste will need to be sent to landfill.

The Procurement Team, Commercial Analysis Team and Finance Branch can assist with considering the financial implications of responses, including application of the LCC and MCI models.

4 Managing the Contract

4.1 Monitor compliance and performance

The Contract, including any standards and specifications, along with KPIs and compliance measures (as identified in the procurement documents) should be reflected in the Contract Management Plan.

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Council Officers responsible for administering the Contract should then monitor the supplier's performance against the contract requirements using the Contract Management Plan.

4.2 Disposal of goods

Council's Procurement Policy outlines the requirements for the disposal of Valuable Non-Current Assets (VNCA). For items with a value lower than the thresholds identified in the Procurement Policy, it is necessary to consider the method of disposing of the goods, with the least preferable option being landfill.

Consideration should be given to dispose of goods and materials in the most environmentally preferred manner. This may include:

- re-purposing by adapting and using the item for a different purpose;
- adding the item to a resource sharing marketplace
- recycling collection services and centres;
- recycle by specialist recycler (eg. E-waste recycler);
- product stewardship scheme where the supplier or third party guarantees the goods will be recycled, refurbished or reused. (e.g. computers, televisions and tyres).

Consideration for the disposal method should be had when planning the procurement and incorporated into the Procurement Plan.

5 Learn and Review

5.1 Improvement opportunities

The contract management process provides opportunities for Council to work with the supplier to continue to improve sustainability outcomes. It provides a mechanism to raise any concerns or suggestions and allows the supplier to share ideas for new innovations, technologies or ways to improve sustainability.

5.2 Monitor and track progress

Council Officers should consider and report on procurement of recycled content and its use during contract delivery. Examples of items which may be reported on are:

- contract values (both dollars and percentage of value) of goods with recycled content;
- amount of recycled content procured;
- report on goods/services/contracts that have procured recycled content to calculate percentage of goods with recycled content purchased by Council;
- amount of waste diverted from landfill, specified in percentage terms.

Guideline review

This guideline will be reviewed annually.

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Roles and responsibilities

Role	Responsibility
Council	Maintains awareness of organisational guidelines where relevant and provides feedback to the CEO when consulted.
Chief Executive Officer (CEO)	Approval authority for setting this guideline and for all material changes to this guideline, on advice from the GE. Able to approve non-material changes. CEO will consult with Councillors where the guideline applies to Councillors or impacts the community.
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Manager, Business & Innovation	Manual holder. Responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.
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Definitions

Refer to any related Council policies, including the Procurement Policy and Contract Manual, for relevant definitions of common terms. The following contains definitions for terms specific to this guideline. For otherwise undefined terms, the plain English meaning informs interpretation.

Term	Definition
Whole of life costing	means the cost of acquiring the product (including design and planning where applicable), installing or commissioning, training, operation, maintenance, and disposal of the product at the end of life. (Note: the lowest up-front cost may not be the cheapest over the life of the asset, particularly where products use power, water, fuel or other consumables, or have complexities associated with disposal, resale, recycle or disassembly.)

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Circular economy	<p>means an economy that is restorative and regenerative by design, and which aims to keep products, components and materials at their highest utility and value at all times, distinguishing between technical and biological cycles.</p> <p>Circular economy aims to keep resources in use for as long as possible, by extracting the maximum value from them while in use, then recover and regenerate products and materials at the end of each service life</p>
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Environment and Sustainability in Procurement | Guideline

Appendix

Guideline information		
Title	Environment and Sustainability in Procurement Guideline	
Purpose	The purpose of this Guideline is to outline Council's framework for and approach to conducting Contracting Activities in an environmentally considerate and sustainable manner, with the goal of reducing Council's Scope 3 – indirect GHG emissions.	
Document number	<Business Area to include Final EDDIE reference of document seeking endorsement.>	
Corporate Plan reference	Goal Pathway Service Output	Our Environment and Liveability / Strong Community / Resilient economy / Outstanding Organisation Responsive, accessible and well managed assets and infrastructure. An inclusive community, with opportunities for everyone. High value economy of choice drives business performance, investment and enduring employment. Maintain a contemporary governance framework that inspires trust and confidence in the operations of Council. Promote transparency in the decisions of Council and the information relied on to inform our decisions and actions.
GE advice date	<Insert>	
CEO approval date	<OCEO to insert date>	
Effective date	1 July 2024	
Review schedule	A full review must be undertaken annually.	
Last review	2023	
Next review	2025	
Guideline holder	The Manager responsible for this policy is: Business and Innovation.	
Approval authority	CEO has authority to approve material changes on advice of the Group Executive (GE). Relevant GE has authority to approve non-material changes.	
Related documents		
Legislation	<ul style="list-style-type: none">• <i>Public Sector Ethics Act 1994</i> (Qld)• <i>Local Government Act 2009</i> (Qld)• <i>Local Government Regulation 2012</i> (Qld)	
Policy	<ul style="list-style-type: none">• 2024/25 Procurement Policy• 2024/25 Contact Manual• 2024/25 Contracting Plan other guidelines for that policy• Sunshine Coast Council Corporate Plan 2024-2028• Environment and Liveability Strategy 2023	

Environment and Sustainability in Procurement | Guideline

	<ul style="list-style-type: none"> Organisational Zero-net Emissions Plan 2022 Regional Economic Development Strategy 2013-2033 (REDS) Sunshine Coast Council Community Strategy 2019-2041 National Waste Policy Action Plan 2019
Operational documents	<ul style="list-style-type: none"> Australian Standard – AS ISO 200400:2018 – sustainable procurement Sustainable Procurement Guide – A practical guide for Commonwealth entities (Australian Government) Integrating Sustainability into the Procurement Process – Office of the Chief Advisor – Procurement (Queensland Government) Sunshine Coast Council – Setting a Science-Based Target and Emissions Scenarios

Version Control				
Version	Reason/Trigger	Change	Endorsed/Reviewed by	Date
1.0	Review	Templates updates	<insert>	<insert>

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07 5475 7272 | Locked Bag 72 Sunshine Coast Mail Centre Qld 4560