

7.4 REPEAL OF CODE OF TENDERING POLICY (1.2.2)

Attachments: 1. Code of Tendering Policy (1.2.2)

RECOMMENDATION:

That Council **REPEAL** the Code of Tendering Policy (1.2.2) at Attachment 1.

PURPOSE OF REPORT:

To repeal the Code of Tendering Policy (1.2.2) which is now obsolete following adoption of the Purchasing Policy and Procurement Framework in November 2020.

BACKGROUND:

On 11 July 2000, Council adopted the Code of Tendering Policy. The objectives of the Policy were to provide tendering principles and processes that would ensure probity, transparency, consistency, value for money, accountability, and conflict of interest. The Policy was reviewed in 2005 and again in 2010 with no further amendments.

In July 2020 administration undertook a review of the City's Purchasing Policy and amendments reflected new legislative requirements, and updates to align with current practices and the City's strategic priorities.

On 17 November 2020, Council adopted the amended Purchasing Policy.

DETAILS:

The City's Purchasing Policy and Procurement Framework, adopted on 17 November 2020, incorporates the principles set out in the Code of Tendering Policy. Therefore, administration is proposing Council repeals the current Code of Tendering Policy.

The Code of Tendering Policy has now become obsolete and provides minimal direction in regard to the City's tendering process.

The elements set out in clause 1.3 of the Policy Development and Review Policy have been considered as set out below.

Proposed objective of the new policy:

The Policy is recommended to be repealed.

Requirement for a documented City position (including community need or legislative requirement):

The review and update of the City's new Purchasing Policy and updated Procurement Framework replaces the Code of Tendering Policy.

How the objectives align with the SCP:

The policy objectives, as set out above align with the City's Strategic Community Plan 2018-2028 as set out below.

Examples of current / best practice:

Not applicable.

Proposed level of community engagement required:

Not applicable.

An assessment of where the policy document sits within the local government decision making hierarchy:

The Code of Tendering Policy is being repealed and replaced by the recently updated Purchasing Policy.

The Purchasing Policy falls within the scope of a policy as its purpose is to be a “*general rule or principle which is required to provide clear direction to Administration on the day to day management of the City.*”

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to repeal the Code of Tendering Policy

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The objectives of the Code of Tendering Policy states that the policy “...provides guidelines for the Council's tendering system, that will ensure probity, transparency of process, consistency, value for money, accountability, and conflict of interest are all properly addressed and documented”. These objectives have been included in the City's Purchasing Policy and Purchasing Framework. The Purchasing Framework is the procedural document that advises and guides staff on the process to be used when purchasing goods and/or services on behalf of the City, while complying with the Local Government Act and Regulations and adhering to best practice.

The Code of Tendering Policy Statement states that the Council resolved to adopt the WALGA Model Code of Tendering with minor alterations and that the Policy is to be read in conjunction with the Code of Tendering document. However, WALGA replaced its Code of Tendering document with a Procurement Toolkit. The City's current Purchasing Policy and Procurement Framework are based on the information provided in WALGA's Procurement Toolkit.

POLICY NO: 1.2.2**CODE OF TENDERING****OBJECTIVES**

This policy provides guidelines for the Council's tendering system, that will ensure probity, transparency of process, consistency, value for money, accountability, and conflict of interest are all properly addressed and documented.

POLICY STATEMENT

The Council resolved, at its meeting held on 11 July 2000, to adopt the Western Australian Local Government Association (WALGA) Model Code of Tendering with minor alterations.

(This Policy is to be read in conjunction with the Code of Tendering document)

Date Adopted:	11 July 2000
Date Amended:	-
Date Reviewed:	11 October 2005, November 2010
Date of Next Review:	November 2015