

POLICY NO. 4.2.10

**COUNCIL MEMBERS AND EMPLOYEES
BUSINESS DEALINGS WITH THE CITY**

OBJECTIVE

To provide an open, transparent and accountable procedure for entering into any contracts with business entities that has a relationship with any serving Council Member or Employee.

POLICY STATEMENT

1. All commercial/ business dealings (including the awarding of contracts) with the City of Vincent by Council Members and Employees (and their closely associated persons) shall at all times be open, transparent and accountable.
2. All Council Members and Employees (and their closely associated persons) wishing to carry out any business activities with the City shall only do so in strict accordance with this Policy.
3. Where a Council Member or an Employee owns or is closely associated to a business from which the City purchases, or intends to purchase, goods and services, the Council/City will strictly follow this policy.
4. Any Council Member or Employee who wishes to do business with the City of Vincent must register their interest in writing to the Chief Executive Officer, by the 1st July of each year, or in the case of a newly elected Council Member or new Employee, or one who decides to do business with the City because of their purchase of a new business entity, register as the matter arises or must register as soon as is practicable after being elected to the Council, or in the case of an Employee, after their appointment has been confirmed.
5. A "Council Member/Employee Business Dealings/Contracts Register" ("the Register") will be maintained by the Chief Executive Officer and will be available for public inspection.
6. The Register will contain the following details;
 - (i) Name of business entity/company/Trading Name;
 - (ii) Name and addresses of persons associated with the business entity;
 - (iii) the position and extent of authority of persons in the business;
 - (iv) the type/range of goods and services the business entity provides; and
 - (v) any other relevant business.
7. The Council Member and Employee shall at all times only deal with the Chief Executive Officer (or where delegated, with the relevant Executive Manager). Employees directly involved with the contract shall not be contacted or approached.
8. Where the City decides to conduct business with such an entity, it will disclose the extent of the funds paid to it by way of a separate note in the Annual Report - financial accounts.
9. Where tenders, expressions of interest (EOI) or quotations are publicly advertised, any business entities that have a closely associated person with any serving Council Member or Employee of the Council, are required to state the nature of the association and to advise/declare in writing to the Chief Executive Officer that they wish to perform business with the City. This requirement will be included in the tender/quotation documentation.

10. Quotations, and/or expressions of interest that are not publicly advertised, shall also include the declaration requirement in the same manner as tenders and expressions of interest.
11. That all tenders/quotations under this policy shall have a written scope of works or services being sought and an Evaluation Criteria. Employees assessing the awarding of such contracts shall prepare a report assessing all tenders/quotations against the Evaluation Criteria. In these cases, an Evaluation Panel comprising of the Employee directly responsible for the tender/quotation and at least one other employee not directly associated with the matter. The Evaluation Panel report is to be independently reviewed by the relevant Director and/or Director Corporate Services. Prior to any contract being awarded, it is to be approved by the Chief Executive Officer, who will advise the Mayor and/or Council in writing of the matter. If the Mayor is involved in the contract, the Deputy Mayor shall be advised.
12. The Chief Executive Officer (or their closely associated persons) shall not conduct any business/ commercial dealings with the City of Vincent.
13. The Chief Executive Officer shall accurately maintain the Register of any Council Member or Employee (or their closely associated persons) submission details of tenders/quotations being considered under this policy and this shall also be reported to the Council on a quarterly basis (if a contract has been considered).
14. When reporting to Council on a tender, expression of interest or quotation in which there is Council Member interest, this should be done under separate and confidential cover with the item not being distributed to the Council Member who has the interest. This information shall not be made available to the Council Member tendering, lodging an expression of interest or quoting.
15. All enquires and any complaints pertaining to the tender, expression of interest or quotation must be in writing and addressed to the Chief Executive Officer, who has the discretion to resolve any issue or refer the matter to the Council.
16. "Closely associated person" shall have the same meaning as defined in Section 5.62 of the Local Government Act 1995 and in summary, includes as follows:
 - (a) the person is in business partnership or Body Corporate with the relevant person;
 - (b) the person is the spouse (or de facto spouse) or child of the relevant person and is living with the relevant person.

(Note: This policy will also be included by reference in the Council's Code of Conduct.)

Date Adopted:	28 June 2005
Date Amended:	-
Date Reviewed:	1 February 2010
Date of Next Review:	February 2015