



# Warrumbungle Shire Council

## Doing Business with Council

### Handbook

## CONTENTS

SOME OF THE BASICS YOU NEED TO KNOW .....	3
Request for Quotations.....	3
Preferred Supplier Agreements .....	3
Tendering in Local Government.....	3
LET’S TALK TENDERS .....	5
What is a tender? .....	5
When does Council tender?.....	5
Notification and Submission of Tenders.....	5
Tender Documentation .....	5
Non-Refundable Fee for Tender Documents .....	5
Consideration of Tender Information in Closed Council.....	6
Invitation to Tender to Recognised Contractors on Council’s List.....	6
Tender by a Regional Procurement Company .....	6
Closing Tenders and Late Tenders.....	6
Format of Tenders .....	6
MORE ABOUT QUOTATIONS.....	7
HOW TO FIND OUT ABOUT COUNCIL OPPORTUNITIES.....	9
Contact local regional Councils.....	9
Council’s Website .....	9
Check Newspapers .....	9
Register with Tender Portals.....	9
Apply to be on relevant supplier lists and panels .....	9
Attend Local Council events .....	9
OTHER RESPONSIBILITIES .....	10
Code of Conduct.....	10
GIPA Act.....	10
QUOTATION CHECK LIST .....	12
TENDER CHECK LIST .....	13

## **AN INTRODUCTION TO DOING BUSINESS WITH COUNCIL**

Did you know that Warrumbungle Shire endeavours to support local businesses? To make doing business with Council easier to understand Warrumbungle Shire Council have put together a guide to take local businesses through the process of being a supplier of Council.

Procurement in local government has a unique set of requirements for both tendering and quotations. This guide has helpful information on the tender process and quotations. Council encourages local businesses to check out the handy checklist at the back of this handbook.

Warrumbungle Shire Council looks forward to doing business with you!

## **SOME OF THE BASICS YOU NEED TO KNOW**

Goods and services are required to support the Council operations. These goods and services are sourced through:

- Quotations
- Preferred supplier agreements
- Tenders

### **Request for Quotations**

Council requests quotes in a number of ways. Council may public advertise a Request for Quotation (RFQ) for goods or services below \$250,000. RFQ documents and schedules will generally be a shortened version of a tender document. The same level of care should be taken when completing the documentation. Which includes supplying all relevant Work Health and Safety (WHS) documentation based on the risks associated with that particular service. RFQ can be accepted by Council officers under delegation. They do not require a resolution of Council.

### **Preferred Supplier Agreements**

Council may also utilise preferred supplier agreements (PSA). PSA is a contractual agreement between the business and Council. It brings the business benefits of being an approved supplier whom has met specific criteria. This may include insurances and licences relevant to specific services, including provision of WHS documentation, depending on the risks associated with that services. This then identifies you as a supplier that approved quotations can be sorted under the agreements terms and conditions that are pre-established.

### **Tendering in Local Government**

Tendering in Local Government is regulated under Section 55 of the Local Government Act 1993 (NSW) and Part 7 of the Local Government (General) Regulations 2005 (NSW). Additionally, Council has its own Tendering Procedures and will follow the guideline document produced by the Office of Local Government (OLG) CALLED 'Tendering Guideline for NSW Local Government, October 2009'.

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## **LET'S TALK TENDERS**

Council will seek tenders where required by the Act and when deemed appropriate by the General Manager. An Open Tender process will be followed by Council unless otherwise resolved.

The tender assessment criteria and weighting are to be identified before the tendering process is commenced. This includes how the prices / rates are to be requested and evaluated, whether it be lump sum, by schedule of rates, price adjustments and whether other incentives or sanctions will be applied.

### **What is a tender?**

Tendering is the selling of goods and services to Council through the request of formal bids-otherwise known as tenders.

### **When does Council tender?**

Tenders are to be called where it is anticipated that the expenditure will be greater than \$250,000 (including GST) for the life of the contract. Council may choose to formally tender for amounts below this value at their discretion, however for expenditure over \$250,000 formal tenders must be called for.

All formal tenders must be reported to Council for adoption and approval. There are circumstances where Council is not required to formally tender where expenditure is over \$250,000.

### **Notification and Submission of Tenders**

The tendering process will follow the guideline document produced by the Office of Local Government (OLG) called 'Tendering Guidelines for NSW Local Government, October 2009'. Particular attention will be paid to the process checklist included in the guidelines.

Council advertises tender as per the tendering regulations set out under Part 7 of the Local Government (General) Regulations 2005 (NSW). This includes advertising online and in print. Council advertises in one Sydney daily newspaper, local papers, Council' website and social media platforms as well as on other platforms if required.

### **Tender Documentation**

Whether open tenders are invited or tenders are invited from a selected list from a call for expression of interest, the following sections will appear in the overall tender document.

- Advertisement
- Information for Tenderers
- Conditions of Tender
- General Conditions of Contract
- Job Specific Requirements (or Services to be Provided)
- Specifications
- Selection criteria
- Tender Schedules
  - o Pricing Schedule
  - o Schedule of Insurances
  - o Project Schedules
  - o Consultants / Contractors Resources.

### **Non-Refundable Fee for Tender Documents**

The cost of producing a set of tender documentation, will be set by the relevant Officer to recover the expected costs, if a tenderer requires a hardcopy of the tender documents.

### **Consideration of Tender Information in Closed Council**

In accordance with Section 10A, if tender information being considered by Council will either prejudice the commercial position of a tender or confer a commercial advantage on a competitor or reveal a trade secret, Council is obligated to consider the matter in closed Council.

### **Invitation to Tender to Recognised Contractors on Council's List**

From the Guidelines, 'Clause 169 of the Regulation allows Council to establish a list of contractors who are interested in tendering for proposed contracts of a special kind'.

'Selective tender lists of recognised contractors are established where there is a continuing workload in a particular category of work and this workload justifies the cost of setting up and maintaining the list.' (*p35 OLG Tendering Guidelines*).

### **Tender by a Regional Procurement Company**

Council may from time to time join with other councils for various products and services through a procurement company to attract price savings for a particular product or service. The procurement company undertakes the administrative process associated with tendering and Council has the opportunity to procure products and services at the tendered price. However, Council by resolution, is required to formally accept or reject a particular tender proposal by the procurement company.

### **Closing Tenders and Late Tenders**

Council closes all tenders at the time stated on the invitation to tender. The sealed bids are opened for analysis and are evaluated on the basis of the selection criteria identified in the document.

To ensure the tendering process remains transparent and equitable for all suppliers, Council does not accept late tenders. The closing date and time of tenders is one of the most important milestones in the entire tendering process.

### **Format of Tenders**

Please take note of the format Council wishes to receive your tender submission. Under no circumstances are standard emailed tender submissions acceptable. If you wish to submit an electronic tender, this must be done via the Tender Link on Council's website at [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au).

## MORE ABOUT QUOTATIONS

Council requests quotes in a number of ways. Council may public advertise a Request for Quotation (RFQ) for goods or services below \$250,000. RFQ documents and schedules will generally be a shortened version of a tender document. The same level of care should be taken when completing the documentation. Which includes supplying all relevant Work Health and Safety (WHS) documentation based on the risks associated with that particular service. RFQ can be accepted by Council officers under delegation. They do not require a resolution of Council.

The cost of obtaining and providing goods and services must be determined by quotation where a tender process is not used. The quotation process must keep in mind the objectives of this policy.

The ordering of any goods or services as a result of quotation must be authorised by a staff member with the appropriate level of delegation.

The scale, complexity and political sensitivity of the procurement will usually determine if formal or informal quotations are sought and the number of quotations. The table below outlines minimum procedural requirements in relation to procurement by quotation.

Purchase Value	Procedure
Purchase value less than \$10,000 (GST inclusive)	Verbal request for quotation permitted however, quotation must be in a documented form. At least one quotation must be received.
Purchase value between \$10,001 and \$70,000 (GST inclusive)	The quotation must be sought by formal request. Documentation associated with the request must include a brief outline of the services to be provided. At least three quotations must be sought and at least one formal quotation must be received.
Purchase value	The quotation must be sought by formal request. Documentation associated with the request must include a specification or brief for the services, assessment criteria, pricing schedule and closing date. At least three quotations must be sought and at least two quotations must be received addressing the evaluation criteria.

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## HOW TO FIND OUT ABOUT COUNCIL OPPORTUNITIES

### Contact local regional Councils

Within each Council there are a number of different departments and individuals with responsibility for purchasing different products, goods and services. Contact your local Council to find out who is the best person to speak with, enquire about being listed on a supplier list, and ask to be added to their database for any notifications relevant to your business. Also find out about any relevant Regional Organisation of Councils (ROC), Joint Organisations (JO) or busing groups in your local area.

### Council's Website

Check Councils website for current opportunities by visiting [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au) and follow the business tab. You can also download a copy of Councils procurement policy.

### Check Newspapers

Opportunities with Council will be published in the local weekly newspapers and with larger opportunities will be published in a Sydney daily newspaper.

### Register with Tender Portals

Warrumbungle Shire Council uses Tender Link to host and promote tenders. You can register with Tender Link at no cost and receive notifications about opportunities. Head to Councils website to register with Tender Link.

### Apply to be on relevant supplier lists and panels

Supplier lists and panels are run by organisations like Local Government Procurement and Procurement Australia.

### Attend Local Council events

Councils often run events to support local businesses. Attending Council events gives businesses the opportunity to learn about upcoming business opportunities, make contact the right Council staff (such as the Economic Development Officer) and network with other business owners.

## OTHER RESPONSIBILITIES

### Code of Conduct

Performance of work for Council implies a unique obligation to the public interest and requires that we demonstrate standards of professional behaviour and ethics that will maintain public trust. Council's operations involve access to confidential and/or sensitive information. Council is bound by a Code of Conduct outlining the expectations and requirements for Council Officials, which includes contractors and consultants. Please note that all contactors and consultants are required to read Council's Code of Conduct in its entirety before doing business with Council. Warrumbungle Shire Council's Code of Conduct Policy can be found on Council's website at [www.warrumbungle.nsw.gov.au](http://www.warrumbungle.nsw.gov.au) under the Policies tab.

### GIPA Act

The Government Information (Public Access) Act 2009 (NSW) (GIPA Act) replaced the Freedom of Information Act 1989 (NSW) on 1 July 2010.

The GIPA Act sets out the rules about how GIPA applicants can access government information from any NSW government agencies, including local councils. Government information means any information contained in a record held by a NSW government agency. Government information can include records and data about how a government agency works, or personal information that is held by a government agency. Government information also includes all of the information provided in your business dealings with Council.

GIPA applicants are required to lodge a formal access application.

Section 121 of the GIPA Act allows council to insert a clause into its contracts giving a right of immediate access to certain information such as;

- Information that relates directly to the preformation of the services provided by the contacted business;
- Information collected by the business from members of the public to whom it provides, or offers to provide services;
- Information received by your business from Council to enable it to provide the services.

This means that anytime Council receives a formal access application involving your business, you are required to provide the above information.

There are strict time frames in which must deal with formal access application and generally this means within 20 working days. Contracted businesses are a key part of the government's commitment towards increased transparency and accountability and Council appreciates businesses cooperation in dealing with such requests in a timely manner.

For more information on how the GIPA Act could impact businesses as a government contractor please refer to the information and Privacy Commission's website <https://www.ipc.nsw.gov.au/fact-sheet-guide-section-121-gipa-act-private-sector-contractors>



## QUOTATION CHECK LIST

Warrumbungle Shire Council has put together this check list below that may assist in ensuring all aspects of the quotation process is covered. This checklist may not be comprehensive. It is your responsibility to ensure you have met all the quotation requirements.

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Do you understand all the requirements?</b><br>Make sure you have read all available quotation documentation and highlighted important points.  | <input type="checkbox"/> <b>Have you answered all the specified requirements?</b><br>Prepare a checklist and tick of as you complete each requirement.   |
| <input type="checkbox"/> <b>When is the closing date?</b><br>Make sure you note when the quotation is due and how to lodge. Late quotations will not be accepted.   | <input type="checkbox"/> <b>Have you provided all the information requested?</b><br>Cross check whether you have been requested to supply other information and documents.                                   |
| <input type="checkbox"/> <b>What are the conditions for participation?</b><br>Determine the mandatory requirements that you must meet in order for your quotation to be considered further.   | <input type="checkbox"/> <b>Have you demonstrated you meet the Conditions for Participation?</b><br>Make sure you have clearly demonstrated that you comply with the Conditions for Participation.           |
| <input type="checkbox"/> <b>What are the evaluation criteria?</b><br>Determine the criteria against which your quotation will be evaluated and plan your quote to respond directly to them.   | <input type="checkbox"/> <b>Have you demonstrated your ability to meet all of the evaluation criteria?</b><br>Make sure you have clearly demonstrated your ability to fulfil all of the evaluation criteria. |
| <input type="checkbox"/> <b>What are the contract terms and conditions?</b><br>If applicable, read the contract terms and conditions and make sure you can comply.  | <input type="checkbox"/> <b>Have you completed the price or cost schedule for all items you are quoting?</b><br>Make sure you have included your costing for all items and followed the GST requirements.    |
| <input type="checkbox"/> <b>What format do you respond in?</b><br>Determine whether there are any mandatory forms to be completed. If there are and they are not completed, your quotation will be considered incomplete and not be considered. | <input type="checkbox"/> <b>Have you indicated whether you comply with the condition of contract?</b><br>If you exceed the requirements, or only partially comply, make sure you provide                     |
| <input type="checkbox"/> <b>Is your response in a simple format?</b><br>Your quotation will be evaluated on content not on an elaborate presentation. Stick to the template provided in the tender document.                                    | <input type="checkbox"/> <b>Are you offering value for money?</b><br>Review your quote to check whether you have pitched competitively.  |
| <input type="checkbox"/> <b>What numbering has been used in the quotation document?</b><br>If no set format for responses has been specified, follow the general format and numbering of the quotation specification.                           | <input type="checkbox"/> <b>Have you signed all appropriate forms?</b><br>Make sure you have correctly signed all appropriate quotation forms.   |

## TENDER CHECK LIST

Warrumbungle Shire Council has put together this check list to assist with ensuring the tenderer has covered all aspects of the tendering process. This checklist may not be comprehensive. It is the tenderer's responsibility to ensure they have completed all tender requirements as documented in the formal tender agreement.

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Preparing your response.</b><br><b>Are there tenderer response schedules to complete?</b>   | <input type="checkbox"/> <b>If the tenderer response schedules have been provided, use them.</b><br>If no set format for responding has been specified, follow the general format and numbering of the tender specification. |
| <input type="checkbox"/> <b>What numbering has been used in the tender document?</b>  | <input type="checkbox"/> <b>Prepare a checklist and tick each of them off as you answer them.</b>  |
| <input type="checkbox"/> <b>Is your response in a simple format?</b>  | <input type="checkbox"/> <b>Have you been requested to supply other information and documents? If so, have you?</b>  |
| <input type="checkbox"/> <b>Have you answered all the specified requirements?</b>   | <input type="checkbox"/> <b>Make sure you have clearly demonstrated your ability to fulfil all the evaluation criteria.</b>  |
| <input type="checkbox"/> <b>Have you provided all the information requested?</b>  | <input type="checkbox"/> <b>Have you included your costing for all items and followed the GST requirements?</b>  |
| <input type="checkbox"/> <b>Have you demonstrated your ability to meet all of the selection criteria?</b>   | <input type="checkbox"/> <b>Are referee contact details correct?</b><br>Make sure your referees are prepared for Council to contact them.  |
| <input type="checkbox"/> <b>Have you completed the pricing or cost schedule for all items you are tendering?</b>  | <input type="checkbox"/> <b>Ensure you address and acknowledge any addendum that have been issued?</b>   |
| <input type="checkbox"/> <b>Is this an alternative tender?</b><br>Have you clearly identified that this is an "Alternative Tender" check with Council first, or the tender documents to confirm that an alternative proposal will be considered and the conditions under which it will be considered. | <input type="checkbox"/> <b>Tenders must sign each page of the returnable schedules before submission.</b>   |
| <input type="checkbox"/> <b>Have there been any tender addendum issued and have you addressed these?</b>  | <input type="checkbox"/> <b>Are you offering Council value for money?</b>  |



## **Warrumbungle Shire Council**

### **Coonabarabran Administration Office**

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Coonabarabran NSW 2357

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### **Coolah Administration Office**

59 Binnia Street  
Coolah NSW 2843

**Phone:** (02) 6378 5000

### **Mailing Address:**

PO Box 191  
Coonabarabran NSW 2357

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