

Attachment 4 - Special Electors Minutes - Statutory Framework & Process for Tenders and City Process

REQUIREMENTS FOR TENDERS, TENDER REGISTER, & CITY PROCESS:

Local Government (Functions and General) Regulations 1996

14. Publicly inviting tenders, requirements for

- (1) When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required; and
 - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
 - (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
 - (b) detailed specifications of the goods or services required; and
 - (c) the criteria for deciding which tender should be accepted; and
 - (d) whether the local government has decided to submit a tender.

[(e) deleted]

- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130; 18 Sep 2015 p. 3806.]

15. Minimum time to be allowed for submitting tenders

- (1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is first published in the newspaper circulating generally throughout the State.

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- (2) If a notice under regulation 14(2) is given to a person listed as an acceptable tenderer, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is given.

[Regulation 15 inserted in Gazette 18 Sep 2015 p. 3806-7.]

16. Receiving and opening tenders, procedure for

- (1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
- (a) there must be present —
 - (i) at least 2 employees of the local government; or
 - (ii) one employee of the local government and at least one person authorised by the CEO to open tenders;
 - and
 - (b) members of the public are entitled to be present; and
 - (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055; 18 Sep 2015 p. 3807.]

17. Tenders register

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
- (a) a brief description of the goods or services required; and
 - [(b) deleted]*
 - (c) particulars of —
 - (i) any notice by which expressions of interests from prospective tenderers was sought; and
 - (ii) any person who submitted an expression of interest; and
 - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);
 - and
 - (d) a copy of the notice of the invitation to tender; and
 - (e) the name of each tenderer whose tender has been opened; and
 - (f) the name of any successful tenderer.

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(3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131; 18 Sep 2015 p. 3807.]

18. Rejecting and accepting tenders

(1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.

(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.

(3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.

(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.

(4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.

(5) The local government may decline to accept any tender.

(6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

(7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2; 18 Sep 2015 p. 3807.]

19. Tenderers to be notified of outcome

The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. [Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]

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Code of Conduct for Employees

4.1 Disclosure of confidential information

Employees must not disclose to another person, unless it is required for the performance of their duties at the City, written or oral information that is provided to them, or obtained by them, in confidence or, in the case of a document, marked confidential.

4.2 Improper use of information

Section 5.93 of the Local Government Act 1995 prohibits an employee from making improper use of any information acquired in the performance by the person of any of his or her functions under the Act any other written law:

- to gain directly or indirectly an advantage for the person or any other persons; or
- to cause detriment to the local government or any other person.

The penalty, on conviction, is a fine of \$10,000 or imprisonment for 2 years.

5.10. Confidentiality

5.10.1. Confidential information should remain confidential unless release is required by law.

5.10.2. Employees shall not use confidential information to gain improper advantage for themselves, or for any other person or body. Employees who access confidential information or confidential documents during the course of their employment, must not release the information to any other person, except if required by law or otherwise. Serious breaches of confidentiality may result in disciplinary action. The consequences for a breach of confidentiality will vary according to the severity of the breach.

5.11. Security

5.11.1. Security protocols exist to protect employees and the City's assets and information. They must be observed at all times.

5.11.2. The City's computer network has different levels of security set to protect unauthorized access. Employees should choose passwords that cannot be easily determined. Passwords should not be disclosed to others. Attempts should not be made to discover the passwords of others.

5.11.3. Employees must keep building access cards safe at all times. Cards must not be misused or lent to others. Lost cards should be reported immediately to the Land and Property Services Team.

5.11.4. Employees must ensure City assets in their possession or being used by them are secure at all times. This is particularly relevant for portable and electronic devices such as mobile phones, laptops and I-Pads.

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Evaluation workbook extract



TENDER EVALUATION WORKBOOK

DECLARATION OF CONFIDENTIALITY & INTEREST

Each evaluation panel member is required to complete the following declaration of confidentiality and interest form. Once completed, please provide to the contact person listed on the front cover of this handbook.

Request Number: (state here)

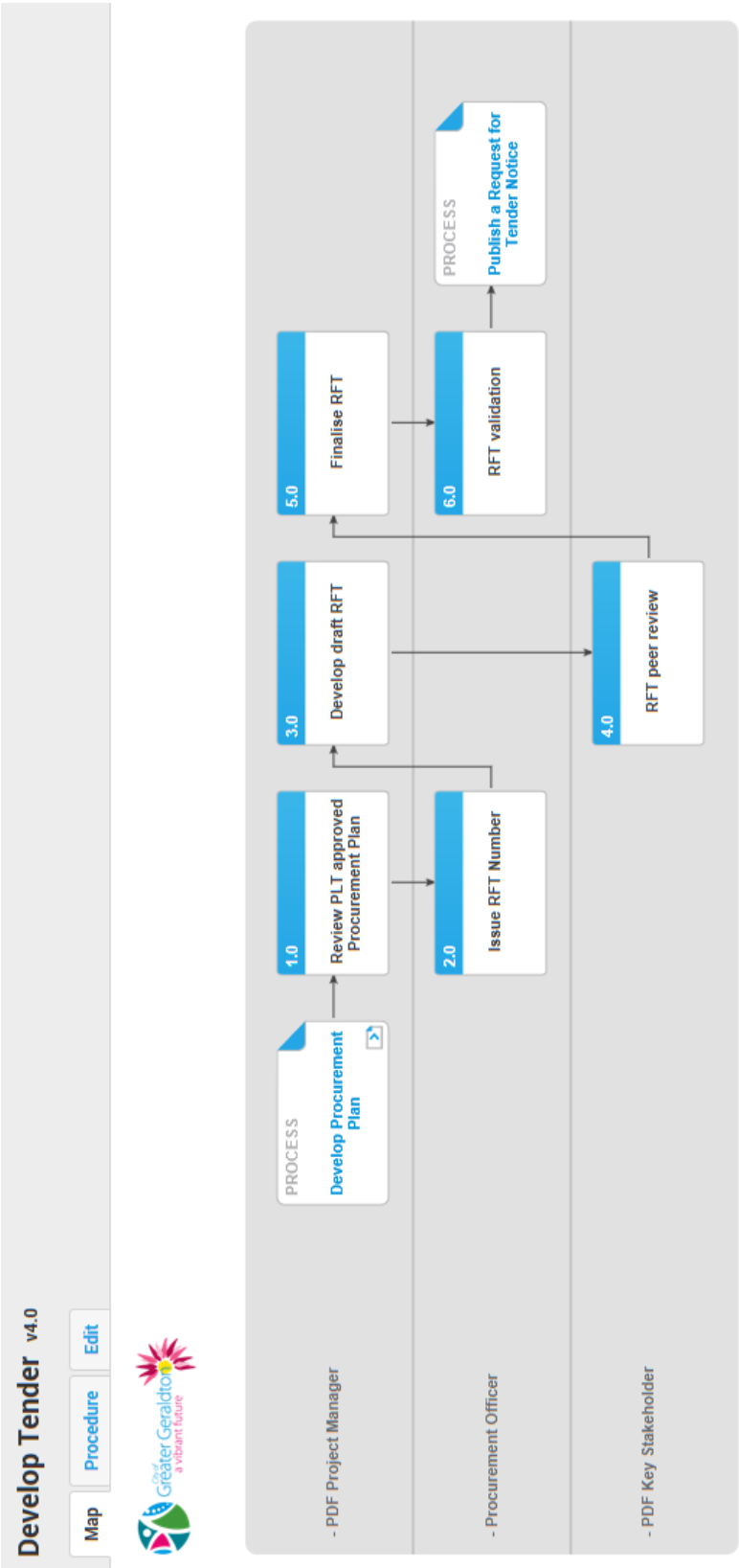
Request Title: (state here)

I _____ (please print your name) hereby declare that:

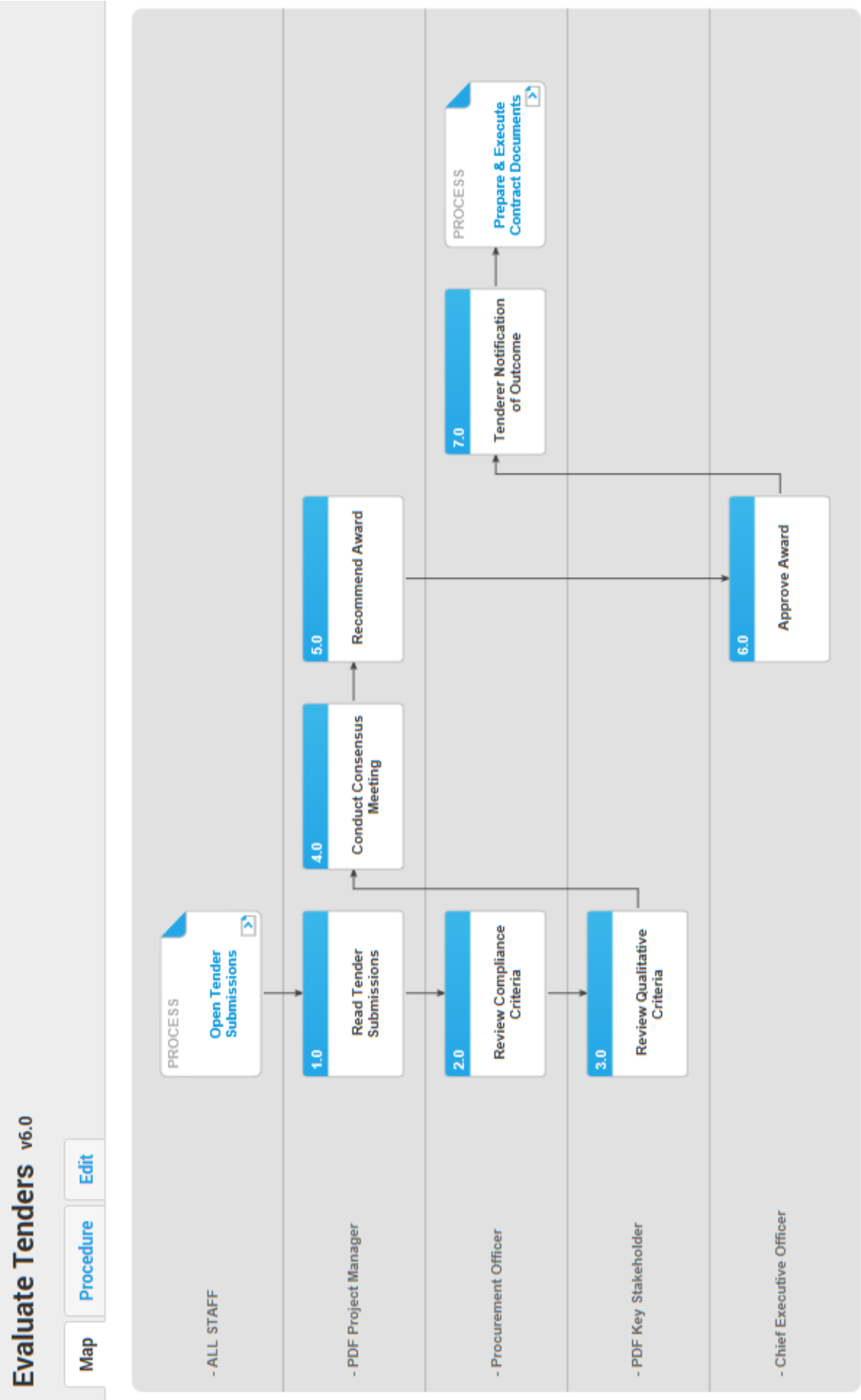
- a) I have no pecuniary interest in any of the Tenderers that have submitted a bid for the above named Tender, and that should that situation change; I shall inform the Tender Panel chairperson immediately in writing.
- b) I have no conflict in this Tender evaluation. Should any of the Tenderers be personally known to me I shall declare such knowledge to the other members of the Tender Evaluation Panel prior to the evaluation process.
- c) I agree to keep all information relating to the Tender evaluation process confidential. Under no circumstances will the details of other Tenders be discussed, disclosed or allowed to be discussed to other Tenderers.
- d) I shall keep the results of the Tender evaluation process confidential. No indication of the likely recommendation will be discussed, disclosed or allowed to be disclosed without written approval with any party.
- e) I have received copies of the Tender submissions
- f) I shall return all Tenders and Tender documents at the completion of the Tender evaluation process.

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Tender process (Note: Only evaluation panel members have access to tender documents)




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Only Central Procurement has access to any tenders published in Tenderlink



City of
Greater Geraldton
a vibrant future



E-Tendering Portal



Latest Tenders (click to view):
T 23 1718 Geraldton SES Building Construction
RFT 21 1718 Geraldton Airport Renewal & Upgrade Worl

Log OutAll Current TendersOur DetailsMy DetailseRFx Notice OptionsSearchSubmissionsAdministrationSupportHelpDashboard

User Maintenance

Brodie Pearce
CGG Accounts
ICT Support
Ray Bailey
Tenders @CGG

Security Level:Administrator

Title:Other

Name:Tenders @CGG

User ID:Tenders@cgg

Email Address:tenders@cgg.wa.gov.au

Email Format:HTML

Mobile:08 9956 6644

Position:Other (None of these)

Time Zone:(GMT +08:00) Australian WST (Western Australia)

☐ User Suspended

[Change Your Password](#)

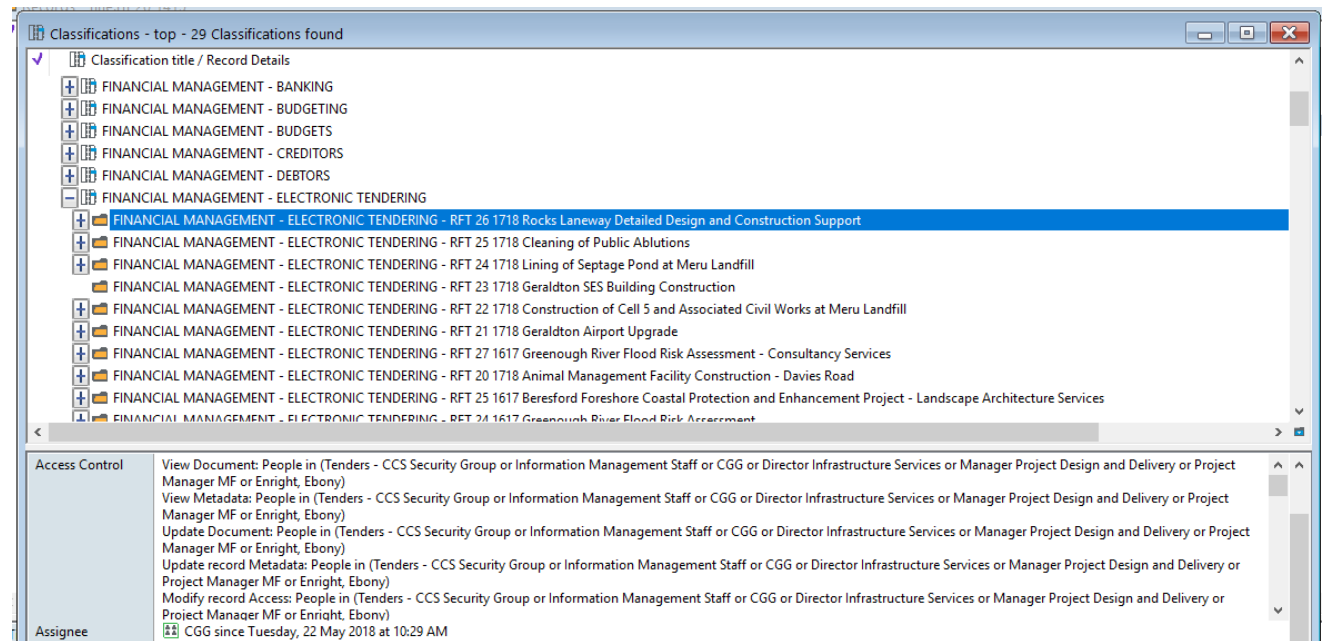
Save User Details

New User

Remove User

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Access control restricting tender folder access to panel



TRIM FOLDER Hyperlinked	PFT No	Name	Tender Closing Date	Tender Box Opening Panel	Tender Register (hyperlinked)	Project Officer	Tenders Contact Name, Company Name & Address (Submissions Hyperlinked)	Address	Tender Awarded by	Date of Council Meeting	Agenda Item No.	Name of Successful Tenderer(s)	Amount of Successful Tender(s)	Copy of Advert (Hyperlink)	Copy of Minute Extract or
EM20017	PFT 01 1617	Cleaning of City Buildings	12pm Tuesday, 2 August 2016	Ray Bailey Laura MacLeod	D-16-49934	Laura MacLeod	Hot Cleaning Services, Charly Moggie Detron Cleaning, Geraldton, Glenn O'Brien Holly's Clean'n Green, Ronald Holly	125 Anderson Street, WEBBERTON, WA 6530 90 Flores Road, GERALDTON WA 6530 26 Portacello Circle, WANDINA WA 6530	Council Approval	23-Aug-16	DCS293	Detron Cleaning Geraldton (Separable Portions 2-3,5,6), DCS (Separable Portions 1,6,7), Norfolk Cleaning Service (Separable Portion 4)	Separable Portion 1-1: \$78,661.60 ex GST Portion 2-: \$57,336.00 ex GST Portion 3-: \$50,763.43 ex GST pa Separable Portion 4-: \$72,986.00 ex GST pa Separable Portion 5-: \$106,189.15 ex GST pa Separable Portion 6-: \$8,661.34 ex GST pa Separable Portion 7-: \$9,345.72 ex GST pa Separable Portion 8-: \$6,189.15 ex GST pa	D-16-50825 D-16-52016	
EM20018	PFT 02 1617	Beresford Foreshore Coastal Protection and Enhancement Project - Construction	2pm Monday, 12 September 2016	Ray Bailey Chris Lee Meno Strowing	D-16-57924	Chris Lee	BCL Group Pty Ltd, Bitu Daniel Central Earthmoving Company, Pty Ltd, Chris Lee Curran Group Pty Ltd, Aaron Bradley Quindici Earthmoving Pty Ltd, Todd Quindici FBNW Contracting and Landscapes, Supplies, Russell Wood WA Limestone and Italia Stone, Group JV, Wally Lukic WEBH Infrastructure Pty Ltd,	Unit 1 - 48 Flight Way, WANGARA WA 6065 Lot 222 Goulds Road, NARFVELLU WA 6532 32 Allot Way, MADINGTON WA 6109 Lot 320 Ulich Road, NABAWA WA 6532 87 Anderson Street, WEBBERTON, WA 6530 401 Spearwood Avenue, BIBRA LAKE, WA 6163 475 Edward Road, MERU WA 6530	Council Approval	22-Nov-16	IS01	Central Earthmoving Company Pty Ltd	\$7,666,724.05 ex GST	D-16-73944 D-16-75026	