


Organisational guideline

First Nations Procurement Guideline

Corporate Plan reference	Our Strong Community Our Resilient Economy Our Outstanding Organisation	
Endorsed by Chief Executive Officer		24 June 2021
Manager responsible for policy	Manager Business and Innovation	

Purpose

Council's Corporate Plan 2021-2025 recognises its goal that "Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all".

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 *Sunshine Coast – The Natural Advantage: 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 (including First Nations) 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 Business and supply chains and to continue to assess the baseline spend with a view to setting spend targets in future years.

Objectives

The objectives of this guideline include:

- Developing a competitive First Nations business and industry both locally and regionally;
- Creating new business and commercial opportunities for First Nations suppliers, and support the existing First Nations business and commercial base;
- Creating new local employment opportunities and maintain the existing First Nations local employment base;

- Supporting First Nations supply chains by incentivising all Council suppliers to sub-contract with, or procure goods and services from, First Nations suppliers;
- Diversifying economic growth contributing to community prosperity.

Scope

This guideline applies to any contracting activities for the provision of goods and services undertaken by Council.

Guideline statement

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 below.

Contract Value	Procurement process	First Nations Businesses to be invited
\$0 - \$25,000	One quote required	If any First Nations Businesses are 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.
\$25,000 - \$1,000,000	Request for Quote processes for inviting three or five 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 5% minimum weighting.
\$250,000 and above	Public tender	Evaluation criterion for First Nations business contracting will receive 5% minimum weighting.

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 First Nations engagement in contracting. This criterion will receive a minimum 5% weighting. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater First Nations 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 suppliers on that Supplier Arrangement that would be considered a First Nations Business. If there are, appropriate consideration should be given to inviting quote/s from those supplier/s.

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:	% Score	Overall weighting
Supplier that is a First Nations Business	5/5	100%	Minimum 5%
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 are employing at least one additional First Nations person in the delivery of the contract	5/5	100%	
Non-First Nations Business that is not engaging First Nations Business in their supply chain	0/5	0%	

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).

All departures from this guideline are to be reported to the Manager Business and Innovation with reporting available to the Executive Leadership Team (ELT) and/or members of ELT.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager Business and Innovation is 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 are responsible for ensuring all Council Officers comply with this guideline when undertaking Procurement and Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking 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.

Measurement of success

Success of this guideline will be measured by assessing yearly dollar value and percentage of available procurement spend with First Nations Businesses.

Definitions

The definitions in the Procurement Policy and Contract Manual apply to this guideline.

The definitions applicable to this guideline are:

First Nations Business means a supplier or respondent who:

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 employees 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.

Related policies and legislation

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2021/22 Procurement Policy

2021/22 Contracting Plan

2021/22 Contract Manual

Innovate Reconciliation Action Plan - March 2021 to July 2022 (RAP) or any future adopted RAP.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New	N	Council	21 June 2018
2.0	Annual Endorsement	Y	Council	20 June 2019
3.0	Annual Endorsement	Y	Council (SM20/13)	11 June 2020
4.0	Annual Endorsement	Y	Council	