

DELEGATION OF AUTHORITY

TITLE: *Procurement and Contracting Activities and Payments*

Delegation by Council to:

Council Resolution date:

Chief Executive Officer to undertake procurement and contracting activities and authorise payments in accordance with the delegated power.

Source of Authority:

Local Government Act 2009 – Sections 257, 259, 262

Local Government Regulation 2012 – Sections 225 to 228, 230 to 235 and 238

Delegated Power:

1. To exercise the powers of the local government under the *Local Government Act 2009* (the **Act**) and the *Local Government Regulation 2012* (the **Regulation**) including the authority to:
 - (a) undertake the following procurement and contracting activities:
 - (i) invite written quotes for medium-sized contractual arrangements;
 - (ii) invite written tenders for large-sized contractual arrangements;
 - (iii) invite expressions of interest (following Council resolution); and
 - (iv) invite offers for the sale of valuable non-current assets (other than sale of land) by written tender or auction;
 - (v) invite offers to dispose of an interest in land (valuable non-current assets) by written tender or auction; and
 - (b) make, enter into, amend or discharge contracts (established by the aforementioned methods) for the:
 - (i) procurement of goods and services (including contracts about carrying out of works);
 - (ii) the disposal of valuable non-current assets, including an interest in land (but not the sale of land);
 - (iii) the disposal of goods and assets (that are not non-valuable non-current assets); and
 - (c) establish the following exceptions to medium and large-sized contractual arrangements:
 - (i) approved contractor list;
 - (ii) register of pre-qualified suppliers;
 - (iii) preferred supplier arrangement; and

- (d) make, enter into, amend or discharge contracts from the following properly established medium-sized and large-sized contractual arrangement exceptions:
- (i) quote or tender consideration plan;
 - (ii) approved contractor list;
 - (iii) register of pre-qualified suppliers;
 - (iv) preferred supplier arrangement;
 - (v) LGA arrangement;
 - (vi) an entity resolved by Council as a sole supplier;
 - (vii) an entity resolved by Council as providing specialised or confidential services;
 - (viii) when a genuine emergency exists;
 - (ix) the contract is for the goods and is made by auction;
 - (x) the contract is for second-hand goods;
 - (xi) the contract is made with, or under an arrangement with, a government agency.
- (e) make, enter into, amend or discharge contracts for valuable non-current asset exceptions, subject to legislative conditions and Council resolution:
- (i) disposal of an interest by renewal to an existing tenant of the land;
 - (ii) disposal of an interest in land to a person who owns the adjoining land;
 - (iii) disposal of an interest in land by lease for a telecommunications tower;
 - (iv) disposal of an interest in land that is used as an airport or for related purposes;
 - (v) disposal of a valuable non-current asset, other than land, by way of a trade-in for the supply of goods and services; and
 - (vi) following Ministerial exemption (Council resolution not required).
- (f) authorise the purchase of eligible emission units;
- (g) authorise payments under a properly established contract;
- (h) authorise the issue of purchase cards up to the approved limit; and
- (i) authorise statutory payments and specific system payments.

Conditions:

1. The Delegated Officer may make, amend or discharge a contract (the contractual action) for Council if-
 - (a) Council's expenditure because of the contractual action has been provided for in the approved annual budget for-
 - (i) the financial year when the contractual action is taken; or
 - (ii) the financial year in which the delegation is made, if the expenditure is within the limits stated in the resolution making the delegation
 - (b) The contractual action has been taken because of genuine emergency or hardship.
2. The delegated officer may exercise the delegated powers on behalf of Council subject to:
 - (a) compliance with relevant legislation, policies guidelines and procedures;
 - (b) the accepted offer is the most advantageous to Council.