



Procurement Policy

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1. Purpose

The purpose of this Policy is to guide Council's procurement activities in a manner that promotes open and fair competition, ensures Value for Money, and upholds the principles of transparency, probity, and accountability. It supports ethical, efficient, and effective procurement practices that deliver value to the community and align with Council's strategic objectives.

Council is required under sections 108 and 109 of the *Local Government Act 2020* (the Act) to prepare, adopt and comply with its procurement policy.

This Policy has been developed collaboratively by the Municipal Association of Victoria (MAV) in partnership with a working group of procurement professionals across the Victorian Local Government Procurement Sector. It builds upon previous policies developed by both the Northern and Southern Regions group of Councils, with the aim of supporting effective and consistent collaborative procurement practices aligned with legislative requirements.

While based on a shared template, this Policy has been tailored to reflect the specific needs and context of East Gippsland Shire Council and may differ slightly from policies adopted by other Council's. It applies solely to procurement activities undertaken by East Gippsland Shire Council.

2. Scope

This Policy applies to all procurement activities undertaken by Council and is binding upon all Council Officers, Councillors, Contractors, Consultants and or third parties acting on behalf of Council to comply with the principles and framework set out in this Policy.

3. Context

In accordance with the Act, this Policy seeks to ensure open and fair competition and Value for Money whilst upholding the principles of transparency, probity and accountability.

Key terms used throughout this Policy are defined in [7. Definitions](#) section within this Policy.

3.1 Treatment of GST

All monetary values stated in this policy exclude GST unless specifically stated otherwise.

3.2 Procurement during the Election Period

In accordance with section 69 of the Act, Council must not make major procurement decisions during the Election Period that may influence the outcome of an election or bind an incoming Council.

All procurement activities during the Election Period must:

- be assessed for political or commercial risk;
- be clearly and appropriately documented; and
- comply with all relevant probity principles and legislative requirements.

Further guidance will be provided by Council through Election Period protocols and/or be referenced within Council's procurement procedure or guidelines.

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4. Guiding Principles

The Policy reflects best practice local government procurement processes to:

- Achieve value for money outcomes and continuous improvement in the provision of services for the community.
- Ensure resources are used efficiently and effectively to support Council's strategic objectives and improve the overall quality of life of people in the local community with sustainable future outcomes in mind.
- Comply with relevant legislative requirements.
- Achieve high standards of openness, fairness, accountability, risk management, probity, and transparency.
- Minimise the cost of preparing submissions for potential suppliers by ensuring a competitive process

The Council's procurement processes shall be based on the following principles, irrespective of the value and complexity of that procurement.

4.1 Probity, Accountability and Transparency

The Council is committed to upholding the highest standards of probity, accountability and transparency in all procurement activities, in line with the Act, and the Victorian Best Practice Guidelines (2024).

All Councilors, Council officers and authorised agents involved in procurement activities must act ethically, impartially and in the public interest. They are individually accountable for their decisions and the outcomes of procurement processes undertaken on behalf of the Council.

All procurement activities must be conducted in a manner that:

- Complies with the Act, this Policy, associated procurement guidelines or procedure, relevant legislation and applicable standards.
- Demonstrates integrity, fairness, and transparency.
- Is defensible under internal and external scrutiny.
- Manages conflicts of interest and maintains public trust.
- Prevents and mitigates risks such as fraud, corruption or collusion.

Where procurement activities are carried out by authorised agents on Council's behalf (e.g. external parties, consultants, contractors), they must comply with the same legal, ethical and procedural obligations as Council officers.

To support probity and accountability, Council will:

- Apply consistent and transparent processes that ensure fair and equitable treatment of all suppliers.
- Ensure procurement criteria and conditions are not changed after public release unless formally approved in line with policy or procedure.
- Require all participants involved in procurement activities to act in good faith, declare and manage conflicts of interest, and adhere to relevant codes of conduct and ethical standards.
- Prohibit the acceptance of any gifts, benefits or hospitality from current or prospective suppliers in accordance with Council's Gifts, Benefits and Hospitality Policy.
- Apply additional independent oversight and clear separation of roles for any in-house bid that could also be delivered by external participants to ensure all bids are assessed equally and Council can demonstrate fairness and transparency.

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4.1.1 Disclosure of Information

Commercial in Confidence information received by Council must not be disclosed and is to be stored in a secure location. Councillors and Council Staff must take all reasonable measures to maintain confidentiality of:

- information submitted by suppliers in tenders, quotations or during tender negotiations;
- information that is marked confidential, or reasonably understood to be confidential due to its nature; and
- any details related to current or proposed contracts, particularly where disclosure could compromise Council's position or breach probity.

Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubts about what is being offered by that supplier.

At no stage should any discussion be entered into which could improperly influence the procurement process or negotiation of a contract prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

4.2 Strategic Procurement

The Council adopts a strategic approach to procurement to maximise value and efficiency.

Each procurement activity will be planned with consideration of:

- opportunities for aggregated purchasing across Council or with other entities through approved purchasing schemes;
- collaborative or joint procurement arrangements;
- utilisation of existing internal and external supplier panels or contracts; and
- alternative contracting models that best support the delivery of outcomes.

Guidance materials and procurement planning templates are available to support Council Officers in applying these principles effectively throughout the procurement process.

4.3 Value for Money and Quadruple Bottom Line

Council is committed to achieving Value for Money in all procurement decisions. This means selecting the option that offers the best overall outcome - not just the lowest price, but based on a balanced assessment of cost, quality, risk, sustainability and social impact over the entire lifecycle of the goods, services or works.

Council's approach to Value for Money includes integration of Quadruple Bottom Line (QBL) principles which means ensuring that economic, environmental, social, and ethical considerations are embedded into procurement planning and decisions wherever practical and proportionate.

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In applying the Value for Money principle, Council will:

- Consider Whole-of-Life Costs, including planning, acquisition, operation, maintenance, repurpose and disposal.
- Optimise Quality and Performance, ensuring goods, services, and works are fit for purpose, durable, and supported by service warranties where appropriate.
- Deliver Broader Community Benefits, encouraging procurement outcomes that generate positive social, economic, and environmental impacts, including through support of local, social, Indigenous, and inclusive suppliers.
- Champion Sustainable and Ethical Procurement, engaging suppliers who demonstrate compliance with fair, ethical, and socially responsible labour practices, and who meet legislative and regulatory obligations, including workplace safety and modern slavery to employees.
- Minimise Environmental Impact, selecting products and services that reduce resource consumption, emissions, waste, and environmental degradation.
- Support Innovation, encouraging new solutions, technologies, or delivery models that improve outcomes or efficiencies.
- Promote Fair Competition and Efficiency, ensuring open, transparent procurement processes that support innovation and reduce duplication.
- Enable Collaboration and Aggregation, leveraging shared services, panel arrangements, and approved purchasing schemes where appropriate.

4.3.1 Quadruple Bottom Line (QBL) Principles

Council will, wherever appropriate, incorporate the following QBL considerations into its procurement planning and decision making:

1. Economic

- Support local suppliers (as defined in this Policy's definition), small to medium enterprises (SMEs), and regional businesses.
- Create local jobs and stimulate economic development within the Council area and nominated surrounding regions.
- Consider long-term value and cost-effectiveness, not just the upfront price.

2. Sustainability & Environment

- Minimise environmental impact by reducing waste, greenhouse gas emissions, and resource consumption.
- Prioritise sustainable procurement — select recycled, energy-efficient, and responsibly sourced goods and services.
- Promote circular economy principles and strengthen climate resilience through environmentally responsible purchasing practices.

3. Social Responsibility

- Advance diversity, equity, and inclusion across all stages of the supply chain.
- Support social procurement outcomes by engaging Indigenous-owned businesses, disability enterprises, and certified social benefit suppliers.
- Create equitable opportunities through employment, training, and participation for disadvantaged or marginalised groups.

4. Ethical Governance

- Work with suppliers who follow ethical practices including fair labour, safe workplaces and compliance with modern slavery laws.
- Maintain transparency, integrity, and compliance in all procurement activities.

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Council will apply QBL principles in a manner that is practical, proportionate, and aligned to the size, risk and complexity of each procurement activity. These considerations may be factored into planning, specification, evaluation, and contract management stages.

For operational guidance on how to apply Value for Money and QBL principles, including evaluation weightings and engagement strategies, refer to Council’s Procurement Procedure.

4.4 Risk Management

Procurement activities must be properly planned and executed to protect Council from risks including but not limited to; personal injury, property damage, financial loss, reputational harm, legal exposure, and disruption to the delivery of goods, services, or works.

To minimise procurement-related risks and uphold best practice, Council implements the following risk mitigation strategies:

- Procurement Planning: allowing sufficient time for procurement preparation, market engagement, and internal approvals to reduce the risk of rushed or non-compliant processes.
- Standardised Contract Documentation: using approved templates that include legally reviewed terms and conditions to ensure consistency and reduce contractual ambiguity.
- Securities: requiring appropriate security deposits such as bank guarantees to protect against supplier non-performance or contract default.
- Due Diligence Checks: undertaking financial and reference checks on new and existing suppliers, with periodic reviews as needed to ensure ongoing capability and compliance.
- Subject Matter Expert input: referring complex or technical specifications to qualified internal or external subject matter experts to ensure clarity, feasibility, and risk mitigation.
- Contract Execution before Commencement: ensuring that all contracts are fully executed and documented before any goods are delivered, services commenced, or payments issued.
- Standards and Compliance: incorporating relevant Australian Standards, legislative requirements, and industry best practices into specifications and contract terms.
- Ongoing Contract Management: requiring contract managers to actively monitor contractor performance, deliverables, and compliance throughout the contract term, with issues documented and addressed promptly.
- All procurement decisions incorporate structured and proportionate risk assessments against defined criteria. This assists to protect Council from financial, operational, reputational, and legal exposure.
- Insurance Requirements: In order to minimise Council’s risk exposure, Council will ensure that engaged suppliers, contractors and consultants have appropriate insurances in place and that the insurance remains valid throughout the entire life of awarded contracts, including any defects liability period for the Goods, Services or Works.

Council will maintain a register of suppliers’, contractors’ and consultants’ insurance details in a manner that will ensure that certificates can be easily reviewed for currency and for updates to be requested as required.

These practices are consistent with the Local Government Best Practice Procurement Guidelines 2024, which emphasises proactive risk planning, transparency, and strong governance as essential to achieving Value for Money and ensuring public confidence in procurement outcomes.

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5. Council Policy

5.1 Procurement Structure, Processes, Procedures and Systems

Council maintains a procurement function responsible for:

- Maintaining the Policy and associated guidelines, processes and procedures.
- Maintaining appropriate purchasing, procurement, and contract management systems and tools.
- Providing procurement-related advice and support to the organisation as required.
- Building organisational procurement and contract management capability (including delivery of training and provision of guidance materials).
- Promoting awareness and monitoring of compliance with this Policy.
- Ensuring legislation is followed, reporting breaches and corrective actions in a timely manner.
- Collaborating with other Councils and organisations to identify best practice in and achieving better value from procurement.

Council will maintain internal procurement control documents detailing the processes, procedures and systems related to procurement including maintaining details of tendered contracts.

5.2 Procurement Methods

The standard methods for procurement activities are:

- Verbal or written quote.
- Corporate card.
- Purchase Order (preferred method).
- Request for Quotation (RFQ) process, followed by a Contract (if applicable) and Purchase Order.
- Request for Tender (RFT) process, followed by a Contract (if applicable) and Purchase Order.
- Approved Purchasing Schemes or Panel Contracts.
- Council may also consider alternative procurement methods, such as partnership models, where these are demonstrated to achieve best value and are consistent with probity requirements.

All procurement activities must:

- Be supported by identified and available funding
- Be authorised in accordance with Council’s approved financial delegations and thresholds
- Involve more than one person with appropriate documentation and approvals to ensure transparency and accountability

All Public Requests for Tender (RFT), Requests for Quotation (RFQ) and Expressions of Interest (EOI) must be published on Council’s online tendering portal. RFTs and EOIs may also be advertised through additional channels such as state or local newspapers, industry publications, and web-based forums depending on the scale and audience of the procurement.

In accordance with the Act, Council must publish details of awarded tenders that meet or exceed prescribed thresholds on its public website to ensure legislative compliance, transparency, and community awareness.

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5.3 Expressions of Interest (Eoi)

Expressions of Interest may be used where:

- Multiple suppliers are likely.
- Full tendering is burdensome, or procurement is complex.
- Vendor interest or capability is uncertain.
- Council seeks preliminary advice from the market.

5.4 Alternative Approaches Following an Unsuccessful Tender Process

If a public tender process concludes with no submissions or no acceptable submissions received, Council may consider alternative procurement approaches, including:

- Reissuing the tender in its original form.
- Revising the scope or requirements and reissuing the tender.
- Inviting a limited number of suitable suppliers to submit proposals (Select Sourcing).
- Entering direct negotiations with a supplier (Sole Sourcing).
- In-house delivery.

Any alternative procurement approach must be:

- Supported by documented market analysis and a clear rationale for the selected approach.
- Demonstrated to achieve Value for Money, fairness, and probity, in line with the Act, this Policy, and best practice procurement principles.

5.5 Collaborative Procurement

In accordance with Section 108 (c) of the Act, Council will actively seek opportunities to collaborate with other Councils and public bodies in the procurement of goods, services or works, where such collaboration can deliver economies of scale, improved value for money, or other strategic benefits.

Council officers must give due consideration to collaborative procurement opportunities as part of the planning phase for all procurement activities.

Where a procurement recommendation is brought before the Council, the accompanying report must include:

- an outline of any potential collaborative procurement opportunities identified, including the public bodies or councils involved; and
- a statement explaining why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

5.6 Tender Evaluation

Council is committed to ensuring a fair, consistent, and transparent approach to the evaluation of tenders. To uphold these principles:

- Late tenders will not be accepted, unless Council is satisfied that an event of exceptional circumstances caused a tender to be lodged after the advertised closing time, to ensure procedural fairness and integrity.
- Tender evaluation criteria and weightings will be documented and approved prior to issuing any tender to ensure transparency and consistency in assessment.
- An Evaluation Panel comprising appropriately qualified and briefed members will be established for each tender process. The panel will assess submissions objectively against the pre-determined criteria.
- Where beneficial, external representatives with relevant expertise may be included on the Evaluation Panel or engaged as advisors to enhance capability and ensure appropriate oversight.
- All panel members must complete a Conflict-of-Interest declaration before commencing any evaluation activities. Identified conflicts must be managed in accordance with any relevant policies and procedures.
- The evaluation process will be conducted in a manner that is robust, unbiased, and able to withstand internal and external scrutiny.
- A Probity Advisor should be engaged, and a Probity Plan developed for complex, high-value or high-risk procurements, including all those exceeding \$2 million.

5.6.1 Tender Evaluation Criteria

Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money:

- Mandatory or Compliance criteria (e.g. ABN registration, OH&S, *Fair Work Act*).
- Tendered price.
- Capacity of the Tenderer to provide the Goods and/or Services and/or Works.
- Capability of the Tenderer to provide the Goods and/or Services and/or Works.
- Risk, security and safety considerations.
- Social procurement (including supporting Indigenous Business).
- Sustainability and Environment – mandatory minimum weighting of 5% which may be increased if the particular Tender process may benefit from the increased weighting, and such increased weighting is approved by the relevant General Manager.
- Local Content – mandatory minimum weighting of 5% which may be increased if the particular Tender process may benefit from the increased weighting, and such increased weighting is approved by the relevant General Manager.
- Any other criteria relevant to the Goods and/or Services and/or Works being procured.

5.6.2 Contract Negotiations and Best and Final Offer (BAFO) Process

To ensure the best value outcome for the Council, contract negotiations may be conducted with one or more shortlisted tenders, provided such negotiations remain consistent with the original scope, intent and probity principles of the tender process.

Council may also implement a shortlisting process as part of the evaluation. Where appropriate, shortlisted tenderers may be invited to submit a BAFO to allow Council to clarify, refine, or enhance proposals prior to final contract award.

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Any negotiation or BAFO process will be conducted in a fair, transparent, and equitable manner, in line with The Act, relevant procurement best practice guidelines and Council’s procurement Procedure.

5.7 Procurement Exemptions and Sole Sourcing

Council recognises that in defined and limited circumstances, procurement activities may be exempt from the standard requirements to seek tenders, quotations or expressions of interest.

Sole sourcing is the engagement of a single supplier without seeking competitive offers and is considered a procurement exemption under this policy. It is permitted only in exceptional circumstances where:

- The market is restricted (e.g. licensing, software, intellectual property rights, regulatory exclusivity).
- Council has jointly developed or co-owns the relevant intellectual property.
- There is urgent public interest or emergency requiring immediate procurement.
- A thorough market analysis has demonstrated no viable alternatives exist or that a prior public tender process was unsuccessful and Council proceeds to an alternative sourcing approach, in accordance with [Section 5.4](#).
- A previous public expression of interest has been conducted which shortlisted an EOI respondent for a future tender process.
- Several defined procurement exemption justifications have been identified and are detailed in [Section 13.3 Appendix 3](#) of this Policy.

A number of defined procurement exemption justifications have been identified and are detailed in [Section 13.3](#) of this policy. All exemptions must be:

- Endorsed in accordance with the Financial Delegations in [Section 13.2](#).
- Justified and documented using the approved Exemption Justification form or process for monitoring, reporting and auditing purposes.
- Approved by the financial delegate one level higher than the standard delegation applicable to the contract value.

5.8 Select Sourcing and Panel Arrangements

Council may, in specific circumstances, engage a limited number of suppliers without conducting a full public tendering process. This select sourcing approach is permitted under this Policy where it is appropriate to the procurement’s value, risk and complexity, and where one or more of the following conditions apply:

- suppliers are pre-qualified under a panel contract, approved purchasing scheme or collaborative contract (e.g. MAV, Procurement Australia, State Purchase Contracts);
- the market is limited in capacity, expertise or geographical reach (e.g. niche categories or regional delivery constraints);
- an existing agreement provides clear rationale for continued engagement within defined parameters;
- the procurement risk, value, and complexity are proportionate to a streamlined sourcing approach, supported by a documented rationale;
- a previous public expression of interest has been conducted which shortlisted EOI respondents for a future tender process; or
- a previous public tender process was unsuccessful, and Council proceeds to a limited sourcing approach in accordance with [Section 5.4](#).

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Where Council has established an internal panel or is accessing a collaborative panel contract or approved purchasing scheme, the following provisions apply:

- Council may approve alternate procurement thresholds and sourcing methodologies specific to the panel;
- these must be documented at the time of panel formation (e.g. Panel Award Report or relevant process per Procurement Procedure), approval is sought by the appropriate Financial Delegate, and sourcing methodologies for the panel are documented;
- once endorsed, these thresholds override the standard thresholds set out in Section 13.1 Appendix 1 for all procurement conducted under the panel;
- all procurement activities must align with the panel's scope, terms of use, use approved templates and processes in accordance with Council's Procurement Procedure; and
- Council reserves the right to reopen Panels or add Panel members in specific and limited circumstances in line with the procurement's value, risk and complexity. Council may only reopen Panels or add new Panel Members in accordance with the Procurement Procedure.

A procurement exemption may be required only where the procurement exceeds the Panel's approved scope or deviates from usage rules.

5.9 Lobbying and Communication Protocols

To uphold the integrity and probity of the Council's procurement processes, strict controls apply to all communications during tender and quotation processes.

5.9.1 Prohibition on Lobbying

Tenderers, potential suppliers, their representatives or any related third parties must not engage in lobbying, canvassing, or any attempt to influence Councillors, Council officers, contractors or consultants engaged by Council in relation to a current or upcoming procurement process. Any such actions may lead to the immediate disqualification of the tender or quotation submission.

5.9.2 Communication Protocol

All communication regarding a procurement process must be directed exclusively to the nominated Procurement Contact Officer as identified in the tender or quotation documentation. Contacting other Council officers, consultants or Councillors regarding a procurement process is strictly prohibited and may result in exclusion from the process.

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5.10 Conflict of Interest Declarations

Councillors and Council Staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council officers involved in the procurement process, in particular preparing tender documentation, including writing tender specifications and tender evaluation panels, must:

- Avoid conflicts, whether actual, potential or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates.
- Declare that there is no conflict of interest. Where future conflicts, or relevant private interests arise Council Staff must complete an Employee Declaration and Management of Conflict of Interest Form, make their Manager, or the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific Procurement exercise.
- Observe prevailing Council and Local Government Victoria guidelines (in particular the Staff Code of Conduct and the Governance Rules) on how to prevent or deal with conflict of interest situations; and not take advantage of any tender related information whether or not for personal gain.

All Council officers, external consultants, and evaluation panel members involved in a procurement process must declare any actual, potential or perceived conflict of interest.

Tenderers must disclose any existing or prior relationships or communications with Council representatives that could be perceived as an attempt to influence the process.

5.10.1 Probity and Reporting

Any attempts at lobbying, inappropriate communications, or breaches of this policy must be reported to the Chief Finance Officer, General Manager Business Excellence (or delegated probity advisor).

Breaches may result in exclusion from the procurement process and may be referred to the Independent Broad-based Anti-corruption Commission (IBAC) or other relevant authorities.

6. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Position/Team	Roles and Responsibilities
Councillors	Prepare and adopt the Policy under s108 of the <i>Local Government Act 2020</i> , setting out the principles and processes for purchasing goods, services and works.
Chief Executive Officer	Ensuring the overall organisational compliance with this Procurement Policy.
General Managers	Ensuring compliance with this Policy by all Council officers under their supervision.
General Manager Business Excellence	Holds overall responsibility for this Policy implementation and compliance.
Chief Finance Officer	Responsible for reviewing, updating and implementing the Policy.
Procurement Team	Primary source for procurement advice, training and guidance.
Managers	Ensuring compliance with the Policy by all Council officers under their supervision.
All Staff/Council Officers	Ensure compliance with the Policy at all times.

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7. Definitions

Term	Meaning
Aggregate Purchasing	Is the strategic consolidation of procurement activities for identical or similar goods, services, or works across multiple departments, projects, or entities. This approach is intended to optimise Value for Money by leveraging combined purchasing power, improving contract outcomes, and reducing duplication of effort.
Alternative Tender	An alternative tender is a bid submitted in response to a procurement process that does not comply with certain requirements of the RFx, but would only require minor adjustments to become a Compliant Tender. It includes a bid covering only some of the Goods and/or Services and/or Works or providing the requirement in an innovative way. If a Tenderer wishes to submit an Alternative Tender it must comply with the Conditions of Tender advertised by Council for that process, including submitting a Compliant Tender.
Authorised Agent	A person or organisation formally empowered to act on behalf of the Council in relation to procurement activities.
Best Practice	As defined in the Local Government Best Practice Procurement Guidelines or any other document specified by Council.
Collaborative Procurement – <i>also known as</i> Approved Purchasing Scheme	Refers to a pre-established arrangement with a panel of suppliers or contractors, formed through a public tender process in accordance with the Act, associated regulations and relevant procurement thresholds. These arrangements may be established by: • individual Councils; • a group of Councils or public bodies working collaboratively; or • recognised external agents such as Procurement Australia, Municipal Association of Victoria or State Government Agencies. collaborative procurement Councils to procure goods, services, or works without undertaking a full tender process, provided the engagement complies with the scheme's terms and conditions.
Commercial in Confidence	Information that, if released, may prejudice the business dealings or commercial interests of the Council or another party (e.g. prices, discounts, rebates, profits, methodologies, and process information etc.).
Conflict of Interest	Any general or material conflict as defined in sections 127–128 of the Act; where personal, professional or financial interests may, or may appear to, influence impartial decision-making. In accordance with the Act, Conflicts of Interest must be disclosed in the manner set out in Council's Governance Rules.
Compliant Tender	A compliant tender is a bid submitted in response to a procurement process that fully meets all the mandatory requirements and conditions set out in the tender documentation.
Contract Management	The process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible, to deliver the contract objectives and provide Value for Money.

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Term	Meaning
Contract Variation	A Contract Variation refers to any modification made to the original terms and conditions of an executed contract. Variations may be financial or non-financial in nature and must be managed transparently, appropriately documented and assessed to ensure they do not undermine the principles of value for money, probity, equity, or open and fair competition.
Contract Variation - Financial	A variation that alters the contract's monetary value. This includes: increases or decreases in contract cost, whether within or exceeding approved contingencies, Subject to approval in line with Council's financial delegation limits and governance requirements.
Contract Variation - Non-Financial	A variation that does not result in a financial adjustment but alters other contractual parameters, such as: • project timelines or milestones; • scope, specifications or design details; • working hours or access arrangements; • location or quantity changes; or • any other aspect of the contract provided it doesn't impact cost.
Council	Means East Gippsland Shire Council
Council Staff/Officer	Any Council employee, contractor or consultant authorised to act on behalf of the Council, including Councillors in their official capacity.
Emergency	The actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages, or threatens to destroy or damage, any property in Victoria or endangers or threatens to endanger the environment or an element of the environment in Victoria including, without limiting the generality of the foregoing: - an earthquake, flood, windstorm or other natural event; and - a fire; and - an explosion; and - a road accident or any other accident; and - a plague or an epidemic or contamination; and - a warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth; - a hi-jack, siege or riot; or - a disruption to an essential service for example, waste, transport and road access. <i>Emergency Management Act 2013 part 1 section 3</i>
Indigenous Business	A business at least 50% owned by Aboriginal or Torres Strait Islander persons or employing Indigenous persons, as defined by Supply Nation.
LGBPP Guidelines	Local Government Best Practice Procurement Guidelines 2024.

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Term	Meaning
Local Supplier	Is defined as a commercial business that meets at least one of the following criteria: • maintains an operational premises that is physically located within the municipal boundaries of Council; or • delivers, sources or undertakes the majority of their goods, services or works within the Council area; or • is located within East Gippsland Shire where geographic proximity clearly contributes to local, economic, social or community outcomes.
Material breach	Any breach of this Policy that may also represent a breach of legislation such as procurement thresholds, fraud or corruption, and occupational health and safety.
Modern Slavery Risk	The risk of modern slavery (e.g., forced labour, trafficking) occurring in the supply chain. Procurement must apply due diligence under the <i>Modern Slavery Act 2018</i> (Cth).
Non-Compliant Tender	A non-compliant tender is a bid that fails to meet one or more of the mandatory requirements or conditions outlined in the tender documentation (but is not an Alternative Tender). It may only be considered if: • The non-compliance is minor or procedural. The Procurement Policy allows for discretionary acceptance under certain conditions that are documented in the tender conditions (e.g. public interest or clarification doesn't alter the tender substance).
Panel Contract	A panel contract (or standing offer arrangement) is a procurement method where a Council selects multiple suppliers through a tender process for works, goods and services on a regular basis over a specified time. They allow Council staff to purchase from these panel suppliers without a public procurement process for each individual purchase. Refer to the Rules of Use/ Buyers Guide for each panel contract or Council's Procurement Procedure, whichever is relevant. Panel contracts cannot be used to purchase works, goods or services that fall outside the scope of the original arrangement. Any other service outside of the original scope would need to be procured via a different procurement process.
Probity	Probity is the evidence of ethical behaviour, and can be defined as complete and confirmed integrity, uprightness, and honesty in a particular process. Probity is a defensible process which can withstand internal and external scrutiny, which achieves both accountability and transparency, providing respondents with fair and equitable treatment.
Procurement	Refers to the end-to-end process of acquiring external goods, services, and works. It encompasses the entire lifecycle, from initial planning and concept development through to contract completion, asset disposal, or the conclusion of a service. Procurement also includes the organisational structures, governance, and compliance frameworks that support and guide procurement activities within the Council operations.

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Term	Meaning
Procurement Procedure	A procedural document that outlines the operational processes, tools, and templates used to implement the Policy, including guidance on planning, market engagement, evaluation, and contract management. It outlines the "how to" for undertaking procurement activities in a compliant, efficient, and consistent manner across the organisation.
Purchase Order	A form of contract, which is an official document used to authorise and record the purchase of goods or services or works by a buyer. It is the prime reference confirming the contractual situation between the buyer and supplier. A purchase order may be used in conjunction with an agreement for the supply of goods, services or works, or to instigate supply against an agreement.
Social Procurement	Using procurement to deliver positive social outcomes, such as employment for disadvantaged groups or engaging social enterprises and Indigenous businesses.
Strategic Procurement	A procurement process endorsed by the relevant General Manager and Procurement Team that deviates from standard policy to achieve value for money, innovation, or unique benefits.
Sustainable Procurement	Procurement that minimises environmental impact and enhances social and economic sustainability throughout the lifecycle of the goods, services, or works.
Total Contract Sum	The potential total value of the contract including: • costs for the full term of the contract, including any options for either party to extend the contract • applicable goods and services tax (GST) • anticipated contingency allowances or variations • all other known, anticipated and reasonably foreseeable costs.

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8. Procurement Monitoring, Reporting and Non-Compliance

The Council is committed to transparency, accountability, and continuous improvement in all procurement activities.

The Procurement Team is responsible for monitoring procurement performance and compliance with this policy. This includes oversight of

- Procurement activities and trends.
- Use of Procurement exemptions.
- Alignment with procurement thresholds and financial delegations.
- Documentation and record keeping practices.

Non-compliance Management:

- Minor or administrative non-compliance will be addressed by relevant Council staff in leadership positions, with a focus on education and corrective action.
- Serious or repeated breaches, or matters involving probity, integrity, or public interest concerns, will be escalated as appropriate to the Audit and Risk Committee or Executive Leadership Team and reported to Council where required.

Any breach of this Policy may be considered a breach of organisational policy and could result in disciplinary action. Breaches will be assessed in accordance with relevant internal policies and frameworks, including those governing:

- Staff and Councillor conduct.
- Fraud and corruption prevention.
- Ethical and accountable behaviour.

Fraud Prevention

Council is committed to the prevention of fraud and as part of the requirements under this Policy Council will support a fraud-resistance culture by:

- Reporting breaches of the Procurement Process to the General Manager Business Excellence and the Chief Finance Officer.
- Reporting material breaches of the Procurement process to the Audit and Risk Committee.
- Investigating potential breaches of the Policy.
- Requiring all Tender Evaluation panel members to sign conflict of interest declarations prior to evaluating any tenders.

Reporting Fraud and Complaints

Council regards all the allegations of improper conduct and complaints about the procurement process as serious and is committed to handling such disclosures in a sensitive and confidential manner.

Feedback or general complaints about procurement processes and procedures should be directed to the Procurement Coordinator and/or Chief Finance Officer.

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Members of the public, suppliers and Council staff are encouraged to report allegations of improper or corrupt conduct by a public officer involved in any Council procurement process. A disclosure relating to alleged improper or corrupt conduct of a public officer of Council can be made in person, via phone, in writing (letter or email) or anonymously.

A public interest disclosure relating to a Councillor must be made to the Independent Broad-based Anticorruption Commission (IBAC) or the Ombudsman:

Contact details:

IBAC

Level 1, North Tower

459 Collins Street, MELBOURNE VIC 3000

Postal: GPO Box 24234, MELBOURNE VIC 3001

Website: www.ibac.vic.gov.au

Telephone: 1300 735 135

See Ombudsman website for details of how to make a Disclosure to the Ombudsman:

<https://www.ombudsman.vic.gov.au/reporting-improper-conduct/>

A public interest disclosure relating to Council staff should be made to the:

- Chief Executive Officer: Email: whistleblowers1@egipps.vic.gov.au
- Manager Governance and Regulatory Services: Email: whistleblowers2@egipps.vic.gov.au
- Governance and Risk Coordinator: Email: whistleblowers3@egipps.vic.gov.au

Ongoing Review and Reporting

Detailed reporting and monitoring provisions, including documentation standards and escalation protocols, are provided in the appendices to this Policy and further supported by the Procurement Procedure.

These processes will be reviewed periodically to ensure they remain aligned with legislative obligations and sector best practice.

9. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

10. Gender Equality

This Policy has had an Equity Impact Assessment (EIA) completed and is compliant with the objectives of the *Gender Equality Act 2020*.

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11. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	✓	Risk Category	✓
Community		Governance and Reputation	✓
Financial	✓	Environment	
People and Property		Service Delivery and Projects	✓

12. References and Supporting Documents

Council's procurement activities shall be undertaken to a high professional standard and in full compliance with the Act, associated regulations, and all applicable internal and external policies, procedures, and codes of conduct.

All Council procurement must also be consistent with Council's broader policy framework and strategic plans. This Policy has clear linkages to a range of legislation, standards, and strategic documents including:

12.1 Legislation and Guidelines

Building & Construction Industry Security of Payment Act 2002;
Charter of Human Rights and Responsibilities Act 2006 (Vic);
Relevant provisions of the Competition and Consumer Act 2010 (Cth);
Freedom of Information Act 1982;
Gender Equality Act 2020;
Local Government Act 2020;
Local Government Best Practice Procurement Guidelines 2024;
Local Government (Governance and Integrity) Regulations 2020;
Local Government (Planning and Reporting) Regulations 2020;
Modern Slavery Act 2018 (Cth);
Occupational Health and Safety Act 2004;
Privacy and Data Protection Act 2014;
Public Records Act 1973; Working with Children Act 2005;
Working with Children Regulation 2016; and
Other relevant Australian Standards or legislation.

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12.2 Applicable Policy and Procedure:

Asset Management Policy
Cash Handling Policy
Council Plan, Annual Budget and Long-Term Financial Plan
Credit Card Procedure
Fraud and Corruption Control Policy
Gifts, Benefits and Hospitality Policy
Procurement Procedure
Risk Management Policy

12.3 Supporting Documents:

Governance Rules
Model Councillor Code of Conduct
S7 Instrument of Sub-Delegation by the Chief Executive Officer
Staff Code of Conduct

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13. Appendices

All Policy requirements contained within these Appendices are only applicable to East Gippsland Shire Council and are to be reviewed and updated in line with internal governance and legislative obligations.

13.1 Appendix 1 - Procurement Thresholds

Estimated Contract Value (Exc GST)	Minimum Procurement Requirement	Additional Guidance (Methodologies)
\$0 - \$10,000	One (1) verbal quote or written quote (preferred), to be obtained	Use standard purchase order or purchase card. Council Officers are encouraged to consider local or pre-approved suppliers where practical.
\$10,001 - \$15,000	Minimum one (1) written quote	Retain quotation evidence in the Records Management System and attach to the purchase order within the finance system
\$15,001 - \$50,000	Minimum two (2) written quotes	At least one quote should be sought from a local supplier where available. Documentation to be retained in accordance with records and auditing requirements
\$50,001 - \$300,000	Minimum three (3) written quotes or Public Request for Quotation (RFQ)	Quotes must be sought using an approved procurement platform (e.g. Vendor Panel). A local supplier must be included where possible and all documentation retained in accordance with records and auditing requirements
Over \$300,001	Public Tender required	A publicly advertised open tender process must be undertaken, unless procurement is conducted through an existing panel, collaborative arrangement, or exemption has been approved.

General principles

- Thresholds refer to the total contract sum, including extension options and recurrent spend with the same supplier.
- Thresholds represent the minimum standards – Council officers may choose a more rigorous approach if it is in the best interests of Council.
- Procurement transactions must not be split to circumvent the above thresholds.
- Where Council has established panels, alternate thresholds and methodologies may apply as approved at the time of panel formation.
- In circumstances where sufficient quotations cannot be reasonably sourced (such as limited supplier markets or specialised service requirements), a Procurement Exemption is to be sought in accordance with Sections [5.7](#) and [13.1](#).

13.1.1 Purchase Order Requirement “No Purchase Order or Claim, No Payment” Policy

Council operates under a strict “No Purchase Order (PO) or Claim, No Payment” policy. A Council PO or correct claim must be created and provided to a supplier before commencement of any engagement for the supply of goods, services or works. Council will not be able to pay suppliers if they do not have a PO. This policy ensures financial control, transparency, and compliance with procurement and budgetary requirements.

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13.2 Appendix 2 – Financial Delegations

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotations, tenders and contractual processes without prior referral to the Council. The delegations table below is an extract of the **S7 Instrument of Sub-Delegation** and are repeated here so officers can clearly align the authorised delegations. If the s7 Instrument is changed the table will be updated in this Policy.

This enables the Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity. Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

The S7 Instrument of Sub-Delegation by Chief Executive Officer (CEO) identifies Council Staff authorised to make procurement commitments in respect of goods, services and works on behalf of the Council.

Delegation Limit (Exc GST)	Position Title	Procurement Activities / Additional Guidance and Conditions
Up to \$10,000 #	Supervisors Community Facilities Maintenance Officer Business Systems Analyst – Finance System Implementation	Purchase Orders
Up to \$30,000 #	Project Supervisors: - Project Planning and Design Capital Works Structural and Civil Projects Project Delivery Capital Works Roads Project Planning and Design Project Engineer Senior Project Development Officer	Purchase Orders
Up to \$50,000 #	Coordinators Technical Officer - Facilities	Purchase Orders Contract Variations: up to 5% of contract award amount (Maximum \$25,000 *cumulative), All expenditure including contract variations must be within the approved budget The combined value of the initial contract and any variations must not exceed the approver's financial delegation.

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Delegation Limit (Exc GST)	Position Title	Procurement Activities / Additional Guidance and Conditions
Up to \$150,000	Manager Infrastructure Projects Manager Infrastructure and Open Space	Purchase Orders Contracts Procurement Exemptions Contract Variations: (up to 10% of the contract award amount (Maximum \$75,000 *cumulative delegation) All expenditure including contract variations must be within the approved budget The combined value of the initial contract and any variations must not exceed the approver's financial delegation.
Up to \$300,000	General Managers	Purchase Orders Contracts Procurement Exemptions Contract Variations: (up to 10% of the contract award amount (Maximum \$100,000 – *cumulative*)) All expenditure including contract variations must be within the approved budget The combined value of the initial contract and any variations must not exceed the approver's financial delegation.
Up to \$500,000	Chief Executive Officer	Purchase Orders Procurement Exemptions Contracts Contract Variations: up to 15% of the contract award amount (Maximum \$500,000 *cumulative*) The combined value of the initial contract and any variations must not exceed the approver's financial delegation.
Unlimited Authority	Elected Council	Procurement Exemptions Contracts Contract Variations

excludes the approval of exemptions

* cumulative means the total value of all contract variations against a contract

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13.3 Appendix 3 – Procurement Exemption Justifications

Exemption Name	Explanation, limitations, responsibilities and approvals	Approval By
Genuine Emergency or Hardship	Allows a contract to be entered into where the CEO or an internally delegated officer considers it necessary because of an emergency including immediate response to a natural disaster, declared emergency, public health, security or safety as a result of an unforeseen event or occurrence.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation - unless a state of emergency/disaster/pandemic Event is in place within Victoria, then this exemption can be approved by the CEO
Collaborative Arrangements	Where a competitive process has been undertaken as part of a collaborative procurement arrangement (including through third party organisations e.g., MAV Procurement, Procurement Australia or State Government).	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Extension of contracts while Council is at market to ensure continuation of supply of goods, services and works	Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Professional Services unsuitable for tendering	For the procurement of Legal services, Utilities, Purchase of Land, external audit fees, vehicle registrations, memberships and subscriptions, committee member sitting fees.	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation
Insurance	Where Council must take out specific insurance requirements specified by law or other instrument (e.g. WorkCover, motor vehicle compulsory third party) or where insurance products are sourced through the use of brokerage services.	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation

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Exemption Name	Explanation, limitations, responsibilities and approvals	Approval By
Novated Contract	Where the initial contract was entered into in compliance with the Act and due diligence has been undertaken in respect to the new party.	Approved by the CEO up to approved Financial Delegation Approval by Council when above the CEO Financial Delegation
Information technology resellers and software developers	Software licences and maintenance renewals: These may be exempt when renewal is necessary to support existing and/or integrated systems. Mandated or sole suppliers: In cases where a supplier is required by legislation or the only one capable of providing goods or services (e.g., proprietary systems).	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation
Operating Leases	Where a lessor leases an asset (generally a vehicle or plant and equipment) to the Council and assumes the residual value risk of the vehicle	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation
Sole sourcing	The engagement of a single supplier without seeking competitive offers, permitted only in defined and exceptional circumstances such as where: • The market is restricted (e.g. licensing, software, intellectual property rights, regulatory exclusivity). • Council has jointly developed or co-owns the relevant intellectual property. • There is urgent public interest or emergency requiring immediate procurement. • A thorough market analysis has demonstrated no viable alternatives exist or that a prior public tender process was unsuccessful and Council proceeds to an alternative sourcing approach, in accordance with Section 5.3.1.	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation

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Exemption Name	Explanation, limitations, responsibilities and approvals	Approval By
	A previous public expression of interest has been conducted which shortlisted an EOI respondent for a future tender process. Sole sourcing must be approved in line with Council's Financial Delegations, fully documented, and demonstrate alignment with value for money, probity, and public interest.	
Select sourcing and panel arrangements	The engagement of a limited number of suppliers without conducting a full public tender process, permitted only in defined and exceptional circumstances such as where: - Suppliers are pre-qualified under a panel contract, approved purchasing scheme or collaborative contract (e.g. MAV, Procurement Australia, State Purchase Contracts); - The market is limited in capacity, expertise or geographical reach (e.g. niche categories or regional delivery constraints); - An existing agreement provides clear rationale for continued engagement within defined parameters; - The procurement risk, value, and complexity are proportionate to a streamlined sourcing approach, supported by a documented rationale; - A previous public expression of interest has been conducted which shortlisted EOI respondents for a future tender process; or - A previous public tender process was unsuccessful, and Council proceeds to a limited sourcing approach in accordance with Section 5.3.1.	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation

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Exemption Name	Explanation, limitations, responsibilities and approvals	Approval By
Social procurement	Engagement of a supplier that supports the delivery of the Council Plan and social outcomes including: - Promote diversity, equity, and inclusion across supply chains. - Support Indigenous-owned businesses, disability enterprises, and certified social benefit suppliers. - Provide employment and training opportunities for disadvantaged or marginalised groups. Social procurement must be approved in line with Council's Financial Delegations, fully documented, and demonstrate alignment with value for money, probity, and public interest.	Approval by Council only
Other specific Council exemptions	Additional delivery of goods, services and works that are intended either as replacement parts, extensions or continuing services for existing equipment	Approved in accordance with section 13.2 Financial Delegations table Approval by Council when above the CEO Financial Delegation

- Emergency events and post-emergency procurement activities should meet all requirements of the Disaster Recovery Funding Arrangements. In addition, the Value for Money principles will still be applicable.
- Where Council expenditure is funded from State or Federal Government grant monies the requirement to comply with Division 2 Section 108 of the Act remains unless there are grant conditions which provide alternative arrangements.
- Should the nature of the requirement and the characteristics of the market be such that it is considered a public tender process is not possible, an exemption as outlined in Section 108 3 (d) of the Act may be sought from Council.
- If a state of emergency/disaster/pandemic Event is in place within Victoria, this exemption can be approved by the CEO.

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13.4 Appendix 4 - Procurement Performance Indicators

Council will seek to improve its procurement performance by measuring, analysing, and reporting procurement activity against the below key performance indicators (or other indicators as endorsed by the Executive Leadership Team). Performance will be monitored annually and used to inform procurement planning, capability development, and continuous improvement initiatives.

Category	Key Performance Indicators Examples
Procurement Performance and Efficiency These indicators measure the overall effectiveness, efficiency, and compliance of the procurement function.	Level of compliance with the Policy Purchase Order Compliance - % of invoices without a purchase order
Local Economic Development These indicators track the extent to which Council is supporting local businesses and the regional economy.	Number of local suppliers engaged through procurement processes Proportion (%) of total procurement spend with local businesses

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14. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	06/10/09	Council	
2	05/06/12	Council	
3	19/11/13	Council	
4	16/12/14	Council	
5	15/12/15	Council	
6	13/12/16	Council	
7	12/12/17	Council	Update to market engagement method table, procurement and variation thresholds. Inclusion of Multiuser List clause. Removal of Purchase card procurement method.
8	13/11/18	Council	Full rewrite of policy.
9	23/06/20	Council	Minor revisions to record keeping requirements, inclusion of insurance requirements, removal of Supplier Register, minor revision to Support for Local Content, inclusion of Support for Sustainability and Environment, minor revisions due to changes in organisational structure.
10	14/09/21	Council	Complete rewrite of the Procurement Policy to align with the <i>Local Government Act</i> 2020. Revisions to procurement thresholds and requirements including the introduction of a Strategic Procurement framework.
11	26/10/23	GM Business Excellence	Administrative updates to financial delegations
12	22/11/24	Manager Governance	Administrative updates to financial delegations
13	16/12/25	Council	Full rewrite of Policy

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14.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

This includes updates to all Appendices attached to the Policy. As these Appendices are intended to provide operational guidance, procedural detail, or supporting information, they may be amended as needed to reflect current practices, legislative changes, or administrative improvements. These amendments do not require Council endorsement and will be approved by the Chief Executive Officer (CEO) as the delegated authority.

14.2 Document Control Disclaimer

Printed copies of this document are considered uncontrolled. Please refer to the Corporate Document Register on Council's intranet to access the most current version of this document.

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