



C CELL PTY LTD AS TRUSTEE

C CELL UNIT TRUST

CODE FOR TENDERS & CONTRACTS

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1 INTRODUCTION

The purpose of this Code for Tenders and Contracts (Code), is to comply with the requirements of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulations 2015* (Regulations). This Code should be read in conjunction with these documents. It should also be read in the context of Southern Waste Solutions managing the business of C Cell Pty Ltd as Trustee of the C Cell Unit Trust (Trustee).

As prescribed by Reg 28 the Trustee will endeavour to achieve the principles of:

- open and effective competition;
- value for money;
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

As prescribed by Sec 333B the Trustee will:

- make a copy of this Code (and any amendments) available for public inspection at its offices during ordinary office hours;
- make copies of this Code available at no charge; and
- publish a copy of this Code on the Southern Waste Solutions' website.

The Act and Regulations require the Trustee to invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above \$250,000 (excluding GST).

2 TENDERING PRINCIPLES

This Code has been developed to comply with the four tendering principles as required in the *Local Government Act 1993*. Below is a brief definition of each principle and what it means in practice.

2.1 Open and effective competition

- **Open and effective competition** – ensuring that the public tender process is impartial, open and encourages competitive offers.
- When required the Trustee will:
 - use transparent public tender processes so that potential contractors, suppliers and the public can have confidence in the outcomes;
 - adequately test the market by applicable processes, for example, by tender;

- establish and maintain procedures to ensure that fair and equitable consideration is given to all tenders and quotations that are received by the Trustee, and avoid biased specifications and processes;
- establish and maintain procedures to ensure prompt and courteous responses to all reasonable requests for advice and information from potential or existing suppliers;
- establish and maintain procedures to ensure that all potential suppliers are provided with the same information relating to each tender or contract, and are given an equal opportunity to meet the tender requirements;
- treat all suppliers of goods and services consistently and equitably; and
- apply reasonable and uniform tender evaluation criteria for the assessment and consideration of tenders. Unless otherwise specified in the tender documentation, the following tender evaluation criteria will be used:
 - Cost of goods or services;
 - Experience, capability and resources of the tenderer to best meet the tender requirements;
 - Quality of goods or services;
 - Provision of services to best meet the tender requirements;
 - Work health and safety requirements; and
 - Provision of required insurance policies, and financial security, where required.

2.2 Value for money

- **Value for money** – achieving the required outcome at the best possible price.
- When required the Trustee will weigh up the benefits and costs of each tender response against defined evaluation criteria.

2.3 Enhancement of the capabilities of local business and industry

- Enhancement of the capabilities of local business and industry – ensuring that local businesses that wish to do business with the Trustee are given the opportunity to do so.
- When required the Trustee will:
 - wherever possible, design the tender evaluation criteria to ensure local businesses have the same opportunities as all other respondents;
 - at a minimum, always advertise each tender locally in the Saturday edition of *The Mercury*, and advertise nationally when considered appropriate;
 - wherever possible, make tender documentation available on request via mail, email or facsimile;

- ensure that sufficient time has been provided to allow bidders to prepare an adequate response when inviting tenders. At a minimum, tenders will be open for 14 days.

2.4 Ethical behaviour and fair dealing

- This principle means that all purchasing is undertaken in a fair and unbiased way and in the best interests of the Trustee.
- When required the Trustee will:
 - be fully accountable for the tendering practices that it uses and the decisions it makes;
 - ensure that decisions are not influenced by self-interest or personal gain (i.e. declining gifts or other personal benefits from suppliers);
 - establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers;
 - identify and deal with conflicts of interest;
 - maintain confidentiality; and
 - ensure that all tendering is undertaken in accordance with this Code and the Act and Regulations.

2.5 Open Tender

The Trustee will use the procedures in the Act, Regulations and this Code for conducting Open Tenders.

2.6 Multiple-Use Register

The Trustee will use multiple-use registers in appropriate circumstances. When these circumstances arise, this Code will be developed to deal with them.

2.7 Multiple-Stage Tenders

A multiple-stage tender process may be used from time to time in cases where it is considered appropriate to:

- gain market knowledge and clarify the capability of suppliers. However, this process will not be used as a substitute for conducting market research;
- obtain industry input into specific proposals which are proposed from time to time;
- pre-qualify respondents for the following stage of this type of tender process (to reduce the cost of tendering); and

- ensure maximum flexibility is achieved throughout the procurement process.

Multiple-stage tenders will follow the processes set out in the Regulations that the Trustee is required to follow. The main stages in the process that the Trustee will follow are:

Stage One: Expression of Interest

An expression of interest (sometimes called a registration of interest) will, at the discretion of Southern Waste Solutions' Chief Executive Officer, be used to shortlist potential suppliers before the following tender stage is commenced. Suppliers will be short-listed based on the evaluation criteria set out in the expression of interest. This will be based on the evaluation criteria set out in sections 2.1 and 2.2 of this Code and will include such matters as the experience, capability, resources, technical, managerial and financial capacity of respondents, and the methodology that will be implemented by the respondents to best achieve the tender requirements. Other specific evaluation criteria may be included in the tender documentation, if applicable, for the required goods or services.

By proceeding through this initial expression of interest stage, opportunities for the reduction in the overall costs of the tendering process may be achieved because this first stage will limit the request for tender to those respondents who have been assessed as best meeting the evaluation criteria set out in the expression of interest.

Stage Two: Request for Tender

At the completion of the stage one, expression of interest phase, short-listed respondents will be requested to tender for the required goods or services.

3 EXEMPTIONS

The Regulations set out some exemptions from the tender requirements for the procurement of goods and services valued in excess of \$250,000 (excluding GST) in certain circumstances.

4 TENDER STEERING COMMITTEE

A Tender Steering Committee may be formed if necessary to oversee and manage processes for the scoping, evaluation, selection and management of specific tenders and related contracts. Establishment of a Tender Steering Committee will be on a needs basis, taking in to account the scale and complexity of each particular project. Membership may include external consultants to provide expert input.

5 CONDITIONS OF TENDERING

Conditions of tendering will be based on those adopted by Clarence City Council and will comply with the Act and Regulations.

6 USE OF PROBITY ADVISORS

The Trustee will use probity advisors when relevant circumstances arise.

7 ACCEPTANCE OF TENDERS

Following the close of the tender period, Southern Waste Solutions' Chief Executive Officer will evaluate submissions and provide a paper to the Board of the Trustee so that it can make a decision in conformance with the Act and Regulations.

8 DEBRIEFING UNSUCCESSFUL TENDERERS

The Trustee will provide a debriefing interview to any unsuccessful tenderer who requests one. The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which each tenderer's offer could be improved. No confidential information about other tenders will be disclosed.

9 REVIEW OF CODE

This Code will be reviewed at four-year intervals or earlier if required.