

## PROCUREMENT POLICY

Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Manager Corporate Administration		
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Legislation Reference:	Division 12 of the <i>Local Government (General) Regulations 2021</i>		

### 1 PURPOSE

Katherine Town Council purchases goods, works and services from a range of suppliers as part of its normal operations to meet its key objectives. The *(Local Government (General) Regulations 2021)* outline a range of minimum standards with which Council must comply.

The purpose of this policy is to provide guidance for consistency and control over procurement activities that demonstrate accountability to the Katherine community and apply best practice principles in purchasing.

### 2 SCOPE

This policy applies to all council staff involved in purchasing activities on behalf of the Council, as delegated by the Chief Executive Officer. It also covers Elected Members in relation to tender approvals through the Council and management of conflict-of-interest situations.

### 3 DEFINITIONS

**Big Rivers Region** means the geographical area comprising the local government areas of Katherine Town Council, Roper Gulf Regional Council and Victoria Daly Regional Council. The Region begins south of Kakadu National Park encompassing Pine Creek, extending over 500km south to Kalkarindji and stretching across the width of the Territory between Western Australia and Queensland borders.

**Collective procurement** means a procurement group of two or more entities (a council; a local government subsidiary; Local Government Association of the Northern Territory) that propose to obtain supplies may form a group (a procurement group) to act collectively for the purpose of obtaining the supplies.

**Commercial-in-Confidence** means information that, if released, may prejudice the business dealings of the party (e.g., discounts, rebates, profits, methodologies, and process information). It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document.

**Council Representative** means the nominated staff member to receive tender communications.

**Council staff** includes the Chief Executive Officer and council employees.

**Delegation** means a legislative power given by the Council or Chief Executive Officer in an instrument to enable a delegate to act on Council's behalf.

**Electronic Document Records Management System** means Council's MAGIQ software, designed to manage and store electronic documents and records of Council.

**Emergency** means a sudden or unexpected occurrence requiring immediate action.

**Evaluation Panel** means a panel of council staff members appropriately skilled to undertake and determine the evaluation of a supplier.

**Expression of Interest (EOI)** means an invitation for suppliers to submit a proposal outlining their capability to provide specified goods, works or services. It generally includes an overview of the requirements and serves to gauge interest and qualifications. This invitation does not constitute a binding offer or contract.

**Local Buy** means a contractual arrangement established by the Local Government Association of Queensland with the LGANT as a signatory that enables Council to purchase a variety of goods, works and services from accredited suppliers without tendering. Local Buy is considered a Procurement Entity.

**Local Contribution** means community involvement to support locals, use local suppliers and drive local development to enhance the economy within Katherine and Big Rivers region.

**LGANT** means the Local Government Association of the Northern Territory.

**NTG** means the Northern Territory Government.

**Procurement** means the complete process of acquisition of external goods, works and services. This process spans planning and design; standards determination and specification writing; preparation of quotation and tender documentation; selection of suppliers, financing, contract administration, disposals, and other related functions.

**Public Request/Tender** means an open and competitive market approach.

**Purchase Order** means the official document used by Council to record the purchase of goods, works and services. It contains Council's Standard Terms and Conditions, is produced by Council's finance system and signed by the Chief Executive Officer.

**Purchasing Officer** means the person making the purchasing decision, or providing a recommendation about a purchasing decision, in accordance with appropriate approvals, financial delegations and relevant policies.

**Procurement Lead** means the person responsible for managing or overseeing the procurement process for the acquisition of goods, works or services for Council.

**Request for Quotation (RFQ)** means the process of requesting a price quote from suitable suppliers, where Council knows exactly what is needed and is looking for the best value.

**Request for Proposal (RFP)** means the process of inviting parties to submit a formal response for the supply of goods or services, followed by an evaluation of submissions and selection of a successful respondent.

**Request for Tender (RFT)** means the process of formally inviting parties to submit a bid responding to a public advertisement, followed by an evaluation of submissions and contract award.

**Select Request** means a market approach that is select to one or more suppliers.

**Submission** encompasses the terms quotation, proposal, bid, and tender.

**Supplier** means any external individual, partnership or company engaged to provide goods, works and services to Council.

**Threshold** means the value above which a procurement, unless exempt, is subject to the mandatory procurement process.

**Value-for-Money** means selecting the supply of goods, works and services based on a balance between quality, performance, and cost, considered on a case-by-case basis.

## 4

## DETAILS

The primary goal of council procurement activities is to deliver the best value-for-money outcomes for the Katherine community. This encompasses not only the project cost, but also broader considerations such as whole-of-life cost, past performance, capacity, local contribution, commercial and other risks.

Under Subdivision 1 Regulation 33 (*Local Government (General) Regulations 2021*), a council must, by resolution, adopt a policy for the procurement of supplies that considers the following principles:

- (a) the enhancement of the capabilities of local enterprises and industries
- (b) the employment of Aboriginal people
- (c) ethical behaviour and fair dealings
- (d) environmental protection and sustainability
- (e) open and effective competition
- (f) value-for-money, and
- (g) any other principle the council considers appropriate.

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

There may be emergencies, or purchases where the defined methods of procurement will not necessarily deliver the best outcome for Council and other market approaches may be more appropriate. Exemptions to the requirements of this policy must be approved by the Chief Executive Officer (CEO) and align with relevant regulations.

## ETHICAL BEHAVIOUR AND FAIR DEALINGS

Council's procurement activities will be performed with integrity and in a manner able to withstand scrutiny.

Elected Members and council staff must conduct themselves in ways that are ethical and will:

- Treat potential and existing suppliers with equality and fairness,
- Not seek or receive personal gain or use Council's name or purchasing power to make purchases other than for Council use,
- Maintain the confidentiality of competing companies' sensitive information, such as pricing, specifications, submissions, or other commercial-in-confidence details,
- Present a high standard of professionalism and probity,
- Deal with suppliers in an honest and impartial manner that does not allow conflicts of interest (actual, potential, or perceived),

- Provide all suppliers and tenderers with the same information and equal opportunity,
- Be able to account for all decisions and provide feedback on them, and
- Maintain fair, equitable and non-discriminatory procedures for addressing complaints and concerns raised by suppliers or members of the community regarding Council's procurement activities.

Elected Members and council staff must avoid any situation where private interests or conflicts could potentially interfere with their council duties. They should not engage in contract-related actions (evaluation, negotiation, recommendation, or approval) where they, their immediate family, or business partners have a direct or indirect interest or hold a position of influence or power in a business tendering for the work. The onus is on the Elected Member and council staff involved to promptly declare an actual, potential, or perceived conflict of interest to Council or the CEO, in accordance with Council's Code of Conduct policies.

All prospective suppliers must be afforded an equal opportunity to bid or respond. Impartiality must be maintained in selecting suppliers so that it can withstand public scrutiny. The commercial interests of existing and potential suppliers must be protected.

## ACCOUNTABILITY AND TRANSPARENCY

Accountability in procurement means being able to explain and provide evidence on the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable. All procurement activities are to leave an audit trail for monitoring and reporting purposes and be recorded in Council's Electronic Document Records Management System (EDRMS).

## RESPONSIBLE FINANCIAL MANAGEMENT

The principles of responsible financial management in accordance with the (*Local Government Act 2019*) and its Regulations shall be applied to all procurement activities. Where the submission sum exceeds budget allocation, Council shall review the project scope and submit a report for expenditure variation to the allocated budget for further consideration.

Council staff must not authorise the expenditure of funds exceeding their financial delegations. Refer to (Instrument of Delegation of Powers and Functions). Council funds must be used responsibly to procure goods, works and services and every attempt must be made to contain the costs of the procurement process without comprising any of the procurement principles set out in this Policy.

## CONFLICTS OF INTEREST

Conflicts of interest must be managed in procurement under *Local Government Act 2019*. A conflict of interest arises where a person's private interests and professional responsibilities are, could potentially be, or can be perceived to be in conflict.

A conflict of interest in procurement occurs when an individual with decision-making power, or the capacity to influence the decision-making process, also holds a personal or financial interest. A personal interest may involve relationships between parties that extend beyond a strictly professional context, while a financial interest exists if a staff member or Elected Member could personally benefit financially from a decision made.

All personnel involved in a procurement activity must declare any actual interest and any actual, potential, or perceived conflict of interest to the CEO. Declaring a conflict of interest does not necessarily exclude a staff member or Elected Member from the procurement process. The degree of impact the conflict has, or may have, will be considered with due regard to probity.

## CONFIDENTIALITY OF INFORMATION

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices (other than the price of the successful tenderers fixed price lump sum contract), discounts, rebates, profit, manufacturing, and product information.

Information received by the Council that is commercial-in-confidence must not be disclosed and is to be stored in a secure location. Elected Members and council staff are to maintain confidentiality of procurement information by not discussing or releasing:

- Information disclosed by suppliers in submissions or during tender negotiations,
- Commercial-in-confidence information, and
- Pre-contract information including but not limited to information provided in quotes, proposals, and tenders or subsequently provided in pre-contract negotiations.

Elected Members and council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests. Discussion with prospective suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt or clarify on what is being offered by that supplier. At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised.

Tenderers should be advised that a report on the tender process may be presented at an open meeting of Council, and some information arising from the tender will be publicly available for three years from the date of the awarded tender. Refer to Subdivision 1 Regulation 36(10)(b)(ii) and Regulation 49 (*Local Government (General) Regulations 2021*).

Only successful tenders will be presented in open meetings of Council and published. Any other tendering reports are dealt with in closed meetings.

## LOCAL CONTRIBUTION

Council is committed to maximising opportunities for local content and Aboriginal and Torres Strait Islander participation and employment throughout the procurement lifecycle. KTC actively supports the growth of local, Katherine-based businesses and industries, and will seek to ensure that they have opportunities to bid for the supply of goods, works and services. This commitment extends across the Big Rivers Region.

Local contribution criteria weighting of 30% will be applied to the assessment process for the purpose of value for Katherine and Big Rivers Region.

The local contribution criteria evaluate the following principles:

- Contribution to local economy,
- Local development and social contribution,
- Aboriginal and Torres Strait Islander business and engagement.

While Council is committed to supporting local suppliers, there are certain types of goods, works and services that cannot be purchased from within the Northern Territory.

Council's procurement methods for purchasing goods, works and services are:

Under \$10,000	Purchase order for goods, works and services following a quote.
\$10,000 but not more than \$100,000	Purchase order (and possible contract) following select request process for quotation/proposal.
Above \$100,000 but not more than \$150,000	Under contract following a public request process for quotation/proposal.
Above \$150,000	Under contract following a public tender.

**Other formats:**

- Petty cash or credit card for smaller items in accordance with relevant Council policies.
- Under a collective purchasing agreement through a procurement group with two or more entities (other Councils, LGANT, a local government subsidiary, shared services etc.).
- Facilitated through a procurement entity under Subdivision 1 Regulation 39(2).

It is a breach of Subdivision 1 Regulation 43 (*Local Government (General) Regulations 2021*) to split purchases to manipulate the procurement thresholds.

### QUOTATIONS AND PROPOSALS

As per (*Local Government (General) Regulations 2021*), if it is not practicable to obtain responses from three possible suppliers under subregulation (2)(a), Council shall obtain as many as practicable and must record in writing its reasons for not obtaining three submissions.

If a request receives fewer than three submissions, Council can withdraw the initial request, and may wish to revise the requirements, provide clarification, or widen the distribution. Council must record in writing its reasons for the change in procurement method.

### TENDERS

A public tender process may commence with a registration or Expression of Interest (EOI) stage before a tender by public notice. An EOI stage may be appropriate where:

- Ahead of the formal tender process, Council wishes to consider whether those tendering possess the necessary resources and capability to successfully complete the project,
- Tendering costs are likely to be high and Council seeks to ensure that suppliers incapable of fulfilling the requirement do not incur unnecessary expense,
- Council wishes to determine the level of interest from suppliers capable of tendering for the provision of goods, works or services,
- It is desirable to pre-qualify suppliers and goods to meet defined standards, or
- Council is required to gain a greater understanding of its needs, the availability of relevant goods, works and services and the likely costs on the open market.

### PROCUREMENT ENTITY ARRANGEMENT

Whilst Council holds an active LGANT membership, Council can use the Local Buy procurement arrangement administered by the Local Government Association of the Northern Territory (LGANT) as a procurement method and the approved procurement entity. Quotations, proposals, and tenders are not required for a supply if the supply is to be facilitated through the procurement entity's arrangements with Local Buy Pty Ltd, as set out in the Memorandum of Understanding

(MoU) between Local Buy Pty Ltd and LGANT for the period 1 July 2020 to 30 June 2025. When using Local Buy, Council is not required to obtain three submissions, but a document explaining the rationale behind this decision should be recorded.

## **GRANT FUNDING**

Katherine Town Council seeks financial and/or in-kind support from an external organisation to conduct an event, project, or activity in return for specified benefits, such as sponsorship and grants. When the Council seeks grant funding for a project, it generally requires a valid quote to support the grant application. Quotes are requested from suppliers in good faith and do not guarantee automatic shortlisting, favouritism, or preferential treatment if the supplier participates in any subsequent procurement process. Grant funds may only be used to acquire goods, works and services directly supporting the objectives outlined in the grant agreement.

## **PROCUREMENT PROCESS AND THRESHOLDS**

Council's procurement processes will ensure:

- more than one person is involved in a transaction end to end,
- transparency in the procurement process,
- a clearly documented audit trail exists for procurement activities,
- appropriate authorisations are obtained and documented, and
- systems are in place for appropriate monitoring and performance measurement.

A procurement method of a higher threshold may be used when deemed appropriate on a case-by-case basis. The following procurement thresholds apply:

### **NEED NOT OBTAIN QUOTATIONS (RFQ PREFERRED WHERE POSSIBLE)**

#### **Purchases with a cost of less than \$10,000.**

The Purchasing Officer is not required to seek quotations, but quotations may be sourced if there are multiple suitable suppliers. Refer to Subdivision 1 Regulation 34(1). Council process recommends obtaining a verbal or written quote to issue a Purchase Order.

### **REQUEST FOR QUOTATION (RFQ) OR REQUEST FOR PROPOSAL (RFP)**

#### **Purchases with a cost of \$10,000 but not more than \$100,000.**

The Purchasing Officer is required to obtain through select request (either RFQ or RFP), three written submissions that can provide the required goods, service or works, and make a detailed recommendation to the CEO or authorised Manager on the preferred supplier. The CEO or authorised Manager shall endorse the successful submission and, if obtaining three written submissions is impractical, provide certification with reasoning. This information is to be kept on file. The Purchasing Officer may elect to undertake a public tender process. Refer to Subdivision 1 Regulation 34(2) and (3).

#### **Purchases with a cost above \$100,000 but not more than \$150,000.**

The Purchasing Officer is required to undertake a public request (RFQ or RFP) from suppliers by notice published in a newspaper circulating in Katherine and by notice on Council's website. At least three written submissions should be sought, with a detailed recommendation made to the CEO or authorised Manager on the preferred supplier. The CEO or authorised Manager shall endorse the successful submission and, if obtaining three written submissions is impractical, provide



certification with reasoning. This information is to be kept on file. The Purchasing Officer may elect to undertake a public tender process. Refer to Subdivision 1 Regulation 35.

## REQUEST FOR TENDER (RFT)

### Purchases above \$150,000.

Purchase of all goods, works and services for which the estimated expenditure exceeds \$150,000 (exclusive of GST), shall be undertaken by public tender. Such expenditure value should be based on the anticipated aggregated expenditure value over the period of engagement. Council must call for tenders by notice published in a newspaper circulating in Katherine and by notice on Council's website, allowing at least five business days for the receipt of tenders. Tenders are assessed by a panel of at least three members of staff approved by the CEO. Refer to Subdivision 1 Regulation 36.

## CONTRACTS

If Council intends to enter into a contract with extension options, the period of engagement is calculated to assume the option is exercised. Refer to Subdivision 1 Regulation 41.

## FORMATION OF AN EVALUATION PANEL

A panel will be formed to evaluate submissions for RFP or RFT procurement methods. The panel will consist of at least three staff members from a minimum of two different departments. Staff members should hold senior positions or be recognised as subject matter experts, ensuring their involvement leads to the best outcome for the Council. Proposed panel's will be submitted to the CEO for final approval.

*Image: Panel Formation workflow*



## ASSESSMENT PROCESS

### COUNCIL'S EVALUATION CRITERIA

Evaluation criteria is used by the nominated Evaluation Panel to assess and compare bids and proposals submitted by suppliers.

Comparative criteria can replace primary criteria on a case-by-case basis with the CEO's permission when it is deemed to be in Council's interest for achieving the best outcome.

*Evaluation Criteria Table*

Primary Criteria	
Cost	Scored based on the lowest up-front purchase price in relation to the budget. Whole-of-life costs shall be considered as part of the final recommendation.
Local Contribution	Value for Katherine and Big Rivers Region. <ul style="list-style-type: none"><li>– contribution to local economy,</li><li>– local development and social contribution,</li><li>– Aboriginal and Torres Strait Islander business and engagement.</li></ul>
Competency	<b>Fit for Purpose:</b>



	<ul style="list-style-type: none"> <li>– value derived from whether the goods or services meet the required standards and specifications outlined in the Scoping documentation,</li> <li>– adherence to non-functional requirements (e.g., data protection, environmental regulations, etc.) ,</li> <li>– ability to manage logistics, including inventory, transportation, and distribution.</li> </ul> <p><b>Quality:</b></p> <ul style="list-style-type: none"> <li>– compliance with relevant industry standards and regulations,</li> <li>– uses standardised project management processes and methodologies,</li> <li>– implementation of mature risk mitigation strategies,</li> <li>– willingness to collaborate with Council to achieve project goals.</li> </ul> <p><b>Capacity:</b></p> <ul style="list-style-type: none"> <li>– sufficient employees to manage workload without compromising quality or delivery,</li> <li>– availability and commitment of key personnel to the project,</li> <li>– necessary equipment and tools for project completion,</li> <li>– qualifications and specialised skills.</li> </ul>
Past Performance	<p>Consideration of past performance may include:</p> <ul style="list-style-type: none"> <li>– experience on similar projects and performance,</li> <li>– references provided by the supplier,</li> <li>– performance reports from previous work at any Big Rivers Councils, NTG or LGANT,</li> <li>– history of on-time and within budget project delivery,</li> <li>– frequency of severity of defects or errors in past projects,</li> <li>– commitment to ethical practices,</li> <li>– clear, timely, and transparent communication,</li> <li>– quality of work (executed to a high standard with minimal defects).</li> </ul>
Value-Adding	<p>Focus on the costs and benefits of the response, such as:</p> <ul style="list-style-type: none"> <li>– employment of Aboriginal and Torres Strait Islander staff,</li> <li>– innovative solutions that could provide additional value,</li> <li>– higher quality products or services (performance, durability, satisfaction),</li> <li>– customer service support and after-sales service (troubleshooting, Account Manager, etc.),</li> <li>– training and knowledge transfer (availability, user guides, support articles).</li> </ul>
<b>Comparative Criteria</b>	
Scalability	<p>Can the supplier manage increasing demands without compromising output or quality:</p> <ul style="list-style-type: none"> <li>– ability to adapt to increased workloads or expanded project scopes,</li> <li>– sufficiently resourced,</li> <li>– necessary infrastructure to support growth without service disruption,</li> <li>– integration of advanced technologies.</li> </ul>
Environmental Sustainability	<p>Assess the environmental impact of the goods or services, such as:</p> <ul style="list-style-type: none"> <li>– commitment to reducing their carbon footprint,</li> <li>– materials and components are sourced sustainably,</li> <li>– durability and lifespan of the product,</li> <li>– whether there is a take-back or recycling program at the end of the product's life,</li> <li>– whether recycled materials are used in their products.</li> </ul>
Social	<p>Council is committed to building stronger communities and meeting social objectives which benefit the municipality and commits to integration of</p>

	<p>measures in its procurement processes and documentation which promote improved social outcomes. Council's social sustainability approach aims to:</p> <ul style="list-style-type: none"> <li>– ensure suppliers do not exploit workers and provide fair wages, including inclusive business practices,</li> <li>– maintain a social procurement program to increase social procurement spend across Katherine and Big Rivers Region,</li> <li>– ensure sourced products are accessible by all segments of the community,</li> <li>– increase employment opportunities for Aboriginal and Torres Strait Islander people, people with a disability, disadvantaged people and long term unemployed,</li> <li>– improve gender equity, and</li> <li>– prevent, detect and remove modern slavery from Council's supply chain.</li> </ul>
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### QUOTATIONS (RFQ)

An RFQ is appropriate for straightforward purchases where specifications are clear, and considerations are limited to value-for-money, capacity, and locality. A formal evaluation panel is not required.

Suppliers shall be promptly notified of the outcome of their quotations once a decision has been made. The issuance of a purchase order serves as formal acceptance of a quotation. All decision justifications must be thoroughly documented and recorded.

### PROPOSALS (RFP)

A formal assessment of proposals against predefined evaluation criteria is to be undertaken by an evaluation panel.

Suppliers shall be promptly notified of the outcome of their submission once a decision has been made. The issuance of a purchase order serves as formal acceptance of a proposal. All decision justifications must be thoroughly documented and recorded.

### PUBLIC TENDERS (RFT)

Council's tender documentation including description, scope of works and tender response forms can be obtained through the Tenderlink E-Tender Portal available on Council's website. Hard copies are also available from the Civic Centre.

All tenders must be lodged by the date and time stated for closing tenders. Council will not accept late tenders, except where it can be substantiated that:

- there was a Council related system failure/interruption in the case of submission of an electronic tender, or
- access was denied or hindered in relation to the physical tender box.

The CEO can accept a late tender where it can be determined the above circumstances prevailed at the time of attempted lodgement.

Each tender must include the Response Schedule and Schedule of Rates, submitted on the specified forms via E-Tender, email, or in hard copy by the closing date.

Tenders may be lodged either by:

- **An Electronic Tender Box (ETB)** Tenderlink E-Tender Portal (each e-Tender will have its own unique ETB).
- **By hand into the Tender Box** at the Civic Centre, Stuart Highway, Katherine.

- **By email** to the relevant Council Representative as stated within the tender documentation.
- **By prepaid post, air freight or courier service** to Katherine Town Council – PO Box 1071 KATHERINE NT 0851.

Tenders should be addressed to the Chief Executive Officer and marked for the attention of the relevant Council Representative, unless otherwise stated. Tenders will be opened as soon as practicable after the closing date and time. Tenders will be formally assessed using Council's evaluation criteria by an evaluation panel approved by the CEO.

Following this, the CEO will provide a report to Elected Members for discussion and approval of the successful tenderer. Council will then give written notice of the successful tender to both the successful tenderer and each of the unsuccessful tenderers. Additionally, a notice of the successful tender, including the name of the person/company who submitted the successful tender, the supplies to be provided, and the tender price (including GST) will be published on Council's website.

*Public Tender Evaluation Weighting and Criteria table*

Cost	30%
<b>Council's non-priced criteria weightings are as follows:</b>	
Local Contribution	30%
Competency	20%
Past Performance	15%
Value-Adding	5%

## EXCEPTIONS FROM PROCUREMENT POLICY

In accordance with Subdivision 1 Regulation 38 (*Local Government (General) Regulations 2021*), quotations, proposals, and tenders are not required for the supplies consisting of, or related to, any of the following:

- a) the purchase of land, including the leasing or licensing of land,
- b) a contract for legal services,
- c) the acquisition of insurance entered into through a broker,
- d) the renewal of an existing licence,
- e) education or training in relation to existing equipment, licences, qualifications or software from a supplier endorsed by the supplier of the equipment, licence, qualification or software,
- f) a telecommunication service if:
  - i. the supply is ancillary to an existing telecommunications service; and
  - ii. the council believes on reasonable grounds that it is necessary to obtain the supply from the supplier of the existing service;
- g) recovery work during or immediately after a natural disaster and the council or local government subsidiary believes on reasonable grounds that it is necessary to obtain the supply from a particular supplier,
- h) the acquisition of a supply from a supplier if the council believes on reasonable grounds that it is unlikely that there is more than one supplier of the supply,
- i) the acquisition of a supply from a supplier if a Commonwealth or Territory funding agreement entered into by the council states that a particular supplier is to provide the supply,
- j) the acquisition of a supply from a particular supplier that is the only feasible option because of an event that caused major disruption to the council,

- k) the acquisition of a supply where:
  - i. obtaining a quotation or tender for the supply would cause major operational inconvenience or have other serious consequences of a similar nature for the council or local government subsidiary; and
  - ii. the council or local government subsidiary has not had prior opportunity to obtain a quotation or tender for the supply;
- l) a contract variation mentioned in regulation 42(4).

As referenced in Subdivision 1 Regulation 38(2)(3), all decision justifications must be thoroughly documented and recorded by Council.

## 5 ASSOCIATED POLICIES/DOCUMENTS

- Credit Card for Council Employees policy
- Code of Conduct for CEO policy
- Code of Conduct for Employees policy
- Confidential Information policy
- Conflict of Interest Employees and CEO policy
- Elected Members Code of Conduct policy
- Gifts and Benefits CEO and Staff policy
- Infrastructure and Environment > Tenders&Quotations > Tender Templates
- Instrument of Delegation of Powers and Functions policy
- Katherine Town Council Project Toolkit > Procurement Templates
- Value for Territory Assessment Framework

## 6 REFERENCES AND RELATED LEGISLATION

- *Local Government Act 2019 and Local Government (General) Regulations 2021*
- Approval by NTG (Department of the Chief Minister and Cabinet) to use the Memorandum of Understanding between Local Buy Pty Ltd and LGANT for the period 1 July 2020 to 30 June 2025 whilst we hold an active LGANT membership. Refer to Subdivision 1 Regulation 39(2) (*Local Government (General) Regulations 2021*).
- NTG Buy Local Plan
- *Independent Commissioner Against Corruption Act 2017*

### REVISION HISTORY

Version	Approval date	Details of change	Responsible officer
1	July 2008	Initial policy	CEO
2	May 2015	Revision	CEO
3	May 2016	Revision	CEO
4	Nov 2016	Revision	CEO
5	Sept 2019	Revision	CEO
6	June 2022	Revised for compliance with new legislation and updated	Director Corporate Services
7	Jan 2025	Major revision, including formatting and: <ul style="list-style-type: none"> <li>- Updated Owner and Responsible Officer,</li> <li>- Amended policy revision timeframe in line with LGANT MoU,</li> <li>- Updated definitions, and clarified the distinction between requests for quotation and proposals,</li> <li>- Updated policy definition monetary values to be exclusive of GST (cost) aligning with the Act and Regulations,</li> <li>- Addition of Conflicts of Interest section,</li> </ul>	Snr. Business Analyst

		<ul style="list-style-type: none"> <li>- Updated Local Contribution evaluation criteria to align with NT's Buy Local Plan and the LG Act and Regulations,</li> <li>- Expanded on the Procurement Entity Arrangement, Grant Funding, and Formation of a Procurement Panel sections,</li> <li>- Replaced facsimile with email in tender lodgement options,</li> <li>- Updated procurement evaluation criteria,</li> <li>- Verbatim exemptions to procurement from Regulations, and</li> <li>- Updated list of associated policies, documents and references.</li> </ul>	
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