

# Procurement

## Wyndham City Procurement Policy

2025 - 2029

*This policy is based on the Municipal Association of Victoria (MAV) Local Government policy and has been adapted for use by Wyndham City Council; we acknowledge MAV for their guidance and foundational framework.*

Document	Wyndham City Council Procurement Policy
Version	1.0
Date	November 2025
Owner	Procurement
Approved By	Council
Approved Date	16-12-2025
Document Status	Adopted by Council on 16-12-2025

## Table of Contents

<b>1</b>	<b>Acknowledgement of Traditional Custodians .....</b>	<b>3</b>
<b>2</b>	<b>Purpose.....</b>	<b>3</b>
<b>3</b>	<b>Council Policy and Applicability .....</b>	<b>3</b>
<b>4</b>	<b>Ministerial Direction .....</b>	<b>3</b>
<b>5</b>	<b>Procurement Thresholds .....</b>	<b>4</b>
5.1	Treatment of GST .....	4
5.2	Total Cumulative Spend .....	4
5.3	Contract Splitting .....	4
5.4	General Principles .....	4
<b>6</b>	<b>Payment Terms and “No PO or Claim, No Payment” .....</b>	<b>6</b>
6.1	Payment Terms .....	6
6.2	No PO or Claim, No Payment.....	6
<b>7</b>	<b>Procurement During the Caretaker Period.....</b>	<b>6</b>
<b>8</b>	<b>Guiding Principles .....</b>	<b>6</b>
8.1	Probity, Accountability and Transparency .....	6
8.2	Disclosure of Information .....	7
8.3	Strategic Procurement .....	7
8.4	Value for Money and Quadruple Bottom Line (QBL).....	8
8.5	Quadruple Bottom Line (QBL) Principles .....	8
8.5.1	Economic .....	9
8.5.2	Environmental.....	9
8.5.3	Social .....	9
8.5.4	Ethical Governance .....	9
<b>9</b>	<b>Risk Management .....</b>	<b>9</b>
<b>10</b>	<b>Council Procurement Approach .....</b>	<b>10</b>
10.1	Procurement Structure, Processes, Procedures and Systems .....	10
10.2	Procurement Methods .....	11
10.3	Expressions of Interest (EOI).....	11
10.4	Alternative Approaches Following an Unsuccessful Tender .....	12
10.5	Collaborative Procurement .....	12
10.6	Tender Evaluation.....	12
10.7	Contract Negotiations and Best and Final Offer (BAFO) Process.....	13

10.8	Procurement Exemptions and Sole Sourcing.....	13
10.9	Select Sourcing and Panel Arrangements.....	14
10.10	Government Authorities and Mandated Contractors.....	15
10.11	Subscriptions .....	16
10.12	Artists and Entertainers .....	16
10.13	Market Led/Unsolicited Proposals.....	16
10.14	Procurement Monitoring, Reporting and Non-Compliance .....	16
<b>11</b>	<b>Internal and External Non-Compliance .....</b>	<b>17</b>
<b>12</b>	<b>Ongoing Review and Reporting .....</b>	<b>17</b>
	<b>APPENDICES.....</b>	<b>18</b>
	Appendix 1 – Definitions and Abbreviations – Glossary of Terms .....	18
	Appendix 2 – Relevant Legislation Policy and Other Documents .....	24
	Appendix 3 – Examples of Procurement Exemptions .....	25
	Appendix 4 - Procurement Performance Indicators   Continuous Improvement .....	27

# Wyndham City Council Procurement Policy 2025 – 2029

## 1 Acknowledgement of Traditional Custodians

Wyndham City Council recognises Aboriginal and Torres Strait Islander peoples as the first Peoples of Australia. We acknowledge the Bunurong and Wadawurrung Peoples as Traditional Owners of the lands on which Wyndham City operates. The Wadawurrung and Bunurong Peoples have and always will belong to the Werribee Yalook (river), creeks, stars, hills and red clay of this Country. We pay respect to their Ancestors and Elders who always have, and always will, care for Country and community today and for future generations.

## 2 Purpose

The purpose of this Policy is to guide Wyndham City 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 aligns 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.

This procurement policy has been tailored to reflect the specific needs and context of **Wyndham City Council**.

## 3 Council Policy and Applicability

This policy applies to all procurement activities undertaken by Council and is binding upon all Council Officers, Temporary Personnel, Volunteers, Councillors, Contractors, Consultants and/or third parties - acting on behalf of Council to comply with the principles set out in this policy and to be read in conjunction with the Council Procurement Guidelines.

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 the Definitions, Glossary section within this policy refer to *Appendix 1*.

## 4 Ministerial Direction

***"A Ministerial direction is the one exception under the Act where Council's Procurement Policy may not apply."***

There is one exception under the Act where the Council Procurement Policy & applicability may not apply. Under the Local Government Act 2020 (Vic), Sections 15 and 216, which outlines the Ministerial powers to issue directions and Councils' obligations to comply.

**Authority:** Only the Minister may issue directions under the Act.

**Scope:** Directions can cover governance, financial management, service delivery, planning, or other functions of the Council.

**Obligation:** Councils and relevant officers must comply with any Ministerial Direction unless the direction is legally challenged and stayed.

**Publication:** Directions are usually provided in writing and may be publicly released for transparency and published in the Wyndham City Council Annual report.

**Legal Effect:** Failure to comply can result in enforcement action or ministerial intervention, including oversight or appointment of administrators.

## 5 Procurement Thresholds

Procurement Thresholds apply to all Goods, Works and Services.

### 5.1 Treatment of GST

All monetary values stated in this policy exclude GST unless specifically stated otherwise. 'GST' refers to the tax imposed under the A New Tax System (Goods and Services Tax) Act 1999 (Cth), including any related interest, penalties or adjustments, and includes any replacement, amended, or additional tax that may be levied in substitution for it.

### 5.2 Total Cumulative Spend

Consideration should be taken when reviewing the procurement threshold limits. To comply with this policy, any significant expenditure with a single supplier or on a specific service must be managed in accordance with procurement thresholds and reporting requirements. Council will monitor cumulative spend with suppliers annually. If expenditure with a supplier or a number of suppliers providing similar goods, services or works is ongoing in nature and the cumulative spend is likely to exceed the public quotation or tender thresholds in this policy over a two-year period, Council will review the opportunity to conduct a select or public quotation or tender process to pursue a contract agreement.

### 5.3 Contract Splitting

Contract splitting, which involves dividing large contracts into smaller components or tranches of works and services that individually fall below the prescribed Procurement Thresholds and the Financial delegation, is deemed a breach of this policy. Any evidence of Purchase Order Splitting must be recorded and reported to Manager, Procurement.

### 5.4 General Principles

- Thresholds refer to the total cost of ownership (TCO) i.e. contract sum, including extension options and recurrent spend with the same Supplier.
- These thresholds represent the minimum standards.
- Procurement transactions must not be split to circumvent the below thresholds.
- Where Council has established internal panel arrangements, alternate thresholds and methodologies will apply as approved at the time of panel formation and in accordance with the [Financial Instrument of Sub-Delegation](#).
- Where it is difficult to obtain sufficient quotations (e.g. due to limited suppliers or specialised work), an approved Procurement Exemption may be considered and applied for in accordance with *Section 10.8 Procurement Exemptions and Sole Sourcing and Section 10.9 Select Sourcing and Panel Arrangements*.
- What constitutes a Select RFx process is defined in *Section 10.9 Select Sourcing and Panel Arrangements*.
- Financial Delegation of Authority – All procurement activities must be internally authorized in accordance with Wyndham City Council's [S7 Instrument of Sub-Delegation by the Chief Executive Officer](#). This Financial

Delegation outlines the delegate, their assigned duties and functions. It grants specified officers or positions the authority to approve expenditure, enter into contracts, or make financial decisions on behalf of Council, within the monetary limits and conditions set out in the Delegations Register.

Range of Total Value of Works, Goods or Services (Exclusive of GST)	Minimum Procurement Requirement	Procurement Guidelines
<b>Up to \$50,000*</b>	<b>Minimum of one (1) quotation</b>	<p>Council Officers are required to obtain a <b>minimum of one (1) quotation</b> (verbal, email or screen shot is satisfactory within this threshold).</p> <p>Consideration of minimum of one (1) written quotation from Local Supplier, Aboriginal or Torres Strait Islander business or Social Enterprise where possible</p>
<b>\$50,001 to \$150,000*</b>	<b>Minimum two (2) written quotations</b>	<p>Council Officers are required to obtain a <b>minimum of two (2) written quotations</b>.</p> <p>Consideration of minimum of one (1) written quotation from Local Supplier, Aboriginal or Torres Strait Islander business or Social Enterprise where possible.</p>
<b>\$150,001 to \$500,000*</b>	<b>Minimum three (3) written quotes through select or Public Quotes (RFQ), Request for Proposal (RFP), Expression of Interest (EOI)</b>	<p><b>This threshold requires direct engagement with the Procurement Department.</b></p> <p><b>Minimum of three (3) written quotations</b> are obtained through select or Public Quotes (RFQ), Request for Proposal (RFP), Expression of Interest (EOI).</p> <p>Consideration must be given to Local Supplier, Aboriginal or Torres Strait Islander business or Social Enterprise where possible</p> <p>Alternatively, procurement is conducted via an existing panel, collaborative arrangement, or exemption has been approved as per <i>Section 10.8</i> of this policy.</p>
<b>\$500,001 and above*</b>	<b>Select or Request Public Tender, Request for Proposal (RFP), Expression of Interest (EOI)</b>	<p><b>This threshold requires direct engagement with the Procurement Department.</b></p> <p>Consideration must be given to Local Supplier, Aboriginal or Torres Strait Islander business or Social Enterprise where possible</p> <p>Alternatively, procurement is conducted via an existing panel, collaborative arrangement, or exemption has been approved as per <i>Section 10.8</i> of this policy.</p>

\*State Government contracts/Registers, Procurement Authorities, other Council or Government bodies can be used in accordance with *Section 10.9 Select Sourcing and Panel Agreements* and *Section 10.10 Government Authorities and Mandated Contractors*.

## **6 Payment Terms and “No PO or Claim, No Payment”**

### **6.1 Payment Terms**

Council’s Standard Payment Terms are 30 days from the date of Invoice, any exceptions require approval from Manager, Procurement or Chief Financial Officer (CFO)

### **6.2 No PO or Claim, No Payment**

Council operates under a strict "No PO or Claim, No Payment" guideline. A Council Purchase Order or correct claim from supplier must be created and provided to a supplier via the Council Financial Management System 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 Purchase Order or a Claim in the Council system.

## **7 Procurement During the Caretaker Period**

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

All procurement activities during the caretaker 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 caretaker period protocols and/or is referenced within Council’s procurement and governance guidelines.

## **8 Guiding Principles**

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

### **8.1 Probity, Accountability and Transparency**

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

All Councillors, 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 Council.

All procurement activities must be conducted in a manner that:

- Complies with the Act, this Procurement Policy, Council associated procurement guidelines, relevant legislation and applicable, codes and 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, Benefit's and Hospitality policy, managed by Governance.
- Any procurement activity over \$10M (GST Exclusive) requires an external probity advisor to be engaged.

## 8.2 Disclosure of Information

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

- Information submitted by suppliers in all procurement activities (i.e. tenders, quotations) or during tender negotiations; and
- 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, Commercial in Confidence, and/or breach of 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 negotiations.

## 8.3 Strategic Procurement

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, leverage or joint procurement arrangements.
- Utilisation of existing internal and external (3rd Party) 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. Refer to the Procurement Guidelines.



#### 8.4 Value for Money and Quadruple Bottom Line (QBL)

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.

In applying the Value for Money principle, Council will:

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

#### 8.5 Quadruple Bottom Line (QBL) Principles

Council will, wherever appropriate, incorporate the following Quadruple Bottom Line (QBL) considerations into all procurement planning and decision making, maintaining transparency, integrity and compliance in all procurement activities.

### 8.5.1 Economic

- Support local suppliers (as defined in this policy's definitions *Refer to Appendix 1*), 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 upfront price.
- Compliance with external grant funding opportunities, mandated requirements and reporting.

### 8.5.2 Environmental

- Reduce waste, greenhouse gas and carbon emissions and resource use
- Prioritise recycled, repurposed, energy-efficient or sustainably made goods and services
- Support the circular economy and climate resilience through environmentally responsible purchasing both onshore and offshore.

### 8.5.3 Social

- Promote diversity, equity and inclusion across global supply chains
- Support Indigenous-owned businesses, disability enterprises, veteran support enterprises and certified social benefit suppliers
- Environmentally focused enterprises, organisations that drive sustainability outcomes, such as recycling, repurposing, renewable energy or conservation
- Promote or provide employment and training opportunities for disadvantaged or marginalised groups
- Local community organisations, not-for-profit or community-based groups that deliver local benefits and strengthen community resilience.
- Council has strong policies and guidelines in place to ensure that investment and procurement practices do not support socially harmful activities, including violations of human rights, unethical labour practices, or entities linked to conflict zones or international sanctions, in line with Council's commitment to ethical sourcing and responsible governance.

### 8.5.4 Ethical Governance

Work with suppliers who follow ethical practices including fair labour, safe workplaces and compliance with modern slavery laws.

Council will apply Quadruple Bottom Line (QBL) principles in a manner that is practical, proportionate and aligned to the size, risk, category 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 Quadruple Bottom Line principles, including evaluation weightings, Key Performance Indicators (KPI's), Service Level Arrangements (SLA's) and engagement strategies, refer to Council's Procurement Guidelines.

## 9 Risk Management

Procurement activities must be carefully planned and executed to protect Council from risks including but not limited to; personal injury, property and environmental 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:

Risk	Strategy
<b>Procurement Planning</b>	Allowing sufficient time for strategic procurement sourcing plan preparation, market engagement and internal approvals to reduce the risk of rushed or non-compliant processes.
<b>Contract Documentation</b>	Using Council approved templates that include legally review terms and conditions to ensure consistency and reduce contractual ambiguity.
<b>Securities</b>	Requiring appropriate security deposits, retentions or bank guarantees to protect against supplier non-performance or contract default.
<b>Due Diligence Checks</b>	Undertaking financial (third-party) and reference checks on new and existing suppliers, with periodic reviews as required to ensure ongoing capability and compliance.
<b>Subject Matter Expert input</b>	Referring complex or technical specifications to qualified internal or external subject matter experts to ensure clarity, feasibility, best value and risk mitigation.
<b>Contract Execution before Commencement</b>	Ensuring that all contracts are fully executed and documented before any goods are delivered, works and/or services commenced, or payments issued.
<b>Standards and Compliance</b>	Incorporating relevant Australian Standards, legislative requirements, relevant codes, regulations, guidelines and industry best practices applicable to specifications and contract terms.
<b>Ongoing Contract Management</b>	Requiring contract managers to actively monitor contractor performance, deliverables and compliance throughout the contract term. Fostering relationship and document contract management, throughout the contract term.

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

## 10 Council Procurement Approach

### 10.1 Procurement Structure, Processes, Procedures and Systems

- Council maintains a procurement function responsible for:
- Maintaining the Procurement 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, government departments, agencies and third-party organisations to identify best practice and achieving better value in procurement.

Council will maintain internal electronic procurement control documents detailing the processes, procedures and systems related to all procurement activities.

## 10.2 Procurement Methods

The standard methods for procurement activities subject to procurement thresholds for total cost of ownership are:

- Purchase Order
- Purchase Card
- Public or Select Request for Quotation (RFQ) process, followed by a Contract and Purchase Order
- Public or Select Request for Tender (RFT) process, followed by a Contract and or Purchase Order
- Public or Select Expression of Interest (EOI) | Request for Proposal (RFP), followed by a Contract and or Purchase Order
- Approved Purchasing Schemes, Third Party and/or Council led Panel Contracts, E-Auction, followed by a Contract and or Purchase Order

All procurement activities must:

- Be supported by identified and available funding
- Be authorised in accordance with Council's approved financial delegation and process conducted in accordance with the procurement thresholds
- All transactions are to include more than one person with appropriate documentation and approvals to ensure transparency and accountability.

Procurement activities may be published on third party online platform(s). RFT's, RFQ's, RFP's, EOI's may also be advertised through additional channels such as state or local newspapers, industry publications and web-based forums, depending on the scale, complexity, category and market type.

In accordance with the Local Government Act 2020 (Vic), Wyndham City 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.

## 10.3 Expressions of Interest (EOI)

Expressions of Interest is a two staged process and may be used where:

- Multiple suppliers are likely.
- Vendor interest, capacity or capability is unknown.
- Council seeks preliminary advice from the market (non-financial).
- Following evaluation and Short Listing a Private Tender process is conducted.

#### **10.4 Alternative Approaches Following an Unsuccessful Tender**

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

- Reissuing the tender in its original form (public or select).
- Revising the scope or requirements and reissuing the tender (public or select).
- Inviting a limited number of suitable suppliers to submit from the State Government Department of Treasury and Finance – Pre-Qualified Register (Select Sourcing – minimum of three).
- Entering into direct negotiations with a supplier (Sole Sourcing).

Any alternative procurement approach must be:

- Supported by documented market analysis and a clear rationale, demonstrating Value for Money, fairness and probity. This must align with the Act, this Policy, Council procurement guidelines and best practice principles.

Where public tendered procurement is not pursued, only Council endorsed or approved external third-party panels or approved purchasing schemes established through a compliant public tender process may be used as an alternative procurement method.

Council may engage using aggregated purchasing arrangements with other Councils, Municipal Association of Victoria (MAV), Procurement Australia (PA), Victorian State Government Purchasing Contracts (SPC), the Victorian Construction and/or Consultancy Register or other Governmental tiers or bodies within Australia.

Where contracts or panels have rules of use, these must be followed and the standard threshold approach to market is no longer applicable for these engagements, subject to the aforementioned and thresholds.

#### **10.5 Collaborative Procurement**

In accordance with Section 108 (c) of the Act, Wyndham City 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 in accordance with the Procurement Financial Thresholds.

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.

#### **10.6 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 under any circumstances to ensure procedural fairness and integrity, except for the Council tendering platform experiencing technical issues.
- 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 evaluation panel members and any external advisors must complete Conflict-of-Interest declarations at three key stages of the process: during planning, prior to exhibition and before commencing any evaluation activities and prior to authorisation to award. Identified conflicts must be managed in accordance with Council's Governance policies and procedures.
- The evaluation process will be conducted in a manner that is robust, unbiased and able to withstand internal and external scrutiny.
- An external Probity Advisor should be engaged and a Probity Plan developed for complex, high-value (>\$10M) or high-risk procurements.

### **10.7 Contract Negotiations and Best and Final Offer (BAFO) Process**

To ensure the best value outcome for Council, contract negotiations may be conducted with one or more shortlisted tenderers, 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 Best and Final Offer (BAFO) to allow Council to clarify, refine or enhance proposals prior to final contract award.

All contract negotiations (legal, commercial departures, assumptions, exclusions, inclusions, value adds direct and indirect) must be documented and concluded prior to seeking internal authorisation to award contract or before entering into contract.

Any negotiation or Best and Final Offer (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 guidelines.

### **10.8 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, legacy infrastructure systems)
- Council has jointly developed or co-owns the relevant intellectual property
- There is an emergency requiring immediate procurement; (Refer to Glossary of Defined Terms)
- 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 10.8 Procurement Exemptions and Sole Sourcing* of this policy.

Examples of Exemption Categories	
Category	Description
<b>Emergency Procurement</b>	Goods, services or works required to respond immediately to an emergency, disaster or urgent risk to health, safety, security, infrastructure or essential service delivery
<b>Sole Supplier/Monopoly Supply</b>	Where only one supplier is reasonably available due to unique capability, proprietary technology, exclusive rights or absence of competition.
<b>Statutory or Legal Requirements</b>	Procurement required under legislation, ministerial direction, government agreement or court/tribunal order.
<b>Collaborative Procurement</b>	Procurement conducted jointly with another council, government entity or under an approved panel/standing offer arrangement that already meets probity and compliance standards.
<b>Specialised or Technical Services</b>	Engagement of recognised experts, specialists or consultants where the nature of the work requires demonstrated expertise, qualifications or reputation not readily substitutable.
<b>Grant Funded/Prescribed Supplier</b>	Where grant conditions, funding agreements or government directives require the use of a specified supplier or procurement approach.

A number of defined procurement exemptions have been identified and are detailed in *Appendix 3 – Examples of Procurement Exemptions* of this policy.

All exemptions must be:

- Endorsed and authorised in accordance with the Financial Delegations in *Section 5.4 – General Principles* of this policy.
- Justified and documented using the approved Exemption template or process for monitoring, reporting and auditing purposes; and
- Published in the Calendar year end Council Annual Report.

### 10.9 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. Municipal Association of Victoria (MAV), Procurement Australia (PA), State Purchase Contracts (SPC).
- 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 tender process was unsuccessful, and Council proceeds to a limited sourcing approach in accordance with *Section 10.8 Procurement Exemptions & Sole Sourcing* of this policy.
- Council may engage using aggregated purchasing arrangements with other Councils, Municipal Association of Victoria (MAV), Procurement Australia (PA), Victorian State Government Purchasing Contracts (SPC), the Victorian Construction Register or other Government bodies.
- Where contracts or panels are in place that have rules of use, these must be followed and the standard threshold approach to market is no longer applicable for these engagements.

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 and subject to Council Financial Delegation.
- Extension of contracts (subject to terms and conditions and value for money principles) while Council is at market, permits 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.
- These must be documented at the time of panel formation (e.g. Panel Award Report or relevant process per the Council Procurement Guidelines), 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 5.4 General Principles* of this policy for all procurement conducted under the panel.
- All procurement activities must align with the panel's scope, terms of use, use of approved templates and processes in accordance with Council's Procurement Guidelines.
- A procurement exemption may be required only where the procurement exceeds the panel's approved scope or deviates from usage rules.

#### **10.10 Government Authorities and Mandated Contractors**

The Chief Executive Officer (CEO) and Chief Financial Officer (CFO) may approve exemptions to procurement thresholds and procedures where the supplier for the delivery of Goods, Works or Services is mandated by the Victorian State or Federal Government. A tripartite relationship between the Victorian State or Federal Government and their appointed contractors may be engaged directly by Council for specific works relating to specific strategic opportunities in order for efficiency gains, minimise disruption to the community and demonstrate forward planning and collaboration.

These include, but are not limited to the following:

- PowerCor for Public Street Lighting and Maintenance
- VicRoads



- Water Authorities (i.e. Melbourne Water, Greater Western Water)
- Australia Post
- Environmental Protection Australia (EPA) Consultants
- Funding Agreements where a list of suppliers is specified for direct engagement
- Legislated requirements for Animal Management de-sexing
- Land Acquisitions / Land Levy
- Fire Levy
- Level Crossing Removal Projects (LXRP)
- Traditional Owner Group(s) for Wyndham City Council municipality, Bunurong (also known as Boonwurrung) and Wadawurrong Peoples.

#### **10.11 Subscriptions**

Critical subscriptions must be reviewed annually to ensure sustained Value for Money and continued suitability for purposes, except for Information Technology (IT) Subscriptions/licenses, which must be reviewed at a minimum every 5 years. These reviews must follow the spend threshold authorisation process and be supported by a risk assessment.

#### **10.12 Artists and Entertainers**

Council grants special dispensation, exemption to the procurement thresholds and the traditional procurement process for the procurement of Arts and/or Entertainment works and services.

The process of engaging artists and entertainers requires adherence to the key purchasing principles set out in this Policy and must demonstrate meeting the tests of achieving value for money, probity, demonstrated ethical conduct, managing conflicts of interest, transparency, accountability and deemed to be in the interest of Wyndham community.

Different methods for procurement of Arts, Culture and Entertainment are determined by several factors such as overall estimated cost, procurement sourcing strategy, risk, intellectual property, competitive landscape and the community interest and needs.

Refer to the Procurement Guidelines for the process in the procurement of Arts and Entertainment. An exemption to procurement levels and procedures may be requested for the delivery of Arts or Entertainment where the Artist/s are represented by management companies of the people of the Kulin Nation.

Council has the opportunity to engage with the Aboriginal and Torres Strait Islander Traditional Owner groups where the arts or entertainment piece commissioned, is to be produced, installed permanently or temporary, exhibited or performed. Where direct engagement cannot occur within that Traditional owner group, Council will work with the Traditional owner group(s) on a fit for purpose approach in engaging other artists or entertainers of the Kulin Nation or beyond. However, the process of engaging artists and entertainers should still meet the tests of achieving value for money and a documented register be maintained in accordance with the Public Art Developer Guidelines, Public Art Policy and the framework of remit under the Public Art Advisory Panel.

#### **10.13 Market Led/Unsolicited Proposals**

Council may consider innovative proposals brought by the market, unsolicited by Council, providing the evaluation of such a proposal is assessed according to the Procurement Guidelines.

#### **10.14 Procurement Monitoring, Reporting and Non-Compliance**

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

Procurement is responsible for monitoring procurement performance and compliance within this policy. This includes oversight of:

- Procurement activities and trends
- Use and Co-ordination of Procurement exemptions
- Alignment with procurement thresholds and financial delegations
- Documentation and record keeping practices; and
- Reporting

## **11 Internal and External Non-Compliance**

Any breach of this Policy may be considered a breach of the organisation and could result in disciplinary action. Breaches will be assessed in accordance with relevant internal, external policy and legislation, including and by no means limited to:

- Staff and Councillor conduct
- Fraud and corruption prevention
- Ethical and accountable behaviour
- Audit reporting
- Serious or repeated breaches, or matters involving probity, integrity or public interest concerns will be escalated.
- Minor or administrative non-compliance will be addressed by relevant Council staff in leadership positions, with a focus on education, training and corrective action.
- Non-compliance is reported regularly to the executive and the Audit and Risk Committee.

## **12 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 Guidelines.

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

## APPENDICES

All policy requirements contained within these Appendices are only applicable to **Wyndham City Council** and are to be reviewed and updated in line with internal governance and legislative obligations.

### Appendix 1 – Definitions and Abbreviations – Glossary of Terms

Term	Meaning
<b>Aboriginal or Torres Strait Islander</b>	Are the two distinct Indigenous groups of Australia, each with their own unique cultures, languages, and histories.
<b>Aggregate Purchasing</b>	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 and in accordance with Council procurement thresholds.
<b>Authorised Agent</b>	An individual or organisation, third party formally empowered to act on behalf of the Council in relation to procurement activities.
<b>Best Practice Guidelines</b>	As defined in the Local Government Best Practice Procurement Guidelines or any other document specified by Council.
<b>Collaborative Procurement – also known as Approved Purchasing Scheme</b>	<p>Refers to a pre-established arrangement with a panel of suppliers or contractors, formed through a public or select procurement i.e. Tender, EOI, RFP process in accordance with the <i>Local Government Act 2020 (Vic)</i>, associated regulations and relevant procurement thresholds.</p> <p>These arrangements may be established by:</p> <ul style="list-style-type: none"> <li>• individual Victorian Councils</li> <li>• A group of Councils or public bodies working collaboratively; or</li> <li>• Recognised external agents such as Procurement Australia, Municipal Association of Victoria, State or Federal Government Agencies and Departments.</li> </ul> <p>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.</p>
<b>Commercial in Confidence</b>	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.).
<b>Conflict of Interest</b>	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.

<b>Confidential Information</b>	Confidential Information is any information (in any form) provided, collected, created or accessed that is not publicly available and is designated or understood to be confidential. This includes personal, commercial, financial, technical or sensitive information. Suppliers and Council Officers must ensure all confidential information is protected and, where practicable, stored and managed onshore in Australia in compliance with privacy, security and legislative requirements.
<b>Contract Management</b>	Means the process that ensures all parties to an agreement meet their obligations efficiently and effectively, in order to achieve business, operational and contractual objectives while delivering value for money and mitigating risk.  Its purpose is to ensure both parties fulfil the obligations as set out in the terms and conditions of the contract. Council Contract Managers are responsible for overseeing delivery of all specified outcomes in compliance with the qualitative and quantitative requirements of the contract, including any Key Performance Indicators.
<b>Contract Variation</b>	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, risk or open and fair competition.
<b>Contract Variation – Financial</b>	A variation that alters the contract's monetary value. This includes: <ul style="list-style-type: none"> <li>Increases or decreases in contract cost or scope</li> <li>Whether within or exceeding approved contingencies</li> </ul> Subject to approval in line with Council's financial delegation limits and governance requirements.
<b>Contract Variation - Non-Financial</b>	A variation that does not result in a financial adjustment but alters other contractual parameters, such as: <ul style="list-style-type: none"> <li>Project timelines or milestones</li> <li>Scope, specifications or design details</li> <li>Working hours or access arrangement</li> <li>Location, quantity changes or</li> <li>Any other aspect of the contract provided it doesn't impact cost</li> </ul>
<b>Council</b>	Means <b>Wyndham City Council</b> .
<b>Council Officer</b>	Any Council employee, temporary, volunteer, contractor or consultant authorised to act on behalf of the Council, including Councillors in their official capacity.

<b>Electronic Platform(s) utilised by Council</b>	Means any Council-approved digital or online systems, applications, portals or software solutions used for the purpose of procurement, contract management, project delivery, communication, record-keeping or other Council operations, including but not limited to e-tendering systems, document management platforms, collaboration tools and electronic signature application.
<b>Emergency</b>	A sudden or unexpected event requiring immediate action including the occurrence of a natural disaster, flooding or fire event, pandemic, cyber-attack within the municipality, at a Council property and or infrastructure; the unforeseen cessation of trading of a core service provider; any other situation which is liable to constitute a risk to life, property or service delivery.
<b>Exemption</b>	An authorised approval to depart from Council's procurement policy requirements in limited circumstances, such as genuine sole supplier arrangements, emergency situations, statutory requirements or where value for money can be demonstrated through an alternative process. Exemptions must be documented, justified and approved in accordance with Council's governance framework. Council is mandated to publish in the annual report.
<b>Financial Delegation or S7 Instrument of sub-Delegation by Chief Executive Officer (CEO)</b>	The formal written document adopted by a Council under the <b>Local Government Act 2020 (Vic)</b> (or relevant State legislation) that delegates specific powers, functions or duties of the Council to the Chief Executive Officer, Council staff, a special committee or another authorised person or body. The Financial Delegation sets out the duties, scope, limitations and conditions of the delegated authority of roles, ensuring decisions are made lawfully, efficiently and in accordance with Council policy and legislative requirements.
<b>Indigenous Business</b>	A business that is at least 51% owned, managed, and controlled by Indigenous peoples.
<b>Local Supplier</b>	is defined as a commercial business that meets at least one of the following criteria: <ul style="list-style-type: none"> <li>• Maintains an operational premises that is physically located within the municipal boundaries of Council; or</li> <li>• Delivers, sources or undertakes the majority of their goods, services or works within the Council area; or</li> <li>• is located within the Metropolitan Western Region catchment: - <i>Brimbank City Council, Hobsons Bay City Council, Maribyrnong City Council, Melton City Council, Moonee Valley City Council</i></li> <li>• <i>Western Outer Region Corridor: - City of Greater Geelong, Golden Plains, City of Melton, Shire of Moorabool, Surf Coast and Whittlesea, where geographic proximity clearly contributes to local, economic, social or community outcomes.</i></li> <li>• An entity with an ABN registered to a City of Wyndham address or if registered outside the City of Wyndham but which has a "bricks and</li> </ul>

	mortar” presence in the City trading from retail, commercial or industrial zoned land.
<b>Modern Slavery</b>	Situations where coercion, threats or deception are used to exploit people and undermine or remove their freedom. This includes practices such as human trafficking, slavery, servitude, forced labour, debt bondage, forced marriage and the worst forms of child labour.
<b>Material Breach</b>	Any breach of this policy that may also represent a breach of legislation such as procurement thresholds, fraud, corruption and occupational health and safety.
<b>Panel Contract</b>	A panel contract (or Deed of 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. This then permits 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 Guideline, whichever is relevant. Any other works, goods or services outside of the original panel scope would need to be procured via a different procurement process or the Panel Arrangement formally varied. Council may also elect to leverage off various third-party panel arrangements offerings subject to category and best value for money.
<b>Probity</b>	Probity is the evidence of ethical behavior, 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 fair and equitable treatment in all engagements and interactions.
<b>Procurement</b>	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 and or contract. Procurement also includes the organisational structures, governance and compliance frameworks that support and guide procurement activities within the Council operations.
<b>Procurement Guidelines &amp; Procurement Framework</b>	These supporting document(s) to the Procurement Policy provide detailed procedures, guidance, tools and templates to assist staff in implementing the Policy. It outlines the "how to" for undertaking procurement activities in a compliant, efficient and consistent manner across the organisation.
<b>Purchase Order (PO)</b>	A form of contract, which is an official document used to authorise and record the purchase of works, services or goods by Council duly authorised representatives. It is the contractual commitment between the buyer and supplier. A purchase order may be used in conjunction with an agreement for the supply of works, services or goods, or to instigate supply against an agreement.

<b>Public Body</b>	<p>means any entity, body, authority, board, corporation, council, commission, trust or other entity that is:</p> <ul style="list-style-type: none"> <li>established by or under a law of the Commonwealth, a State or a Territory; or</li> <li>funded (in whole or in part) by public money; or</li> <li>exercising a public function, power or duty on behalf of the government or the public.</li> </ul> <p>This includes departments, statutory authorities, local governments and government-owned corporations.</p>
<b>Regional Business</b>	<p>A business with a geographic proximity to Wyndham that clearly contributes to local, economic, social or community outcomes, such as Western Outer Region Corridor: - City of Greater Geelong, Golden Plains, City of Melton, Shire of Moorabool, Surf Coast and Whittlesea.</p>
<b>Request for Tender (Public   Select)</b>	<p>Request for Tender (RFT) is the process of inviting parties to submit a proposal by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.</p>
<b>Request for Quote (Public   Select)</b>	<p>Request for Quotation (RFQ) is generally an invitation to a specific or closed supplier market, designed to capture commercial information and pricing and allows Council to assess suitability and evaluate responses against a set of predefined requirements.</p>
<b>Request for Proposal (RFP) Expression of Interest (EOI)</b>	<p>A two-stage formal process gauge interest and capability from potential suppliers or contractors before proceeding to a short list for a select tender process.</p> <p>A formal invitation for suppliers or contractors to submit detailed proposals for delivering goods, services or works, allowing Council to evaluate and select the best solution based on a pre-defined criterion.</p>
<b>Small to Medium Enterprise (SME)</b>	<p>A <b>small business</b> is defined as having less than 20 employees with an annual turnover of less than \$10 million.</p> <p>A <b>medium business</b> is defined as having between 20-199 employees with an annual turnover of more than \$10 million.</p>
<b>Social Enterprise</b>	<p>A Social Enterprise is defined as businesses which:</p> <ul style="list-style-type: none"> <li>Are led by an economic, social, cultural or environmental mission consistent with a public or community benefit;</li> <li>Trading to fulfil their mission;</li> <li>Derive a substantial portion of their income from trade; and</li> <li>Reinvest the majority of their profit/surplus in the fulfilment of their social mission.</li> </ul>
<b>Social Procurement   Quadruple Bottom Line (QBL)</b>	<p>The practice of leveraging Wyndham Council's purchasing activities to achieve broader social, economic, environmental and cultural outcomes (quadruple bottom line), in addition to delivering value for money. This includes supporting local businesses, advancing equity and inclusion, fostering environmental sustainability and contributing to community wellbeing.</p>



<b>Supply Chain</b>	<p>A supply chain is the entire network of companies, processes and activities involved in the production and delivery of a product or service, from the sourcing of raw materials to the delivery of the finished item to the end consumer. It includes organizations, facilities, technology and people and manages the flow of goods, information and finances to meet customer demand efficiently.</p> <p>Council undertakes due diligence in ensuring ethical and social responsibility, risk assessment and environmental impact declarations are secured when procuring goods.</p>
<b>Sustainability</b>	<p>Means the process of acquiring goods, services or works in a manner that balances economic, social and environmental considerations. This includes selecting suppliers and products that:</p> <ul style="list-style-type: none"> <li>• Minimise environmental impact (e.g. energy use, waste, emissions)</li> <li>• Support social responsibility (e.g. Local employment, fair labour practices, diversity)</li> <li>• Deliver long-term economic value to the Council and community.</li> <li>• Wyndham has a focus on applying circular economy principles in all applicable procurement activities to see reuse, regeneration of materials and/or products,</li> </ul> <p>All procurement decisions should align with Council sustainability policies, relevant legislation and broader community objectives.</p>
<b>Total Contract Sum   Total Cost of Ownership (TCO)</b>	<p>The potential total lifecycle value of the contract includes:</p> <ul style="list-style-type: none"> <li>• costs for the full term of the contract, including any options for either party to extend the contract</li> <li>• applicable goods and services tax (GST), rebates or levies.</li> <li>• potential contingency allowances (prime or provisional) and/or variations; and</li> </ul> <p>all other known, anticipated and reasonably foreseeable costs.</p>
<b>Vendor / Supplier</b>	<p>A vendor/supplier is a third party, either an individual or business in the supply chain that sells finished goods and services. A supplier is an individual or entity that provides a product, work or service.</p>
<b>Value for Money</b>	<p>Value for Money, Council Officers must assess both monetary and non-monetary factors, including:</p> <ul style="list-style-type: none"> <li>• Whole-of-life costs, procurement, operation, maintenance and end-of-life disposal, recycling, re-use or resale.</li> <li>• Non-monetary impacts, environmental and social outcomes, fit-for-purpose, quality, service and alignment with Council priorities.</li> <li>• Strategic alignment, support for the Council's strategic direction and objectives.</li> </ul> <p>The lowest price alone does not necessarily determine best value for money.</p>



## Appendix 2 – Relevant Legislation Policy and Other Documents

Council's procurement activities shall be undertaken to a high professional standard and in full compliance with the Local Government Act 2020 (Vic), associated regulations and all applicable internal and external policies, procedures, guidelines and codes of conduct.

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

### Legislation and Guidelines

**Note:** All hyperlinks in this Appendix link to Council's controlled copies in Objective or official legislative websites. Staff should always access the most current version of each document.

By no means limited to:

- [Aboriginal Heritage Act \(Vic\) 2006](#)
- [Building & Construction Industry Security of Payment Act 2002](#)
- [Charter of Human Rights and Responsibilities Act \(Vic\) 2006](#)
- [Competition and Consumer Act 2010 \(Cth\)](#)
- [Competitive Neutrality Policy](#)
- [Environmental Protection Act \(Vic\) 2017](#)
- [Environmental Protection Act \(Vic\) 2017](#)
- [Gender Equality Act \(Vic\) 2020](#)
- [Local Government \(Governance and Integrity\) Regulations 2020](#)
- [Local Government \(Planning and Reporting\) Regulations 2020](#)
- [Local Government Act 2020 | \[legislation.vic.gov.au\]\(https://legislation.vic.gov.au\)](#)
- [Local Government Best Practice Procurement Guidelines 2024](#)
- [Modern Slavery Act 2018 \(Cth\)](#)
- [Occupational Health and Safety Act \(Vic\) 2004](#)
- [Privacy and Data Protection Act 2014](#)
- [Public Records Act 1973](#)
- [Working with Children Act 2005 and Working with Children Regulation 2016](#)

Any and all other relevant Australian Standards or legislation. For a Comprehensive list of all applicable legislation please refer to the Wyndham City Council S7 Instrument of Sub Delegation by the Chief Executive Officer.

### Internal Policies and Frameworks

By no means limited:

- [Auction Policy](#)
- [Conflict of Interest Policy](#)
- [Conflict of Interest Process & Guidance Policy 2024](#)
- [Council AI Policy](#)
- [Council Plan, Annual Budget and Long-Term Financial Plan](#)
- [Fraud and Corruption Policy](#)
- [Project Management Framework \(Ref: Project Management Office\)](#)
- [S7 Instrument of Sub-Delegation by Chief Executive Officer \(CEO\)](#)

### Appendix 3 – Examples of Procurement Exemptions

This is to be read in conjunction with *Section 10.8 – Procurement Exemptions and Sole Sourcing* of this policy.

Exemption	Explanation
<b>Bunurong and Wadawurrung – Registered Aboriginal Parties (RAPs)</b>	Registered Aboriginal Parties for Wyndham City Council – Traditional Owners (RAPs): Bunurong and Wadawurrung. Under the <i>Aboriginal Heritage Act 2006 (Vic)</i> , Registered Aboriginal Parties (RAPs) are the primary source of advice and decision-making on matters relating to Aboriginal cultural heritage within their appointed areas.
<b>Disaster Recovery Funding Arrangements</b>	Emergency events & post-emergency procurement activities should meet all requirements of the Disaster Recovery Funding Arrangements. In addition, the Value for Money principals will still be applicable. If a state of emergency/disaster/pandemic Event is in place within Victoria, this exemption can be approved by the Chief Executive Officer.
<b>Emergency Security in Compliance with Private Security and County Court Amendment Act 2024.</b>	Emergency Security refers to security services engaged under urgent circumstances (e.g. after hours, response to threat, sudden incidents) where security presence must be deployed quickly to protect property, people or assets. When such security is provided by private security firms (or contractors) under a contract with Council (or another authority), those services must comply with Victoria's private security laws, including the changes made by the Private Security and County Court Amendment Act.
<b>Exemption to a Public Tender Process</b>	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 Local Government Act (Vic) 2020 may be sought by Council.
<b>Extension of Contracts While Council is at Market to Ensure Continuation of Supply of Goods, Services and Works</b>	Allows the extension of an existing contract where the procurement activity to replace the contract has commenced (or is imminent) and where the establishment of an interim short-term arrangement with an alternative supplier would lead to Council achieving lesser value for money or an adverse effect on public interest
<b>Genuine Emergency or Hardship</b>	Allows a contract to be entered into where the Council Chief Executive Officer (CEO) or Chief Financial Officer (CFO) under Special Powers, or an internally delegated officer, considers it necessary because of an emergency (e.g., to provide immediate response to a natural disaster, declared emergency, etc.)
<b>Government Grants</b>	Where Council expenditure is funded from State or Federal Government grant monies, the requirement to comply with Division 2 Section 108 of <i>the Act</i> remains unless there are grant conditions which provide alternative arrangements.
<b>Information Technology Resellers and Software Developers</b>	The expenditure is related to purchases from information technology resellers and software developers (e.g. for renewal of software licenses/upgrades, etc.) where there is a sole supplier who holds the intellectual property rights to the software.
<b>Novated Contract</b>	Where the initial contract was entered into in compliance with the Local Government Act and due diligence has been undertaken in respect to the new party Engagement of independent expert witnesses in Council legal matters, that are in expert disciplines to be undertaken in confidence (to be endorsed by the Chief General Counsel) Government or legislative mandated use of a supplier.

<b>Operating Leases</b>	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.
<b>Other Specific Council Exemptions</b>	<ul style="list-style-type: none"> <li>• Engagement of Traditional Owners where the primary purpose is to gather information relating to Aboriginal culturally sensitive issues, including land management considerations pursuant to the Aboriginal Heritage Act 2006</li> <li>• Regional Waste and Recovery Group</li> <li>• Additional delivery of goods, services and works that are intended either as replacement parts, extensions or continuing services for existing equipment</li> </ul>
<b>Professional Services Unsuitable for Tendering</b>	Allows the procuring of the following engagements: Legal Services, Utilities, Purchase of Land
<b>Sole Sourcing</b>	<p>The engagement of a single supplier without seeking competitive offers, permitted only in defined and exceptional circumstances such as where:</p> <p>(a) the market is restricted (e.g. IP ownership, licensing, regulation, proprietary software, maintenance that is propriety to an asset and can only be performed by a sole supplier, specialised equipment);</p> <p>(b) no viable alternatives exist following a failed tender.</p> <p>(c) a joint IP arrangement exists; or</p> <p>(d) direct negotiation has been deemed necessary based on a documented market analysis.</p> <p>Sole sourcing must be approved in line with <a href="#">Council's S7 Financial Instrument of Sub Delegation</a>, fully documented and demonstrate alignment with value for money, probity and public interest.</p>

#### Appendix 4 - Procurement Performance Indicators | Continuous Improvement

Council will seek to improve its procurement performance by measuring, analysing and reporting on 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 and sourcing, capability development and continuous improvement initiatives.

Category	Key Performance Indicators Examples
<b>Local &amp; Economic Development</b>  These indicators track the extent to which Council is supporting local businesses and the regional economy.	<ul style="list-style-type: none"> <li>Number of local suppliers engaged through procurement processes</li> <li>Proportion (%) of total procurement spend with local businesses</li> <li>Increase in local supplier participation in tenders or quote requests</li> <li>Average payment timeframe(s) for local suppliers may be condensed subject to spend and category.</li> </ul>
<b>Procurement Performance and Efficiency</b>  These indicators measure the overall effectiveness, efficiency and compliance of the procurement function.	<ul style="list-style-type: none"> <li>Extent of contracts delivered on time and on budget</li> <li>Purchase Order Compliance - % of invoices without a purchase order</li> <li>Procure to Pay Efficiency rates</li> <li>% of spend under contract</li> <li>Source-to-contract completion time</li> <li>Value of savings and benefits achieved through procurement activities</li> <li>Number of new collaborative procurement contracts established</li> <li>Level of compliance with the Procurement Policy</li> </ul>
<b>Social Procurement</b>  These indicators demonstrate Council's contribution to social value creation through procurement.	<ul style="list-style-type: none"> <li>% of contracts awarded to social enterprises, Aboriginal businesses or Australian Disability Enterprises</li> <li>Number of employment opportunities, apprenticeships or traineeships created via procurement contracts</li> <li>Number of contracts requiring delivery of measurable social outcomes</li> <li>Number of quotations and tenders that included social procurement criteria or weighting or mandated spend targets for relevant categories</li> <li>Supplier reporting on social value outcomes and impact</li> </ul>
<b>Sustainable Procurement</b>  These indicators measure environmentally responsible procurement practices aligned with Council's sustainability goals.	<ul style="list-style-type: none"> <li>Annual spend on sustainable or environmentally preferred goods and services and reported to Local Buy</li> <li>% of RFQs/RFTs that include circular economy or reuse/repair criteria</li> <li>Number of contracts that include take-back schemes or repair/refurbishment requirements or see a rebate.</li> <li>Government or Industry body Rebates</li> <li>Number of suppliers certified to recognised environmental standards (e.g., ISO 14001, GECA, FSC)</li> <li>Estimated reduction in waste, emissions or resource use via procured goods/services</li> <li>Number of contracts promoting reuse, repair, recycling or low-impact solutions</li> <li>% of suppliers using electric or low-emissions vehicles in contract delivery</li> </ul>

## Policy Control Sheet

**Note:** This Policy will be reviewed at least once every four (4) years in accordance with the Local Government Act 2020 (Vic), or earlier if required.

Document History					
Version	Date	Author	Reviewed By	Approved By	Change Summary
V1	November 2025	Procurement Team	Manager Procurement	Council	Procurement Policy Review
1.1	[Future Date]	Procurement Team	Manager Procurement	Insert Role	[Insert minor change summary]
2.0	[Future Date]	Procurement Team	Manager Procurement	Insert Role	[Insert major review and update summary]

Item	Detail
Policy Title	Wyndham City Council Procurement Policy 2025 – 2029
Document Type	Council Policy
Department / Unit	Procurement Unit – Finance Department, Corporate Services Directorate
Document Custodian	Manager, Procurement / Coordinator Procurement
Policy Purpose	<p>This Policy will be reviewed at least once every four (4) years in accordance with the Local Government Act 2020 (Vic), or earlier if required.</p> <p>In accordance with Clause 108 – (3)(f) and Clause 108 (4), Council will update the Policy to include any other matters or contract values prescribed by the regulations during the forthcoming 4-year term of this policy.</p>
Policy Scope	Applies to all Wyndham City Council employees, agency, temporary or volunteer personnel involved in purchasing goods and services on behalf of the Council and in accordance with the Council Financial Delegation of Authority.
Approved By	Wyndham City Council Meeting of 16-12-2025
Approval Date	16-12-2025
Version Number	Version 1.0

<b>Next Review Date</b>	December 2029 (or earlier if required under the Act)
<b>Review Cycle</b>	Every four (4) years In accordance with Clause 108 – (3)(f) and Clause 108 (4)
<b>Endorsement</b>	Councillors at the Council Meeting of 16-12-2025 Endorsed the Procurement Policy and authorised the Responsible Council Officer – Procurement Manager to make minor amendments as required over the next four years, provided such changes do not alter the intent of the policy but instead offer operational clarity where necessary.