



Procurement Policy

Responsible Officer	Chief Executive Officer
Relevant Delegations	Director Corporate Services Director Works & Infrastructure Manager Development Manager Community Services
Legislation and References	Prudential Management Policy Caretaker Policy Disposal of Land and Other Assets Council Delegations and Sub Delegations – Local Government Act 1999 Reconciliation Plans 2022-2023

1 Purpose

In compliance with Section 49 of the Local Government Act 1999 (Act) and best practice principles in procurement, this policy seeks to:

- define the methods by which Council can acquire goods and services;
- demonstrate probity, accountability and responsibility of Council to all stakeholders;
- be fair and equitable to all parties involved;
- enable consistency of approach in the application of procurement processes, and
- ensure that the best possible outcome is achieved for Council.

2 Scope

2.1 This policy informs procurement activities associated with the acquisition of goods, works, services or consultants and covers all aspects of the procurement lifecycle including planning, risk management, tendering, purchasing, contracting and financial control.

2.2 This policy applies to anyone who undertakes or is involved in procurement activities on behalf of Council. Compliance with the provisions set out in this policy is mandatory unless expressly indicated otherwise.

2.3 The procurement restrictions documented in Council's Caretaker Policy will apply during all periods when Council operates in Caretaker Mode.

2.4 This policy does NOT cover the following:

- non-procurement expenditure such as sponsorships, grants, funding

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- arrangements, donations and employment contracts;
- real property acquisitions;
- the disposal of land and other assets owned by Council; or the purchase of land by Council.

3 Policy Objectives

Council is committed to ensuring that all procurement activities deliver the following objectives:

- providing for fair, equitable, competitive and ethical behaviour in all procurement activities;
- obtaining value for money;
- ensuring probity, accountability and transparency;
- effective management of the end to end procurement lifecycle;
- identification and management of risk;
- consideration of environmental protection principles;
- providing reasonable opportunity for local economic development and social inclusion; and
- ensuring compliance with all relevant legislation.

4 Procurement Principles

Council's procurement is underpinned by the following key principles:

Principle 1, Open and Fair Competition

Open and fair competition will be fostered and maintained by providing suppliers and contractors with appropriate access to Council's procurement opportunities.

Council will ensure, where reasonably practicable, that:

- there is reasonable access for all suitable and competitive suppliers and contractors to the Council's business;
- where market circumstances limit competition, procurement activities recognise this and associated methodology takes account of it; and
- adequate, identical and timely information is provided to all suppliers to enable them to quote or tender.

Personnel authorised to engage in procurement activities on behalf of Clare & Gilbert Valleys Council, will, at all times, undertake their duties in an ethical, open and impartial manner, act responsibly, behave professionally and exercise sound judgement.

Principle 2, Value for Money

Value for money is not restricted to price alone. To ensure the best value for money, Council may assess the following:

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- the contribution to Council's long term plan and strategic direction;
- any relevant direct and indirect benefits to Council, both tangible and intangible;
- efficiency and effectiveness of the proposed procurement activity;
- the performance history, quality and scope of services, and support of each prospective supplier;
- fit for purpose of the proposed goods, works or service;
- whole of life costs including acquiring, using, maintaining and disposal;
- Council's internal administration costs;
- technical compliance issues;
- risk and WHS considerations;
- prevailing market forces and trends;
- the value of any associated environmental benefits;
- local economic development and social inclusion; and
- other relevant matters identified in specific procurement process documentation.

Principle 3, Probity, Accountability and Transparency

Council will demonstrate accountability in procurement by ensuring that decisions are able to be explained, and evidence provided, to ensure that an independent third party can clearly see that a fair and reasonable process has been followed. Personnel must be able to account for all decisions and provide feedback on them. Additionally, an audit trail will be visible for all procurement activities for monitoring and reporting purposes.

Delegations define the limitations within which Council personnel are permitted to work. Council personnel will not incur expenditure unless they have a delegated authority and funds are allocated for that specific expenditure in a budget approved by Council.

All tenders where the value of the tender exceeds \$ 200,000 exclusive of GST will be subject to consideration and approval by the Council Elected Body.

Principal 4, Environmental Protection

Council endeavours, where reasonably practicable, to promote environmental protection through its procurement processes. This may include:

- adopting purchasing practices which conserve natural resources;
- aligning Council's procurement activities with principles of ecological sustainability;
- purchasing recycled and environmentally preferred products where possible;
- integrating relevant principles of waste minimisation and energy efficiency;
- fostering the development of products and services which have a low environmental impact; and

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- providing leadership to business, industry and the community in promoting the use of environmentally sensitive goods and services.

Principal 5, Encouragement of the development of competitive local business and industry.

With the aim of achieving a value for money outcome, Council will endeavour to, at its discretion and to the full extent permitted by law, support local businesses by:

- Promoting to local businesses opportunities to supply to the Council;
- Structuring the purchasing processes to be accessible to all businesses;
- giving preference to local business when all other commercial considerations are equal;
- Ensuring, where possible, that specifications and purchasing descriptions are not structured so as to potentially exclude local suppliers and contractors;
- Supporting the intentional generation of social value through procurement processes that can occur through engaging with minority or under-represented suppliers.
- Supporting Council's Reconciliation Plans 2022-2023 *"a requirement for contractors to make the best endeavour to employ or sub-contract to Aboriginal & Torres Strait Islanders businesses that are located in the region"*.

Principal 6, Risk Management & Work Health & Safety

Risk Management is integral in ensuring value for money and that procurement activities do not expose Council to increased / unnecessary risk.

Council's Risk Management Policy and Framework specifically address these requirements.

Council is committed to ensuring so far as is reasonably practicable, that workers are provided with safe workplace environment, systems of work, plant and substances through a systematic approach to planning and implementation of Work Health and Safety.

Council is committed to a contractor management system that ensures both contractors and Council have a clear understanding and commitment to their Work Health and Safety roles.

Only contractors who can demonstrate appropriate Work Health and Safety Systems and a capability to put these systems in place prior to commencing work will be utilised. Compliance with Council's Work Health and Safety Contractor Management Policy is required.

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Principal 7, Ensuring Compliance with all relevant legislation

Refer to Clause 12 References.

5 Exemptions from this Policy

This Policy contains general guidelines to be followed by the Council in its procurement activities. There may be emergencies or procurements in which a tender process will not necessarily deliver the best outcome for Council, and other market approaches may be more appropriate.

The authority to provide an exemption from using the required method of procurement will be delegated to the Chief Executive Officer or the relevant Department Director in accordance with expenditure sub-delegations as prescribed in Council's Delegations Register. Reasons for any exemption to the procurement method must be documented using the Procurement Policy Exemption form and registered in Councils Electronic Document Records Management System.

6 Approved Budget

A procurement process can only proceed when an approved budget allocation exists for the particular goods or service being procured.

Where provision of the budget is insufficient to meet the expenditure required it is referred to Council for a decision.

7 Procurement Methods

7.1 Direct Purchase

Council purchases from a single source, without first obtaining competing bids

Suitable for low value, low risk goods and service and where the supplier already has a successful service history with Council.

7.2 Quotation

Council obtains quotations from prospective suppliers.

Where possible written quotes are obtained, however if a written quote cannot be obtained the Council completes detailed written records of the oral quotes obtained, including details of the commercial terms of the quote.

This method is suitable for low value, low risk goods and services.

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7.3 Request for Quotations

Council obtains written quotations from prospective suppliers.

This method is suitable for simple, larger price based purchases.

7.4 Re-Issue Ordering (Roadworks and Drainage Only)

This is where Council can proceed straight to a direct purchase order for a Roadworks and Drainage Projects where the following applies:

The order is for less than \$75, 000 and the hourly rates are from a previous competitive Requests for Quotation or Request for Tender.

7.5 Tenders

Council issues a tender for proposed goods and / or service. Splitting the components of the purchase to prevent the need for going out for tender is prohibited.

Council issues a Select Request for Tender where it has reasonable grounds for only dealing with a select group (minimum two) of potential suppliers.

Otherwise Council issues an open request for tender.

7.6 Panel Arrangements

Council establishes panel arrangements with a select group of suppliers – generally, this occurs once the Council has completed its appointment of such suppliers in accordance with this Policy.

This method is used to improve the efficiency of the procurement process and reduce the impact of repetitive bidding on potential suppliers.

It can include either:

- a standing offer from a pool of suppliers for the provision of goods and services on agreed terms; or
- the prequalification of certain suppliers who may or may not be engaged on terms to be agreed.

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All panels must operate under a contract structure and be managed for performance and on-going value for money opportunities.

Panel engagements for individual projects will not exceed \$200,000. If it is anticipated that a project will exceed \$200,000 the open tender process will apply.

8 Determination of Appropriate Procurement Method

In identifying the appropriate procurement method, the following will be considered:

- Council's Procurement Principles
- The number of known suppliers of the good, services or works
- The total estimated value (excluding GST) of the purchase.

Value of Purchase (\$)	Possible Method of Procurement	Authority Required for Exemption
Less than \$5,000	Direct Purchase	
\$5,001 to \$20,000	Quotation informal minimum of two (2) sought	Director
\$20,001 to \$75,000	Request for Quotation minimum of three (3) sought	Chief Executive Officer
\$75,001 to \$200,000	Request for Tender (Open or Select)	Chief Executive Officer
Greater than \$200,000	Request for Tender Open	Council

When determining the requirements for multiple prices and procurements methods, cumulative expenditure, measured over a twelve month period from 1 July to 30 June, shall be considered where expenditure is anticipated to exceed \$200,000. Cumulative expenditure will be monitored and reviewed by the Manager Finance to determine whether the appropriate procurement process has been undertaken to comply with this policy.

All authorities for exemption must be recorded in writing and recorded in Council's records management system.

9 Prepayments

All prepayments must be identified and recorded in a timely manner to ensure expenses are recognised in the appropriate period. All prepayments must be authorised by Directors.

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10 Delegations

Expenditure sub delegations detailing authorised purchasers and purchasing limits are prescribed in Council Delegation Register Local Government Act 1999.

Where a contract variation or extension is required documentation detailing the variation or extensions is completed and approved by the Chief Executive Officer for contract variations within budget and referred to Council for approval for contract variations over budget.

11 Review and Availability

This policy will be reviewed every four years, or as required.

The public may inspect a copy of this policy without charge at the Council offices during office hours and may obtain a copy for a fee fixed by Council.

The policy is also available on Council's website www.claregilbertvalleys.sa.gov.au

12 Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	17/10/16	Reviewed by Council
CGVC	20/03/17	Reviewed by Council 120/17
CGVC	18/02/19	Reviewed by Council
CGVC	15/02/23	Reviewed by Council
CGVC	20/03/24	Reviewed by Council

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Schedule 1 – Purchase Order Procedure

Official Council purchase orders generated by Council's online Requisitioning system must be used for all goods and service purchased and must be issued prior to an invoice being received unless otherwise approved by the Chief Executive Officer, with the exception of the following:

1. Minor purchases from local suppliers where it is considered that it is not practical to issue an order. Amounts under \$100 will be considered to be of minor purchases if they are of a usual nature;
2. Audit Fees;
3. Banking Services;
4. Computer service charges, maintenance payments & Software Licence renewals
5. Insurance renewal premiums;
6. Statutory Government Charges;
7. Courier Services;
8. Publishing Charges;
9. Food and Beverages;
10. Workers' compensation payments;
11. Telephone, facsimile or bulk postage charges;
12. Subscriptions and contributions for magazines and journals;
13. Electricity and gas charges;
14. Water and cleansing charges;
15. Rates and Council charges;
16. Lease and Rent of properties;
17. Travelling or transfer allowances or expenses of officers or employees;
18. Car mileage allowance;
19. Expenditure ancillary to salaries and wages including Group Tax and employer's superannuation contribution;
20. Accountable advances, loan advances and investments;
21. Library Books;
22. Vehicle Registrations;
23. Refunds or Reimbursements of Expenditure;
24. Dial before you Dig Services;
25. Licence and Membership Fees;

Contract Arrangements (Exempt from requiring a Purchase Order)

Legal Services Contracts

Council projects which have been contracted using the full tender processes

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Contracts for Services

Official Council Purchase Orders must be issued in accordance with the following:

- Procurement Policy and Tendering Procedure;
- Work Health & Safety Act;
- Development requirements;
- Goods and Services Tax Provisions;
- Delegation Register Local Government Act 1999.

Schedule 2 – Tendering Procedure

1. Pre-Tender

1.1 Project Definition

Officers will ensure that the project brief is clear and specific and that the time allowed for performance is reasonable.

1.2 Tender Documents

The tender documents will:

- (a) Clearly define the contractual obligations of the parties;
- (b) Provide full details of all work covered by the tender;
- (c) Provide information known to the Officer which may affect the risks of the project;
- (d) Draw attention to any special conditions or obligations under the contract which are not normally part of the standard conditions;
- (e) Designate any supporting information required from tenderers;
- (f) Nominate a person for the provision of additional information;
- (g) Specify that the tenderer is required to submit a tender conforming in all respects with the tender documents including the conditions of tendering;
- (h) Allow a tenderer to submit a non-conforming tender clearly marked and accompanied by a detailed explanation of the differences, advantages and cost savings;
- (i) Specify the method and time of lodgement, opening of the tenders and public acknowledgement of tenders;
- (j) Where appropriate provide guidance to tenderers as to the process of evaluation of tenders;

2. Call for Tenders

Council will only call for tenders after they have made a firm commitment to proceed with the project and only after the necessary funding has been applied for and approved according to Council policy, procedure and Budget commitment.

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2.1 Tendering Methods

Open tenders: All interested parties are invited through open public advertisement to tender on a common basis. Tenderers would normally be required to prove they have the necessary competence, resources, quality, work health and safety management and financial capacity to undertake the work.

Selected tenders: A limited number of organisations are directly invited to tender because of their proven experience or recognised ability to undertake particular work.

2.2 Invitation To Tender

Open Tender

When inviting tenders through public advertisements:

- Consistency in advertising should apply;
- There should be a set day for advertising and set day for closing of tenders;
- The tender closing time should not be earlier than 2.00 pm on a weekday and should not be a Monday or the day following a public holiday;
- Advertisements should show:
 - The adequate description of the project to assist with their decisions to submit tenders;
 - When and where the tender documents are available;
 - When and where tenders must be lodged;
 - A tender validity period if applicable;
 - Details of tender deposit required if applicable;
- Advertisements should be inserted in the most appropriate newspapers;
- For works in remote areas, arrangements should be made for advertisements in the local media.

Selected Tenders

Selected tenders are invited in accordance with the Procurement Policy, or when it is impractical to invite open tenders.

2.3 Tendering Period

The tender period must be adequate to allow time for tenderers to visit the site, to study the tender documents and prepare a written offer.

2.4 Tender Enquiries

- Officers will not give information to a tenderer that is not given to all other tenderers.
- Requests for clarification shall be referred to the Officer nominated on the tender documents. All explanations and/or clarifications given should be confirmed in writing and issued to all prospective tenders to ensure that all

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tenders are kept informed on a common basis. For this reason, a record should be kept of the names and addresses of those organisations to who tender information is given.

2.5 Amendments to Tender Documents

Where matters of significance make it necessary to amend the tender documents during the tender period, the amendments must be advised as an addendum to all tenderers in sufficient time for all tenderers to properly and fully consider the addendum before tenders close.

Consideration will be given to extending the tender period when an addendum is issued.

Tenderers must acknowledge receipt of the addenda in writing with their tender and confirm that allowance has been made in their tender for each addendum.

Where the issuing of amendments to the tender documents in the form of addendum are unavoidable and this results in the end to extend the tendering period, then it is essential that all tenderers who obtained documents are notified of any extension to the tendering period.

2.6 Pre-Tender Meetings

Pre tender meetings may be called where the objective is to clarify any uncertainties that tenders may have relating to the documents.

3. Receipt of Tenders

All arrangements must be made to safeguard the security and confidentiality of all tenders.

Tenders should be lodged electronically via SA Tenders or via hardcopy in a tender box located at an office where tenders close. Tenders should be accepted up to the predetermined local time on the closing date. A tender is deemed to have been lodged by the Tenderer when the Tender has been received by SA Tenders server.

Electronic lodgement of tenders via SA Tenders website is kept in an electronic tender box in an encrypted repository on the server, where all responses for the specific tender are kept until downloaded.

The tender box is to be double locked with the keys held by responsible officers, one of whom shall be appointed as the 'Receiving Officer' to receive and record tenders.

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Where it is not possible to place all tenders and supporting papers in the tender box, special and secured storage facilities under the control of the Receiving Officer will be provided in advance of the tender closing date. Tender papers not placed in the tender box shall be endorsed by the Receiving Officer with detail of receipt and placed in the secure storage.

The Council's emails should be monitored for tender enquiries from prospective tenders and address per clause 2.4. Tenders should not be accessed until after the tender period has closed. Emails should be stamped with the time of receipt. Tenders received through the post must be endorsed with the exact time of receipt. All document recipients and contact details for tender recipients can be viewed on SA Tenders by Councils registered Agency Administrator.

When envelopes containing tenders have been opened due to lack of identification, they should be immediately resealed and the envelope suitably endorsed and referred to the Receiving Officer.

At the predetermined closing time on the tender closing date, the tender box should be closed to prevent lodgement of late tenders in the box. No tender price offered orally will be received. Where electronic tendering is available the current industry standard to local government will be used in conjunction with the above.

4. Opening Procedure

A Tender Opening Committee must consist of at least three responsible persons appointed by the Chief Executive Officer. At least one member of the opening committee should be from a department that is not responsible for the tender.

Tenders must be opened in a secure area and numbered in order of opening. All tender forms, accompanying letters and schedule of prices must be numbered and initialled by each member of the Committee. Other papers submitted such as schedules, technical data and brochures, must be endorsed with the tender number.

Tenders will be scheduled in order of opening.

The schedule must be endorsed by the Committee noting in respect of each tender:

- Informalities;
- Compliance with the Conditions of Tendering; and
- The submission of data required by the tender documents.

The Opening Committee will sign the schedule and rule it off immediately below the final tender listed.

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5. Late Tenders

A tender received after the nominated closing time that is:

- Delivered by hand 'over the counter'.
- Received through the mail.
- Received by email

Must be deemed late and shall be endorsed with the exact time of receipt. A person presenting a tender 'over the counter' will be asked to initial the endorsement.

A late tender is not to be opened. A tenderer whose tender is rejected as being late must be advised promptly.

Adequate safeguards should be used to ensure the preservation of the confidentiality of tenders which are received late and are not admitted for consideration.

6. Evaluation of Tenders

Tenders will be evaluated by the Chief Executive Officer or an Evaluation Panel appointed by the Chief Executive Officer, and a report will be provided to the Officer who called for the tender.

Evaluation should consider tenderers:

- Technical management, physical and financial capacity;
- Current commitments;
- Standing within the industry;
- Reliability;
- Quality;
- Record of performance; and
- Work Health and Safety System.

When applicable, requests for clarification shall be issued by the Officer nominated on the tender documents. All explanations and/or clarifications given should be confirmed in writing and filed with the prospective tenders.

A tender which does not comply with the tender documents is liable to be rejected. The tenderer may be given reasonable opportunity to comply with the tender documents but only without alterations to the submitted tender price.

Where a tenderer claims an error has been made in calculating the tender or has omitted to include a provisional sum, the tenderer shall not be permitted to amend the tender price. In such situations, the tenderer has the options of adhering to or withdrawing the tender price or being passed over.

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Should the Council decide not to accept any tender and to recall tenders, the original tenderers will be advised the reasons for recalling and as a general principle, where appropriate, be invited to submit a new tender or they are to be advised that the purchase will be negotiated.

7. Negotiation and Selection

In post tender negotiations Officers will not seek to trade off different tenderers prices against others in an attempt to obtain lower prices.

Unless time restraints dictate to the contrary Officers should first exhaust negotiations with the initial preferred tenderer before negotiating with the other tenderers.

There are occasions where negotiation of a tendered price may have to be considered before a tender is accepted. For example, where significant errors and/or omissions in the documents have affected the prices tendered or where the tender prices received are above the prices tendered or where the tender prices received are above the prices anticipated.

In such instances, negotiations of a price for the amendments to the tender documents will be concluded prior to acceptance notwithstanding that the estimate or the price received for the amendment when added to the lowest acceptable tender may exceed other tenders.

If the value of the amendment in relation to the tender price is significant and a satisfactory price cannot be negotiated it may be necessary to recall tenders. Any tender may be rejected provided the Officer acts honestly and with probity in doing so.

The tender most advantageous to the Council should be the one considered for acceptance.

Any proposed contract with a Value of Purchase greater than \$200,000, must be referred to a formal Council meeting for a decision and authorisation to accept or reject the tender and enter into the contract.

Subject to the financial limitation above, a proposed contract with a successful tenderer may only be authorised and signed by an Authorised Officer, in accordance with the Council's Delegations Register, Local Government Act 1999. Any proposed contract that falls outside of the financial delegation of the Authorised Officer must be referred to the Council.

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8. Re-Tendering

Re-tendering should be avoided unless the tender documents have been amended or a substantial period of time has elapsed since tenders were initially involved.

Should it be decided following the calling of open tenders to recall tenders on a selected basis, opportunity should be given to each original tenderer to submit a price unless there are sound reasons for not doing so.

9. Confidentiality

Adequate safeguards must apply to secure the confidentiality of tenderers. All information provided between the tenderers and the Officer shall be treated as confidential and both the tenderer and the Officer shall maintain such information commercial – in – confidence.

10. Standard Conditions of Engagement

The tender and contract documents will be prepared using the Work Health & Safety Contractor Management provisions.

11. Insurance

The contractor shall insure against any claims which may arise or result during the course of the works whether from Workers compensation, public liability, personal liability, damage to services or works or any other cause and shall indemnify and keep indemnified the Council against all claims. A certificate of currency from an approved insurance company to a minimum value of \$20,000,000 and a copy of a current Return to Work SA Certificate shall be submitted to the principal prior to work commencing.

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