

7 Presentation of officer reports

7.1 Procurement Policy and Procurement Guidelines

Executive Summary

On 1 February 2022, officers released the Procurement Policy and Procurement Guidelines for public consultation via the 'Engage Boroondara – Have your say' page on Council's website. From a total of 95 visitors to the page, only one resident provided the following comments:

Procurement Policy

"Contracts should be awarded to local Boroondara businesses as a priority where possible. All contracts over \$25,000 (VendorPanel cut off) should be published for transparency, not a \$475,000 gap from VP to published contracts".

Procurement Guidelines

"These are OK as long as it is a truly level playing field".

Purpose

This report seeks to inform the Council of the Procurement Policy and Procurement Guidelines feedback received through community consultation undertaken between 1 - 28 February 2022.

Background

At its meeting of 13 December 2021, Council resolved to adopt the Procurement Policy 2021-25 to meet the legislative requirements. Council also resolved that the Procurement Policy 2021-25 and supporting procurement guidelines be issued for public consultation in February 2022 and at the conclusion of this period bring a report back to Council.

Key Issues

On 1 February 2022, the Procurement Policy 2021-25 and supporting Procurement Guidelines were published on the 'Engage Boroondara – Have your say' web page. At the time of being published, 393 residents who subscribe to Engage Boroondara were automatically emailed a notification advising them of the consultation being sought. Twenty-five of those subscribers clicked through to the Procurement Policy.

On 7 February 2022, social media posts were published whereby 13 people went to the Engage Boroondara page.

The remaining people accessed the 'Engage Boroondara – Have your say' page directly, via other search engines such as Google or by clicking on a link located on an external website.

To maintain alignment with clause 10 (d) of the *Local Government (Planning and Reporting) Regulations 2020* which requires 'a list of contracts entered into by Council valued above the contract value at which the Council must invite a tender or seek an expression of interest under its Procurement Policy' officers are recommending the Procurement Policy 2021-25 and supporting Procurement Guidelines remain as adopted by Council on 13 December 2021 with two minor amendments as noted below.

Next Steps

- Continue operating under the existing adopted Procurement Policy 2021-25 with one minor amendment to the Works \$15,001-\$35,000 threshold; namely replace the word 'obtain' with 'seek' to align with the other threshold wording.
- Staff continue operating under the existing Procurement Guidelines with an additional inclusion of an additional dot point within the 'Evaluation and Negotiation' Guideline under Proven Past and Relevant Experience as follows:

Includes a question in the response schedules under the 'Proven Past and Relevant Experience' section for respondents to disclose if their company has had any work safe criminal or civil action taken against them in any state or territory in the past five years and the court made an order against the company or the matter settled out of court.

- Make available on Council's website a plain English version of the Procurement Policy.

Officers' recommendation

That Council resolve to:

1. Note the feedback received on the Procurement Policy 2021-25 and Procurement Guidelines.
2. Note that officers will write to the resident thanking him for his time and feedback.
3. In the Procurement Policy 2021-25 replace the word 'obtain' with 'seek' in the Works \$15,001-\$35,000 threshold.
4. In the Evaluation and Negotiation Guideline under the 'Proven Past and Relevant Experience' section include an additional dot point for respondents to disclose if their company has had any work safe criminal or civil action taken against them in any state or territory in the past five years and the court made an order against the company or the matter settled out of court.

Responsible director: Phillip Storer, Chief Executive Officer

1. Purpose

This report seeks to inform the Council of the Procurement Policy and Procurement Guidelines feedback received through community consultation undertaken between 1 - 28 February 2022.

2. Policy implications and relevance to community plan and council plan

This report is consistent with the following themes and strategies in the Council Plan 2021-25 and the Boroondara Community Plan 2021-31. In particular, Theme 7 "Leadership and Governance" Strategy 7.2 Resources are responsibly allocated and used.

3. Background

At its meeting of 13 December 2021, Council resolved to adopt the Procurement Policy 2021-25 to meet the legislative requirements. Council also resolved that the Procurement Policy 2021-25 and supporting procurement guidelines be issued for public consultation in February 2022 and at the conclusion of this period bring a report back to Council.

4. Outline of key issues/options

To maintain alignment with clause 10 (d) of the *Local Government (Planning and Reporting) Regulations 2020* which requires 'a list of contracts entered into by Council valued above the contract value at which the Council must invite a tender or seek an expression of interest under its Procurement Policy' officers are recommending the Procurement Policy 2021-25 and supporting Procurement Guidelines remain as adopted by Council on 13 December 2021 with one minor amendment to the Works \$15,001-\$35,000 threshold; namely replace the word 'obtain' with 'seek' to align with the other threshold wording.

It is also recommended that within the 'Evaluation and Negotiation' Guideline under Proven Past and Relevant Experience a question be included in the response schedules for respondents to disclose if their company has had any work safe criminal or civil action taken against them in any state or territory in the past five years and the court made an order against the company or the matter settled out of court.

5. Consultation/communication

On 1 February 2022, the Procurement Policy 2021-25 and supporting Procurement Guidelines were published on the 'Engage Boroondara – Have your say' web page. At the time of being published 393 residents who subscribe to Engage Boroondara were automatically emailed a notification advising them of the consultation being sought. Twenty-five of those subscribers clicked through to the Procurement Policy.

On 7 February 2022, social media posts were published via Facebook resulting in 13 people accessing the Engage Boroondara page.

The remaining people accessed the 'Engage Boroondara – Have your say' page directly, via other search engines such as Google or by clicking on a link located on an external website.

6. Financial and resource implications

There are no financial impacts associated with the implementation of the Procurement Policy and Procurement Guidelines.

7. Governance issues

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

The Procurement Policy 2021-25 is supported by the internal guidelines that focus on social and environmental outcomes through purchasing choices.

Manager: Amy Montalti, Chief Financial Officer

Report officer: Jacinta Stevens, Head of Strategic Procurement & Contracts