

Adelaide Hills Region Waste Management Authority CODE OF TENDERING

Effective date	8 November 2018
Last reviewed date	18 February 2016
Review Frequency	Every four years or as required
Responsible Division	Finance
Applicable Legislation & Policies	Local Government Act 1999 (SA) State Records Act 1997 (SA) Adelaide Hills Region Waste Management Authority Charter (26 April 2007) AHRWMA Procurement Policy ICAC Act

1. Introduction

The Adelaide Hills Region Waste Management Authority (the Authority) is committed to achieving value for money for its Constituent Councils. The Authority is committed to values of continual improvement, increased productivity, safe and healthy workplaces, enhanced performance.

The ethics that govern best-practice tendering procedures underpin this Code, and this Code reflects the Authority's commitment to these values. The Authority believes significant benefits will flow to its Constituent Councils from encouraging high ethical standards in tendering.

2. Objectives

This Code has been developed as a guide to good practice in tendering for the Authority and potential tenderers. The objectives of the Code are to ensure high quality works, goods and/or services are obtained that are value for money.

The Authority aims to treat tenders in a fair and timely manner. The Code sets out the Authority's expectations of tenderers and the steps that the Authority will follow when tendering for goods, services or works.

2. Application of the Code of Tendering

This Code applies to all tendering which the Authority undertakes in accordance with its Procurement Policy. The Code gives guidance on the process of tendering and registrations of interest. Other standards, codes and guidelines may be relevant to the Authority's tendering. The principles in this Code of Tendering are consistent with national codes and standards.

3. Principles of Tendering

The tender process aims to be fair to all parties.

Best endeavours are used to demonstrate fairness to tenderers and potential tenderers.

The Authority aims to provide detailed specifications to allow tenderers to bid for and price work accurately and tender documents aim to clearly specify the Authority's required outcomes.

Conflicts of interest are to be disclosed immediately and dealt with according to probity guidelines.

The Authority does not participate in, and actively discourages other parties from improper tendering practices such as collusion, misrepresentation, and disclosure of confidential information.

The Authority seeks to constrain the cost of tendering to both the Authority and tenderers.

4. Tendering Process

Any questions concerning the tender process are raised with the person(s) nominated in the tender documents.

Tender documents specify lodgement requirements.

The Authority may conduct a pre-tender briefing and may determine not to give additional information apart from that briefing.

Minutes of pre-tender briefings will be recorded and distributed by the Authority to attendees upon request.

Open tenders are advertised via SA Tenders.

6. Invitation to Tender

A copy of the Code of Tendering is available on the Authority's website.

The Authority offers the same tender documents to all respondents to an invitation to tender.

The Authority may recall a tender at any time.

7. Tender Specifications

Tender documents will aim to specify the Authority's requirements as clearly and precisely as possible.

The Authority may develop specifications by considering requirements and views of the providers of existing service or similar services, whether in the public or private sector.

The Authority may give additional information, written or verbal, to all respondents clarifying the meaning of the tender specifications.

8. Registrations of Interest

The Authority may use a Registration of Interest ('ROI') process before it invites tenders to assess the capacity of the respondents to undertake the work, project or development, and/or to seek feedback on draft specifications, and/or to refine specifications, and/or to shortlist respondents for a selected tender.

A ROI process does not elicit tenders but may seek an indication of prices. The Authority may invite selected tenders from some, all, or none of the registrants.

Upon evaluation of the ROI, the Authority may determine not to invite selected tenders from any of the registrants, and the Authority may proceed to negotiate directly with one or more registrant(s), for the purposes of seeking to negotiate a suitable contract relating to the subject matter of the ROI.

Respondents who are not invited to tender or negotiate with the Authority will be advised in writing.

The Authority may use the list of registrants to invite selected tenders for the advertised contract, project or works.

9. Selected Tender

The Authority may undertake a selected tender offered to a limited number of consultants, contractors or suppliers.

A selected tender is offered based on value, or where the Authority determines there is a limited number who can provide the service, or in circumstances of urgency.

10. Use of Panels

The Authority may establish Consultants and Contractors Panels of specialists through a tender process.

Any subsequent engagement of the Panel members to provide services for specific projects will be on the Authority's terms and conditions as set out in the tender specifications and contract.

A selected tender may be offered to Panel members.

The performance of Panel members will be monitored, and membership will be reviewed to enable non-Panel consultants and contractors to tender for a position on the Panel on expiry of the relevant term.

11. Use of Cooperatives

A purchase may proceed without going to tender and approved in accordance with delegated authority limits of budgeted expenditure, where an existing contract is identified within an approved Purchasing Cooperative, providing course of action has been documented.

12. Tender Requirements

Tender submissions are usually due a minimum of 14 days from the date tenders are invited with any extension notified in a Tender Notification if complexity requires extension.

The tender submission period may be determined by the nature of the tender. The Authority will specify within the tender documents if a longer or shorter submission period is nominated.

13. Tender Evaluation

The Authority evaluates tenders using Tender Evaluation Panels which have three or more members for each tendering process.

The Tender Evaluation Panel evaluates tenders according to their pre-determined tender evaluation criteria.

The Tender Evaluation Panel may shortlist respondents upon an initial tender evaluation.

The Authority may request a priced bill of quantities in the tender specifications, and may utilise a quantity surveyor to evaluate the merit of a priced bill of quantities including the identification of any errors in calculation.

The Authority may require tenderers to accept the Authority's proposed Contract as part of the tender criteria.

14. Negotiation of Contracts

The Authority may close a tender if there is no suitable tender submission and proceed to negotiate a suitable contract with preferred tenderer(s) or with any third party determined by the Authority.

The Authority will not trade the price of one tenderer against that of another tenderer.

The Authority may negotiate with all tenderer(s) OR only shortlisted Tenderer(s) after the close of a tender. In negotiating with tenderer(s) after the close of a tender.

15. Award of Contract

The decision to award a contract may be made by the Authority or its officers in line with delegated authority.

The Authority will notify unsuccessful tenderers.

The Authority may advise reasons for the award of the contract.

16. Exemption from this Policy

This Policy contains general guidelines to be followed by the Authority in its tendering activities. There may be occurrences where the Authority, with approval from its Executive Officer may waive the application of this Policy. The Authority must record its reasons in writing for waiving application of this Policy.

17. Complaints Process

The Authority will deal promptly with any complaints about the tendering process.

Each complaint is recorded in writing and logged to a register stored on the Authority's filing system.

Each complainant is given an opportunity to discuss the complaint with the Executive Officer or a delegated senior officer.