POLICY



Policy Name Procurement Policy

Policy Category Statutory

Department / Officer Chief Executive Officer/ Office of the CEO and Mayor

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Review Frequency Every three years

Strategic Plan Reference Aspiration 6 – We are a financially sustainable and well-governed

organisation

Attachments Attachment A – Procurement Thresholds

1. Purpose

The purpose of this policy is to meet the statutory requirements of Section 49 of the *Local Government Act 1999*, for when Council acquires goods and services.

2. Scope

This Policy seeks to:

- encourage purchases made in an open, fair and transparent manner;
- determine the appropriate procurement method and strategy, by which goods and services are to be procured;
- demonstrate accountability and responsibility of Council to ratepayers;
- set the minimum standards required when conducting any procurement activity on behalf of Council:
- be fair, equitable to all parties involved and apply fair and effective competition in all procurement activities;
- ensure procurement processes are documented; and
- ensure that the best possible outcome is achieved for the Council and the community.

This Policy does not cover:

- non-procurement expenditures such as sponsorships, grants, funding arrangements, donations and employment contracts;
- the disposal of land and other Assets owned by Council;
- the purchase of land by Council; or
- unsolicited Proposals

This Policy applies to all Council procurement related activities.

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3. Policy Statement (Summary)

The Council will promote procurement practices that achieve value for money with an acceptable level of risk, maintain ethical and sustainable conduct with consideration to probity and accountability, transparency, support of local business. Efficient procurement processes should be aligned with Council's Community Plan 2030 and department budget requirements.

4. Legislation and Compliance

In accordance with Section 49 of the *Local Government Act 1999* (the Act) Council must prepare and adopt policies on contracts and tenders including:

- The contracting out of services;
- Competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; and
- The use of local goods and services.

In addition, Section 49 (a1) of the Act, requires Council to develop and maintain policies, practices and procedures directed towards:

- Obtaining value in the expenditure of public money;
- Providing for ethical and fair treatment of participants; and
- Ensuring probity, accountability and transparency in all operations

Procurement activities requiring public consultation will be undertaken in accordance Council's Public Consultation Policy as well as this policy.

5. Definitions

Activity Area means the program area within the annual budget as presented in the Annual Business Plan.

Conflict of interest form A document signed by all staff and consultants involved with a procurement process to indicate that they do not have a personal or professional conflict of interest with the procurement project.

Consultant is a particular type of contractor that is engaged primarily to perform a discrete task for an entity that facilitates decision making through provision of expert analysis and advice and development of written report or other intellectual output and includes a consultant who operates independently from Council.

Contractor means an individual or organisation that is formally engaged to provide works or services for or on behalf of an entity. This definition does not apply to casual, fixed-term or temporary employees directly employed by the entity.

Direct Procurement means a process undertaken by directly approaching and negotiating with one supplier without testing the market. This method is generally only appropriate for low value and low risk goods and services.

Due Diligence means the process of reviewing and analysing in detail the capacity of a bidding organisation to meet future contract performance requirements. This may

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include a detailed assessment of the organisation's financially stability, legal risks, technical capacity and infrastructure.

Evaluation Matrix means a table that summarises the score or ranking of each offer against the procurement specifications.

Evaluation Plan means a document that details the methods, techniques and resources allocated to evaluate offers.

Expenditure Authorisation is a schedule that identifies council employees who are authorised to sign a Purchase Order or Works Order for the supply of goods and/or services relevant to their position, subject to the expenditure limit identified within Council's Delegations Register and Internal Control procedure (authorised by the Chief Executive Officer under Section 137 of the *Local Government Act 1999*).

Expression of Interest (EOI) means to identify suppliers interested in and capable of delivering the required goods or services. Potential suppliers are asked to provide information on their capability and capacity to do the work. It is usually the first stage of a multi-stage procurement process.

Local Supplier means a supplier or business who has its principal business within the Southern Fleurieu Peninsula.

Officer means all Council employees and agency staff.

Procurement Activity means the process of acquiring goods and/or services, including but not limited to:

- seeking and receiving offers (quotations and tenders);
- evaluating offers;
- negotiating contracts; and/or
- awarding contracts.

Project Manager means the owner of the Project going to market.

Purchase Order means a contract document provided to a supplier authorising a purchasing transaction.

Request for Information (RFI) means an informal means of researching the particular good or service and the possible solutions or approaches available in the market.

Request for Quote (RFQ) means a written process of inviting offers to supply goods and/or services involving simple documentation and a limited number of potential suppliers.

Request For Tender (RFT) means an invitation to supply or a request for offer against a set of clearly defined and specified requirements. Invitees area advised of all requirements involved including the conditions of participation and proposed contract conditions.

VendorPanel is Council's Pre-Qualified Contractor Register, which is a secure webbased system used to increase efficiency, transparency and compliance when requesting quotations from pregualified suppliers.

Whole of life cost means the total net cost of goods or products including the initial procurement costs, operating and maintenance costs.

6. Policy Content

6.1 Procurement Principals:

Council must have regard to the following procurement principles in its acquisition of goods and services:

6.1.1 Fair and effective competition

All purchasing activities should be open and encourage effective competition. Council must give fair and equitable consideration to prospective suppliers.

6.1.2 Obtaining value for money

At all times, officers engaged in any procurement activity shall pursue value for money and be able to demonstrate that value for money has been obtained. Consideration will be given to:

- a) the overall objective of the procurement aligned to Council's long-term plan and strategic direction;
- b) any relevant direct and indirect benefits to Council, both tangible and intangible;
- financial considerations, including all relevant direct and indirect benefits and costs over the whole procurement cycle, cost-related factors and transactions costs associated with the acquisition, use, holding, maintenance and disposal;
- non-cost factors and other value-add functions, such as fit for purpose, quality, contribution to local economy/community, sustainability impacts and/or environmental benefits;
- e) efficiency and effectiveness of the proposed procurement activity;
- f) Council's internal administration costs;
- g) technical compliance issues; and
- h) appropriate level of risk.

6.1.3 Ethical Practices, Professional Integrity, Probity and Conflict of Interest

Any officer engaged in procurement shall, at all times, conduct themselves with impartiality, fairness, openness and integrity in all discussions and negotiations with suppliers and their representatives.

Officers will demonstrate probity and accountability in all procurement activities through documented, consistent and transparent practices; ensuring Expenditure Authorisations are adhered to. Procurement practices will ensure

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the highest standards of professionalism, probity and ethical conduct, whilst applying the principle of effective competition.

Conflicts of interest, gifts and gratuities must be disclosed and managed in accordance with Council's Code of Conduct for Employees, Conflict of Interest and Gifts and Benefits procedures, and Fraud and Corruption Policy. Any potential conflicts of interest identified prior to or during the procurement activity must be declared.

6.1.4 Confidentiality

All procurement information must be treated and managed as confidential. Where required, internal stakeholders and the evaluation panel involved in a procurement activity, will sign a Declaration of Conflict of Interest and Confidentiality.

Confidentiality of Council information must also be considered.

6.1.5 Document Management and Storage

All documents relating to procurement activities must be managed and stored in accordance with legislative requirements, organisational requirements and Council's Records Management Policy.

Council's Contracts and Tenders Registers should include a summary of contracts, including contract values.

6.1.6 Buy Local and Social Procurement

Social procurement considerations aim to encourage the reasonable opportunity and participation of local suppliers and manufacturers, Aboriginal and Torres Strait Islander businesses and not-for-profit organisations that benefit the community. Where practicable, opportunity must be given for local economic benefit including the use of Australian made goods and suppliers whose activities contribute to the economic and community benefit and development of the region.

A default evaluation criteria and weighting must be applied for local contribution at 20 percent of the total evaluation score. Local contribution may include the following considerations:

- the creation of local employment opportunities.
- increased availability of local servicing support.
- economic growth within the local area including the use of Australian made goods and suppliers.
- benefit to Council of associated local commercial transactions.
- the short and long term impact of the procurement on local business;
 and/or
- level of activity in and support of the community.

During Procurement planning, any exceptions to this must be provided in writing for approval by the relevant Director.

Council may include other criteria and/or weightings with consideration to social procurement benefits such as:

- Aboriginal and Torres Strait Islander suppliers.
- Community focus and not-for-profit organisations.
- Positive community contributions; and/or
- Australian supply chains.

6.1.7 Environmental protection and sustainable procurement

Sustainability in procurement takes into account social (refer section 6.1.6), economic and environmental factors when procuring goods and/or services.

In undertaking any procurement activity Council will, wherever possible:

- a) adopt procurement practices which conserve natural resources and principles of ecological sustainability;
- b) support suppliers who are socially responsible and adopt ethical practices and select goods and services that achieve value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society, community and the economy, whilst minimising damage to the environment.
- c) integrate relevant principles of waste minimisation and energy; and
- d) promote the use of environmentally sensitive goods and services to businesses, industry and the community.

6.1.8 Workplace Health and Safety

Council is committed to ensuring a safe workplace for employees, suppliers, contractors and the community. It is therefore essential that Work Health and Safety (WHS) considerations are included in procurement decision-making including the use and disposal of any goods and through the engagement of service providers.

Contractors are obliged to comply with Council's direction in relation to WHS and environmental practices. Additional WHS considerations and requirements are included in Tender processes and conditions of contract.

Officers involved in procurement must ensure that:

- a) goods and services comply with all relevant safety legislation and/or industry standards;
- b) consult with end users and relevant representatives as appropriate prior to the purchase and subsequent disposal of goods; and
- c) hazardous materials and chemicals are minimised to the lowest practical level.

6.2 Procurement Thresholds

Procurement Thresholds are set to manage risk to an acceptable level, ensuring that appropriate procurement methods are undertaken within set financial thresholds and alignment to the Procurement Principles of this Policy and best practice.

Developing procurement strategies will assist in maximising value by understanding the nature of the procurement requirement, the competitive market and risk factors. Council must ensure that the most appropriate procurement strategy is identified to ensure timely procurement and a value for money outcome, with an acceptable level of risk.

The appropriate method of procurement must be determined with reference to the Procurement Thresholds – refer Attachment A.

Expenditure (ex GST) is calculated as follows:

- Single one-off purchase: is the total amount, or estimated amount, of the single purchase;
- Multiple purchases: is the gross value, or the estimated gross value of all items to be purchased within an Activity Area from one supplier; and
- Ongoing purchases: are purchases under a standing offer or panel arrangement.
 Refer Item 6.3.3.

Note: splitting the amounts to bring expenditure within lower limits is <u>NOT</u> permitted.

Any procurement activity (excluding Expression of Interest processes) cannot proceed without an approved budget, except in the case of genuine emergencies, as determined by the Chief Executive Officer.

The Procurement Thresholds (refer Attachment A) set out the value of procurement thresholds and the approved procurement method to be used. This must be followed unless an exemption has been approved (refer Item 6.6).

All documentation pertaining to any procurement activity must be recorded by the representative undertaking the procurement activity and registered in Council's Records Management System.

6.2.1 Direct Procurement - Less than \$10,000

Under Direct Procurement every effort should be made to ensure Council is receiving value for money.

Officers engaged in Direct Procurement must:

- purchase from a reputable supplier, where goods and/or services are available and represent value for money (preference to Local Supplier where available and represent value for money);
- purchase from a supplier who has a sound reputation in providing cost effective goods or services to the Council;

6.2.2 Minor Procurement - \$10,000 to \$50,000

At least two written quotations (including at least one quotation from a local supplier where available – with reference to item 6.1.6) shall be obtained from reputable suppliers or suppliers who have a sound reputation in providing cost effective goods or services to the Council.

Officers engaged in Minor Procurement must:

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- ensure the principles of this Policy are adhered to;
- the quotations shall be tested for contestability through catalogues, internet or other comparison methods; and
- quotations must be approved by the relevant Director/Officer in line with this Policy and Expenditure Authorisation.

Where possible, VendorPanel shall be used to facilitate the RFQ process.

6.2.3 Major Procurement - \$50,001 to \$150,000

A minimum of three written quotations (including at least one quotation from a local supplier where available – with reference to item 6.1.6) must be obtained from reputable suppliers or suppliers who have a sound reputation in providing cost effective goods or services to the Council.

Officers engaged in Major Procurement must:

- ensure the principles of this Policy are adhered to;
- prepare a Scope of Works or Specification for the Goods and Response Schedules to ensure adequate evaluation can be undertaken; and
- obtain approval for the procurement by the relevant Director in line with this Policy and Expenditure Authorisation.

VendorPanel shall be used to facilitate the process.

6.2.4 Request for Tender (RFT) - \$150,001 and over

A formal Request for Tender will be issued.

The following tender practices must be followed:

- all tenders will be advertised on the SA Tenders and Contracts Website and downloaded at closing time in the presence of a minimum of two Council Representatives;
- late Tenders cannot be received via SA Tenders and Contracts website unless there are extenuating circumstances. Tender submissions sent via alternative means will be deemed as non-complying:
- it is at the absolute discretion of the Evaluation Panel to accept any late or non-conforming tenders;
- tenders will be evaluated by a pre-determined Tender Evaluation Panel using an agreed Tender Evaluation Plan and Weighted Matrix;
- each Panel member must sign a Conflict of Interest and Confidentiality Agreement prior to gaining access to any documentation necessary to evaluate the tender; and
- a summary of the evaluation, in the form of a Procurement Recommendation.

A Recommendation Report, must be prepared that includes the following:

- description of the required goods or services;
- type of tender, advertising method and closing time;
- approved budget allocation;

- summary of all tenders received;
- details of any late or non-complying tenders, any subsequent clarification or negotiations that took place;
- the Panel's recommendation, including a copy of the Evaluation Matrix;
 and
- a recommendation of the preferred tender for Council's consideration, signed by all Tender Evaluation Panel members and endorsed by the Procurement Officer.

A Contract Number will be allocated by the Project Manager or delegate.

All documentation pertaining to the procurement activity (RFT) must be recorded in Council's Records Management System.

6.2.5 Expressions of Interest (EOI)

An EOI may be issued to a selective or open market where there is either a large market for the proposed goods and/or services or unknown capacity or capability. The objective of an EOI is to prepare a short list of suppliers to invite in a tender process.

6.3 Procurement Commitment

Once the appropriate threshold has been considered and procurement activity undertaken, the following options are used to commit Council funds.

6.3.1 Purchase Orders

The Purchase Order records a financial commitment, allowing accurate tracking of financial obligations. Purchase Orders establish a set of Terms and Conditions for the purchase of goods and/or services, which may be superseded by formal contract terms and conditions established based on value, risk, or complexity. Suppliers are required to comply in all respects with the relevant contract documents concerning the sale, supply and delivery of the services and/or goods.

A purchase order must be provided prior to commitment of Council funds excluding:

Purchases that do not Require a Purchase Order Prior to Commitment

The following purchases are exempt from requiring a purchase order prior to commitment:

- low value < \$200;
- schedule of rates, under a panel arrangement;
- Council wide expenses where multiple Activity Areas incur a portion of the expense: Stationary and Australia Post (other expenses need to be referred to Accounts Payable and the Procurement Officer for approval);
- project variations, where there is a Contract in place and prior acceptance
 of the expenditure as a variation has been approved by the Budget Officer
 applicable to the dollar value of the variation; or
- confidential or sensitive matters, for example Employee Assistance Program and medical related expenses.

Purchases that do not require a purchase order

The following purchases are exempt from requiring a purchase order:

- Utilities
- Grants and Donations
- Employee and volunteer reimbursements
- Council Member allowances and reimbursements
- Supplementary labour hire, including traineeship payments
- Corporate Credit Card Transactions
- Store accounts
- Suppliers on the approved Bulk Waiver listing

6.3.2 Contracts

Council will use contracts to secure various goods and services particularly for high value and construction projects, or where it is important to manage risk.

A written specification or scope of works will generally be used where Council enters into contractual arrangements. Reasons for entering into contracts other than those resulting from a tender process are to be documented.

A Professional Services Agreement should be used to engage all consultants.

6.3.3 Standing Offer and Panel Arrangements

At times, Council establishes standing offer arrangements, which can include contracts, for the continuing offer by a supplier or suppliers to provide specific goods and/or services for a predetermined length of time, usually at a predetermined price (or a basis to determine the price) but with no commitment made to purchase. Standing offer arrangements with more than one supplier are also referred to as Panel Arrangements.

Once a standing offer or panel arrangement has been established, purchases can be made for the particular goods and/or services. Consideration should be made to the total aggregated value of the procurement with each contracted supplier.

A standing offer or panel arrangement will be competitively tested at the expiry date of the arrangement, with consideration to any new local suppliers.

6.3.4 Store Accounts

Council may operate individual store or trading account systems with local businesses to facilitate efficient procurement of minor goods.

6.3.5 Corporate Credit Cards

Corporate Credit Cards must only be used for official Council business and under Direct Procurement guidelines for transactions which are discretionary spend, considered low value and low risk.

Each Corporate Credit Card has an individual limit capping the maximum amount that can be purchased in one transaction and over the course of the transacting period.

A Corporate Credit Cardholder:

- must verify all transactions with a taxation receipt/invoice at the completion of a transaction to ensure accurate documentation and record keeping for audit purposes.
- cannot use the card to obtain cash from a bank or EFTPOS facility.

All Corporate Credit Card Transactions are made in accordance with the issuing Financial Institution's Conditions of Use and the City of Victor Harbor's Corporate Credit Cardholder Agreement Form, which specifies the Terms and Conditions of usage.

A Corporate Credit Card register providing details of current card holders, spend cap and transaction limits in accordance with Financial Authorisation is included in Councils Delegations Register.

6.3.6 Strategic Alliances

A Strategic Alliance allows Council to undertake a procurement activity utilising contract arrangements that are already established and administered by other organisations including, but not limited to:

- Local Government Association Procurement
- Procurement Australia
- State Government contracts
- Other Councils

Using a Strategic Alliance contract does not remove the requirement to undertake the procurement activity in accordance with the procurement thresholds.

Council may become party to an existing contract if the Chief Executive Officer is satisfied that the contract is likely to offer the Council better value for money than the Council going direct to the market.

6.4 Prequalification of Contractors and Consultants

Council maintains a list under VendorPanel of prospective contractors and consultants pre-qualified to respond to RFQs or EOIs for low value, low risk goods and services. Pre-qualification means that contractors and consultants have met the minimum compliance requirements including Insurances, Work Health and Safety, Licensing and Qualifications.

6.5 Prudential Requirements

A requirement for a full prudential report does not apply to purchases and/or projects where the procurement is for road construction, road maintenance or drainage works. However, effective due diligence is required for any proposed project.

All procurement activities must be undertaken in accordance with Council's Prudential Management Policy.

6.6 Exemptions from this Policy

The Council or the Chief Executive Officer will determine exemptions from this Policy, including emergency situations and any deviations from the procurement thresholds.

The Chief Executive Officer in approving any exemption, will consider the scale, scope and relative risk of the purchase including the principles defined in this Policy.

A Waiver to the Procurement Policy application must be completed for approval. Any request to waive a competitive procurement activity should not be viewed as a mechanism to remove the need for rigorous and strategic procurement planning.

6.7 Responsibilities

The Chief Executive Officer has overall responsibility for the development and maintenance of Policies, practices and procedures under Section 49(1)(1) of the *Local Government Act* 1999.

Delegated officers are required to ensure that all procurement activities comply with the provisions of this Policy and in accordance with their approved delegations and Expenditure Authorisation limits.

6.8 Monitoring

Procurement activities will be audited by Internal and External Auditors.

All serious breaches or non-adherence to this policy and procedures will be reported to the Senior Management Team, in accordance with Internal Controls (Financial Management) Procedure.

7. Risk Management

Regardless of the cost, procurement of goods and/or services attracts and/or mitigates some level of risk exposure. As a result, the first consideration that needs to be made in any procurement decision-making process is what level of risk is acceptable and accordingly, what level of risk mitigation is required to reduce residual risk to acceptable levels.

A procurement risk assessment associated with the procurement activity may include but is not limited to financial, supply, legal, reputation, probity, work health safety and welfare considerations, sustainability, public safety and political risks.

Request for Tenders and formal contracts need to be referred to the Procurement Officer in the first instance.

8. Delegation

8.1 Contracts

The entering into any form of contractual arrangement must consider the current years approved budget before execution on behalf of Council takes place.

The Chief Executive Officer has the delegated authority to enter into any kind of contract or arrangement where the Common Seal of Council is not required and to approve expenditure, provided it is for the purpose of implementing the Council's endorsed budget (or revised budget).

Relevant Directors have sub-delegated authority to execute a contract or arrangement or a contract amendment to an existing contract for the following:

- new contracts up to the total contract value (inclusive of any extension terms) of \$150,000.
- term extensions where this already an option to extend under the existing contract, where no breaches or non-conformances have been notified and there is demonstrated performance under the contract.
- price variations which can be accommodated within existing budgets; and/or
- minor scope changes that can be accommodated within existing budgets.

Budget Officers have the delegated authority to commit Council funds through the use of a purchase order where budget is available.

The Procurement Officer, in consultation with the Chief Executive Officer or relevant Director can, if necessary, grant an extension to a Major Procurement (open tender) advertised closing time, to all parties.

8.2 Consultants

Consultants can only be engaged after approval is provided by the Chief Executive Officer or relevant Director.

8.3 Credit Cards

The Chief Executive Officer has delegated authority to:

- Issue corporate credit cards to Council employees
- Set the monthly limit of the card; and
- Temporarily increase the monthly limit; and
- Revoke the corporate credit card at any time

8.4 Financial Authorisation

The Chief Executive Officer will determine appropriate Expenditure Authorisation for inclusion in the Delegation Register, which will be reviewed every three years or as required.

Approval to undertake a procurement requires confirmation that budget funds are available and uncommitted within the appropriate budget line. Expenditure outside of the adopted budget requires the formal approval of the Chief Executive Officer or Council subject to the value and nature of the expenditure.

Delegations pertaining to expenditure and purchasing are recorded in the Delegations Register.

9. Related Documents

Disposal of Land and Other Assets Policy
Delegations Register
Corporate Credit Cardholder Agreement Form
Public Consultation Policy
Prudential Management Policy
Records Management Policy

10. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au.

PROCUREMENT THRESHOLDS			
VALUE	TYPE / METHOD	REQUIREMENTS	AUTHORISATION/ CONSULTATION
Less than \$10,000	Direct Procurement Vendor Panel	Purchase from a single source with value for money outcomes (quality, costs, fitness for purpose, timelines and risk) Quotes must be attached to Requisition raised in OneCouncil	Budget Officer in accordance with Financial Delegations
\$10,001 to \$50,000	Minor Procurement / Request for Quote (RFQ) –Use Vendor Panel (prequal suppliers preferred)	Minimum 2 written quotes Procurement Plan recommended and completed at commencement of procurement activity, including confirming the evaluation criteria. Consider two officers to evaluate. The decision (Procurement Recommendation), reasons and evidence must be recorded. All documentation must be stored in OneCouncil.	Budget Officer in accordance with Financial Delegations in consultation with relevant Director
\$50,001 to \$150,000	Major Procurement / Request for Quote (RFQ) - Vendor Panel or SA Tenders	Minimum 3 written quotes Required: Procurement Plan to be completed at commencement of procurement activity, including identification of an Evaluation Panel and Evaluation Criteria A Procurement Recommendation is required to summarise the decision, reasons and evidence of the evaluation processes. All documentation must be stored in OneCouncil	Budget Officer in accordance with Financial Delegations in consultation with relevant Director
\$150,001 and above	Formal Request for Tender / Open or Expression of Interest (RFT, EOI)	Refer upcoming procurement activity to Procurement Officer. Required: Procurement Plan and Procurement Risk Assessment completed prior to commencement of procurement activity (with Evaluation Panel), Evaluation Scoring Matrix completed, Procurement Recommendation and separate report to Council, if required. All documentation must be stored in OneCouncil.	Within approved budget – CEO All other - Council

NOTES: Refer to the Administrative Procedures for detail of preparing the procurement activity and what elements need to be considered in the documentation. Consideration to complexity and risk may determine an alternative procurement method.

Segregation of duties is required in regards to the commitment of funds through a purchase order. The Requisition Officer and the Authorising Officer MUST be different for all purchases. This applies regardless of the monetary threshold.

Selective Request for Tender: Council may issue a 'Selective' RFT where a Request for Information (ROI) has been completed or where it has reasonable grounds for negotiating with a select group of potential suppliers or sole supplier. Where the procurement activity is expected to be above \$150,000 a Procurement Waiver must be approved for deviation from an Open Tender method.

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