

Delegation of authority

Delegation	1.17 Accept or Reject Tenders and Expressions of Interest, Varying Contracts, Exercising Contract Options
Category	Part 1 - Delegations under Local Government Act 1995
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995, s.5.43 Limits on delegations to CEO</i> <i>Local Government Act 1995, s.5.42 Delegation of some powers and duties to CEO</i>
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996, Reg.11 When tenders have to be publicly invited</i> <i>Local Government (Functions and General) Regulations 1996, Reg.18 Rejecting and accepting tenders</i> <i>Local Government (Functions and General) Regulations 1996, Reg.23 Rejecting and accepting expressions of interest to be acceptable tenderer</i> <i>Local Government (Functions and General) Regulations 1996, Reg.20 Variation of requirements before entry into contract</i> <i>Local Government (Functions and General) Regulations 1996, Reg.21A Varying a contract for the supply of goods or services</i>
Function	<p>Authority to</p> <ol style="list-style-type: none"> 1. Determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender and seek clarification, if necessary, from tenderer in relation to information in the tender submission r.18(2), (4a). 2. Consider the written evaluation of the tender and determine the most advantageous r.18(4). 3. Decline to accept any tender r.18(5). 4. Accept the next most advantageous tender, where after 6-months of either accepting a tender and a contract has not been entered into, or the successful tenderer agrees to terminate the contract r.18(6) & (7). 5. Determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 6. Vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% of the contract and in accordance with Council Policy – Purchasing [F&G r.21A(a)]. 7. Exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> ▪ Function 2, 3 and 4 are limited to the Chief Executive Officer and in accordance with s.5.43(b), the total consideration under the resulting contract including options is limited to \$500,000 (excluding GST). Where the contract value is expected to be higher then outcome is to be determined by Council. ▪ Where a decision to vary a tendered contract before or after entering the contract, evidence of the variation is necessary and must not change the scope of the contract.

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Express power to subdelegate	<i>Local Government Act 1995, s.5.44 CEO may delegate powers and duties to other employees</i>
Subdelegates	<p>Director Community and Economic Development</p> <p>Director Corporate Services</p> <p>Director Infrastructure Services</p> <p>Director Planning and Sustainability</p>
Subdelegate conditions	<ul style="list-style-type: none"> ▪ Subdelegates must comply with the delegation conditions including must not exercise Function, 2, 3 or 4. ▪ Subdelegates may only exercise delegation when it is within the scope of the position role and responsibilities.
Statutory framework	<p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p>
Policy	G11 - Purchasing
Date adopted	19 June 2025
Adoption references	Ordinary Council Meeting - OCM25/078

Amendments			
Date	Type	Amendment	References
20 Jun 2025	Amended delegation	CEO Approved Memorandum - D25/23523	