

TENDER PANEL

Terms of Reference (May 2020)

Purpose

The Tender Panel is established to provide further governance and transparency to high value, high risk procurements.

The Tender Panel will assist the Chief Executive to undertake sound probity procedures in relation to procurement of goods and services necessary to deliver on the work programme and operations outlined in Far North District Council's adopted Annual Plan.

The role of the panel will evolve in line with the implementation of the Strategic Procurement framework and Council's ongoing maturity in the procurement space from transactional assessment against the policy/best practice to strategic pipeline planning and sustainable procurement practices.

Membership of the Tender Panel

- The following table identifies members of the Tender Panel: four core members and four voting members.
- Quorum is the Panel Chair plus 4 core members (preferred for consistency).
- A different General Manager will Chair the Tender Panel dependant on the agenda items and mitigation of any form of conflict of interests.

Tender Panel Chair	
Will Taylor	General Manager – Corporate Services
Tender Panel Core Members	
Janice Smith	Chief Financial Officer
George Swanepoel	In House Counsel
Glenn Rainham	Manager - Alliances
Jaime Dyhrberg	Manager Transformation Risk & Audit
Tender Panel (On a rotation basis)	
Dr Dean Myburgh	General Manager – District Services
Darrell Sargent	General Manager – Strategic Policy and Planning
Andy Finch	General Manager – Infrastructure and Asset Management
Assist with the Coordination of the Tender Panel	
Petrina Keane	Procurement Specialist
Administrator of the Tender Panel	
Lisa Williams	Administrator District Administration

Relevant Contract Managers, Project Managers etc may as appropriate be invited to present their case / answer any questions the Tender Panel may have, but do not have any decision-making rights.

Frequency of meetings

The Tender Panel will ‘meet’ on a fortnightly basis, with a schedule of meetings to be circulated at least three months in advance.

Meeting attendance can be either via Teams, face to face or a hybrid scenario.

Documentation to be reviewed and approved will be circulated to the Tender Panel members at least three business days prior to the meeting.

Terms of Reference

The scope of the Tender Panel covers all financial and contractual commitments that Far North District Council is planning to enter to (or has entered into) regardless of the funding source.

The table below highlights the appropriate levels of authority to review / approve procurement plans, supplier selection recommendations and contract variations.

Infrastructure* Works			
Procurement Stage	Value	Tender Panel Endorsement	Approval
Procurement Plan	Up to \$1,000,000	N/A	Relevant DFA
Procurement Plan	\$1,000,000+	Yes	N/A
Supplier Selection Recommendation	Between \$250,00 - \$1,000,000	Yes	Relevant DFA
Supplier Selection Recommendation	Between \$1,000,000 - \$3,000,000	N/A	Infrastructure Committee
Supplier Selection Recommendation	\$3,000,000+	N/A	Council
Contract Variations to existing contracts	Total contract and variation is less than \$1,000,000	N/A	Relevant DFA
Contract Variations to existing contracts	Total contract and variation is between \$1,000,000 and \$3,000,000	N/A	Infrastructure Committee
Contract Variations to existing contracts	Total contract and variation is more than \$3,000,000	N/A	Council

Other Works and Services			
Procurement Stage	Value	Tender Panel Endorsement	Approval
Procurement Plan	Up to \$1,000,000	N/A	Relevant DFA
Procurement Plan	\$1,000,000+	Yes	N/A
Supplier Selection Recommendation	Up to \$1,000,000	Yes	Relevant DFA
Supplier Selection Recommendation	\$1,000,000+	N/A	Council

Contract Variations to existing contracts	Total contract and variation is less than \$1,000,000	N/A	Relevant DFA
Contract Variations to existing contracts	Total contract and variation is more than \$1,000,000	N/A	Council

*** Definition of Infrastructure Works:**

- Physical Works: Minor Asset Construction, Major Asset Construction
- Professional Services: Engineering Services, Planning Services, Investigation and Design Services

All Procurements that are deemed as being high-risk, high sensitivity or where Council's reputation is affected may be referred to the Tender Panel by the Chief Executive or a General Manager.

Procurement plans for the establishment of supplier panels will be referred to the Tender Panel with a recommendation to Council via the staff report.

[Note: The Infrastructure Committee Terms of Reference dated 9 April 2020 is attached as Appendix A which contain the responsibilities and financial delegations of the Infrastructure Committee.]

Role of the Tender Panel

The role of the Tender Panel is to:

- Be satisfied that the Far North District Council’s procurement policies, principles, strategies, objectives and all associated procedures are complied with.
- Be satisfied that sufficient Council funding is available for the proposed procurement.
- Receive, review and endorse the appropriate Procurement Plan prior to going to market.
- Receive and review the Supplier Recommendation Reports on completion of market exercise.
- Be satisfied that the successful tender achieves the best value for money and best outcome for the Far North District Council and its stakeholders.
- Be satisfied that commercial confidentiality is fully maintained as required by the procurement process.
- Advise of any conflicts of interest (perceived or otherwise) that may occur during the Tender Panel’s consideration of a matter and remove themselves from the process.
- Ensure the Tender Panel consistently remains neutral and fair.

In considering whether to approve an item or not the Tender Panel will address:

- Whether the funding has been approved appropriately.
- Whether the matter fits the stated business requirement.
- Whether a robust procurement process will be / has been followed.
- Whether the potential savings opportunity is suitably ambitious.
- Whether any risks associated with the matter fits with an acceptable risks profile.
- Whether any legal considerations are appropriately identified and mitigated.
- Any Social, Ethical or Environmental considerations.

Limitations

- It is not the role of the Tender Panel to question the need for the work.
- The Tender Panel is authorised to make recommendations to the Council of the preferred tenderer but does not itself have the authority to award the contract.

Actions and outcomes from the Tender Panel meetings will be reported and distributed to appropriate General Managers / Managers, Project Managers.

Decision Making

- Where all members do not agree on a decision, the Chair of the Tender Panel can ask that further information is provided or put the matter to a vote with a simple majority vote deciding the matter.
- Members of the Tender Panel do not have any voting rights if;
 - They have interest, financial or otherwise, in the matter being decided; or
 - It could be reasonably be perceived by others that they are 'voting for their own project'.

Tender Panel is responsible for:

- Reviewing all submitted reports and agreeing to the recommendations or otherwise at the meeting, or if this is not possible, within an agreed short time period.
- Decision making and supporting the decision across the Far North District Council.
- Requesting reports for areas for concern.
- Quarterly reporting to the Assurance, Risk and Finance Committee on all procurements during the period.

The Chair of the Tender Panel is responsible for:

- Ensuring the efficient and timely running of the Tender Panel.
- Ensuring members give due consideration to the matters under discussion.
- Ensuring the minutes of the meeting accurately represents the discussion and decisions taken.
- Ensuring the Terms of Reference of the Panel are reviewed annually or earlier if required.