

<b>Policy title</b>	Competitive Provision Of Services
<b>Responsible manager(s)</b>	General Manager
<b>Contact officer(s)</b>	All Directors
<b>Directorate</b>	Office of the General Manager
<b>Approval date</b>	14 June 2022
<b>Outcome area</b>	5. Our engaged community with progressive leadership
<b>Strategy</b>	5.2 Proactive, responsive and strategic leadership
<b>Delivery Program</b>	5.2.2 Implement effective governance and long-term planning
<b>Operational Plan</b>	5.2.2.3 Review and prepare Council's plans and reports under the Integrated Planning and Reporting Framework

### Purpose

This policy outlines Council's position on the competitive provision of services. Council will continually strive to deliver services to our community that provide value for money on a quadruple bottom line basis. This policy seeks to balance the cost of service provision with the social and economic costs of the method of delivery.

### Policy aims

Council continues to deliver quality services through a mix of delivery mechanisms including:

- direct employment of Council staff;
- direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and
- fully contracted services.

This approach provides:

- competitive service delivery;
- community resilience with Council having a highly skilled workforce able to assist the community in times of emergency e.g. floods, storms, bushfire; and
- service delivery which is directly accountable to the community.

Council will continue to strive to improve the level of service delivered to its customers through undertaking service level reviews, benchmarking, continual improvement and where practicable, Regional/State procurement of services e.g. electricity purchase, borrowing arrangements.

Council is committed to continuing employment of its full-time and part-time staff where the current services are to be delivered on an on-going basis. Casual staff will be used to supplement permanent staff for peak operating periods or specific projects.

Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued unless otherwise determined by Council. Tenders for services currently provided by Council staff can only be accepted by Council in accordance with section 377 (i) of the *Local Government Act 1993*. Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.

Council will continue to undertake private works (refer separate policy). Private works will however only be pursued where Council's normal activities are not compromised, or the undertaking of such works is in the community interest.

This policy aims to:

- Promote an integrated framework for the competitive delivery of services;
- Ensure consistency and fairness in the manner in which the competitive provision of services is delivered;
- Ensure compliance with legislative requirements under the *Local Government Act 1993*;
- Promote awareness of the requirements of the *Act* with respect to the delivery of services for the community;
- Take such steps as are appropriate to ensure the services delivered provide our community with value for money; and
- Make the Council's policies and requirements for the competitive delivery of services readily accessible and understandable to the public.

### Policy statement

<b>1</b>	<p><b>Application</b></p> <p>This policy applies to all services delivered by or on behalf of Council for our ratepayers, residents and customers.</p>
<b>2</b>	<p>Council shall seek to deliver quality services to our community that provide value for money on a quadruple bottom line basis. Council shall continue to support the service delivery arrangements through a mix of:</p> <ul style="list-style-type: none"> <li>• direct employment of Council staff;</li> <li>• direct employment of Council staff working with sub-contractors and materials provided through competitive procurement; and</li> <li>• fully contracted services.</li> </ul> <p>Council will continue to undertake service level reviews, benchmarking and continual improvement to ensure the services delivered provide the community with value for money. Council will also pursue Regional, State and National procurement of services e.g. electricity purchases, borrowing arrangements.</p> <p>Competitive tendering in the market place (open tender with in-house bids) for the current services provided by Council staff will not be pursued. Council reserves the right to put to competitive tender work surplus to the program that would fully occupy permanent full-time and part-time staff, or works requiring specialised skills and knowledge not currently available to Council.</p> <p>Council may review the services delivered to the community in consultation with the community. Where Council determines a change in service, Council will manage its employment responsibilities in a manner consistent with the current Awards relevant to Local Government employment in NSW.</p>
<b>3</b>	<p><b>Legislation</b></p> <p>Council will comply with the <i>Local Government Act 1993</i> including Chapter 3 (Section 8A) which in part says:</p> <p><i>1. Guiding principles for councils</i></p> <ul style="list-style-type: none"> <li>• <i>Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.</i></li> <li>• <i>Have regard to the long term and cumulative effects of its decisions.</i></li> <li>• <i>Be a responsible employer.</i></li> </ul>

**Implementation**

Requirements		Responsibility
1	<b>Service Delivery</b> Council will determine the nature of services to be delivered in consultation with its community and in accord with the <i>Local Government Act, 1993</i> . These services shall be outlined within Council's Delivery Program and Operational Plan. Council aims to deliver quality services taking account of the quadruple bottom line including social, economic and environment factors and the need for good governance.	Council
2	<b>Service Reviews</b> Council will undertake a review of the services to be delivered to the community, at least every four years, as part of establishing the Delivery Program.	Council
3	<b>Benchmarking and Continual Improvement</b> Council will undertake on-going benchmarking and continual improvement programs to improve the service delivery to our community. The outcomes of this work will be incorporated into the service review undertaken to establish the Delivery Program.	Council officers
4	<b>Regional, State and National Procurement</b> Council will continue to work regionally and on a state and nation- wide basis to share resources and pursue economies of scale in procurement of services e.g. electricity supply, borrowing arrangements. Council will continue to work collaboratively with other Councils and peak bodies to pursue efficiencies through shared knowledge and systems.	Council Council officers
5	<b>Staff</b> Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
6	<b>Concerns</b> Customer inquiries received regarding the application of the Competitive Provision of Services policy will be recorded on the Customer Request Management system and handled in accordance with Council's Customer Requests Management Procedure so inquires can be responded to.	Council Officers
7	<b>Consultation</b> Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Substantive changes to this policy will be placed on public exhibition for 28 days for community comment and submissions to be considered.	As required

**Review**

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages competitive provision of services.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it

sooner. **Note:** The next general local government election is expected to be held in September 2026.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer Concerns	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

## Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

### Related legislation and policies

Name	Link
Code of Practice	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>
Local Government Act 1993	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182</a>

### Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>

### Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Apr 1998	Council		06.0380	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095	Policy reviewed and updated.
3	12 Sep 2017	Council	17/291	E16.0297	Reviewed and updated (start of new Council term)
4	14 June 2022	Council	22/139	E16.0297	Reviewed & updated at new Council term. Report GMR22/064

### Internal use

Responsible officer	General Manager		Approved by	Council
Minute	22/139	Report no	GMR22/064	Effective date
File No	E06.0380 E16.0297	Review date	Mar 2022	Pages
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