
Section E

Council Policy - Tender & Contract Confidentiality

BASS COAST SHIRE COUNCIL

Contract & Purchasing Policy

Tender & Contract Confidentiality

This document sets out the general policy which the Bass Coast Shire Council (*the Council*) adopts for tenders, contracts, and like arrangements. It has been developed to balance the respective rights and obligations of all parties. It is consistent with Australian Standard “Code of Tendering” AS 4120, Public Record Office Standard PROS 98/01, Victorian Local Government “Code of Tendering” and the Freedom of Information Act 1982.

1. This policy applies to all tenders, contracts, purchase orders, contractual arrangements and in-house agreements unless there are explicit provisions to the contrary in the conditions of a particular tender and/or contract.
2. The Council recognises that a tender and any information contained in it are the intellectual property of the Tenderer. Such information is furnished only for the purpose of enabling the Council to decide whether to accept the tender. The Council receives tenders on a “Commercial in Confidence” basis and undertakes not to disclose tender information to any persons except those having rights of access to it.
3. The provisions of paragraph 2 apply to all tenders, tender information and tender assessments both prior to and after contract award.
4. The Council is required by statute and regulation to prepare certain reports and to keep records that enable the Council to verify the reports. The Council will retain the tender documents of all successful and unsuccessful tenders for ordinary contracts and contracts under seal, together with selected relevant information, in accordance with the Public Record Office Standard PROS 98/01.
5. All unsuccessful tenderers will be advised promptly in writing together with the identity of the contractor, the reasons for the award and the Contract Sum. All other contract information will be treated as “Commercial in Confidence”.
6. Nothing in this policy shall prevent the Council, Tenderers and/or Contractors from:
 - (a) disclosing information already in the public domain,
 - (b) disclosing information where required by the Freedom of Information Act 1982, statute or regulation,
 - (c) disclosing information to the Council’s officers, employees, agents and consultants who are engaged on the evaluation of tenders or the supervision of contracts,
 - (d) disclosing information to persons who have a lawful right to the information, such as the Council’s auditors and various government agencies such as the Office of Local Government and the Australian Bureau of Statistics.
7. Where the Council engages person’s external to the Council as agents or consultants for the evaluation of tenders or supervision of contracts, the Council will require those persons to sign a *Confidentiality Agreement* with the Council prior to commencing engagement with the Council.

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