

Contracts Approval Delegated Committee

Terms of Reference

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1. Background

- 1.1. By this Terms of Reference document, the Ballarat City Council (Council) establishes the Contracts Approval Delegated Committee (Committee) pursuant to section 63 of the *Local Government Act 2020* (LGA). The Committee is established as an ongoing Delegated Committee.
- 1.2. The members of a Delegated Committee have the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.3. These Terms of Reference are authorised by a resolution (R221/21) of Council passed on 27 October 2021.
- 1.4. Prior to this date, under Council's delegations to the CEO, contract approvals were limited to \$1,000,000 meaning that all contracts over this value required the approval of Council. The Council meeting cycle meant that contract approvals required three weeks to go through Leadership Team, Councillor Briefing and an Ordinary Council meeting before being approved.

2. Purpose

The Committee is established for the purpose of:

- 2.1 Making decisions on Council contracts between \$500,001 and \$2,000,000, thereby expediting the contract approval process.

3. Objectives

The objectives of the Committee are:

- 3.1 To specifically streamline decision-making processes of Council.

4. Roles and Responsibility

The role of the Committee is:

- 4.1 To exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation; and
- 4.2 To only consider contracts that meet the following criteria:
 - 4.2.1 Contracts of value between \$500,001 and \$2,000,000;
 - 4.2.2 Recommended contracts within the Council approved budget;

- 4.2.3 Full contract evaluation reports have been prepared in accordance with Council's procurement policy, including the consideration of local content;
- 4.2.4 Contract evaluation reports are authorised by the relevant Director and the Chief Executive Officer.

5. Delegation of Powers, Duties and Functions

- 5.1 In order to fulfil and carry out its purposes and objectives Council delegates to the members of the Delegated Committee, pursuant to section 11(1)(a) of the *Local Government Act 2020*, the powers, duties and functions set out in the Instrument of Delegation passed at Council on 27 October 2021 (R221/21) and attached to these Terms of Reference.
- 5.2 The powers, duties and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Council's Governance Rules and the Committee Policy.

6. Membership

- 6.1. The Committee will consist of a minimum of three (3) members comprising:
 - 6.1.1 Three (3) Sustainability Portfolio Councillors.
- 6.2. Council Officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.3. Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.4. Council will revise the membership and voting rights of each Committee member as it sees fit.
- 6.5. The Councillor appointed by the Council or the Mayor will be the Chairperson of the Committee in accordance with section 63(2)(a) of the *Local Government Act 2020*.
- 6.6. If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.
- 6.7. All of the Committee members must submit primary and ordinary returns to Council in accordance with section 81 of the *Local Government Act 1989* and after 24 October 2020, initial personal returns and biannual personal returns in accordance with sections 133 and 134 of the *Local Government Act 2020*.
- 6.8. The Committee has the discretion to refer any contract submitted to it to the full Council for decision if the Committee so determines.

7. Meetings

- 7.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 7.1.1 Council's Governance Rules;
 - 7.1.2 section 61 *Local Government Act 2020*; and
 - 7.1.3 the Committee's discretion, as exercised from time to time.
- 7.2 The Committee will meet weekly or as agreed by the Committee from time to time.
- 7.3 A quorum of the Committee will be two (2) Councillors.
- 7.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 7.5 Administrative support to the Committee will be provided by the Business Services Executive Assistant.

8. Reporting

- 8.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
- 8.1.1 Council's Governance Rules;
 - 8.1.2 the Committee's discretion, as exercised from time to time;
- 8.2 The Committee can report to Council as required.
- 8.3 Where requested by Council, the Committee must report its activities and performance to a meeting of Council.

9. Creation and Dissolution

- 9.1 By these Terms of Reference, the:
- 9.1.1 Committee is established; and
 - 9.1.2 powers, duties and functions of the Committee members, as set out in the Instrument of Delegation, are delegated.
- 9.2 These Terms of Reference and the Instrument of Delegation:
- 9.2.1 come into force immediately when the resolution of Council adopting them is made; and
 - 9.2.2 remain in force until Council determines to vary or revoke it.
- 9.3 The Committee must be dissolved by a resolution of Council.

9.4 The Terms of Reference will be reviewed as required.

Dated: This Terms of Reference came into effect on 1 December 2021.