



APPENDIX 5

TERMS OF REFERENCE FOR THE TENDERS SUBCOMMITTEE

Title	Tenders Subcommittee
Authorising Body	Mayor/Council
Status	Subcommittee of the Risk and Assurance Committee
Quorum	The Chair plus two members
Adopted by Council	24 November 2022
Administrative Support	Chief Executive's Office

Purpose

The purpose of the Tenders Subcommittee is as follows:

1. To approve conforming tenders with value between \$100,000 and \$499,999 with preference to lowest conforming tenders.
2. To approve the extension of the term of contracts in accordance with special conditions of the contracts, subject to good performance and there be no chance of a new tender delivering more attract rates/outputs.
3. Overhead review of contractor performance.

Responsibility

The Tenders Subcommittee is responsible for:

1. Considering tender evaluations presented by Group Managers/Consultants for work with a value between \$100,000 and \$499,999. The subcommittee will in its deliberations provide for:
 - Taking into account the advice provided by staff/consultants
 - Giving preference to the lowest conforming tenders.
2. Recommendations to Council on recommendations by Group Managers regarding contractor performance.

Report to the Risk and Assurance Committee on a regular basis concerning all large capital project updates as required.

Delegated Authority

In accordance with the Council's Adopted Delegations Manual, the Chief Executive has delegated authority to sign off tenders less than \$100,000.

Tenders from \$100,000 to \$499,999 must be approved by the Tenders Committee.

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Tenders from \$500,000 and greater must be approved by the full Council.

Power to Delegate

The Tenders Subcommittee may not delegate any of its responsibilities, duties or powers.

Membership

The subcommittee will comprise of the following:

- Deputy Mayor Gillett (Chair)
- Her Worship the Mayor
- Northern Ward Councillor (to be determined)
- Cr Manera
- Kw Tumahai
- Kw Madgwick

Chairperson

The Chairperson is responsible for:

- The efficient functioning of the subcommittee
- Setting the agenda for subcommittee meetings in conjunction with the Chief Executive
- Ensuring that all members of the subcommittee receive sufficient timely information to enable them to be effective subcommittee members.

The Chairperson will be the link between the subcommittee and Council staff.

Quorum

The quorum at any meeting of the subcommittee shall be the Chairperson and any two members.

Frequency of Meetings

The subcommittee shall meet as and when required.

Relationships with Other Parties

The Chief Executive is responsible for servicing and providing support to the subcommittee in the completion of its duties and responsibilities. The Chief Executive shall assign council staff as required to provide these functions on his/her behalf.

The Chairperson may request the Chief Executive and staff in attendance to leave the meeting for the duration of the discussion. The Chairperson will provide minutes for that part of the meeting.

Contacts with Media and Outside Agencies

The Subcommittee Chairperson is the authorised spokesperson for the subcommittee in all matters where the subcommittee has the authority or a particular interest.

Subcommittee members, including the Chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council on matters outside of the subcommittee's delegations.

The Chief Executive will manage the formal communications between the subcommittee and its constituents and for the subcommittee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of the Westland District Council.

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Conduct of Affairs

The subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders and Code of Conduct.

Public Access and Reporting

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- Workshops may be held to provide an opportunity for councillors to give guidance to staff on the next steps (direction setting), however, they cannot make decisions or formal resolutions.
- Extraordinary meetings of the subcommittee must be held in accordance with Standing Orders.

The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in s.48 of the Local Government Official Information and Meetings Act 1987.

Minutes of meetings

The subcommittee shall record minutes of all its proceedings.