



GLAMORGAN
SPRING BAY
COUNCIL

Glamorgan Spring Bay Council

Private Works Policy

Version [2.0]

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1 Introduction

1.1 Purpose

To provide a framework for performing private works that is applicable to everyone, transparent, objective and consistent. To undertake private works at market prices ensuring an acceptable profit margin to Glamorgan Spring Bay Council (Council) that is consistent with anti-competitive requirements of the Trade Practices Act 1974 and the no advantage requirements of the Local Government Act 1993.

1.2 Scope

This policy applies to all private works undertaken by Council on behalf of any applicant. Works may include the supply of labour, materials, plant and services.

Outside the scope of the policy is any circumstance where a state of federal government grant is provided for works or services to private land, which are designed to be administered by and delivered through council operations.

1.3 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- Trade Practices Act 1974
- Local Government Act 1993

1.4 Policy Review and Update Cycle

This policy is to be reviewed every four years.

2 Policy

Priority for use of Council's plant, equipment, labour and other resources is to be given to Council's own work program at all times, before entering into a private works arrangement. It is Council's preference that all private works be undertaken by private contractors in the first instance. Council reserves the right to refuse a request for private works if it is deemed to conflict with Trade Practices restrictions, outside of Council's capabilities, resource availability or for any other reason deeming the works unachievable by Council.

Major Private Works

Major Private Works will only be considered in the following circumstances:

- There is no private contractor available to undertake the work; and
- The project would be of strategic economic, social or environmental benefit to the community; and
- The Staff and Council have the capacity to engage in the project; and
- It may provide a valuable training opportunity for the Staff. Major Private Works valued over \$25,000 (excl GST) will require the consent of the General Manager.

Minor Private Works

- Minor Private Works valued at or below \$25,000 (excl GST) will require the consent of the relevant Department Manager

Plant Hire

- Council will not hire plant without an approved Council operator and in accordance with this Policy.
- Council is responsible for the payment of Council operators engaged on private works. No other payment arrangements are permissible.
- Where Council agrees to undertake Private Works and the works are not on private property engaged directly by the land owner, the hirer shall have adequate public liability insurance to cover the activities of the hired plant. Evidence of that insurance and permission of the land owner must be provided to Council prior to commencement of the works.

Scope of Works

- A scope of works is to be included with estimates and quotes for all private works.
- The scope of works for Minor Private Works must be clearly outlined, including the works to be undertaken, permits required, estimated quantities of materials to be used and a timeframe in which the work is to be carried out.
- All scopes of work for Major Private Works must include design drawings, specifications where appropriate and all permits required to be provided to Council prior to commencement of works.

Costings

- Where a Major Private Works project has been approved, a firm quotation must be provided.
- All quotations must be in writing and must be accepted by the applicant in writing prior to commencement of the works. Quotation shall be valid for 30 days only, after which an updated quotation will be provided on request.
- Where a Minor Private Works project has been approved, an estimate of costs will be provided.
- All estimates and quotes provided are GST-inclusive.
- Hire rates for Council plant must comply with Council's external plant hire rates.
- A minimum charge rate of two (2) hour plant hire for each machine engaged will apply to private works.
- Hourly Rates for staff must include on-costs for wages.
- Where plant/equipment is hired outside of normal working hours, the applicant will be charged the operator overtime or penalty rates as prescribed in the relevant award and Council's Enterprise Agreement.
- Quotes may include a contingency.
- Variations to scope may incur additional charges to the original quote and must be agreed to in writing by both parties before commencing additional works.

Council Employees, Elected Members, Volunteers, Consultants and Contractors

- Council Employees, Elected Members, Volunteers, Consultants and Contractors must pay the same rates and charges for private works that would apply to anyone else.
- All other rules contained within this policy also apply to any Council Employees, Elected Members, Volunteers, Consultants and Contractors requesting private works.
- Council Employees, Elected Members, Volunteers, Consultants and Contractors must not gain an advantage over the general public; for example, they cannot get an advantage in relation to GST, or purchase items on Council's accounts to gain a corporate discount.
- Council Employees, Elected Members, Volunteers, Consultants and Contractors will not receive favourable payment terms.
- Applications for private works for Council Employees, Elected Members, Volunteers, Consultants and Contractors must be approved by the General Manager.

- Applications for private works for Department Managers or the General Manager require the approval of Council.

Payment

- Upon completion the relevant Department Manager will arrange for the private works to be invoiced.
- Payment terms are 30 days.
- The applicant is responsible for paying the invoiced amount in full by the due date.
- A deposit or milestone payment maybe required for Major Private Works

3 Implementation

Implementation of this Policy rests with the General Manager.