

**Section 228 Tender process**

- (1) This section is about how a local government must invite written tenders for—
  - (a) a large-sized contractual arrangement; or
  - (b) a valuable non-current asset contract.
  
- (2) The local government must either—
  - (a) invite written tenders under subsection (4); or
  - (b) invite expressions of interest under subsection (5) before considering whether to invite written tenders under subsection (6)(b).
  
- (3) However, the local government may invite expressions of interest under subsection (5) only if the local government—
  - (a) decides, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders; and
  - (b) records its reasons for making the resolution in the minutes of the meeting at which the resolution was made.
  
- (4) The invitation for tenders must—
  - (a) be made by an advertisement in a newspaper that circulates generally in the local government area; and
  - (b) allow written tenders to be given to the local government for at least 21 days after the advertisement is published.
  
- (5) The invitation for expressions of interest must—
  - (a) be made by an advertisement in a newspaper that circulates generally in the local government area; and
  - (b) allow written expressions of interest to be given to the local government for at least 21 days after the advertisement is published.
  
- (6) If the local government invites expressions of interest under subsection (5), the local government may—
  - (a) prepare a short list from the persons who respond to the invitation for expressions of interest; and
  - (b) invite written tenders from those persons.
  
- (7) If—
  - (a) an invitation to tender under subsection (4) or (6)(b) states that the local government might later invite all tenderers to change their tenders to take account of a change in the tender specifications; and
  - (b) the local government does change the tender specifications; the local government may invite all the persons who submitted a tender to change their tender to take account of the change, before making a decision on the tenders.
  
- (8) A local government may decide not to accept any tenders it receives.
  
- (9) However, if the local government does decide to accept a tender, the local government must accept the tender most advantageous to it, having regard to the sound contracting principles.