



# ORDINARY MEETING

## AGENDA

### LATE ITEM 11.19

### Contracting Exceptions – Sole Supplier Exemption

**18 APRIL 2023**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 18 April 2023 commencing at 9.00am for transaction of the enclosed business.*

Cale Dendle  
**CHIEF EXECUTIVE OFFICER**  
17 April 2023

Next Meeting Date: 16.05.23

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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## 1 REPORTS

### 11.19 CONTRACTING EXCEPTIONS - SOLE SUPPLIER EXEMPTION

**File No:** VP295256  
**Attachments:** Nil  
**Responsible Officer:** Molly Saunders - Acting Manager Community and Cultural Services  
Chris Ireland - General Manager Communities  
**Author:** Jo Strohfeldt - Community Development & Engagement Officer

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#### SUMMARY

*The Local Government Regulation 2012 provides for an exception to the requirements to obtain quotes or tenders where the local government resolves that there is only one (1) supplier reasonably available to it.*

#### OFFICER'S RECOMMENDATION

THAT Council resolves to apply an exception to Mental Health First Aid Australia for their engagement to facilitate and deliver Mental Health First Aid Instructor training for twelve (12) persons in Yeppoon under section 235(a) of the *Local Government Regulation 2012*, due to the provider of the Mental Health First Aid training owning the program with no other training organisation able to offer the qualification.

#### BACKGROUND

Compliance with Council's Purchasing Exception Guideline for projects over a value of \$15,000 necessitates a Council resolution to meet the legislative requirement of section 235 of the *Local Government Regulation 2012*. The regulation identifies when a local government may enter a contractual arrangement without first inviting written quotes or tenders.

Section 235 of the *Local Government Regulation 2012* allows a local government to enter medium-sized or large sized contractual arrangements without first inviting written quotes or tenders if-

- a) the local government **resolves** it is satisfied that there is only 1 supplier who is reasonably available; or
- b) the local government **resolves** that, because of the specialized or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or
- c) a genuine emergency exists; or
- d) the contract is for the purchase of goods and is made by auction; or
- e) the contract is for the purchase of second-hand goods; or
- f) the contract is made with, or under an arrangement with, a government agency

#### COMMENTARY

Council has received mental health grant funding in 2022. The project brief is train key stakeholders to become facilitators of Mental Health First Aid within the Livingstone Shire. This would enable facilitators to train various community members in being able to apply Mental Health First Aid to support people experiencing mental health problems.

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The sole supplier is Mental Health First Aid Australia, which is a national not-for-profit health promotion charity. This supplier provides high quality, evidence-based, mental health first aid education. It is requested that Council resolve to engage Mental Health First Aid Australia as a sole supplier under provision 235(a) of the *Local Government Regulation 2012*.

A quote of \$38,880 was provided for the work to be provided by Mental Health First Aid Australia. This is accommodated within existing budgets and has been funded through the receipt of grant monies. Quotes were unable to be sought by other providers as they no other organisation offers the training package.

### **PREVIOUS DECISIONS**

There has been no previous decision in relation to this matter.

### **ACCESS AND INCLUSION**

There are no access and inclusion issues in relation to this report.

### **ENGAGEMENT AND CONSULTATION**

The key project partners for delivery of the project are Communities – Community Development, Sport and Recreation.

The Community Development, Sport and Recreation Officers have sought alternate providers of Mental Health First Aid training to enable quotations to be provided for comparison. Officers have obtained references for other Councils within Australia, whom have engaged the supplier for training. Two other Councils were contacted, Glenorchy City Council and Maroondah Shire Council. Both Councils provided excellent references for Mental Health First Aid Australia

### **HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications regarding this report under the Queensland *Humans Rights Act 2019*

### **BUDGET IMPLICATIONS**

The value of training is \$38,880 inclusive of GST. Grant funding monies have been received for this mental health initiative and will cover the entire cost. This funding must be spent by 30 June 2023.

### **LEGISLATIVE CONTEXT**

Section 235 of the *Local Government Regulation 2012* identifies when a local government may enter into a contractual arrangement without first inviting written quotes or tenders. An exception may be granted under section 235(a).

### **LEGAL IMPLICATIONS**

The resolution provides legal protection in respect of demonstrating compliance with legislation.

### **STAFFING IMPLICATIONS**

Existing staff of Council will benefit from the training and will be able to provide cost neutral training to other Council officers.

### **RISK ASSESSMENT**

Organisational risks related to transparent procurement processes are addressed.

### **CORPORATE PLAN REFERENCE**

**Corporate Plan Reference:** Community Plan Goal 4.1 - Innovative and accountable leadership to achieve a shared future

**CONCLUSION**

It is recommended Council engage Mental Health First Aid Australia as contracting exception, given the specialised nature of the training required.