

District Council of Elliston Policy



Community E005 Private Works

Signature	
Policy Issued & Effective from	19 September 2023
Date of Last Review	September 2018
Version No.	3
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Person responsible for maintaining	Works Manager

Refer to the last page of this document for the Document History Table

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1. Introduction

This policy sets out District Council Of Elliston's (**Council**) position on the undertaking of Private Works by Council (or by a sub-contractor engaged by Council) to a person(s) or company at their request. The policy is designed to protect public funds and the integrity, security and reputation of the Council and its staff, and maintain a high level of service to the community.

2. Policy Principles

The objectives of this policy are:

- To allow Council to undertake Private Works for the financial benefit of Council without prejudice to municipal works;
- To ensure Council's processes for the quotation and undertaking of Private Works is undertaken in a fair, prudent and transparent manner; and
- To ensure that a process and criteria are established for the recuperation of monies owed and/or monies required to be paid prior to the commencement of work.

3. Definition

Private Works includes any work of a nature which lies outside the core business function or responsibility of Council.

4. Competition

Private Works is not a core function of Council and is provided in circumstances where an alternative contractor and/or plant is unavailable.

All Private Work is "contestable" and Council does not wish to promote or seek any monopoly over these functions. As such, applicants may wish to seek alternative quotations or plant hire options through other organisations.

5. Disclaimer

In requesting and authorising the Council to carry out Private Works, the applicant shall indemnify the Council against any claim, action or process for damage or injury which might arise during the progress of such works and shall keep indemnified the Council against any claim, action or process for damage and/or injury which may arise from the existence of such works unless such damage and/or injury is due or contributed to by an act or omission of the Council, its employees or agents.

In all cases written quotations will be issued, with acceptance by Signed Agreement required for all work. All costs incurred by Council in respect to labour and materials are charged against the organisation concerned.

Council may provide a subsidy to community based or charitable organisations in respect of plant hire. Such requests must be made in writing to Council as per Council's Community Support Policy.

Council will not tender for works in competition with our companies, contractors or entities.

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6. Undertaking of Private Works

Council reserves the right to refuse Private Works if it is deemed to be outside of Council's scope of works, timelines cannot be met, resource availability or for any other reason deeming the works unachievable by Council.

When undertaking Private Works Council shall ensure that all relevant approvals and/or information (eg building, native vegetation and underground services) have been sought by the person(s) requesting the works and copies of such approvals or information shall be obtained by Council.

No Private Works projects shall be undertaken until:

- Applicant has completed a Private Works Request Form (Attachment A)
- Council staff have inspected the project and provided a quotation for the work including a timeframe as to when the project can be undertaken. No Private Works shall take precedence over the completion of Council's annual works program.
- The quotation shall include all plant and labour rates as in Council's Schedule of Fees and Charges as well as material costs to complete the job and will be valid for 30 days.

7. Payment

An offer will be made to the applicant, in writing, outlining the costs, timeframes and shall include provision for recouping additional money should the cost of the project exceed the quotation.

Prior to commencement of any Private Works, payment for monies due must be received in full.

Any Private Works project which exceeds \$20,000 shall be presented to Council for approval prior to undertaking the works.

8. Associated Documents

- Local Government Act 1999
- Requests for Service Policy
- Complaints Handling Procedure
- EXXX: Code of Conduct for Elected Members
- EXXX: Code of Conduct for Employees

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DOCUMENT HISTORY				
Version	Changes since last version	Approved by	Record No	Issue Date
1	Original	Council		November 2007
2	Split from Plant Hire policy and minor changes	Council		November 2018
3	Updated to new template and minor changes	Council	9.63.1/2	19 September 2023

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Attachment A

Private Works Request Form

Request Made By:		Billing Details (if different)		
Name:		Name:		
Address:		Address:		
Telephone:		Telephone:		
Private Works Required (description of work address, preferred dates, etc)				
Cost Estimate				
These prices have been quoted to client	Yes / No			
Material / Machinery / Labour	Qty	Fee	Total (inc GST)	

I,(full name)

representing(business name)

of(address)

hereby request the District Council of Elliston to carry out the above mentioned work at my expense.

I understand that estimates of costs are estimates only. The cost charged will be based on actual timesheets and plant sheets and may be higher than that estimated. Costs are as per Council's Schedule of Fees and Charges. Where work is performed in overtime, staff time will be added to the rates included in the Schedule of Fees and Charges. It is further agreed that should the work required by completed in less than the estimated time, Council shall be bound to refund any amount overpaid.

I confirm that I have read and understood Council's Private Works Policy and agree to be bound by the terms and conditions stated within that Policy. I agree to indemnify the District Council of Elliston and I will indemnify Council for any damages or injury caused to persons or property by operation of Council plant whilst on hire, eg. Accidental injuries, vehicle damage, damage to water lines, electricity, Telstra

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or other building or property damage in the like. I agree that the marking out and supervision of the work is my responsibility. I understand that Council is under no obligation to authorise this request.

Signed Date

For Council use only			
Request: Approved / Denied			
Signature of Coordinator Works:		Date:	
Debtor Number:		GL Number:	
Actual Costs			
Material / Machinery / Labour	Qty	Fee	Total (inc GST)