



Probity Plan Summary

St Kilda Marina New Lease Project



This Probity Plan summary has been produced by CourtHeath Consulting for the City of Port Phillip St Kilda Marina new lease project.



PROBITY PLAN SUMMARY NOVEMBER 2017

CITY OF PORT PHILLIP

ST KILDA MARINA NEW LEASE PROJECT

THE PROBITY PLAN

- The St Kilda Marina New Lease Project (the Project) is an important and prominent project for the City of Port Phillip (Council). Council has developed a plan for managing probity risks during the Project. This Probity Plan describes probity as the concept of procedural integrity, using transparent and accountable processes that will withstand external or independent scrutiny.
- The Project involves engagement with a variety of stakeholders who have diverse interests and views. Without good probity practices, the Council risks leaving itself open to criticism of the process and possible legal challenges. The Probity Plan addresses such risks.
- The Probity Plan has been developed with Councillors in mind balancing their role engaging with community and other stakeholders with good probity practice appropriate for competitive processes. It works in tandem with the Council's Codes of Conduct¹ and procurement policy, which must be followed by personnel involved with the Project.
- The Probity Plan refers to behaviours and approaches to assist the project team, Council and stakeholders to uphold probity standards. It includes some protocols and contemplates that further protocols will be developed as required to assist in managing emerging issues. For example, communications and responding to unsolicited market approaches.
- The Probity Plan is in two parts. The first deals with probity in general for the Project and includes the probity requirements applicable during the planning phase. The second part deals specifically with probity requirements applicable to the conduct of competitive processes such as establishment of the new lease and related engagements of contractors and consultants.

PART 1 – PROBITY

- In the context of the Project generally, probity practices aim to achieve a defensible process which can withstand internal and external scrutiny and achieve both accountability and transparency. The community expects business in the public sector to be conducted ethically, displaying honesty, integrity, diligence, trust and respect when dealing with others.
- To achieve an ethical and transparent approach, processes must be clear, open, well understood and applied by all parties in the process.
- Probity requirements apply to all personnel involved in the Project on behalf of the Council including Council officers, Councillors, consultants and advisors. These apply through all stages of the Project.
- Throughout the Project, certain information will be confidential and not appropriate to make public or disclose to any third party. Such information must be kept secure to safeguard the

¹ Codes of conduct for Councillors and for Contractors and Consultants are available on the City of Port Phillip website: <http://www.portphillip.vic.gov.au>. The Code of Conduct for staff is available on the City of Port Phillip Intranet: [Home](#) > [Toolbox](#) > [Tenders & Contracts](#) > Forms, Templates, Policies.



confidentiality of the information. A confidentiality form has been developed to be signed by personnel involved in the Project.

- Release of information to the public will be managed through approval of the Project Sponsor. This will ensure systematic and controlled provision of the information so that it is available to all interested parties at the same time.
- The *Local Government Act (1989)* (the Act) deals with conflict of interest in local government. It is the responsibility of the individual to disclose conflicts of interest. It is better to disclose a conflict of interest rather than risk committing an offence under the Act. A conflict of interest form has been developed for personnel involved in the Project to facilitate identification and management of conflicts of interest.

PART 2 – PROBITY FOR COMPETITIVE PROCESSES

- Irrespective of the exact procurement method adopted, the competitive process will involve the establishment of criteria against which Respondents will be assessed. The assessors must act fairly and consistently and keep records of their deliberations and reasons for their recommendations.
- Information from Respondents and evaluation documentation must be kept confidential and secure. Security protocols must be in place to ensure that confidential information can only be accessed by authorised staff with a direct “need to know”. This includes having a secure network, using password protection on folders or files, and using password protection or encryption when transmitting sensitive documents by email. The use of removable storage, such as USB sticks, should be avoided.
- Key documents pertaining to the process, including minutes of meetings, should be systematically stored. At the completion of the Project, these should be filed securely.
- No discussion should be held with any known Respondent about the competitive process, in relation to any aspect of the proposal, or the selection process, without prior approval – or at the direction of either the chair of the evaluation team or the Project Manager. However, the evaluation team may choose to give Respondent Briefing Sessions or to conduct Positive Guidance Meetings.
- Personnel must provide consistent information if making presentations to Respondents. This information must be supplied uniformly to ensure that no Respondent receives any advantage over another Respondent. The information presented must be based upon information approved for distribution in advance, by members of the evaluation team.
- Parties with whom Council has a business relationship may contact staff as part of the normal day to day relationship. However, respondents are to deal directly with the personnel nominated in the invitation in all matters relating to any Response or proposed Response.
- Council staff should also take additional care during routine business meetings and social activities. Unusual or exceptional invitations from any party with a declared interest in the Project should not be accepted.
- There are protocols and guidance notes applicable during the competitive aspects of the Project such as pre-tender meetings and briefings. Further protocols will be developed as required.



FOR FURTHER INFORMATION

The Council has appointed CourtHeath Consulting (www.courtheath.com.au) to provide probity advice and oversight of the Project.

For further information or advice on specific scenarios, please direct questions to Michelle Rysanek, Project Manager, in the first instance.