



Kaitiaki Kindergartens

Operational Policies

2.02 Contracts Policy

Classification: Finance and Administration

Applies to: All Staff and Committees

Approved by: General Manager

Date: September 2023

Review Date: September 2025

Purpose:

To outline the Association's requirements for the management of contracting processes. For the purposes of this policy 'staff' includes any other designated person or organisation dealing with contracts for, or on behalf of, the Association.

To be read in conjunction with Kaitiaki Kindergarten Policies:

- 1.12 General Manager Reserve Powers Policy
- 2.04 Finance policy
- 2.05 Purchasing Policy
- 4.01 Conflict of Interest Management policy

Definitions:

- Kaitiaki Kindergartens – is referred to as 'The Association'

National Education and Learning Priorities – NELPs considered:

- Nil
-

Procedure:

Only the General Manager or person with delegated authority from the General Manager or Board can enter into contracts (policy 1.12).

All contracts for sums not covered in the approved budget must be approved by the Board.

Definition of a contract:

A contract may be defined as an agreement, not necessarily in writing, between two or more persons or legal entities which is intended to be enforceable. The essential elements of a contract are:

- Agreement between the parties as to the essential terms of their bargain.
- An intention by the parties to create a legally binding relationship.
- The existence of consideration which means that each party gives the other something and each party gets something in return.
- Both parties must have capacity to contract.



Kaitiaki Kindergartens

Accountability:

The General Manager or person with delegated authority is responsible for the central management of all contracting processes except, on occasions, for ongoing contract management once a contract is in place. Staff who have delegated authority to manage a contract must:

- Manage all performance and operational aspects of the contract
- Have a clear understanding of the goods and services to be received and supplied and be satisfied that they represent value for the Association.

Purchasing:

Purchasing of goods and services with a value greater than \$10,000

In general, this will be via Request for Tender or Request for Quote processes. Goods and services will be specified by function; what is to be achieved, performance parameters, technical specifications, physical characteristics or a combination. This specification must be clear, concise, logical and accurate. Prior to the Request for Tender / Quote the General Manager or person with delegated authority will establish evaluation criteria. Criteria may include prior performance, cost, technical competency, health and safety management and quality of the application.

Signed:

Tara Solomon
General Manager

A handwritten signature in black ink, appearing to read 'Tara Solomon', written over a faint, larger version of the same signature.

Date:

05/04/24

Endorsed by the Kaitiaki Kindergartens Board at the Board Meeting of 6 March 2024