

PROCUREMENT AND PURCHASING POLICY

Section	Finance		
Approval Date	15.02.2019	Approved by	Executive Team
Next Review	11.02.2023	Responsibility	Executive Director - Finance, Compliance and Business Improvement
Last Reviewed	11.02.2019	Key Evaluation Question	6

PURPOSE

To ensure a standard procurement practice for Nelson Marlborough Institute of Technology (NMIT) that is professional, fair, transparent, efficient and effective.

To conserve funds through the reduction of costs and improvement in quality of goods and services purchased.

CONTENTS

- CAPEX processes (budgeted and unbudgeted)
- OPEX processes
- Sensitive expenditure
- Payment methods
- Delegation limits

POLICY

The following guiding principles must be applied when procuring materials, supplies, equipment and services of any value for the Institute:

- Public entities have a fundamental public law obligation to always act fairly and reasonably. The Institute therefore must be, and must be seen to be, impartial in its decision-making.
- All procurement estimated at being less than \$20,000 Total Cost of Ownership can be through existing Preferred Suppliers Agreements if such exist, or through obtaining a number of competitive quotes, depending on the amount. Major procurements require the approval of the Chief Executive or an Executive Director under delegated authority.
- Strategic procurements will be through a contestable tender or proposal process. A Business Case approved by an Executive, the Chief Executive and the Council Chair will be required before staff can proceed with the contestable process. Procurement planning must be included as part of each Business Case approval process for major procurement decisions. The Business Case preparation should include an appropriate level of market research to provide an informed decision on the procurement process to be used. The scale and complexity of the Business Case should be proportionate to the risk and value of the procurement.
- In line with government policy, NMIT purchases will be guided by the following principles:
 - Provide the best value for money over total cost of ownership
 - Allow for open and effective competition
 - Provide fair opportunity for all eligible suppliers
 - Improve business capability, including e-commerce capability

- Recognise New Zealand's international trade obligations and interests
- Require sustainably produced goods and services wherever possible, having regard to economic, environmental, and social impacts over their life cycle, refer to <http://www.mfe.govt.nz/issues/sustainable-industry/govt3/>
- Be either characteristic of polytechnics or be appropriate for ITP (refer to Education Act 1989, Section 192 (2) (b) (i) and (ii)).
- NMIT Procurement Procedures must be followed to ensure the procurement is conducted in a fair and transparent manner and to reduce the risk of fraud, bribery, corruption or impropriety. Staff discovering, or suspecting, instances of fraud, bribery or corruption are expected to report such matters for investigation and may utilise the Protected Disclosures Policy to do so; alternatively, they may inform their Director and/or the Police (if appropriate). Employing past employees as contractors or consultants involved in procurement can increase the risk potential of fraud and must be managed carefully by NMIT Directors.

This policy should also be seen in the wider state-sector initiatives on procurement (see <https://www.oag.govt.nz/2018/procurement/docs/summary.pdf>).



SCOPE

This is an institute-wide policy and applies to all NMIT employees, contractors and consultants who purchase goods and/or services on behalf of NMIT. This policy applies to the engagement of consultants by the Institute.

NOT IN SCOPE

The hiring/engaging of teaching and non-teaching staff on fixed-term contracts is not covered by this policy and the associated Procurement Procedures Manual; engaging such staff is governed by the Institute's Human Resource Business Case process and procedures.

DEFINITIONS

CAPEX	Capital Expenditure includes costs or expenditure incurred by NMIT usually for the acquisition or creation of a physical item (asset) that will be used over a period of time, normally more than 12 months, for a value greater than \$500 and includes all computer purchases, and project-related computer software, classroom furniture and equipment, building/facility improvements and/or additions.
Contract	A contract in this policy means a written signed agreement between NMIT and another party for the supply of goods and/or services on particular terms and conditions.
Delegated financial authority	Power to approve financial transactions within specified limits.
Entertainment and Hospitality	Provision of food or beverages to NMIT staff and/or external guests, and expenditure on recreational activities for staff and/or external guests.
Gift	An item given to someone as a token of appreciation without the expectation of receiving anything in return
Koha	An unconditional gift, present, offering, donation or contribution given where the recipient has neither stipulated that it be given, nor has any expectation of receiving it.
Major procurement decisions	Major procurement decisions are those relating to procurement of: <ul style="list-style-type: none"> • Capital Expenditure (CAPEX) with an estimated whole of life value of \$20,000 excl GST or more • Goods and Services (OPEX) that are estimated to have an annual value of \$20,000 excl GST or more during the period of one calendar year.
OPEX	Operational Expenditure includes costs or expenditure on goods and services incurred by NMIT that are utilised in the day-to-day operations and are generally consumed immediately or within a short period of time.
Procurement	Procurement comprises the business processes associated with the purchasing of required materials, supplies, equipment and services, spanning the whole cycle from the identification of needs to the end of a service contract or the end of the useful life and subsequent disposal of an asset.
Preferred Supplier Agreement	An agreement with a goods or service provider usually after a competitive bid process for the provision of repetitively purchased goods or services leveraging off NMIT's purchasing power and lowering the total cost of goods and services, including transaction-processing costs
Total Cost of Ownership	Total Cost of Ownership includes the purchase price of an asset plus the additional costs of operation, including health and safety related requirements.

RESPONSIBILITIES

NMIT Council	The Council of NMIT is responsible for approving the Institute's overall budget and capital expenditure as per Delegations below.
Chief Executive and Executive Team	The Chief Executive and Executive Team have day-to-day responsibility for ensuring that procurement on behalf of the Institute is consistent with approved Institute policies, processes and procedures.
Curriculum Director, Curriculum Manager and Business Support Managers/Team Leaders	Responsible for procurement planning and abiding by this policy and associated policies, procedures and processes.
NMIT Staff, Contractors and Consultants	Responsible for abiding by this policy and associated policies, procedures and processes.

PROCESSES

CAPEX (BUDGETED)

Capital expenditure plans are prepared annually as part of the budget setting cycle.

The Institute's overall CAPEX budget is submitted to the Institute's Council and requires Council approval. Refer to Delegations below.

Budget managers are responsible for procuring and purchasing the approved budgeted items, as per their delegated authority.

- Each approved capex item will be issued with an analysis code upon receipt capex request form and quotes obtained:
 - <\$2,000 - 1 quote;
 - \$2,000-\$20,000 - 2 quotes;
 - \$20,000-\$500,000 - 3 quotes;
 - >\$500,000 - tender process
- Any individual item in the annual capital expenditure budget with a budgeted value of less than \$250,000 may be substituted for another item, provided that the substitution does not cause total capital expenditure to exceed the annual approved budget.
- Same process as OPEX to be followed to purchase the items.

Strategic CAPEX procurements (for more than \$500,000) require business cases which include Net Present Value (NPV) and Discounted Cashflow modelling to inform the decision-making process. Major CAPEX procurements (for more than \$20,000) require NPV business cases where the spend is not part of an on-going replacement programme for a previously approved business case.

CAPEX (UNBUDGETED)

For any unbudgeted CAPEX the CAPEX request form should be completed and approved as per Delegated Authority table below.

When approved, the same process as for budgeted CAPEX is to be followed.

Unbudgeted capital expenditure authorised by the Chief Executive, or the Chair of Council, or Deputy Chair of Council shall be reported at the next meeting of the Council.

OPERATIONAL EXPENSES

Operational expenditure budgets are prepared annually as part of the budget setting cycle. The Institute's overall budget is submitted to the Institute's Council for Council approval. Actual performance against budgets is monitored and reviewed on a monthly basis.

PURCHASING PRINCIPLES – OPEX AND CAPEX

- Approval of the expenditure must be obtained before the expenditure is incurred.
- For internal control purposes, at least two employees must be involved in ordering, receiving and approving any transaction, i.e. No single employee will order, receive and approve a transaction(s).
- Only a staff member with appropriate delegated financial authority can approve transactions.
- A staff member with delegated financial authority may not approve his or her own expenditure, and it must be escalated to budget line manager.
- A staff member with delegated financial authority may not approve any expenditure to a person or organisation where they have direct or indirect family links, an ownership interest, or are involved in the management of that entity.
- A staff member with delegated financial authority may only approve expenditure within approved budget limits.
- Purchase orders must be raised and approved electronically through NMIT's Unimarket purchasing system.
- The expenditure must be supported by appropriate original documentation, such as tax invoices, and clearly show the business purpose of the expenditure.

The only individuals authorised to sign contracts for the procurement of goods or services by the Institute are the Chief Executive, or an Executive Director under delegated authority.

SENSITIVE EXPENDITURE

GENERAL PRINCIPLES

The following general principles must be applied when incurring any expenditure on entertainment and hospitality:

- The expenditure must be for a justified business purpose, i.e.
 - Building relationships;
 - Representing the organisation;
 - Reciprocating hospitality received where this has a clear business purpose;
 - Recognising significant business achievement;
 - Building revenue;
 - Supporting internal organisational development.

- The person authorising the expenditure must be able to demonstrate the benefits resulting from the expenditure.
- The type and amount of expenditure must be reasonable and appropriate for the occasion.
- Expenditure on entertainment and hospitality, gifts or koha should not be given in circumstances where it could be regarded as an inducement.
- Expenditure must comply with any rules stated in this policy in relation to specific types of expenditure.

STAFF FUNCTIONS

The following rules apply to expenditure on staff functions:

- Entertainment and hospitality at functions attended only by NMIT staff can only be provided if there are clear organisational benefits such as improved employee relations or staff morale, or training or professional development.
- The cost of NMIT's end-of-year Christmas function must be met from within the Staff Recreation budget. The Staff Recreation budget, which is set annually, should not exceed \$100 per staff member.
- NMIT will only pay for one end-of-year function per staff member.
- NMIT may contribute to a staff member's farewell/retirement function, to a maximum of \$500, according to the staff member's length of service and seniority within the organisation, with prior approval from the Chief Executive.
- Refer to [Alcohol at Functions on NMIT Campus policy](#) for details regarding alcohol at staff functions.

STUDENT FUNCTIONS

The following rules apply to expenditure on student functions:

- NMIT will not pay for any alcohol at student functions, except for graduation after-functions where alcohol may be available for purchase by attendees.

GIFTS OR KOHA TO THIRD PARTIES

The following rules apply to expenditure on gifts or koha to third parties:

- The value of koha should be appropriate to the nature of the occasion.
- The value of koha must not exceed \$500 without the prior approval of the Chief Executive.
- NMIT will not provide alcohol as a koha or gift to third parties.
- Cash may be given as koha only with prior approval of the Curriculum Manager. A purchase order must be raised and approved in Unimarket in order to obtain the cash koha from Finance.
- Koha must only be paid to a recognized organisation or marae, and not to individuals.
- Gifts or koha must not be given as a substitute for remuneration or payment for services provided.

GIFTS TO STAFF MEMBERS

The following rules apply to expenditure on gifts to staff members:

- Gifts must not be given in cash except for the NMIT annual staff awards.
- NMIT will not pay for gifts to staff members for personal occasions, e.g. birthdays, engagements.
- Flowers may be given to a staff member on the death of a close family member, up to a maximum cost of \$100 with prior approval from the Chief Executive.

- NMIT may, at their discretion, make a modest contribution to a staff member's farewell gift, according to the length of service of the staff member, with prior approval from the Chief Executive
- NMIT may make gifts, e.g. vouchers, to staff members under the Performance & Recognition Framework. These are funded from the People & Organisation Development budget and must be approved by the Manager, People & Organisation Development.
- NMIT will not provide alcohol as a gift for staff members.

MEETING CATERING & WORKING LUNCHES

The following rules apply to expenditure on meeting catering and working lunches:

- Where an NMIT staff member is required to work outside of normal hours, at a time that would normally be a mealtime, NMIT will provide a meal for the employee or reimburse the employee for purchase of a meal. The amount of reimbursement will be in accordance with meal allowances stated in the [Travel Bookings, Accommodation Allowances & Expenses Policy](#).
- Entertainment and hospitality for meetings held within ordinary working hours should be kept to a minimum.
- NMIT will only meet the costs of lunches for NMIT staff attending working meetings when the meeting cannot be held at an alternative time. This includes Council meetings, committee meetings, working group meetings, and in-house training sessions.
- Budget managers may fund morning or afternoon tea from their cost centre entertainment budget to celebrate significant team achievements only, e.g. on successful completion of a major project.
- Morning or afternoon tea may be provided on staff professional development days. The cost is funded from the professional development budget and must be approved by the Manager People and Organisation Development.
- Café meetings between NMIT staff only (or between staff and students) will not be paid for by NMIT.

MEALS FOR NMIT STAFF TRAVELLING ON BUSINESS

Where an NMIT staff member is travelling on NMIT business, meals may be reimbursed according to the [Travel Bookings, Accommodation Allowances & Expenses Policy](#)

HOSPITALITY PROVIDED FOR THIRD PARTIES

Examples of where hospitality may be provided to a third party are:

- Where NMIT has an interest in or specific obligation in respect of their visit;
- Where NMIT hosts representatives of government, business, industry, iwi, or recognized community organisations for a justified business purpose.

The following rules apply to expenditure on providing hospitality for third parties:

- NMIT may provide food and beverages at functions it hosts where external guests are present. The food and beverages provided must be reasonable based on the purpose and nature of the function and the expected attendees. Expenditure that may be appropriate for official functions may include tea/coffee, morning/afternoon team, breakfast, lunch or dinner.
- NMIT will pay a reasonable contribution to the cost of business meals for entertaining a third party, up to a maximum of \$20 per head for breakfast, \$40 per head for lunch and \$60 per head for dinner, depending on the nature of the entertainment. Alcohol may be purchased with the meal provided that it comes within the maximum cost above and is limited to one standard

drink per person. The alcohol purchased should be moderately priced and must not include spirits.

- As part of the supporting documentation, the NMIT staff member must provide the name of the person(s) being entertained, the organisation that they represent, and the reasons for the entertainment.
- Entertainment and hospitality may not be provided to suppliers during the course of a tender process or while assessing and awarding significant contracts, as this could raise issues regarding the fairness of the tender process.

CONTRIBUTIONS TO STAFF SOCIAL OR SPORTS CLUBS

The following rules apply to contributions to staff social or sports clubs:

- NMIT may make a small contribution to staff social or sports clubs for specific events, e.g. competition entrance fees, with prior approval from the Manager, People & Organisation Development and Chief Executive.

INAPPROPRIATE EXPENDITURE

The following are examples of inappropriate expenditure that will not be paid for by NMIT:

- Tips or gratuities within NZ. (However, when travelling overseas in countries where tipping is customary, tips will be paid for by NMIT.)
- Mini bar expenses when travelling on business.
- Entertainment and hospitality expenditure for spouses or other family members accompanying a staff member.
- Entertainment that is excessive or does not have a valid business purpose.
- Entertainment of suppliers during a tender process.

CONSULTANCY SERVICES

Procurement of Consultancy Services will be approved via budget and may be referred to the Chief Executive.

PREFERRED SUPPLIER AGREEMENTS

NMIT is party to a number of agreements through the All-of-Government State Sector Procurement initiative led by the Economic Development Group within the Ministry of Business, Innovation and Employment; these have been rigorously negotiated and represent best value and will be periodically renegotiated by the Ministry.

- Procurements of goods or services purchased with regularity, through Preferred Suppliers or pre-approved vendors, for example: OfficeMax for stationery supplies; Orbit Travel for travel, accommodation and rental cars; Mobil for fuel supplies; Contact Energy for electricity supplies etc. do not require competitive quotes, such suppliers may be used as a matter of course
- The terms and conditions of existing preferred supplier agreements must be tested against the market at least once every 3 years. The implementation of this policy will ensure NMIT achieves the best prices available for given levels of services and quality on an on-going basis. The process may range from obtaining competitive quotes to competitive tendering depending on the total cost of ownership of the products or services.

The Chief Executive, under delegated authority, may sign contracts for the procurement of goods or services on NMIT's behalf with an agreed preferred suppliers or pre-approved vendors.

TRADE-INS:

As part of the negotiations for a purchase of replacement assets, an existing asset excluding land may be offered as a trade-in subject to Section 192(4)(e) or Section 192(5) of the Education Act 1989.

OVERSEAS PURCHASES:

Overseas purchases are only to be made when price and quality are competitive and the goods or services are unavailable in New Zealand at those prices or quality. Risk factors need to be considered including foreign exchange fluctuations, legislative framework and after-sales servicing. Non Resident Contractors Withholding Tax may need to be deducted if an overseas contract provides services in New Zealand.

TRADE DISCOUNTS:

NMIT may enter into an agreement with a supplier under which it receives a trade discount or preferential pricing on Institute purchases. These agreements apply to Institute purchases only. Institute staff members are not entitled to, and must not request, the NMIT trade discount or preferential pricing when making personal purchases from the supplier.

STAFF DISCOUNTS:

A supplier may offer a separate discount or preferential prices to NMIT staff members on personal purchases. These personal purchases must be conducted directly between the supplier and the relevant staff member. They must not be made through the Institute's procurement processes. Suppliers will determine from the appropriate production of staff member's identification whether the discount or preferential pricing will apply.

PAYMENT METHODS

There are four acceptable methods of payment:

- Accounts Payable – staff member raises a purchase order in Unimarket, and when goods are received/services have been rendered, receives the purchase order. The invoice is sent to the Finance Team who includes it in the next payment run.
- Credit Card – procurements may be paid for using Institute credit cards, in accordance with this policy.
- Reimbursements – staff may from time to time spend their own money to pay for expenses on behalf of the Institute. This may be claimed back through the Unimarket purchase order system.
- Petty Cash – staff member raises purchase order in Unimarket to collect petty cash, and returns the invoices as proof of expense

CREDIT CARDS

- BNZ is NMIT's exclusive provider. No other provider's credit card will be approved for issue to staff members.
- Issue of new credit cards must be approved by the Chief Executive and Executive Director - Finance, Compliance and Business Intelligence.

USE OF CARDS

- Cards may only be used to pay for goods and services and for drawing cash where the expenditure is incurred on behalf of the Institute.
- Drawing cash within New Zealand is not permitted unless the cardholder is away from their 'home campus' at the time cash is required.
- Institute credit cards may not be used for personal expenditure. Persons breaching this policy may expect withdrawal of the card, disciplinary action, including dismissal, and for wilful misuse, police action. In all cases of misuse, the Institute reserves the right to recover any monies from the cardholder by appropriate legal means.
- NMIT has preferred supplier arrangements and these purchases should not be charged to an Institute credit card.
- Cardholder who leave the employment of the Institute will have their cards cancelled and must account for all outstanding expenditure incurred prior to their leaving date.

CREDIT LIMIT

- A credit limit will be set to reflect the needs of the cardholder. However, this will not exceed \$10,000 without specific approval from the Chief Executive.

DELEGATION LIMITS

The tables below outline the financial delegation limits that apply to different types of transactions. These limits do not apply to financial sub-delegations. The delegations to the Chief Executive are specified in the Delegations to the Chief Executive policy.

Delegation limits are stated in New Zealand dollars and are exclusive of GST.

Delegation limits apply to a single transaction. Expenditure must not be split into two or more purchase orders to reduce the financial delegation limit that applies.

Delegation limits apply only to the cost centres within the delegation holder's academic or business support area.

Purchase Order Approvals, Fixed Asset Disposals, and Contracts (excluding Employment Contracts & Preferred Supplier Agreements)

Limit*	Delegation Holder - Academic	Delegation Holder - Business Support
\$2,000	Curriculum Manager	Manager/Team Leader
\$5,000	Curriculum Director	Campus Manager (if applicable)
\$10,000	Executive Director	
\$20,000	Executive Director - Strategy, Enterprise & Sustainability/Executive Director - Finance, Compliance and Business Intelligence	
\$250,000 ¹	Chief Executive	
>\$250,000	Council Chair	

* Based on Lifetime financial value /market value of asset.

¹ Also applicable to monthly recurring purchase orders of up to this limit

Refer to Budgets and Forecasts Policy for monitoring of Budget vs Live Budget.

Capex Purchases

Budgeted	Chief Executive	Council
Overall Budget Approved	✓	✓
<\$250,000	✓	
>\$250,000	✓	✓
Unbudgeted	Chief Executive	Council
<\$250,000 aggregate	✓	
\$250,000 - \$500,000 aggregate	✓	Chair
>\$500,000	✓	✓

* Delegation holders may approve purchase orders for capital expenditure only if the capital expenditure has been approved during the annual budget process or approved by the relevant party outside the annual budget process.

After approval has been obtained the Purchase Order Approvals delegations above will apply.

SUB-DELEGATION LIMITS

A delegation holder may sub-delegate their authority within the following limits:

- Authority can only be given to a peer or staff member at a higher level in the organisational structure. It cannot be given to the delegation holder's direct reports or a staff member at a lower level of the organisation chart. The only exception is the Chief Executive's sub-delegations, as there is no one at the same level or above to sub-delegate to.
- Sub-delegates cannot further delegate that authority.
- All delegations and sub-delegations must be given and accepted in writing before becoming effective.

RELEVANT LEGISLATION

Procurement must comply with all relevant legislation including, but not limited to:

- Building Act 2004
- Commerce Act 1986
- Consumer Guarantees Act 1993
- Crown Entities Act 2004
- Fair Trading Act 1986
- Health and Safety in Employment Act 1992 and Association Regulations
- Local Governments Act 2002
- Official Information Act 1982
- Public Finance Act 1989
- Public Records Act 2005
- Sale of Goods Act 1908

Refer to Appendix 1 for further details

REFERENCES (INTERNAL)

- [Annual Capital Expenditure \(CAPEX\) Plan](#)
- Budgets and Forecasts Policy
- [Delegations to the Chief Executive](#)

- [Fraud Policy](#)
- [Protected Disclosures Policy](#)
- Related Parties and Conflicts of Interest
- [Sustainability Policy](#)
- [Travel Bookings, Accommodation, Allowances and Expenses Policy](#)
- [Alcohol at Functions on NMIT Campus](#)

REFERENCES (EXTERNAL)

- Controller and Auditor-General. (June 2008). *Good practice guide: Procurement guidance for public entities*.
- Controller and Auditor-General. (February 2007). *Controlling sensitive expenditure: Guidelines for public Entities*.
- Ministry of Economic Development. (August 2007). *Government procurement in New Zealand: Policy guide for purchasers*.
- Ministry of Economic Development. (March 2011). *Mastering procurement: A structured approach to strategic procurement*.

APPENDIX 1 – LEGAL ASPECTS

All NMIT staff involved in purchasing goods and services must be aware of and comply with the relevant legislative framework. This Appendix provides some brief guidance on areas of law which may affect the purchasing function. Any situation which raises doubt should result in more specialised advice being sought. There are numerous other Acts of Parliament which apply to specific goods and/or services.

Building Act 2004

The Act is designed to improve building controls and building practices in the New Zealand building industry. It is about ensuring that buildings are designed and built right the first time. The maximum penalties are \$200,000 in addition \$20,000 per day for using an unsafe building or failing to comply with any notices issued under the Act.

Commerce Act 1986

Prohibits the restriction of competition and price fixing arrangements. This Act deals with abuse of a dominant position in a market, price fixing, and refusal to supply goods, with the Act's overall objective of ensuring an open and competitive market. Breaches can result in criminal penalties of up to \$500,000 for individuals and \$5,000,000 for corporate bodies.

Consumer Guarantees Act 1993

This Act sets up a set of rules relating to the quality of goods and services for those who meet the definition of a consumer. This will depend upon the nature of the goods or services being acquired. Suppliers cannot bypass the provisions of the Act when dealing with consumers unless the goods are being supplied to a business, then a clause must be written into the contract which excludes the Act. Attempting to unlawfully bypass the Act can lead to civil claims for damages. Also a false claim that the Act does not apply is a breach of the Fair Trading Act, with resulting criminal penalties under that Act.

Fair Trading Act 1986

Prohibits misleading or deceptive conduct and the making of false claims in respect to goods or services. Breaches can result in civil claims of unlimited amounts, and criminal penalties of up to \$200,000 for individuals or \$600,000 per offence for corporate bodies (this includes the Institute).

Health and Safety in Employment Act 1992 and associated Regulations

These set out the health and safety requirements for services, designers, manufacturers and suppliers. It imposes requirements on both the supplier and consumer.

Official Information Act 1982

The objectives of the Official Information Act 1982 are:

- To increase public access to official information to enable more effective participation in the making of laws and policies, and to promote the accountability of Ministers and officials

- To give persons access to official information about them; and
- At the same time to protect the public interest and safeguard personal privacy
- The impact on the Nelson Marlborough Institute of Technology is as follows:
 - An awareness of what information (if any) has to be made available on request
 - The charges that should be levied cost per page etc. for providing the requested information
 - There is a need to keep adequate records of all orders and negotiations in a form that can be produced as required. Verbal discussions can be vital and accordingly notes should be made straight after the discussion
 - If this is further challenged the matter should be referred to the Chief Operating Officer
 - Note: All unsuccessful tenderers should be advised promptly, but beyond advising who the successful tenderer was no other information should be given out.

Privacy Act 1993

This Act requires most personal information to be kept confidential, but also requires that on request, disclosure to a person of all information about that person must be made. Breaches can lead to civil and criminal claims for which the Complaints Review Tribunal can award relief in the form of: a declaration that the privacy has been interfered with; a restraining order; or damages to a limit of \$200,000. It should also be noted that it is no defence that the breach was unintentional or was without negligence.

Every organisation is required to have a Privacy Officer to ensure compliance with the Act and any queries of this nature or requests for personal information should be referred to the Chief Executive in the first instance. The Chief Executive is the Privacy Officer for the Nelson Marlborough Institute of Technology.

Public Finance Act 1989

This Act provides the core legislative framework within which the Government can borrow money or spend public money. This framework provides for both the rights of Parliament to give informed authority for, and scrutiny of, government borrowing and activity, and the need for the Executive to have sufficient ability to effectively and responsively manage the affairs of Government.

Resource Management Act 1991

The legislation sets out how we should manage our environment. It is based on the idea of the sustainable management of our resources, and it encourages us (as communities and as individuals) to plan for the future of our environment. For more detailed information refer to:

<http://www.mfe.govt.nz/publications/rma/everyday/overview/index.html>

Breaches of the RMA can result in a maximum of two years in prison or a fine of \$300,000 plus a fine of \$10,000 per day for every day or part of day for which the offence continues.

Sale of Goods Act 1908

Applies to all sales of goods (except certain sections which do not apply where the Consumer Guarantees Act applies). The Sale of Goods Act may be contracted out of. This sets up a system of rules relating to goods, (for example, when ownership is transferred, who is responsible for the damage to goods) and generally deals with the contract for the sale of goods. It does not provide criminal penalties, but breaches can lead to the right to reject goods or civil claims for damages. Most organisations however write their own contracts to vary or exclude the Act.

There are numerous other statutes that may apply relevant to the goods or services purchased.