



SHIRE OF LAVERTON

MINUTES

**OF THE SPECIAL MEETING OF COUNCIL
HELD ON**

THURSDAY 07 FEBRUARY 2019

**COMMENCING AT 5:05PM IN THE
SHIRE COUNCIL CHAMBERS
9 MACPHERSON PLACE, LAVERTON**

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL
held at 5:05pm on 07 February 2019
in the Shire of Laverton Council Chambers
9 MacPherson Place, Laverton**

The purpose of the meeting was to consider the following items of business:

1. Award of RFT 01-1819 Supply of Plant & Operators for the Construction of Mt Weld, Merolia and Racecourse Roads (File Refs: 0372 & T01-1819)
2. Approval to Call Tenders for RFT 04-1819 Supply of Plant & Operators for WANDRRA Road Flood Damage Claim (File Refs: 0938 & T04-1819)
3. Award of RFT 03-1819 Design, Supply & Installation of Modular Open Floor Plan Office Complex (File Ref: T03-1819)

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ATTACHMENTS

ATTACHMENT NO	DESCRIPTION
SMC190207-4.1.A	RFT 01-18/19 Tender Assessment Report - CONFIDENTIAL
SMC190207-4.2.A	Damage Repair List for WANDRRA Roads
SMC190207-4.2.B	Tender Document
SMC190207-4.3.A	Tender Register Form
SMC190207-4.3.B	Breakdown of Tender Sum Comparison - CONFIDENTIAL
SMC190207-4.3.C	Description of Compliance Criteria – CONFIDENTIAL
SMC190207-4.3.D	Qualitative Criteria - CONFIDENTIAL

SPECIAL MEETING OF COUNCIL
held at 9 MacPherson Street, Laverton
in the Shire of Laverton Council Chambers,
on Thursday 07 February 2019 at 5:00pm

1. DECLARATION OF OPENING

The Shire President, Cr Patrick Hill, opened the meeting at 5:05pm.

2. RECORD OF ATTENDANCE

2.1 PRESENT

Cr P Hill	President
Cr S Weldon	Deputy President
Cr D Ross	Councillor
Cr R Ryles	Councillor
Cr R Prentice	Councillor (via telephone from 5:08pm)
Cr R Street	Councillor (from 5.11pm)

Mr P Naylor	Chief Executive Officer
Mr P Marshall	Deputy Chief Executive Officer
Mr L Vidovic	Executive Manager Technical Services

2.2 APOLOGIES

Cr R Weldon	Councillor
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2.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

2.4 APPROVAL FOR REMOTE COUNCILLOR ATTENDANCE VIA TELEPHONE (FILE REF: 793)
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SUBMISSION TO:	Special Meeting of Council, 07 February 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Tiffany Farlow, Executive Assistant to the CEO
SENIOR OFFICER:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

To approve the participation in this meeting of Cr Robin Prentice via telephone dial-in from Mandurah, WA.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

From time to time, Councillors can find themselves unable to attend Council Meetings in person, but may request permission of Council to participate remotely via telephone or video link.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Section 5.25(ba) - Provides for regulations being able to make provision for the holding of council or committee meetings by telephone, video conference or other electronic means.

Local Government (Administration) Regulations 1996

Regulation 14A – Defines the requirements necessary for approval of remote attendance at a meeting of Council.

POLICY IMPLICATIONS

Council Policy 04.09 Remote Attendance at Meetings covers the requirements for Council to approve remote attendance at a Council meeting if requested.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Nil

COMMENT

Cr R Prentice is unable to be in Laverton to take part in this Special Meeting of Council, however she wishes to take part remotely via teleconference as provided for in legislation and the Shire's adopted policy.

VOTING REQUIREMENTS

Absolute majority decision of Council required.

SMC190207.01 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr D Ross SECONDED: Cr S Weldon

That Council:

1. Approve Cr R Prentice's Mandurah residence as a 'suitable' place from which to conduct instantaneous communication with each other person present at this meeting, as it is located in a town site or residential area and is a residential dwelling, in accordance with Shire Policy 04.09; and
2. Approve that Cr R Prentice be taken to be present at this meeting for the duration of the time in which she is in instantaneous communication with each other person present at this meeting, in accordance with Shire Policy 04.09.

ABSOLUTE MAJORITY	X	VOTES FOR	4	VOTES AGAINST	0
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05:08pm Cr R Prentice joined the meeting via teleconference.

3. PUBLIC QUESTION TIME

There were no Public Questions.

05:11pm Cr R Street joined the meeting.

4. SPECIAL MEETING BUSINESS

4.1	AWARD OF RFT 01-1819 SUPPLY OF PLANT & OPERATORS FOR THE CONSTRUCTION OF MT WELD, MEROLIA AND RACECOURSE ROADS (FILE REFS: 0372 & T01-1819)
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SUBMISSION TO:	Special Meeting of Council, 07 February 2019
DISCLOSURE OF INTEREST:	Nil
OWNER/APPLICANT:	Not applicable
AUTHOR:	Les Vidovich. Executive Manager Technical Services
SENIOR OFFICER	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Resolution SMC180909.10 of Special Meeting of Council held 09 August 2018

MATTER FOR CONSIDERATION

This report is for Council to consider RFT 01-18/19 - Supply of Plant and Operators for the construction of Mt Weld, Merolia and Racecourse Roads.

ATTACHMENTS

SMC190207-4.3.A RFT 01-1819 Tender Assessment Report - **CONFIDENTIAL**

APPLICANT'S SUBMISSION

Submissions in relation to this item comprise the four tender submissions lodged in accordance with the *Local Government (Functions & General) Regulations 1996* and the Request for Tender RFT 01-1819 tender documentation.

BACKGROUND

At its Special Meeting held on 09 August 2018, Council endorsed the calling of tenders for the Supply of Plant and Operators for the construction of Mt Weld, Merolia and Racecourse Roads, with the item being brought back to an Ordinary Meeting of Council for determination.

Tender 01-1819 – Supply of Plant and Operators for the construction of Mt Weld, Merolia and Racecourse Roads was advertised in the “*West Australian*” newspaper on Saturday 08 December 2018. A total of twelve prospective tenderers requested the tender documentation prior to the closing date. When tenders closed at 4pm on Monday 07 January 2019, four submissions had been received from the following organisations:

1. C & A Taylor 10 Hill Street, Laverton WA 6440
2. Comiskey's Contracting 80 Coast Road, West Swan WA 6055
3. Northern Goldfields 147 River View Avenue, South Guildford WA 6055
4. Quadrio Earthmoving Lot 320 Urch Road, Nabawa WA 6532

The works to be undertaken under the tender are limited to earthworks, drainage, subgrade and base course preparation. Other construction components of the project (including cement stabilisation, aggregate supply and bitumen sealing) are being arranged via separate tenders and contracts and will be the subject of further reports to Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.57 - Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Part 4 – Provision of Goods and Services – Provides the detail of when tenders are required to be called and the process for dealing with and awarding tenders.

In accordance with the Tender Regulations of the *Local Government Act 1995*, Councils are required to call tenders for works where the value exceeds \$150,000.00.

POLICY IMPLICATIONS

Council Policy 02.18 – “Purchasing” will be applied by staff when calling for tenders.

FINANCIAL IMPLICATIONS

To commence the construction of Mt Weld, Merolia and Racecourse Roads in 2018/19 the following individual contributions will be received.

Shire of Laverton	\$1,400,000	(29.289%)
Granny Smith	\$641,122	(13.412%)
Lynas Corporation	\$1,454,310	(30.425%)
Sunrise Dam	\$1,284,601	(26.874%)

It is scheduled for the mining contributions to be received over a two (2) year period and Council’s funding allocation be through the Federal Government’s Roads to Recovery program. These funds are required to be fully spent in this financial year and cannot be deferred until 2019/20.

STRATEGIC IMPLICATIONS

The Shire of Laverton’s Strategic Community Plan identifies a safe and efficient transport network by maintaining and improving its roads as a desired focus and outcome.

CONSULTATION

Consultation in respect to this project has occurred between the Shire of Laverton’s Chief Executive Officer and Executive Manager Technical Services.

Technical Services staff will notify all companies that have sent in tenders as to the recommendation which is adopted by Council.

COMMENT

All companies that submitted tenders have the capability, expertise and experience to carry out the requirements of the contract to the complete satisfaction of Council. There is a prerequisite under the tender document that the contract will be awarded to an organisation whose tenders are assessed as offering the best value for money outcome for the Shire of Laverton.

Tenders are evaluated using a point scoring system with scores being awarded based on an approved selection criteria. Each benchmark is weighted to reflect its relative importance and scores are then combined to yield a total. A higher score indicates a more favourable pricing structure for Council. Confidential Attachment SMC190207-4.3.A contains a copy of the tenderers' costs, selection criteria and staff assessment on which the tender is assessed.

Based on the selection criteria and the results shown, it is therefore recommended by staff that Council award the contract for the supply of plant and operators for the construction of Mt Weld, Merolia and Racecourse Roads in accordance with Tender 01-1819 to C & A Taylor.

A copy of each tender received is available by contacting the Executive Manager Technical Services at the Shire of Laverton Administration Centre.

VOTING REQUIREMENTS

Simple majority decision of Council required.

SMC190207.02 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr D Ross SECONDED: Cr R Ryles

That Council, having considered tenders received in response to RFT 01-1819 (Supply of Plant and Operators for the construction of Mt Weld, Merolia and Racecourse Roads) accept the tender submitted from C & A Taylor as per their submitted tender rates specified in the tender document.

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox" value="6"/>	VOTES AGAINST	<input type="checkbox" value="0"/>
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4.2 APPROVAL TO CALL TENDERS FOR RFT 04-1819 SUPPLY OF PLANT & OPERATORS FOR WANDRRA ROAD FLOOD DAMAGE CLAIM (FILE REFS: 0938 & T0R-1819)
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SUBMISSION TO:	Special Meeting of Council, 07 February 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Les Vidovich. Executive Manager Technical Services
SENIOR OFFICER	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

This report is seeking Council's approval to call Tenders for RFT 04–1819 Supply of Plant and Operators for WANDRRA Road Flood Damage for the rain event that occurred in February 2018.

ATTACHMENTS

SMC190207-4.2.A	Damage Repair List for WANDRRA Roads
SMC190207-4.2.B	Tender Document

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

The Shire of Laverton suffered major damage on various roads following a significant flooding event in February 2018. As a result, staff at the time made an application through the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) program to recover any road repair costs.

WANDRRA is jointly funded by the State and Commonwealth Governments and is administered by both the Department of Fire and Emergency Services (DFES) and Main Roads WA (MRWA). The Department of Fire and Emergency Services will activate WANDRRA if the anticipated cost of eligible reinstatement measures will exceed \$240,000.

The Shire of Laverton was successful in gaining approximately \$3.1 million dollars through the WANDRRA program for the reinstatement work. A description of the required repair works, the total allocation and a copy of the tender document is provided at attachment SMC190207-4.2.A and SMC190207-4.2.B.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.57 - Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Part 4 – Provision of Goods and Services – Provides the detail of when tenders are required to be called and the process for dealing with and awarding tenders.

In accordance with the Tender Regulations of the *Local Government Act 1995*, Councils are required to call tenders for works where the value exceeds \$150,000.00.

POLICY IMPLICATIONS

Council Policy 02.18 – “Purchasing” will be applied by staff when calling for tenders.

FINANCIAL IMPLICATIONS

A contribution cap which limits the total expenditure by individual local governments on eligible measures for each WANDRRA event is set. The Local Government Contribution Limit for the Shire of Laverton is \$153,400 which will be deducted from the first claim.

STRATEGIC IMPLICATIONS

The Shire of Laverton’s Strategic Community Plan identifies a safe and efficient transport network by maintaining and improving its roads as a desired focus and outcome.

CONSULTATION

Consultation in respect to this project has occurred between the Shire of Laverton’s Chief Executive Officer and Executive Manager Technical Services, Main Roads WA and DFES.

COMMENT

This project is planned to be managed inhouse with the assistance of a Flood Damage Supervisor to oversee these works.

It is proposed that the advertising for the tender will commence in February with the item returning to the March/April Ordinary meeting of Council for determination.

Permission by Council to advertise this tender is now sought as the funds for the project are required to be spent and fully acquitted by 30 June 2020. It is expected that the project will take 10 months to complete.

VOTING REQUIREMENTS

Simple majority decision of Council required.

SMC190207.03 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles SECONDED: Cr S Weldon

That Council:

- 1. Approves the calling of tenders for the Supply of Plant and Operators for the WANDRRA Flood Damage Claim with the item being brought back to an Ordinary Meeting of Council for determination.**

2. Endorses the Selection Criteria and Weightings as follows:

<p>A: Organisational Experience and Capacity (a) Provide details of similar work previously undertaken; (b) Provide reference sheet or list of relevant previously completed projects; (c) Provide referees; (d) Demonstrate capacity of the organisation to resource the work</p>	30%
<p>B: Road Construction Experience in Rural and Remote Areas (e) Nominate specific examples in previous projects reference sheet; (f) Include reference to previous experience operating mobile camps; (g) Provide details of the organisation's Occupational Health and Safety records;</p>	20%
<p>C: Key Personnel Experience and Overall Capacity (h) Provide details of past relevant experience of key staff; (i) Provide CV's or, as a minimum, employment history; (j) Provide referees; (k) Provide reference to staff who will be maintaining plant, labour & works progress; (l) Include reference to the organisation's capacity to provide backup resources (m) Provide details for employment & Training for Local Aboriginal & Torres Strait Islanders</p>	30%
<p>D: Extent of Road Construction Plant & Mechanical Support (n) Identify total numbers of each type of plant available for this project; (o) Nominate age or hours of each item of plant; (p) Specifically detail the items of mechanical support and refueling equipment for this project; (q) Identify any items of plant or attachments which are special or have an advantageous application to the works and locations identified with the tender</p>	20%

SIMPLE MAJORITY VOTES FOR 6 VOTES AGAINST 0

4.3 AWARD OF RFT 03-1819 DESIGN, SUPPLY AND INSTALLATION OF MODULAR OPEN FLOOR PLAN OFFICE COMPLEX (FILE REF: RFT 03-18/19)

SUBMISSION TO: Special Meeting of Council, 07 February 2019
DISCLOSURE OF INTEREST: Nil
OWNER/APPLICANT: Not applicable
AUTHOR: Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE: Resolution OMC181025.22 of Ordinary Meeting of Council held 25 October 2018

MATTER FOR CONSIDERATION

Council to consider the tenders received for the design, supply and installation (on-site) of a modular open floor plan office complex in Laverton.

ATTACHMENTS

SMC190207-4.3.A	Tender Register Form
SMC190207-4.3.B	Breakdown of Tender Sum Comparison - CONFIDENTIAL
SMC190207-4.3.C	Description of Compliance Criteria - CONFIDENTIAL
SMC190207-4.3.D	Quantitative Criteria - CONFIDENTIAL

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

At the Ordinary Meeting of Council held on Thursday 25 October 2018, the Shire President presented a Notice of Motion for Council to consider:

Due to expanding administration office requirements there may be a need in the future for Council to consider establishing additional office space. It may be timely for Council to look at this earlier rather than later and investigate what options are available.

Therefore I am proposing that Council requests the Chief Executive Office to call tenders for the design and provision of a modular building, with approximately 150 – 175 m² floor space.

The new office building could be placed at the rear of the old Coach House, at Lot 20 MacPherson Place, with access from MacPherson Place.

In proposing this I note:

- 1. Regardless of the tenders received Council will not be obliged to accept any of the tenders; and*
- 2. Should Council be in favour of resolving to accept one of the tenders, the tender process most probably won't be presented to Council until January/February 2019, at which time we will be undertaking the mid-year budget review and funding can be allocated during that process.*

In consideration to the above, Council resolved:

That Council, in accordance with clause 3.57 of the Local Government Act 1995, authorises the Chief Executive Officer to advertise calling for tenders for the design and provision on site of a new office complex with approximately 150-175m² floor space, to be installed at Lot 20 MacPherson Place, Laverton, at the rear of the Old Coach House building.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Section 3.57 - Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Division 2 – Tenders for providing goods or services (s3.57)

Clauses 11-23 - Provide for the calling of tenders and all associated actions required as part of the process.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

Should Council resolve to proceed with the tender process, a budget amendment will be required as part of the mid-year budget review.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Nil.

COMMENT

The tender was advertised in “*The West Australian*” newspaper on Saturday 17 November 2018.

At the close of the tender period, 4:00pm on Thursday 14 January 2019, six (6) tenders were received.

Full details pertaining to the tenders received are included with the confidential attachments to this item (attachments SMC190207-4.3.B, C & D).

VOTING REQUIREMENTS

Absolute majority decision of Council required (as a budget amendment will be required).

SMC190217.04 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Street SECONDED: Cr R Ryles

That Council:

- 1. Receives the six submitted tenders as per Attachment SMC190207-4.3.A.**
- 2. Selects Modular WA and TR Homes as the two preferred tenderers.**
- 3. Authorises the Chief Executive Officer (CEO) to continue to liaise with the two preferred tenderers to achieve final design and price, and to report back to a subsequent meeting of Council.**

ABSOLUTE MAJORITY VOTES FOR **6** VOTES AGAINST **0**

5.0 CLOSURE OF MEETING

There being no further business, the Chairman declared the meeting closed at 05:43pm.

6.0 CERTIFICATION BY CHAIRMAN

I, Patrick Hill, hereby certify that the Minutes of the Special Meeting of Council held on 07 February 2019 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 28 February 2019.

SIGNED: _____ **DATED:** **28 FEBRUARY 2018**



**SPECIAL MEETING OF COUNCIL
07 FEBRUARY 2019**

ATTACHMENTS TO THE MINUTES

ATTACHMENT NO	DESCRIPTION
SMC190207-4.1.A	RFT 01-18/19 Tender Assessment Report - CONFIDENTIAL
SMC190207-4.2.A	Damage Repair List for WANDRRA Roads
SMC190207-4.2.B	Tender Document
SMC190207-4.3.A	Tender Register Form
SMC190207-4.3.B	Breakdown of Tender Sum Comparison - CONFIDENTIAL
SMC190207-4.3.C	Description of Compliance Criteria – CONFIDENTIAL
SMC190207-4.3.D	Qualitative Criteria - CONFIDENTIAL

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