



Shire of **Ngaanyatjarraku**

ON A JOURNEY

SPECIAL MEETING OF COUNCIL

MINUTES

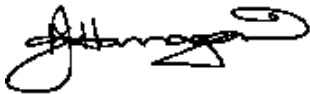
16 May 2022

at

10.00 am

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.

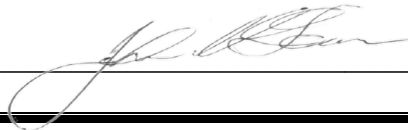


Chief Executive Officer

Date: 16-5-2022

These minutes were confirmed by Council as a true and correct record of proceedings of the Special Meeting of Council held on the 16 May 2022.

Presiding Member: _____



Date: 24 5/2022

DISCLAIMER

The recommendations contained in the Agenda are subject to resolution by Council. The Shire of Ngaanyatjarraku warns that anyone who has any matter lodged with Council must obtain and should only rely on written confirmation of the outcomes of the matter following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the matter. No responsibility whatsoever is implied or accepted by the Shire of Ngaanyatjarraku for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 10.05am.

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed members of the public to the gallery.

3. ATTENDANCE

3.1 PRESENT

| | | |
|---------------------------|---|---|
| Elected Members: | President Councillor Councillor Councillor Councillor Councillor | D McLean D Frazer J Frazer L West J Porter A Jones |
| Staff: | CEO DCS AC DGC | K Hannagan (via videoconference) K Fisher (via videoconference) S Richardson C Green (via videoconference) |
| Guests: | N.A. | |
| Members of Public: | There were no members of the public in attendance at the commencement of the meeting. | |

3.2 APOLOGIES

Cr.

4. PUBLIC QUESTION TIME

4.1 PUBLIC QUESTION TIME

5. DECLARATION BY MEMBERS

5.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

5.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under *Section 5.68 or Section 5.69 of the Local Government Act 1995*.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

- 1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
- 2. If a Councillor is a member of an Association (which is a Body Corporate) without less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
- 3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
 - 4. If in doubt declare.
- 5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
- 6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under *s.5.68(1)(b)(ii) or the Local Government Act*, or
 - 6.2 Where the Minister allows the Councillor to participate under *s.5.69(3) of the Local Government Act*, with or without conditions.

Declarations of Interest provided:

| Item Number/ Name | Type of Interest | Nature/Extent of Interest |
|----------------------|------------------|---------------------------|
| | | |

6. CEO REPORTS

6.1 RFT01, 2021-22 / VP303126, ROADWORKS – TJIRRKARLI, WANARN, IRRUNYTJU ROADS

| | |
|--|---|
| FILE REFERENCE: | RD.00 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 12 May 2022 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial, proximity or impartiality interests in the proposal. |

Summary

A Request for Tender 01, 2021/22 / VP303126, Roadworks – Tjirrkarli, Wanarn, Irrunytju roads was advertised to four suitable suppliers via the WALGA Vendor Panel on Monday, 25 April 2022 and closed on Monday 9 May 2022 at 2.00pm AWST.

One conforming tender was received via the Vendor Panel in response to the RFT.

The evaluation panel has now completed its assessment of the tender submission and makes their recommendation.

Background

For some time now the Shires existing construction contractor has had difficulty in securing additional staff (covid & border closure issues) to undertake additional works related to additional one-off grant applications secured by the Shire. To meet the grantor deadline of completion of works by 30 June 2022 these projects had to be tendered out.

The Shire of Ngaanyatjarraku is seeking the services of a road construction contractor to provide a 200mm granular overlay to four (4) separate sections of unsealed road on three (3) separate roads on the Ngaanyatjarraku lands, as follows:

- Wanarn Road, SLK 1.00 to 3.90 – 200mm gravel overlay.
- Wanarn Road, SLK 4.90 to 7.70 – 200mm gravel overlay.
- Tjirrkarli Road, SLK 88.70 to 89.70 – 200mm gravel overlay and subgrade preparation.
- Irrunytju Road, SLK 116.60 to 117.60 – 200mm gravel overlay.

The advertised selection criteria were:

| Criteria | | Weighting |
|----------|------------------|-----------|
| (a) | Experience | 10% |
| (b) | Personnel | 10% |
| (c) | Methodology | 10% |
| (d) | Timeframe | 50% |
| (e) | Fees and Charges | 20% |

After initial compliance assessment, the submission was deemed compliant for further assessment. The evaluation panel then assessed the submission against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the overall evaluation, is attached as a

confidential item.

Comment

The tender has been assessed with the supplier scoring highly in Experience, Personnel, and Methodology. A meeting was held with the supplier to further define the Timeframe and Fees and Charges. This was undertaken as the supplier could not complete all projects by 30 June 2022 and the total price was above available funding. As the tender was for individual or all four components the Irrunytju works were withdrawn as a subsequent submission was made to Main Roads WA to carryover the funding into FYE 2022/23. The depth of the gravel overlay on the Tjirrkarli Road has been reduced to bring the project within funding available. Savings were also achievable in mobilization in combining the two Wanarn projects resulting in an acceptable revised tender amount.

The supplier has completed previous works for the Shire to a high-level standard.

Complete details of the tender and assessment are provided in attachment A of the confidential item.

The evaluation panel concluded that Comiskey's Contracting P/L are suitable and provided a value for money submission in relation to RFT 01, 2021/22.

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 Act 1995 Section 5.23. Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

Financial Implications

The remaining specific grant budget for works on the Tjirrkarli and Wanarn Roads, is \$582,000 but the Shire has under-runs in budget for other FAG's Road projects which can be used for these roads.

Strategic Implications

Plan for the Future 2021 - 2031

Goal 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Council Policy 2.1, Purchasing

Attachments

6.1 - Confidential Evaluation Report (provided separately to Council)

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

In respect to Tender RFT 01, 21/22 / VP303126, Roadworks – Tjirrkarli, Wanarn, Irrunytju roads, Council:

- 1. Resolve that Evaluation Report, Attachment 6.1 is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2): (c) "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting";**
- 2. Notes this report and the attached Confidential Evaluation Report;**
- 3. Award the contract to Comiskey's Contracting P/L as per their amended Lump Sum price of \$748,459.55 excluding GST;**
- 4. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and**
- 5. Authorise the Chief Executive Officer to manage the Contract, including any variations providing this does not exceed the annual budget / funding allocation or reduce the overall scope.**

Carried: 6/0

7. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION

8. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 10.10 am.