



Minutes

Special Council Meeting

Tuesday 8 April 2014

Special Council Meeting – 8 April 2014

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**Minutes of the Special Meeting of Council held at the Murray Shire Council, 1915
Pinjarra Road, Pinjarra on Tuesday 8 April 2014.**

The Presiding Member Cr W Barrett declared the meeting open the time being 9.01am.

1. ATTENDANCES

Cr W Barrett	Shire President
Cr M Reid	Councillor
Cr P Briggs	Councillor
Cr E Menara	Councillor
Cr B Beacham	Councillor
Cr A Black	Councillor
Cr S Lee	Councillor
Mr D Unsworth	Chief Executive Officer
Mr A Smith	Director Technical Services
Mr R Peake	Director Planning and Development Services
Ms J Spence	Administration Support Officer
Mrs F Hide	Executive Assistant to Chief Executive Officer

There were two members of staff in attendance at this time.

2. ABSENT

Cr B Thomson – apology	Councillor
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3. PURPOSE OF MEETING

To appoint a builder to construct the Pinjarra Bowls Club/Home and Community Care Building.

4. PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST

Cr E Menara has declared a Proximity Interest in Item 6.1 Tender T14/01 – Construction of Pinjarra Bowling and Recreation Club / Home and Community Care Building in that he is Patron of the Pinjarra Bowls Club, a member of the Committee and one of their major sponsors.

6. REPORTS OF OFFICERS

6.1 Tender T14/01 – Construction of Pinjarra Bowling and Recreation Club / Home and Community Care Building

File Ref:	7/7725 and T14/1		
Previous Items:	PPS Feb 2013	Item 8.3	(PPS13/011)
	OCM Feb 2013	Item 11.11.1.4	(OCM13/016)
	PPS May 2013	Item 8.5	(PPS13/055)
	OCM May 2013	Item 11.10.2	(OCM13/068)
	OCM July 2013	Item 12.3	(OCM13/132)
	PPS Nov 2013	Item 8.4	(PPS13/144)
	OCM Nov 2013	Item 11.7	(OCM13/240)
	PPS Feb 2014	Item 9.2	(PPS14/022)
	OCM Feb 2014	Item 11.5	(OCM14/016)
Author and Title:	Robert Marlborough, Manager Governance		

Appendix Under Separate Confidential Cover

Cr E Menara has declared a Proximity Interest in Special Council Item 6.1 Tender T14/01 – Construction of Pinjarra Bowling and Recreation Club / Home and Community Care Building in that he is Patron of the Pinjarra Bowls Club, a member of the Committee and one of their major sponsors.

Cr E Menara withdrew from the meeting at this point, the time being 9.03am

Introduction

To consider a tender invited for the construction of the Pinjarra Bowling and Recreation Club/Home and Community Care Building and the associated financial implications.

Background/Proposal

In July 2013 Council resolved to approve for a tender to be invited for the construction of the Pinjarra Bowling & Recreation Club/Home and Community Care building and the following qualitative assessment criteria headings were determined and approved.

Price	40%
Demonstrated experience	40%
Demonstrated ability to meet time frames	10%
References	10%

In November 2013 a further report was presented to Council with advice on the progress of the preparation and review of the architectural design plans and associated documents and information was given that tenders would likely be called in January 2014 due to the Christmas/New Year holiday period. This report also provided qualitative assessment criteria, based on the following headings.

Capacity	25%
Demonstrated experience in completing similar projects	20%
Demonstrated understanding of the required tasks	25%
Price	30%

The tender document issued provided for the qualitative assessment criteria set by Council in July 2013 and it also required submissions to provide information on capacity, skills and experience of key personnel and information on methodology. The responses provided in these additional areas were not point scored.

In February 2014 a further report was presented to Council with a copy of the final design plans and it was resolved to approve the plans and for tenders to be called.

Tender numbers are allocated by year and Tender T14/01 - Construction of Multipurpose Community Centre - Pinjarra Bowling and Recreation Club/ Peel Home and Community Care building was advertised on Saturday 1 March 2014 in accordance with the requirements of the *Local Government Act 1995* and the assessment criteria in the tender document was based on that approved in July 2013. The closing date and time of the tender was 2pm on Wednesday 2 April 2014.

This report proposes that Council formally rescind that specific part of Item 8.4 of the Planning Policy and Strategy Committee recommendation (PPS13/144) referring to the qualitative assessment criteria adopted at the Ordinary Council meeting on 28 November 2013 (OCM13/240) and reaffirm support for the assessment criteria adopted in July 2013 (OCM13/132) and endorse the recommendation by the evaluation panel in the confidential report tabled on the outcome of the invited tender.

Consultation

- Council Minutes
- Internal discussion
- Public advertising

Sustainability Implications

Economic - (Financial impact to the community)

Funds have been identified for the construction project as detailed in the financial section of the report.

Social - (Quality of life to community and/or affected landowners)

The development of new facilities for the Pinjarra Bowling & Recreation Club/Home and Community Care group is of significant importance as previously identified and the community is not expected to be negatively impacted.

Environment – (Impact on environment’s sustainability)

Not Applicable

Governance/Risk Statement – (Policy implications/level of risk)

The tender was invited in accordance with the legislative requirements and the relevant Council Policies and subject to the recommendations contained in the report there is minimal risk of compliance, probity or adverse community comment.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 4.1 <i>Infrastructure and Asset Management</i>	
Objective 4.1 <i>Build and maintain infrastructure to meet the needs of a growing population.</i>	Strategy 4.1.4 <i>Provide community facilities to meet future population needs.</i>

Statutory Environment

Section 5.25 – *Local Government Act 1995*

Regulation 10 – *Local Government (Administration) Regulations 1996*

Section 3.57 – *Local Government Act 1995*

Part 4, Division 2 of the *Local Government (Functions & General) Regulations 1996*

Council Policy CA19 – Purchasing.

Council Policy CA23 – Regional Price Preference

Options

Council has the options of:

1. Rescinding the alternate assessment criteria and reaffirming support for the assessment criteria adopted on 25 July 2013 or rejecting the proposed rescission and supporting the most recent assessment criteria.
2. Awarding Tender T14/01, as provided and detailed in the Confidential Assessment Report.
3. Choosing an alternate Tenderer from the submissions received.
4. Rejecting all tender submissions.

If the criteria on which the evaluation panel assessed the tenders is rejected a new tender will need to be invited and an assessment criteria determined. If all tenders are rejected and Council wishes to proceed with the building project a new tender will also need to be invited.

Resource Implications

Financial

Funding originally identified for the project was as follows

• Royalties for Regions 2011/2012	\$500,000
• Royalties for Regions 2012/2013	\$233,191
• Department of Sport and Recreation	\$300,000
• Regional Development Australia	\$365,749
• Lotterywest	\$600,000
• Department of Health	\$700,000
	<u>\$2,698,940</u>

A complete summary of the tender offers and the financial implications associated with the full project is provided in the Confidential Assessment Report.

Workforce

Nil

Conclusion/Justification of Officer Recommendation

To ensure probity and compliance it is recommended that Council support the rescission motion by absolute majority and endorse the recommendation provided in the Confidential Assessment report on the tender.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**SCM14/035****Moved: Cr C Thompson****Seconded: Cr P Briggs****Third Support: Cr B Beacham**

That Council by Absolute Majority rescinds resolution OCM13/240 made at the Ordinary Council Meeting on 28 November 2013 where it only specifically relates to the November 2013 Planning, Policy and Strategy Committee meeting Item 8.4 – Request for Tender - Pinjarra Bowls Club/Home and Community Care Building (recommendation PPS13/144) by deleting the words “*with the following qualitative selection criteria:*”

- ***Capacity - 25%***
- ***Demonstrated Experience - 20%***
- ***Demonstrated Understanding of the Project - 25%***
- ***Price - 30%***

CARRIED UNANIMOUSLY 7:0**Voting Requirements**

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**SCM14/36****Moved: Cr P Briggs****Seconded: Cr B Beacham****That Council by Absolute Majority:**

- 1. reallocates \$141,250 from the Purchase of 20A Reserves to the Pinjarra Bowls Club/HACC Building Project;**
- 2. allocates \$458,983 from the Asset Enhancement Reserve to the Pinjarra Bowls Club/HACC Building project;**
- 3. of the \$458,983 from the Asset Enhancement Reserve, \$200,000 be recouped from the Pinjarra Bowls Club (as an interest free loan) over a five-year period and that this condition be built into a lease on the new building; and**
- 4. funds the Pinjarra Bowls Club/HACC car-park and roadworks, estimated at \$200,000 from the 2014/15 budget, either from Municipal Funds or from the Roadworks (Matching Funds) Reserve, with that funding decision to be made during the 2014/15 budget workshops.**

CARRIED UNANIMOUSLY 7:0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION:

That Council:

5. approves the Chief Executive Officer to enter into a contract with Moore Construction (WA) Pty Ltd for the construction of the Multipurpose Community Centre – Pinjarra Bowling and Recreation Club/Peel Home and Community Care building as detailed in Tender T14/01, to the maximum amount of \$3,083,149 subject to successful reference and financial checks and contract negotiations; and
- 6 if the reference and financial checks and negotiations are unsuccessful with Moore Construction (WA) Pty Ltd the Chief Executive Officer is approved to enter into a contract with Badge Constructions (WA) Pty Ltd to construct the Pinjarra Bowls Club/HACC Building for the maximum amount of \$3,210,789 subject a further allocation of \$127,640 being allocated and successful reference and financial checks and contract negotiations.

COUNCIL DECISION:

SCM14/37

Moved: Cr S Lee

Seconded: Cr C Thompson

That:

- 5. Council approves the Chief Executive Officer to enter into a contract with Moore Construction (WA) Pty Ltd for the construction of the Multipurpose Community Centre – Pinjarra Bowling and Recreation Club/Peel Home and Community Care building as detailed in Tender T14/01, to the maximum amount of \$3,083,149 subject to successful reference and financial checks and contract negotiations; and**
- 6 if the reference and financial checks and negotiations are unsuccessful with Moore Construction (WA) Pty Ltd the Chief Executive Officer is approved to enter into a contract with Pindan Pty Ltd to construct the Pinjarra Bowls Club/HACC Building for the maximum amount of \$3,177,610 subject a further allocation of \$94,461 being allocated and successful reference and financial checks and contract negotiations.**

CARRIED 6:1

Reason for Change

Council changed the Officer Recommendation as Pindan Pty Ltd was rated second within the selection criteria as opposed to Badge Constructions (WA) Pty Ltd who were rated third.

Following the result of voting, names are recorded as follows:

For: Cr W Barrett, Cr M Reid, Cr C Thompson, Cr S Lee, Cr A Black, Cr P Briggs

Against: Cr B Beacham

Cr E Menara rejoined the meeting at this point, the time being 9.23am.

7. CLOSE

There being no further business, the President Member declared the meeting closed the time being 9.24am.