



UNCONFIRMED MINUTES

OF THE ORDINARY MEETING

OF COUNCIL

HELD ON

23 JULY 2015

AT 11.00 AM

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Minutes for the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 23 July 2015, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Neil Grinham, declared the Ordinary Meeting open at 11.08am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil Grinham, President Cr M Raul Valenzuela, Deputy Shire President Cr Adam B Fawkes Cr Percy Lawson
STAFF	Silvio Brenzi, Acting Chief Executive Officer (ACEO) Elisha Hodder, Technical Services Support Officer
GUESTS	
OBSERVERS	Gary Douglas
LEAVE OF ABSENCE	
APOLOGIES	Cr Stanley K Willock (late arrival – 11:17am) Cr Robert Grinham (late arrival – 11.17am)

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

Items 11.4.2 –
Cr AB Fawkes disclosed a financial interest in these items.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

Member of the Public

Q: Gary Douglas Jockey Club President highlighted some points regarding reports from RAWA 2014/2015 and would like to seek funding from the Shire of Yalgoo.

A: Council requested that a written request be forwarded to council for consideration.

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1 Consideration of a matter affecting an employee 5.23 (2) (a)

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

Please refer to attachment: Council and Staff Calendar of Events

7.1 PRESIDENT

Date				President
Wednesday 1 st July 2015	7.00am	Perth	Breakfast Meeting – Gindalbie	Chris Gerrard President Neil Grinham Silvio Brenzi ACEO
Friday 3 rd July 2015	12.00pm-2.00pm	Yalgoo	DPAW Tourism Meeting	Ray Chapple President Neil Grinham Silvio Brenzi ACEO
Sunday 5 th July- Saturday 11 July 2015	All day-1 week		Filming – Red Dirt Movie	
Wednesday 22 nd July 2015	10.00am-11.30am	Dept. Agriculture and Food – 20 Gregory St Geraldton	Mid West Gascoyne District Emergency Management Committee – Special Event	Snr Sargent Ivan Davies President Neil Grinham Silvio Brenzi ACEO
Thursday 23 rd July 2015	11.00am	Yalgoo Council Chambers	Ordinary Council Meeting	President Councillors Silvio Brenzi ACEO

7.2 COUNCILLORS

Date				Councillors
Thursday 2 nd July 2015	10.00am-12.00pm	Geraldton	Doray Minerals (Gullewa Project) Meeting	Peter Banford Silvio Brenzi ACEO
Monday 6 th July 2015	10.00am-12.00pm	Yalgoo	MWDC Visit	Murray Criddle Gavin Treasure Silvio Brenzi ACEO
Wednesday 8 th July 2015	10.00am-12.00pm	Geraldton Universities Centre 33 Onslow St Geraldton	Mid West Workforce Development Plan 2015-2018 ATC Midwest (Apprentice & Traineeship Co)	Silvio Brenzi ACEO

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Voting Requirements

Simple majority

Officer Recommendation/Council Decision

C2015-0701 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 18 June 2015 be confirmed.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

9. MINUTES OF COMMITTEE MEETINGS

NIL

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

10.0 INFORMATION ITEMS

Water Sample results raised by Cr Raul Valenzuela distributed to other councillors

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.0.1 Technical Services Report

No report this month

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

ADJOURNMENT Lunch 12:33pm – 1:13pm

The meeting adjourned for lunch break at 12:33pm.

RESUMPTION:

The Shire President, Neil Grinham, re-opened the Ordinary Meeting at 1:13pm.

Remaining in the meeting was:

- Cr Neil A Grinham, Shire President
- Cr M Raul Valenzuela, Deputy Shire President
- Cr Robert W Grinham
- Cr Stanley K Willock
- Cr Adam B Fawkes
- Cr Percy J Lawson
- Silvio Brenzi, Acting CEO
- Elisha Hodder, Technical Services Support Officer

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of May 2015.

File:	
Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	14 July 2015
Attachments	P1 Monthly Financial Report – May 2015
(White)	P56 Schedule of Payments – May 2015

Matter for Consideration

Adoption of the monthly financial statements.

Background

1. The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.

Statutory Environment

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Reg 13(1)—Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

11.4 ADMINISTRATION

11.4.1 Letter from MRVC

File:	
Author:	A/ CEO
Interest Declared:	No interest to disclose
Date:	13/07/2015
Attachments (yellow)	P1 Letter from MRVC – CEO

Matter for Consideration

To approve the use of donated funds by the MRVC and allow for funds to be allocated in the 15/16 budget.

Background

Below are the points requested by the MRVC regarding the use of donated funds on the fencing cell project.

\$1M funding was received from the Country Local Government Fund (CLGF) via MWDC, so the amount required to complete the project has now reduced to \$4.5M.

- 100kms of new fence is already under construction, utilising the CLGF funding referred to above.
- I have had a number of meetings with various agencies relating to this project, and have consequently obtained a good understanding of the work that needs to be done to get the project “over-the-line” for state funding. We need to produce a detailed implementation plan for pre and post fence construction including pastoralist commitment/communication, land tenure, procurement, breakdown of milestones in fence construction, governance, viable capital and maintenance revenue collection from pastoralists as well as vermin control, pastoralist initiatives post construction. We then need to rework the business case to address all the issues raised by WA Treasury and other agencies, and to incorporate the implementation plan. Although this is a substantial body of work, it is quite achievable (subject to resources).
- There is considerable support for the project, both at the political and departmental level. Minister Redman has told me that he will fund half the cost of the project, subject to our meeting his other requirements.
- All the Departments that I have met with have pledged to support the project. Some enthusiastically, some reluctantly (if they saw this project competing with some project of their own) – but they have all pledged to support it.
- Based on my discussions, we have already started work on addressing the various issues.

These include:

- o Ownership of the fence – who will own and be responsible for maintenance and other outgoings on the fence?
- o How will future outgoings on the fence be funded?
- o Who will enforce eradication programs within the completed cell?
- o How will the fence be surveyed?
- At its meeting held on 29 June 2015, the Council of the MRVC endorsed a proposal that the MRVC should be the creator and owner of the Murchison Regional Vermin Cell fencing assets. This decision is based on advice that the MRVC would be able to obtain easements to provide access to the fences without invoking native title future acts processes.
- If MRVC is to be the creator and owner of the fences, it logically follows that the MRVC (not the Shire of Mount Magnet) should be the project proponent and the applicant for the funding that will be used to create the assets.
- The project would appear to tick all the boxes for an application to the National Stronger Regions Fund (which is a federal funding program). This would provide up to 50% of the project costs, subject to the other 50% being secured. However, the next NSRF closes very soon, and there are extensive documentation requirements for applications. In addition to having secured the other 50% of the required funding, we would need to produce:
 - o Detailed application and budget
 - o Risk management plan
 - o Asset management plan
 - o Procurement management plan
 - o Cost benefit analysis

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Allow for \$33,000.00 in 15/16 budget

Consultation

Warren Olsen, CEO Shire of Mt Magnet and MRVC

Comment

The shire of Yalgoo has already agreed to a contribution of \$33,000.00 in the 14/15 budget.(C2015-0211).

Voting Requirements

Simple Majority

Officer Recommendation

Use of donated Funds by MRVC

That Council agrees to MRVC utilising \$10,000.00 of the agreed donation (C2015-0211) for project planning, if MWDC was to match that funding. And that the continued support to MRVC in the 15/16 budget is continued at \$33,000.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried/lost

- The original recommendation was moved and seconded.
- An amendment to recognise the correction was then moved and seconded.
- The amendment was put and carried.
- The original recommendation, as amended, was put and carried as the substantive motion.

AMENDMENT

C2015-0704 Use of donated Funds by MRVC

That Council agrees to MRVC utilising \$10,000.00 of the agreed donation (C2015-0211) for project planning, if MWDC was to match that funding. And that the continued support to MRVC in the 15/16 budget is continued at \$33,000. This motion overrides previous motions made in regards to donations to the MRVC project.

Moved: Cr R Grinham Seconded: Cr PJ Lawson Motion put and carried 5/0

ORIGINAL MOTION AS AMENDMENT

C2015-0705 Use of donated Funds by MRVC

That Council agrees to MRVC utilising \$10,000.00 of the agreed donation (C2015-0211) for project planning, if MWDC was to match that funding. And that the continued support to MRVC in the 15/16 budget is continued at \$33,000. This motion overrides previous motions made in regards to donations to the MRVC project.

Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 5/0

11.4.2 Members Fees and Charges

File:	
Author:	Silvio Brenzi A/ CEO
Interest Declared:	No interest to disclose
Date:	15/07/2015
Attachments	P4 W.A. Officers Award extract (yellow)

Matter for Consideration

To set the fees and allowances for elected members for 2015/16

Background

Each financial year fees and allowances are set for the elected members. S.A.T. have passed the fees and allowances for the 15/16 F/Year. The only changes are that there is no longer a selection for choice in travel reimbursements. As can be seen from the attached schedule in the Officers Award that S.A.T. have used the new applicable amount to Yalgoo is now .9901 cents per Km.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Adjust and set budget accordingly

Consultation

James McGovern

Comment

Travel forms will be adjusted accordingly to suit the new rates.

Voting Requirements

Simple Majority

Officer Recommendation/Council Decision

C2015-0706 Elected Members Fees and Allowances 2015/16

That Council –

- 1. Set a per meeting attendance fee for elected members of Council for Ordinary and Special Council meetings of \$232.00 for 2015/2016 and that this be paid monthly in arrears;**
- 2. Set a per meeting attendance fee for the President for Ordinary and Special Council meetings of \$477.00 for 2014/2015 and that this be paid monthly in arrears;**
- 3. Set the President’s Allowance be \$8,939.00 for 2015/2016 and that this be paid monthly in arrears;**
- 4. Set the Deputy President’s Allowance be \$2,235 for 2015/2016 and that this be paid monthly in arrears;**
- 5. Set a per meeting attendance fee for Committee meetings of \$116.00 for 2015/2016 and that this be paid after a meeting;**
- 6. Set a telecommunications allowance be paid in arrears to elected members of \$291.67 per month; \$291.67per month for Deputy President and \$291.67 per month for President. All Councillors will only be eligible to receive this allowance if they have a valid phone number and email address that they can be contacted on;**
- 7. Set a travel allowance rate of \$0.9901 per km for 2015/2016.**

Moved: Cr A Fawkes

Seconded: Cr P Lawson

Motion put and carried 5/0

11.4.3 Recognition of the benefits of FAGS granting system to the Shire of Yalgoo

File:	
Author:	Silvio Brenzi, A/ CEO
Interest Declared:	No interest to disclose
Date:	23/07/2015
Attachments (yellow)	

Matter for Consideration

To recognize the Federal funding received annually from the FAGs program.

Background

Local Governments throughout W.A. receive funding from various sources. The Shire of Yalgoo receives a large portion of its annual budget from the Federal Government. These funds are supplied at set time throughout the year at regular intervals. A pre- payment was received this year on the 30th June. This amount is carried forward as part of the surplus as it was received in last financial year. This contributes 50/% of the total funds received through this system with the remainder being equally distributed over the coming financial year.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Assists with annual programs and delivery.

Consultation

Nil.

Comment

Without this program in place it would not be possible to conduct the appropriate governance of the Shire effectively. This funding forms an integral part of our annual budget as our rate base is so low and contributes limited funds to carry out the necessary works.

Voting Requirements

Simple Majority

Officer Recommendation/Council Decision

C2015-0707 Recognition of the benefits of FAGS granting system to the Shire of Yalgoo

That Council

- 1. Acknowledges the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
- 2. Acknowledges the receipt of \$2,263,866.00 in 2014/2015 F/Yr; and**
- 3. Will ensure that this Federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications including annual reports.**

Moved: Cr AB Fawkes

Seconded: Cr R Grinham

Motion put and carried 4/0

11.4.4 Transfer of Reserve Funds to Municipal Account

File:	
Author:	Silvio Brenzi , A/CEO
Interest Declared:	No interest to disclose
Date:	23/07/2015
Attachments (yellow)	Invoice copy

Matter for Consideration

Use of Yalgoo Ninghan Road Reserve funds for road repairs to Yalgoo-Ninghan Rd.

Background

The Shire of Yalgoo currently has an agreement in place with MMG for the road use requirements for the transport of ore from the Golden Grove mine along the Yalgoo Ninghan Rd. The funds obtained from this agreement are to be used solely for this section of road for maintenance purposes. Pavement repairs were carried out by a contractor in February this year and the item was paid from the Municipal account. However, this item should be paid for from the funds supplied which are in the reserve account for this purpose.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Balance end of year financials to correct amounts.

Consultation

Domonic Carbone

Comment

A new agreement has been put in place with MMG for the road use funding arrangement. This document applies the new rate of 1.26 cents per tonne per Km.

Voting Requirements

Simple Majority

Officer Recommendation/Council Decision

C2015-0708 Transfer of Reserve Funds to Municipal account

That Council approves the transfer of \$47,746.14 from the Yalgoo Ninghan Rd Reserve to the Municipal account to pay for invoice # 2812. (attached)

Moved: Cr AB Fawkes

Seconded: Cr R Grinham

Motion put and carried 4/0

ATTENDANCE: 2.23pm Cr Percy Lawson left the meeting.

ATTENDANCE: 2.26pm Cr Percy Lawson rejoined the meeting.

11.8.1 Awarding of RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Work

File:	
Author:	Silvio Brenzi, Acting CEO
Interest Declared:	
Date:	23 rd July 2015
Attachments (pink)	Confidential Panel Assessment Report

Matter for Consideration

This report provides an overview of the assessment process undertaken for tenders received for RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Works.

Based on the results of assessment the report recommends that council award the tender to ATM Civil Pty Ltd.

Background

Refer Tender documents '2015-02 AGRN661 Yalgoo Flood Recovery Minor Work'.

A surface trough triggered thunderstorms leading to heavy rainfall and widespread flooding over northern and central parts of the State during the period 28 February to 8 March 2015. The shire suffered considerable damage to its road network between the 1st -2nd of March 2015.

Pursuant to Section 2.1.1 of the NDRRA Determination 2012 Version 1, 'flood' is deemed to be an eligible natural disaster event.

For the purposes of the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) this event will be referred to as 'AGRN661 Surface Trough and Associated Flooding (28 February - 8 March 2015)'.

The Shire issued a request for tender for suitably qualified and experienced companies to submit their proposal to complete restoration works.

The tender was advertised State-wide on Saturday May 30 2015 in the West Australian. Tenders closed 2pm WST, Tuesday 16th June 2015. Thirty-Four (34) Companies made enquiries during the tender period. Twelve (12) Companies submitted tenders by the deadline.

Statutory Environment

Section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations 1996 Part 4, 11 to 24G.

All stages of the process of calling and assessing tenders have been undertaken in accordance with section 3.57 of the Local Government Act (LGA) 1995 and the LGA Functions and General Regulations 1996 Part 4, 11 to 24G.

All received tenders were evaluated against a compliance criteria and non-compliant tenders were removed from consideration. Each compliant tender was assigned a score based on the tenderers capacity to meet the tender objectives. The tendered prices were assessed via a price range formulae and the results combined to give a final score and determine the most advantageous outcome to Council.

In making a final decision the attention of Council is drawn to regulation 18 (4) of the Local Government (Functions and General) Regulations, which states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

The tender is recommended to be awarded to the Tenderer whose tender represents the best value for money proposition. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

Strategic Implications

The intent of the tender is to facilitate repair to transport infrastructure affected by flood event AGRN661.

Policy Implications

- Council Policy Purchasing and Tenders – Model Purchasing Policy
- Occupational Health and Safety Policy
- The Shire does not currently have a Regional Price Preference Policy

Financial Implications

Tendered prices are based on a schedule of rates with the final scope and timing of works to be confirmed. Full details of price schedules provided are available in the commercial in confidence tender assessment report provided to Councillors as part of agenda briefing.

The indicative costs provided in 'Table 3: Summary of top four (4) tenders scores' below represents an indicative total cost for each tender based on their schedule of rates prices, with the same indicative scenario utilised for all tenderers.

As the contract is based on a schedule of rates there is no guarantee of the quantity of work to be awarded to the successful tenderer or that any work will be awarded at all.

Eligible costs of restoration works are claimable under the WANDRRA program subject to the Shire meeting program eligibility and compliance requirements for each component of work completed.

Eligible costs are claimed back after proof of expenditure is provided and there can be some time in between the Shire lodging a claim and reimbursement being made. Funds have been requested in the 2015/06 budget to ensure adequate cash flow is allowed to cover expenditure before WANDRRA funding income is received.

Consultation

- Four (4) addendums were issued following receipt of questions. Tenderers were required to return signed copies of each addendum to confirm their receipt and compliance;
- In accordance with advice contained within the issued tender documents, in the instances of some minor non-conformances identified by the panel, the panel had the option of communicating with specific tenderers to seek clarification if this was deemed advantageous to the outcome to; and
- Referees of the top scoring tenderer were contacted with the aim of providing a level of verification of the information provided. A standard assessment form was completed and is included in the confidential panel report. No issues were identified during the referee check that would result in any tender being disqualified or for their score to be altered.

Comment

Independent Specification, Administration and Assessment of Tenders

Tenders were assessed by an independent panel provided by Core Business Australia (CORE). CORE has been appointed by the Shire as the project supervisor for WANDRRA flood recovery reinstatement works. As part of the process of engaging contractors to complete tendered works CORE:

- Prepared all tender specifications and documentation;
- Sought from the CEO of all tender documentation prior to advertising
- Issued tender documentation and responded to any questions via the issue of addendums;
- Closed and receipted tenders; and
- Assessed tenders.

A full assessment report has been provided to Councillors as part of agenda briefing. This report is commercial in confidence. The CORE tender assessment report fully details the tender process and assesses the qualitative assessment, weightings and costs assessment including recommendations. The assessment process effectively addresses the requirements of the Local Government Act 1995 (Functions and General) Regulation (s.3.57).

A brief summary of the report is included as part of this agenda item.

The tender assessment process included assessment of each tender by the tender panel in the following phases:

- Compliance Assessment resulting in acceptance or rejection of tenders;
- Qualitative Assessment resulting in a weighted individual score being provided for each tender;
- Price Assessment resulting in a weighted individual score for each tender; and
- Compilation of result, final consideration and assessment then recommendations based on achieving the best outcome to complete the works.

Results of Compliance Assessment

Tenders were assessed for compliance against the specifications. Where non-conformances were identified by the panel each instance was investigated and a determination made as to the outcome. In some instances this investigation resulted in contact with tenders for clarification.

The panel assessed each instance to determine whether it represented a major or minor non-conformance. In the instance of minor non-conformances tenders continued to be assessed based on the panel’s satisfaction that the non-conformance had been resolved or did not affect the outcome of the tender.

During the assessment phase two tenders were identified as having major non-conformances. The panel determined that due to the major non-conformances both tenders could not be assessed and they were removed from consideration.

All instances of non-conformance and the outcome are identified in the tender report.

Qualitative Assessment

Qualitative assessment was undertaken by review of the information provided by tenderers based on the following weighted criteria:

Criteria	Weighting
Relevant Experience	10%
Key Personnel	10%
Tenderers Resources	20%
Safety and Health Management	10%
Total Qualitative Score Available	50%

Table 1: Qualitative Criteria

Price Assessment

The price for tenders are based on:

- Provision by contractors of a schedule of rates for plant, equipment, personal to complete the scope;
- A schedule of rates for supply of materials to meet a specification.

All tender documents clearly detailed that rates were being assessed; quantities were indicative and there would be no guarantee as to the final quantity of work issued.

In order to assess price CORE issued an indicative schedule of hours and quantities (based on the initial scope of work determined from field inspection) to complete each task.

The total sums provided for tenders received were scaled by the panel to take into account the effect of a 10% allowance for use of standby rates. Tenders were then assessed using a price range formulae with the following weightings:

Criteria	Weighting
Price	50%
Total Price Score Available	50%

Table 2: Price Criteria

Please note that although ‘tendered price’ is a weighted component of the qualitative tender, the recommendation will not simply apply to the lowest bid. One of the main objectives of the procurement process is to manage risk and achieve best value while maximising the likelihood of delivery of the scope in the timeframe required.

Final Shortlist of Tenderers

After completion of weighted assessment of all criteria four tenderers were identified as the final shortlist. The summary results of these top four tenderers are:

330 Yalgoo RFT AGRN661 Minor Works: Summary of Top 4 Tenderers Scores				
Tenderer:	ATM	Cardinals	MDS	W & E Rowe
Rank based on score	1	2	4	3
Panel Qualitative Score/ 50	36.7	35.3	27.7	37.3
Price Formulae Score/ 50	50.0	47.2	45.7	43.5
Total Score/100	86.7	82.6	73.4	80.9
Price (Ex GST)	\$1,997,962	\$2,044,342	\$2,070,080	\$2,106,250
Total Score/100	86.67	82.57	73.37	80.88

Officer Comment

Based on the satisfactory assessment against compliance criteria and the value demonstrated in their submission resulting in their offer receiving the highest total score, it is recommended that the tender is awarded to ATM Civil Pty Ltd.

Alternative Recommendation

If a local government wishes to favour local suppliers in a tender assessment process, it must have a Regional Price Preference Policy in place that complies with the requirements of Part 4A of the Local Government (Functions and General) Regulations 1996. The Shire of Yalgoo does not have a Regional Price Preference policy in place, therefore the tender assessment panel could not apply Regional Price Preference in relation to the assessment process. As such, the tender assessment panel is not in a position to recommend anyone other than the tenderer that has offered the best value for money proposition, in this case it is the highest scoring tenderer, ATM Civil Pty Ltd.

Nonetheless, the tender assessment panel recognise that Council may wish to award the tender to W & E Rowe Contractors on the basis that they are local, assessed as being capable of undertaking the work and W & E Rowe Contractor’s tendered price is competitive (i.e. in the top 4) given the range of prices offered.

There is nothing preventing Council awarding the tender to whichever tenderer it thinks fit, however to do this Council would need to reject the Officer’s Recommendation and record reasons for going against the Officer’s Recommendations as required by Section 11.(da) of the Local Government (Administration) Regulations 1996.

In considering whether to award the tender to a tenderer other than ATM, Council needs to consider the public perception in doing so and weigh up the local perception vs the wider perception and the perception of funding agencies such as Main Road Western Australia and Department of Premier and Cabinet which fund WANDRRA.

If Council were to award the tender to W & E Rowe Contractors, one of the reasons behind this decision may be the fact that the company is a local supplier and the local economic development flow-on effects for a community such as Yalgoo would be significant. However if Council does resolve this way, Council should be cognisant that it may be difficult to defend this position with State agencies when Council has not signalled local preference as an important issue by putting in place a compliant Regional Price Preference Policy.

In any event, if Council did have a Regional Price Preference Policy, the maximum price reduction that can be considered is \$50,000 and this would not be enough to lift W & E Rowe Contractors score to first place.

It should also be noted that as W & E Rowe Contractors tender has not ranked highest, no reference checking has been done by the assessment panel.

If Council does wish to award the tender to W & E Rowe Contractors, the following alternative recommendation is offered to ensure that Council moves a compliant motion.

Alternative Recommendation

That, subject to the Chief Executive Officer completing satisfactory reference checking, Council awards tender ‘2015-02 AGRN661 Yalgoo Flood Recovery Minor Works’ to Joharda Pty Ltd as Trustee for the WJ & EC Rowe Family Trust Trading as W&E Rowe Contractors, and authorises the Chief Executive Officer to finalise and execute a contract to complete the works in accordance with the specifications and submitted schedule of rates as follows.

<i>Item</i>	<i>Description</i>	<i>Mob / Demob (ex GST)</i>	<i>Tendered Rate (ex GST)</i>	<i>Standby Rate (ex GST)</i>
1.0	<i>Large Plant (including all costs such as operator, fuel, services and overheads)</i>			

<i>Item</i>	<i>Description</i>	<i>Mob / Demob (ex GST)</i>	<i>Tendered Rate (ex GST)</i>	<i>Standby Rate (ex GST)</i>
1.1	Grader (Cat 140G or equivalent)	\$2,000.00	\$168.00	\$75.00
1.2.1	Water Truck (~15,000 litre)	\$650.00	\$120.00	\$65.00
1.2.2	Water Truck (min 24,000 litre)	\$650.00	\$137.00	\$65.00
1.3.2	Semi Trailer Side Tipper (~15m ³)	\$650.00	\$112.00	\$65.00
1.3.3	Road Train Side Tipper (~ 30m ³)	\$750.00	\$127.00	\$75.00
1.4	Vib steel Roller (~7t)	\$450.00	\$108.00	\$55.00
1.5	Multi rubber tyre (~15t)	\$450.00	\$109.00	\$55.00
1.6.1	Wheel Loader (Cat 950 or equivalent)	\$850.00	\$118.00	\$55.00
1.6.2	Skid Steer Loader	\$250.00	\$79.00	\$45.00
1.7	Single Unit 6 Wheek Tipper (~10m ³)	\$560.00	\$92.00	\$80.00
1.8	Excavator (7t)	\$650.00	\$99.00	\$75.00
1.9	Backhoe Loader	\$750.00	\$133.00	\$65.00
1.10	Dozer (Cat D7 or equivalent)	\$2,850.00	\$262.00	\$125.00
2.0	Small Plant (without operator but including all costs such as, fuel, services and overheads)			
2.1	Plate Compactor	\$250.00	\$65.00	\$65.00
2.2	Cement Mixer	\$150.00	\$55.00	\$65.00
3.0	Labour (including all costs such as Superannuation, Penalties, Loadings, Overheads, Mobilisation, Accommodation, Meals)			
3.1	Supervisor with Vehicle	\$450.00	\$65.00	NA
3.2	Labourer	\$330.00	\$55.00	NA
3.3	Traffic Controller with vehicle & Signs	\$540.00	\$79.00	NA
3.4	Additional Traffic Controller	\$348.00	\$58.00	NA
4.0	Preliminaries			
4.1	Comply with contract	-	\$10,480.09	NA
4.2	Traffic Management Plans	-	\$450.00	NA
4.3	Environment Management Plan	-	\$2,000.00	NA
4.4	Service Locations	-	\$3,000.00	NA

If reference checks fail to be satisfactory in the Chief Executive Officer’s opinion, Council awards ‘2015-02 AGRN661 Yalgoo Flood Recovery Minor Works’ to ATM Civil Pty Ltd and authorises the Chief Executive Officer to finalise and execute a contract to complete the works in accordance with the specifications and submitted schedule of rates as follows;

<i>Item</i>	<i>Description</i>	<i>Mob / Demob (ex GST)</i>	<i>Tendered Rate (ex GST)</i>	<i>Standby Rate (ex GST)</i>
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<i>Item</i>	<i>Description</i>	<i>Mob / Demob (ex GST)</i>	<i>Tendered Rate (ex GST)</i>	<i>Standby Rate (ex GST)</i>
1.0	Large Plant (including all costs such as operator, fuel, services and overheads)			
1.1	Grader (Cat 140G or equivalent)	\$340.00	\$170.00	\$50.00
1.2.1	Water Truck (~15,000 litre)	\$220.00	\$110.00	\$40.00
1.2.2	Water Truck (min 24,000 litre)	\$280.00	\$140.00	\$50.00
1.3.2	Semi Trailer Side Tipper (~15m ³)	\$280.00	\$140.00	\$50.00
1.3.3	Road Train Side Tipper (~ 30m ³)	\$350.00	\$175.00	\$50.00
1.4	Vib steel Roller (~7t)	\$220.00	\$110.00	\$40.00
1.5	Multi rubber tyre (~15t)	\$220.00	\$110.00	\$40.00
1.6.1	Wheel Loader (Cat 950 or equivalent)	\$300.00	\$150.00	\$50.00
1.6.2	Skid Steer Loader	\$150.00	\$75.00	\$40.00
1.7	Single Unit 6 Wheek Tipper (~10m ³)	\$220.00	\$110.00	\$40.00
1.8	Excavator (7t)	\$200.00	\$100.00	\$40.00
1.9	Backhoe Loader	\$200.00	\$100.00	\$40.00
1.10	Dozer (Cat D7 or equivalent)	\$500.00	\$250.00	\$75.00
2.0	Small Plant (without operator but including all costs such as, fuel, services and overheads)			
2.1	Plate Compactor	\$	\$100.00	
2.2	Cement Mixer	\$	\$500.00	
3.0	Labour (including all costs such as Superannuation, Penalties, Loadings, Overheads, Mobilisation, Accommodation, Meals)			
3.1	Supervisor with Vehicle	\$	\$75.00	NA
3.2	Labourer	\$	\$50.00	NA
3.3	Traffic Controller with vehicle & Signs	\$500.00	\$70.00	NA
3.4	Additional Traffic Controller	\$250.00	\$40.00	NA
4.0	Preliminaries			
4.1	Comply with contract	-	\$1,000.00	NA
4.2	Traffic Management Plans	-	\$1,000.00	NA
4.3	Environment Management Plan	-	\$2,000.00	NA
4.4	Service Locations	-	\$3,000.00	NA
4.5	Water Pump	-	\$5.00	\$

Please note that Council will need to provide a reason for going against the Officer recommendation and moving this alternative recommendation (or any other alternative).

Voting Requirements

Simple Majority

Officer Recommendation

That the Council awards tender '2015-02 AGRN661 Yalgoo Flood Recovery Minor Works' to ATM Civil Pty Ltd. and authorises the Chief Executive Officer to finalise and execute a contract to complete the works in accordance with the specifications and submitted schedule of rates as below:

<i>Item</i>	<i>Description</i>	<i>Mob / Demob (ex GST)</i>	<i>Tendered Rate (ex GST)</i>	<i>Standby Rate (ex GST)</i>
1.0	Large Plant (including all costs such as operator, fuel, services and overheads)			
1.1	Grader (Cat 140G or equivalent)	\$340.00	\$170.00	\$50.00
1.2.1	Water Truck (~15,000 litre)	\$220.00	\$110.00	\$40.00
1.2.2	Water Truck (min 24,000 litre)	\$280.00	\$140.00	\$50.00
1.3.2	Semi Trailer Side Tipper (~15m ³)	\$280.00	\$140.00	\$50.00
1.3.3	Road Train Side Tipper (~ 30m ³)	\$350.00	\$175.00	\$50.00
1.4	Vib steel Roller (~7t)	\$220.00	\$110.00	\$40.00
1.5	Multi rubber tyre (~15t)	\$220.00	\$110.00	\$40.00
1.6.1	Wheel Loader (Cat 950 or equivalent)	\$300.00	\$150.00	\$50.00
1.6.2	Skid Steer Loader	\$150.00	\$75.00	\$40.00
1.7	Single Unit 6 Wheek Tipper (~10m ³)	\$220.00	\$110.00	\$40.00
1.8	Excavator (7t)	\$200.00	\$100.00	\$40.00
1.9	Backhoe Loader	\$200.00	\$100.00	\$40.00
1.10	Dozer (Cat D7 or equivalent)	\$500.00	\$250.00	\$75.00
2.0	Small Plant (without operator but including all costs such as, fuel, services and overheads)			
2.1	Plate Compactor	\$	\$100.00	
2.2	Cement Mixer	\$	\$500.00	
3.0	Labour (including all costs such as Superannuation, Penalties, Loadings, Overheads, Mobilisation, Accommodation, Meals)			
3.1	Supervisor with Vehicle	\$	\$75.00	NA
3.2	Labourer	\$	\$50.00	NA
3.3	Traffic Controller with vehicle & Signs	\$500.00	\$70.00	NA
3.4	Additional Traffic Controller	\$250.00	\$40.00	NA
4.0	Preliminaries			
4.1	Comply with contract	-	\$1,000.00	NA
4.2	Traffic Management Plans	-	\$1,000.00	NA
4.3	Environment Management Plan	-	\$2,000.00	NA
4.4	Service Locations	-	\$3,000.00	NA
4.5	Water Pump	-	\$5.00	\$

<i>Item</i>	<i>Description</i>	<i>Mob / Demob (ex GST)</i>	<i>Tendered Rate (ex GST)</i>	<i>Standby Rate (ex GST)</i>

Council Decision/Officer Recommendation

C2015-0709 Awarding of RFT 2015-02 AGRN661 Yalgoo Flood Recovery Minor Work

That Council:

Directs the Chief Executive Officer to prepare additional questions relating to the understanding of and ability to successfully manage local conditions and interview the top four tenderers (ATM, Cardinals, MDS and W + E Rowe respectively);

Delegate authority to the CEO to awards tender ‘2015-02 AGRN661 Yalgoo Flood Recovery Minor works to the tenderer that achieves the highest score in the interview process;

Authorises the Chief Executive Officer to finalise and execute a contract to complete the works in the accordance with the specification and submitted schedule of rates as follows....

Moved: Cr AB Fawkes

Seconded: Cr PJ Lawson

Motion put and carried 5/0

Directs the Chief Executive Officer to prepares additional questions relating to understanding of and ability to successfully manage local conditions and interview the top four tenderers (ATM, Cardinals, MDS and W+E Rowe respectively);

- *Delegates authority to the CEO to award tender ‘2015-02 AGRN661 Yalgoo Flood Recovery Minor Works’ to the tenderer that achieves the highest score in the interview process;*
- *Authorises the Chief Executive Officer to finalise and execute a contract to complete the works in accordance with the specifications and submitted schedule of rates as follows....*

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

ATTENDANCE: 2.30pm President Neil Grinham left the meeting.

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

14.1 Consideration of a matter (detail) 5.23 (2) (a)

Motion to Close the Meeting to the Public

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0710 Close Meeting to the Public

That the meeting be closed to the public to discuss (detail) (LGA s. 5.23 (2) (a)).

Moved: Cr A Fawkes

Seconded: Cr R Grinham

Motion put and carried 4/0

ATTENDANCE: 2.35pm , Elisha Hodder left the meeting.

The meeting was closed to the public at 2:35pm

Remaining in the meeting were:

- Cr Raul Valenzuela, Deputy President
- Cr Adam Fawkes
- Cr Percy Lawson
- Cr Stanley K Willock
- Cr Robert W Grinham
- Silvio Brenzi, Acting CEO

Local Government Act 1995

5.23. Meetings generally open to the public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been

delegated.

(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 —

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (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;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal —

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local

government;

(f) a matter that if disclosed, could be reasonably expected to —

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
- (ii) endanger the security of the local government’s property; or
- (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public

ATTENDANCE: 2.36pm President Neil Grinham rejoined the meeting.

safety;

(g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971* ; and

(h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

(2) Without limiting subsection (1), a council member can have access to —

- (a) all written contracts entered into by the local government; and
- (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007**6. Use of information**

(1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

Motion to Open the Meeting to the Public**Voting Requirements**

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0711 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr AB Fawkes

Seconded: Cr R Grinham

Motion put and carried 5/0

The meeting was reopened to the public at 3:14pm.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday 20 August 2015 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 3:15pm.

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on _____.

Signed: _____
Person presiding at the meeting at which these minutes were confirmed