



Western Australia

Minutes for the Ordinary Meeting of the Murchison Shire Council,
Held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
On Thursday 25th October 2018, commencing at 12 Noon.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President opened the meeting at 12:01pm and welcomed Mr Peter Simms of Rivet Mining Services to the meeting.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

R Foulkes-Taylor – President
Cr E Foulkes-Taylor
Cr G Mead
Cr Q Fowler
Cr P Squires

P Dittrich – CEO
William Herold – Acting Works Supervisor

Apologies:
Cr A Whitmarsh

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

4.1 Standing Orders

Council Decision:

Moved: Councillor G Mead

Seconded: Councillor E Foulkes-Taylor

That the following Local Law-Standing Orders 2001 be stood down:

- 8.2 Limitation on the number of speeches
- 8.3 Duration of speeches

Carried

For: 5

Against: 0

5. NEXT MEETING

22 November 2018

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Discuss one item pursuant to LGA s. 5.23 (2) (c) and (e) – Replacement of CEO vehicle.

8. CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting – 25 September 2018

Background:

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

Recommendation:

That the minutes of the Ordinary Council meeting held on 25 September 2018 be confirmed as an accurate record of proceedings

Voting Requirements:

Simple majority

Council Decision:**Moved: Councillor Q Fowler****Seconded: Councillor G Mead**

That the Minutes of the Ordinary Council meeting of 25 September 2018 be confirmed as an accurate record of proceedings.

Carried/Lost**For: 5****Against: 0****9. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Peter Sims - Business Development Manager – Rivet Mining Services

Mr Sims provided an overview of Rivet Mining Services and their involvement in mining and bulk haulage. He went on to provide a brief overview of the mining project they were considering undertaking, vehicle movement on the Beringarra Pindar Road, possible realignment of the road, and maintenance of the road.

Cr P Squires suggested that the maintenance requirements would be greater than that suggested in the presentation and would need to be reviewed.

Cr R Foulkes-Taylor pointed out that part of the running surface of the road was natural pavement and would need to be sheeted before operations could commence. Mr Sims advised that a decision on the road design and potential operation of the mine could be made by December 2018.

Mr Sims was advised that a road agreement would need to be entered into with the mining company before mining were to start.

The President thanked Mr Sims for attending and presenting to the meeting.

11. ACTION LIST

No	Item	Action	Status
1	Community Project Officer	Working Group held a telephone conference to discuss funding.	Awaiting release of grant funding. If delayed a budget amendment will be proposed.
2	Cemetery and Remembrance Walk	Community Advisory Group inspected niche wall area and marked layout.	Quote to be sought for 7.5m x 1m x 0.3m wall.
3	Review of Road Network	Council to conduct a whole of shire road review. Establish roads to be closed/position of roads etc. and work with Landgate and surrounding shires. The status (ie a road defined by description; a dedicated road; a gazetted road; a closed road) of roads no longer maintained needs to be identified before the Shire can progress with this.	Working with Travis Dedman of Landgate to identify dedicated/gazetted roads.

Recommendation:

That the Action List be accepted.

Discussion: The CEO gave a brief verbal report on the meeting of the Project Officer Working Group and the Community Advisory Group.

Voting Requirements:

Simple majority

Council Decision:

Moved: Councillor P Squires

Seconded: Councillor E Foulkes-Taylor

That the Action List be accepted.

Carried

For: 5

Against: 0

12. DISCLOSURE OF INTERESTS

President R Foulkes-Taylor declared a financial interest in items 17.1 & 17.3 and an impartiality interest in item 17.4

Cr E Foulkes-Taylor declared a financial interest in items 17.1 & 17.3 and an impartiality interest in item 17.4

Cr G Mead declared a financial interest in items 17.2

Cr P Squires declared a financial interest in items 17.2

The meeting adjourned at 1:01 pm

The meeting resumed at 2:06 pm

13. REPORTS OF OFFICERS

13.1 Monthly Plant Report – Acting Works Supervisor

Key	Plant Description	Year	Rego	Total Costs	Recovery	Plant Hours YTD
P001	JD 770G Grader	2011	MU1063	18375.41	31570	451
P004	Ford New Holland Tractor	2006	MU 380	643	0	0
P005	Dolly	2001	MU 2003	655.65	0	0
P007	UD Nissan Prime Mover Truck	2009	000 MU	15295.74	4612.5	102.5
P008	Dolly	2000	MU 2009	760.25	2110	211
P009	Iveco Prime Mover	2003	MU1065	6144.84	18225	405
P010	Iveco Tipper 2004	2004	MU 00	2870.44	0	0
P011	Komatsu D85A Bulldozer	1997		26796.45	21636.5	198.5
P013	Low Loader Float	2008	MU 663	2503.82	2070	34.5
P014	Low Loader Float	2001	MU 2004	3295.77	0	0
P017	Trailer - Evertrans Side Tipper	2001	MU 662	1461.45	3116	164
P018	Trailer - Side Tipping Roadwest	2001	MU2010	1488.93	3781	199
P024	Water Tanker Trailer	2005	MU 2024	5142.33	7239	381
P027	Volvo L110E Loader	2006	MU 65	18223.63	7637.5	117.5
P028	LV Isuzu D-Max 4x4	2009	MU 300	2051.32	0	0
P032	Genset - Construction			5513.76	0	0
P033	Genset - Maintenance 13 KVA			3232.5	0	0
P034	Genset Perkins On Mechanic Truck			409.09	0	0
P035	Genset Power House	2011		43060.84	43060.84	0
P041	Loader CAT 938 GII	2004	MU 193	12775.2	2112.5	32.5
P043	BOMAG Roller (Rubber)	2012	MU1027	4300.41	4680	117
P048	Howard Porter Flat Trailer - Construction Generator	1979	MU 2026	370.25	0	0

Key	Plant Description	Year	Rego	Total Costs	Recovery	Plant Hours YTD
P049	Howard Porter Fuel Trailer	1972	MU 2005	267.32	0	0
P055	Toyota Prado 3.0l T/D 5 door Wgn	2012	MU1011	3467.41	3467.41	0
P057	Great Wall 2012 Gardeners Ute	2012	MU 167	1445.11	0	0
P059	Trailer - 45ft Flat top	1978	MU2044	2436.67	475	25
P060	Patient Transfer- Mercedes Sprinter	2004	MU 1009	1004.16	1004.16	0
P061	Kenworth T604 Prime Mover	2004	MU 000	45889.5	10755	239
P064	Isuzu FRR500 5-Tonne Truck	2013	MU 140	20499.12	7800	100
P065	Generator 9 KVA Kuboto Machine	2013		673.68	0	0
P067	Trailer - Side Tipper Roadwest	2013	MU2042	2803.61	3781	199
P068	BOMAG Padfoot Roller BW211PD-4	2013	MU1071	12498.99	8020	200.5
P072	Isuzu Fire Truck	2013	MU1068	6208.56	6208.56	0
P073	Toyota Fire - Fast Attack	2014	MU1069	5674.01	5674.01	0
P077	Kubota U25-3 Mini Excavator & Attachments			1101.14	2875	57.5
P080	Fuso Canter	2017	MU120	4043.99	3003	38.5
P081	John Deere 670G Motor Grader	2017	MU105	18181.59	31255	446.5
P082	Isuzu/Dmax Sx - Works Supervisors Vehicle	2017	01 MU	6484.01	1402.5	93.5
P086	Maxitrans Tandem axle Dolly	2012	1TNW068	0	1170	117
P15003	Grader John Deere 672G Six Wheel Drive	2012	MU121	16165.72	28595	408.5
P15006	Truck - Isuzu NPR 65/45	2015	MU1018	4984.79	5148	66
P16063	Toyota Prado	2016	MU 0	4138.57	0	0
P16075	Kubota Tractor B2301 HD with mower deck	2016		536.06	311.5	22.25

13.2 Works Report – Acting Works Supervisor

Construction

The Construction crew have finished the re-sheet on the section where the box culverts were inserted and raised the road level over the culverts removing the 2 sharp and washed dips on the Beringarra Pindar Road. They have started the re-sheet on the next 4.5 km section which is approximately 25 kms north of Tallering Station Homestead on the Beringarra Pindar Road. Over and above the re-sheet a 300mm pipe culvert will be installed as well as a flooding reconstruction. Unfortunately, the crew are having to cart the gravel some 17 km as the pit that was planned for use has been exhausted. It is the Shire's intention to attempt to secure our gravel requirements 6 to 12 months in advance to negate this problem in the future. The crew have also had several minor mechanical issues regarding perished and chaffed hydraulic and coolant hoses and belts. Unfortunately, some of these could only be sourced from the east coast causing substantial delays which was rather annoying and time consuming. They also have finally got the 5 tonne Isuzu truck back with all their gear, grease gun and fuel which is a great help.

Maintenance

The Maintenance crew have finished cleaning up the edges along the bitumen section on the Carnarvon Mullewa Road and are continuing to the south boundary with a full maintenance grade, skipping the flood damage. Due to the considerable delays in the start to the flood damage works they will probably have to do another grade on the Carnarvon Mullewa Road from the north boundary to Byro Station Access Road. Due to the heavy traffic the running surface on this section has powdered up and blown out in several sections. Some grid maintenance and signage work may also be on the cards for the maintenance crew in the future.

Recommendation:

That the Acting Work's Supervisor's report be accepted.

Discussion: The CEO initiated a discussion in relation to the use of tow behind rollers for maintenance grading of roads. Cr G Mead felt that the rollers were not effective on dry dirt. Cr P Squires agreed with CR Mead. Cr Squires felt that a wet grade and roller whilst more expensive resulted in a better maintained road. Cr Squires suggested that only priority roads should receive an annual wet grade. Cr R Foulkes-Taylor expressed some concern in relation to costs of conducting a wet grade. This would be taken into account when setting the Maintenance program. The Acting Works supervisor stated that wet grades would only be used in vulnerable or degraded areas.

Cr R Foulkes-Taylor suggested that a trial of maintenance grading be undertaken without the use of tow behind rollers.

Cr Mead asked if turkey’s nests could be pre-prepared with the use of solar pumps.

Cr E Foulkes-Taylor expressed concern about the extent of drainage on roads. The AWS agreed that the drainage needed to be reviewed as well as the use of bunds to control water flow.

Council expressed dissatisfaction with the level of service received from Hitachi and requested that the CEO write to the company to relay their concerns.

Voting Requirements:

Simple majority

Council Decision:		
Moved: Councillor G Mead		Seconded: Councillor P Squires
That the Acting Work’s Supervisor’s report be accepted.		
Carried/Lost	For:	Against:

14. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

14.1 Shire President

The President attended the Regional Road Group meeting held in Geraldton on Monday 22nd October 2018. The main area of concern for the shire is the removal of the Main Roads condition CA07 as of the 30th November 2018. CA07 allows the road owner to place conditions on the use of a road.

The president encouraged all councillors to consider attending the Local Government Act review workshop being held in Cue on 1st November 2018.

14.2 Councillors

Cr Q Fowler expressed his thanks to all WANDARRA contractors past and present that had donated to the Landor Races.

15. REPORTS OF COMMITTEES

Nil

16. FINANCE**16.1 Financial Activity Statements to 30 September 2018**

File:	4.37
Author:	Tatjana Erak – CSO/Finance Administrator Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	19 October 2018
Attachments:	Financial Activity Statements to 30 September 2018 Statement of Financial Position Operating Statement by Program Operating Statement by Nature & Type Accounts Activity General Ledger Trial Balance

Matter for Consideration:

Council is to consider adopting the Monthly Financial Statements for September 2018.

Background:

The Local Government (Financial Management) Regulations 1996. Regulation 34 requires that local government report monthly and prescribes what is required to be reported.

Comment:

The Current Position at 30 September 2018 is a surplus of \$3,751,940

	Budgeted closing surplus YTD	\$3,525,641
Plus	Variance to Operating Surplus	-37,495
Plus	Operating revenue up	66,806
Less	Operating Expenditure up	-157,619
Less	Operating activity excluded	-38,752
Plus	Investing activities down	393,359
Plus	New Debentures up	0
Less	Transfers from reserve down	0
Less	Repayment of Debentures up	0
Plus	Transfers to reserves down	0
	Total Variances	226,299
	Actual Surplus as at 30 September 2018	\$3,751,940

The following Term Deposits are currently held as at 30 September 2018:

Muni

Term Deposit 531423	\$500,000.00	2.69%	Maturity 29/01/2019
Term Deposit 531431	\$1,000,000.00	2.84%	Maturity 29/10/2018
Term Deposit 529817	\$503,490.96	2.70%	Maturity 06/12/2018
Term Deposit 249753	\$500,000.00	2.69%	Maturity 30/12/2018

Trust

Crosslands MCF Term Deposit	\$380,350.18	2.71%	Maturity 25/11/2018
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Reserve

Term Deposit 531458	\$750,000.00	2.84%	Maturity 29/10/2018
Term Deposit 531466	\$1,000,000.00	2.84%	Maturity 29/10/2018
Term Deposit 218770	\$1,000,000.00	2.67%	Maturity 21/12/2018
Beringarra Cue Road Reserve Term Deposit	\$2,530,497.70	2.71%	Maturity 18/11/2018

Statutory Environment:

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

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
- (e) The net current assets at the end of the month to which the statement relates.

Strategic Implications:

Nil.

Policy Implications:

Nil.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant considerations

Consultation:

Moore Stephens

Recommendation:

That Council adopt the financial statements for the period ending 30 September 2018 as attached.

Discussion: The CEO spoke to the accounts. Cr R Foulkes-Taylor asked for confirmation of the balance of the Beringarra-Cue Road reserve account. This was provided by the CEO.

Voting Requirements:

Simple majority.

Council Decision:

Moved: Councillor R Foulkes-Taylor

Seconded: G Mead

Council adopt the financial statements for the period ending 30 September 2018 as attached.

Carried

For: 5

Against: 0

16.2 Accounts Paid during the period since the last list was adopted/endorsed by Council

File:	4.37.1
Author:	Tatjana Erak – CSO/Finance Administrator
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments:	EFT & Cheque Details for September 2018

Matter for Consideration:

Endorsement of accounts paid during the month of September 2018.

Background:

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO during the month to present to Council.

Comment:

A list of payments made during the month of September 2018 is attached.

Statutory Environment:

Local Government (Financial Management) Regulations 1996

Regulation 13 states:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) enough information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications:

None

Policy Implications:

None

Budget/Financial Implications:

Payment from the Municipal, Trust and Reserve Bank Accounts.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant considerations

Consultation:

Moore Stephens

Recommendation:

That the accounts for the Month of September, as per the attached Schedule presented to this meeting including \$315,145.36 from Municipal Account \$258.20 from Trust Account and \$32.00 from Oasis Roadhouse totalling \$315,435.56 be endorsed by Council.

Voting Requirements:

Simple majority

Council Decision:

Moved: Councillor E Foulkes-Taylor

Seconded: Councillor P Squires

That the accounts for the Month of September, as per the attached Schedule presented to this meeting including \$315,145.36 from Municipal Account \$258.20 from Trust Account and \$32.00 from Oasis Roadhouse totalling \$315,435.56 be endorsed by Council.

Carried

For: 5

Against: 0

17. DEVELOPMENT

Crs R Foulkes-Taylor and E Foulkes-Taylor left the Chambers at 2:55 pm

17.1 Beringarra-Pindar Road Assessment

File:	12.24
Author:	Peter Dittrich - Chief Executive Officer
Interest Declared:	Nil
Date:	18 October 2018
Attachments:	Application for RAV access Policy 2.1.1 extract

Matter for Consideration:

Council to consider endorsing the RAV access to the Beringarra Pindar Road as requested by Rivet Mining Services and any access conditions that it would like Main Roads Western Australia to consider.

Background:

Rivet Mining Services has applied to amend a road on the Restricted Access Vehicle Network. They have applied for TRI Drive Category 5 (53.5m) assessment of the Beringarra Pindar Road from Yuin Station to the southern border of the Shire for the purpose of road haulage of ore.

Comment:

As the road owner the Shire is required to undertake the primary assessment of the road and indicate the following conditions have been met:

1. The road width meets the guideline requirements
2. There are no evident steep grades
3. All sight distances meet guideline requirements

At this time the Shire does not have the resources to undertake the physical survey of the above.

Currently, the Beringarra Pindar Road is RAV 7.

The existing concessional loading conditions on this road are:

- Trucking during daylight hours only
- Direct radio communications required between RAV vehicles on the road
- Max. speed of 80km/hr
- Headlights switched on whilst travelling on road
- No operation on unsealed road segments when visibly wet without the road owner's approval

The proponent is requesting approval for tri-drive road trains up to 53.5m length, 175.5t max mass, 23.5t axle mass.

Some of the concerns identified are:

- This represents an increase in axle mass.
- Tri-drive prime-movers typically increase the maintenance requirements of the road due to impact of their third axle particularly when turning
- Stock grids will need to be reviewed to ensure they are appropriate for the proposed loading
- Dust suppression or sealing required.
- Line of sight at intersections and driveways will need to be reviewed.

Summary

If the Shire were to endorse the application there may be a need to upgrade the road which could potentially impose significant additional maintenance costs to the Shire due to the exponential wear caused by the planned trucking movements.

The Shire should pursue the recovery of the additional maintenance costs via a road user/maintenance agreement.

It is suggested that the Shire put in place a road maintenance/user agreement with the proponent prior to approving the change in route classification. This agreement should cover all aspects including the total truck movements and tonnages proposed, any upgrades required, the condition of the road before and after the trucking, who is responsible for which defects and repairs, the typical response times for attending to defects and any other aspects that may be specific to the trucking operations. The agreement would be prepared following a review of the respective roads with consideration for the proposed change in traffic movements.

Statutory Environment:

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
 - There may be significant noise and dust issues which need to be considered.
- **Economic:**
 - There could be significant economic impact on road maintenance costs.
- **Social:**
 - There may be some impact on residents along the route and some impact on other road users.

Policy Implications:

Refer to the Shire of Murchison Policy 2.1.1 Use of Heavy Vehicle Combinations on Local Roads.

Financial Implications:

Consultation:

Acting Works Supervisor

Recommendation:

That Council:

1. Endorse the change to the RAV access on the the Beringarra Pindar Road with the following conditions:
 - a. Trucking during daylight hours only
 - b. Direct radio communications required between RAV vehicles on the road
 - c. Max. speed of 80km/hr
 - d. Headlights switched on whilst travelling on road
 - e. No operation on unsealed road segments when visibly wet without the road owner's approval
 - f. Stock grids are reviewed to ensure they are appropriate for the proposed loading

- g. A comprehensive road agreement is entered into with the proponent.
- h. Dust suppression and/or sealing requirements are met.
- i. Line of sight at intersections and driveways are reviewed.
- j. All operators must carry written support from the Shire of Murchison permitting use of the road. (Main Roads condition CA07).
- k. A road agreement be entered into with the mining company before Council endorses the road rating.

Discussion: Cr P Squires noted the road had natural ground running surfaces in various areas. He felt that Council and the community could not support the application to increase the rating of the road as it is currently constructed. Cr G Mead felt that the road would need to have compaction testing completed before the application could be endorsed. He further felt that the vehicles should be limited to triples and not allow for tri-drive vehicle use.

The AWS felt that in its current from certain stretches of the road would need to be maintained by the mining company on a full time basis. It was suggested that a double water cart would be required on nightshift to enable the road to be properly maintained during haulage operations. Councillors felt that the road could not support a RAV 10 or TD5.3. rating unless it was reconstructed.

Voting Requirements:

Simple Majority

Council Decision:

Moved: Councillor P Squires

Seconded: Councillor Q Fowler

That Council:

1. Endorse the change to the RAV access on the the Beringarra Pindar Road with the following conditions:
 - a. Trucking during daylight hours only
 - b. Direct radio communications required between RAV vehicles on the road
 - c. Max. speed of 80km/hr
 - d. Headlights switched on whilst travelling on road
 - e. No operation on unsealed road segments when visibly wet without the road owner's approval
 - f. Stock grids are reviewed to ensure they are appropriate for the proposed loading
 - g. A comprehensive road agreement is entered into with the proponent.
 - h. Dust suppression and/or sealing requirements are met.
 - i. Line of sight at intersections and driveways are reviewed.
 - j. All operators must carry written support from the Shire of Murchison permitting use of the road. (Main Roads condition CA07).
 - k. A road agreement be entered into with the mining company before Council endorses the road rating.

Lost

For: 0

Against: 3

Reason: The road construction is not suitable for RAV 10 / TD5.3 vehicles.

New Motion

Council Decision:

Moved: Councillor P Squires

Seconded: Councillor Q Fowler

That the CEO invite the mining company to enter into a road agreement to construct and maintain a road fit for purpose for the safe transport of ore, by RAV 10 and or TD 5.3 vehicles, on the Beringarra-Pindar Road between SLK 250 and SLK 317.32.

Carried

For: 3

Against: 0

Crs R Foulkes-Taylor and E Foulkes-Taylor returned to the Chambers at 3:10 pm

Crs G Mead and P Squires left the Chambers at 3:11pm

17.2 Call For Tender – Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Supplier Panel

File:	4.52
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments:	Nil

Matter for Consideration:

Council to consider calling Public Tenders for the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Supplier Panel.

Background:

Local Government (Functions and General) Regulations 1996 Regulation 12 states:

12. *Anti-avoidance provision for r. 11(1)*

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the **contracts**) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*

The Department of Local Government issued Circular No. 16-2015 in which it states:

Anti-avoidance provisions

Reports prepared by the CCC made recommendations that the anti-avoidance provisions be strengthened to ensure that contracts were not split for the purposes of avoiding the tender threshold.

Regulation 12 has been amended to clarify this. It is expected that if a local government reasonably believes that the purchase of a good or service from one supplier will exceed the tender threshold of \$150,000 they should publically (sic) invite tenders.

No timeframe for the tender threshold has been included in the regulations. However, local governments should consider the importance of testing the market through a public tender process for low value, repetitive contracts. A best practice suggestion is that if the tender threshold is reached within three years, then a public tender is invited for that good or service.

The Shire of Murchison has complied and **continues to comply with Local Government (Functions and General) Regulations 1996 Regulation 12.**

Comment:

In an internal review of its practices the Shire identified that there are instances where the cumulative value of separate works undertaken by a contractor over a three year period may approach or exceed the \$150,000 (or \$250,000 if registered on the Aboriginal Business Directory WA) threshold as identified in best practice statement above.

The establishment of a Panel of Suppliers via tender would enable the Shire to engage contractors to undertake works on an as needs basis. The Shire would be restricted to using those suppliers on the panel unless those suppliers are unable to provide goods or services and when required by the Shire.

WALGA Procurement has been engaged to undertake the tender preparation and evaluation process.

Statutory Environment:

Local Government Act 1995

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 and Services (s.3.57)

11. When tenders have to be publicly invited

(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 \$150 000 unless subregulation (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; or

[(ba) deleted]

- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
- (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

- (i) petrol or oil; or
- (ii) any other liquid, or any gas, used for internal combustion engines;

or

(h) the following apply —

- (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
- (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
- (iii) the local government is satisfied that the contract represents value for money;

or

- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. *Anti-avoidance provision for r. 11(1)*

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*

[Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]

13. *Requirements when local government invites tenders though not required to do so*

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]

14. *Publicly inviting tenders, requirements for*

- (1) *When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
 - (a) *is required to invite a tender; or*
 - (b) *not being required to invite a tender, decides to invite a tender,*

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Strategic Implications:

Nil

Policy Implications:

Nil

Budget/ Financial Implications:

Nil.

Sustainability Implications:

- **Environmental**
There are no known significant environmental implications associated with this decision
- **Economic**
There are no known significant economic implications associated with this decision
- **Social**
There are no known significant social considerations associated with this decision

Consultation:

WALGA - Strategic Sourcing Manager, Business Solutions

Recommendation:

1. That Council invites Public Tenders for the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Supplier Panel
2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender.

The Tender Evaluation Panel for the evaluation of the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Supplier Panel is made up of Crs E Foulkes-Taylor, R Foulkes-Taylor, Fowler, & Whitmarsh, the CEO, and the Acting Works Supervisor

3. That Council includes the following assessment criteria and weightings in the Tender the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Panel:

COMPLIANCE CRITERIA

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

Comparative Price Assessment

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

Qualitative Assessments

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire's opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

Qualitative Criteria	Weighting
<p>a) Demonstrable Projects</p> <p>i. Provide at least two (2) examples of engagements from the last five (5) years of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided.</p> <p>Project examples are to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferred Supply Category Fit; <input type="checkbox"/> Customer Name, <input type="checkbox"/> Customer Contact Details; <input type="checkbox"/> Date Delivered, <input type="checkbox"/> Project Name; <input type="checkbox"/> Project Summary; <input type="checkbox"/> Project Value; And <input type="checkbox"/> Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>	35%
<p>b) Organisational Capability</p> <p>i. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply, including details of your ability to work and maintain works and response times in remote locations and occasionally inclement weather.</p> <p>ii. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>iii. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>	30%
<p>c) Key Personnel</p> <p>i. Detail the project team members (including subcontractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held (for example the number of years working at your organisation, number of years working in the industry, job experience and qualifications)</p>	20%
<p>d) Local Content</p> <p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally. 	15%

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

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- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Discussion: The CEO explained that the Shire would be restricted to the use of panel members unless they were unable to provide the service as and when required. Quotes for work would still be sort from panel members prior to awarding any job. Cr E Foulkes-Taylor expressed concern that provision be made to enable the removal of a panel member and the addition to panel members as business needs dictated.

Voting Requirements:

Simple Majority

Council Decision:

Moved: Councillor Q Fowler

Seconded: Councillor E Foulkes-Taylor

1. That Council invites Public Tenders for the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Supplier Panel
2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender.
The Tender Evaluation Panel for the evaluation of the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Supplier Panel is made up of Crs E Foulkes-Taylor, R Foulkes-Taylor, Fowler, & Whitmarsh, the CEO, and the Acting Works Supervisor
3. That Council includes the following assessment criteria and weightings in the Tender the Establishment of a Road Maintenance, Heavy Road Maintenance and Bunding Panel:

COMPLIANCE CRITERIA

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

Comparative Price Assessment

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

Qualitative Assessments

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire’s opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

Qualitative Criteria	Weighting
<p>a) Demonstrable Projects</p> <p>i. Provide at least two (2) examples of engagements from the last five (5) years of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided.</p> <p>Project examples are to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferred Supply Category Fit; <input type="checkbox"/> Customer Name, <input type="checkbox"/> Customer Contact Details; <input type="checkbox"/> Date Delivered, <input type="checkbox"/> Project Name; <input type="checkbox"/> Project Summary; <input type="checkbox"/> Project Value; And <input type="checkbox"/> Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>	<p>35%</p>
<p>b) Organisational Capability</p> <p>i. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply, including details of your ability to work and maintain works and response times in remote locations and occasionally inclement weather.</p> <p>ii. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>iii. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>	<p>30%</p>

c)	<p>Key Personnel</p> <p>i. Detail the project team members (including subcontractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held (for example the number of years working at your organisation, number of years working in the industry, job experience and qualifications)</p>	20%
d)	<p>Local Content</p> <p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally. 	15%

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Value for Money Assessment

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- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Carried For: 3 Against: 0

Crs R Foulkes-Taylor and E Foulkes-Taylor left the Chambers at 3:27 pm

Crs P Squires and G Mead returned to the Chambers at 3:28 pm

17.3 Call For Tender – Establishment of a Concrete Works Supplier Panel

File:	4.52
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments:	Nil

Matter for Consideration:

Council to consider calling Public Tenders for the Establishment of Concrete Works Supplier Panel.

Background:

Local Government (Functions and General) Regulations 1996 Regulation 12 states:

12. Anti-avoidance provision for r. 11(1)

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the **contracts**) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*

The Department of Local Government issued Circular No. 16-2015 in which it states:

Anti-avoidance provisions

Reports prepared by the CCC made recommendations that the anti-avoidance provisions be strengthened to ensure that contracts were not split for the purposes of avoiding the tender threshold.

Regulation 12 has been amended to clarify this. It is expected that if a local government reasonably believes that the purchase of a good or service from one supplier will exceed the tender threshold of \$150,000 they should publically (sic) invite tenders.

No timeframe for the tender threshold has been included in the regulations. However, local governments should consider the importance of testing the market through a public tender process for low value, repetitive contracts. A best practice suggestion is that if the tender threshold is reached within three years, then a public tender is invited for that good or service.

The Shire of Murchison has complied and **continues to comply with Local Government (Functions and General) Regulations 1996 Regulation 12.**

Comment:

In an internal review of it's practices the Shire identified that there are instances where the cumulative value of separate works undertaken by a contractor over a three year period may approach or exceed the \$150,000 (or \$250,000 if registered on the Aboriginal Business Directory WA) threshold as identified in best practice statement above.

The establishment of a Panel of Suppliers via tender would enable the Shire to engage contractors to undertake works on an as needs basis. The Shire would be restricted to using those suppliers on the panel unless those suppliers are unable to provided goods or services and when required by the Shire.

WALGA Procurement has been engaged to undertake the tender preparation and evaluation process.

Statutory Environment:

Local Government Act 1995

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 and Services (s.3.57)

11. When tenders have to be publicly invited

(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 \$150 000 unless subregulation (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; or

[(ba) deleted]

- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
- (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

- (i) petrol or oil; or
- (ii) any other liquid, or any gas, used for internal combustion engines;

or

(h) the following apply —

- (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
- (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
- (iii) the local government is satisfied that the contract represents value for money;

or

- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. *Anti-avoidance provision for r. 11(1)*

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
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[Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]

13. *Requirements when local government invites tenders though not required to do so*

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]

14. *Publicly inviting tenders, requirements for*

- (1) *When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
 - (a) *is required to invite a tender; or*
 - (b) *not being required to invite a tender, decides to invite a tender,*

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Strategic Implications:

Nil

Policy Implications:

Nil

Budget/ Financial Implications:

Nil.

Sustainability Implications:

- **Environmental**
There are no known significant environmental implications associated with this decision
- **Economic**
There are no known significant economic implications associated with this decision
- **Social**
There are no known significant social considerations associated with this decision

Consultation:

WALGA - Strategic Sourcing Manager, Business Solutions

Recommendation:

1. That Council invites Public Tenders for the Establishment of Concrete Works Supplier Panel
2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender.

The Tender Evaluation Panel for the evaluation of the Establishment of Concrete Works Supplier Panel is made up of Crs Fowler, Mead, Squires, & Whitmarsh, the CEO, and the Acting Works Supervisor
3. That Council includes the following assessment criteria and weightings in the Tender the Establishment of Concrete Works Supplier Panel:

COMPLIANCE CRITERIA

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

Comparative Price Assessment

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

Qualitative Assessments

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire's opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

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Qualitative Criteria	Weighting
<p>a) Demonstrable Projects</p> <p>i. Provide at least two (2) examples of engagements from the last five (5) years of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided.</p> <p>Project examples are to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferred Supply Category Fit; <input type="checkbox"/> Customer Name, <input type="checkbox"/> Customer Contact Details; <input type="checkbox"/> Date Delivered, <input type="checkbox"/> Project Name; <input type="checkbox"/> Project Summary; <input type="checkbox"/> Project Value; And <input type="checkbox"/> Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>	35%
<p>b) Organisational Capability</p> <p>i. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply, including details of your ability to work and maintain works and response times in remote locations and occasionally inclement weather.</p> <p>ii. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>iii. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>	30%
<p>c) Key Personnel</p> <p>i. Detail the project team members (including subcontractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held (for example the number of years working at your organisation, number of years working in the industry, job experience and qualifications)</p>	20%
<p>d) Local Content</p> <p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally. 	15%

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Discussion: The CEO explained that the Shire would be restricted to the use of panel members unless they were unable to provide the service as and when required. Quotes for work would still be sort from panel members prior to awarding any job. Cr P Squires stated that the establishment of the panel system represented good governance by the Shire.

Voting Requirements:

Simple Majority

Council Decision:

Moved: Councillor G Mead

Seconded: Councillor Q Fowler

1. That Council invites Public Tenders for the Establishment of Concrete Works Supplier Panel
2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender.
The Tender Evaluation Panel for the evaluation of the Establishment of Concrete Works Supplier Panel is made up of Crs Fowler, Mead, Squires, & Whitmarsh, the CEO, and the Acting Works Supervisor
3. That Council includes the following assessment criteria and weightings in the Tender the Establishment of Concrete Works Supplier Panel:

COMPLIANCE CRITERIA

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

Comparative Price Assessment

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

Qualitative Assessments

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire’s opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

Qualitative Criteria

a)	<p>Demonstrable Projects</p> <p>i. Provide at least two (2) examples of engagements from the last five (5) years of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided.</p> <p>Project examples are to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferred Supply Category Fit; <input type="checkbox"/> Customer Name, <input type="checkbox"/> Customer Contact Details; <input type="checkbox"/> Date Delivered, <input type="checkbox"/> Project Name; <input type="checkbox"/> Project Summary; <input type="checkbox"/> Project Value; And <input type="checkbox"/> Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>
b)	<p>Organisational Capability</p> <p>i. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply, including details of your ability to work and maintain works and response times in remote locations and occasionally inclement weather.</p> <p>ii. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>iii. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>

c)	<p>Key Personnel</p> <p>i. Detail the project team members (including subcontractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held (for example the number of years working at your organisation, number of years working in the industry, job experience and qualifications)</p>
d)	<p>Local Content</p> <p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally.

	<p>Value for Money Assessment</p> <p>The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:</p> <p>In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:</p> <ol style="list-style-type: none"> a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment); b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price; c) Repeating Step b) with the remaining tenders; d) Determining which of the remaining Tenders, if any, offers the best value-for-money. <p>Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.</p> <p>Value for Money Assessment</p> <p>The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:</p> <p>In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:</p> <ol style="list-style-type: none"> a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment); b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price; c) Repeating Step b) with the remaining tenders; d) Determining which of the remaining Tenders, if any, offers the best value-for-money. <p>Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.</p> <p style="text-align: center;">Carried For: 3 Against: 0</p>
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17.4 Call For Tender – Establishment of a Trades Supplier Panel

File:	4.52
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments:	Nil

Matter for Consideration:

Council to consider calling Public Tenders for the Establishment of a Trades Supplier Panel.

Background:

The Shire currently engages Plumbers and Electricians on an as needs basis. In each instance a quote is sort and in line with the current purchasing policy multiple quotes may be sought.

Comment:

Whilst historically the expenditure on Plumbers and Electricians has not exceeded the best practice threshold of \$150,000 (or \$250,000 if registered on the Aboriginal Business Directory WA) over a three year period it imposes the burden of “Quote Fatigue” on the administration of small businesses. The establishment of a supplier panel for a 3 year period would relieve this administrative burden on small business and may improve the value for money that the Shire receives.

The establishment of a Panel of Suppliers via tender would enable the Shire to engage contractors to undertake works on an as needs basis. The Shire would be restricted to using those suppliers on the panel unless those suppliers are unable to provided goods or services and when required by the Shire.

WALGA Procurement has been engaged to undertake the tender preparation and evaluation process.

Statutory Environment:Local Government Act 1995

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 and Services (s.3.57)

11. When tenders have to be publicly invited

- (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 \$150 000 unless subregulation (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; or
 - [(ba) deleted]
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services

- but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
- (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
 - (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
- or
- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
- or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. *Anti-avoidance provision for r. 11(1)*
- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*
- [Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]*
13. *Requirements when local government invites tenders though not required to do so*
- If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.*
- [Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]*
14. *Publicly inviting tenders, requirements for*
- (1) *When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
- (a) is required to invite a tender; or*
- (b) not being required to invite a tender, decides to invite a tender,*
- the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*

Strategic Implications:

Nil

Policy Implications:

Nil

Budget/ Financial Implications:

Nil.

Sustainability Implications:

- **Environmental**
There are no known significant environmental implications associated with this decision
- **Economic**
There are no known significant economic implications associated with this decision
- **Social**
There are no known significant social considerations associated with this decision

Consultation:

WALGA - Strategic Sourcing Manager, Business Solutions

Recommendation:

1. That Council invites Public Tenders for the Establishment of a Trades Supplier Panel
2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender.

The Tender Evaluation Panel for the evaluation of the Establishment of a Trades Supplier Panel is made up of Crs Fowler, Mead, Squires, & Whitmarsh, the CEO, and the Acting Works Supervisor

3. That Council includes the following assessment criteria and weightings in the Tender the Establishment of Concrete Works Supplier Panel:

COMPLIANCE CRITERIA

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

Comparative Price Assessment

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

Qualitative Assessments

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire’s opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

Qualitative Criteria		Weighting
a)	<p>Key Personnel</p> <p>i. Detail the project team members (including subcontractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held (for example the number of years working at your organisation, number of years working in the industry, job experience and Qualifications)</p>	35%
b)	<p>Organisational Capability</p> <p>i. Provide a list of equipment, machinery, plant, vehicles or facilities that your organisation intends to utilise to perform the requirements to the category or categories that you have submitted for.</p> <p>ii. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply, including details of your ability to work and maintain works and response times in remote locations and occasionally inclement weather.</p> <p>iii. List any suppliers that you will use to supply the goods to the category or categories that you have submitted for. Include in your response business location of the supplier, contact details and type of goods or services to be utilised. Provide details for appropriate supplier response times.</p> <p>iv. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>v. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>	30%

c)	<p>Demonstrable Projects</p> <p>i. Provide at least two (2) examples of engagements from the last five (5) years of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided.</p> <p>Project examples are to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferred Supply Category Fit; <input type="checkbox"/> Customer Name, <input type="checkbox"/> Customer Contact Details; <input type="checkbox"/> Date Delivered, <input type="checkbox"/> Project Name; <input type="checkbox"/> Project Summary; <input type="checkbox"/> Project Value; And <input type="checkbox"/> Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>	20%
d)	<p>Local Content</p> <p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally. 	15%

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);

- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Discussion: Crs Q Fowler and P Squires felt that the use of a trades panel would provide efficiencies to the Shire.

Voting Requirements:

Simple Majority

Council Decision:	
Moved: Councillor Q Fowler	Seconded: Councillor P Squires
<p>1. That Council invites Public Tenders for the Establishment of a Trades Supplier Panel</p> <p>2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender. The Tender Evaluation Panel for the evaluation of the Establishment of a Trades Supplier Panel is made up of Crs Fowler, Mead, Squires, & Whitmarsh, the CEO, and the Acting Works Supervisor</p> <p>3. That Council includes the following assessment criteria and weightings in the Tender the Establishment of Concrete Works Supplier Panel:</p> <p>COMPLIANCE CRITERIA Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:</p> <p>Comparative Price Assessment The comparative price for each tender will be calculated by applying applicable regional price preference imposts.</p>	

Qualitative Criteria		Weighting
a)	Key Personnel i. Detail the project team members (including subcontractors) inclusive of any relevant Current Registrations or Licences held, their intended role and any relevant experience and qualifications held (for example the number of years working at your organisation, number of years working in the industry, job experience and Qualifications)	35%
b)	Organisational Capability i. Provide a list of equipment, machinery, plant, vehicles or facilities that your organisation intends to utilise to perform the requirements to the category or categories that you have submitted for. ii. Provide a detailed overview regarding your ability to provide goods and or services over multiple locations and customers within your nominated regions of supply, including details of your ability to work and maintain works and response times in remote locations and occasionally inclement weather. iii. List any suppliers that you will use to supply the goods to the category or categories that you have submitted for. Include in your response business location of the supplier, contact details and type of goods or services to be utilised. Provide details for appropriate supplier response times.	30%

	<p>iv. Detail your business systems currently utilised to ensure a high level of service and quality outcome is delivered.</p> <p>v. Provide copies of your Occupational Health and Safety policies and procedures to show that you can undertake these requirements in a capable and safe manner.</p>	
<p>c)</p>	<p>Demonstrable Projects</p> <p>i. Provide at least two (2) examples of engagements from the last five (5) years of the goods and services within each of your nominated categories of supply to demonstrate your ability in the respective supply category. Highlight any industry specific accreditations and licences. Where goods are provided provide an overview of the range of goods, and brandings that can be provided.</p> <p>Project examples are to include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferred Supply Category Fit; <input type="checkbox"/> Customer Name, <input type="checkbox"/> Customer Contact Details; <input type="checkbox"/> Date Delivered, <input type="checkbox"/> Project Name; <input type="checkbox"/> Project Summary; <input type="checkbox"/> Project Value; And <input type="checkbox"/> Project Photos (Desirable). <p><i>(Principal is seeking to establish your level of experience and ability within your nominated areas of supply.)</i></p>	<p>20%</p>
<p>d)</p>	<p>Local Content</p> <p>i. The Tenderer must provide details of the benefits to the local community (within the Shire boundaries) from their involvement in this contract. Examples may include, but should not be limited to things such as:</p> <ul style="list-style-type: none"> • Local Employment; • Use of local service providers; • Use of local food and beverage providers; • Use of local accommodation for work crews; and • Sourcing of materials and consumables locally. 	<p>15%</p>

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
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- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);
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- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Carried

For: 3

Against: 0

Crs R Foulkes-Taylor and E Foulkes-Taylor returned to the Chambers at 3:42 pm

17.5 Concept Drawings for Interpretation Centre

File:	13.12
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	18 October 2018
Attachments:	Schematic Site Plan

Matter for Consideration:

Council to receive the preliminary concept for the proposed Interpretative Centre facilities at the Murchison Settlement.

Background:

The Economic Objective of the Corporate Business Plan 2017-2021 is “To develop the region’s economic potential to encourage families and businesses to stay in the area”. Outcome 1.2 is “Outcome 1.2 Tourism development” the strategy being “To promote and support a sustainable tourism industry in the Shire of Murchison”. The associated actions are:

- 1.2.1.1 - Construction / development of an Interpretive Centre in the Murchison Settlement
- 1.2.1.2 - Expansion of Murchison Settlement Caravan Park’s accommodation facilities and construction of a camp kitchen

Comment:

The Shire has been working with the Mid West Development Commission (MWDC) to secure grants to undertake a number of infrastructure projects within the Shire. The development of the Interpretative Centre and Backpacker accommodation forms part of that application.

A Schematic Site Plan is now presented to Council for comment.

The architect put forward the following in relation to the plan:

This is an early scheme to indicate the general concept and also outline some of the thinking behind the concept.

With all of the planning we have endeavoured to work around all existing vegetation that is there so that none has to be removed.

Backpacker Accommodation

We have positioned the accommodation along the existing access track alignment as a continuation of the built infrastructure already established along the track. We envisage that the accommodation could be procured as a number of transportable modules – 2 x bedroom units and 1 x kitchen unit; and these would then be located and the space around them enclosed to create a common living/dining space with adjacent covered outdoor area. Verandahs in the style of those already added to the motel units would be added on site.

The ablutions have been located as a shared facility into the camp area as the current facilities are quite a way from the camp grounds and also get shared with the public. We feel there is an opportunity with the new back packer ablutions to improve facilities for the camp ground as well.

Caretaker Accommodation

We don't envisage this building as the place where people book into the camp ground or accommodation so we have located this at the eastern end of the camp ground in order to afford the place a degree of privacy. This facility could also be procured as a transportable unit.

Astronomy and ASKAP Interpretation

This facility is based around accommodating interpretation for:

- *Geology*
- *Aboriginal Astronomy*
- *Song lines*
- *ASKAP/SKA*

And potentially a full scale replica of an ASKAP dish.

We envisage the structures as being relatively simple structures with similar roof forms to those already adopted with other buildings. We envisage they will promote natural ventilation and lighting and can be unmanaged and securable. The buildings to house the Geology, Song lines and ASKAP interpretation would be of the same type.

There are a couple of options for the Aboriginal Astronomy. In general we see this facility as a planetarium of some type in which night sky can be interpreted along with indigenous astronomy.

The higher cost option would be a full structure in which a Ziess projector could be located and projected up onto the roof of the dome structure. We see this more as a second stage option with a showpiece structure.

The lower cost option would be to establish an outdoor planetarium based around lower cost wireless/blue tooth technology and mobile phone technology. The advantage of this technology is also that this type of presentation needs to take place at night time which provides for the opportunity of creating an overnight stay destination for visitors instead of the place just being a stopover on the way to elsewhere.

I have included a link to a facility in Canada that operates using the same technology along with an attachment with some photos of this planetarium and another more low key facility in California. Each uses slightly different technology.

In Canada, Visitors are given a disposable virtual head set along with a mobile phone which has been loaded with the necessary app. The phone inserts into the headset and then through wireless technology links into the presentation with the commentary delivered live by someone or as a pre-recorded presentation. They then look up into the sky and the presentation is virtually projected onto the night sky. At the end they hand the phone back and keep the headset.

<https://boastvr.com/national-geographic-partners-with-aryzon-to-create-open-air-ar-planetarium/>

<http://www.escapistgames.com/>

<https://www.aryzon.com/get-aryzon>

The technology for this method of delivery is largely available already although it will be necessary to develop the resource for the delivery of the aboriginal astronomy component of the presentation. We see this as an area with incredible potential for delivery of this story, and for something quite unique for the Shire.

Amenities Facilities

While other amenities could be developed at the interpretation site we believe that initially the existing ablutions and roadhouse facility would suffice.

Landscaping

There is excellent potential to develop the landscaping around the interpretation facilities to incorporate aspects of the four areas of interpretation into the landscaping – both in the hard and planted landscaping.

At this stage we are just seeking some feedback on the preliminary site layout and overall assumptions on facilities.

Statutory Environment:

Nil

Sustainability Implications

- **Environmental**
There are no known significant environmental implications associated with this decision
- **Economic**
There are no known significant economic implications associated with this decision
- **Social**
There are no known significant social considerations associated with this decision

Strategic Implications:

Corporate Business Plan item 1.2.1.1 & Item 1.2.12.

Policy Implications:

Nil

Financial Implications:

Nil

Consultation:

MWDC

Eastman Poletti Sherwood Architects

Recommendation:

That Council receive the preliminary concept for the proposed Interpretative Centre facilities at the Murchison Settlement.

Discussion: Councillors discussed the concept drawings with the majority of Councillors supporting the idea of multiple buildings. Once the concept is further developed it would be put out all stakeholders and to the community for consultation.

Voting Requirements:

Simple Majority

Council Decision:

Moved: Councillor P Squires

Seconded: Councillor G Mead

That Council receive the preliminary concept for the proposed Interpretative Centre facilities at the Murchison Settlement.

Carried

For: 5

Against: 0

18. ADMINISTRATION

18.1 Acceptance of the Shire of Murchison Information Statement 2018

File:	1.2
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	16 October 2018
Attachments:	Information Statement 2018

Matter for Consideration:

Council to consider accepting the Shire of Murchison Information Statement 2018

Background:

The Freedom of Information Act 1992 (FOI Act) created a general right of access to documents held by state and local government agencies. The FOI Act requires agencies, including local governments, to make available details about the kind of information they hold and enables persons to ensure that personal information held by government agencies about them is accurate, complete, up-to-date and not misleading.

Section 96 (1) of the Freedom of Information Act 1992 requires each government agency, including local governments, to prepare and publish annually, an Information Statement that includes the following:

- the Agency's Mission Statement
- details of legislation administered
- details of the agency structure
- details of decision making functions
- opportunities for public participation in the formulation of policy and performance of agency functions
- documents held by the agency
- the operation of FOI in the agency

Comment:

It is the aim of the Shire of Murchison to make information available promptly, at the least possible cost and wherever possible, documents will be provided outside the Freedom of Information (FOI) process.

Statutory Environment:

Freedom of Information Act 1992

Local Government Act 1995 Division 7 Access to Information

Sustainability Implications

- **Environmental**
There are no known significant environmental implications associated with this decision
- **Economic**
There are no known significant economic implications associated with this decision
- **Social**
There are no known significant social considerations associated with this decision

Strategic Implications:

This is a statutory function.

Policy Implications:

Nil

Financial Implications:

Nil

Consultation:

Nil

Recommendation:

That Council accepts the Shire of Murchison Information Statement 2018 as presented and attached.

Voting Requirements:

Simple Majority

Council Decision:**Moved: Councillor R Foulkes-Taylor****Seconded: Councillor Q Fowler**

That Council accepts the Shire of Murchison Information Statement 2018 as presented and attached.

Carried**For: 5****Against: 0****18.2 Christmas Office Closure**

File:	4.20
Author:	Peter Dittrich - Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	2 October 2018
Attachments:	N/A

Matter for Consideration:

Council to consider the annual Christmas shutdown period.

Background:

In previous years Council has closed the Office during the Christmas/New year period.

Comment:

At the September 2018 Ordinary Council Meeting the CEO was requested to consider the extension of the Christmas break for the administration staff. After consultation with the DCEO the CEO advises Council that the administration office will be closed from close of business Thursday the 20th December 2018 until Monday the 7th January 2019.

Statutory Environment:

Nil

Strategic Implications:

Nil

Sustainability Implications

- **Environmental**
There are no known significant environmental implications
- **Economic**
There are no known significant economic implications.
- **Social**
There are no known significant social considerations.

Policy Implications:

Nil

Financial Implications:

Nil

Consultation:

Acting Works Supervisor
DCEO
Staff

Recommendation:

That the arrangements made by the CEO regarding the annual shutdown period be endorsed.

Voting Requirements:

Simple Majority

Council Decision:

Moved: Councillor G Mead

Seconded: Councillor E Foulkes-Taylor

That the arrangements made by the CEO regarding the annual shutdown period be endorsed.

Carried

For: 5

Against: 0

18.3 December 2018 Meeting Date

File:	4.20
Author:	Peter Dittrich - Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	17 October 2018
Attachments:	N/A

Matter for Consideration:

Council to consider moving the December 2018 meeting date from 20 December 2018 to 15 December 2018.

Background:

In previous years Council has hosted a community Christmas event on a Saturday in mid December. To minimise travel Council may wish to consider moving the December meeting to the same day as community Christmas event.

Comment:

It is intended that a community Christmas event be hosted by the Shire on Saturday 15th December 2018. The Annual Bush Fire Brigade meeting will be held on the same day commencing at 3pm. It is suggested that Council hold its ordinary meeting at 12 noon on Saturday 15th December 2018 thus minimising the travel required by members to attend meetings and events held at the Settlement.

Statutory Environment:

Nil

Strategic Implications:

Nil

Sustainability Implications

- **Environmental**
There are no known significant environmental implications
- **Economic**
There are no known significant economic implications.
- **Social**
There are no known significant social considerations.

Policy Implications:

Nil

Financial Implications:

Nil

Consultation:

Nil

Recommendation:

That the Ordinary Council Meeting for December 2018 be held on Saturday 15 December 2018.

Voting Requirements:

Simple Majority

Council Decision:**Moved: Councillor E Foulkes-Taylor****Seconded: Councillor G Mead**

That the Ordinary Council Meeting for December 2018 be held on Saturday 15 December 2018.

Carried**For: 5****Against: 0****19. NOTICE OF MOTION**

Nil

20. CEO ACTIVITY REPORT

Date	Activity
26.09.18	Telephone call from Peter Swaan re water licences
26.09.18	Telephone discussions with TALIS re supervisors
27.09.18	Community Advisory Group – cemetery meeting
27.09.18	Project Officer Group – teleconference
28.09.18	Discussions with Greenfields re supervisors
01.10.18	Preparation of supervisor quote document
02.10.18	Host auditors for year end audit
04.10.18	Discuss optic fibre spur with MWDC
08.10.18	Discuss flood works supervisors with Talis and Greenfields
08.10.18	Discuss Settlement green power options with Larry Sirmans Alternate Energy Solutions Pty Ltd (AES) – MWDC Contact
11.10.18	Discuss regional development grant with MWDC
15.10.18	Murchison RRG sub group teleconference
17.10.18	Close of quotes for Flood Damage Supervisors

Recommendation:

That the CEO's Activity Report be accepted.

Voting Requirements:

Simple Majority

Council Decision:**Moved: Councillor P Squires****Seconded: Councillor G Mead**

That the CEO's Activity Report be accepted.

Carried**For: 5****Against: 0**

21. URGENT BUSINESS**Council Decision:****Moved: Councillor E Foulkes-Taylor****Seconded: Councillor G Mead**

That urgent business be accepted.

Carried**For: 5****Against: 0****21.1 Road Dedication**

File:	12.19
Author:	Peter Dittrich - Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	24 October 2018
Attachments:	Email Feb 2014 Department of Planning, Lands and Heritage - Letter Indemnity Guidelines

Matter for Consideration:

Council to consider indemnifying the Department of Planning, Lands and Heritage and the minister of Lands in relation to the realignment of the Carnarvon-Mullewa Road on Mt Narryer.

Background:

In 2000 the Shire realigned the Carnarvon-Mullewa Road on Mt Narryer. In February 2014 the Shire wrote to the Department requesting advice on how to proceed with the asking to have the realignment gazetted.

Comment:

The Shire has received a letter from the Department of Planning, Lands and Heritage requesting an indemnity. As the land falls on shared title land, the indemnity will be the (Market Value of the Land + 10% + interest)/2. At this point the land has not been valued

Statutory Environment:

Section 24KA of the Native Title Act 1993.

Strategic Implications:

None

Policy Implications:

None

Budget/Financial Implications:

There is no provision in the current budget for the indemnity.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant considerations

Consultation:

Commercial Litigation & Insolvency Lawyers

Recommendation:

That the Shire of Murchison agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or

disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of a portion of Pastoral Lease N50493 over portion of Lot 215 on Deposited Plan 220578 as Carnarvon-Mullewa Road (being Lot 360 on Deposited Plan 404430) pursuant to section 56 of the Land Administration Act 1997.

Voting Requirements:

Simple majority

Council Decision:**Moved: Councillor G Mead****Seconded: Councillor E Foulkes-Taylor**

That the Shire of Murchison agrees that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of a portion of Pastoral Lease N50493 over portion of Lot 215 on Deposited Plan 220578 as Carnarvon-Mullewa Road (being Lot 360 on Deposited Plan 404430) pursuant to section 56 of the Land Administration Act 1997.

Carried**For: 0****Against: 5**

Reason: It is unreasonable to expect an unlimited indemnity to be provided without a sunset date.

22. ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Discuss one item pursuant to LGA s. 5.23 (2) (c) and (e) – Replacement of CEO Vehicle.

Motion to close the meeting to the Public**Recommendation:**

That the meeting move behind closed doors to discuss one item pursuant to LGA s. 5.23 (2) (c) and (e) – Replacement of CEO vehicle.

Voting Requirements:

Simple Majority

Council Decision:**Moved: Councillor G Mead****Seconded: Councillor E Foulkes-Taylor**

That the meeting move behind closed doors to discuss one item pursuant to LGA s. 5.23 (2) (c) and (e) – Replacement of CEO vehicle.

Carried:**For: 5****Against: 0****Motion to open the meeting to the Public****Recommendation:**

That the meeting move out from behind closed doors.

Voting Requirements:

Simple Majority

Council Decision:**Moved: Councillor G Mead****Seconded: Councillor P Squires**

That the meeting move out from behind closed doors.

Carried:**For: 5****Against: 0**

22.1 Confidential Item – Replacement of Prado

Council Decision:

Moved: Councillor Q Fowler

Seconded: Councillor G Mead

That Council authorise the purchase of the Toyota Prado GLX from Geraldton Toyota as per their quote.

Carried:

For: 5

Against: 0

23. MEETING CLOSURE

The President closed the meeting at 4:21 pm