

COUNCIL MINUTES

Unconfirmed Minutes

Special Council Meeting

5:30pm, 06 February, 2024
Council Chamber (Level 1), Civic Centre,
23 Dundebur Road, Wanneroo

wanneroo.wa.gov.au



UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON TUESDAY 06 FEBRUARY, 2024

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Minutes

Mayor Aitken declared the meeting open at 5:33pm and read the prayer.

Good evening Councillors, staff, ladies and gentlemen, this meeting today is being held on Whadjuck Nyoongar Boodjar and I would like to acknowledge and pay my respects to Elders, past, present and future. I thank all past and present members of the community that have supported the City to better understand and value Nyoongar culture within the City of Wanneroo.

I invite you to bow your head in prayer:

Lord, We thank you for blessing our City, our community and our Council. Guide us all in our decision making to act fairly, without fear or favour and with compassion, integrity, wisdom and honesty. May we show true leadership, be inclusive of all, and guide all of the City's people and many families to a prosperous future that all may share. We ask this in your name. Amen.

Item 1 Attendance

LINDA AITKEN, JP

Mayor

Councillors:

ALEX FIGG	North Ward
GLYNIS PARKER	North-East Ward
BRONWYN SMITH	North-East Ward
HELEN BERRY	Central-West Ward
PHIL BEDWORTH	Central-West Ward (<i>arrived 5:37pm</i>)
MARIZANE MOORE	Central-East Ward
JACQUELINE HUNTLEY	Central Ward
JORDAN WRIGHT	Central Ward
NATALIE HERRIDGE	South-West Ward
VINH NGUYEN	South-West Ward
JAMES ROWE, JP	South Ward
EMAN SEIF	South Ward

Officers:

BILL PARKER	Chief Executive Officer
HARMINDER SINGH	Director, Assets
NOELENE JENNINGS	Director, Corporate Strategy & Performance
ROHAN KLEMM	Acting Director, Community & Place
VICKI COLES	Executive Manager Governance & Legal
ILZAMARIE EVANS	Lawyer
NATASHA SMART	Manager Council & Corporate Support
YVETTE HEATH	Council Support Officer (Minutes)
WILLOW BASTIAANSEN-BARKER	Council Support Officer

Guests:

REPRESENTATIVE	Castledine Gregory
REPRESENTATIVE	Castledine Gregory

Item 2 Apologies and Leave of Absence

SONET COETZEE
PAUL MILES

North Ward
Central-East Ward

There was one member of the public and nil members of the press in attendance.

Item 3 Public Question Time

Nil

Item 4 Reports

Declarations of Interest by Council Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Assets

Infrastructure Capital Works

SAS01-02/24 Tender Number 23179 - Construction of Heath Park Pavilion at Eglinton

File Ref: 40783 – 23/391986
Responsible Officer: Director Assets
Attachments: 1

Issue

To consider Tender No. 23179 for the Construction of Heath Park Pavilion at Eglinton.

Background

Heath Park is situated on the north coast district of Wanneroo, and the need for new sports amenities at Heath Park was established in 2015 as part of the Active Reserve Master Plan after construction of multipurpose oval.

The new sports amenities building will be situated on lot 8000 (100 Heath AV Eglinton) which is Freehold land, and it is reserved for recreation purpose. Lot 8000 (formally known as lot 9028 and 9032) is owned by Eglinton Estates Pty Ltd (Stockland). Stockland has issued a letter dated 8 December 2020 to the City acknowledging the construction of a new sports amenities building on lot 8000.

The existing infrastructure around Heath Park includes:

- Car Park (approximately 120 bays and 3 ACROD Bays).
- Sporting Field suitable for Rugby, Soccer, Athletics, Cricket (though no pitch) and AFL.
- Four floodlighting poles (100lux).
- Rugby Goals (2 sets).
- Playground.
- Dog exercise area.
- Skate Park.
- Cricket nets on the western side of the existing oval.
- Fitness equipment.
- Footpath around the existing oval.

- Two temporary change rooms.
- Temporary male and female toilet including universal access toilet.
- Temporary Stockland site office
- Sea container.

The existing temporary facilities above will be relocated on-site, and once the construction is completed it would be stored at the City's Ashby operation centre.

Detail

Tender No. 23179 for the Construction of Heath Park Pavilion at Eglinton was advertised on 28 October 2023 and closed on 21 November 2023. A non-mandatory site briefing was conducted on 7 November 2023 and two (2) addenda were issued during the tender period to answer bidder queries relating to the specification.

Essential details of the proposed contract are as follows:

Item	Detail
Contract Form	Major Works - AS4000-1997(as amended)
Contract Type	Lump Sum
Contract Duration	24 months
Commencement Date	March 2024
Practical Completion Date	March 2025
Defects Liability Period	12 months from Practical Completion

Tender submissions were received from the following companies:

No	Legal Name	Trading Name	Abbreviation
1.	BE Projects (WA) Pty Ltd	BE Projects (WA) Pty Ltd	BE Projects
2.	Geared Construction Pty Ltd	Geared Construction Pty Ltd	Geared
3.	Hickey Constructions Pty Ltd	Hickey Constructions Pty Ltd	Hickey
4.	Schlager Group Pty Ltd	Schlager Group Pty Ltd	Schlager

Probity Oversight

Oversight to the tender assessment process was undertaken by the City's Contracts team.

Tender submissions were evaluated in accordance with the Procurement and Evaluation Plan (PEP). The PEP included the following selection criteria:

Item No	Description	Weighting
1.	Sustainable Procurement: a) Environmental Considerations 5% b) Buy Local 10% c) Reconciliation Action Plan 2.5% d) Disability Access & Inclusion 2.5%	20%
2.	*Demonstrated Experience	30%
3.	*Methodology, Resources and Capacity	30%
4.	*WHS Demonstrated Working Documents	20%
5.	Lump Sum Price (assessed under Value for Money)	Non-Weighted

All tenderers must meet the City's minimum requirements (as determined by the City) for each of the qualitative criteria detailed above (*) to be considered for further evaluation.

Pricing is not included in the qualitative criteria and is considered as part of the overall value for money assessment.

All four tender submissions were conforming and progressed for further evaluation.

Evaluation Criteria 1 – Sustainable (Corporate Social Responsibility) Procurement (20%)

Evidence of Sustainable (Corporate Social Responsibility) Procurement assessment was based on the tenderers' responses provided within the Questionnaires set out in Schedules 3A, 3B, 3C and 3D that were included in the tender documentation.

An assessment was made to determine the ranking based on the tenderers' environmental policy and practices, buy local contributions, as well as commitment to reconciliation and disability access and inclusion.

Sub Criteria a) – Environment Consideration (5%)

The City is committed to procuring goods and services that have the most positive environmental, social and economic impacts over the entire life cycle of a product or service. The environmental assessment based on tenderers' response to their Environmental policy and practices.

An assessment was made to determine the ranking based on tenderer's environmental policy and practices.

The assessment of this criterion determined the following ranking:

Tenderer	Ranking
Hickey	1
Geared	2
BE Projects	3
Schlager	4

Sub Criteria b) – Buy Local (10%)

An assessment was made to determine the ranking based on the responses provided, detailing the following information:

- Purchasing arrangements through local businesses
- Location of tenderer's offices and workshops
- Residential municipality of staff and subcontractors, and
- Requirement for new employees arising from award of the contract.

The assessment of this criterion determined the following ranking:

Tenderer	Ranking
Hickey	1
Geared	2
BE Projects	3
Schlager	4

Sub Criteria c) – Reconciliation Action Plan (2.5%)

An assessment was made to determine the ranking based on the responses provided that relate to:

- Relationships – building positive relationships between indigenous and non-indigenous people
- Respect – recognizing the contribution of Indigenous people to Australia and learning more about the history, culture, and diversity in a two-way communication process, and
- Opportunities – attracting, developing and retaining organizational talent to build opportunities for aboriginal employment, training and development and mentoring.

The assessment of this criterion determined the following ranking:

Tenderer	Ranking
BE Projects	1
Schlager	2
Geared	3
Hickey	4

Sub Criteria d) – Disability Access & Inclusion (2.5%)

An assessment was made to determine the ranking based on the responses provided that relate to:

- People with disabilities have the same buildings and facilities access opportunities as other people
- People with disabilities receive information in a format that will enable them to access information as readily as other people are able to access it
- People with disabilities receive the same level and quality of service from staff as other people receive
- People with disabilities have the same opportunities as other people to make complaints, and
- People with disabilities have the same opportunities as other people to participate in any employment opportunities.

The assessment of this criterion determined the following ranking:

Tenderer	Ranking
Hickey	1
BE Projects	2
Schlager	3
Geared	4

Overall Sustainable Procurement Ranking Summary

An overall assessment of Evaluation Criteria 1 - Sustainable (Corporate Social Responsibility) Procurement has resulted in the following ranking:

Tenderer	Ranking
Hickey	1
Geared	2
BE Projects	3
Schlager	4

Evaluation Criteria 2 - Demonstrated Experience (30%)

The tenderer's relevant experience in demonstrating the achievement of meeting client expectations as presented in their tender submission were assessed to evaluate their capability to meet the requirements of the contract. Assessment of this criterion considered the tenderer's key personnel project experience including, type, size and complexity of projects previously delivered. The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
Geared	1
BE Projects	2
Schlager	3
Hickey	4

Evaluation Criteria 3 - Methodology, Resources and Capacity (30%)

The tenderer's methodology, resources and capacity as presented in their tender submission were assessed to evaluate their capacity to meet the requirements of the contract. Assessment of this criterion considered the tenderer's understanding to deliver the project on schedule, existing construction commitments, ability to identify product lead time, resource allocation, specialised accreditation, professional experience, and access to accredited subcontractors to meet the objective of this contract.

The assessment of this criterion has resulted in the following ranking:

Tenderer	Ranking
Schlager	1
BE Projects	2
Geared	2
Hickey	2

Evaluation Criteria 4 - WHS Demonstrated Working Documents (20%)

Evidence of safety management policies and practices was assessed from the tender submissions. The assessment for safety management was based on the tenderers' responses to a Health and Safety Management System Questionnaire included within the tender documentation.

All tenderers provided details of their safety management systems with the following ranking:

Tenderer	Ranking
Geared	1
Hickey	2
Schlager	3
BE Projects	4

Overall Qualitative Weighted Assessment and Ranking

The tenderers' submissions were evaluated in accordance with the selection criteria and were assessed against sustainable procurement, experience, methodology, capacity and resources and safety management systems to undertake the works.

The overall qualitative weighted assessment resulted in the following tenderer ranking:

Tenderer	Ranking
Geared	1
BE Projects	2
Schlager	3
Hickey	4

Pricing for the Works Offered

The tenderer's lump sum price as presented in their tender submission were assessed with the following ranking:

Tenderer	Ranking
Hickey	1
Geared	2
BE Projects	3
Schlager	4

Overall Value for Money Assessment

The combined assessment of lump sum price and qualitative criteria resulted in the following tenderer ranking (highest to lowest):

Tenderer	Ranking
Hickey	1
Geared	2
BE Projects	3
Schlager	4

Please refer to the Confidential Memo **Attachment 1** for further detail relating to the tenderers lump sum pricing, value for money assessment and further information supporting the recommendation.

Overall Assessment and Comment

Tender submissions were evaluated in accordance with the criteria set out in the PEP with the tender submission from Hickey assessed to provide the best value for money outcome for Tender No 23179.

The bids received by the City were within the City's preconstruction cost estimate for the build.

Consultation

The City has worked collaboratively with key internal and external stakeholders throughout this project. Post tender award and during the construction phase, the City will provide regular progress updates on key project milestones or events; posting information on City's webpage and media channels.

The City will implement an action plan to reduce the impact of construction on sporting activity at Heath Park Oval. This includes efforts to eliminate or minimise disruption, as well as providing temporary facilities to support the activity during the construction period.

Comment

The tender submission from Hickey satisfies the overall value for money assessment with notable savings to the City in accordance with the assessment criteria and weightings as detailed in the Procurement and Evaluation Plan and is therefore recommended as the successful tenderer.

Statutory Compliance

Tenders were invited in accordance with the requirements of Section 3.57 of the *Local Government Act 1995*. The tendering procedures and evaluation complied with the requirements of Part 4 of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2021 – 2031:

- 1 ~ *An inclusive and accessible City with places and spaces that embrace all*
- 1.3 - *Facilities and activities for all*

Risk Appetite Statement

In pursuit of strategic objective goal 1, we will accept a Medium level of risk. The recent pandemic has challenged our previous event delivery, place activation and community connection processes, and the City accepts that meeting community expectations in a more restrictive environment needs flexibility and innovation if community connection is to develop and grow in contrast to social and individual isolation.

Enterprise Risk Management Considerations

The risks relating to the issues contained within this report are identified and considered within the City's Strategic and Corporate risk register with action plans developed to manage/mitigate/accept these risks to support existing management systems.

Risk Title	Risk Rating
CO-O17 Financial Management	Low
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
CO-O15 Project Management	Low
Accountability	Action Planning Option
Director Corporate Strategy & Performance	Manage

Risk Title	Risk Rating
CO-O08 Contract Management	Low
Accountability	Action Planning Option
Director Corporate Strategy and Performance	Manage

Financial and Performance Risk

Financial Risk

A financial risk assessment was undertaken by Equifax Australasia Credit Ratings Pty Ltd as part of the tender evaluation process and the outcome of this independent assessment advised that Hickey has been assessed with the financial capacity to meet the requirements of the contract.

Performance Risk

Performance and operational risk are addressed through the risk assessment process of the project management framework. Prior to the commencement of works, the appointed contractor will be inducted to the project site. Ongoing auditing of the contractor's work practices during the works will be undertaken to ensure compliance with the WHS requirements. Hickey has successfully completed previous construction projects for the City.

Policy Implications

Tenders were invited in accordance with the requirements of the City's Purchasing Policy.

Financial (Budget) Implications

The table below summarises the available funding for the project and current expenditures.

PR-4283 - HEATH PARK EGLINTON NEW SPORTS AMENITIES BUILDING

Description	Expenditure	Budget
Budget:		
Allocated budget in 2020/21		\$ 35,126
Allocated budget in 2021/22		\$ 63,756
Allocated budget in 2022/23		\$ 102,229
Allocated budget 2023/24		\$1,769,698
LTFP provision - Listed in 2024/25		\$ 4,282,547
Expenditure:		
Expenditure incurred to date	\$ 240,408	
Commitment to date	\$ 549	
Other project cost including project management, quantity surveyor, design fee, project contingency, portable facilities, rock excavation, landscaping, Western Power fee, Water Corporation fee, loose furniture, as constructed drawings, additional access improvement and site reinstatement	\$1,534,622	
Tender 23179 price	\$ 4,477,777	
Total Expenditure	\$ 6,253,356	
Total Funding		\$ 6,253,356

The City's LTFP makes provisions of \$4,282,547 in FY 2024/25. If Council accepts this tender, this amount will need to be allocated in the FY2024/25 budget.

There are sufficient funds in the FY 2023/24 budget from a cashflow perspective to meet this year's financial commitments.

Voting Requirements

Simple Majority

Moved Cr Figg, Seconded Cr Parker**That Council:**

1. **ACCEPTS** the tender submitted by Hickey Constructions Pty Ltd for Tender No. 23179, for the Construction of Heath Park Pavilion at Eglinton, for the tendered Fixed Lump Sum of \$ 4,477,777 and as per the Conditions of Tendering; and
2. **LISTS** \$4.283M in 2024/25 Budget for allocation to PR-4283 Heath Park Sports Amenities Building.

**CARRIED
12/1**

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Figg, Cr Herridge, Cr Huntley, Cr Moore, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright

Against the motion: Cr Nguyen

This attachment is confidential and distributed under separate cover to all Council Members.

Attachment 1 - RFT 23179 - Confidential Memorandum - Tender Recommendation Report - Construction of Heath Park Pavilion at Eglinton

23/394222

Item 5 Confidential**Procedural Motion**

Moved Cr Wright, Seconded Cr Rowe**That Council move into a confidential session under the terms of the Local Government Act 1995, Section 5.23 (2).****CARRIED UNANIMOUSLY****For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Figg, Cr Herridge, Cr Huntley, Cr Moore, Cr Nguyen, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright****Against the motion: Nil.***The meeting was closed to the public and all recording ceased at 5:39pm.**The two representatives from Castledine & Gregory remained in the Chamber with the Chief Executive Officer, Directors, Executive Manager Governance & Legal and Manager Council & Corporate Support. All members of the public left the Chamber at 5:39pm.***SCR01-02/24 Legal Matter - Property**

File Ref: 11575 – 24/12140
Responsible Officer: Chief Executive Officer*This report was dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:**(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting***Moved Cr Rowe, Seconded Cr Herridge****That Council AUTHORISES the Chief Executive Officer to deal with minor matters on the City's appeal points pursuant to external legal advice and in line with the recommendations of this report (SCR01-02/24).****CARRIED
12/1****For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Figg, Cr Herridge, Cr Huntley, Cr Moore, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright****Against the motion: Cr Nguyen**

Procedural Motion

Moved Cr Herridge Seconded Cr Moore

That the meeting be reopened to the public.

CARRIED UNANIMOUSLY

For the motion: Mayor Aitken, Cr Bedworth, Cr Berry, Cr Figg, Cr Herridge, Cr Huntley, Cr Moore, Cr Nguyen, Cr Parker, Cr Rowe, Cr Seif, Cr Smith and Cr Wright

Against the motion: Nil

The meeting was reopened to the public and all recording recommenced at 6:05pm.

The Mayor read aloud the resolution made on Item SCR01-02/24.

Item 6 Late Reports

Nil

Item 7 Date of Next Meeting

The next Council Members' Briefing Session has been scheduled for 6:00pm on Tuesday, 13 February 2024, to be held at Council Chambers, Civic Centre, Dundobar Road Wanneroo.

Item 8 Closure

There being no further business, Mayor Aitken closed the meeting at 6:06pm.

In Attendance

LINDA AITKEN, JP

Mayor

Councillors:

ALEX FIGG	North Ward
GLYNIS PARKER	North-East Ward
BRONWYN SMITH	North-East Ward
HELEN BERRY	Central-West Ward
PHIL BEDWORTH	Centreal-West Ward
MARIZANE MOORE	Central-East Ward
JACQUELINE HUNTLEY	Central Ward
JORDAN WRIGHT	Central Ward
NATALIE HERRIDGE	South-West Ward
VINH NGUYEN	South-West Ward
JAMES ROWE, JP	South Ward
EMAN SEIF	South Ward