

5 CONFIDENTIAL ITEMS**5.1 AWARDING OF CONTRACT - CONCRETE FOOTPATH CONSTRUCTION****RECOMMENDATION**

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Acting Chief Executive Officer, Acting Manager Infrastructure Services, Manager Property and Development Services, Manager Major Project Delivery and Coordinator Executive Services be excluded from attendance at the meeting held on Wednesday 31 August 2022 for Agenda Item 5.1 Awarding of Contract - Concrete footpath construction;
2. The Council is satisfied that pursuant to section 90 (3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 5.1 Awarding of Contract - Concrete footpath construction is:
tenders for the supply of goods, the provision of services or the carrying out of works.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 5.1 in confidence.

MOVED COUNCILLOR MICK SPARNON

SECONDED COUNCILLOR REBECCA BOSELEY

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Acting Chief Executive Officer, Acting Manager Infrastructure Services, Manager Property and Development Services, Manager Major Project Delivery and Coordinator Executive Services be excluded from attendance at the meeting held on Wednesday 31 August 2022 for Agenda Item 5.1 Awarding of Contract - Concrete footpath construction;
2. The Council is satisfied that pursuant to section 90 (3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 5.1 Awarding of Contract - Concrete footpath construction is:
tenders for the supply of goods, the provision of services or the carrying out of works.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 5.1 in confidence.

CARRIED.

6.54 pm Cr Trevor Hancock left the meeting.

5.1 AWARDING OF CONTRACT - CONCRETE FOOTPATH CONSTRUCTION

Responsible officer: Neil Steer, Acting Manager Infrastructure Services

Attachments: Nil

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 90(2) & (3) of the <i>Local Government Act 1999</i> .
Sub-clause and Reason:	(k) - tenders for the supply of goods, the provision of services or the carrying out of works.

Executive Summary

Council allocated \$145,522 of Local Roads, Community Infrastructure [LRCI] Commonwealth funding to undertake concrete footpath works in Lameroo, Pinnaroo and Parilla.

This report enables Council to consider the awarding of the footpath construction works to the preferred contractor.

RECOMMENDATION

That Council:

1. awards the contract for concrete footpath construction works in Pinnaroo & Lameroo to AG O'Driscoll for a contract price of \$86,705 (ex GST)
2. undertakes negotiations with AG O'Driscoll to supply pricing for the Parilla works as per the budget description [Shannon Street to Laurie Street] and approve works can commence provided the pricing is under the budget allocation of Parilla footpath works \$20,000

MOVED COUNCILLOR NEVILLE PFEIFFER

SECONDED COUNCILLOR ANDREW GRIEGER

That Council awards the contract for concrete footpath construction works in Pinnaroo & Lameroo to AG O'Driscoll for a contract price of \$86,705 (ex GST)

CARRIED.

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR NEVILLE PFEIFFER**

That Council approves the quotation from AG O’Driscoll to supply pathways for Parilla works as per motion passed on the 17 August 2022 as follows;

‘ That Council subject to approval from the Commonwealth, reallocate money approved in the 22/23 budget under the Local Roads Community Infrastructure [LRCI] Phase 3 funding program footpath upgrade works Main Street Parilla between Shannon Street and Laurie Street [\$20,000] to ;

- **section of footpath and kerb approximately 10 metres in length situated west of the first electrical pole past the Parilla CFS shed in the Main Street of Parilla and**
- **approximately 54 metres of footpath from the Parilla Main Street to the Parilla Seasonal Workers Accommodation Centre driveway Laurie Street, including 29 metres of kerbing from the Main Street end.’**

CARRIED.

7.12 pm Cr Trevor Hancock returned to the meeting.

Background

Council allocated \$145,552 in the 2022/23 budget from the pool of LRCI Commonwealth funding to undertake concrete footpath construction works. Footpath projects were considered in the budget process and works scheduled in Lameroo, Pinnaroo and Parilla. This includes:

- Adelaide Road (service station to stormwater pump-Budget \$55,000)
- Gilbert Ave Pinnaroo [Doctors surgery to Symonds Street-Budget \$70,552]
- Main Street Parilla [Shannon Street to Laurie Street- Budget \$20,000]

Acting Manager Infrastructure Services and Acting CEO reviewed the quotes provided

Context

Three companies were contacted to be part of a selective tender process for the concrete footpath works. The companies were Southern Contracting Group, DP concrete solutions and AG O’Driscoll.

The three companies all supplied prices to Council to undertake footpath works which included site preparation, concrete with broom finish, and backfill with crusher dust. AG O’Driscoll did not supply a price as per the budget description [Shannon Street to Laurie Street] for Parilla.

AG O’Driscoll has done many meters of concrete footpath work in the district and his quality of work is very good as well he works well with the Council regarding issues that may arise

Southern Contracting group has also done many meters of work for Council and their quality is very good, however there has been some challenges relating to undertaking works as directed

DP Concrete Solutions has not undertaken any concrete works for Council

Policy and statutory implications

Council has a procurement policy and the selective tender process has been undertaken in accordance with the policy.

All Council purchases must be carried out in compliance with the Local Government Act 1999 (the Act). Section 49 (a1) of the Act requires Council to develop and maintain procurement policies, practices and procedures directed towards:

- Obtaining value in the expenditure of public money, and
- Providing for ethical and fair treatment of participants, and
- Ensuring probity, accountability and transparency in the procurement process.

Council is not obliged to accept the lowest tender or any tender.

Issues

All three firms provided prices for the works in Pinnaroo and Lameroo. Southern Contracting Group and DP Concrete Solutions supplied prices for Parilla footpath works as per the budget description [Shannon Street to Laurie Street]. Mr O'Driscoll did not supply a price as per the budget description [Shannon Street to Laurie Street] as requested.

Works Coordinator John Woolford meet with Mr O'Driscoll and specifically requested a quote for Parilla works as per the budget description [Shannon Street to Laurie Street], however as mentioned above a quote was not supplied. Mr O'Driscoll provided a quote on another sections in Parilla after discussions with a Councillor

Southern Contracting Group supplied a price for all works Lameroo, Pinnaroo & Parilla totalling \$119,966.50 Ex GST. [\$188.00 LM]

DP Concrete Solutions supplied a price of \$49,200 Ex GST for the Lameroo footpaths, \$63,400 Ex GST for the Pinnaroo footpaths and \$17,100 Ex GST for Parilla footpath. Total \$129,780 Ex GST. [\$203.00 LM]

AG O'Driscoll supplied a price of \$36,750 Ex GST for the Lameroo footpaths and \$49,955 Ex GST for the Pinnaroo footpaths. A combined total of \$86,705 Ex GST. [\$151.00 LM]

It was disappointing that a quote was not obtained for the Parilla works from AG O'Driscoll. Given he is the lowest cost per LM the Parilla works will potentially come in at around the \$11,000 to \$13,000 mark.

With quotes received the budget of \$145,552 has not been reached and depending on who Council engages to undertake the footpath works there is potential to provide further footpath works.

Alternate options

The alternative option is to award all or part of the contract to Southern Contracting Group or DP Concrete Solutions.

Financial implications

There are no financial implications in awarding the contract.

Work Health and Safety and Risk implications

Work health and safety is addressed through site inspections and risk assessments are undertaken before work commences.

Consultation

Council included this capital allocation for footpath construction in the 2022/23 Annual Business Plan and Budget which was the subject of community consultation.

CONFIDENTIAL

5 CONFIDENTIAL ITEMS**5.1 AWARDING OF CONTRACT - CONCRETE FOOTPATH CONSTRUCTION****RECOMMENDATION**

That having considered agenda Item 5.1 in confidence under section 90 (2) and (3) (k) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2023, as to if this order is to continue in operation.

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR ANDREW GRIEGER**

That having considered agenda Item 5.1 in confidence under section 90 (2) and (3) (k) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2023, as to if this order is to continue in operation.

CARRIED.

Matthew Sherman, Acting Chief Executive Officer advised Council, after considering item 5.1, awarding of contract, concrete footpath constructions the Local Roads and Community Infrastructure phase 3 funding allocation has not been fully utilised, therefore there is an additional amount of approximately \$38,000 to be used.

The Mayor with approval of two-thirds of the members present suspended the meeting procedures pursuant to regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for a period of 10 minutes to facilitate informal discussion in relation to concrete footpath constructions at 7.20 pm

Meeting procedures resumed at 7.29 pm

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR ANDREW GRIEGER**

That Council subject to the approval from the Commonwealth reallocate the surplus funds from the footpath projects under the Local Roads and Community Infrastructure Phase 3 Funding to the Lameroo Community Meeting Space.

CARRIED.