

**18 CONFIDENTIAL ITEMS****18.3 LAMEROO TOWN CENTRE PROJECT - PUMP TRACK AWARD OF CONTRACT**

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## 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 Chief Executive Officer, Manager Major Project Delivery, Manager Corporate Services, Manager Infrastructure Services, Manager Property and Development Services, Coordinator Executive Services, Coordinator Organisational Development and the Minute Secretary be excluded from attendance at the meeting held on Wednesday 21 April 2021 for Agenda Item 18.3 Lameroo Town Centre Project - Pump Track Award of Contract;
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 18.3 Lameroo Town Centre Project - Pump Track Award of Contract 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 18.3 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 Chief Executive Officer, Manager Major Project Delivery, Manager Corporate Services, Manager Infrastructure Services, Manager Property and Development Services, Coordinator Executive Services, Coordinator Organisational Development and the Minute Secretary be excluded from attendance at the meeting held on Wednesday 21 April 2021 for Agenda Item 18.3 Lameroo Town Centre Project - Pump Track Award of Contract;
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 18.3 Lameroo Town Centre Project - Pump Track Award of Contract 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 18.3 in confidence.

CARRIED.

**18.3 LAMEROO TOWN CENTRE PROJECT - PUMP TRACK AWARD OF CONTRACT**

**Responsible officer:** Samuel Wellington, Manager Major Projects Delivery

**Attachments:** Nil

<b>Section under the Act</b>	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> .
<b>Sub-clause and Reason:</b>	(k) - tenders for the supply of goods, the provision of services or the carrying out of works.

**Executive Summary**

The purpose of this report is to enable Council to enter into a contract for the delivery of the pump track as part of the Lameroo Town Centre Project.

Council has undertaken a procurement process and has identified a preferred tenderer to undertake delivery of the pump track as part of the Lameroo Town Centre Project. This report enables Council to consider this tender process and award TrailScapes Pty Ltd the contract for the Lameroo Pump Track.

**RECOMMENDATION**

That Council

1. exempts itself from the usual requirement to seek tenders for the pump track as part of the Lameroo Town Centre Project, in accordance with the Exceptions Clause 7.3 of the Procurement Policy, on the basis that the pressures of time are such that an open call is not feasible.
2. awards the contract for pump track works as part of the Lameroo Town Centre Project to TrailScapes Pty Ltd for a total of \$101,800 (ex GST).

MOVED COUNCILLOR TREVOR HANCOCK  
 SECONDED COUNCILLOR REBECCA BOSELEY

That Council

1. exempts itself from the usual requirement to seek tenders for the pump track as part of the Lameroo Town Centre Project, in accordance with the Exceptions Clause 7.3 of the Procurement Policy, on the basis that the pressures of time are such that an open call is not feasible.
2. awards the contract for pump track works as part of the Lameroo Town Centre Project to TrailScapes Pty Ltd for a total of \$101,800 (ex GST).

CARRIED.

## Background

Council previously resolved to develop masterplans for both the Lameroo Town Centre Project and the Pinnaroo Village Green Project. Council was successful in being awarded grant funding from both the Drought Community Programme Extension for Stage 1 and the Building Better Regions Funding for Stages 2 & 3.

## Context

Following a competitive tender process the design services contract for the Lameroo Town Centre was awarded to Birdseye Studios. Throughout 2019 and the start of 2020 a masterplan for the Lameroo Town Centre Project was produced by Birdseye Studios. The masterplan was endorsed by Council and the project steering committee, which enabled the designers to move to completing the stage 1 design.

Following this endorsement and completion of the design, a quote was sought for the delivery of the pump track.

One of the most popular elements of the stage 1 design was the inclusion of a pump track. A pump track is a circuit which includes banked turns, rolling bumps and other features which can be used by children on bikes, scooters and other equipment. They are increasingly popular across Australia.

## Policy and statutory implications

Council has a procurement policy however, we are seeking to use the exception clause of the policy to exempt this project component which is funded by the Drought Communities Programme Fund.

The exceptions clause states:

### *Exceptions*

*Generally, open and fair competition is best achieved by undertaking a full public tender call so all interested parties have an opportunity to bid on the call. However, there may be procurements in which a full public tender will not necessarily deliver best value for money and other market approaches may be more appropriate. Council may be exempt from the requirement to seek tenders or quotations, if:*

.....

*7.3 The pressures of time are such that an open call is not feasible, such as where there has been an unanticipated Council or Government policy decision*

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.

**Issues**

Council has secured external grant funding for the Lameroo Town Centre Project. This includes \$500,000 of Drought Communities Programme Extension funding for the Stage 1 Lameroo Town Centre Project works.

This funding is governed by a grant agreement executed in 2020. This agreement specifies that money must be expended by June 30 2021.

To ensure Council meets this timeframes, an exemption from the standard Council Procurement Policy is proposed, as detailed further in this report.

Council is able to exempt its self from the usual procurement process on the basis that the pressures of time are such that an open call is not feasible. In this case an open procurement process would result in significant time delays and likely risk the loss of substantial amounts of external funding.

The installation of a pump track is incredibly specialised work, and there are very few qualified people and companies available to undertake the work.

Council has investigated and found only one supplier available to undertake the work. There are other suppliers in the eastern states of Australia who were unwilling to provide quotes due to COVID-19 border-related concerns.

The design for the pump track was completed in early 2021. This has left Council with a reduced timeframe to undertake a tender process.

The reduced timeframe, coupled with limited interest and limited companies available to undertake this specialised work, has led Council to seeking an exemption from the Procurement Policy,

TrailScapes are a South Australian company based in Blackwood, who are nationally renowned for the design and delivery of pump tracks across Australia.

They have confirmed they are available to start the works as soon as the contract is let, to ensure the pump track is completed by June 30.

The budget is considered adequate to complete the remaining works to be undertaken under the grant agreements.

**Alternate options**

Council has the option not to proceed with the award of contract for this element of work. If this was to occur, due to the timeframes and expiry dates attached to the grants, the pump track would not be delivered for this project, and Council would not be meeting its grant obligations.

**Financial implications**

The cost to complete the pump track is \$101,800 (exc GST).

**Work Health and Safety and Risk implications**

A site-specific project safety plan will be developed by TrailScapes prior the construction works. This plan will be reviewed by Council as the project superintendent.

A general work, health and safety management system was included in the TrailScapes quote received.

Council faces severe reputational risk and embarrassment if it does not progress this project.

**Consultation**

Council has undertaken public engagement through its consultants as well as separately. Council has an established steering committees for the Lameroo project. The steering committee has been involved in the design and development of the stage 1 designs.

CONFIDENTIAL

**18 CONFIDENTIAL ITEMS****18.3 LAMEROO TOWN CENTRE PROJECT - PUMP TRACK AWARD OF CONTRACT****RECOMMENDATION**

That having considered agenda Item 18.3 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 2022, as to if this order is to continue in operation.

MOVED COUNCILLOR NEVILLE PFEIFFER  
SECONDED COUNCILLOR MICK SPARNON

**That having considered agenda Item 18.3 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 2022, as to if this order is to continue in operation.**

CARRIED.