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18 CONFIDENTIAL ITEMS

18.2 RUBBLE PIT REHABILITATION - AWARD OF CONTRACT

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 Corporate Services, Manager Infrastructure Services, Manager Property and Development Services, Manager Major Project Delivery, Coordinator Executive Services, Coordinator Organisational Development and the Minute Secretary be excluded from attendance at the meeting held on Wednesday 15 September 2021 for Agenda Item 18.2 Rubble Pit Rehabilitation - 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 18.2 Rubble Pit Rehabilitation - 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 18.2 in confidence.

**MOVED COUNCILLOR MICK SPARNON
SECONDED COUNCILLOR PAUL IRELAND**

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 Corporate Services, Manager Infrastructure Services, Manager Property and Development Services, Manager Major Project Delivery, Coordinator Executive Services and the Minute Secretary be excluded from attendance at the meeting held on Wednesday 15 September 2021 for Agenda Item 18.2 Rubble Pit Rehabilitation - 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 18.2 Rubble Pit Rehabilitation - 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 18.2 in confidence.

CARRIED.

18.2 RUBBLE PIT REHABILITATION - AWARD OF CONTRACT

Responsible officer: Matthew Sherman, 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

This report enables Council to award the contract for the rehabilitation of Andrew Litchfield’s rubble pit located at 6879 Mallee Highway, Geranium. Council allocated operational funding in the 2021/22 budget to undertake these works.

Council sought request for quotation from four companies to undertake the work to rehabilitate Andrew Litchfield’s pit. Council received a single submission to undertake the works from Mark Candy Earthmoving.

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 5 minutes to facilitate informal discussion in relation to Rubble pit rehabilitation – Award of contract at 7.39pm

Meeting procedures resumed at 7.45pm

RECOMMENDATION

That Council awards the contract to undertake rehabilitation work at Andrew Litchfield’s pit located at 6879 Mallee Highway, Geranium to Mark Candy Earthmoving for a contract price of \$72,000.00 (ex GST).

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR PAUL IRELAND**

That Council awards the contract to undertake rehabilitation work at Andrew Litchfield’s pit located at 6879 Mallee Highway, Geranium to Mark Candy Earthmoving for a contract price of \$72,000.00 (ex GST).

CARRIED.

Background

Council undertakes burrow pit reinstatement of pits within the district that have been used to access rubble. Burrow pits are on private landowner property and Council uses the rubble accessed from these pits to undertake both resheeting and patching works on Council's district road network.

Burrow pits are commonly used over multiple years and then reinstated once the available rubble has been accessed. Rehabilitation of pits is usually relatively low cost. However because of the machinery required for the subject works and the size and complexity of the works required by the landowner this rehabilitation is relatively expensive.

Context

Council sought quotations from four businesses to undertake these works. Works were to be undertaken and completed by 6 November 2021 allowing Council to undertake further rubble raising and crushing by its contractor on the subject land.

Council sought quotations from Jeff Morgan Earthmoving; Geoff Walker (Walkerville Clay Spreaders); Southern Contracting Group; and Mark Candy Earthmoving.

Documentation regarding the request for quotes was provided to all four businesses on 30 July 2021 with quotes to be received on or before 5pm 30 August 2021. A site meeting was organised as part of the process on Friday 6 August at 9.30am. Three businesses were represented at this meeting with the fourth business organising to attend on 11 August due to other commitments.

Council received one quotation from Mark Candy Earthmoving for a contract price of \$72,000 (Ex GST).

Jeff Morgan Earthmoving did not submit a quotation. Geoff Walker (Walkerville Clay Spreaders) and Southern Contracting Group both advised Council that due to other working commitments they would not be submitting a quote.

Policy and statutory implications

Council has a procurement policy and the request for quotation 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; 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 submission or any submission.

Issues

Receiving only one quotation diminishes Council's ability to test and compare price competitiveness for the subject works. It is noted that Council is experiencing challenges in obtaining quotations and tenders from companies in the current environment. However given the complexity of the subject project and available budget the subject quotation is considered reasonable.

Alternate options

Council may choose not to accept the submission by Mark Candy Earthmoving and seek further quotes. This is not recommended as this will delay Council progressing the rehabilitation works and impact further access to rubble on the subject site and impact Council's ability to complete its resheeting program and undertake its patching works.

Financial implications

Council has an operating budget allocation of \$100,000 to undertake pit maintenance. The subject works can be delivered by a contract awarded to Mark Candy Earthmoving within this budget allocation.

Work Health and Safety and Risk implications

All Council policies and procedures regarding work, health and safety and risk will be followed upon the appointment of the contractor.

Consultation

Council's Annual Business Plan and Budget was the subject of community consultation and adopted by Council and included a budget allocation for rubble pit rehabilitation.

CONFIDENTIAL

18 CONFIDENTIAL ITEMS**18.2 RUBBLE PIT REHABILITATION - AWARD OF CONTRACT****RECOMMENDATION**

That having considered agenda Item 18.2 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 REBECCA BOSELEY
SECONDED COUNCILLOR PAUL IRELAND**

That having considered agenda Item 18.2 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.