

SPECIAL COUNCIL MEETING

MINUTES

The Special Meeting of Council was held in the Council Chambers, Welcome Road, Karratha, on Thursday, 7 April 2016 to consider the following items:

- Award of Tender Karratha Back Beach Boat Ramp, Jetty and Carpark Rebuild
- Award of Tender Karratha Foreshore Works Stage 1 Searipple Node

CHRIS ADAMS
CHIEF EXECUTIVE OFFICER



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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation of approval made by any member or Officer of the City of Karratha during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Karratha.

The City of Karratha warns that anyone who has any application lodged with the City of Karratha must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application, and any conditions attaching to the decision made by the City of Karratha in respect of the application.

Signed:

Chris Adams - Chief Executive Officer

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act* 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

- A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect
 the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms.
 There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the
 situation is very clear.
- 2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
- 3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.
- 5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it <u>MUST</u> be given when the matter arises in the Agenda, and immediately before the matter is discussed.
- 6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The <u>only</u> exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the *Local Government Act*, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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AGENDA

1 OFFICIAL OPENING

The Special Meeting of Council held in the Council Chambers, Welcome Road, Karratha on Thursday, 7 April 2016 was declared open at 5.01 pm. Cr Long acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 PUBLIC QUESTION TIME

Nil.

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillors: Cr Peter Long [Mayor]

Cr John Lally [Deputy Mayor] (arrived at 5.10 pm)

Cr Garry Bailey
Cr Margaret Bertling
Cr Geoff Harris
Cr Bart Parsons
Cr Daniel Scott
Cr Evette Smeathers
Cr Robin Vandenberg

Staff: Chris Adams Chief Executive Officer

Phillip Trestrail Director Corporate Services
Andrew Ward Director Community Services
David Pentz Director Development Services

Linda Franssen Minute Secretary

Apologies: Cr Grant Cucel

Cr Fiona White-Hartig

Simon Kot Director Strategic Projects &

Infrastructure

Absent: Nil

Members of Public: Nil

Members of Media: Nil

4 DECLARATIONS OF INTEREST

Cr Parsons declared an interest in the following Item:

 Financial interest in Item 5.2 Award of Tender – Karratha Foreshore Works – Stage 1 Searipple Node as Cr Parsons is a Director of Fiorita Deli which has engaged Timik as builder.

5 STRATEGIC PROJECTS & INFRASTRUCTURE

Cr Long called for the meeting to be adjourned for ten minutes to allow additional time for Councillors to review the agenda items.

COUNCIL RESOLUTION

Res No : 153416

MOVED : Cr Parsons SECONDED : Cr Vandenberg

That the Special Council Meeting adjourn for ten minutes.

CARRIED

FOR : Cr Long, Cr Lally, Cr Bailey, Cr Bertling, Cr Harris, Cr Parsons, Cr Scott,

Cr Smeathers, Cr Vandenberg

AGAINST: Nil

At 5.02 pm the meeting adjourned.

At 5.10 pm the meeting re-opened.

Cr Lally arrived at 5.10 pm.

5.1 AWARD OF TENDER – KARRATHA BACK BEACH BOAT RAMP, JETTY AND CARPARK REBUILD

File No: CM.230

Responsible Executive Officer: Director Strategic Projects & Infrastructure

Reporting Author: Manager Infrastructure

Date of Report: 1 April 2016

Applicant/Proponent: Nil

Disclosure of Interest: Nil

Attachment(s)

1. Confidential –Tender Evaluation Report

2. Design Drawing

PURPOSE

To seek Council's consideration of tenders for the Karratha Back Beach Boat Ramp, Jetty and Carpark Rebuild (RFT 17-15/16) Project.

BACKGROUND

At the Ordinary Meeting held on 26 October 2015, Council resolved to endorse the calling of tenders for the construction of the Karratha Back Beach car park, jetty and boat ramp.

The scope of works for the Contract is as follows:

- address the overtopping issue by raising the level of the existing boat ramps and carpark;
- replace the existing jetty with a new static jetty designed to enhance public safety whilst launching/retrieving boats; and
- provide an asphalt surface to the car and trailer parking area.

The scope of works is shown in Attachment 2 Design Drawing.

Tenders were advertised on 2 March 2016 and closed on 23 March 2016. Nine tenders were received by the following:

- Australian Civil Pty Ltd
- Carey Marine & Civil Pty Ltd
- DeGrey Civil Pty Ltd
- Ertech Holdings Pty Ltd
- Formstruct
- In-Situ Construction
- Jaxon Civil Pty Ltd
- Karratha Earthmoving & Sand Supplies
- SMC Marine Pty Ltd

The tenders were evaluated by a three person panel comprising of:

- Coordinator Operations
- Coordinator Technical Service
- Senior Building Surveyor

The tenders were first assessed for compliance with the tender documents. The tenders were then assessed against the qualitative criteria that were weighted against the following criteria:

Criteria	Weighting
Relevant Experience	20%
Capacity to Deliver	10%
Methodology	10%
Price	60%

The Regional Price Preference Policy was applied to two local tenderers. A copy of the Evaluation Report is contained within the confidential section of this agenda.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy CG-8 Significant Decision Making Policy, this matter is considered to be of low significance in terms of social, economic issues or Council's ability to perform its role.

COUNCILLOR/OFFICER CONSULTATION

Council has been consulted throughout the process with the endorsement of the Karratha Back Beach – Navigable Channel Feasibility Study in January 2015 and the calling of tenders endorsed by Council at its meeting held in October 2015.

Consultation has also taken place between panel members in evaluating and analysing the content of each tender submission.

COMMUNITY CONSULTATION

Once a contract is awarded communication to the community will be required as the project will impact on recreational boating users during the works.

STATUTORY IMPLICATIONS

Tenders were called in accordance with Section 3.57 of the *Local Government Act 1995* and Part 4, Division 2 – Tenders for providing goods or services of the *Local Government (Functions and General) Regulations 1996.*

POLICY IMPLICATIONS

Policy CE13 - Tender Evaluation Criteria is applicable.

FINANCIAL IMPLICATIONS

The total budget secured for the Karratha Back Beach Boat Ramp, Jetty and Carpark Rebuild is \$2.4m of which \$1.5m has been secured under Round 20 of Recreation Boating Facilities Scheme (RBFS) and \$878,862 funded by Council. The total estimate contract value for construction of the facility is \$1,347,026.71. Discussions are currently underway with RBFS to determine if future works can be brought forward utilising this surplus funding. Works under this contract are proposed to be carried forward to the 2016/17 Budget and the appropriate adjustment is proposed to be made in the 2016/17 Budget to reflect the project's cash flow and the outcome of negotiations with RBFS.

STRATEGIC IMPLICATIONS

This item is relevant with the Council's approved Strategic Community Plan 2012-2022 and Corporate Business Plan 2012-2016. In particular the Operational Plan 2015-2016 provided for this activity:

Our Program: 1.a.2.4 Maintain City infrastructure necessary to meet the

community needs.

Our Services: 1.a.2.4.6 Continue to maintain and renew other community

infrastructure (i.e. beaches, boat ramps, jetties).

RISK MANAGEMENT CONSIDERATIONS

The level of risk is considered to be moderate to the City in terms of financial implications. A detailed risk management plan will be developed with the successful tenderer.

As a public facility the 2 month construction program will impact on users of the Back Beach Boat Ramp. The contract provides for continued access to a natural ramp facility adjacent to the public ramps throughout the works and the City will work proactively with the contractor to consider opportunities to reopen ramps as soon as reconstructed.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

RELEVANT PRECEDENTS

Council has previously endorsed the proposed package of works at its meetings held in January, February and October 2015.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS

Option 1

As per Officer's recommendation.

Option 2

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* RESOLVES to NOT SUPPORT the Officer's recommendation and PROPOSE a substitute Tenderer.

Option 3

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* RESOLVES to NOT SUPPORT the Officer's recommendation and REJECT all Tenders.

CONCLUSION

The Evaluation Panel has recommended the following tenderer based on their demonstrated ability to provide the required goods and services with the most advantageous outcome for the City of Karratha.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

Res No : 153417 MOVED : Cr Lally

SECONDED : Cr Vandenberg

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* RESOLVES to APPOINT Ertech Holdings Pty Ltd ABN 46 094 416 887 based on the assessment of the compliance criteria, qualitative criteria and pricing structures offered under RFT 17-15/16 Karratha Back Beach Boat Ramp, Jetty and Carpark Rebuild.

CARRIED 8-1

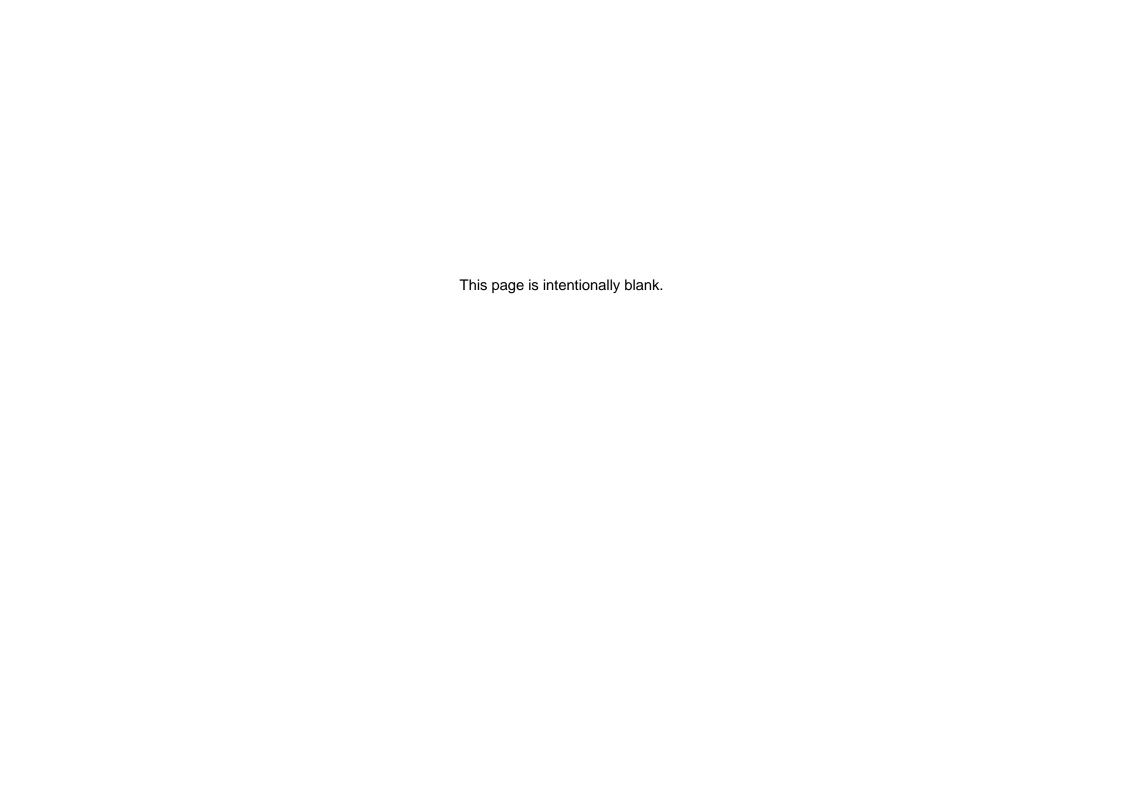
FOR : Cr Long, Cr Lally, Cr Bailey, Cr Harris, Cr Parsons, Cr Scott, Cr Smeathers,

Cr Vandenberg

AGAINST : Cr Bertling

Cr Smeathers left the Chambers at 5.12 pm.





Cr Smeathers re-entered the Chambers at 5.13 pm.

Cr Parsons declared a financial interest in Item 5.2 Award of Tender – Karratha Foreshore Works – Stage 1 Searipple Node as Cr Parsons is a Director of Fiorita Deli which has engaged Timik as builder.

At 5.15 pm Cr Parsons left the Chambers.

5.2 AWARD OF TENDER – KARRATHA FORESHORE WORKS - STAGE 1 SEARIPPLE NODE

File No: CM.233

Responsible Executive Officer: Director Strategic Projects & Infrastructure

Reporting Author: Manager Infrastructure

Date of Report: 1 April 2016

Applicant/Proponent: Nil

Disclosure of Interest: Nil

Attachment(s) 1. Confidential –Tender Evaluation Report

2. Design Drawing

PURPOSE

To seek Council's consideration of tenders for the Karratha Foreshore Works – Stage 1 Searipple (RFT 20-15/16) Project.

BACKGROUND

On 17 February 2016 the Chief Executive Officer within delegation, endorsed the calling of tenders for the implementation of works at Karratha Foreshore – Searipple Node. Stage 1 of those works, which is the subject of this tender, is the construction of the look-out structure, road and car park at the Searipple Node. Refer to Attachment 2 Design Drawing.

Tenders were advertised on 2 March 2016 and closed on 23 March 2016. Seven tenders were received by the following:

- Timik Developments Pty Ltd
- Leethall Constructions Pty Ltd
- In-Situ Construction and Maintenance Pty Ltd
- GBTK Pty Ltd
- Ertech Holdings Pty Ltd
- Environmental Industries Pty Ltd
- Carey Marine & Civil Pty Ltd

The tenders were evaluated by a three person panel comprising of:

- Senior Engineering Technical Officer
- Coordinator Building
- Coordinator Building Maintenance

The tenders were first assessed for compliance with the tender documents. The tenders were then assessed against the qualitative criteria that were weighted against the following criteria:

Criteria	Weighting
Relevant Experience	15%
Capacity to Deliver	15%
Demonstrated Understanding	10%
Price	60%

The Regional Price Preference Policy was applied to four local tenderers. A

copy of the Evaluation Report is contained within the confidential section of this agenda. It should be noted that the preferred tender is in excess of Councils Budget. Refer to Financial Implications section of this report.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy CG-8 Significant Decision Making Policy, this matter is considered to be of low significance in terms of social and economic issues or Council's ability to perform its role.

COUNCILLOR/OFFICER CONSULTATION

A number of City Officers have provided input into the Karratha Foreshore Management Plan and the process for prioritising and implementing priority works for the foreshore areas. Council has previously been presented with updates on the design at Council Briefing Sessions.

Consultation has also taken place between panel members in evaluating and analysing the content of each tender submission.

COMMUNITY CONSULTATION

A draft Foreshore Management Plan was advertised for public comments from 11 September to 2 October 2015. Three submissions were received and considered with appropriate changes made.

STATUTORY IMPLICATIONS

Tenders were called in accordance with Section 3.57 of the *Local Government Act 1995* and Part 4, Division 2 – Tenders for providing goods or services of the *Local Government (Functions and General) Regulations 1996.*

POLICY IMPLICATIONS

Policy CE13 - Tender Evaluation Criteria is applicable.

FINANCIAL IMPLICATIONS

The total budget secured for the Karratha Foreshore Works is \$730,000 of which \$596,850 has been allocated to the look-out structure and road works including car park. The City has secured a contribution of \$179,000 from Fleetwood Corporation and the Karratha Community Association has nominated \$50,000 as a further contribution to the works.

The total estimated contract value proposed by the preferred tenderer for construction is \$667,047.67. If Council agree to award a contract for the works, an appropriate adjustment will be required in the 2016/17 Budget to accommodate the shortfall of \$71,000, as the works have been projected across 2 financial years.

Additionally Council has other options including modifying the scope of the project or re tendering the works to attempt to achieve a better financial outcome.

STRATEGIC IMPLICATIONS

This item is relevant with the Council's approved Strategic Community Plan 2012-2022 and Corporate Business Plan 2012-2016. In particular the Operational Plan 2015-2016 provided for this activity:

Our Program: 1.a.2.4 Maintain City infrastructure necessary to meet the

community needs.

Our Services: 1.a.2.4.6 Continue to maintain and renew other community

infrastructure (i.e. beaches, boat ramps, jetties).

RISK MANAGEMENT CONSIDERATIONS

The level of risk is considered to be moderate to the City in terms of financial implications. A detailed risk management plan will be developed with the successful tenderer.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

RELEVANT PRECEDENTS

Council has previously endorsed the proposed first package of works at its meeting held on 16 March 2015. Council has also endorsed previous foreshore works including at Point Samson.

VOTING REQUIREMENTS

Simple Majority.

OPTIONS

Option 1

As per Officer's recommendation.

Option 2

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* RESOLVES to NOMINATE Ertech Holdings Pty Ltd as the preferred tenderer and negotiate a reduced scope of works to achieve an outcome within Councils Budget allocation.

Option 3

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* RESOLVES to NOT SUPPORT the Officer's recommendation and REJECT all Tenders.

CONCLUSION

The Evaluation Panel has recommended the following tenderer based on their demonstrated ability to provide the required goods and services with the most advantageous outcome for the City of Karratha. Whilst the preferred tenderer price is in excess of the budget allocation, Officers recommend that the full contract be awarded to deliver the full design and the budget adjustment be made accordingly.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

Res No : 153418

MOVED : Cr Vandenberg

SECONDED : Cr Scott

That Council by SIMPLE Majority pursuant to Section 3.57 of the *Local Government Act 1995* RESOLVES to APPOINT Ertech Holdings Pty Ltd ABN 46 094 416 887 based on the assessment of the compliance criteria, qualitative criteria and pricing structures offered under RFT 20-15/16 Karratha Foreshore Works – Stage 1 Searipple Node.

CARRIED 7-1

FOR : Cr Long, Cr Lally, Cr Bailey, Cr Harris, Cr Scott, Cr Smeathers, Cr Vandenberg

AGAINST : Cr Bertling

At 5.17 pm Cr Parsons re-entered the Chambers.

NOTE ALL KERBING TO BE BARRIER UNLESS

OTHERWISE NOTED.

ALL LINEMARKING SHOWN TO BE INSTALLED.

NOTES

- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH THE SPECIFICATION AND REQUIREMENTS OF THE GREATER CITY OF KARRATHA.
- 2. THE CONTRACTOR SHALL LIASE WITH ALL RELEVANT AUTHORITIES TO LOCATE ALL EXISTING SERVICES WITHIN THE CONTRACT AREA PRIOR TO THE COMMENCEMENT OF WORK, WHERE EXISTING AND PROPOSED WORKS INTERSECT, LEVELS ARE TO BE TAKEN AND SUPPLED TO THE SUPERINTENDENT.
- THE CONTRACTOR SHALL LOCATE ALL LEVELS FROM ESTABLISHED BENCH MARKS.
- ALL BENCH MARKS ARE TO BE PROTECTED AND PRESERVED.
- THE CONTRACTOR SHALL INSTALL ALL DUCTS FOR SERVICE PROVIDERS ROAD CROSSINGS.
- ALL KERB RETURNS AT INTERSECTIONS TO BE 12m RADIUS UNLESS SHOWN OTHERWISE
- ALL KERBING TO BE BARRER TYPE LINLESS OTHERWISE SHOWN, KERBING ON COOKER SWEEPS TO BE SEEN HOUNTABLE. LALL XERBING ON A RADIUS OF 45th OR LESS MUST BE KEYED!
- TRANSITIONS BETWEEN DIFFERENT KERB SECTIONS SHALL BE MADE OVER A LENGTH OF 28 AND SHALL COMPANIE AT THE TANGENT POINT OF KERS SETURNS IN THE CASE OF INTERSECTIONS
- # ALL CONSTRUCTION SHALL MAKE SMOOTH CONNECTION TO EXISTING WORK.
- ALL ROAD VERGES SHALL BE SURFACED WITH MANIMUM 75mm OF TOPSOIL FREE OF DELETERIOUS MATERIAL, IF REQUIRED, HYDROMULCHING WILL BE INSTRUCTED BY THE
- 11. ALL PAVEMENT TO BE CONSTRUCTED USING BLACK ASPHALT UNLESS OTHERWISE NOTED.
- 12. THE CONTRACTOR SHALL ALLOW FOR THE REMOVAL & DISPOSAL OF THE EXISTING KERB & PAVENENT AT THE SHOWN LOCATIONS.





NOTE: ALL CO-DRONATES SHOWN ON THIS DRAWING SHALL BE VERIFIED BY CONTRACTOR PROR TO COMMENCIANT OF WORKS, ANY DISCREPANCES TO BE REPORTED TO THE ENGINEER IMMEDIATELY.

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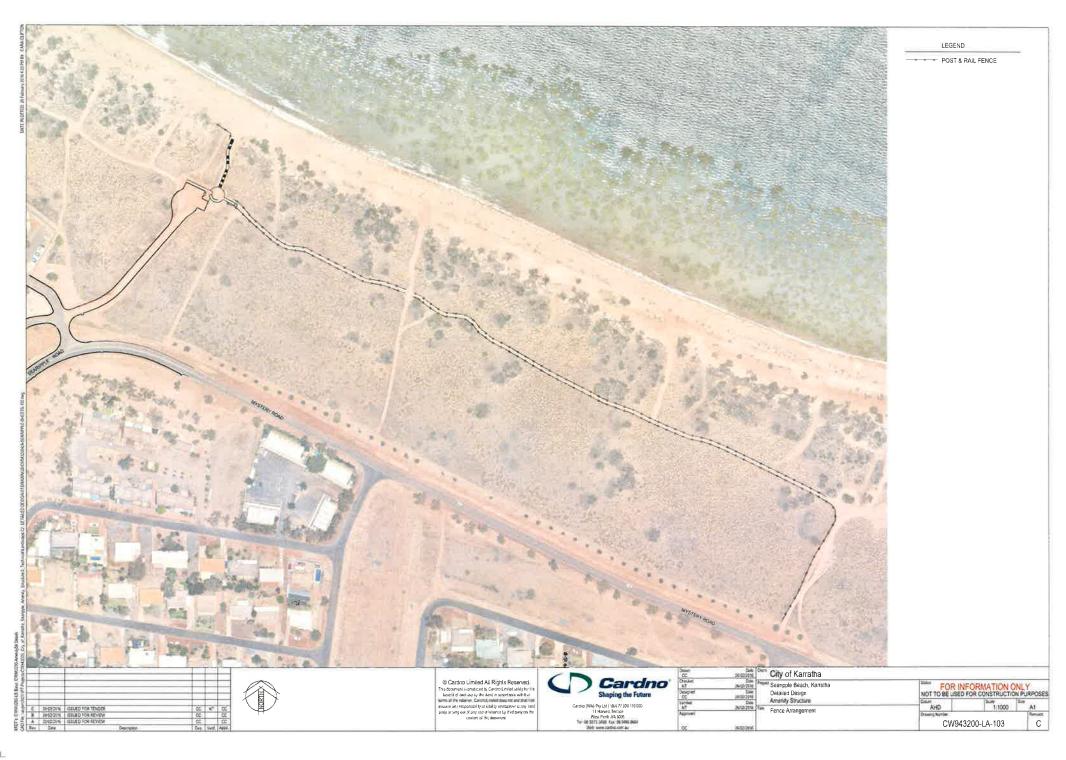
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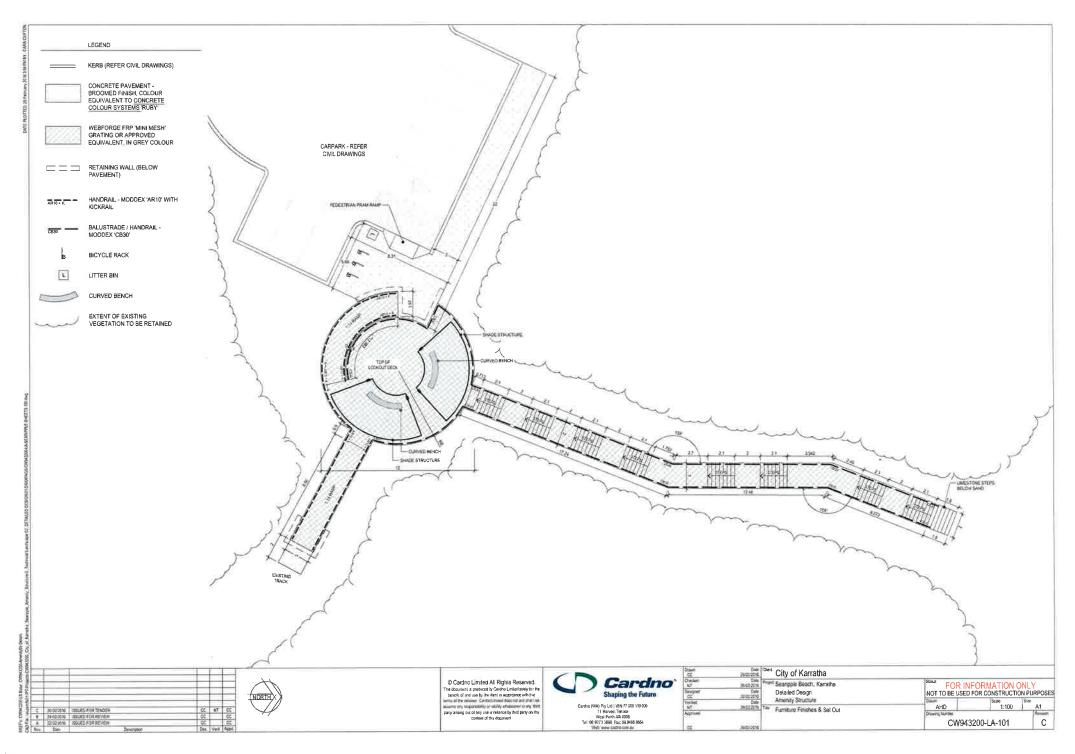
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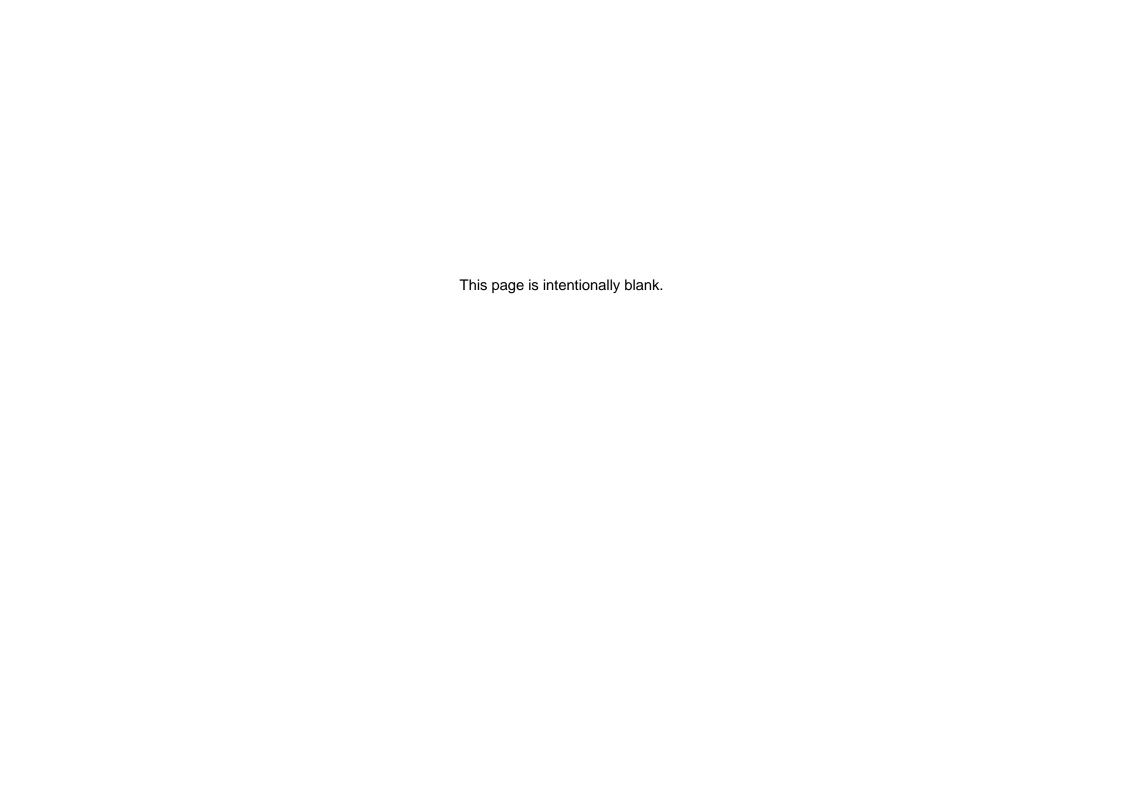
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6 MATTERS BEHIND CLOSED DOORS

CONFIDENTIAL ATTACHMENT TO ITEM 5.1 AWARD OF TENDER – KARRATHA BACK BEACH BOAT RAMP, JETTY AND CARPARK REBUILD

CONFIDENTIAL ATTACHMENT TO ITEM 5.2 AWARD OF TENDER – KARRATHA FORESHORE WORKS – STAGE 1 SEARIPPLE NODE

7 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 5.17 pm.						
The next meeting is to be held on Monday, 18 April 2016 at 6:30pm at the Point Samson Community Hall, Point Samson.						
• • • • • • • • • • • • • • • • • • • •	ratha, hereby declare on behalf of the Councillors nutes are a true and accurate record of the Special 2016.					
Signed	Date/					