

<b>ITEM NO:</b>	17.1 Confidential
<b>MEETING TYPE</b>	Ordinary Council
<b>MEETING DATE:</b>	19 October 2017
<b>SUBJECT:</b>	CONFIDENTIAL – Sealing Tender
<b>FILE NUMBER</b>	F17/135 - Manager, District Services
<b>RECORD NUMBER:</b>	R17/13055
<b>AUTHOR:</b>	Robyn Nottle
<b>ATTACHMENT (S):</b>	Nil

#### **LINKS TO STRATEGIC MANAGEMENT PLAN 2016-2026**

<b>KEY RESULT AREA:</b>	1. Governance
<b>STRATEGY:</b>	1.2. Maintain financial viability and accountability in budgeting and administration.
<b>ACTION:</b>	N/A

#### **BACKGROUND:**

Councils Annual Business Plan 2017/2018 has provision for a number of new and renewal sealing projects throughout the District.

A Request for Tender was advertised in September 2017 through the SA Tenders Website and closed on the 29<sup>th</sup> September 2017.

Tenders Received were from West Coast Bitumen, SMS Bitumen and Boral.

Tender submissions were evaluated using assessment criteria described in the tender documents. The evaluation system is structured to assess each tenderer's ability to deliver a product to Council's requirements and compliance with specifications. All tenderers are equally capable of undertaking the work when required and have extensive experience in services to local government, state government and the private sector

The tendered rates were assessed against the estimated quantities and confirmed that the specified prices are within the allocated budget for each project.

The tenders were of variable price ranging from \$417,000 to \$699,000 based on two visits per year.

West Coast Bitumen were awarded the spray seal and asphalt contracts between 2014 and 2017 and carried out works to a satisfactory standard and were very flexible with Councils schedule.

It is recommended that the tender be awarded to West Coast Bitumen.

For the purposes of future years it was estimated that Council would average 25,000m<sup>2</sup> to be sealed per annum during the term of the Contract. It was further noted that this estimate is not guaranteed and the scope of work may vary from year to year at the discretion of Council depending upon budgetary and other considerations.

The value of the contract exceeds the Chief Executive Officer delegation as identified in Councils Procurement Policy DCSB FM 07-05 and requires a resolution of Council.

**Recommendation**

1. That Council resolve:

- (a) Pursuant to Section 90(2) of the Local Government Act, 1999, orders that all persons with the exception of the K Clark (Acting, Chief Executive Officer / Manager, Corporate Service), JL Brewis (Manager, Regulatory Services), RC Nottle (Manager, District Services), PJ Williams (Manager, Community and Economic Development), JA Childs (Executive Assistant & Governance Officer/Minute Taker) to be excluded from attendance at the meeting for agenda item 17.1, relating to "Sealing Tender".
- (b) The Council is satisfied pursuant to Sections 90 (3)(b) of the Act, the information the disclosure of which - (i) could reasonably be expected to confer a commercial advantage on a person with whom council is conducting, or proposing to conduct, business, or to prejudice the commercial position of council; and (ii) would, on balance, be contrary to the public interest".
- (c) The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

**Recommendation**

2. That Council having considered report 17.1 titled 'Sealing Tender' and dated 19 October 2017 resolve to authorise the Manager, District Services to negotiate and accept the offer from West Coast Bitumen for the Road Sealing and Resealing Treatments 2017-2020 contract.

**Recommendation**

3. That having considered the agenda item 17.1 relating to "Sealing Tender" in confidence under Section 90(2) and (3)(b) of the Local Government Act, pursuant to Section 91(7) of the Act orders that the minutes, reports considered and discussed in relation to agenda item 17.1 be retained in confidence until October 2018.