MINUTES

Ordinary Council Meeting

(Subject to confirmation)

13 August 2019
1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR

Mayor Darren Braund welcomed everyone to the meeting and declared the meeting open at 5.30pm.

2 OPENING PRAYER

3 PRESENT

Mayor Darren Braund, Cr John Rich, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Naomi Bittner, Cr Kristin Murdock, Cr David Langford, Cr Roger Johns, Cr Jeffrey Cook.

In Attendance

Acting CEO David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Maddy Pulling and Renee Edwards (Minute Secretaries)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Tania Stock, Cr Anthony Bennett, Andrew Cameron (CEO)

6 CONFLICT OF INTEREST

Mayor Darren Braund reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

Cr Carruthers declared an Actual Conflict of Interest with Agenda Item 25.1 Access Advisory Working Party Minutes.

<table>
<thead>
<tr>
<th>AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disclosure of [type] of Conflict of Interest</td>
</tr>
<tr>
<td>declared</td>
</tr>
<tr>
<td>Elected Member Name</td>
</tr>
<tr>
<td>Matter to be discussed (Agenda Item #)</td>
</tr>
<tr>
<td>Nature of the Interest (as described by the</td>
</tr>
<tr>
<td>Member)</td>
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<tr>
<td>Manner in which the Member addressed with</td>
</tr>
<tr>
<td>the Actual or Perceived Conflict of Interest</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
If the Member voted on the matter, the manner in which he or she voted | Not applicable
---|---
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter | 25.1 CARRIED 184/2019 (13/08/2019)

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION
Moved: Cr Jeffrey Cook
Seconded: Cr David Langford
That the minutes of the Ordinary Council Meeting held on 10 July 2019 be confirmed.
CARRIED 174/2019 (13/08/2019)

RESOLUTION
Moved: Cr John Rich
Seconded: Cr Adam Meyer
That the minutes of the Confidential Council Meeting held on 10 July 2019 be confirmed.
CARRIED 175/2019 (13/08/2019)

8 MOTIONS ON NOTICE
Nil

9 QUESTIONS ON NOTICE
Nil

10 QUESTIONS WITHOUT NOTICE
Cr Cook – On page 12 of the Council Agenda on the Action List is an item from the meeting on 13 March 2019 for Executive Services, Agenda Item 8.1 with a due dated of 11 September 2019, being a review of the operations of the Development Services Department. Will the CEO ensure that when the report is presented to Council that it includes the full monetary cost of this exercise, including staff down time?

Acting CEO David Harding responded confirming that the cost of the review and staff down time will be included in the report to Council, which is anticipated to be presented at the 9 October 2019 Council Meeting.

11 PETITIONS
Nil
12 MAYOR

12.1 MAYOR’S MONTHLY REPORT JULY 2019

PURPOSE
To keep Elected Members updated on Mayoral activities during the month of July 2019.

In addition to the Mayors report;
Mayor Braund advised the Elected Members of the potential snapper closure proposed by the State Government and that it is important that Council takes the opportunity to make a submission by 31 August 2019. A Special Council Meeting is anticipated for 28 August 2019 to formalise a resolution of Council’s position and endorse a response.

Mayor Braund congratulated the Harry Butler Committee and participating community members on an outstanding effort for the centenary celebration. Mayor Braund hosted the Governor General and the Mayor of Unley who were both impressed with the event and the beauty of our area. Mayor Braund said there are many more local tourism opportunities in regard to the history of Harry Butler’s achievements and his popularity with South Australians.

RESOLUTION
Moved: Cr David Langford
Seconded: Cr Jeffrey Cook
That the report be received.
CARRIED 176/2019 (13/08/2019)

13 COUNCILLORS’ REPORT
Nil

INFORMATION AGENDA

14 ITEMS FOR EXCLUSION
Nil

15 RECEIPT OF INFORMATION REPORTS

ADOPTION OF INFORMATION AGENDA

RESOLUTION
Moved: Cr John Rich
Seconded: Cr Kristin Murdock
That the information items contained within the Information Agenda, be received.
CARRIED 177/2019 (13/08/2019)
DEBATE AGENDA

20 VISITORS TO THE MEETING
Nil

21 MAYOR
Nil

22 CHIEF EXECUTIVE OFFICER
Nil

23 CORPORATE AND COMMUNITY SERVICES

23.1 FINANCIAL REPORT AS AT 31 JULY 2019

PURPOSE
For Council to consider the financial report and capital projects update report as at 31 July 2019.

RESOLUTION
Moved: Cr Roger Johns
Seconded: Cr David Langford
That Council receive the financial report and capital projects update report as at 31 July 2019.

CARRIED 178/2019 (13/08/2019)

23.2 PROJECTS CARRIED FORWARD (ROLLED OVER) TO 2019/2020

PURPOSE
To seek approval to carry forward (roll over) to the 2019/2020 Budget, projects/works not completed at 30 June 2019 and associated budget amounts not expended in the 2018/2019 financial year to enable completion in 2019/2020.

RESOLUTION
Moved: Cr John Rich
Seconded: Cr Naomi Bittner
That Council endorse the list of 2018/2019 projects/works not completed and their respective funding required, as presented, for inclusion in the 2019/2020 Budget.

CARRIED 179/2019 (13/08/2019)
23.3 REQUEST FOR FINANCIAL SUPPORT FOR ART ARK ADVENTURE

PURPOSE
To seek additional funding to assist in covering the shortfall required to deliver the Art Ark Adventure project.

RESOLUTION
Moved: Cr Jeffrey Cook
Seconded: Cr Richard Carruthers
That Council endorse a contribution of $5,000 to guarantee that the Art Ark Adventure project can be successfully delivered by Warooka Primary School and Ballara Art and Lifestyle Retreat.

CARRIED 180/2019 (13/08/2019)

23.4 PO094 ANNUAL ALLOCATIONS TO PROGRESS ASSOCIATIONS POLICY

PURPOSE
To seek endorsement and approval from Council to change a section in the Policy - PO094 Annual Allocations to Progress Associations.

RESOLUTION
Moved: Cr Naomi Bittner
Seconded: Cr Roger Johns
That Council endorse and adopt the revised PO094 Annual Allocations to Progress Associations Policy, as presented for inclusion in Council's policy manual and on Council's website.

CARRIED 181/2019 (13/08/2019)
23.5 BUILDING UPGRADE FINANCE

PURPOSE
For Council to consider participation in Building Upgrade Finance as enabled by Schedule 1B of the Local Government Act 1999 and the Local Government (Building Upgrade Agreements) Regulations 2017.

RECOMMENDATION
That Council:
1. approves Yorke Peninsula Council’s participation in Building Upgrade Finance, by offering to enter into Building Upgrade Agreements, as defined by Schedule 1B of the Local Government Act 1999.
2. authorises the Chief Executive Officer to:
   • enter into, or to vary or terminate, a Building Upgrade Agreement
   • declare and levy a Building Upgrade Charge under a Building Upgrade Agreement
   • set late payment and services fees as part of a Building Upgrade Charge in a Building Upgrade Agreement, as defined by the Local Government Act 1999 (SA).

The Mayor requested that the meeting proceed to Informal Mode for discussion, to which 2/3rds were in favour.

5.49pm the meeting went to Informal Mode.

5.53pm the meeting returned to Formal Mode.

MEETING RETURN TO FORMAL MODE
Moved: Cr David Langford
Seconded: Cr Naomi Bittner
The Mayor advised that a Motion was required to return to Formal Mode.

CARRIED 182/2019 (13/08/2019)

RESOLUTION
Moved: Cr Naomi Bittner
Seconded: Cr Adam Meyer
That Council approves Yorke Peninsula Council’s participation in Building Upgrade Finance, by offering to enter into Building Upgrade Agreements, as defined by Schedule 1B of the Local Government Act 1999 with each such agreement to be ratified by Council at a Council meeting prior to execution.

CARRIED 183/2019 (13/08/2019)

24 ASSETS AND INFRASTRUCTURE SERVICES
Nil
25 DEVELOPMENT SERVICES

25.1 ACCESS ADVISORY WORKING PARTY MINUTES

PURPOSE
For Council to receive the Minutes of Council’s Access Advisory Working Party meeting held on 26 July 2019.

Cr Carruthers declared an Actual Conflict of Interest and remained in the Chamber and abstained from voting.

RESOLUTION
Moved: Cr David Langford
Seconded: Cr Jeffrey Cook

That Council:
1. receive the Minutes of the Access Advisory Working Party meeting held on 26 July 2019.
2. commit $1,000 for the installation of an access ramp on the corner of Bridge Road and Park Terrace, Ardrossan.

CARRIED 184/2019 (13/08/2019)

26 GENERAL BUSINESS

Section 85 of the Act requires that matters on the Agenda are described with reasonable “particularity and accuracy” and reports and other documentation to be considered at a meeting are available to the public prior to the meeting. The practice of general business should be restricted to matters of urgency.

Nil

CONFIDENTIAL AGENDA

6.00pm

27 CONFIDENTIAL ITEMS

27.1 MATERIAL SUPPLY 2019-20 TENDER 200-2019

RESOLUTION
Moved: Cr David Langford
Seconded: Cr Adam Meyer

Section 90 Order
That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Material Supply 2019-20 Tender 200-2019, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Material Supply 2019-20 Tender 200-2019, is confidential information relating to:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 185/2019 (13/08/2019)

6.00pm The public were asked to leave and the Chamber secured.
RESUMPTION OF PUBLIC MEETING

Released in Camera Minute

RESOLUTION

Moved: Cr Adam Meyer  
Seconded: Cr Roger Johns

That Council:

1. Endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender document for the supply (ex bin) and supply and delivery of road construction materials from two (2) suppliers (tender number 200-2019)

2. accept the tender submission from Kara Resources Pty Ltd for supply and delivery numbers 1,2,3 and 6 of an estimated 40,700 tonnes of Type A Fill at a cost of $683,270 (GST exclusive)

3. accept the tender submission from Kara Resources Pty Ltd for supply and delivery of PM 2/20 QG to project numbers 1 to 6 estimated 50,740 tonnes at a cost of $1,021,055.50 (GST exclusive)

4. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery to project numbers 7-15, 18 and 19 for an estimated total of 73,400 tonnes of PM 2/20 QG at a cost of $1,689,700.00 (GST exclusive)

5. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply (ex bin) for project numbers 16 and 17 for an estimated total of 9,000 tonnes for PM 2/20 QG at a cost of $128,700.00 (GST exclusive)

6. accept the tender submission from Hanson Construction Materials Pty Ltd (southern patch sheeting projects) for the supply and delivery of an estimated 36,000 tonnes of PM 2/20 QG with an estimated total value of $840,000 (GST exclusive)

7. accept the tender submission from Kara Resources Pty Ltd (northern patch sheeting projects) for the supply and delivery of an estimated 30,000 tonnes of PM 2/20 QG with an estimated total value of $670,000 (GST exclusive)

CARRIED 186/2019 (13/08/2019)
RESOLUTION

Moved: Cr David Langford  
Seconded: Cr Kristin Murdock

Section 90 Order

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Management and Operation of Resource Recovery Centres Tender 198-2019, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Management and Operation of Resource Recovery Centres Tender 198-2019, is confidential information relating to:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 188/2019 (13/08/2019)

6.02pm The public were asked to leave and the Chamber secured.
RESUMPTION OF PUBLIC MEETING

Released in Camera Minute

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Naomi Bittner

That Council engage Cleanaway to undertake the management and operation of resource recovery centres subject to the agreement of an appropriate contract, which encompasses agreement/sign-off on proposed amendments to contract conditions.

CARRIED 189/2019 (13/08/2019)

27.3 POINT TURTON BOAT RAMP DREDGING TENDER 199-2019

RESOLUTION

Moved: Cr Leanne O'Brien
Seconded: Cr Adam Meyer

Section 90 Order

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.3 Point Turton Boat Ramp Dredging Tender 199-2019, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.3 Point Turton Boat Ramp Dredging Tender 199-2019, is confidential information relating to:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 191/2019 (13/08/2019)

6.07pm The public were asked to leave and the Chamber secured.
6.13pm

RESUMPTION OF PUBLIC MEETING

Released in Camera Minute

RESOLUTION

Moved:  Cr Naomi Bittner
Seconded:  Cr David Langford

That Council accept the tender submission from Victorian Marine Services Pty Ltd to undertake the

dredging of the Point Turton Boat Ramp.

CARRIED 193/2019 (13/08/2019)

27.4  PORT RICKABY CARAVAN PARK LEASE DISPUTE - COUNCIL SECTION 91 ORDER

- MINUTE REFERENCE 255/2018 (12/09/2018)

RESOLUTION

Moved:  Cr Naomi Bittner
Seconded:  Cr Leanne O'Brien

Section 90 Order

That pursuant to Section 90(2) and (3)(a),(d)(i),(d)(ii),(i) of the Local Government Act 1999, the

Council orders, that the public be excluded from the meeting relating to Item 27.4 Port Rickaby

Caravan Park Lease Dispute - Council Section 91 Order - Minute Reference 255/2018

(12/09/2018), with the exception of the following persons:

• Chief Executive Officer
• Executive Assistant to CEO and Mayor
• Director Corporate and Community Services
• Director Assets and Infrastructure
• Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(a),(d)(i),(d)(ii),(i) of the Act, the

information to be received, discussed or considered in relation to report Item 27.4 Port Rickaby

Caravan Park Lease Dispute - Council Section 91 Order - Minute Reference 255/2018

(12/09/2018), is confidential information relating to:

(a) information the disclosure of which would involve the unreasonable disclosure of

information concerning the personal affairs of any person (living or dead)

(d)(i) commercial information of a confidential nature (not being a trade secret) the
disclosure of which could reasonably be expected to prejudice the commercial
position of the person who supplied the information, or to confer a commercial
advantage on a third party

(d)(ii) commercial information of a confidential nature (not being a trade secret) the
disclosure of which would, on balance, be contrary to the public interest

(i) information relating to actual litigation, or litigation that the Council or Council
committee believes on reasonable grounds will take place, involving the council or an
employee of the Council

(i) information the disclosure of which would involve the unreasonable disclosure of
information concerning the personal affairs of any person (living or dead).

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place
open to the public has been outweighed by the need to keep the information or matter confidential.
CARRIED 195/2019 (13/08/2019)

6.13pm The public were asked to leave and the Chamber secured.
RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr David Langford

That Council, having considered and reviewed the order made under Section 91(7) of the Local Government Act 1999 on 12 September 2018 (the Order), minute reference 255/2018, resolves to amend the Order so that it reads as follows:

1. that having considered report 27.1 Port Rickaby Caravan Park Lease Dispute in confidence under Section 90(2) and (3)(a),(d)(i),(d)(ii) and (i) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.1 Port Rickaby Caravan Park Lease Dispute be retained in confidence and not available for public inspection until further order of the Council.

2. that under Section 91(9)(c) of the Act, the Chief Executive Officer be delegated the authority to revoke this order in whole or part.

CARRIED 196/2019 (13/08/2019)

6.14pm

RESUMPTION OF PUBLIC MEETING

28 NEXT MEETING

Wednesday 11 September 2019

29 CLOSURE

The Meeting closed at 6.16pm.

The minutes of this meeting were confirmed at the Council Meeting held on 11 September 2019.

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MAYOR DARREN BRAUND
27 CONFIDENTIAL ITEMS

27.1 MATERIAL SUPPLY 2019-20 TENDER 200-2019

Document #: 19/60400

Department: Assets and Infrastructure Services

Pursuant to Section 90(2) and (3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this agenda item is:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

PURPOSE

To provide relevant information in support of the recent open tender process for the supply (ex bin) and supply and delivery of road construction material (tender number 200-2019), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

RECOMMENDATION

That Council:

1. endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender document for the supply (ex bin) and supply and delivery of road construction materials from two (2) suppliers (tender number 200-2019)
2. accept the tender submission from Kara Resources Pty Ltd for supply and delivery numbers 1, 2, 3 and 6 of an estimated 40,700 tonnes of Type A Fill at a cost of $683,270 (GST exclusive)
3. accept the tender submission from Kara Resources Pty Ltd for supply and delivery of PM 2/20 QG to project numbers 1 to 6 estimated 50,740 tonnes at a cost of $1,021,055.50 (GST exclusive)
4. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery to project numbers 7-15, 18 and 19 for an estimated total of 73,400 tonnes of PM 2/20 QG at a cost of $1,689,700.00 (GST exclusive)
5. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply (ex bin) for project numbers 16 and 17 for an estimated total of 9,000 tonnes for PM 2/20 QG at a cost of $128,700.00 (GST exclusive)
6. accept the tender submission from Hanson Construction Materials Pty Ltd (southern patch sheeting projects) for the supply and delivery of an estimated 36,000 tonnes of PM 2/20 QG with an estimated total value of $840,000 (GST exclusive)
7. accept the tender submission from Kara Resources Pty Ltd (northern patch sheeting projects) for the supply and delivery of an estimated 30,000 tonnes of PM 2/20 QG with an estimated total value of $670,000 (GST exclusive)

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance
Strategy: 5.3 Meet all legislative requirements and compliance with Council’s internal controls

BACKGROUND

As per Council’s PO058 Purchasing and Procurement Policy, this report is required to complement the open tendering purchase method for the supply (ex bin) and supply and delivery of road construction materials; therefore, a Council resolution is necessary.
DISCUSSION

The open tender process was applied for the supply (ex bin) and supply and delivery of road construction material as specified within the Request for Tender (RFT) document, pursuant to Council’s Purchasing and Procurement Policy (Section 4.2 – Purchasing Methods and Limits), which reads as follows:

<table>
<thead>
<tr>
<th>Purchase Method</th>
<th>Specific Requirements</th>
<th>Value</th>
<th>Authority to Approve Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Tendering</td>
<td>An open invitation is issued inviting suppliers to submit a tender.</td>
<td>Greater than $100,001</td>
<td>Council resolution required.</td>
</tr>
</tbody>
</table>

The open tender was called on Tuesday 2 July 2019 and closed on Monday 15 July 2019. The tender was available to download from the Tenders SA website, as well as being advertised on Council’s website, and in the Yorke Peninsula Country Times, throughout that period. Prior to the closing date two (2) tenders were received from the following interested suppliers:

- Hanson Construction Materials Pty Ltd; and
- Kara Resources Pty Ltd.

The tender evaluation was undertaken at a Tender Evaluation Panel meeting on Monday 22 July 2019. The Panel comprised Councillors Anthony Bennett and David Langford, the Director Assets and Infrastructure Services, Works Manager, Works Supervisor North, Manager Financial Services and Acting Executive Assistant to the Director Assets and Infrastructure Services (note taker). Apologies were received from Councillor Roger Johns, Governance Officer and Works Supervisor South who provided his evaluation of the tender submissions via the Works Manager. This evaluation was subsequently incorporated into the evaluation process.

Each tender was evaluated against a set of selection criteria with each criterion assigned a weighting based on the importance placed on it. Scores between 0 and 5 were allocated to each criterion by each scoring Tender Evaluation Panel member for all tenders received. The scores were then aggregated and the weighted average determined to assign a total weighted average score to each tenderer. Details of the scoring against the selection criteria, their weightings, relevant comments, the total weighted average score and the Tender Evaluation Panel’s recommendation can be found in the Tender Evaluation Matrix (Attachment 1), which has been approved by the Acting Chief Executive Officer.

Qualification

The Specifications for the Goods within the RFT provided tenderers with a breakdown of projects (numbered with locations identified), including the estimated tonnages of material (PM 2/20 QG or Type A Fill) required for each project. This breakdown was expanded in Schedule 11 – Pricing to enable tenderers to provide costs for the supply (ex bin) or supply and delivery of the material. These costs were then compiled by the Works Manager into an operational working sheet, which was provided to the Tender Evaluation Panel prior to the Tender Evaluation Panel meeting.

Project management and logistical principles, including internal cartage models; project timeframes; the locations of the registered quarries; the ability of the tenderers to process and/or process and deliver to respective projects; and submission pricing were applied to determine the most practical, economical and efficient selection of material supplier across all projects, thus fulfilling sustainable operational needs.

This model formed the basis of the recommendations currently before Council for consideration (Attachment 2), which has had proven success in previous material supply tenders.

Tender Evaluation

Business Capacity – the Panel discussed the enormity of the thousands of tonnes of material required to be supplied and shared the view that there would be challenges for any sole supplier to process approximately 240,240 tonnes of material and commit to the delivery of approximately
231,240 tonnes identified projects. The business capacity of respective suppliers to process and deliver by quality, demand and project timing reflected in the weighted score for this criterion. Hanson Construction Materials Pty Ltd scoring slightly higher than Kara Resources Pty Ltd.

**Specifications** – all submissions displayed evidence of material data sheets that aligned to the specifications for PM 2/20 QG and Type A Fill, as defined within the Department of Planning, Transport and Infrastructure (DPTI) specification gradings and data for quarry materials. Kara Resources Pty Ltd demonstrated in their tender submission the ability to provide material test results every 1,000 tonnes, aligned with industry standards. Staff provided the Panel with information regarding past experiences with respective suppliers, including quality of material, resources to process material, and controls applied by suppliers to issues raised by staff in respect to these experiences. Hanson Construction rated slightly higher than Kara Resources Pty Ltd for this criterion.

**WHS** – the Panel acknowledged that both submissions displayed evidence of the tenderers appreciation and understanding of WHS obligations within the quarry industry. This said, the effort in providing Job Safety Analysis, Risk Assessments and Standard Operating Procedures did vary from tenderer to tenderer. This effort was reflected in the weighted scores in this criterion with little separating Hanson Construction Materials Pty Ltd (highest) and Kara Resources Pty Ltd (lowest).

**Economy** – it was identified by the Panel that one (1) of the quarries, being Hanson Construction Materials Pty Ltd, is located within the Council area therefore employing more locals and supporting local community groups. Kara Resources Pty Ltd have a quarry to the north of the Council area, located just outside of the Council boundary, which does employ residents from the townships of Port Clinton and Price. Both quarries do engage local contractors for cartage requirements. Hanson Construction Materials Pty Ltd scored higher for this criterion.

**Environment** – Panel members identified that both submissions provided supporting evidence of environmental management principles by policy or statement. Hanson Construction Materials Pty Ltd scored highest for this criterion.

**Experience** – Panel members who have had past experiences with the tenderers expressed their views on those experiences. Quality and satisfaction of services provided, from communication to records management, was discussed openly and freely throughout the deliberations. Hanson Construction Materials Pty Ltd scored highest for this criterion.

**Price** – Panel members respected the fact that a flat paper line analysis for the purchase model could not be applied to this tender given quarry locations, processing challenges, logistical matters and project locations influencing pricing. Therefore, the most cost efficient approach, as outlined in the qualification above, was applied during the evaluation process. By and large both pricing was competitive, primarily due to quarry locations aligned with projects.

**Tender Evaluation Panel's Recommendation**

While the Tender Evaluation Panel acknowledged the diverse capabilities of the suppliers it was the consensus of the Panel that the recommendation being put forward to Council for consideration below is the most cost efficient model moving forward. This said, in the interest of contract management objectives for material supply, there will be a need for internal controls to be applied to the two (2) suppliers being recommended.

Therefore, it is the recommendation of the Tender Evaluation Panel that Council:

1. Endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender document for the supply (ex bin) and supply and delivery of road construction materials from two (2) suppliers (tender number 200-2019)

2. accept the tender submission from Kara Resources Pty Ltd for supply and delivery numbers 1,2,3 and 6 of an estimated 40,700 tonnes of Type A Fill at a cost of $683,270 (GST exclusive)

3. accept the tender submission from Kara Resources Pty Ltd for supply and delivery of PM 2/20 QG to project numbers 1 to 6 estimated 50,740 tonnes at a cost of $1,021,055.50 (GST exclusive)
4. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery to project numbers 7-15, 18 and 19 of an estimated total of 73,400 tonnes of PM 2/20 QG at a cost of $1,689,700 (GST exclusive)

5. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply (ex bin) for project numbers 16 and 17 for an estimated total of 9,000 tonnes for PM 2/20 QG at a cost of $128,700.00 (GST exclusive)

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7. accept the tender submission from Kara Resources Pty Ltd (northern patch sheeting projects) for the supply and delivery of an estimated 30,000 tonnes of PM 2/20 QG with an estimated total value of $670,000 (GST exclusive)

COMMUNITY ENGAGEMENT PLAN
Confidential Report - Not Applicable

CONSULTATION PROCESS
In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Acting Chief Executive Officer
- Tender Evaluation Panel

In preparing this report, the following external parties were consulted:

- Nil

POLICY IMPLICATIONS
PO058 Procurement and Purchasing Policy
PO091 Risk Management Policy
AS 4120 Code of Tendering

BUDGET AND RESOURCE IMPLICATIONS
The total amount of material to be purchased is within the estimated allocation from material supply in the 2019-20 budget; therefore, there is no negative impact to the budget.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS
The tender process is undertaken as per Council’s PO058 Purchasing and Procurement Policy to ensure legislative compliance and minimise Council’s exposure to risk.

ATTACHMENTS
**COUNCIL MEETING AGENDA**

**13 AUGUST 2019**

**Item 27.1 - Attachment 1**

### Evaluation Report: 30 July 2019

<table>
<thead>
<tr>
<th>Evaluation Report</th>
<th>Speculation</th>
<th>Method</th>
<th>Criteria</th>
<th>Score</th>
<th>Weighted Score</th>
<th>Tendency</th>
<th>Conclusion</th>
<th>Recommendation</th>
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<tr>
<td>Attachment 1</td>
<td>Relevant</td>
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<td>Not recommended</td>
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<tr>
<td>Attachment 2</td>
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<td>Weak</td>
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<td>Not recommended</td>
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</table>

*The council members are reviewing the evaluation reports and making decisions based on the criteria and their scores.*
## COUNCIL MEETING AGENDA
13 AUGUST 2019

### TENDER SUBMISSIONS

<table>
<thead>
<tr>
<th>Delivery Number</th>
<th>Date</th>
<th>ROAD NAME</th>
<th>STOCKPILE SITE</th>
<th>Tonnage</th>
<th>SARA</th>
<th>SARA Cost (Excl. GST)</th>
<th>SARA Supply</th>
<th>SARA Supply Excl. GST</th>
<th>HANSON</th>
<th>HANSON Cost (Excl. GST)</th>
<th>HANSON Supply</th>
<th>HANSON Supply Excl. GST</th>
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<td>1 Oct-19</td>
<td>Nalappu Rd</td>
<td>Dyap Rd to Old Boundary</td>
<td></td>
<td>19800</td>
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**Total:** $ 683,270.00

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<th>SARA Supply Excl. GST</th>
<th>HANSON</th>
<th>HANSON Cost (Excl. GST)</th>
<th>HANSON Supply</th>
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**Total:** $ 1,621,095.50

Item 27.1- Attachment 2
## RFT 200 / 2019: TENDER SUBMISSIONS

**Sheet 2 of 2**

Patch Work Tonnages are indicative tonnages for comparison purposes only.

Patch Work locations and therefore tonnages required, have not been finalised at this point in time.

### NORTH

<table>
<thead>
<tr>
<th>TBA Patch Work</th>
<th>Supply Only</th>
<th>2000</th>
<th>11.50</th>
<th>$ 22,000.00</th>
<th>14.30</th>
<th>$ 28,800.00</th>
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<td>2000</td>
<td>11.50</td>
<td>$ 18.00</td>
<td>$ 36,000.00</td>
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**Total:** $ 610,200.00 | $ 804,000.00

### SOUTH

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</table>

**Total:** $ 36,800.00 | $ 42,900.00

**Total:** $ 547,200.00 | $ 607,900.00

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Item 27.1 - Attachment 2
27.2 MANAGEMENT AND OPERATION OF RESOURCE RECOVERY CENTRES TENDER 198-2019

Document #: 19/52980

Department: Assets and Infrastructure Services

Pursuant to Section 90(2) and (3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this agenda item is:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

PURPOSE

To provide relevant information in support of the recent open tender process for the management and operation of resource recovery centres and waste transfer stations, including operation of an inert landfill (tender 198-2019), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

RECOMMENDATION

That Council engage Cleanaway to undertake the management and operation of resource recovery centres subject to the agreement of an appropriate contract, which encompasses agreement/sign-off on proposed amendments to contract conditions.

LINK TO STRATEGIC PLAN

Goal: 3 Valued and Restored Environment

5 Responsible Governance

Strategy: 3.8 Continue to effectively manage the collection, recycling and disposal of waste

5.3 Meet all legislative requirements and compliance with Council’s internal controls

BACKGROUND

As per Council’s PO058 Purchasing and Procurement Policy, this report is required to complement the open tendering purchase method for the provision of services; therefore, a Council resolution is necessary.

DISCUSSION

The open tender process was applied for the management and operation of resource recovery centres and waste transfer stations, including operation of an inert landfill, as specified within the Request for Tender (RFT) document, pursuant to Council’s Purchasing and Procurement Policy (Section 4.2 - Purchasing Methods and Limits), which reads as follows:

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<tr>
<th>Purchase Method</th>
<th>Specific Requirements</th>
<th>Value</th>
<th>Authority to Approve Exceptions</th>
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<tbody>
<tr>
<td>Open Tendering</td>
<td>An open invitation is issued inviting suppliers to submit a tender.</td>
<td>Greater than $100,001</td>
<td>Council resolution required</td>
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</table>

The open tender was called on Monday 13 May 2019 and closed on Friday 7 June 2019. The tender was available to download from the Tenders SA website, as well as being advertised on Council’s website, and in the Yorke Peninsula Country Times, throughout that period. Prior to the closing date, one (1) tender was received from Cleanaway Pty Ltd.

The tender evaluation was undertaken at a Tender Evaluation Panel meeting on Friday 28 June 2019. The Panel comprised Councillor Roger Johns, the Director Assets and Infrastructure Services,
Operations Manager, Manager Financial Services, Governance Officer and Executive Assistant to the Director Assets and Infrastructure Services (note taker). Apologies were received from Councillors Anthony Bennett and David Langford.

The tender was evaluated against a set of selection criteria with each criterion assigned a weighting based on the importance placed on it. Scores between 0 and 5 were allocated to each criterion by each scoring Tender Evaluation Panel member. The scores were then aggregated and the weighted average determined to assign a total weighted average score. Details of the scoring against the selection criteria, their weightings, relevant comments, the total weighted average score and the Tender Evaluation Panel’s recommendation can be found in the Tender Evaluation Matrix (Attachment 1), which has been approved by the Acting Chief Executive Officer.

**Tender Evaluation**

**Business Capacity** - the Tender Evaluation Panel acknowledged that Cleanaway are a nation-wide company with over 4,000 employees and adequate business capacity at corporate level to undertake the contract. In addition, Cleanaway are the current contractor and have the equipment required to undertake the contract. The Tender Evaluation Panel expressed concern about the support provided by Cleanaway at operational level which, should Council accept the Tender Evaluation Panel’s recommendation, will need to be monitored due to past experiences. Overall the Tender Evaluation Panel scored Cleanaway 3.8 for this criterion.

**Specifications** - the Panel acknowledged that Cleanaway provided all the required information and understood the specification. In addition, Panel members acknowledged that Cleanaway’s service delivery has improved considerably over the years. However, Panel members expressed concerns regarding a number of amendments to the contract, some of which could be considered favourably but two (2) of which attempt to significantly reduce liability, the risk implications of which will need to be considered by the Chief Executive Office or the Mutual Liability Scheme. The Panel scored Cleanaway 2.2 for this criterion.

**WHS** - it was the consensus of the Panel that Cleanaway displayed evidence of appropriate WHS systems and controls, as was to be expected. Cleanaway scored 2.8 for this criterion.

**Economy** - the nature of the operations means that only (1) employee is required to operate the three (3) sites. As a result there is only occasional expenditure on food and fuel, and also accommodation when the truck comes over to take away the material. Cleanaway do offer a number of value-added services to the community, including discounts for community groups. The Panel scored Cleanaway 2.2 for this criterion.

**Environment** - the Panel acknowledged that Cleanaway have an Environmental Policy in place, as well as an independently certified Environmental Management System. Cleanaway scored 2.8 for the criterion.

**Experience** - the Panel acknowledged that Cleanaway are Council's current contractor and that they have been in place for a number of years. The Panel also acknowledged that there have been some challenges over the course of the contract, including delays with action being taken. The Panel scored Cleanaway 3 for this criterion.

**Price** - to assist the Panel in evaluating the whole of contract price for this tender a financial model was prepared by the consultant, Mr Chris Brideson of Water + Waste Innovations (Attachment 2). This model used the monthly management fee included in Cleanaway’s submission and combined it with fixed and variable costs, including labour; fuel and oil; other materials; and increases to the disposal costs as a result of increases to the solid waste levy to determine the yearly costs and the calculated contract cost over five (5) and seven (7) year terms.

While the calculated contract cost provided the Panel with a base point from which to consider Cleanaway’s tender submission it should not be taken to be the actual contract cost in any financial year or at the end of the five (5) or seven (7) year term, as the actual final cost at the end of the contract will be influenced by a number of factors, including:

- actual annual CPI indices during the life of the contract; and
- legislated fees and charges, including the solid waste levy.
The Panel scored Cleanaway 4.8 for this criterion due to the monthly management fee included in their submission being significantly lower than their current monthly management fee. As a result they are significantly under the estimated budget for this tender.

**Tender Evaluation Panel’s Recommendation**

The Tender Evaluation Panel recommends Council engage Cleanaway to undertake the management and operation of resource recovery centres subject to the agreement of an appropriate contract, which encompasses agreement/sign-off on proposed amendments to contract conditions.

**COMMUNITY ENGAGEMENT PLAN**

Confidential Report - Not Applicable

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Acting Chief Executive Officer
- Tender Evaluation Panel

In preparing this report, the following external parties were consulted:

- Nil

**POLICY IMPLICATIONS**

PO058 Procurement and Purchasing Policy
PO091 Risk Management Policy
PO125 Waste and Recycling Policy
AS 4120 Code of Tendering

**BUDGET AND RESOURCE IMPLICATIONS**

The amount tendered by Cleanaway Pty Ltd will be funded from Council’s 2019/20 Operating Budget, which was set based on the current contract and adjusted for actual annual CPI indices and assumed increases to legislated fees and charges, including the solid waste levy.

The monthly management fee within their submission ($19,900/month GST exclusive) is significantly lower than the current monthly management fee ($34,500/month GST exclusive). As a result they are significantly under the estimated budget for this tender. Currently $54,500/month till the end of November 2019 = $172,500 (GST exclusive) plus remaining seven (7) months of the new contract at $19,900/month = $139,300 (GST exclusive). Total for the 1st year of the contract = $311,800 (GST exclusive).

As a result of the monthly management fee included in Cleanaway Pty Ltd’s tender submission being significantly lower than the current monthly management fee, it is anticipated that the new contract will save Council approximately $102,200 in 2019/20.

**RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS**

The tender process is undertaken as per Council’s PO058 Purchasing and Procurement Policy to ensure legislative compliance and minimise Council’s exposure to risk.

**ATTACHMENTS**

27.3 POINT TURTON BOAT RAMP DREDGING TENDER 199-2019

Document #: 19/60415

Department: Assets and Infrastructure Services

Pursuant to Section 90(2) and (3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this agenda item is:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

PURPOSE

To provide relevant information in support of the recent open tender process to undertake dredging of the Point Turton Boat Ramp (tender number 199-2019), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

RECOMMENDATION

That Council accept the tender submission from Victorian Marine Services Pty Ltd to undertake the dredging of the Point Turton Boat Ramp.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance

Strategy: 5.3 Meet all legislative requirements and compliance with Council’s internal controls

BACKGROUND

As per Council’s PO058 Purchasing and Procurement Policy, this report is required to complement the open tendering purchase method for the dredging of the Point Turton Boat Ramp; therefore, a Council resolution is necessary.

DISCUSSION

The open tender process was applied for the dredging of the Point Turton Boat Ramp as specified within the Request for Tender (RFT) document, pursuant to Council’s Purchasing and Procurement Policy (Section 4.2 – Purchasing Methods and Limits), which reads as follows:

<table>
<thead>
<tr>
<th>Purchase Method</th>
<th>Specific Requirements</th>
<th>Value</th>
<th>Authority to Approve Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Tendering</td>
<td>An open invitation is issued inviting suppliers to submit a tender.</td>
<td>Greater than $100,001</td>
<td>Council resolution required.</td>
</tr>
</tbody>
</table>

The open tender was called on Tuesday 28 May 2019 and closed on Friday 28 June 2019. The tender was available to download from the Tenders SA website, as well as being advertised on Council’s website, and in the Yorke Peninsula Country Times, throughout that period. Prior to the closing date, three (3) tenders were received from the following interested suppliers:

- Civil Tech Pty Ltd;
- MC Dredging and Port Development Pty Ltd (Maritime Constructions); and
- Victorian Marine Services Pty Ltd.

The tender evaluation was undertaken at a Tender Evaluation Panel meeting on Monday 22 July 2019. The Panel comprised Councillors Anthony Bennett and David Langford, the Director Assets and Infrastructure Services, Operations Manager, Manager Financial Services and Acting Executive...
Assistant to the Director Assets and Infrastructure Services (note taker). Apologies were received from Councillor Roger Johns and Governance Officer.

Each tender was evaluated against a set of selection criteria with each criterion assigned a weighting based on the importance placed on it. Scores between 0 and 5 were allocated to each criterion by each scoring Tender Evaluation Panel member for all tenders received. The scores were then aggregated and the weighted average determined to assign a total weighted average score to each tenderer. Details of the scoring against the selection criteria, their weightings, relevant comments, the total weighted average score and the Tender Evaluation Panel’s recommendation can be found in the Tender Evaluation Matrix (Attachment 1), which has been approved by the Chief Executive Officer.

**Tender Evaluation**

**Business Capacity** – the Tender Evaluation Panel acknowledged that all tenderers appear to have adequate resources to deliver the required scope of works, with all tenderers having 10 plus years of experience. Maritime Constructions rated the highest for this criterion, Civil Tech rating second highest and Victorian Marine Services rated lowest.

**Specifications** – the Panel acknowledged that Maritime Constructions fully understood the scope of works, but questioned whether Civil Tech and Victorian Marine Services did. Civil Tech had a large proposed timeframe for the works, and unclear methodology. Victorian Marine Services scope of works was questionable but clarification of their scope of works was received via a telephone conversation, this was then shared with the Panel. Maritime Constructions rated the highest for this criterion, Victorian Marine Services rating second and Civil Tech rated lowest.

**WHS** – it was the consensus of the Panel that all tenderers displayed evidence of appropriate WHS systems and controls to some extent, with the level of documentation provided varying from tenderer to tenderer. Maritime Constructions rated the highest for this criterion, and Civil Tech and Victorian Marine Services rated the same.

**Environment** – it was the consensus of the Panel that all tenderers displayed some understanding of sound environmental management systems; however, the Panel expressed concerns regarding the level of detail in some of the documents provided. Maritime Construction rated the highest for this criterion, Victorian Marine Services rating second highest and Civil Tech rated lowest.

**Experience** – the Panel acknowledged that Maritime Constructions have previously undertaken work for Council, which resulted in them being rated the highest, Civil Tech rating second highest and Victorian Marine Services rated lowest.

**Price** – the Panel recognised that the prices submitted by Civil Tech and Maritime Constructions for the required scope of works exceeded the budget of $600,000.00 (GST exclusive) by varying amounts and Victorian Marine Services were within the estimated budget. Victorian Marine Services rated highest for this criterion, as the amount they have tendered is $354,808.40 (GST exclusive).

**Tender Evaluation Panel’s Recommendation**

The Tender Evaluation Panel recommends that Council accept the tender submission from Victorian Marine Services Pty Ltd to undertake the dredging of the Point Turton Boat Ramp.

**COMMUNITY ENGAGEMENT PLAN**

Confidential Report - Not applicable

**CONSULTATION PROCESS**

In preparing this report, the following Yorke Peninsula Council officers were consulted:

- Acting Chief Executive Officer
- Tender Evaluation Panel

In preparing this report, the following external parties were consulted:

- Nil
POLICY IMPLICATIONS
PO058 Purchasing and Procurement Policy
PO091 Risk Management Policy
AS 4120 Code of Tendering

BUDGET AND RESOURCE IMPLICATIONS
The estimated 2019-20 budget for the dredging of the Point Turton Boat Ramp is $600,000.00 and the amount tendered by Victorian Marine Service Pty Ltd is $354,808.40 (GST exclusive), plus minor variations as determined.

There will be no impact on budget estimates.

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS
The tender process is undertaken as per Council’s PO058 Purchasing and Procurement Policy to ensure legislative compliance and minimise Council’s exposure to risk.

ATTACHMENTS
## Tender Evaluation Panel

### 1. Business Capacity
- **Tenderer 1, Soft Tech Pty Ltd**
  - strengths: 3, 4, 5, 6, 7
  - weaknesses: 2, 8
- **Tenderer 2, iTech and Port Development Pty Ltd**
  - strengths: 3, 4, 5, 6, 7
  - weaknesses: 2, 8
- **Tenderer 3, Victoria Marine Services Pty Ltd**
  - strengths: 3, 4, 5, 6, 7
  - weaknesses: 2, 8

### 2. Experience
- **Tenderer 1, Soft Tech Pty Ltd**
  - experience: 4
- **Tenderer 2, iTech and Port Development Pty Ltd**
  - experience: 4
- **Tenderer 3, Victoria Marine Services Pty Ltd**
  - experience: 4

### 3. Price
- **Tenderer 1, Soft Tech Pty Ltd**
  - price: 4
- **Tenderer 2, iTech and Port Development Pty Ltd**
  - price: 4
- **Tenderer 3, Victoria Marine Services Pty Ltd**
  - price: 4

### Recommendation
The Tender Evaluation Panel recommends Victoria Marine Services Pty Ltd as the preferred contractor subject to validation for scope of work.

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**Note:** The Tender Evaluation Panel recommends Victoria Marine Services Pty Ltd as the preferred contractor subject to validation for scope of work.

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Please note that the tender price and other terms are subject to validation for scope of work.
27.4 PORT RICKABY CARAVAN PARK LEASE DISPUTE - COUNCIL SECTION 91 ORDER
- MINUTE REFERENCE 255/2018 (12/09/2018)

Document #: 19/65348
Department: Executive Services

Pursuant to Section 90(2) and (3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this agenda item is:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

(d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

(d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest

(i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.

PURPOSE

To consider the proposed retention of the agenda report, attachments, minutes and supporting documentation relevant to report 27.1 Port Rickaby Caravan Park Lease Dispute in confidence.

RECOMMENDATION

That Council, having considered and reviewed the order made under Section 91(7) of the Local Government Act 1999 on 12 September 2018 (the Order), minute reference 255/2018, resolves to amend the Order so that it reads as follows:

1. that having considered report 27.1 Port Rickaby Caravan Park Lease Dispute in confidence under Section 90(2) and (3)(a),(d)(i),(d)(ii) and (i) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to the Report be retained in confidence and not available for public inspection for a period of 12 months.

2. that under Section 91(9)(c) of the Act, the Chief Executive Officer be delegated the authority to revoke this order in whole or part.

LINK TO STRATEGIC PLAN

Goal: 5 Responsible Governance
Strategy: 5.3 Meet all legislative requirements and compliance with Council’s internal controls

BACKGROUND

During the confidential meeting of the Council, held on 12 September 2018, the Council “considered report 27.1 Port Rickaby Caravan Park Lease Dispute (the Report) in confidence under Section 90(2) and (3)(d)(i),(d)(ii),(i) of the Local Government Act 1999 (the Act)” and “pursuant to Section 91 (7) and 91 (9) of the Act ordered that the agenda report, attachments, minutes and supporting documentation relevant to the Report be retained in confidence and not available for public inspection for a period of 12 months”.

Item 27.4
DISCUSSION
As the 12 month period expires on 12 September 2019 and the matter is still unresolved, it is prudent for the Council to reconsider the Order.

Additionally, a technical error within Council’s electronic agenda program which resulted in Section 90(3)(a) being incorrectly specified in the report quoted as ‘(i)’, which has been corrected in the proposed, amended wording.

It is proposed to delegate authority to the Chief Executive Officer under Section 91(9)(c) of the Act to revoke the Order in whole or part, so that if the matter resolves, and it is appropriate to release the information to the public, this can be done without the need for a further report to the Council. Under this approach the Council would still retain the discretion to release the material as it sees fit.

COMMUNITY ENGAGEMENT PLAN
Confidential Report - Not applicable

CONSULTATION PROCESS
In preparing this report, the following Yorke Peninsula Council officers were consulted:
- Acting Chief Executive Officer
- Governance Officer

In preparing this report, the following external parties were consulted:
- Norman Waterhouse Lawyers

POLICY IMPLICATIONS
PO091 Risk Management Policy

BUDGET AND RESOURCE IMPLICATIONS
Not applicable

RISKS/LEGAL/LEGISLATIVE/ IMPLICATIONS
Pursuant to the Act, it is important to ensure that appropriate consideration is given to any information or matter that may be necessary to be kept in confidence to avoid the risk of inappropriate disclosure of confidential information.

ATTACHMENTS
Nil