



AGENDA

Special Council Meeting

Monday, 2 October 2017 at 6.30pm

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Town of East Fremantle expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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Procedure for Deputations, Presentations and Public Question Time at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p style="text-align: center;">Deputations</p> <p>A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p style="text-align: center;">Presentations</p> <p>An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.</p>
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Procedures for Deputations

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email admin@eastfremantle.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

Procedure for Presentations

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9339 9339 or email admin@eastfremantle.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Mayor or an appropriate Councillor.

Procedure for Public Question Time

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Mayor may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Town of East Fremantle Local Government (Council Meetings) Local Law 2016*:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to three (3) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by **5pm on the day before the meeting and be signed by the author**. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

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NOTICE OF MEETING

Elected Members

A Special Meeting of the Council will be held on **Monday, 2 October 2017** at the East Fremantle Yacht Club, (River Room), Petra Street East Fremantle commencing at 6.30pm and your attendance is requested.



GARY TUFFIN
Chief Executive Officer

AGENDA

1. OFFICIAL OPENING

2. ACKNOWLEDGEMENT OF COUNTRY

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

3. RECORD OF ATTENDANCE

3.1 Attendance

3.2 Apologies

3.3 Approved Leave of Absence

4. DISCLOSURES OF INTEREST

4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

5.1 Responses to previous questions from members of the public taken on notice

5.2 Public Question Time

6. PRESENTATIONS/DEPUTATIONS

6.1 Presentations

6.2 Deputations

7. BUSINESS

7.1 Road Resurfacing Program 2017/18 – Tender Acceptance

Applicant:	Town of East Fremantle
File ref:	RFT03-17/18
Prepared by:	Stephen Gallagher, Operations Manager
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	Confidential – Elevation Sheet (RTF03-17-18)

Purpose

To advise Council on the evaluation of the Request for Tender submissions received for the Road Resurfacing Program 2017/18 and to award the contract.

Executive Summary

This Tender has been undertaken as part of the Capital Works Program that was approved by Council in this financial year's budget. As per last year's tender to attract lower prices from economies of scale the Town has this year bundled all of the individual roadworks into one contract in lieu of awarding separate smaller contracts for individual roads. The works are scheduled to be completed during November 2017.

The Tender was advertised with nine (9) submissions received. A more detailed assessment was done on the lowest four priced Tenders in accordance with Sections 1.6 Evaluation Process and 1.7 Selection Criteria.

Background

As part of the Town's 2017-18 Capital Works program, Tender RFT03/17-18 was advertised in the West Australian newspaper on 26 August 2017 for road resurfacing services on various roads around the Town.

Tenders closed at 4:00pm Friday 15 September and there were nine (9) submissions received from the following tenderers.

1. LTC Asphalt
2. Industrial Road Pavers
3. Kee Asphalt
4. Fulton Hogan
5. Roads 2000
6. Adventeering
7. Pothole Masters
8. Asphaltech
9. Dowsing

Consultation

Gary Tuffin, Chief Executive Officer
Dave Burke, Operations Supervisor

Interviews were held with the shortlisted tenderers to clarify details of the submissions and better assess the applicants. Also as part of the tender assessment process Tenderer referees were contacted for details on previous work performance.

Prior to commencement of any works, the successful tenderer (contractor) will on behalf of Council distribute a letter to all affected properties.

Statutory Environment

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Policy Implications

Purchasing Policy

Financial Implications

Council has allowed for the road resurfacing projects in the 2017/18 Budget.

Strategic Implications

Nil

Site Inspection

Yes

Comment

The tenders submitted must fulfill the requirements of the Tender Criteria, namely the Compliance and Selection Criteria.

Qualitative Criteria	Weighting
Service Delivery Plan	
Relevant Experience <ul style="list-style-type: none"> • In delivering services of the nature of this tender • Demonstrated successful completion works of a similar nature for the Town of East Fremantle or other Local Government Authorities 	35%
Capacity to Deliver the Services <ul style="list-style-type: none"> • Professional Skills • Key personnel • Support facilities • Plant, equipment and materials; and • Any contingency measures or back up of resources including personnel (where applicable) 	25%
Service Delivery Plans <ul style="list-style-type: none"> • Methodology for providing the services and • Timetable for delivering the services 	20%
Reports from Referees <ul style="list-style-type: none"> • Provide written references 	5%

Tenderer Resources	
<ul style="list-style-type: none">• Plant, equipment and materials: and• Any contingency measures or back up of resources including personnel (where applicable).	15%
Total	100%

The shortlisted tenderers have demonstrated satisfactory experience and were assessed against the requirements of the Tender Criteria, namely the Compliance and Selection Criteria. The details of this assessment are provided under confidential cover.

Based on the evaluation results it is recommended that the Tender be awarded to LTC Asphalt for the 2017/18 Roadworks program.

7.1 OFFICER RECOMMENDATION

That Council

- 1. accept the Tender submitted by LTC Asphalt for \$242,764.00 (Ex GST) to complete the Road Reconstruction and Resurfacing Program 2017/18.**
- 2. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with LTC Asphalt.**

7.2 Footpath Resurfacing Program 2017/18 – Tender Acceptance

Applicant:	Town of East Fremantle
File ref:	RFT04-17/18
Prepared by:	Stephen Gallagher, Operations Manager
Supervised by:	Gary Tuffin, Chief Executive Officer
Voting requirements:	Absolute Majority
Documents table:	Nil
Attachments:	Confidential – Evaluation Sheet (RFT04-17-18)

Purpose

To advise Council on the evaluation of the Request for Tender submissions received for the Footpath Resurfacing Program 2017/18 and to award the contract.

Executive Summary

This Tender has been undertaken as part of the Capital Works Program that was approved by Council in this financial year's budget. As per last year's tender to attract lower prices from economies of scale the Town has this year bundled all of the individual footpath works into one contract in lieu of awarding separate smaller contracts for individual footpaths. The works are scheduled to be completed during November 2017.

The Tender was advertised with five (5) submissions received. A more detailed assessment was done on the tenders in accordance with Sections 1.6 Evaluation Process and 1.7 Selection Criteria.

Background

As part of the Towns 2017-18 Capital Works program, Tender RFT04/17-18 was advertised in the West Australian newspaper on 26 August 2017 to select a contractor to provide footpath resurfacing services on various footpaths around the Town.

Tenders closed at 4:00pm Friday 15 September and there were five (5) submissions received from the following tenderers;

1. Vera Builders
2. GMF Contractors
3. J&M Asphalt
4. Pothole Masters
5. Dowsing

Consultation

Gary Tuffin, Chief Executive Officer
Dave Burke, Operations Supervisor

Interviews were held to clarify details of the submissions and better assess the applicants. Also as part of the tender assessment process Tenderer referees were contacted for details on previous work performance.

Prior to commencement of works, the successful tenderer (contractor) will on behalf of Council distribute a letter to all affected properties.

Statutory Environment

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Policy Implications

Purchasing Policy

Financial Implications

Council has allowed for the road resurfacing in their 2017/18 Budget.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Comment

The tenders submitted must fulfill the requirements of the Tender Criteria, namely the Compliance and Selection Criteria:

Qualitative Criteria	Weighting
Service Delivery Plan	
Relevant Experience <ul style="list-style-type: none"> • In delivering services of the nature of this tender • Demonstrated successful completion works of a similar nature for the Town of East Fremantle or other Local Government Authorities 	35%
Capacity to Deliver the Services <ul style="list-style-type: none"> • Professional Skills • Key personnel • Support facilities • Plant, equipment and materials; and • Any contingency measures or back up of resources including personnel (where applicable) 	25%
Service Delivery Plans <ul style="list-style-type: none"> • Methodology for providing the services and • Timetable for delivering the services 	20%
Reports from Referees <ul style="list-style-type: none"> • Provide written references 	5%
Tenderer Resources <ul style="list-style-type: none"> • Plant, equipment and materials: and • Any contingency measures or back up of resources including personnel (where applicable). 	15%
Total	100%

The tenderers have been assessed against the requirements of the Tender Criteria, namely the Compliance and Selection Criteria. The details of this assessment are provided under confidential cover.

Based on the evaluation results it is recommended that the Tender be awarded to J & M Asphalt for the 2017/18 Footpath program.

7.2 OFFICER RECOMMENDATION

That Council

- 1. accept the Tender submitted by J&M Asphalt for \$277,038.38 (Ex GST) to complete the Footpath Resurfacing Program 2017/18.**
- 2. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with J&M Asphalt.**

8. CLOSURE