



MINUTES

SPECIAL COUNCIL MEETING

Held on

**Thursday 2 March 2023**

Commenced at 3.30pm

Shire of Boyup Brook Council Chambers, Boyup Brook

A handwritten signature in black ink, appearing to read "Kyron", is positioned to the left of the printed name and title.

**Athanasios Kyron**  
Acting Chief Executive Officer



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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS AND DISCLAIMER**

We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privilege does not apply.

Elected Members and staff risk being held personally liable if their comments are defamatory, or breach any duty of confidentiality.

Statements made during Council meetings are solely those of the person making them. Nothing expressed at a Council Meeting can be attributed to the Shire, unless it is adopted by a resolution of Council.

The Confirmed Minutes of a Council Meeting are the official record of that Council meeting. Verbatim Minutes are not required.

May I ask everyone here this evening, to make sure your mobiles are turned off or on silent for the duration of the Meeting.

**2. RECORD OF ATTENDANCE**

|              |                        |                                     |
|--------------|------------------------|-------------------------------------|
| Councillors: | Shire President        | Richard F Walker                    |
|              | Deputy Shire President | Helen C O'Connell                   |
|              | Councillor             | Sarah E G Alexander (via MS Teams)  |
|              |                        | Steele Alexander (via MS Teams)     |
|              |                        | Charles A D Caldwell (via MS Teams) |
|              |                        | Philippe Kaltenrieder               |
|              |                        | Darren E King (via MS Teams)        |
|              |                        | Kevin J Moir                        |
|              |                        | Adrian Price                        |

|        |                                |                           |
|--------|--------------------------------|---------------------------|
| Staff: | Acting Chief Executive Officer | Athanasios (Arthur) Kyron |
|        | Deputy CEO                     | Carolyn Mallett           |
|        | Executive Assistant            | Maggie Le Grange          |

|                    |     |
|--------------------|-----|
| APOLOGIES:         | Nil |
| LEAVE OF ABSENCE:  | Nil |
| MEMBERS OF PUBLIC: | Nil |

**3. PUBLIC QUESTION TIME**

There being no questions from the public or members of the public present, question time was opened and closed at 3.31pm.

**4. DISCLOSURE OF INTEREST**

Nil

## 5. REPORT

### 5.1 Tender for the Upgrade of the Boyup Brook Town Hall Precinct Building

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Location:                       | Not applicable                                   |
| Applicant:                      | Not applicable                                   |
| Disclosure of Officer Interest: | None                                             |
| Author:                         | Lauren Carlin, Project Officer                   |
| Authorising Officer:            | Athanasios Kyron, Acting Chief Executive Officer |
| Attachments:                    | Tender Evaluation Report                         |

#### **SUMMARY**

This Report is for Council to consider and award the Town Hall Precinct Upgrades Tender. Request For Tender (RFT) Opening date was 31st January 2023, with a closing date of 21st February 2023, at 4:00pm (AWST). The RFT open duration was 21 business days. Nine (9) tender packages were sent out to prospective contractors with only one (1) submission received from BRC Building Solutions.

Please note a first RFT was advertised, opening 10<sup>th</sup> December 2022 and closing 24<sup>th</sup> December 2022 with no submissions being received. This resulted in a second RFT being required with the scope of works broken down into three criteria, to encourage potential tender applications. These criteria were Town Hall Building Precinct upgrades, with Drainage being a separate tender option and the third tender option was for the combined building upgrade and drainage project.

#### **BACKGROUND**

The qualitative assessment was completed by the Evaluation Panel on 1<sup>st</sup> March 2023. Panel members consisted of Lauren Carlin (Project Officer), Jason Forsyth (Manager Works & Services) and Carolyn Mallett (Deputy CEO). Conflict of Interest Declaration forms were signed by all Panel members confirming that they have no relationship with the tenderer. Each member of the Panel assessed the submissions separately.

| Tender Assessment Matrix |                                      |     |
|--------------------------|--------------------------------------|-----|
| 1                        | Quoted Price                         | 30  |
| 2                        | Relevant Experience                  | 20  |
| 3                        | Tenderers resources                  | 20  |
| 4                        | Demonstrated Understanding           | 20  |
| 5                        | Exclusions, Exemptions, Value Adding | 10  |
|                          |                                      | 100 |

BRC Building Solutions are Bridgetown based and have extensive recent experience with similar works in other South West Local Governments. They meet all requirements of the Tender, show compliant Work Health and Safety Management Systems and provided good proof of successful past projects and outcomes.

Overall, the offer of the contract price is \$639,129.60 excluding GST and is considered to reflect the full scope of work outlined. The Evaluation Panel note that whilst they were the only tender received, it was a detailed and strongly represented Tender Application. It is anticipated that the contract will commence 8<sup>th</sup> March 2023, with the contractor to take possession of the site on 15<sup>th</sup> March 2023.

## **COMMENT**

BRC Building Solutions is the Evaluation Panel's recommended Tenderer. The basis for this decision is as follows:

1. Quality - Received a high qualitative non priced score and have completed similar works for other South West Local Governments.
2. Price – BRC Building Solutions offer was below the Shire's cost estimate for the project.
3. A reference check was completed with Leigh Gutheridge, Shire of Bridgetown-Greenbushes.

In summary, BRC Building Solutions offer is consistent with current market trends and enables the Shire to progress our capital works program in the current over-committed market.

## **CONSULTATION**

John Filippone (Director) of Procurement PLUS, (a specialist in the field of procurement) reviewed the Tender documents, the Evaluation process and Evaluation Report. The resulting feedback from Mr Filippone is that ... "the Evaluation report is thorough and tells the story well. I would expect that Council will support the recommendation."

## **STATUTORY OBLIGATIONS**

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* require a Local Government to invite tenders for contracts exceeding \$250,000 in value, and that state-wide public notice of the invitation be given.

## **POLICY IMPLICATIONS**

Council Policy – Purchasing Policy F.03

## **BUDGET/FINANCIAL IMPLICATIONS**

The funding for this tender is included in the 2022/2023 adopted Annual Budget, combined with the reallocation of LRCI Phase 3 project funds per Council Resolution 22/12/180, to undertake the works with the total project allocation being \$735,000.

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 4.1**

That Council:

1. **Awards Tender 23/001 Town Hall Precinct Upgrades to BRC Building Solutions.**
2. **Authorises the Acting Chief Executive Officer to sign a contract on behalf of the Shire of Boyup Brook for Tender 23/001 Town Hall Precinct Upgrade.**

**MOVED: Cr Darren E King**

**SECONDED: Cr Sarah E G Alexander**

**CARRIED 9/0**

**Res 23/03/025**

**6. CLOSURE OF MEETING**

There being no further business the Shire President, thanked all for attending and declared the meeting closed at 3.33pm.