

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
28 SEPTEMBER 2022

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.30 pm and announced:

I would like to acknowledge the traditional custodians of the land we are meeting on today, the Yued people, and pay our respects to Elders past, present and emerging.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
TL Errington	-	Councillor
GW Robins	-	Acting Chief Executive Officer

APOLOGIES

SA Bryan	-	Councillor
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Lefroy, President

- 23/8 Inaugural Dowerin Field Days business luncheon, Perth
- 25/8 phone meeting with WALGA CEO re meeting with Minister McBain
- 29/8 met with Bronwyn Fox (Iluka), Chris Bean (Tronox) and Sandy Bourke (Yued representative)
- 29/8 met with Rob Cox (WAPOL OIC) to receive update on issues in Moora
- 1/9 met with incoming principal at CMSHS
- 12/9 met with Rob Cossart WDC
- 16/9 met with Sandra Carr MLA

Cr Gilbert, Deputy President

- 19/9 CBH Pre-harvest meeting, Moora

Cr Hamilton

- 1/9 Moora Chamber of Commerce AGM

Cr Seymour

- 26/8 Avon-Midland Country Zone of WALGA meeting, Jurien Bay
- 1/9 Moora Chamber of Commerce AGM
- 8-9/9 WALGA State Council meeting
- 28/9 WALGA, Hon Penny Wensley AC – National Soils Advocate

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 17 AUGUST 2022

COUNCIL RESOLUTION

62/22 Moved Cr Clydesdale-Gebert, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 17 August 2022 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 15 September 2022

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Acting Chief Executive Officer

SCHEDULE PREPARED BY: Charly Sawyer, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.15 – Making Payments from Municipal and Trust Funds

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

63/22 Moved Cr Errington, seconded Cr Hamilton that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15

EFT's	27727-27889	-\$737,178.41
Muni Cheque	62533-62534	-\$14,757.00
Trust Cheque	5614-5616	-\$490.22
Credit Card	DD14911.8	-\$5,200.08
Direct Debit	DD14828.1-DD14918.2	-\$105,135.85
		<u>-\$ 862,761.56</u>
Nett Pay	PPE 02/08/2022	-\$120,514.75
Nett Pay	PPE 16/08/2022	-\$121,667.71
Nett Pay	PPE 30/08/2022	-\$122,831.90
	 Payment Total	 <u>-\$1,227,775.92</u>
		 <u>CARRIED 6/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 JULY 2022

REPORT DATE: 18 August 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Jen Young, Manager Financial Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 July 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 31 July 2022.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2022/23 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

64/22 Moved Cr Gilbert, seconded Cr Errington that Council endorses the Statement of Financial Activity for the period ended 31 July 2022.

CARRIED 6/0

9.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2022

REPORT DATE: 19 September 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Jennifer Young, Manager Financial Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 August 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 31 August 2022.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2021/22 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

65/22 Moved Cr Seymour, seconded Cr Gilbert that Council endorses the Statement of Financial Activity for the period ended 31 August 2022.

CARRIED 6/0

9.1.4 WRITE OFF DEBTOR BALANCES

FILE REFERENCE: F/SUDI

REPORT DATE: 21 September 2022

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Jennifer Young, Manager Financial Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

This report recommends that Council agree to write off 4 outstanding debtor balances totalling an amount

BACKGROUND:

During the process of the final audit for the 2020/21 financial year all outstanding rates and debtor balances were reviewed to make an assessment on the likelihood of recovering these outstanding balances.

Following the management review of outstanding debtor balances as at 30 June 2022, it was concluded that 4 outstanding debtor balances totalling \$1,892.00 were considered as highly unlikely to be recovered.

COMMENT:

All the outstanding balances have been outstanding for 2 years, all the amounts relate to discontinued clubs' annual fees and a closed/sold business. Attempts have been made over the to recover the outstanding balances and below is a summary of some explanations for the outstanding balances.

Debtor Number	Debtor Name	Outstanding Amount	Comments
30497	Moora Arts & Crafts Society	\$932.00	Clubs issued Annual fee for 21-22 but no longer active
30238	Miling Cricket Club	\$785.00	Clubs issued Annual fee for 21-22 but no longer active
30219	Country Women's Association	\$106.00	Clubs issued Annual fee for 21-22 but no longer active
30688	John Charles Hughes	\$69.00	3 x years of swimming pool inspection fees. Property has now sold.
Total Amount		\$1,892.00	

Should Council not want to write off the debtor balances, there is the option to pursue further legal action to recover these debts. The risk associated with this is that such legal costs may not be recovered in the event of the amounts not being recovered in full.

Given that some of the debtors are no longer active, while other amounts are insignificant in nature (pool inspections), it is recommended that all balances be written off.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and
 - (b) for the safe custody and security of all money collected or held by the local government; and
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable; and
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities.
 and
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) for the maintenance of payroll, stock control and costing records; and

- (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
 - (a) ensure that the resources of the local government are effectively and efficiently managed; and
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Writing off the outstanding balances will result in an amount of \$1,892.00 previously invoiced no longer being collected.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

66/22 Moved Cr Gilbert, seconded Cr Clydesdale-Gebert that Council agree to write off the four debtor balances as tabled, totalling \$1,892.00.

CARRIED 6 / 0

9.1.5 ENDORSEMENT OF THE SHIRE OF MOORA SPORT AND RECREATION MASTER PLAN 2032

FILE REFERENCE: PD/SRMI
REPORT DATE: 26 September 2022
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Acting Chief Executive Officer, Mr Gavin Robins
ATTACHMENTS: Attachment I

PURPOSE OF REPORT:

Consideration of the Shire of Moora Sport and Recreation Master Plan 2032 for endorsement by Council.

BACKGROUND:

The Shire has been working towards settling a longer-term sport and recreation plan that guide funding applications, concentrates on achieving greater efficiency of sporting and recreational facilities and engages the community in a broader consultative relationship about the future of the Shire's sport and recreational resources.

The Department of Local Government, Sport and Cultural Industries has been consulted regarding its future expectations as to providing government funding towards the Shire's replacement and upgrading of ageing sport and recreation related assets. Government advised that its key focus would be on shared facilities, multi-use ovals, playing courts and other facilities.

Other consultations established that the community regarded the public swimming pool and football oval as fixed facilities that would not change location or function.

Bearing these factors in mind, the Shire commissioned Jill Powell to consult the sporting and recreational community and to prepare a master plan for the development of future sport and recreational facilities for the ten years to 2032.

Following extensive consultation, the final strategic plan has been completed and updated with input from the sport and recreational community and other interest groups. The Shire has now engaged the Paterson Group to develop for consideration, a concept plan to give effect to the objectives of the Sport and Recreation Master Plan.

The Sport and Recreation Master Plan 2032 now requires Council consideration and endorsement.

COMMENT:

The Draft Moora Sport and Recreation Master Plan 2032 has been the subject of wide consultation. It has broad community support, and its implementation is anticipated by the community.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Shire of Moora Strategic Community Plan 2012-2022

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are significant economic implications associated with this proposal that will be incorporated into forward Shire of Moora annual budgets, financial planning, and Strategic Community Plans.
- **Social**
There are substantial social benefits associated with this proposal.

FINANCIAL IMPLICATIONS:

There are significant financial implications for the Shire relating to the phased construction of new infrastructure and upgrading of existing infrastructure. The financial considerations will be the subject of annual budget deliberations, long-term financial and asset planning, and strategic plan development. The out-years capital costs involved in the implementation of the Sport and Recreation Master Plan will be considerable but may be offset by the potential availability of government grants.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

67/22 Moved Cr Gilbert, seconded Cr Clydesdale-Gebert that Council ENDORSE the Shire of Moora Sport and Recreation Master Plan 2032 and APPROVE the Plan for the guidance and implementation of sport and recreational initiatives.

CARRIED 6 / 0

9.2 **ENGINEERING SERVICES**

9.2.1 **PLANT REPLACEMENT PROGRAM - 2022-2023 – WALGA PREFERRED SUPPLIER PROGRAM:**

- **RFQ 01/2022-2023 – ARTICULATING ROAD GRADER**
- **RFQ 02/2022-2023 – FRONT END WHEEL LOADER**
- **RFQ 03/2022-2023 – DUAL CAB TRUCK**
- **RFQ 04/2022-2023 – OVAL MOWER**
- **RFQ 05/2022-2023 – PATCHING TRUCK**
- **RFQ 06 ELEVATED WORK PLATFORM**

FILE REFERENCE: L/TEP1-2

REPORT DATE: 21 September 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHORS: Keith Dickerson, Manager Engineering Services

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider quotations/tenders received through the WALGA Preferred Supplier Program portal for the changeover of items 1,2,3,4 and 5 in accordance with the 2022-2023 budget parameters / allocation.

Also, item 6 in accordance with the 2022-2023 budget parameters / allocation where quotes were requested outside the WALGA Preferred Supplier Program as there are no suppliers listed for Elevated Work Platforms.

Quotes submitted are for six items;

1. Dual cab crew cab Truck
2. Oval mower
3. Patching Truck
4. Articulating Road Grader
5. Front End Loader
6. Elevated Work Platform

BACKGROUND:

Council budgeted to change these items over in the 2022-2023 budget. In summary, the budgeted changeover allocations against each are (ex GST).

- | | |
|-----------------------------|-----------|
| 1. Dual cab crew Truck | \$80,000 |
| 2. Oval mower | \$85,000 |
| 3. Patching Truck | \$200,000 |
| 4. Articulating Road Grader | \$291,000 |
| 5. Front End Loader | \$250,000 |
| 6. Elevated Work Platform | \$60,000 |

COMMENT:

In accordance with the Local Government (Functions and General Regulations) 1996, quotations were called through the WALGA Preferred Supplier portal (refer to legislative requirements) process calling for quotations for the listed machines. Scoring is assessed against the following criteria weighted to an overall quotation score out of 10;

- Warranty
- Suitability
- Availability
- Price

Quotations were requested (not through the WALGA Preferred Supplier Portal) for a 15 metre trailer type Elevated Work Platform, five responses were received, with four suppliers unable to supply the model required by the Shire works crew, and Ahern Australia offering a quoted changeover price of \$67,900.

Respective quotations submissions will be available for viewing at the meeting with their scoring evaluation. The author will be in attendance at the meeting to answer any questions.

POLICY REQUIREMENTS:

Policy Manual – Section 12, Purchasing and Tender Policy

12.1 OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Moora.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Moora operational areas.

12.2 CONTEXT

Regulation 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to prepare, adopt and implement a purchasing policy in relation to the supply of goods or services where the consideration is expected to be \$250,000 or less. Purchases above \$250,000 must follow the process detailed in Division 2 of the Local Government (Functions and General) Regulations 1996 and requires a local government to invite tenders.

All Purchases by the Shire of Moora shall:

- Comply with relevant legislation, regulations and the Shire's policies and code of conduct;
- Transparent, free from bias and fully documented in accordance with applicable policies and audit requirements; and
- Ensure effective and proper expenditure of public moneys based on achieving value for money.

12.3 ETHICS & INTEGRITY

All officers and employees of the Shire of Moora shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Moora.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Moora policies and code of conduct;

- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Moora by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

12.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Moora. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, service benchmarks and local supply.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- Minimising the social, environmental and economic impacts in procurement decision making.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

12.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Moora is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Moora's sustainability objectives.

Practically, sustainable procurement means the Shire of Moora shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;

- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For fleet motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range (note that fleet vehicles shall be shared as close as possible to 50% / 50% of the total council light fleet between local suppliers Rumbold Ford/Nissan and Moora Toyota). Council notes there is no requirement to obtain quotes from suppliers external to Moora, however the policy does not preclude external supplier quotes from being obtained at the CEO's discretion. Reputable independent trade in valuations e.g., Redbook shall be obtained by staff to validate trade-in prices of fleet vehicles.
- For new buildings and refurbishments – where available use renewable energy and technologies.

12.6 QUOTE, TENDER AND PURCHASE RECORD CAPTURE

Written information and documents associated with quotes and purchases will be captured and retained as per the requirements of the General Disposal Authority for Local Government Records, under the *State Records Act 2000*.

12.7 QUOTATION AND TENDER EXEMPTION

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The supply of the goods or services associated with a state of emergency;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

12.8 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be: - Amount of

<u>Amount of Purchase</u>	<u>Policy</u>
Up to \$5,000	Direct purchase from suppliers requiring only one verbal quotation or priced printout from a reputable supplier catalogue or website.
\$5,001 to \$20,000	Obtain up to three* verbal quotations or priced printouts from reputable suppliers' catalogues or websites.
\$20,001 - \$40,000	Obtain at least two* written quotations.
\$40,001 - \$249,999	Obtain at least three* written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process, tender to be awarded by Council.

*A minimum of one quotation may be accepted in place of three at the discretion of the CEO for justifiable reasons consistent with quote and tender exclusions under Regulation 11.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in Division 2 of the *Local Government (Functions and General) Regulations 1996* must be followed in full.

LEGISLATIVE REQUIREMENTS:

Local Government (Functions and General) Regulations 1996 Division 2 — Tenders for providing goods or services (s. 3.57)

[Heading inserted: Gazette 2 Feb 2007 p. 245.]

11. When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - [(ba)deleted]
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
 - (ea) the goods or services are to be supplied —

- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
- or
- (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;
- and
- (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
- or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
- or
- (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and

- (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

or

- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of sub- regulation (2)(aa) a supply of goods or services is associated with a state of emergency if —
- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
 - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

[Regulation 11 amended: Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6; SL 2020/35 r. 8; SL 2020/55 r. 5.]

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

In a general sense Council should undertake a closer examination of its heavy plant and equipment fleet and look to establish or re-establish outer markers in terms of maximum years/working hours of such items.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program.

In 2022-2023 Council placed a high priority on the Plant Replacement Program including the following items of heavy plant and equipment.

1. Articulating Road Grader
2. Front End Loader (1.5m³)
3. Dual cab crew Truck
4. Oval mower
5. Patching Truck
6. Elevated Work Platform

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budgeted changeover allocation for the six machines as per the Shire 2022/2023 budget was (ex GST);

1. Articulating Road Grader - \$291,000 (recommended changeover \$260,000)
2. Front End Loader - \$250,000 (recommended changeover \$250,000)
3. Dual cab crew Truck - \$80,000 (recommended changeover \$45,343)
4. Oval mower - \$85,000 (recommended changeover \$80,530)
5. Patching Truck - \$200,000 (NO recommended changeover)
6. Elevated Work Platform - \$60,000 (recommended changeover \$67,900)

The officer's recommendation results in an overall saving of \$62,227 across the five machines accepted against budget allocations. Not including the \$200,000 budgeted for the changeover of the Patching Truck.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTIONS

68/22 Moved Cr Seymour, seconded Cr Gilbert that Council accept the quotations-tenders submitted through the WALGA Preferred Supplier Program Portal as per plant replacement matrix for the supply of;

- 1. RFQ 01-2022/23 Articulating Road Grader - Quotation VP321878 from AFGRI Equipment for one only John Deere 620GP at a changeover cost of \$260,000 (Ex GST)**
- 2. RFQ 02-2022/23 Wheel Loader – Quotation VP554233 from WesTrac for one only Caterpillar 920K at a changeover cost of \$250,000 (Ex GST)**
- 3. RFQ 03-2022/23 Dual Cab Truck - Quotation VP321957 from WA Hino for one only Hino automatic 92 IAT at a changeover cost of \$45,343 (Ex GST)**
- 4. RFQ 04-2022/23 Oval mower - Quotation VP322511 from T-Quip Turf Equipment for one only Gianni Ferrari self-propelled mower at a changeover cost of \$80,530 (Ex GST)**
- 5. RFQ 05-2022/23 Patching Truck Quotation VP322890. Due to high cost NO TENDER BE ACCEPTED Going forward the Manager of Engineering Services will investigate lease options for a suitable patching truck.**

And

That Council accept the quotation received for item 6 (not through the WALGA Preferred Supplier Portal) as per plant replacement matrix for one only MHP15HD Trailer Boom Lift Elevated Work Platform from Ahern Australia Pty Ltd at a changeover cost of \$67,900 (Ex GST).

Council Agenda Item - 9.2.1						
Plant Replacement Program Items						
WALGA Quote Number	Supplier	Model Description	Gross Purchase Price (EX GST)	Trade In Price (Ex GST)	Nett Changeover (Ex GST)	Quote Score - Out of 10
		Road Grader (Budget)	\$ 421,000	\$ 130,000	\$ 291,000	
VPR554311	AFGRI Equipment	John Deere 620GP	\$ 420,000	\$ 160,000	\$ 260,000	9.70
VPR551754	Komatsu	Komatsu 6D555	\$ 400,100	\$ 145,000	\$ 255,100	9.20
VPR554269	WesTrac	Cat 140M	\$ 466,000	\$ 150,000	\$ 316,000	8.50
		Wheel Loader (Budget)	\$ 275,000	\$ 25,000	\$ 250,000	
VPR551519	Komatsu	Komatsu WA150-6	\$ 255,000	\$ 20,000	\$ 235,000	4.30
VPR554233	Westrac Pty Ltd	Caterpillar - 920K	\$ 275,000	\$ 25,000	\$ 250,000	8.10
VPR554119	Hitachi	Hitachi ZW120-6	\$ 195,400	\$ -	\$ 195,400	4.50
VPR553774	CJD Equipment	Volvo L50HS	\$ 260,000	\$ 42,500	\$ 217,500	5.20
VPR554503	Case IH	Case 521G XT	\$ 243,100	\$ 40,000	\$ 203,100	7.80
VPR554477	Case IH	Liugong 835H	\$ 139,000	\$ 50,000	\$ 89,000	7.00
VPR554313	BT Equipment	Venieri	\$ 171,500	\$ 30,000	\$ 141,500	6.10
		Dual CabTruck (Budget)	\$ 80,000	\$ -	\$ 80,000	
VPR552565	Fuso Truck and Bus	Fuso Canter - 918	\$ 78,100	\$ 34,545	\$ 43,555	8.30
VPR551011	Isuzu Australia	Isuzu - NPR65/45-190	\$ 80,390	\$ 38,182	\$ 42,208	8.90
VPR554130	WA HINO	Hino 921	\$ 84,570	\$ 39,227	\$ 45,343	9.00
		Oval Mower (Budget)	\$ 90,000	\$ 5,000	\$ 85,000	
VPR553410	E&MJ Roshier	Amazone Profihopper 1500	\$ 108,792	\$ -	\$ 108,792	8.30
VPR553154	AGFGRI	John Deere	\$ 77,891	\$ -	\$ 77,891	8.90
VPR549680	T-Quip	Gianni Ferrari	\$ 80,530	\$ -	\$ 80,530	9.00
		Elevated Work Platform (Budget)	\$ 100,000	\$ 40,000	\$ 60,000	
	Bunbury Machinery	Unable to supply	\$ -	\$ -	\$ -	
	Adaptalift	Unable to supply	\$ -	\$ -	\$ -	
	United Equipment	Unable to supply	\$ -	\$ -	\$ -	
	McIntosh & son	Unable to supply	\$ -	\$ -	\$ -	
	Ahern Australia	MHP15HD Trailer Boom Lift	\$ 87,900	\$ 20,000	\$ 67,900	
		Cumulative Budget of all machines	\$ 966,000	\$ 200,000	\$ 766,000	
		Cumulative Changeover (Officers Recommendation) of all machines	\$ 963,100	\$ 239,545	\$ 701,985	

CARRIED BY ABSOLUTE MAJORITY 6/0

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The Acting Chief Executive Officer presented an item of urgent business relating to the 2022-2023 Audit Inception Meeting for Council noting.

COUNCIL RESOLUTION

69/22 Moved Cr Seymour, seconded Cr Clydesdale-Gebert that Council consider the item of urgent business provided by the Acting Chief Executive Officer titled 2022-2023 Audit Inception Meeting.

CARRIED 6/0

11.1 2022-2023 AUDIT INCEPTION MEETING

The Acting CEO advised Council the 2022/2023 audit will commence on October 10th and will comprise a combined interim and final audit due to time constraints faced by the Office of the Auditor General and Dry Kirkness (the new trading name of Butler Settineri). The audit will focus on remedial actions in response to prior year findings, procurement, internal controls, related party disclosures, revenue recognition, payroll, asset management, valuation of assets, trade creditors and risk issues.

COUNCIL RESOLUTION

70/22 Moved Cr Hamilton, seconded Cr Gilbert that Council note the arrangements for the 2022-2023 audit and the priority areas of focus.

CARRIED 6/0

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.17pm.

CONFIRMED

PRESIDING MEMBER