

**Shire of Moora
Ordinary Council Meeting
18th October 2023**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 18th October 2023**
in the Council Chambers, 34 Padbury Street, Moora
commencing at **5.30 pm**



GW Robins
Chief Executive Officer

16th October 2023

The Shire of Moora Vision and Mission Statement

Vision

Our vision is:

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

Our mission is:

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

SHIRE OF MOORA**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL**

Chief Executive Officer
 Shire of Moora
 PO Box 211
 MOORA WA 6510

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on ⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Shire of Moora Code of Conduct for Council Members, Committee Members and Candidates.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

 Signed

 Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
18 OCTOBER 2023
COMMENCING AT 5.30PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING****Acknowledgement of Country**

The Shire of Moora acknowledges the traditional custodians of the land we are meeting on, 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**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4. PUBLIC QUESTION TIME****5. PETITIONS / DEPUTATIONS / PRESENTATIONS****6. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Ken Seymour has requested a leave of absence for the Special meeting of Council scheduled to be held on 25 October 2023, as he will be out of the district on business.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**8. CONFIRMATION OF MINUTES****8.1 ORDINARY COUNCIL MEETING - 20 SEPTEMBER 2023**

That the Minutes of the Ordinary Meeting of Council held on 20 September 2023 be confirmed as a true and correct record of the meeting.

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.15

REPORT DATE: 4 October 2023

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Chief Executive Officer

SCHEDULE PREPARED BY: Charlene 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

RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15

Municipal Funds	EFT 29967 - 30108	-\$563,795.00
Municipal Cheque	62577 - 62582	-\$12,636.02
Credit Card	DD15721.6	-\$1,143.72
Direct Debit	DD15690.1 – DD15721.9	-\$83,448.93
NETT Pay	12/09/2023	-\$110,811.24
NETT Pay	26/09/2023	-\$113,994.93

PAYMENT TOTAL FOR SEPTEMBER 2023 **-\$885,829.84**

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 AUGUST 2023

REPORT DATE: 11 October 2023

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Travis Bate, RSM Australia

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 August 2023

PURPOSE OF REPORT

To receive and endorse the Statement of Financial Activity for the period ended 31 August 2023.

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 2023/24 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council endorses the Statement of Financial Activity for the period ended 31 August 2023.

9.1.3 **KERKHOFF CARNABY GROUP PROJECT**

FILE REFERENCE: CC/CCGI

REPORT DATE: 12 October 2023

APPLICANTS/PROPONENT: Kerkhoff Carnaby Group

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES:

AUTHOR: Gavin Robins, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT

To advise Council of steps taken to provide independent guidance to Council in respect of the Kerkhoff Carnaby Group proposal to construct a giant Carnaby cockatoo structure in Moora.

BACKGROUND

The Kerkhoff Carnaby Group (KCG) has raised funding for the construction of a giant Carnaby cockatoo structure in Moora and seeks Council's consent and active participation in this project. The KCG has built substantial community expectation around this proposal and submitted its formal project proposal to the Shire on 2 October 2023.

COMMENT

The project proposal, as submitted, does not provide sufficient information for Council to make any decision other than to maintain its in-principal support for the project. The proposal provides information about the construction and erection of the structure and its ongoing maintenance. The proposal does not deal with the scope or cost of statutory matters such as building approvals, licencing requirements, traffic / noise / waste / water / utilities / safety and other works to elevate the amenity of the area in which the structure is situated. The cost of compliance or works associated with these aspects of the project could readily exceed the cost of the structure itself.

Given the sensitivity of the proposal and the likelihood of significant future costs to the Shire, the Paxon Group and KPMG have been invited to provide a quotation to assess the KCG project proposal. They have been asked to advise the Shire as to the feasibility of the project and likely additional works and costs necessary to address the elements of the project scope not considered in the proposal as presented.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

There are legislative considerations associated with this item; these considerations relate to health, safety, compliance and governance and will be examined in detail by the appointed consultant referred to above.

STRATEGIC IMPLICATIONS

The proposal impacts the Shire's strategic plan, budget and works programme as consequential and support works have not been factored into these instruments. Further information will be provided by the independent assessment.

SUSTAINABILITY IMPLICATIONS

- **Environment**
To be further informed by the independent assessment.
- **Economic**
To be further informed by the independent assessment.
- **Social**
To be further informed by the independent assessment.

FINANCIAL IMPLICATIONS

This proposal potentially has considerable financial implications for Council; the independent assessment will provide clarity as to the implications of the proposal on Shire costs.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council endorse the engagement of an independent advisor to assess the Kerkhoff Carnaby Group project proposal and provide guidance and advice as to the feasibility of the project.

9.1.4 SALE OF THE MOORA DISTRICT CHILDCARE CENTRE BUSINESS

FILE REFERENCE: CH/LSU1

REPORT DATE: 11 September 2023

APPLICANTS/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Gavin Robins, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT

To advise Council of the status of the sale of the business known as the Moora District Childcare Centre.

BACKGROUND

The Shire has agreed to sell the business known as the Moora District Childcare Centre to childcare centre operator Stegosaurus Pty Ltd. The parties have agreed to all relevant matters, executed contracts and leases, and agreed a target settlement date of 27 October 2023.

COMMENT

The Education and Care Regulatory Unit conducted its final assessment of the Tennis Club building for use as a childcare facility on 6 October 2023. The centre was assessed as suitable for the purposes of providing childcare services. Some minor matters were noted and will be cleared by the regulator on Stegosaurus' presentation of photographic evidence of completion. Allowing time for the clearance of these remaining matters, 27 October 2023 is the expected transfer of operations and settlement of contracts.

The Shire invited Stegosaurus Pty Ltd to meet with childcare staff on 26 September to commence their employment transition. Stegosaurus is scheduling meetings with parents to commence the transition of childcare arrangements. The Shire will send further letters to parents on 20 October 2023.

POLICY REQUIREMENTS

There are no policy requirements at this time.

LEGISLATIVE REQUIREMENTS

The Shire will need to advise the Commonwealth and State Governments of the cessation of the business of the Moora District Childcare Centre and will need to relinquish its license to operate a childcare service.

STRATEGIC IMPLICATIONS

There are no strategic implications at this time.

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**

The sale of the Shire's childcare business will deliver considerable social benefits to the region. The sale will integrate the centre into an entity that specialises in childcare services, elevating it from a standalone service into a broad childcare system. It will be strengthened through the capacity to recruit and retain staff and to support these staff with extensive training, and through a dedicated compliance and policy framework.

FINANCIAL IMPLICATIONS

There are no adverse financial implications for Council in relation to this matter. The Shire has subsidised the operations of the Moora District Childcare Centre by approximately \$450,000 per annum. These funds will now be reapplied to early childhood development services.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council note progress in the sale of the Moora District Childcare Centre business and the expected date of settlement and transfer of responsibility of 27 October 2023.

9.1.5 WEST END LEASES

FILE REFERENCE: L/LWEI & PR/ADVI
REPORT DATE: 14 October 2023
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Gavin Robins, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT

To recommend to Council that the expiring leases of the Westend properties be offered for lease by public tender.

BACKGROUND

The Shire owns approximately 140 hectares of land at West End. This land was acquired for future residential development; however, the prohibitive cost of headworks makes development unlikely in the foreseeable future. Due to the prohibitive cost of development, the Shire has allowed the land to be leased by sporting and community groups wishing to farm the land for the benefit of the club and or community.

COMMENT

The current leases held by the Moora Mavericks and the Moora Bowls Club are due to expire in February 2024. The two parcels of land are approximately 100 hectares and 36 hectares respectively.

Both, the Mavericks and the Moora Bowling Club have registered their interest in pursuing leases from 2024. The Shire has previously called tenders inviting lease proposal submissions from interested sports clubs and specified a lease rate per hectare, which at the time of issuing leases in 2018, was \$25.00 per hectare.

It is proposed that an advertisement, inviting community members of the public to make submissions for the least of one or both of the West End properties for a minimum lease rate of \$30.00 per hectare, for each year of the two-year lease.

POLICY REQUIREMENTS

There are no policy requirements in respect of this matter.

LEGISLATIVE REQUIREMENTS

There are no legislative requirements in respect of this matter.

STRATEGIC IMPLICATIONS

Outcome 1.1: A healthy community through participation in sport, recreation, arts, culture and leisure opportunities.

Strategy 1.1.3: Support and assist community clubs and groups.

SUSTAINABILITY IMPLICATIONS

- **Environment**
There are no environmental implications associated with this proposal other than those attached to farming operations.
- **Economic**
There are no adverse economic implications associated with this proposal.

➤ **Social**

The lease of West End land to community groups provides the opportunity to a range of groups to extend their interests and expand their capacity with a view to creating financial independence and longevity.

FINANCIAL IMPLICATIONS

There are no adverse financial implications for Council in relation to this matter.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council endorse public advertising inviting expressions of interest to lease the West End properties at a minimum annual rate of \$30.00 per hectare payable each year for the two years of the lease.

9.3 **ENGINEERING SERVICES**

9.3.1 **PLANT REPLACEMENT - 2023-2024 – WALGA PREFERRED SUPPLIER PROGRAM:**

- **RFQ 01/2023-2024 – THREE TON TIP TRUCK #1**
- **RFQ 02/2023-2024 – TANDEM AXLE SIDE/END TIP TRUCK**
- **RFQ 03/2022-2023 – THREE TON TIP TRUCK #2**

FILE REFERENCE: L/TEP1-2
REPORT DATE: 4 October 2023
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHORS: Keith Dickerson, Manager Engineering Services
ATTACHMENTS: Plant replacement matrix

PURPOSE OF REPORT:

For Council to consider quotations received through the WALGA Preferred Supplier Program portal for the changeover of items 1,2 and 3 in accordance with the 2023-2024 budget parameters / allocation.

Quotations submitted are for three items;

1. 1 x Three-ton tip truck #1
2. 1 x Tandem axle side/end tip truck
3. 1 x Three-ton tip truck #2

BACKGROUND:

Council budgeted to change these items over in the 2023-2024 budget. In summary, the budgeted changeover allocations against each are (ex GST).

- | | |
|-----------------------------------|--------------|
| 1. Three-ton tip truck #1 | \$45,000.00 |
| 2. Tandem axle side/end tip truck | \$280,000.00 |
| 3. Three-ton tip truck #2 | \$45,000.00 |

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

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

Amount of Purchase	Policy
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 2023-2024 Council placed a high priority on the Plant Replacement Program including the following items of heavy plant and equipment.

1. Three-ton tip truck #1
2. Tandem axle side/end tip truck
3. Three-ton tip truck #2

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 three machines as per the Shire 2023/2024 budget was (ex GST);

- | | |
|---------------------------|---|
| 1. Three-ton tip truck #1 | - \$45,000 (No recommended changeover) |
| 2. T/A side/end tip truck | -\$280,000 (Recommended changeover \$268,000) |
| 3. Three-ton tip truck #2 | - \$45,000 (Recommended changeover \$62,545) |

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATIONS

That Council accept the quotations submitted through the WALGA Preferred Supplier Program Portal as per plant replacement matrix for the supply of;

1. *RFQ 02-2023/24 Tandem Axle Side/End Tip Truck - Quotation VPR650444 received from Mack Trucks (Truck Centre) for the purchase of one only, new Mack Anthem 535 MP8 tandem drive Tip Truck, at a changeover cost of \$268,000 (Ex GST);*
2. *RFQ 03-2023/24 Three tonne Tip Truck #2 - Quotation VPR649559 received from WA Hino for the purchase of one only, new Hino automatic 300S-921 model 3-ton Tip Truck, at a changeover cost of \$62,545 (Ex GST);*

And

3. *That Council decline the quotations received through the WALGA Preferred Supplier Program Portal for RFQ 01-2022/23 Three Tonne Tip Truck #1.*

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 4 OCTOBER 2023****10.1 TENDER NO. 01/2023 – SUPPLY OF ROAD SURFACE STABILISATION SERVICES, AND TENDER NO. 02/2023 – SUPPLY OF ROAD SURFACE SEALING SERVICES****FILE REFERENCE:** L/TER1-3**REPORT DATE:** 21 September 2023**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Keith Dickerson, Manager Engineering Services**ATTACHMENTS:** Tenders received matrix**PURPOSE OF REPORT**

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$250,000.

BACKGROUND

Each year tenders are called for the supply and spray of bitumen products including aggregate and for road cement stabilisation services. Tenders for the stabilisation services and the tender for supply of road surface sealing have been requested for, **full service where the shire works crew will not be involved in the works.**

To assist with the tender process, the WALGA Proforma tender document is used to simplify tenderers understanding of council requirements. Within the Request for tender document under Appendix D there is a reference to a Regional Price Preference Policy. In the case of both Tenders 01/23 and 02/23 Regional Price Preference will not apply as no local companies can provide these services.

Councils Regional Price Preference for locally produced goods and services will apply to all goods and services for which tenders are let, unless the Shire of Moora determines otherwise, and is to be:

Up to 10% when the contract is for goods and services, up to a maximum price reduction of \$50,000.

Up to 5% when the contract is for construction (building) services, up to a maximum price reduction of \$50,000.

Up to 10% when the contract is for goods and services, including construction (building) services, up to a maximum price reduction of \$500,000 if the local government is seeking tenders from the private sector for the provision of those goods and services for the first time. That is when a function is being outsourced by the Shire.

To undertake Councils Road sealing and road works programme, it is necessary to call tenders for the supply of bitumen and stabilisation services.

COMMENT

In summary, tenders were called for the following quantities across the following roads;

	<u>Stabilising</u>	<u>Bitumen Sealing</u>
• Watheroo West Road	45,120 m ²	37,600 m ²
• Carot Well Road	76,800 m ²	64,800m ²
• Koojan West Road	14,112 m ²	11,760 m ²

• Old Geraldton Road	43,008 m ²	35,840 m ²
• Miling North Road	27,840m ²	23,200m ²
• Watheroo Miling Road	19,776m ²	16,480m ²

Supply of Road Stabilisation (Full Service)

Council will require approximately 226,656m² of stabilisation services for the 2023-2024 road programme.

Supply and Spray of Bitumen Products (Full Service)

Council will require approximately 436,264 litres of bitumen (189,680m² two coat) for the 2023-2024 road programme.

POLICY REQUIREMENTS

Nil

LEGISLATIVE REQUIREMENTS

Section 3.57 of the Local Government Act 1995

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

STRATEGIC IMPLICATIONS

Outcome 3.3: A safe and reliable transport system.

Strategy 3.3.1: Enhance the transport infrastructure in the Shire. Council needs to continue with the upgrading and maintenance of their road network.

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 purchase of various products and services as per these items are within the budgeted allocations for the Shire's 2023-2024 Roadworks Programme, adopted on 16 August 2023.

VOTING REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATIONS

That Council accept

1. *Tender RFT 01/2023 – received from Western Stabilisers Pty Ltd for the supply of road surface stabilisation services at 2.5%/weight of cement, as per the attached rate of \$10.60/m² incl GST.*

And

2. *Tender RFT 02/2023 – received from Bitutek for the supply of road surface sealing services, as per the attached rate of \$8.59/m² incl GST.*

11. **ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

12. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

13. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

14. **CLOSURE OF MEETING**