

10. REPORTS OF OFFICERS

Executive Services	
10.3. Waste Services Tender	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0187
Disclosure of Interest:	
Date:	27 July 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	1. WALGA Waste and Energy PSP007 Scope of Services. 2. Request for Quotation. 3. Draft contract between WALGA, the Shire of Three Springs and Veolia.

Council Role:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council awards the WALGA/ City of Geraldton RFQ 2122-10 Midwest Regional Group Waste Collection and Processing (Three Springs) to Veolia, subject to the Chief Executive Officer negotiating minor variations to the scope of the contract.

Background:

On the 19 May 2022 the City of Greater Geraldton, Shire of Chapman Valley, Shire of Three Springs, Shire of Irwin, Shire of Northampton, Shire of Carnamah, Shire of Perenjori, Shire of Yalgoo, Shire of Mingenew, and Shire of Morawa requested waste management quotes (RFQ) through the WALGA supplier panel 'Waste & Energy (PSP007)' Member Contract (Waste Services) to establish a regional collaboration and solution to waste collection and processing in the region.

The Local Governments participating within the RFQ explored seven (7) and ten (10) year contract durations.

Two Waste and Energy companies responded to the RFQ; Cleanaway and Veolia.

Officer's Comment:

Veolia provided a cheaper domestic waste collection rate if the Three Springs waste pickup day was the same as the Shire of Carnamah. These arrangements do not necessitate contracts between the local governments. The contracts would be between Veolia and the separate local governments.

It is recommended to Council that Veolia is awarded the Shire of Three Springs Waste Services contract for seven years, subject to the Chief Executive Officer negotiating minor variations to the scope of the contract, and the Shire of Carnamah partnering in the "combined price" option.

Consultation:

WALGA
Shire of Carnamah

Statutory Environment:

The Local Government Act 1995 (Functions and General) Regulation 1996 Part 4, Division 2, r11 (2) (b).

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"*

Waste Avoidance and Resource Recovery Act 2007, Part 6, Division 3, s.64 (j).

"fixing fees and charges in relation to waste services provided by a local government and the issue of approvals under paragraph (i), and prescribing the persons liable and the method of recovery of amounts not duly paid."

The Local Government Act 1995 (Functions and General) Regulation 1996

Part 4, Division 2, r20.

"If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer"

Policy Implications:

Shire of Three Springs Council Procurement Policy 1.5.

Financial/Resources Implications:

Fees and charges as per the Shire of Three Springs 2022-23 Budget.

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Outcome 2.1 A community that is well informed and respects our natural, cultural and built environments.	2.7.3 Work with the Midwest Regional Council and other local authorities on waste disposal.

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Outcome 2.7 A regional service provider in recycling and waste.	2.7.3 Work with the Midwest Regional Council and other local authorities on waste disposal 2.7.3.1 Work with the Midwest Regional Council and other local

	authorities in relation to providing waste disposal services. 2022-2023/2023-2024.
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Voting Requirements:

Simple Majority

Officer's Recommendation:

059/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3
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MOVED: Cr. Eva

SECONDED:Cr. Mills

That Council awards the WALGA/ City of Geraldton RFQ 2122-10 Midwest Regional Group Waste Collection and Processing (Three Springs) to Veolia, subject to the Chief Executive Officer negotiating minor variations to the scope of the contract.

CARRIED:

VOTED: 5/0