

ADM0471



Shire of Three Springs  
**TENDER REGISTER**

<b>Tender No.</b>	<b>2021/22-1</b>	<b>Tender Title</b>	<b>Supply &amp; Delivery of Sealing Aggregates</b>
<b>Brief description of goods or services required:</b>	<b>Supply &amp; Delivery of Sealing Aggregates 2021/22, 2022/23, 2023/24</b>		
<b>Particulars of the decision to invite tenders:</b>	Delegated Authority – Tenders, Decision to Invite		
<b>Advertisement Details:</b>	Advertising Date(s): 21/07/2021	Newspaper(s): The West Australian	
<b>Closing Date and Time:</b>	26 August 2021 @ 4pm		
<b>Opening Date and Time:</b>	26 August 2021 @ 4.15pm		
<b>Opened in the presence of:</b>	<b>NAME:</b>		<b>SIGNATURE:</b>
	Keith Woodward		
	Patricia McKeon		
<b>Tenderers' Name</b>			
Winchester Industries			



Shire of Three Springs  
**TENDER REGISTER**

Copy of Advertisement:



**SHIRE OF THREE SPRINGS**  
**REQUEST FOR TENDER**  
**SUPPLY AND/OR DELIVERY**  
**OF SEALING AGGREGATES**  
**2021/22, 2022/23, 2023/24**

**Tender number 2021/22-1**

**Deadline 4:00pm (AWST)**  
**Wednesday**  
**26 August 2021**

**Tender Documents:**  
 Are available the Shire of Three Springs by contacting Marc Bennett on 0427 541 202 or email: [mws@threesprings.wa.gov.au](mailto:mws@threesprings.wa.gov.au).  
 Canvassing of councillors and staff will disqualify.

**Lodgment:**  
 Tenders can only be lodged either by hand at the shire office 132 Railway Road Three Springs, by post to the Shire of Three Springs PO Box 117 Three Springs WA 6519. Electronic submissions will not be accepted. Tenders must be received no later than 4.00pm on the 26th August 2021.

**Keith Woodward PSM**  
**Chief Executive Officer**

<b>Tender awarded by:</b>	<b>DATE OF COUNCIL MEETING</b>	<b>COUNCIL MINUTE NO.</b>
<b>Name of Successful Tenderer(s):</b>		

## 10. REPORTS OF OFFICERS

<b>Works and Services</b>	
<b>10.6 Awards Tender 2021/22-1 Supply and / or Delivery of Sealing Aggregates.</b>	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0471
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Marc Bennett, Manager of Works and Services
Attachment (s):	CONFIDENTIAL- Evaluation Report RFT 2021/22-1

### 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:

This report recommends that Tender RFT2021/22-1 for Supply and/or Delivery of Sealing Aggregates be awarded as per the recommendation in the Confidential Evaluation Report.

### Background:

Re-surfacing roads are part of the Council's asset preservation program funded by the Federal Governments Roads to Recovery Program, Regional Road Group Program, and Council funds. The preservation goal is to improve and restore the road surface.

### Officers Comment:

Tenders were publicly invited according to the requirements of Local Government (Functions and General) Regulations 1996 Division 2 part 11, 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.

The tender was advertised in the West Australian on the 21<sup>st</sup> and 24<sup>th</sup> July 2021.

Two companies requested the tender documents. One company submitted a tender; Winchester Industries.

### Consultation:

CEO

## Statutory Environment:

### Division 2 — Tenders for providing goods or services (s. 3.57)

#### 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 sub-regulation (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

(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.

**Policy Implications:**  
Procurement Policy 05.

**Financial/Resources Implications:**  
Shire of Three Springs adopted Budget 2021-2022.

**Strategic Implications:**  
This item is relevant to the Council's approved Strategic Community Plan 2018–2028.

Strategic Community Plan 2018 - 2028	
Council Objectives	Outcome
Nil	Nil

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

<b>Corporate Business Plan 2020 - 2024</b>	
<b>Scope Statement:</b>	<b>Project Outputs:</b>
Provide and maintain good quality tourism infrastructure and facilities.	Maintain and enhance attractions in line with the asset plan.

**Voting Requirements:**

Simple Majority

**Officer's Recommendation:**

<b>072/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.6</b>	
<p>That Council:</p> <ol style="list-style-type: none"> <li>Award the contract for Tender RFT 2021/22-1 as per the recommendation in the Confidential Evaluation Report.</li> </ol>	<p><b><u>MOVED:</u> Cr. Eva</b>  <b><u>SECONDED:</u> Cr. Lane</b></p> <p><b>CARRIED:</b>  <b>VOTED: 5/0</b></p>