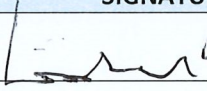




TENDER REGISTER

Tender No.	RFT 23-24-01	Tender Title	Netball Courts Reconstruction
Brief description of goods or services required:	Netball Courts Reconstruction		
Particulars of the decision to invite tenders:	Delegated Authority – Decision to invite		
Advertisement Details:	Advertising Date(s):	The West Australian 04.11.2023	
Closing Date and Time:	24.11.2023 @ 3.00PM – extended to 01/12/2023 @ 3pm		
Opening Date and Time:	01/12/2023 @ 3.10pm		
Opened in the presence of:	NAME:	SIGNATURE:	
	Keith Woodward-Chief Executive Officer		
Tenderers' Contact Name and Company Name:		Address:	
1. CIVCON CIVIL		11, 350 HAY ST, SUBIACO, WA 6008	
2.			
3.			
Copy of Advertisement:			
 SHIRE OF THREE SPRINGS REQUEST FOR TENDER NETBALL COURT RECONSTRUCTION Tender number RFT 2023-24-1 Deadline 3pm (AWST) Friday 24 November 2023 Tender Documents: Are available by contacting the Executive Secretary, Patricia McKeon on 08 9954 1001 or email: es@threesprings.wa.gov.au Canvassing of Councillors and staff will disqualify. Lodgement: Tenders are to be marked "Private and Confidential" and emailed to the above email address. Tenders must be received no later than 3pm on Friday 24 November 2023. Keith Woodward PSM Chief Executive Officer			



TENDER REGISTER

Tender awarded by: <i>Refer to minutes</i>	DATE OF COUNCIL MEETING <i>13/12/2023</i>	COUNCIL MINUTE NO. <i>110/2023</i>
Name of Successful Tenderer(s):	<i>Refer to minutes</i>	
Amount of Successful Tender(s):	\$	

10. REPORTS OF OFFICERS

Executive Services	
10.5 Netball Courts Tender	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	
Date:	13 December 2023
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Confidential Support Documents

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 grant the Chief Executive Officer the authority to acquire netball courts and lighting infrastructure with the subsequent:

1. Exemption from Procurement Policy 1.5. Due to unsuccessful attempts to procure a netball court through standard procedures, it is recommended that the CEO bypass these processes for more efficient procurement.
2. Waiver from Standard Public Tender Process. In accordance with the Local Government (Functions and General) Regulations 1996, it is advised to waive the usual public tender requirements, given the lack of satisfactory responses from the previous tender process.

This recommendation aims to facilitate the timely and efficient procurement of a netball court and lighting, crucial for community sports activities, by utilising the flexibility provided under the local government regulations and acknowledging the challenges faced in previous standard procurement attempts.

Background:

The Shire of Three Springs has faced significant challenges in procuring a reconstructed netball court. A tender advertised in November 2023 received only one response, with the prices deemed unacceptable.

Despite attempts to obtain quotes from four companies in August 2022, no responses were received. A single quote was obtained in July 2023.

Supporting these events, Khouri Engineering Services provided several reports throughout 2022 and 2023, indicating the need for reconstruction and associated costs.

Under the Local Government (Functions and General) Regulations 1996, the Shire is allowed to bypass the standard public tender process if a previous tender did not yield satisfactory results, which is the case here. Given these circumstances and the compliance with the Shire of Three Springs Procurement Policy 1.5, the Officer is proposing that the Council authorise the Shire's Chief Executive Officer to acquire a netball court exempt from Procurement Policy 1.5.

Officer's Comment:

1. On 4 November 2023, the Shire of Three Springs advertised in the Western Australian Newspaper Tender 2023-24-1 Netball Court Reconstruction.
The Shire received one tender response, and the price received was deemed unacceptable because it is not value for money.

Qualified engineered reports support this statement:

- a. Preliminary Investigation - Netball Court Surface and Failures August 2022. Khouri Engineering Services.
 - b. The third option costs September 2023. Khouri Engineering Services.
 - c. Request for Tender Netball Court Reconstruction -Design and Construct November 2023. Khouri Engineering Services.
2. In accordance with the Shire of Three Springs Procurement Policy 1.5, four companies were requested to provide Netball Court quotes on 30 August 2022. No quotes were received.
3. On 20 July 2023, the Shire received one Netball Court quote.
4. Under the provisions of 'The Local Government (Functions and General) Regulations 1996, Part 4, Division 2, r. 11, 2. C (i),' there are specific conditions where a local government is exempt from the obligation to publicly invite tenders. This exemption applies if, in the preceding six months, the local government had already conducted a public tender process for the same goods or services but did not receive any tenders that complied with the specified requirements or were considered as not value for money. In such scenarios, the local government is permitted to forgo the usual public tender process, providing a measure of flexibility in procurement under specified circumstances. For instance, if a tender process was conducted and the prices received were deemed unacceptable, this regulation would allow the local government to bypass the standard public tender requirements for a period of up to six months from the initial process.
5. The Officer has complied with the Shire of Three Springs Procurement Policy 1.5 and the Local Government (Functions and General) Regulations and neither process has been successful.
6. The Officer will be proposing that the Council grant the Chief Executive Officer the authority to acquire a netball courts and lighting. This request includes an exemption from the Shire of Three Springs Procurement Policy 1.5 and a waiver from the tender process as per the Local Government (Functions and General) Regulations 1996.

Consultation:

WALGA

Statutory Environment:

The Local Government (Functions and General) Regulations 1996. Part 4, Division 2, r. 11. 2. C (i)

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*

(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;*

Policy Implications:

Procurement Policy 1.5

Financial/Resources Implications:

Expenditure as per the adopted budget

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

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

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

110/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.5		
<u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Eva That Council authorise: 1. The Chief Executive Officer bypass the Procurement Policy 1.5 procedures for the acquisition of the netball courts and lighting infrastructure. 2. The waiver of public tender requirements for procurement, as allowed by local government regulations, due to unsatisfactory responses from earlier tenders. 3. That tender 2023-24-1 Netball Court Reconstruction Netball court tender will not be accepted.		
	FOR	AGAINST
Cr Chris Lane (President)	✓	
Cr Nadine Eva (Deputy President)	✓	
Cr. Heal	✓	
Cr Jenny Mutter	✓	
Cr Julia Ennor	✓	
Cr Chris Connaughton	✓	
CARRIED: VOTED: 6/0 By Absolute Majority		