



*The Barossa Council*

## TENDER COMMITTEE MEETING

Members are advised that a meeting of the Tender Committee will be held in the Large Meeting Room, 43-51 Tanunda Road, Nuriootpa, on Tuesday 19 November 2013, commencing at 8.30am.

Martin McCarthy  
CHIEF EXECUTIVE OFFICER  
THE BAROSSA COUNCIL

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# A G E N D A

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## 1. THE TENDER COMMITTEE

- 1.1 Welcome
- 1.2 Present
- 1.3 Apologies
- 1.4 Confirmation of ordinary minutes of the Tender Committee Meeting held on 17 September 2013 (copy attached).
- 1.5 Confirmation of confidential minutes of the Tender Committee Meeting held on Tuesday 17 September 2013 (copy attached).
- 1.6 Notice of Motion  
Cr David Lykke – copy attached

## 2. CONSENSUS AGENDA

- 2.1 Nil

## 3. DEBATE AGENDA

- 3.1 Nil

## 4. CONFIDENTIAL

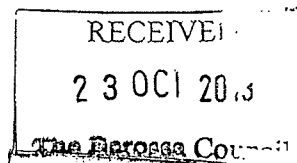
- 4.1 Report – Director, Works & Engineering. – Tender – Building Asset Condition Assessment – Building Asset Valuation – Land Asset Valuation - 2013/07.
- 4.2 Report – Director, Works & Engineering – Tender – Stockwell Waste Water Treatment Plant Reuse Pressure Main – 2013/10.
- 4.3 Report – Director, Works and Engineering – Tender – Nuriootpa CWMS – Emergency Storage Dam Refurbishment – 2013/03.

5. OTHER BUSINESS

6. NEXT MEETING

7. CLOSURE

Cr David Lykke  
5 Rebecca Court  
TANUNDA SA 5352



21 October 2013

Mr Martin McCarthy  
Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355

Dear Martin

Re: **Notice of Motion To Rescind Tender Committee Meeting Resolution**

You are advised that at the next Tender Committee Meeting I propose to move that we rescind the following resolution made by the Tender Committee at its meeting held on 17 September 2013.

*MOVED Cr Angas that the Tender Committee:*

- (1) *Award component 1 and component 5 to Tonkin Consulting for a value of \$57,500.00 (ex GST).*
- (2) *Having considered this matter in confidence under Section 90(3)(k) of the Local Government Act 1999 makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the Report, Attachments and associated documents in relation to Confidential Item 4.1 of the Tender Committee Meeting held on 17 September 2013 and titled Tender – Building Asset Condition Assessment – Building Asset Valuation – Land Asset Valuation - 2013/07, other than the minutes relating to this confidentiality order, be kept confidential and not available for public inspection until the 30 June 2014 and that the Chief Executive Officer be delegated the power to review and revoke this order prior to 30 June 2014.*

**Seconded Cr Sloane**

**CARRIED**

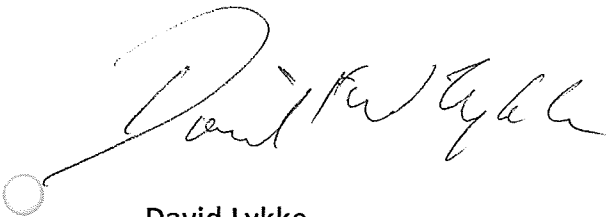
### Reason

It has been identified that there has been a misinterpretation of the requirements of the original tender specification. Those who were successfully awarded the original components of the tender subsequently adjusted pricing post awarding of the components, based on them only being awarded certain components of the tender as opposed to the complete scope of works. This has rendered the tenders non-conforming. In the interests of a fair and equitable process, the tender is to be made available on the SA Tender website for retendering and upon assessment of the tenders received a Tender Committee Meeting will be called to consider all submissions received.

### New Motion

It is suggested that a new motion be put following consideration of ITEM 4.1 – Tender – Building Asset Condition Assessment – Building Asset Valuation – Land Asset Valuation – 2013/07.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Lykke". The signature is written in a cursive style with a large initial "D". A small circle is visible at the end of the signature line on the left side.

**David Lykke**  
**Elected Member**

**MINUTES OF MEETING OF THE BAROSSA COUNCIL TENDER COMMITTEE held in the Large Meeting Room, 43-51 Tanunda Road, Nuriootpa, on Tuesday 17 September 2013, commencing at 8.32am.**

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**WELCOME**

Chairman Cr David Lykke welcomed everyone to the meeting.

**PRESENT**

Crs David Lykke, Bob Sloane, John Angas, Mayor Brian Hurn, Martin McCarthy – Chief Executive Officer, Peter Bice - Director – Works and Engineering, Brendon Lyons – Manager – Assets and Infrastructure and Ann Nitschke – Minute Secretary.

**APOLOGIES**

David de Vries and Margaret Harris

**CONFIRMATION OF MINUTES FROM PREVIOUS MEETING**

**MOVED** Cr Sloane that the Minutes of the Special Tender Committee Meeting held on Wednesday 3 July 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Angas

**CARRIED**

**CONFIRMATION OF MINUTES FROM PREVIOUS CONFIDENTIAL MEETING**

**MOVED** Sloane that the Minutes of the Confidential Special Tender Committee Meeting held on Wednesday 3 July 2013 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Angas

**CARRIED**

**CONSENSUS AGENDA**

Nil

**DEBATE AGENDA**

Nil

**CONFIDENTIAL MATTER – 8.33am.**

**ITEM 4.1**

**TENDER - BUILDING ASSET CONDITION ASSESSMENT - BUILDING ASSET VALUATION - LAND ASSET VALUATION - 2013/07 (B2273)**

**MOVED** Cr Angas that:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from the meeting, with the exception of the Chief Executive Officer, Director – Works and Engineering, Manager – Assets and Infrastructure and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999 the receiving of tenders for the supply of Building Asset Condition Assessment, Building Asset Valuation and Land Asset Valuation services – 2013/07 being tenders for the supply

of goods, the provision of services or the carrying out of works, which is specifically all tender details considered in confidence to protect commercial information provided through the tender process; and

- (2) Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

**Seconded** Mayor Hurn

**CARRIED**

On the Confidential matter 4.1:

**MOVED** Cr Angas that the Tender Committee having considered this matter in confidence under Section 90(3)(k) of the Local Government Act 1999 makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the Report, Attachments and associated documents in relation to Confidential Item 4.1 of the Tender Committee Meeting held on 17 September 2013 and titled Tender – Building Asset Condition Assessment – Building Asset Valuation – Land Asset Valuation - 2013/07, other than the minutes relating to this confidentiality order, be kept confidential and not available for public inspection until the 30 June 2014 and that the Chief Executive Officer be delegated the power to review and revoke this order prior to 30 June 2014.

**Seconded** Cr Sloane

**CARRIED**

#### **RESUMPTION OF THE OPEN TENDER COMMITTEE MEETING**

The open meeting of the Tender Committee resumed at 8.45am.

#### **OTHER BUSINESS**

Nil

#### **NEXT MEETING**

To be advised.

#### **CLOSURE**

There being no further business, the meeting closed at 8.46am.

Confirmed

**Date:** .....

**Chairman:** .....