



The Barossa Council

TENDER COMMITTEE MEETING

Members are advised that a meeting of the Tender Committee will be held in the Committee Room, 43-51 Tanunda Road, Nuriootpa, on Wednesday 21 May 2014, commencing at 5.00pm.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

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 Tuesday 22 January 2014 (copy attached).
- 1.5 Confirmation of confidential minutes of the Tender Committee Meeting held on Tuesday 22 January 2014 (copy *attached*).

2. CONSENSUS AGENDA

- 2.1 Nil

3. DEBATE AGENDA

- 3.1 Review of confidentiality Order – Tender – Grass Maintenance Service 2013-2016 – Tender 2013/01.

4. CONFIDENTIAL

Nil.

5. OTHER BUSINESS

6. NEXT MEETING

7. CLOSURE

MINUTES OF MEETING OF THE BAROSSA COUNCIL TENDER COMMITTEE held in the Large Meeting Room, 43-51 Tanunda Road, Nuriootpa, on Tuesday 22 January 2014, commencing at 8.15am.

WELCOME

Chairman Cr David Lykke welcomed everyone to the meeting.

PRESENT

Crs David Lykke, Dave de Vries (8.20am), Margaret Harris, John Angas, Mayor Brian Hurn, Martin McCarthy – Chief Executive Officer, Jo Thomas - Director Corporate and Community Services

APOLOGIES

Cr Bob Sloane

CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

MOVED Mayor Hurn that the Minutes of the Ordinary Meeting of the Tender Committee held on Tuesday 19 November 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 MEETINGS

MOVED Cr Harris that the Minutes of the Confidential Meeting of the Tender Committee held on Tuesday 19 November 2013 at 8.35am as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Angas

CARRIED

MOVED Cr Angas that the Minutes of the Confidential Meeting of the Tender Committee held on Tuesday 19 November 2013 at 8.36am as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Harris

CARRIED

MOVED Mayor Hurn that the Minutes of the Confidential Meeting of the Tender Committee held on Tuesday 19 November 2013 at 8.37am 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 – 8.16am

ITEM 4.1

**REPLACEMENT OF SPORTS STADIUM 2 FLOOR – THE REX, BAROSSA
AQUATIC FITNESS CENTRE**

REPORT:

The matter of the agenda item being a tender for the supply of goods, the provision of services or the carrying out of works which, pursuant to Section 90(3)(k) of the Local Government Act 1999 being information to be considered in confidence to protect commercial information provided through the tender process.

MOVED Mayor Hurn 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 Corporate and Community Services, and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999 – tender for the supply of goods, the provision of services and the carrying out of works for the replacement of sports stadium 2 floor at the Rex, Barossa Aquatic Fitness Centre.
- (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 Cr Harris

CARRIED

RESUMPTION OF THE OPEN TENDER COMMITTEE MEETING

The open meeting of the Tender Committee resumed at 8.21am.

On the Confidential matter 4.1:

MOVED Cr Angas that the Tender Committee:

- 1 Selects Option 1 from the Project Specification Request for Tender 2013/11.
- 2 Awards the Tender for the replacement of sports stadium 2 floor – the Rex, Barossa Aquatic Fitness Centre to Stadium Sports Surfaces SA/NT Pty Ltd at a cost of \$110,800 (excl GST).
- 3 Approves subject to a budget adjustment of \$4,500 from the Rex operational budget line 037-735 to the Capital Expenditure budget 805-961 and budget adjustment in the Third Quarter for additional \$4,500 capital expenditure allocation; or a pro rata amount, if savings can be made from treating the demolition component of the contract as a separable portion.
- 4 Having considered this matter in confidence under Section 90(2) and 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 minutes in relation

to the confidential item 4.1 of Tender Committee Meeting held 22 January 2014 and titled *Replacement of Sports Stadium 2 Floor – the Rex, Barossa Aquatic Fitness Centre*, other than the minutes relating to the Confidentiality Order, be kept confidential and not available for public inspection until the end of the meeting.

- 5 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 respect of confidential item 4.1 of Tender Committee Meeting held 22 January 2014 and titled *Replacement of Sports Stadium 2 Floor – the Rex, Barossa Aquatic Fitness Centre* be kept confidential and not available for public inspection until after the contract has been entered into by all parties.

Seconded Cr Harris

CARRIED

OTHER BUSINESS

Nil

NEXT MEETING

To be advised.

CLOSURE

There being no further business, the meeting closed at 8.22am.

Confirmed

Date:

Chairman:

TENDER COMMITTEE

WORKS AND ENGINEERING

DIRECTOR – WORKS AND ENGINEERING REPORT

21 MAY 2014

DEBATE AGENDA

3.1 DEBATE AGENDA – WORKS AND ENGINEERING

**3.1.1 REVIEW OF CONFIDENTIALITY ORDER – TENDER – GRASS
MAINTENANCE SERVICES 2013-2016 – TENDER 2013/01 (B2224)**

INTRODUCTION

Tender Committee to review the Confidentially Order regarding Tender – Grass Maintenance Services 2013-2016 Tender 2013/01 as resolved at its Confidential Meeting held on 21 May 2013.

RECOMMENDATION

That the following Order made on 21 May 2013:

“Orders, pursuant to the provisions of Section 91(7) and (9) 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 21 May 2013 and titled Tender – Grass Maintenance Services 2013-2016 – Tender 2013/01, other than the minutes relating to this confidentially order, be kept confidential and not available for public inspection until the 21 September 2016”

will expire on 21 June 2014 and that the Chief Executive Officer be delegated the power to review and revoke this order prior to 21 September 2016.

COMMENT

Following consideration of the confidential report 4.1 of the 21 May 2013, titled Tender – Grass Maintenance Services 2013-2016 – Tender 2013/01, the Tender Committee made an order pursuant to the provisions of Section 91(7) and (9) of the Local Government Act 1999, that the Minutes, Report and associated documents be kept confidential and not available for public inspection or a period of 40 months until 21 September 2016.

As this tender is still incomplete it is recommended that the matter remain in confidence for another 28 month period.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

COUNCIL STRATEGIC PLAN

1.3 Recreation

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

To be funded from within the Council's annual recurrent maintenance budget. The tender is within budget allocations. The contract is for a period of three (3) years.

COMMUNITY CONSULTATION

As this item is a Tender all details are to be considered in confidence to protect commercial information provided through the tender process and need to remain in confidence until after the expiration of the contract so as not to divulge commercial information.