

**WS024: APPROVAL FOR DELEGATED AUTHORITY TO AWARD  
VARIOUS TENDERS**

**Land Description** : Various City of Albany sites  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Responsible Officer(s):** : Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean Green & Sustainable.
  - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset management.

**In Brief:**

- Delegated authority is required for the CEO to award tenders for particular projects over \$250,000.
- Given there is no Ordinary Council Meeting scheduled in January 2014, project schedules are likely to be impacted as tenders would not be able to be awarded until late February 2014.
- Projects have timeframes that are related to tight funding and construction deadlines.

**RECOMMENDATION**

**WS024: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council GRANT the CEO and Mayor delegated authority to award the following tenders, subject to them having less than 10% variance over the allocated budget, and for any over budget variance to be dealt with at the next budget review:**

1. **Contract C13026 - North Road Drainage Upgrade;**
2. **Contract for Westrail Barracks Upgrade Stage 1;**
3. **Contract for Golf Links Road/Emu Point Drive Path;**
4. **Contract for Centennial Park Central Precinct Multi Use Playing Field Lighting;**
5. **Contract for Centennial Park-Railways Football Club Lighting;**
6. **Contract for Centennial Park Central Precinct Multi Purpose Playing Field, Earthworks and Drainage.**

**WS024: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR GREGSON**

THAT Council GRANT the CEO and Mayor delegated authority to award the following tenders, subject to them having less than 10% variance over the allocated budget, and for any over budget variance to be dealt with at the next budget review.

1. Contract C13026-North Road Drainage Upgrade.
2. Contract for Westrail Barracks Upgrade Stage 1.
3. Contract for Golf Links Road/Emu Point Drive Path.
4. Contract for Centennial Park Central Precinct Multi Use Playing Field Lighting.
5. Contract for Centennial Park-Railways Football Club Lighting.
6. Contract for Centennial Park Central Precinct Multi Purpose Playing Field Earthworks and Drainage.

**CARRIED 5-0**

**WS024: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council GRANT the CEO and Mayor delegated authority to award the following tenders, subject to them having less than 10% variance over the allocated budget, and for any over budget variance to be dealt with at the next budget review.

1. Contract C13026-North Road Drainage Upgrade.
2. Contract for Westrail Barracks Upgrade Stage 1.
3. Contract for Golf Links Road/Emu Point Drive Path.
4. Contract for Centennial Park Central Precinct Multi Use Playing Field Lighting.
5. Contract for Centennial Park-Railways Football Club Lighting.
6. Contract for Centennial Park Central Precinct Multi Purpose Playing Field Earthworks and Drainage.

2. The City has a range of projects in its approved 2013/14 budget that are to be tendered out, and are also tied to various funding agreements with execution timetables related to funding conditions.
3. The projects in question are -
  - North Road Drainage Upgrade project - involves the removal of older stormwater pipe infrastructure within the North Road alignment and installation of new, larger capacity pipes, pits and grates. Budget \$580,000. Funding - Country Local Government Fund
  - Westrail Barracks Upgrade Stage 1 - works to remove the verandas that were introduced in the 1940's, to reveal the original facades and showcase the original architecture of the building. Budget \$329,000. Funding - Lotterywest
  - Golf Links Road/Emu Point Drive Path - widen road formation and provide sealed designated cycle lane both sides. Budget \$450,000. Funding – Regional Bicycle Network

- Centennial Park Central Precinct Multi Use Playing Field Lighting, electrical design, supply and installation of sports field lighting. Combined budget see below.
  - Centennial Park-Railways Football Club Lighting - electrical design, supply and installation of sports field lighting engage. See below for budget amounts.
  - Contract for Centennial Park Central Precinct Multi Purpose Playing Field, earthworks and drainage. Earthworks and drainage multi purposed sports field. Combined funding \$1,685,600. Funding – Department of Sport and Recreation, Country Local Government Fund (subject to Ministerial Approval).

## **DISCUSSION**

4. The Council meeting timetable over the Christmas period does not allow sufficient turnaround time to progress the tender administrative processes. As there is no January Council meeting, any approvals for works are delayed for a period of up to two and half months.
5. The summer months are an important work period for many Capital Works projects, as the fine weather ensures optimum construction conditions. Also, the Centennial Park Multi Surface and Railways Lighting projects have sporting demands throughout the year, and the Christmas – New Year period has been identified as the best time to complete these works programs.
6. To ensure works can be completed through this period and comply with designated funding deadlines, Council approval is sought for the CEO to assess and award tenders for these projects.
7. Specific delegated authority approval is sought to allow the CEO to negotiate the conditions of each contract for the nominated projects, as his current threshold amount for tenders is limited to \$250,000.
8. The standard tender process would be applied by the CEO to ensure the necessary accountability and transparency when considering submissions. The tenders are evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender.

## **GOVERNMENT & PUBLIC CONSULTATION**

9. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the projects.
10. Requests for tenders will be published in the West Australian and the Great Southern Weekender for each project to ensure compliance with the tender regulations.
11. The Westrail Barracks Upgrade Stage 1, Centennial Park Multi Use Playing Field and Centennial Park-Railways Football Club Lighting projects have been referred to the South West Aboriginal Land and Sea Council for consideration.

## **STATUTORY IMPLICATIONS**

12. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.

13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
15. In accordance with the provisions of the Local Government Act 1995, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.

**POLICY IMPLICATIONS**

16. The City of Albany Tender policy and Regional Price Preference Policy are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

17. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Failure to deliver project within specified timeframe.</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Post tender evaluation, assess capacity to deliver against other concurrent projects for the City of Albany.</i>
<i>Non compliance with funding contract</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>

**FINANCIAL IMPLICATIONS**

18. The value of each of these tenders is expected to be in excess of \$250,000 and therefore approval is required to be referred to Council for consideration. Delegated authority is sought for the CEO to approve the tenders, to ensure the projects are completed on time and in accordance with the funding agreements.

**LEGAL IMPLICATIONS**

19. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

20. Some clearing of native vegetation will take place to accommodate the proposed road widening and associated roadside open drainage.
21. An Environmental Impact Assessment has been undertaken by a City of Albany Reserves Officer. No declared rare fauna were identified within the area of the proposed works.
22. An application to clear native vegetation has been lodged with the Department of Environment Regulation (formerly Department of Environment and Conservation).

**ALTERNATE OPTIONS**

23. Council can decline the request to grant the delegated authority to enable the tenders submissions to be assessed by the CEO, and completion of the projects will be delayed.

**SUMMARY CONCLUSION**

24. Using the delegated authority granted by the Council, the CEO would review any submissions, to determine the most suitable tenderer across the evaluation criteria in terms of cost, demonstrated understanding, key personnel (skills & experience) and relevant experience, and award the project tender accordingly.
25. This course of action will ensure the continuity of each project and that they can be completed on time and in accordance with the appropriate funding agreements.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C13026, GS.APC.61, RD.DEC.36, RD.DEC.37, PR.TEN.9, PS.CLM.40
<b>Previous Reference</b>	:	Not applicable