



MINUTES

SPECIAL MEETING OF COUNCIL

Held on
Tuesday 6 September 2011
7.30pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.31PM.

ITEM 1.0: MOTION

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR HAMMOND

THAT Council:

- **SUSPEND Standing Order clause 3.1 to allow recording of proceedings;**
- **SUSPEND Standing Order clause 4.2(4) to allow CEO Faileen James to be seated on the Mayor's right;**

CARRIED 9-0

2.0 OPENING PRAYER

Councillor Wolfe read the opening prayer.

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

3.0 PUBLIC QUESTION AND STATEMENT TIME

Council's Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

7.31PM Mr Neil Smithson, Smithson Planning, Albany

Summary of key points:

- Addressed Council regarding Item 6.1. Council should consider increasing the number of flag poles along Princess Royal Drive to include one for every country which may be participating in the Anzac Centenary Celebrations.

4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor

M J Evans JP

Councillors:

Breaksea Ward	R Hammond
Frederickstown Ward	D Wellington
Frederickstown Ward	Vacant
West Ward	D Wolfe
West Ward	D Dufty
Kalgan Ward	M Leavesley
Kalgan Ward	C Holden
Vancouver Ward	D Bostock
Yakamia Ward	R Sutton

Staff:

Chief Executive Officer	F James
Acting Executive Director Corporate Services	P Wignall
Executive Leader Community Services	L Hill
Executive Manager Business Governance	S Jamieson

Minutes	J Williamson
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Public Gallery and Media:

2 members of the media and three members of the public were in attendance.

Apologies/Leave of Absence:

Yakamia Ward	J Matla
Vancouver Ward	R Paver
Breaksea Ward	J Bostock

5.0 DECLARATION OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

Name	Item Number	Nature of Interest
Nil.		

**6.1: CONTRACT C11005 – FOOTPATH, WALLS & LIGHTING
CONSTRUCTION FOR ANZAC PEACE PARK**

Land Description : ANZAC Peace Park, Princess Royal Drive
Proponent : City of Albany
Owner : City of Albany
Responsible Officer(s) : Chief Executive Officer (F James)

Maps and Diagrams:



IN BRIEF

- Contract C11005 – Footpath, Walls & Lighting construction for the ANZAC Peace Park be AWARDED to Smith Constructions
- Additional funds of \$10,000 be allocated to the project to enable its completion.

RECOMMENDATION

**ITEM 6.1 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: MAYOR EVANS**

That Council:

- **ACCEPT the Tender from Smith Construction and award contract C11005 for the Footpath, Walls & Lighting construction for the ANZAC Peace Park; and**
- **APPROVE the reallocation of \$10,000 to the ANZAC Peace Park construction project from job number 8361, Lower King Road.**

**CARRIED 9-0
ABSOLUTE MAJORITY**

BACKGROUND

1. The proposed completion of the ANZAC Peace Park was submitted for funding under the Royalties for Regions Country Local Government Fund 2010/11 Regional Group Project. The work proposed will complete outstanding elements of the ANZAC Peace Park in readiness for the ANZAC Centenary events. There are three outstanding elements required to complete the ANZAC Peace Park, namely the Lone Pine Grove, pathways and performance space, and up lighting of the flagpoles.
2. Design, specification and contract documentation has been prepared by external consultants to the stage of "Issue for Tender". The tender was advertised from 29 June 2011 and closed on 20 July 2011. Tenders were all over budget and thus the works were slightly rescope at the instruction of the CEO to come close to budget. Revised tenders regarding that rescope were submitted on 19 August 2011.
3. The City of Albany will act in the role of Principal, and Wood and Grieve Engineers have been engaged to act in the role of Superintendent for the project.

DISCUSSION

4. A total of 26 sets of tender documents were downloaded from the City of Albany website.
5. Five completed tender documents were submitted on or before the stipulated closing date and time. Two submissions were non-conforming. The three conforming tenderers were considered.
6. Those three tenders were asked to provide more information given the subsequent scoping variation as per clause 1.1 in the Request for Tender document.
7. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	60
Technical Compliance	10
Experience	20
Quality Accreditation	10
Total	100

8. On the basis of the total evaluation score which considers cost, technical compliance, experience and quality the most suitable company is considered Smith Constructions.

Tenderer	Total
Smiths Constructions	97.9
Phase 3	97.0
Robinson Buildtech	84.9

N/C = Non-conforming

GOVERNMENT CONSULTATION

9. All relevant Government approvals, including Department of Regional Development and Lands, Veteran Affairs, Department of Indigenous Affairs, SWALSC, Department of Environmental Protection, Department of Planning and Infrastructure, Landcorp, etc have been received for the ANZAC Peace Park project as a whole.

PUBLIC CONSULTATION / ENGAGEMENT

10. A request for tenders was published in the West Australian on 29 June 2011 and the Great Southern Weekender on 30 June 2011.
11. An article was printed in the Albany Advertiser on 5 July 2011 referencing the preparation of the ANZAC Peace Park for the ANZAC centenary commemorations beginning in 2014.
12. An article was also printed in the Great Southern Weekender on 7 July 2011 regarding the changes and additions to the park being completed before Christmas this year.

STATUTORY IMPLICATIONS

13. 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 \$250,000.
14. 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.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

STRATEGIC IMPLICATIONS

16. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

Key Focus Area

Lifestyle and Environment

Community Priority

A built environment for active lifestyles

Proposed Strategies

Incorporate into future plans, infrastructure in parks that encourages activity for all ages and abilities

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City’s Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Delays in construction puts project behind schedule	Possible	Minor	Medium	Contract requires completion by 23 December 2011.
Contractor fails to complete the works by the date for Practical Completion	Unlikely	Minor	Low	Construction program is to be reviewed fortnightly. Liquidated damages have been included in the contract.
Delays with manufacture and/or shipping of the stone for the Lone Pine Grove	Unlikely	Minor	Low	Construction program to accommodate any potential time “slippage” in supply of stone.

FINANCIAL IMPLICATIONS

19. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
20. Funding has been received from Royalties for Regions Country Local Government Fund in accordance with the City’s memorandum of understanding with the Shire of Denmark. The funds allocated to the Peace Park in the 2010-2011 budget have been carried over to this financial year to be included in this project. The funds available for this project are detailed below.

Funding source	Amount
Royalties for Regions	\$897,773.00
City of Albany approved to date	\$51,857.00
Total	\$949,630.00

21. The total funds available is insufficient and an additional amount of \$10,000 is required to be reallocated to the project to complete these works at the ANZAC Peace Park.
22. The additional funds of \$10,000 can be sourced from surpluses on Job 8361, Lower King Road.

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

24. Council can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

25. On reviewing the submissions, the evaluation team assessed Smith Constructions as being the most suitable tenderer across the evaluation criteria in terms of cost, technical compliance, experience and quality. Smith Constructions are recommended to be awarded the ANZAC Peace Park contract.

Consulted References	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	C11005

06/09/2011

REFER DISCLAIMER

6.2: CONTRACT C11006 – ALBANY REGIONAL AIRPORT SECURITY UPGRADE AND FUTURE AIRPORT DEVELOPMENT MASTERPLAN

Land Description	: Albany Regional Airport, Drome, Western Australia, 6330
Proponent	: City of Albany
Owner	: City of Albany
Attachment	: Confidential Attachment
Responsible Officer(s)	: Chief Executive Officer (F James)

IN BRIEF

- Contract C11006 – Albany Regional Airport Security Upgrade and Future Airport Development Masterplan.

RECOMMENDATION

ITEM 6.2: PROCEDURAL MOTION BY COUNCILLOR LEAVESLEY

MOVED: COUNCILLOR LEAVESLEY
SECONDED: COUNCILLOR D BOSTOCK

THAT this item be deferred.

LOST 2-7

Record of Vote

For the Motion: Councillors Leavesley and D Bostock

ITEM 6.2: RESOLUTION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DUFTY

THAT the meeting move behind closed doors.

CARRIED 9-0

ITEM 6.2: RESOLUTION

MOVED: MAYOR EVANS
SECONDED: COUNCILLOR HOLDEN

THAT Standing Order clause 5.7 – Order of Call in Debate, be SUSPENDED to allow discussion.

CARRIED 9-0

06/09/2011

REFER DISCLAIMER

ITEM 6.2: RESOLUTION

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR LEAVESLEY

THAT Standing Order clause 5.7- Order of Call in Debate, be RESUMED.

CARRIED 9-0**ITEM 6.2: RESOLUTION**

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR SUTTON

THAT the Meeting come out from behind Closed Doors.

CARRIED 9-0**ITEM 6.2: AMENDED MOTION**

MOVED: COUNCILLOR WELLINGTON
SECONDED: MAYOR EVANS

THAT Council ACCEPT the Tender from AECOM Australia Pty Ltd (AECOM) and award contract C11006 for the Albany Regional Airport Security Upgrade and Future Airport Development Masterplan with the provision that monthly reports be provided to the Audit Committee, so that they are fully apprised of the progress of the project, with the Audit Committee providing guidance to the CEO.

CARRIED 7.2**Record of Vote**

Against the Motion: Councillors Leavesley and D Bostock

ITEM 6.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the Tender from AECOM Australia Pty Ltd (AECOM) and award contract C11006 for the Albany Regional Airport Security Upgrade and Future Airport Development Masterplan.

BACKGROUND

1. On 17 May 2011, Council was advised that the Albany Airport required upgrading to accommodate new passenger and cabin baggage security screening requirements for passengers departing on aircraft with a maximum takeoff weight (MTOW) of greater than 20,000kg.
2. The airport plays a critical role in the economic development of the City and provides significant financial returns to the City of Albany. Risk mitigation and the development of strategies that can facilitate and accommodate increased activity and security requirements, in both a regular public transport and general aviation context are required.
3. To meet the new legislative transport security requirements Council noted a commitment of up to \$1.75 million will be required in the 2011/12 Budget to ensure the Albany Airport meets the 1 July 2012 legislative security compliance deadline.

4. The City tendered to engage a consulting aviation professional to achieve the following objectives:
 - a. Ensure that the Albany Regional Airport retains its certification for aircraft operating Regular Public Transport and open charter services with a maximum takeoff weight greater than 20,000 kilograms.
 - b. The Airport Master Plan will accommodate current and future use.
5. The request for tender was advertised between 1 to 21 July 2011 as follows:
 - a. The Australian (Aviation section): 1 July 2011;
 - b. Western Australia: 6 July 2011; and
 - c. Albany Weekender: 7 July 2011.
6. The tenderer had to demonstrate how they could achieve the following three elements:
 - a. **Element One.** Review and update the Albany Regional Airport Master plan assessing:
 - i. current infrastructure and operations; and
 - ii. project future aviation needs and requirements of the facilities inclusive of short term security requirement options, land use, economic impacts, future opportunities and development options.
 - b. **Element Two.** The revised Albany Regional Airport Master Plan is to be complimented by detailed design for the security screening upgrade, including design drawings and cost.
 - c. **Element Three.** Provision of an operational Aviation Certified Security Screen Capability including:
 - iii. Implement the construction and installation of structures (internal/external) and associated security screening equipment;
 - iv. Superintendence of the construction and installation;
 - v. Review and update the Transport Security Plan in order to support the application to become a Security Screening Authority;
 - vi. Prepare, submit and be responsible for the successful submission to the Department of Infrastructure and Transport – Office of Transport Security for the Albany Regional Airport to become a Security Screening Authority; and
 - vii. Provision of Training to staff and/or contractors responsible for operating the security screening equipment (baggage and passenger screening).

DISCUSSION

7. A total of 86 sets of tender documents were downloaded from the City of Albany website.
8. Four completed tender documents were submitted on or before the stipulated closing date and time.
9. The tenders were considered using evaluation criteria with weighted attribute methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender.
10. The review process was conducted as follows:
 - a. Three member review panel (2 x City of Albany Executive Directors, 1 x Independent Member – Mr Peter Aspinall);
 - b. Independent review of the panel recommendations (QI Consulting: architects, accountants and project managers); and
 - c. Tender Reference Checking.
11. The following criteria applied to all assessments.

Criteria	% Weight
Relevant Experience	25
Key Personnel Skills and Experience	20
Tenderers' Resources	20
Demonstrated Understanding of what is required to deliver the three elements.	25
Cost	10
Total	100

12. Tenders reference checks were conducted, which also considered relevance of the referee, service provided by the tenderer and date of last interaction between the tenderer and referee.
13. Each submitted tender was assessed against the above criteria. A summary of the tenderers evaluated score is detailed in the table below:

Tenderer	Evaluation Score
AECOM Australia Pty Ltd (AECOM)	768.87
Baggage Sortation Management Australia, Pty Ltd (BSM)	711.93
Lowes Churchill & Associates Pty Ltd (LCCA)	683.17
Aerodrome Management Services Pty Ltd (AMS)	678.97

14. Post the initial evaluation an addendum was released to ensure that submitted tenders costs could be better compared. The addendum requested that Elements 1 and 2 be expressed as a fixed cost and Element 3 as a % of construction cost (Estimated at \$2.4 million which excludes the cost of the screening equipment).

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REFER DISCLAIMER

15. This addendum was assessed and rated, based on the submitted costing (fixed and percentage). The results were then ranked by comparing the submitted costing against the mean average using standard deviation. The results were ranked as follows:

Tenderer (E1, E2, E3)	Ranking
AECOM Australia Pty Ltd (AECOM)	1
Aerodrome Management Services Pty Ltd (AMS)	2
Baggage Sortation Management Australia, Pty Ltd (BSM)	3
Lowes Churchill & Associates Pty Ltd (LCCA)	4

16. On the basis of the total evaluation score, the highest weighting being applied to relevant experience and demonstrated understanding the most suitable company is considered AECOM Australia Pty Ltd.

GOVERNMENT CONSULTATION

17. Liaison with State and Commonwealth Departments of Infrastructure and Transport has been conducted to determine process and infrastructure requirements for the security upgrades.

PUBLIC CONSULTATION / ENGAGEMENT

18. The tender evaluation panel consisted of three members. One member of the panel was drawn from the local aviation stake-holder aviation group.
19. Future stake-holder engagement will be coordinated by the successful tenderer.

STATUTORY IMPLICATIONS

20. 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.
21. As the tender exceeds Council's delegation of \$250,000, the acceptance of the tender must be approved by Council.
22. 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.
23. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

STRATEGIC IMPLICATIONS

24. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan, being: Expansion of the Albany Regional Airport.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Council delays the award of tender which may impact on the security upgrade not being completed prior to 1 July 2012.	Possible	Medium	High	Special council meeting is called as a matter of priority to award tender.
Delays in construction put project behind schedule	Possible	Minor	Medium	Ensure contract requires strict compliance with timelines
Delayed procurement of security screening equipment due to demand.	Possible	Medium	High	Award tender without delay to provide successful tenderer with the best opportunity to mitigate this risk.
Airport security upgrade is not finalised by 1 July 2012.	Unlikely	High	High	City of Albany phases in security screening capability in agreement with the Department of Infrastructure and Transport – Office of Transport Security

FINANCIAL IMPLICATIONS

27. The City of Albany has been successful in securing a further \$1.25 million in Regional Airports Development Scheme (RADS) funding (*noting a requirement of this grant is that it will be matched funding by the City*) and additional funding from the Federal Government if available for up to \$650,000 for the purchase of security equipment.
28. On 17 May 2011, Council noted a 2011/12 Budget Commitment of \$1.75 million. This allocation was adopted by Council on the 9 August 2011.

LEGAL IMPLICATIONS

29. Contractual terms for all aspects of this project will need to be rigorous.

ALTERNATE OPTIONS

30. Council can accept or reject the tenders as submitted.
31. If the Council rejects the urgency of the screening capability, it is likely that the City of Albany will not meet its legislative requirements that must be operational by July 2012. A number of the associated tasks require to be under taken quickly by the successful tenderer.

SUMMARY CONCLUSION

32. On reviewing the submissions, AECOM Australia Pty Ltd (AECOM) was assessed as being the most suitable tenderer across the evaluation criteria. Their application was of high quality and they most importantly demonstrated a very good understanding of the objectives of this tender.
33. AECOM Australia Pty Ltd (AECOM) be awarded the Albany Regional Airport Security Upgrade and Master plan contract.

Consulted References	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	C11006
Previous Reference	OCM 17 May 2011 Report Item 3.2 – Albany Airport Security and Infrastructure Upgrade

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****REFER DISCLAIMER******ITEM 7.1: RESOLUTION****MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR SUTTON****THAT Standing Orders be RESUMED to stop recording of proceedings.****CARRIED 9-0**

There being no further business the Presiding Member declared the meeting closed at 8.42PM.

Mayor MJ Evans JP
MAYOR