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# MINUTES

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## SPECIAL COUNCIL MEETING

Wednesday 09 November 2022

**6.00pm**

City of Albany  
Council Chambers

# CITY OF ALBANY COMMUNITY STRATEGIC PLAN (ALBANY 2023)



SPECIAL COUNCIL MEETING  
MINUTES – 09/11/2022

**CONTENTS**

	<b>Details</b>	<b>Pg#</b>
<b>1</b>	<b>DECLARATION OF OPENING</b>	<b>3</b>
<b>2</b>	<b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	<b>3</b>
<b>3</b>	<b>RECORD OF ATTENDANCE</b>	<b>3</b>
<b>4</b>	<b>DECLARATIONS OF INTEREST</b>	<b>4</b>
<b>5</b>	<b>PUBLIC QUESTION TIME</b>	<b>4</b>

	<b>Special Council Meeting</b>	
SCM028	C22002 CONSTRUCTION OF MOTOCROSS TRACK AND ASSOCIATED CIVIL INFRASTRUCTURE – ALBANY MOTORSPORT PARK	5

<b>6</b>	<b>CLOSURE OF MEETING</b>	<b>9</b>
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**1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Mayor declared the meeting open at **6.00PM**.

**2. OPENING PRAYER:**

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

*“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.*

*We would also like to pay respect to Elders past, present, and emerging”.*

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON**

**SECONDED: COUNCILLOR SUTTON**

**THAT Councillor Brough be GRANTED permission to attend this meeting remotely via Zoom.**

**CARRIED 9-0**

**3. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED):**

**Mayor**

D Wellington

**Councillors:**

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

T Brough (Attended via Zoom)

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

Vacant

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate and Commercial Services

M Gilfellow

Executive Director Infrastructure, Development & Environment

P Camins

Executive Director Community Services

N Watson

Meeting Secretary

J Williamson

**Apologies:**

Breaksea Ward

Paul Terry (Apology)

Vancouver Ward

John Shanhun (Apology)

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MINUTES – 09/11/2022

4. DECLARATIONS OF INTEREST:

Name	Report Number	Nature of Interest
NIL		

5. PUBLIC QUESTION AND STATEMENT TIME Nil.

**SCM028: C22002 CONSTRUCTION OF MOTOCROSS TRACK AND ASSOCIATED CIVIL INFRASTRUCTURE – ALBANY MOTORSPORT PARK**

<b>Land Description</b>	: Lot 5780 Down Road, Drome
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Great Southern Motorplex Group Incorporated
<b>Attachments</b>	: Confidential Briefing Note
<b>Report Prepared By</b>	: Manager Major Projects (A McEwan) & Project Officer (M Randall)
<b>Authorising Officer:</b>	: Executive Director Infrastructure & Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** People.
  - **Outcomes:** A diverse and inclusive community.
  - **Pillar:** Place.
  - **Outcomes:** Responsible growth, development, and urban renewal; and Interesting, vibrant, and welcoming places.
  - **Pillar:** Prosperity.
  - **Outcomes:** A highly sought-after tourist destination.

**Maps and Diagrams:**

**Aerial photograph of Albany Motorsport Park**



**In Brief:**

- Following a competitive tender process, Council approval is sought to award Contract C22002 – Construction of Motocross Track and Associated Civil Infrastructure, Albany Motorsport Park to Tenderer A.

**RECOMMENDATION**

**SCM028: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR STOCKS**

**THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C22002 – Construction of Motocross Track and Associated Civil Infrastructure, Albany Motorsport Park Tender to Phoenix Civil.**

**CARRIED 10-0**

**BACKGROUND**

2. Tenders were called for Construction of Motocross Track and Associated Civil Infrastructure, Albany Motorsport Park
3. The tender requires that the successful Tenderer carry out all works in accordance with every detail of the Request for Tender Documents for the completion of the Motocross Track and Associated Civil Infrastructure construction at the Albany Motorsports Park.
4. It is preferable to commence construction at the earliest possible time to ensure completion in accordance with various funding sponsor requirements.
5. The City of Albany are project managing the delivery of this project on behalf of developer, the Great Southern Motorplex Group.

**DISCUSSION**

6. The standard tender process as prescribed by the *Local Government Act 1995* (the Act) and *Local Government (Function and General) Regulations 1996* (the Regulations).
7. Tenders were advertised both state-wide and locally and closed on 21 September 2022.
8. Thirty (30) tender documents were downloaded from the City of Albany website, with the City receiving five (5) conforming tenders and one (1) alternate offer.

**Evaluation of Tenders**

9. The tender panel evaluated tenders using the weighted criteria methodology across five (5) key areas, shown in Table 1.

**Table 1 – Evaluation Criteria**

<b>Criteria</b>	<b>% Weighting</b>
Key Personnel Skills, Experience & Capacity	15%
Tenderers Resources	10%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Cost	50%

10. The following table summarises the tenderers and the overall evaluation scores applicable.

**Table 2 – Submissions**

<b>Tenderer</b>	<b>Total</b>	<b>Rank</b>
Phoenix Civil	862.50	1
Tenderer B	824.65	2
Tenderer C – Alternate	787.04	3
Tenderer C	714.05	4
Tenderer D	536.13	5
Tenderer E	331.25	6

11. All Tenderers claimed the maximum Buy Local Policy reduction of \$50,000.
12. Phoenix Civil ranked highest.
13. A clarification process was undertaken to confirm the submissions received.
14. From the evaluation scoring, clarification, negotiation and financial check processes, Phoenix Civil are the preferred tenderer and consequently it is recommended that their tender be accepted and the contract be awarded.
15. The developer, the Great Southern Motorplex Group are supportive of the recommendation to award the tender to Phoenix Civil.

**GOVERNMENT & PUBLIC CONSULTATION**

16. There is no government consultation required for the award of the Motocross Track and Associated Civil Infrastructure, Albany Motorsport Park.
17. The development was approved through the JDAP process which included both government and public consultation.
18. All necessary approvals will be obtained prior to the commencement of construction.
19. The funding bodies will be notified with regard to the outcome of the award, timeframe for implementation and project expenditure through milestone reporting processes.

**STATUTORY IMPLICATIONS**

20. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00
21. 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.
22. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council’s decision.
23. Voting Requirement: **Simple Majority.**

**POLICY IMPLICATIONS**

24. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.
25. The value of this tender is in excess of \$500,000.00 and therefore Council approval is required as this exceeds the CEO’s delegation.

**RISK IDENTIFICATION & MITIGATION**

26. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>City Operations and Financial</b>  <b>Risk:</b> Failure to deliver project within specified timeframe may jeopardize the funding agreement.</p>	Possible	Major	High	Award tender as soon as possible to enable the design to be developed and implemented in the appropriate season to satisfy funding conditions.
<p><b>Business Interruption</b>  <b>Risk:</b> Appointment of the recommended tenderer is not supported.</p>	Possible	Major	High	City staff to work with preferred tenderer to address any concerns prior to awarding the tender.
<p><b>Opportunity:</b> Project developed and delivered on time for the benefit of the community and its use.</p>				



**FINANCIAL IMPLICATIONS**

- 27. The recommended tender is within overall project budget.
- 28. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.

**LEGAL IMPLICATIONS**

- 29. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

**ENVIRONMENTAL CONSIDERATIONS**

- 30. Should the tender be awarded, the contractor will consider environmental responsibilities as they relate to the approved project development. This shall include the provision of an approved Site-Specific Construction and Environmental Management Plan.
- 31. Any environmental permits required have or will be obtained prior to construction.

**ALTERNATE OPTIONS**

- 32. The options are:
  - Council may choose to accept the recommended tender, or
  - Not approve any tender.

**CONCLUSION**

- 33. The City has undergone a competitive process in line with the relevant legislation and established policies.
- 34. It is recommended, based on the evaluation scoring, clarification, reference, and financial check processes that the tender be awarded to Phoenix Civil.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• Council Policy: Purchasing Policy (Tenders and Quotes)                             <ul style="list-style-type: none"> <li>○ Tender Procedure</li> <li>○ Evaluation Procedure (Tenders and Quotations)</li> </ul> </li> </ul> Council Policy: City of Albany Buy Local Policy (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	RC.PJT.2
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• Briefing Note – 11 May 2021</li> <li>• Presentation to Council – 12 May 2021</li> <li>• Presentation to Council – 1 December 2021</li> <li>• Presentation to Council – 8 June 2022</li> <li>• Council Confidential Briefing Note DIS307 – 13 July 2022</li> <li>• Presentation to Council – 3 November 2022</li> </ul>

**6.0 CLOSURE OF MEETING**

There being no further business the Mayor declared the meeting closed at **6.08PM.**



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Dennis W Wellington  
**MAYOR**