



Minutes

Special Council Meeting

6 September 2022

Attention

These Minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

Information

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or council@nedlands.wa.gov.au

Public Question Time

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

Addresses by Members of the Public

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1. Declaration of Opening

The Presiding Member declared the meeting open at 6.00pm and drew attention to the disclaimer on page 2.

2. Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Mayor F E M Argyle (Presiding Member)	
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett (from 5.36pm)	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Vacant	Hollywood Ward
Staff	Mr W R Parker	Chief Executive Officer
	Mr M R Cole	Director Corporate Services
	Mr T G Free	Director Planning & Development
	Mr A D Melville	Acting Director Technical Services
	Mrs N M Ceric	Executive Officer
Public	There were 1 members of the public present and 0 online.	
Leave of Absence (Previously Approved)	Councillor B G Hodsdon	Hollywood Ward
Apologies	Councillor H Amiry	Coastal Districts Ward
	Councillor O Combes	Hollywood Ward

3. Public Question Time

Public questions submitted to be read at this point.

Nil.

4. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Registration Forms to be made at this point.

Nil.

5. Disclosures of Financial Interest

The Presiding Member reminded Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

6. Disclosures of Interests Affecting Impartiality

The Presiding Member reminded Council Members and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

There were no disclosures affecting impartiality.

7. Declarations by Members That They Have Not Given Due Consideration to Papers

Nil.

8. TS18.09.22 Design and Consultancy Services for the rehabilitation of Rochdale Road, Mt Claremont – RFQ 2022-23.08

Meeting & Date	Special Council Meeting – 6 September 2022
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Neil Brown – Coordinator of City Projects
Director	Andrew Melville – Acting Director Technical Services
Attachments	1. CONFIDENTIAL Design and Consultancy Services for the Rehabilitation of Rochdale Road, Mount Claremont - Evaluation Report

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Senathirajah

That the Recommendation be adopted.
(Printed below for ease of reference)

Councillor Bennett joined the meeting at 5.36pm.

CARRIED 6/3
(Against: Crs. Coghlan Bennett & Mangano)

Council Resolution / Recommendation

That Council:

1. approves the award of the contract for the Design and Consultancy Services for the Rehabilitation of Rochdale Road, Mount Claremont in accordance with the City's Request for Quote number RFQ 2022-23.08, the City's Conditions of Contract and the BG&E submission;
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document be sent to BG&E for execution; and
3. instructs the CEO to arrange for all other quote respondents to be advised of the outcome.

Purpose

The purpose of this report is to seek Council approval to enter into a contract with BG&E for the Design and Consultancy Services for the Rehabilitation of Rochdale Road, Mount Claremont.

In accordance with Council's amended purchasing policy, Council approval is required where the minimum number of quotes was not received during the procurement process. A Request for Quotation (RFQ) for the 'Design and Consultancy Services for the Rehabilitation of Rochdale Road, Mount Claremont' received two submissions from 8 companies approached in the procurement band between \$50,001 and up to \$250,000.

Voting Requirement

Simple Majority.

Background

The City of Nedlands Procurement of Goods and Services Policy was amended by Council at the Ordinary Council Meeting on 24 May 2022. This amendment requires procurement items to be brought to Council where the minimum number of responses has not been received prior to the issue the award.

The Administration sought 8 written quotations through the WALGA Preferred Supplier Program Panel for the Design and Consultancy Services for the Rehabilitation of Rochdale Road, Mount Claremont up to \$250,000 (excl GST). The procurement band (\$50,001 to \$250,000) requires that a minimum of 3 responses be obtained however at the close of the RFQ advertisement period, two responses were submitted for consideration.

The Acting Director Technical Services has endorsed the evaluation report, however due to the amended procurement policy the matter is now brought to Council for consideration to approve the use of the preferred supplier for the Design and Consultancy Services for the rehabilitation of Rochdale Road, Mount Claremont.

The Contract for the Design and Consultancy Service is required to provide specialist engineering design services for the Rochdale Road Rehabilitation Project that cannot be provided in-house due to ongoing difficulties with the recruitment of a Senior Civil Designer. This position has been vacant for a significant portion of the last 12 months and recruitment for this role is ongoing. The preferred consultant will develop construction and design documentation for the Rochdale Road Rehabilitation Project as part of the 2022/23 Capital Works Program.

Discussion

At the closure of the RFQ advertisement period, the evaluation panel completed analysis and evaluation of the two (2) submissions received. At the conclusion of this process BG&E was nominated as the preferred supplier for this package of works. The submissions were rated against the following criteria:

- Relevant Experience (30%),
- Key personnel skills and experience (30%), and
- Demonstrated Understanding (40%)

BG&E provided information on similar works that they have recently undertaken, successfully demonstrating an ability to complete the requirements of this request.

Key personnel listed were suitably experienced and skilled and have previous experience delivering similar undertakings.

BG&E provided a detailed understanding of the Projects requirement including a detailed analysis of the works required to complete the Request.

Following the due diligence processes that the City has undertaken, the City is confident that BG&E can complete the scope of work to the required standards, and that their offer represents good value for money to the City within the current market.

The Administration has enquired why the other suppliers did not submit a response. Feedback received from these suppliers stated they were unable to undertake the works due to their businesses experiencing staff shortages due to the current impacts of high market demand and current economic market factors.

Consultation

Consultation was conducted between City officers and WALGA (Preferred Supplier Program Panel).

Strategic Implications

This item relates to the following elements from the City's Strategic Community Plan.

Vision Our city will be an environmentally-sensitive, beautiful and inclusive place.

Values **High standard of services**
We have local services delivered to a high standard that take the needs of our diverse community into account.

Great Governance and Civic Leadership

We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities

Budget/Financial Implications

The budget allocated for this project is \$673,844, which includes \$219,896 of MRRG funding from MRWA. The design work to be undertaken totals \$61,905 and will be costed against this budget.

Legislative and Policy Implications

[City of Nedlands Procurement of Goods and Services Policy](#)
[Local Government \(Functions & General\) Regulation 1996](#)

Decision Implications

If Council endorses the recommendation City staff can progress the procurement to carry out the Design and Consultancy Services for the rehabilitation of Rochdale Road, Mount Claremont for the 2022/23 financial year.

If Council does not endorse the recommendation, then the planned works for Design and Consultancy Services for the Rehabilitation of Rochdale Road, Mt Claremont will be postponed and result in delays in the delivery of required works program for 2022/23 Capital Works Program. Any significant project delays may impact on the Main Roads WA funding provided for this project.

Conclusion

BG&E have completed similar design works and have the required skills and experience necessary to complete the requested works.

The price schedule provided by BG&E was the lowest of the assessed submissions and demonstrated suitable organisational capabilities, quality outcomes from similar work backed up by references and an understanding of the requirements of the contract.

Assessment officers were in agreement that BG&E offered the best overall value for money.

It is recommended that Council accepts the Design and Consultancy Services for the rehabilitation of Rochdale Road, Mount Claremont from BG&E Pty Ltd.

Further Information

N/A

9. TS19.09.22 Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Roads, Nedlands – RFQ 2022-23.09

Meeting & Date	Special Council Meeting – 6 September 2022
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Neil Brown – Coordinator of City Projects
Director	Andrew Melville – Acting Director Technical Services
Attachments	1. CONFIDENTIAL Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands - Evaluation Report

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Youngman

That the Recommendation be adopted.
(Printed below for ease of reference)

CARRIED 7/2
(Against: Crs. Coghlan & Mangano)

Council Resolution / Recommendation

That Council:

- 1. approves the award of the contract for the Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands in accordance with the City's Request for Quote number RFQ 2022-23.09, the City's Conditions of Contract and the BG&E submission;**
- 2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document be sent to BG&E for execution; and**
- 3. instructs the CEO to arrange for all other quote respondents to be advised of the outcome.**

Purpose

The purpose of this report is to seek Council approval to enter into a contract with BG&E for the Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Roads, Nedlands.

In accordance with Council's amended purchasing policy, Council approval is required where the minimum number of quotes was not received during the procurement process. A Request for Quotation (RFQ) for the 'Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands' received two submissions from 8 companies approached in the procurement band between \$50,001 and up to \$250,000.

Voting Requirement

Simple Majority.

Background

The City of Nedlands Procurement of Goods and Services Policy was amended by Council at the Ordinary Council Meeting on 24 May 2022. This amendment requires that procurement items be brought to Council for consideration when the minimum number of responses has not been received prior to the issue the award.

The Administration sought 8 written quotations through the WALGA Preferred Supplier Program Panel for the Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road Nedlands, up to \$250,000 (excl GST). The procurement band (\$50,001 to \$250,000) requires that a minimum of 3 responses be obtained however at the close of the RFQ advertisement period, two responses were submitted for consideration.

The Acting Director Technical Services has endorsed the evaluation report, however due to the amended procurement policy the matter is now brought to Council for consideration to approve the use of the preferred supplier for the Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands.

The Contract for the Design and Consultancy Service is required to provide specialist engineering design services for the Smyth Road Rehabilitation Project that cannot be provided in-house due to ongoing difficulties with the recruitment of a Senior Civil Designer. This position has been vacant for a significant portion of the last 12 months and recruitment for this role is ongoing. The preferred consultant will develop construction and design documentation for the Smyth Road Rehabilitation Project as part of the 2022/23 Capital Works Program.

Discussion

At the closure of the RFQ advertisement period, the evaluation panel completed analysis and evaluation of the two (2) submissions received. At the conclusion of this process BG&E Pty Ltd was nominated as the preferred supplier for this package of works. The submissions were rated against the following criteria:

- Relevant Experience (30%),
- Key personnel skills and experience (30%), and
- Demonstrated Understanding (40%)

BG&E provided satisfactory information on similar works that they have recently undertaken, successfully demonstrating an ability to complete the requirements of this request.

Key personnel listed were suitably experienced and skilled and have previous experience delivering similar projects.

BG&E provided a detailed understanding of the Projects requirement including a detailed analysis of the works required to complete the Request.

Following the due diligence processes that the City has undertaken, the City is confident that BG&E can complete the scope of work to the required standards, and that their offer represents good value for money to the City within the current market.

The Administration has enquired why the other suppliers did not submit a response. Feedback received from these suppliers stated they were unable to undertake the works due to their businesses experiencing staff shortages due to the current impacts of high market demand and current economic market factors.

Consultation

Consultation was conducted between City officers and WALGA (Preferred Supplier Program Panel).

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This item relates to the following elements from the City's Strategic Community Plan.

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Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities

Budget/Financial Implications

The budget allocated for this project is \$1,775,790, which includes \$522,277 of MRRG funding from MRWA. The design work to be undertaken totals \$71,790 and will be costed against this budget.

Legislative and Policy Implications

[City of Nedlands Procurement of Goods and Services Policy](#)
[Local Government \(Functions & General\) Regulation 1996](#)

Decision Implications

If Council endorses the recommendation City staff can progress the procurement to carry out the Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands for the 2022/23 financial year.

If Council does not endorse the recommendation, then the planned works for Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands will be postponed and result in delays in the delivery of required works program for 2022/23 Capital Works Program. Any significant project delays may impact on the Main Roads WA funding provided for this project.

Conclusion

BG&E have completed similar design works and have the required skills and experience necessary to complete the requested works.

The price schedule provided by BG&E was the lowest of the assessed submissions and demonstrated suitable organisational capabilities, quality outcomes from similar work backed up by references and an understanding of the requirements of the contract.

Assessment officers were in agreement that BG&E offered the best overall value for money.

It is recommended that Council accepts the Design and Consultancy Services for the Rehabilitation of Smyth and Aberdare Road, Nedlands from BG&E Pty Ltd.

Further Information

N/A

10. Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 5.47pm.