



MINUTES OF SPECIAL COUNCIL MEETING HELD 6 OCTOBER 2009

I hereby certify that the Minutes of the Special Meeting of Council held 6 October 2009 at Kununurra Council Chambers are a true and accurate record of the proceedings contained therein.

Shire President Confirmed

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SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

**OF THE SPECIAL COUNCIL MEETING
HELD ON TUESDAY 6 OCTOBER 2009 AT 6.37 PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy Shire President declared the meeting open at 6.37pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr R Addis	Deputy President
Cr D Ausburn	Councillor
Cr J Moulden	Councillor
Cr J Parker	Councillor
Cr K Torres	Councillor
Cr K Wright	Councillor

A Douglas	Acting Chief Executive Officer
J Ellis	Executive Manager Corporate Services
K Apperley	Executive Manager Community Services
F Kuiper	Executive Support Officer
K Tripp	Environment Officer
M Alchin	Executive Support Officer – Community Services

APOLOGIES

Cr F Mills	Shire President
Cr R Boshammer	Councillor

GALLERY

Paul Caley

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3. DECLARATION OF INTERESTS:

- **Financial Interest**

Nil

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

4. BUSINESS OF MEETING

4.1 T05 09/10 ARCHITECTURAL SERVICES EAST KIMBERLEY REGIONAL AIRPORT TERMINAL EXPANSION PROJECT (8848)

DATE:	6 October 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	66.58.05
ASSESSMENT NO:	N/A

PURPOSE

To recommend to Council the awarding of Tender 05-09/10 Provision of Architectural Services for the East Kimberley Regional Airport Terminal Expansion Project

BACKGROUND

Council resolved to issue Tender 05-09/10 Provision of Architectural Services East Kimberley Regional Airport Terminal Expansion Project at a Special Meeting of Council on 1 September 2009 as follows:

Minute No. 8801

Moved:Cr K Wright

Seconded:Cr J Moulden

1. That Council issue Request for Tender T05 – 09/10 Architectural Services East Kimberley Regional Airport Terminal Expansion Project.

2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:

2.1. Compliance Criteria (must comply)

- a) Completion of Tenderers Offer*
- b) Compliance with Conditions of Tendering*
- c) Compliance with Specification*
- d) Corporate Information*
- e) Financial Information*
- f) Conflict of Interest*
- g) Insurance*

2.2 Qualitative Criteria (used to Rank Tenders)

- a) Organisational Capabilities – 40%*
- b) Key Personnel – 35%*
- c) Performance – 25%*

2.3. Price Submitted for Tender

The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

3. That a Special Meeting of Council be held at 5.00pm on Tuesday 6 October 2009 for the purpose of considering and awarding Tender T05 – 09/10 Architectural Services East Kimberley Regional Airport Terminal Expansion Project.

CARRIED UNANIMOUSLY

The tender was advertised in the West Australian on 2 and 5 September 2009 and the Kimberley Echo on 3 September 2009.

Submissions closed at 4pm on Thursday 24 September 2009.

STATUTORY IMPLICATIONS

Tenders were invited in accordance with the provisions of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

The recommendation is consistent with Council's Purchasing Policy.

FINANCIAL IMPLICATIONS

External funding of \$5M is secured for this project through the Australian Governments National Building program and East Kimberley Development project.

Final project costs will not be known until the Project Manager prepares final development plans, and submits these to Council with Quantity Surveyor estimates.

Additional funds from Council's Airport Reserve Fund and or a loan maybe required.

STRATEGIC IMPLICATIONS

Airport statistics show that the usage of the East Kimberley Regional Airport Terminal is increasing. Additionally the strategic outlook to encourage interstate and international jet services requires a terminal building with a greater capacity to cater for the needs of the travelling public.

COMMUNITY CONSULTATION

Community and Stakeholder consultation is written into the brief for both the Project Manager and Architectural Services.

COMMENT

Tenders were accepted at the WALGA tender bureau service in West Perth and were opened immediately following the close of tenders by two officers of the WALGA tender bureau service.

Seven tenders were received from:

1. Paterson Group Architects
2. Hodge & Collard
3. Holton Connor
4. Sandover Pinder
5. Woodhead
6. JCY Architects
7. CODA Architecture

The tenders were assessed by the principal of the appointed Project Manager and the Executive Manager Corporate Services. All tenders were assessed against the compliance criteria and then ranked according to an assessment of how each tender addressed the qualitative criteria. Three tenders were short listed and the tendered price evaluated.

The preferred tenderer recommended by the evaluation panel as the most advantageous to Council is Sandover Pinder Architects Pty Ltd. In accordance with the tender documentation it is recommended the contract be awarded in two stages with stage two of the appointment subject to satisfactory performance in stage one. Satisfactory performance will be assessed by the CEO in consultation with the Project Manager and Airport Committee:

- a. That the tender value for stage one is \$27,735 excluding GST and airfares at cost.
- b. That the tendered value for stage two is \$417,415 excluding GST and airfares at cost based on a building contact value of \$6million.

ATTACHMENTS

A Tender Recommendation Report will be distributed to Councillors under Confidential Cover.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council award Tender 05-09/10 Provision of Architectural Services East Kimberley Regional Airport Terminal Expansion Project to Sandover Pinder Architects Pty Ltd as the most advantageous to Council, on the following bases:

- a. the appointment is in two stages with stage two of the appointment subject to satisfactory performance in stage one, as assessed by the CEO in consultation with the Project Manager and Airport Committee, and
- b. the tender value for stage one is accepted at \$27,735 excluding GST and airfares at cost, and
- c. the tendered value for stage two is accepted at \$417,415 excluding GST and airfares at cost based on a building contact value of \$6million.

COUNCIL DECISION

MINUTE NO 8848

Moved: Cr K Wright

Seconded: Cr J Parker

That Council award Tender 05-09/10 Provision of Architectural Services East Kimberley Regional Airport Terminal Expansion Project to Sandover Pinder Architects Pty Ltd as the most advantageous to Council, on the following bases:

- a. the appointment is in two stages with stage two of the appointment subject to satisfactory performance in stage one, as assessed by the CEO in consultation with the Project Manager and Airport Committee, and***
- b. the tender value for stage one is accepted at \$27,735 excluding GST and airfares at cost, and***
- c. the tendered value for stage two is accepted at \$417,415 excluding GST and airfares at cost based on a building contact value of \$6million.***

CARRIED UNANIMOUSLY (6/0)

4.2 T04 09/10 EAST KIMBERLEY REGIONAL AIRPORT HYDROLOGY STUDY(8849)

DATE:	6 October 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	66.58.04
ASSESSMENT NO:	N/A

PURPOSE

To recommend to Council the awarding of Tender 04-09/10 East Kimberley Regional Airport Hydrology Study.

BACKGROUND

Council resolved to issue Tender 04-09/10 East Kimberley Regional Airport Hydrology Study at its Ordinary Meeting 18 August 2009 as follows:

Minute No. 8769

Moved:Cr K Wright

Seconded:Cr J Moulden

1. That Council issue Request for Tender - East Kimberley Regional Airport Hydrology Study.

2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:

2.1. Compliance Criteria (must comply)

- a) Completion of Tenderers Offer*
- b) Compliance with Conditions of Tendering*
- c) Compliance with Specification*
- d) Corporate Information*
- e) Financial Information*
- f) Conflict of Interest*
- g) Insurance*

2.2 Qualitative Criteria (used to Rank Tenders)

- a) Organisational Capabilities - 40%*
- b) Key Personnel - 35%*
- c) Performance - 25%*

2.3. Price Submitted for Tender

The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council

CARRIED UNANIMOUSLY: (8/0)

The tender was advertised in the West Australian on 22 August 2009 and the Kimberley Echo on 27 August 2009.

Submissions closed at 4pm on Thursday 17 September 2009.

STATUTORY IMPLICATIONS

Tenders were invited in accordance with the provisions of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

The recommendation is consistent with Council's Purchasing Policy.

FINANCIAL IMPLICATIONS

Submissions for funding through the 2009-10 Regional Airports Development Scheme was successful in securing \$69,750 towards the Ground Water Monitoring project with a further \$70,250 required to be allocated from the Airport Reserve. This project was included in the budget review adopted by Council at a Special Council Meeting on 22 September 2009.

STRATEGIC IMPLICATIONS

The East Kimberley Regional Airport is strategic infrastructure and essential to the East Kimberley. The runway is a priority for asset management.

COMMUNITY CONSULTATION

Community Consultation was not required in the preparation of this report.

COMMENT

The tenders were opened immediately following the close of tenders.

Seven tenders were received from:

1. URS Australia
2. Coffey Geotechnics
3. Jim Davies and Associated Pty Ltd
4. Golder Associates Pty Ltd
5. Aurecon Australia Pty Ltd
6. ENV Australia
7. Northern Development Company Pty Ltd

Tenders were assessed by an evaluation panel consisting of Airport Operations Officer and Executive Manager Corporate Services. All tenders were assessed against the compliance criteria and then ranked according to an assessment of how each tender addressed the qualitative criteria. Four tenders were short listed and the tendered price evaluated.

The preferred tenderer recommended by the evaluation panel as the most advantageous to Council is URS Australia at the tendered price of \$41,927.70 excluding GST.

ATTACHMENTS

A Tender Recommendation Report will be distributed to Councillors under Confidential Cover.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council award Tender 04-09/10 East Kimberley Regional Airport Hydrology Study to URS Australia as the most advantageous to Council at the tendered price of \$41,927.70 excluding GST.

COUNCIL DECISION

MINUTE NO 8849

Moved: Cr K Wright

Seconded: Cr K Torres

That Council award Tender 04-09/10 East Kimberley Regional Airport Hydrology Study to URS Australia as the most advantageous to Council at the tendered price of \$41,927.70 excluding GST.

CARRIED UNANIMOUSLY (6/0)

5 MATTERS BEHIND CLOSED DOORS(8850)

COUNCIL DECISION

Minute No. 8850

*Moved:Cr D Ausburn
Seconded:Cr K Wright*

That Council move Behind Closed Doors to consider Item 8.3.

CARRIED UNANIMOUSLY: (6/0)

5.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER (8851)(8852)

DATE:	6 October 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Alex Douglas, Acting Chief Executive Officer
REPORTING OFFICER:	Alex Douglas, Acting Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

This item is to be considered Behind Closed Doors in accordance with the provisions of the Local Government Act 1995, S5.23 (2) (a) as the discussion may include the details of conditions of employment of an employee.

PURPOSE

The purpose of this report is to approve the appointment of a new Chief Executive Officer, Mr Gary Gaffney under the terms and conditions of a five-year contract.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council offer a 5-year employment contract, as per the draft contract under confidential cover, for the position of Chief Executive Officer to Mr Gary Gaffney and authorise the Shire President to sign the contract and affix the Common Seal on behalf of the Shire of Wyndham East Kimberley.

COUNCIL DECISION

Minute No. 8851

*Moved:Cr K Wright
Seconded:Cr K Torres*

That Council offer a 5-year employment contract, as per the draft contract under confidential cover, for the position of Chief Executive Officer to Mr Gary Gaffney and authorise the Shire President to sign the contract and affix the Common Seal on behalf of the Shire of Wyndham East Kimberley.

CARRIED UNANIMOUSLY: (6/0)

Minute No: 8852

Moved:Cr K Wright

Seconded:Cr K Torres

That Council come out of Behind Closed Doors.

CARRIED UNANIMOUSLY: (6/0)

6. MEETING CLOSURE

With all matters of Business complete the Deputy Shire President declared the meeting closed at 6.42pm.

The Deputy Shire President and Councillors extend their thanks and appreciation for the contribution made by former Councillor Paul Caley in his service to the Shire and in particular the community of Wyndham