

9.1 Tender Endorsement and Contract Award for the new Aberfoyle Community Centre

Cr Coomans declared an interest as Council Contact to Aberfoyle Park Community Neighbourhood Centre Management Committee.

Cr Nash declared an interest as Proxy Council Contact to Aberfoyle Park Community Neighbourhood Centre Management Committee.

Cr Nash MOVED

1. (a) *That under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public with the exception of Chief Executive Officer, General Manager City Compliance, General Manager City Services, General Manager Strategy and Policy, General Manager Organisation Services, Team Leader Contracts, Manager Property, Group Manager Governance and the Minute Secretary be excluded from attendance at the meeting in order to consider in confidence this item.*
- (b) *That the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*
 - *Section 90 (3)(b)(i)(ii) information the disclosure of which -*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business or to prejudice the commercial position of the council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (c) *That accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Coomans.

CARRIED

Cr Nash MOVED

- 1 *That for the construction of the new Aberfoyle Community Centre, Council:*
 - a) *Endorse the tender provided by Cox Constructions Pty Ltd up to the fixed price lump sum of \$2,028,895 (including GST).*

- b) *Award the construction contract to Cox Constructions Pty Ltd.*
- c) *Authorise the Chief Executive Officer to sign all required documentation.*
- d) *In the event of the preferred tenderer withdrawing, authorise the Mayor and the Chief Executive Officer to negotiate with the tenderer offering the next lowest price.*

Seconded by Cr Manson.

CARRIED

Cr Coomans MOVED

1. *That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(b)(i)(ii) until the litigation over the Seaford Recreation Centre is finalised.*

Seconded by Cr Erwin.

CARRIED