

11.2 Confidential - contract number 10039A – Water Proofing the South stage 2 early contractor involvement – outcomes of tender assessment

Cr de Jonge MOVED:

1. That

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.*
- b. the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider this report, its attachments and related tender information at the meeting as it contains:*

Section 90(3)(d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) would, on balance, be contrary to the public interest*
- c. 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 Webster.

CARRIED

Cr Olsen MOVED:

2. That Council award the tender proposed by Leed Engineering Pty. Ltd. for Contract Number 10039A as it:

- passed mandatory criteria*
- had higher quality systems and processes*
- had a greater level of team alignment*
- presented a commercially acceptable offer*

That the tender be awarded on a time and expense basis to an upper limit of 15% of the contract value being \$3.6M as outlined in section 3.1 of this report and authorise the Chief Executive Officer to sign all required documentation to finalise the contract.

3. That a further report specifying the guaranteed contract sum required for the completion of the project be submitted for Council's consideration at the conclusion of the Early Contractor Involvement process (phase 1).

Seconded by Cr Richardson.

CARRIED

Cr Olsen MOVED:

4. *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 with the exception of part 2 of the recommendation and resolution, 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)(d)(i) until the expiry of the term of the Water Proofing the South stage 2 funding agreement being end of June 2013.*
5. *That, pursuant to section 91(9)(a), Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
6. *That, pursuant to section 91(9)(c), Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Parslow.

CARRIED