

**15. Confidential items**

**15.1 Confidential - Contract number 10039B – Water Proofing the South stage 2 design and construct**

*Cr Greaves 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) 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 Richardson.*

*CARRIED*

*Cr Olsen MOVED:*

*2. That for the design and construction of the stage 2 Water Proofing the South Scheme, Council:*

- a. accept the Guaranteed Contract Sum offer of \$25,847,133.40 (including GST) proposed by Leed Engineering Pty. Ltd. for Contract Number 10039B Water Proofing the South stage 2 design and construct as outlined in section 3 of this report*
- b. authorise the Chief Executive Officer to sign all required documentation to:*
  - i. finalise the contract*
  - ii. realise further opportunities for the project including the award of variations to the contract to deliver related works from other funded programs*
  - iii. approve potential variations to the contract outside of the approved total contract sum but within the identified project contingency.*

*Seconded by Cr Greaves.*

*CARRIED*

*Cr Webster MOVED:*

- 3. 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)(d) until the expiry of the term of the Water Proofing the South stage 2 funding agreement being end of June 2013.*
- 4. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- 5. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

*Seconded by Cr Schulze.*

*CARRIED*