

15. Confidential items

15.1 Contract Award - Concrete Works - Kerb Repair Works - contract number 13063

MOVED Cr Nash.

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 the report at the meeting on the following grounds:*

Section 90(3) (k) tenders for the supply of goods, the provision of services or the carrying out of works;

The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of the information at the meeting may:

- *prejudice the commercial position of the companies that supplied the information; or*
 - *confer a commercial advantage on a third party; or*
 - *prejudice any ongoing negotiations with the preferred supplier potentially causing damage to the interests of the Council.*
- 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 Kilby.

CARRIED

MOVED Cr Olsen.

2. *That Council award the tenders proposed by Kites Concrete Pty Ltd ATF the Kite Family Trust, Trueline Kerbing Pty Ltd and Civil Mining Group Pty Ltd for contract no. 13063 as they:*
 - *passed mandatory criteria;*
 - *presented a commercially acceptable offer.*
3. *That Council delegate authority to the Chief Executive Officer to sign all required documentation to finalise the contracts with Kites Concrete Pty Ltd ATF the Kite Family Trust, Trueline Kerbing Pty Ltd and Civil Mining Group Pty Ltd for works associated with the Concrete Works – Kerb Repair Works project, Contract Number 13063.*
4. *That Council delegate authority to the Chief Executive Officer to authorise all expenditure in relation to the contract with Kites Concrete Pty Ltd ATF the Kite Family Trust, Trueline Kerbing Pty Ltd and Civil Mining Group Pty Ltd for works associated with the Concrete Works – Kerb Repair Works project, Contract Number 13063, within approved budgets.*

Seconded by Cr Swann.

CARRIED

MOVED Cr Merritt.

5. *That the matter of Contract Award - Concrete Works – Kerb Repair Works, Contract Number 13063 having being considered in confidence under Sections 90(2) and 90(3)(k) of the Local Government Act 1999 an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the Contract Award - Concrete Works – Kerb Repair Works, Contract Number 13063 and the minutes and the report of the Council relating to discussion of the subject matter, with the exception of part 2 of the recommendation and resolution, be kept confidential until the contract has been awarded and signed.*
6. *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 his sub-delegate.*
7. *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 his sub-delegate.*

Seconded by Cr Kilby.

CARRIED

RELEASED