



NOTICE OF MEETING

SPECIAL MEETING OF COUNCIL CONSIDERING TENDER NUMBER T15-2019 PAID LIFEGUARD SERVICE

Members of Council are advised that a special meeting of the Council will be held in Council Chambers, Civic Building, 83 Mandurah Terrace, Mandurah on:

**MONDAY 11 NOVEMBER 2019
AT 5.40PM**

MARK R NEWMAN
Chief Executive Officer
7 November 2019

AGENDA:

1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

2 ACKNOWLEDGEMENT OF COUNTRY

3 APOLOGIES

Apology – Councillor Di Prinzio

Leave of Absence – Councillor Schumacher

4 IMPORTANT NOTE:

Members of the public are advised that any decisions made at the meeting tonight can be revoked, pursuant to the Local Government Act 1995. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received

5 PUBLIC QUESTION TIME

Public Question time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please phone 9550 3787 or visit the City's website www.mandurah.wa.gov.au.

6 DEPUTATIONS

Any person or group wishing to make a 5-minute Deputation to the Special Council meeting regarding a matter listed on this agenda for consideration must first complete an application form. For more information about making a deputation, or to obtain an application form, please visit the City's website www.mandurah.wa.gov.au or phone 9550 3787.

7 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**8 QUESTIONS FROM ELECTED MEMBERS (WITHOUT DISCUSSION)**

9.1 Questions of which due notice has been given

9.2 Questions of which notice has not been given

9 REPORTS:

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| 1 Tender Number T15-2019 Paid Lifeguard Service | 1 - 3 |

10 CLOSE OF MEETING

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| 1 | SUBJECT: CONTACT OFFICER: AUTHOR: | Tender Number T15-2019 Paid Lifeguard Service Craig Johnson Tahlia Jones |
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Summary

The City of Mandurah invited tenders for the Paid Lifeguard Service (RFT T15-2019) on 5 September 2019.

A review of the service delivery specifications, contained within RFT T15-2019, was conducted to ensure that the specifications outlined in the tender would deliver the service required to meet the community's needs. The review found the specifications outlined in the tender did not match the initial service delivery expected from the community and that the specifications would need to be revised.

It is therefore recommended that Council decline to accept any offer, revise the specifications and recommence the procurement process.

Disclosure of Interest

Nil.

Location

Pyramids Beach Dawesville, Falcon Bay Falcon, Town Beach Mandurah and San Remo Beach Madora Bay

Previous Relevant Documentation

| | | |
|------------|---------------|--|
| G.10/8/19 | August 2019 | Authorise advertising for beach patrol service. |
| G.34/3/19 | March 2019 | Endorse writing to the Minister for Fisheries requesting grant funding be reallocated for the purpose of supporting beach patrols. |
| G.27/12/17 | December 2017 | Council endorsed 265metres of Shark Barrier as the preferred option for community consultation and the Falcon Bay Shark Barrier consultation plan. |
| G.13/8/17 | August 2017 | Interim report on the possible implementation of a Shark Barrier in Falcon Bay. |

Background

In May 2019, the City sent official correspondence through the Mayor's Office to the Minister for Water, Fisheries, Forestry, Innovation and ICT, Science, seeking approval to re-allocate the \$287,000 grant for the proposed installation of a beach enclosure at Falcon Bay, to support the establishment of a new beach patrol service within the City of Mandurah.

The beach patrol service was intended to facilitate the delivery of a contracted service at four beach locations within the City for the next three years.

At the Ordinary Council Meeting on 27 August 2019 Council resolved to authorise the advertising of a tender for the provision of the paid lifeguard service for the years 2019/20 to 2021/22 at Pyramids, Falcon Bay, Town and San Remo/Madora Bay beaches.

Comment

The grounds on which Council may decide to decline to accept any tender are not limited and may be made for any reasons including the requirement to review and revise the service specifications prior to recommencing the procurement process. Included in the officer recommendation is a resolution point that Council approve to go out for advertising once the tender documentation has been prepared.

City officers have included the specifications (refer **Confidential Attachment 1**) that were included in RFT T15-2019 and the proposed specifications resulting from the review undertaken that has led to the recommendation to decline to accept any offer. Due to the expectation that the tenderers who submitted an offer will again submit another offer to the proposed tender, the summary is confidential in nature.

The acceptance and rejection of tenders is regulated by both the *Local Government (Functions and General) Regulations 1996* (the Regulations) and the provisions within the RFT T15-2019. Clause 12 of RFT T15-2019 states that Council *'is not bound to accept any particular Tender'* in a manner consistent with Regulation 18(5), which states that a local government may *'decline to accept any tender'*.

It should be noted that the recommendation proposed for Council consideration does not disadvantage any particular tenderer and once specifications have been revised the tender will be advertised to the open market.

The recommendation to decline all tenders and to recommence a new procurement process will have a material impact on the timelines for the service delivery for the 2019/20 year. This will be addressed in part through the revision of the specifications with a staged approach to service delivery, being for year 2019/20 a part service building to a full service by 2020/21.

The City of Mandurah engaged Stantons International (SI) to provide an independent Probity Advisor service for T15-2019. SI provided probity support throughout the course of the tender process and the services included, but were not limited to:

- Provided advice to the City of Mandurah on the management of probity related risks, their treatments and management;
- Observed the non-mandatory tender briefing session and reviewed meeting minutes ; and
- Provided a point of contact in the tender documentation to manage ad-hoc enquiries from prospective tenderers to raise probity related queries in an independent manner.

SI were satisfied that the procurement process was conducted in accordance with the City of Mandurah Policies and supports the City of Mandurah's approach to managing this tender as a fair and reasonable course of action.

Consultation

Tender T15-2019 was advertised in the 'West Australian' newspaper and in the 'Mandurah Mail' on 5 September 2019 and closed at 9:00am on 23 September 2019. The tender was also displayed on notice boards at the Administration Centre and the relevant City of Mandurah libraries.

A non-mandatory tender briefing was held on 9 September 2019 at the City of Mandurah Administration building, 3 Peel Street Mandurah. A Probity Advisor from Stanton's International was in attendance and observed the conduct of the briefing session.

Statutory Environment

Part 4 of the *Local Government (Functions & General) Regulations 1996*.

18. *Rejecting and accepting tenders*

- (5) *The local government may decline to accept any tender.*

Under Section 5.23 of the *Local Government Act 1995*, the council may close to members of the public the meeting, or part of the meeting, if the meeting or part of the meeting deals with a matter of a commercial value.

Policy Implications

Policy POL-CPM 02 – *Purchasing of Goods or Services*.

Policy POL-CPM 01 – *Buy “Local” Procurement*.

Risk Analysis

The recommendation to decline all tenders and to recommence a new procurement process will have a material impact on the timelines for the service delivery for the 2019/20 year.

Economic Implications

The Western Australian (WA) State Government has confirmed in writing that the \$287,000 previously allocated for the beach enclosure can now be used for the provision of a beach patrol service. Once a contract has been awarded for the service, the WA State Government will enter into a three year agreement with the City of Mandurah with \$95,666 to be paid annually as a direct contribution towards the service. The City of Mandurah will be accountable for the remaining costs of the annual service and this will be listed in the long term financial plan.

Strategic Implications

The following strategy from the *City of Mandurah Strategic Community Plan 2017 – 2037* is relevant to this report:

Organisational Excellence:

- Deliver excellent governance and financial management.

Conclusion

Council are requested to decline to accept all tenders for the Paid Lifeguard Service T15-2019, revise the specifications and recommence the procurement process.

NOTE:

- ***Confidential Attachment 1 Specifications***

RECOMMENDATION

That Council:

1. **Declines to accept all tenders for Tender T15-2019 Paid Lifeguard Service.**
2. **Authorises the advertising of a tender for the provision of a beach patrol service for three years 2019/20, 2020/21 and 2021/22 at the Pyramids, Falcon Bay, Town and San Remo/Madora beaches, acknowledging that year 2019/20 will be a part service building to a full service by 2020/21.**