



MINUTES OF SPECIAL COUNCIL MEETING

HELD ON

MONDAY 11 NOVEMBER 2019

AT 5.40PM

IN COUNCIL CHAMBERS
CIVIC CENTRE
MANDURAH TERRACE MANDURAH

PRESENT:

MAYOR	R WILLIAMS	
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	L RODGERS	EAST WARD
COUNCILLOR	D PEMBER	EAST WARD
COUNCILLOR	J GREEN	COASTAL WARD
COUNCILLOR	M ROGERS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	T FREE	DIRECTOR SUSTAINABLE COMMUNITIES
MR	G DAVIES	DEPUTY CHIEF EXECUTIVE OFFICER
MS	C MIHOVLOVICH	DIRECTOR CORPORATE SERVICES
MR	C JOHNSON	EXECUTIVE MANAGER STRATEGY, RECREATION AND EVENTS
MS	T JONES	MANAGER GOVERNANCE SERVICES
MRS	L SLAYFORD	MINUTE OFFICER

OPENING OF MEETING [AGENDA ITEM 1]

The Mayor declared the meeting open at 5.43pm.

ACKNOWLEDGEMENT OF COUNTRY [AGENDA ITEM 2]

Mayor Williams acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid his respect to their Elders past and present.

APOLOGIES [AGENDA ITEM 3]

Apologies

Councillor Di Prinzio
Councillor Peter Rogers

Leave of Absence

Councillor Schumacher

DISCLAIMER [AGENDA ITEM 4]

The Mayor advised that the purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Consolidated Local Laws (Section 4.86) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

SP.1/11/19 K ALLEN: TENDER NUMBER T15-2019 PAID LIFEGUARD SERVICE

With the City of Mandurah embracing technology Innovation;

1. Have the Councillors been made aware of any alternative tenders that were provided that included state of the art search and rescue drones, which can drop rescue pods to swimmers and are fitted with 150DbA loudhailers / shark alarm?

The Manager Governance Services advised that the content of the tender submissions received and the ability of the respondents to meet the advertised specifications was not a consideration in this decision.

A review of the service delivery specifications, contained within the tender found that the specifications did not match the initial service delivery expected from the community and that the specifications would need to be revised.

2. Would the City see benefit in a Mandurah based training facility that could filter trainees into providing drone patrols, providing a career path and complementing the lifeguard service?

The Executive Manager Strategy, Recreation and Events responded that training in any form that improves skills and creates jobs is always encouraged. The City is not currently aware of local providers who deliver such services in Mandurah.

3. Do the members know that the NSW Department of Primary Industries tested the accuracy rate of a drone with Ai Shark spotting software and confirmed the accuracy rate as high as 93% whilst a manned helicopter runs at only 7% accuracy?

The Executive Manager Strategy, Recreation and Events advised officers were not aware of the statistics but has noted them.

4. Will the Council consider the greater use of drones more over a jet ski for the purposes of this tender?

The Manager Governance Services advised the new specifications will be included as part of the next tender process and until such time as the tender is released to the market the information will remain confidential.

SP.2/11/19 K EMERY: TENDER NUMBER T15-2019 PAID LIFEGUARD SERVICE

1. Why was a thorough and comprehensive study of ratepayer and community needs not undertaken prior to the advertisement of RFT T15-2019?

The Executive Manager Strategy, Recreation and Events informed the meeting that consultation was conducted as part of the shark barrier considerations. Once Council had made the decision to instead provide a beach patrol service, the community also had the opportunity to provide comments and feedback on the service proposed.

2. Why was the City content to hand the contract without a public tender or ratepayer community consultation process at all and on the basis of the specifications outlined in the current RFT T15- 2019? Why the sudden change now?

The Manager Governance Services advised that as per the response to question one consultation with the community was conducted.

The tender was conducted via a public tender process as per Council's resolution at the August Council meeting.

There has been no changes to the public tender process and the next tender process will be via public tender.

The Executive Manager Strategy, Recreation and Events further confirmed that Council approved the public tender process in August for the provision of a beach patrol service and that this remains the City's intent with a revision to the specifications to better align to the expectations of the community.

3. Can Council explain how a proposal to hand a \$287,000 contract to a business without a public tender process on contract specifications that have subsequently been determined to apparently be inadequate to meet the community's needs was even entertained and how will this sort of action be prevented in the future?

The Executive Manager Strategy, Recreation and Events advised the tender was conducted via a public tender process as per Council's resolution at the August Council meeting.

The Executive Manager Strategy, Recreation and Events advised the tender was conducted via a public tender process as per Council's August resolution. It was unfortunate that the specifications needed to be reviewed however, the City wants to ensure the new service meets the community needs and expectations.

4. How can I, as a ratepayer, businessman and tenderer, without being given a valid explanation as to why these tender specifications are inadequate, gain some confidence that the solution and pricing information that I designed and provided will not be communicated, verbally or otherwise, to other tenderers to enable them to improve their price. What processes are in place to protect this information?

The Manager Governance Services advised all information relating to tenders including tender submissions is strictly confidential.

In addition no feedback will be provided for tenderers who bid for T15-2019. It is not appropriate for the City to deliver feedback to the parties.

DEPUTATIONS [AGENDA ITEM 6]

SP.3/11/19 K EMERY: TENDER NUMBER T15-2019 PAID LIFEGUARD SERVICE

Mr Emery spoke in opposition to the report recommendation outlining processes and tasks undertaken to provide the required information for the advertised tender.

DECLARATION OF INTERESTS [AGENDA ITEM 7]

Nil.

QUESTIONS FROM ELECTED MEMBERS [AGENDA ITEM 8]

Questions of which due notice has been given

Nil.

Questions of which notice has not been given

Nil.

REPORTS [AGENDA ITEM 9]

SP.4/11/19 TENDER NUMBER T15-2019 PAID LIFEGUARD SERVICE (CJ) (REPORT 1)

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

RESOLVED: C Knight / Lynn Rodgers

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.**

CARRIED UNANIMOUSLY: 8/0

CLOSE OF MEETING [AGENDA ITEM 10]

There being no further business the Mayor declared the meeting closed at 6.13pm.

CONFIRMED (MAYOR)