

CITY OF MANDURAH

Minutes of Special Council Meeting

held on

Tuesday 21 July 2026 at 5:30 pm

in the Council Chambers, 83 Mandurah Terrace, Mandurah

Mayor	A Kearns	
Deputy Mayor	J Smith	Coastal Ward
Councillor	J Green	East Ward
Councillor	D Wilkins	East Ward
Councillor	S Wright	East Ward
Councillor	P Jackson	North Ward
Councillor	C Knight (<i>via electronic means</i>)	North Ward
Councillor	A Zilani	North Ward
Councillor	R Burns	Town Ward
Councillor	D Schumacher	Town Ward

Ms C Mihovilovich	Chief Executive Officer
Mrs T Jones	Director Business Services
Ms J Thomas	Director Place and Community
Mr J Campbell-Sloan	Director Strategy and Economic Development
Mr M Hall	Director Built and Natural Environment
Ms J Weber	Manager Governance and Legal Services
Ms A Bartlett	Minute Officer

TABLE OF CONTENTS

1	OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	APOLOGIES	3
4	DISCLAIMER	3
5	AMENDMENT TO STANDING ORDERS	4
6	PUBLIC QUESTION TIME	4
7	LEAVE OF ABSENCE REQUESTS	4
8	PRESENTATIONS	4
9	DEPUTATIONS	4
10	DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS.....	4
11	QUESTIONS FROM ELECTED MEMBERS.....	5
11.1	Questions of Which Due Notice Has Been Given.....	5
11.2	Questions of Which Notice Has Not Been Given.....	5
12	REPORTS	5
12.1	E01-2026 - Mandurah Performing Arts Centre (MPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works Project	5
13	CONFIDENTIAL ITEMS	7
14	CLOSE OF MEETING	7

1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 5:31 pm and announced that the Council Meeting is being live streamed and recorded in accordance with the City's Council Meetings – Live Streaming, Recording and Electronic Attendance Policy.

The Mayor advised that attendance at this meeting may involve the collection of personal information, including an individual's image, voice, and any statements made. Recordings are made for the purpose of fulfilling legislative requirements, maintaining accurate records, and enabling transparency in decision making. Recordings may be published or made available to the public in accordance with applicable legislation. Personal information is managed in accordance with applicable privacy legislation and the Council Privacy Policy.

By being present at this meeting, members of the public consent to the City live streaming and publishing their voice on the City's website. The Mayor noted that members of the public are not subject to video live streaming and only their voice will be captured.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Kearns acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid her respects to their Elders past and present.

George Walley kindly prepared this statement.

People have been here for a long time. I want to acknowledge the presence of people over that long time with firstly the Bindjareb Noongar people who continue to have an ongoing connection to this land. They have been here for over 50,000 years. This place Mandjoogoordap or Mandurah, acknowledges a beautiful name, full of intent of people living here and others visiting here. That intent gives us an idea of their ancestral land usage over that long period. Mandurah, the gathering place is unique because even today we still gather here in the most beautiful place for many important reasons. Let us embrace the notion of people being in this space as we move forward as one community.

3 APOLOGIES

Leave of Absence

Cr J Cumberworth

Apologies

Cr O Mulder

4 DISCLAIMER

The Mayor advised that the purpose of this 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 the *City of Mandurah Standing Orders 2016* (Section 13.1(1)) 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.

5 AMENDMENT TO STANDING ORDERS

Modification to *Standing Orders Local Law 2016* – electronic attendance at meeting.

SCM26/3 Council Resolution

MOTION

Moved: Deputy Mayor J Smith

Seconded: Cr D Wilkins

That Council:

1. **Suspend the operation of the following provisions of the City of Mandurah Standing Orders Local Law 2016 for the duration of this electronic meeting to ensure Cr Caroline Knight can follow and participate in the meeting as it progresses.**
2. **Standing Order 7.2 Members to occupy own seats whilst present in meeting room. Relevant only for Elected Members attending the Council Chambers.**
3. **Agree under Standing Orders 8.1(1) and 12.2, that instead of requiring a show of hands, a vote will be conducted by exception with the Presiding Member calling for those Members against each motion. If no response is received the motion will be declared carried and minuted accordingly.**
4. **Reiterate the requirement as per Standing Order 7.3 for Members to advise the Presiding Member when leaving or entering the meeting at any time.**

CARRIED: 10/0

For: Cr A Zilani, Cr C Knight, Cr D Schumacher, Cr D Wilkins, Cr J Green, Cr P Jackson, Cr R Burns, Cr S Wright, Deputy Mayor J Smith and Mayor A Kearns

Against: Nil

6 PUBLIC QUESTION TIME

The Mayor opened Public Question Time at 5:36 pm.

The Mayor closed Public Question Time at 5:37 pm.

7 LEAVE OF ABSENCE REQUESTS

Nil

8 PRESENTATIONS

Nil

9 DEPUTATIONS

Nil

10 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

- 10.1 Cr Wilkins declared an impartiality interest in Item 12.1 E01-2026 - Mandurah Performing Arts Centre (MPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works Project due to being the Council's representative on the MPAC Board.

- 10.2 The Director Place and Community declared an impartiality interest in Item 12.1 E01-2026 - Mandurah Performing Arts Centre (MPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works Project due to being a City representative on the MPAC Board.

11 QUESTIONS FROM ELECTED MEMBERS

11.1 Questions of Which Due Notice Has Been Given

Nil

11.2 Questions of Which Notice Has Not Been Given

Nil

12 REPORTS

Subject: 12.1 E01-2026 - Mandurah Performing Arts Centre (MPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works Project

Summary

The City of Mandurah invited public Expressions of Interest 01-2026 for the Mandurah Performing Arts Centre (ManPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works project.

The purpose of the Expression of Interest (EOI) was to:

- Assess market capability and capacity;
- Evaluate contractor experience with complex HVAC replacement and roof works;
- Test contractor methodology against critical staging and shutdown constraints; and
- Shortlist EOI respondents to progress to Stage Two – Restricted Request for Tender

Council is requested to accept the recommended shortlist of acceptable tenderers and delegate authority to the Chief Executive Officer to award the Stage 2 Tender contract. This approach will support delivery of the works within the January/February 2027 ManPAC shutdown period targeted to minimise disruption to the ManPAC operations and program of shows and events.

Officer Recommendation

That Council:

1. Accepts the following respondents as acceptable tenderers to be shortlisted and invited to participate in Stage 2 – Request for Tender T14 - 2026 (Restricted) for the Mandurah Performing Arts Centre HVAC Replacement and Roof Works project:
 - Kilmore Group Pty Ltd
 - Safeway Building and Renovations Pty Ltd
 - PCB Contractors Pty Ltd
 - Moonlight (WA) Pty Ltd ATFT Katsaros Family Trust T/As Complete Refrigeration & Air
2. Delegates authority to the Chief Executive Officer, pursuant to section 5.42 of the *Local Government Act 1995*, regulation 18 Rejecting and Accepting Tenders of the *Local Government (Functions and General) Regulations 1996* with the following condition:
 - CEO is delegated to accept or decline to accept Stage 2 Request for Tender T14 - 2026 (Restricted) for the Mandurah Performing Arts Centre Heating, Ventilation and Air

Conditioning Replacement and Roof Works where the consideration is, or is expected to be equal to or less than the project budget (GST exclusive).*

3. Notes the outcome of the Stage 2 Request for Tender T14 - 2026 (Restricted), including the successful tenderer and contract value, being reported to Council through the Monthly Financial Report.

ABSOLUTE MAJORITY REQUIRED

SCM26/4 Council Resolution

MOTION

Moved: Cr D Wilkins
Seconded: Cr P Jackson

That Council:

1. **Accepts the following respondents as acceptable tenderers to be shortlisted and invited to participate in Stage 2 – Request for Tender T14 - 2026 (Restricted) for the Mandurah Performing Arts Centre HVAC Replacement and Roof Works project:**
 - Kilmore Group Pty Ltd
 - Safeway Building and Renovations Pty Ltd
 - PCB Contractors Pty Ltd
 - Moonlight (WA) Pty Ltd ATFT Katsaros Family Trust T/As Complete Refrigeration & Air
2. **Delegates authority to the Chief Executive Officer, pursuant to section 5.42 of the *Local Government Act 1995*, regulation 18 Rejecting and Accepting Tenders of the *Local Government (Functions and General) Regulations 1996* with the following condition:**
 - CEO is delegated to accept or decline to accept Stage 2 Request for Tender T14 - 2026 (Restricted) for the Mandurah Performing Arts Centre Heating, Ventilation and Air Conditioning Replacement and Roof Works where the consideration is, or is expected to be equal to or less than the project budget (GST exclusive).*
3. **Notes the outcome of the Stage 2 Request for Tender T14 - 2026 (Restricted), including the successful tenderer and contract value, being reported to Council through the Monthly Financial Report.**

ABSOLUTE MAJORITY REQUIRED

CARRIED: 7/3
For: Cr C Knight, Cr D Wilkins, Cr J Green, Cr P Jackson, Cr S Wright, Deputy Mayor J Smith and Mayor A Kearns
Against: Cr A Zilani, Cr D Schumacher and Cr R Burns

13 CONFIDENTIAL ITEMS

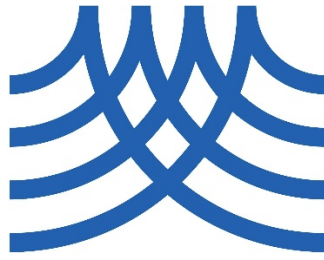
Nil

14 CLOSE OF MEETING

There being no further business, the Mayor declared the meeting closed at 5:57 pm.

CONFIRMED..... (MAYOR)

Confirmed



**CITY OF
MANDURAH**

NOTICE OF MEETING

SPECIAL COUNCIL

Members of Council are advised that a meeting will be held in the Council Chambers, 83 Mandurah Terrace, Mandurah and the meeting will be live streamed on:

Tuesday 21 July 2026 at 5:30 pm

CASEY MIHOVLOVICH

Chief Executive Officer

16 July 2026

TABLE OF CONTENTS

1	OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS	3
2	ACKNOWLEDGEMENT OF COUNTRY	3
3	APOLOGIES	3
4	DISCLAIMER	3
5	AMENDMENT TO STANDING ORDERS	3
6	PUBLIC QUESTION TIME	3
7	LEAVE OF ABSENCE REQUESTS	3
8	PRESENTATIONS	3
9	DEPUTATIONS	3
10	DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS.....	4
11	QUESTIONS FROM ELECTED MEMBERS.....	4
	11.1 Questions of Which Due Notice Has Been Given.....	4
	11.2 Questions of Which Notice Has Not Been Given.....	4
12	REPORTS	4
	12.1 E01-2026 - Mandurah Performing Arts Centre (MPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works Project	4
13	CONFIDENTIAL ITEMS	11
14	CLOSE OF MEETING	11

1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

Members of the public are advised that the Council Meeting is being live streamed in accordance with the City's Council Meetings – Live Streaming, Recording and Electronic Attendance Policy. By being present at this meeting, members of the public consent to the City live streaming and publishing their voice on the City's website. Members of the public are not subject to video live streaming and only their voice will be captured. For further information on the live streaming of Council Meetings please click here [Live Streaming of Council Meetings](#)

2 ACKNOWLEDGEMENT OF COUNTRY

George Walley kindly prepared this statement.

People have been here for a long time. I want to acknowledge the presence of people over that long time with firstly the Bindjareb Noongar people who continue to have an ongoing connection to this land. They have been here for over 50,000 years. This place Mandjoogoordap or Mandurah, acknowledges a beautiful name, full of intent of people living here and others visiting here. That intent gives us an idea of their ancestral land usage over that long period. Mandurah, the gathering place is unique because even today we still gather here in the most beautiful place for many important reasons. Let us embrace the notion of people being in this space as we move forward as one community.

3 APOLOGIES

Leave of Absence

Councillor J Cumberworth

Apologies

4 DISCLAIMER

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 AMENDMENT TO STANDING ORDERS

Modification to *Standing Orders Local Law 2016* – electronic attendance at meeting.

6 PUBLIC QUESTION TIME

Public Question time provides an opportunity for members of the public to ask a question of Council relating to the purpose of the Special Council Meeting. For more information regarding Public Question Time, please visit the City's website [About Council Meetings](#) or telephone 9550 3787.

7 LEAVE OF ABSENCE REQUESTS

Nil

8 PRESENTATIONS

9 DEPUTATIONS

Any person or group wishing to make a Deputation to Council regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation, please visit the City's website [About Council Meetings](#) or telephone 9550 3787.

10 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

11 QUESTIONS FROM ELECTED MEMBERS

11.1 Questions of Which Due Notice Has Been Given

11.2 Questions of Which Notice Has Not Been Given

Any questions from Elected Members must relate to the purpose of the Special Council Meeting.

12 REPORTS

Subject: 12.1 E01-2026 - Mandurah Performing Arts Centre (MPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works Project

Summary

The City of Mandurah invited public Expressions of Interest 01-2026 for the Mandurah Performing Arts Centre (ManPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works project.

The purpose of the Expression of Interest (EOI) was to:

- Assess market capability and capacity;
- Evaluate contractor experience with complex HVAC replacement and roof works;
- Test contractor methodology against critical staging and shutdown constraints; and
- Shortlist EOI respondents to progress to Stage Two – Restricted Request for Tender

Council is requested to accept the recommended shortlist of acceptable tenderers and delegate authority to the Chief Executive Officer to award the Stage 2 Tender contract. This approach will support delivery of the works within the January/February 2027 ManPAC shutdown period targeted to minimise disruption to the ManPAC operations and program of shows and events.

Disclosure of Interest

Nil

Previous Relevant Documentation

Nil

Background

The City adopted a two-stage procurement process for the ManPAC HVAC Replacement and Roof Works project, comprising an initial Expression of Interest (EOI), to be followed by a restricted Request for Tender. This approach was selected because the project is subject to significant program constraints, including the requirement to complete the majority of construction works during the limited January/February 2027 ManPAC shutdown period.

Given the time sensitive nature of the project, the limited shutdown opportunity available at ManPAC and the potential lead time risks associated with specialist HVAC equipment, this procurement approach was considered the most effective way to balance probity, competition, market testing and program certainty, whilst reducing delivery risk to the City.

A staged EOI approach enables the City to:

- Determine whether there were sufficient market interest and capability to undertake the works.
- Identify and shortlist suitably qualified and experienced contractors capable of delivering a complex HVAC replacement project within an operational public facility.
- Assess contractors' capacity and willingness to work within the City's proposed program constraints, including the targeted January/February 2027 shutdown period.
- Obtain early market intelligence regarding potential construction, supply chain and delivery risks, including lead times for critical HVAC equipment and plant.
- Better understand whether the anticipated shutdown window would be sufficient to undertake the proposed works and what construction methodologies contractors may adopt to minimise disruption and program risks.
- De-risk the overall procurement and delivery program by engaging the market while the final design documentation was being completed.

The existing HVAC plant at ManPAC is at the end of its serviceable life and reliability is deteriorating. The replacement works must be substantially completed during the January/February 2027 ManPAC shutdown period, which has been scheduled with the venue to align with the quietest period in its annual calendar. If the works are not delivered within this window, the next available opportunity will be January/February 2028, resulting in the City carrying a significantly increased risk of unplanned plant failure at its principal performing arts venue for a further twelve months.

Comment

Stage One – Expression of Interest 01-2026

The EOI 01-2026 ManPAC HVAC Replacement and Roof Works project was advertised on 16 May 2026 in The West Australian, on 20 May 2026 in the Mandurah Times, on the Tenderlink tender portal and on the public notice section of the City of Mandurah website.

The EOI closed at 2:00pm on 10 June 2026. Six submissions were received from the following respondents:

Entity Name	Business Address	ABN Number	ACN Number
Brunel Building Services Pty Ltd	4/23 Belgravia Street, Belmont WA 6104	67 639 545 378	639 545 378
Moonlight (WA) Pty Ltd ATFT Katsaros Family Trust T/As Complete Refrigeration & Air	7 / 9-11 Slade Street, Mandurah WA 6210	31 946 034 086	613 824 721
Jako Industries Pty Ltd	12 Sabre Crescent, Jandakot WA 6164	72 008 791 893	008 791 893
Kilmore Group Pty Ltd	27 King Edward Road, Osborne Park WA 6017	95 619 937 898	619 937 898
PCB Contractors Pty Ltd	Suite C4, 1 The Esplanade, Mount Pleasant WA 6153	29 641 927 353	641 927 353
Safeway Building and Renovations Pty Ltd	1 / 64 Reserve Drive, Mandurah WA 6210	97 146 697 378	146 697 378

All responses received were assessed as compliant with the mandatory requirements and progressed to qualitative assessment by the evaluation panel.

Pricing was not requested as part of the EOI, as the assessment was based solely on qualitative criteria. Pricing will be sought during Stage 2 from the shortlisted tenderers invited to participate in the restricted Request for Tender process.

The weighted qualitative criteria, outlined in Confidential Attachment 1, were included in the EOI package issued to all respondents and used by the evaluation panel to assess and rank each submission.

During the planning stage, it was determined that the three highest ranked respondents from the Stage 1 qualitative assessment would be shortlisted and invited to participate in Stage 2 Restricted Request for Tender.

As two respondents achieved an equal score and were jointly ranked third, the shortlist has been increased from three to four respondents. The following companies were ranked in the top three:

- **Rank 1:** Kilmore Group Pty Ltd
- **Rank 2:** Safeway Building and Renovations Pty Ltd
- **Rank 3 equal:** PCB Contractors Pty Ltd
- **Rank 3 equal:** Moonlight (WA) Pty Ltd ATFT Katsaros Family Trust T/As Complete Refrigeration & Air

To finalise the Stage 1 process, Council is requested to resolve to proceed with the recommended shortlisted respondents.

Stage 2 – Request for Tender T14-2026 (Restricted)

Stage 2 Request for Tender will be issued to the shortlisted respondents as determined by Council through Stage 1 – EOI. Tenderers will price against a fully defined scope and the evaluation will assess price, construction methodology and delivery program, together with completion of the due diligence commenced in Stage 1. The Stage 2 evaluation will be undertaken by an evaluation panel in accordance with Council Procurement Policy and against the criteria published in the Request for Tender.

City officers are recommending that the award of the Stage 2 Tender be delegated to the CEO. In accordance Delegated Authority CPM 04 Rejecting and Accepting Expressions of Interests and Tenders; Variation Before Contract, the CEO is delegated to accept or decline to accept any tenders where the consideration is, or is expected to be, \$3,000,000 (GST exclusive) or less.

As this contract is likely to exceed the CEO's delegation, the final award of Stage 2 Tender will be subject to Council resolution. However, given the restrictive timeframes it is recommended that Council delegate to the CEO to select the preferred tenderer, negotiate terms and conditions, and execute the Stage 2 contract.

The delegation is specific to Stage 2 – Request for Tender and is subject to the following conditions:

- the contract may only be awarded within the Council approved budget; and
- the outcome of the Stage 2 process, including the successful tenderer and contract value, will be reported to Elected Members following contract execution.

There is no contingency in the delivery program between award of the Stage 2 contract and the January/February 2027 ManPAC shutdown period. Specialist HVAC plant is subject to long manufacturing and shipping lead times, so equipment orders will need to be placed as soon as the contract is executed to secure delivery in advance of the shutdown. If the award decision was returned to Council, the briefing and agenda cycle could add four to six weeks to the program. This

time cannot be recovered elsewhere and would increase the risk to equipment lead times, contractor mobilisation and delivery within the shutdown window.

Missing the 2027 shutdown would defer the works by twelve months. The existing HVAC plant is at the end of its serviceable life, and a deferral of that length would materially increase the likelihood of unplanned failure affecting ManPAC's programming, patrons and hirers. A deferral would also require the venue to hold a second shutdown window in its 2028 calendar, disrupting programming that is booked well in advance. Program certainty is therefore important to both the City and the operation of the venue.

Delegating the award decision will avoid the additional two weeks otherwise required to return the matter to Council through an agenda cycle; a period the delivery program cannot absorb without placing equipment procurement and the shutdown window at risk.

Alternatively, if Council's preference is to retain the decision, a Special Council Meeting will be called following evaluation of the Stage 2 – Tender.

Consultation

Nil

Statutory Environment

Local Government Act 1995

s.5.42 provides that a local government may, by absolute majority, delegate to the CEO the exercise of any of its powers or the discharge of any of its duties, other than those listed in section 5.43. s.5.43(b) provides that a local government cannot delegate the acceptance of a tender that exceeds an amount determined by the local government for the purpose of that paragraph.

The recommended delegation therefore determines the Council approved project budget as that amount for this procurement.

Local Government (Functions and General) Regulations 1996 – Part 4

r.21 permits a local government to make a preliminary selection from prospective tenderers by seeking expressions of interest, with Statewide public notice given.

r.22 prescribes the minimum period to be allowed for submitting expressions of interest.

r.23 governs the rejection and consideration of expressions of interest and requires the local government to decide which respondents it considers capable of satisfactorily supplying the goods or services, with the CEO to list each of those persons as an acceptable tenderer.

r.24 requires each person who submitted an expression of interest to be notified of the outcome.

Under r.14(2), the Stage 2 invitation to tender will be issued only to the listed acceptable tenderers.

Policy Implications

Policy POL-CPM 02 – Procurement.

Policy POL-CPM 01 – Regional Price Preference Policy (for Stage two of this process)

DA-CPM 04 Rejecting and Accepting Expressions of Interests and Tenders; Variation Before Contract

Financial Implications

Funding for the project is provided in the City's Long Term Financial Plan for the 2026/27 Financial Year. The total project budget including the HVAC and the roof replacement component is \$4,894,988.

An Opinion of Probable Cost has been prepared by an independent design consultant appointed for the project and is contained in Confidential Attachment 1. The estimate has not been disclosed in this report to preserve the competitiveness of the Stage 2 tender process.

The final project cost will be determined through the Stage 2 tender, and any contract awarded under the recommended delegation must be within the Council approved project budget.

Economic Implications

Economic implications will only be fully determined following the appointment of a contractor through the Stage Two restricted tender process. However, a project of this nature has the potential to generate local employment opportunities and broader economic benefits for the City during the construction period, including engagement of local subcontractors, suppliers and related service providers where available.

Through the tender process the local content will be evaluated in accordance with Council Regional Price Preference Policy POL-CMP 01.

Environmental Implications

The design and delivery of the Heating, Ventilation and Air Conditioning Replacement and Roof Works project will be subject to appropriate environmental management practices. These requirements will be assessed and monitored throughout the construction phase to ensure environmental risks are appropriately managed.

Risk Implications

The principal project risk is program related. The works must be substantially completed during the January/February 2027 ManPAC shutdown period and specialist HVAC equipment must be ordered promptly after contract award to meet that window. If the shutdown period is missed, the works will be deferred by twelve months, during which the City will carry an elevated risk of unplanned failure of plant that is at the end of its serviceable life, with potential disruption to ManPAC's programming, patrons and hirers. The recommended delegation directly mitigates this risk by removing the additional Council cycle that would otherwise be required between tender close and contract award.

Procurement and contractor risk has been addressed through the Stage 1 evaluation, in which respondents were assessed on capability, methodology, capacity and financial standing. These matters will be further addressed through the Stage 2 evaluation and completion of due diligence before award. Ongoing contract management will support the identification, monitoring and management of risks during the construction phase.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

Economy

- Local jobs to retain our people and attract skilled workers
- Well-planned, sustainable urban development
- A thriving city that residents are proud to call home and people want to visit

Community

- A healthy lifestyle and healthy community, with an emphasis on prevention

Environment

- Our built environment is clean, accessible and sustainable

Leadership

- Well-maintained assets and facilities that meet the needs of our community

Conclusion

The City invited Expressions of Interest for the Mandurah Performing Arts Centre (ManPAC) Heating, Ventilation and Air Conditioning (HVAC) Replacement and Roof Works project and has completed the Stage 1 evaluation.

Council is requested to accept the four recommended respondents as acceptable tenderers to participate in the Stage 2 Request for Tender (restricted) and to delegate authority to the CEO to select a preferred tenderer, issue clarifications, negotiate terms and conditions, and execute a contract on completion of the Stage 2 evaluation.

The delegation is specific to this procurement, is exercisable only within the Council approved project budget, and is sought to enable the contract to be awarded and specialist equipment ordered in time to deliver the works within the January/February 2027 ManPAC shutdown period.

Alternatively, a Special Council Meeting will be required to be held for Council to accept or decline to accept State 2 Request for Tender.

City officers are recommending that Council delegate the award of Stage 2 to the CEO to support the delivery of the project timeframes. If Council wish to retain the delegation to award Stage 2 the resolution would be as follows:

Alternate Option – Council retain the Delegation to Award for Stage 2

1. Accepts the following respondents as acceptable tenderers to be shortlisted and invited to participate in Stage 2 – Request for Tender T14-2026 (Restricted) for the Mandurah Performing Arts Centre HVAC Replacement and Roof Works project:
 - Kilmore Group Pty Ltd
 - Safeway Building and Renovations Pty Ltd
 - PCB Contractors Pty Ltd
 - Moonlight (WA) Pty Ltd ATFT Katsaros Family Trust T/As Complete Refrigeration & Air
2. Notes a further report will be presented for Council to accept or decline to accept Stage 2 – Tender Process T14- 2026 (Restricted).

Officer Recommendation

That Council:

1. **Accepts the following respondents as acceptable tenderers to be shortlisted and invited to participate in Stage 2 – Request for Tender T14 - 2026 (Restricted) for the Mandurah Performing Arts Centre HVAC Replacement and Roof Works project:**
 - **Kilmore Group Pty Ltd**
 - **Safeway Building and Renovations Pty Ltd**
 - **PCB Contractors Pty Ltd**
 - **Moonlight (WA) Pty Ltd ATFT Katsaros Family Trust T/As Complete Refrigeration & Air**
2. **Delegates authority to the Chief Executive Officer, pursuant to section 5.42 of the *Local Government Act 1995*, regulation 18 Rejecting and Accepting Tenders of the *Local Government (Functions and General) Regulations 1996* with the following condition:**
 - **CEO is delegated to accept or decline to accept Stage 2 Request for Tender T14 - 2026 (Restricted) for the Mandurah Performing Arts Centre Heating, Ventilation and Air Conditioning Replacement and Roof Works where the consideration is, or is expected to be equal to or less than the project budget (GST exclusive).***

3. **Notes the outcome of the Stage 2 Request for Tender T14 - 2026 (Restricted), including the successful tenderer and contract value, being reported to Council through the Monthly Financial Report.**

****ABSOLUTE MAJORITY REQUIRED****

Attachments

1. CONFIDENTIAL REDACTED - EOI01 2026 Evaluation Panel Report [**12.1.1** - 25 pages]

13 CONFIDENTIAL ITEMS

Nil

14 CLOSE OF MEETING