



City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

I hereby give notice that a Council Meeting will be held on:

Date: Tuesday, 18 April 2023

Time: 6.00 p.m.

**Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier**

CONFIDENTIAL AGENDA

**Council Meeting
18 April 2023**

**Sarah Philpott
Chief Executive Officer
14 April 2023**

**23.4 ANIMAL POUND AND SHELTER SERVICES PROCUREMENT PROCESS – REPORT
NO. AR23/22228**

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because Report and resolution relates to the administration of an active procurement process and funding agreement..

23.4 ANIMAL POUND AND SHELTER SERVICES PROCUREMENT PROCESS – REPORT NO. AR23/22228

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/22228
CM9 Reference:	AF13/64
Author:	Tegan McPherson, Project Manager
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report provides an update on the procurement process for Animal Pound and Shelter Services and seeks resolution from Council to extend its current Funding Agreement with South East Animal Welfare League (SEAWL) while this process is underway.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (k) tenders for the: supply of goods, or the provision of services, or the carrying out of works.

REPORT RECOMMENDATION

1. That Council Report No. AR23/22228 titled 'Animal Pound and Shelter Services Procurement Process' as presented on 18 April 2023 be noted.
2. That Council delegate authority to the Chief Executive Officer and/or the General Manager Corporate and Regulatory Services to extend the existing agreement with the South East Animal Welfare League with the current terms and conditions for a further 12 months, as deemed necessary.



TYPE OF REPORT

BACKGROUND

City of Mount Gambier (Council) has an Agreement with South East Animal Welfare League (SEAWL) for 12 months, until 30 June 2023. The current Agreement is a tri-partied funding arrangement between Council, District Council of Grant (DC Grant) and SEAWL and has been in place since 1 July 2014. On 24 January 2023, Council resolved that, in accordance with its Procurement Policy, a tender, for a five-year contract term, for the provision of animal pound and shelter services on behalf of Council, be issued.

On 21 March 2023, DC Grant received endorsement to proceed to work with us on a procurement process for pound and shelter services and also resolved that their Chief Executive Officer and/or the Director of Environmental Services be delegated the authority to extend the existing agreement with the South East Animal Welfare League with the current terms and conditions for a further 12 months, should it be deemed necessary.

On 28 March 2023, DC Grant and Council met to discuss the procurement approach and confirm where both parties are at. As part of this meeting, it was agreed that we would proceed with an EOI process in the first instance to get a better feel for the market and to help inform an RFQ process. Both parties are now working through the content for this EOI to inform next steps.

At this stage, it is looking likely that we will not have an outcome to the procurement process by the time our existing agreement with SEAWL expires on 30 June 2023.

PROPOSAL

This is a complex procurement process, but one that will set Council up for success in the provision of animal pound and shelter services into the future.

It is therefore important that we take the time to engage with the market, and better understand interest so that we are better informed for a Request for Quote (RFQ) process.

To give Council time to adequately complete this process, and ensure service continuity to the community, it is recommended that we have the capacity to extend the current arrangement for a period up to 12 months, as deemed necessary.

It is, however, proposed that any contract extension include an update to the KPIs to reflect what is currently being reported by SEAWL and request updates on previously provided information that has not been updated i.e. policies and procedures.

LEGAL IMPLICATIONS

The key legislation that applies to the issues considered in this report is *the Dog and Cat Management Act 1995*.

As per this legislation, impounded dogs are required to be held at a facility for 72 hours. After that, animals are generally transferred to a shelter for rehoming. At this point, it is up to the shelter management to resell/rehome or euthanise the animals.

There are currently no set timeframes for impounded cats. However, it is foreseen that the Act may be amended in the near future to include requirements for cats which would result in the impoundment of cats for at least 72 hours (longer if they appear to be owned).

When an animal is found, identification via registration disks and microchip numbers should be checked and owners should be contacted to arrange return to home as soon as possible. If the owner is unable to be identified or contacted, the animal is impounded by the council in an approved



facility and the animal must be held for 72 hours while attempts are made to reunite the animal with its owner.

Councils are responsible for making satisfactory arrangements for the impoundment of dogs and if they choose to detain cats, satisfactory arrangements for a facility for their impoundment.

STRATEGIC PLAN

N/A

COUNCIL POLICY

[P420 Procurement and Disposal of Land and Assets Policy](#)

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

Council has a budget allocation for this service.

The current value of the Agreement is \$45,000 per annum, paid six monthly in advance. In previous Agreements, up until the most recent, there have been annual CPI increases. Council may consider whether a CPI increase on \$45,000 per annum would be applicable.

RISK IMPLICATIONS

SEAWL may not be satisfied to enter into an extension of Agreement without longer term certainty on what Council's plans are. It may be that Council needs to factor this into its negotiations, with a view that our default position is a CPI increase allocated to the \$45,000 annual figure.

It is considered unlikely that SEAWL would not agree to an extension of the Agreement, as they are highly dependant on the funding they receive from Council and DC Grant. However, in the event they do not agree to an extension, Council will have a contingency plan for the impoundment of dogs while the procurement process is complete.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

If resolved, we would seek to extend our Funding Agreement with SEAWL for 6 months in the first instance to give Council sufficient time to explore the market and determine next steps.

The EOI process will be undertaken before we determine next steps in accordance with our Procurement Policy.



CONCLUSION AND RECOMMENDATION

It is, recommended that the Chief Executive Officer have the capacity to extend the current Funding Agreement with SEAWL, as deemed necessary, for any period up to 12 months. As part of negotiating an extension, the Chief Executive Officer may deem it appropriate to apply a CPI increase to the current annual amount of \$45,000 in accordance with previous Agreements.

Any extension to the Agreement may also include an update to the KPIs to reflect what is currently being reported by SEAWL and a request to update previously provided information that has not been updated i.e. policies and procedures.

ATTACHMENTS

Nil

CONFIDENTIAL



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 18 April 2024.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER ON TUESDAY, 18 APRIL 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Max Bruins,
Cr Paul Jenner, Cr Sonya Meziniec, Cr Jason Virgo

OFFICERS IN	Chief Executive Officer	- Mrs S Philpott
ATTENDANCE:	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	General Manager City and Community Growth	- Mrs Sue La Greca
	Media and Communications Coordinator	- Mr M Brookes
	Councillor Support Officer	- Mrs M Telford

23.4 ANIMAL POUND AND SHELTER SERVICES PROCUREMENT PROCESS – REPORT NO. AR23/22228

RESOLUTION 2023/57

Moved: Cr Josh Lynagh

Seconded: Cr Jason Virgo

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and Sarah Philpott, Barbara Cernovskis, Jane Fetherstonhaugh, Sue La Greco, Madeleine Brookes and Melissa Telford be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or

- the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because Report and resolution relates to the administration of an active procurement process and funding agreement..

CARRIED

RESOLUTION 2023/58

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/22228 titled 'Animal Pound and Shelter Services Procurement Process' as presented on 18 April 2023 be noted.
2. That Council delegate authority to the Chief Executive Officer and/or the General Manager Corporate and Regulatory Services to extend the existing agreement with the South East Animal Welfare League with the current terms and conditions (or with the inclusion of up to CPI) for up to a further twelve months, as deemed necessary.

CARRIED

RESOLUTION 2023/59

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 18 April 2024.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

