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

**Date: Tuesday, 19 July 2022**  
**Time: 6.00 p.m.**  
**Location: Council Chamber**  
**Civic Centre**  
**10 Watson Terrace**  
**Mount Gambier**

# **CONFIDENTIAL AGENDA**

**Council Meeting**  
**19 July 2022**

A handwritten signature in black ink, appearing to read "Sarah Philpott", is written over a light grey circular stamp.

**Sarah Philpott**  
**Chief Executive Officer**  
**15 July 2022**

**26.2 TENDER AF21/283 - DESIGN, SUPPLY & INSTALLATION OF SOLAR LIGHTING ON RAIL TRAIL – REPORT NO. AR22/45083**

<b>Committee:</b>	<b>Council</b>
<b>Meeting Date:</b>	<b>19 July 2022</b>
<b>Report No.:</b>	<b>AR22/45083</b>
<b>CM9 Reference:</b>	<b>AF13/64</b>
<b>Author:</b>	<b>Aaron Izzard, Environmental Sustainability Officer</b>
<b>Authoriser:</b>	<b>Barbara Cernovskis, General Manager City Infrastructure</b>
<b>Summary:</b>	<b>The Rail Trail shared use path is a great community asset and popular with the local Community and visitors. To enable use after sunset, particularly in the cooler months, Council applied for funding through the Local Government Infrastructure Partnership Program (LGIPP) to install solar lighting along the length of the path. Council's application was successful, receiving a grant for \$600,000 from the State Treasury – matched by the same amount of Council funding. Council Officers prepared a tender for the project. Presented in this report are the results of the tender process and recommendations.</b>
<b>Strategic Plan Reference:</b>	<b>Goal 2: Our Location Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

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:

- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected: to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party
- (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. AR22/45083 titled 'Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail' as presented on 19 July 2022 be noted.
2. That Council:
  - (a) Authorises the award of Contract AF21/283 to the preferred tenderer Leadsun Australia (Option 2) for the fixed lump sum amount of \$859,000.00 (GST exclusive).
  - (b) Authorises budget allocation for a five-year maintenance proposal commencing from the 2023-2024 budget as year 1 at \$10,300.00 (GST exclusive) per annum.
  - (c) Authorises the Chief Executive Officer to execute contract documents between Council and Leadsun Australia.
  - (d) Authorises the Chief Executive Officer to approve additional justified expenditure during the contract up to the 2022-2023 budget allocation.



## TYPE OF REPORT

Corporate

## BACKGROUND

The Rail Trail connects the eastern and western ends of the City for cyclists and pedestrians. Used mainly by students commuting to school, people commuting to work, runners, walkers, mobility vehicles, parents with prams, and cyclists.

To enable the path to be used after sunset, particularly in the cooler months, Council applied for funding through the Local Government Infrastructure Partnership Program (LGIPP) to install solar lighting along the length of the path. This project will provide a safer environment, enable the community to be active along the pathway after dark, and improve night-time security.

Council's application was successful, receiving a grant for \$600,000 from State Treasury. These funds were matched by Council with a \$600,000 2022/2023 budget allocation, bringing the total project budget to \$1,200,000.

## PROPOSAL

The total length of the solar lighting will be 8.421 km with a project completion date of **30 December 2022** in accordance with LGIPP funding agreement terms and conditions.

### SITE CONDITIONS

Total Length of Proposed Solar lighting = **8.6km**

#### East Section: 3.024km

- Bay Road to Ferrers Street = 170m
- Ferrers Street to Crouch Street = 405m
- Crouch Street to Pick Avenue = 1,256m
- Pick Avenue to Jubilee Highway = 1,193m

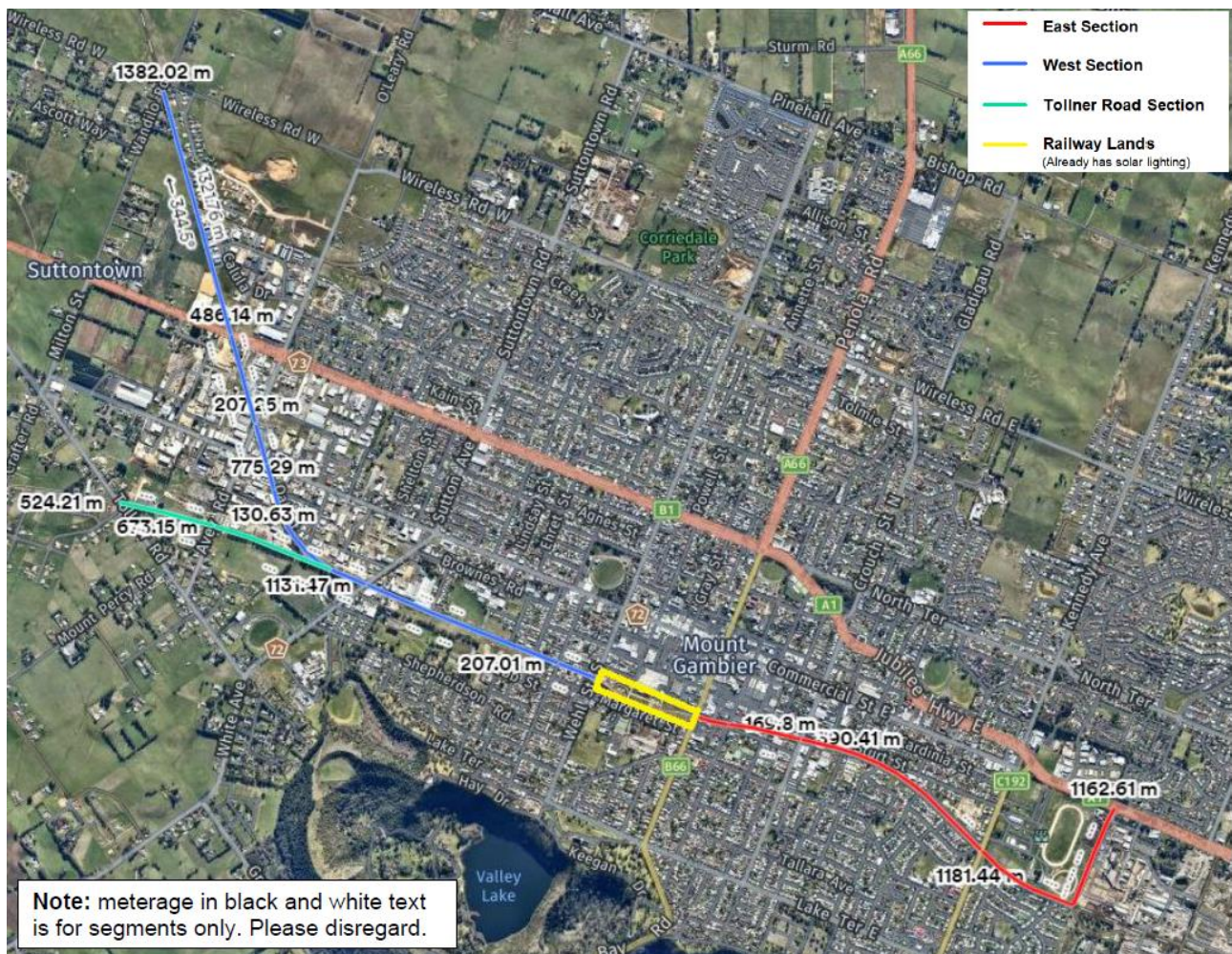
#### West Section: 4.394km

- Wehl Street to Bertha Street = 207m
- Bertha Street to White Avenue = 1206m
- White Avenue to Commercial Street = 906m
- Commercial Street to Graham Road = 207m
- Graham Road to Jubilee Highway = 486m
- Jubilee Highway to Wandilo Road = 1,382m

#### Tollner Road Section: 1.197km

- Start to Avey Road = 673m
- Avey Road to Tollner Road = 524m





All equipment installed and the works to be performed under the Contract will comply with the relevant Australian or International Standards and Codes of Practices. In addition, the standard of manufacture and components of all aspects of the lights will be to provide reliable low maintenance operation and will be guaranteed by the supplier against defects or unreasonable declining performance.

Council released an open market request for tender to ensure best value for money and maximum Community benefit seeking project outcomes.

### LEGAL IMPLICATIONS

Nil

### STRATEGIC PLAN

This project links to the following goals within the Strategic Plan:

Goal 2 – Our Location, objective 2.1.3.

Goal 4 – Our Climate, Natural Resources, Arts, Culture and Heritage, objective 4.4.1.

### COUNCIL POLICY

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

### ECONOMIC IMPLICATIONS

The preferred contractor has nominated local electrician Stuckey Electrical Contractors for equipment installation, commissioning and service support.

## **ENVIRONMENTAL IMPLICATIONS**

Solar lighting will have minimal direct impact on the environment. The project will have a net environmental benefit, as it encourages greater uptake of cycling and walking.

The preferred contractor commitment to delivering the highest level of quality, sustainability and customer satisfaction is reflected in their Quality and Environmental Management accreditations.

## **SOCIAL IMPLICATIONS**

Increased use of path will have positive health and social impacts.

## **CULTURAL IMPLICATIONS**

Nil

## **RESOURCE IMPLICATIONS**

Five-year maintenance is included as part of the contract, thus requiring minimal ongoing use of Council resources.

## **VALUE FOR MONEY**

The project presents good value for money. This tender has come in under the \$1.2m budget with 50% of the project funded by the LGIPP.

## **RISK IMPLICATIONS**

The preferred tenderer is very experienced and has many units in stock, so the risk that the lights may not function as planned, or construction is excessively delayed is minimal.

## **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

## **ENGAGEMENT AND COMMUNICATION STRATEGY**

Once Council has selected the preferred tenderer, Council's communications team will work with Treasury and the contractor on a communications strategy.

## **IMPLEMENTATION STRATEGY**

The recommended tenderer has included an implementation schedule with their submission. Works are due to be completed by the end of the calendar year.

## **CONCLUSION AND RECOMMENDATION**

The attached Procurement Recommendation Report outlines the process and probity of engaging a suitably qualified contractor. It is recommended that Council consider the Procurement Recommendation Report and authorise the award of the contract AF21/283 to the preferred tenderer Leadsun Australia for the fixed lump sum amount of \$859,000.00 and also accept the five-year maintenance agreement pricing of \$10,300.00 per annum.

## **ATTACHMENTS**

1. Tender AF21/283 Design, Supply & Installation of Solar Lighting on Rail Trail - Procurement Recommendation Report [↓](#)





## **PROCUREMENT RECOMMENDATION REPORT**

**Request for Tender AF21/283**

**Design, Supply & Installation of  
Solar Lighting on Rail Trail**

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## Procurement Recommendation Report

### 1. Background

The City of Mount Gambier issued an open Request for Tender (RFT) on 05 May 2022 seeking responses from suitability qualified tenderers for the provision of design, supply, and installation of solar lighting along the Railway Lands shared path. At close of tender on 03 June 2022, seven conforming submissions were received.

This report details the procurement process and provides a recommendation for Council's consideration.

### 2. Acquisition Strategy Used

To ensure best value for money and maximum community benefit and pursuant to Council's Procurement policy, an open market tender was used to secure a suitably qualified contractor to undertake the works.

Probity oversight and overall process; submission evaluation, due diligence checks and preparation of this procurement recommendation report has been completed by the Council.

The procurement process and evaluation methodology has followed a rigorous and robust process and met the requirements for procurement under Council's Policy P420 Procurement and Disposal of Land and Assets and the SA Local Government Act 1999 (SA).

### 3. Procurement Process Details

#### 3.1 Documentation Used

Council's Design Engineer in partnership with Procurement prepared the tender specification documentation which included:

- Detailed outcome driven specification and site plan
- Draft Contract Terms and Conditions
- City of Mount Gambier Contractor Management Guide

And considered:

- Local Government Act 1999 (SA)
- Council's P420 Procurement and Disposal of Land and Assets

Tender response schedules for required outcomes requested details on:

- Organisation Structure, Facilities and Resources  
*Employees, subcontractors, contingency arrangements*
- Experience  
*Past performance, current contracts, and other commitments*
- Customer Service Plan
- Implementation Schedule and Transition Plan  
*Risk Management Plan, Methodology, proposed programme*
- Technical Specification  
*Lighting, Battery, Luminaire, Design Drawings, Key components, manufacturer details, material details, warranties, guarantees, life expectancies, Australian-made, five-year maintenance plan, service agreement and performance guarantees, maintenance, operating instructions and record drawings.*
- Value Added Services, Improvements, and Innovations
- Pricing *fixed*





Tender documentation was uploaded to SA Tenders & Contracts website portal:

## New Tender Details for CMG051306

**Tender Issued By:**  
City of Mount Gambier

**Type:**  
Request for Tender

**Opening Date:**  
5 May 2022 12:00

**Closing Date:**  
26 May 2022 12:00

**Tender Name:**  
Tender AF21/283 Design, Supply and Installation of Solar Lighting on Rail Trail

**Description:**

The City of Mount Gambier (the Council) invites Tenders from suitably qualified Tenderers for the provision of Design, Supply and Installation of Solar Lighting along the Railway Lands Shared Path (the Services). The Council will enter into a Contract for Services with the successful Tenderer.

**Enquiries:**  
Name: Lisa Hinton  
Office: +61 (08) 8721 2531  
Email: [lhinton@mountgambier.sa.gov.au](mailto:lhinton@mountgambier.sa.gov.au)

**Tender Link:**  
This tender can be viewed here: [Tender AF21/283 Design, Supply and Installation of Solar Lighting on Rail Trail](#)

### 3.2 Extension of Time for the Submission of Tenders

In accordance with the tender document, Section B- Conditions of Tendering:

3.2.5 *Extension of Time for the Submission of Tenders*

3.2.5.1 The Council may, in its absolute discretion, no less than two business days before the Closing Date, extend the Closing Date by notice in writing to the Tenderers.

3.2.5.2 A Tenderer may request the Council to extend the Closing Date for the submission of a Tender by written application to the Nominated Contact Person.

- (a) Any such requests must be received by the Nominated Contact Person at least five business days prior to the Closing Date and must provide sufficient reasons to support the request.
- (b) It is entirely at the Council's discretion as to whether an extension is granted.
- (c) Council will advise all registered parties in writing of such extension of time.

a request for extension of time for tender submissions was received and approved by Procurement - revised tender close date of 03 June 2022. Tender document recipients were advised via SA Tenders & Contracts email advice:



The following tender has been extended:

Tender Code	Tender Details	New Closing Date
<a href="#">CMG051306</a>	<a href="#">Tender AF21/283 Design, Supply and Installation of Solar Lighting on Rail Trail</a> City of Mount Gambier 39111600 - Exterior lighting fixtures and accessories	3 June 2022 12:00

### 3.3 Tenders Submitted

Tenders closed with SA Tenders and Contracts at 12.00 Noon ACST on 03 June 2022. Seven tender submissions were received and downloaded by Procurement:

- Aura Renewable Energy Ltd
- Electro Data & Generation
- Energy Advisory Services Pty Ltd
- Green Frog Systems Pty Ltd
- HIGHLUX Pty Ltd
- Leadsun Australia
- Stuckey Electrical Contractors

SA Tenders & Contracts Screenshot:

Tender Box Opened: 07/06/2022 08:29 am

Downloaded Tender Responses: 07/06/2022 08:32 am

Name: Lisa Hinton

Business: City of Mount Gambier

### 3.4 Conformance Assessment

Conformance assessment was undertaken by Procurement and all tender submissions received were compliant (refer AR22/46366).

### 3.5 Probity/Conflict of Interest

No Probity or Conflict of Interest issues of tenderers were identified in relation to this procurement (refer AR22/46368 Probity and Evaluation Plan; AR22/46370 Probity and Evaluation Plan Process Log).

### 3.6 Due Diligence

The following due diligence checks were made:

- ABN/ACN checks
- Financial Capacity
- Licences and Accreditation
- Insurance
- Work Health Safety and Risk Management
- Environmental Management Systems
- Quality Systems
- COVID-19 Strategy for potential impacts/disruptions



#### 4. Evaluation Methodology

##### 4.1 Approved Evaluation Methodology

The evaluation criteria and weightings for this procurement which outlined the proposed approach for the evaluation:

Table 1 – Evaluation criteria, scoring and weighting:

2. Qualitative Evaluation Criteria	Comments	Max Score	Score	% applied weighting	Final Score
Organisation Structure, Facilities and Resources		10		10	0
Experience		10		15	0
Customer Service Plan		10		10	0
Implementation Schedule and Transition Plan		10		20	0
Technical Specification		10		25	0
Value Added Services, Improvements & Innovations		10		10	0
Local Content *refer definition below for scoring		10		10	0
<b>Total:</b>		<b>70</b>		<b>100</b>	<b>0</b>

Scoring against evaluation criteria was undertaken using a scale from 1 to 10 (10 representing the maximum available score)

Table 2 – Evaluation score ranges

Qualitative Evaluation Criteria	EXCELLENT Full achievement of the requirements specified in the RFT. Demonstrated strengths, no significant weaknesses or omissions.	VERY GOOD Sound achievement of the requirements specified in the RFT. May contain minor weaknesses or omissions which may be acceptable as offered.	SATISFACTORY Reasonable achievement of the requirements specified in the RFT. Some weaknesses or omissions, which can be corrected/overcome with minimum effort.	UNSATISFACTORY Minimal achievement of the requirements specified in the RFT. Some weaknesses or omissions which may be possible to correct/overcome and make acceptable.	UNACCEPTABLE Totally deficient and non-compliant.
Score ranges	9-10	7-8	5-6	2-4	0-1
Score ranges	9-10	7-8	5-6	2-4	0-1
• Local Content	Full intended use of compliant local service providers, local materials or working with local agencies to secure labor.	Good intended use of compliant local service providers, local materials or working with local agencies to secure labor.	Reasonable intended use of compliant local service providers, local materials or working with local agencies to secure labor.	Minimal intended use of compliant local service providers, local materials or working with local agencies to secure labor.	No intended use of compliant local service providers, local materials or working with local agencies to secure labor.

The tender evaluation considers both price and non-financial qualitative criteria.

Emphasis has been placed on awarding the tender to a contractor who can:

- Demonstrate capability in all aspects of project delivery for public solar lighting systems including design, supply, installation, and commissioning.
- Provide the best sustainable outcome solution for Council and the Community.
- Provide standard of manufacture and components of all aspects of the lights to provide reliable low maintenance operation, guaranteed by the contractor against defect or unreasonable declining performance.

##### 4.2 Tender Evaluation Team (TET)

Table 3 – Tender Evaluation Team

Name	Position Title	Role
Andrew Thompson	Design Engineer	Evaluator 1
Aaron Izzard	Environmental Sustainability Officer	Evaluator 2
Joanne Fowler	Team Leader iServices	Evaluator 3
Jessica Porter	Strategy, Development and Research Coordinator	Evaluator 4

#### 4.3 Evaluation

All tenders progressed to the weighted evaluation stage. Tender evaluation instructions were issued by Procurement to the TET on 08 June 2022. At this time:

- Evaluator 4 requested removal from the TET due to time pressures; and
- Evaluator 1 declared a perceived conflict of interest and was removed from the TET immediately by Procurement.

Evaluator 1 and 4 were replaced to form the new TET:

Name	Position Title	Role
Abdullah Mahmud	Manager Operations and Engineering	Evaluator 1
Aaron Izzard	Environmental Sustainability Officer	Evaluator 2
Joanne Fowler	Team Leader iServices	Evaluator 3
Paul Gibbs	Senior Building Officer	Evaluator 4

Scoring was undertaken individually and submitted individually against the defined and weighted qualitative (non-financial) criteria.

At the conclusion of the timeframe for completed evaluations, Evaluator 1 requested removal from the TET due to illness. Evaluator 1 was replaced as requested. Final TET formed:

Name	Position Title	Role
Mark McDonald	Manager Waste & ReUse	Evaluator 1
Aaron Izzard	Environmental Sustainability Officer	Evaluator 2
Joanne Fowler	Team Leader iServices	Evaluator 3
Paul Gibbs	Senior Building Officer	Evaluator 4

No further conflicts of interest were declared by members of the tender evaluation team (TET).

Procurement prepared an evaluation summary.

Table 4 – Submission Qualitative (non-financial) Scoring Summary

<b>QUALITATIVE SUMMARY</b>	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Average	Rank
Aura Renewable Energy Ltd	79	67	84	74	76.00	5
Electro Data & Generation	76.5	47	91	72	71.63	6
Energy Advisory Services Pty Ltd	68.5	48	89	77	70.63	7
Green Frog Systems Pty Ltd	72	75	95	78	80.00	3
HIGHLUX Pty Ltd	73.5	66.5	95	74	77.25	4
Leadsun Australia	87	90.5	96	86	89.88	1
Stuckey Electrical Contractors	79.5	68	95	81.5	81.00	2

Table 5 – Tendered pricing (exc GST)

<b>PRICING (exc GST)</b>	Total	Optional 5 yr maintenance agreement
Aura Renewable Energy Ltd	\$548,000.00	\$13,000.00 per annum
Electro Data & Generation	\$594,055.58	\$6,190.00 per annum
Energy Advisory Services Pty Ltd 1A	\$640,796.41	TBA
Energy Advisory Services Pty Ltd 1B	\$726,289.94	TBA
Energy Advisory Services Pty Ltd 2A	\$752,268.50	TBA
Energy Advisory Services Pty Ltd 2B	\$791,835.50	TBA
Green Frog Systems Pty Ltd	\$635,506.00	\$1,582.00 per annum
HIGHLUX Pty Ltd	\$619,700.00	\$9,800.00 per annum
Leadsun Australia Option 1	\$728,000.00	\$9,900.00 per annum
Leadsun Australia Option 2	\$859,000.00	\$10,300.00 per annum
Stuckey Electrical Contractors	\$808,005.00	\$7,310.00 per annum

## 5. Tender Evaluation Team Recommendation

The TET met on 05 July 2022 to discuss the summary results and further consider the submissions received. They noted:

- Leadsun Australia and Stuckey Electrical Contractors were the top 2 ranked tenderers.
- Leadsun Australia (option 1) is comparable 'apples for apples' with Stuckey Electrical Contractors with Leadsun Australia the lower priced of the two submissions.
- Leadsun Australia (option 2) ranked higher than Stuckey Electrical when value for money outcome applied.
- Leadsun have listed Stuckey Electrical as sub-contractors for system equipment installation, commissioning, and service support.
- Stuckey Electrical have listed Leadsun Australia as supplier of infrastructure.

Given the above:

**Leadsun Australia (option 2)** was unanimously selected by the TET as the preferred proposal on the following basis:

- Highest TET consensus score of all tenderers for the non-financial qualitative assessment criteria highlighted in *Table 4 – Submission Qualitative (non-financial) Scoring Summary* above and ranked at 1 by all four members of the TET.
- Leadsun project pricing options are:

**Good (Basic Compliance) – PP5 Lighting Compliance**  
(132 systems / 63m spacings / 4000K)  
Cost = \$728,000+GST (All Inclusive)

**Best (Alternative Recommendation) – PP4 Lighting Compliance**  
(153 systems / 55m spacings / 3000K)  
Cost = \$859,000+GST (All Inclusive)

- Leadsun have submitted two options – "Good" and "Best". If we were to consider these options without including price, then the many benefits of "Best" – improved safety, reduction of impact on wildlife, reduction of impact on dark skies etc. would make the decision straight forward. Obviously, there is a price difference between the two options. Whilst "Best" is the higher of the two it should be the preferred option. These lights should be in place for >10 years, and when the price difference is averaged out over that time then the safety benefits as well as the other benefits justify this selection. The project budget can easily cover the cost of this option.
- Leadsun offers competitive pricing under the LGA Procurement Contract (Contract No. LGAP 21120) for the provision of Open Space, parks, play, sport & recreation services to the south Australian and Tasmanian local government sector.
- Leadsun have completed works for Council previously and have provided quality products and service (Blue Lake shared pathway, Hastings-Cunningham Reserve Dog Park) – installation of similar equipment will provide obvious maintenance benefits.
- 10-year battery performance guarantee and built-in wireless control and monitoring system called 'EDGE' that will allow Council officers to access all the installed lights (for free) from either a mobile phone app or computer located anywhere in the world.
- Engaging Leadsun direct for supply offers better technological alternatives and better warranty.



Council's Manager Operations and Engineering and Design Engineer have reviewed both top ranking submissions received and support the TET recommendation to engage Leadsun Australia (option 2).

The TET has undertaken the evaluation in compliance with the Council's P420 Procurement & Disposal of Land and Assets Policy.

**6. Budget Position**

2022-2023 budget allocation of 1.2M, \$600,00.00 of which is LGIPP Grant funding.

**7. Contract Administration**

A formal fixed lump sum contract will be executed to deliver these works. The contractor will be required to submit a full Work Health Safety Plan with associated documents and Risk Management Plan to Council prior to any works commencing onsite and in accordance with the contract terms and conditions.

The contract and associated works will be managed internally by Andrew Thompson, Design Engineer with support from Abdullah Mahmud, Manager Operations and Engineering.

**8. Conclusion**

The TET has undertaken evaluation in accordance with the planned procurement strategy, and the tender recommendation as presented in this report is a true reflection of the evaluation undertaken. The following recommendation is presented for formal consideration and approval.

**9. Recommendation**

That Council:

1. Authorises the award of the contract AF21/283 to the preferred tenderer Leadsun Australia (Option 2) for the fixed lump sum amount of \$859,000.00 (GST exclusive).
2. Authorises budget allocation for a five-year maintenance proposal commencing from the 2023/2024 budget as year 1 at \$10,300.00 per annum.
3. Authorises the Chief Executive Officer to execute contract documents between Council and Leadsun Australia.
4. Authorises the Chief Executive Officer to approve additional justified expenditure during the contract within the approved allocated project budget.



Lisa HINTON  
PROCUREMENT OFFICER



**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 26.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until 12 months after the completion of the contract works, with the name of the successful tenderer and the tender contract value to be released immediately upon execution of a contract.
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, 19 JULY 2022 AT 6.00 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Frank Morello

**OFFICERS IN ATTENDANCE:**

Chief Executive Officer	- Mrs S Philpott
General Manager City Infrastructure	- Ms B Cernovskis
General Manager Corporate and Regulatory Services	- Mr D Barber
General Manager City and Community Growth	- Mr T Coote
Manager Governance and Property	- Mr M McCarthy
Manager Financial Services	- Mrs J Scoggins
Procurement Officer	- Mrs L Hinton
Media and Communications Coordinator	- Mr J McDonald
Communications Officer	- Ms M Brookes
Executive Administrator	- Mrs A Pasquazzi



**RESOLUTION 2022/85**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

**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 S Philpott, B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, L Hinton, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party
- 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 the matter to be considered relates to tenders that have been issued and are presented for consideration and include commercially sensitive pricing information and technical specifications the premature disclosure of which could jeopardise the commercial position of the third parties who provided the information and the commercial position of Council in obtaining best value for the community.

**CARRIED**

### **RESOLUTION 2022/86**

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR22/45083 titled 'Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail' as presented on 19 July 2022 be noted.
2. That Council:
  - (a) Authorises the award of Contract AF21/283 to the preferred tenderer Leadsun Australia (Option 2) for the fixed lump sum amount of \$859,000.00 (GST exclusive).
  - (b) Authorises budget allocation for a five-year maintenance proposal commencing from the 2023-2024 budget as year 1 at \$10,300.00 (GST exclusive) per annum.
  - (c) Authorises the Chief Executive Officer to execute contract documents between Council and Leadsun Australia.
  - (d) Authorises the Chief Executive Officer to approve additional justified expenditure during the contract up to the 2022-2023 budget allocation.

**CARRIED**

### **RESOLUTION 2022/87**

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

#### **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 25.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until 12 months after the completion of the contract works, with the name of the successful tenderer and the tender contract value to be released immediately upon execution of a contract.

