Agenda

Extraordinary Council Meeting
Friday 21 December 2018

held at
Council Chambers, Murwillumbah Civic & Cultural Centre,
Tumbulgum Road, Murwillumbah
commencing at 1.00pm
Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally
The following general principles apply to the exercise of functions by Tweed Shire Council:

(a) Provide strong and effective representation, leadership, planning and decision-making.
(b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
(c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
(d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
(e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
(f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
(g) Work with others to secure appropriate services for local community needs.
(h) Act fairly, ethically and without bias in the interests of the local community.
(i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making
The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

(a) Recognise diverse local community needs and interests.
(b) Consider social justice principles.
(c) Consider the long term and cumulative effects of actions on future generations.
(d) Consider the principles of ecologically sustainable development.
(e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation
Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.
## Items for Consideration of Council:

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REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION


SUBMITTED BY: Compliance

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

3 People, places and moving around
3.1 People
3.1.4 Compliance Services - To support a safe and healthy built and natural environment through the enforcement of local government rules and regulations.

ROLE: Provider

SUMMARY OF REPORT:

Request for Offer RFO2018072 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System was called to engage a suitably qualified and experienced organisation(s) to supply, install and support a Vehicle-mounted Mobile Parking Infringement System for use within the Tweed Shire.

At the time of closing three (3) Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in CONFIDENTIAL ATTACHMENTS 1 and 2. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2018072 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System:

1. Council declines to accept any of the Offers in accordance with Regulation 178 of the Local government (General) Regulation 2005.

2. The General Manager be granted delegated authority to undertake negotiations with Reino International Pty Ltd (trading as Duncan Solutions Australia) in order
to determine whether a cost-effective solution can be obtained and the results of those negotiations be reported to Council.

3. ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:
   (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
   (d) commercial information of a confidential nature that would, if disclosed:
      (i) prejudice the commercial position of the person who supplied it, or
      (ii) confer a commercial advantage on a competitor of the council, or
      (iii) reveal a trade secret
REPORT:

Offer Background
Offer RFO2018072 Supply, Installation and Product Support of a Vehicle-mounted Mobile Parking Infringement System was called to engage a suitably qualified and experienced organisation(s) to supply, install and support a Vehicle-mounted Mobile Parking Infringement System for use within the Tweed Shire.

With this technology Council aims to replace the majority of its current manual field inspections with a smarter, safer, more accurate and integrated means of monitoring and responding to live data feeds of non-compliant traffic and parking activity.

It will also enable Council to promote the more positive aspects of parking compliance for the wider community, by facilitating safer, more accessible and environmental friendly business centres, schools, coastal and recreation areas.

Request for Offer Advertising
Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was advertised from Saturday, 22 September 2018 in The Sydney Morning Herald. The Offer was also advertised in the Brisbane Courier Mail and Tweed Link on Monday, 24 September 2018 and on Council’s website.

Offer submissions closed at 4.00pm (local time) on Wednesday 24 October 2018 in Council’s Electronic Tender Box.

Offer Addendums
There were two (2) Notice to Bidders issued before close of Offer.

Addendum No. 1 was issued to advise Bidders of Council’s position on the estimated number of infringements (PINS) likely to be issued in the course of a year by using mobile enforcement.

Addendum No. 2 was issued to advise Bidders that information about Council existing use of technology for metered parking.

Offer Submissions
At the closing time for Offer Submissions, the Tender Box was opened and 3. Offers were recorded as below:

<table>
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<tr>
<th>Bidder</th>
<th>ABN</th>
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<tr>
<td>CellOPark Australia Pty Ltd</td>
<td>63 130 676 149</td>
</tr>
<tr>
<td>Database Consultants Australia</td>
<td>28 548 551 396</td>
</tr>
<tr>
<td>Reino International Pty Ltd trading as Duncan Solutions Australia</td>
<td>75 079 147 201</td>
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Offer Evaluation
An Offer Evaluation Plan was developed based on the premise that competitive Offers were to be received and scored against specific evaluation criteria in order to select the best value Offer.
Council's Offer Evaluation Panel was made up as follows:

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<tr>
<td>Director of Planning and Regulation</td>
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<tr>
<td>Senior Ranger South</td>
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<tr>
<td>Manager Information Technology</td>
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<tr>
<td>Applications Database Administrator</td>
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Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

<table>
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<tr>
<th>Criterion</th>
<th>Document Reference</th>
<th>Weighting (%)</th>
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<tr>
<td>Value for Money (Normalised Offer Price)</td>
<td>5.7</td>
<td>30%</td>
</tr>
<tr>
<td>Offer Conformity, Quality Management, WHS and Risk Management</td>
<td>5.8, 5.9</td>
<td>40%</td>
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<tr>
<td>Environmental Management</td>
<td>5.5</td>
<td>10%</td>
</tr>
<tr>
<td>Previous Contract Experience</td>
<td>5.4</td>
<td>10%</td>
</tr>
<tr>
<td>Local Content</td>
<td>5.6</td>
<td>10%</td>
</tr>
<tr>
<td>Sustainable Procurement</td>
<td>5.5</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100%</strong></td>
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The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the council, or
   (iii) reveal a trade secret

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Offer.

The evaluation found that only one offer was fully compliant with the requirements and that the overall lifecycle costs were higher than expected. This may have a material impact on the business case for this system, especially when considered in the light of possible reductions in Parking Fine amounts being recommended by the State Government.

It is therefore recommended that Council:

1. Reject all tenders; and
2. Commence negotiation with the supplier of the conforming offer to validate the solution cost, and to identify possible areas of price reduction.

OPTIONS:

That Council:

1. Council declines to accept any of the Offers in accordance with Regulation 178 of the Local government (General) Regulation 2005 and grants the General Manager delegated authority to undertake negotiations with Reino International Pty Ltd (trading as Duncan Solutions Australia) and the results of those negotiations be reported to Council.

or

2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

The offer from Reino International Pty Ltd (Trading As- Duncan Solutions Australia) (ABN: 75 079 147 201) has been determined to satisfy the non-price criteria. However, further negotiations will be required to achieve good value for money.

COUNCIL IMPLICATIONS:

a. Policy:
   Procurement Policy v1.7
   
   In accordance with Local Government (General) Regulations 2005.
   
   b. Budget/Long Term Financial Plan:
   To be determined following negotiations.
   
   c. Legal:
   Not Applicable.
   
   d. Communication/Engagement:
   Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018072 Offer Evaluation Report (ECM5689337)

(Confidential) Attachment 2. RFO2018072 - Offer Evaluation Scoring Sheet (ECM5689338)
CONFIDENTIAL ITEMS FOR CONSIDERATION

REPORTS THROUGH THE GENERAL MANAGER IN COMMITTEE

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION IN COMMITTEE

C1 [PR-EXT] Class 1 Appeal - Development Application DA18/0910 for a Water Bottling Facility and Use of Existing Structures for the Purposes of Commercial Water Extraction at Lot 1 DP 735658; No 477 Urliup Road, Bilambil

REASON FOR CONFIDENTIALITY:
The report concerns legal matters that could influence the appeal process.

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2 Making decisions with you
2.1 Built Environment
2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

ROLE: Provider
C2  [PR-EXT] Class 1 Appeal - Development Application DA18/0637 - 477 Urliup Road, Urliup - Helipad (ancillary to the dwelling house)

REASON FOR CONFIDENTIALITY:

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