

**Ordinary Council Meeting**

**Late Items of Business**

**Maclean - 26 March 2024 - 3:00 PM**





# AGENDA

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## **08 CONFIDENTIAL BUSINESS**

## **10 LATE ITEMS OF BUSINESS AND MATTERS ARISING**

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**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING****ITEM 10.24.001 ABORIGINAL COMMUNITIES WATER & SEWER PROGRAM - BARYULGIL STP UPGRADES – MAJOR WORKS**

<b>Meeting</b>	Council	26 March 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Water & Sewer Engineer, Cliff Dredge	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Baryulgil STP Upgrades - Major Works B. 22425.1 Baryulgil STP UPgrades - Major Works	

**SUMMARY**

Council has received a proposal from Ecotechnology Australia Pty Ltd (Ecoteam) for the Baryulgil Sewer Treatment Plant (STP) Upgrades – Major Works, for the sum of \$309,197.2 (Including GST). This report is seeking Council approval to award the proposal to Ecoteam based on a single proposal.

**OFFICER RECOMMENDATION**

That Council accept the proposal for Project 22425.1 Baryulgil STP Upgrades – Major Works as detailed in Attachment A to be funded by the Aboriginal Communities Sewer and Water Program steering committee part of Department Planning and Environment – Water (DPE – Water).

**LINKAGE TO OUR COMMUNITY PLAN**

Theme Infrastructure

Objective We will have communities that are well serviced with appropriate infrastructure

**KEY ISSUES**

Council operates sewer and water services to the Aboriginal Community of Baryulgil with funding administered by DPE - Water. Ecoteam operate the sewer and water systems at Baryulgil under contract to Council, and were requested to provide a proposal for the Baryulgil STP Upgrades – Major Works.

The proposal from Ecoteam exceeds the amount stipulated in Section 55 of the Local Government Act for calling of Tenders (\$250,000 including GST); however, Section 55(3)(i) provides the following exemption to calling Tenders:

*a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders*

It is considered that the following extenuating circumstances exist for the Baryulgil Aboriginal STP Upgrades – Major Works:

- Ecoteam is currently engaged by Council under Contract 21/10 awarded in June 2021 to undertake the operation of the Baryulgil sewerage system.
- The Baryulgil sewerage system is owned by the Baryulgil Local Aboriginal Land Council (LALC). The owner has previously advised that, as the system is located on their property, they also have a concurrence role. It is therefore essential that the contractor have a good working relationship with the owner and be experienced with working in Aboriginal Communities. Ecoteam has established an excellent working relationship with the owner and, as they are currently undertaking the operation of the system, already have the owner's concurrence.
- The Community is relatively remote. As Ecoteam are able to absorb some travelling costs in their current services contract, it is considered unlikely that calling Tenders would result in significant cost savings compared with the Ecoteam proposal.
- DPE -Water has given approval to engage Ecoteam (refer attachment).

- There is a need to ensure continuity of sewer services to the Community during the works. Council does not currently have resources to manage a separate contractor undertaking the installation of the remote Baryulgil project. Council and DPE - Water have assessed Ecoteam's works proposal and consider it offers value for money.

Directors of Ecoteam are Keith and Lise Bolton.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

The Aboriginal Communities sewer and water program aims to be "cost neutral" for Council, with DPE - Water reimbursing Council's costs plus a 10% management fee for Council on the Contractor's costs.

The Aboriginal Communities Sewer and Water Program steering committee has provided approval for this project (refer attachment).

### **Asset Management**

Ownership of Baryulgil sewer and water assets remain with the LALC.

### **Policy and Legislation**

Under Section 55(3)(i) of the Local Government Act Council can engage Ecoteam without calling Tenders, subject to the resolution indicating the reasons why a satisfactory result would not be achieved by inviting tenders. The local supply provisions of the Procurement Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the goods/services being sourced by the Tender.

### **Consultation**

DPE - Water (refer attachment)

### **Legal and Risk Management**

Funding for this project has been approved by the Aboriginal Communities Sewer and Water Program steering committee.

### **Climate Change**

N/A