

Special Council Meeting

8 March 2021

Commencing at 1.00pm

Agenda

Notice of Meeting.

To: The President and Councillors

A Special Council Meeting of the Shire of Toodyay will be held in the Council Chambers at the Shire of Toodyay, 15 Fiennes Street, Toodyay on the abovementioned date and time.

The Special Meeting of Council has been called by the Shire President in accordance with section 5.4 of the Local Government Act 1995.

The Special Meeting of Council is for the purpose of:

1. Intention to Borrow – Conversion of existing short-term facilities into long-term facility (Toodyay Recreation Centre Construction Loan);
2. Tender – Culvert conversation of Bridge 0700, Bindi-Bindi Toodyay Road;

and other matters related thereto.



Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

Vision: We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

Purpose: Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

Community Values: We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

Shire Values: To progress the community's aspirations, the Shire is guided by:

Integrity: We behave honestly to the highest ethical standard.

Accountability: We are transparent in our actions and accountable to the community.

Inclusiveness: We are responsive to the community and we encourage involvement by all people.

Commitment: We translate our plans into actions and demonstrate the persistence that produces results.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website <http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at <http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.

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ATTACHMENTS *with separate index follows Item 7.*

Shire President	Councillors	
Cr Rosemary Madacsi	Cr Ben Bell	Cr Therese Chitty
Deputy Shire President	Cr Paula Greenway	Cr Phil Hart
Cr Beth Ruthven	Cr Mick McKeown	Cr Susan Pearce
	Cr Brian Rayner	

PRELIMINARIES

All meeting attendees are requested to be reminded of the following:

1. COVID-19 restrictions and safe physical distancing measures.
 2. Mobile phones should be switched off.
 3. Please familiarise yourself with the location of the exit doors in case of an emergency.
 4. The meeting will be livestreamed and the use of recording devices in the Council Chambers is not allowed.
 5. Councillors are requested to activate their microphones when addressing the meeting and deactivate them once finished speaking
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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member is to run through the Preliminaries on the previous page of the Agenda, and to declare the Special Meeting of Council open.

Acknowledgement of Country: *“I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging.”*

2. RECORDS OF ATTENDANCE

2.1 APOLOGIES

3. DISCLOSURE OF INTERESTS

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting)

6. PURPOSE OF THE MEETING AND SHIRE OFFICER REPORTS

A Memorandum of Notice of this Special Meeting was posted on the Shire of Toodyay website on 2 March 2021.

6.1 Intention to Borrow – Conversion of existing short-term facilities into long-term facility (Toodyay Recreation Centre Construction Loan).

Date of Report:	3 March 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	PRO15
Author:	C Luangala – Manager Corporate & Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	February 2019 OCM Item 9.2.3 Notice of Intention to Borrow (Res. 57/02/19) January 2021 OCM Item 9.2.3 (Res. 14/01/21) February 2021 OCM Item 10.2.3 (Res. 32/02/21)
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. LG Short-Term Facility Report (WA Treasury Corporation); and 2. Copy of Proposed Advertisement.

PURPOSE OF THE REPORT

To consider confirming, by absolute majority, the Shire of Toodyay's intention to borrow and to advertise the Shire's intention to convert the existing short-term construction loan facilities of \$4.5million used to fund the construction of the Sport and Recreation Precinct into one long-term loan facility in accordance with the requirements of section 6.20(2) of the *Local Government Act 1995*.

BACKGROUND

At the Ordinary Council Meeting held in January 2021 Council was provided with information regarding Council Resolution No. 57/02/19 made at an Ordinary Council Meeting held on 26 February 2019 as follows:

That Council resolves to approve, by absolute majority, the advertisement of the Shire's Intention to Borrow a short-term construction loan facility of up to \$4.5million in FY18/19 for the construction of the Sport and Recreation Precinct in accordance with the requirements of section 6.20(2) of the Local Government Act 1995.

Two short-term facilities were drawn as outlined below:

WATC ID	Start Date	Maturity Date	Interest Rate	Amount
54132	24 Mar 2020	23 Mar 2021	0.92%	\$2,500,000
74362	15 Apr 2020	23 Mar 2021	0.61%	\$2,000,000
				\$4,500,000

The two short-term facilities were considered appropriate for the debt financing of the construction project due to:

- Easier cash flow management during the construction period (matching progress payments to builders with loan drawdowns); and
- Interest rate risk management for financing the asset (i.e., drawing down the full construction costs at the outset of the project) due to interest rate fluctuations.

The flexibility of the short-term lending facility enabled the Shire to separate the timing of immediate cash flow requirements from the timing of locking in a long-term debt structure. The Shire could therefore match cash flow requirements during the construction phase, borrowing two parcels of debt that should now be consolidated into one parcel of debt, refinanced into a long-term borrowing structure.

At the January 2021 Ordinary Council Meeting Council resolved:

That Council defers the matter of Intention to Borrow – Conversion of Short-Term Facilities into Long Term Facility (Toodyay Recreation Centre Construction Loan) for consideration during the mid-year budget review process.

The matter was taken to the February 2021 Council meeting where it was resolved (Council Res. No. 32/02/21):

That Council:

1. *Revokes Resolution number 15/01/21 in accordance with Clause 15.1 of the Shire of Toodyay Standing Orders Local Law and Regulation 10 of the Local Government (Administration) Regulations 1996; and*
2. *Notes that a new Long Term Loan Facility will be included in the 2021/22 Budget to provide for the termination of existing short-term facilities totalling \$4.5m on 30 June 2021.*

VOTES EQUALLY DIVIDED 4/4

In accordance with 5.21(3) of the Local Government Act 1995, the Presiding Member cast a second vote 'for' the motion.

MOTION LOST BY LACK OF ABSOLUTE MAJORITY 5/4

COMMENTS AND DETAILS

The Manager Corporate and Community Services liaised with the Western Australian Treasury Corporation (WATC) on 24 February 2021 in regard to the short-term loan facility for \$4.5m that was the subject of a report to Council in the January and February 2021 Council Meetings.

The following options had been presented to Council with regards to converting the short-term facilities:

- **Option 1:** Repay the short-term loans on the maturity date of 23 March 2021 (not recommended);
- **Option 2:** Continue using the STF until the termination date of 30 June 2021 (not recommended); and
- **Option 3:** Convert the short-term loans to one long term loan at maturity date of 23 March 2021 (**Recommended but lost**).

The conversation with the Western Australian Treasury Corporation on 24 February 2021 was seeking information regarding the repercussions of the recent decisions made by Council in respect to the \$4.5m short-term loan facilities.

The WATC advised that Council's options in relation to the loan facility are now as follows:

Option A: Council advertises its intention to convert the short-term facilities into a long-term facility and convert by 23 June 2021; or

Option B: Pay \$4.5m back to the WATC on or before 23 June 2021.

Given that the Shire is not in a position to pay back \$4.5m by 23 June, Officers are proposing that Council resolves to advertise its intention to convert the short-term facilities into a long-term facility and convert by 23 June 2021.

IMPLICATIONS TO CONSIDER

Consultative:

On 25 February 2021, five Councillors participated in an online forum held via Zoom to explain the detail in the Comments/Details of this Report and the Manager Corporate and Community Services was able to respond directly to questions. The forum was recorded and provided to all Councillors through the Councillor hub.

Strategic:

Governance - O 1: Provide accountable and transparent leadership for the community.

Policy related:

Relevant policies are:

- *F16 Financial Governance Policy;*
- *F17 Borrowing Management Policy;*
- *F18 Long Term Financial Planning Policy;* and
- *A18 Risk Management.*

Financial:

Repayments of borrowings for the conversion of construction facilities for the Toodyay Recreation Centre into a long-term facility have already been included in Council's adopted Long Term Financial Plan (annual principal and interest costs compounded semi-annually at 4% - approximately \$350k in FY2020/2021). Principal and loan repayments have been accommodated in the adopted FY2020/2021 Annual Budget.

As interest on the long-term loan is semi-annual compounding all principal repayments will commence in the 2021/2022 financial year.

Legal and Statutory:

Strategic Community Plan:

Governance - O 1: Provide accountable and transparent leadership for the community.

Section 6.20 of the *Local Government Act 1995* sets out requirements and the power to borrow.

Risk related:

There are extreme financial management risks associated with this report should Council decide to not resolve, by absolute majority, the recommendation made by Officers who liaised with the Western Australian Treasury Corporation on 24 February 2021 in regard to the short-term loan facility for \$4.5m that was the subject of a report to Council in the January and February 2021 Council Meetings.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, in accordance with the requirements of section 6.20(2) of the *Local Government Act 1995*, confirms by absolute majority, the Shire of Toodyay's Intention to Borrow - Conversion of Existing Short-Term Facilities into Long-Term Facility of \$4.5million and authorises the CEO to provide public notice of this intent for at least one month.

6.2 Tender – Culvert Conversion of Bridge 0700, Bindi Bindi - Toodyay Road

Date of Report:	8 March 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	TEN01/2021
Author:	J Augustin – Manager Assets and Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Confidential Attachments:	1. Evaluation Report – Culvert Conversion Tender.

PURPOSE OF THE REPORT

To request that Council awards the tender for the Culvert Conversion of Bridge 0700 at Bindi Bindi - Toodyay Road in accordance with the attached Confidential Evaluation Report and authorises the CEO to enter into and finalise contract negotiations with the recommended contractor.

BACKGROUND

Bridges are a vital part of the Shire of Toodyay’s road network. As time passes the importance of careful management of these assets is critical. Main Roads WA and the Shire of Toodyay are responsible and have a duty of care to road users to provide safe passage on these assets. This is aided by carrying out visual inspections of the structure on an annual basis. Visual inspections are intended to assess the overall safety and performance of the structure and the identification of any major damage and visible failure of structural components. They are also important in ensuring routine annual maintenance works are being carried out.

Bridge 0700 is a 3 span, timber bridge spanning the Nambling Brook, a seasonal watercourse approximately 15km north of Toodyay. Records indicate it was constructed in 1943.

In 2018, a lane closure was imposed after a structural inspection by Main Roads WA identified major concerns with components of the structure. Repair works were completed to make the bridge safe.

In 2019, Bridge 0700 was inspected in accordance with the requirements of the Main Roads WA Inspection Manual for Western Australian Bridges and Culverts (refer Attachment 2). The investigation outcome revealed significant risks to timber sheeting and support structure.

In 2020, a visual inspection of Bridge 0700 identified termite infestation and significant damage to guard rails, corbel, piles and stringers. Damage to seal exposed structures and timber ends was also identified.

Map 1: Bridge 0700 Bindi Bindi Toodyay Road



SLK (Straight Line Kilometres) are a location reference system used by Main Roads WA.

As a result of the above, it was determined that this bridge was a priority for rectification works and a tender for the Culvert Conversion of Bridge 0700 at Bindi Bindi - Toodyay Road.

COMMENTS AND DETAILS

The tender was released on Tenderlink, advertised in the West Australian Newspaper on 23 January 2021 and closed 17 February 2021 at 2.00pm AWST. Six tenders were received and assessed by the Evaluation Panel.

Value for Money Assessment

Tender submissions have been assessed by the Evaluation Panel using the Price Quality Method (PQM). This evaluation approach provides a process to evaluate non-traditional tenders based on the price and the non-price aspects of the tender, and seeks to identify the tender representing the best value for money.

Price Quality Method:

Overall PQ Score = (Weightage x Price Score*) + (Weightage x Quality Score)

* The Price Score is inversely proportional to the lowest bid price.

Source: <https://www.nzta.govt.nz/assets/resources/Appendix-XXV-PQM-guidelines.pdf>

The Evaluation Panel consisted of the following Shire Officers:

Table 1: Evaluation Panel		
Position	Evaluation Role	Voting/Non-Voting Member
Compliance and Communication Officer	Evaluator	Voting
Engineering Technical Officer	Evaluator	Voting
Manager Assets and Services	Evaluator	Voting

Pre-Evaluation

Prior to releasing any Respondent submissions, the Evaluation Panel received the scoring matrix and the scoring sheets for each Respondent. The Evaluation Panel members were required to sign the declaration of confidentiality and interest form prior to the final evaluation meeting.

Evaluation Process

All submissions were evaluated as follows:

Section(s)	Evaluators
Compliance and Disclosure Criteria (non-weighted)	Evaluation Panel
Qualitative Criteria	Evaluation Panel

The paper-based / desktop evaluation process consisted of:

- (a) Each Panel Member individually read and assessed each response. The assessment was based on the member allocating a score against the selection criterion resulting in an overall score determining their ability to provide the scope of the requirements;
- (b) the Panel discussed the responses and then reached a consensus on the preferred Respondent;
- (c) Reference checks on Respondents was undertaken;
- (d) The evaluation report was drafted and issued to the Evaluation Panel for input and then endorsement; and

- (e) The recommendation was finalised for CEO/Council endorsement and approval to proceed with contract negotiations.

Evaluation Criteria

The selection criterion utilised in the Invitation to Tender (ITT) consisted of Compliance and Disclosure, and the Qualitative criteria.

The Compliance and Disclosure criteria were not point scored and were assessed on a Yes/No basis as to whether the criterion is satisfactorily met. A 'No' statement by the Respondent does not automatically disqualify the Respondent's response from proceeding through to assessment of the qualitative criteria.

Assessment Summary

A summary statement for each Respondent follows. The summaries have been prepared for the purpose of providing additional information to Council and as a brief overview of the principal issues used by the Evaluation Panel to reach a decision on the recommended Respondent. The summaries are not meant to cover all criteria and issues discussed by the Evaluation Panel during the assessment process.

Compliance

All submissions were processed through to the qualitative evaluation. All submissions clearly defined their compliance to the requested compliance criteria.

Table 2: Evaluation Criteria				
	Item	Evaluation Criteria	Weight (%)	Scoring Methodology
Quality	1	Company experience on similar projects	15	A score will be assigned to each Tenderer based on the evidence provided by the Tenderer of their firm's previous experience.
	2	Nominated Project Team	5	A score will be assigned to each Tenderer based on the evidence provided by the Tenderer of the experience and capabilities of their nominated project team members.
	3	Programme	20	A score will be assigned to each Tenderer based on the evidence provided by the Tenderer in the form or a proposed construction programme to undertake the Works.
	4	Regional Preference Price	10	A score will be assigned to each Tenderer based on the evidence provided by the Tenderer where

Table 2: Evaluation Criteria				
Item		Evaluation Criteria	Weight (%)	Scoring Methodology
				the whole or part of the contract is provided by and from regional sources.
Price	5	Tendered price	50	A score will be assigned to each Tenderer based on the best value for money offer by the Tenderer.
TOTAL			100%	

Each member of the tender evaluation panel assessed the submissions prior to the Tender Evaluation Meeting to discuss their assessment outcomes and to agree on a score for each evaluation criteria as shown above.

Summary

The Evaluation Panel is confident that the preferred supplier as outlined in **Confidential Attachment 1** is competent and able to meet the contract requirements to construct the Culvert Conversion of Bridge 0700 and as judged on the criteria, is the contractor that presented the best value for money. Therefore, it is recommended that Council awards the tender for Culvert Conversion of Bridge 0700 at Bindi Bindi - Toodyay Rd in accordance with the recommendation contained in **Confidential Attachment 1** to this report.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation has occurred with Senior Officers and Council at budget and long-term financial planning workshops and with Main Roads Western Australia.

Strategic:

Key points from the Strategic Community Plan that apply to this decision are:

- Built environment: Our buildings, roads and transport.
 - 1: Ensure safe and sustainable transport options.
 - 2: Ensure our built environment meets community needs.
- Social: Our community wellbeing and connection.
 - 2: Facilitate community safety and wellbeing.

Policy related:

F.03 Purchasing

Financial:

The Culvert Conversion of Bridge 0700 is fully funded by Main Roads Western Australia. Therefore, will be no adverse financial implications regarding this report.

Legal and Statutory:

Local Government Act 1995

3.57 - Tenders for providing goods or services.

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulations 1996

Division 2 - Tenders for providing goods or services (s. 3.57)

11 When tenders have to be publicly invited.

1. *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000 unless sub regulation (2) states otherwise.*

Qualitative Risk Analysis:

Risk has been assessed on the Officer's Recommendation.

Table 5: Risk Areas				
Risk	Risk Likelihood	Risk Impact / Consequences	Risk Rating*	Risk Action Plan**
Project Management	Possible (3)	Moderate (3)	Moderate (3)	Managed by following Project management principles through consistent reporting.
Financial Management	Possible (3)	Moderate (3)	Moderate (3)	Managed by providing a detailed scope and value for money
Procurement Management	Possible (3)	Moderate (3)	Moderate (3)	Managed by progressing an open and transparent public tender process

Project Outcome	Possible (3)	Moderate (3)	Moderate (3)	Managed by good project and financial management
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VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Selects _____ as the successful tenderer for the Culvert Conversion of Bridge 0700 Bindi Bindi – Toodyay Road in accordance with the recommendation contained in the Confidential Evaluation Report attached.
2. Authorises the Chief Executive Officer to:
 - (a) Enter into contract negotiations with the successful tenderer in accordance with the provisions of the submitted tender.
 - (b) Prepare and execute the necessary contract documents once negotiations have been finalised.

7. CLOSURE OF MEETING

PURPOSE OF MEETING

6.1 Intention to Borrow – Conversion of existing short-term facilities into long-term facility (Toodyay Recreation Centre Construction Loan). 1

1. LG Short-Term Facility Report (WA Treasury Corporation); and
2. Copy of Proposed Advertisement.

6.2 Tender – Culvert conversion of Bridge 0700, Bindi-Bindi Toodyay Road

1. **Confidential** Evaluation Report – Culvert Conversion Tender **SCA**

Audit Report

Shire of Toodyay

Audit report for the period 01 August 2020 to 31 August 2020

PORTFOLIO SUMMARY

	Debt Outstanding 31 Aug 20	Weighted Average Interest Rate ³ 31 Aug 20	Interest Paid 01 Aug 20 to 31 Aug 20	Accrued Interest 31 Aug 20	Market Value 31 Aug 20 ⁴
Account - General					
Annuity Lending	1,576,317.40	4.8542	-	18,015.15	1,891,352.47
Account Total:	1,576,317.40	4.8542	-	18,015.15	1,891,352.47
Account - Sport & Recreation Precinct					
Liquidity Lending	4,500,000.00	0.7854	-	14,791.24	4,521,078.14
Account Total:	4,500,000.00	0.7854	-	14,791.24	4,521,078.14
Portfolio Total:	\$6,076,317.40	1.8409	\$0.00	\$32,806.39	\$6,412,430.61

Audit Report

**Account - General
Facility - Annuity Lending**

Client Loan ID	WATC Trade ID	Start Date	Maturity Date	Int Rate %	CF ¹	Debt Outstanding 31 Aug 20	Interest Paid 01 Aug 20 to 31 Aug 20	Accrued Interest 31 Aug 20	Market Value 31 Aug 20 ⁴
63	49429	30 Jan 01	30 Jan 21	6.1800	S	9,009.32	0.00	49.93	9,272.04
64	49433	01 May 01	01 May 21	6.5400	S	19,944.39	0.00	435.97	20,891.96
70	49821	27 Jun 11	27 Jun 21	5.6600	Q	15,889.36	0.00	161.29	16,424.96
65	49439	29 Jun 01	29 Jun 21	6.8200	S	13,016.33	0.00	155.23	13,653.16
67	49688	19 Jun 09	19 Jun 24	6.6000	S	183,750.58	0.00	2,452.02	209,480.18
71	49918	14 Dec 12	14 Dec 32	4.5200	S	590,336.49	0.00	5,759.49	716,827.37
72	49951	24 May 13	24 May 33	4.4500	S	744,370.93	0.00	9,001.22	904,802.80
						1,576,317.40	0.00	18,015.15	1,891,352.47

**Account - Sport & Recreation Precinct
Facility - Liquidity Lending**

Client Loan ID	WATC Trade ID	Start Date	Maturity Date	Int Rate %	CF ¹	Debt Outstanding 31 Aug 20	Interest Paid 01 Aug 20 to 31 Aug 20	Accrued Interest 31 Aug 20	Market Value 31 Aug 20 ⁴
	54132	24 Mar 20	23 Mar 21	0.9200	Z	2,500,000.00	0.00	10,145.21	2,515,550.03
	74362	15 Apr 20	23 Mar 21	0.6100	Z	2,000,000.00	0.00	4,646.03	2,005,528.11
						4,500,000.00	0.00	14,791.24	4,521,078.14

- Note:
This report provides values to close of business on the Report End Date.
- (1) CF: The compounding frequency of the loan.
 - (2) Capital Indexed Lending: Only real interest rates presented.
TFR: Margin to BBSW presented for forward settling Term Floating Rate loans.
 - (3) Weighted Average Interest Rate is annualised rate.
CPI rate are excluded from the Weighted Average Interest Rate calculation.
 - (4) Market value reflects WATC's asset valuation methodology based on 'mid-market' rates. This will differ from a client payout valuation that would include a mid-ask spread to cover market transaction costs.



INTENTION TO BORROW

Local Government Act 1995 (s.6.20 (2))

The Shire of Toodyay proposes to convert the two short-term loan facilities for construction of the Toodyay Recreation Centre with the Western Australian Treasury Corporation for \$4.5million into one long term loan.

Council resolved by absolute majority, at its Special Council Meeting held on 18 March 2021 (**Council Resolution No.**), to endorse this proposal.

Pursuant to section 6.20(2) (a) of the *Local Government Act 1995*, one month's (30 days) public notice of this proposal is hereby given from the date of the 18 March 2021 Special Council Meeting.

SUZIE HASLEHURST
CHIEF EXECUTIVE OFFICER

