

11.2 Request for Exemption from Tender - Glen Willow Stadium Lighting Upgrade Project

REPORT BY THE DIRECTOR COMMUNITY
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, FIN300254

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Request for Exemption from Tender - Glen Willow Stadium Lighting Upgrade Project;**
2. **approve an exemption from tender, in accordance with section 55 (3)(i) of the Local Government Act 1993, for the Glen Willow Stadium Lighting Upgrade Project;**
3. **note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
 - a) **the market has been recently tested via public marketplace on VendorPanel for other lighting as part of the Glen Willow Stage Two project we have recently been to market, via public marketplace on VendorPanel –with seven responses received and a contract being awarded to Rees Electrical;**
 - b) **the same organisations would be targeted if we tendered for this project (via VendorPanel) and the view is a different result will not be achieved by inviting fresh tenders; and**
 - c) **that with a significant amount of existing lighting infrastructure at Glen Willow already being provided by Rees Electrical, efficiencies in ongoing maintenance can be achieved by working with the same supplier;**
4. **delegate authority to the General Manager or their delegate to enter negotiations with Rees Electrical; and**
5. **delegate authority to the General Manager or their delegate to then finalise the contract for the Glen Willow Lighting Project and approve contract variations within the approved budget for the project, provided a satisfactory outcome can be negotiated with Rees Electrical.**

Executive summary

This report seeks to provide information to Council on the intended procurement process for the Glen Willow Main Stadium Lighting Upgrade Project. An exemption from tender is sought as a Request for Tender process has already been undertaken recently for lighting at Glen Willow as part of the Stage 2 Project and any potential tenderers have already been identified.

Disclosure of Interest

Nil

Detailed report

This report seeks an Exemption from Tender for the Glen Willow Main Stadium Lighting Upgrade Project. This project is primarily funded by a \$2,324,206 grant from the NSW State Government through the Resources for Regions (Round 9) Program.

An exemption from tender is sought because a Request for Tender process has already been undertaken for lighting at the Glen Willow Sporting Complex. RFT 2020/108 was reported to Council in March 2021 having been through a tender process via Vendor Panel's Public Marketplace. Ultimately 7 tender submissions were received and it was resolved to negotiate with Rees Electrical. 22 light towers were installed as part of the Glen Willow Stage 2 project. This installation with Rees Electrical has gone smoothly and Council has been satisfied with their work and support.

Section 55(3)(i) of the Local Government Act provides the opportunity for Council to resolve to provide an exemption from tender for 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.

This request for exemption is based on the fact that we have already gone to market recently and going through a tender process again will not provide a better outcome. There are also some efficiencies to be gained by working with the same company in providing support and maintenance for the additional towers and work required for the main Stadium lighting.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies
Community Plan

Council Policies
Procurement Policy

Legislation
Local Government Act 1993

Financial implications

All works involved in this report have already been included within the budget. No additional budget is sought.

Associated Risks

Risk is mitigated through the fact that a Request for Quote process has already been undertaken through VendorPanel and appropriate suppliers have been identified. The installation of the previous lighting as part of Glen Willow Stage Two has been successful and the relationship with Rees Electrical has been working well.

SIMON JONES
DIRECTOR COMMUNITY

4 April 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER