



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# **MINUTES**

## **SPECIAL COUNCIL MEETING**

**20 JUNE 2012**

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Minutes of the Special Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Wednesday 20 June 2012, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.07pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

*"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".*

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Joshua Topelberg due to work commitments.

Cr Matt Buckels due to work commitments.

Cr Roslyn Harley due to work commitments.

**(b) Members on Approved Leave of Absence:**

Cr Julia Wilcox due to family commitments until 2 July 2012.

**(c) Present:**

Mayor Hon. Alannah MacTiernan      Presiding Member

Cr Warren McGrath (*Deputy Mayor*)      South Ward

Cr John Carey      South Ward

Cr Dudley Maier      North Ward

Cr John Pintabona      South Ward

John Giorgi, JP      Chief Executive Officer

Rick Lotznicker      Director Technical Services

Mike Rootsey      Director Corporate Services

Jeremy Van den Bok      Manager Parks and Property Services

Jackie Parker      Project Officer - Parks and Environment

No members of the Public or Media were present.

**3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

Nil.

**6. DECLARATION OF INTERESTS**

Nil.

**7.1 Tender No. 456/12 - Restoration of Hyde Park Lakes**

<b>Ward:</b>	South	<b>Date:</b>	19 June 2012
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	RES0428; TEN0465
<b>Attachments:</b>	<a href="#">001</a> Sediment Trap Drawings <a href="#">002</a> Soldier Pile Wall - Figure C1 003 Confidential Tender No. 456 - Final		
<b>Tabled Items:</b>	Nil.		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks & Environment J van den Bok, Manager Parks & Property Services R Lotznicker, Director Technical Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ACCEPTS** the tender submitted by Advantearing Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;
2. **AUTHORISES** the:
  - 2.1 Chief Executive Officer to vary the tender specification to delete the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;
  - 2.2 Chief Executive Officer to vary the proposed 'Soldier Pile Wall' design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and
  - 2.3 **AUTHORISES** the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City;
4. **NOTES** that the 'Removal of Exotic Vegetation' from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions; and
5. **RECEIVES** a further report on the proposed Hyde Park Lakes Stage Two (2) indicative works in August 2012.

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Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Amendment No 1

Moved Cr Pintabona, Seconded Cr Maier

“That Clause 2.3 be amended to read as follows:

That the Council;

2. AUTHORISES the:

- 2.1 Chief Executive Officer, to vary the tender specification to delete the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;
- 2.2 Chief Executive Officer to vary the proposed ‘Soldier Pile Wall’ design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and
- 2.3 Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (5-0)**

(Cr Wilcox and Cr Harley were on approved leave of absence.)

(Cr Topelberg and Cr Buckels were an apology for the Meeting.)

Debate ensued.

Amendment No 2

Moved Cr McGrath, Seconded Cr Maier

“That Clause 2.1 be amended to read as follows:

That the Council;

2. AUTHORISES the:

- 2.1 Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (5-0)**

(Cr Wilcox and Cr Harley were on approved leave of absence.)

(Cr Topelberg and Cr Buckels were an apology for the Meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (5-0)**

The Presiding Member Mayor Hon. Alannah MacTiernan expressed appreciation to the City’s officers and in particular Rick Lotznicker (Director Technical Services), Jeremy Van Den Bok (Manager Parks and Property Services), Jackie Parker (Project Officer Parks and Environment), and the Hyde Park Lakes Working Group for all their hard work in bringing the project to fruition.

**COUNCIL DECISION ITEM 7.1**

That the Council;

1. **ACCEPTS** the tender submitted by Advantearing Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;
2. **AUTHORISES** the:
  - 2.1 **Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;**
  - 2.2 **Chief Executive Officer to vary the proposed 'Soldier Pile Wall' design, as detailed in the report and as shown in Appendix 7.1 Figure C1, and negotiate a revised price with the successful tenderer; and**
  - 2.3 **AUTHORISES the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City, subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;**
4. **NOTES** that the 'Removal of Exotic Vegetation' from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions; and
5. **RECEIVES** a further report on the proposed Hyde Park Lakes Stage Two (2) indicative works in August 2012

**ADDITIONAL INFORMATION:**

The City's officers carried out reference checks and a cost break down for the "Earthworks". The reference checks were all positive and considered satisfactory. These are shown in Confidential Attachment 7.1B and 7.1C respectively.

Stage two (2) Works was also tabled as shown below;

**Hyde Park Lakes Stage Two Works**

*Future Staged Works - Stage 2*

4.0	<b>OTHER WORKS</b>	
4.1	<i>Landscape Elements</i>	
	<i>Boardwalks, lookouts, terraced steps</i>	\$ 350,000.00
	<i>paved gathering spaces</i>	\$ 60,000.00
	<i>seating/litter bins</i>	\$ 15,000.00
	<i>Subtotal</i>	\$ 425,000.00
4.4	<i>Fees</i>	
	<i>Construction documentation, tender prep, contract admin</i>	\$ 50,000.00
	<i>Contractors preliminaries/overheads</i>	\$ 50,000.00
	<i>Subtotal</i>	\$ 100,000.00
	<b>OTHER WORKS TOTAL</b>	\$ 525,000.00

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council's to award the tender for the Restoration of Hyde Park Lakes in accordance with the evaluation undertaken for the City's officers.

**BACKGROUND:**

Tender No. 456/12 for the Restoration of Hyde Park Lakes was advertised in the West Australian Newspaper on 26 May 2012 and closed at 2.00pm on 15 June 2012 after a twenty one (21) day advertising period. At the tender close three (3) tenders were received

Present at the tender opening was the Director of Technical Services, Finance Officer - Purchasing, Project Officer – Parks & Environment, and Manager of Parks & Property Services.

**DETAILS:**

The three (3) submissions received for Tender No 456/12 are listed below: (A detailed breakdown of the prices is contained in the confidential attachment).

	Advanteeing	Premier	Broad
<b>TOTAL (Including GST)</b>	<b>\$2,965,178.70</b>	<b>\$3,012,771.30</b>	<b>\$3,517,059</b>

**Tender Evaluation**Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

Criteria	%
<b>Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disturbances to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>Represents the "best value" for money.</li> </ul>	60
<b>History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>Detail your history, viability and experience.</li> <li>Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>Demonstrate the financial capacity of the organisation to carry out works for this project.</li> <li>Demonstrate evidence of stability and experience.</li> <li>Include at least three (3) referees.</li> <li>Include at least three (3) references.</li> </ul>	15
<b>Methodology, Key Issues and Risk</b> Demonstrate your: <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget.</li> <li>Evidence of successful results, particularly in Western Australia.</li> <li>Ability to provide a high level of:               <ul style="list-style-type: none"> <li>Site management</li> <li>Finish of the construction works</li> <li>Practices regarding industrial relations</li> <li>Practices regarding environmental protection</li> <li>Practices providing a safe working environment</li> </ul> </li> <li>Understanding the required service by identifying the Key Issues and Risks associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	15

<p><b>Relevant Experience, Expertise and Project Team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success with recent similar facilities, particularly in Western Australia.</li> </ul>	10
<b>TOTAL</b>	<b>100</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, Manager of Parks & Property Services and Project Officer – Parks & Environment. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on Saturday 16 June 2012 to assess the submissions. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Advanteering	Premier	Broad
Financial Offer/Fee Proposal	60%	60	59.19	50.59
History and Viability of Organisation	15%	10.7	9.8	12.7
Methodology, Key Issues and Risk	15%	11.7	12.7	13.0
Relevant Experience, Expertise and Project Team	10%	9.0	7.5	9.7
<b>Total</b>	<b>100%</b>	<b>91.40</b>	<b>89.19</b>	<b>85.99</b>
<b>Rating</b>		<b>1</b>	<b>2</b>	<b>3</b>

Tender Evaluation Panel comments are shown below:

**1. Advanteering Civil Engineers (ACE)**

<b>Total Weighted Score</b>	First: <b>91.40</b>
<p><b>Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disturbances to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the “best value” for money.</li> </ul>	ACE have provided the lowest cost and completed the price schedule as required in the tender documentation.
<p><b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project.</li> <li>• Demonstrate evidence of stability and experience.</li> <li>• Include at least three (3) referees.</li> <li>• Include at least three (3) references.</li> </ul>	<p>Evidence provided of company history, viability and experience – low risk to the City.</p> <p>Have adequately demonstrated the capacity to address the requirements of the tender. ACE has provided evidence of being financially capable of completing the specified works. Further information in relation to financial position and stability will be provided on request.</p> <p>Three (3) referees were provided,</p>

<b>Total Weighted Score</b>	<b>First: 91.40</b>
	however no written references were submitted in the documentation. Reference checks have been undertaken.
<b>Methodology, Key Issues and Risk</b> <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget.</li> <li>Evidence of successful results, particularly in Western Australia.</li> <li>Ability to provide a high level of: <ul style="list-style-type: none"> <li>Site management</li> <li>Finish of the construction works</li> <li>Practices regarding industrial relations</li> <li>Practices regarding environmental protection</li> <li>Practices providing a safe working environment.</li> </ul> </li> <li>Understanding the required service be identifying the Key Issues and Risks associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<p>ACE has provided adequate supporting information for the proposed methodology to complete the project within the time frame and budget.</p> <p>Successes have been listed in the submission pertaining to prior works.</p> <p>Comprehensive supporting documentation has been provided to comply with the outlined requests.</p> <p>Adequate risk assessment and management techniques have been outlined in the submission.</p>
<b>Relevant Experience, Expertise and Project Team</b> <ul style="list-style-type: none"> <li>Experience, expertise and project team.</li> <li>Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience).</li> <li>Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards.</li> <li>Understanding of the requirements associated with delivering the services to the City.</li> <li>Experience and success with recent similar facilities, particularly in Western Australia.</li> </ul>	<p>ACE has provided a list of key personnel to be involved in this project including CV's, detailed experience and previous involvement in a number of similar projects.</p> <p>The assessment panel is satisfied with the outlined personnel to be involved in the project and their ability to comprehensively address the requirements of the tender specifications.</p> <p>ACE have been involved in various restoration/environmental works including river wall replacement/repairs along the Kwinana Freeway, regional park bridges and broad walks adjacent to the Swan River and works associated with the upgrade of Tomato Lake in the City of Belmont.</p>

**2. Premier Commercial and Industrial Builder Pty Ltd (PCIB)**

<b>Total Weighted Score</b>	<b>Second: 89.19</b>
<b>Financial Offer/Fee Proposal</b> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disturbances to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>Represents the "best value" for money.</li> </ul>	<p>Premier Commercial and Industrial Builders have submitted the second lowest price, however initially did not submit a breakdown of costs for the various schedules. This information was forwarded to the City upon request prior to the tender assessment.</p>

<b>Total Weighted Score</b>	Second: <b>89.19</b>
<p><b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project.</li> <li>• Demonstrate evidence of stability and experience.</li> <li>• Include at least three (3) referees.</li> <li>• Include at least three (3) references.</li> </ul>	<p>Evidence provided of company history, viability and experience – low risk to the City.</p> <p>Have adequately demonstrated the capacity to address the requirements of the tender.</p> <p>PCIB have provided evidence of being financially capable of completing the specified works. Further information in relation to financial position and stability can be provided on request.</p> <p>Three referees were provided, however no written references were submitted in the documentation.</p>
<p><b>Methodology, Key Issues and Risk</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results, particularly in Western Australia.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>- Site management</li> <li>- Finish of the construction works</li> <li>- Practices regarding industrial relations</li> <li>- Practices regarding environmental protection</li> <li>- Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding the required service be identifying the Key Issues and Risks associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<p>PCIB has provided a comprehensive outline of the proposed methodology to complete the project within the time frame and budget.</p> <p>Complete supporting documentation has been provided to comply with the outlined requests of the tender.</p> <p>A detailed risk assessment table identifying the key issues and risks have been provided in the submission.</p>
<p><b>Relevant Experience, Expertise and Project Team</b></p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success with recent similar facilities, particularly in Western Australia.</li> </ul>	<p>PCIB has provided a list of key personnel to be involved in this project including experience and previous involvement in prior projects. Other consultants likely to be engaged as a part of this project i.e. Environmental, ecological, heritage and arboricultural are to be advised.</p> <p>The panel is satisfied with the personnel outlined to be involved in the project and their ability to address the requirements of the tender specifications.</p> <p>PCIB have detailed their recent experience and involvement in local projects.</p>

**3. Broad Civil**

<b>Total Weighted Score</b>	Third: <b>85.99</b>
<p><b>Financial Offer/Fee Proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee</li> </ul>	<p>Broad Civil have submitted the highest cost and completed the price schedule</p>

<b>Total Weighted Score</b>	Third: <b>85.99</b>
<p>all fees, any other costs and disturbances to provide the required service and the appropriate level of the Goods and Services Tax (GST).</p> <ul style="list-style-type: none"> <li>• Represents the “best value” for money.</li> </ul>	<p>as required in the tender documentation, however a number of exclusions have been highlighted which could have significant budgetary implications.</p>
<p><b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project.</li> <li>• Demonstrate evidence of stability and experience.</li> <li>• Include at least three (3) referees.</li> <li>• Include at least three (3) references.</li> </ul>	<p>Broad Civil are a large and reputable organisation with offices in most states of Australia. Have adequately demonstrated the capacity to address the requirements of the tender. Broad Civil have provided evidence of being financially capable of completing the specified works. Three referees were provided, however only one written references was submitted in the documentation.</p>
<p><b>Methodology, Key Issues and Risk</b></p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results, particularly in Western Australia.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>- Site management</li> <li>- Finish of the construction works</li> <li>- Practices regarding industrial relations</li> <li>- Practices regarding environmental protection</li> <li>- Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding the required service be identifying the Key Issues and Risks associated with delivering the project. Explain how you intend to address these issues and risks.</li> </ul>	<p>Broad Civil has provided a comprehensive outline of the proposed methodology to complete the project within the time frame and budget.</p> <p>Complete supporting documentation has been provided to comply with the outlined requests of the tender.</p> <p>A detailed risk assessment table identifying the key issues and risks have been provided in the submission.</p>
<p><b>Relevant Experience, Expertise and Project Team</b></p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success with recent similar facilities, particularly in Western Australia.</li> </ul>	<p>Broad Civil has provided a list of key personnel and sub-contractors to be involved in this project. The panel is satisfied with the personnel outlined to be involved in the project and their ability to comprehensively address the requirements of the tender specifications. Broad Civil have recently highlighted two projects completed for the City of Perth involving streetscape enhancement. Broad Civil have successfully completed the Riverside Waterbank Forward Works Stage One for the Metropolitan Redevelopment Authority (MRA).</p>

Comment/Conclusion:

While it is considered that all three tenderers are more than capable of undertaking the restoration works the tender submitted by Advantearing Civil Engineers has been assessed as being the most suitable for the City's requirements for the Hyde Park Lakes Restoration Project.

**Potential Variations to the Scope of Work:**

The submitted prices are for a new wall being constructed at the same height as the existing wall and the inclusion of a large sediment trap.

In the short time frame available to finalise the design and documentation and following some last minute discussions between the Mayor and several members of the Hyde Park lakes Restoration Working Group, the tender documentation contained information of some potential variations to scope of work as indicated below.

Sediment Trap:

The tenderer was requested to provide a price for the installation of the 'Sediment Trap' however the tenderer was advised that *'the principal reserves the right to remove this component of the work from the Scope of Works'* (the Sediment Trap is outlined in Appendix 7.1, Drawing No D003, D005 and D006).

Soldier Pile Wall – Potential Design variation:

The tenderer was requested to provide a price for the installation of the Soldier Pile Wall however the tenderer was advised *'that the Principal reserves the right to amend the wall and include a lower wall height'*.

The tenderer was further advised that *'This variation would also result in a portion of the existing heritage wall (approximately 450mm) remaining exposed with less fill backfill material being required to be placed between the existing wall and the new wall'*. (The alternative wall detail is outlined in Appendix 7.1, Figure C1).

Removal of Exotic Vegetation/Replanting Existing Islands:

The tenderers were advised that the *'Removal of exotic vegetation from the existing islands and replanting may be delayed or conducted over the longer time frame as determined by the principal'*.

Officer Comments:

The alternative wall design and the removal of the sediment trap from the scope of work was suggested by some of the members of the Hyde Park Lakes Restoration Working Group.

In addition it was considered by the group that the removal of the exotic vegetation from the existing islands should be itemised separately in the tender and that a decision on the timing of these works would be undertaken as the project progressed.

With regards to the proposed Sediment Trap, the group considered that the large structure proposed would be visually unacceptable and obtrusive. In May 2012 the City's officers and the appointed Consultants met with the DEC. When asked for comments on the sediment trap the DEC indicated that while they were supportive of the option presented, they advised that this was above and beyond their requirements.

It is considered that in lieu of the sediment trap structure, that an annual sediment removal program (adjacent to the main inlet/outlet pipe in the eastern lake) be implemented.

With regards to the alternative lower wall option alternative proposal would comprise the new wall height being approximately 450mm lower than the existing wall height.

The potential advantages being; less wall material and less fill material, people will be able to step onto the lower level between the two walls in summer and there will be better interaction between the water at the base of the new wall, the area between the two walls will be planted using Swan River couch is more commonly referred to as Native marine couch (*Sporobolus virginicus*) and possible other harder surface treatments at strategic locations.

Should the Council agree with the lower wall and the removal of the sediment trap, it is recommended that the Council authorises the Chief Executive Officer to negotiate a revised price with the successful tenderer, to exclude the construction of the proposed 'Sediment Trap' and to vary the proposed 'Soldier Pile Wall' design as discussed in the report and as shown in appendix 7.1.

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 26 May 2012 project variation.

As the project progresses it may be necessary to vary the scope of works, at short notice, to address any unforeseen matters that may arise or that may provide a benefit to the City.

It is considered appropriate that the Chief Executive Officer and Mayor be authorised to approve such works to expedite the project.

**LEGAL/POLICY:**

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

**RISK MANAGEMENT IMPLICATIONS:**

In accordance with the Department of Sustainability, Environment, Water, Population and Communities, the City's officers have adequately identified associated risks, measured the possible implications and developed the required management techniques to limit these risks to the City.

Financial and general reference checks have been performed on the recommended tenderer and are shown at Confidential Attachment 7.1B.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

*1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*

*(e) Protect and improve the quality and dependant ecosystems of surface and ground water resources within the City..."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs of works relating to this tender at the tender price of \$2,965,178.70 are to be funded from the Hyde Park Lakes Restoration budget (Refer to Confidential Attachment).

**COMMENTS:**

It is therefore recommended that the Council approves the tender submitted by Advantearing Civil Engineers for the Restoration of Hyde Park Lakes for \$2,965,178.70 (including GST) in accordance with the specifications as detailed in Tender No. 456/12 and authorises the Chief Executive Officer to negotiate a revised price with the successful tenderer, to exclude the construction of the proposed 'Sediment Trap' and to vary the proposed 'Soldier Pile Wall' design.

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 6.20pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr John Carey	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
John Giorgi, JP	Chief Executive Officer
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Jeremy Van den Bok	Manager Parks and Property Services
Jackie Parker	Project Officer Parks and Environment

No members of the Public or Media were present.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 26 June 2012.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2012