

I hereby give notice that an ordinary meeting of the Tenders and Procurement Committee will be held on:

**Date:** Tuesday, 25 March 2014  
**Time:** 8.30am  
**Meeting Room:** Council Chamber  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## Tenders and Procurement Committee

### OPEN AGENDA

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#### MEMBERSHIP

<b>Chairperson</b>	Dick Quax
<b>Deputy Chairperson</b>	Denise Krum
<b>Members</b>	Cr Anae Arthur Anae Cr Cameron Brewer Cr Sharon Stewart, QSM Cr Sir John Walker, KNZM, CBE
<b>Ex-Officio</b>	Mayor Len Brown, JP Deputy Mayor Penny Hulse

(Quorum 3 members)

**Maureen Koch**  
**Democracy Advisor**

**18 March 2014**

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## TERMS OF REFERENCE

### Responsibilities

The Committee is established to assist the Chief Executive to undertake the management procedure of ensuring sound probity procedures are followed in relation to procurement of goods and services necessary to deliver on the work programme and operations outlined in Council's adopted Annual plan.

It will ensure that reasonable purchasing procedures have been followed in awarding contracts and will provide an efficient mechanism for documenting the approvals for those contracts.

Within a framework where contracts are an operational matter delegated to the Chief Executive, this Committee will consider all tenders beyond the Chief Executive's financial delegations. The Chief Executive may refer contracts within his financial delegations which are sensitive or may impact on the reputation of the Council.

The Committee will have responsibility for:

- Awarding of contracts greater than \$7.5 million; and
- Awarding of contracts less than \$7.5 million which are sensitive or may impact on the reputation of the Council where the Chief Executive refers the matter to the Committee;
- Oversight over the tendering and procurement process and procedures of the Governing Body and local board; and
- Developing a tendering and procurement strategy as policy for recommendation to the Governing Body for adoption.
- From time to time the Committee may advise the Chief Executive and Council on changes to the Procurement and Contracts probity procedures.

### Powers

All powers necessary to perform the Committee responsibilities.

#### Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (see Governing Body responsibilities)
- (b) where the Committee's responsibility is limited to making a recommendation only
- (c) where the Committee's responsibility sets out financial limitations

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**1 Apologies**

At the close of the agenda no apologies had been received.

**2 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

**3 Confirmation of Minutes**

That the Tenders and Procurement Committee:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 11 February 2014, including the confidential section, as a true and correct record.

**4 Petitions**

At the close of the agenda no requests to present petitions had been received.

**5 Public Input**

Standing Order 3.21 provides for Public Input. Applications to speak must be made to the Committee Secretary, in writing, no later than **two (2)** working days prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5)** minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

**6 Local Board Input**

Standing Order 3.22 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5)** minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **two (2)** days notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

**7 Extraordinary Business**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the

public,-

- (i) The reason why the item is not on the agenda; and
- (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

## **8 Notices of Motion**

At the close of the agenda no requests for notices of motion had been received.

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## Exclusion of the Public: Local Government Official Information and Meetings Act 1987

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That the Tenders and Procurement Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Ian Bond, Bond Construction Management Ltd be permitted to remain for Confidential Item C3, ACPN\_11995 Ports of Auckland Stormwater Outfall Upgrade – Design and Construction after the public has been excluded, because of his knowledge of the matter, which will help the Tenders and Procurement Committee in its decision-making.
- c) the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.
- d) this resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

**C1 Rating Valuation Services Contract Extension ACPN 10134, CCN 2850**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.  In particular, the report update contains information which is commercially sensitive and would be likely to unreasonably prejudice the commercial position of organizations which supplied the information. It also allows Council to carry out, without prejudice or disadvantage commercial activities..	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

**C2 Full Procurement Plan for brand and creative strategy, media and channel communication services; and contract variation for the supply of brand and creative strategy and services: advertising, internal design, digital and direct communications.**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.  In particular, disclosure of the procurement plan for brand and creative strategy, media and channel communications would compromise council's ability to obtain a competitive open market tender price..	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

**C3 ACPN\_11995 Ports of Auckland Stormwater Outfall Upgrade - Design and Construction**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.  In particular, disclosure of the procurement plan for the Ports of Auckland Outfall Upgrade would compromise Council's ability to obtain a competitive open market tender price..	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.



**C4 Westgate Library and Town Square Project: Procurement of Construction Contract (Library Building)**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>In particular, disclosure of the procurement plan for the Westgate Library and Town Square Project would compromise council's ability to obtain a competitive, open market process.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>