



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

**Date:** Tuesday, 24 November 2015  
**Time:** 9.30am  
**Meeting Room:** Room 1, Level 26  
**Venue:** 135 Albert Street  
Auckland

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## **Tenders and Procurement Committee OPEN AGENDA**

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### **MEMBERSHIP**

<b>Chairperson</b>	Cr Dick Quax
<b>Deputy Chairperson</b>	Cr 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
<b>Ex-officio (without voting rights)</b>	All other councillors

(Quorum 3 members)

Quorum must include at least 2  
named voting members.

**Katherine Wilson**  
**Democracy Advisor**

**17 November 2015**

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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 Chief Executive has power to award contracts up to \$20 million alone and the power to award contracts up to \$22.5 million jointly with the mayor and relevant committee chair.

The Committee will have responsibility for:

- Awarding of contracts greater than \$22.5 million; and
- Awarding of contracts less than \$20 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's responsibilities.

#### Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
- (b) where the Committee's responsibility is limited to making a recommendation only
- (c) where the Committee's responsibility sets out financial limitations

## **Exclusion of the public – who needs to leave the meeting**

### **Members of the public**

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

### **Those who are not members of the public**

#### General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

#### Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

#### Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

#### Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

#### Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

#### Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.

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**1 Apologies**

Apologies from Mayor LCM Brown and Deputy Mayor PA Hulse have 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 Wednesday, 21 October 2015, 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 7.7 provides for Public Input. Applications to speak must be made to the Democracy Advisor, in writing, no later than **one (1) clear working day** 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 6.2 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 **one (1) day's** 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 6.1 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.



## Tenders and Procurement Committee forward work programme to October 2016

File No.: CP2015/24589

### Purpose

1. To present the forward work programme to the Tenders and Procurement Committee for approval.
2. The forward work programme covers until October 2016.

### Executive Summary

3. The Tenders and Procurement Committee is to adopt a forward work programme to send to the Regional Strategy and Policy Committee for adoption on Thursday 3 December 2015.

### Recommendation/s

That the Tenders and Procurement Committee:

- a) approve the forward work programme from November 2015 to October 2016.

### Attachments

No.	Title	Page
A	Tenders and Procurement Committee forward work programme, November 2015 to October 2016	11

### Signatories

Author	Katherine Wilson - Democracy Advisor
Authoriser	Sara Hay - General Manager Procurement



Tenders and Procurement Committee

Forward work programme to October 2016\*

\*NB: Information updates will generally be provided by memo or briefing between committee meetings. All non-confidential information provided to the committee, prior to a meeting or in response to a request from a meeting, will be noted in the following agenda.

Area of work	Who	Reason for work	Decisions required	T&P Delegations	Budget/Funding	
<b>Strategy and policy development</b>						
1						
<b>Strategy and policy implementation</b>						
<i>2.1. Auckland Council Waste Management and Minimisation Plan</i>						
2.1.1.	Organics collection contracts	Waste Solutions – lead Shane King	Will enable introduction of a household organics collection service. This new service is a key aspect of Auckland's Waste Management and Minimisation Plan (WMMP) and will contribute to reaching council's Long-term Plan target of reducing kerbside domestic waste from 160 to 110 kilograms per person by 2018.	Approve supplier recommendations for organics collection contracts	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	Amount withheld as under negotiation
2.1.2	Organics processing contracts	Waste Solutions – lead Shane King	Will enable the processing of organic material diverted from household refuse and collected separately from the kerbside. This new service is a key aspect of Auckland's WMMP.	Approve supplier recommendations for organics processing contracts	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	Amount withheld as under negotiation
2.1.3	Refuse collections contracts	Waste Solutions – lead Shane King	Will enable introduction of a user pays, bins refuse service across the region. As above, this is key to implementing Auckland's WMMP and achieving targets for waste minimisation.	Approve supplier recommendations for refuse collections contracts	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	Amount withheld as under negotiation
2.1.4	Organics bags and bins procurement	Waste Solutions – lead Shane King	Will enable introduction of a household organics collection service. As above, this is key to implementing Auckland's WMMP and achieving targets for waste minimisation.	Approve supplier recommendations for organics bags and bins procurement	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	Amount withheld as under negotiation
<b>Legislative change (e.g. submissions)</b>						
<b>Strategic Initiatives or Projects</b>						
4.1	Supplier Relationship Management Plans	Procurement – lead Cristina Lavender	Transparency and visibility on supplier work, contracts and future opportunities that will add value to Auckland Council and, ultimately, our ratepayers.	Endorsement of the respective Supplier Relationship Management Plans	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	n/a
4.2	Contract management toolkit	Procurement – lead Cristina Lavender	To have a consistent contract management approach for managing all supplier contracts. To ensure council is getting the value negotiated before executing the contract.	Endorsement of the proposed Contract Management approach and toolkit	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	n/a
4.3	Due diligence toolkit	Procurement – lead Cristina Lavender	To mitigate any potential risk to council during the tender process and during the ongoing relationship with the suppliers.	Endorsement of the proposed Due Diligence approach and toolkit	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	n/a



November 2015

Item 9

Attachment A

Area of work	Who	Reason for work	Decisions required	T&P Delegations	Budget/Funding	
<b>Operational activities including procurement plans, frameworks and supplier recommendations</b>						
5.1	Artillery Drive stormwater conveyance	Stormwater – lead Stephen Scard	Flood risk mitigation to allow development of a large Special Housing Area.	Consider supplier recommendations for construction.	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	~\$22M (TBA)
5.2	Ports of Auckland stormwater outfall upgrade project	Stormwater – lead John Schermbrucker	Flood risk mitigation in the Central Business District, asset renewal in Ports of Auckland (health and safety risk mitigation).	Approve supplier recommendations for final design-build phase of the project.	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	~\$35M (TBA)
5.3	Te Auaunga Awa/ Oakley Creek Project	Stormwater – lead Tom Mansell	Flood alleviation works to reduce habitable floor flooding and to provide for growth in the Oakley stormwater catchment.	Approve procurement plan and subsequent supplier recommendations for construction.	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	Amount withheld as may prejudice negotiations
5.4	Takanini Cascades	Stormwater – lead Amelia Cunningham	Flood risk mitigation to enable development of several large Special Housing Areas including Takanini 2a, 2b and 4 Structure Plan areas	Approve procurement plan and subsequent supplier recommendations for construction.	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	Amount withheld as may prejudice negotiations
5.5	Minor capital stormwater construction works procurement framework	Stormwater – lead Phillip Johansen	To achieve savings by encouraging competition in the market through development of a specialist contractor framework for minor capital stormwater construction works. Contractors and associated technologies will be pre-approved to framework for three years	Approve procurement plan to establish a specialist minor capital stormwater construction works contractor framework	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	~\$45M (TBA)
5.6	Parks and open spaces full facilities maintenance contract urban and rural	Parks, Sport and Recreation	General maintenance of parks assets	Approve contract renewals/variations	'ensure that sound probity procedures are followed in relation to procurement and will consider tenders beyond the delegation of the Chief Executive'	~\$74.7M (TBA)
<b>Other</b>						

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

That the Tenders and Procurement Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

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 Renewals of contracts for stormwater operations and maintenance

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)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).  In particular, the report contains commercially sensitive information relating to the procurement of stormwater maintenance services.	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 Supplier Relationship Management, Downer

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)(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.  In particular, the report contains third party commercial information.  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 contains third party commercial information.	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.