

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

**Date:** Tuesday, 20 September 2016  
**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**

**Chairperson** Cr Dick Quax  
**Deputy Chairperson** Cr Denise Krum  
**Members** Cr Anae Arthur Anae  
Cr Cameron Brewer  
Cr Sharon Stewart, QSM  
Cr Sir John Walker, KNZM, CBE

**Ex-officio** Mayor Len Brown, JP  
Deputy Mayor Penny Hulse

**Ex-officio** All other councillors  
**(without voting rights)**

(Quorum 3 members)

Quorum must include at least two named voting members.

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

**14 September 2016**

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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**

An apology from Deputy Mayor PA Hulse has 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, 19 July 2016, 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.

## Facilities Management and Maintenance Contracts: Progress Update

File No.: CP2016/20446

### Purpose

1. To receive the progress update on the Facilities Management and Maintenance contracts (Project 17 Contracts).

### Executive summary

2. The Community Facilities department is responsible for the management and maintenance of a large portfolio of community facilities.
3. The current Facilities Management (FM) contracts represent a total annual value of \$124 million per annum and are scheduled to expire on 30 June 2017.
4. This presentation provides a summary of progress to date on the procurement process for the FM contract renewals for 1 July 2017.

### Recommendation/s

That the Tenders and Procurement Committee:

- a) receive the progress update presentation on the Facilities Management and Maintenance contract renewals.

### Comments

5. The current FM contracts were set up following a competitive tender process in 2012 (Project Genesis).
6. The Community Facilities team, together with all relevant stakeholders, are well progressed on the procurement process for the FM contract renewals for 1 July 2017.
7. A presentation will be tabled at the 20 September 2016 Tenders and Procurement Committee meeting, providing background and a summary of progress to date.

### Consideration

#### Local board views and implications

8. Consultation and engagement with local boards is well advanced and will continue throughout this process to ensure community needs priorities are met.

#### Māori impact statement

9. Community Facilities play a key role in developing vibrant communities and positively impact Māori well-being and the FM contract renewals may contribute to positive outcomes.

### Implementation

10. Procurement implementation schedule details will be provided in the presentation.

## Attachments

There are no attachments for this report.

## Signatories

Author	Paula Nicolini - Procurement Manager, Operational Services
Authorisers	Rod Sheridan - General Manager Community Facilities Jazz Singh - Head of Risk

## External Recruitment Services - Process Update

File No.: CP2016/19934

### Purpose

1. To receive an update on the process to vary and extend the All of Government External Recruitment Services Supply Panel agreement between Auckland Council and the Ministry of Business, Innovation and Employment.

### Executive summary

2. Auckland Council has an in-house recruitment team that manages the recruitment requirements for the majority of permanent employee of Auckland Council and five substantive CCOs (98% of employee hires).
3. There remains a need for external recruitment agency suppliers to provide a contingent workforce (contractors and temporary staff) for Auckland Council and the majority of the substantive council controlled organisations. Additional services include recruitment agencies assisting in recruiting any specialised needs for permanent placement.
4. Auckland Council is currently a party to an agreement with the Ministry of Business, Innovation and Employment (MBIE) under the All of Government (AoG) External Recruitment Services supply panel ("the AoG Agreement").
5. This is an information-only report; please see the confidential agenda for the 20 September 2016 Tenders and Procurement Committee meeting for more information.

### Recommendation/s

That the Tenders and Procurement Committee:

- a) note that Auckland Council is a party to the All of Government (AoG) Agreement.
- b) note that the Tenders and Procurement Committee will consider an extension to Auckland Council's participation in the AoG Agreement, as provided in the 20 September 2016 confidential agenda report.

### Comments

6. Auckland Council has an in-house recruitment team that manages the recruitment requirements for the majority of permanent employee of Auckland Council and five substantive CCOs (98% of employee hires).
7. There remains a need for external recruitment agency suppliers to provide a contingent workforce (contractors and temporary staff) for Auckland Council and the majority of the substantive CCO's. Additional services include recruitment agencies assisting in recruiting any specialised needs for permanent placement.
8. Auckland Council is currently a party to an agreement with the Ministry of Business, Innovation and Employment (MBIE) under the All of Government (AoG) External Recruitment Services supply panel ("the AoG Agreement").
9. Further detail for the committee's consideration can be found in the confidential section of this agenda.

## Consideration

### Local board views and implications

10. The recommendations made in this report are not considered to have any specific impacts on local boards.

### Māori impact statement

11. The recommendation made in this report is not considered to have any specific impacts on Māori. The MBIE AoG External Recruitment Services supply panel includes a specialist agency that focuses on Māori and Pacifica communities and roles. All primary agency providers on the MBIE AOG External Recruitment Services supply panel have been briefed on our Māori responsiveness plans and their role in supporting this.

## Implementation

12. Once agreed, staff will negotiate final terms of the variation and extension of the AoG contract to be signed by Auckland Council's Chief Executive acting under delegation.

## Attachments

There are no attachments for this report.

## Signatories

Author	Aaron Donaldson - ICT Commercial Lead
Authorisers	Jazz Singh - Head of Risk Christine Etherington - People & Capability Director

## Procurement of refuse collection services

File No.: CP2016/19751

### Purpose

1. To note an update on Auckland Council's procurement of refuse collection services.

### Executive summary

2. In 2012 Auckland Council adopted a Waste Management and Minimisation Plan (WMMP) which set an aspirational goal of zero waste to landfill by 2040 for Auckland. It also included a more specific target of reducing kerbside waste to landfill by 30 per cent by 2018.
3. To achieve these goals the WMMP proposed a number of major service changes to standardise waste collection across the region and divert waste from landfill.
4. While implementing these service changes, the council also has to ensure continuity of refuse collection services. The council currently receives waste collection services through seven main contracts, whose current terms will expire between March 2017 and June 2018.
5. The council has developed a procurement approach for refuse collection services that will enable it to maintain continuity and quality of refuse collection services while also managing the introduction of the multiple service changes.
6. Details of how the council will achieve these goals are outlined in the closed report included on this business agenda.
7. It is recommended that the Tenders and Procurement Committee note the information provided in this report, which will inform their decision making on the closed item also included on this agenda.

### Recommendation

That the Tenders and Procurement Committee:

- a) note the information contained in this report, on procurement of refuse collection services, enables further transparency on the topic due for discussion in the public excluded part of the meeting.

### Comments

8. In 2012 Auckland Council adopted a Waste Management and Minimisation Plan (WMMP). The plan set various targets including:
  - i) an aspirational goal of zero waste to landfill by 2040, turning waste into resources
  - ii) reducing household rubbish by 30 per cent by 2018
  - iii) significantly reducing waste to landfill.
9. To achieve these goals the WMMP proposed a number of major service changes to standardise waste collection across the region and reduce the amount of household waste being sent to landfill.
10. To enable these service changes, the Tenders and Procurement Committee approved a procurement plan to support implementation of the Waste Management and Minimisation Plan (resolution number TP/2013/1), in September 2013. This procurement plan set out the plan for procuring refuse collection services, among many other waste collection services.
11. Subsequently, in October 2015, the committee approved further extensions to the terms of three specific refuse collection contracts (resolution number TEN/2015/48).

12. Since these contract extensions were approved, the council has rolled out several major waste collection service changes to the Auckland region. These include:
  - i) introduction of an on-property, booked in advance inorganics collection service across the region (except for the Hauraki Gulf Islands)
  - ii) establishment of community recycling centres
  - iii) introduction of a fortnightly recycling collection service in bins to the legacy Rodney, North Shore and Waitakere City Council areas.
  - iv) planned roll out of recycling collection services in rural Franklin for October 2016
13. In the future there will be a period of sustained change for Auckland residents up until 2020 and beyond as we implement the other changes needed to meet the Waste Management and Minimisation Plan.
14. In order to implement these actions the council needs to make a number of significant changes to existing refuse collection services.
15. Refuse collection services are currently provided to Auckland Council through seven main contracts for a total annual value of approximately \$17.6 million.
16. These contracts are due to expire between March 2017 and June 2018 and the council has the discretion to extend the terms of some of these contracts but not all.
17. The council has developed a procurement strategy for refuse collections that will enable it to:
  - i) achieve lower overall costs for provision of refuse collection services
  - ii) maintain quality and continuity of refuse collection services, while managing the introduction of multiple service changes over a relatively short time period.
  - iii) meet the goals and outcomes of the Waste Minimisation and Management Plan.
18. Details of how the council will achieve these goals are outlined in a confidential report included on this business agenda. These details have been kept confidential under sections 7(2)(h) and 7(2)(i) of the Local Government and Official Information Act because they contain commercially sensitive information that, if released, could prejudice the council's ability to carry out commercial activities and negotiations with waste services' providers.
19. It is recommended that the committee note the information provided in this update on the council's procurement of refuse collection services. The information provided in this report enables further transparency on the following item which will be discussed in the public excluded part of the meeting: 'Confidential: Procurement Strategy for Refuse Collection Services'

## Consideration

### Local board views and implications

20. No local board views were sought in the preparation of this report. However, local board members are kept informed on the provision of waste services and the implementation of the WMMP through regular updates from the Infrastructure and Environmental Services department. In addition there was significant consultation as part of the development of the WMMP.

### Māori impact statement

21. Māori were not consulted during the preparation of this report. However, it is recognised that the collection, disposal and minimisation of waste to landfill is of significant interest to mana whenua in their role as kaitiaki of natural environments.

22. As part of the overall implementation of the WMMP, the council's staff are engaging with interested mana whenua and maata waka organisations on a number of projects related to waste minimisation and resource recovery. For example, the council has employed Ngāti Whātua Ōrākei to deliver a Para Kore Ki Tamaki (zero waste marae programme) to 12 marae across Tāmaki Makaurau.

### Implementation

23. There are no implementation issues arising from this report. Any implementation issues relating to the procurement of refuse collection services have been noted in report titled "Confidential: Procurement Strategy for Refuse Collection Services".

### Attachments

There are no attachments for this report.

### Signatories

Authors	Ian Stupple - General Manager Waste Solutions Persees Antia - Waste Management and Minimisation Plan Procurement Lead
Authorisers	John Dunshea - General Manager Development Programmes Office Barry Potter - Director Infrastructure and Environmental Services Jazz Singh - Head of Risk



## Supplier Recommendations for Te Auaunga Awa Project

File No.: CP2016/20500

Item 12

### Purpose

1. To note an update on procurement of the Te Auaunga Awa – Walmsley and Underwood Reserves Project.

### Executive summary

2. Te Auaunga Awa – Walmsley and Underwood Reserves project is an urban stream restoration project to facilitate growth focused on Te Auaunga Awa (Oakley Creek).
3. The project involves stream widening and restoration of 1.3 kilometres of Te Auaunga Awa, between Sandringham Road Extension and Richardson Road.
4. As part of the project two culverts will be replaced with new road bridges. A number of other assets will also be provided through the project, such as pedestrian bridges, cycleways and an out-door classroom (see project map in attachment A).
5. The project will reduce flood risk and enable development of the area around the awa (creek) with new residential housing.
6. In May 2016 the Tenders and Procurement Committee approved the procurement plan for the Te Auaunga Awa project.
7. A procurement process was then carried out which has now identified a preferred supplier for the construction of the project. This is discussed in more detail in a closed item on the meeting agenda: 'Confidential: Suppliers Recommendations for Te Auaunga Awa Project.'

### Recommendation/s

That the Tenders and Procurement Committee:

- a) note the information contained in this report, on procurement for the Te Auaunga Awa project, enables further transparency on the topic due for discussion in the public excluded part of the meeting.

### Comments

#### Background

8. The primary objective of the Te Auaunga Awa – Walmsley and Underwood Reserves project is to enable growth and the provision of housing in the Te Auaunga Awa (Oakley Creek) area.
9. Widening the awa will significantly reduce the existing flood plain in the area and allow the removal of historic development controls set on private properties in the vicinity of the creek.
10. The project is located in an area ideally suited to redevelopment and intensification as it is already serviced with existing infrastructure and has important planned infrastructure servicing the area in the future (including the central interceptor and light rail).
11. In addition to this, Housing New Zealand, who own 60 per cent of the housing stock in the area, have expressed support for the project. They are interested in redeveloping to provide more housing in the area once development controls have been removed.

#### Scope of the project

12. The project involves stream widening and naturalisation of 1.3 kilometres of Te Auaunga Awa, between Sandringham Road Extension and Richardson Road (see map of project area in Attachment A).

13. The existing culverts at Richardson Road and Beagle Avenue will be replaced with new road bridges to improve the conveyance of flood flows. A full width cycleway connecting Hendon Reserve to War Memorial Park, along with a network of secondary pathways and a pedestrian underpass at Richardson Road will also be provided.
14. Two new pedestrian bridges will be constructed, including the Owairaka Pedestrian Bridge to connect the south side of Oakley Creek to Owairaka Park. An outdoor school room will also be provided for the education of local students and a number of outdoor spaces, such as playgrounds, will be created in the Walmsley and Underwood Reserves.
15. The project also involves extensive planting of up to 120,000 native plants alongside the awa and in the two reserves. This planting will be delivered through a separate contract.

#### **Strategic social and economic outcomes**

16. Appointment of Te Whangai Trust: Using a Smart procurement approach council has identified Te Whangai Trust as the preferred contractor to provide the native plants for the project (budget \$2 million).
17. Te Whangai Trust will work closely with community partners such as schools, mana whenua and community groups to establish the native plant nursery at Wesley Intermediate (a local school). The native nursery will focus on providing life skills, training and work readiness opportunities to local people who are not currently in training or employment.
18. Youth training scheme: Responding to local community concerns about youth unemployment, council has provided funding for 20 local unemployed refugee and migrant youth to participate in a beginners' level construction course at a local tertiary institution (Unitec).
19. The preferred supplier for construction of this project has agreed to employ at least five of these youth on the project as apprentices. Youth will also be provided with ongoing mentorship to aid them into employment.

### **Consideration**

#### **Local board views and implications**

20. The project impacts on three local boards: Albert-Eden, Puketāpapa and Whau. Improving the health of waterways in their area is a priority for all three boards, who all contribute funding to environmental projects around Te Auaunga Awa.
21. From the inception of the project all three boards have been involved in design workshops and operational meetings. Boards were also represented at a governance level by the environmental portfolio holder for the Puketāpapa Local Board who sat on the steering group of the project. The Puketāpapa Local Board will also support the cost of mentoring any local youth employed as apprentices on the project.
22. All three local boards have indicated strong support for the project and given landowner consent to any works on public land in their board area.

#### **Māori impact statement**

23. Stormwater management, and its impact on waterways, is of key significance to Māori. The role of mana whenua as kaitiaki for the environment is identified in The Schedule of Issues of Significance to Māori in Tāmaki Makarau.
24. Council has undertaken intensive engagement with five iwi on the project: Ngāti Tamaoho, Ngāti Whātua Ōrakei, Ngāi Tai Ki Tāmaki, Te Kawerau a Maki and Te Akitai Waiohua. Iwi have been involved both in the operational group for the project and the steering group.
25. Feedback from mana whenua has been integrated into various aspects of the project, for example, more wetlands and swales have been included in the design to improve water quality, Māori artworks will be incorporated into the bridge and other infrastructural elements, and traditional Māori games will be recognised in the design of playgrounds.

26. Engagement with mana whenua will be ongoing throughout the construction phase.

## Implementation

27. If the supplier recommendations outlined in the report on the closed section of this business agenda are approved, the project will start construction in November 2016.

## Attachments

There are no attachments for this report.

## Signatories

Authors	Craig Mcilroy - General Manager Healthy Waters Tom Mansell - Principal – Green Infrastructure Delivery
Authorisers	John Dunshea - General Manager Development Programmes Office Jazz Singh - Head of Risk



## 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 Confidential: External Recruitment Services

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 contains information that would adversely affect commercial negotiations. These commercial negotiations are currently being undertaken in good faith with the suppliers involved and it would hinder commercial outcomes if they were to be made public currently.	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 Confidential: Procurement of refuse collection services

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.  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 detailed information about council's strategy for procuring refuse collection services. If released this information could prejudice our position in negotiations with waste suppliers.	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 Confidential: Supplier Recommendations for Te Auaunga Awa Project**

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)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>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).</p> <p>In particular, the report contains commercially sensitive information relating to council's procurement of stormwater management services and negotiations with suppliers.</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>