

**A Meeting of the Extraordinary Tenders Subcommittee Meeting will be held as follows:**

**Date:** Monday 29 April 2024

**Time:** To commence at the conclusion of the Operations & Capital Programme Delivery Committee Meeting

**Venue:** Council Chambers, 105 Tainui Street, Greymouth

Paul Pretorius  
Acting Chief Executive

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# AGENDA

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**Members:**

Chair: Councillor Allan Gibson  
Deputy Chair: Mayor Tania Gibson  
Members: Councillor Robert Mallinson  
Councillor Rex MacDonald  
Councillor Peter Davy

*(Quorum 3 members)*

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*The information in this document is provided to facilitate good competent decisions by Council and does in no way reflect the views of Council. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.*

## TERMS OF REFERENCE

Type of Committee	Council Subcommittee
Subordinate to:	Operations and Capital Programme Delivery Committee
Subordinate Committee	None
Legislative Basis	Subcommittee reconstituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Subcommittee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	Chair: Cr Allan Gibson Deputy Chair: Mayor Gibson Member: Cr MacDonald Member: Cr Mallinson Member: Cr Davy
Quorum	Three members (3)
Meeting frequency	Fortnightly and as and when required.
Terms of Reference	<p>To determine all tenders with a value in excess of the limit set by Council from time to time. This includes a decision on reasonable grounds to not accept any tender and to re-tender the contract.</p> <p>To extend existing contracts for no longer than 12 months where the subcommittee is of the opinion that:</p> <ul style="list-style-type: none"> <li>• it is in Council's best interest to do so</li> <li>• The performance of the Contractor warrants such extension</li> <li>• The extension will not cause controversy or</li> <li>• The extension will not have legal implications for Council</li> </ul> <p>To recommend measures to the Operations and Capital Delivery Programme Committee on how to improve Council's oversight over the Council's staff's performance in managing contractors and contracts</p>
Limits to Delegation.	<p>Tenders must be awarded within available budgets.</p> <p>Council's Procurement Policy must be adhered to</p> <p>Where any tender award (or otherwise) may have legal implications or where a non-conforming tender is accepted, the reasons for decisions must be recorded.</p>

# **SUB-COMMITTEE IN OPEN MEETING**

## **GENERAL BUSINESS AND TABLED ITEMS**

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be dealt with at a subsequent meeting on the basis of a full agenda item. It is important to note that late items can only be dealt with when special circumstances exist and not as a means of avoiding or frustrating the requirements in the Act relating to notice, agendas, agenda format and content.

## **LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968**

Sub-Committee members are reminded that if he/she has a direct or indirect interest in any item on the agenda be it pecuniary or on grounds of bias and predetermination, then he/she must declare this interest and refrain from discussing or voting on this item.

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## **1 APOLOGIES AND DECLARATIONS OF INTEREST**

### **1.1 APOLOGIES**

Nil

### **1.2 UPDATES TO THE INTERESTS REGISTER**

Sub-Committee members to please advise if there are any changes to be made to the current Interests Register.

### **1.3 IDENTIFY ANY CONFLICTS OF INTERESTS IN THE AGENDA**

Notification from committee members of:

- 1.3.1 Any interests that may create a conflict with their role as a committee member relating to the items of business for this meeting (prior to taking part in the deliberation of a particular item); and
- 1.3.2 Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

### **1.4 NOTIFICATION OF LATE ITEMS**

Where an item is not on the agenda for a meeting, that item may be dealt with at that meeting if:

- 1.4.1 The Committee by resolution so decides; and
- 1.4.2 The Chairperson explains at the meeting at a time when it is open to the public the reason why the item is not on the agenda, and the reason why the discussion of the item cannot be delayed until a subsequent meeting.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **2.1 CONFIRMATION OF THE TENDERS SUBCOMMITTEE MEETING HELD ON 18 APRIL 2024**

#### **SUGGESTED RECOMMENDATION**

That the minutes of the Tenders Subcommittee Meeting held on 18 April 2024 be confirmed as true and correct.

**MINUTES OF THE TENDERS SUBCOMMITTEE MEETING OF THE GREY DISTRICT COUNCIL****Held in Council Chambers, 105 Tainui Street, Greymouth****on Thursday 18 April 2024 commencing at 4.00 pm**

**PRESENT:** Cr Allan Gibson (Chair)  
Mayor Tania Gibson (via Zoom), Councillor Robert Mallinson, Councillor Rex MacDonald, Councillor Peter Davy

**IN ATTENDANCE:** Aaron Haymes (Group Manager Operations), Kurtis Perrin-Smith (Utilities & Infrastructure Manager) via Zoom, Paddy Blanchfield (Transport & Infrastructure Manager), Stacey Beaver (Project Manager), Trish Jellyman (Democracy Advisor)

**1 APOLOGIES AND DECLARATIONS OF INTEREST****1.1 APOLOGIES**

There no apologies.

**1.2 UPDATES TO THE INTERESTS REGISTER**

There were no updates to the Interest Register.

**1.3 IDENTIFY ANY CONFLICTS OF INTERESTS IN THE AGENDA**

There were no declarations of interest.

**1.4 NOTIFICATION OF LATE ITEMS**

There were no late items.

**2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****2.1 CONFIRMATION OF THE TENDERS SUBCOMMITTEE MEETING HELD ON 21 MARCH 2024**

**COMMITTEE RESOLUTION TC 24/04/006**

**Moved:** Cr Rex MacDonald

**Seconded:** Cr Peter Davy

That the minutes of the Tenders Subcommittee Meeting held on 21 March 2024 be confirmed as true and correct.

**Carried Unanimously**

**3 IN COMMITTEE ITEMS**

That the public is excluded from this part of the meeting in relation to:

**Agenda items 3.1, 3.2, and 3.3.**

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 are as follows:

**COMMITTEE RESOLUTION TC 24/04/007**

**Moved: Cr Robert Mallinson**

**Seconded: Cr Peter Davy**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
3.1 - CONFIRMATION OF IN COMMITTEE MINUTES OF TENDERS SUBCOMMITTEE MEETING HELD ON 21 MARCH 2024	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
3.2 - 2024-25-01 - UTILITIES MAINTENANCE	<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>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7



<p>3.3 - 2023-2024 FOOTPATH PROGRAMME AMENDMENT APPROVAL</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>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
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Carried Unanimously

**4 SUB-COMMITTEE RESUMES IN OPEN MEETING**

**CLOSURE OR RATIFICATION OF DECISIONS IN OPEN MEETING.**

The meeting concluded at 4.45 pm.

Confirmed

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A Gibson  
Chairperson

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Date

### 3 IN COMMITTEE ITEMS

#### COUNCIL IN-COMMITTEE

That the public is excluded from this part of the meeting in relation to:

#### Agenda items 3.1 & 3.2

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 are as follows:

#### OFFICER RECOMMENDATION

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<p><b>3.1 - CONFIRMATION OF IN COMMITTEE MINUTES OF TENDERS SUBCOMMITTEE MEETING HELD ON 18 APRIL 2024</b></p>	<p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>3.2 - 2024-25-01 - UTILITIES MAINTENANCE</b></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</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for</p>

	<p>person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>withholding would exist under section 6 or section 7</p>
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**4 SUB-COMMITTEE RESUMES IN OPEN MEETING**

**CLOSURE OR RATIFICATION OF DECISIONS IN OPEN MEETING**