



Confirmed Minutes
Burke Shire Council Special Meeting
Friday 7 July 2023
9.00am Council Chambers

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01. Opening of Meeting

The Chair declared the meeting open at 9.07am.

02. Record of Attendance

Cr Ernie Camp; Mayor – Chair
Cr Tonya Murray; Deputy Mayor
Cr John Clarke
Cr John Yanner
Cr Rosita Wade

Dan McKinlay; Chief Executive Officer
Clinton Murray; Acting Director of Engineering
Chelsea Nelson; People, Performance and Culture Manager
Madison Marshall; Corporate Services and Governance Manager (Minutes)
Shaun Jorgensen; Finance and Technology Manager
Amir Akrami; Senior Engineering Manager – Water and Roads

02.01 LGR 2012 Section 254K – Participating in meetings by audio link or visual audio link

That Council, in accordance with section 254K of the Local Government Regulation 2012, allows the following person/s to participate in the meeting by audio link or visual audio link:

- **Chelsea Nelson; People, Performance and Culture Manager**
- **Amir Akrami; Senior Engineering Manager – Water and Roads**

Moved: Cr Camp

Seconded: Cr Yanner

Carried 230707.01 5/0

03. Declaration of Interests

Councillor Murray informed the meeting that she has a prescribed conflict of interest in item 04.01 2022 & 2023 DRFA Restoration Works Contracts – Packages 1 to 3.

Councillor Name	Cr Tonya Murray
Meeting Name	04.01 2022 & 2023 DRFA Restoration Works Contracts – Packages 1 to 3
Meeting Date	7 July 2013
Item Number	04.01
Pursuant to sections 150EL(3)(a) and 150EL(3)(b) of the Local Government Act 2009, I hereby provide notice that I have a prescribed conflict of interest in this matter, the nature, and particulars of which are as follows:	
Nature of the prescribed conflict of interest	
I have a prescribed conflict of interest in this matter as a tenderer of the DRFA Restoration Works Contract is my Father and Mother.	
If the prescribed conflict of interest arises for a gift, loan, or contract	
The value of the gift, loan or contract	\$2,234,140.98
If the prescribed conflict of interest arises for an application which a submission has been made	
The matters the subject of the application and submission	
If there is another entity, other than the Councillor, that has an interest in the matter	
The name of the other entity	
The nature of the Councillor's relationship with the other entity	
Description of interest in the matter	
Councillor's Interest	
Other entity's interest	
I will leave the meeting and will not participate in the discussion relating to the matter, including any area set aside for the public while this matter is being discussed and voted on. Cr Murray left the meeting at 9.08am.	

04. Executive Management Reports

04.01 2022 & 2023 DRFA Restoration Works Contracts – Packages 1 to 3

DEPARTMENT:	Department of Engineering
RESPONSIBLE OFFICER:	Clinton Murray; Acting Director of Engineering
PREPARED BY:	Amir Akrami; Senior Engineering Manager-Water and Roads
DATE REPORT PREPARED:	4 July 2023

1. PURPOSE

The purpose of this report is to obtain Council approval to terminate the current Contract with the contractors for 2023 DRFA Restoration Works, by way of a deed of mutual termination, and Council offers a new contract to each of the three (3) Contractors with a revised scope but substantially on the same terms as the existing Contract.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Council at its meeting on 20 February 2023 resolved to accept three (3) tenders for the restoration works to address damage from the Jan-Feb 2022 declared disaster event. Subsequent events in late 2022 and early 2023 resulted in considerable overlap of damaged areas.

Council at its meeting on Wednesday 24 May 2023, resolved the following:

10.04 Tender Consideration Plan (2023 DRFA Restoration Works)

- 1. That Council resolves to prepare a Tender Consideration Plan substantively in the form of the draft Tender Consideration Plan attached; and*
- 2. That Council delegate authority to the Chief Executive Officer to prepare, adopt and give effect to the Tender Consideration Plan, including by discharging the existing contracts specified in the Tender Consideration Plan and by negotiating, finalising and entering into new contracts contemplated by the Tender Consideration Plan.*

Further to this resolution, contract negotiations have taken place with each of the three (3) Contractors and have been finalised in accordance with the Tender Consideration Plan. The negotiation proposes that the parties mutually terminate the current Contract by way of a deed of mutual termination and Council offers a new contract to each of the three (3) Contractors with a revised scope but substantially on the same terms as the existing Contract. Please refer to table no. 1 including the proposed new contract and scope of works.

Table No. 1 – Summary of Contract Packages

Contract No.	Scope of Work
5601-3000-0001 - 2022 & 2023 DRFA Restoration Package 1 <ul style="list-style-type: none"> • Gregory – Lawn Hill Road • Lawn Hill National Park Road (provisional item) 	2022 and 2023 DRFA Restoration Works for the activated events. Flood damage restoration works incorporating various approved QRA treatments including but not limited to gravel re-sheeting, medium formation grading and heavy formation grading.
5601-5000-0001 - 2022 & 2023 DRFA Restoration Package 2 <ul style="list-style-type: none"> • Doomadgee West Road • Nugaburra Road (provisional item) 	2022 and 2023 DRFA Restoration Works for the activated events. Flood damage restoration works incorporating various approved QRA treatments including but not limited to gravel re-sheeting, medium formation grading and heavy formation grading.
5601-4200-0001 - 2022 & 2023 DRFA Restoration Package 3 <ul style="list-style-type: none"> • Bowthorn Road • Bowthorn Road balance scope (provisional item) 	2022 and 2023 DRFA Restoration Works for the activated events. Flood damage restoration works incorporating various approved QRA treatments including but not limited to gravel re-sheeting, medium formation grading and heavy formation grading.

3. PROPOSAL

That Council, having referenced the Tender Consideration Plan, endorses the recommendations to the extent that the Contract is awarded to the Contractors to the maximum amount as stated (ex GST) detailed in table no. 2.

Table No. 2 – Recommended Contractors and Prices

Package	Awarded to	Contract Amount
5601-3000-0001 - 2022 & 2023 DRFA Restoration Package 1	Halloran and Sons Earthmoving Pty Ltd	\$2,291,932.09
5601-5000-0001 - 2022 & 2023 DRFA Restoration Package 2	Gulf Civil Pty Ltd	\$2,017,396.55
5601-4200-0001 - 2022 & 2023 DRFA Restoration Package 3	K&G Booth Pty Ltd	\$2,234,140.98

4. FINANCIAL & RESOURCE IMPLICATIONS

Restoration of these road network assets, including the project management of the works is funded under the Disaster Recovery Funding Arrangements (DRFA) program and is managed through the Queensland Recovery Authority (QRA). Please refer to table 3 indicating the recommended amount for each package as approved by QRA.

Table No 3 – Funding Source

Contract Package	Total Project Budget
5601-3000-0001 - 2022 & 2023 DRFA Restoration Package 1	\$4,692,584.20
5601-5000-0001 - 2022 & 2023 DRFA Restoration Package 2	\$3,920,427.95
5601-4200-0001 - 2022 & 2023 DRFA Restoration Package 3	\$3,299,221.99

5. RISK

Table No 5 – Risk Mitigation Strategy

Risk	Possible consequence	Mitigation
Contract variation – due to wet weather, latent conditions	Increase in Contract Sum	<ul style="list-style-type: none"> Contingency in the order of 5 - 10% allowed Project Management “on the ground” available at all times
Poor ground/soil conditions	Increase in Contract Sum	<ul style="list-style-type: none"> Contingency in the order of 5 - 10% allowed
Delays to the completion of First Priority projects	Not meeting the funding requirements	<ul style="list-style-type: none"> Monitor progress closely with Project Management “on the ground” overview Seek time extension from funding authority if necessary

6. POLICY & LEGAL IMPLICATIONS

The Council must also meet all relevant local government procurement requirements outlined in the Local Government Act 2009, Local Government Regulation 2012 and Council's Procurement Policy. These requirements have been met through the tender process involved with these projects.

7. CONSULTATION

Consultation has taken place with:

- Council Director of Engineering
- Council Senior Engineering Manager
- Council Project Engineer
- Department of Transport and Main Roads
- Queensland Reconstruction Authority
- Northlane Consulting Engineers

8. OFFICER'S RECOMMENDATION

1. That, the Council awards Contracts awarded to the respective Contractors to the maximum amounts (ex GST) of:
 - a. 5601-3000-0001 – 2022 & 2023 DRFA Restoration Package 1
Halloran and Sons Earthmoving Pty Ltd \$2,291,932.09
 - b. 5601-5000-0001 - 2022 & 2023 DRFA Restoration Package 2
Gulf Civil Pty Ltd \$2,017,396.55
 - c. 5601-4200-0001 - 2022 & 2023 DRFA Restoration Package 3
K&G Booth Pty Ltd \$2,234,140.98
2. Delegates authority to the CEO to enter into negotiations with any and all matters associated with executing the Contract, to the maximum values of the Project Budgets (which includes budget for provisional items) as follows:
 - a. 5601-3000-0001 – 2022 & 2023 DRFA Restoration Package 1
\$4,692,584.20
 - b. 5601-5000-0001 - 2022 & 2023 DRFA Restoration Package 2
\$3,920,427.95
 - c. 5601-4200-0001 - 2022 & 2023 DRFA Restoration Package 3
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04.01 2022 & 2023 DRFA Restoration Works Contracts – Packages 1 to 3

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 - b. 5601-5000-0001 - 2022 & 2023 DRFA Restoration Package 2
\$3,920,427.95
 - c. 5601-4200-0001 - 2022 & 2023 DRFA Restoration Package 3
\$3,299,221.99

Moved: Cr Camp

Seconded: Cr Yanner

Carried 230707.02 4/0

05. Closure of meeting

The Chair declared the meeting closed at 9.25am.

I hereby certify that these pages numbered 1 to 8 – constitute
the Confirmed minutes of the Special Council Meeting of Burke
Shire Council held on Friday 7 July 2023.

Mayor Cr Ernie Camp