

Special Council Meeting Agenda

Venue	Council Chambers 75 Main Street, Meekatharra
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Date	Friday 26 September 2025
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Time	5:30pm
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Disclaimer

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Shire of Meekatharra

Special Council Meeting

Local Government Act 1995 Section 5.4

The Shire President has called for a Special Council Meeting to be held on Friday 26 September 2025 commencing at 5:30pm in the Meekatharra Council Chamber.

The purpose of the meeting will be to consider -

- Tender Determination - Request for Tender 25.10 Construction of Floodways



N Cain
Chief Executive Officer
25 September 2025

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1 Declaration of opening

2 Attendance

2.1 Present

Council Members

Employees

Guests

Members of the Public

Members of the Media

2.2 Apologies

D Hodder	Councillor
B Day	Councillor

2.3 Approved Leave of Absence

M Hall	Councillor
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3 Interest Declarations by Members

Under section 5.67 of the Act, a member declaring an Impartiality, Proximity or Financial interest must disclose the nature of the interest in writing either prior to the meeting, or at the meeting immediately before the matter is discussed. The member is prohibited from participating in decisions on the matter in which they have the interest, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

4 Question time

4.1 Public Question Time

5 Reports

5.1 Tender Determination – Request for Tender 25.10 Construction of Floodways

File Reference	CM.TE.022
Author	N Cain, Chief Executive Officer
Author's Interest	Nil
Authoriser	N Cain, Chief Executive Officer
Authoriser's Interest	Nil
Applicant / Respondent	Nil
Report Date	25 September 2025

Summary

In August 2025 tender submissions were sought for the construction of 5 x floodways in the north-western part of the Shire to be undertaken as part of a share value project with Abra Mining Pty Limited, a wholly owned subsidiary of Endurance Mining Pty Ltd.

Tender submissions, which closed on 22 September 2025, have been evaluated and a preferred tender submission identified.

Council is requested to accept the preferred tender submission for Request for Tender 25.10 Construction of Floodways and to agree to the Memorandum of Understanding with Abra Mining Pty Limited.

Attachments

- 5.1.1 Confidential – Evaluation Panel Report
- 5.1.2 Confidential – Memorandum of Understanding with Abra Mining Pty Limited Pty Ltd

Background

In the 2025-26 Annual Budget, Council approved for inclusion the construction of 5 x floodways at –

- Gascoyne River – Ashburton Downs-Meekatharra Road SLK 120.51,
- Cunjana Creek – Ashburton Downs-Meekatharra Road SLK 138.84,
- Turner Creek – Ashburton Downs-Meekatharra Road SLK 143.82,
- Deverell Creek – Woodlands-Mount Augustus Road SLK 72.64, and
- Ethel River – Tangadee Road SLK 8.29.

The location of these floodways will provide benefits to local pastoralists, tourists, general road users, and mining operations.

To this end, Abra Mining Pty Limited have agreed to partner with the Shire of Meekatharra to underwrite part of the construction costs for the 3 x floodways on the Ashburton Downs-Meekatharra Road.

In July 2025, Shire officers engaged Civil Sciences and Engineering to develop technical designs and specifications for the floodways and to also provide professional advice and quality assurance.

These designs and specifications were then included in the Request for Tender documentation, and advertising commenced on 27 August 2025 using –

- The West Australian,
- The Shire's Official Website,
- Local Noticeboards, and
- Social Media Platforms.

A total of 19 tender packages were distributed during the distribution period.

The tender application process required a mandatory on-site visit to speak with the engineer and to physically inspect all sites.

Five companies agreed to attend the mandatory on-site visit, however only 3 companies attended.

Resulting from these inspections, 2 addenda to the documentation were undertaken, namely –

- 01 – Removal of curves and tapers and correction of cross section anomalies, and
- 02 – Request for 2 x pricing options based on possible availability of materials at an alternate location.

Due to the timing of the tender process, being during the Local Government Election Caretaker Period, the Director General for Local Government must grant approval for consideration and awarding of tenders.

Approval from the Director General was provided on 12 September 2025.

The tender submission period closed at 2:00pm on 22 September 2025.

Two employees undertook the opening of tender submissions at approximately 2:45pm on 22 September 2025.

Two companies (respondents) provided tender submissions by the close.

An Evaluation Panel to assess the tender submission has been established comprising of 2 x technically qualified and experienced professionals and 1 x governance professional.

Each Panel Member completed a confidentiality declaration and a declaration of absence of interest in relation to the tender submissions received.

Evaluation Panel Members individually assessed the submissions.

The tender submissions were considered sufficiently comprehensive and no further information was sought or required.

The submissions were assessed against qualitative and quantitative criteria, inclusive of price, to determine the best value for money and most advantageous tender as recommended in the Evaluation Panel Report, which is provided as a Confidential Attachment.

Separate to the tender process, Abra Mining Pty Limited undertook discussions with the Chief Executive Officer regarding establishing a funding agreement to partly underwrite the construction of the Gascoyne River, Cunjana Creek, and Turner Creek floodways.

Abra Mining Pty Limited have also offered workforce accommodation at the Abra Mine Site for the successful tenderer for the duration of the entire project.

In principle, it was mutually agreed a Memorandum of Understanding outlining a fair commitment from each organisation would be appropriate.

The Memorandum of Understanding for consideration by Council is included as a Confidential Attachment.

Jidi Jidi Aboriginal Corporation were engaged to provide heritage advisement for suitable rock-armouring material sites with suitable acceptance and recommendations provided for one site.

A second site is yet to be heritage reviewed.

Comment

Each of the tender submissions received provided a total potential cost which exceeded the budget allocation in the 2025-26 Annual Budget.

This exceedance was primarily due to the Gascoyne River and Cunjana Creek floodways being larger and more technical in nature than estimated.

Just prior to the close of the tender submission period, an alternate possible material supply was identified for the Deverell Creek and Ethel River floodways which has since been assessed and considered suitable.

This alternate supply was identified as potentially cost saving and an Addendum issued for respondents to provide pricing options.

Respondent A in the Confidential Evaluation Panel Report provided a single tender submission which included several provisional sums and contingencies which, when assessed, allow for both requested pricing options to be calculated and considered.

Respondent B in the Confidential Evaluation Panel Report provided 2 submissions (marked each as Option 1 and Option 2) to allow for the request for 2 x pricing options.

The alternate supply is yet to undergo heritage advisement, which is scheduled for imminent completion.

Depending on the timing of the heritage advisement, a minor variation to the contract prior to signing may be required, which is permitted provided it is done prior to signing.

Both respondents were deemed capable of completing the works in the allotted time and meeting the requirements.

Council could choose to decline to accept any tender based on pricing being above the budgeted amount (refer Financial Implications section), however this is not recommended due to the risk of not receiving tenders in the future.

It is recommended Council –

- accept the tender submission from Respondent B (Option 1 in the pricing) (being the total potential cost with the information available),
- delegates to the Chief executive Officer the authority to undertake a minor variation to the contract, prior to signing with Respondent B, if heritage advisement provides suitable acceptance (Option 2 in the pricing),
- amend the 2025-26 Annual Budget to allow for the higher than budgeted expense, and
- enter the Memorandum of Understanding with Abra Mining Pty Limited to part fund the floodway works associated with the Ashburton Downs-Meekatharra Road floodways.

Consultation

WA Local Government Association
Civil Sciences and Engineering
Abra Mining Pty Limited

Statutory Implications

Local Government Act 1995

Section 3.57 Tenders for providing goods and services

A local government is required to invite tenders before it enters a contract of a prescribed kind under which another person is to supply goods or services.

Local Government Act 1995

Section 3.73 Restrictions on what local governments may do during caretaker period

During a caretaker period a local government must not do a defined significant act.

The Director General may authorise a local government to do a significant act during a caretaker period.

Local Government Act 1995

Section 5.42 Delegation of some powers and duties to CEO

A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties other than those which may not be delegated.

Local Government Act 1995

Section 6.8 Expenditure from municipal fund not included in annual budget

Expenditure from the municipal fund not included in the annual budget is to be either authorised in advance by an absolute majority resolution or authorised in an emergency by the Shire President.

Local Government (Functions and General) Regulations 1996

Division 2 Tenders for providing goods or services (s. 3.57)

A local government must observe the provisions about tenders.

Policy Implications

Nil

Financial Implications

Council allowed \$1.25 million per floodway in the 2025-26 Annual Budget (a total of \$6.25 million).

Both respondents were above the budget allocation (for each of the pricing options requested).

The Request for Tender was undertaken as a “Lump Sum Value” tender which, although individual floodway and item pricing was sought, the project must be considered as a single-priced project.

Allowing for expenses already incurred in heritage and engineering advisement, designs and specifications, and engineering advisement still to come, it is likely costs will further escalate by approximately \$100,000.

It is recommended Council amends the 2025-26 Annual Budget by increasing transfers from Reserve Accounts to the Municipal Fund by \$1.25 million and adjusting each floodway budget allocation accordingly.

Risk Implications

Council's risk exposure is low by having a lump-sum contract, using an engineer service, and engaging a suitably qualified and experienced contractor.

Strategic Implications

Provide leadership on behalf of the Community

Develop partnerships with stakeholders to enhance community services and infrastructure.

Voting Requirements

Absolute Majority

Recommendation

That Council, regarding Request for Tender 25.10 Construction of Floodways, and -

- a) Pursuant to Regulation 18 of the *Local Government (Function and General) Regulations 1996*, accepts the submission received from -----, named as 'Respondent B' in the Evaluation Panel Report recommendation detailed in Confidential Attachment 5.1.1 and identified as the most advantageous, for a lump sum value of \$ -----, and
- b) Pursuant to Regulation 20 of the *Local Government (Function and General) Regulations 1996* and Section 5.42 of the *Local Government Act 1995*, authorises the Chief Executive Officer to undertake a minor variation to the contract, if required and prior to signing, and subject to heritage advisement and suitable acceptance regarding alternate material supply options, and
- c) Pursuant to Section 6.8 of the *Local Government Act 1995*, amends the 2025-26 Annual Budget as follows –
 - Increase revenue from Transfer from Roads Reserve by \$1.25 million, and
 - Increases expense to each floodway, appropriately apportioned, by a total of \$1.25 million, and
- d) Accepts the terms and conditions of the Memorandum of Understanding, as detailed in Confidential Attachment 5.1.2, between the Shire of Meekatharra and Abra Mining Pty Limited, and
- e) Authorises the Chief Executive Officer to engross the associated documentation.

6 Closure of Meeting