ITEM 6. REPORT OF THE CORPORATE, FINANCE, PROPERTIES AND TENDERS COMMITTEE - 7 DECEMBER 2015

ITEM 6.1

DISCLOSURES OF INTEREST

Councillor Angela Vithoulkas disclosed a less than significant, non-pecuniary interest in Item 6.23 on the agenda, in that she does business with the parent company of one of the tenderers.

No other Councillors disclosed any pecuniary or non-pecuniary interests in any item on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

The Committee recommends the following:-

ITEM 6.2

PUBLIC PRESENTATION OF THE 2014/15 FINANCIAL STATEMENTS AND AUDITOR'S REPORTS (S115002.001)

It is resolved that Council:

- (A) present the 2014/15 Annual Financial Statements and auditor's reports to the public;
- (B) adopt the 2014/15 Annual Financial Reports, subject to the receipt of any submissions over the ensuing seven day period.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Green and carried on the following show of hands –

- Ayes (7) Councillors Forster, Green, Kemmis, Kok, Mant, Scott and Vithoulkas.
- Noes (1) Councillor Mandla.)

The Committee recommends the following:-

ITEM 6.3

INVESTMENTS HELD AS AT 30 NOVEMBER 2015 (S034147)

It is resolved that the Investment Report as at 30 November 2015 be received and noted.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Kok and carried unanimously.)

The Committee recommends the following:-

ITEM 6.4

GRANT OF EASEMENT - CITY WEST HOUSING - 3 JOYNTON AVENUE ZETLAND (S071342)

It is resolved that:

- (A) Council grant an easement for access and in favour of Lot 1 in Deposited Plan 1174641 being land owned by City West Housing Pty Limited over Lot 2 in Deposited Plan 1174641 being land owned by the City;
- (B) Council accept the compensation amount of \$58,000 plus GST as supported by valuation and all reasonable costs to be paid by City West Housing prior to registration of the easement;
- the compensation received from the grant of easement be reserved for the creation or funding of further affordable housing opportunities within the City of Sydney; and
- (D) authority be delegated to the Chief Executive Officer to finalise all negotiations including any amendments to the terms of the easement and enter into any documentation required to the grant of easement.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Vithoulkas and carried unanimously.)

The Committee recommends the following:-

ITEM 6.5

LEASE RENEWAL TO KAPLAN PTY LTD LEVEL 8, 540 GEORGE STREET, SYDNEY (S098637)

It is resolved that:

- (A) Council approve the granting of a lease to Kaplan Pty Ltd, on the essential terms and conditions set out in confidential Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to finalise the terms of the lease, and authorise its execution on behalf of the Council.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Mant and carried on the following show of hands –

- Ayes (7) Councillors Forster, Green, Kemmis, Kok, Mandla, Mant and Vithoulkas.
- Noes (1) Councillor Scott.)

The Committee recommends the following:-

ITEM 6.6

TENDER - 74-76 OXFORD STREET - UPPER LEVELS FLOOR AND ROOF STRUCTURAL UPGRADE WORKS (X002477)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for 74-76 Oxford Street upper levels floor and roof structural upgrade works;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve the bringing forward of funds from future years' estimates for the Oxford Street Activation Project, as outlined in confidential Attachment A to the subject report, and the allocation of the required proportion of this amount to the 74-76 Oxford Street upgrade works.

Speakers

Mr Zev Bianchi addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.6.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Kok and carried unanimously.)

The Committee recommends the following:-

ITEM 6.7

TENDER - 98 OXFORD STREET - SHOPFRONT AND INTERNAL MAKE GOOD WORKS (X002471)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for 98 Oxford Street shopfront and internal make good works;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve the bringing forward of funds from future years' estimates for the Oxford Street Activation Project, as outlined in confidential Attachment A to the subject report, and the allocation of the required proportion of this amount to the 98 Oxford Street works.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Green and carried unanimously.)

The Committee <u>recommends</u> the following:-

ITEM 6.8

TENDER - FOLEY STREET RETAIL UPGRADE AND ASSOCIATED ESSENTIAL SERVICES (X002483)

It is resolved that:

- (A) Council reject the tenders received for Foley Street retail upgrade and associated essential services works for the reasons set out in confidential Tender Evaluation Summary, Attachment A to the subject report;
- (B) Council not invite fresh tenders as it is considered that inviting fresh tenders would not attract additional suitable contractors over and above those that have responded to this tender;
- (C) Council approve the bringing forward of funds from future years' estimates for the Oxford Street Activation Project, as outlined in confidential Attachment A to the subject report, and the allocation of the required proportion of this amount to the Foley Street retail upgrade;
- (D) in accordance with section 55(3)(i) of the Local Government Act, due to extenuating circumstances, being the unavailability of tenderers, authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with a suitably qualified contractor to undertake the scope of works and execute and administer the contracts relating to the works; and
- (E) Council be informed of the successful contractor by way of a CEO Update.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Kok and carried unanimously.)

The Committee recommends the following:-

ITEM 6.9

TENDER - ARGYLE STREET UPGRADE - KENT STREET TO LOWER FORT STREET, MILLERS POINT SYDNEY (S110346)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Argyle Street upgrade Kent Street to Lower Fort Street, Millers Point Sydney;
- (B) authority be delegated to the Chief Executive Officer (CEO) to negotiate, execute and administer the contracts relating to the tender, including staging of the construction works;
- (C) Council approve the bringing forward of funds from the project's future year estimates, as outlined in confidential Attachment C to the subject report;
- (D) Council endorse additional scope of works in Argyle Place, as described in the subject report, for community consultation; and
- (E) authority be delegated to the CEO to finalise the license agreement with the State Transit Authority.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Green and carried unanimously.)

The Committee recommends the following:-

ITEM 6.10

TENDER – FRASER FOUNTAIN RESTORATION WORKS (\$065605.001)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Fraser Fountain restoration works for the duration of the contract;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve a transfer of budget from the 2015/16 Capital Works Contingency to accommodate the additional funding requirements as set out in confidential Attachment A to the subject report.

The Committee recommends the following:-

ITEM 6.11

TENDER - CBD LANEWAYS REVITALISATION - HOSKING PLACE AND PENFOLD LANE, SYDNEY (\$103774)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for CBD Laneways Revitalisation Hosking Place and Penfold Lane; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

The Committee recommends the following:-

ITEM 6.12

TENDER - THOMAS STREET, HAYMARKET, CATENARY ART WORK (\$100837)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for Thomas Street, Haymarket, catenary art Work; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

The Committee recommends the following:-

ITEM 6.13

TENDER - CITY RECITAL HALL - CHILLER UPGRADE PROJECT (S123367)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the City Recital Hall chiller upgrade project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

The Committee recommends the following:-

ITEM 6.14

TENDER - PREVENTATIVE AND REACTIVE MAINTENANCE SERVICES FOR BOOM GATES, AUTOMATIC DOORS AND GATES AND ROLLER SHUTTERS (S072015.033)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'D' for preventative and reactive maintenance services for boom gates, automatic doors and gates and roller shutters service contract for three years, with the option of an extension of two years, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

The Committee recommends the following:-

ITEM 6.15

TENDER - SUPPLY AND DELIVERY OF TRUCK MOUNTED ELEVATING WORK PLATFORM (\$053345)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply and delivery of one truck mounted elevating work platform; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

The Committee recommends the following:-

ITEM 6.16

TENDER - LIGHTING OF THE SYDNEY HARBOUR BRIDGE AND CIRCULAR QUAY BUILDINGS FOR THE 2016 AND 2017 SYDNEY CHINESE NEW YEAR FESTIVALS (2015/465362)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for lighting of the Sydney Harbour Bridge and Circular Quay building for the 2016 and 2017 Sydney Chinese New Year Festivals for a period of two years, contingent on the City executing the sponsorship agreement with the principal sponsor; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Vithoulkas and carried unanimously.)

The Committee recommends the following:-

ITEM 6.17

TENDER - SUPPLY OF OVERSEAS NEWSPAPERS (2015/458044-05)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply of overseas newspapers for a period of three years, with the option of one extension for a further two year period, based on the schedule of rates set out at confidential Attachment A to the memo dated 7 December 2015 from the Director City Life and circulated prior to the meeting of the Corporate, Finance, Properties and Tenders committee, subject to satisfactory performance;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Vithoulkas and carried unanimously.)

The Committee recommends the following:-

ITEM 6.18

TENDER – SUPPLY, PROCESSING AND ACCESSIONING OF SERIALS (MAGAZINES AND ANNUALS) (2015/457981-05)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the supply, processing and accessioning of serials for a period of three years, with the option of one extension for a further two year period, based on the schedule of rates set out at confidential Attachment A to the memo dated 7 December 2015 from the Director City Life and circulated prior to the meeting of The Corporate Finance Properties and Tenders Committee, subject to satisfactory performance;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to extend the contract accordingly.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Scott and carried unanimously.)

The Committee <u>recommends</u> the following:-

ITEM 6.19

TENDER - SELECTION, SUPPLY AND SHELF READY PROCESSING OF LIBRARY MATERIALS (2015/608342)

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the selection, supply and shelf ready processing of library materials for a period of three years, with the option to extend for a further two years, based on the schedule of rates set out at confidential Attachment A to the memo dated 7 December 2015 from the Director City Life and circulated prior to the meeting of the Corporate Finance Properties and Tenders Committee, subject to satisfactory performance;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the option referred to in clause (A), if appropriate, and negotiate the price to apply to extend the contract accordingly.

The Committee <u>recommends</u> the following:-

ITEM 6.20

CANCELLATION OF TENDER - COMMUNITY CENTRE UPGRADES - RON WILLIAMS, REGINALD MURPHY AND CLIFF NOBLE (X001990)

It is resolved that:

- (A) Council cancel Tender 1554 for Community Centre Upgrades Ron Williams, Reginald Murphy and Cliff Noble;
- (B) Council not invite fresh tenders on the basis that it is unlikely a more satisfactory result would be achieved;
- (C) in accordance with section 55(3)(i) of the Local Government Act that due to extenuating circumstances, being the unavailability of tenderers, authority be delegated to the Chief Executive Officer to enter into negotiations and contracts with suitably qualified contractors to undertake the scope of works; and
- (D) Council be informed of the successful contractor by the CEO Update.

The Committee recommends the following:-

ITEM 6.21

CANCELLATION OF TENDER - CUSTOMS HOUSE LIFTS UPGRADE (S126766)

It is resolved that:

- (A) Council cancel Tender 1569 for Customs House lift upgrade; and
- (B) Council will invite fresh tenders based on a post review of the scope of works.

The Committee <u>recommends</u> the following:-

ITEM 6.22

EXEMPTION FROM TENDER - NON-RESIDENTIAL REGISTER AND ROLLS OCCUPIER CONTACT (2015/619951)

It is resolved that:

- (A) Council approve exemption from tender for the provision of services which enable direct contact with all occupiers of business-rated properties in the City of Sydney in accordance with section 55, Chapter 6, Part 3 of the Local Government Act 1993, as only one service provider has been identified and the timeframe for the direct contact to commence does not allow for a tender to be undertaken:
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a contract with the organisation nominated in confidential attachment A to the subject report for the provision of services which enable direct contact with all occupiers of business-rated properties in the City of Sydney;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer variations to the contract, if required;
- (D) authority be delegated to the Chief Executive Officer to make minor amendments reflecting the changes referred to in the subject report to the methodology adopted by Council on 10 August 2015, with the amended methodology to be reported back to Councillors by way of CEO Update; and
- (E) Council note the financial implications detailed in confidential Attachment A to the subject report.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Kemmis, seconded by Councillor Green and carried unanimously.)

The Committee recommends the following:-

ITEM 6.23

EXEMPTION FROM TENDER - GREEN SQUARE WATER REUSE STAGE 2 EXPRESSION OF INTEREST (2015/610332)

It is resolved that:

- (A) Council grant an exemption from tender for the provision of water utility services in the greater Green Square urban renewal area in accordance with s55(3)(i) of the Local Government Act 1993;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders because the expression of interest process indicated that Council would not receive competitive tenders that comply with the City's preferred delivery model;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with Company 'C', identified in confidential Attachment A, using its submitted response to the expression of interest as a benchmark; and
- (D) the Chief Executive Officer report back to Council on the results of the negotiation by mid-2016.

The Committee recommends the following:-

ITEM 6.24

EXEMPTION FROM TENDER - VARIATION TO UTILITIES MANAGEMENT INFORMATION SYSTEM LICENCE CONTRACT (\$085484)

It is resolved that:

- (A) in accordance with section 55(3)(i) of the Local Government Act 1993, as a result of extenuating circumstances, Council endorse the variation to the existing service contract for an expanded scope of services up to the amount indicated in confidential Attachment C to the subject report;
- (B) Council note that the reason a satisfactory result will not be achieved by inviting tenders is that the administration support and system improvement services required can only be practically provided by the current platform developer and hosting manager; and
- (C) authority be delegated to the Chief Executive Officer to finalise the terms of the contract variation and authorise its execution on behalf of the Council.

The Committee <u>recommends</u> the following:-

ITEM 6.25

EXEMPTION FROM TENDER - RELOCATION OF FIBRE CABLES BY OPTUS FOR NEW INTERSECTION OF GEDDES AVENUE AT BOTANY ROAD (\$105612)

It is resolved that:

- (A) Council approve an exemption from inviting tenders for the relocation of fibre cables by Optus for the new intersection of Geddes Avenue at Botany Road, in accordance with section 55(3)(i) of the local Government Act 1993, as a result of following extenuating circumstances:
 - Optus Billing Services Pty Ltd, as the asset owner of the subject cables, has determined the works to be non-contestable and prohibited any other entity to carry out the works;
 - (ii) Optus Billing Services Pty Ltd has detailed knowledge of the risks involved in carrying out their relocation and ability to mitigate them by carrying out the works through their accredited contractors under their direct supervision; and
 - (iii) Optus Billing Services Pty Ltd has informed that, even though the subject works are non-contestable, Optus invited quotes from the pool of their accredited contractors and have selected the most competitive contractor to perform the works;
- (B) Council approve funds to be brought forward from the future years' estimates for the project as outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a contract with Optus; and
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer variations to the contract with Optus, if required.

ITEM 6.26

VILLAGE BUSINESS GRANT PROGRAM 2015/16 - ROUND TWO ALLOCATION (S076576)

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 14 December 2015.

Officer's Recommendation

The officer's recommendation to the Corporate, Finance, Properties and Tenders Committee was as follows:

It is resolved that:

(A) Council approve cash grant and value in kind (VIK) recommendations for 2015/2016 and 2016/2017 under the <u>Village Business Grant Program - Round 2</u> listed as follows:

Applicant	Amount Recommended (Excl GST)	VIK Recommended	Conditions
Glebe Chamber of Commerce	\$60,000	Nil (Not requested)	Project 1 -No further funding to be provided for website development.
			Project 3 - Applicant to submit a revised timeline and event management plan.
Haymarket Chamber of Commerce	Year 1 - \$69,600 Year 2 - \$69,600	Nil (Not requested)	Project 1 – A professional event organiser must be engaged to support the delivery of the event. If the event is not accepted as an 'Associated Event' of Vivid, then the recipient may resubmit a proposal for supporting an event of similar scale, outcome and engagement.
Pyrmont Ultimo Chamber of Commerce	\$49,000	Nil (Not requested)	Project 1 – Funding not to be used for stakeholder meetings.

Applicant	Amount Recommended (Excl GST)	VIK Recommended	Conditions
			Project 4 – Funding not to be used for newspaper insert.
South Sydney Business Chamber	\$74,500	Year 1 – Banner pole hire up to the value of \$4,000	Project 2 –Funding for six forums only (three in each precinct).

(B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts with the organisations listed in clause (A) above under terms and conditions consistent with the Grants and Sponsorship Policy, subject to the satisfactory acquittal of current grants.

Officer's Report

The officer's report on this matter can be found at Item 26 of the agenda paper for the meeting of the Corporate, Finance, Properties and Tenders Committee on 7 December 2015 – Volume 2.

Speakers

Mr Simon Chan, Mr Kris Spann and Mr Lawrence Gibbons addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.26

(Note – this matter was dealt with by the Corporate, Finance, Properties and Tenders Committee as follows:

The Corporate, Finance, Properties and Tenders Committee agreed, for the convenience of the public present, that the Order of Business be altered such that this item be brought forward and dealt with before Item 6.2.

The Corporate, Finance, Properties and Tenders Committee decided that consideration of this matter be deferred to the meeting of Council on 14 December 2015.

Mr Simon Chan was invited to address the meeting of the Corporate, Finance, Properties and Tenders Committee on this item.

Conclusion of this matter was deferred pending the arrival of other registered speakers.

At a later stage of the meeting, Mr Lawrence Gibbon and Mr Kris Spann were also invited to address the meeting of the Corporate, Finance, Properties and Tenders Committee on this item.

Closed Meeting

At a later stage of the meeting, at 3.07pm, it was moved by Councillor Kemmis, seconded by Councillor Vithoulkas –

That the meeting be closed in accordance with the provisions of sections 10A(2)(c) of the Local Government Act 1993 to discuss confidential matters relating to the awarding of grants in Item 6.26 on the agenda, as these matters comprised information, that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Carried unanimously.

Confidential matters were then discussed while the meeting of the Corporate, Finance, Properties and Tenders Committee was closed to the public.

Open Meeting

At 3.28pm, the meeting of the Corporate, Finance, Properties and Tenders Committee was reopened to the public.)

The Sub-Committee recommends the following:-

ITEM 6.27

SPONSORSHIP - FASHION WEEK AUSTRALIA, FASHION WEEKEND EDITION AND FASHION TRADE SHOWS PRODUCED BY INTERNATIONAL MANAGEMENT GROUP (IMG) (\$104486.009)

It is resolved that:

- (A) Council approve cash sponsorship of \$85,000 (excluding GST) per annum in 2016, 2017 and 2018 in support of Mercedes Benz Fashion Week Australia and Mercedes-Benz Fashion Weekend Edition and, from 2017, Trade Show;
- (B) Council approve value-in-kind sponsorship of up to \$70,000 (excluding GST) per annum for use of Council-owned civic spaces including Pitt Street Mall, Martin Place, QVB forecourt and other locations in 2016, 2017 and 2018 in support of Mercedes Benz Fashion Week Australia and Mercedes-Benz Fashion Weekend Edition and, from 2017, Trade Show; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and enter into a sponsorship agreement with International Management Group of America Pty Ltd (trading as IMG Fashion) in support of these fashion events in 2016, 2017 and 2018.

Speakers

Ms Emily Weight addressed the meeting of the Corporate, Finance, Properties and Tenders Committee on Item 6.27.

(At the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Vithoulkas, seconded by Councillor Kemmis and carried unanimously.)