

Minutes of the Corporate, Finance, Properties and Tenders Committee - 12 September 2022

Members Lord Mayor - Councillor Clover Moore (Chair), Deputy Lord Mayor - Councillor Jess Scully, Councillor HY William Chan, Councillor (Waskam) Emelda Davis (Deputy Chair), Councillor Sylvie Ellsmore, Councillor Lyndon Gannon, Councillor Shauna Jarrett, Councillor Robert Kok, Councillor Linda Scott and Councillor Yvonne Weldon.

At the commencement of business at 2.01pm those present were -

The Lord Mayor, Councillors Chan, Davis, Ellsmore, Gannon, Jarrett, Kok, Scott, Scully and Weldon.

The meeting of the Corporate, Finance, Properties and Tenders Committee concluded at 2.53pm.

Item 1

Confirmation of Minutes

Moved by Councillor Scully, seconded by Councillor Ellsmore –

That the Minutes of the meeting of the Corporate, Finance, Properties and Tenders Committee of Monday 15 August, as circulated to Councillors, be confirmed.

Carried unanimously.

Item 2

Statement of Ethical Obligations and Disclosures of Interest

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

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 3

Investments Held as at 31 August 2022

It is resolved that the Investment Report as at 31 August 2022 be received and noted.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Kok, and carried unanimously.)

X020701

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 4

Proposed Land Classification - Part 174-186 George Street, Sydney

It is resolved that Council classify three lots of land to be transferred to Council for future public purposes as a plaza, public cycle facility and community building, being proposed Lots 103, 105 and 106 in the land currently comprising:

- (a) Lots 181 & 182 in Deposited Plan 606865;
- (b) Lot 7 in Deposited Plan 629694;
- (c) Lots 1 & 2 in Deposited Plan 880891; and
- (d) Lots 2 & 3 in Deposited Plan 1213767;

as operational land in accordance with section 31 of the Local Government Act 1993.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Kok, and carried unanimously.)

X004710

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 5

Lease Variation - Suite 3.02, Level 3 and Level 5, Customs House, 31 Alfred Street, Sydney

It is resolved that:

- (A) Council approve the variation of the current lease to Customs House Café Pty Limited for Suite 3.02, Level 3, Customs House, 31 Alfred Street, Sydney, by extending the term of the lease by an additional five years. The lease termination date will be extended from 23 November 2029 to 23 November 2034;
- (B) Council approve the variation of the current lease to Customs House Café Pty Limited for Level 5, Customs House, 31 Alfred Street, Sydney, by extending the term of the lease by an additional five years. The lease termination date will be extended from 23 November 2029 to 23 November 2034; and
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the variation of each lease in accordance with Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Kok, and carried unanimously.)

S099079

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 6

Tender - Natural Gas Large Market Accounts

It is resolved that:

- (A) Council note that a tender will be issued by May 2023 for a new Large Market Natural Gas Supply Contract, noting the financial implications and natural gas market forecast as outlined in Confidential Attachments A and B to the subject report;
- (B) Council note that the timing of tender release will be based on a staff assessment of optimal market conditions to achieve the best outcome for Council;
- (C) authority be delegated to the Chief Executive Officer to:
 - (i) approve the acceptance of the tender for Large Market Natural Gas Supply with the prior consultation of the Chief Financial Officer, following a tender process in accordance with the Local Government Act 1993 and relevant regulations; and
 - (ii) negotiate, execute and administer the Large Market Natural Gas Supply Contract; and
- (D) Council note that it will be provided with a CEO Update following the award of the Large Market Natural Gas Supply Contract.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S084740

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 7

Tender - T-2021-655 - Reject and Negotiate - Doorstep Recycling Service

It is resolved that:

- (A) Council decline to accept the tender offers for the Doorstep Recycling Service for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract for the Doorstop Recycling Service on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (E) Council be informed of the successful vendor via the CEO Update.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Kok, and carried unanimously.)

X084834

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 8

Exemption from Tender - IT Licence, Subscription, Maintenance and Support Contracts

It is resolved that:

- (A) Council approve an exemption from tender for the provision of the maintenance, support, subscription and licencing of the software applications, platforms and hardware appliances upon the expiry of the current agreements, for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report, noting that because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
- (B) Council note the reasons why a satisfactory outcome would not be achieved by inviting tenders differ for each application, platform or appliance and include:
 - (i) a lack of availability of alternative suppliers;
 - (ii) high costs and/or extensive business disruption associated with a transition to a new provider; and
 - (iii) upgrades or changes to service requirements are planned to be implemented within the next five years;
- (C) Council note that the detailed reasons as to why a satisfactory result will not be achieved by inviting tenders are outlined further in Confidential Attachment A;
- (D) Council enter into the subscription, licencing, maintenance and support agreements with the suppliers upon the expiry of the current agreements for the respective extension period along with the optional extension, if appropriate, as listed in Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer (including exercising options, if appropriate) the subscription, licencing, maintenance and support agreements with the relevant suppliers as listed in Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by the Chair (the Lord Mayor), and carried unanimously.)

S064539

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 9

Contract Variation - Wi-Fi in Community Centres and Venues for Hire

It is resolved that:

- (A) Council approve the contract variation to extend the term of the existing contract for the provision of Wi-Fi services to the City of Sydney community centres and venues for hire by 18 months;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute, and administer the variation to the contract with Easyweb Digital Pty Ltd for an 18-month term; and
- (C) Council note the total contract sum is detailed in Confidential Attachment A to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Chan, and carried unanimously.)

X039997

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 10

Contract Variation – Head Contractor Stonework for the Sydney Town Hall Façade Conservation Project

It is resolved that Council:

- (A) approve an increased contingency value for the existing Head Contractor contract for the Sydney Town Hall Façade Conservation Stage 3 works to cover additional services as described in Confidential Attachment B to the subject report; and
- (B) note the financial implications detailed in Confidential Attachment B to the subject report.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by the Chair (the Lord Mayor), and carried unanimously.)

X034234.011

The Corporate, Finance, Properties and Tenders Committee recommends the following:

Item 11

Contract Variation and Exemption from Tender - Colliers Property Management Agreement

It is resolved that:

- (A) Council approve an increase in the Property Management Agreement contract value with Colliers International (NSW) Pty Ltd as detailed in Confidential Attachment B to the subject report;
- (B) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 noting that, because of extenuating circumstances, a satisfactory result would not be achieved by inviting tenders to provide additional services enabling the City to comply with the National Cabinet Mandatory Code of Conduct in response to the Covid-19 pandemic;
- (C) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) it is ancillary to the work already undertaken by Colliers International (NSW) Pty Ltd to manage the City's tenants; and
 - (ii) Colliers International (NSW) Pty Ltd has provided rates for the work that are in line with the rates for other work under the contract, and were assessed as value for money as part of the decision to award the contract;
- (D) Council approve the variation to the Property Management Agreement contract with Colliers International (NSW) Pty Ltd for additional assessment work to comply with the National Cabinet Mandatory Code of Conduct established in response to the Covid-19 pandemic as detailed Confidential Attachment B to the subject report;
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the variation to the existing agreement with Colliers International (NSW) Pty Ltd to give effect to (A), (B) and (D) above; and
- (F) Council note that no additional funds are required are required in current or future operational budgets due to this contract variation as these funds were anticipated and forecast during the preparation of the 2022/23 budget.

(Note – at the meeting of the Corporate, Finance, Properties and Tenders Committee, this recommendation was moved by Councillor Scully, seconded by Councillor Kok, and carried unanimously.)

X020009