SHIRE OF MENZIES

Agenda

NOTICE OF MEETING

A Special Meeting of the Council will be held in the Council Chambers, 124 Shenton Street, Menzies, on Thursday, 26 November 2026, commencing at 1pm, to consider the Award of Tender RFT 03-2026 Road Upgrades.

Anita Nathan (Anitha Varadaraj)
Chief Executive Officer

DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

DECLARATIONS OF INTEREST

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

RECORDING OF MEETINGS

- All Council Meetings are digitally recorded, for audio only, except for Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording ceases.
- Following publication and distribution of the meeting minutes to Council Members the digital audio recording will be available on the Shire's website.

Defamation – cl 14K Local Government (Administration) Regulations 1996

(1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —

(a) publicly broadcasting a meeting;
(b) making a recording of a meeting;
(c) making a recording of a meeting publicly available;
(d) retaining a recording of a meeting or a copy of a recording;
(e) providing a copy of a recording of a meeting to the Departmental CEO.

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1 DECLARATION OF OPENING

The Shire President, as Presiding Member, declared the meeting open at ____pm.

2 ANNOUNCEMENT OF VISITORS

Nil

3 RECORD OF ATTENDANCE

Councillors:	Cr P Warner, Shire President
	Cr S Sudhir, Deputy Shire President
	Cr I Baird
	Cr K Tucker
	Cr J Dwyer
	Cr S Wessely
	Cr A Tucker
Staff:	Ms A Nathan (Varadaraj), Chief Executive Officer
	Ms T Tran, Acting Deputy Chief Executive Officer
	Mr G Marland, Works Manager
	Ms M Yulo-Uy, Executive Officer (Minutes)

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

Not Applicable

6 DISCLOSURES OF INTEREST

7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Not Applicable

8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Not Applicable

9 REPORTS OF OFFICERS

9.1 Finance Reports - Nil

9.2 Administration Reports

9.2.1	Award of Tender RFT 03-2026 Road Upgrades
LOCATION	**Evanston Menzies Road (SLK 38.61 to SLK 43.61); Mount Ida Road (SLK 5.00 to SLK 15.00); Kookynie Mt Remarkable Road (SLK 12.00 to SLK 20.00)**
APPLICANT	**Internal**
DOCUMENT REF	**Not Applicable**
DATE OF REPORT	**23 November 2026**
AUTHOR	**Bruce Lorimer, Core Business Australia**
RESPONSIBLE OFFICER	**Works Manager, Garth Marland**
DISCLOSURE OF INTEREST	**Nil**
ATTACHMENT	1. CONFIDENTIAL - RFT 03-2026 Road Upgrades Tender Assessment Report [**9.2.1.1** - 19 pages]

SUMMARY:

To consider the Tender Assessment Report for Request for Tender RFT 03-2026 Road Upgrades (Attachment 1) and to award the tender to the most advantageous tenderer.

BACKGROUND:

The Shire of Menzies holds Regional Road Group funding, through Main Roads WA, for the following projects included in the 2026/27 Annual Budget:

Project	Road and works	Length	Budget (ex GST)
1	Evanston Menzies Road, upgrade and seal SLK 38.61 to SLK 43.61	5 km	$918,000
2	Mount Ida Road, upgrade by gravel sheeting SLK 5.00 to SLK 15.00	10 km	$1,050,000
3	Kookynie Mt Remarkable Road, upgrade by gravel sheeting SLK 12.00 to SLK 20.00	8 km	$1,200,000
Total		23 km	$3,168,000

As the expected consideration under the contract exceeds $250,000, the Shire was required under section 3.57 of the Local Government Act 1995 and regulation 11(1) of the Local Government (Functions and General) Regulations 1996 to publicly invite tenders before entering into a contract for the works.

COMMENT:

Tender process
On Wednesday 21 October 2026 the Shire gave Statewide public notice inviting lump sum tenders from suitably experienced civil contractors for the three road sections. Tenders closed at 2.00pm AWST on Thursday 5 November 2026, a tender period of 15 days, which satisfies the minimum of 14 days required by regulation 14(3). Tenders could be submitted only electronically through TenderLink.

Tenderers were advised that if tendered prices exceeded the Shire's budget for any or all of the projects, the Shire may elect to reduce the scope of work so that the project fits within the allocated budget.

Four (4) tenders were received by the closing time and were opened at a public tender opening at 2.00pm on Thursday 5 November 2026. Tenders were received from:

- Fulcher Contractors Pty Ltd, Mount Barker;
- Monarch Ventures Pty Ltd trading as Monarch Civil Ventures, Mandurah;
- Raubex Construction Pty Ltd, Welshpool; and
- Red Dust Enterprises Pty Ltd trading as Red Dust Holdings, Geraldton.

The tender process was managed by CORE Business Australia on behalf of the Shire. Tenders were assessed by a tender assessment panel comprising Bruce Lorimer (Managing Director, CORE Business Australia, Chair), the Works Manager and the Chief Executive Officer. Each tender was assessed for compliance with the conditions of tendering, then by written evaluation against the qualitative criteria set out in the Request for Tender (relevant experience 10%, organisational capacity and resources 10%, methodology 15% and sustainability 5%) and price (60%), in accordance with regulation 18(4). The panel met on Tuesday 10 November 2026 to agree consensus scores.

All four tenders were assessed. Three tenders had minor non compliances, such as documents not being submitted in a single file or the price schedule not being signed, which the panel deemed minor and did not exclude the tenders from assessment. The Shire's Regional Price Preference Policy was considered; as none of the tenderers is based in the Shire of Menzies and none identified content sourced from within the Shire, no regional price preference was applied.

The tendered prices were adjusted to apply the correct Building and Construction Industry Training Fund (BCITF) levy of 0.2% consistently across all tenderers and to remove a regional price preference claim included in one price schedule. The adjustments did not change the ranking of the tenders.

The evaluation is set out in the Tender Assessment Report (Attachment 1), which is confidential because it contains the tendered prices and commercial information of each tenderer.

Recommended tenderer
Monarch Ventures Pty Ltd trading as Monarch Civil Ventures ranked first overall, with the lowest adjusted price and sound qualitative scores. Monarch is familiar to the Shire and has undertaken extensive work for the Shire in the past with good results. Its construction program has the works completed by the end of March 2027. The Tender Assessment Panel recommends that the tender be awarded to Monarch Ventures Pty Ltd as the tender most advantageous to the Shire.

The recommended tenderer's adjusted lump sum price is $2,790,178.42 (ex GST), or $3,068,583.77 (inc GST). The price includes the BCITF levy, which is calculated on the GST inclusive value of the works and on which no GST is payable; the GST inclusive amount is therefore not a simple 10% addition to the ex GST amount.

Form of contract
The contract will be a Principal administered Minor Works contract under AS 4906-2002, with the work undertaken on a lump sum, fixed price basis under the supervision and direction of the Shire as Principal's Representative. Variations are limited to those permitted by regulation 21A, being variations necessary for the works to be supplied that do not change the scope of the contract.

Program
Subject to Council's decision, the contract will be executed and the works programmed for completion by the end of March 2027, within the 2026/27 financial year, so that the Regional Road Group funding can be claimed and acquitted within the grant period.

CONSULTATION:

CORE Business Australia (Bruce Lorimer), Tender Manager, who managed the tender process on behalf of the Shire and prepared the Tender Assessment Report (Attachment 1).

Four (4) questions were received from prospective tenderers through the TenderLink forum and responded to. The deadline for questions was 2.00pm AWST on Wednesday 4 November 2026. No addenda were issued during the tender period.

Main Roads WA, Goldfields Esperance Regional Road Group, in relation to the funded projects.

STATUTORY AUTHORITY:

Local Government Act 1995 (WA)
- Section 2.7(2)(a) and (b): The council's governing role includes overseeing the allocation of the local government's finances and resources and determining the local government's policies.

- Section 3.1: The general function of a local government is to provide for the good government of persons in its district.
- Section 3.57: A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- Section 5.42: A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, other than those in section 5.43. Absolute majority required.

Local Government (Functions and General) Regulations 1996

- Regulation 11(1): Tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more than $250,000.
- Regulation 14: Tenders are to be publicly invited by Statewide public notice, with a minimum of 14 days between the notice and the close of tenders.
- Regulation 18: Rejecting and accepting tenders, including assessment by written evaluation of the extent to which each tender satisfies the criteria, and acceptance of the tender that is most advantageous to the local government (regulation 18(4)).
- Regulation 19: The CEO is to give each tenderer written notice of the outcome.
- Regulation 20: Minor variations to the goods or services required may be agreed with the chosen tenderer before entry into the contract.
- Regulation 21A: A contract with a successful tenderer must not be varied unless the variation is necessary for the goods or services to be supplied and does not change the scope of the contract.

POLICY IMPLICATIONS:

Council Policy 4.2 Purchasing and Tenders Policy applies and has been complied with. Delegation 1.1.17 (Tenders for Goods and Services) authorises the Chief Executive Officer to accept a tender only where the total consideration under the resulting contract is $250,000 or less, and to vary a contract after entry only where the variation does not increase the contract value by more than 10% or $20,000 (ex GST), whichever is the lesser. As the contract value exceeds the delegated limit, a decision of Council is required to accept the tender. A decision of Council is also required if the Chief Executive Officer is to approve variations above the delegated limit, within the budget allocation for the projects.

FINANCIAL IMPLICATIONS:

The recommended tenderer's adjusted price of $2,790,178.42 (ex GST, including the BCITF levy) is $377,821.58 below the combined budget allocation of $3,168,000 (ex GST). The balance of the allocation will be held as a contingency for variations under regulation 21A, for example additional fill or improved rock protection of floodways, and will otherwise remain unspent against the projects.

The amount payable to the contractor is $3,068,583.77 (inc GST). The Shire is registered for GST and will claim input tax credits on the GST component of the contract payments. No GST is payable on the BCITF levy component.

The projects are funded by Regional Road Group grants and the Shire's contribution as provided in the 2026/27 Annual Budget. Future budget impact: Nil, other than ongoing maintenance of the upgraded road sections in accordance with the asset management plan.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Variations during the works (for example additional fill or rock protection of floodways) cause the cost to exceed the budget allocation.	Medium	Lump sum, fixed price contract; the balance of the budget allocation is held for variations; variations limited under regulation 21A and to the budget allocation; any variation beyond the allocation to be referred to Council.
Works are not completed within the Regional Road Group grant period, placing grant funding at risk.	Medium	Contract program monitored by the Shire as Principal's Representative; progress reported to Main Roads WA; early engagement with the Regional Road Group if a time extension is required.
Wet weather or flooding on the Evanston, Mount Ida or Kookynie roads delays the works or damages completed sections before practical completion.	Medium	Program the works for the dry season where practicable; contract provisions for extensions of time due to inclement weather; contractor responsible for care of the works until practical completion.
The contractor fails to perform or becomes insolvent during the contract.	Medium	Financial and capability assessment of the recommended tenderer in the Tender Assessment Report; security and retention provisions, insurances and defects liability period under AS 4906-2002; Shire may accept the next most advantageous tender under regulation 18(6)

		and (7) if a contract is not entered into.
Works do not meet the specified standard, in particular the seal on Evanston Menzies Road and gravel quality on the sheeting projects.	Low	Works undertaken under the supervision and direction of the Shire under the AS 4906-2002 contract; hold points, testing and inspection by the Principal's Representative before payment; defects liability period.
The tender process is challenged on procedural grounds.	Low	Statewide public notice, 15 day tender period, written evaluation against published criteria and confidential treatment of the assessment report, consistent with the Act, the Regulations and Policy 4.2.

STRATEGIC IMPLICATIONS:

The Shire of Menzies Council Plan 2025 to 2035 outlines the following Outcome, Strategy and Activities:

- 5. A well maintained attractive built environment servicing the needs of the community.
- 5.2 Maintain and enhance our roads, built infrastructure, parks and reserves.
- 5.2.1 Maintain and renew infrastructure in line with the asset management planning.
- 5.2.4 Maintain transport infrastructure in line with asset management planning.
- 5.2.5 Prioritise Menzies North West and Evanston roads in asset management planning to provide all seasons access.

Accordingly, the officer's recommendation aligns with the Shire of Menzies Council Plan.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Receives the Confidential Tender Assessment Report for RFT 03-2026 Road Upgrades (Attachment 1).

2. Accepts the tender submitted by Monarch Ventures Pty Ltd trading as Monarch Civil Ventures for RFT 03-2026 Road Upgrades for the adjusted lump sum amount of $2,790,178.42 (ex GST), being $3,068,583.77 (inc GST), in accordance with regulation 18(4) of the Local Government (Functions and General) Regulations 1996.
3. Authorises the Chief Executive Officer to finalise and execute the contract with Monarch Ventures Pty Ltd under AS 4906-2002 General Conditions of Contract for Minor Works, and to give notice to all tenderers of the outcome in accordance with regulation 19.
4. Authorises the Chief Executive Officer, pursuant to section 5.42 of the Local Government Act 1995 and for the purposes of this contract only, to approve variations to the contract that are permitted by regulation 21A of the Local Government (Functions and General) Regulations 1996, provided that the total contract value does not exceed the combined budget allocation of $3,168,000 (ex GST), and notes that any variation beyond that amount is to be referred to Council.

COUNCIL DECISION:

Council Resolution Number	

Moved		**Seconded**	

Carried by Absolute Majority	

10 CLOSURE OF MEETING

The Shire President, as Presiding Member declared the meeting closed at ____pm.