

# Minutes



Wodonga Council minutes for the Special meeting of the council held in the Council Chamber, ground floor, 104 Hovell St, Wodonga on April 23, 2018.

## Present

Cr A Speedie (Mayor)

Cr L Hall

Cr D Lowe

Cr R Mildren

Cr T Quilty

Cr J Watson

## In attendance

Ms P Harrington Chief Executive Officer

Ms N Klein Director Business Services

Ms D Mudra Director Community Development

Mr L Schultz Director Planning and Infrastructure

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## 1. Calling to order

The meeting was called to order at 5pm by the Mayor.

## 2. Statement of acknowledgement

The Mayor read the following:

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.*

## 3. Apologies and requests for leave of absence

There were no apologies.

It was noted that Cr Bennett had been granted leave of absence for this meeting.

The CEO also noted that Cr Bennett has provided a written statement that she has a conflict of interest in relation to the agenda item for this special meeting, management and operation of aquatic facilities.

## 4. Declaration under Acts, Regulations, Codes or Local Laws

### Recording of council meeting

The CEO advised that the council's Meeting Procedure Local Law states that audio, video, or still image recording devices are not to be used, unless prior approval has been given by the chairperson or by council. Members of the public gallery were requested to observe this requirement.

## 5. Declaration by councillors of any conflict of interest

There were no conflict of interest disclosures (NB: see note at part three above).

## 6. Officers reports for determination

6.1 Management and Operation of Aquatics Facilities

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## 7. Urgent business

## 8. Confidential urgent business

## 9. Close of meeting

		Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
		Brief, non-hazardous, or contained temporary pollution	Residual pollution requiring cleanup	Significant harm to the environment requiring restorative work	Irreversible damage to the environment
		Little to no impact on revenue or expenditure	Moderate impact on revenue or expenditure	Major impact on revenue or expenditure that will result in a council budget revision	Total impact on revenue or expenditure that may lead to the organisation being placed into administration
		Disruption to program, project or service with no downtime. May be dealt with by routine operations or management action and have limited impact on objectives	Requires management initiated review and have some impact on the business unit's program, project or service, or on its strategic objectives. Temporary loss of key data	Would threaten the continuation of a business unit's program, project or a critical service. Impact adversely on the Business Units strategic objectives. Unrecoverable loss of key data.	Would threaten the organisation's viability or would not allow the organisation to achieve its objectives
		Limited political/community sensitivity	Some political/community sensitivity and local media scrutiny and/or requires external audit	Results in significant political community sensitivity and media scrutiny and/or parliamentary questions	Results in extreme political/community sensitivity and media scrutiny or may result in a commission of inquiry or inquest
		No reputational damage. Resolved in normal operational management	Result in injury or health impacts that are reversible, but may require medical attention but limited on-going treatment	Results in life-threatening or serious injury which is irreversible requiring medical attention and on-going treatment	Results in death or permanent disability of one or more people
		May result in minor injury or reversible health damage which may be dealt with through primary First Aid	Minor technical non-compliances and breaches of regulations or law with potential for minor damages or monetary penalty.	Major compliance breach with potential exposure to large damages or awards.	Serious compliance breach with potential prosecution with maximum penalty imposed.
		Minor technical breach but no damages	<b>Consequence</b>		
		Significant	High	Extreme	Extreme
		Medium	Significant	High	Extreme
		Medium	Significant	High	High
		Low	Medium	Significant	High
		Low	Low	Medium	Significant
		Expected to occur in exceptional circumstances (i.e. 10 years)	Expected to occur in exceptional circumstances (i.e. 10 years)	Expected to occur in exceptional circumstances (i.e. 10 years)	Expected to occur in exceptional circumstances (i.e. 10 years)
		Extreme - Council/CEO's attention immediately required. Possibly avoid undertaking the activity OR implement new controls	High - Director's attention required. Consider suspending or ending activity OR implement additional controls	Significant - Manager's attention required. Ensure that controls are in place and operating and management responsibility is agreed.	Medium - Manage through usual procedures and accountabilities
		Low - Add treatments where appropriate			
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## 6.1 - Management and Operation of Aquatics Facilities

### Purpose of report

To seek the council's determination in awarding the tender W1224-17 Management and operation of Wodonga and Albury Aquatics Facilities.

### Background

Wodonga Council in partnership with Albury City Council have developed a joint approach for the delivery of aquatics management services at Wodonga Sports and Leisure Centre, Wodonga Aquatics Venue and Exercise Space (WAVES), Albury Swim Centre and Lavington Swim Centre. This joint approach follows much collaboration on behalf of both councils where a number of efficiencies and benefits to both councils, the community and any potential management companies were identified.

This approach also aligns with the Two Cities One Community agreement between Albury City Council and the Wodonga City Council.

An expression of interest process was undertaken from September to November 2017 to explore the joint management model option and identify contractors for the delivery of the aquatics management service. Albury City Council and Wodonga Council representatives' shortlisted three organisations from the expression of interest process to proceed to the selective tender process.

### Response

Tenders were opened to the selected service providers, as identified through the expression of interest process, via TenderSearch on Wednesday, January 24, 2018 and closed at noon on Tuesday, February 27, 2018.

Three documents were issued. Three tenders were received. Tenders were received from:

<u>Name / company</u>	
1.	Belgravia Leisure Pty Ltd
2.	Victorian YMCA Community Programming Pty Ltd
3.	Aligned Leisure Pty Ltd

It should be noted that for this report the dollar value of each tender has not been provided for commercial in confidence reasons.

### 6.1 - Management and Operation of Aquatics Facilities (cont'd)

The evaluation team members were:

Jenelle Williamson	Manager Sports and Recreation, Wodonga City Council
Leon Schultz	Director Planning and Infrastructure, Wodonga City Council
Narelle Klein	Acting Director Business Services, Wodonga City Council
Michael Stanton	Team Leader Leisure Facilities, Albury City Council
James Jenkins	Director Community and Recreation, Albury City Council
Peter Hanes	Team Leader Procurement and Contract Management, Albury City Council

The following selection criteria were used as advertised in the tender document.

<b>Evaluation criteria</b>	<b>Weighting</b>
Capability and Capacity, Experience and Past Performance	15%
Services and Programs	15%
Customer Service	10%
Management	10%
Skilled personnel	10%
Self-regulation and Innovation	10%
Marketing and Promotion	10%
Facility operations	10%
Environmental Management	5%
Transition	5%
Total	100%
Price	

The following point scoring was applied to the criteria:

Score	Title	Description
0	Non compliant	Fails to satisfy specified requirements
1	Below expectations	Does not meet the requirement to a major degree
2	Marginally	Does not meet the requirement but may be adaptable or made acceptable
3	Acceptable	Meets the requirement except in minor aspects. Successful completion likely
4	Very good	Meets the requirement but may be marginal in minor aspects
5	Superior	Meets or exceeds the requirement in all respects

To calculate the weighted score: weighting x score = weighted score

The tendered price is then divided by the technical / quality analysis (competitively neutral, net present value), to provide the value for money (VFM) indicator. The

**6.1 - Management and Operation of Aquatics Facilities (cont'd)**

tendered price used for the value for money calculation was the total five year contract price.

The process

All tenders were evaluated in adherence with the council's tendering policy and guidelines. The evaluation panel were provided with tender submissions on Thursday March 1, 2018. The evaluation panel met on Friday March 9, 2018 where the panel undertook the following tasks:

1. Evaluation scoring was finalised by each panel member and submitted;
2. Review of the financial data submitted by tenderers;
3. Consideration of alternate tenders submitted;
4. Review of value for money results; and
5. Establishment of recommendation from the evaluation panel.

From the assessment process the following summary is provided of each submission:

**1. Belgravia Leisure Pty Ltd**

Belgravia Leisure Pty Ltd provided a professional tender submission highlighting their strong history and knowledge in delivering aquatics management services particularly through a strong information technology platform. The submission touched on the variety of programs and services offered by Belgravia Leisure Pty Ltd; however, it did not provide or refine local context for their service delivery model and therefore left some ambiguity to their tender submission and the exact outcomes and opportunities for the Albury and Wodonga communities. This resulted in lower scoring against some of the evaluation criteria and ultimately a lower technical score than the other tenderers.

**2. Victorian YMCA Community Programming Pty Ltd**

As the current Wodonga facility provider, the submission from Victorian YMCA Community Programming Pty Ltd highlighted their intimate knowledge of the local community and the existing facilities. It also highlighted the strong history and knowledge of the company in delivering aquatics management services across Victoria. The proposal provides a detailed approach to programs and services clearly outlining the outcomes for the community.

The tender document outline variations in programming and servicing to improve opportunities for the health club suggesting Wodonga facilities will continue to be operated to their current service levels. It was not evident how future growth and sustainability of the service would be addressed.

**3. Aligned Leisure Pty Ltd**

Aligned Leisure Pty Ltd is a business arm of Richmond Football Club, which has been in operation since 1885. The company has been operating since 2016 and therefore is a relatively new company in the aquatics management industry. The

### 6.1 - Management and Operation of Aquatics Facilities (cont'd)

offering from Aligned Leisure Pty Ltd addressed key council strategic documents and council plans to inform and structure the joint service model. The business plan is detailed and offers a strong marketing and promotions proposition. The tender submission highlighted a strong understanding of the facility operational needs along with the broader community needs.

Through the tender submission the company has demonstrated contemporary thinking along with thorough research to support directions and their preparedness to exceed what has been contractually specified. This included additional localised initiatives developed by Aligned Leisure Pty Ltd to address the specific community needs of the Albury and Wodonga population which demonstrates the alignment of the aquatics management and operation with other fitness, health and sports priorities of both councils.

The company highlighted a strong partnership focus to work with both councils to achieve the contract objectives and presented a detailed transition plan with a key focus on engagement with existing facility staff and members.

The tender submission from Aligned Leisure Pty Ltd provides a model which was viewed to expand and extend the aquatics service beyond the four aquatics assets which in turn will see increased engagement and use of the facilities by more of the community.

#### Value for money

The value for money indicator for each tenderer is shown below:

<b>Name / company</b>	<b>Non-financial raw score</b>	<b>Value for money</b>
1. Victorian YMCA Community Programming Pty Ltd	380	19022
2. Aligned Leisure Pty Ltd	415	19302
3. Belgravia Leisure Pty Ltd	367	21995

The raw technical score for Aligned Leisure Pty Ltd was greater than Victorian YMCA Community Programming Pty Ltd and Belgravia Leisure Pty Ltd which demonstrates that the Aligned Leisure Pty Ltd submission was rated higher against the evaluation criteria.

The value for money indicator resulted in a close score between Victorian YMCA Community Programming and Aligned Leisure Pty Ltd. Whilst Victorian YMCA Community Programming Pty Ltd tender was shown as the best value for money, the tender from Aligned Leisure Pty Ltd demonstrated greater reach into the community with potential to attract a larger membership base and increase the profile and marketing of the services and programs.

Therefore, after all assessments, the panel considered that the tender submission from Aligned Leisure Pty Ltd, would achieve the requirements for the aquatics service, improve the long term financial sustainability for the aquatics facilities and achieve the fitness health and sports priorities for Albury and Wodonga councils.

## 6.1 - Management and Operation of Aquatics Facilities (cont'd)

### Council Plan

Strategic objective	Strategy	Key priority activity
Improve the health and social outcomes for all people in Wodonga to create a healthy, safe, equitable and inclusive community.	Being active	Plan and deliver appropriate, well-planned and sustainable infrastructure and improvements to sporting and recreation precincts across the city.

### Council policy / strategy implications

The joint aquatics management tender approach is an action under the Two Cities One Community Strategic Plan 2017-2021.

### Risk management implications

Risk description	C'quence	L'hood	Rating	Controls & treatments
The joint procurement process is not supported by both or either council.	2	C	H	Both councils' have indicated joint direction is supported. Tender documentation and recommendation are structured to allow councils to appoint separate contractors if required.
A suitably qualified contractor is not appointed.	2	D	S	The expression of interest process identified and selected contractors with the skills and ability to provide the service. All three have provided tenders. Tender evaluation criteria considered experience, history and capability.
There is not sufficient transition time for the contract.	2	D	S	Tenderers were required to submit a transition plan. All contractors have provided transition plans which support delivery of services from July 1, 2018.
Negative feedback from community, facility members or existing staff.	2	C	H	Tenderers were required to submit a transition plan. Aligned Leisure's plan provides a clear focus on engagement with existing staff, members and the broader community.

### Financial implications

Tenderers were asked to submit annual costings for the five year contract term along with a proportional split for Albury and Wodonga Councils. The proportional split varies between contractors depending on the presented structure and proposed programs.

## 6.1 - Management and Operation of Aquatics Facilities (cont'd)

The current 2017-2018 council budget for Wodonga facilities is \$1,094,940. The highest annual cost to Wodonga council across all tenders is \$1,013,369 which highlights that all annual costs presented for the five year contract term will be lower than the current contract price.

### Wodonga Council facilities only

As part of the tendering process, tenderers have also been requested to provide prices to deliver Wodonga's facilities separately to the proposed partnership model. This approach allows Wodonga Council to appoint a contractor for the Wodonga facilities separate to Albury City Council if the joint partnership does not proceed.

Costings for Wodonga's facilities only, come in under the 2017-2018 contract price. Prices from Victorian YMCA Community Programming Pty Ltd and Aligned Leisure Pty Ltd highlight the financial efficiencies in proceeding with Albury City; however, the Belgravia Leisure Pty Ltd costing is actually lower than the joint tendering price. The reasons for the lower price from Belgravia Leisure is unclear.

### **Environmental implications**

As part of the tender specifications the contractors are required to develop and implement an environmental management plan. The environmental management plan was evaluated as part of the tender evaluation criteria.

### **Social / cultural implications**

As part of the tender documentation each tenderer has provided details on their service model and variety of programs available to the community.

Transition process documentation has also been submitted as part the tender process to ensure consideration of the engagement with members and user groups is fully considered by the tenderers.

### Benefits to the local region

Based on the responses to this mandatory criteria:

Aligned Leisure Pty Ltd is based in Melbourne.

All operational models presented by each tenderer indicated a local management structure with support services based out of Melbourne or Sydney. Aligned Leisure Pty Ltd has presented a model with more services based in Albury and Wodonga compared to the other tenderers.

Aligned Leisure Pty Ltd presents a staffing employment structure which will require redeployment of existing staff. Aligned Leisure Pty Ltd has also detailed a comprehensive transition and staffing strategy to attract and offer employment opportunities to existing local staff at all four facilities securing local employment.

## 6.1 - Management and Operation of Aquatics Facilities (cont'd)

In addition to the delivery of core aquatics services outlined in the tender specification Aligned Leisure Pty Ltd have presented a tailored and localised suite of programs and activities to meet the needs and expectations of the community based on the local trends and statistics in health, sport and fitness areas.

### Legislative implications

The tender specification has outlined the requirements for the contractor to meet the service legislation for Victoria and New South Wales along with local laws in Albury and Wodonga.

Both councils will be required to award the tender at individual formal council meetings. The contractor will be required to enter into separate contracts with both Albury City Council and Wodonga Council for the specified council proportion cost for the service as outlined in the tender submission.

### Community engagement and internal consultation

Public notification has been undertaken on councils' approach to tendering out the aquatics management service.

Tenderers have submitted transition plans to support the implementation of a new contract period from July 1, 2018 which includes; communication and engagement with the community, existing members and staff.

Further communication consideration at stages of the tendering process have been considered and will be further considered pending the outcome of the tendering process.

### Options for consideration

**Option one** – Do nothing. This is not recommended as the current aquatics management tender is set to expire on June 30, 2018. Without a resolution on the tender there will be insufficient time to implement a management option for the facilities.

**Option two** – Award a tender for the Wodonga and Albury aquatics facilities management to Aligned Leisure Pty Ltd in partnership with Albury City Council.

Based on the outcomes and recommendations of the evaluation panel it is proposed that Wodonga Council and Albury City Council award Aligned Leisure Pty Ltd a contract for the delivery of the joint aquatics management service for the Albury and Wodonga communities.

This option would result in Wodonga Council committing to a five year contract for the cost of \$4,806,180.60. This recommendation is subject to Albury City Council resolving to award the contract to Aligned Leisure Pty Ltd.

### 6.1 - Management and Operation of Aquatics Facilities (cont'd)

**Option three** – Award a tender for only the management of the Wodonga aquatics facilities to Aligned Leisure Pty Ltd.

Option three is presented in the case that the partnership with Albury City Council does not proceed. Whilst this is not the preferred option, this option allows council to resolve to proceed with a new contract without implementing an additional tendering process.

A value for money indicator was undertaken for the provision of the service for Wodonga facilities only. The following outcomes are presented for consideration:

Name / company	Non-financial raw score	Value for money
1. Victorian YMCA Community programming Pty Ltd	357	12316
2. Aligned Leisure Pty Ltd	403	12324
3. Belgravia Leisure Pty Ltd	346	12591

Similarly with the partnership assessment, the panel considered that the tender submission from Victorian YMCA Community programming Pty Ltd and Aligned Leisure Pty Ltd were very close in the value for money outcome and whilst not ranked the highest value for money, Aligned Leisure Pty Ltd demonstrated greater reach into the community with potential to attract a larger membership base and increase the profile and marketing of the services and programs which would result in achieving increased customer and community outcomes and economic return for Wodonga Council.

#### Conclusion

Three conforming tenders were lodged which has led to a competitive price being obtained. Each of the three tenderers have demonstrated their skills and competence in being able to deliver quality aquatics management services. Victorian YMCA Community Programming Pty Ltd and Aligned Leisure Pty Ltd were close in the highest value for money and whilst Victorian YMCA Community Programming Pty Ltd did achieve the highest value for money outcome, Aligned Leisure Pty Ltd's model and broader community outcomes outlined in their tender submission presents both Albury and Wodonga Council's an opportunity to achieve more from its aquatics management service with the potential for greater economic return on investment.

Accordingly it is recommended that the council pursue awarding a tender to Aligned Leisure Pty Ltd in conjunction with Albury City Council.

#### Attachments

Nil

**6.1 - Management and Operation of Aquatics Facilities (cont'd)**

**Tabled papers**

Nil

**Declaration of conflict of interests**

Under section 80C of the *Local Government Act* 1989 officers providing advice to the council must disclose any interests, including the type of interest.

Director Community Development - Debra Mudra  
In providing this advice, I have no interests to disclose in this report.

Manager Sports and Recreation - Jenelle Williamson  
In providing this advice as the report author, I have no interests to disclose in this report.

**Recommendation**

1. That the tender from Aligned Leisure Pty Ltd for W1224-17 Management and operation of Wodonga and Albury Aquatics Facilities for the contract sum of \$4,806,180.60 (excluding GST) for a five year period, commencing July 1, 2018, be accepted.
2. That should the partnership with Albury City Council not proceed that the tender from Aligned Leisure Pty Ltd for W1224-17 Management and operation of Wodonga and Albury Aquatics Facilities for the contract sum of \$4,970,676 (excluding GST) for a five year period, commencing July 1, 2018, be accepted.

**Motion**

Crs Danny Lowe / John Watson

That the recommendation be adopted.

**Carried**

<b>7 – Urgent business</b>	
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Clause 23 of the council's Meeting Procedure Local Law (no. 1 of 2009) states:

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if:

- a) relates to or arises out of a matter which has arisen since distribution of the agenda; or
- b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

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There was no urgent business.

<b>8 – Confidential urgent business</b>	
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Clause 23 of the council's Meeting Procedure Local Law (no. 1 of 2009) states:

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

- a) relates to or arises out of a matter which has arisen since distribution of the agenda; or
- b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

A confidential urgent business item also needs to stipulate the reason for the matter being considered as confidential in accordance with section 89 (2) and section 89 (3) of the *Local Government Act 1989*.

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There was no confidential urgent business.

**9 – Close of meeting**

- **Chairperson to close the meeting.**

There being no further business the meeting closed at 5.19pm.

Minutes confirmed this ..... day of ..... 2018.

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Chairperson