

AGENDA

D2022/22513

Special Meeting of Council 19 December 2022

Notice of Meeting

Dear Councillors

I wish to advise that a Special Meeting of Council will be held on 15 December 2022 at the EMRC Administration Centre, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.

The purpose of this meeting is to consider the Air Pollution Control Residue (APCr) contract and determining the outcome of the EMRC FOGO Permanent Facility and Transport tenders.



Marcus Geisler | Chief Executive Officer

9 December 2022

Please Note

If any Councillor/officer has a query regarding a report item or requires additional information in relation to a report item, please contact the responsible officer (SOURCE OF REPORT) prior to the meeting.

The meeting will be audio recorded and available on the EMRC's website at www.emrc.org.au.

Public question time will continue as usual at the next Ordinary Meeting of Council on 19 December 2022 and questions may be submitted electronically prior to the meeting, no later than 4.00pm on the 19 December 2022 to CouncilEnquiry@emrc.org.au.



EMRC Council Members

Cr Mel Congerton	Chairman	City of Swan
Cr Dylan O'Connor	Deputy Chairman	City of Kalamunda
Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Hilary MacWilliam	EMRC Member	Town of Bassendean
Cr Steven Ostaszewskyj	EMRC Member	City of Bayswater
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Margaret Thomas	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Doug Jeans	EMRC Member	Shire of Mundaring
Cr Charlie Zannino	EMRC Member	City of Swan

EMRC Council Deputies

Cr Emily Wilding	EMRC Deputy Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Deputy Member	City of Bayswater
Cr Janelle Sewell	EMRC Deputy Member	City of Kalamunda
Cr Jo Cicchini	EMRC Deputy Member	Shire of Mundaring
Vacant	EMRC Deputy Member	City of Swan

**Special Meeting of Council
19 December 2022**

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

1.1 ACKNOWLEDGEMENT OF COUNTRY

We wish to acknowledge the traditional custodians of the land on which we meet today and to pay our respects to elders past, present and future.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3 DISCLOSURE OF INTERESTS

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION

5 PUBLIC QUESTION TIME

6 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following confidential reports are covered in Section 8 of this agenda.

- Air Pollution Control Residue Disposal Agreement
- Request for Tender – RFT 2021-002 - EMRC Permanent FOGO Processing Facility

7 REPORTS OF EMPLOYEES

7.1 REQUEST FOR TENDER – RFT 2022-005 - PROVISION OF TRANSPORT SERVICES FROM HAZELMERE RESOURCE RECOVERY PARK

7.1 REQUEST FOR TENDER RFT 2022 – 005 – PROVISION OF TRANSPORT SERVICES

D2022/23322

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of Tender RFT 2022 - 005 Provision of Transport Services and recommend acceptance of the Tender from Appala Holdings Pty Ltd T/A Wastetrans WA for services related to the transportation of municipal solid waste (MSW) and commercial and industrial (C&I) waste from the Bayswater Transfer Station to the Red Hill Waste Management Facility (RHWMF).

KEY POINT(S)

- The EMRC has a commercial arrangement with Cleanaway to accept commercial, industrial and municipal waste at the Bayswater Transfer Station (BTS) and subsequently transport it to RHWMF for appropriate landfilling while Cleanaway is re-constructing the Welshpool transfer station affected by fires. The Agreement commenced on 1 July 2022, expiring on 30 June 2023.
- Hazelmere Resource Recovery Park (HRRP) Waste Transfer Station will facilitate the consolidation of participating member Council's kerb collected MSW and subsequent transportation to the East Rockingham Waste to Energy facility that is anticipated to be operational in April 2023.
- A request for tender for the provision of transport services was advertised via Tenderlink, local libraries and the West Australian on 15 October 2022.
- The tender closed on 4 November 2022, with two (2) submissions received in total.
- A business decision was made to not award the portions relating to the transportation of MSW to East Rockingham and the transportation of FOGO material. These portions will be re-tendered for separately.

RECOMMENDATION(S)

That:

1. Council award Tender RFT 2022-005 Provision of Transportation Services for the transportation of C&I and MSW waste from the Bayswater Transfer Station to the Red Hill Waste Management Facility based on a fixed schedule of rates (subject to annual CPI adjustments) for six months with two optional six month extensions at the sole discretion of the EMRC to Appala Holdings Pty Ltd T/A Wastetrans WA for an estimated total cost of \$351,360.00 for six months (ex GST) for the separable portion relating to the transportation of C&I and MSW waste from the Bayswater Transfer Station to the RHWMF.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Appala Holdings Pty Ltd T/A Wastetrans WA in accordance with their submitted tender, subject to any minor variations that may be agreed upon between the EMRC and Appala Holdings Pty Ltd T/A Wastetrans WA.

SOURCE OF REPORT

Chief Operating Officer

BACKGROUND

- 1 The EMRC has an agreement with Cleanaway to provide a disposal facility for Cleanaway's waste collection trucks to dispose of C&I and MSW waste while Cleanaway undertake the construction of the Welshpool transfer station facility affected by fires. The EMRC transports the collected waste to the RHWMF for appropriate landfilling.

- 2 The EMRC recovers the transport expenditures from the income of the commercial arrangement with Cleanaway (no capital required from the EMRC).
- 3 Appala Holdings Pty Ltd T/A Wastetrans WA have previously been engaged by the EMRC for transportation services from HRRP. However, as the cost to date to the EMRC has exceeded the tender threshold under the *Local Government Act 1995*, a request for tender process has been undertaken.

REPORT

- 4 A request for quote process was undertaken on 15 February 2022 for the transportation of C&I waste and MSW from the Bayswater Transfer Station to the RHWMF for a total contract value amount of \$210,000 (ex GST). The contract was awarded to Appala Holdings Pty Ltd T/A Wastetrans WA for a period of five months.
- 5 Following this, a subsequent request for quote process was carried out on 12 July 2022 to ascertain if there are any other suppliers for transportation of C&I waste and MSW from the Bayswater Transfer Station to the RHWMF. Appala Holdings Pty Ltd T/A Wastetrans WA won the bid and this resulted in the contractor being awarded a subsequent contract for a total contract value amount of \$210,000 (ex GST) over a period of five months with the expectation that the EMRC would finalise a request for tender process for the transport service.
- 6 Therefore, a tender process was commenced to meet the requirements in accordance with the tender rules under the *Local Government (Functions & General) Regulations 1996* as the current spend exceeds the tender threshold amount.
- 7 The EMRC developed a Request for Tender (RFT) for the provision of transport services comprised of the following separable portions:
 - Collect C&I & MSW waste from Bayswater Transfer Station and transport it to the RHWMF. The contract term is six months with two six months optional extensions at the sole discretion of the Principal.
 - Collect MSW and C&I Waste from the HRRP Waste Transfer Station (WTS) and transport to the East Rockingham WtE and to the RHWMF as and when required. The contract term is two years with two one year optional extensions at the sole discretion of the Principal.
 - Collect FOGO from Hazelmere Resource Recovery Park (HRRP) Waste Transfer Station (WTS) and transport to RHWMF. The contract term is two years with two one year optional extensions at the sole discretion of the Principal
- 8 The RFT was advertised via Tenderlink, local Libraries, and the West Australian on 14 October 2022, and the closing date for submissions was 4 November 2022 with offers submitted by the following companies:
 - Appala Holdings Pty Ltd T/A Wastetrans WA; and
 - GMG Haulage.
- 9 After the compliance check conducted by EMRC Procurement, GMG Haulage was classified as a non-compliant submission as they did not meet the requirements in respect of the RFT Compliance Criteria and were therefore excluded from further evaluation.

10 An evaluation panel of EMRC officers assessed and scored the submission on the following qualitative criteria:

Assessment Criteria	Weighting
(a) Resource Planning	30%
(b) Relevant Experience	5%
(c) Workplace Health and Safety Management (WHS)	10%
(d) Methodology	15%

11 Price was weighted at 40% of the evaluation.

12 The estimated expenditure is \$351,360.00 (ex GST) based on the estimated waste volumes available for transportation and tendered price submitted by Appala Holdings Pty Ltd T/A Wastetrans for the transportation of C&I and MSW waste from the Bayswater Transfer Station to the RHWMF over a six month period.

13 The submission from Appala Holdings Pty Ltd Pty Ltd T/A Wastetrans for the transportation of C&I and MSW waste from the Bayswater Transfer Station to the RHWMF based on a fixed schedule of rates is recommended for acceptance as the preferred tenderer.

STRATEGIC/POLICY IMPLICATIONS

14 Key Result Area 1 – Environmental Sustainability

1.1 To provide sustainable waste disposal operations

1.2 To improve regional waste management

FINANCIAL IMPLICATIONS

15 Nil

SUSTAINABILITY IMPLICATIONS

16 Efficient and compliant transport of waste is part of the EMRC’s sustainability policies.

RISK MANAGEMENT

Risk – Loss of revenue for short term contract with Cleanaway.		
Consequence	Likelihood	Rating
Catastrophic	Almost certain	High
Action/Strategy		
➤ Council to authorise the CEO to enter into a contract with the recommended tenderer(s), the subject of this report.		



MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Supplier Company Details (D2022/23400)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Council award Tender RFT 2022-005 Provision of Transportation Services for the transportation of C&I and MSW waste from the Bayswater Transfer Station to the Red Hill Waste Management Facility based on a fixed schedule of rates (subject to annual CPI adjustments) for six months with two optional six month extensions at the sole discretion of the EMRC to Appala Holdings Pty Ltd T/A Wastetrans WA for an estimated total cost of \$351,360.00 for six (6) months (ex GST) for the separable portion relating to the transportation of C&I and MSW waste from the Bayswater Transfer Station to the RHWMF.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Appala Holdings Pty Ltd T/A Wastetrans WA in accordance with their submitted tender, subject to any minor variations that may be agreed upon between the EMRC and Appala Holdings Pty Ltd T/A Wastetrans WA.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Eastern Metropolitan Regional Council
 226 Great Eastern Highway, Ascot WA 6104
 PO Box 234, Belmont WA 6984
 T (08) 9424 2222
 E mail@emrc.org.au
www.emrc.org.au

COMPANY DIRECTOR DETAILS FORM

COMPANY PARTICULARS	
Company Name in Full:	Appala Holdings Pty Ltd
ABN / ACN:	81 265 759 040
Address of Registered Office:	2 Brook Street, Perth WA 6004
Principal Place of Business:	25 Mooney Street, Bayswater
Information on previous company names (if applicable):	Appala Holdings Pty Ltd previously operated the Perth Bin Hire business, until it's sale in May 2021.
DIRECTOR PARTICULARS	
Title:	Mr
Full Forename(s):	Jack
Surname:	Kailis
Former Name(s):	
Country / State of Residence:	Western Australia
Nationality:	Australian
Date of Birth:	14 August 1958
Date of Appointment:	4 August 1994
Telephone:	0418 913 820
Email:	jack@wastetranswa.com.au
LIST OF CONTRACTORS	
Contractor 1:	
Contractor 2:	
Contractor 3:	
Contractor 4:	
Contractor 5:	
Contractor 6:	
Contractor 7:	
Director's Signature:	
Date:	4 November 2022

Please complete and return this form with your tender submission

8 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing Meeting to the Public)

That with the exception of, the meeting be closed to members of the public in accordance with Section 5.23(2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

COUNCIL RESOLUTION

MOVED CR

SECONDED CR

8.1 AIR POLLUTION CONTROL RESIDUE DISPOSAL AGREEMENT (D2022/18466)

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature.

See Confidential Item circulated with the Agenda under Separate Cover.

8.2 REQUEST FOR TENDER – RFT 2021-002 - PERMANENT FOGO PROCESSING FACILITY (D2022/18185)

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature.

See Confidential Item circulated with the Agenda under Separate Cover.

RECOMMENDATION [Meeting re-opened to the Public]

That the meeting be re-opened, the members of the public be invited to return to the meeting and the resolutions passed behind closed doors be recorded.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

Recording of the resolutions passed behind closed doors, namely:

8.1 AIR POLLUTION CONTROL RESIDUE DISPOSAL AGREEMENT (D2022/18466)

COUNCIL RESOLUTION(S)

MOVED

SECONDED

8.2 REQUEST FOR TENDER – RFT 2021-002 – EMRC PERMANENT FOGO PROCESSING FACILITY (D2022/18185)

COUNCIL RESOLUTION(S)

MOVED

SECONDED

9 DECLARATION OF CLOSURE OF MEETING