

18.2 **Kingston Park Kiosk Construction Funding (Report No: 359/22)****Motion – Exclusion of the Public – Section 90(3)(b) Order****C230822/7225**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 359/22 - Kingston Park Kiosk Construction Funding in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 359/22 – Kingston Park Kiosk Construction Funding on the following grounds:
 - b. pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business or would prejudice the commercial position of the Council as it discusses possible business cases

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Bradshaw, Seconded Councillor Lonie

Carried Unanimously

The final concept design and construction budget of \$1,000,000 for the Kingston Park Kiosk was approved by Council on 12 April 2022.

After a thorough design process, the detailed designs of the Kingston Park Kiosk including landscape design and service infrastructure designs were completed on 1 July 2022 and subsequently put out to tender on 5 July 2022. Two separate tenders were issued for the Kingston Park Kiosk including one for the kiosk and landscaping construction and a second for the service infrastructure construction.

A combined total of two submissions were received for the two tenders, one of which was a joint submission for both projects from BluBuilt Constructions who were subsequently selected as Council's preferred contractor. The final price provided by

BluBuilt Constructions however was substantially more than the approved construction budget. Discussions were then undertaken between Administration and BluBuilt Constructions to establish where potential cost savings or reductions in scope could be made to reduce construction costs.

These discussions resulted in BluBuilt Constructions providing a revised fee of \$1,359,915 for the project including the kiosk, landscaping and service infrastructure construction. This fee and clarification on the proposed changes were the subject of a Council Workshop on 16 August 2022.

Motion

C230822/7226

That Council endorses:

1. an additional \$360,000 of funding be approved to the project for construction from the 2022/23 capital budget, bringing the total project construction budget to \$1,360,000;
2. the Mayor and Chief Executive Officer to sign and execute a contract for the construction of the kiosk including landscaping and service infrastructure works with the preferred tenderer, BluBuilt Constructions, to a value of \$1,359,915; and

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 18.2 Report No: 359/22 – Kingston Park Kiosk Construction Funding in confidence under Section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report, attachments and minutes relevant to this item be retained in confidence for a period of 18 months and the Chief Executive Officer be authorised to release of the documents thereafter.

Moved Councillor Bradshaw, Seconded Councillor Lindop

Carried Unanimously