



17 May 2022

NOTICE OF SPECIAL MEETING

Dear Councillor,

The Shire President has called a Special Meeting of Council to be held in the Council Chamber at **6.00pm** on Tuesday, 24 May 2022.

The purpose of the meeting is to consider the report – “Award of Tender RFT 03.2122 – Renewal of Microsoft Volume License Agreement”.

The attached agenda is presented for your consideration.

Yours sincerely

A handwritten signature in blue ink, appearing to read "J. Throssell", is written over a light blue horizontal line.

Jonathan Throssell
CHIEF EXECUTIVE OFFICER

Please Note

If an Elected Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.

AGENDA
SPECIAL COUNCIL MEETING
24 MAY 2022

ATTENTION/DISCLAIMER

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by an Elected Member or employee, or on the content of any discussion occurring during the course of the Meeting. Persons should be aware that regulation 10 of the *Local Government (Administration) Regulations 1996* establishes procedures to revoke or change a Council decision. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by an Elected Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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**SPECIAL COUNCIL MEETING
COUNCIL CHAMBER – 6.00PM**

1.0 OPENING PROCEDURES

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be audio-recorded and livestreamed.

1.1 Announcement of Visitors

**Elected
Members**

Apologies

**Leave of
Absence** Nil

Absent

Staff

Guests

**Members of
the Press**

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

3.2 Declaration of Interest Affecting Impartiality

An Elected Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

4.0 PUBLIC QUESTION TIME

15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

Public Question Time is to be conducted in accordance with Shire of Mundaring Meeting Procedures Local Law 2015.

5.0 PRESENTATIONS

5.1 Deputations

- (1) Members of the public may, during the deputations segment of the order of business and with the consent of the Presiding Member, make a public statement on any matter that appears on the agenda for that meeting provided that –
 - a) the deputation is limited to a maximum of 3 minutes, unless otherwise determined by the Presiding member;
 - b) the deputation is not offensive or defamatory in nature, providing that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement in a manner that is not offensive or defamatory; and
 - c) no discussion or questions relating to the deputation are permitted, unless otherwise determined by the Presiding Member.
- (2) Fifteen minutes is to be allocated for deputations.
- (3) Once all statements have been made, nothing prevents the unused part of the deputation time period from being used for other matters.
- (4) If the 15 minute period set aside for deputations is reached, Council may resolve by resolution that statement time be extended for no more than two 15 minute extensions.

5.2 Petitions

- (1) A petition is to –
 - a) be addressed to the President;
 - b) be made by electors of the district;
 - c) state the request on each page of the petition;
 - d) contain the legible names, addresses and signatures of the electors making the request;
 - e) contain a summary of the reasons for the request;
 - f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
 - g) not contain offensive or insulting language.
- (2) On the presentation of a petition –
 - a) the member presenting it or the CEO is confined to reading the petition; and
 - b) the only motion that is in order is that the petition be received and that it be referred to the CEO for action.
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless –
 - a) The matter is the subject of a report included in the agenda; and
 - b) The Council has considered the issues raised in the petition.

5.3 Presentations

Nil

6.0 REPORTS OF EMPLOYEES

6.1 Award of Tender RFT 03.2122 - Renewal of Microsoft Volume License Agreement

File Code	PR.RFT 03.2122
Author	Rob Grieves, Acting Manager Information Technology
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. Evaluation Panel Report (confidential)

SUMMARY

The Shire is seeking to renew its Enterprise Agreement for licensing with Microsoft for all Microsoft products used at the Shire.

An assessment of tender submissions has been undertaken. Only one tender submission was received. It is recommended that Council accepts the Tender from this respondent.

BACKGROUND

The current three year Microsoft Enterprise Agreements expires on 31 May 2022.

The Request for Tender RFT 03.2122 invited submissions to provide quotes for Licensing based on the Microsoft products the Shire currently uses. The submission was to include the total cost over 3 years as well as a broken down annual cost.

The Request for Tender was advertised on 5 March 2022 in The West Australian newspaper, on the Shire website public notices and Shire notice boards and on-line through the Shire's Tenderlink portal. The deadline for submissions was Friday 25 March 2022.

One submission was received as shown in the following table.

Respondent	Price (Inc. GST)	
	Annual Amount	Total Amount (Over 3 years)
A	\$125,438.29	\$376,314.87

An evaluation panel of three qualified and/or experienced persons assessed the responses.

The Shire has been using the Enterprise Agreement (EA) for a number of years. It provides the necessary licensing and support for the use of Microsoft products in the organisation. The EA is available for larger, government organisations who have more than 250 users using the Microsoft systems.

It represents the best value for money for the Shire compared to the other subscription options available and it is not available for smaller organisations.

Other advantages of the EA include:

- Ease of system administration with license key for the organisation;
- Free upgrades to new versions;
- Mirror servers for disaster recovery (free);
- Support; and
- Free licensing for software development and testing environments

The ELA is only available for a three year subscription period.

The Shire effectively owns the license used to operate all Microsoft systems and by renewing this agreement will save on-costs associated with changing licenses or moving to cloud hosted servers.

The Enterprise Agreement includes licensing for the following software:

- Microsoft Workstation Operating Systems (Windows);
- All Microsoft Office Systems (Word, Excel, Outlook etc.);
- Microsoft Server Operating Systems (Windows Server) ;
- Microsoft Project;
- SharePoint Server;
- Microsoft SQL Servers;
- Microsoft System Centre Configuration Manager (manage workstations, servers, updates, Operating System deployment and software deployments);
- Terminal Server (for staff connecting in from home);
- Microsoft Exchange Server (Email services); and
- Discounted upgrades to operate Microsoft Teams and Access Database systems.

STATUTORY / LEGAL IMPLICATIONS

A public tender process was undertaken in accordance with the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*.

Council has delegated authority to the Chief Executive Officer to award tenders included in the Shire's Annual Budget up to the value of \$375,000 (ex GST). As this contract could potentially exceed this limit it is therefore referred to Council for consideration.

POLICY IMPLICATIONS

Both the Delegation Register and Purchasing Policy AS-04 are applicable to this contract.

FINANCIAL IMPLICATIONS

Financial provision for this contract is included in the current operating budget for information technology services.

There is no requirement for additional funding.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

- Nil

RISK IMPLICATIONS

Risk: Interruption to Service – Failing to award the tender will result in all Microsoft products being unable to be legally used by the Shire.		
Likelihood	Consequence	Rating
Almost Certain	Extreme	Extreme
Action / Strategy		
Council accepts the tender submission as representing best value for money and a contract is entered into with the successful Respondent as soon as practicable.		

Risk: Reputation – Failing to award this tender appropriately may result in the failure of many services that use information technology systems, causing public embarrassment, loss of trust, third party action and more.		
Likelihood	Consequence	Rating
Likely	Major	High
Action / Strategy		
Council accepts the tender submission as representing best value for money and a contract is entered into with the successful Respondent as soon as practicable.		

EXTERNAL CONSULTATION

Nil

COMMENT

The submission was initially assessed for compliance against the conditions of tendering and provision of required documentation and all were accepted as compliant.

The established qualitative assessment criteria for the tender were as follows:

- Price (90%);
- Relevant experience (2.5%);
- Respondent's Resources (2.5%);
- Demonstrated Understanding and Methodology (2.5%); and
- Key Personnel Skills and Experience (2.5%).

The sole respondent was assessed as meeting the qualitative criteria, offered the full requirement of the tender, demonstrated having relevant experience and a good understanding and methodology to provide the services.

Refer to the Evaluation Panel Report in **Confidential Attachment 1**.

The panel has concluded that the sole respondent meets all requirements.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council accepts the tender submission for RFT 03.2122 - Renewal of Microsoft Volume License Agreement received from **Respondent A** in the Evaluation Panel Report recommendation detailed in **Confidential Attachment 1** for a contract term of three years commencing on 1 June 2022 and expiring 31 May 2025.

7.0 CLOSING PROCEDURES

7.1 Date, Time and Place of the Next Meeting

The next Ordinary Council meeting will be held on Tuesday, 14 June 2022 at 6.30pm in the Council Chamber.

7.2 Closure of the Meeting