

ITEM 4 ANIMAL IMPOUNDING SERVICE - JOINT PROCUREMENT

Council's current Deed of Agreement for the provision of animal impounding services with the RSPA concludes in December 2023.

In March 2022, a Joint Procurement Agreement was established between Wollongong and Shellharbour Councils and an expression of interest process commenced to test the market for potential service providers.

This report outlines the results of that process and recommends a forward course of action for Council in relation to his matter.

RECOMMENDATION

- 1 Council endorse an exemption from tendering requirements in accordance with s55(3)(i) of the *Local Government Act 1993* due to unavailability of competitive tenderers and commence direct negotiations with any person with the intent to entering a contract for the provision of an Animal Impounding Service.

REPORT AUTHORISATIONS

Report of: Jarrod Costello, Manager Regulation + Enforcement (Acting)
Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council has delivered animal impounding services via a Deed of Agreement with the RSPCA since 2009 from its Unanderra facility, with all elements of the service being included in the Deed.

Council commenced the most recent agreement in early 2020 following lengthy negotiations with the RSPCA. On 26 April 2021, the RSPCA provided formal notice of termination of the 2020 Agreement with termination effective from 1 December 2023.

The RSPCA confirmed that impounding services arrangements with all NSW Councils are being terminated due to core animal protection, welfare and inspectorate operations being compromised by the volume of animals being received from Councils.

Discussions with neighbouring councils commenced regarding possible joint procurement and build and operate options were investigated. The investigations led to a Joint Procurement Agreement being established with Shellharbour City Council and an Expression of Interest process being conducted in March 2022.

The Expression of Interest process invited organisations to express their interest in delivering a complete animal impounding service for Wollongong and Shellharbour Councils in accordance with a detailed service description.

At the conclusion of the Expression of Interest process one submission was received and evaluated.

PROPOSAL

As there was only the one submission received, it is not considered appropriate to continue with the intended selective tendering process that normally follows an Expression of Interest process.

It is recommended that Council resolve not to proceed with a formal tendering process as the process would not achieve a satisfactory result as there is only one potential provider. Section s55(3)(i) of the *Local Government Act 1993* allows Council to not undertake a formal tender process when there is a lack of competitive tenderers in the market. It is intended that Council would enter into direct

negotiations with the interested party with the intent to entering a contact for the provision of an Animal Impounding Service.

Shellharbour Council has confirmed in writing that they remain committed to a joint procurement with Wollongong Council.

A further report will be prepared and presented to Council for consideration at an appropriate time and prior to any contractual agreement being entered into.

CONSULTATION AND COMMUNICATION

The proposal and report have been endorsed by the Executive Management Committee and consulted with the Manager Governance and Customer Service.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 **Goal 5: We are a healthy community in a liveable city.**

It specifically delivers on core business activities as detailed in the **Regulatory Control** Service Plan 2021-22.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications with this report.

RISK MANAGEMENT

Council has a legislative responsibility to manage companion animals across the Wollongong Local Government Area and access to a pound facility is required to effectively deliver this service.

Not having access to a pound would carry reputational and legislative risks to Council.

FINANCIAL IMPLICATIONS

There are no direct financial implications to the endorsement of this report, however the indicative cost provided by the interested party as part of their expression of interest submission indicates that there may be an increase in service costs compared to the current expenditure with the RSPCA.

CONCLUSION

Access to a pound is required to effectively manage companion animals across the Wollongong Local Government Area.

It is recommended Council endorse a s55(3)(i) exemption under the Local Government Act 1993 and that officers commence negotiations with the interested party in regard to entering into a contract for the provision of animal impounding services.

A further report will be prepared and presented to Council for consideration prior to any contractual arrangements or Agreement is entered into.