



Item No: 4.1

Date: 28 March 2023

Attachment: Refer Below

Meeting:	CEO Performance Review Committee
Title:	CEO Recruitment Process – RFQ Submissions
Responsible Manager:	Acting Chief Executive Officer, Scott Reardon
Author:	Acting Chief Executive Officer, Scott Reardon
Key Pillar:	Financial Guiding Principle 1- Finances managed responsibly
Key Focus Area:	Strategic Community Plan Focus area 3 - Transparent and accountable local tier of Government
Type of Report:	Decision Required

Recommendation (Public)

Pursuant to section 90(3)(k)

Pursuant to section 90(2) of the *Local Government Act 1999* (the **Act**) the CEO Performance Review Committee orders that all members of the public, except the Council Secretariat Danielle Edwards, and [REDACTED] be excluded from attendance at the meeting for Agenda Item 4.1 CEO Recruitment Process – RFQ Submissions.

The CEO Performance Review Committee is satisfied that pursuant to sections 90(3)(k) of the Act, the information to be received, discussed and considered in relation to this Agenda Item is information relating to tenders for the provision of services.

Recommendation (Confidential)

That the CEO Performance Review Committee recommend to Council that:

1. be engaged as the qualified recruitment company to assist with the recruitment process the new Chief Executive Officer; and
2. be engaged as the independent legal adviser / person as required under s 98(4a) of the *Local Government Act 1999* to provide advice and probity on issues relating to the recruitment process the new Chief Executive Officer.

Recommendation (Public)

Pursuant to section 91(7)

That having considered Agenda Item 4.1 CEO Recruitment Process – RFQ Submissions in confidence under section 90(2) & 90(3)(k) of the Act, the CEO Performance Review Committee, pursuant to section 91(7) of that Act orders that the report, minutes and all Attachments except Attachment A to this Agenda Item be retained in confidence for a period of 12 months or until the conclusion of the recruitment process, and that pursuant to section 91(9)(c) of the Act the CEO Performance Review Committee delegates to the Acting Chief Executive Officer the review and power to revoke this Order;

and

That the CEO Performance Review Committee resolves to end its confidential deliberations pursuant to section 90(2) of the Act and re-admit the public.

Summary

Following the recommendations of the CEO Performance Review Committee (the **Committee**) from 31 January 2023 (**CEO19/21-22**), and in accordance with the legal received (appearing as Attachment B to this report), at their Ordinary Meeting of 20 February 2023 Council resolved (**CNC216/22-23**) to proceed to an open RFQ tender process (the **RFQ**) in order to seek out both a suitably qualified recruitment agency and independent legal adviser to assist with the recruitment process for the Town of Walkerville's new Chief Executive Officer.

In accordance with resolution **CNC216/22-23**, Administration conducted the RFQ through Vendor Panel between Monday 27 February 2023 and Sunday 19 March 2023 (inclusive). Upon close of the RFQ, a total of 27 submissions were received from recruitment companies, and two (2) submissions were received from legal firms.

From a probity perspective, a preliminary analysis of the submissions is outlined within this report.

Background

At their Special Meeting on 5 September 2022, Council resolved in confidence:

CNC61/22-23

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At their meeting of 31 January 2023 the CEO Performance Review Committee determined to make the following recommendation to Council:

CEO19/21-22

Moved: Cr Trotter

Seconded: Cr Allanson

Recommendation (Confidential)

1. *That Members of the CEO Performance Review Committee be advised that the initial three (3) proposals from Hender Consulting, McArthur Consulting and Perks People Solutions as obtained by Her Worship the Mayor Melissa Jones and distributed to said Members on 16 January 2023 are unable to be received and considered, and must be disregarded as the quotes were obtained prematurely and without authorisation.*
2. *That the CEO Performance Review Committee in their capacity as the CEO Recruitment and Selection Panel recommend to Council at their Ordinary Meeting of 20 February 2023 that the recruitment process for the Chief Executive Officer now commence and be undertaken in accordance with both the prescribed 'appointment procedures' as outlined under section 98 of the Local Government Act 1999 and the legal advice obtained, appearing as Attachment B to this report, and in doing so Council:*

- a. *appoints a suitably qualified recruitment company through an open request for quotes tender process conducted via Vendor Panel to assist with the CEO recruitment process, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
- b. *engages an independent legal adviser to provide advice and probity on issues relating to the CEO recruitment process through an open request for quotes tender process conducted via Vendor Panel, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
3. *That the CEO Performance Review Committee recommend to Council that the Acting Chief Executive Officer be authorised to write to those three (3) companies, namely Hender Consulting, McArthur Consulting and Perks People Solutions, to advise that Council will undertake an open tender process to appoint a suitably qualified recruitment company, and as part of which the respective companies may submit a proposal.*
4. *That the CEO Performance Review Committee request that Administration draft the requisite tender documentation relating to recommendations 2 a. and 2 b. above, and that this draft documentation be submitted to Council for reference and noting at their Ordinary Meeting of 20 February 2023.*
5. *That following completion of recommendations 1, 2 and 3 above, the CEO Performance Committee convene a Special Meeting at which [REDACTED] be invited to assist and provide guidance to Council on any/all tender submissions received, so that the Committee can subsequently make recommendations to Council on the appointment of both a suitably qualified recruitment company and independent legal adviser.*

At their meeting of 20 February 2023 Council resolved:

CNC216/22-23

Moved: Cr Vanstone

Seconded: Cr Trotter

Resolution (Confidential)

1. *That the CEO Performance Review Committee in their capacity as the CEO Recruitment and Selection Panel recommend to Council that the recruitment process for the Chief Executive Officer now commence and be undertaken in accordance with both the prescribed 'appointment procedures' as outlined under section 98 of the Local Government Act 1999 and the legal advice obtained, appearing as Attachment B to this report, and in doing so Council:*
 - a. *appoints a suitably qualified recruitment company through an open request for quotes tender process conducted via Vendor Panel to assist with the CEO recruitment process, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
 - b. *engages an independent legal adviser to provide advice and probity on issues relating to the CEO recruitment process through an open request for quotes tender process conducted via Vendor Panel, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*

2. That the CEO Performance Review Committee recommend to Council that the Acting Chief Executive Officer be authorised to write to those three (3) companies, namely Hender Consulting, McArthur Consulting and Perks People Solutions, to advise that Council will undertake an open tender process to appoint a suitably qualified recruitment company, and as part of which the respective companies may submit a proposal.
3. That the CEO Performance Review Committee request that Administration draft the requisite tender documentation relating to recommendations 1 a. and 1 b. above, and that this draft documentation be submitted to Council for reference and noting at their Ordinary Meeting of 20 February 2023.
4. That Council note that the CEO Performance Review Committee have determined that following completion of recommendations 1, 2 and 3 above, the CEO Performance Committee will convene a Special Meeting at which [REDACTED] will be invited to assist and provide guidance on any/all tender submissions received, so that the Committee can subsequently make recommendations to Council on the appointment of both a suitably qualified recruitment company and independent legal adviser.

Discussion/Issues for Consideration

CEO Appointment Procedures

Pursuant to Chapter 7, Part 1 of the Act a Council must employ a Chief Executive Officer,¹ to primarily, and among other things prescribed by the Act, oversee the day-to-day operations and affairs of the Council and to ensure that all policies and lawful decisions of Council are implemented in a timely and efficient manner.²

If a vacancy occurs in the Office of the Chief Executive Officer the provisions of the Act require that a Council take reasonable steps to fill the vacancy.³ It should be noted that while the Act is silent on a required or stipulated timeframe to fill the position, other legislative provisions require that the position be filled as soon as is reasonably practicable.⁴

Noting that the resignation of the Chief Executive Officer occurred concurrently with the 2022 Local Government General Elections and that a Council was precluded from making a designated decision during a declared election caretaker period,⁵ verbal advice obtained in October 2022 from Norman Waterhouse Lawyers suggested that it would be prudent for the incoming Council to wait and commence the recruitment process in 2023 instead of commencing the process immediately after the election.

At their Ordinary Meeting of 20 February 2023 Council resolved to commence the recruitment process.

Mandatory Procedural Steps

In accordance with the Act, for the purpose of filling said vacancy, the Council must undertake the following **mandatory steps**:

- 1) Appoint a selection panel to make recommendations to Council pertaining to the specified process of recruitment.⁶
- 2) Ensure **either or both** of the following processes are followed as part of the recruitment:⁷

¹ Local Government Act 1999 s 96(1).

² Local Government Act 1999 s 99(1)(a)&(b).

³ Local Government Act 1999 s 98(1).

⁴ Legislation Interpretation Act 2021 s 44(3).

⁵ Local Government (Elections) Act 1999 s 91A(2)(a).

⁶ Town of Walkerville CEO Performance Review Committee Terms of Reference, section 2.7.

⁷ Local Government Act 1999 s 98(4a).

- A. appoints at least one (1) person who is not an Elected Member or employee of the Council to the selection panel;
 - B. obtain and consider the advice of a qualified independent person on the assessment of applications and recommendations on the appointment.
- 3) Invite applicants to apply for the position of Chief Executive Officer by advertising on a website as determined by the Council, and/or take any other appropriate action or steps.⁸
 - 4) That the CEO Recruitment and Selection Panel assess any applications received for the position, and to recommend to Council either the:⁹
 - appointment of a suitable candidate to the position of Chief Executive Officer;
 - re-advertisement of the position if all candidates are deemed to be unsuitable;
 - or any other additional steps (if necessary) the panel deems appropriate.

██████████
 In accordance with **CNC61/22-23** ██████████

██████████ As such, and in further accordance with **CEO19/21-22** and **CNC216/22-23** ██████████ was invited to the CEO Performance Review Committee's Special Meeting of 28 March 2023 to assist the Committee in their assessment of respondent tenders relating to the appointment of both the suitably qualified recruitment company and independent legal adviser.

RFQs VP349315 and VP350944, Mandatory Conditions and Quote Evaluation

The RFQ documentation included a number of mandatory conditions / requirements the Respondents were required to complete in order for their submission to be considered **conforming**.

1. All Respondent were required to submit **the original Form of Quote and the completed Schedules** (appearing as **Section C** of the RFQ).¹⁰ Any quote may be rejected if it does not conform with the requirements of the Specifications or this RFQ.¹¹ However, Council reserves the right to accept or reject any quotw, including non-confirming quotes.¹²
2. All quotes were to be lodged electronically via Vendor Panel (VP349315) or directly to office@walkerville.sa.gov.au before the closing date (5:00pm Sunday 19 March 2023).¹³ Quotes lodged by any other means and/or received after the closing date will not be considered.¹⁴

The RFQ documentation also clearly stated that Council will have regard to, but not necessarily be limited to, the following criteria (not listed in any order of priority):¹⁵

- completion of the Form of Quote (**mandatory per Section C**);
- compliance with the Specifications (**mandatory per Section C**);
- warranties and guarantees on the Services;
- timeframe for the completion of the Services (**mandatory per Section C**);
- demonstrated experience in completing similar processes;
- referees; and
- insurance (**mandatory per Section C**).

⁸ Local Government Act 1999 s 98(3).

⁹ Local Government Act 1999 s 98(4).

¹⁰ Clause 2.5 of RFQs VP349315 and VP350944.

¹¹ Clause 2.6 of RFQs VP349315 and VP350944.

¹² Clause 5.6 of RFQs VP349315 and VP350944.

¹³ Clause 2.7.1 of RFQs VP349315 and VP350944.

¹⁴ Clauses 2.7.3 & 2.9 of RFQs VP349315 and VP350944.

¹⁵ Clause 6 of RFQs VP349315 and VP350944.

RFQ VP349315 – Professional Recruitment Services

Upon close of the RFQ a total of 27 submissions were received for recruitment services, with Respondents being located nationally; QLD (7), NSW (6), ACT (1), VIC (4), SA (8) and NT (1). Administration has conducted a preliminary evaluation of the submissions in order to assist the Committee, and provide the following table which outlines each respective submission's perceived conformity to the RFQ:

Respondent Recruitment Agency	RFQ Conformity	Comment	Proposed Fee	Timeframe	Location
All Aspects Recruitment & HR Services	Conforming RFQ	Only Section C submitted. No additional information.	\$24,200	4-8 weeks	NT
Approach Consulting	Conforming RFQ	Section C and additional information provided.	\$33,000	8-12 weeks	ACT
ASPL Group	Conforming RFQ	Section C and additional information provided.	\$66,000	8 weeks	VIC
AWX Pty Ltd	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$46,750	Not specified	QLD
Bespoke HR	Conforming RFQ	Section C and additional information provided.	\$16,500	9 weeks	SA
Capstone Recruitment	Conforming RFQ	Section C and additional information provided.	\$26,950	8 weeks	NSW
Careerlink People Solutions	Conforming RFQ	Only Section C submitted. No additional information	\$29,700	5 weeks	SA
Davidson Executives & Boards	Conforming RFQ	Section C and additional information provided.	\$38,500	6 weeks	SA & QLD
Drake Australia	Non-conforming RFQ	Section C and additional information provided. No clear timeline indicated.	\$28,260	Not specified	VIC
Elite Executive	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$38,500	Not specified	QLD
eTeam Workforce	Non-conforming RFQ	Not specified	\$65,637	Not specified	NSW
First Grade Group	Non-conforming RFQ	Section C and additional information provided. No clear timeframe indicated.	\$24,750	Not specified	QLD

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Hardy Group Leadership	Conforming RFQ	Section C and additional information provided.	\$27,500	7 weeks	SA
Harrison McMillan	Conforming RFQ	Section C and additional information provided.	\$21,450	8 weeks	SA
Haynes Labour Hire	Non-conforming RFQ	Details of relevant insurance not provided as required under Section C.	From \$43,758	8-11 weeks	QLD
Hender Consulting	Conforming RFQ	Section C and additional information provided.	\$19,800 + advertising	6-7 weeks	SA
Horner Recruitment	Conforming RFQ	Section C and additional information provided.	\$57,736 + additional costs	9 weeks	VIC
Hudson Global	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$36,300	Not specified	NSW
Leading Roles	Conforming RFQ	Section C and additional information provided.	\$21,120	5-6 weeks	QLD
Local Government Management Solutions	Conforming RFQ	Section C and additional information provided.	\$21,450	7 weeks	NSW
Mason Blackadder	Conforming RFQ	Section C and additional information provided.	\$21,450 + additional costs	9-10 weeks	NSW
McArthur	Conforming RFQ	Section C and additional information provided.	\$13,200 + additional costs	8 weeks	SA
Oceans Group Search & Solutions	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$33,000	Not specified	NSW
Pacific People Solutions	Non-conforming RFQ	Section C not provided.	\$38,500	10 weeks	QLD
Perks People Solutions	Conforming RFQ	Section C and additional information provided.	\$19,800 + advertising	10 weeks	SA
Quality People	Conforming RFQ	Section C and additional information provided.	\$54,450 + additional costs	10 weeks	VIC
Scout Talent	Conforming RFQ	Only Section C submitted. No additional information.	\$15,339	4-6 weeks	QLD

NB: timeframe does not include candidate notice period.

RFQ VP350944 – Professional Legal Services

Upon cessation of the RFQ, a total of two (2) RFQ submissions were received for legal services, with both Respondents being located in SA. The following table outlines the submissions received and their perceived conformity to the RFQ:

Respondent Recruitment Agency	RFQ Conformity	Comment	Proposed Fee
Kelley Jones	Conforming RFQ	Section C and additional information provided.	\$8,745
Norman Waterhouse	Non-confirming RFQ	Original Section C not returned as required under Clause 2.5 of the RFQ.	\$8,250

Anticipated Timeline

While noting that the recruitment process and timeline will ultimately be determined by the successful tender submission and at the final discretion of Council, it is anticipated that the following timeline will be applicable to the recruitment process.

CEO Performance Review Committee Meeting <i>Recommendations of this report endorsed.</i>	31 January 2023
Council Meeting <i>Endorsement of Committee's recommendations as outlined in this report.</i>	20 February 2023
Open Request for Quote Tender Processes	27 February – 19 March 2023
CEO Performance Review Committee Meeting <i>Consideration of submissions and further recommendations to Council regarding the appointment of a suitably qualified recruitment company and qualified independent person.</i>	28 March 2023
Special Council Meeting <i>Endorsement of Committee's recommendation regarding the appointment of a suitably qualified recruitment company and qualified independent person.</i>	3 April 2023
Notification of Service Provider Appointment	4 April 2023
CEO Performance Review Committee Meeting <i>Meeting with appointed suitably qualified recruitment company and qualified independent person to finalise the precise recruitment process and timeline.</i>	11 April 2023
Council Meeting <i>Update from the Committee regarding the recruitment process.</i>	17 April 2023
Advertisement, recruitment, interview and appointment process.	18 April – 30 June 2023

Options for ConsiderationOption1

That the CEO Performance Review Committee recommend to Council that:

1. be engaged as the qualified recruitment company to assist with the recruitment process the new Chief Executive Officer; and
2. be engaged as the independent legal adviser /person as required under s 98(4a) of the *Local Government Act 1999* to provide advice and probity on issues relating to the recruitment process the new Chief Executive Officer.

Option 2

That the CEO Performance Review Committee recommend that Council undertake the following alternate action(s):

- _____

Financial Implications

Until such time that recommendations are made for Council's consideration and endorsement, at this present time it is unknown what the financial cost will total for the recruitment process. However, based on the averaged recruitment services fees (viz \$32,726) plus the averages legal services fees (viz \$8,498), costs associated with the CEO recruitment process are expected to total up to \$41,223.

Governance Implications

Option 1 provides an outcome that ensures that Council is aligned with statutory requirements and procedural compliance so as to ensure that a transparent, rigorous, accountable and robust recruitment process for a Chief Executive Officer is undertaken.

Attachments

Attachment A	CEO Performance Review Committee Terms of Reference
Attachment B	Legal Advice – 21 January 2023
Attachment C	RFQ Documentation - Recruitment Services
Attachment D	All Aspects Recruitment & HR Services - RFQ VP349315_Submission
Attachment E	Approach Consulting - RFQ VP349315_Submission
Attachment F	ASPL Group - RFQ VP349315_Submission
Attachment G	AWX Pty Ltd - RFQ VP349315_Submission
Attachment H	Bespoke HR - RFQ VP349315_Submission
Attachment I	Capstone Recruitment - RFQ VP349315_Submission
Attachment J	Careerlink People Solutions - RFQ VP349315_Submission
Attachment K	Davidson Executives & Boards - RFQ VP349315_Submission
Attachment L	Drake Australia - RFQ VP349315_Submission
Attachment M	Elite Executive - RFQ VP349315_Submission
Attachment N	eTeam Workforce - RFQ VP349315_Submission
Attachment O	First Grade Group - RFQ VP349315_Submission
Attachment P	Hardy Group Leadership - RFQ VP349315_Submission
Attachment Q	Harrison McMillan - RFQ VP349315_Submission
Attachment R	Haynes Labour Hire - RFQ VP349315_Submission
Attachment S	Hender Consulting - RFQ VP349315_Submission
Attachment T	Horner Recruitment - RFQ VP349315_Submission
Attachment U	Hudson Global - RFQ VP349315_Submission
Attachment V	Leading Roles - RFQ VP349315_Submission
Attachment W	Local Government Management Solutions - RFQ VP349315_Submission
Attachment X	Mason Blackadder - RFQ VP349315_Submission
Attachment Y	McArthur - RFQ VP349315_Submission
Attachment Z	Oceans Group Search & Solutions - RFQ VP349315_Submission
Attachment AA	Pacific People Solutions - RFQ VP349315_Submission
Attachment AB	Perks People Solutions - RFQ VP349315_Submission
Attachment AC	Quality People - RFQ VP349315_Submission
Attachment AD	Scout Talent - RFQ VP349315_Submission
Attachment AE	RFQ Documentation - Legal Services
Attachment AF	Kelley Jones - RFQ VP350944 Submission
Attachment AG	Norman Waterhouse - RFQ VP350944 Submission