



THE COUNCIL OF CAMDEN

(Incorporated 1889 - Reconstituted 1949)

ABN 31 117 341 764

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28 September 2005

Mr Scott Gregson
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
Dickson ACT 2602

Dear Sir,

**RE: Authorisation No. A90886
Minor Amendment**

PROPOSAL: Regional Waste Processing Tender

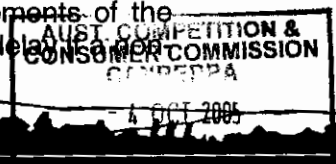
I refer to the abovementioned authorisation issued by the Commission 16 December 2004 in respect to the collaboration of the Councils of Camden, Campbelltown, Wollondilly and Wingecarribee in the South Western Sydney Resource Recovery project.

Since the granting of the authorisation the Councils have progressed through an Expression of Interest process where some 12 companies sought consideration of their technology. The Councils resolved to invite 7 companies to submit tenders through a selective tendering process and submissions close on Tuesday 4 October 2005. The Councils have committed extensive resources to the project to date in the preparation of the tender documentation. This has included development of Probity plans, Evaluation plans, obtaining legal advice, undertaking consultation with government agencies, appointing third party Probity Officers, and providing training to staff involved in the final assessments.

It is the express desire of the Councils to award the contract as soon as possible and the timeline prepared indicates that there will be simultaneous, extraordinary meetings of all four councils on Monday 5 December to award the contract.

The purpose of this letter is to request the Commission to give consideration to the granting of an extension of time of the authorisation by way of Minor Amendment.

The Councils seek an extension of authorisation for a period of six (6) months from 6 January 2006 as a safeguard, should there be any delay whatsoever in the process. The Councils have developed the documentation with the aim of allowing the proponents to submit conforming tenders, and it is expected that the current time-frame allows for evaluation of conforming tenders. However there is no guarantee that a conforming tender will be the preferred option, and the requirements of the Local Government (General) Regulation would result in a considerable delay.



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conforming tender were the preferred option. Given the time constraints currently in place, the tender evaluation period could not be extended to allow for fair and equitable assessment of a non-conforming tender, despite its merit.

The Councils are aware of the legal processes involved in the authorisation and to date have been working towards compliance with the timeframe on the understanding that there was no opportunity for extension of the authorisation.

It is therefore respectfully requested that the Commission give consideration to granting a minor amendment to the authorisation.

Yours sincerely,

Geoff Green
Manager
Environment & Health Branch