

From: [Kristy Rusher](#)
To: [REDACTED]
Cc: [Arlene Goss](#)
Subject: LGOIMA REquest
Date: Friday, 10 June 2016 06:19:43 p.m.
Attachments: [image002.png](#)
[image004.jpg](#)
[image006.jpg](#)
[image008.jpg](#)

Dear Mr Evans,

I respond to your questions below:

1. Has the DCC made any attempts to claw back from Fulton Hogan the annual contract fee for cleaning the mudtanks in Dunedin.

The Council is considering what options it has under the contract with Fulton Hogan. We decline to answer this question as answering it may prejudice or disadvantage the Council in its commercial activities as there is a current tender process which is not yet concluded. Providing a detailed answer to this question may also mean that we are inadvertently waiving legal/professional privilege about the Council's options. We rely on the grounds in section 7(2)(h) and 7(2)(i) and 7(2)(g) of the Local Government Official Information and Meetings Act 1987 for our decision to decline this request.

2. If not please explain that given that the truck used to undertake this work was in Chriatchurch for a large part of the year and anecdotal evidence suggests that many mudtanks were so gummed up that the cleaning would take twice as long, surely Fulton Hogan has no claim on the fee contracted.

This is not a request for official information. An answer is not required.

3. Was there a performance clause in the contract?

Yes.

4. Was that clause monitored by DCC staff?

Yes.

5. Has any action been taken to train or discipline staff and managers who failed to enforce or monitor contracts?

The Council is conducting a review of the management of this contract and the contract performance. The outcome of that review is not yet available, therefore it is not possible to answer this question at this time. Your request is refused under section 7(2)(f)(i) and 7(2)(f)(ii) and 7(2)(g) and 7(2)(h) of the Local Government Official Information and Meetings Act 1987.

6. Finally is there any mechanism for peer review either by councillors or persons outside the DCC to scrutinise contracts and contract negotiations of this and greater magnitude?

Yes.

Regards,
Kristy Rusher
Manager Civic and Legal, Civic
Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand
Telephone: 03 477 4000; Fax: 03 474 3594
Email: kristy.rusher@dcc.govt.nz



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