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Never since EC meeting on 17th of June 1998 has strata plan SP52948 properly managed or even run tenders for major contracts

The Chairman spoke to the Executive Committee providing some background on the tenders and the tender process along with the amount of work the Sub-Committee had put into this process.

Dr Edye addressed the Executive Committee outlining his concerns with regard to the letters suggesting impropriety that were being circulated by one Executive Committee member.

Mr Raichman responded to Dr Edye indicating that he believed that the Sub-Committee had exceeded their terms of appointment and that it was his belief that the Sub-Committee were appointed to open the Tender envelopes only.

J Crompton presented a report by the Tendering Sub-Committee giving details and costs of all tenders received, the process undertaken and a summary of companies interviewed.

The report made three scenarios:

- | | | |
|----|--|--|
| 1. | Caretaker
Gardens
Cleaning
Pool
Security | CFS Strata Maintenance
Strata-sphere
Strata-sphere
Strata-sphere
Bright Light Security |
| 2. | Caretaker
Gardens
Cleaning
Pool
Security | Advanced Building Management
Strata-sphere
Strata-sphere
Strata-sphere
Strata-sphere |
| 3. | Caretaker
Gardens
Cleaning
Pool
Security | Strata-sphere
Grandscapes
Strata-sphere
Strata-sphere
Bright Light Security |

In period from 1999 to 31st of January 2017, BCS Strata Management was a strata agency for SP52948 without any competitive tender.

Strata Management Contracts 1999 to 2020

Raine & Horne Strata Sydney (since 2011 BCS Strata Management) became strata manager at the adjourned Extraordinary General Meeting held on 11th of May 1999

The selection of Raine & Horne Strata Sydney was done without tender or any additional quote from other service providers, which was in direct non-compliance with Strata Schemes Management Act (SSMA) Section 80B. The suggestion to engage Raine & Horne Strata Sydney was initiated by a member of the Executive Committee who strongly favoured them due to personal connections.

MOTION 2

That the resignation of MDA Strata Services Pty Ltd as managing agents for Strata Plan 52948 be accepted.

That pursuant to Section 26-29 of the Strata Schemes Management Act 1996 Body Corporate Management Services Pty Ltd trading as Raine & Horne Strata-Sydney be appointed as the Strata Managing Agents being delegated the powers, authorities, duties and functions of the Owners Corporation, it's Executive Committee, Chairperson, Secretary and Treasurer of such Committee.

The terms of this appointment and delegation are set out in an Agency Agreement tabled at the meeting which pursuant to Section 238 of the Act is to have the Common Seal affixed and to be signed by two Committee Members - Carried.

SP52948 - Contract with Raine & Horne Strata Sydney signed on 16th of June 1999 that was valid until they were removed from managing the complex at AGM on 24th of October 2016

ISTM

APPOINTMENT OF A STRATA MANAGER

Institute of Strata Title Management Ltd

Institute of Strata Title Management Ltd

Strata Schemes Management Act 1996 & Property Stock & Business Agents Act 1941

AGREEMENT DATE 26 May 1999

BETWEEN

THE OWNERS - STRATA PLAN NO. 52948

(Address) 1-15 Fontenoy Road, North Ryde NSW 2113

AND

(Strata Manager)

Body Corporate Management Services Pty Ltd
T/A Raine & Horne Strata - Sydney

(Address) 54 Beecroft Road, Epping NSW 2121

License No. 151141

This agreement comprises:

- | | |
|-------------------------|-------------------------|
| 1. This Sheet | 4. Schedule of Services |
| 2. Fee Agreement | 5. Schedule of Charges |
| 3. Terms and Conditions | |

Member of the Institute of Strata Title Management: The Strata Manager is entitled to use this agreement as a member of the Institute of Strata Title Management.

Professional Indemnity: The Strata Manager holds professional indemnity insurance with the insurer nominated below and will maintain that or comparable insurance while the agreement is in force.

Insurer: HIH Winterthur Insurance

This agreement has been designed to protect the interests of both the Owners Corporation and the Strata Manager. Its use is approved and recommended by Institute of Strata Title Management Ltd (CAN 001 767 997) which is the owner of the copyright.

**COPY FOR YOUR
INFORMATION**

Acknowledgment by Owners Corporation of attachment to Agency Agreement Number: 2671

Signed.....*[Signature]*.....

STRATA MANAGEMENT AGREEMENT
Fee Agreement

STRATA PLAN NUMBER:

TERM: One YEARS COMMENCING ON _____
After the term, successive periods each equal to the term, until termination of the agreement.

MANAGEMENT FEE: \$18,700 FIRST YEAR

THE FEE HAS BEEN NEGOTIATED BETWEEN THE PARTIES TO THIS AGREEMENT

MANAGEMENT FEE TO BE PAID QUARTERLY IN ARREARS
Fees and charges will be paid to the Strata Manager in accordance with clause 4 and 5.

If any new tax, charge or impost is payable in respect of the services provided under this agreement, the Owners Corporation must pay the Strata Manager that tax, charge or impost.

REVIEW DATE FOR FEES AND CHARGES:
Each anniversary of the date of this agreement or Each Annual General Meeting

EXECUTED AS AN AGREEMENT

THE COMMON SEAL OF THE OWNERS - STRATA PLAN NO. _____ was affixed in the presence of the following on 16.06.99. (Date)

Print Name: KEITH JONES

and

Print Name: MAUREEN McDONALD.

being the persons authorised by Section 238 of the Act to attest the affixing of the seal.



Signature: [Signature]

Signature: [Signature]

SIGNED FOR AND ON BEHALF OF THE STRATA MANAGER Signed [Signature]

Serviced of Copy of Agreement
The Owners Corporation acknowledges receipt of a copy of this agreement within 48 hours of execution by the Owners Corporation.

Signed [Signature]



COPY FOR YOUR INFORMATION

Acknowledgment by Owners Corporation of attachment to Agency Agreement Number: 2671

Signed [Signature]

SP52948 - Minutes of Extraordinary General Meeting held on 23rd of August 2000 introduced GST from 1st of July 2000

<u>IN ATTENDANCE</u>	J Fry from Raine & Horne Strata-Sydney (acting Chairman).
<u>MOTION 1</u>	That the minutes of the last general meeting be confirmed - Carried.
<u>MOTION 2</u>	That the Owners Corporation resolve and acknowledge that Goods and Services Tax at the rate of 10% is payable on the portion of levies due to the Administrative Fund and Sinking Fund for the period from 1 July 2000 to 31 August 2000 and resolve that an additional charge equivalent to the amount of the Goods and Services Tax shall be payable by the Owners to the Strata Scheme on the 14 September 2000 by way of Special Contribution - Carried.
<u>MOTION 3</u>	That the Owners Corporation resolve that an additional charge will be added to all future approved levy contributions due to the Administration and Sinking Fund such charge being equivalent to the rate of Goods and Services Tax that applies from time to time in accordance with any relevant Goods and Services Tax Law - Carried.
<u>CLOSURE</u>	There being no further business the meeting closed.

SP52948 - Minutes of AGM increased strata management contract for Raine & Horne Strata Sydney value to \$21,947.20 (plus GST) and added management expenses without tender on 5th of October 2000

It is worth noting Special Levies and increase of Strata Management contract from \$18,700.00 (signed on 16th of June 1999) to \$21,947.20 (plus GST of 10% that was introduced on 1st of July 2000), plus management expenses (postage, photocopying) in amount of 218 lots x \$1.80 per month x 12 months = \$4,708.80, totalling \$26,656.00 (plus GST).

This makes the strata management fees increase in one year by staggering 42.5%. Again, no competitive quotes were sought from other strata agencies.

<u>MOTION 8</u>	<u>That Body Corporate Management Services Pty Limited t/a Raine & Horne Strata-Sydney continue as managing agents for a fee of \$21947.20 management expenses (Postage, photocopying etc) of \$1.80 per lot per month - Carried.</u>
<u>MOTION 9</u>	That a Special Levy of \$100,000 which includes GST be raised due and payable on the 1 December 2000 to improve the balance of the Sinking Fund - Carried subject to the levy being payable four equal instalments on 1 December 2000, 1 February, 1 May and 1 August 2001.

SP52948 – Paper EC meeting without agenda or minutes sent to owners undated in 2002 set Raine & Horne Strata Sydney contract value at \$21,500.00 (plus GST) with management expenses of \$4,700.00

The alleged meeting, which was “attended” by email by six members of the EC and the strata manager, where two EC members were unfinancial due to unpaid full levies and 10% simple interest for overdue payments for gas heating, and one was recipient of secret water and gas reimbursements for private use without Special Resolution or Special By-Law, made the following decision:

MINUTES OF PAPER COMMITTEE MEETING OF STRATA SCHEME 52948, 1-15 FONTENOY ROAD NORTH RYDE, HELD IN THE OFFICES OF RAINE & HORNE STRATA SYDNEY AT 53 BEECROFT ROAD EPPING AT 10.00AM	
<u>MOTION 1</u>	That the minutes of the last Committee Meeting be confirmed. – Carried
<u>MOTION 2</u>	That the attached end of year financial accounts be adopted subject to final approval at the forthcoming Annual General Meeting. - Carried
<u>MOTION 3</u>	That the attached schedule of levies be presented to the forthcoming Annual General Meeting. – Carried
<u>MOTION 4</u>	That the management fee for the financial year ending 31 August 2003 be agreed at \$21,500.00 with the charges for postage, photocopying, stationery etc be set at \$4700.00. – Carried

SP52948 – Angry note from EC members in email to BCS Strata Management about their poor services on 9th of October 2011

We are fast getting to the end of our tether with your organization. The level of service is poor and SP52948 EC members cop it in the neck from 219 owners who want answers.

We go to an AGM on 19 October and the current feedback from owners is not good and a number of owners are requesting a change of managing agent. We are struggling to get fast accurate information and the last straw is out of office email messages from our nominated manager.

We are quite literally fed up with the amount of time we have had to spend querying errors, slapdash accounting and correcting simple basic notices to owners. We now find the manager concerned is on leave till two days before our AGM. There are a number of outstanding legitimate queries that we need answers in detail well before the AGM.

We have put your local office on notice (see below) - we need an immediate fee reduction, service level agreements and adherence and real commitment or there will be very certain unrest and a move to change managing agents at the AGM.

Greg Freeman from Pica Group (parent company of BCS Strata Management) agreeing contract renewal without tender by offering alleged loyalty discount from \$33,499.00 to \$29,900.00 per annum on 10th of October 2011

Extract from agenda for general meeting sent to owners on 14th of September 2011:

The committee is concerned that since the sale of the Raine & Horne Strata business to BCS and the departure of John Fry from the business that service levels have dropped. Alternative arrangements may have to be considered in the coming year. Owners are not being asked to vote on this matter at this AGM but should be aware of the outgoing committee's concern.

Different agenda was sent to owners in addendum on 12th of October 2011, without approval at general meeting:

Discussions have taken place with senior executives of the managing agent and a reduction in fees for the coming year has been agreed as part of a package of measures being worked out to help resolve service levels problems experienced recently. If these measures are unsuccessful we can revisit the issue at a later date. The current contract therefore remains in place, with altered fees.

Owners were not given any details of the following meeting:

From Greg Freeman </O=PICA/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=GREGFREEMAN> ☆
Subject RE: SP 52948 Action items relating to the upcoming AGM immediately 10/10/11, 7:45 pm
To [REDACTED] ☆
Cc Jason Starr-Thomas [REDACTED] ☆, Paul Banoob <[REDACTED]>

Hi [REDACTED]

Thank you for your time today.

Confirming **Paul Banoob** is arranging and sending you:

1. The full financial statement FYE 30-8-2011 including notes. FYI, The full notes were provided by BCMS to the external auditor however their report sent back to BCMS excluded these items and only provided limited financial information??
2. A Full cash payments book report for both the administrative fund and sinking fund that will show all expenditure and charges from each fund for your financial year just ended
3. Copies of the most recent tax return including An explanation from BCMS regarding the tax expenditure (income tax paid) in the financial accounts. Apparently your scheme had 3 years term deposit / investment account
4. A complete set of registered by laws
5. report on insurances claims lodged and claim amounts

Paul advises the report on insurances claims lodged and claim amounts received may take a few days.

Proxies

As agreed all proxies need to be received by BCS (as delegated secretary) 24 hours prior to the meeting and Paul Banoob's team will vet them.

I have attached

- the preferred proxy BCMS uses for its large strata schemes.
- The levy arrears report as at 30th September 2011. This includes adjustments to 4 further lots that owed less than \$3

As agreed once you have checked the above financials and provided Paul with your explanatory note on the financials that you wish to accompany to Paul, he will send this proxy, the more comprehensive financials and your note and proxy to your owners as a meeting addendum.

Rebate on the contractual management(Agreed Services) fee between BCMS and The Owners of SP 52948

As your current management between Body Corporate Management Services Pty Ltd (BCMS) and The Owners of SP 52948 will stay on foot.

On behalf of Body Corporate Management Services Pty Ltd (BCMS) (one of the PICA Group of companies), as NSW state manager we hereby agree to provide the Owners of SP 52948 a loyalty discount in effect reducing the agreed services fee (base management fee) from its current \$33499.00 +GST per annum to \$29,900 +GST per annum for the financial year commencing on 1st September 2011.

SP52948 – EC members complaining about loyalty discount not applied for two years on 31st of January 2013

For the next two years (or at any time since 2011) owners corporation never received the fee reductions. SP52948 committee member confirmed loyalty discount by BCS Strata Management had never been paid back to owners on 31 January 2013, but failed to recognize that the discount figure was \$3,599.00 (plus GST) per annum. SP52948 committee members, Solicitor Adrian Mueller, and BCS Strata Management failed to disclose this information to Fair Trading NSW, CTTT and District Court throughout 2011, 2012, 2013, and 2014.

They miscalculated the losses to owners corporation:

Agreed discount was from \$33,499.00 (plus GST) to \$29,900.00 (plus GST) per annum, making it \$7,198.00 (plus GST) for two years, not \$1,500.00

From:
Sent: Thursday, 31 January 2013 12:47 AM
To: Peter Bone
Cc: Paul Banoob
Subject: RE: QUOTES AND ESTIMATES REQUESTED: SP52948 projects in 2013 and forward

Peter,

I agree with Paul that my understanding was the fees should have remained the same for two years (ie the annual increase was waived) but then applied in subsequent years. That's what I reported to owners and while its small biscuits (the amount is around \$1500) will you please ensure that this was reflected in BCS billings. simply cannot be allowed to find a crack in our integrity on any of these issues. Our agenda as a committee has to be set by real needs and genuine issues of policy. I am not

----- Original Message -----

From: Peter Bone [mailto:]
Sent: Wednesday, January 30, 2013 03:35 PM
To:
Subject: RE: QUOTES AND ESTIMATES REQUESTED: SP52948 projects in 2013 and forward

Hi

Have spoken to Paul and he is not available next week, but is available the following week.

I am available every day except Friday 8th February.

In relation to the Management Fees matter, Paul believes that the fees either remained unaltered or were slightly reduced. This can be further discussed during our meeting.

Could you please advise what action you wish taken re 's request for the Management Agreement and various quotations.

Regards

SP52948 – BCS Strata Management failed to sign the Tenderer's Declaration at AGM 2014

Full Name of Tenderer: BCS Body Corporate Services

Request for Tender Number (if applicable):

I/We,

Being an authorised representative offer to supply/provide/perform the Services, as specified in the SP52948 Request for Tender, at the prices, fees, rates & charges tendered in Services, Fees, and Charges, and in accordance with the Conditions set out in the Strata Management Agency Agreement listed in Notice for Annual General Meeting 2014.

I/We also declare that all the information contained in the submitted Strata Management Agency Agreement are true and correct in every respect.

I/We also warrant that I/We are duly authorised by our business entity to complete, sign and lodge Strata Management Agency Agreement for and on behalf of our business entity.

1. The Tender remains open for acceptance by SP52948 for the Offer Period, or until ___ (which is beyond the expiry of the Offer Period).

2. I/We warrant that:

Ethical Dealing:

- a. The Tenderer has not engaged in misleading or deceptive conduct in relation to its Tender or the Tender Process;
- b. there are no false or misleading statements in the Tender;
- c. the Tender has not been prepared using improper assistance of any SP52948 owner, employee, contractor, agent, or member of the Executive Committee, or using information obtained unlawfully or in breach of an obligation of confidentiality to SP52948;
- d. neither the Tenderer, nor any related entity, including their respective officers, employees, agents and subcontractors have engaged in any collusive tendering, anti-competitive conduct or any similar behaviour with any other Tenderer or any other person in relation to the preparation or lodgement of Tenders;
- e. neither the Tenderer, nor any related entity, including their respective officers, employees, agents or subcontractors has attempted or will attempt to improperly influence an officer, employee, adviser, owner, or agent of SP52948 in connection with the evaluation of Tenders, nor has any such person approached any member of the Executive Committee, employee, contractor, agent, or owner concerning the Tender process, other than the owners corporation representative;

Conflict of Interest:

- f. no conflict of interest existed in the past or currently, or is likely to arise in relation to the Tenderer, any related entity, or their respective officers, employees, agents or subcontractors which would affect the performance of the Services by the Tenderer, and the Tenderer will immediately inform the OC in writing of any such actual or potential conflict of interest upon becoming aware of such conflict;
- g. no conflict of interest existed in the past or currently, or is likely to arise in relation to offering improper or privileged services to any SP52948 owner, employee, contractor, agent, or member of the Executive Committee;

Confidential Information:

- h. the Tenderer and its officers, employees, agents and subcontractors involved in preparing the Tender have not and will not disclose to any other person Confidential Information of SP52948 acquired or obtained in the course of preparing the Tender, other than for the purpose of preparing its Tender; and

Anti-competitive Conduct:

- i. the Tenderer, any related entity, or their respective officers, employees, agents and subcontractors, are not currently, and have not in the previous 10 years, been subject to or involved in any investigations, sanctions, court proceedings, audits and the like in relation to anti-competitive conduct, bribery, or corruption. Except as detailed below (if applicable).

Signed on Behalf of BCS

SP52948 - EC members complaining to BCS Strata Management about secret insurance commissions that were not disclosed to owners or logged in financials on 7th of November 2014

Sent: Friday, November 07, 2014 11:38 AM
To: Russell Young
Cc: John Ward
Subject: Rebate of insurance commission

Russell,

I note that the draft AGM notice discloses that BCS received a commission for placing our insurance in the last year. Please arrange to have this credited to the Owners Corporation insurance expense account immediately. It is a feature of our current management agreement that no commissions are payable as we increased the fees to accommodate this.

I am disappointed that we should discover that a commission has been received as the management representation letter and accounts did not disclose this.

The amount is \$1,700.00.

Please confirm that this will be attended to before issue of AGM notices as this is a very sore point with many owners and I will require to explain that the recovery will happen in the present financial year.

SP52948 - Minutes of the AGM held on 26th of November 2014 approved BCS Strata Management contract renewal without tender

MOTION 6: That in accordance with Section 40A of the Act, Uniqueco Pty Ltd is appointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of \$289,000) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services. – **Carried.**

MOTION 7: That in accordance with Section 40A of the Act Universal Strata Services Pty Ltd is reappointed as a caretaker on terms and conditions to be converted to a legally binding contract for a minimum period of two years commencing 1st January 2015 ("Caretaker Agreement") that give effect to the tender submitted (with a cost for calendar 2015 of **\$322,560**) and such reasonable commercial arrangements determined by the Executive Committee regarding payment and delivery of these services. – **Defeated.**

MOTION 8: That the terms and conditions of the Caretaker Agreement be amended to not require personnel to be on-site during the hours of 3 am to 5 am nightly (with a consequent reduction in tender price in the case of Uniqueco Pty Ltd to **\$270,000** or in the case of Universal Strata Services Pty Ltd to **\$272,256**). – **Defeated.**

MOTION 9: (a) That the Owners Corporation engage a solicitor to draw up a legally binding contract to give effect to the commercial terms of the Caretaker Agreement as amended by preceding motions, the costs of which are to be shared between the Owners Corporation and the company determined by preceding motions. The Executive Committee shall direct the Solicitor in the engagement in relation to the acceptability of commercial and legal terms of the contract to be executed.
(b) That the Owners Corporation execute the Caretaker Agreement to give effect to the appointment of the company selected and at the tender price determined by the outcome of preceding motions.
(c) That the common seal of the Owners Corporation be fixed by Body Corporate Services, in accordance with Section 238 of the Act to the Caretaker Agreement. – **Carried.**

SP52948 – Ryan Strata offered superior strata management services on 10th of May and 27th of June 2016

Competitive tender for renewal contract for Strata Management was received by Ryan Strata in May and June 2016, which were officially submitted to BCS Strata Management and EC members for the next general meeting. They offered improved services, at an all-inclusive price of \$32,500.00, or at lower base rate of \$25,000.00 per year (with a schedule of reasonably priced disbursements).

Based on partially disclosed invoices by BCS Strata Management in FY 2015/2016, owners corporation paid them \$50,700.02.



STRATA MANAGEMENT PROPOSAL



SP 52948
1-15 Fontenoy Road, Macquarie Park NSW



\$100.00;

- We charge a set fee of \$10.00 to supply a certificate of currency, whereas BCS charge \$33.00;

- Not to mention the many items which they charge for, which are included in our fees.

We appreciate your consideration, and are happy to answer any further questions you may have either in person, via phone or email. Feel free to contact us on 0402488864 or elise@ryanstrata.com.au.

Yours Sincerely,



Elise Ryan
Managing Director

At Ryan Strata Management we guarantee

- To be contactable daily and have your calls and emails returned within 24 hours.
- No lock in contracts
- No hidden charges
- Transparency in all of our services that we provide.
- To tailor our approach to the needs of your building
- We arrange a minimum 3 quotes for all work, especially any items over \$5,000.00
- We price many of our disbursements, which other companies charge varying rates for, at cost price and are happy to provide receipts for these items
- We will help you through the changeover process

Summary of Offering for SP:

- We are offering a strata management fee of \$32,500.00 per annum all inclusive of disbursements.
- Our schedule of fees are attached, and we price many items at cost price or included where other companies charge, which brings down the overall disbursements cost considerably
- We are happy to provide either a fixed term contract, or one which can be terminated at any time given 90 days written notice

SCHEDULE OF FEES AND CHARGES

Item	Charge	Units
Maintenance / Repairs		

Issue work order	Included	
Arrange OH&S report	Included	
Arrange fire safety inspection	Included	
Arrange sinking fund forecast	Included	
Arrange building inspection and reports	Included	
Arrange minimum 3 quotes for repair and maintenance	Included	
Manage building defects	\$58	Per hour
Maintenance of Administrative & Sinking Funds		
Arrange for preparation of sinking fund budgets	Included	
Prepare information for submission of BAS statements by a registered tax agent (if scheme registered for GST)	Included	
Liaise with Tax Agent in relation to preparation of annual tax return	Included	
Rectifying deficiencies in records at takeover of management	Included	
Provide monthly financial statements	Included	
Provide non-current year financials	Included	
Processing stop payments, dishonoured cheques or direct debit for levy payments	\$15	Per payment
Levies		
Issue levy reminder notice	\$10	Per notice (recoverable from lot)
Issue final levy notice	\$25	Per notice (recoverable from lot)
Instruct debt collection agencies and/or legal service providers to seek recovery of outstanding levy contributions	Included	
Insurances		
Prepare and lodge insurance claims	Included	
Arrange valuation for insurance purposes	Included	
Source and supply certificate of currency	\$10	Per certificate (recoverable from lot)
Records		
Store archives and electronic archiving	Included	
Retrieve archives	Included	
Affixing common seal in accordance with relevant meeting minutes	Included	
Meetings		
Prepare and distribute notices of additional meetings	Included	
Attend AGM and 3 ECMs	Included	Per annum
Attend additional meetings	\$100	Per meeting
Monthly site visits	Included	
Disbursements		



Ryan Strata Management

Standard disbursements (local telephone calls and routine postage, photocopying, printing, faxing and stationary)	Included	
Courier	At cost	Per item
Express and registered postage	At cost	
Laminating	Included	Per page
Minute books	Included	Per book
Photocopying and printing (additional)	Included	Per page
Email	Included	
Scanning	Included	
Electronic document management	Included	
Secretarial		
Replacement certificate of title	At cost	Per certificate
Certificate under Section 109	Statutory charge	Per certificate
Inspecting records	Statutory charge	Per inspection
Providing title or other searches	At cost	Per search
Register by-laws	At cost	Per registration
Issue notice to comply	Included	
Issue common property key / security device	At cost	Per key
Prepare and supply information at request of owner	Included	
Regulatory Compliance (where applicable)		
Annual cooling tower certificate	At cost	Per certificate
Annual fire safety certificate / fire orders	At cost	Per certificate Per certificate
Annual lift certification	At cost	
Swimming pool compliance certificate – register and arrange certification with council / private certifier	At cost	Per certificate
Registering for National Broadband Network Installation	At cost	



Full Name of Tenderer: BCS Body Corporate Services
Request for Tender Number (if applicable):

I/We,

Being an authorised representative offer to supply/provide/perform the Services, as specified in the SP52948 Request for Tender, at the prices, fees, rates & charges tendered in Services, Fees, and Charges, and in accordance with the Conditions set out in the Strata Management Agency Agreement listed in Notice for Annual General Meeting 2014.

I/We also declare that all the information contained in the submitted Strata Management Agency Agreement are true and correct in every respect.

I/We also warrant that I/We are duly authorised by our business entity to complete, sign and lodge Strata Management Agency Agreement for and on behalf of our business entity.

1. The Tender remains open for acceptance by SP52948 for the Offer Period, or until ____ (which is beyond the expiry of the Offer Period).

2. I/We warrant that:

Ethical Dealing:

a. The Tenderer has not engaged in misleading or deceptive conduct in relation to its Tender or the Tender Process;

b. there are no false or misleading statements in the Tender;

c. the Tender has not been prepared using improper assistance of any SP52948 owner, employee, contractor, agent, or member of the Executive Committee, or using information obtained unlawfully or in breach of an obligation of confidentiality to SP52948;

d. neither the Tenderer, nor any related entity, including their respective officers, employees, agents and subcontractors have engaged in any collusive tendering, anti-competitive conduct or any similar behaviour with any other Tenderer or any other person in relation to the preparation or lodgement of Tenders;

e. neither the Tenderer, nor any related entity, including their respective officers, employees, agents or subcontractors has attempted or will attempt to improperly influence an officer, employee, adviser, owner, or agent of SP52948 in connection with the evaluation of Tenders, nor has any such person approached any member of the Executive Committee, employee, contractor, agent, or owner concerning the Tender process, other than the owners corporation representative;

Conflict of Interest:

f. no conflict of interest existed in the past or currently, or is likely to arise in relation to the Tenderer, any related entity, or their respective officers, employees, agents or subcontractors which would affect the performance of the Services by the Tenderer, and the Tenderer will immediately inform the OC in writing of any such actual or potential conflict of interest upon becoming aware of such conflict;

g. no conflict of interest existed in the past or currently, or is likely to arise in relation to offering improper or privileged services to any SP52948 owner, employee, contractor, agent, or member of the Executive Committee;

Confidential Information:

h. the Tenderer and its officers, employees, agents and subcontractors involved in preparing the Tender have not and will not disclose to any other person Confidential Information of SP52948 acquired or obtained in the course of preparing the Tender, other than for the purpose of preparing its Tender; and

Anti-competitive Conduct:

i. the Tenderer, any related entity, or their respective officers, employees, agents and subcontractors, are not currently, and have not in the previous 10 years, been subject to or involved in any investigations, sanctions, court proceedings, audits and the like in relation to anti-competitive conduct, bribery, or corruption. Except as detailed below (if applicable).

Signed on Behalf of BCS

27. REAPPOINTMENT OF MANAGING AGENT:

Motion

That in accordance with section 27(1) of the *Strata Schemes Management Act 1996 (Act)* that:

- (a) BCS Strata Management Pty Ltd trading as Body Corporate Services be appointed as strata managing agent of Strata Scheme No. 52948, total cost being \$29,000.00 plus \$6,996.00 (disbursements) Total = \$35,996.00 INCL. GST ;
- (b) the Owners Corporation delegate to the Agent all of the functions of:
 - (i) the Owners Corporation (other than those listed in section 28(3) of the Act); and
 - (ii) its chairperson, treasurer, secretary and Executive Committee, necessary to enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement, a copy of which was attached to the notice of the meeting at which this resolution was passed (Agreement);
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the Owners Corporation execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the Owners Corporation to be affixed to the Agreement in accordance with Section 238 of the Act.

Explanatory Note

The motion above is the standard motion for the Owners Corporation to appoint BCS as the managing agent for the strata scheme. The motion includes those functions that are to be delegated to the managing agent. A copy of the proposed Management Agreement is attached.

28. APPOINTMENT OF WARATAH STRATA:

Motion

The Owners Corporation consider the appointment of Waratah Strata Management at \$21,800.00 + Disbursements \$13,300.00 = \$35,100.00 inclusive of GST.

Comments: Please note the third proposal (lowest quote of the lot) has just recently commenced business and does not have the infrastructure to manage a complex of our size and therefore has not been considered.

AGM 2016 was conducted without valid quorum.

27. REAPPOINTMENT OF MANAGING AGENT:

27.1 That in accordance with section 27(1) of the Strata Schemes Management Act 1996 (Act) that:

- (a) BCS Strata Management Pty Ltd trading as Body Corporate Services be appointed as strata managing agent of Strata Scheme No. 52948, total cost being \$29,000.00 plus \$6,996.00 (disbursements) Total = \$35,996.00 INCL. GST ;
- (b) the Owners Corporation delegate to the Agent all of the functions of:
 - (i) the Owners Corporation (other than those listed in section 28(3) of the Act); and
 - (ii) its chairperson, treasurer, secretary and Executive Committee, necessary to enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement, a copy of which was attached to the notice of the meeting at which this resolution was passed (Agreement);
- (c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement; and
- (d) the Owners Corporation execute the Agreement to give effect to this appointment and delegation; and
- (e) authority be given for the common seal of the Owners Corporation to be affixed to the Agreement in accordance with Section 238 of the Act.

Explanatory Note

The motion above is the standard motion for the Owners Corporation to appoint BCS as the managing agent for the strata scheme. The motion includes those functions that are to be delegated to the managing agent. A copy of the proposed Management Agreement is attached.

DEFEATED

10 voted Yes, 50 voted No

SP52948 – Unfinancial EC members running secret meetings without agenda or minutes being sent to owners to discuss BCS Strata Management contract renewal before AGM on 24th of October 2017

Motion: Confirm undisclosed payments to BCS Strata Management for non-compliant EC meetings in 2016

The Owners Corporation SP52948 by ORDINARY RESOLUTION, confirms the following:

- \$935.00 paid to BCS Strata Management for meetings that did not comply with proper organization of EC meetings in accordance with SSMA 1996 (agenda not sent to owners prior to meetings, and minutes of EC meetings not sent to owners),
- BCS Strata Management shall reimburse owners corporation (compensation claim due to professional negligence) in full amount of \$935.00 for failing to act in best interest of owners corporation, acting in non-compliance with SSMA 1996 on how to organize EC meetings, and charging owners corporation for private gatherings
- Minutes of EC meeting held straight after AGM 2016 on 19th of October 2016 confirmed that last valid EC meeting was on 20th of April 2016,
- To the extent of any inconsistency with previous by-laws or motions, this motion prevails.

Explanatory Notes:

- BCS invoice dated 19th of October 2016:

- BCS invoice dated 19th of October 2016:

Tax Invoice: F1111399803	Date: 19/10/2016
From: BCS STRATA MANAGEMENT PTY LTD ABN 86010633351	To: SP 52948 1-15 FONTENOY ROAD MACQUARIE PARK NSW 2113
Re: Sep-Oct - Meeting attendance	

Details	Value
Services as per attached schedule	\$850.00
GST Payable	\$85.00
Total Due (inclusive of GST)	\$935.00

Additional Services Schedule for Tax Invoice (F1111399803)						
Date	Person	Description	Units	Rate	Chargeable Amt	Invoice Amt
18/10/2016	SBI	Attend 3 meetings with Members of the Executive Committee	50	\$17.000	\$850.00	\$850.00
Total Fees					\$850.00	\$850.00

BCS Strata Management analysis of why they lost contract with SP52948 on 21st of November 2016 confirming that EC members had no intention to change them



LOST SCHEME DETAILS

Use this form when management of a scheme in your portfolio is terminated. Attach Termination minutes.

Division: NSW	Branch: Epping	Current PICA Manager: SIMON BRIKHA	Start:
Scheme No: 52948		Previous PICA Manager: GARY MILLS	Start:
PICA Start date: 01/07/2011		No. of Lots: 219	No. of Units: 219
Building Name:		Building Type: SPF	
Address: 2-4 Telopea Street Telopea			
Current Man. Fee: \$35,535 ex GST		Current Fixed/Bundled Disb: \$506.57 ex GST	
Expiry Date of Agreement:		Date Management will Cease: 31/1/2017	
New Agent Details			
Name: Waratah Strata		New Management Fee: \$	
Address: P.O. Box 125, Eastwood NSW 2122		New Fixed/Bundled Disb: \$	
Phone: (02) 9114 9599		Term of new agreement:	
Email:		Why did they choose this agent:	
Contact Person at the Building:			
Name:			
Address: / 1-15 Fontenoy Road North Ryde			
Phone:			
Email:			
REASON FOR LOSING SCHEME		PERCENTAGE ATTRIBUTED TO LOSS	



Managers Comments:

Can you elaborate on the circumstances surrounding the loss of this scheme.

The Executive Committee advised myself and my branch manager Mike Smythe that they were very satisfied with my services, however, they wanted to go with a smaller Strata Managing Agency. I don't know who true this statement is because the Strata Manager that they have gone to is a former BCS employee and this is the second Strata Plan that he has taken from my portfolio. He was the previous Strata Manager of the portfolio that I currently manage.

Was a strata brokerage company involved in the loss of this scheme? (e.g. Strata Match) Strata Broker name:
No

Please outline the process used to manage the retention of this scheme.

The branch manager and I attended several Pre-AGM meetings with the EC and did absolutely everything possibly to retain this property. When I asked the EC if our re-election was in doubt, the answer I received was a "No". So I personally did not think we had any danger of losing this property.

What was the Risk Rating, 3 months prior to the loss?

Low

Customer Care:

Date of last contact with client?

14/11/2016

Outcome of the contact?

Resolved to send out a letter to Council and the matter was settled in a satisfactory method.

Community Utilities – Is there a separate utilities agreement? NO

SP52948 - Unfinancial EC member confirmed BCS Strata Management had provided very poor services on 27th of April 2017

