

REPLACEMENT REPORT

REPORTS THROUGH GENERAL MANAGER

REPORTS FROM THE DIRECTOR ENGINEERING & OPERATIONS

O16 [EO-OC] EC2009-017 Jack Bayliss Park Upgrade (Northern), Kingscliff

ORIGIN:

Contracts

FILE NO: EC2009-017

SUMMARY OF REPORT:

This report identifies Tender EC2009-017 - Jack Bayliss Park Upgrade (Northern), Kingscliff. The tender request process has been conducted in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005. Tenders closed in Councils Tender Box on 8 April 2009.

This Late Report provides recommendations on the preferred tenderer. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation, Pricing Report included in **CONFIDENTIAL ATTACHMENT A**. A summary of the Selection Criteria is also included in the body of this report.

It is recommended that Council accepts the tender of Hopedale Services Pty Ltd for Jack Bayliss Park Upgrade (Northern), Kingscliff.

RECOMMENDATION:

That:-

- 1. The tender from Hopedale Services Pty Ltd be accepted to the value of \$265,274.55 exclusive of GST.**
- 2. The General Manager be given delegated authority to approve variations up to 20%, inclusive of GST above the initial contract price. Any variations be reported to Council on a quarterly basis.**
- 3. ATTACHMENT A is CONFIDENTIAL in accordance with Section 10A(2)(c) or Section 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-**

REPLACEMENT REPORT

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

REPLACEMENT REPORT

REPORT:

Background

Tender EC2009-017 invited responses for the provision of construction services to upgrade the Northern section of Jack Bayliss Park, Kingscliff.

The proposed work at Jack Bayliss Park involves replacing a number of existing facilities including shelters, BBQs, paving. There are also a number of new elements which include pathways, viewing deck, lighting and new play equipment.

Council has previously resolved to make an application to the Regional and Local Community Infrastructure Program for funding for a number of "Community Projects". Council has been offered funding of \$1.293M to be utilised for the community projects nominated at that meeting ([GM-OC] Regional and Local Community Infrastructure Program Resolved 16 December 2008). The Kingscliff Foreshore upgrade project (Jack Bayliss Park) was included in the list of projects seeking financial assistance and funding of \$300,000 has been approved.

Time constraints on the funding assistance provided by the Federal Government as previously noted ([GM-OC] Regional and Local Community Infrastructure Program Resolved 16 December 2008) are as follows:

Community Projects

30 January 2009

Last date for entering into an agreement for projects

30 September 2009

Funding for all Community Projects must be expended

Council staff estimated that construction of the project could take up to 12 weeks. Based on a completion date of 31 August 2009, there is only 18 weeks available for completion as of 21 April 2009. Therefore it is critical that Council acknowledges the urgency of the project deadlines and receives and resolves this Late Report.

Tenders Received

A total of seven (7) responses were received for tender EC2009-017 – Jack Bayliss Park Upgrade (Northern), Kingscliff.

- J MAC Constructions Pty Ltd
 - Hopedale Services Pty Ltd
 - Comfrey Constructions Pty Ltd
 - MJ & SL Seery Excavations Pty Ltd
 - Landscape Solutions QLD Pty Ltd
 - Scape Shapes Landscaping Pty Ltd
 - JVJ Constructions Pty Ltd

REPLACEMENT REPORT

Selection Criteria

The following selection criteria and weightings were determined prior to the issuing of the Tender:

Item	Criterion	Weighting %
	Tender Price (Total Normalised Score)	45
	Conformity of Offer	15
	Time Performance	15
	Quality Assurance	10
	OHS and Risk Management	10
	Contract Experience	5
	Total	100

Tender Evaluation

The tender evaluation was conducted by Council's Tender Assessment Panel, consisting of 2 x Contract Engineers & 1 x Landscape Architect. A copy of the Tender Evaluation Report is included in **ATTACHMENT A** which is **CONFIDENTIAL** in accordance with Section 10A(2)(c) or 10A(2)(d) of the Local Government Act 1993, because it contains commercial information of a confidential nature that would, if disclosed:-

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

Based on the evaluation summary, it is recommended that Hopedale Services Pty Ltd be nominated for EC2009-017 – Jack Bayliss Park Upgrade (Northern), Kingscliff. Details of Hopedale Services Pty Ltd relative competitiveness is shown in the Evaluation Report **CONFIDENTIAL ATTACHMENT A** which was endorsed by the Tender Evaluation Panel.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

This tender process is in accordance with Section 55 of the Local Government Act 1993 and Part 7 (Tendering) of the Local Government (General) Regulation 2005.

Funding is provided through the Regional and Local Community Infrastructure Program (Federal Government Funding). Approved funding is \$300,000. The recommended tenderer is well within this amount.

POLICY IMPLICATIONS:

The recommendations in this report are consistent with Council's Procurement Policy, Procurement Procedure, Contracts Management Process document and Tenders Procedure.

REPLACEMENT REPORT

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. **SUPPLEMENTARY CONFIDENTIAL ATTACHMENT A** - EC2009-017 Jack Bayliss Park Upgrade (Northern), Kingscliff Tender Evaluation Plan (ECM 2031996).
-

REPLACEMENT REPORT

THIS
PAGE
IS
BLANK

THIS
PAGE
IS
BLANK