

LATE ADDENDUM REPORT

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

a15 [CNR-CM] Update to RFP2015-129 Murwillumbah Library Pond Upgrade

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.3	Provide well serviced neighbourhoods
2.3.6	Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities

SUMMARY OF REPORT:

This report provides an update on the action taken since the preparation of the initial report in relation to the proposed Murwillumbah Library Pond upgrade and recommends a way forward following the recent tender and subsequent negotiation process.

ATTACHMENT 1 is to be treated as **CONFIDENTIAL** in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because it contains commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the products offered by each tenderer. If disclosed, the information would likely be to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

RECOMMENDATION:

That, in respect to Contract RFP2015-129 Murwillumbah Library Pond Upgrade:

1. Council enters a contract with D'Bah Enterprises (ABN 61 850 361 870) for the amount of \$171,387.27 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.

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3. **ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-**
- (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**

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REPORT:

Background

Tender RFP2015-129 Murwillumbah Library Pond Upgrade was called to engage a suitably qualified and experienced organisation to provide construction services to redevelop the pond area adjacent to the Murwillumbah Library and the main stairs to Tweed Shire Council office. As per the previous Council Report, no tenders were recommended for acceptance due to budget constraints and negotiations commenced with the lowest price tenderer in accordance with Local Government Regulation 2005 Clause 178.

Negotiation Details

An initial site meeting was held on 24 November 2015. Council staff indicated to D'Bah Enterprises Pty Ltd that the project cannot move forward in its current design form due to budget constraints and seeks to negotiate a scope of works that could be within Councils budget. A series of potential savings from minor design changes were identified and discussed at the meeting. Council staff subsequently prepared a revised design and scope of works for repricing on 30 November 2015.

D'Bah Enterprises Pty Ltd provided an offer on 2 December 2015 after careful consideration of the new scope of work and design drawings. The offer is within Councils budget. The design intent and Architectural elements remain the same so it is considered that this is a reasonable outcome from the negotiation process.

Direct negotiations have been undertaken in accordance with Independent Commission Against Corruption (ICAC) guidelines as required by the Local Government Regulation 2005.

Recommendation

As per Local Government Regulation 2005 Clause 178, it is recommended that Council endorses the actions of the negotiation process conducted by Council staff.

It is recommended that the tender from D'Bah Enterprises be accepted to the value of \$171,387.27 excluding GST.

Therefore, that, in respect of Contract RFP2015-129 Murwillumbah Library Pond Upgrade:

1. Council enters a contract with D'Bah Enterprises (ABN 61 850 361 870) for the amount of \$171,387.27 (exclusive of GST).
2. The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council at mid contract and finalisation of the contract.
3. ATTACHMENT 1 is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because it contains:-
 - (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.

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OPTIONS:

1. Council endorses the recommendations of this report.
2. Council does not endorse the recommendations of this report.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.6

b. Budget/Long Term Financial Plan:

Recreation Services Funding

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

- (Confidential)* Attachment 1. Email RFP2015-129 Tender Scope Amends and Negotiation (ECM 3887562).
- Attachment 2. Preliminary Plans Project OTH34 - Murwillumbah Library Pond Upgrade (ECM3887533).
- Attachment 3. Bill of Quantities OTH34 - Murwillumbah Library Surrounds Upgrade (ECM2887532).
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