

Mayor: Cr K Milne

Councillors: P Allsop
R Byrnes (Deputy Mayor)
C Cherry
R Cooper
J Owen
W Polglase

Addendum Agenda

**Ordinary Council Meeting
Thursday 16 November 2017**

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
commencing at 5.30pm

Addendum Agenda

Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

Guiding Principles for Tweed Shire Council

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

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Items for Consideration of Council:

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LATE ITEMS:

REPORTS FROM THE DIRECTOR ENGINEERING

38 [E-CM] ADDENDUM - RFO2017082 Special Project A for Road Flood Damage Restoration

SUBMITTED BY: Infrastructure Delivery

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.3 Moving around
- 3.3.4 Roads, Traffic, Footpaths and Cycleways - To provide and maintain a network of roads and bridges, footpaths and cycleways that is safe, efficient and accessible.

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer RFO2017082 Special Project A has now been called to engage a suitably qualified and experienced contractor from the previously established panel of providers for the restoration of Tweed Valley Way (Blacks Drain) at South Murwillumbah that was severely damaged during the March 2017 flood event.

At the time of closing 4 Offers were received.

The evaluation of the offers against the Selection Criteria is contained in the Offer Evaluation Report included in **CONFIDENTIAL ATTACHMENTS 1 and 2**. The recommendations are based on the evaluation.

RECOMMENDATION:

That in respect to Contract RFO2017082 Special Project A Road Flood Damage Restoration:

1. **Council awards the offer to Skeen Constructions Pty Ltd, ABN 42 122 970 978, for the amount of \$457,479.83 (exclusive of GST).**

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2. **The General Manager be granted delegated authority to approve appropriately deemed variations to the contract and those variations be reported to Council six monthly and at finalisation of the contract.**

3. **ATTACHMENTS 1 and 2 are 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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REPORT:

An Expressions of Interest (EOI) for Road Flood Damage Restoration Contractors was called in June 2017 and six suitably qualified and experienced contractors were chosen to form a panel of providers to undertake road, bridge and culvert repairs of assets damaged during the March 2017 flood event on the Tweed River following Cyclone Debbie. The repairs relate to a total of approximately 1,500 damage items.

In October 2017 this Request for Offer RFO2017082 Special Project A was called to engage a suitably qualified and experienced contractor from the previously established panel of providers for the restoration of Tweed Valley Way (Blacks Drain) at South Murwillumbah that was severely damaged during the March 2017 flood event.

Works include:

- Restoration of 2 traffic lanes with road shoulders
- Restoration of pedestrian access (footpath)
- Restoration of permanent water supply
- Restoration of traffic barriers (guardrail)
- Restoration of drainage infrastructure

Scour protection of the road embankments adjacent the culvert has been included in the scope of works to reduce the likelihood of failure in future flood events. Significant additional investigation, design and heavy engineering structures would be required to further reduce the risk of failure and all of these additional works would not be covered by NDRRA funding.

It should be noted that further RFO packages will follow in order for Contractors to repair all of the damage items. These will be brought to Council in future reports.

Request for Offer Advertising

Offers were officially invited in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offers was sent to six pre-qualified contractors via Council's e-tendering website on 9 October 2017.

Offer submissions closed at 4:00pm (local time) on 1 November 2017 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There was 1 Notice to Bidders issued before close of Offer.

Addendum No. 1 was issued to Bidders on 13 October 2017 to provide clarification of the required scope and technical details.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and 4 Offers were recorded as below:

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Bidder	ABN
Coastal Works – alternate offer	79 126 214 487
Coastal Works	79 126 214 487
SEE Civil Pty Ltd	88 115 963 427
Skeen Constructions	42 122 970 978

Offer Evaluation

An Offer Evaluation Plan was developed based on the premise that competitive Offers were to be received and offers were scored against specific evaluation criteria in order to select the best value Offer.

Council's Offer Evaluation Panel was made up as follows:

Position
Senior Engineer – Construction (Coordinator Flood Restoration)
Engineer - Flood Restoration
Senior Engineer - Assets & Maintenance

Offers were evaluated based on the criteria noted in the table below which were also listed in the Conditions of Offering.

Criterion	Document Reference	Weighting (%)
Value for Money (Normalised Offer Price)	Schedule 3	70%
Relevant Experience and Capability, Management Systems (WH&S, Quality and Environmental)	EOI-RFO2017082 as previously submitted	10%
Time Schedule (Methodology and Proposed Work Program)	Schedules 5, 6, 8, 10 & 13	10%
Local Content	Schedule 11	10%
	Total	100%

The details of the price and non-price evaluation are shown on the Offer Evaluation Report and Offer Evaluation Scoring Sheet. A copy of the Offer Evaluation Report and Offer Evaluation Scoring Sheet are included as ATTACHMENTS 1 and 2 which are CONFIDENTIAL in accordance with Section 10A(2):

- (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

The information identifies the Bidder in relation to the Offer price and the evaluation of the products offered by the Bidder. If disclosed, the information would be likely to prejudice the commercial position of the Bidder in terms of market competitiveness by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest. Recommendations appear below for the Offer.

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OPTIONS:

That Council:

1. Council awards the offer to Skeen Constructions Pty Ltd, ABN 42 122 970 978, for the amount of \$457,479.83 (exclusive of GST).
2. Awards the Contract to a different Bidder, including reasons for this course of action.
3. Declines to accept any of the Offers, including reasons for this course of action.

CONCLUSION:

It is concluded, in regards to RFO2017082 Special Project A Road Flood Damage Restoration, that the offer from Skeen Constructions Pty Ltd provides the best value in repairing Tweed Valley Way (Blacks Drain) that was damaged during the March 2017 flood event on the Tweed River following Cyclone Debbie.

COUNCIL IMPLICATIONS:

a. Policy:

The Offer invitation and evaluation have been conducted in accordance with the provisions of:

- The Local Government Act 1993 and the NSW Local Government (General) Regulation 2005.
- Council's Procurement Policy v1.6.

b. Budget/Long Term Financial Plan:

The majority of the works designated in RFO2017082 Special Project A Road Flood Damage Restoration are eligible for funding claims through NDRRA. The exact amount of NDRRA funding is unknown as it is subject to assessment by Roads and Maritime Services and Public Works Advisory.

It is required that the recommendations of this report and the scope of works be forwarded to NDDRA for their review before a letter of award is issued. This occurred on 9 November 2017. There are elements within the scope of works that may be deemed as ineligible for funding but are necessary to reduce the risk of failure or return the road, footpath and drainage elements to their previous level of service. It is more economical to undertake these works as part of this scope rather than retrofit them later.

The continuation of flood restoration works is necessary and using contractors procured through this RFO process maximises the available NDRRA funding opportunity and minimises the impact on the financial position of Council. Any funding shortfall between the contract value and the available NDRRA funding will be met by the Infrastructure Asset Management Reserve or by delaying some items on the capital works program.

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c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017082 - Offer Evaluation Report (ECM4889597).

(Confidential) Attachment 2. RFO2017082 - Offer Evaluation Scoring Sheet
(ECM4889306.)
