



TWEED
SHIRE COUNCIL

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 1 March 2018**

held at
**Harvard Room, Tweed Heads Administration Building,
Brett Street, Tweed Heads**
commencing at the conclusion of the Planning Committee meeting which commences at 5.30pm.

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.

Items for Consideration of Council:

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ADDENDUM ITEMS FROM THE DIRECTOR ENGINEERING

6 ADDENDUM [E-CM] RFO2017191 Major Flood Repair Work - Various Bridge and Culvert Related Works Bundle 2

SUBMITTED BY: Infrastructure Delivery

Valid



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 RFO2017191 Major Flood Repair Work – Various Bridge and Culvert Related Works Bundle 2 was called from the market to source a suitably qualified contractor to design and construct bridge and culvert related works on ten (10) sites as a result of ex-Tropical Cyclone Debbie in March 2017.

At the time of closing four (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.

A map showing locations of the 10 sites within the Tweed Shire is included in Attachment 3.

RECOMMENDATION:

That in respect to Contract RFO2017191 Major Flood Repair Work – Various Bridge and Culvert Related Works Bundle 2:

1. Council awards the offer to Australian Marine and Civil Pty Ltd, ABN: 66 601 876 680) for the amount of \$637,818.18 (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 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.**

REPORT:

Offer Background

Request for Offer RFO2017191 Major Flood Repair Work – Various Bridge and Culvert Related Works Bundle 2 was called using an open tendering procurement process to engage a suitably qualified and experienced contractor to design and construct bridge and culvert related repairs on ten (10) sites as a result of damages caused by ex-Tropical Cyclone Debbie in March 2017.

The sites are located at:

1. Crabbes Creek (1 site)
2. Burringbar (3 sites)
3. Reserve Creek and Cudgera Creek (6 sites along Reserve Creek Road)

The above sites have been bundled together based on efficiency of packaging similar works together in order to obtain the most competitive Offer price from the market. A map showing locations of the sites is included in Attachment 3 of this report.

Works under the Contract will include the completion of design for review by Tweed Shire Council staff, obtain the approvals and construction of the works to repair bridge or culvert damage at each of the sites. Works will also include repairs to other items damaged at the same location such as guardrails, road surfaces and stormwater drainage. The contract has the sites prioritised for completion in order of severity of damages, public safety and disruption to road users.

Following award of the Contract, the contractor will confirm their construction program and any necessary road closures. The community will be given advanced warning of the works and road closures at this time.

Request for Offer Advertising

The Offer was invited in accordance with the provisions of the Local Government Act 1993, the NSW Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government. The Offer was officially advertised on Tuesday 16 January 2018 in The Sydney Morning Herald and Tweed Link, also on 13 January 2018 in Brisbane Courier Mail and the Gold Coast Bulletin.

Offer submissions closed at 4:00pm (local time) on 7 February 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There were two (2) Offer Addendums (Notice to Bidders) issued before close of Offer.

Addendum No.1 was issued to advise Bidders that the closing date for RFO2017191 would be 4pm (DST) Wednesday 7 February 2018.

Addendum No. 2 was issued to advise Bidders that the DPI Fisheries permit in Appendix 3 was replaced with DPI Fisheries permit PN17/173 (Variation 4) dated 16 January 2018. Noting that DK00067 - Heron Road was not included in the revised permit and that the successful Bidder will be required to seek additional approval for this site to proceed. It was also confirmed that the Minimum design life requirements for sub surface works are 100 years, with a global factor of safety of 1.5.

Offer Submissions

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

Bidder	ABN
Australian Marine & Civil Pty Ltd	66 601 876 680
Crosana Pty Ltd	45 943 696 462
Zurvas Earthmoving Pty Ltd (trading as GWT Earthmoving)	61 612 104 499
Skeen Constructions Pty Ltd	42 122 970 978

Offer Evaluation

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

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

Position
Project Manager Flood (Contracts Consultant Public Works Advisory)
Coordinator - Flood Restoration
Project Engineer (Contracts Consultant Public Works Advisory)
Project Manager - Contracts

Offers were evaluated based on the criteria noted in the table below as detailed in the Offer Evaluation Plan:

Criterion	RFO Document Reference	Weighting (%)
Value for Money (Normalised Offer Price)	Schedule 2 & 3	60
Experience in Similar Works	Schedule 4	10
References	Schedule 4	10
Methodology	Schedule 6	10
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	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.

OPTIONS:

That Council:

1. Awards the Offer to Australian Marine and Civil Pty Ltd, ABN: 66 601 876 680) for the amount of \$637,818.18 (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 RFO2017191 Major Flood Repair Work – Various Bridge and Culvert Related Works Bundle 2 that the Offer from Australian Marine and Civil Pty Ltd provides the best value for repairing the various bridge and culvert and related assets.

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:

All flood damage items designated in RFO2017191 Major Flood Repair Work – Various Bridge and Culvert Related Works Bundle 2 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. 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.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2017191- Offer Evaluation Report (ECM 5103156).

(Confidential) Attachment 2. RFO2017191 - Offer Evaluation Scoring Sheet (ECM .5101195).

Attachment 3. RFO2017191 – Bundle 2 Flood Repair Works Map (ECM 5101194).

7 ADDENDUM [E-CM] RFO2018002 Major Flood Repair Work - Landslip Repairs Bundle 6

SUBMITTED BY: Infrastructure Delivery

Valid



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 RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 was called from the market to source a suitably qualified contractor to design and construct slope stabilisation on eight landslip sites within the Tweed Shire, including the major land slip located on Cudgera Creek Road that occurred as a result of ex-Tropical Cyclone Debbie in March 2017.

At the time of closing eight (8) Offers were received, two (2) Offers contained alternatives.

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.

A map showing locations of the 8 sites within the Tweed Shire is included in Attachment 3.

RECOMMENDATION:

That in respect to Contract RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6:

- 1. Council awards the offer to Roman Contractors Pty Ltd, (ABN: 48 122 536 770) for the amount of \$665,390.91 (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. **ATTACHMENTS 1 and 2 are CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, because they contain:-**
- (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.**

REPORT:

Offer Background

Request for Offer RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 was called to engage a suitably qualified and experienced contractor to design & construct slope stabilisation on eight (8) sites as a result of damages caused by ex-Tropical Cyclone Debbie in March 2017.

The sites are located at:

1. Stokers Siding (1 site on Tweed Valley Way)
2. Upper Burringbar (1 site)
3. Burringbar, Cudgera Creek and Mooball (6 sites along Cudgera Creek Road including the current road closure at the Burringbar end)

The above sites have been bundled together based on efficiency of packaging similar works together in order to obtain the most competitive Offer price from the market. Bidders were given the opportunity to price the most economical repair option as indicated in the geotechnical reports or alternative methods of repair that were deemed more economical by the market. A map showing locations of the sites is included in Attachment 3 of this report.

Works under the Contract will include the completion of design for review by Tweed Shire Council staff, obtain the necessary approvals and construction of the works to repair each of the landslips. Works will also include repairs to other items damaged at the same location such as guardrails, road surfaces and stormwater drainage. The contract also states that work at Cudgera Creek Road (road closure), is to be completed as the first priority of the eight sites.

Following award of the Contract, the contractor will confirm their construction program and any necessary road closures. The community will be given advanced warning of the works and road closures at this time.

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 advertised on Tuesday 23 January 2018 in The Sydney Morning Herald, also on 20 January 2018 in Brisbane Courier Mail and Gold Coast Bulletin and on Council's website.

Offer submissions closed at 4.00pm (local time) on 14 February 2018 in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Addendums

There was one (1) Offer Addendum (Notice to Bidders) issued before close of Offer.

Addendum No. 1 was issued to advise Bidders that any inconsistencies in the information supplied by TSC was to be confirmed by the Bidders and the intent of the design and construct contract was to provide a solution to fix each site in its entirety.

Offer Submissions

At the closing time for Offer Submissions, the Tender Box was opened and eight (8) Offers were recorded. Two (2) offers contained alternatives. Offer submissions and alternatives were recorded as below:

Bidder	ABN
Australian Marine and Civil Pty Ltd	66 601 876 680
GEO Stabilise Pty Ltd	47 166 054 842
GEO Stabilise Pty Ltd (alternative)	47 166 054 842
Coastal Works Pty Ltd	79 126 214 487
Crosana Pty Ltd	45 943 696 462
Roman Contractors Pty Ltd	48 122 536 770
Roman Contractors Pty Ltd (alternative)	48 122 536 770
Delaney Civil Pty Ltd	85 086 897 476
Earthtec Pty Ltd	25 093 558 582
Kyogle Earthworx Pty Ltd	37 082 625 170

Offer Evaluation

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

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

Position
Project Manager Flood (Contracts Consultant Public Works Advisory)
Coordinator - Flood Restoration
Project Engineer (Contracts Consultant Public Works Advisory)
Project Manager - Contracts

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

Criterion	RFO Document Reference	Weighting (%)
Value for Money (Normalised Offer Price)	Schedule 2 & 3	60
Experience in Similar Works	Schedule 4	10
References	Schedule 4	10
Methodology	Schedule 6	10
Local Content (Development of Local Business/Industry) (Mandatory 10% assessment as per Policy)	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.

OPTIONS:

That Council:

1. Council awards the offer to Roman Contractors Pty Ltd, (ABN: 48 122 536 770) for the amount of \$665,390.91 (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 RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 that the alternative offer from Roman Contractors Pty Ltd provides the best value for repairing the eight landslip sites.

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:

All flood damage items designated in RFO2018002 for Major Flood Repair Work - Landslip Repairs Bundle 6 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. 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.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2018002 - Offer Evaluation Report (ECM 5102798).

(Confidential) Attachment 2. RFO2018002 - Offer Evaluation Scoring Sheet (ECM 5102803).

Attachment 3. RFO2018002 - Bundle 6 Flood Repair Works Map ((ECM 5102739).
