



TWEED
SHIRE COUNCIL

Mayor: Cr K Milne

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

Addendum Agenda

**Ordinary Council Meeting
Thursday 7 November 2019**

held at

**Council Chambers, Murwillumbah Civic & Cultural Centre, Tumbulgum Road,
Murwillumbah**

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:

ITEM	PRECIS	PAGE
	ADDENDUM ITEMS	4
	ADDENDUM REPORT FROM DIRECTOR ENGINEERING	4
7	ADDENDUM [E-CM] RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising	4

ADDENDUM ITEMS

ADDENDUM REPORT FROM DIRECTOR ENGINEERING

7 ADDENDUM [E-CM] RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising

SUBMITTED BY: Water and Wastewater - Business & Assets

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.3 Utility Services
- 1.3.4 Water Supply -- To provide secure, high quality and reliable drinking water which meets health and environmental requirements.

ROLE: **Provider**

SUMMARY OF REPORT:

Request for Offer RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising was called to complete an EIS for the raising of Clarrie Hall Dam from a list of suitable consultants as established from an expressions of interest process conducted previously (RFO2018109).

At the time of closing three 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 RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising:

1. Council awards the Offer to Eco Logical Australia Pty Ltd ABN 87 096 512 088 for the amount of \$ 897,972.73 (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 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

Due to increasing demand for water as a result of projected population growth and the increasing uncertainty of water supply yield associated with climate change, there is a requirement to augment the Tweed District Water Supply by 2026; this being the point where demand will exceed secure yield.

In December 2015, Tweed Shire Council resolved to adopt the raising of Clarrie Hall Dam as the preferred option for future water security and proceed with the planning approval and land acquisitions phase for the project.

Council is now progressing the preferred option to raise Clarrie Hall Dam consistent with the 2015 resolution.

The first stage of the process requires the completion of an EIS. Council advertised for an Expression of Interest (RFO2018109) for suitable consultants to prepare an Environmental Impact Statement in October 2018. Three suitable consultants were shortlisted for the work.

The Request for Offer RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising was then called. The three shortlisted Consultants submitted an Offer by the Offer Closing time required.

Request for Offer Advertising

In accordance with the provisions of the Local Government Act 1993 and the NSW Local Government (General) Regulation 2005. The Request for Offer document was available to shortlisted consultants for download from Council etendering website on the 24 July 2019.

Submissions of Offers closed at 4:00pm (local time) on 28 August 2019 on Council's website and in the Tender Box located in the foyer at the Tweed Shire Council Civic and Cultural Centre, Murwillumbah NSW 2484.

Offer Evaluation Plan

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
Senior Environmental Scientist (Project Manager for EIS)
Engineer Water Efficiency and Connections
Coordinator - Strategy & Business Management (Project Manager for Clarrie Hall Dam Raising)

Offer Addendums

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

Notice to Bidders No.01 was issued to advise Bidders that:

- The Offer closing time was amended to 4.00pm NSW time on the 28th of August 2019;
- Appendices 1 to 5 were omitted from RFO2019094 and were made available for download.

Notice to Bidders No.02 was issued to advise Bidders of:

- Responsibilities for stake-holder meetings and outlined further details on tasks Council would be responsible for and tasks the Consultant would be responsible for;
- Council retaining their current Council Community and Engagement Specialist for meetings with affected landowners. It also advised that the Consultant would not be required to attend landowner meetings. However the consultant would be required to include any information in relation to the project resulting from outcome of these meetings as relayed to the Consultant to incorporate into the EIS if relevant.
- That there are no specific engagement reports other than what is contained or summarised within documents on the Project Your Say Tweed Website. A summary of the Community Engagement actions undertaken to date was provided in the shortlisted tenderer workshop (Session 3f) which was forwarded to shortlisted consultants after the workshop.
- Changes to Clause 11 of The Conditions of Offering allowing alternative Offers to be submitted provided a conforming offer was submitted.
- Changes to Clause 13 of The Conditions of Offering outlining that excessive qualifications and departures would not be accepted and that offer schedules would need to be filled in correctly and failure to do so may result in Offers being rejected.

Offer Submissions

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

Bidder	ABN
Cardno Pty Ltd	57 051 074 992
Eco Logical Australia Pty Ltd	87 096 512 088
SMEC Australia Pty Ltd	47 065 475 149

Offer Evaluation

Offers were evaluated based in accordance with the Offer Evaluation Plan. The criteria in the Offer Evaluation Plan are set out in the table below:

Criterion	Document Reference	Weighting (%)
Value for Money (normalised Offer Price)	Schedule 2.2, 2.4 (Spreadsheet)	60
Company Insurance Details	Schedule 2.3	Satisfactory/Unsatisfactory
Schedule of Consultants	Schedule 2.5	10
Project Delivery Plan	Schedule 2.6	20

Sustainable Performance	Schedule 2.7	Satisfactory/Unsatisfactory
Local Content	Schedule 2.8	10

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.

OPTIONS:

That Council:

1. Awards the Offer to Eco Logical Australia Pty Ltd ABN 87 096 512 088 for the amount of \$ 897,972.73 (exclusive of GST).
2. Declines to accept any of the Offers, including reasons for this course of action in accordance with Regulation 178 of the Local government (General) Regulation 2005).

CONCLUSION:

It is concluded that the Offer from Eco Logical Australia Pty Ltd in response to RFO2019094 provides the best value for the completing the EIS for the raising of Clarrie Hall Dam.

COUNCIL IMPLICATIONS:

a. Policy:

Procurement Policy v1.7.

b. Budget/Long Term Financial Plan:

Provision for the RFO2019094 Environmental Impact Statement (EIS) for Clarrie Hall Dam Raising is included in the Budget.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

(Confidential) Attachment 1. RFO2019094 Offer Evaluation Report (ECM 6119066).

(Confidential) Attachment 2. RFO2019094 Offer Evaluation Scoresheet (ECM 6118866).
