

## DIS420: MIDDLETON ROAD RESURFACING AND CYCLE LINK

|                             |   |
|-----------------------------|---|
| <b>Proponent / Owner</b>    | : City of Albany.   |
| <b>Business Entity Name</b> | : City of Albany.   |
| <b>Attachments</b>          | : <b>Commercial in Confidence - Confidential Briefing Note under separate cover</b> |
| <b>Report Prepared By</b>   | : Senior Civil Engineering Officer - Roads  |
| <b>Authorising Officer:</b> | : Executive Director Infrastructure, Development & Environment                      |

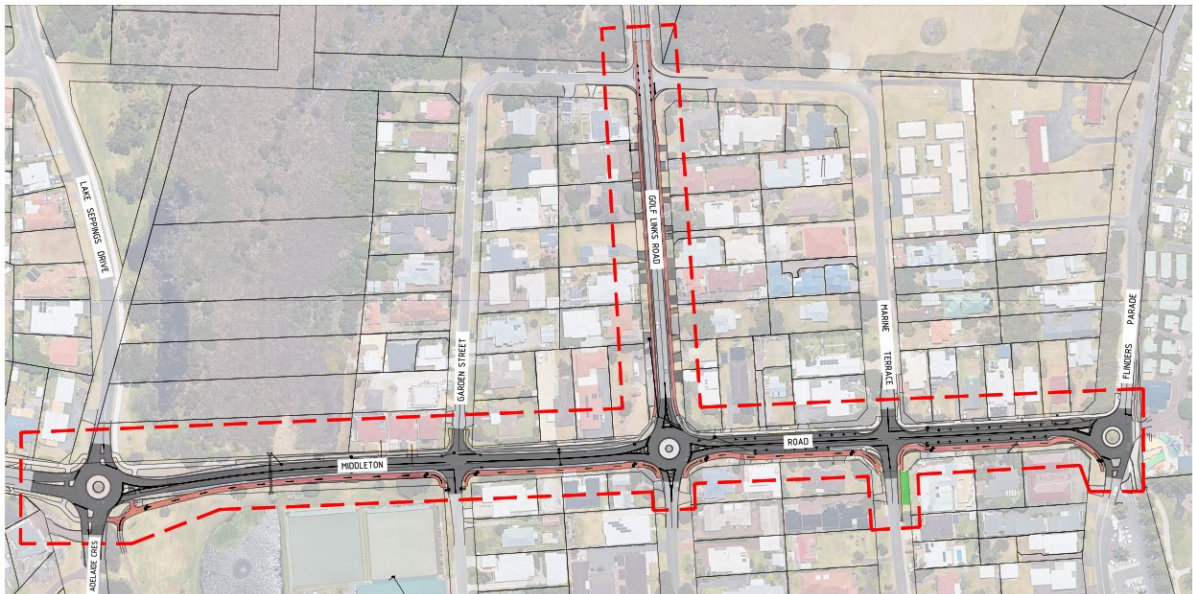
### CONFIDENTIAL ATTACHMENT

*It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.*

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Place.
  - **Outcome:** 3.4: A safe, sustainable and efficient transport network.
2. This item also relates to the City of Albany *Cycle City Albany Strategy 2014-2019*:
  - **Objective 1:** The cycling Network
  - **Strategies: 1.1:** Plan and build a cycling network that is connected and encourages shared use between vehicle users, cyclists and pedestrians.

### Maps and Diagrams:



### In Brief:

- Following a competitive tender process Council approval is sought to award Tender C24002 Middleton Road Resurfacing and Cycle Link.
- Two (2) complying tenders were received, with Tenderer B being the recommended contractor.
- Construction is expected to commence in December 2024 with completion in late March 2025.

## RECOMMENDATION

### **DIS420: AUTHORISING OFFICER RECOMMENDATION** **VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council AWARD Contract C24002 - MIDDLETON ROAD RESURFACING AND CYCLE LINK to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.**

## BACKGROUND

3. Middleton Road is a local distributor road which carries an average of 4,800 vehicles per day and provides access to Middleton Beach, numerous holiday accommodation premises such as motels and a caravan park, restaurants, cafes, bars and the local Surf Lifesaving Club.
4. Golf Links Road is also a local distributor road and carries in excess of 2,000 vehicles per day. Golf Links Road provides a link from the Middleton beach area to Emu Point and the northeastern suburbs of Albany.
5. The proposed work involves:
  - a. The construction of a new multi-use path and cycle link to connect the Middleton Beach foreshore to the existing infrastructure at Eyre park, Middleton Road and Golf Links Road.
  - b. The realignment, narrowing and resurfacing of Middleton Road from Adelaide Crescent to Flinders Parade (SLK 2.57 – 3.17) to better reflect the posted speed of 40km/hr and to create a more pedestrian and cycle friendly precinct.
6. Design and specification documentation was prepared by the City of Albany to the stage of 'Issued for Tender'.
7. The tender was open from 28th August 2024 to 26th September 2024.

## DISCUSSION

8. A total of nine (9) tender documents were issued by City of Albany.
9. Two (2) complete tender documents were submitted on or before the stipulated closing date and time.
10. The tender was evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

| Qualitative Criteria            | Weighting (%) |
|---------------------------------|---------------|
| Cost                            | 30%           |
| Relevant Experience             | 25%           |
| Demonstrated Understanding      | 20%           |
| Tenderer's Resources            | 20%           |
| Corporate Social Responsibility | 5%            |
| <b>Total</b>                    | <b>100%</b>   |

11. The following table summarises the tenderers and their weighted scores:

| Tenderer   | Total Score | Rank |
|------------|-------------|------|
| Tenderer A | 555.74      | 2    |
| Tenderer B | 659.26      | 1    |

12. The Tenderer claimed the Buy Local Policy reduction.
13. Tenderer B ranked highest with the highest score of 659.26.
14. From the evaluation scoring Tenderer B are the preferred tenderer and consequently it is recommended that their tender be accepted and the contract be awarded.

## GOVERNMENT & PUBLIC CONSULTATION

15. A request for tenders was published in The West Australian on Wednesday, 28 August 2024 and The Albany Extra on Friday, 30 August 2024.

## STATUTORY IMPLICATIONS

16. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
17. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
18. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
19. Voting Requirement: Simple Majority.

## POLICY IMPLICATIONS

20. Council's Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.
21. The value of this tender is more than \$500,000 and therefore Council approval is required as this exceeds the CEO's delegation.

## RISK IDENTIFICATION & MITIGATION

22. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

| Risk  | Likelihood      | Consequence     | Risk Analysis | Mitigation   |
|---|-----------------|-----------------|---------------|--|
| <b>People Health and Safety</b><br><i>A vehicle accident occurs due to poor geometry and narrow road width.</i>                               | <i>Possible</i> | <i>Major</i>    | <i>High</i>   | <i>Continue upgrading road as funding is available.</i>  |
| <b>Service delivery Interruption</b><br><i>Lack of maintenance causes road failure and disrupts traffic flows.</i>                            | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Identify maintenance intervention level of road and act accordingly.</i>  |
| <b>Legal and compliance</b><br><i>Excessive damage to vehicles from poorly maintained roads could result in legal claims against the City</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Continue annual maintenance and capital works on road infrastructure. Identify maintenance intervention level of road and act accordingly</i>           |
| <b>Community</b><br><i>Lack of consultation will cause frustrations and delays.</i>   | <i>Possible</i> | <i>Minor</i>    | <i>Medium</i> | <i>Complete and instigate community engagement plan</i>  |
| <b>Finance</b><br><i>Non-compliance with contract or business failure</i>   | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i> |

## FINANCIAL IMPLICATIONS

23. The value of this tender is more than \$500,000 and therefore approval is referred to Council for consideration.
24. More detailed information regarding the financial implications is contained in the Confidential Briefing Note.

25. Funding for this project has been received from Road Projects Grants (RPG), Western Australian Bicycle Network (WABN) Grants. Municipal funds are allocated in the 2024-2025 budget.

**LEGAL IMPLICATIONS**

26. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

27. The existing drainage culvert between the lake at Eyre Park and Lake Seppings is to be replaced as part of the works. City of Albany has been advised by Department of Water and Environmental Regulation that a permit to disturb the bed and banks of the waterway is not required to undertake this work.
28. City of Albany will monitor the waterway for the presence of long necked turtles during the construction of the culvert and arrange for their relocation if encountered.

**ALTERNATE OPTIONS**

29. The options are:
- a. Council may elect to accept the recommended tender; or
  - b. Not approve any tender.

**CONCLUSION**

30. The City has undergone a competitive process in line with the relevant legislation and established policies.
31. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Tenderer B.

|                             |   |
|-----------------------------|---|
| <b>Consulted References</b> | <ul style="list-style-type: none"><li>• <i>Local Government (Functions and General) Regulations 1996</i></li><li>• <i>Council Policy – Purchasing</i></li><li>• <i>Council Policy – Buy Local (Regional Price Preference)</i></li></ul> |
| <b>File Number</b>          | C24002  |
| <b>Previous Reference</b>   | N/A   |