

DIS226: SWIMMING ENCLOSURE REPLACEMENT

Land Description	: Ellen Cove, Middleton Beach.
Proponent / Owner	: City of Albany
Attachments	: Commercial in Confidence Swimming Enclosure Replacement Tender Evaluation
Report Prepared By	: Senior Civil Engineering Officer (R. Westerberg)
Responsible Officers:	: Executive Director Infrastructure, Development & Environment (P. Camins)

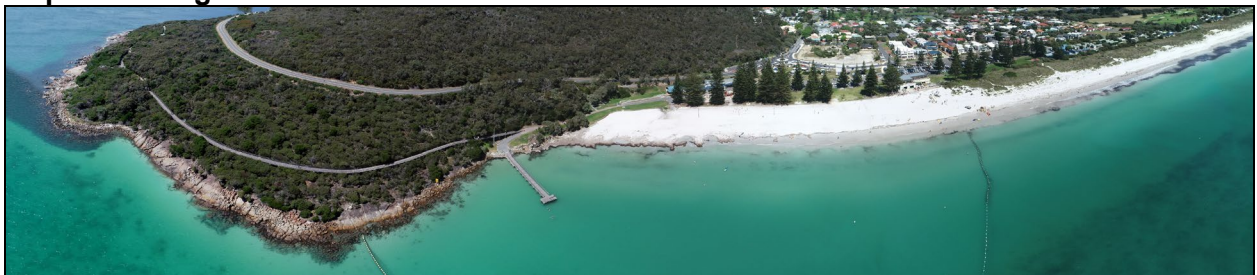
CONFIDENTIAL ATTACHMENT

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:
 - **Theme:** Clean, Green and Sustainable.
 - **Objective:** To build, maintain and renew city assets sustainably.
 - **Community Priority:** Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

Maps and Diagrams:



In Brief:

- Noting the completion of the competitive tender process, approval is sought to award the tender for the Contract C20011 – Replacement of Ellen Cove Swimming Enclosure to the preferred tenderer recommended in the confidential attachment to this report.

COVID-19 IMPACT

2. Components of the preferred tenderers product are manufactured in China which may result in a delay to expected practical completion date.

RECOMMENDATION

DRAFT MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item DIS226: Swimming Enclosure Replacement be ACCEPTED for consideration by Council as an urgent item.

DIS226: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) **ACCEPT the funding offered by State Government for the replacement of the swimming enclosure of \$200,000;**
- (2) **ACCEPT the tender from the tenderer recommended in the Confidential Attachment to this report; and**
- (3) **AWARD Contract C20011 – Replacement of Ellen Cove Swimming Enclosure, including ongoing maintenance, to the preferred tenderer.**

BACKGROUND

3. The Swimming Enclosure at Ellen Cove has been very popular with the community. A past survey of the community in March 2017 found that 93.15% of people saw value in the City installing and maintaining the enclosure.
4. The previous swimming enclosure was showing signs of significant wear and was subsequently removed in June 2020.
5. The City owns the anchoring system that remains in place (chain, anchors, concrete blocks) for the swimming enclosure. The anchoring system has a longer lifespan (approximately 20 – 30 years) and can be used to install a replacement enclosure.
6. On the 9th June 2020 the State Government announced that it will provide funding assistance on the capital component for the replacement of the swimming enclosure on a dollar for dollar basis, up to a maximum of \$200,000.
7. Further advocacy to the State Government has resulted in a commitment from the Minister to provide assistance of the whole \$200,000. See the confidential briefing note for further details.

DISCUSSION

8. The standard tender process was undertaken as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations).
9. Tenders were advertised both state-wide and locally from the 8 July 2020 and were closed on 29 July 2020.
10. Eleven (11) tender documents were downloaded from the City of Albany website, resulting in the City receiving two (2) conforming tender submissions.

EVALUATION OF TENDERS

11. The tender panel evaluated tenders using the weighted criteria methodology across five key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Relevant Experience	20%
Key Personnel Skills and Experience	10%
Demonstrated Understanding	25%
Corporate Social Responsibility	5%
Cost	40%
Total	100%

12. The following Table 2 summarises the tenders and the overall evaluation scores applicable.

Table 2 – Summary of Tender Submissions

Tenderer	Total	Rank
Preferred Tenderer	598.89	1
Company 2	561.11	2

13. The preferred tenderer ranked highest with the highest total weighted score.

GOVERNMENT & PUBLIC CONSULTATION

14. Two community surveys have been undertaken on the matter of the swimming enclosure. These were:
 - a. A community perception survey in October 2015 prior to the installation of the first swimming enclosure; and,
 - b. A community experience survey in March 2017 post installation of the first swimming enclosure.
15. The results of the post installation survey conducted in March 2017 showed strong community support for the swimming enclosure.
16. The City of Albany advocated for funding from the State Government, specifically the Department of Primary Industries and Regional Development.
17. The Department of Primary Industries and Regional Development committed to providing funding assistance on the capital component for the replacement of the Middleton Beach swimming enclosure on a dollar for dollar basis, up to a maximum of \$200,000.
18. The Department of Primary Industries and Regional Development will be notified with regard to the award of tender and the timeframe for completion.

STATUTORY IMPLICATIONS

19. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
20. 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.
21. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
22. Voting Requirement: **Absolute Majority**.

POLICY IMPLICATIONS

23. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment <i>Proposed enclosure structure is not designed to allow the movement of wrack (seagrass) through the enclosure.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Consideration made to the movement of wrack by the tenderers.</i>
Financial & Sponsor Reputation <i>Lost opportunity to replace the asset with State funding being made available.</i>	<i>Almost Certain</i>	<i>High</i>	<i>Moderate</i>	<i>Approve proposed award of tender and subsequent installation of replacement enclosure.</i>
People Health & Safety <i>Potential for shark attacks without the swimming enclosure installed</i>	<i>Unlikely</i>	<i>Severe</i>	<i>High</i>	<i>Replace the previous swimming enclosure through an open tender process.</i>
Opportunity: <i>Enable the provision of a community desired facility to the Albany municipality.</i>				

FINANCIAL IMPLICATIONS

25. See Confidential Briefing Note.

LEGAL IMPLICATIONS

26. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

ENVIRONMENTAL CONSIDERATIONS

27. Site management controls will be enforced to mitigate adverse any possible environmental impacts.

ALTERNATE OPTIONS

28. The options are:
 - a. Accept the recommended tender;
 - b. Not approve any tender; or
 - c. Select an alternative tender.

CONCLUSION

29. On reviewing the submissions, the preferred tenderer is deemed the most advantageous tenderer across the evaluation criteria for the installation and maintenance of the replacement swimming enclosure. Their tender was well detailed and demonstrated a good understanding of the objectives.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • <i>Purchasing Policy (Tenders and Quotes), including procedures</i> • <i>City of Albany Buy Local Policy (Regional Price Preference)</i>
File Number (Name of Ward)	:	<ul style="list-style-type: none"> • <i>PR.DEC.56</i>
Previous Reference	:	<ul style="list-style-type: none"> • <i>Swimming Enclosure Replacement Strategy – presented at May 2020 DIS Committee and Ordinary Council Meeting</i> • <i>Confidential Briefing Note supporting the Swimming Enclosure Replacement Strategy</i>