

## DIS179: C19021 STAGE 1 CIVIL WORKS – MIDDLETON BEACH FORESHORE ENHANCEMENT

<b>Land Description</b>	: Middleton Beach
<b>Proponent / Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Major Projects Officer (R. Taylor)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (P. Camins)

*Should discussion be required regarding the financial or contractual matters pertaining to the tender process or award of the tender, in accordance with section 5.23 (2) (c) & (e) of the Local Government Act 1995, the meeting will go behind closed doors for that discussion. Council will re-open the meeting to members of the public prior to making a resolution.*

### 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:** Community Health and Participation
  - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
  - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

### Maps and Diagrams:



### In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for the Contract C19021 Stage 1 Civil Works – Middleton Beach Foreshore Enhancement to NEO Infrastructure.

## RECOMMENDATION

**DIS179: DRAFT RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Report Item DIS179: Stage 1 Civil Works-Middleton Beach Foreshore Enhancement be ACCEPTED as an Urgent Item in accordance with clause 3.5 of *Standing Orders Local Law 2014 (Amended)* for consideration by Council.**

**Reason:** The close of tenders for this project was 3 October 2019. The tender evaluation process was completed after the scheduled distribution date for this agenda.

It is requested that Council consider this item in accordance with clause 3.5 of the *Standing Orders Local Law 2014 (Amended)* to ensure that the project is not unduly delayed.

**DIS179: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ACCEPT the tender from NEO Infrastructure and AWARD contract C19021 - Stage 1 Civil Works – Middleton Beach Foreshore Enhancement.**

## BACKGROUND

- Tenders were called for Construction Works; Stage 1 Civil Works – Middleton Beach Foreshore Enhancement.
- It is preferable to commence works at the earliest possible time to ensure practical completion in accordance with funding requirements.

## DISCUSSION

- The standard tender process as prescribed by the *Local Government Act 1995* (the Act) and *Local Government (Function and General) Regulations 1996* (the Regulations).
- Tenders were advertised both state-side and locally from the 5 September 2019 and were closed on 3 October 2019.
- Forty Three (43) tender documents were downloaded from the City of Albany website, resulting in the City receiving six (6) conforming tender submissions with three (3) tenderers submitting conforming and alternatives.

### Evaluation of Tenders

- 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	15%
Tenderers Resources	5%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Cost	55%
<b>Total</b>	<b>100%</b>

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

**Table 2 – Summary of Tender Submissions**

<b>Tenderer</b>	<b>Total</b>	<b>Rank</b>
NEO Infrastructure	701.30	1
Tenderer B	663.55	2
Tenderer C	547.12	3
Tenderer D	518.78	4
Tenderer E	451.85	5
Tenderer F	365.33	6

9. NEO Infrastructure ranked highest with the highest total weighted score.
10. From the evaluation scoring, reference check, clarification, and financial check processes NEO Infrastructure are the preferred tender and consequently it is recommended that their tender be accepted and the contract be awarded.

### GOVERNMENT & PUBLIC CONSULTATION

11. There is no government consultation required for the award of Construction Works for the Stage 1 Civil Works – Middleton Beach Foreshore Enhancement.
12. The funding body and public will be notified with regard to the outcome of the award and timeframe for implementation.

### STATUTORY IMPLICATIONS

13. 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.
14. 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.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
16. Voting Requirement: **Simple Majority**.

### POLICY IMPLICATIONS

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

### RISK IDENTIFICATION & MITIGATION

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<b>City Operations:</b> Failure to deliver project within specified timeframe	Possible	Major	High	Award construction tender as soon as possible to satisfy funding conditions for project completion.
<b>Business Interruption:</b> Council does not support recommendation for tender award	Possible	Major	Medium	City Officer address any issues / concern, to facilitate Council making a timely decision.
<b>Opportunity:</b> Project developed and delivered on time for the benefit of the community use and precinct activation.				

**FINANCIAL IMPLICATIONS**

19. The recommended tender is within budget.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

21. The contractor's environmental sustainability policy will apply to this contract.
22. Site management controls will be enforced to mitigate adverse any possible environmental impacts.

**ALTERNATE OPTIONS**

23. The options are:
- Council can elect to accept the recommended tender,
  - Not approve any tender

**CONCLUSION**

24. It is recommended, based on the evaluation scoring, reference check, clarification, and financial check processes that the tender is awarded to NEO Infrastructure.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Local Government (Functions and General) Regulations 1996</i></li><li>• <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i><ul style="list-style-type: none"><li>○ <i>Tender/Contract Procedure</i></li><li>○ <i>Evaluation Procedure (Tenders and Quotations)</i></li></ul></li><li>• <i>Council Policy: City of Albany Buy Local Policy (Regional Price Preference)</i></li></ul>
<b>File Number (Name of Ward)</b>	:	CP.PLA.9
<b>Previous Reference</b>	:	'Stage 1 Civil Works – Middleton Beach Foreshore Enhancement; Confidential Briefing Note to Elected Members, Monday 22 October 2019