

## DIS430: C25006 - SEYMOUR, NELSON, MCLEOD PATHWAY CONSTRUCTION – BUDGET AMENDMENT

**Proponent / Owner** : City of Albany.  
**Business Entity Name** : City of Albany.  
**Attachments** : **Commercial in Confidence - Confidential Briefing Note**  
**Report Prepared By** : Team Leader Civil Infrastructure  
**Authorising Officer:** : 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.
  - **Outcomes:** A safe, sustainable and efficient transport network

#### In Brief:

- This is an additional budget review outside the normal budget review process.
- The review covers budget reallocations to cover the cost of additional funds required to award and construct the Seymour, Nelson, McLeod Pathway Construction project.

### RECOMMENDATION

#### DIS430: AUTHORISING OFFICER RECOMMENDATION 1 VOTING REQUIREMENT: ABSOLUTE MAJORITY

**THAT Council amend the Budget as follows:**

1. **REDUCE** budget for Job Number 2789 (Vancouver Road) from \$1,400,000 to \$1,100,000.
2. **INCREASE** budget for Job Number 2465 (Seymour, Nelson, McLeod Pathway Construction) from \$712,000 to \$1,012,000.

#### DIS430: AUTHORISING OFFICER RECOMMENDATION 2 VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT Council AWARD Contract C25006 Seymour, Nelson, McLeod Pathway Construction to Tenderer B as recommended by the evaluation panel and detailed in the Confidential Briefing Note attached to this report.**

## BACKGROUND

2. The Seymour, Nelson, McLeod pathway will improve the access between the existing paths along Collingwood Road and McLeod Street while providing additional safety for pedestrians and cyclists.
3. The proposed works involve the construction of a 2.5 metre wide concrete path linking an existing path on Collingwood Road to an existing path on McLeod Street via Nelson Street.
4. This path will provide a vital link between Spencer Park, Mira Mar and Middleton Beach.
5. This project was previously tendered in early October 2024 with only 1 submission received. This submission exceeded budget estimates and was not considered value for money.
6. The current tender was open from 22 January 2025 to 13 February 2025.

## DISCUSSION

7. A total of thirty three (33) tender documents were issued by City of Albany during the current tender period.
8. Two (2) complying tender documents were submitted on or before the stipulated closing date and time.
9. Both tenders submitted pricing that exceeds current budget estimates.
10. Following a competitive tender process, tenderer B has been selected as the preferred contractor.
11. Additional funds are required to award a contract and commence construction.
12. Award of this contract will be subject to Council approval of the budget amendment as per recommendation 1.
13. The tender panel evaluated tenders using the weighted criteria methodology across five (5) key areas, shown in Table 1.

**Table 1 – Evaluation Criteria**

Criteria	% Weighting
Relevant Experience	20%
Tenderers Resources	25%
Demonstrated Understanding	20%
Environmental, Social and Governance	5%
Cost	30%
<b>Total</b>	<b>100%</b>

14. The following table summarises the tenderers and the overall evaluation scores applicable.

**Table 2 – Submissions**

Tenderer	Total	Rank
Tenderer A	584.85	2
Tenderer B	660.15	1

## GOVERNMENT & PUBLIC CONSULTATION

15. A request for tenders was published in *The West Australian* on Wednesday 22 January 2025 and *The Albany Advertiser* on Thursday 13 January 2025.

## 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 for Recommendation 1 is **Absolute Majority**.
20. Voting requirement for Recommendation 2 is **Simple Majority**.

### POLICY IMPLICATIONS

21. Council's *Purchasing Policy (Tenders & Quotes)* and *Buy Local Policy (Regional Price Preference)* are applicable to this item.
22. Although the tender value is below \$1 million and can be awarded under delegation, the total budget requested exceeds \$1 million. Therefore, Council is requested to award the contract subject to confirmed funding.

### RISK IDENTIFICATION & MITIGATION

23. 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 Risk:</b> <i>Pedestrians accessing link from Collingwood Road to Nelson Street are required to use the verge or road risking being struck by vehicles.</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>A clear, delineated path would increase the level of safety for pedestrians.</i>
<b>Opportunity:</b> <i>To link Collingwood Road to Nelson Street creating a vital link between Mira Mar, Middleton Beach and Spencer Park via an all access pathway.</i> <b>Opportunity:</b> <i>Expanding the path network provides a safe option for walkers and cyclists and reduces reliance on vehicle transport.</i>				

### FINANCIAL IMPLICATIONS

24. Current funding for this project has been received from the Western Australian Bicycle Network (WABN) program, Local Roads and Community Infrastructure (LRCI) program and City of Albany municipal funds as allocated in the 2024-2025 budget.
25. The current budget allocated is insufficient to award and commence construction.
26. LRCI funding conditions state that any excess funds allocated in any given FY not expended are to be returned to the funding body.
27. It is anticipated that there will be there will be excess LRCI funding at the completion of Job 2789 – Vancouver Road.
28. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

30. Vegetation clearing as part of this contract is considered to be minimal, of low impact and is exempt from any required referrals or approvals.

### ALTERNATE OPTIONS

31. The options are:
  - a. Adopt recommendation 1 and approve tender as per recommendation 2.
  - b. Reject recommendation 1 and not approve any tenders.

**CONCLUSION**

32. That the recommendation to adopt the budget amendment be supported.
33. Subject to approval of recommendation 1, 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>• Council Policy – <i>Purchasing Policy</i></li><li>• Council Policy – <i>Buy Local (Regional Price Preference)</i></li></ul>
<b>File Number</b>	RD.DEC.258
<b>Previous Reference</b>	N/A