

**DIS251: C20021-MIDDLETON BEACH FORESHORE ENHANCEMENT-
LANDSCAPE WORKS**

Land Description	: Middleton Beach
Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Major Projects Officer (A. McEwan)
Responsible Officers:	: Executive Director Infrastructure & Environment (P. Camins)

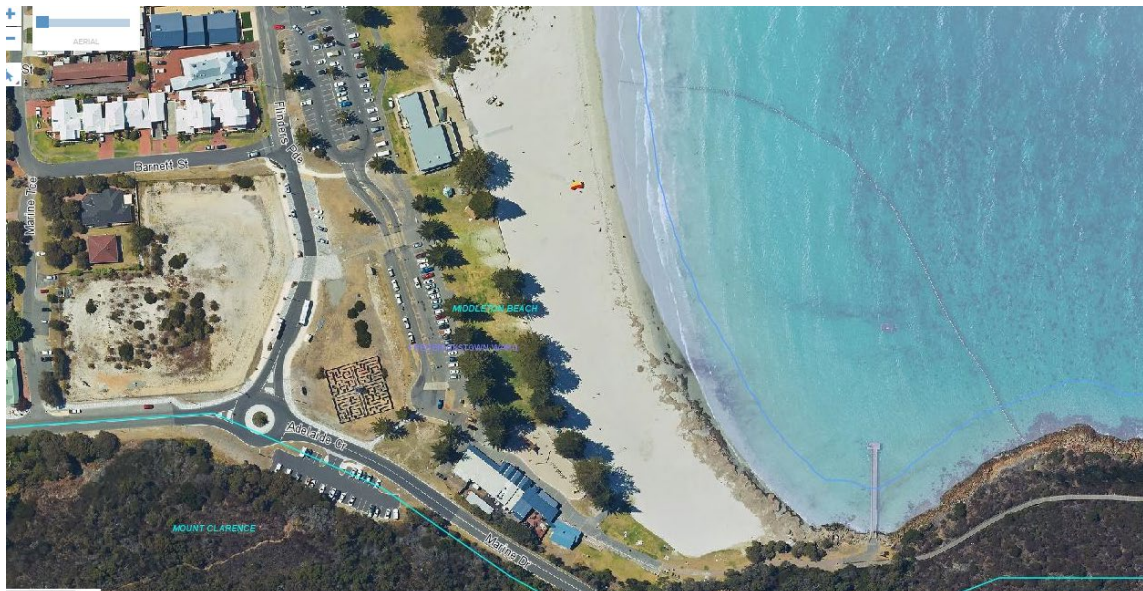
CONFIDENTIAL ATTACHMENT

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:** Community Health and Participation
 - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
To develop and support a healthy inclusive and accessible community.
 - **Community Priority:** Provide positive leadership that delivers community outcomes. Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

Maps and Diagrams:



In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for Contract C20021 - Middleton Beach Foreshore Enhancement – Landscape Works to Tenderer A.

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 DIS251: TENDER C20021 – Middleton Beach Foreshore Enhancement-Landscape Works be ACCEPTED for consideration by Council as an urgent item.

Reason:

Tender C20021 closed post the agenda distribution for this meeting. This report has been submitted for Council consideration as an urgent item in order to have the works commence as soon as possible.

DIS251: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C21001-Middleton Beach Foreshore Enhance-Landscape Works

BACKGROUND

2. Tenders were called for Middleton Beach Foreshore Enhancement – Landscape Works, Albany WA.
3. The intent of the tender invitation is for the successful Tenderer to carry out all works in accordance with every detail of the Request for Tender Documents for the completion of all remaining landscape public realm elements in accordance with the design intent. Stage 1 (coastal protection works) have been completed. Stage 2 works landscape and public realm works are currently underway (main carpark and major concrete and stone wall works).
4. It is preferable to commence works at the earliest possible time to ensure practical completion in accordance with funding requirements and not to impede other related interface works scheduled.

DISCUSSION

5. The standard tender process as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations).
6. Tenders were advertised both state-wide and locally from the 3rd December 2020 and were closed on 20 January 2021.
7. Twenty-nine (29) tender documents were downloaded from the City of Albany website.

Evaluation of Tenders

8. 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%
Tenderers Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Cost	50%

9. Tenderer A ranked highest with the highest total weighted (570.00) score being the only conforming submission.
10. From the evaluation scoring, clarification and financial check processes Tenderer A 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 Middleton Beach Foreshore Enhancement – Landscape Works, Albany WA.
12. The funding bodies 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 \$250,000.
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 Purchasing 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.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
City Operations and Financial <i>Risk: Failure to deliver project within specified timeframe may jeopardize the funding agreement.</i>	Possible	Major	High	Award construction tender as soon as possible to satisfy funding conditions for project completion.
Business Interruption <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	Medium	City staff to work with preferred tenderer to address any concerns prior to awarding the tender.
Opportunity: Project developed and delivered on time for the benefit of the community use and precinct activation.				

19. The successful Contractor will be required to generate and comply with a comprehensive Construction and Environmental Management Plan as part of their work processes.

FINANCIAL IMPLICATIONS

20. The recommended tender is within overall project budget.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. The contractor's environmental sustainability policy will apply to this contract.

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

ALTERNATE OPTIONS

24. The options are:

- Council may choose to accept the recommended tender, or
- Not approve any tender.

CONCLUSION

25. It is recommended, based on the evaluation scoring, clarification, reference and financial check processes that the tenderer A be noted as being the preferred tender, and that the CEO is given the delegated authority to award the tender to the preferred Contractor.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Local Government (Functions and General) Regulations 1996• Council Policy: Purchasing Policy (Tenders and Quotes)• Tender/Contract Procedure• Evaluation Procedure (Tenders and Quotations)• Council Policy: City of Albany Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	CP.DEC.40
Previous Reference	:	N/A