11.3 RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields

REPORT BY THE MANAGER BUILDING CONSTRUCTION
TO 20 MAY 2020 ORDINARY MEETING
GOV400087, COR400303

COMMENDATION

That Council:

1. receive the report by the Manager Building Construction on the RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields;

2. note the information provided in the attached confidential report regarding RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields;

3. decline to accept any of the tenders with respect to RFT 2020/15 Construction of Glen Willow Stage 2 Playing Fields, in accordance with Clause 178(1)(b) of Local Government (General) Regulations 2005;

4. authorise the General Manager to enter into negotiations with Evergreen Turf in accordance with Clause 178(3)(e) of Local Government (General) Regulations 2005;

5. note that the reason Council should enter into negotiations is that all tender responses were substantially outside of the allocated budget or were not able to demonstrate the required experience and capability;

6. decline to call fresh tenders at this stage assuming a satisfactory outcome can be negotiated;

7. note that the reason for declining to call fresh tenders for the works is that the market has already been tested through a competitive tender process and that the timeframe to install the playing surfaces during the spring planting window is limited;

8. delegate authority to the General Manager to accept a negotiated contract value aligning with the allocated budget

9. approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, if required, for separate components of the project, specifically supply of materials, irrigation works and earthworks, should Council proceed to self manage the construction of the Glen Willow Stage 2 playing fields;

10. approve procurement of the supply of materials, irrigation works and earthworks for the construction of Glen Willow Stage 2 playing fields through a competitive request for quote process;

11. note the reason for exemption is that the market has already been tested through a competitive tender process and that the timeframe to install the playing surfaces during the spring planting window is limited and that fresh tender
processes are not expected to add value to the procurement process; and

12. notify all tenderers of the outcome.

Executive summary

Tenders were requested for the provision of construction of playing fields for Mid-Western Regional Council as part of the stage two development works at Glen Willow Regional Sporting Complex, 58 Pitts Lane Putta Bucca NSW 2850.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council.

Disclosure of Interest

Nil

Detailed report

Mid-Western Regional Council are developing a new sports field complex. The complex is split into 2 areas. Area 1 is to consist of 2 elite rugby fields that have similar characteristics to the Glen Willow Stadium main field as well as two other high use public multi-purpose fields with a wicket table in between them. The main rugby field will be surrounded by a mound to provide protection of the rugby fields from flood waters and viewing banks for spectators.

Area 2 is to consist of 2 junior rugby league fields with a synthetic cricket pitch in between them and a smaller training area to the east of the 2 fields.

Candidates who can begin construction in June 2020 will be considered favourably with an intention of having all stolonised areas available to be used by end of March 2021

Advertised

Open to Market: 20 March 2020
Closed: 24 April 2020
36 days in total.

The above tender was advertised in the;
- Mudgee Guardian on Friday 20 March 2020;
- Sydney morning Herald on Tuesday 24 March 2020;
- Council’s e – tendering portal – VendorPanel on 20 March 2020; and
- Information regarding this tender was published on Council’s Website on 20 March 2020.

Tenders Received

Four supplier responses were received
1. David Payne Constructions
2. Evergreen Turf
3. NORTH Construction & Building Pty Ltd
4. TOBCO
5. Flemming Golf
Late Tenders
No late submissions were received.

Conforming Tenders
All tenders were deemed conforming and were assessed with the information provided.

Evaluation Findings

The following criteria were used in evaluating the tenders:

1. Demonstrated experience and capability. 40%
2. Demonstrated understanding of the project requirements 5%
3. Project timeline 5%
4. Price 50%

Based on the criteria assessed by the panel, the tenderer with the highest evaluated score is Evergreen Turf. However, the tendered price is not within budget and so the tenderer is not recommended.

Community Plan implications

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<th>Theme</th>
<th>Looking After Our Community</th>
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<tr>
<td>Goal</td>
<td>Effective and efficient delivery of infrastructure</td>
</tr>
<tr>
<td>Strategy</td>
<td>Provide infrastructure and services to cater for the current and future needs of our community</td>
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Strategic implications

Council Strategies
Community Plan
Glen Willow Master Plan

Council Policies
Procurement Policy

Legislation
Local Government Act 1993
Local Government (General) Regulations 2005 –Regulation 178

(3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following-

(a) postpone or cancel the proposal for the contract,
(b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
(c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
(d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
(e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
(f) carry out the requirements of the proposed contract itself.

Financial implications

Although, the budget is not adequate to accept complying tenders, Council officers do not recommend a budget increase, and instead recommend reviewing the project plan and scope to negotiate a satisfactory outcome with the preferred tenderer.

Associated Risks

Any larger scale multi-million dollar construction project comes with risks. The tender panel recommendation is the result of a rigorous process designed to mitigate that risk by providing a score based on experience, capability, price and understanding of the project.

The onset of the COVID-9 pandemic creates some risk at this time, particularly in relation to the supply of any materials from overseas and the movement of construction staff during the construction period being in line with any relevant public health orders. Council staff will continue to monitor developments in relation to these matters.

The decline of all tenders in the case mitigates the risk of having insufficient budget to complete the project. However, the risk of delays in the project are increased by the concern of not having a clear path forward with this component of the Glen Willow Stage 2 Project.

PAUL BLACKWELL
MANAGER BUILDING CONSTRUCTION

SIMON JONES
DIRECTOR COMMUNITY

30 April 2020

Attachments: 1. Confidential Memo to Council - RFT Glen Willow - Field Construction Tender. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER