

Item 10: Operations

10.1 RFT 2022/93 - Water and Sewer Network Maintenance and Construction Contractors

REPORT BY THE WATER AND SEWER PROJECT ENGINEER
TO 15 FEBRUARY 2023 ORDINARY MEETING
GOV400103, COR400584

RECOMMENDATION

That Council:

1. **receive the report by the Water and Sewer Project Engineer on the RFT 2022/93 - Water and Sewer Network Maintenance and Construction Contractors;**
 2. **accept the following submissions to create Council's Panel Contract for the Water and Sewer Construction and Maintenance Services:**
 - (a) **Central West Leak Detection and Plumbing**
 - (b) **Peters Plumbing and Excavations**
 - (c) **TWS Evolution PTY LTD**
 - (d) **Dependable Trade Solutions**
 - (e) **Trazilbat Pty Ltd**

for Tender RFT2022/93 for the provision of Water and Sewer network Maintenance and Construction in accordance with Clause 178 of the Local Government (General) Regulation 2005 - Part 7 Tendering;
 3. **accept the commencement date is 1 March 2023 and expiry is 1 March 2026; and**
 4. **delegate authority to the Manager, Water and Sewer to authorise additional suppliers to the list should they meet the requirements of the tender.**
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Executive summary

Water and Sewer sent out a Request for Tenders from qualified contractors to be part of a panel of providers for Water and Sewer Network Maintenance and Construction Contractors commencing 1 March 2023 for a period of 3 years. These services include reactive maintenance, scheduled maintenance or project works for the Water and Sewer Department. To qualify for the panel suppliers had to be based within a 110km distance of Mudgee's clock tower in Market Street (as the crow flies), or have operations based within a list of approved post codes.

Disclosure of Interest

Nil

Detailed report

Water and Sewer Network Maintenance and Construction

An open tender process in accordance with Section 55 of the Local Government Act 1993 was carried out for the establishment of a prequalification list via Council's e-quoting system VendorPanel and email. This contract will run for a period of 36 months from the 1 March 2023 to 1 March 2026.

Purpose

As specified in both the Request for tender documentation, this tender is designed to create both a prequalification panel, with the intension of creating opportunities for Council to seek constant value for money as well as a systematic, simple system for staff to ensure best practice procurement.

Advertised

Open to Market: 20 December 2022

Closed: 23 January 2023

Total Days: 34 Days

The Above tender was advertised in:

- Councils e-Tendering portal – VendorPanel
- Councils Social Media page
- Mudgee Guardian Newspaper

Tenders Received

Council received five conforming tenders.

- **Central West Leak Detection and Plumbing**
- **Dependable Trade Solutions**
- **Peters Plumbing and Excavations**
- **Trazilbat Pty Ltd**
- **TWS Evolution PTY LTD**

Late Tenders

There was no late tender submissions received.

Process of Evaluation

The process of evaluation, the methodology used and TEP members are in accordance to the information provided in the Procurement and Evaluation Plan.

Pricing

Please see attached schedule of rates for each supplier

Tender Evaluation Panel Members

Panel Member	Name	Position Title
Chair Person	Gemma Wilkins	Project Officer – Water and Sewer
Panel Member 1	Josh Baker	Strategic Engineering Coordinator – Water and Sewer
Panel Member 2	Peter Bartolacci	Project Engineer – Water and Sewer
Panel Member 3	Trish Elsegood	Financial Operations Coordinator - Finance

Probity

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2005. Conflict of Interest Declarations were signed by all participating evaluation panel members both on advertising of the tender and prior to evaluation. The declarations are available to be viewed if required.

All tenderer insurance records and compliance information were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines and confidentiality and probity were maintained throughout the process.

Methodology

All tenders were assessed and scored against the evaluation criteria listed in the tender documentation and weightings in the evaluation plan to determine the successful applicant.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Nil

Council Policies

Sustainable Procurement and Contracts Policy

Legislation

Local Government Act 1993

Financial implications

Nil

Associated Risks

Nil

PETER BARTOLACCI
WATER AND SEWER PROJECT ENGINEER

JULIAN GEDDES
DIRECTOR OPERATIONS

2 February 2023

Attachments: 1. RFT 2022/93 Part C - Statement of Requirements.
2. Schedule of Rates - RFT 2022/93. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

RFT 2022/93 Water and Sewer Network Maintenance and Construction Contractors– Statement of Requirement

Part D - Statement of Requirements

1. Introduction

- (a) Council is seeking requests for tender contractors who are suitably qualified and experienced for works constructing or renewing Council Water and Sewer Infrastructure. These services include reactive maintenance, scheduled maintenance or project works for Water and Sewer Department of Mid-Western Regional Council
- (b) Council has identified that there is a requirement to conduct a tender for the above services as the project costs exceed the tendering threshold nominated in Section 55 of the Local Government Act 1993.
- (c) There are multiple services being tendered. Tenderers are invited to tender for all, some or any of the services.
- (d) Council is seeking to establish a panel of Pre-qualified Contractors interested in tendering for involvement.
- (e) Council has set out criteria for the assessment of tender submissions for inclusion on the Panel.
- (f) Assessment for satisfactory conformance with these criteria will also form a basis for continued listing on the Panel. Where compliance and conformance is not achieved and/or remedial actions has not been implemented to Council's satisfaction, a tenderer may be removed from the Panel.
- (g) Council will provide all pipes and fittings for any services undertaken. Contractor will be responsible to cover overhead, profit, supervision, administration, preliminaries, labour, consumables, embedment materials, crusher dust, concrete, shoring, set-out, formwork, sub-contractors, suppliers and all and any other margins, allowances, costs and expenditures necessary to carry out and complete the work.
- (h) Works will be expected to be undertaken in accordance to a set of specifications, or a design provided by Council. As part of this tender evidence of ability to undertake works to a specification or design forms part of the assessment.
- (i) Work as executed documentation are to be provided at completion of works where request by Council. Contractor is responsible for preparing work-as-executed details and operation and maintenance information as follows:
 - Drawings in the same format as the design drawings, certified by a Registered Surveyor, showing the actual location and alignment of pipelines. Include the size, type, and levels of pipelines, valve and hydrant chamber types and cover details, and easement requirements for maintenance.
 - Asset register data.

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2. Service Categories

Council requires the provision of the Services over a range of disciplines as listed below:

	WATER AND SEWER NETWORK MAINTENANCE AND CONSTRUCTION
1.1	Install or replace water and sewer pipes
1.2	Concrete encasement of pipes
1.3	Construct, repair or modify sewer manholes
1.4	Install, replace or modify sewer and water property connections
1.5	Install and replace valves and fittings
1.6	Install lids and fall protection systems on pits
1.7	Under-bore roads and driveways for pipe installations
1.8	Maintenance and repair of sewerage treatment plant infrastructure

3. Pre-Qualified Panel List

3.1 Pre-Qualified Panel List

- (a) For all services, a panel list will be used.
- (b) Conforming tenders received will be reported to Council in alphabetical order.
- (c) Tendered prices will remain firm for the first 12 months of the Agreement period. At the request of the supplier, CPI can be applied to all existing Prices on each anniversary of the Panel Deed. Please refer to the Panel Deed and the Services Agreement for further information.
- (d) If your tender is accepted, your organisation will be placed in the appropriate category as nominated by the tenderer.
- (e) Council may, in its discretion, amend or change the order of the Panel List including (but not limited) where:
 - (i) A Panellist has been issued a notice of non-conformance;
 - (ii) Where an existing Panellist is appointed to a new category under the Panel.

3.2 Using the Pre-Qualified List

- (a) When Council requires services relating to scheduled maintenance or project works, the list of Pre-Qualified Suppliers is called upon generally by way of VendorPanel RFQ.
- (b) When Council requires services relating to reactive maintenance or short notice works, the list of Pre-Qualified Suppliers will be called upon via a ranked order process.
- (c) Once accepted onto Council's panel suppliers will be required to upload specific compliance information (i.e insurances) to Council's

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nominated electronic portal managing compliance information. More information will be provided once accepted.

- (d) Each project engagement will be considered on some or all of the factors below;
 - (i) Total Spend Value in line with Council's Procurement Policy requirements (number of quotes required)
 - (ii) Project Specification / Requirements;
 - (iii) Prices (incorporating Council's local preference policy);
 - (iv) Establishment and disbursements- Including travel, accommodation etc.;
 - (v) Availability; and
 - (vi) Consideration may also be given to Contractor performance, in line with the Principal's Contractor Management Policy;
- (e) It is at the discretion of Council to approach and engage from the open market for, but not limited to;
 - (i) All Contractors for whatever reason are unable to supply the service and/or;
 - (ii) projects of large scale or extended engagement and/or;
 - (iii) projects of a complicated / specialised scope not covered by the existing panel or insufficient suppliers able to quote and /or;
 - (iv) Council considers that no Contractor can provide satisfactory service.
- (f) Tenderers should understand that being on the pre-qualified panel provides no guarantee of engagement.
- (g) In the event of an emergency, Council reserves the right to approach suppliers in any manner necessary to address the emergent situation.

An emergency is: a situation that poses a risk/threat/danger to the public, Council employees, plant, infrastructure, environment etc and immediate action is required to make safe.

4. Returnable Schedules

- 4.1 The tendered Schedule of Pricing must be set out in the form provided in returnable schedules document, part D of this Tender.
- 4.2 Council will generally request lump sum pricing for the majority of projects by way of Request for Quotation (RFQ) to this panel. The Tenderer agrees to be bound by the

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Schedule of Prices and shall not exceed these prices when responding to Councils RFQ (to the panel) in accordance with the Panel Deed and Services Agreement.

5. Ability to work to a plan and specifications

5.1 The Supplier in their submission must confirm that supervisors and labourers are competent in reading and interpreting plans and specifications, including but not limited to:

- (a) Identify main types of plans and drawings used in the construction industry
- (b) Recognise amendments
- (c) Recognise commonly used symbols and abbreviations
- (d) Locate and identify key features on a site plan
- (e) Identify project requirements, dimensions, environmental controls and locations
- (f) Read and interpret job specifications including the standard of work, finishes and tolerances required
- (g) Material attributes identified from the specifications

5.2 The supplier is able to perform requested works to the minimum acceptable technical criteria for design and construction of water supply and reticulation networks, as detailed in the Water Supply Code of Australia (WSA03-2011-3.1)

5.3 The supplier is able to perform requested works to the minimum acceptable technical criteria for design and construction of sewer networks, as detailed in the Gravity Sewerage Code of Australia (WSA02-2014-3.1)

6. Qualifications and Experience

6.1 All operators must have on their person; all relevant licencing required by law for the service they provide and/or the plant in which they operate. The Supplier shall only provide competent and appropriately licenced operators, and verification of competencies must be provided prior if/when requested. Including, but not limited to;

- (i) Hold a Council WHS Contractor Induction card prior to entering site;
- (ii) Hold a Trade Qualification/Licence required by law to perform services specified in this RFT such as:
 - Contractor Licence
 - Qualified supervisor certificate
 - Endorsed contractor licence
 - Tradesperson certificate

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As required by Department of Fair Trading for Plumbing, draining or gas fitting work.

- (iii) Hold a NSW Water Directorate Aqua Card for working on or around drinking water infrastructure. NSW Water Directorate training is to be undertaken online via <https://watertraining.com.au/> . Cost to complete is to be at the contractors' expense.
- (iv) Hold a NSW Water Directorate Brown Card for working on or near sewerage and recycled water assets. NSW Water Directorate training is to be undertaken online via <https://watertraining.com.au/> . Cost to complete is to be at the contractors' expense.
- (b) The Supplier will ensure that all employee(s) and/or agent(s) undertake any Council Contractor Inductions specified by Council or its representative(s) prior to undertaking any works on any site owned/managed by Council.
- (c) Council Contractor inductions are undertaken on-line. Suppliers are required to provide Contractor.Inductions@midwestern.nsw.gov.au , with employee's names and email addresses for the induction link to be forwarded to them. The induction takes approximately 20 minutes and they will be required to have **a portrait photo and copy of their construction induction (white card) certification prior to commencing.**
 - This is also required for all future employees prior to entering site.
 - Council Contractor Inductions are valid for 2 years or until major changes within the WHS Act and/or/ Regulations occur.

7. Property / Utilities Damage

- (a) All fences and property owned by others of any description on or near the site of the work that is damaged by the plant or labour shall be replaced or repaired by the Supplier at no cost to Council.
- (b) All property/utilities are to be left in the same order and condition as prior to such damaged occurring and to the satisfaction of Council's representative.
- (c) The Supplier shall ensure the greatest of care be exercised during the progress of the work when plant is supplied to avoid damage to any utility service including but not limited to gas, water, sewer, electric power, telephone or fibre optic within the limits of the work site.
- (d) Utility location and investigation, such as dial before you dig is to be undertaken by the supplier.
- (e) Suppliers will be liable for any such damage caused by their employees, directly or indirectly including loss of profits arising from such damage where they have not undertaken works in accordance with the explicit direction of Council's representative.

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8. Engagement Conditions

By responding to this RFT, the Supplier acknowledges and agrees that the engagement of services is governed by and is subject to the terms and conditions contained in this document and Council's Water and Sewer Network Maintenance and Construction Contractor Services Agreement Terms and Conditions (attached).

- (a) Prices will be charged in accordance with the Schedule of Rates provided in Part D of the Tender.
- (b) Council reserves the right; however, to terminate the engagement at any time without notice should contractor's conduct or the condition/operation of the plant be either unsatisfactory or unsafe.
- (c) Council may cancel a service at any time of the day without notice due to wet weather, completion of work or for any reasonable grounds.
- (d) Engagement for projects and scheduled maintenance may be made under GC21, MW21, MMW, or Australian Standards Contracts and will be specified in RFQ at time of quotation.

9. Minimum Plant Equipment Requirements

9.1 Minimum Plant Equipment Requirements

- (a) If plant is being used as part of the engagement the supplier must supply plant that meets all WHS requirements including the Plant & Equipment Prestart checklist prior to entering the site.
- (b) Council will only accept plant that is well maintained and operated within the parameters of the manufactures recommendations/manual.
- (c) Operators and/or agents of the Supplier must make available maintenance records to any representative of Council if requested.

9.2 General Suppliers Obligations

All Suppliers (and any agent/employee) to provide services under this Agreement must:

- (a) Act with Diligence - perform the Services in accordance with the Water and Sewer Network Maintenance and Construction Contractor Services Agreement in a diligent and competent manner and with all reasonable skill and care.
- (b) Provide Resources - provide, manage and maintain sufficient resources including human resource to enable it to fulfil its obligations under this Water and Sewer Network Maintenance and Construction Contractor Services Agreement.
- (c) Maintain Licenses/Certificates of Compliance (Insurances) - procure and maintain all licenses/certificates of compliance required from all regulatory authorities and Council, for the provision by the Supplier of Water and Sewer Network Maintenance and Construction Contractor Services Agreement period. The ongoing compliance will be maintained via Councils relevant compliance management tool.

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- (d) Maintenance - provide all personnel, tools and facilities necessary to ensure all Plant and equipment is maintained and fit for purpose. As far as practicable, all adjustments and repairs must be carried out when the Plant is not required to work for Council.
- (e) Comply with Laws - comply with any laws applicable to the supply Water and Sewer Network Maintenance and Construction Contractor Services and particularly the Workplace Health & Safety Requirements and Environment Requirements.
- (f) Familiarise with and abide by this tenders Water and Sewer Network Maintenance and Construction Contractor Services Agreement, Councils policies & procedures including but not limited to; Statement of Business Ethics, WHS Policy, Smoke-Free Workplace Procedure.

9.3 During the Engagement

The Supplier must:

- (a) Be ready to commence work each day at the starting time directed by Council;
- (b) Work as directed by Council;
- (c) In respect of an item of plant, unload any plant at the site as directed by Council;

9.4 The Supplier must, at its own cost

- (a) Ensure that all Operators have received WHS and Environmental training;
- (b) Ensure that Operators are competent;
- (c) Supply and replenish all fuel, oil and grease for your own plant items;
- (d) Supply all spare parts and anything necessary for the continuous and satisfactory operation of the equipment;
- (e) Remove from the site and re-use, recycle or dispose of all waste for the plant and services vehicles in an environmentally responsible manner. Waste to be re-used or recycled must be segregated from those to be disposed of. The Supplier may, if approved by Council, re-use, recycle or dispose of waste by placing at a location on the site in the manner directed by Council;
- (f) Keep work records for works undertaken;
- (g) Keep plant safety inspection records available should they be requested by Council; and
- (h) Comply with the requirements of all Acts, Regulations, ordinances and by-laws and the safety requirements in force on the site.

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9.5 Duration of Engagement

- (a) The anticipated duration of the engagement for the project is as stated in the request.
- (b) Council may alter the duration of engagement by oral notice to the Supplier, effective immediately or as per conditions.
- (c) Where Council brings an engagement to an end before the time of the expiration of the anticipated period of engagement specified by Council, the Supplier is not entitled to any other expenses or damages incurred or suffered as a result of the termination.

10. Supplier's Obligations

10.1 General Suppliers Obligations

- (a) Act with Diligence – perform the Services in accordance with this Agreement in a diligent and competent manner and with all reasonable skill and care.
- (b) Provide Resources – provide, manage and maintain sufficient resources including human resources to enable it to fulfil its obligations under this Water and Sewer Network Maintenance and Construction Contractor Services Agreement.
- (c) Maintain Licences – procure and maintain all licenses required from all regulatory authorities, for the provision by the Supplier of Water and Sewer Network Maintenance and Construction Contractor Services.
- (d) Maintenance – provide all personnel, tools and facilities necessary to ensure all plant is maintained and fit for purpose. As far as practicable, all adjustments and repairs must be carried out when the plant is not required to work for Council.
- (e) Comply with Laws – comply with any laws applicable to the supply of Water and Sewer Network Maintenance and Construction Contractor Services and particularly the Workplace Health & Safety Requirements and Environment Requirements. Supply and maintain all plant during the engagement in a condition which minimises risks to health and safety and to the environment
- (f) Maintain records of maintenance and repairs carried out on equipment
- (g) Ensure registration (including conditional registration) and insurance is maintained on any all equipment as required by law.

10.2 Competency of Operators

The Supplier MUST:

- (a) Ensure that the Operator is competent and has received WHS and Environmental Training

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- (b) Ensure that the Operator has been trained in the safe operation of the plant or equipment and is accredited as competent (where applicable)

11. Specification – WHS and Environment

11.1 Workplace Health and Safety Requirements

- (a) To be accepted: Suppliers must provide information specified in the WHS704 – High Risk Work – Construction requirements.
- (b) Council's WHS requirements may vary from site to site, therefore, Council reserves the right to request additional WHS information as deemed necessary to ensure the safety of all involved.

11.2 Environmental Requirements

- (a) The Suppliers' legal environmental duties most relevant to the provision of Services in this Tender and are contained in the following legislation and associated regulations:
 - (i) Protection of the Environment Operations Act 1997, and
 - (ii) Waste Avoidance and Resource Recovery Act 2001.
- (b) The Supplier is advised to become familiar with the contents of and understand its responsibilities and obligations under these Acts. The Suppliers obligations under the law are not limited to the requirements stated in this document.

11.3 Supplier's Environmental Responsibilities with Respect to Plant & Equipment

The Supplier must ensure that:

- (a) The use of the plant and equipment does not pose any risk to the environment. The risk specifically relates to exhaust and noise emissions to the surrounding environment.
- (b) The necessary facilities and systems of work are provided and maintained to minimise the risks to the environment whilst transporting, maintaining, inspecting, servicing, repairing or cleaning the plant and equipment on Council site.
- (c) All transporting, maintaining, inspecting, servicing, repairing or cleaning work on plant and equipment is carried out by competent personnel.
- (d) Records of maintenance, inspections, service and repair of plant and equipment are kept and made available to Council when requested.

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12. Changing Information

The Supplier may request Council to change the following information, provided that 10 business days prior written notice is given to Council, completed relevant application documentation and provided satisfactory evidence required that the insurance policy documents have been properly amended:

- (a) If the Supplier has legally changed its name, it must immediately notify Council in writing and supply a copy of the Certificate of Registration on Change of Name to Council.

13. Change of Ownership

This section is to provide guidance in the event that a business sold to a family member, is sold between approved suppliers, or a business is sold outright to an individual not currently on our panel.

13.1 Sold to a family member

Where a supplier retires and either sells or hands the business over to a family member, Council will continue to honour the existing panel arrangement provided that the family member signs a declaration that they agree to the existing terms & conditions and agree that rates cannot be altered unless the rise aligns with Tendering conditions specified in this RFT. All plant would be transferred to the family members name unless notified in writing. Council's nominated officer would evaluate the acceptance.

13.2 Business sold to a non-approved supplier

In the event that a **whole** business is sold to an independent organisation that is not currently noted on the Water and Sewer Network Maintenance and Construction Contractor panel and/or not a family member, Council would provide the opportunity for the new organisation to complete a Transfer of Ownership Application. They are required to provide the appropriate mandatory requirements requested under this RFT prior to any consideration of acceptance. Rates cannot be amended unless it meets the requirements specified in this RFT. Council's Manager Procurement & Fleet would evaluate the acceptance of such transfers.

14. Reporting

The Supplier will be required to liaise and/or provide reports to nominated Council Representatives during the term of the agreement; requirements will be discussed and agreed between the Representative and the approved panel member at the time of engagement.

The Supplier acknowledges and agrees that Council may conduct any form of performance monitoring it considers appropriate in its absolute discretion during the Deed Term, including (without limitation) in relation to

- (a) whether Operators provided by the Supplier meet operator competency requirements including accuracy of work, quality outcomes and minimal rework;

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- (b) acceptable levels of productivity achieved;
- (c) presentation of the Daily Time Sheet, including job numbers and description of work (if engaged on an hourly, Daily or Weekly basis);
- (d) willingness to promptly respond to defects shown on the Inspection Reports;
- (e) being readily contactable by Council;
- (f) WHS and Environmental performance;
- (g) compliance with the terms and conditions in the Panel Deed and Agreement;
- (h) willingness to work in a co-operative manner and to provide a high level of customer service to Council at all times.