

## 9.4 RFT 2022/103 Mudgee Solar Farm Civil and Landscape

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 19 APRIL 2023 ORDINARY MEETING  
GOV400103, COR400594

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the RFT 2022/103 Mudgee Solar Farm Civil and Landscape;**
2. **decline to accept any of the tenders with respect to RFT 2022/103 Mudgee Solar Farm Civil and Landscape in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;**
3. **authorise the Director Community to enter into negotiations with Sunset Group Australia Pty Ltd in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021;**
4. **note that the reason Council should decline all tenders and enter into negotiations is that Council will need to clarify and negotiate contract terms offered by the preferred tenderer/s;**
5. **decline to call fresh tenders at this stage assuming that a satisfactory outcome can be negotiated;**
6. **delegate authority to the General Manager to accept a negotiated contract value aligning with the current budget; and**
7. **delegate authority to the Manager, Procurement and Fleet or their nominated Council representative to notify tenderers of their submission outcome.**

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### Executive summary

Tender submissions were received for the provision of Mudgee Solar Farm Civil and Landscape. Four tender submissions were received with one tender exceeding the allocated budget and two non-conforming. It is recommended to Council that the Director Community be authorised to negotiate with the tender within the allocated budget, Sunset Group Australia Pty Ltd.

### Disclosure of Interest

Nil

### Detailed report

Tender submissions were requested for the delivery of Civil and Landscape for the Mudgee Solar Farm (5MWp) by the Chief Financial Officer.

The tender was conducted via VendorPanel through an open market place.

### **Tender Invitation and Process**

Council opened the tender request on 23<sup>rd</sup> December 2022 and closed at 5:00pm on 17<sup>th</sup> February 2023.

The above tender was advertised in the following:

- VendorPanel
- Sydney daily newspaper (Local Government section)
- Mid-Western Regional Council website

One mandatory briefing session was held on 18<sup>th</sup> January 2023 at 33 Blain Road.

Tenders were evaluated on the following criteria and weightings:

- Task Appreciation – demonstrated understanding of the works required
- Experience of the organisation in the design, supply and installation/construction
- Experience and availability of nominated team members responsible for delivery onsite
- Project delivery schedule – realistic, within MWRC timelines
- Quality of proposed materials and equipment
- Price

A tender assessment panel was formed comprising of representatives from the relevant departments within Council, Members of the tender evaluation panel (TEP) comprised of:

- Chairperson                      Procurement Officer
- Panel Member 1                  Manager Major Projects
- Panel Member 2                  DeltaQ Representative
- Panel Member 3                  Chief Financial Officer

### **Tender Submissions**

There were four submissions received from the following organisations:

1. Hunter Land Management Pty Ltd
2. PLC Fencing Pty Ltd
3. Sunset Group Australia Pty Ltd
4. TOBCO

Two tenderers were deemed non-conforming due to not attending the mandatory site briefing and two tenderers deemed conforming.

### **Tender Evaluations**

The relevant ranking of tender as determined from the total weighted score is provided in the confidential attachment – RFT 2022/103 Mudgee Solar Farm Civil and Landscape.

It is noted that out of the four submissions one was above the available budget. And two were deemed non-conforming.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

## Strategic implications

### **Council Strategies**

Operational Plan

### **Council Policies**

Sustainable Procurement & Contracts Policy

### **Legislation**

Local Government Act 1993

Local Government (General) Regulation 2021

## Financial implications

A budget is in place for this project and, at this stage, no additional funds are requested. The aim of this report is to seek a solution where the project can be delivered within the existing budget.

## Associated Risks

The tender panel has assessed that the preferred tenderer would be capable for delivering the works, however terms of the contract and accepted departures from the tender need to be negotiated. The submitted price by Sunset Group Pty Ltd was within budget and the lowest price for conforming tenderers so it was deemed appropriate to recommend to Council that the Director Community be authorised to enter into negotiations with Sunset Group Pty Ltd, or failing that an alternate tenderer.

The recommended resolution does not request additional budget from Council. As such, Council officers would need to bring a further report to Council should it not be possible to negotiate a contract sum that is within the allocated budget.

All tender evaluation panel members indicated that they did not have any conflicts of interest.

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

30 March 2023

*Attachments:* 1. RFT2022/103 - Civil and Landscape Evaluation. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER