



the bushland shire

creating a living environment

BUSINESS PAPER

WORKSHOP MEETING

**Wednesday, 4 July, 2012
at 6:30PM**

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AGENDA AND SUMMARY OF RECOMMENDATIONS

PRESENT

NATIONAL ANTHEM

OPENING PRAYER

ACKNOWLEDGEMENT OF RELIGIOUS DIVERSITY

Statement by the Chairperson

"We recognise our Shire's rich cultural and religious diversity and we acknowledge and pay respect to the beliefs of all members of our community, regardless of creed or faith."

ABORIGINAL RECOGNITION

Statement by the Chairperson:

"We acknowledge we are on the traditional lands of the Darug and Guringai Peoples. We pay our respects to elders past and present."

AUDIO RECORDING OF COUNCIL MEETING

Statement by the Chairperson:

"I advise all present that tonight's meeting is being audio recorded for the purposes of providing a record of public comment at the meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The recordings will be made available on Council's website once the Minutes have been finalised. All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms."

APOLOGIES / LEAVE OF ABSENCE

POLITICAL DONATIONS DISCLOSURE

Statement by the Chairperson:

"In accordance with Section 147 of the Environmental Planning and Assessment Act 1979, any person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, and who has made a reportable political donation or gift to a Councillor or employee of the Council, must make a Political Donations Disclosure Statement."

If a Councillor or employee has received a reportable political donation or gift from a person or organisation who has made a relevant planning application or a submission in respect of a relevant planning application which is on tonight's agenda, they must declare a non-pecuniary conflict of

interests to the meeting, disclose the nature of the interest and manage the conflict of interests in accordance with Council's Code of Conduct."

DECLARATIONS OF INTEREST

Clause 52 of Council's Code of Meeting Practice (Section 451 of the Local Government Act, 1993) requires that a councillor or a member of a Council committee who has a pecuniary interest in a matter which is before the Council or committee and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

The Councillor or member of a Council committee must not be present at, or in sight of, the meeting of the Council or committee:

- (a) at any time during which the matter is being considered or discussed by the Council or committee.*
- (b) at any time during which the Council or committee is voting on any question in relation to the matter.*

Clause 51A of Council's Code of Meeting Practice provides that a Councillor, Council officer, or a member of a Council committee who has a non pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. The disclosure is also to be submitted in writing (on the form titled "Declaration of Interest").

If the non-pecuniary interest is significant, the Councillor must:

- a) remove the source of conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.*

OR

- b) have no involvement in the matter by absenting themselves from and not taking part in any debate or voting on the issue as if the provisions of Section 451(2) of the Act apply.*

If the non-pecuniary interest is less than significant, the Councillor must provide an explanation of why they consider that the interest does not require further action in the circumstances.

PETITIONS

RESCISSION MOTIONS

ITEMS PASSED BY EXCEPTION / CALL FOR SPEAKERS ON AGENDA ITEMS

Note:

Persons wishing to address Council on matters which are on the Agenda are permitted to speak, prior to the item being discussed, and their names will be recorded in the Minutes in respect of that particular item.

*Persons wishing to address Council on **non agenda matters**, are permitted to speak after all items on the agenda in respect of which there is a speaker from the public have been finalised by Council. Their names will be recorded in the Minutes under the heading "Public Forum for Non Agenda Items".*

GENERAL BUSINESS

- *Items for which there is a Public Forum Speaker*
- *Public Forum for non agenda items*
- *Balance of General Business items*

GENERAL MANAGER'S DIVISION

Nil

CORPORATE SUPPORT DIVISION

Nil

ENVIRONMENT AND HUMAN SERVICES DIVISION

Nil

PLANNING DIVISION

Nil

INFRASTRUCTURE AND RECREATION DIVISION

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Item 1 IR7/12 TENDER NO. T13/2012 – CONSTRUCTION OF HORNSBY AQUATIC CENTRE

RECOMMENDATION

THAT:

1. Council not accept any tender and negotiate with ADCO Constructions Pty Ltd and Lipman Pty Ltd to arrive at a lump sum tender price.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest in the contract for the following reasons;
 - a) Council has tested the market for the project and further tendering or fresh applications are not likely to produce a better result.
 - b) Timing constraints to not unduly delay this project.

3. Subject to the conclusion of successful negotiations, a further report be prepared for Council's consideration which includes a recommendation in respect of the acceptance of a tender for the construction of the Hornsby Aquatic Centre.

PUBLIC FORUM – NON AGENDA ITEMS

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1 TENDER NO. T13/2012 – CONSTRUCTION OF HORNSBY AQUATIC CENTRE

EXECUTIVE SUMMARY

Tenders have been called in accordance with the Local Government Act for the construction of the Hornsby Aquatic Centre. It is recommended that Council not accept any tender and that negotiations be entered into with ADCO Constructions Pty Ltd and Lipman Pty Ltd.

RECOMMENDATION

THAT:

1. Council not accept any tender and negotiate with ADCO Constructions Pty Ltd and Lipman Pty Ltd to arrive at a lump sum tender price.
2. Council decline to invite fresh tenders or seek fresh applications from tenderers or persons expressing interest in the contract for the following reasons;
 - a) Council has tested the market for the project and further tendering or fresh applications are not likely to produce a better result.
 - b) Timing constraints to not unduly delay this project.
3. Subject to the conclusion of successful negotiations, a further report be prepared for Council's consideration which includes a recommendation in respect of the acceptance of a tender for the construction of the Hornsby Aquatic Centre.

PURPOSE

The purpose of this report is to provide a recommendation for Tender No. T13/2012 – Construction of Hornsby Aquatic Centre.

BACKGROUND

Council at its meeting of 21 December 2011 in considering report WK73/11 for EOI 16/2011: Expression of Interest for Construction of Hornsby Aquatic Centre resolved that:

1. *Council invite A W Edwards Pty Ltd, ADCO Constructions Pty Ltd, Reed Constructions Australia Pty Ltd, Broad Construction Services, Lipman Pty Ltd and Paynter Dixon Constructions Pty Ltd to tender for the construction of Hornsby Aquatic Centre.*
2. *The result of the tender be reported back to Council.*

DISCUSSION

Tender No. T13/2012 is a Lump Sum tender and a summary of all tenders together with full evaluation details have been placed on file. Excepting this report, the summary and details of the tenders received are to be treated as confidential.

Tenders were received from the following companies:

- A W Edwards Pty Ltd
- ADCO Constructions Pty Ltd
- Lipman Pty Ltd

Reed Constructions Australia Pty Ltd, Broad Construction Services and Paynter Dixon Constructions Pty Ltd declined to make a submission.

The following criteria have been used for the evaluation of the tenders:

- Cost of works; based on tendered rates and provisional items for labour, plant hire and other works. Tendered rates must be realistic.
- Construction methodology.
- Project program.
- Skills, qualifications and experience of the project team including major subcontractors.
- Past performance and experience.
- Organisational structure.
- Sustainability.
- Financial capacity and contractual commitments.
- Quality assurance systems.
- Work Health and Safety systems.
- Insurances.
- Support for local business and industry.
- Alternative proposals.

The lump sum prices submitted were evaluated for each tender and also compared against a predetermined estimate for the work. Other criteria were assessed on information submitted with each tender, additional information requested, reference and financial checks and presentations from the three tenderers to the evaluation panel.

The attached Confidential Memo WD D&C 18/2012 provides the schedule of rates price of each tender and a summary of the evaluation. Full details of the tender evaluation are on file.

To ensure there are no probity issues, the evaluation process has been overseen by Neil Adams, Probity Advisor for Adams Consulting and Training who has provided a “clear” Probity Report on the tender process.

CONSULTATION

The tender has been evaluated by a Panel comprising the Council’s Landscape Coordinator, Mr Kurt Henkel; Manager Design and Construction, Mr Rob Rajca; Project Manager Major Buildings, Mr Ray Huzij; Project Coordinator, Craig Clendinning; Michael Cook (architect) from Peter Hunt Architect, in consultation with Davis Langdon, Quantity Surveyor; and Corporate Scorecard for financial checks. Council’s Chief Financial Officer, Glen Magus has been consulted in regards to financial capacity of tenderers and Council’s Risk and Audit Manager, Scott Allen in regards to insurance policies.

BUDGET

The funds for the tendered works are to be obtained from the Special Rate Variation (SRV) levy.

POLICY

There are no policy implications associated with this Report.

CONCLUSION

From the results of the evaluation it is recommended that Council not accept any tender and that negotiations be entered into with ADCO Constructions Pty Ltd and Lipman Pty Ltd.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Design and Construction – Mr Rob Rajca – who can be contacted on 9847 6675.

ROBERT STEPHENS

Deputy General Manager

Infrastructure and Recreation Division

Attachments:

1. To be provided under separate cover - Confidential Memo - WK Memo No. D and C 18/12: Tender T13/2012 - Construction of Hornsby Aquatic Centre Tender Evaluation Notes - *This attachment should be dealt with in confidential session, under Section 10A (2) (d) of the Local Government Act, 1993. This report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.*

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