

10.18.Gross Pollutant Traps: Honda Road and Waverton Park - Tender 10/2023

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ATTACHMENTS	1. CONFIDENTIAL - Honda Road and Waverton Park GPT Upgrade [10.18.1 - 3 pages]
CSP LINK	1. Our Living Environment 1.1 Protected, enhanced and biodiverse natural environment 2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs

PURPOSE:

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for the renewal of Gross Pollutant Traps (GPTs); Tender 10/2023.

EXECUTIVE SUMMARY:

- Tenders were called and received until 3pm 12 September 2023 for the submission of tenders to undertake the renewal of GPTs at Honda Road, Cremorne Point and Waverton Park, Waverton.
- Tender submissions were evaluated using the criteria outlined within the tender documents and in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.
- Funding for the renewal of GPTs was included in the approved 2023/24 capital works budget. However, the allocated funding was not sufficient to ensure the completion of both projects and the Waverton Park project will be deferred until 2024/25.
- If Council wishes to discuss the report, the meeting should be closed to the public to do so, in accordance with:

(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.

RECOMMENDATION:

1. THAT Council accept the tender of the highest ranked tenderer for Part A, Honda Road GPT (Gross Pollutant Traps), for Tender 10/2023.

2. THAT Council does not award the tender for Part B, Waverton Park, for Tender 10/2023

3. THAT the General Manager be authorised to take any necessary action to implement the decision including entering into associated contracts.

4. THAT Council resolves that the identified attachment to this report is to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and because consideration of the matter would, on balance be contrary to the public interest as publication of all tendered amounts would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to obtain value for money services.

Background

North Sydney Council has one of the largest networks of Gross Pollutant Traps in Metropolitan Sydney. In the 2022/23 financial year this network of GPTs captured 827 tonnes of litter before it entered Sydney Harbour. Over the last 5 years the network of GPTs has collected a total of 3,150 tonnes of rubbish.

GPTs contain trash racks or litter basket components. In the North Sydney network, many of which are constantly exposed to salt water and require replacement every five years.

In 2016 Council engaged consultants to complete a detailed audit on the performance of Council's twenty -six Gross Pollutant Traps (GPTs) and litter baskets. The audit findings were presented to the Council's Environment Reference Group on Monday 30 May 2016.

The consultant report and Councils Asset Management Plans for GPTs identified that the Honda Road trash rack, the Cremorne Point trash rack, and the Waverton Park litter baskets needed to be replaced as they have now reached the end of their useful life and the modern equivalent should be installed as part of the replacement to maximize the efficiency of these units.

The works proposed for the Honda Road GPT included the decommissioning of the existing trash rack and constructing a new GPT. These works also include the construction of the drainage pits and pipes, kerb and gutter, and resurfacing of the asphalt road.

The works proposed for the Waverton Park GPT included the decommissioning of the existing litter baskets and the construction of a GPT. These works were included as a provisional item within the tender, noting that it would be subject to available funding.

Report

Open tenders were called for the renewal of the GPTs on 18 August 2023 via Tenderlink. When the tender closed at 3pm 12 September 2023, five submissions were received from the following tenderers, listed in alphabetical order:

Tenderer
AZ Build
Ezy Pave
Optimal Stormwater
Patrick Collins Construction
TCE Contracting

Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the *Local Government Act 1993*.

The methodology adopted to undertake the tender evaluation of Tender 10/2023 was based

on selection criteria outlined in the tender documents and in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

The following information is treated as confidential in the confidential attachment:

1. Tender evaluation including selection criteria

The tender process has been reviewed and endorsed by Council's Procurement Panel for adherence to the *Procurement Policy*.

2. Tender evaluation panel results

The final ranking and point scores (out of a total 100) of the tenders are identified in the table in the confidential attachment. The assessment was based on Council's standard tender evaluation methodology, as outlined in the selection criteria.

3. Funding and costing details

Application for access to documentation should be through lodgement of a GIPA Public Information application form and payment of prescribed fees.

Consultation requirements

Work will be notified in accordance with Council's Community Engagement Protocol.

Financial/Resource Implications

Recurrent funding for the renewal of GPTs was included in the approved 2023/24 capital works budget. However, the allocated funding was not sufficient to ensure the completion of the Waverton Park GPT, which was noted as a provisional item. Funds will be requested within the 2024/25 budgeting process to renew this GPT.

It should be noted that there will be no loss in the service or efficiency of the GPT at Waverton Park due to postponing these works.

Legislation

Council acceptance of tenders must be undertaken in accordance with clause 178 of the *Regulation*. For transparency, minutes record the names of the councillors who supported the decision and any councillors who opposed the decision. Clause 178(3) of the *Regulation* gives council six options where it either accepts none of the submitted tenders or receives no tenders. The options are:

- postpone or cancel the proposal for the contract.
- invite fresh tenders, either open or selective, based on the same or different details.
- invite fresh applications by public advertisement (clause 168) from persons interested in tendering for the proposed contract.
- invite fresh applications from recognised contractors listed by council (clause 169) interested in tendering for contracts of the same kind as the proposed contract.
- enter into direct negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender.

- carry out the requirements of the proposed contract itself.

Project Program

It is anticipated that the works will commence in January 2024 and completed by June 2024, subject to the endorsement of the recommendations within this report.