

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF LISMORE HELD IN COUNCIL CHAMBERS ON TUESDAY 9 JULY 2024 AT 6.00PM

Please note: These minutes are subject to confirmation at the next Council meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

Present

Mayor, Councillor Krieg; Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Rob (via audio-visual), together with Mr Gibbons, General Manager; Mr Hartley, Acting Chief Financial Officer; Dr Logan, Chief Operating Officer; Mr Butron, Chief Community Officer; Mr Malloy, Technology Support Officer; Ms Cotterill, Governance & Risk Manager and Mrs Mitchell, Executive Officer to the General Manager & Mayor and Councillors.

Apologies and Applications for Leave of Absence or Attendance by Audio-Visual Link

73/24 **RESOLVED** that Council notes Councillor Jensen is on approved leave.

(Councillors Rob/Hall)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Confirmation of Minutes

74/24 **RESOLVED** that the minutes of the following meeting be confirmed:

- Ordinary Council meeting 11 June 2024
- Confidential Council meeting 11 June 2024
- Extra Ordinary Council meeting 25 June

(Councillors Gordon/Cook)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Disclosures of Interest

Clr Gordon declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.1 Outdoor Dining Fee Waiver 2024-2025 Financial Year

Nature: I am known to at least one of the recipients who may be a beneficiary

Clr Rob declared a Pecuniary, Significant Conflict of Interest for the following item: 11.1 Outdoor Dining Fee Waiver 2024-2025 Financial Year

Nature: I have connections with a number of people that benefit and will leave the meeting

Clr Bird declared a Non-Pecuniary, Significant Conflict of Interest for the following item: 12.3 LightnUp Support

Nature: if the item is debated I will leave the Chamber

Clr Rob declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 12.3 LightnUp Support

Nature: in relation to the ownership of the name Lismore Lantern Parade and I will leave the Chamber

Clr Krieg declared a Non-Pecuniary, Non-Significant Conflict of Interest for the following item: 11.1 Outdoor Dining Fee Waiver 2024-2025 Financial Year

Nature: I am a hospitality vendor in the CBD but no longer have an outdoor dining licence

Public Forum

Prior to dealing with the circulated reports and associated information, a Public Forum was held at which Council was addressed by the following:

Reports of the General Manager

12.2 Browns Creek Pump Station Mural

| | |
|-----|--------------|
| FOR | Keith Graham |
|-----|--------------|

Altering Order of Business

75/24 **RESOLVED** that the order of business be altered to debate item 12.2 raised during Public Forum.

(Councillors Rob/Hall)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

12.2 Browns Creek Pump Station Mural

MOTION moved that, subject to funds being made available and permission from Rous County Council, Council:

1. clean the Browns Creek Pump Station
2. request submissions from local artists presenting ideas for a mural at the Browns Creek Pump Station
3. consider any submissions to determine whether to progress a mural at the Browns Creek Pump Station

(Councillors Rob/Colby)

At this time Councillor Rob disclosed a non-pecuniary, non-significant interest as a member of Rous County Council.

76/24 **RESOLVED** that, subject to funds being made available and permission from Rous County Council, Council:

1. clean the Browns Creek Pump Station
2. request submissions from local artists presenting ideas for a mural at the Browns Creek Pump Station
3. consider any submissions to determine whether to progress a mural at the Browns Creek Pump Station

(Councillors Rob/Colby) (BP24/714)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Mayoral Minute(s) and Condolence Motions

Reports of Committees

9.1 Local Traffic Committee - 19 June 2024

77/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Hall/Bing) (BP24/712)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

9.2 Aboriginal Advisory Group 5 June 2024

78/24 **RESOLVED** that the minutes be received and adopted and the recommendations contained therein be adopted.

(Councillors Gordon/Rob) (BP24/699)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

9.3 Sister City Advisory Group Minutes - 6 June 2024

79/24 **RESOLVED** that the minutes be received and recommendations contained therein be adopted.

(Councillors Bing/Gordon) (BP24/702)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Matters Arising

10.1 Approval of Variations - Esmonde Street Reservoir Wall Remediation Works

80/24 **RESOLVED** that Council:

1. accepts the variation to the tender from Duratec Limited for Contract CDR23/1062 Esmonde Street Reservoir Wall Remediation Works for the sum of \$226,500
2. provides the General Manager delegated authority to finalise this variation from the 2024-2025 Water Reservoir Capital Renewals budget allocation
3. notes this variation will reduce the 2024-2025 Water Reservoir Capital Renewals Budget from \$750,000 to \$523,500 (ex GST)
4. notes two of the variations are essential and identified as critical repairs, with failure to address these two variations rendering the system non-compliant and voiding all warranties

(Councillors Gordon/Bing) (BP24/718)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Hall, Krieg and Rob

Voting against: Councillors Ekins and Guise

10.2 Questions on Notice

81/24 **RESOLVED** that the Question on Notice response provided in this report be noted.

(Councillors Cook/Gordon) (BP24/626)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Councillor Rob left the meeting, the time being 6:41PM

Reports of the General Manager

11.1 Outdoor Dining Fee Waiver 2024-2025 Financial Year

82/24 **RESOLVED** that Council waive Outdoor Dining licence fees for the 2024-2025 financial year to provide financial relief for outdoor dining operators, with the exception of Area B for the Pie Cart at 11 Magellan Street, Lismore, which accommodates the Pie Cart Food Van.

(Councillors Gordon/Bird) (BP24/716)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall and Krieg

Voting against: Nil

Absent: Councillor Rob

Councillor Rob returned to the meeting, the time being 6:44PM

11.2 Investments - June 2024

83/24 **RESOLVED** that the report be received and noted.

(Councillors Bing/Gordon) (BP24/717)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Hall, Krieg and Rob

Voting against: Councillors Ekins and Guise

11.3 2024 Local Government NSW Conference

84/24 **DEFEATED** that Council's motions to be submitted to the 2024 Local Government NSW Conference are:

1. Staff reporting of planning matters
2. Land and Environment court proceedings

(Councillors Rob/Hall) (BP24/472)

Voting for: Councillors Colby, Hall and Rob

Voting against: Councillors Bing, Bird, Cook, Ekins, Gordon, Guise and Krieg

11.4 Minutes from External Committees and Organisations

85/24 **RESOLVED** that Council notes the draft minutes of Arts Northern Rivers and Richmond Tweed Regional Library.

(Councillors Cook/Bird) (BP24/692)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Notices of Motion / Questions with Notice

12.1 Mayoral Attendance Report

86/24 **RESOLVED** that Council receives the Mayoral Attendance Report for June 2024.

(Councillors Gordon/Bing) (BP24/693)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall and Krieg

Voting against: Councillor Rob

12.3 LightnUp Support

Can the General Manager please clarify how much direct funding and the nominal value of any in kind support LightnUp Incorporated has received in the financial years ending 2022, 2023, and 2024, how much they will receive in the financial year ending 2025, and direct councillors to how the funding and in kind support was authorised each financial year?

General Manager's response:

The below indicates funding provided by Council resolution.

| | 2021-2022 \$ | 2022-2023 \$ | 2023-2024 \$ | 2024-2025 \$ |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| Sponsorship | 15,000 | 20,591 | 20,905 | 20,000 |
| In-kind | 10,002 | 4,354 | 2,814 | 20,000 |
| Other | | 5,736 | | |
| Total spent | 25,002 | 30,681 | 23,720 | 0 |
| Approved budget | 42,600 | 29,500 | 30,400 | 40,000 |

12.4 Koala Advisory Group

MOTION moved that Council establish a Koala Advisory Group to replace the Koala Implementation Group prior to 30 June 2024.

(Councillor Rob)

Lapsed due to want of a seconder.

12.5 Floating Solar

87/24

DEFEATED that Council:

1. redirect any spending to maintain the floating solar setup on pontoons at the waste facility to relocating the solar panels to a location where they will be more effective
2. divest any interest it has in the pontoons

(Councillors Rob/Bird) (BP24/724)

Voting for: Councillor Rob

Voting against: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall and Krieg

12.6 AVL Access to Meetings

MOTION moved that the 'Council Briefings Policy' is amended to make it clear that AVL access is permitted at Briefings and Workshops, and that visual attendance is not a requirement at any time.

(Councillor Rob)

Lapsed due to want of a seconder.

12.7 Councillor Requests

MOTION moved that clause 5.4 of the 'Councillor and Officer Interaction Policy' is amended to make it clear that any request relevant to councillors exercising their civic functions can be submitted by any means, and not just through the 'councillor request' system.

(Councillor Rob)

Lapsed due to want of a seconder.

12.8 The Hub

MOTION moved that the councillors' section of the 'Hub', Council's file management system providing users with access to various files, is not cleared at the end of a council term, so newly elected councillors have access to information previously made available to returning councillors.

(Councillor Rob)

Lapsed due to want of a seconder.

12.9 Disband the Nimbin Advisory Group

MOTION moved that the Nimbin Advisory Group be disbanded effectively immediately.

(Councillor Rob)

Lapsed due to want of a seconder.

Confidential Matters – Closed Council Meeting

88/24 **RESOLVED** that Council now exclude the press and public and meet in Closed Council to consider the following matters;

| | |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item | 13.1 Tender T2024/11 Vacuum Excavation & Pump Out Services |
| Grounds for Closure | Section 10A(2) (d i): |
| Public Interest | Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. |

| | |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item | 13.2 Tender T24/7 - Drainage Installation to Parks and Sports Fields in Lismore |
| Grounds for Closure | Section 10A(2) (d i): |
| Public Interest | Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. |

(Councillors Gordon/Colby)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Guise, Hall, Krieg and Rob

Voting against: Nil

Resumption of Open Council

When the Council had resumed its former sitting, the Mayor reported that Council, meeting in Closed Session, had RESOLVED:

13.1 Tender T2024/11 Vacuum Excavation & Pump Out Services

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the five suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/11 Vacuum Excavation & Pump Out Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion
2. delegation be provided to the General Manager to exercise the option when required to extend the contract, subject to the satisfactory performance of the suppliers
3. delegation be granted to the General Manager to approve appropriately deemed variations
4. a redacted copy of this report will be released as a public document

(Councillors Gordon/Cook) (BP24/648)

Voting for: Councillors Bing, Bird, Colby, Cook, Ekins, Gordon, Hall, Krieg and Rob

Voting against: Councillor Guise

13.2 Tender T24/7 - Drainage Installation to Parks and Sports Fields in Lismore

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the (reduced scope) tender from Twin View Turf Pty Ltd for Tender T24/7 Drainage Installation to Parks and Sports Fields in Lismore, for the sum of \$559,111.00 including GST
2. Council provides the General Manager delegated authority to issue a fixed price variation for the remaining two sites (Davidson Oval and Roder Oval), with Twin View Turf Pty Ltd pending a funding body variation request for an additional amount of \$204,341.60 to deliver the scope of works in full
3. Council approves the amendment in the 2024-2025 budget of \$694,530.00 to recognise the grant and the proposed capital works for the drainage installation work to be delivered in 2024-2025 through the Community Assets Program under the 2022 Community Local Infrastructure Recovery Package
4. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations
5. a redacted copy of this report be released as a public document

(Councillors Bing/Gordon) (BP24/689)

Voting for: Councillors Bing, Bird, Colby, Cook, Gordon, Hall, Krieg and Rob
Voting against: Councillors Ekins and Guise

Closure

This concluded the business and the meeting terminated at 7.44pm.

CONFIRMED 13 August 2024 at which meeting the signature herein was subscribed.

MAYOR

Confidential Report

Report

| | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | Tender T2024/11 Vacuum Excavation & Pump Out Services |
| TRIM Record No | BP24/648:AF24/3501 |
| Prepared by | Procurement Officer |
| Reason | To detail the evaluation of Tender submissions received for the Panel Contract for Vacuum Excavation & Pump Out Services and provide a recommendation to award the Tender. |
| Strategic Theme | Our built environment |
| Strategy | Our city and village services are well managed and maintained. |
| Action | Plan for infrastructure that meets the needs of the community. |
| Grounds for Closure | Section 10A(2) (d i): |
| Public Interest | Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to:commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. |

Executive Summary

Tender T2024/11 Vacuum Excavation and Pump Out Services was undertaken to form an un-ranked panel of approved suppliers for the provision of Vacuum Excavation and Pump Out Services. These services can be utilised on a daily basis by various departments within Council on multiple sites within the Lismore Local Government Area and may be part of planned maintenance activities such as grit removal or as an emergency response in the event of plant breakdowns.

Ten submissions were received and assessed under this tender, with five suppliers deemed suitable for inclusion on the un-ranked panel of approved providers.

It is proposed that the approved panel of providers be accepted as outlined in this report for an initial one-year period with an option for two additional one-year periods. The recommended panel of suppliers are included in this report.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the five suppliers listed in the evaluation results, to form an un-ranked panel of approved providers for Tender T2024/11 Vacuum Excavation & Pump Out Services for an initial one-year period with an option to extend the contract for two additional one-year periods at Council's discretion.
2. delegation be provided to the General Manager to exercise the option when required to extend the contract, subject to the satisfactory performance of the suppliers.
3. delegation be granted to the General Manager to approve appropriately deemed variations.
4. a redacted copy of this report will be released as a public document

Lismore City Council
Meeting held 9 July 2024 - 13.1 - Tender T2024/11 Vacuum Excavation & Pump
Out Services

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Confidential Report

Background

The use of Vacuum Excavation and Pump out services has been a necessary requirement for Council's daily operations for numerous years. Vacuum excavation enables the safe exposure of inground services as part of preliminary, construction and maintenance activities. Pump out services are essential for the management of our treatment plants and pump stations in the event of planned or unplanned shutdowns and emergency breakdowns.

A panel of ranked suppliers for the Supply of Vacuum Excavation and Flow Control (pump out) Services (T2020/18) was established in July 2020, with the final extension period concluding in June 2023. This panel is currently operating on a month-by-month extension basis.

A financial analysis of T2020/18 was conducted, with results indicating approximately \$2.1 million dollars being the total amount expended across five (5) different contractors over the three-year duration of the panel contract.

Consultation was undertaken with key end users and responsible staff, including Manager Water & Wastewater, Co-ordinator Water Treatment & Trades and Co-ordinator Water & Wastewater, to ascertain if a ranked or unranked panel was preferred. The option to establish a new panel of unranked suppliers was preferred and is the best option to satisfy Council's requirements.

Feedback from key end users has been that the model of the previous panel (T2020/18) being ranked, was not successful and is not preferred, due to the availability and scheduling of contractors, and changes in conditions during the lifespan of the contract making the ranking system ineffectual.

Due to the varying nature and value of the work programs to be carried out, a public tender was conducted, and tenderers were invited to submit a tender submission on a Schedule of Rates basis for the supply of all labour, plant, fleet and equipment to complete the works and enable a direct comparison of related costs from provider to provider.

Tender Submissions

The Request for Tender was advertised via Council's eportal VendorPanel, Local Matters and Lismore City Council's website.

Tender submissions were received from ten suppliers by the close of tender at 1pm, 11th June 2024.

No late submissions were received.

These tenderers are listed below:

- [REDACTED]
- Dynamic Hydro Excavations Pty Ltd
- Field Directional Drilling
- [REDACTED]
- Mega Waste Industries Pty Ltd
- [REDACTED]
- Summerland Environmental Service
- [REDACTED]
- Total Drain Cleaning Services Pty Ltd T/as TDG Environmental

Tender submissions were received from three of the five suppliers who are existing panel members of T2020/18 Supply of Vacuum Excavation and Flow Control (pump out) Services, which is to be concluded once the new panel T2024/11 Vacuum Excavation and Pump Out Services, commences.

Confidential Report

Tender Evaluation

The tender evaluation panel comprising of Council’s Manager Water & Wastewater (Chair), Coordinator Water Treatment & Trades, Team Leader Wastewater Maintenance and Procurement Officer undertook the assessment of tenders received.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Processes. As a group the panel reviewed the submissions accepted and scored them against the criteria from the procurement plan and as advertised in the Request for Tender.

Confidentiality and probity were maintained throughout the process.

Potential non-conformities for all were noted in the evaluation matrix for the consideration of the panel.

Methodology

The following criteria and weightings were used to assess the submission received:

| Criteria | Group Summary | Weighting |
|----------|------------------------------------------|------------|
| 1 | Total Price | [REDACTED] |
| 2 | Capability & Experience | |
| 3 | WH&S, Environment and Quality Management | |
| 4 | Local Content | |

The tender submissions were ranked for each criterion as follows:

| Rating | Description | Score (example) |
|---------------|------------------------------------------------------------------------------------------------------------------------|-----------------|
| Excellent | Exceeds requirements in all ways, with very little or no risk | 10 |
| Very Good | Meets requirements in all ways, exceeds it in some, little risk involved | 8-9 |
| Good | Meets the requirement and is workable, acceptable risk | 6-7 |
| Marginal | Nearly meets requirement, workable but may be deficient or limited in some areas, some element of risk | 4-5 |
| Poor | Offer is difficult to assess against criteria, high risk | 1-3 |
| Non-compliant | Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess | 0 |

Tender Price ([REDACTED])

Due to the varying nature of the work, tenderers were invited to complete a schedule of rates. A comparison of the rates was undertaken through four typical hourly hire and after hour scenarios based on the rates tendered. The associated costs resulting from these comparisons are listed below:

- [REDACTED] \$16,324
- Dynamic Hydro Excavations Pty Ltd \$10,524
- Field Directional Drilling [REDACTED]
- [REDACTED] [REDACTED]
- Mega Waste Industries Pty Ltd \$12,560
- [REDACTED] [REDACTED]
- Summerland Environmental Service \$10,028

Confidential Report

- Total Drain Cleaning Services Pty Ltd T/as TDG Environmental \$16,210

It is noted that the only Lismore based supplier, Summerland Environmental provided the best overall price.

Capability, Experience and Availability

All tenderers demonstrated varying degrees of capability and experience in terms of size, capacity and the number of plant items available, to the necessary accreditations held by their operators.

Council has frequently engaged the services of Summerland Environmental and Mega Waste Industries Pty Ltd, with staff reporting suppliers provided a very good level of availability, capability and experience. Field Directional Drilling, Dynamic Hydro Excavation Pty Ltd and Total Drain Cleaning Services Pty Ltd T/as TDG Environmental, have also been utilised by staff to a lesser degree, whilst providing a good level of capability and experience.

All other tenderers documented in their submissions varying degrees of capacity, capability and experience within the industry providing services for various Queensland councils and private companies however council staff have not used the services of these tenderers previously.

WH&S, Environment and Quality Management System

Tenderers were required to outline their WH&S and Quality Management Systems in relation to the supply of Vacuum Excavation and Pump Out Services in order to be included on the approved panel of providers. All submissions were deemed conforming based on the information received.

Local Content

Summerland Environmental Service is located in the Lismore Local Government area with the majority of their employees residing within 50km of Lismore.

Field Directional Drilling and Mega Waste Industries Pty Ltd are located in the Ballina Local Government area and demonstrated varying numbers of employees residing or direct spend within the Lismore and Regional area.

All other tenderers are located in Southeast Queensland.

The tender assessment panel considered the local proximity of each tenderer along with the availability and capacity of the particular specialist skill set required. The lower Southeast Queensland border region was assessed as an 'acceptable' distance from the Lismore Local Government area, to ensure necessary resources are able to be secured under this panel, to suit the varying needs of Council.

Evaluation Results and Preferred Tenderers

After assessing all submissions based on the agreed criteria and weightings, the evaluation team concluded with the recommendation of five (5) unranked approved suppliers to be included on the Vacuum Excavation and Pump Out Services Panel.

T2024/11 Vacuum Excavation and Pump Out Services Panel (Recommended)

- Dynamic Hydro Excavations Pty Ltd
- Field Directional Drilling
- Mega Waste Industries Pty Ltd
- Summerland Environmental Service
- Total Drain Cleaning Services Pty Ltd T/as TDG Environmental

Confidential Report

The list of preferred tenderers has been recommended based on demonstrated experience, capability availability and capacity, as well as inclusion on previous Council Panel Contracts, with demonstrated benefit to our local and regional economies.

Summerland Environmental, Mega Waste Industries Pty Ltd and Field Directional Drill are all local providers who have the proven availability, capacity and capability to provide the necessary services required for Council's planned or routine work programs and emergency events.

Dynamic Hydro Excavations Pty Ltd and Total Drain Cleaning Services Pty Ltd, although based in Southeast Queensland are a desired addition to the panel, due to the size of their fleet and the capacity required during a major emergency situation such as large scale power outages or pump failures. In the event that local companies were unavailable, these companies would be able to be mobilised relatively quickly to assist Council in emergency situations.

This list of preferred tenderers will provide the flexibility needed to satisfy Council's requirements for vacuum excavation routine maintenance activities as well as pump out services for planned outages and emergency breakdowns.

Probity Check

A credit check was conducted on the 17th June 2024, through Creditor Watch on all preferred tenderers to be included on the Vacuum Excavation and Pump Out Services Panel. All suppliers have a risk score rating ranging between low to neutral risk level with no adverse information found relating to court action, registered defaults, or mercantile enquiries.

S.166-S.169 Local Government (General) Regulation 2021

Tendering methodology was pursuant to Section 169(1)(b) of the *Local Government (General) Regulation 2021*. The Request for Tender was advertised on VendorPanel for a period of greater than 21 days.

Comments

Finance

The recommendation is supported as printed.

Conclusion

An assessment of submissions received under Tender T2024/11 Vacuum Excavation and Pump Out Services has been undertaken.

The assessment process has identified a list of suitable suppliers to be included on an un-ranked panel of providers. The establishment of this approved panel of providers, compiled through an open tender process will assist in the efficient and cost-effective engagement of appropriately qualified and experienced providers for Vacuum Excavation and Pump Out Services.

Attachment/s

There are no attachments for this report.

Confidential Report

Report

| | |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | Tender T24/7 - Drainage Installation to Parks and Sports Fields in Lismore |
| TRIM Record No | BP24/689:AF24/2878 |
| Prepared by | Project Manager Infrastructure & Open Spaces |
| Reason | To accept a recommended contractor for drainage installation at four sporting fields, which is a grant funded project. |
| Strategic Theme | An inclusive and healthy community |
| Strategy | Our sporting facilities and recreational spaces encourage active and passive community participation. |
| Action | Provide high-quality sporting facilities to meet the diverse needs of the Community. |
| Grounds for Closure | Section 10A(2) (d i): |
| Public Interest | Discussion of this matter in an open meeting would on balance be contrary to the public interest because it relates to: commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. |

Executive Summary

The purpose of this tender is to select a suitably qualified company with the capability, experience and availability to install subsurface drainage systems to flood affected sporting fields in the Lismore flood basin. This project is funded under the Community Assets Program, part of the 2022 Community Local Infrastructure Recovery Package offered by Regional NSW.

It was identified that the funding amount of \$694,530.00 is insufficient to deliver the full scope of drainage work as per the original scope of tendering for all six sports fields (being Nesbitt, Blair, Mortimer, Nielson, Davidson and Roder Ovals).

To deliver the planned works within the available funding amount, and in consultation with internal and external stakeholders, it was decided to reduce the scope from six to four sports fields. Davidson and Roder Ovals were removed from the original scope basing on hierarchy of sporting needs and user patronage.

This report details the evaluation of the 11 tenders received and provides a recommendation to Council to accept the tender from Twin View Turf Pty Ltd at a cost of \$559,111.00 including GST.

Council has applied for additional grant funding of \$204,314.60 to complete the remaining scope of works and proposes, should the additional grant funds be received, that a fixed price variation for the remaining two sites be executed.

Recommendation

That:

1. in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the (reduced scope) tender from Twin View Turf Pty Ltd for Tender T24/7 Drainage Installation to Parks and Sports Fields in Lismore, for the sum of \$559,111.00 including GST

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2. Council provides the General Manager delegated authority to issue a fixed price variation for the remaining two sites (Davidson Oval and Roder Oval), with Twin View Turf Pty Ltd pending a funding body variation request for an additional amount of \$204,341.60 to deliver the scope of works in full
3. Council approves the amendment in the 2024-2025 budget of \$694,530.00 to recognise the grant and the proposed capital works for the drainage installation work to be delivered in 2024/2025 through the Community Assets Program under the 2022 Community Local Infrastructure Recovery Package
4. the General Manager be delegated authority to approve variations deemed to be necessary and appropriate within their financial delegations
5. a redacted copy of this report be released as a public document

Background

Following the flooding event of 2022, significant drainage issues have been observed at a number of Council's sporting fields in the Lismore basin. This issue reduces the capacity of fields to cater for sporting events and diminishes the amenity of fields in our landscape.

To improve field drainage, the fields in the Lismore basin were investigated by a professional sports turf consultant and a scope of works and budget developed. An application was subsequently made for funding from the Community Assets Program, part of the NSW Flood Recovery Program offered by Regional NSW. A total grant of \$694,530.00 was approved under this program.

Request for Tender

A Request for Tender was advertised via VendorPanel on 1 May 2024 to install subsurface drainage systems under a MW21 contract for the following sports fields:

- Nesbitt Oval
- Davidson Oval
- Roder Oval
- Blair Oval
- Mortimer Oval
- Nielson Oval

Tender Evaluation

A total of 11 tender submissions were received by the close of tender on 24 May 2024. The 11 tenderers are listed below:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- Twin View Turf Pty Ltd
- [Redacted]

Confidential Report

The tender evaluation panel comprising Council's Project Manager – Infrastructure & Open Spaces, Project Officer – Parks & Open Space and external design consultant from Labosport Australia, undertook the assessment of tenders received. The tender was conducted in accordance with Clause 166(a) of the *Local Government (General) Regulation 2005*.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

Methodology

The following criteria and weightings were used to assess submissions received:

| Criteria | Group Summary | Weighting |
|----------|------------------------------------------------------|-----------|
| 1 | Total Price | |
| 2 | Capability, Experience and Availability | |
| 3 | WH&S, Risk Management and Quality Management Systems | |
| 4 | Local Content | |

Tenders were ranked in respect of each criteria as follows:

| Rating | Description | Score (example) |
|---------------|------------------------------------------------------------------------------------------------------------------------|-----------------|
| Excellent | Exceeds requirements in all ways, with very little or no risk | 10 |
| Very Good | Meets requirements in all ways, exceeds it in some, little risk involved | 8-9 |
| Good | Meets the requirement and is workable, acceptable risk | 6-7 |
| Marginal | Nearly meets requirement, workable but may be deficient or limited in some areas, some element of risk | 4-5 |
| Poor | Offer is difficult to assess against criteria, high risk | 1-3 |
| Non-compliant | Tenderer has either stated non-compliance, demonstrated non-compliance, or there is insufficient information to assess | 0 |

Tender Price

- Comparison of tenders received
- Value for money.

Capability, Experience and Availability

- Relevant experience
- Resource capability
- Works Program Schedule.

WH&S, Risk Management and Quality Management System

- WH&S management
- Quality management
- Environmental management.

Local Content

- Tenderers were scored on their response to this Tender Schedule in accordance with Council's Local Supplier preference policy requirements.

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Evaluation Results

Price Evaluation

All Price submissions were checked for accuracy and that all the necessary inclusions and optional inclusions for additional work had been priced.

It was found that Precision Projects did not provide a price as requested at *Option A for Additional Work* and was therefore deemed a non-compliant tender.

It was identified that the project funding amount of \$694,530.00 was insufficient to deliver the full scope of drainage work as per the original scope of tendering for all six sports fields (being Nesbitt, Blair, Mortimer, Nielson, Davidson and Roder Ovals).

To deliver the planned works within the available project funding amount, and in consultation with internal and external stakeholders, the panel agreed to reduce the project scope from six to four sports fields. Davidson Oval and Roder Oval were removed from the original scope based on hierarchy of sporting needs and user patronage.

The priced weighted scoring is summarised in the table below:

PRICE WEIGHTED SCORE RESULTS

| PRICE | WEIGHT |
|--------------------------------------------|-----------|
| Price (Incl GST): Reduced Scope - 4 fields | |
| Average Price: | \$856,034 |
| Price Score | |
| Standardised Score: | |
| Weighted Price Score | 40% |

| PRICE | WEIGHT | Twin View |
|--------------------------------------------|-----------|-----------|
| Price (Incl GST): Reduced Scope - 4 fields | | \$559,111 |
| Average Price: | \$856,034 | |
| Price Score | | 4.23 |
| Standardised Score: | | 9.0 |
| Weighted Price Score | 40% | 34 |

Non-Price Evaluation

Almost half the pool of 10 conforming tenderers were assessed as capable and experienced in delivering the tendered works. Twin View Turf scored highly on capability, experience and availability. As per the Twin View Turf works program, this company is available immediately to deliver and complete the required works by the end of September 2024. This will allow affected playing surfaces sufficient time to recover and reduce impacts on the 2024-2025 cricket season.

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The non-priced weighted scoring is summarised in the table below.

Non-Price Weighted Score Results

| | WEIGHT | SCORE |
|-----------------------------------------|--------|-----------|
| Capability, Experience and Availability | █ | Out of 10 |
| | | Weighted |
| WH&S, Risk and Quality Management | █ | Out of 10 |
| | | Weighted |
| Local Content | █ | Out of 10 |
| | | Weighted |
| Weighted Totals | █ | |

| | WEIGHT | SCORE | Twin View |
|-----------------------------------------|--------|-----------|-------------|
| Capability, Experience and Availability | █ | Out of 10 | 9.7 |
| | | Weighted | 29.0 |
| WH&S, Risk and Quality Management | █ | Out of 10 | 9.0 |
| | | Weighted | 9.0 |
| Local Content | █ | Out of 10 | 6.2 |
| | | Weighted | 12.3 |
| Weighted Totals | █ | | 50.3 |

The ranking and combined scoring results from the analysis of the 10 conforming tenders received are summarised in the table below.

Total Score

| | | |
|--------------------------------|---|-------------|
| Total Weighted Price Score | █ | |
| Total Weighted Non-Price Score | █ | |
| Total Score | | 100% |
| Rank | | |

| | | Twin View |
|--------------------------------|---|-------------|
| Total Weighted Price Score | █ | 34 |
| Total Weighted Non-Price Score | █ | 50.3 |
| Total Score | | 84.3 |
| Rank | | 1 |

Lismore City Council
Meeting held 9 July 2024 - Tender T24/7 - Drainage Installation to Parks and Sports Fields in Lismore

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Confidential Report

Post-Tender Communications, Clarifications and Due Diligence

- Tender T24/7 - Drainage Installation to Parks and Sports Fields in Lismore closed on 24 May 2024.
- The Tender Evaluation Panel evaluated the 10 conforming submissions received and identified a preferred tenderer to deliver the required works as per the original scope (all six fields) contained in the Funding Deed. It should be noted that the available funding amount of \$694,530.00 is insufficient to deliver the original scope of works in full.
- A variation request has been submitted to the grant funding body requesting an additional amount of \$204,341.60 to deliver the full scope of works (all six fields) as per the Funding Deed.
- Working within the available funding amount of \$694,530.00 the panel has reduced the scope of works from six to four sports fields.
- All 11 tenderers have been contacted to advise of the varied scope and timing of work and that the outcome of the tender evaluation process will be advised after Council's ordinary meeting of 9 July 2024.

Budget

The budget for the project is \$694,530.00, being fully grant funded.

Comments

Finance

The recommendation is supported as printed.

Conclusion

Submissions have been assessed in line with the requirements outlined in the Request for Tender documentation.

The Tender Evaluation Panel recommends Contract T24/7 Drainage Installation to Parks and Sports Fields in Lismore, be awarded to Twin View Turf Pty Ltd for their price, capability, experience and availability to execute the reduced scope of works identified post tender.

Attachment/s

There are no attachments for this report.