

**10.1 Contract award: Memorial Gardens, Port Noarlunga – stage 1 landscaping and associated works, contract number 09023 OT**

*This report is seeking Council approval to award the contract to upgrade community open space, including development of a memorial garden, at Lot 6 Esplanade, Port Noarlunga.*

General Manager: Bruce Williams, General Manager Projects and Services  
Report Author: Matt Buckell, Project Leader (matbuc@onkaparinga.sa.gov.au)  
Contact Number: 8384 0629  
Attachments: 1. Tender Evaluation Summary (2 pages)

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**1 Executive summary**

**1.1 Topic**

This report is seeking Council approval to award the contract to upgrade community open space, including development of a memorial garden at Lot 6 Esplanade, Port Noarlunga.

**1.2 Context**

Tenders were received through an open tender process and assessed through council's Tender Management System (TMS) as tender number 09023 OT.

The contract value for the development of the memorial gardens Port Noarlunga is outside the Chief Executive Officer's delegated authority (\$500,000) and therefore requires a decision of Council to approve the expenditure.

It is suggested that Council consider this item in Confidence. Section 90(3)(k) of the Local Government Act 1999 is suggested as the most appropriate to use for this purpose.

This item is presented as a confidential item as it presents commercial tenders for the carrying out of works for Council's consideration and award. Our procurement policy and process focuses on ensuring the confidentiality of all information in the course of tendering is preserved.

**1.3 Suggested outcome**

That Council approves award of the contract to Landscape Environs Pty Ltd as recommended by the tender assessment team.

**2 Recommendation(s)**

**1. That**

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.**

**b. Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:**

- **Section 90 (3)(k) tenders for the supply of goods, the provision of services or the carrying out of works.**

**c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.**

- 2. That Council accept the tender proposed by Landscape Environs Pty Ltd for the Memorial Gardens, Port Noarlunga stage 1 landscaping and associated works, tender number 09023 OT at a cost of \$859,375.18 (including GST).**
- 3. That Council authorise the Chief Executive Officer to sign all required documentation to finalise the contract with Landscape Environs Pty Ltd for works associated with the Memorial Gardens, Port Noarlunga stage 1 landscaping and associated works.**
- 4. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(k) until the contract has been awarded and signed.**

## Key Factors

### 3 Discussion

#### 3.1 Details of tender

In accordance with council's Contracts, Tenders and Purchasing Policy and Procedures, an open tender invitation was issued through SA Tenders and Contracts.

The tender process included a site meeting with potential tenderers and council staff to enable visual inspection and an opportunity to discuss construction methodologies (eg. access issues, etc).

#### 3.2 Tenders received

Four tenders were received. The following table summarises the tender submission prices.

<b>Tender</b>	<b>Tendered Amount (GST Inclusive)</b>	<b>Tendered Amount (GST Exclusive)</b>
Landscape Environs	\$ 859,375.18	\$781,250.16

<b>Tender</b>	<b>Tendered Amount (GST Inclusive)</b>	<b>Tendered Amount (GST Exclusive)</b>
Adelaide Innovative Landscaping	\$ 873,465.00	\$794,059.09
Hakea Landscape and Revegetation Services	\$ 1,222,809.18	\$1,111,644.71
McMahon Services	\$ 1,248,137.25	\$1,134,670.23

Tenders were assessed in accordance with clause 23 'evaluation of tenders' of the City of Onkaparinga's administration procurement procedure. This procedure requires that tenders are assessed by an evaluation panel using a weighted matrix to rank the tenderers in order of preference.

A list of the evaluation panel members is provided in attachment 1, table 2.

### **3.3 Tender Management System (TMS)**

All tender prices were entered into the TMS database program. The database calculates (using the Australian Consulting Engineers Association calculation) the price score based on the median price.

All evaluation scores (other than price) are determined by the evaluation panel based on the weighted criteria nominated for this tender as shown in the Council Tender Evaluation Summary (attachment 1, table 3). The selection criteria are made available in the tender documentation.

#### **3.3.1 Criteria assessment**

The tender evaluation panel scored the tenders in accordance with the agreed selection criteria provided to tenderers within the tender documentation.

Landscape Environs tender submission provided examples of work undertaken of a similar nature, size and scale, demonstrating their ability and experience in delivery of similar types of work. Their submission provided detailed information about the personnel that would be involved in delivering the project and included a strong group (seven in total) of sub contractors with specific skills and experience in the areas required to deliver this project. A detailed methodology also confirmed a committed approach that will ensure timely completion of the project.

The tender evaluation team assessment identified Landscape Environs to have the highest weighted score and as the preferred contractor to undertake this project.

### **3.4 Timing of works**

Landscape Environs are prepared to commence on site works within three weeks of signing a contract to undertake this project. Works will then proceed in accordance with an agreed works program, subject to weather.

### 3.5 Budget details

The table below provides a summary of the budget allocation requirements for this contract.

	<b>Business Unit Number</b>	<b>Budget</b>	<b>Tendered Amount (GST exclusive)</b>
Port Noarlunga RSL Memorial Garden Lot 6 construction 2008/2009 (carry forward)	4588	\$101,619	
Port Noarlunga RSL Memorial Garden Lot 6 construction 2009/2010	4588	\$266,000	
Planning SA Grant Funding	9588	\$394,000	
Witton Bluff Path, Port Noarlunga	21160	\$30,000	
<b>Total</b>  <b>Stage 1 Memorial Gardens, Port Noarlunga – landscaping and associated works</b>  <b>Contract number 09023 OT</b>		<b>\$791,619</b>	<b>\$781,250.16</b>

There are sufficient funds available from these sources to complete the requirements of this contract. The remainder of the \$275,000 in 21160 Witton Bluff Path, Port Noarlunga funding will be used to continue path works from Lot 6 to Port Noarlunga where it will integrate with the foreshore development currently in progress.

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**4.1 Audit Committee minutes**

Report Author : Sara Zurosmki, Governance Administration Officer  
General Manager : Beth Davidson-Park, General Manager Corporate and  
Community  
Contact Number : 8301 7213  
Attachments : 1. Audit Committee minutes of meeting held on  
7 September2009 (8 pages)

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A meeting of the Audit Committee was held on 7 September 2009.

There were no items requiring a resolution of Council.

The business of the meeting is for noting by Council and is included in the minutes of the meeting (attachment 1).

**5      Closure**

**Declarations of Interest**

<b>Council Meeting Date:</b>		<b>Councillor:</b>
<b>Item No. (e.g. 3.1)</b>	<b>Declaration of Interest</b> <i>(where a member has an interest that does not lead to a conflict)</i>	<b>Declaration of Conflict of Interest</b> <i>(where a member has an interest that leads to a conflict)</i>