

## **10.2 Confidential – Contract No. 07039 Foreshore Access Plan Stage 3 - Sellicks Beach**

*Approval is sought to let a contract for an amount greater than \$500,000 (above which the CEO does not have authority).*

*This is information seeking council direction/approval*

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Attachments: 1. Tender Process Summary (1 page)  
2. Tender Evaluation (1 page)

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## **1 Executive Summary**

### **Topic**

Approval is sought for the expenditure of Council's budgeted funds in excess of \$500,000.00 for the Foreshore Access Plan Stage 3 – Sellicks Beach.

### **Context**

The total approved budget for the FAP3 project for implementation during the 2007/2008 financial year is \$729,931. This budget is made up of:

- \$400,000 contribution from Council;
- \$324,500 from PIRSA (Planning SA) under the State Government's Coast Park program; and
- \$5,431 from Urban Forests under the Million Trees program.

In accordance with our Contracts, Tenders and Purchasing Policy the prescribed method of supply is by Contract resulting from the Open Tender process.

In order to implement the project Council approval is now sought to let the Contract. Consistent with our Contracts, Tenders and Purchasing Policy, Council approval for this is now sought.

A separate non-confidential report has been included in this agenda that provides details in relation to the Foreshore Access Plan Stage 3 – Sellicks Beach.

### **Suggested Outcome**

That Council approve the awarding of the Contract to McMahon Services Australia Pty Ltd as the Preferred Contractor for \$602,380.00 (excluding GST).

## **Recommendation(s)**

1. (a) **That under the provisions of Section 90(3) 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) **That the 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) **That 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 approve the contract with McMahon Services Australia Pty Ltd.**
  - 3) **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 purchase order has been placed and confirmed.**

## **Key Factors**

### **Discussion**

In accordance with Council's Contracts, Tenders and Purchasing Policy and Procedures, tenders were invited by Open Tender.

### **Details of Tender**

The open call for tenders closed on the 22 January 2008. The tender package was considered by twenty-five (25) various consultants and contractors. At the time of closing one (1) tender was received for the works.

### **Number of Tenders Received**

At the time of closing one (1) tender was received for the works. That tender was submitted by McMahon Services Australia Pty Ltd.

The tender was assessed and evaluated by a panel of four Council staff.

The evaluation panel have agreed that McMahon Services Australia Pty Ltd should be awarded the Contract. Their proposal was within allocated budget, and considered all elements of the tender specification, terms and conditions.

Council's Open Tender Assessment process has been followed. The Tender Evaluation by Contractor Summary (Attachment 1) and the Tender Process Summary (Attachment 2) detailing this process are attached.

**Tender Management System (TMS)**

Council staff used the TMS database program to enter all tender prices. 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 team based on the weighted criteria selected for this tender as shown in the attached Tender Evaluation by Contractor Summary (Attachment 1). The selection criteria are made available in the tender document.

The attached Tender Process Summary (Attachment 2) is automatically generated by the TMS.