

## 10.5. Tender 11/2022 - Shellcove Road Wharf Reconstruction

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<b>ENDORSED BY</b>	Jon Higlett, Acting Director Engineering and Property Services
<b>ATTACHMENTS</b>	1. CONFIDENTIAL - Memo Shellcove Road Wharf Tender 11 2022 [10.5.1 - 2 pages]
<b>CSP LINK</b>	2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs

### PURPOSE:

This report is to provide Council with an analysis and recommendation of the tender process for Tender 11/2022 for the Shellcove Wharf Reconstruction.

### EXECUTIVE SUMMARY:

- Tenders were called and were received until 3pm, 14 April 2023 for the submission of tenders to undertake the Shellcove Wharf Reconstruction - Tender No. 11/2022.
- Should Council wish to discuss this report it is noted that the attached confidential document includes commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. Further, release of the information 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. As such should this matter be discussed it should be considered in closed session.

### RECOMMENDATION:

**1. THAT** Council accept the tender of the highest ranked Tenderer for Tender 11/2022 for The Shellcove Wharf Reconstruction.

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

**3. THAT**, once Council has executed the Contract, information relating to the successful tender be published in Council's Register of Contracts as required by Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector.

**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) *commercial information of a confidential nature that would, if disclosed*
  - (i) *prejudice the commercial position of the person who supplied it*

It is further noted that release of this information 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.

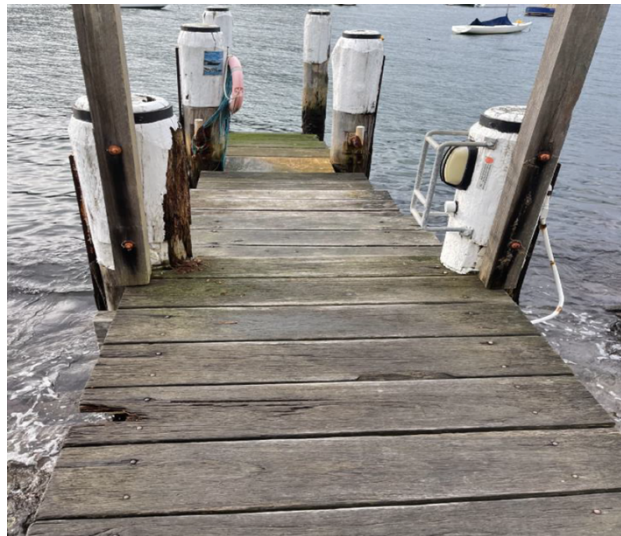
## Background

The timber access steps, wharf, and landing at Shellcove Road were constructed over 20 years ago. The wharf provides public waterfront access to the general public and is well used.

The access steps and the wharf are now in very poor condition with numerous failed structural elements due to termite damage and marine borer damage. The Wharf requires replacement, with a new structure maintaining the existing form and function.

The proposed works will provide significant benefit to public amenity, safety and functionality, and will improve waterfront access.

### Shellcove Road Wharf – Current Condition



## Tenders Received

The methodology adopted to undertake the tender evaluation of Tender 11/2022 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

Open tenders were called and were received until 3pm, 13 April 2023 via Tenderlink. At close of tenders, four tenders were received. Listed in strict alphabetical order, the tenderers were:

<b>Supplier</b>
GPM Marine Constructions
Patrick Collins Construction
Puch Construction and Building

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. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer. Application for access to documentation should be through lodgement of a GIPA Public Information application form and payment of prescribed fees.

## Options

Council has the following options in relation to this matter:

1. Do nothing/take no action
2. The recommended option

These options are assessed in the table below.

<b>Option</b>	<b>Finance/Resourcing</b>	<b>Risk/Opportunity</b>	<b>Consultation</b>
1.	Available funding not spent.  Future repair cost will be higher.  Funding may not be available.	There currently exists a potential threat to public safety associated with the poor condition of the wharf. The wharf may need to be permanently closed.	During initial site visits residents commented to Council staff that they will be disappointed if the wharf is closed.
2.	Funding for the project is appropriate.  Resourcing for the project is available.	Replacement of the deteriorating wharf will provide a new asset for Council and the community which meets current standards.	Residents have indicated to Council staff that they welcome the construction of a new wharf.

Option 2, is recommended for the following reasons:

- Capital works funding has been allocated and is available for the project. Current resources are available to deliver the project.
- The wharf is in poor condition and presents a risk to users in its current state. It requires repairs and replacement to ensure that it can safely continue to provide public waterfront access. The existing form and function of the structure will be maintained, and the new wharf will meet current standards.
- Shellcove Road Wharf is well used by the community and, based on the condition assessment carried out in 2018, requires replacement.

### **Consultation requirements**

Community engagement is not required.

### **Financial/Resource Implications**

Funding for the project is appropriate.

Resourcing for the project is available.

### **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.