

10.10.Hard Surface Weed Control Tender 06/2023

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ATTACHMENTS	1. Confidential Tender Doc 062023 (1) [10.10.1 - 3 pages]
CSP LINK	1. Our Living Environment 1.3 Clean and green places

PURPOSE:

The purpose of this report is to provide Council with an overview of the tender process for the tender for Hard Surface Weed Control (06/2023) and recommends entering a contract with the preferred tenderer.

EXECUTIVE SUMMARY:

- Tenders were called and received until 3pm Thursday 31 August 2023 for the submission of tenders to undertake the hard surface weed control of council facilities across the North Sydney LGA.
- Two tenders were received when the tender period closed at 3pm 31 August 2023.
- 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.

RECOMMENDATION:

- 1. THAT** Council accept the tender of the highest ranked tenderer for Tender 06/2023 Hard Surface Weed Control.
- 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, the 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)(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.

It is further noted that the release of this information would, on balance, be contrary to the public interest as publication of all tendered documents would discourage potential tenderers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

Background

The contract for the Hard Surface Weed Control of Council's facilities has expired. A new contract has been tendered in accordance with Council's procurement policy.

The contract period is potentially a five-year contract that consists of one (1) year + one (1) two (2) year option + another two (2) year option.

Tenders Received

The methodology adopted to undertake the tender evaluation of Tender Hard surface Weed Control 06/2023 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.

Open tenders were called and were received until 3pm 31 August 2023 via Tender link.

At close of tenders, two tenders were received. Listed in **strict alphabetical order**, the tenderers were:

Tenderer
Tenderer 1 - Envirolands
Tenderer 2 – Luhrmann Environment Management

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.

Consultation requirements

There is no community engagement required in relation to this tender.

Financial/Resource Implications

Funding for this contract has been allocated within the 2023/34 operational budget.

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 recognized contractors listed by council (clause 169) interested in tendering contracts of the same kind as the proposed contract.
- enter direct negotiations with any person with a view to entering a contract in relation to the subject matter of the tender.
- carry out the requirements of the proposed contract itself.