

10.16.Tender 18/24 Seawall Restoration Works

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ENDORSED BY	Gary Parsons, Director Open Space and Infrastructure
ATTACHMENTS	1. CONFIDENTIAL - Tender 18/2024 [10.16.1 - 3 pages] 2. Locality Map [10.16.2 - 1 page]
CSP LINK	1. Our Living Environment 1.1 Protected, enhanced and biodiverse natural environment 2. Our Built Infrastructure 2.1 Infrastructure and assets meet diverse community needs

PURPOSE:

The purpose of this report is to provide Council with an analysis and recommendations of the tender process for Tender 18/2024 - Seawall Restoration Works.

EXECUTIVE SUMMARY:

- Tenders were called and received until 3pm 12 September 2024 for the submission of tenders to undertake seawall restoration works.
- 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.

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it 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 18/2024.
- 2. THAT** the Chief Executive Officer be authorised to take any necessary action to implement the decision including entering into associated contracts.
- 3. 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.

(d)(ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it 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

As part of Council's ongoing seawall rehabilitation program, three sites have been identified as requiring urgent structural stabilisation. As per Attachment 2 to this report, these walls are in the following areas:

- Site 1 – Bradfield Park, Milsons Point;
- Site 2 – Blues Point Reserve, McMahons Point; and
- Site 3 – Milson Park, Neutral Bay.

The standard methodology employed to stabilise the seawalls incorporates the use of the pressure grouting by pumping grout behind the wall to fill in voids created due to washout caused by wave actions along the harbour.

This treatment has been in use for over 25 years and has been applied to most of the seawalls along the harbour in the North Sydney Local Government Area. The treatment allows for the stabilisation of the wall in an in-situ fashion and halts further deterioration. This technique has proven to be more cost-effective than the conventional method of 'knock down and rebuild', and extends the life of the wall by another 30-40 years. From a cost perspective, the grout-stabilisation technique represents one third of the cost of rebuilding.

Report

The methodology adopted to undertake the tender evaluation of Tender 18/2024 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 12 September 2024 via Tenderlink.

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

Tenderer
Civil Works (NSW)
Shamrock Developments International

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.

The following information is treated as confidential in Attachment 1 to this report:

1. Tender evaluation including selection criteria

The tender process has been reviewed and endorsed by Council's Procurement Panel for adherence to the *Procurement Policy*.

2. Tender evaluation panel results

The final ranking and point scores (out of a total 100) of the tenders are identified in the table in the confidential attachment. The assessment was based on Council's standard tender evaluation methodology, as outlined in the selection criteria.

3. Funding and costing details

Application for access to documentation should be through lodgement of a GIPA Public Information application form and payment of prescribed fees.

Consultation requirements

Work will be notified in accordance with Council's Community Engagement Protocol.

Financial/Resource Implications

There are sufficient funds allocated to the seawall restoration program in the 2024/2025 capital works delivery program.

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.

Project Program

Anticipated Start: November 2024

Anticipated Completion: March 2025
Responsible Officer: Ashraf Doureihi, Engineering Project Manager

PROPOSED SEAWALL WORKS IN FY25

