

<b>12.1</b>	<b>COUNCIL RECESS PERIOD 2023-2024 - RECEIVING OF ITEMS DEALT WITH UNDER DELEGATED AUTHORITY BETWEEN 13 DECEMBER 2023 AND 5 FEBRUARY 2024</b>
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**TRIM Ref:** D24/2569

**Attachments:**

1. RFT272/2023 Robertson Park Redevelopment Stage 1 - Separable Portion A Construction
2. RFT272/2023 Robertson Park Redevelopment Stage 1 - Separable Portion A Construction - Attachment 1 - Confidential
3. Tender RFT IE216/2022 Traffic Management Services
4. Tender RFT IE216/2022 Traffic Management Services - Attachment 1 - Confidential

**RECOMMENDATION:**

That Council **RECEIVES** the report on the items of business dealt with under delegated authority during the over the Council recess period, 13 December 2023 and 5 February 2024:

1. RFT 272/2023 Robertson Park Redevelopment Stage 1 – Separable Portion A Construction; and
2. Tender No. IE216/2022 Traffic Management Services.

**PURPOSE OF REPORT:**

To advise Council of the items approved under delegated authority during the 2023-24 Council recess period, being 13 December 2023 and 5 February 2024.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 12 December 2023 Council resolved as follows:

*That Council DELEGATES BY ABSOLUTE MAJORITY, pursuant to section 5.42 of the Local Government Act 1995, to the Chief Executive Officer, the power to deal with any items of business that may arise between 13 December 2023 to 5 February 2024, and which are not the subject of delegated authority already granted by Council, subject to:*

1. *Reports being issued to all Council Members for a period of three business days with Council Members notified by phone prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;*
2. *Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;*
3. *A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 13 February 2024; and*
4. *A Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies.*

**DETAILS:**

The following reports were tabled over the Council recess period and approved under delegation by the CEO.

Item	Responsible Directorate	Subject	Decision and Date
1	Strategy & Development	RFT 272/2023 Robertson Park Redevelopment Stage 1 – Separable Portion A Construction	Approved under delegated authority on 21 December 2023 by the Chief Executive Officer.
2	Infrastructure & Environment	Tender No. IE216/2022 Traffic Management Services	Approved under delegated authority on 18 January 2024 by the Acting Chief Executive Officer.

**RFT 272/2023 Robertson Park Redevelopment Stage 1 – Separable Portion A Construction**

This report was circulated to Council Members on 18 December 2023 and displayed on the City's website for a period of three business days, commencing on 18 December 2023.

The City received no requests from Council Members for the report to be called in to be considered at the 13 February 2024 Council Meeting. A point of clarification was provided in respect to the scoring.

On this basis, and following appropriate due diligence, the Chief Executive Officer authorised the report under delegated authority on 21 December 2023.

**Tender No. IE216/2022 Traffic Management Services**

This report was circulated to Council Members on 12 January 2024 and displayed on the City's website for a period of three business days, commencing on 12 January 2024.

The City received no requests from Council Members for the report to be called in to be considered at the 13 February 2024 Council Meeting. Clarification was provided in respect to the reason the report is required to be approved during the recess period, registration under the Workplace Gender Equality Agency and requesting information on pricing and competitiveness of the costs compared to providing the service in house.

On this basis, and following appropriate due diligence, the Acting Chief Executive Officer authorised the report under delegated authority on 18 January 2024.

**CONSULTATION/ADVERTISING:**

All reports were displayed on the City's website during the notification period and a copy of the delegated decision was published on the website here.

**LEGAL/POLICY:**

Section 5.42(1) of the *Local Government Act 1995* provides that a local government may delegate to the CEO any of its powers or the discharge of any of its duties under this Act, other than those requiring an absolute or special majority decision (see section 5.43).

**RISK MANAGEMENT IMPLICATIONS:**

Low: It is low risk for Council to receive this report on items dealt with under delegated authority during the Council Recess Period.

**DELEGATED AUTHORITY REPORT AGENDA**

15 DECEMBER 2023

**RFT PP272/2023 ROBERTSON PARK REDEVELOPMENT - STAGE 1 - SEPARABLE PORTION A CONSTRUCTION**

- Attachments:**
1. Evaluation Summary - Confidential
  2. Robertson Park Staging Plan

**RECOMMENDATION**

That the Chief Executive under delegation from Council:

1. **NOTES:**

- 1.1 That the report and attachments were circulated to Council Members Friday 15 December 2023 for three business days with no requests received to call in the item for Council determination; and
- 1.2 That the report and attachments were placed on the City's website from Friday 15 December 2023 for access by members of the public, with no comments received;

2. **NOTES** the outcome of the evaluation process for Tender PP272/2023 Robertson Park Redevelopment – Stage 1 – Separable Portion A Construction; and
3. **ACCEPTS** the tender submission of Phase3 Landscape Construction for Tender PP272/2023 Robertson Park Redevelopment – Stage 1 – Separable Portion A Construction.

**PURPOSE OF REPORT:**

For the CEO under delegation from Council to accept the tender submission of Phase3 Landscape Construction for Tender PP272/2023 Robertson Park Redevelopment – Stage 1 – Separable Portion A Construction.

**BACKGROUND:**

Robertson Park is a vital community asset providing a variety of community recreational and sporting opportunities within Vincent. The Robertson Park Development Plan (Development Plan) was endorsed by Council at its OCM on 14 September 2021 (item 9.5).

The Development Plan includes the following key components:

- Conversion of 6 existing tennis courts to 4 multi-sports courts with a tennis hitting wall.
- A landscaped 'entry zone' incorporating a multi-sports halfcourt, footpaths, and seating walls.
- Resurfacing of 18 existing tennis courts with new perimeter fencing and LED floodlighting.
- A widened thoroughfare between the tennis courts to better manage stormwater runoff and address the on-site drainage issues, with new shade structures and native planting.
- Conversion of surplus grass courts to public open space incorporating a native rain garden.
- New nature playground, outdoor exercise equipment, and picnic settings.
- Improvements to the dog exercise area, footpath extensions, and pedestrian lighting.
- A new public restroom.

These key components are to be implemented in stages, as outlined in the City's Four-Year Capital Works Program 2023/24 - 2026/27 (CWP).

Since Council's endorsement of the Development Plan, the detailed design for Stage 1 - Separable Portion A has been prepared. This forms the basis of the tender request package and incorporates technical drawings and specifications prepared by the City's Landscape Architect, with associated electrical, structural, civil, geotechnical, arborist, and irrigation design documentation.

**DELEGATED AUTHORITY REPORT AGENDA****15 DECEMBER 2023**

This tender request relates to the implementation of Stage 1 - Separable Portion A only which comprises the conversion of 6 tennis courts to 4 multisport courts inclusive of resurfacing, fencing and floodlighting works, the tennis hitting wall, and the landscaped 'entry zone' as described above. This is the first stage of implementation for the Development Plan and was identified in the draft annual budget for 2023/24 which Council approved at its OCM on 20 June 2023 (item 11.5).

**DETAILS:****Tender Submissions**

Submissions were received from five (5) Respondents:

- Civcon Civil & Project Management Pty Ltd;
- Grand Slam Sports Equipment;
- MG Group WA;
- Phase3 Landscape Construction;
- Tracc Civil Pty Ltd.

**Evaluation Panel**

The Evaluation Panel comprised of four members, being:

- one with tender preparation skills;
- two with the appropriate operational expertise and involvement in supervising contracts;
- one with probity advice provided by a Procurement and Contracts Officer.

**Compliance Assessment**

Four of the offers received were assessed as fully compliant and progressed to the qualitative assessment.

One submission, that of Grand Slam Sports Equipment, was assessed as non-compliant and did not proceed to the qualitative stage for failing to provide any of the required documentation.

**Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offer.

The qualitative criteria and weighting used in evaluating the submission received were as follows:

Qualitative Criteria		Weighting
1	Project Understanding and Construction Methodology	40%
2	Capacity, Skills and Experience	55%
3	Environmental and Social	5%

**Qualitative Assessment**

Respondent #	Respondent Name	Weighted Percentage Score	Qualitative Ranking
Respondent 4	Phase3 Landscape Construction	76%	1

Refer to **Confidential Attachment 1** for further detail.

**Price Assessment**

The panel carried out an assessment of the submitted pricing offered.

Respondent #	Respondent Name	Fixed Price	Rank
Respondent 4	Phase3 Landscape Construction	\$1,178,162.99 ex GST	1

Refer to **Confidential Attachment 1** for further detail.

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**DELEGATED AUTHORITY REPORT AGENDA****15 DECEMBER 2023**

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**Evaluation Summary**

The panel concluded that the tender from Phase3 Landscape Construction provides value for money to the City and is therefore recommended for the provision of Tender PP272/2023 Robertson Park Redevelopment – Stage 1 – Separable Portion A Construction for the following reasons:

- Compliance with the submission requirements;
- Ranked first in the qualitative assessment;
- Ranked first in the pricing assessment;
- References conducted and verified claims; and
- Pricing demonstrates value for money.

It is therefore recommended that Council accepts the tender submitted by Phase3 Landscape Construction for Tender PP272/2023 Robertson Park Redevelopment – Stage 1 – Separable Portion A Construction.

**CONSULTATION/ADVERTISING:**

The Request for Tender PP272/2023 Robertson Park Redevelopment – Stage 1 – Separable Portion A Construction was advertised in the West Australian on Wednesday 2 August 2023 and on both the City's website and VendorPanel between 2 August 2023 and 15 September 2023.

**LEGAL/POLICY:**

The Request for Tender was prepared and advertised in accordance with:

- Section 3.57 of the *Local Government Act 1995*;
- Part 4 of the *Local Government (Functions and General) Regulations 1996*; and
- City of Vincent Purchasing Policy.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for the City to accept the preferred Respondent.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Enhanced Environment

*Our parks and reserves are maintained, enhanced and are accessible for all members of the community.*

Connected and Healthy Community

*Our community facilities and spaces are well known and well used.*

*We are an inclusive, accessible and equitable City for all.*

*We protect, improve and promote public health and wellbeing within Vincent.*

Thriving Places

*Efficiently managed and maintained City assets in the public realm.*

Sensitive Design

*Our built form is attractive and diverse, in line with our growing and changing community.*

Innovative and Accountable

*We deliver our services, projects and programs in the most inclusive, efficient, effective and sustainable way possible.*

*We engage with our community so they are involved in what we are doing and how we are meeting our goals.*

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**DELEGATED AUTHORITY REPORT AGENDA**

15 DECEMBER 2023

**SUSTAINABILITY IMPLICATIONS:**

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

*Sustainable Energy Use/Greenhouse Gas Emission Reduction*

*Urban Greening and Biodiversity*

*Water Use Reduction/Water Quality Improvement*

The project incorporates Water Sensitive Urban Design (WSUD) principles in the application of garden beds and waterwise plant species.

**PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the *City's Public Health Plan 2020-2025*:

*Increased physical activity*

**FINANCIAL/BUDGET IMPLICATIONS:**

Prior to the first quarter budget review, the CWP outlined a total project budget of \$5,641,000 over four years, with an additional \$672,000 to be provided through the City's Greening Program. In the 2023/24 financial year, \$938,000 was allocated in project budget and \$50,000 from the Greening Program provision for the implementation of Stage 1 – Separable Portion A.

Phase3 Landscape Construction has quoted a fixed sum of \$1,178,162.99 ex GST to deliver the works, resulting in a budget shortfall of \$190,162.99. To proceed with awarding the Tender as recommended, sufficient budget has been made available in the 2023/24 financial year. As per the first quarter budget review, the following amendments have been made:

- An additional \$180,000 has been allocated to the project budget in FY23/24.
- An additional \$11,000 has been allocated in FY23/24 from the Greening Program.

These amendments do not prompt any financial/budget implications to the project budget outlined in the CWP; the total project budget remains at \$5,641,000 over four years, and the total Greening Program provision remains at \$672,000.

**COMMENTS:**

The tender submission from Phase3 Landscape Construction complies with all tender requirements. The submission was well presented and included all relevant and specific information required and requested within the tender specification.

The Evaluation Panel deemed the response to be convincing and credible, demonstrating the capability, capacity and experience for key evaluation criteria.

**APPROVAL:**

<p><b>Approved</b> <input checked="" type="checkbox"/></p>	<p>CEO Signature: </p> <p>Date: 21 / 12 / 2023</p>
<p><b>Comments:</b></p>	



Robertson Park Development Plan  
176 Fitzgerald Street, Perth WA



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**DELEGATED AUTHORITY REPORT AGENDA****12 JANUARY 2024****TENDER RFT IE216/2022 TRAFFIC MANAGEMENT SERVICES****Attachments: 1. Evaluation Worksheet RFT IE216-2022 - Confidential****RECOMMENDATION****That the Chief Executive Officer:**

- 1. NOTES the outcome of the evaluation process for Tender RFT IE216-2022 Traffic Management Services; and**
- 2. ACCEPTS the tender submission of Contra-Flow Pty Ltd for Tender RFT IE216-2022 Traffic Management Services per delegated authority approved for the 2023-24 Council Recess period.**

**PURPOSE OF REPORT:**

For the Chief Executive Officer to consider and approve the outcome of Tender RFT IE216/2022 Traffic Management Services and to enter into contract negotiations with the preferred respondent, Contra-Flow Pty Ltd.

**BACKGROUND:**

The City requires Traffic Management Services across directorates to deliver Capital Projects, Operational Maintenance and events. To complete the various road resurfacing projects, provide ongoing maintenance and events for the City, the City requires to secure the services of Traffic Management.

A procurement plan was developed and approved by the Executive Director Infrastructure and Environment on 3 November 2023 to procure the services of a traffic management company through a public tender process.

A public request for tender was released on Saturday 11 November 2023 and closed on Monday 4 December 2023.

**DETAILS:**

A procurement plan was developed and approved by the Executive Director Infrastructure and Environment on 3 November 2023 to procure the services of a traffic management company through a public tender process.

A public request for tender was released on Saturday 11 November 2023 and closed on Monday 4 December 2023.

Submissions were received from seven (7) Respondents.

**Evaluation Panel**

The Evaluation Panel comprised of four (4) members, being:

- three with the appropriate operational expertise and involvement in supervising the contract (including one with tender preparation skills);
- one with probity advice provided by a Procurement and Contracts Officer.



**DELEGATED AUTHORITY REPORT AGENDA**

**12 JANUARY 2024**

**Compliance Assessment**

Compliance assessment was carried out on all submissions. Out of the seven (7) submissions, four (4) were assessed as fully compliant and progressed to the qualitative assessment stage.

Three (3) submissions were assessed as non-compliant and did not progress to the qualitative assessment stage. The non-compliance issues included the following reasons:

Respondent #	Reason(s) for non-compliance	RFT Compliance Item Reference
Respondent 4	Submission marked as Non-compliant due to the Respondent being listed on the Workplace Gender Equality Agency's non-compliant list	1.8 (c) – A Tender will be rejected without consideration of its merits in the event that: The Tenderer is listed on the Workplace Gender Equality Agency non-compliant list.
Respondent 5	Submission marked as Non-compliant as the following documents were not submitted: - Signed Form of Tender - Qualitative Criteria - Pricing Table in the format requested in the RFT - OSH Questionnaire - Tenderers Safety Record - Project Reference Sheet - Tenderers Resource Schedule	1.8 (d) – A Tender will be rejected without consideration of its merits in the event that: The Tenderer does not submit an Offer form which has been completed and signed together with all the required Attachments.
Respondent 6	Submission marked as Non-compliant as the following documents were not filled out: - Tenderers Safety Record - Project Reference Sheet - Tenderers Resource Schedule	1.8 (d) – A Tender will be rejected without consideration of its merits in the event that: The Tenderer does not submit an Offer form which has been completed and signed together with all the required Attachments.

**Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offer.

The qualitative criteria and weighting used in evaluating the submission received were as follows:

Qualitative Criteria		Weighting
1	Relevant Experience of the Contractor	40%
2	Resources	40%
3	Safety	20%

**Qualitative Assessment**

The qualitative assessment on all compliant submission were as follows:

Respondent #	Weighted Percentage Score	Qualitative Ranking
Respondent 2	80%	1
Respondent 1	68%	2
Respondent 7	47%	3
Respondent 3	38%	4

Refer to **Confidential Attachment 1** for further detail.

Respondent 7 and Respondent 3 did not progress through to the price assessment due to the low qualitative scores.

**DELEGATED AUTHORITY REPORT AGENDA****12 JANUARY 2024****Price Assessment**

The panel carried out an assessment of the submitted rates offered by the two (2) highest ranked submissions and were ranked by price as follows:

<b>Respondent #</b>	<b>Qualitative Ranking</b>
Respondent 2	1
Respondent 1	2

The rates submitted by Respondent 2 are competitive and provide value for money.

**Evaluation Summary**

The panel concluded that the tender submission from Respondent 2 Contra-Flow Pty Ltd provides value for money to the City and is recommended for the provision of RFT IE216/2022 Traffic Management Services for the following reasons:

- Compliance with the submission requirements;
- Ranked first in the qualitative assessment;
- Ranked first in the pricing assessment; and
- Pricing demonstrates value for money.

It is therefore recommended that the Chief Executive Officer accepts the tender submitted by Contra-Flow Pty Ltd for Tender RFT IE216/2022 Traffic Management Services.

**CONSULTATION/ADVERTISING:**

The Request for Tender RFT IE216/2022 Traffic Management Services was advertised in the West Australian on Saturday 11 November 2023 and on both the City's website and VendorPanel between 11 November 2023 and 4 December 2023.

**LEGAL/POLICY:**

The Request for Tender was prepared and advertised in accordance with:

- Section 3.57 of the Local Government Act 1995;
- Part 4 of the Local Government (Functions and General) Regulations 1996; and
- City of Vincent Purchasing Policy.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to accept the recommended Respondent.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2018-2028:

Accessible City

*We have embraced emerging transport technologies.*

Thriving Places

*Our physical assets are efficiently and effectively managed and maintained.*

Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

**DELEGATED AUTHORITY REPORT AGENDA**

**12 JANUARY 2024**

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024.

**PUBLIC HEALTH IMPLICATIONS:**

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Traffic Management Services will be procured through individual Capital and Operational Budgets as required. The estimated value for the provision of traffic management services over three years is \$6 million dollars.

**COMMENTS:**

The tender submission from Contra-Flow Pty Ltd complies with all tender requirements. The submission was well presented and included all relevant and specific information required and requested within the tender specification.

The Evaluation Panel deemed the response to be of an excellent standard, convincing and credible, demonstrating the capability, capacity and experience for key evaluation criteria and therefore recommend award of Tender RFT IE216/2022 Traffic Management Services to Contra-Flow Pty Ltd.

**APPROVAL:**

<p><b>Approved</b> <input checked="" type="checkbox"/></p>	<div style="text-align: center;">  </div> <p>A/CEO Signature:</p> <p>Date: 18 January 2024</p>
<p><b>Comments:</b></p>	