



W A V E R L E Y  
C O U N C I L

## **OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING**

A meeting of the OPERATIONS AND COMMUNITY SERVICES COMMITTEE will be held at Waverley Council Chambers, Cnr Paul Street and Bondi Road, Bondi Junction at:

**7.00PM, TUESDAY 6 NOVEMBER 2018**

A handwritten signature in grey ink, appearing to read 'R. B. McLeod'.

Ross McLeod  
**General Manager**

Waverley Council  
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## Delegations of the Waverley Operations and Community Services Committee

On 10 October 2017, Waverley Council delegated to the Waverley Operations and Community Services Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
  - (a) The appointment of a general manager.
  - (b) The making of a rate.
  - (c) A determination under section 549 as to the levying of a rate.
  - (d) The making of a charge.
  - (e) The fixing of a fee
  - (f) The borrowing of money.
  - (g) The voting of money for expenditure on its works, services or operations.
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
  - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
  - (j) The adoption of an operational plan under section 405.
  - (k) The adoption of a financial statement included in an annual financial report.
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
  - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
  - (t) This power of delegation.
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

### **Live Streaming of Meetings**

*This meeting is streamed live via the internet and an audio visual recording of the meeting will be publicly available on Council's website.*

*By attending this meeting you consent to your image and/or voice being live streamed and publicly available.*

## AGENDA

### PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

*“God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area”.*

**1. Apologies/Leaves of Absence**

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

**3. Addresses by Members of the Public**

**4. Confirmation of Minutes**

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**5. Reports**

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| OC/5.1/18.11 | Residential Parking Scheme Area 8 and Daily Visitor Permits .....       | 8  |
| OC/5.2/18.11 | Tender Evaluation - Bondi Junction Cycleway Construction Services ..... | 13 |
| OC/5.3/18.11 | Tender Evaluation - Bronte Village Centre Upgrade.....                  | 19 |
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**6. Urgent Business**

**7. Meeting Closure**

## CONFIRMATION OF MINUTES OC/4.1/18.11



**Subject:** Confirmation of Minutes - Operations and Community Services Committee Meeting - 9 October 2018

**TRIM No.:** SF18/245

**Author:** Natalie Kirkup, Governance and Internal Ombudsman Officer

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### RECOMMENDATION:

That the minutes of the Operations and Community Services Committee Meeting held on 9 October 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

### Introduction/Background

The minutes of the Operations and Community Services Committee meeting must be submitted to Operations and Community Services Committee for confirmation, in accordance with clause 266 of the *Local Government (General) Regulation 2005*.

### Attachments

1. Operations and Community Services Committee Meeting Minutes - 9 October 2018 .



**MINUTES OF THE OPERATIONS AND COMMUNITY SERVICES COMMITTEE MEETING  
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON  
TUESDAY, 9 OCTOBER 2018**

**Present:**

|  |               |
|--|---------------|
| Councillor George Copeland (Chair)         | Waverley Ward |
| Councillor John Wakefield (Mayor)          | Bondi Ward    |
| Councillor Dominic Wy Kanak (Deputy Mayor) | Bondi Ward    |
| Councillor Angela Burrill                  | Lawson Ward   |
| Councillor Leon Goltsman                   | Bondi Ward    |
| Councillor Tony Kay                        | Waverley Ward |
| Councillor Elaine Keenan                   | Lawson Ward   |
| Councillor Steven Lewis                    | Hunter Ward   |
| Councillor Paula Masselos                  | Lawson Ward   |
| Councillor Marjorie O'Neill                | Waverley Ward |

**Staff in attendance:**

|               |                                   |
|---------------|-----------------------------------|
| Ross McLeod   | General Manager                   |
| Rachel Jenkin | Acting Director, Waverley Life    |
| Dan Joannides | Acting Director, Waverley Renewal |
| Peter Monks   | Director, Waverley Futures        |
| Jane Worthy   | Internal Ombudsman                |

*At the commencement of proceedings at 7.03 pm, those present were as listed above.*

**PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE**

The Chair read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

*God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.*

*Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.*

**1. Apologies/Leaves of Absence**

Apologies were received and accepted from Crs Betts and Nemesh.

**2. Declarations of Pecuniary and Non-Pecuniary Interests**

The Chair called for declarations of interest and none were received.

**3. Addresses by Members of the Public**

3.1 M Smidmore – OC/5.2/18.10 – Commemorative Tributes.

**4. Confirmation of Minutes**

**OC/4.1/18.10 Confirmation of Minutes - Operations and Community Services Committee Meeting - 4 September 2018 (SF18/245)**

**MOTION / UNANIMOUS DECISION:**

Mover: Cr Copeland

Seconder: Cr Wakefield

That the minutes of the Operations and Community Services Committee meeting held on 4 September 2018 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

## 5. Reports

### OC/5.1/18.10 Bondi Park Lighting and Electrical Masterplan (A17/0485)

#### MOTION / UNANIMOUS DECISION:

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Adopts the Bondi Park Lighting and Electrical Masterplan attached to this report to guide future park capital works and lighting and electrical infrastructure renewal projects associated with the Bondi Park, Beach and Pavilion Plan of Management.
2. Accommodates funding requirements for the works envisaged in the Masterplan within the Public Domain Infrastructure Budget category in the Long Term Financial Plan, after due consideration of various project priorities.
3. Prepares an architectural lighting plan for the Bondi Pavilion Restoration and Conservation Project.

### OC/5.2/18.10 Commemorative Tributes (A18/0478)

#### MOTION / UNANIMOUS DECISION:

Mover: Cr Goltsman

Seconder: Cr Burrill

That Council:

1. Maintains its position of declining donations for park benches and trees with associated memorials from individual community members.
2. Maintains its position of assessing offers of sponsorship from community organisations and charities for public domain infrastructure based on their merit and a formal agreement.
3. Notes the options available for memorials through the Ivy Leaf vine, scatter ash gardens and proposed memorial walk at Waverley Cemetery.
4. Considers extending the Ivy Leaf memorial to South Head Cemetery.
5. Officers identify areas for 'reflective spaces' in the design of Council's parks, reserves and other open spaces, and focus on reinforcing these spaces to allow for seating and reflection in a tranquil, passive space.
6. Accepts donations to fund works within select 'reflective spaces' in the local government area, in accordance with the Sponsorship, Grants and Donations Policy.
7. Updates its website with further information on memorials in Waverley (as outlined above).
8. In accordance with the Sponsorship, Grants and Donations Policy, enters into a sponsorship agreement with Miranda Smidmore to pay tribute to her son Luke Smidmore in the form a timber seat with plaque in Bondi Park (south) in recognition of her donation to the Prince of Wales Hospital.

*M Smidmore addressed the meeting.*

**OC/5.3/18.10 Tender Evaluation - Bondi Park Additional Amenities (A18/0516)****MOTION / UNANIMOUS DECISION:**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The attachment contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts CHROFI as the preferred tenderer for Bondi Park Additional Amenities design services for the sum of \$532,745 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with CHROFI.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**6. Urgent Business****OC/6.1/18.10 Sculpture by the Sea (A17/0595)***An urgent report was issued to Councillors before the meeting.**Council resolved to deal with this matter as an item of urgent business.***MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council provides guidance to the General Manager as follows:

1. Council supports the provision of an additional grant from Council's Small Grants Program to provide a temporary transport service during Sculpture by the Sea.
2. Issue 2 – The officer's recommendation is supported and consideration be given to the laying of turf or other cosmetic treatment in the area adjacent to the steps.
3. Issue 3 – The officer's recommendation is supported.



**7. Meeting Closure**

**THE MEETING CLOSED AT 7.33 PM.**

.....  
**SIGNED AND CONFIRMED**  
**CHAIR**  
**6 NOVEMBER 2018**

**REPORT**  
**OC/5.1/18.11**

**Subject:** Residential Parking Scheme Area 8 and Daily Visitor Permits

**TRIM No:** SF18/3732

**Author:** Tanya Potts, Acting Executive Manager, Customer First

**Director:** Rachel Jenkin, Acting Director, Waverley Life

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**RECOMMENDATION:**

That Council notes that Resident Parking Scheme Area 8 is fully subscribed with no capacity for Daily Visitor parking permits, and agrees that no further action be taken.

**1. Executive Summary**

At its meeting on 21 August 2018, Council resolved that officers report on the current parking arrangements in the Resident Parking Scheme (RPS) Area 8 in regards to the eligibility of residents to apply for subsidiary permits, specifically the Daily Visitor Permits.

Daily Visitor Permits were introduced across Waverley in September 2017 following the rezoning of the existing RPS areas into larger zones. Parking Permits, including Daily Visitor Permits, are issued in accordance with the *Permit Parking Guidelines* issued by the Roads and Maritime Services (RMS).

Residents in RPS Area 8 are currently eligible to apply for the full range of resident parking permits including Residential, Carers, Tradesperson and Annual and Short-Term Visitor Permits with the exception of Daily Visitor Permits.

At the time of the roll-out of Daily Visitor Parking Permits, the parking capacity in each RPS Area was calculated to determine the number of permits to be made available for sale to residents on an annual basis. It was determined at this time, that RPS Area 8 was fully subscribed and there was insufficient parking capacity available for additional visitor vehicles. Area 8 is the only area which does not currently qualify for Daily Visitor Permits.

Following the request of Council, a recent review of the parking capacity in all RPS areas has confirmed that Area 8 is still fully subscribed with no capacity for additional visitor parking. As such the provision of Daily Visitor Permits may see a reduction in the availability of parking for resident vehicles. This report recommends that no change be made to the provision of Daily Visitor Permits in RPS Area 8.

**2. Introduction/Background**

Daily Visitor Permits were originally introduced for Bronte residents and were available for purchase from the parking booth at Bronte Cutting.

The 2012/13 Parking Review recommended the roll-out of Daily Visitor Parking Permits to all RPS areas within Waverley once a number of changes had been implemented in the RPS areas including:

- The rezoning of RPS areas into larger zones to help reduce the 'creeping' effect into neighbouring streets.
- The introduction of a 'floating boundary' to allow resident parking permit holders living on the boundary to park within the neighbouring RPS area.

Following the completion of the RPS rezoning project, Daily Visitor Permits were introduced across Waverley in September 2017.

As part of the rezoning project, Council officers calculated the number of parking spaces available and the number of parking permits issued in each RPS area in order to determine the parking capacity.

According to section 8.4 of the *Permit Parking Guidelines* issued by the Roads and Maritime Services (RMS):

*'the number of permits to be issued for an area should not exceed the number of available on-street parking spaces in the area'.*

By this criteria, residents of Area 8 were not eligible to apply for Daily Visitor Permits as the number of permits issued exceeded the number of available parking spaces.

There are 1,314 parking spaces within RPS Area 8 and, at the time of the roll out of Daily Visitor Permits in September 2017, there were 1,592 current resident parking permits issued, representing a permit subscription of 121%. Thus the area was deemed to be fully subscribed and it was determined that priority should be given to resident vehicles.

### 3. Relevant Council Resolutions

| Council or Committee Meeting and Date | Minute No.    | Decision   |
|---------------------------------------|---------------|--|
| Council<br>21 August 2018             | CM/8.11/18.08 | That Council officers report on the current parking arrangements in Bondi Beach Resident Parking Scheme Area 8 in regard to subsidiary permits, such as the Short Term Visitors Parking Permit, for Council's consideration. |

### 4. Discussion

Daily Visitors Permits are issued in books of 10 and are valid for 12 months. Each permit is valid for the one day that has been scratched, up until 9am the following day. The number of permits available to each household is based on the parking capacity in the individual RPS area, ie, permits issued vs parking spaces available.

The current allocation of Daily Visitor Permits is available on Council's website and is provided below:

| RPS Area | Daily Visitor Permits Available per calendar year |
|----------|---|
| 4        | Maximum of 2 bundles                              |
| 6        | Maximum of 3 bundles                              |
| 8        | Fully subscribed area, no permits available       |
| 10       | Maximum of 1 bundle                               |
| 11       | Maximum of 3 bundles                              |
| 12       | Maximum of 3 bundles                              |
| 21       | Maximum of 3 bundles                              |

|    |                      |
|----|----------------------|
| 22 | Maximum of 2 bundles |
| 25 | Maximum of 3 bundles |
| 26 | Maximum of 3 bundles |
| 42 | Maximum of 3 bundles |
| 43 | Maximum of 3 bundles |

*Table 1. Daily Visitor Permits available per RPS area in 2018/19.*

Following the request of Council, a recent review of the parking capacity in all RPS areas was undertaken.

The number of resident parking permits issued to residents in RPS Area 8 has decreased slightly since September 2017 with the subscription rate dropping from 121% to 118%. However, the area is still considered to be fully subscribed according to Section 8.4 of the *RMS Permit Parking Guidelines*.

The recent review of parking permits issued versus parking spaces available revealed that RPS Area 10 is reaching capacity with a permit subscription of 103%. As a result the number of Daily Visitor Permits available to residents in RPS Area 10 has been reduced from two bundles to one bundle per calendar year.

The benefits and disbenefits of making Daily Visitor Permits available in RPS Area 8 and other fully subscribed RPS areas are listed below.

| Benefits  | Disbenefits  |
|---|--|
| Residents within an RPS area can provide low cost daily parking to their visitors and guests. | Residents within a fully subscribed RPS area who have a Residential Parking Permit may see a reduction in available parking within the RPS area.   |
|   | Issuance of Daily Visitor Permits in fully subscribed RPS areas is contrary to Section 8.4 of the <i>Permit Parking Guidelines</i> issued by the Roads and Maritime Services (RMS):<br><br><i>‘the number of permits to be issued for an area should not exceed the number of available on-street parking spaces in the area’.</i> |
|   | Should Council wish to introduce Daily Visitor Parking Permits to a fully subscribed area it would need to find a way to reduce the number of other parking permits currently issued, e.g. through limiting the number of Residential Parking Permits available per property or removing Annual Visitor Parking Permits.           |

*Table 2. Benefits and disbenefits of issuing Daily Visitor Permits to residents in RPS Area 8.*

Residents in RPS Area 8 are currently eligible to apply for the full range of resident parking permits including Residential, Carers, Tradesperson and Annual and Short-Term Visitor Permits but excluding Daily Visitor Permits. This year 86 Short Term Visitor Permits have been purchased by residents in RPS Area 8 and there are 111 Annual Visitor Permits currently valid in RPS Area 8.

There have been very few queries received at the Customer Service Centre about Daily Visitor Parking permits from residents in RPS Area 8. There is one formal complaint logged in the Merit CRM about the exclusion of Area 8 residents from purchasing the permits.

## **5. Financial impact statement/Timeframe/Consultation**

### **Financial impact**

Since the introduction of Daily Visitor Permits across Waverley on 1 September 2017, Council has sold 1,410 packs of 10 permits with a total revenue of \$30,067. Any change to the availability of Daily Visitor Permits in RPS Area 8 will have minimal effect on permit revenue.

## **6. Conclusion**

At its meeting on 21 August 2018 Council resolved that officers report on the current parking arrangements in the Resident Parking Scheme (RPS) Area 8 in regards to the eligibility of residents to apply for subsidiary permits, specifically the Daily Visitor Permits.

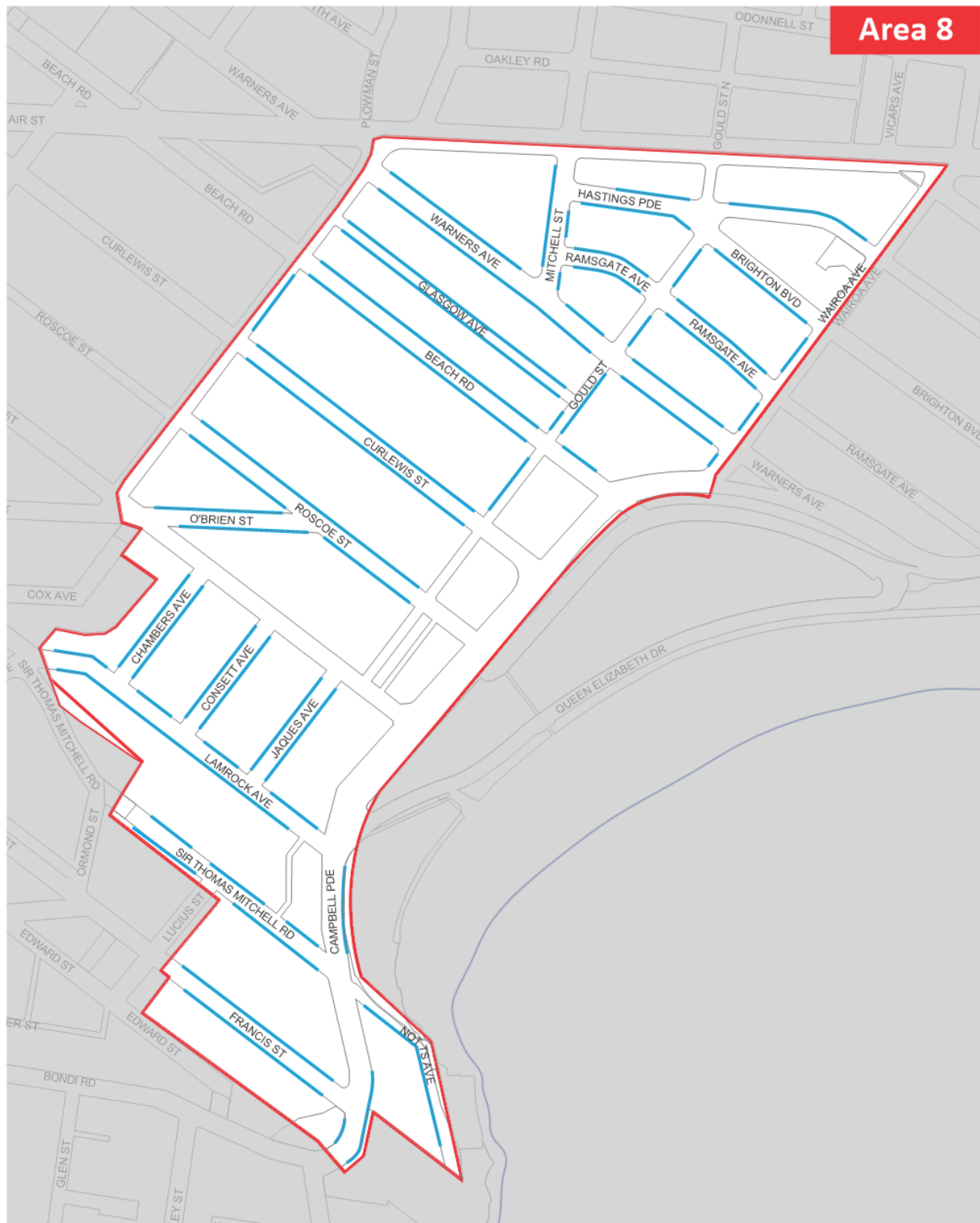
Daily Visitor Permits were introduced across Waverley in September 2017 following the rezoning of the existing RPS areas into larger zones. At the time of the roll out it was determined that RPS Area 8 was fully subscribed and there were insufficient parking spaces available for any additional visitor vehicles.

According to Section 8.4 of the Permit Parking Guidelines issued by the Roads and Maritime Services (RMS) *'the number of permits to be issued for an area should not exceed the number of available on-street parking spaces in the area'*. By this criteria, residents of Area 8 were not eligible to apply for Daily Visitor Permits as the number of permits issued exceeded the number of available parking spaces.

This report notes that a recent review of the parking capacity in all RPS areas has confirmed that Area 8 is still fully subscribed with no capacity for additional visitor parking. As such the provision of Daily Visitor Permits may see a reduction in the availability of parking for resident vehicles. This report recommends that Daily Visitor Permits not be available for purchase in RPS Area 8.

## **7. Attachments**

1. RPS Area 8 Map [↓](#) .



Resident parking permits do not provide exemptions in Meter ticket parking unless noted on the signs.

**PARKING AREA**  
Bondi Beach  
**8**



**KEY:**

- Resident Parking Scheme - permit holders excepted
- Parking Area Boundary

*Maps indicate approximate area – always check the parking restriction signs when parking.*



**REPORT**  
**OC/5.2/18.11**

**Subject:** Tender Evaluation - Bondi Junction Cycleway Construction Services

**TRIM No:** A18/0343

**Author:** Jason Lu, Junior Engineer  
Adrian Collins, Senior Project Manager

**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Tender Evaluation Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Under clause 178(3)(e) of the *Local Government (General) Regulation 2005*, declines to accept all tenders and negotiates with the top three ranked tenderers as shown in the Tender Evaluation Matrix about a revised project delivery sequence.
3. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

The Bondi Junction Cycleway project is a predominantly grant-funded project with Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) acting as program sponsors, and Waverley Council acting as the delivery agent. Council had received previous a funding advice of \$11.4 million over three financial years from RMS. This funding in addition to the \$2.5 million allocated by Council was to cover the full scope of works for construction of a cycleway and streetscape upgrades from Bondi Road to York Road along Oxford Street via Bronte Road, Spring Street and Denison Street.

This funding commitment has now changed with RMS confirming that the Minister for Transport and Infrastructure has approved funding for the construction of the Spring Street section of the Bondi Junction Cycleway construction project with \$5.3 million allocated for the 2018-19 financial year. RMS have stipulated that this funding is for the works at Bronte Road (between Oxford St and Spring St), Spring Street (between Bronte Road and Denison Street) and Denison Street (between Spring St and Oxford St). RMS acknowledge this does not provide the full funding required to complete the entire project, the remaining sections of this cycleway are expected to be included in a Final Business Case, due for completion by TfNSW in mid-2019.

As the tender included delivery of the full scope of works, which is likely but not certain, and the fact that RMS have stipulated an alternative delivery sequence, the purpose of this report is to seek Council's approval to decline to accept all tenders and negotiate with the three preferred tenders for the revised

delivery sequence. The negotiations would also cover including separable portions in the contract and the ability to only proceed with funded separable portions without incurring additional costs.

## 2. Introduction/Background

The Bondi Junction Cycleway Streetscape project received approval from Council to progress to detailed design in December 2014. During detailed design, concern was raised by business representatives regarding impacts on loading in Spring Street and by Sydney Buses, RMS and NSW Police regarding impacts to bus operations and safety at the Waverley Bus Depot, the intersection of Bronte Road and Spring Street and the bus only length of Oxford Street between Adelaide Street and Bronte Road. In response, Council resolved to place the design on hold in May 2015 to resolve all outstanding issues. A Councillor workshop was held in June 2015 that considered strategic transport thinking in Bondi Junction and all related projects, cycleway routes previously considered and an assessment of the current route.

Following on from the workshops and ongoing discussions on various options for traffic changes and cycling routes and facilities in the Bondi Junction CBD area, TfNSW agreed to the establishment of a Technical Working Group (TWG) consisting of senior representatives from TfNSW, RMS, Council staff, Sydney Buses, NSW Police and BIKEast. Meetings of the TWG were held between September and December 2016.

As a result of the TWG meetings in 2016, the key issues raised by the Waverley Traffic Committee and Sydney Buses were worked through in a formalised manner to resolution.

A report was submitted to the Council meeting on 17 March 2017 to provide Council with an update on the cycleway proposal and Council resolved to refer the TWG-supported concept design for the Bondi Junction Cycleway, between Adelaide Street and York Road, to the Waverley Traffic Committee for consideration

The Waverley Traffic Committee considered the supported concept design at the November 2017 meeting and recommended that Council approve in principle the concept design drawings attached to the report and proceeds with the preparation of detailed design drawings.

Council approved the Waverley Traffic Committee recommendation in December 2017 and the project proceeded to detail design and preparation of tender documentation.

The works include construction of a separated cycleway, reconstruction of footpath, kerb and gutter, installation of new garden beds, light poles, bike racks, seating, new pedestrian traffic signals, trees and tree pits, undergrounding private power connections, resheeting the road surface pavement and reconstruction of sections of road pavement.

## 3. Relevant Council Resolutions

| Meeting and Date         | Minute No.   | Decision   |
|--------------------------|--------------|--|
| Council<br>21 March 2017 | CM/7.2/17.03 | <p>That Council:</p> <ol style="list-style-type: none"> <li>Notes that all outstanding issues identified by key government, business and community stakeholders on the Bondi Junction Cycleway concept design have been resolved.</li> <li>Notes that the Technical Working Group (comprising senior representatives from TfNSW, RMS, Sydney Buses, NSW Police, BIKEast and Council staff)-supported cycleway route is along Oxford Street between Bondi Road and York Road via Spring Street between Bronte Road and Denison Street.</li> <li>Refers the Technical Working Group-supported concept</li> </ol> |



|   |               |   |
|---|---------------|---|
|   |               | <p>design for the Bondi Junction Cycleway, between Adelaide Street and York Road, to the Waverley Traffic Committee for consideration.</p> <ol style="list-style-type: none"> <li>4. Notes that a future Council report will consider recommendations by TfNSW to improve pedestrian safety at the Bronte Road/Spring Street intersection.</li> <li>5. Updates key business and community stakeholders with project progress as detailed in this report.</li> <li>6. Notes that RMS have agreed to fully fund the Bondi Junction Cycleway/Streetscape project from Bronte Road to York Road and part fund the cycleway/streetscape project from Adelaide Street to Bronte Road. A concept design for the interim and long-term cycleway solutions in Oxford Street, between Adelaide Street and Bondi Road, are currently being prepared and will support a funding application to the RMS.</li> <li>7. Approves the Mayor to write a letter to RMS/Transport for NSW seeking that they reconsider their funding proposal for the section of cycleway in Oxford Street, between Bronte Road and Adelaide Street, and agree to 100% funding on the basis that it is an integral connection between Bondi Junction and the Sydney CBD, as without it the Bondi Junction Cycleway could not proceed.</li> <li>8. Notes that the proposed cycleway plans referred to Waverley Traffic Committee will include design treatments and proposed infrastructure that must prohibit cycling in Oxford Street Mall when the Bondi Junction Cycleway is implemented.</li> <li>9. Notes that the Waverley Traffic Committee will consider traffic movements and impacts of proposed intersection treatments along Oxford Street as part of its assessment of the Technical Working Group-supported concept design for the Bondi Junction Cycleway, and decide whether further traffic modelling is needed to inform the detail design.</li> <li>10. Convenes a meeting with RMS and Transport for NSW (TfNSW) to continue to pursue the investigation of a cantilevered separated cycleway along Syd Einfeld Drive.</li> </ol> |
| Waverly Traffic Committee<br>23 November 2017 | TC/C.04/17.11 | <p><i>Council adopted the Traffic Committee's recommendation.</i></p> <p>That:</p> <ol style="list-style-type: none"> <li>1. Council approves in principle the concept design drawings attached to the report and proceeds with the preparation of detailed design drawings.</li> <li>2. Further traffic modelling be carried out on intersection treatments along Oxford Street if considered necessary prior</li> </ol>   |

|  |  |  |
|--|--|--|
|  |  | to the detailed design drawings being finalised.   |
|  |  | 3. Community consultation on the proposed road closure of St James Road be undertaken as soon as possible. |

#### 4. Discussion

##### Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Dan Joannides – Executive Manager, Creating Waverley.
- Sharon Cassidy – Executive Manager, Project Waverley.
- Rodhan Haughton – Project Manager Civil Infrastructure.
- Adrian Collins – Senior Project Manager, Project Waverley.
- Jason Lu – Junior Engineer, Project Waverley.
- Rodney Crook – Tender Evaluation Probity Advisor, Procurement.

An RFT Evaluation & Probity Plan was developed and approved by the Evaluation Panel on 1 August 2018.

Tenders for Bondi Junction Cycleway Construction Services were called on 8 June 2018. Advertisements for the Tender were placed in the Local Government Tenders section of the Sydney Morning Herald and Wentworth Courier on 13 June 2018.

Tenders closed on 12.00 pm Friday, 31 August 2018.

The Evaluation Panel used the RFT Evaluation & Probity Plan to determine which tenders offered the best value for money in the provision of Bondi Junction Cycleway Construction Services to Council.

##### Tenders received

The following tenders were received:

- CA&I Pty Ltd.
- Ford Civil Pty Ltd.
- Hibernian Contracting Pty Ltd.
- Starcon Group Pty Ltd.
- Sydney Civil Pty Ltd.

##### *Late tenders*

Nil.

##### *Non-conforming tenders*

Nil.

##### *Alternative tenders*

No alternative tenders were received.

Five tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

| <b>CONFORMING TENDERS EVALUATED</b> |
|-------------------------------------|
| CA&I Pty Ltd                        |
| Ford Civil Pty Ltd                  |
| Hibernian Contracting Pty Ltd       |
| Starcon Group Pty Ltd               |
| Sydney Civil Pty Ltd                |

### **Tender evaluation**

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation & Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria

| <b>Advertised Evaluation Criteria</b>   | <b>Weighting</b> |
|---|------------------|
| Methodology                             | 15%              |
| Recent relevant experiences             | 30%              |
| Proposed subcontractors and consultants | 30%              |
| Program/Staging                         | 5%               |
| Lump Sum Price                          | 20%              |

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

### **Evaluation Panel's recommendation**

RMS have confirmed \$5,300,000 funding for this financial year and have stipulated that this funding is for the works at Bronte Road (between Oxford Street and Spring Street), Spring Street (between Bronte Road and Denison Street) and Denison Street (between Spring Street and Oxford Street).

RMS acknowledge this does not provide the full funding required to complete the entire project, the remaining sections of the cycleway are expected to be included in a Final Business Case, due for completion by TfNSW in mid-2019.

Due to the delay in RMS confirming funding and noting that there is a 'Tender Validity Period' of 90 days, which concludes on 28 November 2018, Council sought legal advice from Maddocks and Associates following the tender evaluation regarding the below options:

1. Cancel or postpone the project indefinitely.
2. Negotiate with the three preferred tenderers based on a revised delivery sequence scope.
3. Proceed with the project as set out in the RFT documents.

As RMS has committed to fund a significant portion of the works and expects to provide further funding, it is recommended that Council proceeds with Option 2. As advised by Maddocks, if Council elects to proceed with Option 2, Council is recommended to take the following steps:

1. Resolve under clause 178(3)(e) to decline to accept all tenders and negotiate with the three preferred Tenderers in relation to the revised delivery sequence. The three preferred tenderers are included in the confidential attachment to this report.
2. Issue a letter to the non-preferred Tenderers advising them that their Tenders were unsuccessful;
3. Issue a letter to the three preferred Tenderers inviting each preferred Tenderer to participate in a negotiation process in relation to a revised delivery sequence and inclusion of separable portions in the contract with the ability to only proceed with funded separable portions without incurring additional costs.
4. Issue to each preferred Tenderer who submits a signed acceptance form, revised contract documentation – including revised specifications and amended conditions of contract (if required);
5. Afford each preferred Tenderer a limited time frame to return to Council a revised proposal, including price component and contract departure schedule;
6. Council in its discretion can then elect to proceed further with one or more of the preferred Tenderers by either:
  - a. conducting negotiation meetings with the preferred Tenderer; or
  - b. issuing a further written draft of the contract documentation to the preferred Tenderer (depending on the extent of the preferred Tenderer's initial departures),

## **5. Financial impact statement/Timeframe/Consultation**

### **Financial impact statement**

The budget for Bondi Junction Cycleway Construction Services is from C0021.

The preferred tenderer's prices for the full scope are included in the confidential Tender Evaluation Matrix attached to this report.

The total anticipated funding required for the RMS stipulated scope of works to be constructed in 2017/18 will be within the \$5,300,000 confirmed funding

Council's budget allocation for the eastern portion of the cycleway is \$2,594,194 and will be deferred at Q1 for delivery in 2019/20.

### **Consultation**

Extensive stakeholder consultation was undertaken in the development of the Bondi Junction Cycleway Design. In addition Council is currently undertaking a Review of Environmental Factors (REF) to resolve issues and concerns that residents and business owners have raised. The REF will be placed on public exhibition for 28 days on its completion.

### **Timeframe**

The commencement of construction is contingent upon the Review of Environmental Factors (REF) being displayed for public exhibition and approved by Council on 16 November 2018. The construction duration for the stipulated scope of works will commence in late April 2019.

## **6. Conclusion**

The Tender Evaluation Panel recommends that Council declines to accept all tenders and negotiates with the three preferred tenders for the stipulated scope of work to address the key safety issues along the proposed route.

## **7. Attachments**

1. Tender Evaluation Matrix (confidential) .

**REPORT**  
**OC/5.3/18.11****Subject:** Tender Evaluation - Bronte Village Centre Upgrade**TRIM No:** A18/0342**Author:** Jason Lu, Junior Engineer  
Adrian Collins, Senior Project Manager**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Tender Evaluation Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Quality Management & Construction Pty Ltd trading as QMC Group as the preferred tenderer for the supply of construction services for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING].
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Quality Management & Construction Pty Ltd.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

The purpose of this report is to seek Council's approval for the appointment of Quality Management & Construction Pty Ltd trading as QMC Group for the construction services for the Bronte Village Centre Upgrade as recommended by the Tender Evaluation Committee (TEC).

The Bronte Village Centre Upgrade includes reconstructing the kerb and gutter, widening the footpath, re-sheeting the road surface pavement, installation of new garden beds, undergrounding private power connections, compliant accessible parking spots, installation of light poles, bike racks, seating and garden beds.

Council is currently undertaking a Review of Environmental Factors (REF) to resolve some issues and concerns that residents have raised. The commencement of construction is contingent upon the REF being displayed for public exhibition and approved by Council. The construction duration is expected to be 6 months commencing in late April 2019. Council has also noted that there is a 'Tender Validity Date' of 90 days from the closing date, in accordance with the issued RFT package.

## 2. Introduction/Background

The streetscape upgrade to the Bronte Beach Village Centre was identified as high priority upgrade within the Local Village Centre DCP. The upgrade of the commercial precinct of Bronte Beach is also to include the creation of an integrated public transport interchange with an expanded safe and accessible pedestrian links between the park and the commercial precinct. The proposed kerb extensions aim to increase capacity of outdoor dining and pedestrian flow to the south side and improve the arrival experience and accessible link into the park to the north side.

The raised crossing threshold will provide a safe pedestrian link, connecting the commercial centre with the bus interchange and plaza at the park interface, thus creating a meeting place for people between the popular destinations of the beach and café precinct.

## 3. Relevant Council Resolutions

| Meeting and Date                               | Minute No.    | Decision   |
|--|---------------|--|
| Waverley Traffic Committee<br>23 November 2017 | TC/C.06/17.11 | <i>Council adopted the Traffic Committee's recommendation.</i><br><br>That:<br><br><ol style="list-style-type: none"><li>1. The Council Officer's Proposal not be adopted.</li><li>2. Council approves in principle option one contained in the 'Bronte Village Bus Stop Options Review' prepared by Bitzios Consulting (attached to this report), including the footpath being widened by 2.133 m, subject to the additional curb extension/build-out being deleted.</li><li>3. Council proceeds with the preparation of detailed design drawings.</li><li>4. Council officers report on what further works might be required for a 40 km/h zone in Bronte Village.</li></ol> |

## 4. Discussion

### Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Dan Joannides – Executive Manager, Creating Waverley.
- Sharon Cassidy – Executive Manager, Project Waverley.
- Adrian Collins – Senior Project Manager, Project Waverley.
- Jason Lu – Junior Engineer, Project Waverley.

Tenders for Bronte Village Centre Upgrade were called on 28 June 2018. Advertisements for the Tender were placed in the Local Government Tenders section of the Sydney Morning Herald and Wentworth Courier on 4 July 2018.

Tenders closed on 24 August 2018.

The Evaluation Panel used the RFT Evaluation to determine which tenders offered the best value for money in the provision of Bronte Village Centre Upgrade to Council.

**Tenders received**

The following tenders were received:

- Quality Management & Construction Pty Ltd.
- Hibernian Contracting Pty Ltd.
- Planet Civil Pty Ltd.
- Civeco Pty Ltd.
- Starcon Group Pty Ltd.
- Sydney Civil Pty Ltd.
- Patrick Construction Pty Ltd.
- Mack Civil Pty Ltd.

*Late tenders*

Nil.

*Non-conforming tenders*

The tender submitted by Awada Civil Engineering Pty Ltd was deemed to be non-conforming due to the fact that they did not satisfy the insurance requirements and was not considered further.

*Alternative tenders*

No alternative tenders were received

Nine tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

| <b>CONFORMING TENDERS EVALUATED</b>       |
|---|
| Quality Management & Construction Pty Ltd |
| Hibernian Contracting Pty Ltd             |
| Planet Civil Pty Ltd                      |
| Civeco Pty Ltd                            |
| Starcon Group Pty Ltd                     |
| Sydney Civil Pty Ltd                      |
| Patrick Construction Pty Ltd              |
| Mack Civil Pty Ltd                        |

**Tender Evaluation**

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation & Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria.

| <b>Advertised Evaluation Criteria</b>                             | <b>Weighting</b> |
|---|------------------|
| Executive summary of proposal (including capacity and capability) | 15%              |
| Methodology   | 15%              |
| Recent relevant experience  | 5%               |
| Proposed subcontractors and consultants                           | 5%               |
| Program/Staging   | 15%              |
| Risk management plan  | 5%               |
| Occupational Health and Safety Documentation                      | 5%               |
| Referees and evaluation of previous work performance              | 5%               |
| Lump sum price  | 30%              |

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

Following the tender evaluation, Council conducted post-tender interviews with the three preferred contractors: Quality Management Construction Pty Ltd, Sydney Civil Pty Ltd and Mack Civil Pty Ltd, to confirm and discuss program, scope and clarification. As part of these meetings, the contractors were also advised on the status and potential implications of the REF. These three contractors have agreed to the potential implications on program and that contract execution is contingent on the REF approval (see Attachment 2 for meeting minutes agreed by Quality Management & Construction t/as QMC Group).

#### **Evaluation Panel's recommendation**

Following a rigorous evaluation of the tenders the Evaluation Panel recommends that the services/product offered by Quality Management & Construction Pty Ltd trading as QMC Group provides the best value to Council. Quality Management & Construction Pty Ltd trading as QMC Group showed that they have a very good understanding on the project itself, how it should be delivered for Council, relevant experience and compliance to the delivery program. Overall, they scored the highest in the tender evaluation.

### **5. Financial impact statement/Timeframe/Consultation**

#### **Financial impact statement**

The budget for Bronte Village Centre Upgrade is from C0009.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

The total anticipated funding required for Bronte Village Centre Upgrade is \$3,200,000. The total budget allocation for the Bronte Village Centre Upgrade for 2018/19 is \$1,279,141 which is sufficient for the planned expenditure in 2018/19. The remaining expenditure will be included in the 2019/20 Capital Works Budget and funded within the Local Village Streetscape Improvements program.

#### **Timeframe**

Council is currently undertaking a Review of Environmental Factors (REF) to resolve some issues and concerns that residents have raised. The commencement of construction is contingent upon the REF being displayed for public exhibition and approved by Council. The construction duration is expected to be 6 months commencing in late April 2019. Council has also noted that there is a 'Tender Validity Date' of 90 days from the closing date, in accordance with the issued RFT package.



**Consultation**

External stakeholder consultation was undertaken in the development of the Bronte Village Centre Upgrade Design. The REF will be placed on public exhibition on its completion. Internal stakeholders including Open Space Planning were consulted in the Request for Tender.

**6. Conclusion**

The Tender Evaluation Panel recommends Council enter into contract with Quality Management & Construction Pty Ltd trading as QMC Group for Bronte Village Centre Upgrade.

Noting that the contract is to be finalised and executed after the conclusion of the REF process, Council seeks approval to issue a letter of intent to Quality Management & Construction Pty Ltd t/as QMC Group and to issues notices to the unsuccessful tenderers.

**7. Attachments**

1. Tender Evaluation Matrix (confidential)
2. Contractor interview checklist [↓](#) .



WAVERLEY  
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## Contractor Interview Check List

|         |  |            |  |
|---------|--|------------|--|
| Date    | Thursday 27 September 2018                         | Time       | 11:30am  |
| Venue   | Oxford Street Meeting Room – Grafton Street Office | Chair      | Adrian Collins   |
| Project | Bronte Village Centre Upgrade                      | Contractor | Quality Management & Construction Pty Ltd trading as QMG Group |

| Attendees | Name                                    | Organisation                              |
|-----------|---|---|
|           | Steve Comisso                           | Quality Management & Construction Pty Ltd |
|           |   | Quality Management & Construction Pty Ltd |
|           | Adrian Collins – Senior Project Manager | Waverley Council                          |
|           | Jason Lu – Project Officer              | Waverley Council                          |

| Item             | Comments   | Yes | No |
|------------------|--|-----|----|
| 1 Scope          | <ul style="list-style-type: none"> <li>Contractor has verified and satisfied themselves with full extent of scope of works, including all quotation addendums.</li> <li>Scope includes, but not limited to the following: <ul style="list-style-type: none"> <li>Council's Civil and Landscape package issued on 24<sup>th</sup> of August via Cordell Tenders Online</li> </ul> </li> </ul>   |     |    |
| 2 Contract Value | <ul style="list-style-type: none"> <li>Final Contract Value is [REDACTED]</li> <li>Allowance for ASP1 and ASP3 are EXCLUDED from construction total at [REDACTED]. This allowance has not allowed for new electricity meters in private property.</li> </ul>   |     |    |
| 3 Program        | <ul style="list-style-type: none"> <li>Discussion around REF impacts on the program, including of not awarding until after the REF has been approved. Which is beyond the tender 90 days. <ul style="list-style-type: none"> <li>The signing of the contract will be contingent upon REF consent and approval. This is expected to be late January 2019.</li> <li>Commence Early Works in Late February 2019</li> <li>Commence Construction Works after ANZAC Day - 25<sup>th</sup> of April 2019</li> </ul> </li> <li>Contractor confirms acceptance of the above delay to contract execution and construction works.</li> <li>Council note that ASP3 and ASP2 works currently being undertaken and being approved by Ausgrid. Hope to this finalised within the next 6 weeks.</li> </ul> |     |    |
| 4 Staging        | <ul style="list-style-type: none"> <li>Discuss Staging Methodology of the following: <ul style="list-style-type: none"> <li>Bus Terminus – Bus Service Continuation during works <ul style="list-style-type: none"> <li>RMS graded design mix – approximately 3-4 day closure of the bus terminus to allow for demolition, excavation, base preparation and new pavement</li> </ul> </li> <li>Shop Front <ul style="list-style-type: none"> <li>Refer to site hours for business side</li> <li>Services and new kerb works whilst remainder of path is open</li> <li>Remaining works to be coordinated with shop owners</li> </ul> </li> </ul> </li> </ul>   |     |    |



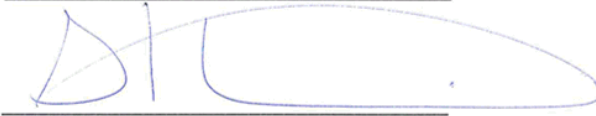
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| Item | Comments  | Yes | No |
|------|---|-----|----|
|      | <ul style="list-style-type: none"> <li>○ Cutting Carpark <ul style="list-style-type: none"> <li>▪ QMC proposed to do this section first, utilising the concrete median and the bus terminus exit as the entrance into the cutting, whilst undertaking works at the current entrance into the cutting</li> </ul> </li> </ul>   |     |    |
| 5    | <b>Site Access</b> <ul style="list-style-type: none"> <li>• Contractor has satisfied themselves with the site conditions and full understanding of the access constraints of the small site that has little capacity for site parking, material handling and storage. Proposed to utilise the existing parking nearby.</li> <li>• A detailed Traffic and Pedestrian Management Plan are to be submitted by the contractor. Maintain vehicular access to Bronte Beach Surf Life Saving Club and Bronte Beach/Bronte Park.</li> <li>• Garbage tram shed has been nominated as the site compound for the duration of these works.</li> </ul> |     |    |
| 6    | <b>Workforce</b> <ul style="list-style-type: none"> <li>• Contractor advised that they have capacity and the following commitments: <ul style="list-style-type: none"> <li>○ Project Manager</li> <li>○ Project Engineer</li> <li>○ Foreman</li> <li>○ Tradesman</li> <li>○ Labourers</li> <li>○ Sub-contractors – paving, landscape, asphalt, traffic control</li> </ul> </li> </ul>   |     |    |
| 7    | <b>Site Hours</b> <ul style="list-style-type: none"> <li>• Contractor confirmed understanding of working hours: <ul style="list-style-type: none"> <li>○ 7:00am to 5:00pm Monday to Friday</li> <li>○ 7:30am and after for Noisy works. No machines or loud works to be undertaken prior to 7:30am.</li> <li>○ 8:00am to 1pm Saturdays if required.</li> <li>○ Works on the business side of Bronte Rd have been proposed to be undertaken between 2pm and 9pm in the afternoon / evening. (to be confirmed with residents and business owners prior to commencement of construction)</li> </ul> </li> </ul>                              |     |    |
| 8    | <b>Set-out of Works</b> <ul style="list-style-type: none"> <li>• Contractor confirmed that they are satisfied with the following: <ul style="list-style-type: none"> <li>○ the set-out information provided (except for further information required on site for the northern side) and</li> <li>○ It is their responsibilities for set-out of works during construction, in consultation with Council's Project Officer. 24hrs min notice required.</li> </ul> </li> </ul>   |     |    |
| 9    | <b>Protection Measures</b> <ul style="list-style-type: none"> <li>• Principal expressed importance of a clean and professional site establishment due to community sensitivity to the works. The following measures are minimum requirement: <ul style="list-style-type: none"> <li>○ Tree Protection as per AS4970</li> <li>○ Silt and Sedimentation as per Landcom Blue Book as minimum</li> <li>○ Clean site throughout works</li> </ul> </li> </ul>   |     |    |
| 10   | <b>QA – HP/WP</b> <ul style="list-style-type: none"> <li>• Contractor has satisfied themselves with hold and witness points required.</li> <li>• Contractor to provide an Inspection Schedule and add hold points to program.</li> <li>• Contractor to provide a sample schedule.</li> </ul>  |     |    |
| 11   | <b>QA – Documentation</b> <ul style="list-style-type: none"> <li>• Contractor has satisfied themselves with the contract documentation and at this stage is aware of no discrepancies.</li> </ul>   |     |    |

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| Item |                               | Comments   | Yes | No |
|------|-------------------------------|--|-----|----|
| 12   | QA-Certification/<br>Warranty | <ul style="list-style-type: none"><li>Contractor has allowed for allow test and certification as specified in contract documents.</li><li>Contractor has allowed for all warranties required within the contract.</li></ul>                |     |    |
| 13   | EHS & SWSM                    | <ul style="list-style-type: none"><li>Contractor will provide a site specific WHS plan for each site at least one week prior to commencement.</li><li>QMC to submit their site foreman daily report to Council on a weekly basis</li></ul> |     |    |

Agreed and Signed on behalf of Quality Management &amp; Construction Pty Ltd trading as QMC Group

Name: STEVEN COMMISSOSignature: Date: 03. 10. 2018

**REPORT**  
**OC/5.4/18.11**

**Subject:** Tender Evaluation - Hazardous Material Consulting Services

**TRIM No:** A18/0330

**Author:** Matt Henderson, Project Manager

**Director:** Emily Scott, Director, Waverley Renewal

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**RECOMMENDATION:**

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Tender Evaluation Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Coffey Services Australia Pty Ltd as the preferred tenderer for the supply of Hazardous Material Consulting Services for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING].
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Coffey Services Australia Pty Ltd for Hazardous Material Consulting Services.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

**1. Executive Summary**

The purpose of this report is to seek Council's approval for the appointment of Coffey Services Australia Pty Ltd for Hazardous Material Consulting services as recommended by the Tender Evaluation Committee.

**2. Introduction/Background**

Further to the identification of disturbed asbestos, subsequent remediation, completion of a hazardous materials survey and preparation of an Asbestos Management Plan for the Council Chambers building, Council approved funding for the investigation of asbestos and other hazardous materials at other Council facilities and the updating or development of Asbestos Management Plans as necessary.

Subsequently, a Request for Tender (RFT) was prepared for Hazardous Material Consulting Services to undertake a hazardous materials surveys and development of Asbestos Management Plans as necessary for Councils buildings constructed prior to 2004.

### 3. Relevant Council Resolutions

| Council or Committee Meeting and Date | Minute No.   | Decision   |
|---------------------------------------|--------------|--|
| Council<br>17 July 2018               | CM/7.2/18.07 | <p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the actions taken by the Acting General Manager and General Manager in responding to the disturbance of asbestos in the Council Chambers in May 2018, as outlined in this report.</li> <li>Notes that the reports from Hibbs and Associates and the clearance from SafeWork NSW have confirmed that the Council Chambers is fit for occupation.</li> <li>Approves the expenditure of \$115,000 in responding to the asbestos incident, with the funds coming from the SAMP Buildings Reserve.</li> <li>Approves funding of \$150,000 for the investigation of asbestos and other hazardous materials at other Council facilities and the updating or development of Asbestos Management Plans as necessary, with funding to be drawn from the SAMP Buildings Reserve.</li> </ol> |

### 4. Discussion

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Daniel Adler – Project Manager, Asbestos Policy, Local Government NSW.
- Tobias Kuchta – Facilities Coordinator, Waverley Facilities.
- Matt Henderson – Project Manager, Project Waverley.

An RFT Evaluation & Probity Plan was developed and approved by the Evaluation Panel on 18 September 2018.

Tenders for the Hazardous Material Consulting Services were called on 13 August 2018 and evaluated in accordance with Council's Purchasing Policy, Procedures and the Tender Evaluation Plan. Compliance with the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005* were also strictly adhered to.

Tenders closed on 7 September 2018.

The Evaluation Panel used the RFT Evaluation & Probity Plan to determine which tenders offered the best value for money in the provision of Hazardous Material Consulting Services to Council.

#### Tenders received

The following tenders were received:

- ADE Consulting.
- Australasian Safety Services.

- Coffey.
- EHO Consulting.
- Greenplus Worldwide.
- Hibbs Consulting.
- JMB Environmental.
- OCC Safe.
- Pickford and Rhyder.
- Presna.
- Progressive Risk Management.
- Robert Carr.
- Safe Environments.
- Site Environmental.
- SLR Consulting.

#### *Late tenders*

Hibbs contacted Waverley Council on 7 September 2018 and requested that the tender deadline be extended due to extenuating circumstances. As the tender was to close that day, Council declined to extend the tender deadline, as this would be unfair to the other tenderers, but confirmed that Council would consider evaluating Hibbs's late tender submission on the basis of the extenuating circumstances. The late tender submission was received by email on 10 September 2018 and included in the evaluation.

Post-evaluation, Council received legal advice that, under clause 177 of the *Local Government (General) Regulation 2005*, a council must not consider a late tender unless the tender was 'posted or lodged' before the 'deadline for the closing of tenders'. This was not the case on this occasion. Although Hibbs's tender was evaluated and ranked as first, Council is unable to award the contract to Hibbs because it was a late tender and should not have been evaluated.

#### *Non-conforming tenders*

The tender submitted by OCC Safe was deemed to be non-conforming tender due to the fact they did not complete the tender schedules for methodology and programme. Additionally, the personnel proposed by OCC Safe do not have the correct licences to undertake such works in NSW. Consequently, OCC Safe were not considered further.

Thirteen tenders met the mandatory requirements and proceeded to a detailed evaluation. The conforming tenders are listed below:

| <b>CONFORMING TENDERS EVALUATED</b> |                              |
|-------------------------------------|------------------------------|
| 1.                                  | ADE Consulting               |
| 2.                                  | Australasian Safety Services |
| 3.                                  | Coffey                       |
| 4.                                  | EHO Consulting               |
| 5.                                  | Greenplus Worldwide          |
| 6.                                  | Hibbs Consulting             |
| 7.                                  | JMB Environmental            |
| 8.                                  | Pickford and Rhyder          |
| 9.                                  | Presna                       |
| 10.                                 | Progressive Risk Management  |
| 11.                                 | Robert Carr                  |
| 12.                                 | Safe Environments            |
| 13.                                 | Site Environmental           |



## Tender evaluation

Conforming tenders were evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation and Probity Plan, the *Tendering Guidelines for NSW Local Government 2009* issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria

| Advertised Evaluation Criteria                       | Weighting |
|--|-----------|
| Project understanding and methodology                | 20%       |
| Capacity to work within proposed timeframes          | 15%       |
| Experience in the delivery of similar projects       | 20%       |
| Key personnel, qualifications, skills and experience | 15%       |
| Price  | 30%       |
| Total  | 100%      |

Tenders were given a score on each of the evaluation criteria, resulting in a total score out of 100. Tenders were ranked in accordance with their scores. Final scores and rankings are shown in the confidential Tender Evaluation Matrix attached to this report.

## Evaluation panel's recommendation

Following evaluation of the tenders, the Evaluation Panel recommends that the services/product offered by Coffey provides the best value to Council. Coffey has completed a number of projects of a similar scope, of equal or greater value. In addition, Coffey scored strongly in the essential evaluation criteria demonstrating a strong understanding of the project requirements and also offer value for money to Council.

## 5. Financial impact statement/Timeframe/Consultation

### Financial impact statement

The budget for Hazardous Material Consulting Services is from cost centre 24047.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

The total anticipated funding required for Hazardous Material Consulting Services is \$80,000.

The total budget allocation for the Hazardous Material Consulting Services is currently \$130,000.

There are sufficient funds to cover the price tendered by the recommended tenderer.

### Timeframe

It is anticipated that the project will be completed by April 2019.

### Consultation

Project Waverley and Waverley Facilities will undertake staff consultation prior to the successful consultant commencing the HAZMAT surveys.



**6. Conclusion**

The Tender Evaluation Panel recommends Council enter into contract with Coffey for Hazardous Material Consulting Services. Coffey scored strongly for the non-price evaluation criteria, demonstrated a sound understanding of the project requirements and offer value to Council.

**7. Attachments**

1. Tender Evaluation Matrix (confidential) .