

NOTICE OF MEETING

Meeting: Special General Meeting

Date: Monday, 23rd October 2023

Location: Council Chambers, Georgetown

Commencing: 2:00pm

Councillors: Crs B Hughes, L Royes, A

Gallagher, C Barnes and J

Haase

Agenda Attached

Ken Timms PSM
CHIEF EXECUTIVE OFFICER

Local Government Act 2009

The principles (s4(2)) of the Act are:

- Transparent and effective processes, and decision-making in the public interest
- Sustainable development and management of assets and infrastructure, and delivery of effective services
- Democratic representation, social inclusion and meaningful community engagement
- Good governance of, and by, local government
- · Ethical and legal behavior of councilors and local government employees

S.275 – Local Government Regulation 2012

275 Closed meetings

- (1) A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss
 - (a) the appointment, dismissal or discipline of employees; or
 - (b) industrial matters affecting employees; or
 - (c) the local government's budget; or
 - (d) rating concessions; or
 - (e) contracts proposed to be made by it; or
 - (f) starting or defending legal proceedings involving it; or
 - (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
 - (h) other business for which a public discussion would be likely to prejudice the interests of the local government of someone else, or enable a person to gain a financial advantage.
- (2) A resolution that a meeting be closed must state the nature of the matters to be considered while the meeting is closed.
- (3) A local government or committee must not make a resolution (other than a procedural resolution) in a closed meeting.

AGENDA

- 1. OPENING OF THE MEETING AND SIGNING OF THE ATTENDANCE BOOK
- 2. APOLOGIES
- 3. SPECIAL MEETING REPORT
- 5. CONCLUSION

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3. SPECIAL MEETING OPEN SESSION REPORTS

Northern and Central Queensland Monsoon Flooding, 20 December 2022 – 30 April 2023 ESC2023-002 Zone 3 5 - 16

Gravel Supply ESC2023-005 Zone 3

17 - 27



DATE	17/10/2023
RFX TITLE	Northern and Central Queensland Monsoon and Flooding, 20 December 2022 - 30 April 2023
RFX NO.	ESC2023-002- Zone 3

EXECUTIVE SUMMARY

The Northern and Central Queensland Monsoon and Flooding project was offered to the market via LG Tender box as an open tender.

The sourcing exercise was open to the market from 4/09/2023 and closed on 29/09/2023 and received a total of 6 responses with 2 being non-compliant response.

2 submissions sent were file corrupted and direct request for the tenders to resend submission were received.

The Evaluation Panel have determined that the best option for Council on this occasion, is to award the contract to Enter the name and ABN of the winning respondent of address, for the amount of \$ (exclusive of GST).

The Evaluation Panel are making this recommendation based on; commencement and completion dates achievable, provided works for ESC in past successfully, local contractor, value for money, knowledge of the region and quality of delivery. The evaluation team met twice, once for pre-tender information and the second time to evaluate clarification responses and make a combined informed decision. unfortunately, the team are not able to determine a successful recommendation. Ward comments based around delivery of project and value for money. The team suggest Obriens Grader hire for the zone 3 works however are unable to recommend comprehensively.

BACKGROUND INFORMATION

This project was initiated to address flood damaged roads within the Etheridge Shire Network.

Funding for this project had been secured under DRFA joint Commonwealth and State government funding, providing financial assistance to help communities recover from eligible disasters.

Vendor	Reason for Inclusion
Durack Civil	Assessment team feel over committed in other regions, tender price within market rates, lower end.
	clarification request sent with responses, team feel inadequate response with no clarification around delivery, team feel the responses insufficient.
	The team are not recommending the tenderer even based of the value, with risk in delivery understanding not been determined by the tender.

Etheridge Shire Council

https://www.etheridge.qld.gov.au



Gulf Civil P/L	tender within market rates, out of region
Keltone contracting	Tender within market rates out of region
Obriens Grader Hire	Higher tender bid, within market rates, out of region
War NQ	High tender price, however, within market rate, not local.
Koppen Constructions	Extreme high tender, outside of market rates

The pre-determined criteria by which the project was to be evaluated were weighted as follows;

Criteria	Weighting	Reasoning	
Price/Value for Money	30%	With in Market Rates of QRA Submission	
Local Preference	10%	As per Local Preference Policy	
Demonstrated Experience	20%	knowledge of ESC region, crew delivery and program	
Vendor Resources	10%	Plant and Crew availability, rosters of team delivery	
Key Personnel	20%	Staff roster, PM on site foreman availability on site for inspections	
Pretender Meeting	10%	Briefing of council requirements and local policy awareness, road order delivery	

The specification for this project was developed by Brett Fulloon who is the Project Contracts Manager and Superintendent representative and was approved by Ken Timms CEO Etheridge Shire Council.

SITE MEETINGS, QUERIES AND CONSIDERATIONS

The invitation to the market was issued on the 4/09/2023

A site meeting was;

a) mandatory Not Applicable

During the response period, the following queries were raised, and corresponding responses provided by ESC;

Date	Vendor (if known)	Query	Response

Etheridge Shire Council



The RFx closed on the 29/09/2023.

A total of 6 responses were received. No late submissions received.

EVALUATION

Panel Member Selection and Conflict of Interest

During the scoping stage of the project, a panel of experienced personnel was determined to assess the responses against the nominated selection criteria. The panel members to conduct the independent assessments were;

David Watkins - Shepherd Service Project Manager

Josh Sinapius - Etheridge Shire Foreman

Muxith Habib - Etheridge Shire Engineer

Brett Fulloon - Shepherd Service /ESC Superintendent representative

These individuals were selected on the basis of their knowledge of the project requirements.

Upon closing of the tender submission period, the evaluation panel members were informed of the respondent names and provided the opportunity to state any conflicts of interest, that would impact their impartiality in the assessment.

No actual, potential or percieved conflicts of interest were identified by any of the evaluation panel members.

The evaluation panel members each assessed the proposals from the Respondents independently of each other, and later convened on the 10/10/2023 to conduct a moderation session to review any anomalies in the independent evaluations and again on the 17/10/2023 arrive at a consensus of recommendation.

Submission Clarifications

During the evaluation process, the following issues were highlighted in the responses; Copies can be provided at request.

Submissions Received

The following table summarises the moderated evaluation of the final responses; **Note:** market rates is based on submitted evaluation to QRA.

Etheridge Shire Council

PO Box 12 | St George Street | Georgetown Q 4871



Vendor	Overall Score	Overall Ranking	Justification
Durack Civil	72		within market rates, company has existing projects across Qld - assessment reveals may not be able to complete on time, potentially insufficient plant availability (lacks evidence) response to clarifications insufficient provided.
Gulf Civil P/L	74.35		Within market rate, Local contractor within Etheridge Shire, within market rates, worked with ESC in prior events. Submission provided non-conforming tender to include gravel supply makes for better value for money.
Keltone Constructions	68.44		Within market rates outside of region
Obriens grader hire	76.71		Within market rates, neighbouring shire, proven works for ESC past delivery
War NQ	57.14		Inside of market rates, in neighbouring region, good contractor Higher than lowest tender
Koppens construction	59.715		Extreme high tender, out of region no proven record with ESC

The evaluation panel have based these rankings on the following moderated evaluation data.

Mandatory Compliance (Tender Conditions, Response Requirements, Insurance, Certifications, etc) Vendor **Comments / Departures** Compliant **Durack Civil** Yes Information provided, some out of date and from other regions/projects Gulf Civil P/L Yes Sufficient to conform-requires updating **Keltone Constructions** Yes Sufficient to conform- requires updating Obriens Garder Hire Yes Sufficient to conform- requires updating Information provided, some out of date and from other War NQ Yes regions/projects

Etheridge Shire Council



Koppens Construction	yes	Information regions/proje	. ,	some	out	of	date	and	from	other
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Weighted Criteria Evaluations

The following tables summarise the moderated evaluation of the weighted criteria;

Price								
Vendor	Price (Ex GST)	Score	Ranking	Justification (note any exclusions or qualifications)				
Durack Civil	\$7,473,935.28	72		Conforming- clarifications requested				
Gulf Civil P/L	\$8,557,096.06	74.35		conforming				
Gulf Civil P/L Alternative Tender	\$7,976,561.25			Non-conforming- reduced to support gravel haulage contract				
Keltone Constructions	\$8,341,420.42	68.44		conforming				
Obriens Grader Hire	\$8,253,055.15	76.71		conforming				
War NQ	\$8,371,185.73	57.14		conforming				
Koppen Constructions	\$19,200,359.17	59.715		conforming				



Local Preference (as based on the ESC Local Preference Policy)						
Vendor	Score	Ranking	Justification			
Durack Civil	6.5					
Gulf Civil P/I	6.5					
Keltone construction	5					
Obriens grader hire	7					
War NQ	5.5					
Koppens constructions	5.5					

Safety/ key personnel					
Vendor	Score	Ranking	Justification		
Durack Civil	5.75		Clarification for personnel understated		
Gulf Civil P/I	7		Proven safety		
Keltone Construction	6.5		Insufficient evidence		
Obriens grader hire	7.45		Non-conforming		
War NQ	6		Proven safety		
Koppen constructions	7.625		Proven safety		

Demonstrated Experience					
Vendor	Score	Ranking	Justification		
Durack Civil	7.5		demonstrated completion of works in other regions		
Gulf Civil P/L	7.5		demonstrated completion of works in region		
Keltone Construction	6		demonstrated completion of works in Esc and other regions		



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Obrein Grader Hire	6.75	Non-conforming demonstrated completion of works
War NQ	2.75	demonstrated completion of works in other regions
Koppen construction	8.25	demonstrated completion of works in other regions

Vendor Resources/Delivery									
Vendor	Score	Ranking	Justification						
Durack Civil	5.75		Clarification of delivery understated for works with in ESC region						
Gulf Civil P/I	7.5		Proven plant history/ personnel resource issues						
Keltone construction	6.5		Proven plant history						
Obriens Grader Hire	7.75		Proven history of completion / concern of financial capacity -not shown in submission						
War NQ	3.5		Proven plant history, and completion in other regions						
Koppen Construction	4.5		Proven plant history and completion of in other regions						

Special Considerations

Gulf Civil P/L submission for both ESC2303-002 and ESC-Q-2023-005, reduced value for money for Zone 3 tender and Zone 3 gravel supply and haulage was best value in review by panel.

Independent Evaluations

The moderated evaluation is based on the following evaluations provided by the individual evaluation panel members;

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Combined Score Card						
	Muxith	David	Josh	Brett	Combined	
Assessor Name	Habib	Watkins	Sinapius	Fulloon	scores	weighted average
	_					
Company						
Durack Civil	95	63	62	68	288	72
Gulf Civil P/L	93.2	75.2	50	79	297.4	74.35
Keltone	81.88	61.88	56	74	273.76	68.44
Obriens Grading Hire	84.17	72.17	76	74.5	306.84	76.71
War NQ	61.78	45.78	48	73	228.56	57.14
Koppens Construction	74.68	50.68	53	60.5	238.86	59.715

RECOMMENDATION

The evaluation panel have conducted a thorough review of the responses provided and therefore recommends that Council:

- 1. Award the contract of The Northern and Central Queensland Monsoon and Flooding 2023 Zone 3 Package to <u>Undetermined</u> for the value of \$.....excl. GST
- 2. In accordance with the Engineering and Infrastructure Procurement Plan for the delivery of works for the 2023/2024 financial year, as endorsed by Council Resolution No 23.07.14CEO.
- 3. Council to consider the following:
 - A. tender submissions delivery outcomes
 - B. value of tenders.
 - C. Provide the Superintendent with successful tenderer.

DECLARATION

We declare that:

- 1. The panel followed due process in selection of the preferred tenderer.
- 2. The tender contributes to Council's corporate and operational outcomes
- 3. The tender process complies with the legal obligations of the *Local Government Regulations* (2012), Council policies and procedures and has given due consideration to:
 - The 5 Sound Contracting Principles of the Local Government Act (2009) open and
 effective competition; value for money; encouragement of the development of competitive
 local business and industry; environmental protection; ethical behaviour and fair dealing),
 - Ensuring a consistent, accountable and transparent process,
 - Security and confidentiality
 - Identifying and dealing with any procedural matters or concerns (such as late tenders, extensions, negotiations, clarifications, conflicts of interest)

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https://www.etheridge.qld.gov.au



- 4. The evaluation process was free of bias, and any perception of bias. There were no connections between evaluation panel members and any tender submissions. Panel members accepted no gifts and had limited contact with tenderers during the evaluation process.
- 5. During the evaluation process no conflict of interest was declared on any of the received tender submissions.
- 6. We are confident that all activities, up to this point, can withstand internal or external scrutiny. Furthermore, we believe that this report provides enough information for Council to make a responsible decision on the matter.



ENDORSED BY:			
PRINTED NAME		SIGNATURE	DATE
PROJECT MANAGER			
Brett Fulloon	&		18/10/2023
PRINTED NAME		SIGNATURE	DATE
MANAGER CONTRACTS AND PROCUREMENT			
PRINTED NAME		SIGNATURE	DATE
DIRECTOR			

APPROVED UNDER DELEGATION BY:

<u>Up to \$200,000</u>		
PRINTED NAME DIRECTOR	SIGNATURE	DATE
Over \$200,000 ⊠ Procurement Plan Evaluation by Councillors completed	d	
Ken timms		
PRINTED NAME CEO	SIGNATURE	DATE



DATE	17/10/2023
RFX TITLE	Northern and Central Queensland Monsoon and Flooding, 20 December 2022 - 30 April 2023
RFX NO.	Zone 3 ESC-Q-2023-005 Gravel Supply

EXECUTIVE SUMMARY

The Northern and Central Queensland Monsoon and Flooding project was offered to the market via LG Tender box as an open tender.

The sourcing exercise was open to the market from 4/09/2023 and closed on 29/09/2023 and received a total of 5 responses with 1 being non-compliant response.

2 submissions sent were file corrupted and direct request for the tenders to resend submission were received.

The Evaluation Panel have determined that the best option for Council on this occasion, is to award the contract to Gulf Civil P/I of, Unit 13 & 14, 12 Discovery Drive, NORTH

LAKES, QLD 4509 for the amount of \$ 2,770,448.04 (exclusive of GST).

The Evaluation Panel are making this recommendation based on; commencement completion dates achievable, provided works for ESC in past successfully, local contractor, value for money, knowledge of the region.

BACKGROUND INFORMATION

This project was initiated to address flood damaged roads within the Etheridge Shire Network.

Funding for this project had been secured under DRFA joint Commonwealth and State government funding, providing financial assistance to help communities recover from eligible disasters.

- 1. Gravel Quantities required for Zone 3 were not sufficient with the 5000t / sales permit site allowable with in zone 3 per financial year.
- 2. Alternative resources for delivery of the flood package determined that gravel had to be sourced from either commercial points or within other resource of Etheridge Shire.
- 3. Options included road reserve corridor and haulage form other zones. These alternatives were found to be above allowable limits under QRA guidelines.
- 4. It was determined after consultation with ESC ELT team and QRA guidance that, gravel from zone 2 site Vanlee 07 (a sales permit -freehold ERA16 site) enough gravel could be obtained within the financial year under legislative requirements being met.

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Vendor	Reason for Inclusion
Hawkins Qld	Conform, delivery time frame
Gulf Civil P/I	Conform, delivery time frame
Renick and Sons	Higher tender bid, local, clarification of ability to meet timelines confirmed
We Construct	Extreme High tender price, no evidence of delivery experience within ESC, local
Coleman contracting	Only supply of quote for pushing gravel at pit and load other trucks

The pre-determined criteria by which the project was to be evaluated were weighted as follows;

Criteria	Weighting	Reasoning
Price/Value for Money	30%	With in Market Rates of QRA Submission
Local Preference	10%	As per Local Preference Policy
Demonstrated Experience	20%	knowledge of ESC region, crew delivery and program
Vendor Resources	10%	Plant and Crew availability, rosters of team delivery
Key Personnel	20%	Staff roster, PM on site foreman availability on site for inspections
Pretender Meeting	10%	Briefing of council requirements and local policy awareness, road order delivery

The specification for this project was developed by Brett Fulloon who is the Project Contracts Manager and Superintendent representative and was approved by Ken Timms CEO Etheridge Shire Council.

SITE MEETINGS, QUERIES AND CONSIDERATIONS

The invitation to the market was issued on the 4/09/2023

A site meeting was;

a) mandatory Not Applicable

During the response period, the following queries were raised, and corresponding responses provided by ESC;

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Date	Vendor (if known)	Query	Response

The RFx closed on the 29/09/2023.

A total of 6 responses were received. No late submissions received.

EVALUATION

Panel Member Selection and Conflict of Interest

During the scoping stage of the project, a panel of experienced personnel was determined to assess the responses against the nominated selection criteria. The panel members to conduct the independent assessments were;

David Watkins - Shepherd Service Project Manager

Josh Sinapius - Etheridge Shire Foreman

Muxith Habib - Etheridge Shire Engineer

Brett Fulloon - Shepherd Service /ESC Superintendent representative

These individuals were selected on the basis of their knowledge of the project requirements.

Upon closing of the tender submission period, the evaluation panel members were informed of the respondent names and provided the opportunity to state any conflicts of interest, that would impact their impartiality in the assessment.

No actual, potential or percieved conflicts of interest were identified by any of the evaluation panel members.

The evaluation panel members each assessed the proposals from the Respondents independently of each other, and later convened on the 10/10/2023 to conduct a moderation session to review any anomalies in the independent evaluations and again on the 17/10/2023 arrive at a consensus of recommendation.

Submission Clarifications

During the evaluation process, the following issues were highlighted in the responses.

Q; can we tender both packages on council website

Response: yes, a conforming tender and a nonconforming tender can be submitted.

Submissions Received

The following table summarises the moderated evaluation of the final responses; **Note:** market rates is based on submitted evaluation to QRA and review of local supply gravel resourcing with ESC.

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It was determined that the package \$ would be valued around \$2.5 million to \$3.0 million.

Vendor	Overall Score	Overall Ranking	Justification
Hawkins Qld	66.575		High of market rates, outside of region.
Gulf Civil P/L	72.25		Within market rate, Local contractor within Etheridge Shire, within market rates, worked with ESC in prior events.
	7 2.20		Submission provided non-conforming tender to include zone 3 construction works makes for better value for money.
Renick and Sons	73.145		Higher than market rates, outside of region
We construct	27.5		Excessive of market rates, within shire
Coleman Contracting	39.625		Inside of market rates (per cubic meter rate), local contractor good contractor, Supply of dozer and loading trucks at site only

The evaluation panel have based these rankings on the following moderated evaluation data.

Mandatory Compliance (Tender Conditions, Response Requirements, Insurance, Certifications, etc)								
Vendor	Compliant	Comments / Departures						
Hawkins Qld	Yes	Information provided, some out of date and from other regions/projects						
Gulf Civil P/L	Yes	Sufficient to conform-requires updating						
Renick and Sons	Yes	Sufficient to conform- requires updating						
We Construct	Yes	Non conforming – insufficient evidence						
Coleman contracting	Yes	Information provided, some out of date and from other regions/projects						

Etheridge Shire Council



Weighted Criteria Evaluations

The following tables summarise the moderated evaluation of the weighted criteria;

Price				
Vendor	Price (Ex GST)	Score	Ranking	Justification (note any exclusions or qualifications)
Hawkins Qld	\$5,097,855.52	66.575		conforming
Gulf Civil P/L	\$2,770,448.04	72.25		conforming
Renick and Sons	\$5,012,728.20	73.145		Conforming / committed zone 2
We construct	\$10,550,500.65	27.5		Non-conforming
Coleman Contracting	\$238,500.00	39.625		Non-conforming/current Rehabilitation works within ESC

Local Preference (as based on the ESC Local Preference Policy)								
Vendor	Score	Ranking	Justification					
Hawkins Qld	6.3575							
Gulf Civil P/I	6.5							
Renick and Sons	9.25							
We Construct	6.75							
Coleman contracting	7.5							

Safety/ key personnel



Vendor	Score	Ranking	Justification
Hawkins Qld	5.75		Clarification for personnel understated
Gulf Civil P/I	7		Proven safety
Renick and Sons	6.5		Insufficient evidence
We Construct	7.45		Non-conforming
Coleman Contracting	6		Proven safety

Demonstrated Experience								
Vendor	Score	Ranking	Justification					
Hawkins Qld	8		demonstrated completion of works in other regions					
Gulf Civil P/L	7.25		demonstrated completion of works in region					
Renick and Sons	8.25		demonstrated completion of works in ESC and other regions					
We construct	2.75		Non-conforming demonstrated completion of works					
Coleman Contracting	3.75		demonstrated completion of works in other regions					

Vendor Resources/Delivery								
Vendor	Score	Ranking	Justification					
Hawkins Qld	6.5		Clarification of delivery understated for works with in ESC region					
Gulf Civil P/I	7.25		Proven plant history/ personnel resource issues					
Renick and Sons	8.25		Proven plant history					
We construct	2.75		Proven history of completion / concern of financial capacity -not shown in submission					
Coleman Contracting	3.75		Proven plant history, and completion in other regions					

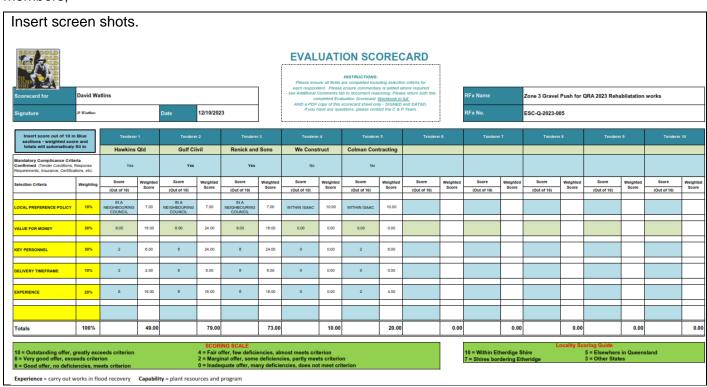


Special Considerations

Gulf Civil P/L submission for both ESC2303-002 and ESC-Q-2023-005, reduced value for money for Zone 3 tender and Zone 3 gravel supply and haulage was best value in review by panel.

Independent Evaluations

The moderated evaluation is based on the following evaluations provided by the individual evaluation panel members;





								Please ensi	are all fields	INSTRUCTIONS: are completed inclu ensure commentar	iding selectic	on criteria for									
corecard for														RFx Name		Zone 3 Gravel	Push for	QRA 2023 Reh	abilatation	n works	
gnature		Date					completed Evaluation Scorecard Workbook in full AND a PDF copy of this scorecard sheet only - SIGNED and DATED. If you have any questions, please contact the C & P Team.						RFx No.			ESC-Q-2023-005					
Insert score out of 10 in sections - weighted score totals will automatically	weighted score and					Tendere		Tenderer		Tendere	16	Tenderer	7	Tendere	ir 8	Tender	er 9	Tendere	er 10		
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RECOMMENDATION

The evaluation panel have conducted a thorough review of the responses provided and therefore recommends that Council:

- Award the contract of The Northern and Central Queensland Monsoon and Flooding 2023 Zone 3
 Gravel Supply Package ESC-Q-2023-005 to Gulf Civil P/I for the value of \$ 2,770,448.04 excl. GST
- 2. In accordance with the Engineering and Infrastructure Procurement Plan for the delivery of works for the 2023/2024 financial year, as endorsed by Council Resolution No 23.07.14CEO.

Etheridge Shire Council

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RECOMMENDATION REPORT - ESC

DECLARATION

We declare that:

- 1. The panel followed due process in selection of the preferred tenderer.
- 2. The tender contributes to Council's corporate and operational outcomes
- 3. The tender process complies with the legal obligations of the *Local Government Regulations* (2012), Council policies and procedures and has given due consideration to:
 - The 5 Sound Contracting Principles of the Local Government Act (2009) open and
 effective competition; value for money; encouragement of the development of competitive
 local business and industry; environmental protection; ethical behaviour and fair dealing),
 - Ensuring a consistent, accountable and transparent process,
 - Security and confidentiality
 - Identifying and dealing with any procedural matters or concerns (such as late tenders, extensions, negotiations, clarifications, conflicts of interest)
- 4. The evaluation process was free of bias, and any perception of bias. There were no connections between evaluation panel members and any tender submissions. Panel members accepted no gifts and had limited contact with tenderers during the evaluation process.
- 5. During the evaluation process no conflict of interest was declared on any of the received tender submissions.
- 6. We are confident that all activities, up to this point, can withstand internal or external scrutiny. Furthermore, we believe that this report provides enough information for Council to make a responsible decision on the matter.

Etheridge Shire Council

https://www.etheridge.qld.gov.au



ENDORSED BY:			
PRINTED NAME		SIGNATURE	DATE
PROJECT MANAGER			
Brett Fulloon	X		18/10/2023
	Q.		
PRINTED NAME		SIGNATURE	DATE
Manager Contracts Superintendent			
Representative			
PRINTED NAME		SIGNATURE	DATE
DIRECTOR			

APPROVED UNDER DELEGATION BY:

<u>Up to \$200,000</u>		
PRINTED NAME	SIGNATURE	DATE
DIRECTOR		
Over \$200,000		
	eted	
Ken timms		
PRINTED NAME	SIGNATURE	DATE
CEO		