



Notice of Extraordinary Meeting

Notice is hereby given that a Extraordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina on **Wednesday 8 August 2012 commencing at 4.00 pm.**

Business

1. Acknowledgement of Country
2. Apologies
3. Declarations of Interest
4. Deputations
5. General Manager's Group Report
 - 5.1 Tender - Construction of the Ballina Surf Life Saving Club

Paul Hickey
General Manager

Deputations to Council – Guidelines

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of 5 minutes allocated for the deputation.

Public Question Time – Guidelines

A public question time has been set aside during the Ordinary Meetings of the Council. Public Question Time is held at 12.45 pm but may be held earlier if the meeting does not extend to 12.45 pm.

The period for the public question time is set at a maximum of 15 minutes.

Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.

Questions may be on any topic, not restricted to matters on the agenda for the subject meeting.

The Chairperson will manage the questions from the gallery to give each person with a question, a "turn". People with multiple questions will be able to ask just one before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

Questions may be asked from the position in the public gallery.

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1. Acknowledgement of Country
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1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

2. Apologies

Apologies were received from Crs Robyn Hordern and Keith Johnson.

3. Declarations of Interest

4. Deputations

5. General Manager's Group Reports**5.1 Tender - Construction of the Ballina Surf Life Saving Club**

Delivery Program Commercial Services

Objective To obtain Council approval to award the contract for the construction of the Ballina Lighthouse and Lismore Surf Life Saving Club.

Background

Council has previously resolved to undertake the construction of a replacement building for the Ballina Lighthouse and Lismore Life Saving Club. Registrations of Interest were advertised in May 2012 and a shortlist of four companies was selected to receive the tender documentation with tenders closing 25 July 2012. Submissions were received from three of the companies selected to tender. The fourth company failed to submit their tender prior to the advertised closing time and in the manner required by the tender terms and conditions, this tender was not considered in the evaluation.

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations 2005.
- Engage a suitably qualified and experienced Contractor that having regard to all the circumstances provides the most advantageous tender.

Information

Tender submissions were received from:

- O'Donnell & Hanlon Pty Ltd
- Bennett Constructions Pty Ltd
- Greg Clark Building Pty Ltd

The tender documentation defined three areas, by which each tender would be assessed:

- Total Price 70%
- Construction Program & Proposed Sub-Contractors 20%
- Risk Management Protocols 10%

The tender evaluation panel, consisting of two Council staff and a consultant engineer, then assessed each of the tenders against the above criteria and a summary of the rankings follows.

Evaluation Criteria	O'Donnell & Hanlon Pty Ltd	Bennett Constructions Pty Ltd	Greg Clark Building Pty Ltd
Total Price	70.0%	66.2%	66.0%
Construction Program & Proposed Sub-Contractors	12.8%	16.8%	10.5%
Risk Management Protocols	5.5%	6.7%	5.0%
Total	88.3%	89.6%	81.5%

The site location has been identified as a difficult construction site and the civil consultants have undertaken a detailed review of the site. As a result the selection of sub-contractors (in particular the piling contractor) and the required attention to risk and safety are an important consideration in the evaluation of the tenders.

The tender from Bennett Constructions Pty Ltd has provided a detailed program of works which provides for a 38 week construction period (the shortest of the three tenders) and clearly addressed all the issues of risk associated with these works. A detailed examination of the earthworks and piling was undertaken by the piling sub-contractor to address the majority of issues in completing these works

Based on the tender submissions Bennett Constructions Pty Ltd although not providing the lowest priced tender, has ranked highest in the tender evaluation. Bennett Constructions Pty Ltd is a local building company and is very experienced in local conditions. Bennett Constructions Pty Ltd has undertaken the construction of several buildings for the Ballina Shire Council and all works undertaken have been of a high quality.

Sustainability Considerations

- **Environment**
Extensive sediment control measures are to be employed during the construction works
- **Social**
Being a local company Bennett Constructions Pty Ltd will employ local trade persons to complete the works. Also under the terms and conditions of the contract, the successful tenderer must its best endeavours to make Aboriginal participation, including employment and training, a feature of the project. This must be carried out in accordance with the NSW Government "Aboriginal Participation in Construction Implementation Guidelines".
- **Economic**
The tender is on budget and the surf club will provide significant tourism and related economic development related benefits to the Shire.

Legal / Resource / Financial Implications

This report is provided to assist Council meet its statutory requirements in regards to tendering and procurement.

The tendered amount is \$3,244,600 plus a contingency of \$486,690 giving a total contract value of \$3,731,290. The initial budget for the construction works was estimated at \$3,900,000 based on plans and documents at the time. Therefore the tendered amount is within the budget for this project.

Consultation

A public tender process has been undertaken

Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may award the contract to Bennett Constructions Pty Ltd to undertake the Construction of the Ballina Lighthouse & Lismore Surf Life Saving Club.

Option one is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005.

Option two is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the preferred tenderer.

Bennett Constructions Pty Ltd is an experienced local contractor and has completed several projects for Council in the past. Bennett Constructions Pty Ltd has scored highest in the tender evaluation.

RECOMMENDATIONS

1. That Council accepts the tender for the Construction of the Ballina Lighthouse & Lismore Surf Life Saving Club from Bennett Constructions Pty Ltd for the amount of \$3,244,600 plus a contingency of \$486,690 + GST.
2. That Council authorises the Council seal to be attached to the contract documents

Attachment(s)

Nil