



# GANNAWARRA

## *Shire Council*

**Tuesday, 3 January 2023**

**10:00am**

**Virtual via Zoom**

## **AGENDA**

### **Unscheduled Council Meeting**

The Unscheduled Council Meeting will be live-streamed via Council's website which can be accessed at this link

<https://www.gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream>

**Order Of Business**

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**Geoff Rollinson**  
**CHIEF EXECUTIVE OFFICER**

## 1 WELCOME TO COUNTRY

Playing of the Welcome to Country video clip.

## 2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

## 3 APOLOGIES AND LEAVE OF ABSENCE

## 4 DECLARATION OF CONFLICT OF INTEREST

### General conflict of interest

Unless exempt under section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

### Material conflict of interest

Unless exempt under section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

### Disclosure of a conflict of interest

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with section 130 of the Act, a councillor who has a disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with section 130 of the Act may result in a penalty of 120 penalty units

## **5 BUSINESS REPORTS FOR DECISION**

### **5.1 CONTRACT G09-2022 FLOOD RECOVERY WORKS - ROADS, DRAINAGE AND ASSOCIATED WORKS**

**Author:** Leigh Hollingworth, Civil Projects Officer

**Authoriser:** Geoff Rollinson, Chief Executive Officer

**Attachments:** 1 G09-2022 Evaluation

#### **RECOMMENDATION**

**That Council:**

- 1. Appoint the following panel of Contractors, as listed below, at the rates submitted for a period of 3 years, subject to rise and fall every twelve months, for G09-2022 Flood Recovery Works – Roads, Drainage and Associated Works.**

**Berne Fleming Civil Pty Ltd**

**Bild Infrastructure Pty Ltd**

**Harril Pty Ltd**

**Downer EDI Works Pty Ltd**

**Earthworks Civil & Construction Pty Ltd**

**Kevin O'Brien Excavations**

**CJ & BT McLoughlan Pty Ltd**

**Northern Constructions (Aust) Pty Ltd**

**Whitfield Excavations Pty Ltd**

- 2. Authorise the CEO, on behalf of Council, to execute the documents required to appoint the panel of contractors.**

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#### **EXECUTIVE SUMMARY**

In October and November 2022, the Gannawarra Shire experienced a major flood event, which caused significant damage to Council's infrastructure. Preliminary estimates to repair Council road infrastructure is estimated to be in the vicinity of \$50,000,000.

This report seeks to appoint contractors for G09-2022 Flood Recovery Works – Roads, Drainage and Associated Works to a panel for a period of three years subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under State Government funding arrangements.

#### **PURPOSE**

This report seeks to appoint contractors for G09-2022 Flood Recovery Works – Roads, Drainage and Associated Works to a panel for a period of three years subject to rise and fall. This will allow Council to complete the critical public infrastructure rehabilitation works necessary to reinstate to pre-disaster conditions under State Government funding arrangements.

#### **ATTACHMENTS**

G09-2022 Evaluation

**DISCUSSION**

As a result of the October and November 2022 Flood event, Council's road and rural drainage networks, across the flood impacted districts have been significantly damaged. The full extent of the damage and the works required to reconstruct and restore is yet to be fully assessed due to access issues, however it is estimated to be in the vicinity of \$50,000,000.

Initial Rapid Impact Assessments have been undertaken and will inform the prioritisation of Secondary Impact Assessments. These Assessment will provide further detailed requirements and cost estimates for Council to submit to the Victorian State Government for approval to commence work under the Disaster Recovery Funding Arrangement (DRFA).

Under current DRFA conditions, Council is not able to recoup costs for work completed using day labour, thus facilitating the need to enlist the services of contractors. The purpose of this tender is to obtain rates from contractors to enable Council to complete the works on the basis of time and quantities, thereby offering less financial risk to the contractors and Council.

Tenderers were invited to submit a Schedule of Rates for works, as identified in the Tender documentation. The Schedule of Rates includes labour, materials, plant, delivery, environmental controls, traffic control, testing and reporting and documentation to support Council's claims through the DRFA arrangements with the State Government.

Council received nine (9) tender submissions at the close of tenders on 15 December 2022. The following companies submitted conforming tenders:

1. Berne Fleming Civil Pty Ltd
2. Bild Infrastructure Pty Ltd
3. Harril Pty Ltd
4. Downer EDI Works Pty Ltd
5. Earthworks Civil & Construction Pty Ltd
6. Kevin O'Brien Excavations
7. CJ & BT McLoughlan Pty Ltd
8. Northern Constructions (Aust) Pty Ltd
9. Whitfield Excavations Pty Ltd

The evaluation panel completed its evaluation on Friday 16 December 2022. The evaluation criteria, and weighting contained in the conditions of tender, supplied to all tenderers were:

Mandatory requirements	Complies
Satisfaction of Insurance Requirements	Yes/No
Willingness to negotiate based on proposed conditions of Contract with reasonable amendments	Yes/No
OH&S Policy and accreditation	Yes/No
Financial Capacity	Yes/No

EVALUATION CRITERIA	RELATIVE WEIGHTING
Tenderer’s and any nominated sub-contractors’ resources, technical and financial capabilities to successfully complete the contract.	20%
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	35%
Tenderer’s and any nominated sub-contractor’s experience on similar projects and standing, experience and skill within the industry.	20%
Tenderer’s and any nominated sub-contractor’s OH&S record and procedures and ability to minimise Council’s insurance risks.	15%
Local Benefit	10%

All tenders received were conforming to the specification. The Tender was advertised as a schedule of rates subject to rise and fall based on the Victorian Construction Price Index should the works extend beyond December 2023.

The Tender required contractors to provide unit rates for supply of a diverse range of materials, along with hourly rates for the supply and operation of various plant and equipment. It is recommended all Tender submissions be accepted. Under the terms of the contract there is no obligation on Council to use any of the submissions received. It was also made clear in the specification that there is no guarantee of a minimum quantity, or period of work, under this tender.

Upon completion of the Secondary Impact Assessments, a scope of works will be defined, providing opportunity for the panel contractors to provide to Council a full detailed quotation on each individual job within that program of works, based on their scheduled of rates submission. These quotes will then be assessed and work awarded as per Council Policy 109 – Procurement.

**RELEVANT LAW**

*Local Government Act 2020 - s. 109 Procurement*

**RELATED COUNCIL DECISIONS**

Not applicable

**OPTIONS**

1. Award a panel of contractors under this contract to ensure that works are undertaken in a timely and efficient manner, and in accordance with DRFA arrangements with the State Government. This will maximise the potential reimbursement to Council, and thereby minimise the financial risks to Council.
2. Award a contract to Northern Constructions (Aust) Pty Ltd as the sole contractor to complete a full schedule. This may have cost and time implications depending on the type and quantity of works.
3. Award a contract to a selection of the tenderers. This may have cost and time implications depending on the type and quantity of works.

**SUSTAINABILITY IMPLICATIONS**

Economic – Restoring access to agricultural businesses within the Shire and providing income opportunities for local and regional contractors.

Social – Re-connecting our communities after a significant flood emergency event.

Environmental – Works will be undertaken in consideration of the unique environment and the vast flood plain district.

Climate Change – Repair works will be undertaken with consideration to future flood events.

**COMMUNITY ENGAGEMENT**

Council is currently forming municipal recovery sub-committees:

- Built and Environmental
- Primary Producers and Economic
- Community and Social.

These committees will be made up of representatives from State agencies and local community members.

Once works commence, regular updates will be provided to the community informing them of any disruption to the road and drainage networks in advance, whilst ensuring appropriate traffic management is in place to minimise disruptions.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Council will consider the unique environment and vast flood plain as part of the schedule of works.

**COLLABORATION**

Council will undertake the repair restoration works to the road and drainage network in collaboration with the Emergency Management Victoria, the assigned assessor responsible for reviewing the program of works and costings and to approve the works under Category B of DRFA.

**FINANCIAL VIABILITY**

Initial estimates for the repair and rehabilitation of flood impacted infrastructure is \$50,000,000 of which a large portion will be reimbursed through DRFA. Council will have a better understanding



once all secondary impact assessments and condition reports are completed. There will be a portion of the works program that Council will be liable for however it is anticipated that the majority of the planned works will be eligible under DRFA.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Victorian State Government Disaster Relief and Recovery Plan.

Managing Residual Floodwater in Emergency Situations Guide.

**COUNCIL PLANS AND POLICIES**

Council Policy 109 – Procurement

Gannawarra Shire Council Municipal Emergency Management Plan

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

**Gannawarra Shire Council**

**Flood Recovery Works - Roads, Drainage and Associated Works  
G09-2022**

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As a member of the evaluation panel I declare that:

All tendered information under evaluation shall remain strictly confidential.

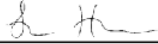
I will not disclose anything about the tenders or the process to anyone who is not part of the formal selection process in relation to this tender, unless  
I am compelled to do so by law; or  
The information is already legally in the public domain

I have no conflict of interest with the Tenderers listed above and I will disclose any potential conflict of interest should it arise.

Tenderers who have submitted offers for this contract:

- Berne Fleming Civil Pty Ltd**
- Bild Infrastructure Pty Ltd**
- Harril Pty Ltd**
- Downer EDI Works Pty Ltd**
- Earthworks Civil & Construction Pty Ltd**
- Kevin O'Brien Excavations**
- CJ & BT McLoughlan Pty Ltd**
- Northern Constructions (Aust) Pty Ltd**
- Whitfield Excavations Pty Ltd**

Leigh Hollingworth  
Civil Projects Officer



Wade Williams  
Manager Projects and Design



Dmitry Belyakov  
Manager Council Assets




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Gannawarra Shire Council  
 Contract name: Flood Recovery Works - Roads, Drainage and Associated Works  
 Contract number: G09-2022

Criteria	Weight	Berne Fleming Civil Pty Ltd		Bld Infrastructure Pty Ltd		Harril Pty Ltd		Downer EDI Works Pty Ltd		Earthworks Civil & Construction Pty Ltd		Kevin O'Brien Excavations		CJ & BT McLoughlan Pty Ltd		Northern Constructions (Aust) Pty Ltd		Whitfield Excavations Pty Ltd	
		Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score
1 Price - Financial Cost to Council	0.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	7.00	1.40	9.00	1.80	8.00	1.60	8.00	1.60	6.00	1.20	6.00	1.20	5.00	1.00	9.00	1.80	8.00	1.60
3 Tenderer's experience on similar projects and standing, experience and skill within the industry	0.20	7.00	1.40	8.00	1.60	7.00	1.40	5.00	1.00	6.00	1.20	5.00	1.00	5.00	1.00	9.00	1.80	8.00	1.60
4 Tenderer's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.15	8.00	1.20	9.00	1.35	9.00	1.35	8.00	1.20	9.00	1.35	7.00	1.05	7.00	1.05	10.00	1.50	8.00	1.20
5 Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	5.00	0.50	8.00	0.80	7.00	0.70	5.00	0.50	8.00	0.80	9.00	0.90	8.00	0.80	8.00	0.80	8.00	0.80
<b>TOTAL WEIGHTED SCORE :</b>			<b>4.50</b>		<b>5.55</b>		<b>5.05</b>		<b>4.30</b>		<b>4.55</b>		<b>4.15</b>		<b>3.85</b>		<b>5.90</b>		<b>5.20</b>

Approximate Contract Total

Criteria	Weight	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.35	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	Has most of the required resources.	Has most of the required resources.	Has most of the required resources.	Speciality service.	Has most of the required resources.	Has most of the required resources.	Resources lie with sub-contractors.	Priced all items. Has all the required resources.	Has most of the required resources.			
Tenderer's experience on similar projects and standing, experience and skill within the industry	0.20	Relevant experience and the necessary resources. Reputable and experienced sub-contractors.	Relevant experience and resources. Reputable and experienced sub-contractors. VicRoads prequalified.	Relevant experience and resources. Satisfactorily completed recent works for Council. Reputable and experienced sub-contractors. VicRoads prequalified. Has successfully completed works for Council.	Offering stabilisation services only. VicRoads prequalified.	Minimal road construction experience detailed. Has completed other civil works. Has successfully completed works for Council.		Earthmoving experience. Has successfully completed works for Council.	Works to be completed by a series of sub-contractors. Has successfully completed works for Council.	Relevant experience and resources. Reputable and experienced sub-contractors. VicRoads prequalified.	Relevant experience and resources. VicRoads prequalified. Has successfully completed works for Council.		
Tenderer's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.15	Third party accredited OHS, Environmental and QMS.	Third party accredited OHS, Environmental and QMS. Registered with GSC in Rapid (requires updating).	Third party accredited OHS and QMS. Non-accredited EMS. Registered with GSC in Rapid.	Third party accredited OHS, Environmental and QMS.	Third party accredited OHS, Environmental and QMS. Registered with GSC in Rapid.		Registered with GSC in Rapid.	Registered with GSC in Rapid.	Third party accredited OHS, Environmental and QMS. Registered with GSC in Rapid.	Registered with GSC in Rapid.		
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	Based in Ballarat.	Based in Moama. Use of local supplier.	Based in Nyah.	Based in Dandenong.	Based in Echuca and Cohuna. Use of local supplier.		Based in Kerang	Based in Cohuna. Local sub-contractors and supplier.	Based in Echuca. Local supplier.	Based in Swan Hill. Local supplier.		