

18 CONFIDENTIAL ITEMS**18.3 PINNAROO POOL - AWARD OF CONTRACT**

169

RECOMMENDATION

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Chief Executive Officer, Manager Corporate Services, Manager Infrastructure Services, Manager Property and Development Services, Manager Major Project Delivery, Coordinator Executive Services, Coordinator Organisational Development and the Minute Secretary be excluded from attendance at the meeting held on Wednesday 19 May 2021 for Agenda Item 18.3 Pinnaroo Pool - Award of contract;
2. The Council is satisfied that pursuant to section 90 (3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 18.3 Pinnaroo Pool - Award of contract is:
tenders for the supply of goods, the provision of services or the carrying out of works.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 18.3 in confidence.

**MOVED COUNCILLOR REBECCA BOSELEY
SECONDED COUNCILLOR NEVILLE PFEIFFER**

That:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Chief Executive Officer, Manager Corporate Services, Manager Infrastructure Services, Manager Property and Development Services, Manager Major Project Delivery, Coordinator Executive Services, Coordinator Organisational Development and the Minute Secretary be excluded from attendance at the meeting held on Wednesday 19 May 2021 for Agenda Item 18.3 Pinnaroo Pool - Award of contract;
2. The Council is satisfied that pursuant to section 90 (3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to the Agenda Item 18.3 Pinnaroo Pool - Award of contract is:
tenders for the supply of goods, the provision of services or the carrying out of works.
3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this Agenda Item 18.3 in confidence.

CARRIED.

18.3 PINNAROO POOL - AWARD OF CONTRACT

Responsible officer: Matthew Sherman, Manager Infrastructure Services

Attachments: 1. Pinnaroo Pool Tender Assessment

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 90(2) & (3) of the <i>Local Government Act 1999</i> .
Sub-clause and Reason:	(k) - tenders for the supply of goods, the provision of services or the carrying out of works.

Executive Summary

The purpose of this report is to enable Council to consider enter into a contract for the Pinnaroo Pool upgrade works. Council has worked with Crackerjack Consulting to undertake the tender process and to assess tenders submitted.

The preferred tenderer for this project is TPS Aquatics for a tender price of \$592,072 (exc GST).

<p>RECOMMENDATION</p> <p>That Council</p> <ol style="list-style-type: none"> awards the contract to undertake the refurbishment of the Pinnaroo pool to TPS Aquatics for a contract price of \$592,072 (ex GST). notes the contract price does not include any allocation for project management or any project contingency to deal with any unforeseen circumstances. notes that the contract amount exceeds the provision total budget allocation (approved and proposed) of \$500,000, is reliant on the proposed draft 2021/22 budget allocation, and reliant on an additional budget allocation to fund the contract price exceeding the provisional budget allocation and project management and project contingencies.

MOVED COUNCILLOR REBECCA BOSELEY

SECONDED COUNCILLOR PAUL IRELAND

That Council

- awards the contract to undertake the refurbishment of the Pinnaroo pool to TPS Aquatics for a contract price of \$592,072 (ex GST).
- notes the contract price does not include any allocation for project management or any project contingency to deal with any unforeseen circumstances.
- notes that the contract amount exceeds the provision total budget allocation (approved and proposed) of \$500,000, is reliant on the proposed draft 2021/22 budget allocation, and reliant on an additional budget allocation to fund the contract price exceeding the provisional budget allocation and project management and project contingencies.

The Mayor with approval of two-thirds of the members present suspended the meeting procedures pursuant to regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for a period of 10 minutes to facilitate informal discussion in relation to Pinnaroo Swimming Pool – Award of contract at 8.27pm

Meeting procedures resumed at 8.34pm

CARRIED.

Background

Council was successful in obtaining a \$260,000 grant through the Local Roads and Community Infrastructure Programme round 2. This amount together with an approved budget allocation in 2020/21 of \$60,000 and a draft budget allocation of \$180,000 in the 2021/22 budget provides for a total provisional budget allocation for the Pinnaroo Pool works of \$500,000.

Context

Crackerjack Consulting on behalf of Council went out to a selective tender on 30 March 2021 with the tender closing 20 April 2021. A detailed assessment of the tenders received is attached to this report.

The tender companies and the tendered prices are as follows:

TPS Aquatics - \$634,791 / Savings Option - \$592,072

Total Water Recourses - \$648,771

South pacific pools - \$655,127

PV Technologies - Did not submit

** All prices are ex GST

The Manager Infrastructure Services attended the offices of Crackerjack on 21 April to undertake an assessment of the tenders as submitted with Neil Davey (Crackerjack Consulting) and Brett Coshell (Coshell Architecture).

Policy and statutory implications

Council has a procurement policy and the tender process has been undertaken in accordance with the policy.

All Council purchases must be carried out in compliance with the Local Government Act 1999 (the Act). Section 49 (a1) of the Act requires Council to develop and maintain procurement policies, practices and procedures directed towards:

- Obtaining value in the expenditure of public money, and
- Providing for ethical and fair treatment of participants, and
- Ensuring probity, accountability and transparency in the procurement process.

Council is not obliged to accept the lowest tender or any tender.

Issues

Council has secured external funding for this project which has been executed as an agreement. Timeframes are important to this project and it needs to be completed by December 31 2021.

The works are proposed to be completed in a 90 day timeframe subject to unforeseen circumstance (weather events, product availability etc) which is equivalent to approximately four and a half months.

The project has the potential to be started in July enabling the pool to potentially be open by the start of November. Realistically thought it is likely the pool will not be ready to open until late November or early December. This would therefore reduce the pool season by around a month in the best case scenario.

An allocation for pool covers (\$11,700 (Ex GST)), toddler's pool heating (\$3,500 (Ex GST) - as the toddler pool will have its own reticulation/filter system) form part of separately priced items not included in the tender sum.

Project management (estimated cost of \$20,000 (Ex GST)) or any project contingency costs (estimated at between 5% and 10% of the cost of the project, ie \$30,000 - \$60,000) are also not included in the costings.

The savings option identified in the preferred tender relates to the use of a different lifter for disability access to the pool itself. If Council did not proceed with the lifter there would be another \$15,000 saving. The lifter may create work, health and safety issues requiring training and procedural requirements for staff. Council does however have a Disability Inclusion Plan which should form part of the decision process for Council. Council should aim to create aquatic facilities that enable inclusive access and use.

It is noted that the 2021/22 Budget has not been approved at this point in time.

The total additional budget that is likely to be required for this project (above the provisional budget allocation) is between approximately \$140,000 and \$170,000.

Alternate options

Council has applied for and accepted Federal Government grant money for this project. Council may decide not to accept the recommendation and undertake another tender process which will substantially delay the project and would significantly increase the likelihood of not meeting the funding timeframes.

Council may decide not to proceed with the project given the tenders are above the provisional budget allocation, however, this is not recommended and would risk losing grant funding.

Financial implications

The final tender price (assuming that Council proceeds with the cost saving alternative) is a total of \$592,072 (Ex GST). This is considerably over the budget allocation of \$500,000 (ex GST).

Council could address this shortfall by amending the draft budget for 2021/22 prior to adoption or considering the additional funding required in the first budget review of 2021/22.

Work Health and Safety and Risk implications

Work health and safety elements were addressed as part of the tender process by TPS Aquatics.

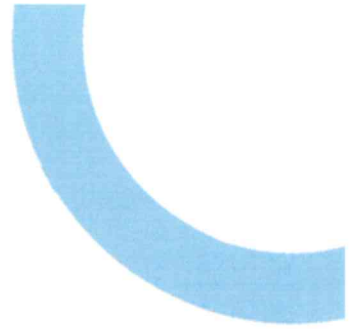
Council faces reputational risk and embarrassment if it does not progress this project.

Consultation

Elected members approved the submission of a grant application to the Commonwealth Government in respect of this project. Council is currently undertaking consultation of the draft 2021/22 budget which included the Pinnaroo pool upgrade.

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PREPARED FOR
SOUTHERN MALLEE DISTRICT COUNCIL

PREPARED BY
CRACKERJACK CONSULTING ENGINEERS
PTY LTD



TENDER FOR:
The provision for the Refurbishment of
Pinnaroo Community Swimming Pool

Level 7, 172 North Terrace
Goldsborough House
ADELAIDE, SA 5000

www.cjc-engineers.com.au

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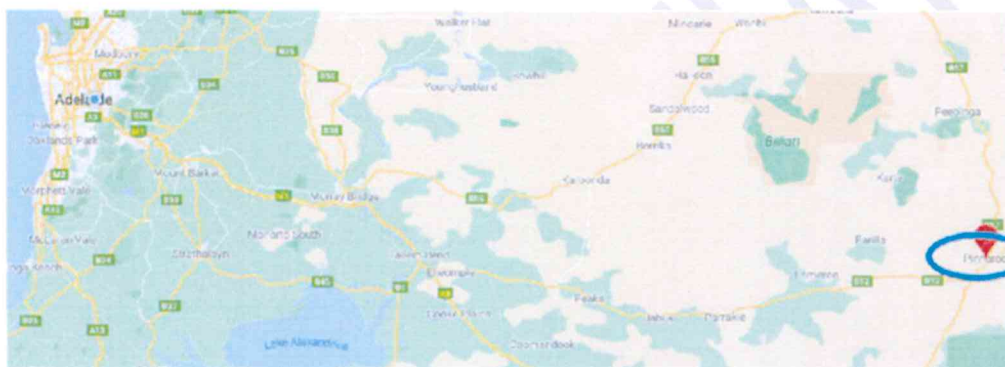
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PROJECT SUMMARY

The Southern Mallee District Council (the **Council**) requested suitably qualified contractors to respond to the tender for the Pinnaroo Pool. The works include full construction as documented for the Pinnaroo Community Swimming Pool. As a summary the following works are included:

- Pinnaroo Community Swimming Pool*
- New concourse
- New equipment to plant room
- Remedial works to 25m Pool and Toddler Pool
- New pipework and skimmer boxes
- Signage as detailed



PINNAROO POOL



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TENDER SUMMARY

1. TENDER ISSUE

The tender was a select tender to Four (4) suitably qualified pool contractors by email on Tuesday 30th March 2021.

1. Paul Sutch TPS Aquatics p.sutch@outlook.com
2. Colin Lewis at South Pacific Pools info@southpacific.com.au
3. Mick Pullford – Total Water Resources mick@twrsa.com
4. Mike Smith - PV Technologies msmith@pv.com.au

2. TENDERS RECEIVED

Tender documents were received from the following companies by the 20th April 2021 which was within the tendering time frames:

- Total Water Resources
- TPS Aquatics
- South Pacific Pools

We received correspondence from PV Technologies with the following:

06/04/2021 – Thank you for the opportunity to submit the tender for Pinnaroo, due to the other tenderers being what I believe are all but one we will not be submitting our proposal.

16/04/2021 – Requesting if we are open to alternative resurfacing (replied that we are open to alternatives, but we need to have a complying tender to be considered)

16/04/2021 – Requesting site inspection (allowed) and extension of time (declined)

We have consequently not received a tender from PV Technologies.

3. SITE BRIEFING

A site briefing was not required for this tender.

4. TENDER EVALUATION

In assessing the Tenders, we have considered the following criteria:

1. Price – final price and any breakdowns
2. Relevant Experience – demonstrate experience in similar projects
3. Track Record – demonstrate successful outcomes on previous projects
4. Technical Skills – staff CVs, systems and specific abilities relevant to this project
5. Methodology – how the scope of work will be managed, including any considerations for Covid-19
6. Management – quality systems and organisation
7. Business Finances – demonstrate financial and economic stability of the business

	Assessment Criteria	Weighting
1	Price	30%
2	Relevant Experience	20%
3	Track Record	15%
4	Technical Skills	15%
5	Methodology	10%
6	Management	5%
7	Business Finances	5%
	TOTAL	100%

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TENDER ASSESSMENT

Tenders Opened

Format	Sent by email		
DATE/TIME	Opened Wednesday 10.30am 27/04/2021		
Attendance	Matthew Sherman, Brett Coshell, Neil Davey		
Received	Tender Price	GST	Total (inc GST)
01. South Pacific Pools	\$655,127	\$65,513	\$720,640
02. Total Water Resources	\$648,771	\$64,877	\$713,648
03. TPS Aquatics	\$634,791	\$63,479	\$698,270
04. PV Technologies	Did not submit		

Assessment

TENDERERS		Notes
01. SOUTH PACIFIC POOLS		
01.01	Submitted complying offer	
01.02	Provided only price for no breakdown of costs	Need breakdown of costs
01.03	Provided Tender form, Insurances, Summary of projects and experience, inclusions, and exclusions	Need specific CVs
01.04	No methodology, no financials	
01.05	Relevant experience – excellent Track record – good Technical skills – good Methodology – n/a Management – n/a Business Financials – n/a (insurance in place)	
01.06	Capable, but lacking methodology	
02. TOTAL WATER RESOURCES		
02.01	Submitted complying offer	
02.02	Provided only price for no breakdown of costs	Need breakdown of costs
02.03	Provided Tender form and summary of works	
02.04	No methodology, no financials, no details of experience, no CVs, no business details	
02.05	Relevant experience – n/a Track record – n/a Technical skills – n/a Methodology – n/a Management – n/a Business Financials – n/a	
02.06	Tender does not provide enough information to make a good assessment – relying on previous knowledge of company not demonstrated with the tender	

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03. TPS AQUATICS	
03.01	Submitted complying offer
03.02	Provided price with details breakdown of costs
03.03	Provided Tender form and summary of works
03.04	Provided Detailed methodology, CVs, capability statement, current insurances, organisation philosophy, contract management statement, environmental management system, detailed pricing schedule (including cost savings), Safe work MS index, WHS Management plan and Return to WorkSA certificate
03.05	Relevant experience – excellent Track record – good Technical skills – good Methodology – very good Management – good Business Financials – good
03.06	The tender has provided everything required to fairly assess the tender and additional information which helps to assess against other tenders
03.07	Cost Saving Alternative was provided as follows:

	Tender Price	GST	Total (inc GST)
TPS Aquatics	\$634,791	\$63,479	\$698,270
COST SAVING ALTERNATIVE			
Splash 2 Hi Lo aquatic lifter in lieu of the Pool Pod			-\$46,990
Revised Total			\$651,280

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TENDER RECOMMENDATION

A total of three (3) complying tenders of a possible four (4) were received within the agreed submission date. The spread was very close and there were minimal questions throughout the process.

The tenders that were received were of varying quality from a simple price submission to a fully detailed submission.

Our initial consideration is pricing, which accounts for 30% of the weighting of the assessment. The lowest price was TPS Aquatics. While we would usually question the lowest price in more detail, the submission provided by TPS clearly breaks down the cost into adequate detail to enable us to review what has been allowed within their price.

The relevant experience, track record and technical skills were demonstrated by both TPS and South Pacific Pools, however, TPS provided far more detail on their abilities.

Methodology was explained very clearly with the TPS submission through the Inspection and Test plan and the details within the Pricing Schedule. This detail was not provided by the other tenderers.

Insurance details were provided by both South Pacific and TPS.

Of the tenders received, removing price as a factor, the information from TPS was sufficient to provide confidence in their abilities to undertake the works.

Further investigations could be undertaken to break down the information provided by the other tenderers, however, considering the that the most thorough submission is also the lowest cost, we can confidently recommend TPS Aquatics for this project.

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DRAWINGS AND SPECIFICATIONS

DRAWINGS

Number	Name	Revision No.
AQ100	TITLE, LOCALITY AND DRAWING INDEX	T1
AQ101	AQUATICS NOTES	T1
AQ102	CIVIL NOTES	T1
AQ200	EXISTING SITE & PROPOSED WORKS LAYOUT	T1
AQ201	SITE DEMOLITION LAYOUT PLAN	T1
AQ210	25m & TODDLER POOL EXISTING/DEMOLITION	T1
AQ230	25m & TODDLER POOL NEW WORKS PLAN	T1
AQ240	SITE PROPOSED CONCOURSE JOINT PLAN	T1
AQ300	EXISTING PLANTROOM/DEMOLITION PLAN	T1
AQ310	PLANTROOM NEW WORKS LAYOUT	T1
AQ400	PROPOSED SITE HYDRAULIC LAYOUT	T1
AQ500	AQUATIC DETAILS-FLOOR DETAILS	T1
AQ510	AQUATIC DETAILS-POOL SIGNAGE	T1
AQ520	AQUATIC DETAILS-MISCELLANEOUS DETAILS	T1
AQ530	AQUATIC DETAILS-MISCELLANEOUS DETAILS	T1
AQ540	AQUATIC DETAILS-MISCELLANEOUS DETAILS	T1
AQ550	AQUATIC DETAILS-MISCELLANEOUS DETAILS	T1

SPECIFICATIONS

	VARIOUS PRODUCT SPECIFICATIONS	
	POOL PD PLATFORM LIFT	
	WATERCO MICRON FIBREGLASS FILTERS	
	ECOPURE GLASS MEDIA	
	WATERCO HIGH PERFORMANCE PUMPS	
	PROMAQUA CALCIUM HYPOCHLORITE SYSTEM	
	LUXAPOLY EPOXY POOL COATING	
	PROMINENT METERING SYSTEM	
	PROMINENT STORAGE TANKS	

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TENDER ADDENDA

The following Addenda were issued to all Tender applicants.

Number	Information	Issued
1	<p>Further to the Tender Documents, Information for Tenderers, <i>Item 7 Site Briefing</i>, there will be no requirement to attend a site briefing.</p> <p>Tenderers will be able to submit a conforming tender without attending site.</p> <p>Should the Tenderer wish to visit the site before submitting their tender, please advise and we will provide details for access.</p>	13/04/2021

END OF DOCUMENT

18 CONFIDENTIAL ITEMS**18.3 PINNAROO POOL - AWARD OF CONTRACT****RECOMMENDATION**

That having considered agenda Item 18.3 in confidence under section 90 (2) and (3) (k) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2022, as to if this order is to continue in operation.

**MOVED COUNCILLOR NEVILLE PFEIFFER
SECONDED COUNCILLOR MICK SPARNON**

That having considered agenda Item 18.3 in confidence under section 90 (2) and (3) (k) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the documents considered by the Council, including the officer's report and all minutes be retained in confidence. This order is to be reviewed at or before the ordinary Council meeting to be held in January 2022, as to if this order is to continue in operation.

CARRIED.