



Vincent Street  
CESSNOCK

16 April 2024

## **ORDINARY MEETING OF COUNCIL**

**WEDNESDAY, 17 APRIL 2024**

### **ENCLOSURES**

*PAGE NO.*

#### **WORKS AND INFRASTRUCTURE**

**W112/2024 Main Bund Wall - South Cessnock Bund Wall Evaluation  
Report - Q2024-164**

**Enclosure1: Q2024-164 - Tender Evaluation Methodology ..... 2**

Q2024-164 Tender Evaluation Methodology

## Evaluation of Tenders

### 1. Tender Evaluation Team:

In accordance with *CCC Procurement Guidelines*, a Tender Evaluation Team (TET) was formed with the following members:

- Principal Stormwater Engineer
- Stormwater Engineer
- Procurement Officer

### 2. Evaluation Process:

The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Price
4. Due diligence checks on preferred tenderers (PWA Preferred Supplier list)
5. Determine evaluation result
6. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the agreement with Public Works Advisory reviewed by the Principal Stormwater Engineer prior to tenders being invited.

### 3. Assessment of Receipt

The following tenders were received and are listed in alphabetical order.

- Bolte Civil Pty Ltd – Tuggerah NSW
- Gongues Construction Pty Ltd – Cameron Park NSW
- KCE Pty Ltd – Beresfield NSW

### 4. Assessment of Conformance

The tenders were then assessed for conformance with the remaining threshold criteria:

Threshold Criteria	
Criterion 2	Acceptable legal entity
Criterion 3	Conformance with the RFT
Criterion 4	Satisfactory financial capacity
Criterion 5	Contract program
Criterion 6	Safety management performance
Criterion 7	Environmental management performance and
Criterion 8	Quality management performance.

All three tenders were considered non-conforming in threshold:

- **Criteria 3 (Conformance with the RFT):** In the initial tender lodged, all three tenderers were unable to confirm that they had a source material for the high geotechnical specification bund wall source material. Post tender communication was held that sought to clarify this source material. These discussions have clarified the respective source material of the tenderers, allowing for the tenders to be assessed. The most advantageous tenderer (KCE) proposed an alternate source for the material that presented value for money whilst also achieving the geotechnical high specification. As the KCE revised price represented value for money however, constituted a substantial change to the original submission and therefore in accordance with Clause 176 of Local Government Regulation the tender cannot be awarded to this tenderer.
- **Criteria 5 (Contract Program):** The contract program of 20 weeks was not achieved by any tenderer. The proposed contract program was 30 weeks for the most advantageous tenderer.

At the end of post tender communication, all three tenders had submissions that were consistent and could be progressed to tender assessment.

#### **5. Shortlisting**

With three competitive tenders received, shortlisting was not considered necessary. All tenders were progressed to the next stage of evaluation.

#### **6. Weighted Evaluation**

Tenders were evaluated using the following weighted evaluation criteria:

- Tender Amount

A Price Based Scoring Criteria was deemed suitable, as all tenderers were pre-qualified and had demonstrated experience with NSW Public Works.

The Assessment Matrix is provided as confidential **Enclosure 1**.

#### **7. Due Diligence**

Referees, provided by the preferred tenderer, were contacted by PWA and positive comment on past performance was received.

#### **8. Evaluation Result**

Following steps 1 to 5 of the evaluation process, the TET found that Tender Q2024-164 (NSW Public Works RFT-10063691)- KCE Pty Ltd has met the requirements of the RFT.

The tender from KCE Pty Ltd, had an assessed amount of \$4,521,014.41 (including GST). However, this revised price constituted a substantial change to the original submission and therefore in accordance with Clause 176 of Local Government Regulation the tender cannot be awarded to this tenderer.

**9. Independent Review**

The evaluation process and recommendations were reviewed by the TAP and determined to be in accordance with relevant documents and legislation:

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Guidelines,*
- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2021.*
- *Procurement Act 1912.*

**10. TIME FRAME**

Tentative Start Date: Expected works to commence after Council Motion to reject and GM negotiates suitable contract.

Time for Completion: 30 weeks

**11. LOCAL CONTENT**

N/A