

**AGENDA FOR A MEETING OF THE TENDERS SUBCOMMITTEE TO BE HELD IN THE
MANUKAU ROOM AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,
HENDERSON, WAITAKERE, ON FRIDAY, 30 OCTOBER 2009,
COMMENCING AT 9.00 AM**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



4 CONFIRMATION OF MINUTES

Meeting Minutes - 2 October 2009
Extraordinary Meeting - 15 October 2009

RECOMMENDATION

It is recommended that the Tenders Subcommittee resolve to:

Receive the minutes of the meetings of the Tenders Subcommittee held on Friday, 2 October 2009 and the Extraordinary meeting held on Thursday, 15 October 2009, as circulated, and that they be taken as read and now be confirmed.



5 **CONTRACT NO. PK09028A - KEN MAUNDER FOOTBRIDGE REPLACEMENT - PROVISION OF CONSTRUCTION SERVICES - EXPRESSION OF INTEREST**

GLOSSARY

Expression of Interest	(EOI)
Ken Maunder Footbridge	(the footbridge)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to short list six pre-approved contractors to tender for Contract No. PK09028A - Ken Maunder Footbridge Replacement - Provision of Construction Services.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. PK09028A - Ken Maunder Footbridge Replacement - Provision of Construction Services - Expression of Interest report.
2. **Approve** the following six pre-approved contractors be invited to submit a priced tender for Contract No. PK09028A - Ken Maunder Footbridge Replacement - Provision of Construction Services:
 - HEB Construction Limited;
 - Hawkins Construction Limited;
 - Brian Perry Civil;
 - Dominion Constructors Limited;
 - Fort Project Management Limited; and
 - Nasey Contractors Limited.

BACKGROUND

1. A structural survey of the Ken Maunder Footbridge (the footbridge) across the Whau River from Queen Mary Avenue to Ken Maunder Park was undertaken in March 2007. Substantial rot was found in the joists and bearers, and the bridge was closed in April 2007 for safety reasons. Following structural and geotechnical surveys, it was found that the existing pipe structure did not meet current building code requirements. Extensive public consultation took place, which confirmed the need for the footbridge.
2. The scope of works includes all the necessary tasks associated with the reconstruction of the footbridge, the adjoining boardwalks and the concrete paths at each end of the structure.
3. The location of the footbridge is in a sensitive coastal environment, including inter-tidal mangroves.
4. In addition, the contractor must abide by the conditions of an Auckland Regional Council coastal consent and Waitakere City Council land use consent.
5. An Expression of Interest (EOI) process was chosen as the desired method of procurement to ensure contractors have the capability to carry out the contract in such a sensitive environment and to reduce supervision and internal project management costs.

SCOPE OF WORK

6. The scope of work includes:
- Constructing concrete paths in Ken Maunder Park and the Queen Mary Reserve;
 - Constructing boardwalks and retaining walls on the approaches to the footbridge;
 - Piling foundations in the Whau River;
 - A steel and timber superstructure;
 - Constructing landscaping, including planting; and
 - Environmental protection.

EXPRESSION OF INTEREST RECEIVED

7. Invitations to submit an EOI were publicly advertised on Tenderlink and in the New Zealand Herald with 63 sets of documents being uplifted. Twelve EOI's were received by the closing date of 29 September 2009. These are summarised in Table 1 below:

REGISTRANT	REG OFFICE
Brian Perry Civil	P O Box 62 216, Mt Wellington
Nasey Contractors Limited	6 Tait Place, Albany, Auckland
TIMCO Construction Limited	6 Burnside Court, Albany 0632
Fibretek Limited	P O Box 251-149, Pakuranga
Infrastructure & Civil Works Limited	P O Box 301-382, Albany
CCL Foundation & Piling Specialists Limited	P O Box 577, Kumeu
Fort Project Management Limited	P O Box 8852, Auckland
Craftbuilt Industries Limited	P O Box 1013, Levin
Dominion Constructors Limited	P O Box 17 254, Greenlane
HEB Construction Limited	P O Box 4049, Mt Maunganui
Southtrade NZ Limited	P O Box 42, Silverdale
Hawkins Construction Limited	Private Bag 93-214, Parnell

Table 1 - Summary of Registrant Names

TAGS, ERRORS OR OMISSIONS

8. There were no tags, errors or omissions in any of the EOI's received.

EXPRESSION OF INTEREST EVALUATION

9. The conditions of the EOI require that prospective tenderers submit detailed submissions on five key attributes, namely Relevant Experience, Track Record, Technical Skills, Resources and Management Skills, relevant to the specific works of the project. There is no requirement to submit priced bids or a Construction Methodology, as these form part of the second round of bidding.
10. In accordance with the conditions of registration, submissions were evaluated in line with the Weighted Attribute Method contained in New Zealand Transport Agency's "Competitive Pricing Procedures Manual", suitably modified to exclude Methodology and Price scores.

11. A summary of the evaluation results is shown in Table 2 below:

EOI EVALUATION						
Registration of Interest Evaluation	Experience	Track Record	Technical Skills	Resources	Management Skills	EOI No. PK09028A
	30	30	20	10	10	Total Weights
Registrants	Grades					INDEX
HEB Construction Limited	90	75	85	85	70	82
Hawkins Construction Limited	80	85	80	75	85	82
Brian Perry Civil	85	75	80	85	75	80
Fort Project Management Limited	80	80	75	70	65	77
Dominion Constructors Limited	80	75	70	70	75	75
Nasey Contractors Limited	80	75	75	55	55	73
Fibretek Limited	40	80	70	60	70	63
CCL Foundation & Piling Specialists Limited	55	60	60	75	55	60
TIMCO Construction Limited	55	55	55	40	55	54
Craftbuilt Industries Limited	55	55	50	55	45	53
Southtrade NZ Limited	55	50	50	45	45	51
Infrastructure & Civil Works Limited	45	55	45	45	50	49

Table 2 - Summary of Expression of Interest Evaluation

12. Scores for the attributes were determined on the basis of information provided in each EOI relevant to this project, on the information gathered from the referees nominated by the registrants and on any recent Council experience with the registrants.
13. For a project of this nature it would be reasonable to select a shortlist of 6 registrants for invitation to tender.
14. The results shown in Table 2 above show two distinct groups of indices, 73 or above and 63 or less.
15. The proposed short list all have a score of 73 or greater, which equates to a weighted attribute grade of very good. These contractors have undertaken a number of projects similar to the planned works and have demonstrated the ability to carry out the works successfully.
16. Reference checks made on a selection of clients for the top six registrants were all positive.

CREDIT CHECK

17. Credit checks within the last three months on the following companies revealed no adverse information on:
- HEB Construction Limited;
 - Hawkins Construction Limited;
 - Brian Perry Civil;

- Dominion Constructors Limited;
- Fort Project Management Limited; and
- Nasey Contractors Limited.

JOB COSTS

18. Job costs are not applicable for the EOI and will be fully reported once priced bids are received from the selected shortlist of tenderers.

SOURCE OF FUNDING

19. Project funding will be fully reported once priced bids are received from the selected shortlist of tenderers.

IMPLEMENTATION ISSUES

20. The footbridge requires a coastal resource consent from Auckland Regional Council. The notified hearing has been scheduled for 23 October 2009. The writer will update the Tenders Subcommittee on the above hearing on the 30 October 2009, though any minutes of the hearing are likely to be unconfirmed.
21. Contract will not be awarded until the consent is granted.
22. There are no other expected implementation issues with requesting formal priced bids once the tender documentation is prepared.

AUCKLAND COUNCIL TRANSITION ISSUES

23. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Tim Sherring, Senior Engineer.



6 CONTRACT NO. EW09006C - STORMWATER QUALITY PROJECTS - APPROVAL TO AWARD

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. EW09006C - Stormwater Quality Projects.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. EW09006C - Stormwater Quality Projects - Approval to Award report.
2. **Approve** that the tender from Network Construction Limited for Contract No. EW09006C - Stormwater Quality Projects in the sum of \$309,459.02 plus \$38,682.38 GST totalling \$348,141.40, be accepted.

3. **Approve** that authority to enter into Contract No. EW09006C - Stormwater Quality Projects on behalf of the Council be delegated to the Group Manager: Project Services.

BACKGROUND

1. Council has an ongoing, Citywide programme for enhancement of stormwater quality which is focused on treatment of runoff from highly trafficked sealed roads. The works in this Contract form part of Council's Annual Works Programme for 2009/2010 for treatment of water entering the Avondale Stream.

SCOPE OF WORK

2. The Contract is for the supply and installation of proprietary stormwater treatment devices at three locations: two on Golf Road and one at the Titirangi Golf Course adjacent to Godley Road. The Contract also includes the construction of four new manholes and approximately 152 metres of ancillary pipe work.

TENDERS RECEIVED

3. Tenders were publicly advertised on Tenderlink with 43 sets of documents being uplifted. Six tenders were received by the closing date of 6 October 2009. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Rohits Plumbing and Drainlaying Limited	Unit 5, 3 Brick Street, Henderson	\$185,196.00
Network Construction Limited	2 The Knoll, Greenhithe, Auckland	\$309,459.02
TG Paterson Contracting Limited	Level 1 171 Hobson Street, Auckland	\$407,395.63
Infrastructure & Civil Works Limited	182 Great South Road Remuera, Auckland	\$417,378.46
H&H Contractors Limited	12A Culperry Road Glendene, Auckland	\$469,456.00
HEB Construction Limited	17 Hall Street Pukekohe, Franklin	\$480,964.00
Pre-tender contract estimate (based on most up-to-date tender rate)		\$358,209.00
Budget estimate		\$358,209.00

Table 1 - Summary of Tender Prices

TAGS, ERRORS OR OMISSIONS

4. The tender submitted by Rohits Plumbing and Drainlaying Limited did not allow for the supply of the proprietary filter devices. This was drawn to the attention of Rohits Plumbing and Drainlaying Limited who asked that their tender be withdrawn. Their tender was excluded from further evaluation.
5. There were no errors or omissions in the other tenders.

TENDER EVALUATION

6. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in the New Zealand Transport Agency's "Competitive Pricing Procedures Manual".

7. A summary of the evaluation results is shown in Table 2:

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method.	Price	Total Weights	
	Weights	5	5	5	5	5	5	70	100	
Tenderer	Tender Sum	Grades							INDEX	
Network Construction Limited	\$309,459.02	80	80	80	75	75	85	76	77	
TG Paterson Contracting Limited	\$407,395.63	75	75	75	80	80	70	52	59	
Infrastructure & Civil Works Limited	\$417,378.46	55	55	65	70	40	70	50	53	
H&H Contractors Limited	\$469,456.00	85	85	80	85	85	70	38	51	
HEB Construction Limited	\$480,964.00	85	75	85	85	75	85	35	49	
Median Tender Price	\$417,378.46									

Table 2 - Summary of Tender Evaluation

8. Scores for the non-price attributes were determined on the basis of information provided in each tender, on the information gathered from the referees nominated by the tenderers and on any recent Council experience with the tenderers.
9. The results of the tender evaluation as summarised in Table 2 show that the tender submitted by Network Construction Limited achieved the highest index of 77. This tender is also the lowest priced conforming tender.
10. Network Construction Limited is a well established company that has successfully completed two contracts with Council for stormwater quality projects in the past two years and have the necessary expertise and resources to satisfactorily carry out the works.
11. Network Construction Limited, in response to a written request, confirmed their tender and particularly the sum allowed for supply and installation of the storm filters. In a subsequent phone conversation, Network Construction Limited provided information that confirmed that the sum allowed is sufficient to complete the works as specified.
12. As part of Council's contracting process "Quality, Health and Safety and Environmental compliance are not negotiable" - all contractors have had this focus clearly reinforced through the contract documents and this will be strongly reiterated at the subsequent pre-start meeting and imposed during the contract period.

CREDIT CHECK

13. A credit check on Network Construction Limited dated 13 October 2009 revealed no adverse information.

JOB COSTS

14.		excl. GST
	Tender sum - (Network Construction Limited)	\$309,459.02
	Contingency	\$ 30,945.90
	Engineering and Supervision	\$ 46,418.85
	Other (Arborist)	\$ 2,000.00

	Total Job Cost	\$388,823.77

15. The amount allowed for engineering and supervision includes project management and has been set at 15 percent of the Contract value due to of the complexity of the works at three separate sites. This amount is an estimate and actual costs incurred for time and disbursements will be charged to the project.

SOURCE OF FUNDING

16. Source of funding is shown in Table 3 below:

Budget Description (from annual budget line item) Annual Plan 2009/2010	Codes	Budget	Committed to other projects	Allocation to this project	Unallocated balance	Potential surplus
Stormwater Quality	8AMEW-10-153/05	\$447,760.00	\$0.00	\$388,823.77	\$58,936.23	\$48,749.98
	Total			\$388,823.77		

Table 3 - Source of Funding

IMPLEMENTATION ISSUES

17. There are no implementation issues with this contract.

AUCKLAND COUNCIL TRANSITION ISSUES

18. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

Report prepared by: Richard Challis, Contracts Engineer, Project Services.



7 **CONTRACT NO. EW09019A - BACKFLOW PREVENTION COMMERCIAL PROPERTY INSPECTIONS - APPROVAL TO AWARD**

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. EW09019A - Backflow Prevention Commercial Property Inspections for the period 1 November 2009 to 30 June 2011 with a right of renewal to 30 June 2013 subject to contractor performance and approval by the Auckland Council or the relevant Council Controlled Organisation (Watercare Services Limited).

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. EW09019A - Backflow Prevention Commercial Property Inspections - Approval to Award report.
2. **Approve** that the tender from AJ Plumbing and Roofing (2007) Limited (trading as Laser Plumbing Whenuapai) for Contract No. EW09019A - Backflow Prevention Commercial Property Inspections in the sum of \$142,240.00 plus \$17,780.00 GST, totalling \$160,020.00 be accepted.
3. **Approve** the commitment of \$57,013.00 excluding GST for the 2009/2010 financial year for Contract No. EW09019A - Backflow Prevention Commercial Property Inspections.
4. **Approve** the commitment of \$85,227.00 excluding GST for the 2010/2011 financial year for Contract No. EW09019A - Backflow Prevention Commercial Property Inspections.
5. **Approve** that authority to enter into Contract No. EW09019A - Backflow Prevention Commercial Property Inspections on behalf of the Council be delegated to the Deputy Group Manager: Assets.
6. **Agree** that authority to extend Contract No. EW09019A - Backflow Prevention Commercial Property Inspections for a further two years from 1 July 2011 to 30 June 2013, subject to contractor's performance and availability of funding, be brought back to the Auckland Council or the relevant Council Controlled Organisation (Watercare Services Limited) for approval.

BACKGROUND

1. Backflow is the flow of a liquid, solid or gas contaminant from a privately owned drinking water system, back into the public drinking water network. Waitakere City Council has an ongoing and comprehensive Backflow Prevention Programme in order to mitigate potential hazards which could potentially result in contamination of the public drinking water network in Waitakere.
2. The key objective of the proposed work in this contract is to identify potential backflow hazards in privately owned properties, both on a scheduled monthly basis and on an "as required" basis, thereby contributing to the overall strategy of Waitakere City Council's Backflow Prevention Programme.

3. At the Tenders Subcommittee meeting, 27 March 2009, prior to the establishment of the Auckland Transition Agency, it was resolved as follows:

“The Tenders Subcommittee resolved to:

1. **Receive** the Operational Maintenance Contracts For Water Supply, Wastewater And Stormwater report.
2. **Approve** the tendering of the operational maintenance contracts listed in this report for a two year period with the option to extend up to a further two years for various ongoing maintenance activities associated with the provision of water supply, wastewater and stormwater services in the City, with the outcomes reported back to the Tenders Subcommittee for approval.”

408/2009

SCOPE OF WORK

4. The scope of work includes both monthly scheduled and urgent backflow inspection work, supply and installation of Hose Connection Vacuum Breakers while completing inspections, research and compilation of backflow inspection schedules from publicly available information, and the provision of independent and industry relevant backflow prevention advice to the Engineer as required.

TENDERS RECEIVED

5. Tenders were publicly advertised on Tenderlink with nine sets of documents being uplifted. Four tenders were received by the closing date of 6 October 2009. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
AJ Plumbing and Roofing (2007) Limited	45 Brigham Creek Road	\$142,240.00
Backflow Services Limited	55 Bell Road, Remuera	\$151,950.00
Wiltek Maintenance Limited	97 Cook Street, Auckland City	\$170,399.50
Downer EDI Works Limited	14 Amelia Earhart Avenue, Airport Oaks, Manukau, Auckland	\$273,630.63
Pre-tender contract estimate (based on most up-to-date tender rate)		\$158,600.00
Budget estimate		\$160,000.00

Table 1 - Summary of Tender Prices

TAGS, ERRORS OR OMISSIONS

6. The tender from Wiltek Maintenance Limited contained a summation error resulting in the submitted tender sum being \$29,048 higher than the true total. When advised of the error, the tenderer confirmed their tender at the true total as reported in Table 1 above.
7. The tender from Downer EDI Works Limited contained a minor rounding error. This was not addressed as it did not affect the outcome of the tender evaluation process.
8. There were no other errors or omissions in the other tenders.

TENDER EVALUATION

9. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in the New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
10. This contract allows minor monthly overhead costs, with the balance of the contract value being based on tendered rates for provisional monthly quantities. As there is no guarantee of these quantities, the value of Provisional Sums is \$140,745.
11. A summary of the evaluation results is shown in Table 2:

Tender Evaluation	Attributes	Exp.	Track Record	Tech Skill	Res.	Manage. Skill	Method.	Price	Total Weights
	Weights	10	10	10	-	5	10	55	100
Tenderer	Tender Sum	Grades							INDEX
AJ Plumbing and Roofing (2007) Limited	\$142,240.00	80	80	80	-	85	85	62	71
Backflow Services Limited	\$151,950.00	85	80	85	-	75	75	56	67
Wiltek Maintenance Limited	\$170,399.50	55	55	45	-	85	80	44	52
Downer EDI Works Limited	\$273,630.63	70	70	70	-	85	85	-20	23
Median Tender Price	\$161,174.75								

Table 2 - Summary of Tender Evaluation

12. Scores for the non-price attributes were determined on the basis of information provided in each tender, on the information gathered from the referees provided by the tenderers, and on recent Council experience with the tenderers.
13. A tender clarification meeting was held on 12 October 2009 with AJ Plumbing and Roofing (2007) Limited in order to obtain additional information to assist with tender evaluation.
14. The results of the tender evaluation as summarised in Table 2 shows that the tender submitted by AJ Plumbing and Roofing (2007) Limited achieved the highest index of 71. This tender is also the lowest priced tender.
15. AJ Plumbing and Roofing (2007) Limited has the necessary expertise and resources to satisfactorily carry out the works.
16. The lowest tender is 10% below the pre-tender contract estimate.
17. As part of Council's contracting process "Quality, Health and Safety and Environmental compliance are not negotiable" - all contractors have had this focus clearly reinforced through the contract documents and this will be strongly reiterated at the subsequent pre-start meeting and imposed during the contract period.

CREDIT CHECK

18. A credit check on AJ Plumbing and Roofing (2007) Limited dated 9 October 2009 revealed no adverse information.

JOB COSTS

19.		excl. GST
	Tender sum - AJ Plumbing and Roofing (2007) Limited	\$142,240.00
	Contingency	\$ 0.00
	Engineering and Supervision	\$ 0.00

	Total Job Cost	\$142,240.00

SOURCE OF FUNDING

20. Source of funding is shown in Table 3 below:

Budget Description (from annual budget line item)	Codes	Budget	Committed to other projects	Allocation to this project	Unallocated balance	Potential surplus
2009/2010 Financial Year (8 months)						
Backflow Control	74050 / 7730	\$115,000	\$0	\$57,013.00	\$57,987.00	\$7,104.00
2010/2011 Financial Year (12 months)						
Backflow Control	74050 / 7730	\$118,450	\$0	\$85,227.00	\$33,223.00	\$10,656.00
	Total			\$142,240.00		

Table 3 - Source of Funding

IMPLEMENTATION ISSUES

21. Any extension under the contract 'right-of-renewal' provisions will be at the sole discretion of Council's successor, and will also be conditional on the contractor consistently meeting the contract KPI's, demonstrating efficiency gains, and maintaining a good working relationship with the Council. These limits on the right of renewal are clear within the contract conditions.

AUCKLAND COUNCIL TRANSITION ISSUES

22. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on Waitakere City Council's decision making capabilities in respect of:

- Section 31(4) (i) to enter into any contract (other than an employment agreement)—
 - that imposes, or will continue to impose, any obligation on the existing local authority after 30 June 2011; and
 - the consideration for which is, or is equivalent to, \$20,000 or more:

23. This report is impacted on by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as above. Therefore, this report includes recommendations to ensure compliance with the Local Government (Tamaki Makaurau Reorganisation) Act 2009. The recommendation included is that the Tenders Subcommittee agree that the right of renewal beyond June 2011 be subject to agreement of the Auckland Council or the relevant Council Controlled Organisation (Watercare Services Limited).

Report prepared by: Brendon Harkness, Water Supply Operations Engineer.

