

**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, 22 JANUARY 2010,
COMMENCING AT 9.00 AM**

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**AGENDA FOR A MEETING OF THE TENDERS SUBCOMMITTEE TO BE HELD IN THE
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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 - 18 December 2009

RECOMMENDATION

It is recommended that the Tenders Subcommittee resolve to:

Receive the minutes of the meeting of the Tenders Subcommittee held on Friday, 18 December 2009, as circulated, and that they be taken as read and now be confirmed.



5 **CONTRACT NO. CM09007A - PUBLIC MAUSOLEUM BUILDING - WAIKUMETE CEMETERY - APPROVAL TO AWARD**

GLOSSARY

Skyward Construction Limited	(Skyward Construction)
Citywide Construction (2008) Limited	(Citywide Construction)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. CM09007A - Public Mausoleum Building - Waikumete Cemetery.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. CM09007A - Public Mausoleum Building - Waikumete Cemetery - Approval to Award report.
2. **Approve** that, subject to a satisfactory credit check, the tender from Skyward Construction Limited for Contract No. CM09007A - Public Mausoleum Building - Waikumete Cemetery in the amended sum of \$252,991.00 plus \$31,623.88 GST, totalling \$284,614.88 be accepted.
3. **Approve** that authority to enter into Contract No. CM09007A - Public Mausoleum Building - Waikumete Cemetery on behalf of the Council be delegated to the Acting Director: City Services.

BACKGROUND

1. It is proposed to develop a new area of the cemetery for a public mausoleum building. The building will be built to a design similar to existing structures nearby in the cemetery.
2. Funding was approved by the Council in the Annual Plan 2009/2010 for this work.

SCOPE OF WORK

3. The scope of work includes the construction of a reinforced masonry and concrete mausoleum building designed to accommodate 96 vaults including a covered courtyard area. The building construction consists of timber piled foundations supporting foundations beams, reinforced concrete floor, solid filled masonry walls, vault slabs and roof.
4. The works also include the provision and installation of a water storage tank for gardening irrigation and use by families visiting graves. Other ancillary works include stormwater drainage, external exposed aggregate concrete aprons and solar powered lighting.

TENDERS RECEIVED

5. Tenders were publicly advertised on Tenderlink on 20 November 2009. Two tenders were received by the closing date of 15 December 2009. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Skyward Construction Limited	Skyward House, 3 Gordon Road , Morningside, Auckland	\$237,170.00
Citywide Construction (2008) Limited	37 Caton Road, Waitakere, Waitakere City	\$349,914.25
Pre-tender contract estimate (based on most up-to-date tender rate)		\$275,700.00
Budget estimate		\$275,700.00

Table 1 - Summary of Tender Prices

TAGS, ERRORS OR OMISSIONS

6. Neither of the two tenderers above submitted a complete tender. Both tenderers did not supply attribute statements as required in the Conditions of Tender. Skyward Construction Limited (Skyward Construction) also did not price the schedule of prices as required but provided their own priced schedule, while Citywide Construction (2008) Limited (Citywide Construction) did not provide a list of proposed subcontractors, nor completed the Contractor's Health and Safety Questionnaire. The tenderers subsequently provided these items on being requested to do so.
7. The tender of Citywide Construction contained three minor qualifications which were resolved without cost implications. A fourth qualification stated that the tender price did not include the provision of a Traffic Management Plan. This has subsequently been priced by the tenderer at an additional \$1,500 plus GST.
8. The tender of Skyward Construction also contained a number of qualifications. Some of these are minor and have been resolved without cost implications, as they are in accordance with the Conditions of Contract and Specifications. Other qualifications are listed and discussed below:
- The price for piling excludes piles greater than six metres in depth. This qualification is acceptable as it is not anticipated that piles will need to be deeper than six metres. Piling greater than six metres in depth can be treated as a variation if necessary;
 - The tender excluded the identification, isolation, protection or re-direction of existing services. While the re-direction of existing services would need to be handled as a variation to the contract, the Conditions of Contract require that the Contractor identifies isolates and protects existing services. The tenderer has agreed to comply with these conditions of contract, and has provided a price of \$950 plus GST;
 - The tender price excluded the installation of plaques. The tenderer was requested to provide a price and this has been given as \$11,896 plus GST;

- The tenderer noted that no allowance had been made for additional retaining walls to the sides of concrete apron paths. An examination of the tender drawings shows that these are not required and that the tenderer has in fact priced all the retaining walls shown on the drawings. In association with this qualification, the tenderer has advised that all excavated material will be stockpiled for filling behind the timber retaining wall, but that no allowance had been made for importation of fill material between this retaining wall and the building. This qualification is acceptable;
 - The tender is based on the free usage of water and power supplied by the Council. This is not acceptable as the Conditions of Contract require that this is the Contractor's responsibility. Investigations show that water is available and can be led in by hosepipe from a nearby point in the Cemetery but the Contractor will need to provide a generator. The provision of a generator has subsequently been priced by the tenderer at \$2,975 plus GST.
 - The tenderer advised that the obtaining of a Code Compliance Certificate should not be a pre-requisite to achieving practical completion and for the purposes of making final payment claims on or before the 20th of each month. This qualification is unacceptable as it contradicts Clause 2.17 of the Contract Works Specification, Section C2: Specific Clauses. This was communicated to the tenderer, who has agreed to withdraw the qualification; and
 - The tenderer has provided a percentage mark-up of 8% overhead and profit on all positive variations, as well as a labour rate for positive carpentry/concrete variations of \$39 per hour. In addition a working day rate of \$980 plus GST to cover overheads in the event of extension of time has been supplied. These percentage mark-ups and rates are acceptable.
9. The net effect of the resolution of the qualifications referred to in paragraph 8 above is an increase of \$15,821 over the tendered price.

TENDER EVALUATION

10. In accordance with the conditions of tendering, tenders were evaluated in line with the Lowest Price Conforming Tender Method contained in the New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
11. Under this method each attribute is scored on a pass/fail basis. Determination of acceptability commences with the lowest priced tender and ceases when the first conforming tender is determined.
12. A summary of the evaluation results is shown in Table 2:

Tender Evaluation	Attributes	Exp.	Track Record	Tech Skills	Resource	Manag. Skills	Method	Lowest Price Conforming Tender
Tenderer	Tender Sum	Grades						
Skyward Construction Limited	\$237,170.00	Pass	Pass	Pass	Pass	Pass	Pass	Yes

Table 2 - Summary of Tender Evaluation

13. While both tenderers have submitted conforming tenders (after requests for missing information and resolution of qualifications) the tender of Skyward Construction is significantly lower than that of Citywide Construction. In terms of the Lowest Price Conforming Tender method the tender of Citywide Construction is not considered further.

14. Skyward Construction's tender satisfies the requirements of the tender documents. The information provided in the attribute statements, as well as references obtained from previous clients and employers are more than adequate in providing justification to award a pass grade in all of the non- price attributes.
15. The amended tender price of Skyward Construction is \$252,991 plus GST, being the tendered price of \$237,170 plus the price of \$15,821 due to resolution of the tender qualifications referred to in paragraph 8 above.
16. 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

17. A credit check on Skyward Construction Limited has been requested.

JOB COSTS

18.		excl GST
	Tender sum (amended) - Skyward Construction Limited	\$252,991.00
	Contingency	\$ 25,299.10
	Engineering and Supervision	\$ 40,000.00
	Consents	\$ 10,000.00
	Other Project Costs	<u>\$ 21,709.90</u>
	Total Job Cost	\$350,000.00

SOURCE OF FUNDING

19. The 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
Public Mausoleum Building	8CSCM-10-037	\$500,000.00	\$0.00	\$350,000.00	\$150,000.00	\$22,709.00

Table 3 - Source of Funding

IMPLEMENTATION ISSUES

20. There are no expected implementation issues with this contract.

AUCKLAND COUNCIL TRANSITION ISSUES

21. 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: Duncan Miller, Senior Project Engineer, Special Projects.



6 **CONTRACT NO. CM09005C - CHAPEL OF FAITH IN THE OAKS RESTORATION WORKS - WAIKUMETE CEMETERY**

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. CM09005C - Chapel of Faith in the Oaks Restoration Works, Waikumete Cemetery.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. CM09005C - Chapel of Faith in the Oaks Restoration Works, Waikumete Cemetery - Approval to Award report.
2. **Approve** that, subject to a satisfactory credit check, the tender from Legacy Construction Limited for Contract No. CM09005C - Chapel of Faith in the Oaks Restoration Works, Waikumete Cemetery, in the sum of \$455,897.33 plus \$56,987.17 GST, totalling \$512,884.50 from 1 February 2010 to 11 June 2010 be accepted.
3. **Approve** that authority to enter into Contract No. CM09005C - Chapel of Faith in the Oaks Restoration Works, Waikumete Cemetery on behalf of the Council be delegated to the Deputy Group Manager: Assets.

BACKGROUND

1. The Chapel of Faith in the Oaks is listed in the Waitakere District Plan as a Category I heritage building. It was built in the mid 1880s to serve the needs of the population as a mortuary chapel. There are heritage trees in the nearby vicinity of the Chapel (an Oak tree, Norfolk Pine and Blue Gums). The building is also noted as a Category II item by the New Zealand Historic Places Trust.
2. As a listed building and an archaeological site, authority from the New Zealand Historic Places Trust is required for any modifications or alterations.
3. The building has undergone a series of stabilisation works throughout its history. Unfortunately, the building is still showing signs of structural deterioration. There is evidence of widespread penetrating damp which is having a detrimental effect on the structure and the building lacks earthquake resistance.
4. Remedial works are therefore required to ensure the continued survival of this important historic asset. Specifications have been laid out to address the upgrade of the building relating to the seismic and structural strength, the weather tightness of the building, moisture control, its ongoing and general maintenance, and the conservation of cultural heritage values.
5. Funding was approved by the Council in the Annual Plan 2009/2010 for this work.

SCOPE OF WORK

6. The scope of work includes but is not limited to:
 - upgrade of foundations;
 - restoration of walls for structural integrity;
 - restoration of floor for structural integrity;
 - restoration of roof for structural integrity;

- upgrade of building fabric to current structural seismic requirements;
- improving surface drainage;
- improving abutment details to prevent water ingress;
- improving air circulation throughout building; and
- restoration of original features.

TENDERS RECEIVED

7. Tenders were publicly advertised on Tenderlink with 14 sets of documents being downloaded. Two tenders were received by the closing date of 15 December 2009. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Legacy Construction Limited	4 Cavendish Drive, Manukau City, Auckland	\$484,324.90
Skyward Construction Limited	Skyward House, 3 Gordon Road, Morningside, Auckland.	\$599,228.00
Pre-tender contract estimate (based on most up-to-date tender rate)		\$461,000.00
Budget estimate		\$466,000.00

Table 1 - Summary of Tender Prices

TAGS, ERRORS OR OMISSIONS

8. The tender submitted by Legacy Construction Limited contained several minor tags within their submission that were addressed. These do not affect their tender price.
9. The Legacy Construction Limited tender omitted to include an allowance for the supply of temporary power and water to the building site. On consideration of the cost and options for meeting the temporary power and water requirements it has been decided that Council will supply the water and power with the amount for supply being allowed as detailed in paragraph 26 of this report.
10. The tender price submitted by Legacy Construction Limited was \$484,324.90. However, the evaluation process revealed a number of arithmetic errors within their priced schedule of quantities. Correcting these results in an adjusted tender price of \$455,897.33. This adjusted tender price has been confirmed in writing by the tenderer.
11. There was one omission in the tender submitted by Skyward Construction Limited whereby one minor item was not priced. A price for this omission was not requested as it would increase their price and therefore have no affect on the outcome of the tender evaluation process.

TENDER EVALUATION

12. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
13. These procedures require that where the tender includes Provisional Sums (work valued by the Principal and placed within the Schedule of Prices) they are deducted from the Tender Sum prior to evaluating each tender.
14. In this contract the value of Provisional Sums is \$14,000.

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

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill	Resour.	Manag. Skill	Method.	Price	Contract Number CM09005C
									Total Weights
	Weights	10	10	10	5	5	10	50	100
Tenderer	Tender Sum (excluding provisional sums)	Grades							INDEX
Legacy Construction Limited	\$441,897.33 (adjusted tender sum)	75	90	85	80	78	70	64	72
Skyward Construction Limited	\$585,228.00	0	0	0	0	0	0	36	Disqualified
Median Tender Price	\$513,562.67								

Table 2 - Summary of Tender Evaluation

16. The tender submitted by Skyward Construction Limited was disqualified as their submitted tender failed to provide references, or the required tender attribute information. The tenderer sought to clarify this deficiency with the following passage included within Item 5.0 of their tender submission covering letter: *“We have been unable to provide all the information required in the time available but will be happy to discuss any further requirements with you should our tender be of interest.”* Due to the much higher tender price submitted by this tenderer, a request was not made for this additional information and therefore no further evaluation was required resulting in a disqualified tender.
17. Scores for the non-price attributes for Legacy Construction Limited were determined on the basis of information provided in their tender, on the information gathered from the referees nominated by the tenderer and on the past experience of the Council’s Professional Services contractor for the project.
18. The results of the tender evaluation as summarised in Table 2 shows that the tender submitted by Legacy Construction Limited achieved the highest index of 72. This tender is also the lowest priced tender.
19. Legacy Construction Limited was founded in 2001. They are a privately owned construction company and specialise in projects ranging from large-scale refurbishments to highly specialised structural repairs in historic buildings. Current and past clients include The University of Auckland, New Zealand Retail Property Group and Progressive Enterprises.
20. Legacy Construction Limited successfully completed \$5.8 million value of work of a similar nature to this contract in the 2008/2009 financial year.
21. Legacy Construction Limited has the necessary expertise and resources to satisfactorily carry out the works.
22. Reference checks made on a selection of clients indicated a well-resourced, well-managed and capable contractor.
23. The Legacy Construction Limited tender as amended is approximately one percent below the pre-tender contract estimate exclusive of GST.
24. 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

25. A credit check on Legacy Construction Limited has been requested.

JOB COSTS

26.		excl. GST
	Tender sum - Legacy Construction Limited	\$455,897.33
	Contingency (15%)	\$ 68,385.00
	Engineering and supervision	\$ 30,000.00
	Arborist fees	\$ 3,000.00
	Provision of temporary power and water services to site	\$ 4,000.00

	Total Job Cost	\$561,282.33

(As noted in paragraph 9 the Job Costs make provision for temporary power and water services as a separate cost to Council).

27. Due to higher than normal levels of risk presented by restoration of an existing building, 15% contingency has been provided to allow for these additional risks.

SOURCE OF FUNDING

28. 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
Chapel of Faith Restoration	8CSCM-10-007	\$800,000.00	\$148,149	\$561,282.33	\$90,569	\$10,102.67
	Total			\$561,282.33		

Table 3 - Source of Funding

IMPLEMENTATION ISSUES

29. There are no implementation issues expected with this contract.

AUCKLAND COUNCIL TRANSITION ISSUES

30. 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: Mark Abbot, Deputy Group Manager: Assets.



7 CONTRACT NO. EW09003A - WASTEWATER UPGRADES IN MINI CATCHMENTS 8 AND 15 IN SWANSON - APPROVAL TO AWARD

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. EW09003A - Wastewater Upgrades in Mini Catchments 8 and 15 in Swanson.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. EW09003A - Wastewater Upgrades in Mini Catchments 8 and 15 in Swanson - Approval to Award report.
2. **Approve** that the tender from JB Contractors Limited for Contract No. EW09003A - Wastewater Upgrades in Mini Catchments 8 and 15 in Swanson in the sum of \$589,319.00 plus \$73,664.88 GST, totalling \$662,983.88 be accepted.
3. **Approve** that authority to enter into Contract No. EW09003A - Wastewater Upgrades in Mini Catchments 8 and 15 in Swanson on behalf of the Council be delegated to the Group Manager: Project Services.

BACKGROUND

1. Council has an objective to eliminate overflows, due to wet weather, in the wastewater network.
2. The upgrade of the existing wastewater public main in Mini Catchments 8 and 15 in Swanson will alleviate the overflows being experienced at Ascot Avenue, Pomaria Road and River Park Crescent.
3. Funding was approved by the Council in the Annual Plan 2009/2010 for this work.

SCOPE OF WORK

4. The scope of work includes:
 - installation of approximately 1440 metres of new wastewater pipeline using directional drilling, open cut trenching and pipe bursting;
 - construction of 20 manholes; and
 - flushing and video inspection of the completed lines.

TENDERS RECEIVED

5. Tenders were publicly advertised on Tenderlink with 36 sets of documents being uplifted. Four tenders were received by the closing date of 8 December 2009. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
JB Contractors Limited	26 Glasgow Avenue, Papatoetoe, Manukau City	\$589,319.00
Network Construction Limited	2 The Knoll, Greenhithe, North Shore City	\$641,261.00
H&H Contractors Limited	12A Culperry Road, Glen Eden, Waitakere	\$731,128.00

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Horizontal Earth Drilling Limited	55 Watea Road, Torbay, North Shore City	\$758,889.00
Pre-tender contract estimate (based on most up-to-date tender rate)		\$679,517.00
Budget estimate		\$685,000.00

Table 1 - Summary of Tender Prices

TAGS, ERRORS OR OMISSIONS

6. There were no tags or errors in the tenders received.
7. All four tenders received contained minor omissions within their non-price attributes. Separate meetings were held with the 2 lowest priced tenderers, JB Contractors Limited and Network Construction Limited, to obtain clarification about their methodology for the traffic management and location of services component of the contract. This information was used in the evaluation of the tenders.

TENDER EVALUATION

8. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
9. A summary of the evaluation results is shown in Table 2 below:

Tender Evaluation	Attributes	Exp.	Track Record	Tech Skill	Resor.	Manage Skill	Method	Price	Contract Number EW09003A
									Total Weights
	Weights	10	5	2	5	5	3	70	100
Tenderer	Tender Sum	Grades							INDEX
JB Contractors Limited	\$589,319.00	85	85	85	85	85	85	64	70
Network Construction Limited	\$641,261.00	80	80	75	80	85	80	57	64
H&H Contractors Limited	\$731,128.00	80	87	80	80	85	70	43	55
Horizontal Earth Drilling Limited	\$758,889.00	55	55	60	50	60	40	39	44
Median Tender Price	\$686,194.50								

Table 2 - Summary of Tender Evaluation

10. 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.
11. The results of the tender evaluation as summarised in Table 2 show that the tender submitted by JB Contractors Limited achieved the highest index of 70. This tender is also the lowest priced tender.
12. JB Contractors Limited has successfully completed several contracts for Council during the past two years and they have the necessary expertise and resources to satisfactorily carry out the works.
13. The lowest priced tender is 13% below the pre-tender contract estimate.

14. 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

15. A credit check on JB Contractors Limited dated 21 December 2009 revealed no adverse information.

JOB COSTS

16.		excl. GST
	Tender sum - (JB Contractors Limited)	\$589,319.00
	Contingency	\$ 58,931.90
	Engineering and Supervision	\$ 58,931.90
	Other (Consents)	\$ 10,000.00

	Total Job Cost	\$717,182.80

SOURCE OF FUNDING

17. 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
Sewer Renewals inflow infiltration control programme	8AMEW-10-081/10	\$1,054,000.00	0	\$667,682.80	\$386,317.20	\$95,681.00
Upgrades in inflow infiltration control projects	8AMEW-07-065/03	\$49,500.00	0	\$49,500.00	0	0
	Total			\$717,182.80		

Table 3 - Source of Funding

18. There are no implementation issues expected with this contract.

AUCKLAND COUNCIL TRANSITION ISSUES

19. 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: Neville Colling, Contracts Engineer.



8 **CONTRACT NO. TA09012B - BUS SHELTER CONSTRUCTION AND RENEWALS 2009/2010 - APPROVAL TO AWARD**

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. TA09012B - Bus Shelter Construction and Renewals 2009/2010.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. TA09012B - Bus Shelter Construction and Renewals 2009/2010 - Approval to Award report.
2. **Approve** that the tender from Community Asset Management Limited for Contract No. TA09012B - Bus Shelter Construction and Renewals 2009/2010 in the sum of \$266,980.00 plus \$33,372.50 GST, totalling \$300,352.50 from 01 February 2010 to 30 June 2010 be accepted.
3. **Approve** that authority to enter into Contract No. TA09012B - Bus Shelter Construction and Renewals 2009/2010 on behalf of the Council be delegated to the Group Manager: Project Services.
4. **Agree** that authority to extend Contract No. TA09012B - Bus Shelter Construction and Renewals 2009/2010 beyond 30 June 2010 for a further one year to 30 June 2011, subject to contractor's performance and availability of funding, be brought back to the Tenders Subcommittee for approval.

BACKGROUND

1. This contract forms part of Council's capital works programme as provided for in the Annual Plan 2009/2010, specifically construction of new bus shelters and renewal of existing bus shelters, at specific locations throughout the City. This is to encourage the use of public transport and assists in meeting Council's community outcome for Sustainable and Integrated Transport. This outcome requires making public transport services more appealing, thereby reducing car dependency.
2. Funding was approved by the Council in the Annual Plan 2009/2010 for the construction of new bus shelters and renewal of existing bus shelters that require replacement.

SCOPE OF WORK

3. This contract is for the manufacture and installation of 31 bus shelters with other ancillary works at either new locations or as a renewal of existing bus shelters within Waitakere.
4. The contract has been advertised on a one plus one basis of annual renewal. This allows for monitoring of performance and flexibility for the new Auckland Council.

TENDERS RECEIVED

5. Tenders were publicly advertised on Tenderlink with 17 sets of documents being uplifted. Four tenders were received by the closing date of 15 December 2010. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Community Asset Management Limited	50 Ellice Road, Glenfield, North Shore City	\$266,980.00
Adshel Limited	3-12 Shortland Street, Auckland	\$327,225.00
Tebo Limited	16/1 Vernon Street, Papakura	Disqualified
Infrastructure & Civil Works Limited	3A/80 Paul Mathews Road, North Harbour	Disqualified
Pre-tender contract estimate (based on most up-to-date tender rate)		\$295,365.00
Budget estimate (excl. fee and contingency)		\$295,500.00

Table 1 - Summary of Tender Prices

TAGS, ERRORS OR OMISSIONS

6. The tender from Adshel Limited contained several minor omissions and a summation error resulting in the tender sum being \$825 higher than the true total. This was not addressed as it did not affect the outcome of the tender evaluation process.
7. There were no errors or omissions in the other tenders.

TENDER EVALUATION

8. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
9. These procedures require that where the tender includes Provisional Sums (work valued by the Principal and placed within the Schedule of Prices) they are deducted from the Tender Sum prior to evaluating each tender.
10. In this contract the value of Provisional Sums is \$21,500.
11. The "two envelope process" as described in Section 2.7 of the above manual was followed. Under this method, only the first tender envelope is opened and the non-price attributes evaluated for all tenders before the second envelope containing the tender price is opened, and the tender prices duly included in the evaluation.

12. 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	5	5	4	3	3	70	100
Tenderer	Tender Sum	Grades							
Community Asset Management Limited	\$245,480.00	83	78	80	73	75	78	61	66
Adshel Limited	\$305,725.00	90	83	80	75	78	83	39	52
Tebo Limited		35							Disqualified
Infrastructure & Civil Works Limited		35							Disqualified
Median Tender Price	\$275,602.50								

Table 2 - Summary of Tender Evaluation

13. The tender submitted by Tebo Limited was disqualified as their submitted tender failed to demonstrate any previous relevant experience associated with installation of similar shelters. Therefore, this tender could not be considered further.
14. The tender submitted by Infrastructure and Civil Works Limited was disqualified as their submitted tender also failed to demonstrate any previous relevant experience associated with installation of similar shelters. Therefore, this tender could not be considered further.
15. Community Asset Management Limited also submitted an alternative tender proposing a shelter of different size and materials from that specified. The alternative tender was considered to be non-confirming due to Council's desire to have a consistent shelter design throughout the City and therefore not considered further.
16. The results of the tender evaluation as summarised in Table 2 show that the tender submitted by Community Asset Management Limited achieved the highest index of 66. This tender is also the lowest priced tender.
17. Community Asset Management Limited successfully completed Contact No. TA07004B - Bus Shelter and Guardrail Maintenance 2007/2008 and performed to a good standard.
18. Reference checks made on a selection of clients indicated a well-resourced, well-managed and capable contractor.
19. The lowest tender is 9.61% below the pre-tender contract estimate.
20. 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

21. A credit check on Community Asset Management Limited dated 29 December 2009 revealed no adverse information.

JOB COSTS

22.		excl. GST
	Tender sum - Community Asset Management Limited	\$266,980.00
	Contingency	\$ 26,650.00
	Engineering and Supervision	\$ 23,500.00
	Disbursements (Resource Consents)	\$ 6,350.00

	Total Job Cost	\$323,480.00

SOURCE OF FUNDING

23. 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
Bus Shelter Renewals- Professional Service	8AMTA-07- 012/1	\$18,400	\$3,475	\$14,925	\$0	\$0
Bus shelter Construction- Professional Service	8AMTA-07- 092/1	\$17,600	\$2,675	\$14,925	\$0	\$0
Bus Shelter Renewals- Physical Works	8AMTA-07- 012/2	\$190,000	\$28,925	\$146,815	\$14,260	\$14,260
Bus Shelter Construction- Physical Works	8AMTA-07- 092/2	\$190,000	\$28,925	\$146,815	\$14,260	\$14,260
	Total	\$416,000	\$64,000	\$323,480	\$28,520	\$28,520

Table 3 - Source of Funding

IMPLEMENTATION ISSUES

24. There are no implementation issues expected with this contract.

AUCKLAND COUNCIL TRANSITION ISSUES

25. 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: Jayantha Rajasooriya, Roading Engineer.



9 **CONTRACT NO TA09036B - PROFESSIONAL SERVICES FOR NORSGA
TRANSPORT INFRASTRUCTURE - STAGE 1 - APPROVAL TO AWARD**

GLOSSARY

Auckland Transition Agency	(ATA)
Competitive Pricing Procedure	(CPP)
Long Term Council Community Plan 2009-2019	(LTCCP)
Low Impact Design	(LID)
New Zealand Transport Agency	(NZTA)
Tender Evaluation Team	(TET)

EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1 - Approval to Award, and seeks approval for a variation.

RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1 - Approval to Award report.
2. **Approve** that subject to resolution 7 below, and subject to a satisfactory credit check, the tender from GHD Limited for Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1, in the sum of \$853,832.00 plus \$106,729.00 GST, totalling \$960,561.00 be accepted.
3. **Approve** that subject to resolution 7 below, the issue of a variation to Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1, in the sum of \$560,000.00 plus \$70,000.00 GST, totalling \$630,000.00 be accepted.
4. **Approve** that it be recommended to the Long Term Council Community Plan and Annual Plan Committee to carry forward \$800,000 from Annual Plan 2009/2010 to the 2010/2011 financial year for Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1.
5. **Approve** that subject to resolution 7 below, authority to enter into Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1, and to issue the contract variation as per resolution 3 above on behalf of the Council, be delegated to the Acting Director: City Services.
6. **Note** that the acceptance of Contract No. TA09036B - Professional Services for NorSGA Transport Infrastructure - Stage 1, inclusive of the contract variation, will be conditional on the carry forward approval as per resolution 4 above.
7. **Note** that resolutions 2 to 6 above be subject to confirmation by the Auckland Transition Agency.

BACKGROUND

1. The Council has been promoting developments within NorSGA. Plan Changes 13, 14 and 15 are currently in the appeal process and issues are being resolved. The Council has also been planning for the infrastructure to support expected growth and development in the general area.

2. Overall infrastructure asset to be built by the Council has been investigated and analysed. A preliminary design for the road network in NorSGA was completed in early 2009; a detailed design is now required to enable Council to implement the planned road network together with three waters infrastructure meeting the expected timeline for potential developments in NorSGA.
3. The Long Term Council Community Plan 2009-2019 (LTCCP) has outlined the required budget for the road infrastructure for NorSGA, and the Annual Plan 2009/2010 has allowed funding for detailed design.
4. This project does not satisfy the funding requirements of the New Zealand Transport Agency (NZTA) and therefore it is identified as a non-subsidised project.

SCOPE OF WORK

5. The extent of work includes the following road segments:
 - Brigham Creek Road, between Hobsonville Road and the State Highway 18 motorway interchange (excluding NZTA's motorway works) - existing road infrastructure upgrade;
 - Hobsonville Road (east), between Carnegie Crescent and Marina View Drive - existing road infrastructure upgrade;
 - Hobsonville Road (west), between the State Highway 16 motorway interchange (excluding the motorway works) and Don Buck Road - existing road infrastructure upgrade;
 - Northside Drive and Northside Drive motorway bridge - new road infrastructure; and
 - Kedgley Drive (north) between Sakaria Stream (Massey North town centre's boundary) and Northside Drive - new road infrastructure
6. The scope of work of the detailed design includes the following components:
 - New traffic signals and intersection upgrades at the following sites:
 - Hobsonville Road / Wiseley Road / Clark Road;
 - Hobsonville Road / Sinton Road;
 - Hobsonville Road / Brigham Creek Road;
 - Hobsonville Road / Suncrest Drive;
 - Hobsonville Road / Marina View Drive;
 - Kumeu Highway / Northside Drive;
 - Northside Drive / Kedgley Drive;
 - Northside Drive / State Highway 16 motorway bridge; and
 - Northside Drive / Trig Road.
 - Existing roundabout to be replaced by traffic signals with intersection upgrades at the following site:
 - Hobsonville Road / Don Buck Road.
 - Existing traffic signals and intersection upgrades at the following sites:
 - Hobsonville Road / Westgate Drive; and
 - Hobsonville Road / Fernhill Drive.

- Low impact design (LID) for stormwater management in compliance with the Plan Changes 13, 14 and 15 conditions; the LID components will include grass swales, rain gardens, and permeable pavement within the road reserve;
- Dedicated on-road and off-road cycle facilities along Hobsonville Road and Northside Drive;
- Bus priority measures at signalised intersections to support the Quality Transit Network along Hobsonville Road;
- A minimum of 1.8 metre footpaths to encourage more walking activities; and
- Working with utility providers to relocate (and / or upgrade) existing services and install new services for future developments.

TENDERS RECEIVED

7. The first tender was publicly advertised on Tenderlink and in newspapers. Six tenders were received and evaluated. Due to changes in the scope of work the contract was re-tendered and only the original six tenderers were invited to submit.

8. Details of the invited tenderers and tendered prices are shown in **Table 1** below:

TENDERER	REGISTERED OFFICE	TENDER PRICE (excl. GST)
GHD Limited	Level 16, ASB Bank Centre 135 Albert Street, Auckland	\$853,832.00
URS New Zealand Limited	13-15 College Hill Freemans Bay, Auckland	\$1,677,879.95
Opus International Consultants Limited	100 Beaumont Street The Westhaven, Auckland	\$1,960,172.47
Aurecon New Zealand Limited	Level 4, 139 Carlton Gore Road Newmarket Auckland	\$2,718,382.00
AECOM New Zealand Limited	47 George Street Newmarket, Auckland	\$3,152,175.00
Sinclair Knights Merz Limited	12-16 Nicholas Lane Carlaw Park, Auckland	\$3,162,699.00
Pre-tender contract estimate		\$1,600,000.00
Budget estimate		\$1,600,000.00

Table 1 - Summary of Tender Prices

9. The above tendered costs include two provisional sums totalling \$75,000.
10. All tenders were received before the closing time of 4:00pm, Tuesday 15 December 2009.

TAGS, ERRORS OR OMISSIONS

11. Tenderers, Aurecon New Zealand Limited and URS New Zealand Limited's schedule of prices contained minor calculation errors of \$30 and \$50 respectively; these are negligible and have been ignored.
12. Tenderer, Opus International Consultants Limited's, schedule of prices contained three data entry errors that amounted to \$16,808; no correction was needed.

13. Four tenders contained negligible tags in their non-price attribute submissions. The Tender Evaluation Team (TET) did not discuss these with the tenderers due to time constraints.
14. The GHD Limited tender contained what appeared to be a tag in its submission. This possible tag relates to new services design which the TET estimated to cost up to \$20,000. The TET was of the opinion that the amount involved is minimal in comparison to the contract costs and could be verified and agreed with GHD Limited should it be recommended for award. Further discussion regarding this point is noted in paragraph 29 and 30 below.
15. Other tags identified in the GHD Limited submission were negligible.
16. The second price envelope of Aurecon New Zealand Limited's submission contained several significant tags, which the TET did not review or examine. Standard tender evaluation procedures do not allow the second price envelope to open until the non-price attributes have been evaluated and marked. Tags are usually identified and discussed prior to opening the second price envelope.
17. The Aurecon New Zealand Limited's submission did not score high on the non-price attributes (6th) and index total (5th) and therefore it was deemed not necessary to examine the tags.

TENDER EVALUATION

18. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute method contained in the NZTA's "Competitive Pricing Procedure Manual" (CPP) manual.
19. These procedures require "provisional sums" to be deducted from the tendered price prior to evaluating each tender. The schedule of prices included two provisional sums to the value of \$50,000 to cover the public consultation process and \$25,000 to review existing wastewater infrastructure.
20. The two envelope process as described in section 2.7 of the CPP manual was followed. Under this method only the first tender envelope is opened and the non-price attributes are evaluated for all tenders before opening the second price envelope.
21. The scores for the non-price attributes were determined based on the information provided by tenderers, on information gathered from referees nominated by tenderers, and on any recent Council work experience with the tenderers.
22. A summary of the evaluation results is shown in Table 2 below (excluding the \$75,000 provisional sums).

Tender Evaluation	Attributes	Exp.	Track Record	Tech Skill	Manag. skill	Work Method	Price	Total Weight
	Weights	15	15	15	15	20	20	100
Tenderer	Tender Sum	Grades						INDEX
GHD Limited	\$778,832.00	72	70	67	68	64	100	74
URS New Zealand Limited	\$1,602,879.95	70	65	75	70	75	48	67
Opus International Consultants Limited	\$1,885,172.47	65	70	74	69	75	31	63
AECOM New Zealand Limited	\$3,077,175.00	75	60	71	78	64	-44	47

Tender Evaluation	Attributes	Exp.	Track Record	Tech Skill	Manag. skill	Work Method	Price	Total Weight
	Weights	15	15	15	15	20	20	100
Aurecon New Zealand Limited	\$2,643,382.00	66	50	69	67	45	-17	44
Sinclair Knights Merz Limited	\$3,087,699.00	60	55	63	73	50	-45	39

Table 2 - Summary of Tender Evaluation

23. Tender prices had a range from \$853,832 (GHD Limited) and \$3,162,699 (Sinclair Knights Merz Limited) (including \$75,000 in provisional sums), and the estimated pre-tender cost was \$1,600,000.
24. Variances between the pre-tender estimates and the submitted prices are significant ranging between a 47% under and 97% over.
25. Possible reasons for the significant variances are:
 - uncertainty with respect to the number of provisional items (12 items) listed in the schedule of prices; and
 - lack of understanding by some tenderers of the requirements due to the large amount of information provided which leads to a larger contingency in the tender.
26. Council officers estimated the pre-tender costs on the basis of recent detailed design work while taking into account the amount of preliminary design that had already been completed. It is the officers' view that the pre-tender estimate of \$1,600,000 was in fact conservative.
27. Implementation costs (physical works only) of all road and three waters infrastructure to be detailed designed in this contract are estimated to be \$60,000,000; the pre-tender estimate of \$1,600,000 is a reasonable percentage considering the amount of work already completed in the preliminary design phase.
28. The lowest tendered price of \$853,832 was submitted by GHD Limited. In the itemised tendering price comparison, GHD Limited showed lower prices for some items compared to all others.
29. Following completion of the tender evaluation and after opening the price envelopes, Council officers requested a meeting with GHD Limited for the following reasons:
 - To agree that the issue of potential services design is not a tag as initially perceived to be by the TET;
 - To ascertain that GHD Limited fully understood the extent of work and that the quality of work would not be compromised due to possible under-pricing;
 - To confirm the accuracy of prices of certain important items in the GHD Limited tender; and
 - To provide GHD Limited with the opportunity to withdraw from the tender if significant and detrimental errors had been made.

30. At the meeting, GHD Limited confirmed that they fully understood all requirements of the tender and scope of working. This was confirmed by an email exchange on the same day, 22 December 2009. Other minor issues in the methodology were also clarified.
31. 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.

PROPOSED VARIATION

32. In addition to the tasks included in this contract (as described in the tender documents) three additional items which have been identified after the tender was advertised need to be included. These were not included in the tender but are needed to complete the project.
33. The additional items (and reasons for inclusion) and expected costs based on the applicable rates and GHD Limited's tender are:
 - An extension of the extent of work along Hobsonville Road (east) to cover the remaining section within Plan Change 14 (an addition of approximately 600 metres); this is required because developments in the western parts of Plan Change 14 are currently in the planning process and the road network needed to support these in the next few years is essential; estimated costs are \$160,000;
 - Design of two stormwater ponds within the Bosnyak property (118 Hobsonville Road) immediately east of Brigham Creek Road; essentially these ponds form an important part of Council's developed Integrated Catchment Management Plan and will be needed to support developments within the Hobsonville town centre (Plan Change 14); in addition to the ponds the first section of the link road (40-50 metres) connecting the town centre with Brigham Creek Road is located between the ponds and its levels - and batters - will be determined by the final design of the ponds; estimated costs are \$160,000; and
 - The eastern section of the Plan Change 14 Spine Road (approximately 180-200 metres) within the Radich property (116 Hobsonville Road); this road segment has come about because developments in the western parts of Area A2 of Plan Change 14 (industrial land) are currently in the planning stage but there are no indications that development within the Radich property is forthcoming in the near future; it is important to provide this crucial connection to the motorway to ensure that Hobsonville Road is not over-utilised by heavy vehicles from the industrial land; NZTA is currently undertaking the detailed design of the roundabout (as part of the motorway interchange) that will form the eastern terminal point of this Spine Road and it is more appropriate (and cost effective) to complete the detailed design of all roads leading to the roundabout / interchange at the same time; also included in this item is the detailed design of a stormwater pond in the area affected by the Spine Road; estimated costs are \$240,000.

CREDIT CHECK

34. A credit check on GHD Limited has been requested.

JOB COSTS

35. **excl GST**
- | | |
|-----------------------------------------------|-----------------------|
| Tender sum (GHD) | \$ 853,832.00 |
| Proposed variation | \$ 560,000.00 |
| Contingencies (10% tender sum, 20% all other) | <u>\$ 197,383.20</u> |
| Total job cost | \$1,611,215.20 |
36. Due to the size of the project and amount of design work required it is highly likely that only 50% of the work will be completed in the current 2009/2010 financial year; on this basis it is recommended that \$800,000 be carried forward to the 2010/2011 financial year.

SOURCE OF FUNDING

37. Source of funding is shown in **Table 3** below:

Budget Description	Code	Budget	Committed to other projects	Committed to this project	Non-committed	Potential balance
NorSGA - Plan Change 15: Massey North / Westgate	8AMTA-10-006	\$17,385,000	\$14,859,000	\$811,215	\$1,714,784	\$0
NorSGA - Plan Change 14: Hobsonville TC and Industrial Precinct	8AMTA-10-007	\$10,967,000	\$8,891,000	\$800,000	\$1,276,000	\$0
		\$28,352,000	\$23,750,000	\$1,611,215	\$2,990,784	\$0

Table 3 - Source of Funding

IMPLEMENTATION ISSUES

38. The detailed design will cover most of Hobsonville Road (SH18 east and SH16 west). Council has obtained approval in principle from NZTA to undertake the design work. Officers will keep NZTA informed throughout the contract period.
39. It is possible that the resource consent process may be lengthy. This process is currently underway and will continue throughout the detailed design stage. However the detailed design may not be completed until after all consents have been obtained in case changes are needed to comply with consent conditions.
40. Certain aspects of the field work, such as topographical survey and geotechnical testing will be needed within private properties. Council will be required to obtain approval from individual land owners before proceeding with the field work inside their properties.

AUCKLAND COUNCIL TRANSITION ISSUES

41. In respect of Section 31 (4)(b) whereby the decision by the Auckland Transition Agency to confirm Council's adoption of the Long Term Council Community Plan 2009-2019, was subject to the proviso that NorSGA projects would be subject to confirmation by the Auckland Transition Agency.
42. Accordingly, the resolutions of this report need to be referred to the Auckland Transition Agency for approval.

Report prepared by: Hussam Abdul-Rassol, Manager: Transport Services.

