

7 Presentation of officer reports

7.1 Contract 2021/002 General Landscape Services and Supplies

Abstract

This report seeks Council endorsement for the award of Contract No. 2021/002, General Landscape Supply and Associated Services - Panel of Contractors. This contract will establish a new panel of contractors to provide a variety of general landscape services, mulching and under surfacing and delivery of landscape materials, for an initial term of three (3) years with two (2) possible extensions of one (1) year each to a maximum contract term of five (5) years.

This is a replacement of existing contracts which have reached the end of their maximum term.

The estimated contract cost for the maximum contract term is \$5,874,000 (including GST), and excluding any price adjustment due to rise and fall. The estimated cost to Council after the return of the GST Tax Input Credits is \$5,340,000. Because of the value of the contract it was publicly advertised in accordance with the requirements of section 186 of the *Local Government Act. 1989*.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business or commercial undertaking that if released, would unreasonably expose the business or commercial undertaking to disadvantage. The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Officers' recommendation

That Council resolve:

1. To award Contract No. 2021/002, General Landscape Supply and Associated Services - Panel of Contractors, to:

1.1 Panel 1 - General Landscape Services:

- Keon Construction Pty Ltd (ACN 077 075 266);
- Landstruct Landscape Construction (ACN 094 104 337);
- Sevron Pty Ltd (ACN 165 444 011); and
- Super Gardens Pty Ltd (ACN 007 352 114).

1.2 Panel 2 - Mulching and Under Surfacing Services:

- Ecodynamics Services Pty Ltd (ACN 102 359 213) as the Trustee for Ecodynamics Services Trust (ABN 14 772 744 278);
- RubberTough Industries Pty Ltd (ACN 105 354 710); and
- Super Gardens Pty Ltd (ACN 007 352 114).

1.3 Panel 3 - Supply and Delivery of Landscape Materials:

- Bark King Group Pty Ltd (ACN 074 900 342); and
- Sandbelt Industries (VIC) Pty Ltd (ACN 007 168 461) as trustee for Sandbelt Industries (VIC) Unit Trust (ABN 21 131 364 731).

at their tendered schedule of rates for an initial contract term of three (3) years with two (2) possible extensions of one (1) year each to a maximum contract term of five (5) years. The estimated contract cost for the maximum contract term is \$5,874,000 (including GST), and excluding any price adjustment due to rise and fall. The estimated cost to Council after the return of the GST Tax Input Credits is \$5,340,000.

2. To authorise the Director Places and Spaces to execute the contract agreements with the above contractors.
3. To authorise the Director Places and Spaces to negotiate extensions to the contract with the above contractors to the maximum 5 year contract term.
4. To note that expenditure under this contract in 2021-22 is in accordance with Council's adopted budget and Long Term Financial Strategy and expenditure in future years will be in accordance with the approved budget allocations.

Responsible director: Daniel Freer, Director Places and Spaces

1. Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2021/002, General Landscape Supply and Associated Services - Panel of Contractors.

2. Policy implications and relevance to community plan and council plan

This contract aligns with the following themes and strategies in the Boroondara Community Plan (2017 -27) and Council Plan (2017- 21):

- *Theme Two - “Your Parks and Green Spaces”*
 - **Strategy 1.1** - Plan, maintain and renew multi-purpose facilities & sports precincts to meet broad, intergenerational needs of community now & into the future,
 - **Strategy 2.1** - Sustainably design, manage and utilise parks and green spaces to foster a connected and healthy community for all ages and abilities, and
 - **Strategy 2.5** - Increase and improve public amenities and facilities in open spaces to enhance functionality for a wider range of uses.

This procurement process has been carried out in accordance with the requirements of Council's Contracts and Tendering Probity Policy and Council's Procurement Policy

3. Background

Council requires an arrangement of three panels of suitably qualified and experienced contractors to provide a variety of general landscape services, mulching and under surfacing and delivery of landscape materials in accordance with the requirements of the specification.

Invitation to tender

In accordance with Council's procurement procedures and Section 186 of the *Local Government Act 1989*, Council invited public tenders from suitably qualified organisations to undertake Council's general landscape supply and associated services. An invitation to tender was advertised in the local government tenders section of “The Age” newspaper on Saturday 30 January 2021 and on Council's website. The closing date for submissions was 4pm, Friday 26 February 2021.

In response to the advertisement, Council received 13 submissions:

- ACE Landscape services Pty Ltd;
- Bark King Group Pty Ltd;
- CDN Constructors Pty Ltd the trustee for CDN Constructors Unit Trust;
- Ecodynamics Services Pty Ltd the trustee for Ecodynamics Services Trust;
- Ficus Landscape Group Pty Ltd;
- Keon Constructions Pty Ltd;

- Landstruct Landscape Construction;
- RubberTough Industries Pty Ltd;
- Sandbelt Industries (VIC) Pty Ltd;
- Sevron Pty Ltd;
- Super Gardens Pty Ltd;
- Trifolium Landscapes & Environmental Planning Pty Ltd; and
- Urban Maintenance Systems Pty Ltd.

4. Outline of key issues/options

There are no issues regarding this procurement.

This proposed contract is important to the ongoing operations of Council and is required to cover a number of key services that cannot be supplied by internal staff. It will also ensure quick procurement of essential supplies and services.

5. Consultation/communication

The tender was advertised after extensive consultation within the Waste, Facilities and Infrastructure and Environmental Sustainability and Open Spaces departments who informed the development of the specification and associated tender documents. The procurement process was facilitated by officers from Chief Financial Office, whose participation has ensured transparency and probity.

6. Financial and resource implications

Council's 2020-21 September Amended Budget contains a total allocation of \$2,153,753, however only \$1,068,000 is required to be used for the proposed contracted services. The relevant account details are shown in table 6.1.

Account Number	Description	\$
24600-53010	Trade Services	\$53,370
24600-53087	Tree watering	\$61,200
24600-53094	Landscape Contractor	\$249,730
24600-53097	Spraying Contractors	\$41,820
24600-53105	Under-surfacing	\$20,400
24900-53105	Under-surfacing	\$170,795
71971-53010	Park Gravel Path Renewal	\$123,000
24850-53094	Landscape Contractors	\$57,560
24850-53097	Spraying Contractors	\$10,675
24501-54062	Quarry Products	\$18,285
24301-54062	Quarry Products	\$39,995
71778-53010	Minor Sportsground Improvements	\$235,997
72377-53010	Sportsground Reconstruction Program	\$1,070,926
Total		\$2,153,753.00

Table 6.1

This figure is based on an analysis of past expenditure of the above general ledger and project ledger accounts. The estimated expenditure for a five year maximum contract term is \$5,340,000 (excluding GST and any price adjustment due to the annual indexation).

The contract does not guarantee the appointed contractors a minimum quantity of work in relation to any of the contract components. The services performed will be in accordance with the need and annual budgetary allocations.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

This tender process has been carried out in accordance with the requirements of Council's Contracts and Tendering Probity Policy and Council's Procurement Policy.

8. Social and environmental issues

Environmental aspects were one of the evaluation criteria. Social issues are not relevant.

9. Evaluation and review

The tender evaluation report is provided as **Confidential Attachment 1.**

As a result of the tender evaluation, the evaluation panel recommends that Council award Contract No. 2021/002, General Landscape Supply and Associated Services - Panel of Contractors to the following companies:

Panel 1 - General Landscape Services:

- Keon Construction Pty Ltd (ACN 077 075 266);
- Landstruct Landscape Construction (ACN 094 104 337);
- Sevron Pty Ltd (ACN 165 444 011); and
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Panel 3 - Supply and Delivery of Landscape Materials:

- Bark King Group Pty Ltd (ACN 074 900 342); and
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The estimated contract cost for the maximum contract term is \$5,874,000 (including GST), and excluding any price adjustment due to rise and fall. The estimated cost to Council after the return of the GST Tax Input Credits is \$5,340,000.

Manager: David Shepard, Manager Environmental Sustainability & Open Spaces

Report officer: Craig Woods, Coordinator Parks