

7.4 Award of Contract 2023/119 Biodiversity Sites Maintenance Contract - Panel

Executive Summary

Purpose

The purpose of this report is to seek Council support to award Contract No. 2023/119 Biodiversity Site Maintenance Services – Panel, to a panel of contractors.

Background

This contract replaces Contract No. 2018/195 Revegetation Site Maintenance which will expire on 31 March 2024. The services include maintenance of existing biodiversity sites including Indigenous vegetation zones, wetlands and water sensitive urban design sites, as well as the creation and planting of new biodiversity zones in accordance with Council's Urban Biodiversity Strategy and Biodiversity Asset Management Plan.

This contract will provide biodiversity site maintenance services for an initial period of three (3) years with a possible two (2) year extension to a maximum period of five (5) years.

It is important to note that Council does not guarantee either a minimum quantity of work in relation to any of the contract components. The amount of work to be performed will be in accordance with need and budgetary allocations each year.

Next Steps

Upon award of the contract, officers will oversee the management and execution of these services.

Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition 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, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Award Contract No. 2023/119 Biodiversity Site Maintenance Services - Panel to the following three (3) contractors:

- Acacia Environmental Management Pty Ltd (ABN 88 108 191 466);
- Indigenous Design Environmental Services Pty Ltd trading as ID Ecological Management (ABN 64 081 044 144); and
- Felix Botanica the Trustee for The Chynoweth Family Trust (ABN 84 171 259 468),

At their tendered schedule of rates for an initial contract period of three (3) years plus an optional extension period of two (2) years to a maximum contract period of five (5) years. The estimated cumulative value over the maximum contract period is \$5,452,680.20 (including GST) including an annual CPI increase commencing from year two (2) of the contract.

The estimated cost to Council after the return of GST Input Credits is \$4,956,982.

2. Authorise the Director Places and Spaces to sign and execute the contracts on behalf of Council with the above contractors.
3. Authorise the Director Places and Spaces to negotiate and execute the optional extension period.
4. Note that expenditure under this contract is in accordance with Council's Adopted Budget for 2023/24. Future expenditure 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 to seek Council support to award Contract No. 2023/119 Biodiversity Site Maintenance Services - Panel to a 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 (2021-31) and Council Plan (2021-25):

Theme Three - The Environment

Strategy 3.6 - Our biodiversity is conserved and maintained through improving the way we manage our diverse plants, animals and natural spaces.

This procurement process has been carried out in accordance with the requirements of Council's Procurement Policy 2021-25.

3. Background

Council requires a number of suitably qualified and experienced organisations to provide maintenance of existing biodiversity sites including Indigenous vegetation zones, wetlands and water sensitive urban design sites, as well as the creation and planting of new biodiversity zones in accordance with Council's Urban Biodiversity Strategy and Biodiversity Asset Management Plan.

ArcBlue was engaged as Probity Advisor for the procurement process related to this contract due to the value of the works. Ms Megan James from ArcBlue attended panel meetings, reviewed documentation, provide advice and a final report on the procurement process. ArcBlue provided a report on the procurement process and did not identify any issues.

The contract structure is a schedule of rates contract.

4. Outline of key issues/options

On Saturday 9 December 2023 a Request for Tender was released to the open market with an advertisement in the Local Government tenders section of The Age and on Council's tendering portal VendorPanel. The closing date for submissions was 2pm Friday 19 January 2024.

In response to the advertisement Council received eleven (11) submissions from the following tenderers:

- Acacia Environmental Management Pty Ltd;
- Dalki Garringa;
- Felix Botanica Pty Ltd the Trustee for The Chynoweth Family Trust;
- Graham J Petersen trading as Eco Repair;
- Hlm Aust Pty Ltd trading as Habitat Land Management;

- Indigenous Design Environmental Services Pty Ltd trading as ID Ecological Management;
- Munns Parks & Gardens Pty Ltd;
- Naturelinks Landscape Management Pty Ltd;
- The Regenerative Ecosystem Project trading as Regenerative Ecosystems;
- Tailored Ecology Pty Ltd trading as t/as TREC Land Services; and
- Themeda Ecology the Trustee for Hg Group.

The key considerations used to determine the outcome of the tender process were:

- Value for money;
- Skills, experience and availability of key personnel;
- Work planning methodology and management of contract;
- Proven past and relevant experience including capability, innovation and customer service;
- Commitment to the environment;
- Commitment to social procurement and implementing traditional; and ecological knowledge.

5. Collaborative Procurement Opportunities

Officers discussed with neighbouring Local Government organisations to determine the suitability of a collaborative procurement process. Unfortunately, the timing of other's contract arrangements meant that collaborative procurement was not possible.

6. Consultation/communication

Internal consultation across the appropriate services within the Environmental Sustainability and Open Spaces department informed the review and development of the specification and associated tender documents.

7. Financial and resource implications

Council's 2023/24 Amended Budget contains the following allocations:

Item	\$ ex GST
Water sensitive urban design maintenance	\$103,485
Biodiversity site maintenance	\$520,870
Infill planting	\$142,380
New biodiversity areas	\$230,000
TOTAL	\$996,735

This is a schedule of rates contract, expenditure under this contract will be in accordance with budget allocations.

The contract value has been estimated on current workloads and budget allocations with consideration of future increases in land managed for biodiversity and Consumer Price Index increases.

Subject to budgetary approval, the tender rates shall be reviewed annually and adjusted based on the movements in the Consumer Price Index (CPI) ABS Catalogue 6401.0, All Groups Index Table 1, Melbourne. This may be higher or lower than the estimate provided for in the contract.

Council does not guarantee the appointed contractors a minimum quantity of work in relation to any of the contract components. The amount of work will be in accordance with need and budgetary allocations each year. Payment will be made in line with the respective Tenderer's Schedule of Rates.

8. Governance issues

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under Chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

9. Social and environmental issues

Well maintained biodiversity areas contribute to the health and wellbeing of our community through access to natural vegetation. The expansion of biodiversity areas improves the liveability of Boroondara for our residents and native fauna.

10. Conclusion

The Evaluation Report is provided as **Confidential Attachment 1**. As a result of the evaluation, it is recommended Contract No. 2023/119 Biodiversity Site Maintenance - Panel is awarded to three (3) contractors.

Award of this contract will enable Council to be able to maintain its biodiversity areas and increase the area managed for its biodiversity values by one (1) hectare a year in line with the targets of the Climate Action Plan and Urban Biodiversity Strategy.

**Manager &
report officer:**

**David Shepard, Manager Environmental Sustainability &
Open Spaces**