

ITEM 8

TENDER T1000154 - PANEL FOR COUNCILS PROJECT WASTE MATERIAL - REPLENISH

This report recommends acceptance of a tender for receipt and processing of Councils Project Waste in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

It is to replenish the existing panel contract CN100966. This panel contract was established in May 2024 and supports Council's construction and maintenance operations. This panel is used primarily for the disposal of waste materials generated during construction and maintenance activities. It was identified that the number of suppliers on some of the sub panels of CN100966 would be insufficient to meet ongoing operational needs of City Works and Open Space and Environmental Services. As a result, T1000154 was called to Replenish this Panel.

RECOMMENDATION

- 1
 - a In accordance with Section 178(1)(a) of the *Local Government (General) Regulation 2021*, Council accepts the tender of suppliers marked as successful under Table 1 sub panels A1: Disposal of Construction Waste Material, A5: Hazardous Waste, A6: Restricted Waste and A7: Dead Animals as schedule of rates contracts.
 - b In accordance with Section 178(1)(b) of the *Local Government (General) Regulation 2021*, Council decline to accept any of the tenders received for Table 1 sub panels A2: Reuse and Recycle of Asphalt Profilings and Excavated Material and A4: Purchase of Recycled Materials and resolve to enter into negotiations with one or all of the tenderers, or any other party, with a view to entering into a contract in relation to the subject matter of the tender.
 - c In accordance with clause 178(4) of the *Local Government (General) Regulation 2021* the reason for Council hereby resolving to enter into negotiations with one or all of the tenderers or any other party and not inviting fresh tenders for sub panels A2 and A4 as it is anticipated that a satisfactory outcome can be achieved with one of those contractors who demonstrate a capacity and ability to undertake the works.
 - d In accordance with Section 178(1)(b) of the *Local Government (General) Regulation 2021*, Council decline to accept any of the tenders received for Table 1 sub panels A3: Asbestos Collection, Disposal and Site Remediation and A8: Pollution Control as no conforming tenderers were received.
- 2 The contract be awarded to align with the existing CN100966, for an initial term of 2.5 years plus 2 optional extensions of 1 year for a maximum term of 5 years. Any such extensions being exercised at the sole discretion of Council.
- 3
 - a Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
 - b Council delegate to the General Manager the authority to undertake and finalise the negotiations under sub panels A2 and A4, firstly with the current tenderers and, in the event of failure of negotiations with those tenderers, any other party, with a view to entering into a contract in relation to the subject matter of the tender.
- 4 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Alan Davis, Manager City Works (Acting)
 Authorised by: Joanne Page, Director Infrastructure + Works

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council's construction and maintenance activities generate waste materials and where possible this material is processed, recycled and reused, rather than being sent to licensed landfill. The handling, treatment and disposal of the waste material depends upon the waste classification.

Panel contract CN100966 was established in May 2024 appointing accredited suppliers to provide waste management and pollution response services to Council. Council also sought opportunity to be more sustainable by recycling waste material wherever possible and opting to use recycled materials where available. However, in the initial tender, Council was unsuccessful in appointing suppliers to sub panels A2: Reuse and Recycle of Asphalt Profilings and Excavated Road Material, and A4: Purchase of Recycled Materials.

During establishment CN100966 it was identified that the number of suppliers on some of the sub panels would be insufficient to meet the ongoing operational needs of City Works and Open Space and Environmental Services. Therefore, T1000154 was called to replenish this panel contract, including seeking further opportunity for sustainable options for reusing and recycling materials.

CN100966 has the following existing sub-panels:

- A1: Disposal of Construction Waste Material
- A2: Reuse and Recycle of Asphalt Profilings and Excavated Road Material
- A3: Asbestos Collection, Disposal, and Site Remediation
- A4: Waste Material Treatment and Purchase of Recycled Materials
- A5: Hazardous Waste Material Excavation, Collection and Disposal
- A6: Restricted Waste Material Excavation, Collection and Disposal
- A7: Collection and/or Disposal of Dead Animals and Unlisted Waste Material
- A8: Pollution Incident Response, Containment and Disposal

Tenders were invited for this project by the open tender method with a close of tenders of 10:00 am on 18 July 2024.

Six (6) tenders were received by the close of tenders and all tenders have been scrutinised and evaluated by a Tender Evaluation Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the City Works and Customer Service + Business Integrity Divisions.

The Tender Evaluation Panel evaluated all tenders in accordance with the following Evaluation criteria and weightings as set out in the formal tender documents:

Mandatory Criteria

- 1 Provision of satisfactory references from referees for previous projects of similar size and scope (all sub panels)
- 2 Provision of valid Environmental Protection Licence (EPL) for the proposed recycling/disposal site (all sub panels)
- 3 Evidence of Safework Licences for Asbestos Removal (A3 sub panel)
- 4 Provision of Compliance Certificates for Recycles Materials (A4 sub panel)

Evaluation Criteria

- 1 Cost to Council – 50%
- 2 Appreciation of scope of work and methodology – 15%
- 3 Demonstrated prior experience and satisfactory performance in delivering services of similar size, scope and risk profile for any schedules being applied for – 15%
- 4 Environmental management system/policies and procedures – 5%
- 5 Workplace health and safety management system – 5%

6 Demonstrated strengthening of local economic capacity – 10%

The Tender Evaluation Panel utilised a weighted scoring method for the evaluation of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the evaluation criteria as specified in the tender documentation. The method then considers pre-determined weightings for each of the evaluation criteria which provides for a total score out of 5 to be calculated for each tender. Suppliers that met the mandatory criteria and scored satisfactory in the evaluation were deemed suitable to be added to the Panel.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

A1: Disposal of Construction Waste Material

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	Successful
SCE Materials and Recycling	Successful
Max Mattress	NON CONFORMING
Bingo Waste Services	NON CONFORMING

A2: Reuse and Recycle of Asphalt Profiling's and Excavated Road Material

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	NON CONFORMING
SCE Materials and Recycling	NON CONFORMING

A3: Asbestos Waste

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	NON CONFORMING
Enviropacific Services Limited	NON CONFORMING

A4: Purchase of Recycled Materials

Name of Tenderer	Outcome
SCE Materials and Recycling	NON CONFORMING

A5: Hazardous Waste

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	Successful
Enviropacific Services Limited	NON CONFORMING

A6: Restricted Waste

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	Successful
Enviropacific Services Limited	NON CONFORMING

A7: Dead Animals

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	Successful
Remondis	Successful

A8: Pollution Control

Name of Tenderer	Outcome
Cleary Brothers (Bombo) Pty Ltd	Unsuccessful
Remondis	Unsuccessful

PROPOSAL

It is recommended that Council authorise the engagement of the identified successful tenderers under sub panels A1, A5, A6, and A7 as additions to the existing CN100966 panel to provide waste management, and pollution control in accordance with the scope of works and technical specifications developed for the project.

The recommended suppliers have satisfied the Tender Evaluation Panel that they are capable to undertake the works to Council's standards and in accordance with the technical specification. All successful Tenderers have submitted valid Environmental Protection Licenses (EPL) for facilities where they propose to process or dispose of material.

As no suppliers were recommended for sub panels A2: Reuse and Recycle of Asphalt Profiling's and Excavated Road Material and A4: Purchase of Recycled Materials, it has been recommended that Council decline all tenders and enter into negotiations with one or all of the tenderers, or any other party, with a view to entering into a contract in relation to the subject matter of the tender.

Although no suppliers were recommended under sub panels A3: Asbestos Collection, Disposal, and Site Remediation and A8: Pollution Control, there are currently sufficient suppliers under these sub panels, and therefore it is recommended that Council decline the non-conforming tenders.

CONSULTATION AND COMMUNICATION

- Members of the Tender Evaluation Panel
- Nominated referees

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 1 - We value and protect the environment. It specifically delivers on the following:

Community Strategic Plan 2032	Delivery Program 2022-2026
Strategy	Service
1.4 Work together to achieve net zero carbon emissions and reduce waste going to landfill.	Waste Management

Through this Tender, Council is seeking to utilise recycling facilities where possible. Council has verified the Environmental Protection Licences (EPL's) for all facilities that are proposed to be used as Suppliers appointed to this panel.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the works and services is considered low based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented. A Decision Matrix for the CN100966 panel is used to ensure waste is managed using appropriate suppliers and facilities. This Decision Matrix will be updated on acceptance of additional suppliers.

Economic Risk: The Project cost estimating templates and the Waste Decision Matrix that will be updated to reference current panel rates for waste disposal. This will ensure adequate budgets are allocated to projects and Work Orders that include Waste Management costs.

Operational Risk: Waste Management is critical in all construction and operational activities, and this panel provides a means of procuring, handling, and disposing of our expected waste streams in an efficient way for City Works and Open Space and Environmental Services.

Legislative and Regulatory Risk: Council is responsible for ensuring waste is recycled and disposed of at appropriately licenced facilities. The Waste Decision Matrix is used to guide Council officers to select appropriately licenced facilities for known and expected construction waste materials.

Where a Waste Classification Report has identified contaminants (hazardous, restricted, or other classification) there will be a verification step, where the Environmental Protection Licence (EPL) and approval is sought from the receiving facility prior to the engagement of a supplier or facility. This additional step in the procurement process will reduce the legislative risk in managing and handling those specific cases.

SUSTAINABILITY IMPLICATIONS

In determining sub panels on this Tender, some sustainability considerations were made. The sub panels selected targeted opportunities to recycle, and reuse waste materials where possible. In addition to waste diversion and recycling opportunities, this tender also provides efficient and sustainable processes for managing expected construction waste materials. The use of established panels streamlines our service delivery in planning and delivering construction and maintenance activities.

Due to no suppliers being recommended for Schedules A2 and A4, it has been recommended that Council enter into negotiations to address this. If successful, Schedules A2 Reuse and Recycle of Asphalt Profilings and Excavated Road Material and A4 Purchase of Recycled Materials provides more sustainable options by implementing a circular economy. In the interim, Schedule A1 will continue to provide Council with the ability to recycle Asphalt Profilings and Excavated Road Material.

FINANCIAL IMPLICATIONS

This panel will service both construction and maintenance activities. The cost of engagements under this panel will be directed to appropriate Capital projects and maintenance work orders for both scheduled and unscheduled activities.

Prior to engaging a supplier for any of the services under these sub panels, the licensing, facility location, and the availability to process and / or store the material will be considered.

Where the waste is classified as hazardous, restricted or other waste, a request for quotation will be issued to Panel members to provide:

- A valid EPL for the relevant waste classification
- Validation that they recycle, process or dispose of the proposed volume of waste material
- Cost per tonne.

CONCLUSION

The recommended tenderers have submitted acceptable tenders under sub panels A1, A4, A5, A6 and A7 to carry the waste management services to meet Council's requirements, and it is recommended Council endorse the recommendations.

It is recommended that tenders received under sub panels A2: Reuse and Recycle of Asphalt Profilings and Excavated Material and A4: Purchase of Recycled Materials are declined, and Council enters into

negotiations with one or all of the tenderers, or any other party, with a view to entering into a contract in relation to the subject matter of the tender.

It is recommended that tenders received under sub panels A3: Asbestos Waste and A8: Dead Animals are declined, as Council has sufficient suppliers to meet current operational needs.