# ESTABLISHMENT AND COORDINATION COMMITTEE REPORT

**RECOMMENDATIONS OF THE ESTABLISHMENT AND COORDINATION COMMITTEE DURING THE SPRING RECESS 2021, SUBMITTED TO COUNCIL FOR ADOPTION**

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| **B**  **C** | **STORES BOARD SUBMISSION – SIGNIFICANT CONTRACTING PLAN FOR ANIMAL MANAGEMENT SERVICES**  **PETITION TO THE CITY PLANNING AND SUBURBAN RENEWAL COMMITTEE – REQUESTING COUNCIL ALLOW OXFORD EYE CENTRE TO CONTINUE TO OPERATE AT 213 RIDING ROAD, BALMORAL (APPLICATION REFERENCE A005448563)** | **9**  **14** |

**ESTABLISHMENT AND COORDINATION COMMITTEE REPORT**

**RECOMMENDATIONS OF THE ESTABLISHMENT AND COORDINATION COMMITTEE DURING THE SPRING RECESS 2021, SUBMITTED TO COUNCIL FOR ADOPTION**

DECLARABLE CONFLICT OF INTERESTS

*Clause C The Lord Mayor (Councillor Adrian Schrinner), Deputy Mayor (Councillor Krista Adams), and Councillors Adam Allan, Fiona Cunningham, Vicki Howard, Kim Marx, Tracy Davis, Andrew Wines and Ryan Murphy declared a declarable conflict of interest in Clause C. Clause C was then referred to Council pursuant to section 177R of the City of Brisbane Act 2010.*

A Contracts and Tendering – Report of Contracts Accepted by Delegates of Council for August 2021

**109/695/586/2-005**

1. The Chief Executive Officer provided the information below.

2. Sections 238 and 239 of the *City of* *Brisbane Act 2010* (the Act) provide that Council may delegate some of its powers. Those powers include the power to enter into contracts under section 242 of the Act.

3. Council has previously delegated some powers to make, vary or discharge contracts for the procurement of goods, services or works. Council made these delegations to the Establishment and Coordination Committee and Chief Executive Officer.

4. The *City of Brisbane Regulation 2012* (the Regulation) was made pursuant to the Act. Chapter 6, Part 4, section 227 of the Regulation provides that: (1) Council must, as soon as practicable after entering into a contract under this chapter worth $200,000 or more (exclusive of GST), publish relevant details of the contract on Council’s website; (2) the relevant details must be published under subsection (1) for a period of at least 12 months; and (3) also, if a person asks Council to give relevant details of a contract, Council must allow the person to inspect the relevant details at Council’s public office. ‘Relevant details’ is defined in Chapter 6, Part 4, section 227 as including: (a) the person with whom Council has entered into the contract; (b) the value of the contract; and (c) the purpose of the contract (e.g. the particular goods or services to be supplied under the contract).

5. The contracts detailed in Attachment A represent contractual arrangements that Council has already entered into. The purpose of this report is not to consider making decisions about the contracts, rather for transparency of the decisions made on contracts entered into with a value greater than the threshold.

6. The Chief Executive Officer provided the following recommendation and the Committee agreed at the meeting of 5 October 2021.

7. **RECOMMENDATION:**

**THAT COUNCIL NOTES THE REPORT OF CONTRACTS ACCEPTED BY DELEGATES OF COUNCIL FOR AUGUST 2021, AS SET OUT IN ATTACHMENT A,** hereunder**.**

**Attachment A**

| **Report of Contracts Accepted by Delegates of Council for August 2021** | | | | |
| --- | --- | --- | --- | --- |
| **Contract number/contract purpose/successful tenderer/comparative tender/price value for money (VFM) index achieved** | **Nature of arrangement/ estimate maximum expenditure** | **Unsuccessful tenderers/VFM achieved** | **Comparative tender price/s** | **Delegate/**  **approval date/start date/term** |
| **BRISBANE INFRASTRUCTURE** | | | | |
| **1. Contract No. 520219**  **PAINTING SERVICES, TILING SERVICES, AND SUPPLY AND LAY OF FLOOR COVERINGS**  ***Category 1 – Painting Services***  **Probuild Industries Australia Pty Ltd**  **Hewson, Russell Paul trading as Redswan Painters**  **Waller Painting Pty Ltd**  ***Category 2 – Tiling Services***  **Higgins Coatings Proprietary Limited trading as Higgins Coatings Pty Ltd**  **Maintain Australia Pty Ltd**  **Probuild Industries Australia Pty Ltd**  **Sunstate Tiling Pty. Ltd.**  ***Category 3 – Supply and Lay Floor Coverings***  **Higgins Coatings Proprietary Limited trading as Higgins Coatings Pty Ltd**  **Lifestyle Commercial Floorcoverings Pty Ltd**  **Maintain Australia Pty Ltd** | Corporate Procurement Arrangement (CPA) (Panel Arrangement)  Schedule of rates  **$222,526** | Contract is exempt from tendering under Exemption 9 of Council’s *SP103 Procurement Policy and Plan 2020-21*, which allows for extension of contracts while Council is at market. | Not applicable (N/A) | **Delegate**  CPO  **Approved**  12.08.2021  **Start**  01.10.2021  **Term**  Two months |
| **2. Contract No. 520773**  (Order under Queensland Government Standing Offer Arrangement QGP0050-18)  **INDEPENDENT FINANCIAL AUDITOR – KANGAROO POINT GREEN BRIDGE**  **BDO Services Pty Ltd (Offer 1) – $519,840**  Achieved the highest VFM of 16.06 | Schedule of rates  **$519,840** | BDO Services Pty Ltd (Offer 2)  Achieved VFM of 15.33  P.A Camenzuli & Others trading as Pitcher Partners (Offer 1)  Achieved VFM of 15.18  PricewaterhouseCoopers  Achieved VFM of 13.00  KPMG Australia  Achieved VFM of 12.26  Deloitte Risk Advisory Pty Limited  Achieved VFM of 11.48  P.A Camenzuli & Others trading as Pitcher Partners (Offer 2)  Achieved VFM of 11.48  Findex (Aust) Pty Ltd  Achieved VFM of 11.38 | $544,800  $480,960  $619,040  $632,416  $642,624  $636,000  $566,648 | **Delegate**  CEO  **Approved**  02.08.2021  **Start**  02.08.2021  **Term**  30 months |
| **3. Contract No. 520801**  **SPORTS FIELD REMEDIATION PROGRAM 2021-22**  **Hart Valley Investments Pty Ltd – $260,282**  Achieved the highest VFM of 32.08  **Twin View Turf Pty Ltd – $266,906**  Achieved VFM of 31.75  **Project Irrigation Australia Pty Ltd – $261,878**  Achieved VFM of 29.78 | Schedule of rates  **$1,845,000** | *Offers not recommended*  TIS Contracting Pty Ltd  Achieved VFM of 28.47  Global Turf Projects Pty Ltd  Achieved VFM of 22.46  *Non-conforming offers*  Austspray Environmental Weed Control Pty Ltd  Green Options Pty Limited  Waterworx Pty. Ltd. | $292,451  $327,271  N/A  N/A  N/A | **Delegate**  CPO  **Approved**  11.08.2021  **Start**  16.08.2021  **Term**  One year |
| **4. Contract No. 532761**  **KERALGERIE PARK UPGRADE**  **Glascott Landscape and Civil Pty Ltd – $392,418**  Achieved the highest VFM of 21 | Lump sum  **$392,418** | *Offers not recommended*  Naturform Pty Ltd  Achieved VFM of 21  The Landscape Construction Company Pty Ltd  Achieved VFM of 16  *Non-conforming offer*  J. Mac Constructions Pty Ltd | $399,151  $488,930  N/A | **Delegate**  CPO  **Approved**  04.08.2021  **Start**  11.08.2021  **Term**  16 weeks |
| **5. Contract No. 532792**  **THRUSH STREET PARK SIGNATURE PLAYGROUND**  **Naturform Pty Ltd – $774,124**  Achieved the highest VFM of 112 | Lump sum  **$774,124** | The Landscape Construction Company Pty Ltd  Achieved VFM of 112  Newscape Group Pty Ltd & The D Taylor Family Trust & The T Wilds Family Trust trading as Interface Landscapes  Achieved VFM of 94  Penfold Projects Pty Ltd  Achieved VFM of 92 | $780,000  $897,411  $770,217 | **Delegate**  CPO  **Approved**  11.08.2021  **Start**  02.09.2021  **Term**  30 weeks |
| **6. Contract No. 532820**  **BRISBANE METROPOLITAN TOUCH ASSOCIATION CLUBHOUSE – DESIGN AND CONSTRUCT**  **J. Mac Constructions Pty Ltd – $3,063,971**  Achieved the highest VFM of 27.42 | Lump sum  **$3,063,971** | Box & Co Pty Ltd  Achieved VFM of 24.88  Dart Holdings Pty. Ltd. trading as A. Dart & Co  Achieved VFM of 22.64 | $2,953,935  $3,577,830 | **Delegate**  CPO  **Approved**  18.08.2021  **Start**  23.08.2021  **Term**  29 weeks |
| **7. Contract No. 532831**  **COMMUNITY FACILITIES REPAIRS – PACKAGE B**   * Sandgate Bowls Club at Keogh Street, Sandgate * 7th Brigade Park, Delaware Street, Geebung * 28A Bethania Street, Lota * Former Ashgrove Bowls Club, Yoku Road, Ashgrove   **Blackwood Projects Pty Ltd – $242,410**  Achieved the highest VFM of 36.51 | Lump sum  **$242,410** | Building Solutions Brisbane Pty Ltd  Achieved VFM of 34.36  Probuild Industries Australia Pty Ltd  Achieved VFM of 32.33  Signature Projects Pty Ltd  Achieved VFM of 27.60  Hawley Constructions Pty Ltd  Achieved VFM of 21.32  Box & Co Pty Ltd  Achieved VFM of 16.50 | $261,952  $269,080  $300,675  $405,769  $509,000 | **Delegate**  CPO  **Approved**  11.08.2021  **Start**  16.08.2021  **Term**  16 weeks |
| **8. Contract No. 532832**  **MINOR MAINTENANCE ACTIVITIES FOR BRIDGES**  **MMS Group Pty Ltd – $214,285**  Achieved the highest VFM of 40.02 | Schedule of rates  **$428,570** | Ellen Grove Pty Ltd trading as Sunstate Civil Construction  Achieved VFM of 30.93  Silverstrand Developments Pty Ltd  Achieved VFM of 13.43 | $178,105  $558,506 | **Delegate**  CPO  **Approved**  12.08.2021  **Start**  24.08.2021  **Term**  Initial term of one year with a maximum term of two years. |
| **9. Contract No. 532882**  **COORPAROO COMMON PARK SCOOTER TRACK AND DAVIES PARK IMPROVEMENTS STAGE 2**  **Landscape Solutions (Qld) Pty. Limited – $958,533**  Achieved the highest VFM of 8.45 | Lump sum  **$958,533** | The Landscape Construction Company Pty Ltd  Achieved VFM of 8.20  Naturform Pty Ltd  Achieved VFM of 7.24  Glascott Landscape and Civil Pty Ltd  Achieved VFM of 5.52 | $969,898  $1,119,315  $1,113,350 | **Delegate**  CPO  **Approved**  11.08.2021  **Start**  16.08.2021  **Term**  17 weeks |
| **10. Contract No. 532901**  **HAMILTON HALL UPGRADE**  **Building Solutions Brisbane Pty Ltd – $373,670**  Achieved the highest VFM of 20.94 | Lump sum  **$373,670** | Kane Constructions (QLD) Pty Ltd trading as Arete Australia  Achieved VFM of 20.63  Blackwood Projects Pty Ltd  Achieved VFM of 19.66  Premis Solutions Pty Ltd  Achieved VFM of 19.21  Signature Projects Pty Ltd  Achieved VFM of 16.27  Dart Holdings Pty. Ltd. trading as A. Dart & Co  Achieved VFM of 16.12 | $390,300  $424,690  $429,360  $371,758  $468,300 | **Delegate**  CPO  **Approved**  11.08.2021  **Start**  16.08.2021  **Term**  16 weeks |
| **11. Contract No. 532910**  **KURABY STATE SCHOOL CAR PARK UPGRADE**  **Doval Constructions (Qld.) Ltd**  **– $580,620\***  Achieved the highest VFM of 15  *\*Comparative tender price normalised for possible delay costs and variations claimable by the contractor.* | Schedule of rates  **$544,453** | Allroads Pty Ltd  Achieved VFM of 12  AllenCon Pty Ltd  Achieved VFM of 11 | $604,844\*  $570,472\* | **Delegate**  CPO  **Approved**  04.08.2021  **Start**  10.08.2021  **Term**  12 weeks |
| **12. Contract No. 532971**  **ROADS RESURFACING – LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PACKAGE 1**  **Allen’s Asphalt Pty Ltd – $1,265,571\***  Achieved the highest VFM of 58  *\*Comparative tender price normalised for possible delay costs and variations claimable by the contractor.* | Schedule of rates  **$1,240,572** | Stanley Macadam Pty Ltd  Achieved VFM of 57  Fulton Hogan Industries Pty Ltd  Achieved VFM of 52  Boral Resources (Qld) Pty. Limited  Achieved VFM of 33 | $1,369,324\*  $1,390,036\*  $2,084,227\* | **Delegate**  CPO  **Approved**  18.08.2021  **Start**  20.08.2021  **Term**  12 weeks |
| **13.** **Contract No. 532974**  **ENVIRONMENTAL SERVICES FOR STORY BRIDGE RESTORATION PROJECT SPAN FOUR, KANGAROO POINT**  **I3 Consulting Pty Ltd – $243,389**  Achieved the highest VFM of 38.83 | Lump sum  **$243,389** | SLR Consulting Australia Pty Ltd Achieved VFM of 23.69  EDP Consultants Pty Ltd  Achieved VFM of 20.14  JJ Ryan Consulting Pty Ltd  Achieved VFM of 15.40 | $306,086  $162,163  $273,870 | **Delegate**  CPO  **Approved**  12.08.2021  **Start**  23.08.2021  **Term**  One year |
| **14. Contract No. 1417718‑20**  **INDOOROOPILLY ROUNDABOUT UPGRADE (MOGGILL ROAD CORRIDOR UPGRADE – STAGE 1) – APA GAS RELOCATION WORKS**  **APT O&M Services (QLD) Pty Ltd – $2,619,952** | Lump sum  **$2,619,952** | Contract entered into under Exemption 3 of Council’s *SP103 Procurement Policy and Plan 2021-22*, which allows for exemption for tendering where the marketplace is restricted by third-party ownership of a public utility plant asset. | N/A | **Delegate**  CEO  **Approved**  30.08.2021  **Start**  30.08.2021  **Term**  One year |
| **CITY ADMINISTRATION AND GOVERNANCE** | | | | |
| Nil |  |  |  |  |
| **CITY PLANNING AND SUSTAINABILITY** | | | | |
| Nil |  |  |  |  |
| **LIFESTYLE AND COMMUNITY SERVICES** | | | | |
| **15. Contract No. 511590**  **LIBRARY RADIO FREQUENCY IDENTIFICATION TECHNOLOGY, EQUIPMENT AND MAINTENANCE SERVICES**  **Bibliotheca Australia Pty Ltd – $5,200,000** | CPA (Preferred Supplier Arrangement)  Schedule of rates  **$5,200,000** | Contract entered into without seeking competitive tenders from industry in accordance with Council’s *SP103 Procurement Policy and Plan 2021-22*. | N/A | **Delegate**  E&C  **Approved**  23.08.2021  **Start**  25.08.2021  **Term**  Initial term of three years with a maximum term of seven years. |
| **ORGANISATIONAL SERVICES** | | | | |
| **16. Contract No. 511385**  **NATURAL AREA FIRE MANAGEMENT SERVICES**  **Ten Rivers Pty Ltd trading as Ten Rivers – $24,002\***  Achieved VFM of 33  *\*Additional successful CPA supplier as per post‑market submission of 8 July 2021.*  *Previously approved CPA suppliers (reported July 2021)* | CPA (Panel Arrangement)  Schedule of rates  **$1,200,000** | N/A (previously reported) | N/A | **Delegate**  CPO  **Approved**  26.08.2021  **Start**  31.08.2021  **Term**  An initial term up to 13 July 2023 (to align with previously awarded CPA) with a maximum term of three years and 45 weeks. |
| **17. Contract No. 520790**  **BUS SEAT CLEANING, WORKSHOP CLEANING CLOTHS AND FLOOR MATS**  ***Category 1 – Bus Seat Cleaning – social enterprises only (Eagle Farm, Sherwood and Willawong bus depots)***  **Sandgate and Bracken Ridge Action Group Incorporated trading as SEED PPM – $70,591**  Achieved the highest VFM of 10.06  ***Category 1 – Bus Seat Cleaning – open to all tenderers (Toowong and Virginia bus depots)***  **Sandgate and Bracken Ridge Action Group Incorporated trading as SEED PPM – $45,798**  Achieved the highest VFM of 15.50  ***Category 1 – Bus Seat Cleaning – open to all tenderers (Carina and Garden City bus depots)***  **Diverciti Enterprises Pty Ltd as trustee for Diverciti Enterprises Trust trading as Diverciti Services – $67,828**  Achieved the highest VFM of 11.35  ***Category 2 – Workshop Cleaning Cloths and Floor Mats***  **Alsco Pty Limited – $102,369**  Achieved the highest VFM of 7.96 | CPA (Preferred Supplier Arrangements)  Schedule of rates  **$1,560,000** | ***Category 1 – Bus Seat Cleaning – social enterprises only (Eagle Farm, Sherwood and Willawong bus depots)***  *Shortlisted offer not recommended*  Diverciti Enterprises Pty Ltd as trustee for Diverciti Enterprises Trust trading as Diverciti Services  Achieved VFM of 7.49  *Offers not recommended*  Multhana Property Services Pty Ltd  Achieved VFM of 2.99  Active Refugee & Migrant Integration in Australia Pty Ltd  Achieved VFM of 1.80  ***Category 1 – Bus Seat Cleaning – open to all tenderers (Toowong and Virginia bus depots)***  *Shortlisted offers not recommended*  Diverciti Enterprises Pty Ltd as trustee for Diverciti Enterprises Trust trading as Diverciti Services  Achieved VFM of 11.16  Storm International Pty Ltd  Achieved VFM of 10.16  Harvent Pty Ltd trading as Total Building Maintenance  Achieved VFM of 7.09  Multhana Property Services Pty Ltd  Achieved VFM of 4.54  *Offers not recommended*  Challenger Services Group Pty Ltd\*  Plastic Technologies Pty Ltd as trustee for The JK Green Family Trust trading as Stain Lifters\*  Active Refugee & Migrant Integration in Australia Pty Ltd\*  ***Category 1 – Bus Seat Cleaning – open to all tenderers (Carina and Garden City bus depots)***  *Shortlisted offers not recommended*  Storm International Pty Ltd  Achieved VFM of 10.48  Harvent Pty Ltd trading as Total Building Maintenance  Achieved VFM of 7.09  Multhana Property Services Pty Ltd  Achieved VFM of 5.08  *Offers not recommended*  Challenger Services Group Pty Ltd\*  Plastic Technologies Pty Ltd as trustee for The JK Green Family Trust trading as Stain Lifters\*  Active Refugee & Migrant Integration in Australia Pty Ltd\*  ***Category 2 – Workshop Cleaning Cloths and Floor Mats***  Active Refugee & Migrant Integration in Australia Pty Ltd  Achieved VFM of 1.94  Plastic Technologies Pty Ltd as trustee for The JK Green Family Trust trading as Stain Lifters  Achieved VFM of 1.12  *\*Comparative tender price and VFM not applicable as tenderer did not meet minimum non-price requirements.* | $102,800  $260,505  $278,507  $68,996  $80,748  $104,646  $171,685  N/A\*  N/A\*  N/A\*  $78,252  $104,352  $153,624  N/A\*  N/A\*  N/A\*  $288,048  $398,242 | **Delegate**  CPO  **Approved**  25.08.2021  **Start**  01.09.2021  **Term**  Initial term of two years with a maximum term of five years. |
| **TRANSPORT FOR BRISBANE** | | | | |
| Nil |  |  |  |  |

B Stores Board Submission – Significant Contracting Plan for Animal Management Services

**165/830/179/857**

8. The A/Chief Executive Officer provided the information below.

9. The Chief Executive Officer and the Stores Board considered the submission, as set out in Attachment A (submitted on file), on 27 September 2021.

10. The submission is recommended to Council as it is considered the most advantageous outcome for the provision of the required services.

11. Commercial-in-Confidence details have been removed from this report, highlighted in yellow and replaced with the word [Commercial-in-Confidence].

Purpose

12.The Stores Board recommends approval of the Significant Contracting Plan to establish a Corporate Procurement Arrangement (CPA) in the form of Preferred Supplier Arrangements, for Animal Management Services. The CPA will be for an initial term of two years with options to extend for additional periods of up to three years, for a maximum term of five years. The estimated expenditure is $13.2 million over the potential five-year term.

Background/business case

13. Council currently provides three categories of animal management services:

- Category 1 – Management of Animal Rehoming Centres

- Category 2 – Authorised Animal Collection Services

- Category 3 – 24 Hours a Day Stock Impounding, Priority Collection, Dogs for Call and Emergency Impounding Services.

14. These services are managed through preferred supplier arrangements with Animal Welfare League of Qld Inc. (AWLQ) and Brisbane Livestock Control (BLC). These agreements came into effect on 18 October 2014 and are due to expire on 17 April 2022.

15. AWLQ manages and operates Council’s two animal rehoming centres located at Bracken Ridge and Willawong. The key objectives of this arrangement are to reduce the euthanasia rates for domestic animals and maximise animal welfare outcomes through rehoming and retraining animals.

16. BLC provides all services required in relation to animal collection services, 24 hours a day stock impounding, priority collections, dogs for call and emergency impounding of animals.

17. Following a review of the current model and breakdown of service categories, it is proposed to establish a more defined and specific list of categories for this sourcing activity as follows:

- Category 1 – Animal Care

- Category 2 – Animal Behaviour Assessment

- Category 3 – Animal Triage

- Category 4 – Animal Rehome

- Category 5 – Animal Reclaim

- Category 6 – Animal Collection and Transportation Services.

18. It is anticipated that this segmentation of services will provide a more detailed cost breakdown of each component of service delivery. This model will also allow tenderers more flexibility, allowing them to submit for one or more of any of the categories. It is anticipated that this will encourage a higher participation from suppliers than in previous tender activities.

Policy and other considerations

19. Is there an existing CPA/contract for these goods/services/works?

Yes. CPA 510163 for Animal Management Services commenced on 18 October 2014 and is due to expire on 17 April 2022.

20. Could Council businesses provide the services/works?

No. Council does not have the capacity to undertake the services to be delivered under this CPA. The CPA will also provide specialist capabilities Council does not have.

21. Are there policy, or other issues, that the delegate should be aware of?

No

22. Have the following issues been considered in the development of the specifications and evaluation criteria: Environmental sustainability, access and equity, Zero Harm, quality assurance, local benefit and support for locally produced and Australian products?

Yes. Appropriate requirements are included in the specifications. In addition, relevant criteria and deliverables will be included in the Request for Proposal (RFP) documents. Evaluation of local benefit will carry a weighting of 30% of the non-price criteria.

23. Does this procurement exercise need to be managed under the PM2 Governance and Assurance Framework?

No

24. Does this proposed contract involve leasing?

No

Market analysis

25. Previous sourcing activities for current animal management categories have highlighted a very limited market in place for the provision of these services. Only the current provider for category one services, AWLQ, as well as RSPCA, have been identified as the two known local established providers undertaking all required services within this category. This is a similar scenario for categories two and three, with the current provider BLC being the only tenderer participating in previous tender activities.

26. By establishing more defined categories for the required services, Council is hopeful of encouraging competition from additional potential tenderers in this market. Market sounding activities have been undertaken with a number of potential tenderers, with all indicating their intention to respond to the RFP.

Procurement strategy and activity plan

27.

|  |  |
| --- | --- |
| Procurement objective: | To procure the provision of Animal Management Services in a way which complies with the Sound Contracting Principles set out in section 103(3) of the *City of Brisbane Act 2010* and provides the most advantageous outcome for Council.  The achievement of the above procurement objective will be measured in the post-market submission. |
| Title of contract: | Animal Management Services |
| Type of procurement: | Establishing a CPA in the form of Preferred Supplier Arrangements. |
| Process to be used: | RFP |
| RFP standard to be used (and any amendments to the standard): | The RFP standard will be Council’s corporate standard with no amendments. |
| Market engagement | Offers are to be sought publicly via Council’s supplier portal. |
| How RFP is to be distributed and submitted: | Via Council’s supplier portal |
| How tenders/proposals are to be lodged: | Via Council’s supplier portal |
| Part offers: | Tenderers may submit proposals for one or more categories. |
| Joint offers: | Joint offers will not be considered. |
| Contract standard to be used (and any amends): | Council’s standard services contract |
| Period/term of contract: | An initial term of two years, with options to extend for additional periods of up to three years, for a maximum term of five years. |
| Insurance requirements: | Public liability of $20 million, motor vehicle insurance of $20 million and workers’ compensation insurance to an amount as required by legislative requirements in Queensland. |
| Price basis: | Annual lump sum |
| Price adjustment: | To be established as a result of negotiations and advised in the  post-market submission. |
| Liquidated damages: | Not applicable |
| Security for the contract: | Not applicable |
| Defects liability period/warranty period: | Nil |
| Other strategy elements: | Nil |
| Alternative strategies considered: | Nil |

Anticipated schedule

28. Pre-market approval: 26 October 2021

Date of release to market: 28 October 2021

Tender closing: 26 November 2021

Evaluation completion: 17 January 2022

Contract prepared: 31 January 2022

Post-market approval: 8 March 2022

Contract commencement: 18 April 2022

Contract expenditure and budget availability

29. Estimated total expenditure under this CPA/contract (including any optional additional periods):

$13.2 million over the potential five-year term of the CPA.

30. Sufficient approved budget to meet the total spend under this CPA/contract?

The establishment of the CPA will not commit Council to any purchases. Funding is only required when an appropriately delegated Council officer approves entering into a contract made under the CPA, subject to approved funding availability.

31. Program budget line item:

Program: Program 6 – City Standards, Community Health and Safety

Outcome: 6.4 Managing Animals

Strategy: 6.4.1 Animal Management

Service: 6.4.1.1 Animal Management

Operating/projects: Operating

32. Anticipated procurement savings (if any):

To be established and reported in the post-market submission

Procurement risk

33. Summary of key risks associated with this procurement:

| **Procurement risk** | **Risk rating** | **Risk mitigation strategy** | **Risk allocation** |
| --- | --- | --- | --- |
| Limited supplier base | Medium | - Establishment of defined categories of services to encourage more competition.  - Market sounding activity undertaken with potential tenderers to assess their intention to respond to RFP. | Council |
| Non-compliance to Council’s proposed contract | Medium | - Negotiations with tenderers to resolve non-compliance issues. | Council |
| Quality of service delivery | Low | - Comprehensive specification addressing capability and service requirements.  -Monitoring and reporting of contractual key performance indicators. | Council and contractor |
| Risk of business discontinuity or failure | Low | - Tenderers’ financial viability to be evaluated during tender evaluation process. | Council and contractor |
| Price basis of preferred supplier arrangements | Low | - Schedule of rates established with agreed price variation methodology. | Council and contractor |

34. Is this contract listed as a ‘critical contract’ requiring the contractor to have in place a Business Continuity Plan approved by Council?

Yes

Tender evaluation

35. Evaluation criteria:

1. Mandatory/essential criteria:

- Has an active ABN.

- Is registered for GST.

- Has the required insurances or committed to obtaining them if successful.

- Has a satisfactory financial viability and capacity.

1. Non-price weighted evaluation criteria:

|  |  |
| --- | --- |
| **Weighted evaluation criteria** | **Weighting**  **(%)** |
| Capacity to deliver, methodology, management and tools | [Commercial-in-  Confidence] |
| Local benefit | 30 |
| Key personnel, experience and capability | [Commercial-in-  Confidence] |
| Commercial viability and risk | [Commercial-in-  Confidence] |
| **Total:** | **100** |

(c) Price model:

Basket of services required for the potential maximum contract term

Evaluation methodology:

(a) Shortlisting process:

Submissions will be shortlisted, if required, using the total score against the non‑price weighted criteria. Further shortlists, if required, will be based on the value for money (VFM) index.

At any time during the evaluation, a submission may be excluded from further evaluation or a shortlist where:

- a score against any criterion (regardless of the weighting) is so low that the proposal is considered to be high risk or not advantageous for Council

- the submission contains non-compliances with the specification or draft contract that the Evaluation Team considers to be unacceptable/not advantageous for Council

- the submission/tenderer is considered to be high risk or not advantageous for Council, regardless of the criteria stated in the tender documents.

Any submission may be included on any shortlist where the Evaluation Team considers that, despite the score achieved, there are strong, documented commercial reasons for further consideration of the submission.

(b) VFM method:

Council’s standard VFM methodology. This is non-price score divided by price to create a VFM index.

36. The Chief Executive Officer provided the following recommendation and the Committee agreed at the meeting of 18 October 2021.

37. **RECOMMENDATION**

**THAT THE STORES BOARD RECOMMENDS APPROVAL OF THE SIGNIFICANT CONTRACTING PLAN TO ESTABLISH A CORPORATE PROCUREMENT ARRANGEMENT (CPA) IN THE FORM OF PREFERRED SUPPLIER ARRANGEMENTS, FOR ANIMAL MANAGEMENT SERVICES. THE CPA WILL BE FOR AN INITIAL TERM OF TWO YEARS WITH OPTIONS TO EXTEND FOR ADDITIONAL PERIODS OF UP TO THREE YEARS, FOR A MAXIMUM TERM OF FIVE YEARS. THE ESTIMATED EXPENDITURE IS $13.2 MILLION OVER THE POTENTIAL FIVE-YEAR TERM.**

**C PETITION TO THE CITY PLANNING AND SUBURBAN RENEWAL COMMITTEE – REQUESTING COUNCIL ALLOW OXFORD EYE CENTRE TO CONTINUE TO OPERATE AT 213 RIDING ROAD, BALMORAL (APPLICATION REFERENCE A005448563)**

**CA21/918613**

38.A petition containing 199 signatures was presented to Council at its meeting of 3 August 2021 by Councillor Kara Cook, Councillor for Morningside Ward, requesting Council allow Oxford Eye Centre to continue to operate at 213 Riding Road, Balmoral (the site) (application reference A005448563). The petitioners state that a comprehensive eye specialist service is needed in the local community.

39. The Divisional Manager, City Planning and Sustainability, provided the following information.

40. The site comprises a two-storey detached house situated at a corner of Riding Road and Victoria Street, Balmoral. Vehicular access is provided by a crossover from Victoria Street. The site is located opposite a number of commercial properties on Riding Road and adjoins residential properties to the north and east. Saints Peter and Paul’s Primary School is located to the north east of the site.

41. A development application seeking an approval for a Material change of use for Heath Care Service and Dwelling Unit (A005448563) was made with Council on 8 May 2020. The proposal intends to utilise the ground floor of the site (approximately 119 square metres) for commercial purposes, with the first floor retained for residential use.

42. The development application was subsequently refused on 11 December 2020 as the proposed commercial use of the site was not considered to comply with requirements of *Brisbane City Plan 2014*. An appeal against this decision was filed with the Planning and Environment Court (P&E Court) on 25 February 2021 (P&E Court reference 458/21).

43. The appeal has not been finalised. A mediation chaired by the Registrar was held on 21 September 2021. The matters of dispute were discussed, guided by advice provided by urban planning, traffic and economics experts. The most recent Court order made on 22 September 2021 vacates the requirement for the matter to be heard during October 2021 Court sittings and confirms the next Court review on 20 October 2021.

44. Council is required to follow the P&E Court orders in relation to the appeal. Given the appeal is ongoing, it is not appropriate for Council to comment on any aspect of the proposal, or detail Council’s views about issues concerning the appeal.

45. Petitioners can view the details of any documents filed with the P&E Court by visiting the Queensland Court’s website at http://apps.courts.qld.gov.au/esearching/ and entering the appeal reference number ‘458/21’.

Consultation

46. Councillor Kara Cook, Councillor for Morningside Ward, has been consulted and does not support the recommendation.

Customer impact

47. The submission will respond to the petitioners’ concerns.

48. The Divisional Manager recommended as follows.

49. **THAT THE HEAD PETITIONER BE ADVISED IN ACCORDANCE WITH THE DRAFT RESPONSE SET OUT IN ATTACHMENT A,** hereunder.

**Attachment A**

**Draft Response**

**Petition Reference:** CA21/918613

Thank you for your petition requesting Council allow Oxford Eye Centre to continue to operate at 213 Riding Road, Balmoral (application reference A005448563) (the site). Council notes the petitioners concern that a comprehensive eye specialist service is needed in the local community.

The site comprises a two-storey detached house situated at a corner of Riding Road and Victoria Street, Balmoral. Vehicular access is provided by a crossover from Victoria Street. The site is located opposite a number of commercial properties on Riding Road and adjoins residential properties to the north and east. Saints Peter and Paul’s Primary School is located to the north east of the site.

A development application seeking an approval for a Material change of use for Heath Care Service and Dwelling Unit (A005448563) was made with Council on 8 May 2020. The proposal intends to utilise the ground floor of the property (approximately 119 square metres) for commercial purposes, with the first floor retained for residential use.

The development application was subsequently refused on 11 December 2020 as the proposed commercial use of the site was not considered to comply with requirements of *Brisbane City Plan 2014*. An appeal against this decision was filed with the Planning and Environment Court (P&E Court) on 25 February 2021 (P&E Court reference 458/21).

The appeal has not been finalised and is currently ongoing. Parties involved in the appeal engaged in a mediation chaired by the Registrar on 21 September 2021. The matters of dispute were discussed, guided by advice provided by urban planning, traffic and economics experts. The most recent Court order made on 22 September 2021 vacates the requirement for the matter to be heard during October 2021 Court sittings and confirms the next Court review on 20 October 2021.

Council is required to follow the P&E Court orders in relation to the appeal. Given the appeal is ongoing, it is not appropriate for Council to comment on any aspect of the proposal, or detail Council’s views about issues concerning the appeal.

You can view the details of any documents filed with the P&E Court by visiting the Queensland Court’s website at http://apps.courts.qld.gov.au/esearching/ and entering the appeal reference number ‘458/21’.

The above information will be forwarded to the other petitioners via email.

Should you have any questions about the appeal, please contact Mr Howard Lovitt, A/Team Manager, Development Assurances and Outcomes, Development Services, City Planning and Sustainability, on (07) 3178 7570.

Thank you for raising your concerns.

***End.***