

**FINANCE AND GOVERNANCE COMMITTEE SUPPLEMENTARY
REPORTS**

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** Item includes confidential papers

FINANCE AND GOVERNANCE COMMITTEE NO. 7

3 DECEMBER 2024

SUPPLEMENTARY REPORTS

9. ****5356 RIPLEY ROAD AND FISCHER ROAD UPGRADE - DESIGN AND CONSTRUCT**

This is a report concerning the recommendation to award Tender 5356 Ripley Road and Fischer Road Upgrade – Design & Construct with the nominated supplier as per confidential Attachment 1 to undertake the upgrade of Ripley Road to a four-lane median-divided urban arterial road standard between the Cunningham Highway and Fischer Road. The upgrade works will also include upgrading the section of Fischer Road to a two-lane urban sub-arterial road standard from Nevis Road to Monterey Road.

After an open market expression of interest and request for tender process to the shortlisted tenderers, an evaluation panel has recommended one supplier for the undertaking of the Ripley Road and Fischer Road Upgrade as set out in Recommendation B below. The recommendation has been determined by the evaluation panel to offer Council the best value for money.

If Council is satisfied with the nominated supplier, the name of the supplier will be included in the Council's resolution at Recommendation B.

RECOMMENDATION

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. 5356 Ripley Road and Fischer Road Upgrade – Design & Construct.
- B. That Council enter into a contractual arrangement with the Supplier identified in confidential Attachment 1 for the lump sum amount of seventy-seven million four hundred and forty-four thousand six hundred and ninety-one dollars (\$77,443,691.00) excluding GST and the contingency amount as listed in confidential Attachment 1.
- C. That pursuant to the terms of Tender No. 5356 Ripley Road and Fischer Road Upgrade – Design & Construct, Council will reimburse the unsuccessful tenderer in the Stage 2 tender an amount not exceeding the cap provided upon receipt of an itemised cost list.
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “*contractual action*” pursuant to section 238 of the Regulation, in order to implement Council's decision.

- E. That owing to the confidential nature of the recommendations, that once adopted by Council, the recommendations be made public.

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This matter has been determined to be of a significant nature and approval has been given to refer this report to the Finance and Governance Committee as a supplementary item.

ITEM: 9

SUBJECT: 5356 RIPLEY ROAD AND FISCHER ROAD UPGRADE - DESIGN AND CONSTRUCT

AUTHOR: CATEGORY SPECIALIST

DATE: 27 NOVEMBER 2024

EXECUTIVE SUMMARY

This is a report concerning the recommendation to award Tender 5356 Ripley Road and Fischer Road Upgrade – Design & Construct with the nominated supplier as per confidential Attachment 1 to undertake the upgrade of Ripley Road to a four-lane median-divided urban arterial road standard between the Cunningham Highway and Fischer Road. The upgrade works will also include upgrading the section of Fischer Road to a two-lane urban sub-arterial road standard from Nevis Road to Montereia Road.

After an open market expression of interest and request for tender process to the shortlisted tenderers, an evaluation panel has recommended one supplier for the undertaking of the Ripley Road and Fischer Road Upgrade as set out in Recommendation B below. The recommendation has been determined by the evaluation panel to offer Council the best value for money.

If Council is satisfied with the nominated supplier, the name of the supplier will be included in the Council's resolution at Recommendation B.

RECOMMENDATION

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. 5356 Ripley Road and Fischer Road Upgrade – Design & Construct.**
- B. That Council enter into a contractual arrangement with the Supplier identified in confidential Attachment 1 for the lump sum amount of seventy-seven million four hundred and forty-four thousand six hundred and ninety-one dollars (\$77,443,691.00) excluding GST and the contingency amount as listed in confidential Attachment 1.**
- C. That pursuant to the terms of Tender No. 5356 Ripley Road and Fischer Road Upgrade – Design & Construct, Council will reimburse the unsuccessful tenderer in the Stage 2 tender an amount not exceeding the cap provided upon receipt of an itemised cost list.**
- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take "*contractual***

action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

- E. That owing to the confidential nature of the recommendations, that once adopted by Council, the recommendations be made public.**

RELATED PARTIES

There was no declaration of conflict of interest.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

The purpose of this report is to seek approval to award Tender 5356 Ripley Road and Fischer Road Upgrade – Design & Construct with the nominated supplier as per the recommendations listed. Council conducted a two-stage procurement process releasing an Expression of Interest (EOI) 23163 Ripley Road and Fischer Road Upgrade to the open market via VendorPanel (VP418816) on Friday 12 July 2024 with a closing date of Tuesday 13 August 2024. On closing of the request, five (5) conforming tenders were received where the top two were shortlisted to proceed to Stage 2 where they will be provided with the preliminary design to submit a tender through a Request for Tender (RFT) process.

Council released the Request for Tender (RFT) to the shortlisted tenderers via VendorPanel (VP428323) on Thursday 12 September 2024 with a closing date of Thursday 14 November 2024.

Council has identified the need to upgrade Ripley Road to a four-lane median-divided urban arterial road standard between the Cunningham Highway and Fischer Road. The upgrade works will also include upgrading the section of Fischer Road to a two-lane urban sub-arterial road standard from Nevis Road to Montereia Road.

This upgrade will provide capacity and safety improvements for general traffic, public transport and active transport to support the current/planned development, population growth and associated travel demands.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Regulation 2012

POLICY IMPLICATIONS

The matter of this report is consistent with the Procurement Policy. No other policies have been identified that would be impacted.

RISK MANAGEMENT IMPLICATIONS

The risk to Council if the recommendation within this report is not approved is that Council's ability to complete the project would be compromised and further investment would be required to retender for services not currently within Council's delivery capability.

This project is part of the 2024-2025 Capital program and a key project for Council. Council has approached the market through an open tender process in accordance with the local government regulations and is selecting an experienced and well-credentialed supplier to deliver this project to the community.

FINANCIAL/RESOURCE IMPLICATIONS

The cost estimate and spend analysis is outlined in Attachment 1.

COMMUNITY AND OTHER CONSULTATION

Consultation has been undertaken across Council including Councillors and senior officers. Other internal stakeholders consulted include:

- Capital Program Delivery
- Infrastructure Strategy
- Procurement
- Development Planning
- Legal and Governance
- Property Services

CONCLUSION

It was determined by the evaluation panel the recommended supplier, as per Attachment 1, possesses the capability and capacity to meet Council's requirement to undertake the Ripley Road and Fischer Road Upgrade – Design & Construct project.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	The report recommends Council to enter into a contract with the supplier listed in Attachment 1 to undertake the Ripley Road and Fischer Road Upgrade – Design & Construct.
(b) What human rights are affected?	No Human rights are affected by this decision. This is because the tenders are all companies. Further, the subject matter of the contract will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting	Not applicable

the relevant rights? Is the limitation fair and reasonable?	
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	CONFIDENTIAL 5356 Recommendation to Award
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Gavin Wright
CATEGORY SPECIALIST

I concur with the recommendations contained in this report.

Wayne Bichel
BUILDING CONSTRUCTION AND MAINTENANCE CATEGORY MANAGER

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER (CORPORATE SERVICES)

I concur with the recommendations contained in this report.

Graeme Martin
MANAGER, CAPITAL PROGRAM DELIVERY

I concur with the recommendations contained in this report.

Tony Dileo
ACTING GENERAL MANAGER (INFRASTRUCTURE STRATEGY, CAPITAL DELIVERY AND ASSETS)

“Together, we proudly enhance the quality of life for our community”