

11.3 Exemption from Tender - Cudgegong Waters Park House

REPORT BY THE DIRECTOR COMMUNITY
TO 13 OCTOBER 2021 ORDINARY MEETING
GOV400088, P2044711

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Exemption from Tender - Cudgegong Waters Park House;**
2. **approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the construction of a house at the Cudgegong Waters Park, noting that due to the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders;**
3. **note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
 - a) **the market has already been tested appropriately, via public marketplace on VendorPanel – 99 suppliers over 3 categories selecting all suppliers under these categories;**
 - b) **the same organisations would be targeted if we had tendered (via VendorPanel which picks from the marketplace) so there is no benefit in readvertising as a tender;**
 - c) **the response time on the Request For Quote was already extended by two weeks in the hope of receiving additional responses;**
4. **accept Taylor Made Buildings Pty Ltd for the supply & install a modular dwelling in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7 for the price of \$XXXX.XX inc GST; and**
5. **delegate authority to the Director Community to finalise the contract and approve variations to an accumulative total of +/-10% of the finalised contract sum.**

Executive summary

The Cudgegong Waters Park is a Council managed Crown Land facility, operated under licence.

To complement the in progress grant funded community infrastructure, a new operational manager's residence will be constructed at the Cudgegong Waters Park.

A request for quote was sent out to 99 potential vendors, with one response received.

This report seeks exemption from tender for the construction of the house as the RFQ has identified all potential tenderers.

Disclosure of Interest

Nil.

Detailed report

Council sought quotes from 99 vendors for the supply and install of a modular dwelling consisting of 4 bedrooms, 2 bathrooms. The main bathroom to include a separate shower and bath and separate WC, ensuite off the master bedroom, laundry, linen cupboard, kitchen, separate living and dining rooms and entry deck. All bedrooms to include built in robes.

One response was received from Taylor Made Buildings Pty Ltd. The quote was in excess of the tender threshold - Section 55 of the Local Government Act stipulates that Tenders are required for spend estimated to exceed \$250,000 incl. GST.

Section 55(3)(i) states: a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

This request for exemption is based on the fact that we have already gone to market to all potential applicants and going to tender will not provide any further information.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Community Plan.

Council Policies

Procurement Policy.

Legislation

Local Government Act 1993.

Financial implications

There are no financial implications at this time. Council has already set an expenditure budget of \$250,000 exclusive of GST.

Associated Risks

Council will not be able to deliver the approved construction at Cudgegong Waters Park due to the unavailability of contractors.

SIMON JONES

DIRECTOR COMMUNITY

27 September 2021

Attachments: 1. Cudgegong Waters Park House RFQ Report. (Confidential - separately attached)
2. Taylor Made Buildings - Orana brochure.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



Orana 4 Ens



LIVING	137.26
TOTAL sq.m	137.26
sq	14.78

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