

CT7762 PROVISION OF PLANTS - PROCUREMENT PANEL

Report Author: Manager Resilient Environment
Responsible Officer: Director Planning & Sustainable Futures
Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

Attachment 1 is confidential under the terms section 3(1) of the *Local Government Act 2020* as it contains information relating to: (g)(ii) Private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

SUMMARY

Council operates a panel of suppliers to provide plants for Bushlands, Biodiversity, Urban Parks and the Trees team projects and works. This includes the Ribbons of Green and Gardens for Wildlife programs as well as plantings on Council managed land in bushland and roadside reserves, alongside streetscape and landscape planting.

The previous Provision of Plants (CT5987) contract concluded on 31 January 2025, and the extension provisions were not utilised as the panel was not meeting Council's needs. CT7762 has been prepared to replace this contract to establish a new panel of nurseries and plant providers, with plant purchases following the appropriate procurement quotation pathway in the interim.

An advertisement calling for tenders was placed in The Age on 24 January 2025. Tenders closed on 19 February 2025 with fifteen (15) submissions received. The evaluation panel recommends accepting schedule of rates tenders for thirteen (13) suppliers, detail in the confidential Attachment One. This contains commercially sensitive information that is not to be disclosed to the public.

Establishing this panel supports Council to undertake its multiple revegetation activities. The estimated spend for 2025-2026 is \$287,817 exclusive of GST based on available budget. With the panel established using a schedule of rates (as opposed to a lump sum), spending can be adjusted to accommodate additional funding sought from external sources. This flexibility allows for enhanced conservation activities as outlined in the Nature Plan.

The schedule of rates is subject to annual Consumer Price Index (CPI) increases for the contract period.

RECOMMENDATION

That

- 1. Council accepts the following tenderers onto a panel of providers for CT7762 Provision of Plants for an initial period of three years:**
 - (a) Candlebark Community Nursery Inc**
 - (b) Cardinia Environment Coalition Inc.**
 - (c) Eucaflora Nursery PTY LTD**
 - (d) Habitat Creations Group PTY LTD**
 - (e) Knox Environment Society Inc.**
 - (f) MTW Services PTY LTD**
 - (g) Natives by Nature**
 - (h) Prestige Plants Australia PTY LTD**
 - (i) Regen Nurseries PTY LTD**
 - (j) Southern Dandenongs Community Nursery Inc.**
 - (k) Specialty Trees PTY LTD**
 - (l) TreeProject Inc**
 - (m) Yarra Valley ECOSS Inc.**
- 2. The Director Planning and Sustainable Futures be delegated authority to sign the contract documents.**
- 3. The Director of Planning and Sustainable Futures be delegated authority to extend the contract terms by two periods, one of two years and one of one year, to a maximum term of six years.**
- 4. The confidential Attachment 1 to this report remains confidential indefinitely as it relates to matters specified under Section 3(1)(g)(ii) of the Local Government Act 2020.**

RELATED COUNCIL DECISIONS

The contract CT5987 Provision of Plants with eleven (11) suppliers for five (5) years with an option for extension of two (2) periods of one (1) year, to a maximum contract term of seven (7) years, was unanimously endorsed by Council on 28 January 2020.

DISCUSSION

Purpose and Background

Yarra Ranges Council has a growing and diverse need for plants to support numerous Council projects.

The current annual plant supply requirements include:

- 95,000 indigenous plants for Bushland reserves and roadsides.
- 70,000 indigenous plants for Ribbons of Green and Gardens for Wildlife programs.
- 2,500 street trees
- 16,000 plants into bush beds, amenity garden beds and streetscapes

The Provision of Plants Contract CT7762, replacing the expired contract (CT5987), is being established to ensure that sufficient supply and range of plants are available to meet all Council planting needs over the contract period.

The extension provisions in CT5987 have not been utilised as:

- The supplier pool under this contract was no longer able to meet Council's plant needs.
- The extended contract expiry conflicted with the seasonality inherent in ordering plants. Orders must generally be placed nine (9) months ahead of on-ground plantings, making the best option to refresh the panel ahead of placing 2026 plant orders in Spring 2025.

The previous (CT5987) provision of plants contract had a total of eleven (11) suppliers. Of these suppliers three (3) were local community nurseries that operate as not-for-profit organisations within the Yarra Ranges Council area.

As with the previous contract (CT5987), local not-for-profit organisations may tender for CT7762. These nurseries are largely run by passionate volunteers who offer valuable 'biodiversity extension advice' to the community and are important environmental stewards, connecting community members to Council programs. These organisations may be eligible for, or current recipients of, Council grants and partnership programs.

As part of establishing the new panel, it was explored whether having a supplier under contract with Council, while also receiving Council support through community grants or partnerships, poses any risk to Council. Both the Procurement and Governance, Risk & Compliance teams found no material or perceived Conflict of Interest, probity, or fraudulent issues with the arrangement given the following:

- Grants have a dedicated process to identify Conflict of Interest and pre-determined criteria that grant applicants need to address.
- Procurement processes have a dedicated Conflict of Interest process and probity checks.

It is not completely uncommon for a community group, sporting club or Committee of Management, to receive a grant from Council and be providing services through another agreement. Existing Council procurement and grant processes eliminate the chance of this posing a risk to Council.

Options considered

The procurement process for the Provision of Plants Contract is being carried out in accordance with the requirements of Council's Procurement Policy.

The tender was advertised for 27 days, from 24 January 2025 to 19 February 2025. Advertisement included a newspaper article in The Age and posting on Council's public tender portal.

Fifteen (15) conforming tenders were received, one (1) was withdrawn after submission and fourteen (14) were considered by the evaluation panel. These details are contained within the confidential Attachment One to this report.

The evaluation panel scored the tenders against the pre-established evaluation criteria, as published in the tender document.

Table 1 - Selection Criteria for CT7762 tender evaluation:

Scored Criteria	Weighting
Price	30%
Schedule of Rates / Bill of Quantities / Total Lump Sum / Cost to Council	30%
Non-price elements	70%
Capability and capacity	40%
Commitment to quality and sustainability	25%
Community benefit	5%
TOTAL	100%

Confidential information contained in Attachment One relates to contractual matters and contains commercially sensitive information including, but not limited to, the name of tendering parties, the evaluation panel members, the tendered prices and the evaluation of the tenders received against the published evaluation criteria.

The Contract will be for an initial period of three (3) years with an option to extend the contract for additional periods of two (2) years and one (1) year respectively, to a maximum Contract term of six (6) years from the Commencement Date. Council has retained the right to terminate the contract at its discretion at any time during this term.

During the previous contract, it became evident by the third year that suppliers were having difficulty in meeting Council's plant requirements. The term for contract CT7762 offers the flexibility to evaluate the panel's capacity at regular intervals, allowing for extensions or renewal.

Recommended option and justification

The evaluation panel, following two evaluation sessions and reference checks, have recommended at least thirteen (13) suppliers suitably experienced in the management and provision of plants as outlined in the tender specification to form the final panel.

1	Candlebark Community Nursery Inc.
2	Cardinia Environment Coalition Inc.
3	Eucaflora Nursery PTY LTD
4	Habitat Creations Group PTY LTD
5	Knox Environment Society Inc.
6	MTW Services PTY LTD
7	Natives by Nature
8	Prestige Plants Australia PTY LTD
9	Regen Nurseries PTY LTD
10	Southern Dandenongs Community Nursery Inc.
11	Specialty Trees PTY LTD
12	TreeProject Inc
13	Yarra Valley ECOSS Inc.

The final suppliers were selected due to their capability and capacity to meet Council's plant supply needs. The tender panel chair for CT7762 noted any other partnerships or relationships tenderers have with Council during the assessment process to ensure that this was recorded. However, any pre-existing Council community grants or partnerships was not considered grounds for exclusion to the panel.

FINANCIAL ANALYSIS

Total spend through the previous contract was \$1,013,995 (ex. GST) between 2020 and 2025.

The operating budgets of Nature and the Parks, Trees and Trails teams, include provisions for the purchase of plants through this contract. Expenditure projections include CPI across the full potential term of contract CT7762.

Table 2 - Projected annual spend with CPI increase of 5 percent:

Contract Year	Projected Spend (ex. GST)
1 – 2025/2026	\$287,817
2 – 2026/2027	\$302,208
3 – 2027/2028	\$317,318
4 – 2028/2029	\$333,184
5 – 2029/2030	\$349,843
6 – 2030/2031	\$367,335

Tenderers were asked to provide a schedule of rates, offering a flexible approach that reflects the variable budget over the contract term. By establishing the panel with a schedule of rates instead of a lump sum, spending can be adjusted to reflect annual budgets and incorporate additional funding from external sources., should grant applications be successful.

APPLICABLE PLANS AND POLICIES

This initiative contributes to the following strategic objective(s) in the Council Plan:

- Protected and Enhanced Nature Environment.
- Quality infrastructure and liveable places.
- Vibrant economy, agriculture and tourism.
- Connected and healthy communities.

It also contributes to the following strategies:

- Environment Strategy 2015-2025
- Nature Plan 2024 – 2034
- Liveable Climate Plan 2020-2030
- Stormwater Management Plan 2024-2034
- Tree Canopy Strategy 2024-2044
- Melbourne Water's Healthy Waterways Strategy 2018-2028

RELEVANT LAW

The work of the respective teams involved responds to Council's responsibilities under the:

- *Planning and Environment Act 1987.*
- *Catchment and Land Protection Act 1994,*
- *Environment Protection Act 2017,*
- *Environment Protection and Biodiversity Conservation Act 1999,*
- *Flora and Fauna Guarantee Act 1988 and Flora and Fauna Guarantee Amendment Act 2019*
- *Country Fire Authority Act 1958.*
- *Local Government Act 2020*
- *Climate Change Act 2017.*

SUSTAINABILITY IMPLICATIONS

Economic Implications

Supporting Yarra Ranges biodiversity and planting program will positively impact local economies, including tourism, which are reliant on the natural environment. This initiative supports regenerative land management practices, supporting a strong agricultural sector that benefits the productivity of land and environmental values.

Social Implications

The evaluation matrix includes the elements 'Commitment to quality and local sustainability' and 'Community Benefit', with a collective weighting of 30 percent.

Environmental Implications

The changing climate has increased the rate of extinction of flora and fauna species. The natural environment has intrinsic value warranting protection, and its decline poses significant risks to community health and wellbeing.

A panel for the Provision of Plants will contribute to the objective of the Council Plan 'Protected and Enhanced Natural Environment', improving the health and biodiversity of our natural environment and building resilience to projected local climatic changes.

COMMUNITY ENGAGEMENT

Not applicable.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Given the diversity of plant needs for Council projects, there has been close collaboration internally to ensure all collective project needs have been represented in the tender pack and as part of the evaluation panel. The main users of the provision of plants panel with members participating in the evaluation includes:

- Bushlands Team
- Biodiversity Team
- Parks, Trees and Trails Team

RISK ASSESSMENT

No significant risks have been identified for this contract tender. The perceived risk related to having a supplier under contract with council also receiving council a community grant or partnership was explored. As standard council procurement and grant provision processes have been followed there is no material or perceived Conflict of Interest, probity, or fraudulent issues with such an arrangement.

CONFLICTS OF INTEREST

All members of the tender evaluation panel signed a conflict-of-interest declaration. Any declared conflicts of interest have been managed in accordance with procurement policy.

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. CT7762 Provision of Plants Contract Evaluation Report (Confidential)