

## **EOI6105 7111: NATION ROAD - SELBY - ROAD IMPROVEMENT WORKS SPECIAL CHARGE SCHEME**

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Report Author: Executive Officer - Roads for Community Initiative  
Responsible Officer: Director Environment and Infrastructure  
Ward(s) affected: Lyster;

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*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**

The item has been included in the public agenda to facilitate openness and transparency in Council's decision making. Confidential attachments have been included with the report which contain commercially sensitive information that is not to be disclosed whilst the meeting is open to the public.

### **SUMMARY**

This Report summarises the evaluation process for submissions received for the Nation Road, Selby – Road Improvement Works Special Charge Scheme and seeks Council approval to award the contract for construction to TDM Earthworks Pty. Ltd.

As part of its 2019 budgetary process, the federal government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas. At its meeting on 24 September 2019 Council endorsed a list of roads to be constructed using this funding to be facilitated by means of Special Charge Schemes.

Nation Road, Selby was included on this list of roads and in accordance with Council's Special Charge Scheme Policy, landowner support has been sought and obtained for construction of the road. The project has been listed in Council's 2022/23 Capital Expenditure Program.

The Special Charge Scheme Statutory Process has been successfully completed and the project is ready for construction.

## RECOMMENDATION

### *That*

- 1. Council accepts the tender from TDM Earthworks Pty Ltd for the total lump sum price of \$1,122,391.17 (GST exclusive), \$1,234,630.29 inclusive of GST and inclusive of all provisional items as defined in this proposal.**
- 2. Approves the Director of Environment and Infrastructure be delegated the authority to sign the contract documents.**
- 3. The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.**

## RELATED COUNCIL DECISIONS

- Council meeting 24 September 2019 – Council considered a report regarding the Federal Government Road Construction Funding Initiative and endorsed a listing of roads proposed for construction as Special Charge Schemes with landowner contributions fixed at \$7,000 per development unit;
- Council meeting 25 August 2020 – Council approved the establishment of a panel of pre-qualified Road Construction and Associated Works contractors, to facilitate the efficient delivery of road infrastructure projects;
- Council meeting 26 April 2022 – Council approved a report on the Intention to Levy a Special Charge Scheme for Nation Road, Selby; and
- Council meeting 28 June 2022 – Council declared the Special Charge Scheme for Nation Road, Selby.

## DISCUSSION

### *Purpose*

To seek Council approval to award EO161057111 Nation Road Selby - Road Improvement Works Special Charge Scheme.

### *Background*

As part of its 2019 budgetary process, the Federal Government announced a nine-year, \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas.

To support efficient procurement processes, Council sought Expressions of Interest from contractors to establish a panel of twelve (12) pre-qualified Road Construction

and Associated Works contractors to EO16105. From this list Council would seek quotations for road construction and associated works, as and when funding allows.

Under the terms and conditions of the panel arrangement any contracts valued over \$1 million would require a formal declaration report indicating the estimated cost and budget be accepted by Council before the project can proceed to construction.

On 20 September 2022, Council invited eight (8) pre-qualified suppliers from the Road Construction and Associated Works Panel to submit their pricing for the Nation Road Seville - Road Improvement Works Special Charge Scheme

The tender process remained open for 18 business days, closing on 18 October 2022 and Five (5) Submissions were received.

***Key Issues***

This tender process has been carried out in accordance with the requirements of Council’s Procurement Policy.

Tenderer’s submissions were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of any non-conformances.

The Evaluation Panel scored tenders against pre-established evaluation criteria. A summary of the evaluation criteria follows.

Evaluation Criteria	Weighting
Price	80%
Resourcing	10%
Timeframes	10%
TOTAL	100%

The requirement of environmentally sustainable outcomes and social benefits forms part of the specifications of works and were aspects of the pre-selection evaluation for suitably qualified panel contractors under EO16105.

***Recommended option and justification***

Following an extensive evaluation process as detailed in Confidential Attachment 1. The evaluation panel are unanimous in their decision to recommend TDM Earthworks Pty Ltd for the Tender Price inclusive of provisional items as detailed in the Confidential Attachment to this report. TDM Earthworks Pty Ltd offers the best value outcome.

The evaluation panel request that Council adopts the recommendations within this report.

## **FINANCIAL ANALYSIS**

The total cost of the lump sum contract for the road construction is \$1,122,391.17 (GST exclusive), \$1,234,630.29 Inclusive of GST including all provisional sums.

Funds are allocated to this project from:

The 2019 Federal Government \$150 Million funding initiative for Yarra Ranges Council to seal roads within the Dandenong Ranges and surrounding areas; and

Landowner Contributions as part of a Special Charge Scheme beginning in the 2023/24 financial year. The funding details are provided within the Confidential attachment.

Works are anticipated to commence in early 2023 with works expected to reach practical completion by August 2023.

## **APPLICABLE PLANS AND POLICIES**

This report contributes to the following strategic objective(s) in the Council Plan: The construction of local roads as a Special Charge Scheme meets the Council Plan 2021- 2025 strategic objective of Quality Infrastructure and Liveable Places. Local road construction also has benefits related to the strategic objective of a Vibrant Economy, Agriculture and Tourism.

Council's Special Rate and Charge Policy for Infrastructure Improvements sets out in detail the procedures for managing Special Charge Schemes.

This project is part of the Federal Government's sealing roads within the Dandenong Ranges and surrounding areas program.

## **RELEVANT LAW**

This report seeks Council approval to award a contract that complies with the Section 108 of the *Local Government Act 2020*.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

The construction of these roads would be undertaken utilising contractors from Councils Road Construction and Associated Works Panel. This panel was established with a majority of local smaller contractors which will help provide economic support to these local businesses.

### ***Social Implications***

Special Charge Schemes for road construction require sizeable contributions from abutting landowners. These contributions can lead to social and economic impacts for affected landowners. Council's Special Rate and Charge Policy for Infrastructure Improvements notes that those landowners with a demonstrated financial hardship may apply for assistance in accordance with Council's Rate Recovery and Financial Hardship Policy

### ***Environmental Implications***

The proposed works will require the removal of 1 exotic tree.

A Cultural Heritage Management Plan is not required for the works.

The works will enhance the environmental amenity, through the reduction in dust.

The sealing of local roads will assist in reducing the impacts to the road condition from increased storm events, predicted as a result of climate change. Unsealed roads greatly deteriorate in condition following storm events creating an increased stress on service delivery for the unsealed road network.

Consideration is also given to the rate of flow of water into local creeks and impacts to water quality following the sealing local roads, sustainable treatment is prioritised, where possible within the catchment with measures such as grassy swales implemented as conditions allow.

As part of the construction of local roads, Council officers are continually investigating the increased use of recycled materials. In utilising recycled materials, officers consider the availability and location of materials, the quality of materials and overall cost to the project.

## **COMMUNITY ENGAGEMENT**

Landowners of Nation Road, Selby have been consulted in the lead up to and through the statutory process for developing a Special Charge for the construction of their roads.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Projects constructed under the Roads for Community Initiative have been jointly funded by the Federal Government and participating landowners.

The Federal Government funding commitment of \$150 Million over 10 years will have a transformational impact on unmade roads throughout the Dandenongs and urban growth areas of the municipality. The key principles of the program are to construct unmade roads:

Servicing schools, community facilities and sporting facilities;

Within the urban growth boundary and township areas within Yarra Ranges;

That significantly support bushfire risk and emergency situations to allow the community to safely exit areas of high risk;

That support the growth and development of tourism across the municipality; and

Where sections of high-volume rural roads intersect with collector/arterial roads.

In considering a strategic approach for future construction of unsealed roads, the proposed road construction of Nation Road, Selby fit within the above criteria.

## **RISK ASSESSMENT**

Construction of the roads would provide the following benefits/risk reduction to landowners:

- Continued and safer vehicular access to and from properties abutting or gaining primary access via the roads;
- Improved stormwater drainage runoff control directed towards the roads from abutting properties, and protection of low side properties from stormwater runoff from the roads; and
- Enhanced physical and environmental amenity for abutting properties.

It is noted that the roads have existed in their current form for many years. If the proposed construction of the roads does not proceed, no unacceptable or unmanageable risk would be experienced by Council.

## **CONFLICTS OF INTEREST**

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. Confidential Attachment for Contract EOI6105 7111 Nation Road Selby - Road Improvement Works Special Charge Scheme