



BREWARRINA SHIRE COUNCIL

Tender No: 2019-15

Invitation to Tender

**Pushing & Crushing of Gravel
Goodooga - Hebel Rd**

Tenders Close 2:00PM Thursday 18 April 2019

Tenders not received by the closing time 2:00 PM on the nominated day shall be deemed to be a late tender and will be rejected.

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1 Introduction

The contract is for pushing, crushing and stockpiling of gravel for the Goodooga – Hebel project gravel pits.

1.1 Scope of Works

The works includes:

- Transporting plant to project sites gravel pits and setting up all plant and equipment
- Wining material by pushing with dozer
- Crushing “won” material
- Loading gravel into crushing plant
- Crushing and stockpiling gravel to the following size:
 - Crushing gravel to minus 40mm
 - Crushing gravel to minus 100mm
- Recording load counts to verify gravel quantity
- Stockpiling crushed gravel within the quarry site as agreed with the Council representative
- Ensuring that crushed gravel is adequate quality (Reference RMS QA Specification 3051 as a guide - <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/document-types/specifications/qa/materials.html>)
- Maintaining sediment control measures around stockpiles
- Maintaining site safety
- Leave the pit/stockpile in a neat and tidy condition at the completion of works

1.2 Type of Contract

The contract will be a schedule of rates lump sum contract.

1.3 Period of the Contract

The contract term is for 6 months period, starting from May 2019.

1.4 Rise & Fall

Rise and fall adjustments will not apply to this contract.

1.5 Tender Documents

The tender form and all schedules are required to be submitted with the tender. Additional documentation that supports the tender should also be submitted.

The tenderer will not alter any tender document except those as required by the Conditions of Tendering.

1.6 General Conditions of Contract

The General Conditions of Contract shall be the Australian Standard AS 4000-1997. The document is deemed to be included in the Contract Documents and is available from Standards Australia or may be inspected at Council's Offices.

1.7 Tender Submission

Tenders will be accepted until the tender closing date specified in this document.

Tender submission documents need to include the following documents:

- Tender Submission Document
- Any supporting material

Tenders may be submitted in person to Council office 57 Bathurst Street in Brewarrina, mail to P.O Box 125 or electronically via email or tenderlink as per the following details

Email tender@Brewarrina.nsw.gov.au

TenderLink <https://www.tenderlink.com/brewarrina/>

1.8 Enquires

Inquiries to the Transport Manager phone 02 6830 5136 or emailing to tm@brewarrina.nsw.gov.au.

1.9 Tender Acceptance

The principal shall not be bound to accept the lowest or any tender. The Principal may call fresh tenders at any such time as the Principal may determine.

1.10 Tender Closing Date

Tenders will be accepted until **2:00 PM on the nominated day. No late tenders will be accepted.**

2 Conditions of Tendering

2.1 Preamble

The Conditions of Tendering have been prepared in conformance with AS 4120 *Code of Tendering* which sets out the ethics and obligations of the Principal and Tenderers in the tendering process in the construction industry.

Tenderers and Principal shall comply with the requirements of this AS 4120. In particular, attention is drawn to the obligations of Tenderers in preparing and submitting their Tender for this project.

Without limiting the above obligations:

- Tenderers shall not submit tenders without a firm intention to proceed.
- Tenderers must not engage in any form of collusive practice.
- Any Tenderer who directly or indirectly canvasses support from an elected member or servant of the Council will be disqualified.

In all request for tender documentation, words importing a gender include every gender.

2.2 Interpretation

Except where the context otherwise requires, words importing persons shall include firms and corporations, words in the singular shall include the plural, words in plural shall include the singular and words importing any gender shall include all genders. The word "Council" means the Brewarrina Shire Council.

2.3 Tender Basis

Tenders must be submitted with the TENDER FORM supplied within this document, and must be fully completed and, unless otherwise specified, all schedules must be completed. Failure to comply with this requirement will result in the rejection of the tender.

It must be quite clear whether the person, firm or company tendering does so as principal or agent, and if tendering as agent the name of the principal must be clearly set out.

2.4 Tender Validity Period

Tenders shall remain valid and shall not be withdrawn, amended or varied except with the approval of Council, for the period of **90 days** from and inclusive of the date by which tenders for the Work of the Contract are returnable.

2.5 Information for Tenderers

The Tender shall be deemed to -

- (a) have examined carefully and to have acquired actual knowledge of all samples (if any) made available by the Council, the contents of the Quotation Documents and any other information made available in writing by the Council to the Tender for the purpose of quoting;
- (b) have examined all information which is relevant to the risks, contingencies and other circumstances having an effect on his quotation and which is obtainable by the making of reasonable inquiries;
- (c) be satisfied as to the correctness and sufficiency of the quotation and that the price covers the costs of complying with all relevant obligations and all matters and things necessary for the due and proper performance and completion of the work described in the quotation Documents

2.6 Alternative Proposals

Alternative proposals, which satisfy the Principal's basic commercial and performance objectives, technical and legal requirements, may be submitted as options but only in addition to a conforming tender. Non-conforming tenders may or may not be considered at Council's discretion.

All costs associated with the design and documentation of any alternative proposal shall be borne by the Tenderer.

2.7 Tender Assessment Period

During the tender assessment period, the Tenderer should be prepared to discuss the tender in detail.

The information furnished in the schedules and during tender interviews will be used in assessing the Tenderer's resources and technical and financial capabilities to complete the work as specified.

Notwithstanding any other requirements of the tender documents, the Council may require the Tender to submit additional information to allow further consideration of the quotation.

Should the Tender fail to submit any of the information so required by the date and time stipulated by the Council the quotation may be rejected.

Tenders, which do not comply with these general conditions of tendering or, any annexed additional conditions of tendering may be rejected.

2.8 Tender Evaluation & Selection Criteria

Evaluation, negotiation and selection of tenders shall be in conformance with the requirements of AS 4120 *Code of Tendering*.

The tender assessment includes the following two stages:

- Stage 1 Meets minimum requirements for tender assessment criteria.

Evidence provided in tender schedules/information is assessed on a rating basis for the tender assessment criteria.

Provides evidence of capability to undertake and deliver the specified project outcomes.

- Stage 2 Best Value for Money

All criteria with an emphasis on Total Price for 'Best Value for Money' is evaluated and weighted to give an overall score to each Tenderer.

Only Tenderers meeting the minimum requirement for Stage 1 will be evaluated for Stage 2. This assessment process is adopted to ensure that the selected Tenderers have the minimum requirement to deliver the work.

The details of the assessment criteria, minimum ratings and weighting are listed in the table below.

Criteria	Description	Stage 1 Min. Rating	Stage 2 Weighting
Conformity with Tender Documents	Addressing the evaluation criteria, providing the required tender details	3/5	5%
Evidence of Capability,	Work methods, Level of experience in the type of work tendered, qualifications, Projected timeframes, availability of resources (technical, managerial, physical and financial resources)	3/5	15%
Industry Reputation	Referee, quality of previous work	3/5	10%
Management Plans – Quality, Safety and Environmental	Demonstration of appropriate Environmental, Work Health & Safety and Quality Management Systems (level of certification)	3/5	10%
Local Economy Content	The following scoring will be adopted: Local Contractor 10% or Contractors providing Local Employment Contractors utilising local businesses (e.g. fuel, accommodation, supplies) Regional Contractor 3% Interstate Contractor 1%		10%
Total Price	Total Tendered Lump Sum of Works Consideration for rates for Day-works & Variation Purposes etc.		50%

2.9 Post Tender Submissions

The Principal may call for post tender submissions from some or all Tenderers in order to assist with the evaluation. Such submissions will be confidential between the Principal and Tenderer. The call for such submissions will not bind the Principal to proceed to accept a tender.

2.10 Post Tender Negotiations

The Principal may enter into negotiation with a Preferred Tenderer or a number of candidate tenderers. Such negotiations will be confidential between the Principal and Tenderer and will be conducted in accordance with guidelines set out in AS 4120-1994.

The undertaking of negotiations will not bind the Principal to proceed to accept a tender.

2.11 Acceptance of Tenders

Council is not bound to accept the lowest, or any tender. The successful Tenderer, and the price which is accepted, shall be notified in writing to all Tenderers.

2.12 Tender Elimination

It is Council's practice, after an initial evaluation of all tenders, whenever practical, to select a short list of the more favourable tenders for detailed investigation and evaluation and to eliminate all other tenders from further consideration. Tenderers not included in the short list will be formally advised that their tender has been eliminated. No further information will be available at that time.

The Freedom of Information Act gives members of the public certain rights of access to Local Government information. Rights of access are limited by exemptions that are deemed necessary for the protection of public interest and private and business affairs.

Council shall endeavour to maintain confidentiality of price and other information submitted by the tenderer as part of this quotation.

2.13 Canvassing of Councillors or Council Officers

Canvassing of Councillors or Council officers will disqualify the tender. Legitimate queries in relation to this Tender may be directed to the officers described in **Section 1.8**.

2.14 Conditions for Participating in Tenders

Tenderers must comply with the NSW Government **Code of Practice for Procurement and Implementation Guidelines** (<https://www.procurepoint.nsw.gov.au/policy-and-reform/nsw-government-procurement-information>).

Lodgement of a tender is evidence of a tenderer's agreement to comply with the code during the tender process and for the duration of any contract awarded as a result of the tender process. The principal may take any failure to comply with the Code into account when considering this or any subsequent tender from the tenderer, and may pass over those tenders.

Non-conforming tenders will not be accepted unless they are accompanied by a conforming tender.

3 Tender Submission Documents

The Tenderer shall complete in full and return the attached Tender Form and all Schedules. Failure to do so will result in the tender being rejected. The Tenderer shall supply, on request by Council, additional information as may be required to give adequate particulars of the work quoted.

3.1 Tender Form & Declarations

Brewarrina Shire Council
57 Bathurst Street
Brewarrina NSW 2839

I/ We..... (Print name)
.....(Position in Tendering organisation)
of..... (Tendering Organisation)

1. Having carefully read the advertisement, specifications, terms, conditions and schedules, I/We offer to carry out the works titled:
“TENDER: 2019-15” Pushing and Crushing of Gravel”
at the rates in the attached schedule.
2. I/We make this offer based on our investigation and determinations of the tender documents.
3. I/We acknowledge that the Brewarrina Shire Council may request us to supply further information to evaluate this offer.
4. If this offer is acceptable, I/We will execute two (2) copies of the formal instrument of agreement within fourteen (14) days after receiving a notice of acceptance of our bid.

I/We acknowledge that the existence of a binding agreement between the Brewarrina Shire Council and the person tendering will be subject to the execution of the formal instrument of agreement.
5. This offer will continue and remain unchanged for a period of sixty (90) calendar days from the closing date for the submission of tenders.

Signature of Tenderer :

Phone numbers:

Date

Before me: (Print name)

Witness: (Signature)

3.2 Schedule 1 - Contractor Details

Instruction to the tenderer: Complete and submit with Tender.

Name of organisation submitting the tender :	
ABN:	
ACN:	
Trading name (if applicable):	
Business Address:	
Website address:	
Contact person – technical (Name & phone no.):	
Contact person – financial (Name & phone no.):	

Applicant's Undertakings

The applicant certifies that all details submitted in this Application are correct and agrees to abide by the Conditions for Applications.

The applicant authorises:

- the Council's representatives to conduct investigations to verify the statements and information submitted and clarify any aspect of this application; and
- any person or organisation to furnish information deemed necessary and requested by the Council to verify the applicant's competence and standing.

Signature of Tenderer :

.....

Date

.....

Before me: (Print name)

.....

Witness: (Signature)

.....

3.3 Schedule 2 - Schedule of Rates

Instruction to the tenderer: Complete and submit with Tender.

Item	Description of Works	Unit	Quantity	Rate	Total
1	Win with Dozer	Tonne	160,000		
5	Crushing – 40mm minus	Tonne	158,000		
6	Crushing – 100 mm minus	Tonne	2,000		
7	Establishment to Project Site – Dozer	Item	1		
11	Establishment to Project Site – Crushing	Item	1		
Total Excluding GST					
GST					
Total Including GST					

Signature of Tenderer : _____

Date _____

Before me: (Print name) _____

Witness: (Signature) _____

3.6 Schedule 4 – Insurance of Employees

Instruction to Tenderer: The following insurances will be required. State details of current policies and supply certificates of currency for these insurances.

Insurance of employees: workers compensation or personal accident and illness insurance; insurance against any death of or injury to persons employed by the Service Provider as required by state legislation.

If the Service Provider has **no employees**, in lieu of Workers Compensation Insurance, insurance for personal accident and illness under a policy will be required.

Insurance company:	
Amount of coverage:	
Policy No.:	
Expiry date:	
Insurance required:	Yes ✓

3.7 Schedule 5 - Public Liability Insurance

Insurance against the death or injury to any third party or parties or loss of or damage to any property including loss of use of property whether it is damaged or not whatsoever caused during the course of the contract. The policy shall contain a cross liability clause and a “principal’s clause” and shall have a limit of indemnity of not less than the amount indicated for any one occurrence, but shall be *unlimited in the aggregate*.

Insurance company:	
Amount of coverage:	
Policy No.:	
Expiry date:	
Insurance required:	Yes ✓

3.8 Schedule 6 - Motor Vehicle Insurance

Comprehensive vehicle insurance

In the case of any motor vehicle used in the performance of the contract, a Motor Vehicle Insurance covering accidental damage, fire and theft. The policy shall be for a sum not less than the full market value of the vehicle.

Registered vehicles

Insurance against any injury to any third party or parties under a Compulsory Third Party Insurance as required by state legislation.

Insurance against loss of or damage to any property whatsoever caused by the use of the vehicle when being driven by the Service Provider, its employees or any person not employed by the Service Provider. The policy shall have a limit of indemnity of not less than \$20,000,000 and shall be extended to include CTP Gap Coverage Endorsement cover and shall note the interest of the Principal as an insured.

Insurance company:	
Amount of coverage:	
Policy No.:	
Expiry date:	
Insurance required:	Yes ✓

Unregistered vehicles (Plant)

Note: Any damage arising as a result of the plant being used as a tool of trade is to be covered by either an extension of the Service Provider's Comprehensive Motor Vehicle Insurance or the liability endorsed onto the Service Provider's Public Liability Insurance.

3.9 Schedule 7 - Experience – Capacity & Current Commitments

Instruction to Tenderer: Complete and submit with Tender. List similar projects current or completed by your organisation in the last 10 years.

Project Name:

Client	Contact	Phone	Contract Value	Duration

Description of works

Project Name:

Client	Contact	Phone	Contract Value	Duration

Description of works

Project Name:

Client	Contact	Phone	Contract Value	Duration

Description of works

3.10 Schedule 8 - WHS – QA - ES

Instruction to Tenderer: Complete and submit with Tender.

Work Health and Safety	Comments/Details
<p>Who is your contact for advising workplace injuries with your Workers Compensation Insurer, and what is their contact phone number?</p> <p>Notify nominated contact that Council will be making contact to obtain a summary of injury statistics regarding your company.</p>	
<p>Is your WHS system independently certified?</p> <p>Provide copy with Tender submission.</p>	
<p>Does your company have an WHS policy statement?</p> <p>Provide a copy with your Tender submission.</p>	
<p>Does your company have a Drugs and Alcohol policy?</p> <p>Provide details.</p>	
<p>How does your company undertake site inductions on similar contracts:</p>	
<p>Provide details on your company's risk assessment method used for similar contracts.</p>	
<p>Provide contact details for an employee safety representative at your company.</p>	
<p>Provide contact details for your company's safety officer and detail what other roles this person performs.</p>	
<p>Does your company have safe work method statements covering the work required under the contract?</p> <p>If not, provide details on percentage of the work done.</p>	
<p>Other comments</p>	
QA - Quality Assurance	
<p>Is your QA system independently certified?</p> <p>Attach a copy with your Tender submission.</p>	
<p>Does your existing QA system fully cover the scope of works of this contract?</p> <p>If not, provide details on necessary changes.</p>	
<p>Other comments</p>	
ES – Environmental Systems	
<p>Is your environmental system independently certified?</p> <p>Attach a copy with your Tender submission.</p>	
<p>Is your company running any environmental sustainability programs? Provide details.</p>	
<p>Does your company have a sediment and erosion control program in place that would be implemented under the contract?</p> <p>Provide a summary of actions that would be undertaken under this program.</p>	
<p>Other comments</p>	

3.11 Schedule 9 – Project Personnel

Instruction to Tenderer: Provide the names of the Project Manager, Site Manager and Subcontractor’s Site Manager(s) or other relevant staff in the event of a winning tender. Edit and add additional personnel roles as applicable for the works.

Project Manager

Name	Company role	Estimated Time Commitment (%)	Years of experience	
			In current firm	prior

Work responsibilities for this project

Site Manager

Name	Company role	Estimated Time Commitment (%)	Years of experience	
			In current firm	prior

Work responsibilities for this project

Other Key Personal

Name	Company role	Estimated Time Commitment (%)	Years of experience	
			In current firm	prior

Work responsibilities for this project
