

**ITEM 19. TENDER - THE SUPPLY OF DUMPED ASBESTOS RESPONSE AND
REMOVAL SERVICES**

FILE NO: X005702.006

TENDER NO: SSROC T2016-01

SUMMARY

This report provides details of the submissions received for the Southern Sydney Regional Organisation of Councils (SSROC) Incorporated tender for the supply of dumped asbestos response and removal services.

SSROC is an association of a number of municipal and city Councils in the southern region of Sydney that provides a forum for its member Councils to deal with common issues, particularly those that cross boundaries, and achieve economies of scale. Key issues include procurement, planning, environment, transport, sustainability and waste management.

This panel will provide specialist, licensed, rapid response contractors to assist with the clean-up and removal of illegally dumped asbestos on land owned or maintained by the City. These specialist service providers form an important part of the City's Asbestos Dumping Response Procedure which supports the City's Managing Asbestos Policy.

This report recommends that Council accept the tender offers of Tenderers 'A', 'B' and 'C' for the supply of dumped asbestos response and removal services.

RECOMMENDATION

It is resolved that:

- (A) Council accept the tender offers of Tenderers 'A', 'B' and 'C' for dumped asbestos response and removal services for a period of two years, with the option of three extensions of one year each, if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to approve the option referred to in clause (A), if appropriate, and the price negotiated by SSROC to extend the contract accordingly.

ATTACHMENTS

Attachment A: Tender Evaluation Summary (Confidential)

Attachment B: Schedule of Rates (Confidential)

(As Attachments A and B are confidential, they will be circulated separately from the agenda paper and to Councillors and relevant senior staff only.)

BACKGROUND

1. As part of the SSROC regional coordination for solutions to problem waste disposal identified in the Regional Waste Strategy and Action Plan 2014-2021, it was identified that a contracted supply of services was needed relating to emergency response, containment, handling, transport and responsible disposal of illegally dumped asbestos.
2. The City participated in a Request for Tender procurement process for those services led by SSROC on behalf of member Councils.
3. The services that will be supplied by the panel of specialist contractors includes rapid response to dump sites within two hours from time of call, on-site testing of material to confirm if it is or is not asbestos, clean-up and safe transport of the asbestos material to an appropriately licensed waste facility in accordance with the NSW EPA WasteLocate consignment tracking system.
4. The City responds to an average of five illegal asbestos dumping incidents per month. Most typical incidents involve finding suspected asbestos items dumped within a pile of mixed building material. Sizes of dumped material vary from a single item to several cubic metres of material.
5. The City's Asbestos Dumping Response Procedure involves an appropriately trained City officer attending the dumped material to ensure public safety and to restrict access around the site. Evidence is collected that could support potential enforcement action. If asbestos is suspected or positively identified, the City's specialist rapid response contractor is engaged to clean-up and safely remove the asbestos from the public domain.
6. If there is a delay in responding, or where the officer determines an immediate risk to public safety, then the officer contacts the local HAZMAT service to assist with the clean-up.

INVITATION TO TENDER

7. The invitation to tender period was open from 19 July 2016 to 9 August 2016.
8. The tender was advertised in The Sydney Morning Herald, The Daily Telegraph, SSROC website and the tendersonline.com.au/botanybay website.

TENDER SUBMISSIONS

9. In total, six submissions were received from the following organisations (listed alphabetically):
 - A.D. Envirotech Australia Pty Ltd
 - Beasy Pty Ltd
 - CPA Contracting Pty Ltd
 - Enviropacific Services Pty Ltd
 - Murphy's Construction Group
 - Ross Mitchell & Associates

10. No late submissions were received.

TENDER EVALUATION

11. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
12. The relative ranking of tenders as determined from the total weighted score is provided in the confidential Tender Evaluation Summary – Attachment A.
13. All submissions were assessed in accordance with the approved evaluation criteria being:
- (a) any serious non-conformity to tender;
 - (b) Work Health & Safety;
 - (c) financial and commercial trading integrity including insurances;
 - (d) tendered price and rates;
 - (e) tenderer profile / staff;
 - (f) competency / relevant experience;
 - (g) service standards and methodology;
 - (h) sustainability; and
 - (i) rapid response capability.

PERFORMANCE MANAGEMENT

14. Review of suppliers' performance will be carried out periodically during the duration of the agreement against the following key performance indicators:
- (a) supplier call-out response time to the incident site;
 - (b) usage of NSW EPA WasteLocate consignment tracking system;
 - (c) reporting frequency, consistency and accuracy; and
 - (d) invoice accuracy.

FINANCIAL IMPLICATIONS

15. Based on the actual usage of these services in recent years, there are sufficient funds allocated within the current year's operational budget and future years' estimates.

RELEVANT LEGISLATION

16. This tender was conducted in accordance with the Department of Local Government's Tendering Guidelines, the Local Government Act 1993 and Local Government (General) Regulation 2005.

17. Attachments A and B contain confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
- (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
18. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

CRITICAL DATES / TIME FRAMES

19. The proposed contract is for a period of two years, with the option of three extensions of one year each, subject to the performance of the contract.

OPTIONS

20. Not accepting the Tenderers' offers would reduce the City's ability to minimise exposure to the public and to City staff tasked with responding to illegal asbestos dumping incidents.
21. Alternative options that were explored prior to participating in the SSROC RFT included issuing a stand-alone tender for asbestos response and removal only for the City of Sydney area, and developing an in-house asbestos response and removal service.
22. These options were not progressed on the basis that the collaborative tender process would attract more competitive pricing, and that the liabilities and costs of training, equipping, staffing and running an in-house asbestos response service were not viable.

PUBLIC CONSULTATION

23. No consultation has been undertaken with the public regarding this tender.

DAVID RIORDAN

Director City Operations

George Angelis, Manager Cleansing and Waste