

**Item 9.****Cancellation of Tender -T-2020-461 - Environmental Monitoring Analysis and Reporting**

**File No: X027380**

**Tender No: T-2020-461**

**Summary**

The City requires Environmental Monitoring, Analysis and Reporting services to provide environmental monitoring (water quality and air quality) and management services for the City's parks and open spaces.

In June 2021, the City publicly advertised a tender for the provision of Environmental Monitoring Analysis and Reporting. A preferred supplier was recommended by the Tender Evaluation Panel, endorsed by the Tender Review Group (TRG) and approved by the Chief Executive Officer in September 2021.

During the process of executing the contract, the approved Supplier advised of a miscalculation in their tender submission resulting in a major pricing error that would have impacted their ranking in the tender. Subsequently the approved Supplier withdrew their submission.

Circumstances and timing required the works to be retendered and a Request for Quotation (RFQ) process was completed in November 2021. This contract will relieve the gap in services for water quality monitoring and will be operational for six months, allowing adequate time to complete the retender process. This process was essential to ensure the City meets its environmental responsibilities and provides appropriate water quality for public access and environmental protection from now to the finalisation of a new tender.

Accordingly, this report recommends that Council cancel the T-2020-461 tender for Environmental Monitoring, Analysis and Reporting and invite new tenders for the works.

## **Recommendation**

It is resolved that Council:

- (A) cancel the tender for Environmental Monitoring, Analysis and Reporting;
- (B) invite new tenders for the works; and
- (C) note that a six-month contract is currently being implemented following a competitive Request for Quotation process (Q-2021-649), in order to allow time for the retendering process to be completed and to ensure business continuity.

## **Attachments**

Nil.

## Background

1. The City requires Environmental Monitoring, Analysis and Reporting services to provide environmental monitoring (water quality and air quality) and management services for the City's parks and open spaces. There are three key elements that need to be considered and addressed.

### Water Quality Monitoring

2. Water quality monitoring is required to determine whether groundwater sources are fit-for-purpose and pose no public health or environmental risks, and assure that surface water bodies at the City's parks and reserves are of an appropriate quality for public access and environmental protection.
3. The City may also seek to examine water quality at the harbour to monitor potential public health risks arising from the harbour due to ease of access to foreshore areas from the City's parks and open spaces.

### Air Quality Monitoring

4. Sydney Park is regulated under the Contaminated Land Management Act 1997 by the NSW Environment Protection Authority (NSW EPA) for the contaminants methane and carbon dioxide arising from landfill gas (LFG).
5. Air quality monitoring, specifically relating to landfill gas monitoring and management, at Sydney Park is required to ensure ongoing capacity to investigate and address risks posed by landfill gas emissions to human health and the environment.

### Environmental Management

6. Environmental Management Plans (EMPs) are assigned for the City to ensure best practice and guidance in meeting the safety requirements and environmental responsibilities of parks and reserves in its care. The City currently has 15 EMPs in place for its parks and open space. Review and updates to the EMPs is a statutory requirement to ensure that they continue to meet the City's needs, in addition to relevant standards and guidelines, now and into the future.
7. The June 2021 tender assessed the following scope of works:
  - (a) conduct water and air quality monitoring in the City's parks and open spaces in accordance with Sampling Analysis and Quality Plans (SAQP);
  - (b) identify issues arising from the environmental monitoring and provide practical recommendations that the City can implement to resolve the issues;
  - (c) provide proactive assessment of risks and ongoing feedback on mitigation measures;
  - (d) review and update the current Sampling Analysis and Quality Plans where necessary;
  - (e) review the City's compliance with the current Environmental Management Plans and update where necessary; and
  - (f) provide practical advice on improvements the City can make to its environmental management.

### **Invitation to Tender**

8. A public tender process was conducted.
9. The tender was opened on Thursday 10 June 2021 and closed on Friday 2 July 2021, a period of three weeks.
10. The tender was advertised on the Supply Nation website and via Tenderlink, the City of Sydney's E-tendering Portal.

### **Tender Submissions**

11. The City received 10 submissions from 10 organisations in response to the public tender.
12. No late submissions were received.

### **Tender Evaluation**

13. On 25 August 2021, a preferred Supplier was nominated by the Tender Evaluation Panel and endorsed by the Tender Review Group.
14. On 3 September 2021, the Chief Executive Officer approved the nominated Supplier for contract execution.

### **Context for Tender Cancellation**

15. The approved Supplier notified a miscalculation in their tender submission resulting in a major pricing error.
16. The approved Supplier officially withdrew from the tender following failed attempts to rectify its pricing error such that it could deliver the scope of work within the tendered pricing that had been accepted.
17. Due to the late withdrawal of the preferred tender and for reasons of transparency and fairness it was considered appropriate that the tender be cancelled and a new tender invitation be issued.
18. To ensure the City's environmental assets continue to meet relevant standards in the interim, a temporary contract to relieve the gap in services (water quality monitoring) is currently being implemented and will be operational for 6 months until a new Supplier is nominated from the retendering process.
19. The temporary contract is necessary to cover water quality monitoring services required as part the City's commitment to maintain appropriate water quality for public access and environmental protection.

**Financial Implications**

20. Sufficient funds are allocated for this project within the current year's operating budget and future years' forward estimates.
21. There are sufficient funds in the 2021/22 operating budget to cover the cost of the temporary contract.

**Relevant Legislation**

22. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.

**Critical Dates / Time Frames**

23. Program Key Milestones:
  - (a) Temporary contract for Water Quality Monitoring (two terms) January 2022 – July 2022
  - (b) Re-tender works May 2022 – July 2022
  - (c) Commencement of contract September 2022

**Public Consultation**

24. No public consultation was required to be undertaken prior to this tender being advertised.

**VERONICA LEE**

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