

## ITEM 7 OTFORD ROAD, OTFORD - CAUSEWAY REPAIR PROCUREMENT

The significant weather event experienced on the 9 February 2023 caused major damage to the existing causeway on Otford Road, Otford at the crossing of the Hacking River. The event was declared a natural disaster by the NSW Government which has provided Council the opportunity to apply for grant funding to perform rectification works to the affected asset from Transport for NSW (TfNSW). The grant conditions require the design and construction works to be completed by 30 June 2025.

Based upon preliminary conversations with TfNSW, the proposed grant funding will cover a like-for-like replacement of the damaged asset(s). A design for "like-for-like" replacement is currently underway and planned to be completed by late May 2023.

Otford Road is currently closed at the causeway for vehicular crossing; however, Council has established temporary pedestrian access for the Otford community.

This report recommends that on this occasion, formal tenders not be invited for the reasons listed in the report and that Council proceed with a request for formal quotations from contractors with demonstrated experience and ability to undertake the embankment repair works to provide a second means of egress for the Otford community prior to, or as soon as possible after the statutory bushfire season.

### RECOMMENDATION

- 1 Pursuant to section 55(3)(i) of the Local Government Act 1993, tenders not be invited for the contract (or contracts) for the repair of the failed causeway and associated works at Otford Road, Otford. This is due to extenuating circumstances, being the risk to the community due to fire and/or flood causing further inability of residents to escape, the pending Statutory Bushfire Danger Period commencing 1 October 2023 and the MS to the Gong Bike Ride event planned for 5 November 2023.
- 2 Council delegate to the General Manager the authority to undertake and finalise a formal quotation process, in accordance with Council's procurement policies and procedures with available contractors with demonstrated experience and ability to undertake the works with a view to enter a contract (or contracts) for these works.
- 3 Council delegate to the General Manager authority to enter a contract (or contracts) with the contractor or contractors selected following the process outlined at 2 above.
- 4 A report describing the outcome of the procurement process be submitted to the next available Council meeting following the successful engagement of contractor or contractors.

### REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery  
Authorised by: Joanne Page, Director Infrastructure + Works

### ATTACHMENTS

- 1 Location Plans

### BACKGROUND

The Illawarra region experienced a significant weather event on the 9 February 2023 that caused significant damage to various structures throughout the region.

The Otford Road Causeway has been the subject of recent investigations for potential flooding and risk improvements, but a full concept design had not been completed prior to the significant rain event.

Council has commenced a geotechnical investigation in this area as a precursor to the preparation of the design and tender documentation for the replacement of this causeway. Council is seeking to expedite the replacement of this causeway for the following reasons:

- The causeway provides a second means of egress to the Otford community should they be blocked from exiting to the east and Lady Wakehurst Drive. This blockage can occur during emergency situations such as bushfires.

- The Statutory Bushfire Danger Period that has direct impact on the Otford Community and commences on 1 October 2023
- The MS Gong Bike Ride is scheduled for 5 November 2023. This includes Lady Wakehurst Drive being closed for an extended period to allow the significant number of riders to pass, and also restricts access for the Otford community via this route.

## PROPOSAL

The program to achieve all design, engagement and construction works prior to or as close to the Statutory Bushfire Danger Period is extremely tight and requires minimal delay in all aspects of the planning, design, approval, procurement, and construction process.

It is proposed that Council seek formal quotations, rather than tenders from specialist civil contractors with demonstrated experience and ability to undertake the works within a tight timeframe.

Normally Council would prepare a tender for these works as the estimated cost exceeds Council's tender threshold of \$250,000 (incl. GST). The minimum duration to undertake a tender process is approximately 10-12 weeks (depending on the relationship between the commencement of advertising and the actual date of the Council meeting), while a formal quotation process can be undertaken in approximately six (6) weeks if Council were to support the recommendation of this report.

The Statutory Bushfire Danger Period commences 18 weeks following this Council meeting and it should be recognized that to have the causeway constructed within this period is an extremely challenging program. The proposed procurement strategy could provide an additional 6 weeks of construction time.

A formal quotation process carried out under Council's procurement policy mirrors the governance requirements of the tender process but does not require a formal report to Council with the resulting delays in preparing and publishing a report to Council. A formal quotation panel is constituted with the same technical, governance and procurement staff which normally constitute a tender panel to ensure probity concerns are addressed. Transparency to the community will be assured by reporting the outcome of the procurement process to the next available Council meeting following the engagement of the contractor.

Once the Quotation process is complete, Council will be able to appoint a recommended contractor to initiate procurement of materials and commence works. It is proposed that contractors be invited to submit quotations using the criteria normally used in the formal tendering process which addresses the following typical Mandatory and Non-Mandatory criteria as outlined below.

### **Mandatory Criteria**

- 1 Satisfactory references from referees for previous projects of similar size and scope
- 2 Financial assessment acceptable to Council which demonstrates the tenderer's financial capacity to undertake the works
- 3 Tenders have as a minimum a Health and Safety Policy and WHS Management System Manual or Plan

### **Assessable Criteria**

- 1 Cost to Council
- 2 Appreciation of scope of works and construction methodology
- 3 Experience and satisfactory performance in undertaking projects of similar size, scope and risk profile including staff qualifications and experience
- 4 Proposed Subcontractors
- 5 Project Schedule
- 6 Demonstrated strengthening of local economic capacity
- 7 Workplace Health and Safety Management System and Environmental Management Policies and Procedures

## CONSULTATION AND COMMUNICATION

- 1 Officers from Governance and Customer Service and Legal Services Divisions.
- 2 Officers from the Project Delivery Division including Design and Technical Services, Major Projects and Geotechnical.
- 3 Council is in the process of communicating with adjacent landowners through letter box drops and media. The public have already been advised of the current road closure through media channels and Council's web page. Temporary signage is in place to remind potential road users.
- 4 Council has been in communication with Emergency Services agencies.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 5 "We are a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Infrastructure Delivery Program 2023.

## SUSTAINABILITY IMPLICATIONS

The following sustainability implications have been considered:

- Durable products incorporated into the design to ensure long-term integrity of the assets.
- Sustainable procurement by providing local companies the opportunity to submit quotations for the work.
- Quotation assessment incorporated weightings to support the ongoing economic development of the region including the sourcing and supply of local labour and materials.

## RISK MANAGEMENT

The risk in accepting the recommendation of this report is considered low on the basis that the formal quotation process will fully comply with Council's Procurement Policies and Procedures and the Local Government Act 1993. A formal quotation panel will be established to invite and assess quotations using procedures normally utilised in Council's tender process.

The risk of the project works is considered high, with the key risks to the project listed below:

- The short construction window available.
- The current weather conditions continue to affect the area around the causeway including to the river embankments. The ongoing weather-related damage caused across the State may lead to a lack of availability of both materials and specialised contractors.
- The risk of further river embankment failure or continuing heavy rainfall events may render the site unsafe for construction activities.
- The risk to the local community by not replacing the causeway prior to the Statutory Bushfire Danger Period is significant should such an event occur, and residents are unable to escape. The impact of the possibility of no second access/egress will be discussed with all emergency services at the next meeting of the Local Emergency Management Committee planned for the 7 June 2023. This committee will then have sufficient time to plan for, modify and communicate the Local Emergency Plan if that scenario arises.

The proposed use of an experienced and reputable civil contractor, with procurement and project management from Council Officers will ensure that appropriate risk mitigation measures are in place.

## FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Annual Plan–

2022/23 and 2023/24 Capital Budgets

Council will seek assistance for these works under the NSW Government Disaster Recovery Funding Arrangements (DRFA).

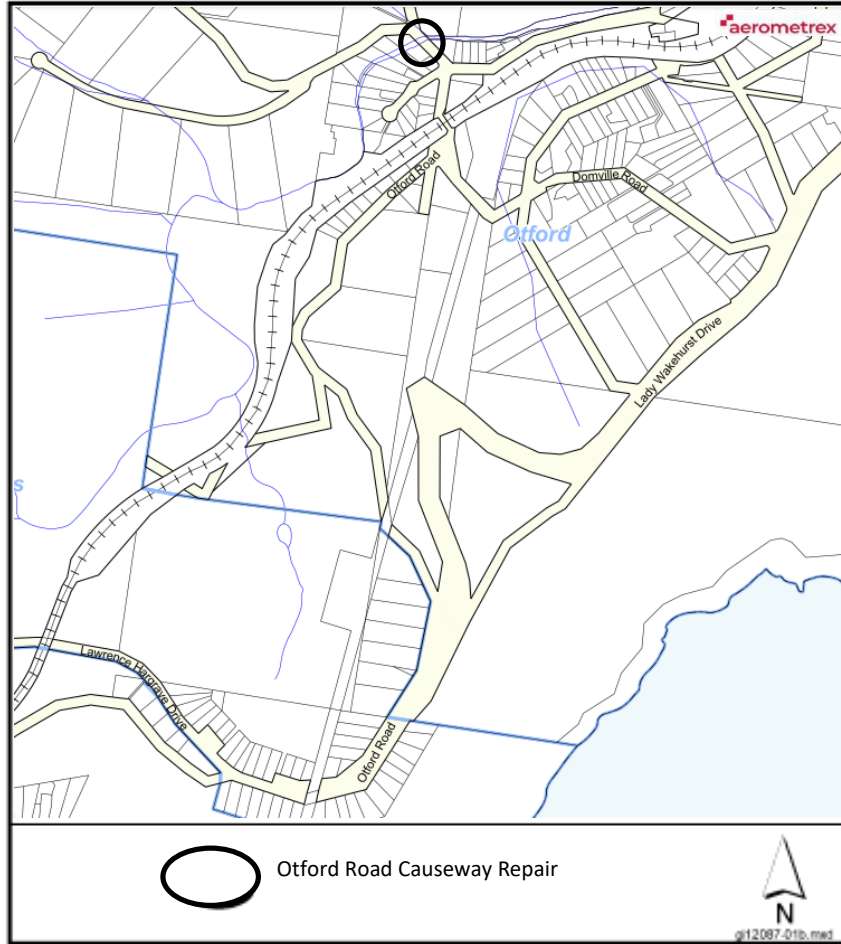
## CONCLUSION


An opportunity currently exists to mitigate risk and delays by shortening lead times in the construction of a new culvert and causeway on Otford Road. It is recommended that a competitive quotation process be used on this occasion (rather than a formal tender) to achieve these aims.



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 Otford Road Causeway Repair

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