

CENTRAL OTAGO DISTRICT COUNCIL PROCUREMENT STRATEGY



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1. Executive Summary

1.1 Purpose

The Central Otago District Council procurement strategy enables prudent procurement of services, by processes that align with the system thinking method.

1.2 Goals and Objectives

Based on the experiences to date Council is committed to moving forward on the system thinking approach.

Where work can be done better in house it will be.

Where external suppliers are required due to resources, skills and expertise they will be procured on the basis of:

- Proving full commitment to the system thinking method
- Work with current providers and only go to tender when required by external funding parties (NZTA)
- Quality rather than cost centric procurement
- Long term relationship based arrangements
- Both parties being able to have an exit strategy

The objective is a system that delivers what matters to customers whilst continually eliminating waste.

1.3 Best Value for Money

Council has adopted the following definition of “Best Value for Money”

“The best available outcome for the money spent in procuring the councils’ needs.”¹

This strategy is current for the period 2009-2012.

¹ The Australian and New Zealand Government Procurement Framework (modified)

2. Context

2.1 CODC Organisational Strategic Goals and Objectives

²The community has said that what it wants from Central Otago is:

- I want to develop
- I want to live somewhere that works
- I want to enjoy what is special about this place into the future.

Our success in achieving that will be reported under measures relating to:

- A Thriving Economy
- A Safe and Healthy Community
- A Sustainable Environment

2.1.1 Systems Thinking

Since 2006 Central Otago District Council has made an informed choice to use the Vanguard method; a unique combination of systems thinking and intervention theory as a means to improve organisational performance.

This approach requires understanding of work flow using a Check ►Plan ►Do flow.

Actions are planned and taken only when full knowledge exists of how the work works.

Check

Check requires an understanding of the “what” and “why” of current performance as in:

- The purpose of the system
- The nature of demand
- What the system predictably achieves
- How the work flows
- Why the system behaves this way

Plan

Plan involves looking for levers for change:

- What will improve performance against purpose?
- What are the predicted consequences?
- Against what measure should action be taken?

Any change is assessed against System Thinking Principles:

- Do what matters to customers
- Design against demand/purpose
- Single piece flow – get one do one
- Measure against purpose
- People responsible for their own work

Do

Do is taking action on the system. Changes are implemented only after testing, and when data shows they would improve performance towards purpose i.e. system improvement rather than reacting to systems.

Measures that relate to the work are introduced that are continually monitored and identify variation. Focusing on reducing variation by eliminating waste improves performance.

² CODC Long Term Council Community Plan 2009-19

Goals and Objectives

Based on the experiences to date Council is committed to moving forward on the system thinking approach.

Where work can be done better in house it will be.

Where external suppliers are required due to resources, skills and expertise they will be procured on the basis of:

- Proving full commitment to the system thinking method
- Work with current providers and only go to tender when required by external funding parties (NZTA)
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- Long term relationship based arrangements
- Both parties being able to have an exit strategy

The objective is a system that delivers what matters to customers continually eliminating waste and hence becomes;

Better, Faster, Cheaper.

2.2 Description of NZ Transport Agency's Procurement Requirements

The Land Transport Management Act S25 requires that procurement procedures used by approved organisations (AO) be designed to obtain best value for money spent.

S25 also notes:

- Regard must be given to the desirability of enabling fair competition that encourages competitive and efficient markets
- For other than minor or ancillary works undertaken by an internal business unit, outputs must be purchased from external providers.
- To reinforce value for money concept, an AO is not compelled to accept the lowest price proposal.

Professional services procured in-house require the specific approval of NZTA

Council has adopted the following definition of "Best Value for Money"

"The best available outcome for the money spent in procuring the councils' needs."³

2.3 Central Otago District Council Procurement Framework

The CODC procurement framework is referenced through a hierarchy of guidelines, regulatory requirements and best practice as below:

Officer of Auditor General

The Office of the Auditor General provides guidance through its publication *Procurement: a Statement of Good Practice* which is designed for use by any public entity.

³ The Australian and New Zealand Government Procurement Framework (modified)

Good practice considerations include:

- developing and implementing clearly articulated procurement policies and procedures
- regard for the legal implications surrounding procurement , including acting in accordance with the existing enabling legislation, along with wider legal and public law considerations
- operating with ethical standards covering confidentiality, disclosure and declarations of interest.
- awareness of economic considerations in the procurement process including total cost of ownership, value for money and market impact
- effective management of risk throughout the procurement process

Local Government Act 2002

The LGA 2002 S.14 Principles relating to Local Authorities notes:

- S.14 (1) (f) a local authority should undertake any commercial transactions in accordance with sound business practices...
- S.14 (1) (g) a local authority should ensure prudent stewardship and the efficient use of resources in the district or region

Contract Administration Manual

Council has recently updated its Contract Administration Manual.

This is designed to represent good practice in calling for, evaluating and awarding tenders (when it is appropriate or required to go to the market by tender).

It also establishes good work rules for administering contracts, allied to the good work rules developed in each work stream.

Finance Policy/Corporate Services Manual

This establishes the process for procurement of minor works by engagement through a works order arrangement (typically small scale goods and services).

Delegation Registers

Council /Community Board involvement

- The Delegations Register outlines the situation when procurement decisions need to go to Council (or community board) for approval
- Accepting other than the lowest tender when work is estimated at more than \$100k, or
- Where the lowest tender is over \$100k, and over budget or,
- Where the cost is over \$100 k per annum, and is for more than one year.

CEO involvement

- All arrangements greater than \$50k, need to go to the CEO for approval

Procurement Rules

Estimated Cost Range (\$)	Tendering Requirements	Approval by
0- 2,000	Quote or estimate	Budget Holder
2,000- 25,000	2 quotes or preferred supplier	Budget Holder
25,000- 50,000	3 quotes or negotiated with preferred supplier	Group Manager or CEO if negotiated
50,000- 100,000	Tender or negotiation	CEO
Over 100,000	Tender or negotiation	CEO or Council if negotiated

- In all cases where negotiation is the preferred option, then the proposer would need to prepare a suitable business case
- All purchasing decisions should reflect quality as well as cost, with due regard for health and safety compliance, be considered using systems thinking method, and have a whole of life outlook.
- If all things are equal, we should purchase locally.

Preferred Supplier Register

Council maintains a preferred supplier register (PSR) which is updated twice yearly.

A supplier on the PSR is able to be engaged as per the procurement rules above.

Poor performance may result in removal and conversely good performance or having required expertise may result in addition to the PSR

3. Analysis of Procurement Environment

3.1 Outline of Planned Procurement Programme

3.1.1 Land Transport Programme (Roading)

Network Maintenance

The current contract has had a one year NZTA approved extra extension to 30 June 2009 to enable progression of the system thinking trial, and a further six month extension to 31 December 2009 to allow firming up of the proposed delivery method and to offset it from the Queenstown Lakes District Council roading maintenance contract commencement.

The intent is to tender this work on an advanced, shared risk delivery model, with supplier payments based on cost plus agreed on cost (overhead and profit) basis. The current contract was modified to this method with NZTA approval, and the new contract will require NZTA approval as an advanced process.

The term would be for a minimum of 5 years with appropriate wording to allow future extensions based on continuing application of the systems thinking method, NZTA agreement and/or future changes to the procurement environment and rules

The supplier selection model would be quality based, by selecting the best quality supplier who would nominate an on-cost as basis for negotiation. NZTA approval will be required for this approach.

The scope of work would include:

- Network maintenance works including, but not limited to, pavement, bridge maintenance, street cleaning and line marking.
- Unsubsidised footpath maintenance and renewals
- Renewals and associated works
- Resurfacing
- Minor Improvements

Aggregation of work under one contract is designed to maximize the advantages of the system thinking method in reducing transaction costs and delays, and ensuring that all related work on the network is undertaken by the one team.

The Typical value of these works is \$5.1 million per annum (2009/10 LTP)

Improvement Projects

For Projects such as:

- Major bridge renewals and replacement
- Seal Extensions
- Walking and Cycling Projects

which are considered to be beyond the scope of the maintenance contract may be tendered on a case by case basis using the procurement method best applicable to deliver the right supplier for the work.

The programme for the next three years is

Road Improvements	2009/10	2010/11	2011/12
Seal Extensions (Subsidised)	570,000	0	0
Cycling projects	480,000	550,000	560,000
Total Improvements	1,050,000	550,000	560,000
Unsubsidised Roading Work			
Unsubsidised Seal Extensions	1,075,000		

Where professional services are required for the above, these will be engaged by direct appointment (up to \$100K) or by closed contest (up to \$200K). Where desirable Heads of Agreements will be entered into with suppliers which will describe the system thinking method to be used in the supply of service.

It is unlikely that the value of any separate professional services project will exceed this threshold.

Specialist Work

Task	Procurement
Investigations	Direct negotiation
RAMM rating	Direct negotiation
Asset Valuation	Direct negotiation
Structural Bridge Inspections	Direct negotiation
Street light maintenance	Tender – post 1 July 2009
Street light energy	Tender – Meridian to 2012
Legal Services	Direct Negotiation
Property Management	Direct Negotiation

Network Management Including Regulatory and Access Controls

This work will be undertaken by Councils in house Business Unit, including delivery of the Community Road Safety programme.

3.1.2 Utility Services

Network Operations

- Council has an existing contract with Delta Utility Services
- This contract commenced 1 July 2008 and is for a 5+2+2 period
- The work is subject to a current systems thinking intervention
- **The Typical value of this work is \$2 Million per annum (2009/10)**

Capital Works Projects

Minor improvement work, tank farm renewals, pipe and non pipe renewals and water meter installation is undertaken under the network maintenance contract.

Major capital works including new concrete reservoirs, new pump stations and major reticulation extension work are typically tendered using a price/quality evaluation method.

Professional Services

These are engaged by direct negotiation with Engineering Consultants.

These include strategic studies; upgrade designs and documentation, consent renewals.

Water	2009/10	2010/11	2011/12
Alexandra Pump Stations - Pressure management	-	100,000	-
Alexandra Treatment Upgrade	-	1,040,000	1,070,000
Alexandra Non Pipe Renewals	100,000	-	-
Alexandra Water Meters	-	1,010,000	160,000
Alexandra Reticulation Renewals	200,000	210,000	210,000
Clyde Additional Bore	-	-	110,000
Clyde Consumer Water meters	-	260,000	-
Cromwell Additional Bore	-	-	200,000
Cromwell Consumer Water meters	430,000	430,000	-
Cromwell Reticulation Extensions	400,000	210,000	210,000
Omakau Treatment Upgrade	370,000	380,000	-
Ranfurly Treatment Upgrade	-	-	480,000
Ranfurly Consumer Water meters	-	160,000	-
Roxburgh Pump Stations - Pressure management	100,000	-	-
Roxburgh Treatment Upgrade	580,000	580,000	-
Roxburgh Duplicate Rising Main	-	190,000	-
Total Improvements	2,180,000	4,570,000	2,440,000

Wastewater	2009/10	2010/11	2011/12
Alexandra Wastewater Treatment Upgrades	-	210,000	860,000
Alexandra Reticulation Renewals	200,000	210,000	210,000
Alexandra Reticulation Extensions	-	140,000	-
Alexandra Emergency Conveyance (Storage and Gen Sets)	-	260,000	-
Clyde Wastewater Treatment Plant	-	-	270,000
Cromwell Wastewater Treatment Upgrades	320,000	330,000	-
Cromwell Reticulation Extensions	-	160,000	160,000
Cromwell Emergency Conveyance (Storage and Gen Sets)	-	-	300,000
Roxburgh Wastewater Treatment Upgrades	-	200,000	-
Roxburgh Reticulation Renewals	-	-	100,000
Total Improvements	520,000	1,510,000	1,900,000

Stormwater	2009/10	2010/11	2011/12
Alexandra Reticulation Extensions			110000
Total Improvements			110,000

3.1.3 Parks and Reserves

Parks and Reserves Maintenance

Council has an existing Grounds Maintenance contract with Asplundh New Zealand

This contract has extensions available up to 30 June 2010.

The intent is to commence a System Thinking intervention in 2009 with this supplier. Any decision on retendering this contract is dependant on the success of the intervention work and will be made in the later part of 2009.

The typical value of this work is \$800k per annum (2009/10).

Improvement Work

Improvement (capex) work is undertaken either under the Grounds Maintenance contract, by project tenders or by direct negotiation depending on the nature of work

Parks and Reserves	2009/10	2010/11	2011/12
Molyneux Park Bore and Pump	50,000		
Molyneux Park Landscaping	162,000		
Playground Safety Surface	25,000	25,000	
Fencing	20,000		
Car park Developments	60,000	60,000	
Lighting Towers		100,000	

3.1.4 Property Work

Maintenance

Council has an existing contract with Zelko New Zealand to provide for unplanned works maintenance services and undertake building compliance checks, and resultant work.

Council also employs an in-house maintenance officer for minor and non-trade required works.

This contract with Zelko has been extended by mutual agreement and long term considerations will be subject to future systems thinking work.

The annual professional contracts fees for unplanned maintenance is \$26,000, with the total value of actual works being approximately \$160,000 and averaged over approximately 570 jobs.

The annual compliance checks for buildings are valued at approximately \$20,000 across a number of IAP's. Planed maintenance and capital works are provided for through the maintenance contractor as a project manager.

The physical works are procured as per Council's procurement rules.

Future procurement options for these includes a mix of Council or outsourced project management, of preferred suppliers, subject to further development of procured supplier services.

Annual planned maintenance across all building averages \$150,000 p.a.

Specialist Work		
Valuation	Direct negotiation	
Building Security	Fixed term	
Property Consultant	Fixed term	Specialist services required
Legal Services	Fixed term	Ongoing provider
Locksmiths	Fixed term	Ongoing provider
Boiler Management	Fixed term	Ongoing provider
Fire Alarm Monitoring	Fixed term	Fixed term

Capital Works

The design and construction of major new works, subdivision, and infrastructure such as Council facilities e.g. Aquatic Centres is undertaken on a Cost based tendering system except that specialist design work can be procured by direct negotiation

Property/Community Facilities	2009/10	2010/11	2011/12
Public Toilets	60,000		
Rural Fire Depots	70,000	50,000	50,000
Swim Centres: - Recreational - Equipment - New Pool (Roxburgh)		30,000	10,000 1,200,000
Cromwell Building Improvements/Upgrade	155,000		
Cromwell Sports Pavilion	45,000		
Tarras Community Centre Heating	50,000		
Naseby Town Hall		250,000	

3.1.5 Solid Waste

Landfill and Transfer Station

Council has a thirty year agreement with Queenstown Lakes District Council who administer contracts for operation of the Victoria Flats landfill and operation of the CODC four transfer stations.

This agreement is until 2028.

Wheelie Bin Services

Council has a contract with Ecowaste Ltd.

This Contract is currently in a two year negotiated extension, and is subject to possible scope review dependent on implementation of the objectives of the Waste Minimisation Strategy

Closed Landfill Monitoring

Monitoring of councils closed landfills is undertaken by Golder Associates on an annual direct negotiation basis.

3.1.6 Corporate, Regulatory, District Development and Asset Management Services

Council procures services for a wide variety of services by a combination of direct negotiation, and cost and quality based tenders.

Corporate Services

- Financial and regulatory systems support
- Information Systems support
- Telecommunications
- Energy supply
- Insurance and Risk Services
- Corporate consumables
- Legal Services
- Banking

Regulatory Services

- Resource Management Services
- Development Engineering Services
- Building Control Services
- Public Health Services
- Animal Control services
- Bylaw development and administration

District Development

- Brand development services
- Tourism development
- Economic development services
- Community development

Asset Management Services

- Valuation of Assets
- Asset Management Plan development
- Policy Development

The intent is to work with existing suppliers as appropriate but these arrangements will be reviewed as system thinking is rolled into each of the work activities across council

3.2 Analysis of Supplier Market Including Impact on Other Sectors

Councils' intent is to maintain existing relationships with current suppliers, on the understanding that where required they will undertake a system thinking intervention on work flow. Consideration of the supplier market is restricted to the Land Transport Programme (as is encouraged for stakeholder communication by the NZTA Procurement Manual)

Network Physical Works

There are two National Rooding Maintenance Contractors based in Central Otago:

- Fulton Hogan Central (CODC Network Maintenance)
- Downer Works EDI (QLDC and NZTA Central Lakes Network Maintenance)

There are two regionally based Rooding Maintenance Contractors working on adjoining networks:

- SouthRoads (Southland District and Clutha District Network Maintenance)
- Whitestone Rooding (Waitaki District Network Maintenance)

In addition Delta Utility Services based in Alexandra, undertake subdivision development rooding.

All of the above five companies either have the resources (or could procure specialist sub contractors) to physically undertake the work.

Both Fulton Hogan and Downer Works EDI nationally are involved in delivery models (PSMC and alliances) that are the closest to the model CODC intend to introduce.

Central Otago District Council does not wish to risk the delivery model by entering a contract with a supplier who does not show the demonstrable commitment and evidence that they can deliver roading services under a system thinking process in partnership with Councils roading business unit. For this reason CODC intent is to procure roading services under a quality based supplier selection method, so that (initially) price is not a consideration.

There is a concern in the market that the trend towards longer term relationship roading contracts may impact on competition and ability for new entrants. CODC primary concern is to provide the best services it can for its road users and ratepayers. Given the number of network maintenance contracts in New Zealand (over 90), any decision of CODC will not overly influence the market.

Likewise the recent recessionary economic out-turn has raised the issue of change from a suppliers market to a purchasers market, and that cost based procurement is more attractive. CODC does not want to risk long term relationships by seeking short term windfalls.

Professional Services

With the removal in the roading intervention, of waste work (checking, auditing, inspecting, approving) from the traditional network management function the remaining specialist work does not provide enough continuous work to justify having a term professional services contract.

The intent is to procure specialist work by direct appointment on a job by job basis.

There are two International Professional services providers based in Central Otago:

- MWH New Zealand Ltd (long term providers of roading services to CODC)

- OPUS International Consultants Ltd (NZTA Central Lakes Network Managers)

Both these companies provide a range of services to Council and we see no reason why that may not continue

In addition, there are a number of other Professional Services providers based in Queenstown or Dunedin (GHD, Connell Wagner, Duffill Group, and BECA etc.)

Although our neighbouring approved authorities Queenstown Lakes, Waitaki, Dunedin City, Clutha, Southland as well as NZTA may be interested in our procurement approach, and will be communicated with on this strategy, we suggest that, our strategy will have no more than minor affects on their procurement.

Where opportunities at project level arise (as they do with NZTA State Highway projects), Council will consider collaboration with other approved organisations.

4. Management and Implementation

4.1 Risk Management

The key presumption of systems thinking is that risk is identified, managed and mitigated in the work.

The move towards a cost plus based remuneration for suppliers will remove the price risk that results from uncertainty around scope and schedules of work.

Risk in terms of project outcome, or involving technical or safety issues will be mitigated by ensuring that appropriate skills and expertise is pulled into the work as required.

Risks that are recognised are:

- Loss of staff (internal/external) experienced and committed to method
- Organisational controls that limit supplier's ability to subscribe to method
- Political (Central and Local) – changes in philosophy (*this is saying council may change mind*)

The key mitigation factor is if for what ever reason continuous improvement is not occurring in the work then both or either parties may exercise a right to withdraw within a reasonable notice period.

4.2 Approach to Contract Management

All major civil contracts have traditionally been based on the NZS: 3910 framework that is widely used in the sector. However this is an adversarial framework that limits innovation and efficiencies.

The contractual framework for future work partnerships are more likely to be based around alliancing principles with either use of the NEC (New Engineering Contract) model as being more commonly used in alliancing type contracts, NZS 3915 (no Engineer to contract) or Heads of Agreements (with suitable protection clauses).

4.3 Communication Strategy

Elected Members

The Council has adopted the system thinking approach in respect to delivery of services. Where the budgets are community board responsibility review committees have been set up comprising board members, who are briefed on progress and achieved measures.

Formal reports and recommendations to Council on procurement issue are provided as required by Councils procurement rules.

Management Executive

The procurement strategy is owned and approved by Councils Management Team, thus any significant procurement issue will be discussed at their meetings

Other Approved Organisations and Suppliers

In respect to Roding procurement communication by letter and meeting (if required) will be undertaken with approved organisations, suppliers and stakeholders (as listed in Appendix 2).

For other activities of council, consultation will generally be undertaken via the formal LTCCP and Annual Plan processes. Notwithstanding that Council operates an open door policy which encourages suppliers to discuss future procurement options with Council staff.

4.4 Performance Management and Success Measures

Measures must be derived from purpose. The test of a good measure:

- Relates to purpose, derived from the work
- Facilitates understanding and improvement – leads to knowledge about the system
- Demonstrates capability and variation
- Used by the people who do the work to control and improve the work
- Used by Managers to act on the system

For roading work the following measures are being introduced:

1. Volume of public demand

Demonstrates our capability to meet the customers' expectation of an efficient, fully accessible, safe roading network, and what matters to them

2. Time to complete tasks

Demonstrates the timeliness of our capability to respond to demand.

3. Achievement of Program

Demonstrates our capability to do work in a cost effective/value manner, to do it before it affects our customers, and to do it once, do it right

Demonstrates our capability to identify and provide the funding required to do the work needed to achieve purpose.

4. Actual Expenditure against Forecast Expenditure

5. Actual funding required for the work against budget

6. Budget left compared to backlog of work

We anticipate similar methods will be introduced into other activity areas.

4.5 Capability

Council employs experienced and qualified staff to manage its procurement programme. Where required, additional specialist expertise is employed.

The key staff involved in procurement have been or are having extensive training system thinking in method.

Staff requiring assistance in any matters regarding procurement are to seek advice from the Manager Assets and Contracts

5. Updating of Strategy

The strategy will be updated in conjunction with each Long Term Council Community Plan. System thinking experience will be kept current by updating of Appendix 1.

The Manager Assets and Contracts will be responsible for preparation of same and presentation to Management Team for approval.

APPENDIX 1: Experience to Date

Council introduced the system thinking into its building and resource consent work on a limited basis in 2006. Encouraged by the initial results which significantly reduced the number of customer days to grant consent, a full intervention was commenced in early 2008 in those works streams.

Concurrently intervention started on roading in March 2008 and Utility services (water, waste water and stormwater) in September 2008. These are commented on below.

Roading

The Roothing intervention was undertaken with Land Transport New Zealand (LTNZ) subsidised funding.

The intervention required the full involvement with the Network Maintenance Contractor, Fulton Hogan Central and the Network Management Consultant, MWH New Zealand Ltd.

The key findings were:

- The Contractual framework (adversarial by nature) , performance measures, budget constraints and price schedules introduced waste into the flow and resulted in less than optimal results.
- The ability to do the right work was continually frustrated by approval processes
- A significant amount of the work involved checking, auditing and inspecting which added no value.
- There was no clear definition of what a good road looked like.
- There was unnecessary duplication of information and financial systems
- The data in the key RAMM system was not as clean as it needs to be, or well utilised
- Tendering of other roading work (footpaths, reseals etc.) was adding time delays and costs

Actions taken:

- What a good road looked like was defined
- RAMM data was cleaned up
- A single programming/estimating/information system using RAMM contractor was introduced.
- Non value work was turned off, particularly in the Network management area
- Artificial budget constraints were removed
- Allied work (vegetation control, footpaths, reseals) were added to the maintenance contract
- All work was undertaken on a cost plus agreed on-cost (overhead and profit) basis
- Professional expertise (bridging, valuation, specialist design) pulled in on an as required basis

Utilities

This intervention involves the full co-operation of the maintenance contractor, Delta Utilities Services (successful tenderer for a 5+2+2 contract commencing July 2008)

The intervention is not advanced as roading, but very similar system conditions causing waste were encountered.

A cost plus agreed on-cost basis of doing work was rolled-in during February 2009.

APPENDIX 2: ROADING STAKEHOLDERS

New Zealand Transport Agency

Roading New Zealand

New Zealand Contractors Federation

Association of Consulting Engineers New Zealand

Fulton Hogan Ltd.

Downer Works EDI

Delta Utility Services Ltd

SouthRoads

Whitestone Roding

MWH New Zealand Ltd.

OPUS International Consultants

GHD

Duffill Group

Connell Wagner

Maunsell

Queenstown Lakes District Council

Waitaki District Council

Dunedin City Council

Clutha District Council

Southland District Council

Otago Regional Council