

4.1 Provision of Crushing Services – 2019 to 2021

RECOMMENDATION

"that:-

- Pursuant to section 90(2) of the Local Government Act 1999, the Council orders that all members of the public, except Chief Executive Officer, General Manager – Infrastructure and Environment and Governance Officer be excluded from attendance at the meeting of the Council for Agenda Item 4.1 – Provision of Crushing Services – 2019 to 2021;
- Council is satisfied that pursuant to section 90(3)(k) of the Local Government Act 1999, Item 4.1 – Provision of Crushing Services – 2019 to 2021 concerns confidential information being a tender for the provision of services; and
- 3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential."

	4.1	Provision of Crushing Services – 2019 2021		
Adelaide Plains Council	Department:		Infrastructure and Environment	
	Report Author:		Procurement Officer	
Date: 20 May 2019	Documen	t No:	D19/22680	

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider awarding the tender for the provision of crushing services for the period 2019 to 2021.
- Council, at its Ordinary Meeting on 25 March 2019 resolved to cease any further repairs to the crushing machine and to contract out all rubble crushing services in accordance with Council's *Procurement Policy*.
- Council's Works Program anticipates between 70,000 130,000 tonnes and 50,000 90,000 tonnes of crushed rubble will be required in 2019/2020 and 2020/2021 respectively.
- Management has facilitated a tender process in relation to the provision of crushing services via SA Tenders and Contracts. The Tender Evaluation Panel assessed five (5) tenders. The Tender Evaluation Panel Report is presented as Attachment 1 to this report.
- It is recommended that the contract be awarded to Southern Contracting Group Pty Ltd.

RECOMMENDATION

"that Council, having considered Item 5.1 – *Provision of Crushing Services* - 2019 to 2021, dated 20 May, 2019, receives and notes the report and in doing so instructs the Chief Executive Officer to award the contract for the provision of crushing services from 2019 to 2021 to Southern Contracting Group Pty Ltd in accordance with the schedule of rates included in Tender No. T01-18/19."

BUDGET IMPACT

Estimated Cost:	Crushing	expenditure	linked	to	endorsed	works
program						
Future ongoing operating costs:	Nil					
Is this Budgeted?	No					

RISK ASSESSMENT

There are risks that the prices quoted won't hold, or may vary from current tender prices. If the provision of crushing services contract is not awarded Council will be forgoing future savings realised through crushing services tender.

Attachments

1. Tender Evaluation Panel Report.

DETAILED REPORT

Purpose

The purpose of this report is for Council to consider awarding the tender for the provision of crushing services for the period 2019 to 2021.

Background/History

Council, at its Ordinary Meeting on 25 March 2019, resolved as follows:-

12.2 Quarry Management

Moved Councillor Lush Seconded Councillor Boon 2019/ 118

"that Council endorses resolution 2019/017 of the Infrastructure and Environment Committee, and in doing so instructs the Chief Executive Officer to:

- 1. Cease any further repairs to the crushing machine;
- 2. Contract out all rubble crushing services, in accordance with Council's Procurement Policy; and
- 3. Dispose of the current rubble crushing machine, associated generator set and loader, in accordance with Council's Disposal of Land and Other Assets Policy."

CARRIED

The tender was released on 18 April 2019 via an online open tender process on SA Tenders and Contracts. Tenders closed on Monday 6 May 2019.

Discussion

The scope of works sought was for the crushing and stockpiling of 40mm quarry rubble for road upgrades and road re-sheeting works, and schedule of rates sought as follows:-

- Between 70,000 and 130,000 tonnes (2019/2020) of 40mm quarry rubble (subject to change and provided for costing purposes only); and
- Between 50,000 and 90,000 tonnes (2020/2021) of 40 mm quarry rubble (subject to change and provided for costing purposes only).

The term of the contract will be a period of just over two (2) years, commencing 3 June 2019 and concluding 31 October 2021. It is noted that in 2018 Council resolved to contract out the ripping and raising component of quarry operations, this service has been contracted until June 2021. The crushing tender will align with this expiry date to enable a single tender to be called for both components in 2021.

Six (6) tenders were received, all of which nominated to provide the tendered services, with five (5) deemed as conforming and assessed by a Council led Tender Evaluation Panel against the following criteria:

- Financial Capacity 10%
- WHS & Risk Management 10%
- Environmental Management System & Quality Management 10%
- Local Economic Benefit & Social inclusion 15%
- Organisational Structure, Facilities & Resources 20%
- Experience & Timeframe 15%
- Implementation Schedule 10%
- Value Added Service and Improvement & Innovation 10%
- Value for Money Score

Detailed analysis of the Tender Evaluation Panel's assessment is provided within the Tender Evaluation Panel Report presented as **Attachment 1** to this report.

Southern Contracting Group Pty Ltd is considered the overall preferred supplier, based on the technical score and final pricing.

Conclusion

It is for Council to consider awarding the contract for the provision of crushing services. The Tender Evaluation Panel has considered tenders, and Management supports the recommendation that Southern Contracting Group Pty Ltd be engaged for the provision of crushing services for a term of two (2) years.

References

Legislation Local Government Act 1999 Council Policies/Plans Procurement Policy Long Term Financial Plan Infrastructure and Asset Management Plan

RECOMMENDATION

"that Council, having considered the matter of Agenda Item 4.1 – *Provision of Crushing Services* – 2019 to 2021 in confidence under sections 90(2) and 90(3)(k) of the *Local Government Act 1999*, resolves that:-

- The agenda item, report and the minutes of this meeting pertaining to Agenda Item 4.1 – *Provision of Crushing Services* – 2019 to 2021, remain confidential and not available for public inspection until the agreement is executed by all parties to the contract;
- Attachment 1 to Agenda Item 4.1 Provision of Crushing Services 2019 to 2021 remain confidential and not available for public inspection until the end of the Provision of Crushing Services Agreement (31 October 2021);
- 3. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
- 4. Pursuant to section 91(9)(c) of the *Local Government Act 1999,* Council delegates the power to revoke this confidentiality order to the Chief Executive Officer."

ADELAIDE PLAINS COUNCIL TENDER EVALUATION PANEL REPORT INTERNAL WORKING DOCUMENT

TENDER NO:	T01-18/19		
TENDER NAME:	Provision of Crushing Services – 2019 to 2021		
TENDER TYPE:	X Open 🛛 Select		
TENDER RELEASE DATE:	18 April, 2019		
TENDER CLOSE DATE:	6 May 2019		
TENDER CONTACT OFFICER:	Debra Scott, Procurement Officer		

1. DESCRIPTION OF TENDER

1.1. Purpose

The objective of the Request for Tender was to engage the services of a single supplier to provide the nominated services to the Council as per the specifications.

1.2. Scope

The specification outlined, amongst other requirements, the need to achieve PM3 40 with crushing and stockpiling of 40mm quarry rubble in 5,000 to 10,000 tonne lots.

1.3. Type of Agreement to be Executed

A Minor Works Agreement will be executed with the successful tenderer.

1.4. Term of Agreement

The term of the agreement will be for two (2) years, commencing 3 June, 2019 and concluding 31 October, 2021. This will align the contract to the current expiry date of the Ripping and Raising component and enable one contract to be called for all services in 2021.

1.5 Mandatory Tender Briefing

A mandatory tender briefing session was held at 9.30 am on Tuesday 30 April, 2019 at the Carslake Road, Dublin Quarry Site. Key specific information was relayed with

tenderers viewing the site to gain an understanding of the size and location of the scope of works.

The meeting concluded with an open question and answer time whereby tenderers were invited to seek clarification on any matters.

2. EVALUATION PANEL

In accordance with Council's Procurement Process, a Tender Evaluation Panel was formed to evaluate submitted tenders. The Panel consisted of:

- Keith Earl, Depot Operations Coordinator;
- Scott Woodcock, Team Leader, Civil Construction & Maintenance; and
- Debra Scott, Procurement Officer

3. TENDERS RECEIVED AND PREQUALIFICATION ASSESSMENT

- 3.1. Six (6) tenders were received by the closing time/date of 3:00 pm (Adelaide Time) Monday 6 May, 2019.
- 3.2 Conforming Tender

The tenderers were assessed for compliance with the following pre-qualification criteria:

- 1. Tender Form Formal offer/Declaration (Schedule 1)
- 2. Tenderer's Details (Schedule 2)
- 3. Certification (Schedule 4)
- 4. Industrial Relations Record (Schedule 8)
- 5. Conflict of Interest (Schedule 9)
- 6. Referees (Schedule 10)
- 7. Statement of Conformity (Schedule 16)
- 8. Addendum 1

Compliance with pre-qualification criteria was assessed on a 'yes/no' basis, with a 'no response' across multiple criteria (or a non-negotiable criteria such as a license to do the required work) considered a non-conforming tender and excluding the tenderer from further evaluation. However a potential Supplier may still proceed to further evaluation if their non-conformance with only a few criteria is assessed as being insufficient to exclude them at this point of the assessment.

The table below sets out a list of tenders and details whether the tender was conforming.

TENDERER	CONFORMING TENDER (YES/NO)
Buttrose Earthmovers Pty Ltd	YES
Lucas Total Contract Solutions Pty Ltd	NO
Palmer Civil Construction	YES
SC Heinrich & Co Pty Ltd	YES
Southern Contracting Group Pty Ltd	YES
Triad Transport Pty Ltd	YES

3.3 Non-Conforming Tenders

Five (5) of the six (6) tenders were assessed as sufficiently demonstrating compliance with pre-qualification criteria to progress to an evaluation of qualitative criteria.

The sixth tender, Lucas Total Contract Solutions Pty Ltd, were deemed nonconforming as they failed to attend the mandatory briefing session and as such were eliminated from further evaluation.

4. EVALUATION CRITERIA

The following criteria were listed and described in the tender documents as the criteria, and weightings that would be used for tender evaluation purposes.

- Financial Capacity (Schedule 3) 10%
- WHS & Risk Management (Schedule 5) 10%
- Environmental Management System and Quality Systems (Schedule 6) 10%
- Local Economic Benefit & Social inclusion (Schedule 7) 15%
- Organisational Structure, Facilities & Resources (Schedule 11) 20%
- Experience (Schedule 12) 15%
- Implementation Schedule, Transition Plan and Timeframe (Schedule 13) 10%
- Value Added Services and Improvement & Innovation (Schedule 14) 10%
- Value for Money Score

5. EVALUATION METHODOLOGY

An evaluation of tender responses against the above criteria was conducted based on a weighted scoring system using Council's standard Tender Evaluation Matrix. Point scores were allocated from 0 to 5 on the following basis:

POINTS	DESCRIPTION
5	Excellent
4	Very Good
3	Good or better than average
2	Acceptable
1	Marginally adequate
0	Will fail to satisfy required standards

Allocation of an appropriate score was informed by the tenderers provision of relevant information/evidence in relation to, but not necessarily limited to, the following factors for each of the nominated evaluation criteria:

<u>Financial Capability</u> – Financial capacity to undertake the service.

Work Health & Safety and Risk Management – Commitment, Programs & Procedures.

<u>Environmental Management System</u> – Any incidents or convictions for offences, management plans.

<u>Quality of Service</u> – Principles of Quality Assurance, contracts performed under tis QA system.

<u>Organisation Structure, Facilities & Resources</u> – Management Skills, technical Experience, organization structure, plant, equipment, are they using subcontractors and contingency arrangements.

Experience – How many years undertaking this work, any termination of projects, current contracts, other commitments, other Council experience.

Implementation Schedule & Transition Plan – Timeline and activities project plan, minimize disruption, information leaflets.

<u>Value Added Service</u> – Any other benefits to improve level of service or value.

Improvement & Innovation – Any ideas or systems proposed for improved performance.

Local Economic Benefit & Social Inclusion – Employment creation and training opportunities, and where staff, subcontractors, equipment and materials are sourced.

<u>Value for Money</u> – assessment of price is based on the formula, Price x Multiplication Factor of 100.

6. QUALITATIVE EVALUATION RESULTS SUMMARY

The overall results of the qualitative tender evaluation, in terms of ranked order by score, are summarised below.

RANK	TENDERER	SCORE
1	SC Heinrich & Co Pty Ltd	410
2	Southern Contracting Group Pty Ltd	395
3	Palmer Civil Construction	330
4	Triad Transport Pty Ltd	320
5	Buttrose Earthmovers Pty Ltd	170

7. PRICING EVALUATION RESULTS SUMMARY

The overall results of the schedule of rates pricing tender evaluation, in terms of ranked order by price per tonne, are summarised below.

RANK	TENDERER	
1	Southern Contracting Group Pty Ltd	
2	Triad Transport Pty Ltd	
3	Buttrose Earthmovers Pty Ltd	
4	SC Heinrich & Co Pty Ltd	
5	Palmer Civil Construction	

8. SUMMARY ANALYSIS FOR EACH TENDER

8.1 Buttrose Earthmovers Pty Ltd

Tenderer is located in Virginia, have 15 years' experience and has 25 employees but failed to provide any local economic benefit and social inclusion. Tenderer also failed to provide an organization structure, key personnel proposed to be utilised, if any subcontractors will be engaged and any contingency arrangements as well as an implementation schedule.

Financial capacity indicates a steadily growing company with a net asset value of \$18 million and the percentage of the tenderers SA business represented in terms of turnover is 10%.

The tenderer provided evidence of a Work Health and Safety Management System with current independent accreditation in accordance with *ANZ Standard 4801 OH&S Management System Certification*. They also provided evidence of a Quality Management System with current independent accreditation in accordance with *ISO 9001 Quality Management Certification*.

Tenderer has the required equipment to deliver the services.

No value added services were suggested and with respect to improvement and innovation this was centered around a pricing discount for a different crushing methodology to achieve 60mm quarry rubble which ultimately was above the required 40mm quarry rubble sought and not achievable in terms of road construction.

The tenderer provided pricing in accordance with the standard pricing schedule supplied. When provided with an opportunity to identify any applicable discount the tenderer advised that the tendered rates were the best and final offer.

Summary – A combined weighted assessment of the qualitative and technical components of this tender resulted in a score of 170, which placed Buttrose Earthmovers fifth out of the five tenderers. An assessment of their pricing schedule resulted in Buttrose Earthmovers being ranked third on this component.

8.2 Palmer Civil Construction

Tenderer is an interstate company located in Western Australia, have 20 years' experience and have 40 employees but failed to provide the financial capacity and local economic benefit and social inclusion requirements with respect to labour but provided details for supply inputs (fuel, accommodation, meals, etc).

Tenderer provided their organization structure but failed to provide key personnel proposed to be used, if any subcontractors will be engaged and contingency arrangements outlined were deemed unsatisfactory considering their interstate location and the time it would take to replace items of plant, etc.

A detailed gantt chart implementation schedule was provided.

The tenderer provided evidence of a Work Health and Safety Management System with current independent accreditation in accordance with *ANZ Standard 4801 OH&S Management System Certification*. They also provided evidence of a Quality Management System with current independent accreditation in accordance with *ISO 9001 Quality Management Certification*.

Tenderer has the required equipment to deliver the services.

Value added services indicated were not considered beneficial to improve the level of service or value of the tender. With respect to innovation and improvement the alternative tender centered around pricing which was not competitive.

The tenderer provided pricing in accordance with the standard pricing schedule supplied.

Following an assessment of tender responses, the Tender Evaluation Team agreed that Palmer Civil Construction would be eliminated from further assessment due to their pricing per tonne exceeding acceptable amounts.

Summary – A combined weighted assessment of the qualitative and technical components of this tender resulted in a score of 290, which placed Palmer Civil Construction fourth out of the five tenderers. An assessment of their pricing schedule resulted in Palmer Civil Construction being ranked fifth on this component.

8.3 SC Heinrich & Co Pty Ltd

Tenderer is located in Stanley Flat, have 65 years' experience and have 30 employees.

With respect to local economic benefit and social inclusion the tenderer indicated that 2 of the employees who would be Council's key personnel for this contract are located in neighbouring Councils. No subcontractors are to be engaged with supply inputs being outlined for fuel and mechanical repairs.

Tenderer provided an organization structure, applicable awards staff are employed under documenting that they have a large volume of plant and equipment to facilitate any contingency arrangements should they arise.

Little information was provided with respect to the implementation schedule for this contract but it is acknowledged that the contractor have currently been engaged to undertake this service and have a good understanding on the requirements needed. As the contractor is currently undertaking the ripping and raising component they have indicated their capacity to leave certain machinery on site for transition from ripping/raising to crushing.

Financial capacity indicates a steadily growing company with a net asset value of \$7.1 million and the percentage of the tenderers SA business represented in terms of turnover is 100%. Tenderer also provided financial statements.

Tenderer provided evidence of the attainment of a certificate of compliance for *Contractor Management* Systems that conform to the requirements of the Civil Contractors Federation Construction Management Code. They also provided evidence of a Quality Management System with current independent accreditation in accordance with *ISO 9001 Quality Management Certification*. The tenderer provided a Management System overview incorporating Quality, Safety and Environment which had signed and updated policies and procedures with the required document control measures.

Tenderer has the required equipment to deliver the services.

Value added services outlined the benefit of having a single supplier for both components and the capacity to leave machinery on site between contracts. Tenderer also provided improvement with the contract by the engagement under an hourly rate which would, in their opinion, would achieve a cheaper rate. Significant contract management would need to be undertaken if this option was enacted to ensure a minimum tonnage is achieved each day.

The tenderer provided pricing in accordance with the standard pricing schedule supplied. When provided with an opportunity to identify any applicable discount the tenderer indicated that they could offer an across the board price (excluding unexpected fuel and CPI rises). It should be noted that the tendered indicated that their prices would hold for the two (2) year period with the only exception being excessive fuel price rises and any other unforeseen circumstances.

Summary – A combined weighted assessment of the qualitative and technical components of this tender resulted in a score of 410, which placed SC Heinrich & Co first out of the five tenderers. An assessment of their pricing schedule resulted in SC Heinrich & Co being ranked fourth on this component.

8.4 Southern Contracting Group Pty Ltd

Tenderer is located in Lameroo, have 12 years' experience and has 15 employees. The response provided with respect to local economic benefit and social inclusion did not seem to fully address the requirements sought but captured indicative hours to undertake the works and indicated that no subcontractors would be used. Tenderer provided an organization structure, key personnel proposed to be used and contingency arrangements indicated that they have a large resource of alternative machinery and operators, including 3 other crushing plants should this situation arise.

A basic implementation schedule was provided with associated timeframes that outlined that the contractor will stay on site if rubble material is available.

Financial capacity indicates a small steadily growing company with a net asset value of \$3.9 million and the percentage of the tenderers SA business represented in terms of turnover is 100%.

Tenderer provided evidence of the attainment of a certificate of approval for *CCF Civil Contractors Federation Construction Management* Code. The tenderer provided the company OH&S Quality & Environmental Policies and Objectives but were unsigned, undated and had no document control measures in place. An Environmental Documents contents page was provided which indicated that it had recently been updated and supporting documentation included samples of Safe Operating Procedures, Job Risk Assessment and Safe Work Method Statements were also provided.

Tenderer has the required equipment to deliver the services.

Value added services suggested fuel, accommodation and incidentals to be acquired locally and improvement and innovation indicating if a stacker could be used a reduction in costs per tonne to crush would be achievable.

The tenderer provided pricing in accordance with the standard pricing schedule supplied. When provided with an opportunity to identify any applicable discount the tenderer offered a flat rate using a closed circuit machine with a loader, regardless of tonnages crushed, providing the minimum amount stated in the tender is required. A further flat rate was provided for a non-closed circuit system using a stacker for stockpiling.

Summary – A combined weighted assessment of the qualitative and technical components of this tender resulted in a score of 395, which placed Southern Contracting Group Pty Ltd second out of the five tenderers. An assessment of their pricing schedule resulted in Southern Contracting Group Pty Ltd being ranked first on this component.

8.5 Triad Transport Pty Ltd

Tenderer is located in Moonta, have 25 years' experience and has 26 employees and indicated for local economic benefit and social inclusion that employees would be engaged from the Copper Coast Council area. Tendered indicated that 2 key personnel would be assigned to this contract and contingency arrangements outlined 7 mobile crushing plants, etc well capable of facilitating this contract.

Tenderer generally provided a process instead of the required implementation schedule but did provide enough detail to understand the steps they would be instigating.

Financial capacity indicates a small company with a net asset value of \$8 million and the percentage of the tenderers SA business represented in terms of turnover is 20%.

While the tenderer is not accredited for WHS, they provided a detailed WHS Management Plan and Quality Assurance Plan specifically tailored for this contract. Supported documentation included samples of Job Safety Assessment, Safe Work Method Statement and a Risk Assessment Matrix.

Tenderer has the required equipment to deliver the services.

Value added services included acquisition of fuel but no further improvements or innovations were listed.

The tenderer provided pricing in accordance with the standard pricing schedule supplied. When provided with an opportunity to identify any applicable discount the tenderer did not provide any discount offer.

Summary – A combined weighted assessment of the qualitative and technical components of this tender resulted in a score of 320, which placed Triad Transport

Pty Ltd third out of the five tenderers. An assessment of their pricing schedule resulted in Triad Transport Pty Ltd being ranked second on this component.

9. ISSUES OF CONCERN

During the evaluation it was noted that tenderers provided various methods of plant to be used (open/closed circuit systems and loader/stacker) and to understand and evaluate the price per tonne quoted by the tenderers it was agreed to seek further clarification from the shortlisted tenderers.

10. TENDER CLARIFICATIONS SOUGHT

Clarification was sought from the four (4) shortlisted tenderers seeking if their tendered price included using a closed circuit system to achieve the desired PM3 40mm product and if not to specify the proposed methodology. Tenderers were also provided the opportunity to review their pricing structure and provide their best and final price for assessment. All four (4) tenderers provided the requested clarification by the nominated due date and time and the relevant financial calculations were updated in accordance with the advice provided.

Following receipt of the clarifications and analysis of the resulting pricing impact, the Tender Evaluation Team agreed that Southern Contracting Group represented the most competitive offer.

11. REFEREE CHECKS

Three (3) South Australian local government references were contacted for the preferred tenderer and invited to provide feedback in relation to the tenderer's performance based on some key questions.

All referee responses indicated good feedback on the tenderers performance.

12. OVERALL FINDING

Overall, the tender responses received were of a good quality and provided a level of competition commensurate with the size of the crushing services market. The Evaluation Team subsequently resolved that all contractors would deliver a good quality outcome at a cost effective price per tonne.

An analysis of pricing was undertaken based on tendered prices currently contracted against tendered rates and the combined pricing analysis showed greater variability between tenders, with Southern Contracting Group Pty Ltd being shortlisted for further consideration.

The Evaluation Team resolved that overall Southern Contracting Group Pty Ltd are recommended as the preferred supplier due to the following reasons:

- Competitive rates and provides best value for money;
- Local contractor with operation in Lameroo; and
- Have large amount of equipment and local staff available to support their operations.

Based on crushing a minimum of 70,000 tonne, estimates show savings of \$80,000 when comparing Southern Contracting Group Pty Ltd with the next best price tendered

13. RECOMMENDATION OF EVALUATION PANEL

It is recommended that the Tender Evaluation Panel approves:

The Awarding of a Minor Works Agreement to Southern Contracting Group Pty Ltd for the provision of Crushing Services for a period of approximately two (2) years, commencing on 3 June 2019 and concluding on 31 October 2021 in accordance with the tendered rates.

EVALUATION PANEL SIGN OFF

Name: Keith Earl

Title: Depot Operations Coordinator

Klean Signature:

DATE: 14/05/2019

Name: Scott Woodcock

Title: Team Leader, Civil Construction & Maintenance

Signature:

DATE: 14/05/2019

Name: Debra Scott

Title: Procurement Officer

Mat Signature:

DATE: 14/05/2019

14. AUTHORISATION BY GENERAL MANAGER/CHIEF EXECUTIVE OFFICER

Delegate Approval/Acceptance of Evaluation Panel Recommendation and Authorisation to Issue Contracts to Successful Tenderers

Recommendation Approved / Not Approved

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Signed

Name: Tom Jones

Title: General Manager, Infrastructure & Environment

Date: 16/5/2019

REFERENCE

The purpose of this document in terms akin to Clause 9, Schedule 1 to the FOI Act indicating the intention of the Council is that the Tender Evaluation Panel Report, and associated Evaluation Matrix, is treated as an internal working document.

This results in these documents being exemption from disclosure as they contain matter that relates to:-

- (a) Any opinion, advice or recommendation that has been obtained, prepared or recorded; or
- (b) Any consultation or deliberation that has taken place;

In the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency where the disclosure would, on balance, be contrary to the public interest.