

**ITEM 10. TENDER - MAINTENANCE AND PRESERVATION WORKS  
CONTRACT - TIED TO TIDE ARTWORK, PYRMONT POINT PARK**

**FILE NO: S065581.001**

**TENDER NO: 1617**

**SUMMARY**

This report provides details of a tender received for the maintenance and preservation work contract for the Tied to Tide artwork in Pyrmont Point Park.

Tied to Tide is a kinetic tidal, wave and wind activated sculpture located on and under the timber boardwalk at the north-east corner of Pyrmont Point Park. The artwork, by artists Jennifer Turpin and Michaela Crawford, was commissioned as part of the Sydney Harbour Foreshore Authority's *Promenart* program and completed in 1999.

In accordance with Sustainable Sydney 2030 and the City Public Art Policy endorsed in 2011, the City Art Collection is cared for through a comprehensive and extensive conservation program. The public artwork Tied to Tide has been assessed and identified for conservation in the 2015/ 2016 conservation program.

This report recommends that Council rejects the sole tender for the maintenance and preservation works to Tied to Tide artwork in Pyrmont Point Park for the reasons outlined in the report. It recommends that authority be delegated to the Chief Executive Officer to enter into negotiations with suitably qualified contractors who can demonstrate a capability to undertake the scope of works.

**RECOMMENDATION**

It is resolved that:

- (A) Council reject the tender submission received for the maintenance and preservation work contract for the Tied to Tide artwork in Pyrmont Point Park for the reasons set out in confidential Tender Evaluation Summary, Attachment A to the subject report;
- (B) Council enter into negotiations with contractors who are suitably qualified and demonstrate a capacity to undertake the works. It is noted that:
  - (i) inviting fresh tenders may not attract additional suitable contractors over and above those that have responded to this tender; and
  - (ii) Council's reasons for determining to enter into negotiations with contractors are to ensure the best value for money outcome;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with contractors who are suitably qualified and demonstrate a capability to undertake the scope of works;

- (D) authority be delegated to the Chief Executive Officer to enter into a contract subject to the conclusion of negotiations with suitable companies; and
- (E) Council be informed of the successful contractor by CEO Update.

**ATTACHMENTS**

**Attachment A:** Tied To Tide Artwork - Location and Background Information

**Attachment B:** Tender Evaluation Summary (Confidential)

**(As Attachment B is confidential, it will be circulated separately from the agenda paper and to Councillors and relevant senior staff only.)**

## **BACKGROUND**

1. In accordance with Sustainable Sydney 2030 and the City Public Art Policy endorsed in 2011, the City Art Collection is cared for through a comprehensive and extensive conservation program. The City Art Collection comprises over 250 artworks, including statues, monuments, memorials, fountains, murals and installations which, between them, tell of almost 200 years of Sydney's history".
2. Professional conservators, artisans and specialised craftspeople are engaged and, where possible, the original artists, to ensure that the conservation or restoration work is of the highest quality and integrity.
3. The public artwork Tied to Tide was completed in 1999. It has been assessed and identified as requiring maintenance and preservation works in the 2015/2016 conservation program and following years. See Attachment A for Location and Background Information.
4. Due to its location by the water and constant exposure to the elements, the artwork has required basic annual maintenance works since acquired by the City in 2008 to ensure its preservation. As the artwork is now more than 15 years old, it requires more significant conservation works, including replacing and repairing some damaged components, and mending unavoidable corrosion. In March 2012, a workshop was convened with representatives of the artists, the owners (the City) and the contracted maintenance providers at the time (conservators) to identify a long term conservation strategy for the artwork. The resulting Conservation Implementation Plan has been used to schedule ongoing maintenance works and future priority preservation works. The current maintenance contract expired on 31 March 2016. A new contract has been tendered. The contract period is three years, with an optional two year extension.
5. In addition to annual assessment and routine maintenance works, major identified issues for preservation work include:
  - (a) localised corrosion to weld joins on suspension units;
  - (b) missing or damaged ladder infill panels;
  - (c) deterioration of fibreglass floats; and
  - (d) modification to ladder brackets to address misalignment.

## **INVITATION TO TENDER**

6. The tender was advertised in The Sydney Morning Herald, The Daily Telegraph and Council's e-tender site on 15 March 2016 and closed on 5 April 2016.

## **TENDER SUBMISSIONS**

7. Only one submission was received from the following organisation:
  - International Conservation Services Pty Ltd
8. No late submissions were received.

**TENDER EVALUATION**

9. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
10. The relative ranking of the tender as determined from the total weighted score is provided in the confidential Tender Evaluation Summary – Attachment B.
11. The submission was assessed in accordance with the approved evaluation criteria being:
  - (a) the lump sum price and schedule of prices;
  - (b) demonstrated capacity and technical ability to carry out the work under the contract;
  - (c) personnel and sub consultants qualifications, and experience to undertake the work;
  - (d) proposed program;
  - (e) proposed methodology;
  - (f) financial and commercial trading integrity including insurances; and
  - (g) Workplace Health and Safety.

**PERFORMANCE MEASUREMENT**

12. The City will use the following general Key Performance Indicators to evaluate performance of the successful tenderer:
  - (a) key objectives/deliverables;
  - (b) quality of work;
  - (c) program;
  - (d) reporting;
  - (e) communication;
  - (f) sub-consultant coordination and management; and
  - (g) WH&S compliance.
13. Performance will be evaluated regularly and upon completion of the contract.

**FINANCIAL IMPLICATIONS**

14. Funds for this project were included in the 2015/16 Capital Works Budget and future years' forward estimates. Funds are available in the operational budget to cover the three year maintenance program and the optional two year program extension.

**RELEVANT LEGISLATION**

15. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the City's Contracts Policy.
16. Attachment B contains confidential commercial information of the tenderer 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.
17. 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.

**OPTIONS**

18. Council has the following options in regard to this tender:
  - (a) reject the tender and re-advertise, which is not recommended as it is considered this may not attract additional submissions; or
  - (b) reject and negotiate with suitably qualified contractors with the capacity to carry out the works and delegate authority to the Chief Executive Officer to enter into a lump sum contract. This option is recommended.

**CRITICAL DATES / TIME FRAMES**

19. The relevant time frames are:

(a) Negotiate tender with suitable contractors	May 2016
(b) Chief Executive Officer appoint Contractor	June 2016
(c) Commence Year 1 works	June 2016 (1 month program)
20. The required works for Year 2 will be completed by the end of June 2017. The required works for Year 3 will be completed by the end of June 2018. Should the City exercise any of the extension options, the basic maintenance scope will be continued into Year 4, and potentially Year 5.

**AMIT CHANAN**

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