

ITEM 11. TENDER - HYDE PARK NORTH PATH RATIONALISATION**FILE NO: S095363****TENDER NO: 1659****SUMMARY**

This report provides details of the tenders received for the Hyde Park North path rationalisation project.

This project will renew the secondary path network within Hyde Park North, including the removal of a number of ad hoc paths and addition of new paths to improve park connections. The paths will be upgraded to finishes appropriate to the significance of the park. In addition, improvements to the College Street entry opposite St Mary's Cathedral and the entry at the corner of Park and College Streets will enhance access and identity of the park.

In December 2015, Council endorsed the project scope for the Hyde Park North path rationalisation for progression to detailed design, seeking relevant planning approvals, documentation and tender for construction of the works.

This report recommends that Council accept the tender offer of Tenderer 'A' for the Hyde Park North path rationalisation project.

RECOMMENDATION

It is resolved that:

- (A) Council accept the tender offer of Tenderer 'A' for the Hyde Park North path rationalisation project; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender.

ATTACHMENTS

Attachment A: Site Plan and Perspectives

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. Hyde Park is Australia's oldest park and culturally significant heritage landscape. It is Sydney's most significant park and used by some 3 million local, interstate and international visitors each year, hosting many significant events.
2. Hyde Park is owned by the NSW Government (Crown Land), with the City of Sydney appointed as Reserve Trust Manager for its care, control and management.
3. Hyde Park is listed in the State Heritage Register and in the City of Sydney Local Environmental Plan.
4. On 23 October 2006, Council adopted the 2006 Plan of Management and Master Plan. The Plan of Management identified a range of works to replace failing infrastructure and provide improvements to address the impacts on the park caused by its increasing use and popularity.
5. On 23 February 2015, Council endorsed the project scope for Packages 1 (Archibald Fountain Tree Planting) and 2 (Pool of Reflection Upgrade) for construction documentation and progression to tender.
6. On 14 December 2015, Council endorsed the project scope for Packages 3 (Hyde Park North Path Rationalisation) and 4 (Hyde Park Café setting Museum Station entry) for progression to detailed design, seeking relevant planning approvals, documentation and tender for construction of the works.
7. On 30 March 2015, Council accepted the tender for the Archibald Fountain tree planting, with works completed in August 2015.
8. On 10 August 2015, Council accepted the tender for the Pool of Reflection upgrade, with works completed in June 2016.

INVITATION TO TENDER

9. The tender was open to the public from 18 August 2016 to 15 September 2016.
10. The tender was advertised in The Sydney Morning Herald and The Daily Telegraph newspapers on 18 August 2016. The tender was also advertised on Council's E-tender web site.
11. Tenderers were invited to provide a lump sum price for the construction works.

TENDER SUBMISSIONS

12. Five submissions were received from the following organisations (listed alphabetically):
 - CA & I Pty Ltd
 - Quality Management & Constructions Pty Ltd
 - Regal Innovations
 - Structus Pty Ltd
 - Sydney Civil

13. No late submissions were received.

TENDER EVALUATION

14. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
15. The relative ranking of tenders as determined from the total weighted score is provided in the confidential Tender Evaluation Summary – Attachment B.
16. All submissions were assessed in accordance with the approved evaluation criteria being:
- (a) tender lump sum price and schedule of prices;
 - (b) demonstrated capacity and technical ability to carry out the work under the contract;
 - (c) demonstrated managerial capability, qualifications, experience and number of personnel;
 - (d) capacity to achieve the required project program;
 - (e) the proposed methodology, including environmental management and pedestrian and traffic management;
 - (f) Work Health and Safety; and
 - (g) financial and commercial trading integrity including insurances.

PERFORMANCE MEASUREMENT

17. Performance measurement criteria includes:
- (a) reviewing program and work method statements;
 - (b) reviewing product samples and product data; and
 - (c) attending regular inspections of the works and conducting regular site meetings with the contractor.

FINANCIAL IMPLICATIONS

18. There are sufficient funds allocated for this project within the current year's capital works/operating budget and future years' forward estimates.

RELEVANT LEGISLATION

19. 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.
20. Attachment B contains confidential commercial information of the tenderers 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.
21. 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.
22. Crown Lands Act 1989. Hyde Park is a Crown Reserve. Council is the Reserve Trust Manager.
23. Heritage Act 1977. On 25 August 2016, an application for exemption under section 57 (2) was submitted to the Heritage Division for endorsement of works to the Hyde Park North paths, which is within the State Heritage listed Hyde Park. Approval of this application is still pending.
24. Environmental Planning and Assessment Act 1979 (Part 4 and 5). The scope of works has been reviewed by a statutory planner and a Development Application is not required. The State Environment Planning Policy (Infrastructure) 2007 ('the infrastructure SEPP) enables the project to be carried out as 'development without consent' under Part 3, Division 20 (Stormwater management), and Division 24 (Water Supply systems). The City has prepared an Environmental Impact Assessment to consider the impact of the proposal and determine appropriate mitigations.

CRITICAL DATES / TIME FRAMES

25. The time frame for this project is as follows:
- (a) Execution of contract with successful tenderer December 2016
 - (b) Commence Construction January 2017
 - (c) Practical Completion December 2018.
26. Venue Management has consulted on the scope of works and has provided a calendar of events for the 2016, 2017 and 2018 calendar years. Tenderers are required to stage their works to allow access to these events. Key events are:
- (a) City of Sydney Christmas Concerts 21 November 2017 and 2018
 - (b) Sydney Festival 26 December 2017 and 2018
 - (c) The Sun Herald City 2 Surf 5 August 2017 and 2018
 - (d) Night Noodle Market 8 October 2017 and 2018

PUBLIC CONSULTATION

27. In January 2015, landowner consultation was undertaken with the Department of Lands.
28. Public notification was carried out between 13 and 27 October 2015. Notification activities included:

- (a) a new webpage on sydneyoursay.com.au including detailed information and designs where submissions could be made;
 - (b) notification signs with the design and concept plan on display in Hyde Park; and
 - (c) the concept design being displayed at the One Stop Shop in Town Hall House.
29. The Sydneyoursay project page was viewed by 49 individual users and the plans were downloaded 25 times.
30. No submissions were received.
31. Adjacent and key stakeholders will be sent written notification informing them of the construction period.
32. The Hyde Park website will be updated.

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