

Item 12.

Exemption from Tender and Contract Variation - Crowd and Transport Services for 2026 Sydney New Year's Eve

File No: X117678.003

Summary

This report seeks an exemption from tender for Crowd and Transport Management for 2026 Sydney New Year's Eve and requests Council approve a contract variation to Hostile Vehicle Mitigation for Major Events and Festivals, whereby the scope for Crowd and Transport Management will be varied into this existing contract to streamline the service delivery.

Owned and produced by the City of Sydney (the City), Sydney New Year's Eve is a local and global celebration.

The City has responsibilities for the event as both the event owner and as a key landowner for areas that attract large crowds. These include responsibilities relating to the management of crowds and traffic for the event. The City requires the services of an experienced organisation to provide expert crowd and transport planning services and management to ensure the safe and successful delivery of the event.

The City's current contract for Crowd and Transport Management has been terminated and this report recommends varying the scope of services into its existing contract for Hostile Vehicle Mitigation for Major Events and Festivals, to cover the 2026 event.

This report recommends that Council grant an exemption from tender for Crowd and Transport Management for 2026 Sydney New Year's Eve and that Council approve a contract variation for Hostile Vehicle Mitigation for Major Events and Festivals.

Recommendation

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for the provision of Crowd and Transport Management for 2026 Sydney New Year's Eve;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because there is insufficient time to review the scope of services and re-tender prior to the upcoming 2026/27 event season;
- (C) Council approve a contract variation to Hostile Vehicle Mitigation for Major Events and Festivals for the price and contingency outlined in Confidential Attachment A to the subject report, to include the scope of work relating to Crowd and Transport Management for 2026 Sydney New Year's Eve;
- (D) Council note that the contract for Hostile Vehicle Mitigation will expire 30 June 2027, and the City will undertake market research and assess its model of delivery a new tender process (or processes) to ensure delivery of hostile vehicle mitigation and crowd and transport management can commence from 1 July 2027; and
- (E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer/vary the contracts relating to Hostile Vehicle Mitigation for Major Events and Festivals.

Attachments

Attachment A. Financial and Contractual Implications (Confidential)

Background

1. Owned and produced by the City of Sydney (the City), Sydney New Year's Eve is a local and global celebration.
2. The event includes 2 main fireworks displays, an Acknowledgement of Country including a Smoking Ceremony on Sydney Harbour, a Welcome to Country and the 9pm Calling Country fireworks display in addition to lighting and projections on the Sydney Harbour Bridge.
3. The focus of the annual event is the fireworks displays. The displays are broadcast live nationally and internationally, and feature heavily in media coverage both prior to and following the event.
4. The City has responsibilities for the event as both the event owner and as a key landowner for areas that attract large crowds. These include responsibilities relating to the management of crowds and traffic for the event. The City requires the services of an experienced organisation to provide crowd and transport planning services to ensure the safe and successful delivery of the event.
5. Under the NSW Whole of Government Crowd Management Guidelines, the City is required to prepare an integrated crowd management plan, which provides a strategy for event attendee ingress and egress across land operated by multiple agencies, as well as put in place infrastructure and resources to manage the movement of crowds on City land in accordance with the plan. The City also must prepare a transport management plan that outlines the traffic and transport arrangements for the event, including road closures, hostile vehicle mitigation and counter terrorism implementation strategy.
6. The City's contract for Crowd and Transport Management was terminated (for reasons outlined in Confidential Attachment A), and the City seeks to vary the scope of services into its existing contract for Hostile Vehicle Mitigation for Major Events and Festivals, to cover the 2026 event.
7. An exemption from tender was approved by Council in August 2025 for Hostile Vehicle Mitigation for Major Events and Festivals, and subsequently a contract was awarded to a supplier for an initial period to cover the 2025/26 event season, with one option to extend to cover the 2026/27 event season. The option to extend will result in a contract end date of 30 June 2027.
8. The City varied the Hostile Vehicle Mitigation for Major Events and Festivals to include the Crowd and Transport Management services for the Sydney New Year's Eve 2025 Event only.
9. Due to the close alignment of the 2 contracts, approval is sought to vary the Crowd and Transport Management scope for 2026 Sydney New Year's Eve into the existing Hostile Vehicle Mitigation contract, which will enable the City to undertake consultation with internal and external stakeholders over the next 6 months to determine its approach to contract crowd and transport planning services across Major Events and Festivals from 1 July 2027.

Performance Measurement

10. The performance measurements for Crowd and Transport Management will be in accordance with the Key Performance Indicators set out in the Hostile Vehicle Mitigation contract, which are:
 - (a) Key Objectives / Deliverables
 - (i) Timely completion of the services as outlined in the Key Dates and Deliverables
 - (b) Quality of work
 - (i) Services were delivered in a professional manner and as per the provided plans
 - (c) Time
 - (i) Work was delivered in an efficient and timely manner
 - (ii) Work complied with the timeline as per the Key Dates and Deliverables
 - (d) Reporting
 - (i) Timely and constructive delivery of the post-event report
 - (ii) Any incident reports were submitted within 24 hours
 - (e) Communication
 - (i) Staff were courteous, professional, and responded to emails and phone calls in a timely manner
 - (ii) Any deviances to the agreed schedule were communicated within a reasonable time frame
 - (f) Work Health and Safety (WHS) compliance
 - (i) Comply with WHS Legislation, Australian Standards, relevant Codes of Practice and the City's WHS Policy
 - (ii) Staff held and provided evidence of qualifications as required
 - (iii) Risk assessments and WHS documents for the project delivered on time
 - (g) Sustainability
 - (i) Were services achieved as sustainably as practical
 - (h) Were efforts made to eliminate or reduce single-use materials in the delivery services and reduce emissions.

Financial Implications

11. Sufficient funds for this service are available within the current Major Events and Festivals operational budget and future year forward estimates set out in the City's Long Term Financial Plan.

Contractual Implications

12. The variation of Crowd and Transport Management for 2026 Sydney New Year's Eve will result in a variation of an additional scope of work and associated lump sum pricing to the existing contract for Hostile Vehicle Mitigation for Major Events and Festivals.
13. An additional table of contract milestones will be added, specifically relating to the required contract milestones and associated payments of the added lump sum figures.
14. All Schedule of Rates components of the existing contract remain unchanged and are subject to the nominated contracted increase on 1 July 2026. The supplier has priced the fee to deliver Crowd and Transport Management Services for 2026 Sydney New Year's Eve 2026 and therefore these prices will not be subject to any further price increase.

Relevant Legislation

15. The exemption from tender process has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
16. Local Government Act 1993 - Sections 10A and 10B provide that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business if it is in the public interest to do so.
17. Attachment A contains confidential commercial information of the contract 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.
18. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest. The reasons supporting this are that disclosure of the confidential information would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers. In addition, disclosure of the information provided in the course of the procurement process and the assessment of that information would prejudice the commercial position of the participants in the procurement process.

Critical Dates / Time Frames

19. To ensure the organisation has sufficient time to plan and deliver event services for 2026 Sydney New Year's Eve, a Variation to the existing Hostile Vehicle Mitigation contract must be executed prior to 31 March 2026.

Options

20. An alternative option is to tender the services for Crowd and Transport Management for 2026 Sydney New Year's Eve. This option is not recommended because there is insufficient lead time is required to tender, contract and implement services ahead of the event season.

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