Tender - Reject and Negotiate - Sydney Park Skate Facilities

File No:  X000387

Tender No:  1869

Summary

This report provides details of the tenders received for construction of the Sydney Park Skate Facility including skate plaza, small bowl and large flow bowl.

The Sydney Park Skate Facility was designed and approved for development in Sydney Park north to meet the needs set out in the Open Space and Recreation Needs Study and Youth and Skate Facility Needs Study. These studies acknowledged the need for additional and enhanced recreation facilities for the youth demographic, including skate facilities. Sydney Park was among the sites considered for a new skate space to complement and expand on the City's suite of facilities.

The new skate space adjacent to Sydney Park Cycling Centre at 410 - 416 Sydney Park Road will be inclusive with a range of challenges for all abilities and wheeled sports. Promotion of a pedestrian route through the larger park is also proposed. Access and amenity in the precinct will be improved with connecting pathways, landscaping, lighting, furniture, and picnic settings.

This report recommends that Council reject and negotiate the two tender offers received for the construction of the Sydney Park Skate Facility including skate plaza, small bowl and large flow bowl.
Recommendation

It is resolved that:

(A) Council reject all tender offers for Sydney Park Skate Facility and enter into negotiations with any person for the works;

(B) Council note the reason for determining to enter into negotiations with any person is that no conforming tenders were received resulting from incorrectly submitted returnable schedules;

(C) Council not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender;

(D) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender;

(E) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and

(F) Council be informed of the successful company by CEO Update prior to executing and administering the contracts relating to the tender.

Attachments

Attachment A. Sydney Park Skate Facility Developed Design

Attachment B. Tender Evaluation Summary (Confidential)
Background

1. In July 2006, Council endorsed the City's Youth and Skate Facility Needs Study. The study recommended a skate facility as increasing numbers of young people are skating in public plazas, particularly in the central business district (CBD).

2. Young people aged 12-24 make up 20.2 per cent (or 25,819) of the total resident population of the City. By 2021, the youth population is expected to increase to 43,201. This will not only place increased pressure on indoor youth facilities but will also lead to an increased need for young people to socialise in public open spaces.

3. A Plan of Management for Sydney Park was adopted in May 2014. It identifies the area adjacent to the Sydney Park Cycling Centre for a future skate facility, among other active community uses.

4. Council endorsed a refined concept design on 26 June 2017 for the Skate Park at Sydney Park to proceed to detailed design, documentation and tender. This included a Skate Plaza, small Bowl and Large Flow Bowl.

5. Sydney Park offers the opportunity for a comprehensive skate space to cater for all levels, styles and users including scooters, bikes and skateboards. The area proposed for the skate space in the northern section of Sydney Park allows easy access from St Peters train station, bus networks and existing car parks.

6. The skate space will remodel the old section of the cycle centre and cater for bowl style wheeled action sports. Located adjacent to the new children's bike track and Sydney Park Cycling Centre, it creates a nexus between the two facilities, and consolidates the active recreation opportunities in this area adjacent to Sydney Park Road. The new children's bike track at Sydney Park opened in November 2015.

7. A cohesive design for the skate space and improved park amenity has been documented following an analysis of skate needs, demand and supply, site opportunities/ constraints, and information from skate stakeholders and community consultation.

Invitation to Tender

8. The Request for Tender was released via Tenderlink on 4 September 2018 and closed 8 October 2018. The tender was advertised in The Sydney Morning Herald, The Daily Telegraph and on the City of Sydney's etender website on 4 September 2018.

Tender Submissions

9. Two submissions were received from the following organisations:
   - Concrete Skate Parks Pty Ltd; and
   - CONVIC Pty Ltd.

10. No late submissions were received.
Tender Evaluation

11. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

12. All submissions were assessed in accordance with the approved evaluation criteria being:

   (a) the lump sum price and schedule of prices;

   (b) demonstrated experience in carrying out works of a similar nature and complexity;

   (c) proposed Key Personnel allocation, qualifications, experience and capacity, including nominated site management and sub-contractors;

   (d) construction methodology and Pedestrian and Traffic Management Plan. Environmental management - Construction Environmental Management Plan demonstrating the control and management of site environment;

   (e) the proposed program;

   (f) Work, Health and Safety; and

   (g) financial and commercial trading integrity, including insurances.

Performance Measurement

13. Upon entering into a contract, the City will ensure performance standards are monitored against specific key performance indicators:

   (a) key objectives/ deliverables as set out in the specification of Request For Tender;

   (b) quality of work - all works will be inspected and certified by the relevant authority at the completion of works;

   (c) time;

   (d) reporting; and

   (e) Work, Health and Safety compliance.

Financial Implications

14. Subject to Council's approval of the Quarter 1 review, there are sufficient funds allocated for this project within the current year's capital works budget and future years' forward estimates. Refer to confidential Attachment B for further details..
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 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.

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.

Critical Dates / Time Frames

18. Program Key Milestones:

   - Negotiations with suitable companies December 2018
   - Chief Executive Officer appoints contractor April 2019
   - Site establishment May 2019
   - Project completion Pending tender negotiations

Options

19. No conforming tenders were received due to incorrectly submitted returnable schedules (assessment forms).

20. Council has the following options in regards to this tender:

   (a) Reject and negotiate with suitably qualified contractors with demonstrated 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.

   (b) Reject all tenders and re-advertise, which is not recommended as it is considered this will not attract additional submissions.

21. Council has the option of not proceeding with this project by resolving not to accept an offer from any of the tendering parties. This option is not recommended as the City is committed to delivery of this project.
Public Consultation

22. Public exhibition of the concept design for the Sydney Park Skate Park was conducted over four weeks from 3 November 2016 to 2 December 2016.

23. A workshop was held on 6 October 2016 with the skate community stakeholders to inform the development of the concept design.

24. Consultation activities included:

(a) a consultation letter which was sent to 6250 local residents and businesses informing them of the project and submission details;

(b) a webpage on sydneyyoursay.com.au where submissions could be made;

(c) five tweets which were posted from @cityofsydney and @sydneyyoursay;

(d) the concept design which was displayed in at the One Stop Shop in Town Hall House and Redfern Neighbourhood Service Centre;

(e) five signs which were placed throughout Sydney Park and Waterloo Skate Park; and

(f) a pop up information session at Sydney Park on Saturday 5 November 2016 where the project team spoke with park users and skaters about the project. Feedback was received on the concept design and a detailed survey specific to the skate elements.

25. On the sydneyyoursay webpage, 1,310 individual users viewed the project and the plans were viewed or downloaded 374 times. 105 submissions on the concept design were made.

26. General comments on the concept design included:

(a) There was good community support for a new skate space in Sydney Park, with 75 per cent of feedback supporting the concept design.

(b) 67 submissions supported the proposed elements in the concept plan and the need to accommodate for all styles.

(c) There was encouraging feedback on provision of mix for all skill levels and ages.

(d) The skate survey indicated there was a large amount of skateboards and BMX riders, and a range of emerging wheeled sports. The majority of people are skating very regularly, daily and weekly.

27. Key issues raised in community consultation included:

(a) ensuring that proper amenities including toilets, shade and water bubblers are incorporated into the design;

(b) 18 submissions requested to include the flow bowl into the current scope of the project. In addition, from the skate survey, the bowl ranked highest as the most favourite element;

(c) 16 submissions requested to retain the older bike track; and
(d) other detailed requests and comments on specific skate elements on the skate space design.

28. The City’s response to each of the key issues raised by the community are summarised below:

(a) New public toilets are proposed in the area for construction early 2019. Located on the western edge of the children’s bike track, the proposal will include shade to gathering spaces and additional amenities such as seating, bubblers and bins.

(b) On 26 June 2017, Council endorsed the inclusion of large flow bowl in the current scope of works, providing a comprehensive and consolidated skate space in Sydney Park.

(c) The new children’s bike track was designed and constructed to replace the older bike track, making way for its removal. The new children’s bike track captures the popularity of the old facility in an updated design that significantly expands the range of experiences for children riding their bike in a social and playful way. The skate space further contributes to an expanded and contemporary space for bikes, scooters and skateboards.

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