

Item 8.**Tender - Reject and Negotiate - Archibald Memorial Fountain Hyde Park****File No: X019589****Tender No: 1941****Summary**

This report provides details of the consultancy tenders received for the Archibald Memorial Fountain in Hyde Park North, Sydney. The consultant is to provide works and services to investigate, design, document and supervise the delivery of operational upgrades and conservation works.

The Archibald Memorial Fountain is State Heritage listed and a significant tourist attraction. The project objective is to provide an enduring, cost effective solution to minimise water loss and water ingress into the subterranean plant room from the fountain base and sculpture itself. Conservation works will be undertaken concurrently with the remedial waterproofing and leak rectification works.

The City received one response to this Consultant Tender. This report recommends that Council reject the tender offer of all consultancy tenders for Archibald Memorial Fountain, Hyde Park.

Recommendation

It is resolved that:

- (A) Council reject the tender offer for Tender 1941 Investigation, Design, Documentation and Construction Supervision, Archibald Memorial Fountain;
- (B) due to the lack of conforming tenders received, Council enter into negotiations with suitably qualified consultant suppliers for the provision of Investigation, Design, Documentation and Construction Supervision services for the Archibald Memorial Fountain;
- (C) Council note the revised estimated project forecast and approve the bringing forward of additional funding as outlined in Confidential Attachment A to the subject report;
- (D) authority be delegated to the Chief Executive Officer to approach suitably qualified consultant suppliers to negotiate, execute and administer the contracts relating to the tender; and
- (E) Council be informed of the successful consultant supplier by CEO Update.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. The Archibald Memorial Fountain was unveiled on 14 March 1932 by Sydney's Lord Mayor Samuel Walder, just five days before the opening of the Sydney Harbour Bridge. It is a dedicated War Memorial to commemorate the association of Australia and France during World War One. Today, it is still regarded as one of the finest public fountains in Australia; it is State Heritage listed and is a prominent landmark for the City of Sydney.
2. The Archibald Memorial Fountain was identified as a project for the ongoing park improvements program across the local government area as requiring investigation and assessment, specifically in regards to water saving initiatives.
3. The original project brief was to replace the Archibald Memorial Fountain base waterproof membrane. However, a preliminary review of the existing conditions suggested that replacing the waterproofing alone is unlikely to achieve the project objective and water saving initiatives.
4. The project objective is to provide an enduring, cost effective solution to minimise water loss and reduce water ingress into the subterranean plant room from the fountain base and sculpture itself.
5. While there are no safety issues with the operation of the fountain, there are concerns that the continual water ingress into the concrete roof of the plant room creates a constantly wet environment which may lead to negative impacts on the life of the pipes and the structure itself.
6. The fountain continues to be routinely managed by general maintenance services as informed by annual condition reports. In 1996, easily accessible copper pipework was replaced with PVC pipework to mitigate water leaks within the plant room. The PVC remains in good condition, however, the connections and pipework encased within the sculptural elements are now in a poor condition.
7. Recent water saving mitigation measures have been undertaken to collect and reticulate water leaking into the plant room. An overhaul of the remaining original copper pipework needs to be undertaken to address the continued water infiltration which is impacting on the plant room structure and fountain components.
8. Particular attention must also be given to the heritage and conservation elements of the water feature.
9. It is proposed to undertake the next round of the Archibald Memorial Fountain Sculpture conservation works to clean, treat and reseal the public artwork at the same time as the remediation works. Previous conservation works of the Archibald Memorial Fountain were undertaken in 2013 and 2007.
10. The primary task is to identify the scope of work required to renew the Archibald Memorial Fountain base waterproof membrane to prevent / minimise water ingress to the subterranean plant room and to review the water feature services to address / minimise water loss. Investigative works are required to identify issues and causes of water loss to inform scope definition and development.

11. Specialist investigations are required to examine water feature pipes and pumps, waterproofing and structural components. A thorough services review by hydraulic, electrical and mechanical ventilation engineers is also required to determine the likely causes of water loss and ingress.
12. The main water leaking issue appears to relate to:
 - (a) perished, torn or delaminated waterproof membrane and edge seals;
 - (b) failing granite plinth sealant;
 - (c) copper pipe network solidified with carbon deposits and or corroded with age;
 - (d) manifold centre piece; and
 - (e) limited access to the water feature centre core and encased copper leading to the water jets.
13. The outcome of the investigation and recommendations for operational upgrades and conservation works and deliverables will ensure the future function and operation of the water feature remains fit for purpose and upgrades are compliant with current relevant standards.
14. The procurement model for this project is unique due to the specialised remedial and conservation works required and the limited field of expertise. The strategy is a two-step procurement process to investigate and determine the scope and cost of the proposed works before separately tendering for construction. The engaged consultant will also be responsible for construction supervision services, not the construction activities.
15. The Consultancy Services and Milestones are as follows:-
Part A: Investigation, Design Documentation and Cost Plan Analysis.
Part B: Tender Assessment, Construction Supervision and Commissioning.

Invitation to Tender

16. The tender was advertised in The Sydney Morning Herald and The Daily Telegraph, and on the City's eTendering website on Tuesday 2 July 2019, and closed on 23 July 2019.

Tender Submissions

17. A submission was received from the following organisation:
 - Traditional Restoration Company Pty Ltd.
18. No late submissions were received.

Tender Evaluation

19. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
20. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
21. The submission was assessed in accordance with the approved evaluation criteria being:
 - (a) demonstrated experience to deliver works of a similar nature;
 - (b) personnel allocation, qualifications, experience and capacity;
 - (c) sub-consultant and sub-contractor allocation, qualifications, experience and capacity and demonstrated evidence of previous relationship;
 - (d) proposed program;
 - (e) proposed methodology and environmental management;
 - (f) finance and commercial trading integrity, including insurances;
 - (g) Work, Health and Safety; and
 - (h) the lump sum price and Schedule of Rates.

Performance Measurement

22. The City will use the following Key Performance Indicators to evaluate performance:
Key Objectives / Deliverables:
 - (a) Provide a renewal of the Archibald Fountain.
 - (b) Provide new waterproof membrane.
 - (c) Repair / upgrade defective water feature hydraulic service lines.
 - (d) Repair / upgrade defective water feature electrical services.
23. The project objective is to review and provide a scope of works to effectively minimise water loss and renew the fountain base waterproof membrane to prevent water ingress to the subterranean plant room. Options will be explored and assessed prior to progressing with documentation and construction services to align with the City's strategies and priorities.
24. The project will aim to reduce potable water consumption in accordance with the City's targets for reduction detailed in the Environmental Sustainability Strategy and Action Plan.

Financial Implications

25. Additional funds are required for this project due to the consultancy tender exceeding pre-tender estimates as outlined in Confidential Attachment A.
26. The scope of the investigation and documentation works is more complex than anticipated resulting in higher consultancy costs.
27. The extent and cost of the actual Construction Remediation and Commissioning Works is yet to be determined and will be tendered separately.
28. Additional funds will be budgeted for in future years for this project to physically deliver the construction remediation and commissioning works, pending the endorsed scope. Refer to Confidential Attachment A.

Relevant Legislation

29. 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.
30. Attachment A 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.
31. 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.
32. Heritage Exemption Notification under clause 57 of the Heritage Act 1977 (NSW) of the proposed works is required prior to initiating the investigation works.
33. Heritage Exemption approval is required to approve the methodology and supervision of the investigation works supported by a statement demonstrating no adverse impact on heritage significance.
34. At the conclusion of the investigation works Heritage Exemption approval under clause 57 of the Heritage Act 1977 (NSW) is required to approve the methodology and supervision of the construction/remediation works supported by a statement demonstrating no adverse impact on heritage significance.

Critical Dates / Time Frames

35. The preferred timing for the Investigation Works is between March 2020 and October 2020 to avoid a clash with the Hyde Park summer events calendar.
36. Proposed time frames are as follows:
 - (a) Council approval to reject and negotiate tender - November 2019;
 - (b) Complete negotiations and execute contract with service provider - March 2020;
 - (c) Commence Investigation Works and Documentation - April 2020, approximately 11 weeks.

Options

37. Cancel the tender and re-advertise. This option is not recommended as it is considered this will not attract additional submissions.
38. Reject the tender and negotiate with suitable consultant suppliers to carry out the work and delegate authority to the Chief Executive Officer to enter into a contract. This option is recommended.
39. Not proceeding with the consultancy services. This option is not recommended as there is currently ongoing water loss and water ingress into the subterranean plant room and deterioration of the fountain infrastructure. The consultancy investigations and documentation will articulate and cost the issues, causes and options to remediate and maintain this heritage listed asset.

Public Consultation

40. Community consultation will be conducted for ongoing day to day communications, visiting patrons, local residents, adjacent tenants, Sydney Water, Transport NSW, Sydney Rail, St James Station and stakeholders regarding the works.
41. The Community Liaison Officer will liaise with the public on construction / program based notifications, enquiries or complaints maintained in an on-site register.
42. Notification to owners, tenants and stakeholders in and around the work site will be communicated a minimum of two weeks prior commencement of the works and prior to service isolations, intrusive / noisy traffic or staged construction events.

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