

**Tender - Design and Construction of Drying Green Park Above Ground Works, Green Square Town Centre****File No: S118370****Tender No: 1924****Summary**

This report provides details of the tenders received for the Design and Construction of Drying Green Park Above Ground Works.

The Drying Green Park is an open space of approximately 6,200 square metres. It will be the Green Square Town Centre's central park, bounded by Geddes Avenue, Paul Street, Portman Street and Zetland Avenue.

The project design was endorsed by Council on 8 December 2014 and the Review of Environmental Factors (REF) was determined in June 2015.

On 23 October 2017, Council resolved to accept the preferred tender offer for the design and construction of Drying Green Park, Green Square Town Centre. On 13 August 2018, Council resolved to decline to accept the preferred tender and to cancel the tender.

A delivery methodology including an early works package, civil works (below ground) package and above ground works package (subject of this report) to be tendered separately, was subsequently endorsed.

This report recommends that Council approve additional funds for the final stage of this project and accept the tender offer of Tenderer B for Design and Construction of Drying Green Park Above Ground Works, Green Square Town Centre.

## **Recommendation**

It is resolved that:

- (A) Council accept the tender offer of Tenderer B for the Design and Construction of Drying Green Park Above Ground Works, Green Square Town Centre for the price and contingency set out in Confidential Attachment A to the subject report;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) Council approve the additional funds sought from the Future Open Space New Parks Capital Works Budget as outlined in Confidential Attachment A to the subject report.

## **Attachments**

**Attachment A.** Tender Evaluation Summary (Confidential)

## Background

1. Council is creating an exciting new Town Centre in Green Square, providing essential public infrastructure to new residential, retail and business developments in one of Sydney's most rapidly changing urban villages.
2. This Tender calls for a suitably qualified and experienced contractor to undertake Design and Construction of Drying Green Park Above Ground Works, incorporating the Green Square Public Art - Drying Green project.
3. The Scoping Report for the Drying Green Park (designed by McGregor Coxall) was approved by Resolution of Council on the 8 December 2014. On 23 October 2017, Council resolved to accept the preferred tender offer for the design and construction of Drying Green Park, Green Square Town Centre, and to approve the additional funds sought from the Green Square Community Facilities and Open Space budget.
4. Following subsequent consultations with the preferred tenderer, it became clear it was not possible to reach agreement on key project requirements, and Council resolved on 13 August 2018 to decline to accept the preferred tender for Design and Construction of Drying Green Park, Green Square, and to cancel the tender.
5. A delivery methodology which stages the project into early works, civil works (below ground works) and landscape, building and art works (above ground works) packages to be tendered separately, was subsequently endorsed.
6. Council resolved on 8 April 2019 to accepted the tender offer of the recommended contractor for the Demolition and Early Civil Works for Green Square Town Centre Infrastructure Projects. The scope of works undertaken on the Drying Green site, including stockpile removal and demolition of underground structures, was completed in July 2019.
7. Council resolved on the 9 September 2019 to accept the tender offer of the recommended contractor for Construction of Piling and Civil Works for Drying Green Park Project at Green Square Town Centre. These below ground works are well progressed and on track to be completed by end of April 2020.
8. An Expression of Interest (EOI) was issued for the Design and Construction of Drying Green Park Above Ground Works in 2019. Following the close of the EOI, the shortlisted respondents were invited to submit a tender for the project. The scope of the project works include an amenities building and substation, landscaped berms, level and inclined lawn areas, urban wetland water feature, picnic shelter and BBQ facility, precast concrete paving and bridge over wetland, concrete bleachers for seating and public artwork interfacing across paving, bleachers and lawn (solar powered).

## Invitation to Tender

9. The Request For Tender was issued 21 January 2020 to two shortlisted landscape construction contractors following an EOI process. The tender closed 6 March 2020.

## **Tender Submissions**

10. Two submissions were received from the following organisations:

- Landscape Solutions Pty Ltd; and
- Regal Innovations Pty Ltd.

11. No late submissions were received.

## **Tender Evaluation**

12. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
13. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
14. All submissions were assessed in accordance with the approved evaluation criteria being:
- (a) lump sum price;
  - (b) demonstrated managerial capability, qualifications, experience of nominated project team, including consultants and sub-contractors;
  - (c) proposed program;
  - (d) proposed methodology;
  - (e) acceptance of the existing design or proposed alternatives allowing for construction innovations or cost saving solutions;
  - (f) proposed Site Management Plan and Pedestrian & Traffic Management Plan;
  - (g) Work Health and Safety (WHS); and
  - (h) financial and commercial trading integrity, including insurances.

## **Performance Measurement**

15. The City will ensure that performance standards are met during design by:
- (a) holding regular project design meetings with the contractor and their design consultants;
  - (b) attending design review and safety in design workshops at each design stage; and
  - (c) reviewing and checking compliance of deliverables as specified in the tender documents.

16. The City will ensure that performance standards are met during construction by:
  - (a) holding weekly site meetings with the contractor to cover WHS, environment, progress of work against contract program, sub-contractor items, design issues and requests for information, hold and witness points, quality non-conformances, public enquires and planned liaison activities, EOT claims and variations;
  - (b) undertaking regular site inspections and completing a monthly construction site verification checklist to identify any non-compliance with the approved project WHS&E Management Plan; and
  - (c) monitoring and assessing the Contractor's performance in accordance with the Principal's Key Performance Indicators including WHS compliance, quality of work, time, reporting and communication.

### **Financial Implications**

17. There are insufficient funds in the 2019/20 Capital Works Budget and Future Years Forward Estimates for this project. Additional funds are required for this project due to project prolongation costs and scope of work changes to address accessibility, maintainability and buildability. Acceptance of the recommended tender will therefore require Council to increase the budget, as detailed in Confidential Attachment A.

### **Relevant Legislation**

18. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the City's Procurement and Contract Management Policy.
19. 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.
20. 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**

21. June 2020 - Contract award
22. February 2022 - Contract completion

## Options

23. Timeframes are critical to meet commitments under Planning Agreement requirements between the City and interfacing development sites. Alternative options for elements of the project to address constructability issues were considered during the tender evaluation process.

## Public Consultation

24. Public exhibition of the concept design plans for the Drying Green Park was carried over four weeks from 3 September 2014. Other Green Square projects were also concurrently placed on exhibition, including public domain and open space plans for the former South Sydney Hospital site and strategic plans for proposed open spaces across the entire urban renewal area. The exhibition period provided opportunity for the community to learn about the City's Green Square projects.
25. Over 18,000 properties were notified via letter. The plans were placed on the City's consultation website, Sydney Your Say, and displayed at the Green Square Neighbourhood Service Centre (The Tote). Members of the community were also invited to participate in the 'Have your Say Day' in Green Square on 20 September 2014 at the local markets, where they were able to view the plans and speak directly to City staff. Over 350 community members attended this event and over 8,000 visitors were recorded on the City's consultation website, across all Green Square projects.
26. The construction liaison group for the City's Green Square town centre projects meets quarterly at the Green Square Library. The group gives residents and businesses a chance to voice concerns and ask questions about our projects.

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Director City Projects and Property

Peter Calantzis - Senior Project Manager