

Item 8.**Tender - T-2021-619 Reject and Negotiate – Allan Davidson Oval, Alexandria – Cricket Nets****File No: 2021/567255****Tender No: T - 2021 - 619****Summary**

This report provides details of Tender 2021 – 619 – Allan Davidson Oval Alexandria – Cricket Nets to deliver construction services for the Allan Davidson Oval Cricket Nets.

Allan Davidson Oval Crickets Nets is an asset that complements Allan Davidson Oval. The cricket nets play a major role in the community with the public and community clubs using the facility regularly in the cricket season and throughout the year for training purposes.

The current cricket net structure at Allan Davidson Oval is approximately 20 years old and is in poor condition. The facility includes six natural turf wickets and three existing synthetic turf wickets. The practice nets' chain wire fencing, pole structures and artificial grass are severely dilapidated. The existing facility is heavily used by sporting groups and for informal use. The cricket net facility does not meet current Cricket Australia Facilities Guidelines.

The project will deliver a renewal of the current cricket practice facility at Allan Davidson Oval.

In 2021, the City sought tender to T-2021-619 - Allan Davidson Oval Alexandria - Cricket Nets. Only one submission was received. The tenderer failed to provide responses to multiple evaluation criteria and were deemed non-compliant.

This report recommends that Council decline to accept the tender offer received for Allan Davidson Oval Alexandria Cricket Nets and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, as it is considered that inviting fresh tenders would not result in a successful outcome given the small market in cricket facilities construction and the limited response to this tender and the preceding request for quotation.

Recommendation

It is resolved that:

- (A) Council decline to accept the tender offer received for the Allan Davidson Oval Alexandria Cricket Nets for the reasons set out in Confidential Attachment B to the subject report;
- (B) Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;
- (C) Council note that the reason for determining to enter into negotiations is that inviting fresh tenders would not attract additional suitable vendors or terms over and above those that have responded to this tender and the preceding request for quotation;
- (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 vendor via the CEO Update.

Attachments

Attachment A. Concept Design Drawings – Allan Davidson Oval Cricket Nets

Attachment B. Tender Evaluation Summary (Confidential)

Background

1. The current cricket net structure at Allan Davidson Oval is approximately 20 years old and is in poor condition. The facility includes six natural turf wickets and three existing synthetic turf wickets. The practice nets' chain wire fencing, pole structures and artificial grass are severely dilapidated. The existing facility is heavily used by sporting groups and for informal use. The cricket net facility does not meet current Cricket Australia Facilities Guidelines.
2. The project will deliver a renewal of the current cricket practice facility at Allan Davidson Oval following the four key guiding design principles stated in the Cricket Australia – Community – Facilities Guidelines 2015:
 - (a) **Safety:** The construction includes the removal of the existing materials and replacing with materials that meet Australian Standards. The scope also includes the extension of the roofing of the practice nets as well as the installation of retractable back stop netting to minimise the risk to other park users.
 - (b) **Compliance:** The structure is to meet the technical specifications set out in the guidelines.
 - (c) **Accessibility:** The practice nets will be accessible for the public to use throughout the year.
 - (d) **Game Development:** The structure will meet compliance guidelines allowing the public and local community clubs the best practice surface to develop their skill and game development.
3. The project aims to create an inclusive, equitable, safe, engaging facility and environment for all community members to enjoy.
4. The design of the new nets (refer Attachment A) has been informed by the Cricket Australia Community Facility Guidelines and from discussions with Balmain South Sydney Cricket Club. The scope of works includes:
 - (a) upgrade of the current synthetic and turf practice nets' structure to meet Cricket Australia's Facilities Guidelines;
 - (b) extension of perimeter fencing and roofing;
 - (c) installation of back stop behind bowler's run up;
 - (d) environmental requirements to ensure compliance with Sydney Park interim environmental plan; and
 - (e) retention of all existing trees.

Invitation to Tender

5. The invitation to tender period was from 4 November 2021 to 3 December 2021. The tender was advertised via TenderLink.

Tender Submissions

6. The City received one submission from Synthetic Sports Group.
7. A late submission was also received.

Tender Evaluation

8. All members of the Tender Evaluation Panel signed Pecuniary Interest Declarations. No pecuniary interests were noted.
9. The scoring of the tender, as determined from the total weighted score, is provided in the Confidential Tender Evaluation Summary – refer Attachment B.
10. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) Schedule of Prices.
 - (b) Experience with the design and the delivery of a cricket infrastructure project of this scale.
 - (c) Demonstrated capacity and allocation of resources for a design and construction contract, including sub-contractors and Aboriginal & Torres Strait Islander Involvement.
 - (d) Proposed program.
 - (e) Proposed methodology, including sustainable practices.
 - (f) Work, Health and Safety including a Covid Safe Plan.
 - (g) Insurances.

Performance Measurement

11. Key performance indicators include:
 - (a) Quality of Work: Ensuring works are in accordance with the contract documents including specifications, contract drawings and contract preliminaries.
 - (b) Time: Attending regular inspections of the works and review of the construction program.
 - (c) Reporting: Ensuring site audits /inspections are carried out in accordance with contract.
 - (d) Communication: Attending regular site meetings with the contractor.
 - (e) WHS Compliance: Conducting regular WHS audits/inspections raising any non-conformance issues and corrective actions (if required).

Financial Implications

12. There are sufficient funds allocated for this project within the current year's capital works budget.

Relevant Legislation

13. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.
14. Local Government Act 1993 - Section 10A provides 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.
15. 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.
16. 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

17. February - March 2022 - Negotiation period with suitable contractors.
18. March 2022 - Contract awarded to successful contractor.
19. April - July 2022 - Proposed construction period.
20. August 2022 – Completion and handover.

Options

21. Minor repairs could be carried out, however, this would not be recommended as the current structure is in poor condition and most of the materials would have to be replaced as part of this process. This approach would be inefficient and would not comply with standards or Cricket Australia guidelines.
22. If no repairs were carried out the current structure would continue to deteriorate and present risks to park users. This would lead to closure of the facility.

Public Consultation

23. No public consultation was undertaken prior to this tender being advertised as it is a renewal of an existing asset.
24. Primary user of the cricket nets, Balmain South Sydney Cricket Club, were consulted during development of the design plans with opportunity provided to provide feedback to inform the design. In response to the consultation the retractable back stop netting was moved back to increase the bowlers run up.

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