

## **Tender - Reject and Negotiate - T-2021-598 - NAIDOC in the City Event Management**

**File No:** X083522

**Tender No:** T-2021-598

### **Summary**

This report provides details of the tenders received for NAIDOC in the City Event Management.

NAIDOC Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples.

NAIDOC week is an opportunity to participate in a range of activities and to support Aboriginal and Torres Strait Islander communities. The City holds an annual NAIDOC in the City event in Hyde Park on a weekend day during NAIDOC Week.

The City undertook a public tender process to engage an organisation to plan and deliver the NAIDOC in the City event for an initial period to cover the 2022 event, with two 12-month options for extension to cover the 2023 and 2024 events.

This report recommends that Council decline to accept the tender offer received for NAIDOC in the City Event Management and enter into negotiations with suitable vendors for NAIDOC in the City Event Management.

## **Recommendation**

It is resolved that:

- (A) Council decline to accept the tender offer for NAIDOC in the City Event Management for the reasons set out in Confidential Attachment A to the subject report;
- (B) Council does 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;
- (C) authority be delegated to the Chief Executive Officer to enter into negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender;
- (D) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (E) Council be informed of the outcome of negotiations via the CEO Update.

## **Attachments**

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

## Background

1. NAIDOC Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. NAIDOC is celebrated not only in Indigenous communities, but by Australians from all walks of life.
2. NAIDOC week is an opportunity to participate in a range of activities and to support Aboriginal and Torres Strait Islander communities.
3. The City holds an annual NAIDOC in the City event in Hyde Park on a weekend day during NAIDOC Week.
4. The City has contracted an organisation to plan and deliver the NAIDOC in the City event since 2013. The existing contract for the planning and delivery of the event ended following the 2021 event therefore a procurement process was undertaken to enter into a new contract for the 2022 and future year events.
5. The City undertook a public tender process for the planning and delivery of the NAIDOC in the City event for an initial period to cover the 2022 event, with two 12-month options for extension to cover the 2023 and 2024 events.
6. The scope of work comprised event programming, production management and delivery, stakeholder management, sponsorship, reporting and compliance; and marketing and communications.
7. A number of known Indigenous event management organisations were contacted prior to the tender release to advise of the upcoming opportunity and to generate market interest.

## Invitation to Tender

8. The Request for Tender was released on the City's eTendering portal, Tenderlink, on Friday 26 November 2021.
9. The tender was scheduled to close at 11am on Friday 17 December 2021, however an extension to the closing date was issued via Addendum to allow suppliers sufficient time to respond over the holiday period. The updated closing date was 11am on Friday 21 January 2022.
10. During the in market period, the tender was also advertised on Supply Nation; via the City's LinkedIn, Instagram and was featured in the City of Sydney News email.

## Tender Submissions

11. One submission was received from the following organisation:
  - Humm Events Pty td.
12. No late submissions were received.

## Tender Evaluation

13. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
14. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
15. All submissions were assessed in accordance with the approved evaluation criteria being:
  - (a) demonstrated capacity, relevant experience and technical ability in carrying out services of a similar size and nature, including personnel allocation, qualifications and experience of personnel and sub-contractors;
  - (b) proposed program and methodology, including images and commitment to sustainability;
  - (c) detailed budget layout and ability to manage the budget;
  - (d) Work, Health and Safety; and
  - (e) financial and commercial trading integrity, including insurances.

## Performance Measurement

16. Key Performance Indicators were set out in the Request for Tender documentation as detailed below. These were based on the terms and conditions of the proposed contract template that formed part of the Request for Tender. The Key Performance Indicators are:
  - (a) Key objectives and deliverables as detailed in the tender specification;
  - (b) Quality of work;
  - (c) Time;
  - (d) Reporting;
  - (e) Communication; and
  - (f) WH&S compliance.

## Financial Implications

17. There are sufficient funds allocated for this project within the current year's operating budget and future years' forward estimates.

### Relevant Legislation

18. 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.
19. 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.
20. 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.
21. 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

22. In order to allow enough time for the planning and delivery of the NAIDOC in the City event in July 2022, a negotiated contract will need to be in place with a supplier no later than 30 April 2022.

### Options

23. An alternate option is to cancel the tender and undertake a new tender process with a revised scope. This option is not recommended as a first preference as it will likely result in the City's inability to deliver a NAIDOC in the City event in July 2022.
24. Best endeavours will be made to contract a suitable organisation to deliver the event and if any concerns arise that could impact on the delivery of the event, staff will advise Council.
25. Options are discussed in detail in the Confidential Tender Evaluation Summary – Attachment A.

## **Public Consultation**

26. No public consultation was undertaken prior to the release of this tender.
27. A proposed community consultation is to be undertaken from July 2022 to gain feedback on the long-term format of NAIDOC in the City, following advice from the City's Aboriginal and Torres Strait Islander Advisory Panel.

## **EMMA RIGNEY**

Director City Life

Stephen Gilby, Producer, Major Events and Festivals

Chris Murphy, Program Manager, Major Events and Festivals