

Item 11.**Tender T-2021-615 - Construction of North Rosebery Park and Green Link****File No: X022419.001****Tender No: T-2021-615****Summary**

This report provides details of the tenders received for the Construction of North Rosebery Park and Green Link .

North Rosebery Park and Green Link are on the site of the former Sweetacres factory of James Stedman Henderson Ltd, which opened in 1918 on Rothschild Avenue, Rosebery. A basic park and green link (temporary arrangements) were constructed, and the lands were dedicated to the City by the adjoining property developer. All neighbouring private dwellings are now complete and occupied.

North Rosebery Park is a rectangular piece of land (approximately 5,750m²) dedicated for park use under a voluntary planning agreement and developed by Meriton. The Park is bound to the west by Confectioners Way, to the north by medium density residential apartments, to the east by Rosebery Avenue and to the south by Crewe Place.

The Green Link is a through site link (approximately 4,200m²) dedicated for park use and public access under a voluntary planning agreement and developed by Meriton. The Green Link has two parts - running north south from Confectioners Way to Stedman Street, and east west from Rosebery Avenue to Stedman Street.

This report recommends that Council accept the tender offer of Tenderer B for the Construction North Rosebery Park and Green Link works.

Recommendation

It is resolved that:

- (A) Council accept the tender offer of Tenderer B for the Construction of North Rosebery Park and Green Link for the price and contingency outlined in Confidential Attachment A to the subject report;
- (B) Council note that the total contract sum and contingency for Construction of North Rosebery Park and Green Link as outlined in Confidential Attachment A to the subject report;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (D) Council approve additional funds for the project as outlined in Confidential Attachment A to the subject report.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. The area that includes North Rosebery Park and Green Link is within the traditional homeland of the Gadigal people, one of the 29 clan groups of the Sydney metropolitan area that are collectively referred to as the Eora Nation.
2. North Rosebery Park and Green Link are on the site of the former Sweetacres factory of James Stedman Henderson Ltd, which opened in 1918 on Rothschild Avenue, Rosebery. A basic park and green link (temporary arrangements) were constructed, and the lands were dedicated to the City by the adjoining property developer. All neighbouring private dwellings are now complete and occupied.
3. North Rosebery Park is a rectangular piece of land (approximately 5,750m²) dedicated for park use under the voluntary planning agreement and developed by Meriton. The Park is bound to the west by Confectioners Way, to the north by medium density residential apartments, to the east by Rosebery Avenue and to the south by Crewe Place.
4. The existing park site is predominantly a flat turf area, which forms the temporary park delivered by Meriton. There are a range of trees of different ages and species on the perimeter near adjacent roads. Temporary seating and garbage bins have been installed within the park. Additionally, lighting has been provided to provide safe passage for pedestrians and residents.
5. The Green Link is a through site link (approximately 4,200 m²) dedicated for park use and public access under the voluntary planning agreement and developed by Meriton. The Green Link has two parts - running north-south from Confectioners Way to Stedman Street, and east-west from Rosebery Avenue to Stedman Street.
6. Both sections of the Green Link site have been temporarily upgraded including lighting to provide safe passage for pedestrians and residents accessing buildings. A temporary planted area on the north-south section was delivered to provide a pleasant outlook for residents. The east-west Green Link contains a number of mature fig trees, to be retained and protected in the future upgrade.
7. The project team engaged Gallagher Studios as Head Design Consultant to develop the design for the project.
8. Indigenous Cultural Consultants, Old Ways New, were also engaged for design development to ensure that the project contributes to recognising the City's Indigenous heritage, celebrating Aboriginal and Torres Strait Islander cultures in the public domain, and enriching local knowledge about the cultural landscape. In addition, the consultant produced a Country Centred Design Report, which broadly identifies project opportunities for the integration of Indigenous themes and narratives within the project.
9. The concept design was approved by Council on 18 October 2021. Further refinements were made during the design development phase and Council approved the revised scope on 19 September 2022.
10. An open Expression of Interest (E-2021-567) was held for the North Rosebery Park and Green Link construction, which closed on Monday 17 January 2022. Seven suppliers provided responses. A shortlist of three companies was endorsed to tender for the works.

Invitation to Tender

11. The tender was advertised on Tenderlink on 6 October 2022 and closed on 22 November 2022.

Tender Submissions

12. 2 submissions were received from the following organisations:
 - Ford Civil Contracting Pty Ltd (ABN 24 002 542 814)
 - Regal Innovations Pty Ltd (ABN 79 002 411 814)
13. No late submissions were received.
14. One Tenderer from the Expression of Interest shortlist withdrew before the deadline.

Tender Evaluation

15. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
16. The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Summary – Attachment A.
17. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) Company profile, capacity and demonstrated experience in carrying out works of a similar size and nature, including work on parks with playground equipment and direct involvement by Aboriginal and Torres Strait Islander people;
 - (b) Personnel allocation including position held, qualifications, % of time on the project and relevant experience; subcontractors;
 - (c) Proposed program and capacity to achieve the program/deliverables including duration, sequencing and appropriately detailed breakdown of work tasks under contract and the ability to meet project milestones;
 - (d) Proposed project delivery approach including all Project Management Plans, perceived risks and mitigation strategies and innovation;
 - (e) Work health and safety;
 - (f) Financial and commercial trading integrity including insurances; and
 - (g) The lump sum price and schedule of price.

Performance Measurement

18. The City will ensure that performance standards are achieved during construction through regular assessment of the following Key Performance Indicators:
 - (a) Safety and Environment - works performed safely, to avoid incidents and non-conformances. The site management plan is to be developed and implemented in such a way as to ensure the safety of all depot staff and visitors and to ensure ongoing depot operations
 - (b) Communication - weekly site meetings and daily online / phone correspondence.
 - (c) Programming and Resources - approach and methodology strategically planned to maximise the efficient and effective use of resources and materials while ensuring all documentation and contract requirements are submitted on time.
 - (d) Quality Assurance - inspections, witness and hold points as necessary to meet the quality standards set out by the City.
 - (e) Cost Variations - all efforts made to mitigate a variation to the contract with negative cost implications.
19. The City will ensure the works are in accordance with the contract documents including the General Conditions of Contract, Preliminaries, Specifications and Schedules.
20. At the end of construction, the City will assess the Contractor and complete a performance review and any lessons learnt shared and utilised in future projects.

Financial Implications

21. Additional funds are required for this project due to the recommended tenderer exceeding pre-tender estimates. Acceptance of the recommended tender will therefore require Council to increase the budget, as detailed in Confidential Attachment A.
22. The total contract sum and contingency for North Rosebery Park and Green Link construction works is detailed in Confidential Attachment A.

Relevant Legislation

23. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021.
24. 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.

25. 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.
26. 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

27. The following key dates apply to this project:
 - (a) Contract execution January 2023
 - (b) Site establishment March 2023
 - (c) Date for practical completion October 2023

Options

28. An alternative option is to not proceed with the tendered works. This option is not recommended because it would have an ongoing impact of reduced amenities for residents.
29. No other alternative viable options have been identified during the tender evaluation process.

Public Consultation

30. Community consultation was undertaken from 5 March to 6 April 2021.
31. The Review of Environmental Factors for the project was exhibited to the public between 1 June to 28 June 2022. Additional public, community and property owner consultation will be undertaken throughout the project as it progresses.

KIM WOODBURY

Chief Operating Officer

Sathy Nada, Project Manager