

Exemption from Tender - Hostile Vehicle Mitigation for Major Events and Festivals

File No: X100806.003

Tender No: T-2024-1400

Summary

This report seeks an exemption from tender for the provision of hostile vehicle mitigation services for Major Events and Festivals for a period of up to two-years until 30 June 2027.

The City produces a portfolio of public events on an annual rolling calendar. These include major events such as Sydney Christmas, Sydney New Year's Eve and Sydney Lunar Festival, and other events and festivals such as Art & About, Sydney Streets and Capital Works Launches. To assist in the careful and strategic management of traffic and pedestrians at its events, the City requires a suitably qualified and experienced organisation(s) to provide all required traffic management and hostile vehicle mitigation services.

The services include the planning and delivery of traffic management and hostile vehicle mitigation services - both to facilitate works in the installation and removal of event infrastructure, and to provide appropriate protection and management to patrons and workers between live and closed roads.

At the 23 June 2025 Council meeting, Council resolved to accept the tender offer of Tenderer C for Hostile Vehicle Mitigation for Major Events and Festivals. Following the Resolution of Council, the City and the recommended tenderer have not reached a mutual position regarding the contract for reasons outlined in Confidential Attachment A.

In order to secure the supply of hostile vehicle mitigation services for the upcoming 2025/26 and future event seasons, the City seeks an exemption from tender to enable negotiations with one or more suitable suppliers. Subject to the negotiations, one or multiple contracts may be required to ensure services can be delivered for the coming 2025/26 and future event seasons.

This report recommends that Council grant an exemption from tender for Hostile Vehicle Mitigation for Major Events and Festivals to provide the City will the ability to negotiate and enter into contract(s) with suitable supplier(s) for a period of up to two-years to ensure the upcoming 2025/26 and future event seasons can be delivered with appropriate crowd and public safety measures in place.

Recommendation

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for Hostile Vehicle Mitigation for Major Events and Festival for a period up to two-years until 30 June 2027;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) a public tender process has already been conducted and the City was unable to enter into a contract with the recommended tenderer, for reasons outlined in confidential Attachment A;
 - (ii) there is insufficient time to review the scope of services and re-tender prior to the upcoming 2025/26 event season; and
 - (iii) it is considered that inviting fresh tenders would not attract additional suitable suppliers to deliver the services;
- (C) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to Hostile Vehicle Mitigation for Major Events and Festivals; and
- (D) Council be informed of the successful vendor(s) via the CEO Update.

Attachments

Attachment A. Financial and Contractual Implications (Confidential)

Background

1. The City produces a portfolio of public events on an annual rolling calendar. These include major events such as Sydney Christmas, Sydney New Year's Eve and Sydney Lunar Festival, and other events and festivals such as Art & About, Sydney Streets and Capital Works Launches.
2. Hostile Vehicle Mitigation (HVM) is a security strategy focused on preventing or minimising the impact of vehicles used as weapons. It involves a range of measures, including physical barriers, vehicle barriers, and access control systems, designed to protect people, property, and critical infrastructure from vehicle-borne threats.
3. To assist in the careful and strategic management of traffic and pedestrians at its events, the City ran a public tender process in early 2025 to engage a suitably qualified and experienced organisation(s) to provide the following:
 - (a) Part A - Traffic Management for Major Events and Festivals and/or
 - (b) Part B - Hostile Vehicle Mitigation for Major Events and Festivals.
4. Tenderers were invited to submit for one or both parts and subsequently, a tender evaluation was undertaken on each part.
5. The proposed term of agreement for each Part was for an initial 3 years until 30 June 2028, with one option to extend for an additional period of 3 years until 30 June 2031.
6. At the 23 June 2025 Council meeting, Council resolved to accept the tender offer of Tenderer A for Traffic Management for Major Events and Festivals and to accept the tender offer of Tenderer C for Hostile Vehicle Mitigation for Major Events and Festivals.
7. A contract has been executed with Tenderer A for the delivery of Traffic Management for Major Events and Festivals.
8. Following the Resolution of Council, the City has not entered into a contract with Tenderer C for reasons outlined in Confidential Attachment A.

Performance Measurement

9. The performance measurements for the contract will be:
 - (a) Key Objectives / Deliverables
 - (i) Timely completion of the services as outlined in the Key Dates and Deliverables
 - (b) Quality of work
 - (i) Services were delivered in a professional manner and as per the provided plans
 - (c) Time

- (i) Work was delivered in an efficient and timely manner
 - (ii) Work complied with the timeline as per the Key Dates and Deliverables
- (d) Reporting
 - (i) Timely and constructive delivery of the post-event report
 - (ii) Any incident reports were submitted within 24 hours
- (e) Communication
 - (i) Staff were courteous, professional, and responded to emails and phone calls in a timely manner
 - (ii) Any deviances to the agreed schedule were communicated within a reasonable time frame
- (f) Work Health and Safety (WHS) compliance
 - (i) Comply with WHS Legislation, Australian Standards, relevant Codes of Practice and the City's WHS Policy
 - (ii) Staff held and provided evidence of qualifications as required
 - (iii) Risk assessments and WHS documents for the project delivered on time
- (g) Sustainability
 - (i) Were services achieved as sustainably as practical
- (h) Were efforts made to eliminate or reduce single-use materials in the delivery services and reduce emissions

Financial Implications

10. There are sufficient funds allocated for this project within the 2025/26 operating budget and future years' forward estimates.
11. The estimated contract sum and contingency required for Hostile Vehicle Mitigation for Major Events and Festivals is detailed in Confidential Attachment A.

Risks

12. Hostile Vehicle Mitigation measures are essential to ensure the safety of the community when attending and participating in large public gatherings in areas designed for the use of vehicles. Consistent with the City's Risk Appetite Statement, we acknowledge that achieving a risk-free environment is not feasible, especially in the public domain. We therefore aim to minimise health, safety and wellbeing risks within our organisation and in the public domain as far as reasonably practicable and in keeping with our legal obligations. The use of the measures and services procured through this tender are essential in meeting this goal.

13. This approach to procurement is within the City's risk appetite, which states:
- (a) Our risk philosophy is centred around achieving a balance between innovation, community and user satisfaction and risk management, ensuring that we meet our strategic objectives while maintaining a robust control environment.
 - (b) We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.

Relevant Legislation

14. The exemption from tender process has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
15. 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.
16. Attachment A contains confidential commercial information, 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.
17. 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

18. To ensure services are contracted with sufficient lead times for critical event and operational planning to take place, executed contracts with one or multiple suppliers are required no later than 1 October 2025.

EMMA RIGNEY

Executive Director City Life

Elliot Chambers, Head of Production, Major Events and Festivals