

**6.1: CONTRACT C11005 – FOOTPATH, WALLS & LIGHTING
CONSTRUCTION FOR ANZAC PEACE PARK**

Land Description : ANZAC Peace Park, Princess Royal Drive
Proponent : City of Albany
Owner : City of Albany
Responsible Officer(s) : Chief Executive Officer (F James)

Maps and Diagrams:



IN BRIEF

- Contract C11005 – Footpath, Walls & Lighting construction for the ANZAC Peace Park be AWARDED to Smith Constructions
- Additional funds of \$10,000 be allocated to the project to enable its completion.

RECOMMENDATION

**ITEM 6.1 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: MAYOR EVANS**

That Council:

- **ACCEPT the Tender from Smith Construction and award contract C11005 for the Footpath, Walls & Lighting construction for the ANZAC Peace Park; and**
- **APPROVE the reallocation of \$10,000 to the ANZAC Peace Park construction project from job number 8361, Lower King Road.**

**CARRIED 9-0
ABSOLUTE MAJORITY**

BACKGROUND

1. The proposed completion of the ANZAC Peace Park was submitted for funding under the Royalties for Regions Country Local Government Fund 2010/11 Regional Group Project. The work proposed will complete outstanding elements of the ANZAC Peace Park in readiness for the ANZAC Centenary events. There are three outstanding elements required to complete the ANZAC Peace Park, namely the Lone Pine Grove, pathways and performance space, and up lighting of the flagpoles.
2. Design, specification and contract documentation has been prepared by external consultants to the stage of "Issue for Tender". The tender was advertised from 29 June 2011 and closed on 20 July 2011. Tenders were all over budget and thus the works were slightly rescope at the instruction of the CEO to come close to budget. Revised tenders regarding that rescope were submitted on 19 August 2011.
3. The City of Albany will act in the role of Principal, and Wood and Grieve Engineers have been engaged to act in the role of Superintendent for the project.

DISCUSSION

4. A total of 26 sets of tender documents were downloaded from the City of Albany website.
5. Five completed tender documents were submitted on or before the stipulated closing date and time. Two submissions were non-conforming. The three conforming tenderers were considered.
6. Those three tenders were asked to provide more information given the subsequent scoping variation as per clause 1.1 in the Request for Tender document.
7. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

| Criteria | % Weight |
|-----------------------|------------|
| Cost | 60 |
| Technical Compliance | 10 |
| Experience | 20 |
| Quality Accreditation | 10 |
| Total | 100 |

8. On the basis of the total evaluation score which considers cost, technical compliance, experience and quality the most suitable company is considered Smith Constructions.

| Tenderer | Total |
|----------------------|-------|
| Smiths Constructions | 97.9 |
| Phase 3 | 97.0 |
| Robinson Buildtech | 84.9 |

N/C = Non-conforming

GOVERNMENT CONSULTATION

9. All relevant Government approvals, including Department of Regional Development and Lands, Veteran Affairs, Department of Indigenous Affairs, SWALSC, Department of Environmental Protection, Department of Planning and Infrastructure, Landcorp, etc have been received for the ANZAC Peace Park project as a whole.

PUBLIC CONSULTATION / ENGAGEMENT

10. A request for tenders was published in the West Australian on 29 June 2011 and the Great Southern Weekender on 30 June 2011.
11. An article was printed in the Albany Advertiser on 5 July 2011 referencing the preparation of the ANZAC Peace Park for the ANZAC centenary commemorations beginning in 2014.
12. An article was also printed in the Great Southern Weekender on 7 July 2011 regarding the changes and additions to the park being completed before Christmas this year.

STATUTORY IMPLICATIONS

13. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

STRATEGIC IMPLICATIONS

16. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

Key Focus Area

Lifestyle and Environment

Community Priority

A built environment for active lifestyles

Proposed Strategies

Incorporate into future plans, infrastructure in parks that encourages activity for all ages and abilities

POLICY IMPLICATIONS

17. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City’s Risk Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-------------------|--------------------|----------------------|--|
| Delays in construction puts project behind schedule | Possible | Minor | Medium | Contract requires completion by 23 December 2011. |
| Contractor fails to complete the works by the date for Practical Completion | Unlikely | Minor | Low | Construction program is to be reviewed fortnightly. Liquidated damages have been included in the contract. |
| Delays with manufacture and/or shipping of the stone for the Lone Pine Grove | Unlikely | Minor | Low | Construction program to accommodate any potential time “slippage” in supply of stone. |

FINANCIAL IMPLICATIONS

19. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.

20. Funding has been received from Royalties for Regions Country Local Government Fund in accordance with the City’s memorandum of understanding with the Shire of Denmark. The funds allocated to the Peace Park in the 2010-2011 budget have been carried over to this financial year to be included in this project. The funds available for this project are detailed below.

| Funding source | Amount |
|---------------------------------|---------------------|
| Royalties for Regions | \$897,773.00 |
| City of Albany approved to date | \$51,857.00 |
| Total | \$949,630.00 |

21. The total funds available is insufficient and an additional amount of \$10,000 is required to be reallocated to the project to complete these works at the ANZAC Peace Park.
22. The additional funds of \$10,000 can be sourced from surpluses on Job 8361, Lower King Road.

LEGAL IMPLICATIONS

23. There are no legal implications associated with this item.

ALTERNATE OPTIONS

24. Council can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

25. On reviewing the submissions, the evaluation team assessed Smith Constructions as being the most suitable tenderer across the evaluation criteria in terms of cost, technical compliance, experience and quality. Smith Constructions are recommended to be awarded the ANZAC Peace Park contract.

| | |
|-----------------------------------|---|
| Consulted References | Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference) |
| File Number (Name of Ward) | C11005 |