

DIS379: C23018 – ALBANY REGIONAL TENNIS CENTRE

Proponent / Owner : City of Albany
Business Entity Name : Albany Regional Tennis Centre
Attachments : **Confidential Briefing Note**
Report Prepared By : Manager Major Projects (A. McEwan) & Project Officer (N. Leggett)
Authorising Officer: : Executive Director Infrastructure & Environment (P. Camins)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

Pillar: People

Outcome:

- A diverse and inclusive community.
- A happy, healthy, and resilient community.

Pillar: Place

Outcome:

- Interesting, vibrant and welcoming places

In Brief:

- Following a competitive tender process, and securing of additional funds, Council approval is sought to award Tender C23018 for the construction of the Albany Regional Tennis Centre Stage 1.

RECOMMENDATION

DIS379: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Tender C23018 – Albany Regional Tennis Centre – Stage 1.

BACKGROUND

2. The City of Albany (City) wishes to engage a Contractor for the construction of the Albany Regional Tennis Centre – Stage 1, as set out in the Request for Tender (RFT) documents.
3. The RFT was released on 11 October 2023 and closed 29 November 2023. Two submissions were received.
4. The City, as Project Manager, are overseeing the delivery of this project, on behalf of the newly formed Albany Tennis Club.
5. It is preferable to commence works as soon as possible to ensure the project is completed in accordance with all funding agreement requirements and milestones.

DISCUSSION

6. The standard tender process as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations) was followed.
7. 36 tender documents were issued, and two conforming submissions were received.
8. The tender evaluation team evaluated tenders using the weighted criteria methodology across five key areas:

Qualitative Criteria	Weighting (%)
Cost	30
Understanding of scope	30
Organisation capacity and capability	20
Relevant Experience	15
Corporate Social Responsibility	5
Total	100

9. The following table summarises weighted scores of the tenders received:

Tenderer	Total Score	Rank
Tenderer A	630.17	1
Tenderer B	604.83	2

10. Tenderer A claimed the maximum Buy Local Policy reduction of \$50,000.
11. Tenderer B claimed a partial Buy Local Policy reduction of \$14,273.
12. Tenderer A ranked highest with the highest score of 630.17.
13. From the evaluation scoring and clarifications, Tenderer A was identified as the preferred tenderer and consequently it is recommended that their tender be accepted, and the contract be awarded.

GOVERNMENT & PUBLIC CONSULTATION

14. A request for tender was published in the West Australian on Wednesday 11 October and the Albany Extra on Friday 13 October 2023.
15. There is no government consultation required for the award of C23018 Albany Regional Tennis Centre Stage 1.
16. No other community consultation activities are envisioned.
17. The funding bodies and public will be notified about the outcome of the award and timeframe for implementation.

STATUTORY IMPLICATIONS

18. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
19. 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.
20. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
21. Voting Requirement: **Simple Majority.**

POLICY IMPLICATIONS

22. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.

23. The value of this tender is in excess of \$500,000 and therefore Council approval is required as this exceeds the CEO’s delegation.

RISK IDENTIFICATION & MITIGATION

24. The Risk Identification table below is informed by the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation, Financial <i>Risk: Failure to deliver project within specified timeframe may jeopardise multiple funding agreements for this project.</i>	Possible	Major	High	<i>Award tender as soon as possible to enable construction to proceed and the project completed in accordance with the funding agreements.</i>
Reputation & Community <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	High	<i>City staff to work with preferred tenderer to address any concerns from Council, prior to awarding the tender</i>
Opportunity: <i>Project will provide increased benefit and amenity for the community. This Project will enable the amalgamation of Merrifield and Lawley Park Tennis Clubs and thus improving asset management and reducing volunteer burden.</i>				

FINANCIAL IMPLICATIONS

25. The recommended tender price is within the available project budget.

LEGAL IMPLICATIONS

26. Nil.

ENVIRONMENTAL CONSIDERATIONS

27. Should the tender be awarded, the Contractor will be required to prepare, implement and monitor a Construction and Environmental Management Plan, specific to the site.

ALTERNATE OPTIONS

28. Council may:
- Choose to accept the recommended tender, or
 - Not accept any tender.

CONCLUSION

29. The City has undergone a competitive process in line with the relevant legislation and established policies.
30. Subject to the successful contractual negotiations, it is recommended, based on the evaluation scoring and clarifications that the Contract be awarded to Tenderer A.

Consulted References	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 City of Albany Policies: Purchasing Policy (Tenders and Quotes) Tender Procedure Evaluation Procedure (Tenders and Quotations) Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	CP.DEC.142
Previous Reference	:	Presentation to Council – 18 April 2023 Ordinary Council Meeting July 23 – CCS541 Ordinary Council Meeting September 22 – CCS471 Ordinary Council Meeting September 21 – CCS381 Ordinary Council Meeting March 20 – CCS233 Ordinary Council Meeting March 17 – CCS016