

**DIS368: C23003 CONSTRUCTION OF MOTOCROSS CLUBROOM AND ASSOCIATED INFRASTRUCTURE ALBANY MOTORSPORT PARK**

<b>Land Description</b>	: Lot 5780, 54 Down Road, Drome
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Great Southern Motorplex Group Incorporated.
<b>Attachments</b>	: <b>Confidential Briefing Note</b>
<b>Report Prepared By</b>	: Manager Major Projects (A. McEwan) & Project Officer (M. Randall)
<b>Authorising Officer:</b>	: Executive Director Infrastructure & Environment (P. Camins)

*The Officer Recommendation has been reviewed in context of the City of Albany's Electoral Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision. The CEO therefore recommends this report for Council's consideration.*

**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
  - **Pillar:** Place
  - **Outcome:** Responsible growth, development and urban renewal; and Interesting, vibrant and welcoming places
  - **Pillar:** Prosperity
  - **Outcome:** A highly sought-after tourist destination

**Maps and Diagrams:**

**Aerial photograph of Albany Motorsport Park**



**In Brief:**

- Following a competitive tender process, Council approval is sought to award Contract C23003 – Construction of Motocross Clubroom and Associated Infrastructure, Albany Motorsport Park to Tenderer A.

**RECOMMENDATION**

**DIS368: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C23003 – Construction of Motocross Clubroom and Associated Infrastructure, Albany Motorsport Park Tender to Tenderer A.**

**BACKGROUND**

2. Tenders were called for Construction of Motocross Clubroom and Associated Infrastructure, Albany Motorsport Park
3. The tender requires that the successful Tenderer carry out all works in accordance with every detail of the Request for Tender Documents for the completion of the Motocross Clubroom and Associated Infrastructure construction at the Albany Motorsports Park.
4. It is preferable to commence construction at the earliest possible time to ensure completion in accordance with various funding sponsor requirements, and the commencement of the May 2024 Motocross season.
5. The City of Albany are project managing the delivery of this project on behalf of developer, the Great Southern Motorplex Group (GSMG).

**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).
7. Tenders were advertised both state-wide and locally and closed on 8 September 2023.
8. Sixteen (16) tender documents were downloaded from the City of Albany website, with the City receiving three (3) conforming tenders.

**Evaluation of Tenders**

9. The tender panel evaluated tenders using the weighted criteria methodology across four (4) key areas, shown in Table 1 – Evaluation Criteria

<b>Criteria</b>	<b>% Weighting</b>
Key Personnel Skills & Relevant Experience	25%
Demonstrated Understanding	30%
Corporate Social Responsibility	5%
Cost	40%

10. The following table summarises the tenderers and the overall evaluation scores applicable.

Table 2 – Submissions

<b>Tenderer</b>	<b>Total</b>	<b>Rank</b>
Tenderer A	754.96	1
Tenderer B	673.38	2
Tenderer C	546.66	3

11. Tenderers A & B claimed the maximum Buy Local Policy reduction of \$50,000.
12. Tenderer A ranked highest.
13. A clarification process was undertaken to confirm the submissions received.
14. From the evaluation scoring, clarification, interview, negotiation, reference and financial check processes, Tenderer A are the preferred tenderer and consequently it is recommended that their tender be accepted and the contract be awarded.
15. The developer, the Great Southern Motorplex Group are supportive of the recommendation to award the tender to Tenderer A.

**GOVERNMENT & PUBLIC CONSULTATION**

16. There is no government consultation required for the award of the Motocross Track and Associated Civil Infrastructure, Albany Motorsport Park.
17. The development was approved through the JDAP process which included both government and public consultation.
18. All necessary approvals will be obtained prior to the commencement of construction. i.e. building licences and Department of Health approval.
19. The funding bodies will be notified with regard to the outcome of the award, timeframe for implementation and project expenditure through milestone reporting processes.
20. Community Engagement

<i>Type of Engagement</i>	<i>Method of Engagement</i>	<i>Engagement Dates</i>	<i>Participation (Number)</i>	<i>Statutory Consultation</i>
<i>Inform</i>	<i>Mail Out</i>	<b>16th November 2022:</b> <i>Letter regarding the commencement of Stage 1 and a community update flyer attachment with details.</i>	<i>Residents within 2km of the site</i>	<i>As per the requirements of the Development Approval</i>

**STATUTORY IMPLICATIONS**

21. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00
22. 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.
23. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council’s decision.
24. Voting Requirement: **Simple Majority.**

**POLICY IMPLICATIONS**

25. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.
26. The value of this tender is in excess of \$500,000.00 and therefore Council approval is required as this exceeds the CEO’s delegation.

**RISK IDENTIFICATION & MITIGATION**

27. The risk identification and categorisation rely on the City’s Enterprise Risk and Opportunity Management Framework.

<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Risk Analysis</i>	<i>Mitigation</i>
<b>City Operations and Financial</b> <i>Risk: Failure to deliver project within specified timeframe may jeopardize the funding agreement.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Award tender as soon as possible to enable the construction to commence to satisfy funding conditions.</i>
<b>Business Interruption</b> <i>Risk: Appointment of the recommended tenderer is not supported.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>City staff to work with preferred tenderer to address any concerns prior to awarding the tender.</i>
<b>Opportunity:</b> <i>Project developed and delivered on time for the benefit of the club, community and its users.</i>				

**FINANCIAL IMPLICATIONS**

- 28. The recommended tender is within overall project budget.
- 29. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.

**LEGAL IMPLICATIONS**

- 30. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

**ENVIRONMENTAL CONSIDERATIONS**

- 31. Should the tender be awarded, the contractor will consider environmental responsibilities as they relate to the approved project development. This shall include the provision of an approved Site Specific Construction and Environmental Management Plan in accordance with the Development Approval conditions.
- 32. No environmental permits are required for this contract prior to construction.

**ALTERNATE OPTIONS**

- 33. The options are:
  - a. Council may choose to accept the recommended tender, or
  - b. Not approve any tender.

**CONCLUSION**

- 34. The City has undergone a competitive process in line with the relevant legislation and established policies.
- 35. It is recommended, based on the evaluation scoring, clarification, reference and financial check processes that the tender be awarded to Tenderer A.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i> <ul style="list-style-type: none"> <li>○ <i>Tender Procedure</i></li> <li>○ <i>Evaluation Procedure (Tenders and Quotations)</i></li> </ul> </li> </ul> <i>Council Policy: City of Albany Buy Local Policy (Regional Price Preference)</i>
<b>File Number (Name of Ward)</b>	:	RC.PJT.2
<b>Previous Reference</b>	:	Briefing Note – 11 May 2021 Presentation to Council – 12 May 2021 Presentation to Council – 1 December 2021 Presentation to Council – 8 June 2022 Council Confidential Briefing Note DIS307 – 13 July 2022 Presentation to Council – 3 November 2022 Council Site Briefing – 25 May 2023 Council Briefing Note – September 2023

