

**DIS372: C23013 – ALBANY SURF LIFESAVING CLUB
REDEVELOPMENT**

Proponent / Owner	: City of Albany
Business Entity Name	: Albany Surf Life Saving Club
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
 - **Outcomes:** 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 C23013 for the construction of the Albany Surf Life Saving Club Redevelopment.
- All figures within this item are exclusive of GST.

RECOMMENDATION

DRAFT MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Report Item DIS372: C23013 Albany Surf Lifesaving Club Redevelopment be ACCEPTED by Council for urgent consideration in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (As Amended).

Reason:

The City received formal, written confirmation on Monday 27 November 2023 that additional funding had become available for this project from the State Government. The confirmation of the additional funding was received after the Agenda for this meeting was distributed.

**DIS372: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- 1. INCREASE the annual 2023-24 expenditure budget for Surf Lifesaving Club – Middleton Beach (account number 7978) from \$2,601,356 to \$3,201,356.**
- 2. TRANSFER \$50,000 of funding from the City’s Building Restoration Reserve to Municipal Fund**
- 3. ACCEPT additional grant funding of \$500,000 from DLGSC.**
- 4. ACCEPT the additional contribution of \$50,000 from Albany Surf Life Saving Club.**
- 5. ACCEPT the tender recommended by the evaluation panel in the Confidential Briefing Note and AWARD Tender C23013 – Albany Surf Life Saving Club Redevelopment to Tenderer A.**

BACKGROUND

2. The City of Albany (City) seeks to engage a Contractor for the construction of the Albany Surf Life Saving Club (ASLSC) Redevelopment, as set out in the Request for Tender (RFT) documents.
3. Tenders closed on 2 August 2023. Three submissions were received.
4. The City, as Project Manager, are overseeing the delivery of this project, on behalf of ASLSC.
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. Tenders were advertised for a four-week period and closed on Wednesday 2 August 2023.
8. 16 tender documents were issued, and three conforming submissions were received.
9. The tender evaluation team evaluated tenders using the weighted criteria methodology across five key areas:

Qualitative Criteria	Weighting (%)
Cost	40
Organisation capacity and capability	20
Understanding of scope	20
Past Performance	15
Corporate Social Responsibility	5
Total	100

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

Tenderer	Total Score	Rank
Tenderer A	633.89	1
Tenderer B	596.97	2
Tenderer C	584.15	3

11. All Tenderers claimed the maximum Buy Local Policy reduction of \$50,000.
12. Tenderer A ranked highest with the highest score of 633.89.
13. A clarification process was undertaken to confirm the submissions received.
14. From the evaluation scoring and clarifications Tenderer A are the preferred tenderer and consequently it is recommended that their tender be accepted and the contract be awarded.

GOVERNMENT & PUBLIC CONSULTATION

15. A request for tender was published in the West Australian on Wednesday 5 July 2023 and the Albany Extra on Friday 7 July 2023.
16. There is no government consultation required for the award of C23013 Albany Surf Club Redevelopment.
17. The community were informed about the project and had the opportunity to provide feedback during the public advertising period of the Development Application process in July 2022. No other community consultation activities are envisioned.
18. The funding bodies and public will be notified about the outcome of the award and timeframe for implementation.

STATUTORY IMPLICATIONS

19. 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.
20. 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.
21. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
22. Voting Requirement: **Absolute Majority.**

POLICY IMPLICATIONS

23. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.
24. 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

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation, Financial Risk: Failure to deliver project within specified timeframe may jeopardise multiple funding agreements for this project.	Possible	Major	High	Award tender as soon as possible to enable construction to proceed and the project completed in accordance with the funding agreements.
Reputation & Community Risk: Appointment of the recommended tenderer is not supported.	Possible	Major	High	City staff to work with preferred tenderer to address any concerns from Council, prior to awarding the tender
Opportunity: Project will provide increased benefit and amenity for the community. This Project will build on the recent redevelopment works of Middleton Beach Foreshore and Activity centre				

FINANCIAL IMPLICATIONS

26. The Preferred Tender’s price is within the available project budget.
27. The previously advised shortfall has now been addressed. Additional financial assistance from all funding sponsors have been sought this includes:
- Additional State Government support (\$500,000)
 - Additional contribution from ASLSC (\$50,000)
28. The above contributions are subject to the City confirming an additional financial contribution of \$50,000.

LEGAL IMPLICATIONS

29. Nil.

ENVIRONMENTAL CONSIDERATIONS

30. 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

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

CONCLUSION

32. The City has undergone a competitive process in line with the relevant legislation and established policies.
33. With the confirmation of additional funding, the recommendation is to award the contract to Tenderer A, as supported by the evaluation scoring and clarifications provided.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • City of Albany Policies: <ul style="list-style-type: none"> ○ Purchasing Policy (Tenders and Quotes) ○ Tender Procedure ○ Evaluation Procedure (Tenders and Quotations) ○ Buy Local Policy (Regional Price Preference)
File Number	:	CP.DEC.129
Previous Reference	:	<p>Ordinary Council Meeting – 27 July 2021 CCS366 Briefing Note (BF227151185) – 13 July 2022 Presentation to Council – 16 August 2022 Presentation to Council – 18 April 2023</p>