

ITEM 14. TENDER – DR H J FOLEY REST PARK

FILE NO: S051964

TENDER NO: 0838 and 0847

SUMMARY

This report outlines the tenders received for the construction of the park improvements to Dr H J Foley Rest Park.

The construction plans were prepared and detailed in accordance with the Development Application approved in April 2007, the Design Plan endorsed by Council in September 2006, and the Plan of Management adopted by Council in September 2005. This project has included an extensive community consultation program.

The works will implement Stage 1 of the capital works envisaged in the Plan of Management for Foley Park and will increase the useable recreation area to provide a multifunctional, flexible park, with improved access. A new playground will be installed and will provide an important local facility.

Council amended the 2008/09 budget to include this project. There was community concern that, if the full scope was to be undertaken, the project would not be completed in time for the Glebe Sesquicentenary. Two tenders have been called for this project. Tender 0838 closed on 16 October 2008 and prices exceeded the available budget for the project. In addition, given the high level of disruption in this area over the past few years caused by the street upgrade, it was considered better to stage the Foley Park work. Documentation for a revised scope of works was prepared and the tender (Tender 0847) closed on 2 December 2008.

It is recommended that Council reject all tenders for Tender 0838 and cancel the tender. All tenderers were notified of the intent to cancel and were provided with copies of the new tender documents (Tender 0847) for the reduced scope. It is also recommended that Council accept the tender submitted by Tenderer 'G' for the Stage 1 works under Tender 0847.

Following Council approval, the works will commence in January 2009 and are anticipated to be completed by August 2009.

RECOMMENDATION

It is resolved that:

- (A) Council reject the tenders received for Tender 0838 and cancel the tender, having regard to the reduced scope for the improvements to Dr H J Foley Rest Park;
- (B) Council accept the lump sum tender offer of Tenderer 'G' for the construction of the Stage 1 improvements to Dr H J Foley Rest Park in accordance with Tender 0847; and
- (C) Tender Evaluation Summaries, Attachments C and D to the subject report, remain confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.

ATTACHMENTS

Attachment A: Dr H J Foley Rest Park – Location Plan

Attachment B: Dr H J Foley Rest Park – Staging Plan

Attachment C: Tender Evaluation Summary – Tender 0838 (Confidential)

Attachment D: Tender Evaluation Summary – Tender 0847 (Confidential)

BACKGROUND

1. Dr H J Foley Rest Park ('Foley Park') is located on the corner of Glebe Point Road and Bridge Road, Glebe. The project is located at the centre of one of the Activity Hubs identified in Sustainable Sydney 2030 (refer attachment A).
2. The upgrade works include the construction of a new playground, new paths, lighting, shade planting and turf.
3. The construction plans were prepared and detailed in accordance with the Development Application approved in April 2007, the Design Plan endorsed by Council in September 2006, and the Plan of Management adopted by Council in September 2005. This project has included an extensive community consultation program.
4. Essential works are required as the existing playground is non-compliant, areas of the park contain minor contamination, and the park is in a state of disrepair. A new toilet and new lighting is also required and will be delivered in a subsequent stage of works (refer Attachment B).
5. An initial tender for the works closed on 16 October 2008. A tender evaluation was undertaken, however tender prices exceeded the available budget for the project.
6. Reasons for the increases in project cost include:
 - (a) escalation costs due to an eighteen month period since the original cost estimate;
 - (b) contamination which has been identified as a latent condition; and
 - (c) increase in costs for the toilet building.
7. The works are now proposed to be staged. Stage 1 works will include a new playground, new main path, new turf area and new planting. These works would be completed by August 2009 which will address community concerns that the works be completed in order not to disrupt sesquicentenary celebrations.
8. Future works (Stage 2) would include a new toilet, new park lighting, additional seating opportunities, and interpretive elements. These works will complete implementation of the capital works envisaged by the Plan of Management. These works will be included in future budgets.
9. The project scope has been revised to complete essential works now. The construction plans were altered and the works re-tendered. Tenders closed on 2 December.

Proposal Key Benefits

10. The key benefits of the Stage 1 works include:
 - (a) a new, larger playground which will be fully fenced and located further away from Bridge Road;
 - (b) improvements to the central "Village Green" to improve usability of this multifunctional grass area (including the ability to stage markets or other events);

- (c) new large steps for seating at the edge of the Village Green;
 - (d) an upgraded main path around the park and new furniture;
 - (e) retention, protection and rejuvenation of the mature fig trees along the Glebe Point Road and Bridge Road frontages; and
 - (f) new trees planted in and around the new playground and along the boundary to St Johns Church and the retirement village.
11. Future benefits (associated with the Stage 2 works) include:
- (a) a new amenities facility near the Bridge Road entry to the park;
 - (b) improvements around the War Memorial to better integrate this historic monument into the park and to improve access around the memorial;
 - (c) water harvesting to reduce potable water demands;
 - (d) improved connections to the neighbouring church;
 - (e) new park lighting; and
 - (f) a range of interpretive elements which refer to various aspects of the history of the site, including the setting of the former Hereford House.
12. In addition to the above scope of works, the Wireless House is the subject of a public art installation by Dr Nigel Helyer, and restoration works to the War Memorial are both planned to coincide with the main park works.

Strategic Alignment

13. Strategic alignments are:
- (a) Sydney 2030 Strategic elements
 - (i) liveable green network; and
 - (ii) activity hubs.
 - (b) Sydney 2030 Strategic directions
 - (iii) a leading environmental performer; and
 - (iv) sustainable development, renewal and design.

Environmental Sustainable Design (ESD)

14. In accordance with the Sustainable Asset Management Policy for the City of Sydney, City Projects aims to maximise environmental performance in its capital works projects. The park design incorporates the following ESD elements:
- (a) maximise permeable and planted surfaces;
 - (b) sustainable source of materials (eg, recycled mulch and road base);

- (c) water harvesting;
- (d) plant selection – use of native tree species; and
- (e) improve soil quality to increase water retention.

Traffic and Pedestrian Management

- 15. Minimal or no vehicular traffic disruption is anticipated.
- 16. Pedestrian access along both street frontages of the park will be maintained at all times. There will be no pedestrian access to the park while the works are in progress. This will enable the construction program to be undertaken in the shortest possible time.

INVITATION TO TENDER

- 17. Tender 0838 was advertised on 16 September 2008 (in the Sydney Morning Herald and Telegraph) and closed on 16 October 2008. Two (2) addenda were issued during the tender period as responses to requests for information from the Tenderers.
- 18. Tender 0847 was advertised on 11 November 2008 (in the Sydney Morning Herald and Telegraph) and closed on 2 December 2008.

TENDER SUBMISSIONS

- 19. On closing of Tender 0838, Council received nine submissions. No late submissions were received.
- 20. On closing of Tender 0847, Council received twelve submissions from eleven companies. They are from:
 - Co-ordinated Landscapes
 - Design Landscapes
 - Ford Civil
 - Glascott Group
 - GMW Urban
 - Kingston Civil
 - Landscape 2000
 - Landscape Solutions
 - Ross Mitchell and Associates
 - Rowlands Landscapes
 - Wilson Pedersen Landscapes

21. No late submissions were received.

TENDER EVALUATION

22. A tender evaluation was undertaken for Tender 0838. Tender prices exceeded the available budget for the project (refer to Attachment C). The options were to:
- (a) request an increase in the budget for the project;
 - (b) reduce the scope of work to bring the project and tenders within budget; or
 - (c) stage the works and re-tender.
23. The project was re-tendered under Tender number 0847. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
24. The relative ranking of tenders, as determined from the total weighted score, is provided in Attachment D.
25. All submissions were assessed in accordance with the approved evaluation criteria, being:
- (a) tendered price;
 - (b) allocation of adequate resources (including key personnel and subcontractors);
 - (c) program;
 - (d) methodology;
 - (e) experience and references;
 - (f) environmental management;
 - (g) Occupational Health and Safety; and
 - (h) financial and commercial trading integrity/Insurances.

PERFORMANCE MEASUREMENT

26. The City will ensure performance standards are monitored during construction by:
- (a) undertaking Quality Assurance inspections with Council's design consultant at hold points nominated in the specifications;
 - (b) ensuring all items to be built or installed meet the requirements of the technical specifications;
 - (c) attending weekly site meetings and inspection of works with the Contractor; and
 - (d) monitoring the Contractor's program and assessing monthly progress claims.

FINANCIAL AND PROGRAMMING IMPLICATIONS

27. The budget for the project is held in the C16052 H J Foley Park Works project and funds are available within the 2008/09 financial year. This budget is sufficient to complete the Stage 1 works.
28. A small increase in the operational costs is likely to occur due to the larger playground area and improved service levels. Provision will be made in the 2009/10 operational budget.
29. Stage 1 works are shown in Attachment B and include:
- (a) site remediation;
 - (b) a new playground;
 - (c) improvements to the central "Village Green" including new turf and edging;
 - (d) new seating and steps;
 - (e) an upgraded main path around the park;
 - (f) lighting conduits for future new lights; and
 - (g) new furniture and tree planting;
- Future (Stage 2) works will include:
- (h) a new toilet facility;
 - (i) improvements around the War Memorial and entrance at Glebe Point Road;
 - (j) stormwater harvesting;
 - (k) improved connections to the neighbouring church;
 - (l) picnic benches including a pergola for shade;
 - (m) additional paths and seating;
 - (n) improvements to existing sandstone walls;
 - (o) new park lighting; and
 - (p) a range of interpretive elements which refer to various aspects of the history of the site, including the setting of the former Hereford House.

RELEVANT LEGISLATION

30. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the City's Contracts Policy.
31. The legislation requires that Council formally resolve to cancel any tenders that have been advertised.

32. The legislation also requires that works be re-tendered when there is a substantial change in the scope of works.
33. Information provided by tenderers which is commercial-in-confidence has been protected and will not be disclosed in accordance with section 10A(2)(d) of the Local Government Act 1993. A consistent standard for all tenderers has been used in assessing any request for confidentiality by a tenderer.

CRITICAL DATES / TIME FRAMES

34. Approval of the new tender for Dr H J Foley Park will allow:
 - (a) a contractor to be appointed December 2008
 - (b) construction work to commence early January 2009
 - (c) work to be completed August 2009

OPTIONS

35. Council has the following options:
 - (a) Accept the tender (Tender 0847) and cancel the original tender (Tender 0838). This option is recommended.
 - (b) Reject the submitted construction tenders. This option would delay the project and is not recommended for a number of reasons. Consequences of this option are:
 - (i) the park and its assets will continue to deteriorate;
 - (ii) the playground would remain non-complying with relevant standards;
 - (iii) areas of the park contain minor contamination which currently poses no short-term health risk, however, if left untreated may pose risk to long-term users;
 - (iv) the project costs would continue to escalate;
 - (v) Plan of Management remains unimplemented;
 - (vi) park in poor condition for the Glebe Sesquicentenary celebrations;
 - (vii) missed delivery on Local Area Action Plan milestone (this project is indicated as a short-term to be delivered in 2008); and
 - (viii) a major delay is likely to cause Development Application to expire.

CONSULTATION

36. The Plan of Management and design involved significant consultation with the Glebe Community. The Plan of Management was adopted by Council in September 2005 and the Development Application approved in April 2007. This project has included an extensive community consultation program, including public exhibition periods and onsite presentations. The final design has been placed on the City's website.

37. Display boards will be placed on the site fence during construction.
38. Resident notification letters will be distributed prior to commencement of construction to all surrounding residents within 100 metre radius of the site.
39. The City of Sydney website has been updated with project information and 'download' material.
40. Additional information will need to be provided to outline the revised scope of work and program.

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