

ADDITIONAL ITEM

23 September 2015
To the Ordinary Council Meeting

Director's Report
Infrastructure and Operations

4.5 Tenders for Theatre & Studio fit out at Art House

TRIM REFERENCE: CPA/241428 - D12063730

MANAGER: Greg McDonald, Director

AUTHOR: Michael Horan; Project Manager

SUMMARY

Evaluation and selection of tenders for Contract CPA/241428A – Theatre fit out for Wyong Art House

“Councillors are reminded that the name of the successful tenderer will be released after resolution of this item. This means that the contents of Attachment A cannot be disclosed during discussion in the open session of the Council meeting.”

RECOMMENDATION

- 1 That Council accept the tender from the company nominated as Tenderer No 2 in the attached Tender Evaluation Report, for the lump sum amount of \$1,274,374.00 (excl GST) for Contract CPA/241428A Art House fit out**
- 2 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer), which may be disclosed after Council has resolved to accept that tender.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

BACKGROUND

North Construction was appointed in November to construct the theatre facility, included in their contract is the requirement to provide access and co-ordinate with the successful theatre fit out contractor.

Fit out of the theatre & studio requires a specialist contractor and a Specification of works was prepared by Schuler Shook & Associates; the tender document (RFT) set the Threshold criteria to capture only those contractors with proven successful experience in completion of projects of similar size & complexity – tenderers received was reflective of the set criteria.

CONTRACT PLAN

The Contract Plan for this tender process was approved by the Director CRS, before the Request for Tender closed. The approved Contract Plan is in TRIM D012020693.

INVITATION TO TENDER

The tender was advertised in the Sydney Morning Herald, Advertiser and eTender on 28 July 2015 and closed on 27 August 2015.

The invitation documents called for lump sum tenders, based on a detailed specification.

Site inspection of the facility was made available to all tenderers.

Tenders closed at Council's Chambers at 2.00pm on 27 August 2015.

TENDER SUBMISSIONS

The following tenders were received and are listed in alphabetical order:

- Harris Movement Engineering Pty Ltd - HME
- Jands venue Engineering Pty Ltd - Jands
- The P.A People Pty Ltd - PAP

No late submissions were received.

TENDER EVALUATION

All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.

The relative ranking of tenders as determined from the total weighted score is provided in the Confidential Tender Evaluation Report – Attachment A.

All submissions were assessed in accordance with the approved evaluation criteria being:

- a) Price;
- b) Methodology;
- c) Proven performance & experience;
- d) Capability

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for this contract within the current year's capital works program under CPA/241428A.

Funding is available from 3 sources:

- Minister of Art grant - \$59,000,
- Club grant - \$465,000,
- Art House construction contingency

RELEVANT LEGISLATION

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Procurement Policy.

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

Construction will commence following issue of the letter of acceptance and is expected to be completed in late January 2016.

RISK

This contract has been assessed as a Medium risk contract. The key risks and mitigations measures have been addressed in the Contract Plan and detailed Risk Assessment which is on the TRIM file

REGULATORY APPROVALS

The following regulatory approvals have been obtained for this Contract:

- Nil

PROCESS REVIEW

The Tender evaluation and this Report and recommendations have been endorsed in TRIM by the Commercial Manager, Contracts and Project Management.

OPTIONS / ALTERNATIVES

Council has the option of not proceeding with this contract by resolving not to accept an offer from any of the Tendering parties. This option is not recommended.

PUBLIC CONSULTATION

No public consultation specific to this contract was necessary and none has occurred.

ATTACHMENTS

- 1 T144 - Art House Fit Out Tender Evaluation - CPA/241428A - D12087157