Confidential Item

CAMPBELLTOWN CITY COUNCIL

Confidential Item

For Council meeting to be held on

Tuesday 19 November 2019 at 7.00 pm

Refer Item 11.8

Confidential Item

11.8 Tender Report – Hectorville Sports & Community Club Clubroom Upgrade

General Manager Infrastructure Services, Andrian Wiguna's Report

Purpose of Report

To advise Council of the outcome of a Tender Evaluation for the redevelopment and construction the HSCC (Hectorville Sports & Community Club) clubrooms.

Strategic Plan Link

Strategy 2.1.2 Review and manage the decision making framework to ensure effective, efficient and equitable decisions

Background

Tenders were called for the construction of the building upgrade for the HSCC clubroom which includes the installation of new female change room facility. The tenderer will result in the engagement of a suitably qualified and experienced builder to undertake the upgrade work.

Tenders were opened on 24 September 2019 in the presence of Council's Contract and Fleet Coordinator, Records Officer and Manager Finance.

The contract term shall be for the length of the project with the site available from the end of November 2019 (to be confirmed), with works expected to be completed by August 2020.

Discussion

Eight organisations (namely Tenderer 1 to Tenderer 8) submitted a tender for this project.

The tenders were assessed by a Tender Evaluation Panel (Acting Manager Assets & Engineering Services, Acting Team Leader Asset Planning, Accountant (financial component only), Risk Management Coordinator (work health safety/insurance component only), General Manager Infrastructure Services and two independent parties, who represented the Architect and Project Manager). The assessment was undertaken with respect to the tenderer's reliability, business capability, quality of service, environment management system, work health and safety, previous works undertaken and the tendered rates. All tenders met the specifications that Council required through the tender document. The weighting score for the assessment criteria is shown below:

#	Assessment Criteria	Weighting
1	**Relevant Experience** (Previous work of this type etc.)	10.00%
2	**Track Record** (General reputation for work competence, capacity etc.)	10.00%
3	**Technical Skills** (People, systems, specific abilities etc.)	10.00%
4	**Methodology** (How the project is to be tackled, scope of work, value add, etc.)	10.00%
5	**Management** (Organisation, Environmental, Quality System)	5.00%
6	**Time Performance** (Meeting timeframes)	5.00%
7	**Management** (Insurances & WHS System)	7.50%
8	**Management** (Financial & Economic Stability)	7.50%
9	**Local** (Products, Services & Contractors)	10.00%
10	**Price**	25.00%
	TOTAL	**100.00%**

As part of the tender requirements, the potential tenderers were required to attend a site briefing to ensure they were fully aware of the scope and complexity of the project. Unfortunately one of the tenderers (Tenderer 8) failed to attend this briefing and confirmed afterwards that a representative did not attend due to unforeseen circumstances.

When a potential tenderer fails to attend the compulsory site briefing, Council still has the discretion to consider the submission as a Non-Conforming Tender. Legal advice received previously states that if Council chooses to consider a Non-Conforming Tender, then the evaluation matrix for that tender must include a penalty score as part of the evaluation criteria due to non-compliance with the Tender Conditions.

In line with previous penalties applied, a penalty of 10% was applied to this tenderer. In this report Staff will outline the score before and after the penalty is imposed for Members' Information.

Tender Score Prior to Penalty

The assessment panel believe that the majority of the companies could deliver the project, however based on the initial assessment the Panel found that Tenderer 8 achieved the highest score due to the following reasons:

- Proven experience on similar projects
- Past project capacity including their track record
- Understanding of the project, including very detailed methodology (despite not attending the site briefing)
- Experienced staff
- Quality systems in place
- High regard to WHS
- Financial capability.

Furthermore, Tenderer 8's price submission was the lowest by approximately $160,000, compared to the second highest score based on the site shutting down during construction. Tenderer 8 has successfully delivered various projects for Council in the past. However, as Tenderer 8 failed to attend the compulsory site briefing, the 10% penalty has resulted in Tenderer 8 dropping from the highest score to fifth highest.

Tender Score after Penalty

Taking into account the penalty score, Tenderer 7 has the highest score, with Tenderer 1 being second highest. Although Council has not used either of these companies in the past, Staff and the independent Project Manager believe they would be capable of delivering the desired outcome.

However to a provide level of comfort to Council, the Panel (through the architect) requested further detail from Tenderers 7 and 1 and were satisfied that they would both be able to deliver the work. Therefore, if Council were to consider the 10% penalty, then Staff would recommend Tenderer 7 as the preferred contractor, in lieu of Tenderer 8.

A summary of the tender evaluation score is below:

Contractor	Price ($)	Total Score	Rank	Attend Site Briefing	Conforming	Non-Conforming Tender Penalty	10% penalty for non-conforming for not attending site briefing	
		100.0%		Y/N	Y/N	10%	New Total Score	
Tenderer 1	3,375,317	354.58	3	Y	Y	0.00	354.58	2
Tenderer 2	3,485,730	310.44	7	Y	Y	0.00	310.44	7
Tenderer 3	3,478,700	267.70	8	Y	Y	0.00	267.70	8
Tenderer 4	3,031,043	332.00	6	Y	Y	0.00	332.00	6
Tenderer 5	3,397,258	336.76	4	Y	Y	0.00	336.76	3
Tenderer 6	3,459,900	334.91	5	Y	Y	0.00	334.91	4
Tenderer 7	3,292,002	356.21	2	Y	Y	0.00	356.21	1
Tenderer 8	3,127,182	371.89	1	N	N	37.18	334.71	5

The direct consequences should Council support the engagement of Tenderer 7 is the financial implication as Tenderer 7 cost is approximately $160,000 higher than Tenderer 8.

The fee proposal for Tenderer 8 is $3,127,182 whilst Tenderer 7 is $3,292,002. In addition to this cost there are professional fees (eg superintendent cost, architect advices) at additional cost in the order of $50,000. Currently $2,998,150 has been allocated to this project and therefore there is a shortfall of $350,000 if Tenderer 7 is appointed or $180,000 if Tenderer 8 is appointed. It should be noted that there is no allowance for contingency and it is recommended that an additional $150,000 be made for unforeseen items encountered during the construction.

Both tenderers also provide a value add opportunity that may potentially provide a saving of up to $80,000, however this is yet to be confirmed.

As all the tender submission costs are above the allocated budget, Council could consider the following options:

1. Not to accept any tender and re-scope the design. Although this could occur this will impact the completion date of the project which is linked to grant funding conditions. Furthermore, there will be additional consultant costs for the architect, engineer, mechanical and electrical design to prepare a revised design.

2. Accept the tender and award the contract to Tenderer 7 and allocate an additional $500,000 (including contingency) to fund the budget shortfall and recognise the additional budget at the next Budget Review.

3. Accept the tender, however award the contract to the Non-Conforming Tenderer (Tenderer 8) as Tenderer 8 received the highest score prior to penalty and allocate an additional $350,000 to fund the shortfall.

   This option will reduce the financial implication to Council. Under Council's Procurement Policy (clause 3.5.2), Council has the sole discretion to consider a Non-Conforming Tender. However, should Council choose this option, it may be criticised for not taking into consideration the penalty for non-attendance at the site briefing, albeit it provides a significant financial savings. The risk in selecting this tenderer is an increased likelihood in variations which may contribute to a higher cost, due to their non-attendance at the site briefing.

4. Not proceed with the project. The risk of choosing this option is Council would not be able to provide female change room facilities and improve the accessibility at this time. Furthermore, Council would be required to return the grant funding and may impact on Council's ability to secure grants in the future.

While Council has the ability to choose all options presented, Staff believe that Council should continue with the project and select Option 3.

While Staff acknowledge that Tenderer 8 is not the preferred supplier after applying the penalty, they were found to have the lowest cost, were assessed to have the highest scoring methodology and have successfully delivered a number of projects for Council in the past. Tenderer 8 have indicated in their response that they are able to deliver the project on time and on budget through their value adding process.

Alternatively, Council may wish to appoint Tenderer 7 as its preferred supplier after applying the penalty. While their submitted cost was $160,000 higher than Tenderer 8, Staff have confidence in their ability to deliver the project. By selecting this option, Council demonstrates its consistency with its Procurement Policy in applying the penalty for non-conforming tenders.

In forming this opinion, Staff sough legal advice which confirmed that Council has the absolute discretion to select a non-conforming tender.

Social Implications

The redevelopment of the HSCC Clubroom will allow for increased Community sport, fitness and health.

Environmental Implications

There are no environmental implications in relation to this report, however all the potential tenderers have submitted their environmental plan including how they will manage waste at the site and minimise other environmental impacts such as dust and noise.

Asset Management Implications

Any new assets will be captured in Council's Asset Management System and depreciated accordingly.

Governance / Risk Management

Management of tenders in accordance with Council's Procurement Policy is good governance and best practice to minimise reputational risk. Legal advice has been sought on this occasion for this purpose.

Community Engagement

There are no Community engagement implications in relation to this report.

Regional Implications

There are no regional implications in relation to this report.

Economic Development Implications

There are no economic development implications in relation to this report.

Financial Implications

Approximately $3.0 million (including grant funding) has been allocated in the budget for this project. Grant funding for the project totals $747,600, provided by the following levels of Government:

Federal Government $500,000
State Government $247,600

Unfortunately all the tendered costs were higher than this amount.

The Quantity Surveyor's estimation for this project was in the order of $3.5 million. Therefore, the tender price received is below the Quantity Surveyor's estimation.

Unfortunately, although the tender price is slightly lower than the Quantity Surveyor's estimation, it is still over the allocated budget.

Depending on the preferred option, Council will need to increase its budget between $350,000 and $500,000 (including contingencies) to fund the shortfall which would need to be recognised at the next Budget Review.

Recommendation

That Council:

1. **endorse Option 3 as its preferred option and authorise the Chief Executive Officer to enter into the agreement**

2. **agree to increasing the overall budget for the upgrade of the Hectorville Sports and Community Club by $350,000 at the next Budget Review.**

Tender Evaluation Report

Hectorville Sports Club Redevelopment Construction

Cost centre 3755

Date: Insert

Prepared by: Andrew King

1. Background

The Campbelltown City Council invited tenders from companies for the provision of the Hectorville Sports Club Redevelopment Construction works for the redevelopment and construction the Hectorville Sports Club at Daly Oval.

2. Contract Term

The contract term shall be for the length of the project with the site available from end of November 2019 (to be confirmed) and works are to be completed by June 2020.

3. Procurement Process

3.1. Open Tender Process

The Tender was released on the SA Tenders & Contract website. (www.tenders.sa.gov.au).

Tenders Opened: 27/8/19
Tenders Closed: 24/09/19 1:00pm

3.2. Document Issued

The document issued is the standard CCC RFT package, (ECM: 6259263)

3.3. Tender Enquiries

Multiple tender enquiry were received during the procurement process and this was replied to all parties that downloaded the documents from Tenders SA website.

3.4. Tender Briefing & Site Visit

A site briefing did occur at Hectorville Sports Club at Daly Oval, Allot 4 Fisher Street Magill SA 5072 on 3/09/19 at 10:30am. It was a requirement of this tender that potential tenderers attend the site briefing. One tenderer did not attend the compulsory site briefing and therefore was considered a “non-conforming” tender.

4. Receipt of Tender & Evaluation

4.1. Receipt of Tenders

Tender submissions were received from the following companies:

- Blu Built Constructions – Tenderer 1
- Cook Building & Development – Tenderer 2
- G5 Special Projects – Tenderer 3
- Horizon Construction Services – Tenderer 4
- ICM Construction – Tenderer 5
- Mossop Construction & Interiors – Tenderer 6
- Pascale Constructions – Tenderer 7
- Sarah Constructions – Tenderer 8

No late tenders were received.

Tenders were opened shortly after the Closing Time by three Council staff that signed and documented the receipt of each tender. (ECM: 6284492)

4.2. Evaluation Panel

The evaluation Panel consisted of:

- General Manager Infrastructure Services
- Development Engineer
- Acting Manager Asset & Engineering
- Superintendent / Project Manager
- Architect
- Risk Management Coordinator - Management (WHS System & Insurances only)
- Accountant - Management (Financial & Economic Stability only)

Each Members of the Evaluation Panel completed the Tender Declaration Form and declared "No Conflict of Interest" and agreed to keep confidential the contents of each tender.

4.3. Evaluation Criteria

The evaluation criteria are as follow: (From tender documents)

#	Assessment Criteria	Weighting
1	**Relevant Experience** (Previous work of this type etc.)	10.00%
2	**Track Record** (General reputation for work competence, capacity etc.)	10.00%
3	**Technical Skills** (People, systems, specific abilities etc.)	10.00%
4	**Methodology** (How the project is to be tackled, scope of work, value add, etc.)	10.00%
5	**Management** (Organisation, Environmental, Quality System)	5.00%
6	**Time Performance** (Meeting timeframes)	5.00%
7	**Management** (Insurances & WHS System)	7.50%
8	**Management** (Financial & Economic Stability)	7.50%
9	**Local** (Products, Services & Contractors)	10.00%
10	**Price**	25.00%
	TOTAL	**100.00%**

4.4. Evaluation Selection

The evaluation was individually carried out by the evaluation panel members and then averaged out on (23/10/19) and the full evaluation matrix is in (ECM: 6285074)

4.5. Reference Checks

All tenderers provided three referees and Staff have contacted at least two of the three referees for the preferred supplier (or the top 3 suppliers) who provided positive feedback on their experience with the company.

5. Discussion

The tenders were assessed by a Tender Evaluation Panel (Acting Manager Assets & Engineering Services, Acting Team Leader Asset Planning, Accountant (financial component only), Risk Management Coordinator (work health safety/insurance component only), General Manager Infrastructure Services and two independent parties, who represented the Architect and Project Manager). The assessment was undertaken with respect to the tenderer's reliability, business capability, quality of service, environment management system, work health and safety, previous works undertaken and the tendered rates. All tenders met the specifications that Council required through the tender document.

As part of the tender requirements, the potential tenderers were required to attend a site briefing to ensure they were fully aware of the scope and complexity of the project. Unfortunately one of the tenderers (Tenderer 8) failed to attend this briefing and confirmed afterwards that a representative did not attend due to unforeseen circumstances.

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- Financial capability.

Furthermore, Tenderer 8's price submission was the lowest by approximately $160,000, compared to the second highest score based on the site shutting down during construction. Tenderer 8 has successfully delivered various projects for Council in the past.

Summary of the score prior to the penalty is shown below:

Contractor	$	Score	Rank
Tenderer 1	3,375,317	354.58	3
Tenderer 2	3,485,730	310.44	7
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Tender Score after Penalty

However, as Tenderer 8 failed to attend the compulsory site briefing, the 10% penalty has resulted in Tenderer 8 dropping from the highest score to fifth highest. Taking into account the penalty score, Tenderer 7 has the highest score, with Tenderer 1 being second highest. Although Council has not used either of these companies in the past, Staff and the independent Project Manager believe they would be capable of delivering the desired outcome.

The revised score after the penalty is shown below:

Contractor	$	Score	Rank
Tenderer 1	3,375,317	354.58	2
Tenderer 2	3,485,730	310.44	7
Tenderer 3	3,478,700	267.70	8
Tenderer 4	3,031,043	332.00	6
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However to a provide level of comfort to Council, the Panel (through the architect) requested further detail from Tenderers 7 and 1 and were satisfied that they would both be able to deliver the work. Therefore, if Council were to consider the 10% penalty, then Staff would recommend Tenderer 7 as the preferred contractor, in lieu of Tenderer 8.

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4. Not proceed with the project. The risk of choosing this option is Council would not be able to provide female change room facilities and improve the accessibility at this time. Furthermore, Council would be required to return the grant funding and may impact on Council's ability to secure grants in the future.

While Council has the ability to choose all options presented, Staff believe that Council should continue with the project and select Option 3.

While Staff acknowledge that Tenderer 8 is not the preferred supplier after applying the penalty, they were found to have the lowest cost, were assessed to have the highest scoring methodology and have successfully delivered a number of projects for Council in the past. Tenderer 8 have indicated in their response that they are able to deliver the project on time and on budget through their value adding process.

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In forming this opinion, Staff sough legal advice which confirmed that Council has the absolute discretion to select a non-conforming tender

6. Financial Implication

Approximately $3.0 million (including grant funding) has been allocated in the budget for this project. Grant funding for the project totals $747,600, provided by the following levels of Government:

Federal Government $500,000
State Government $247,600

The Quantity Surveyor's estimation for this project was in the order of $3.5 million. Therefore, the tender price received is below the Quantity Surveyor's estimation. Unfortunately, although the tender price is lower than the Quantity Surveyor's estimation, it is still over the allocated budget.

Depending on the preferred option, Council will need to increase its budget between $350,000 and $500,000 (including contingencies) to fund the shortfall which would need to be recognised at the next Budget Review.

7. Terms of Payment

Please highlight below which term of payment is applicable to this contract. (delete not applicable)
The contractor has requested payment of contract sum as highlighted below.

Option 1 (Generally for longer term contracts)

☐ 1. Where the Contract Sum is a lump sum the Contractor may at monthly intervals (or as otherwise specified in this agreement) submit a written claim for:

1.1 The portion of the Contract Sum referable to the work then completed; and

1.2 The portion of the total of any Variation sum existing at that time that directly corresponds with the percentage level to which that Variation existing at that time is complete.

2. The Council must pay the assessed amount (including payment for GST) but less any retention sum (if required) within 30 days of the end of the month in which the assessment is issued.

8. Financial Sustainability

The Finance department tender evaluation is part for the final combined assessment.

9. Recommendation

That a recommendation to Council be made that tenderer 8 be awarded the contract. And for additional funding

10. Approval

Endorsed/Approved by:

Signed: _____ Date:_____

General Manager Infrastructure Services

Approved by:

Signed: _____ Date:_____

Chief Executive Officer

Combined Tender Assessment - Hectorville Sports Club Redevelopment Construction

CONFIDENTIAL

Date of Assessment: 1 October 2019
Names of Assessors: Andrian Wiguna, Walter Iasielo, Jagath Pathirana, DesignInc, Tulio Tagliaferi
WHS & Insurance Assessor: Adrian Forster
Finance Assessor: Lisa Gergos

	Procurement Selection Criteria - 1			Procurement Selection Criteria - 2			Procurement Selection Criteria - 3			Procurement Selection Criteria - 4			Procurement Selection Criteria - 5		
Criteria Description	**Relevant Experience of Contractor (ie previous work of this type etc)**			**Track Record of Contractor (General reputation for work competence, capacity, product warranty etc)**			**Technical Skills (People, systems, specific abilities etc)**			**Methodology (how the project is to be tackled, scope of work etc)**			**Management (Organisation, Environmental, Quality System)**		
Schedule References	12 14			10 11			4 15			17 18			7 8 9 13		
Criteria Weighting (%)	10.0%			10.0%			10.0%			10.0%			5.0%		
	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score
Contractor															
Blu Built Constructions	3.90	10.0%	**39.00**	4.10	10.0%	**41.00**	4.10	10.0%	**41.00**	4.30	10.0%	**43.00**	4.30	5.0%	**21.50**
Cook Building & Development	3.40	10.0%	**34.00**	3.30	10.0%	**33.00**	2.80	10.0%	**28.00**	3.00	10.0%	**30.00**	3.70	5.0%	**18.50**
G5 Special Projects	2.50	10.0%	**25.00**	2.80	10.0%	**28.00**	2.40	10.0%	**24.00**	2.40	10.0%	**24.00**	2.40	5.0%	**12.00**
Horizon Construction Services	3.00	10.0%	**30.00**	3.00	10.0%	**30.00**	2.80	10.0%	**28.00**	2.90	10.0%	**29.00**	3.40	5.0%	**17.00**
ICM Construction	3.00	10.0%	**30.00**	3.10	10.0%	**31.00**	3.70	10.0%	**37.00**	3.80	10.0%	**38.00**	3.80	5.0%	**19.00**
Mossop Construction & Interiors	3.60	10.0%	**36.00**	3.70	10.0%	**37.00**	4.10	10.0%	**41.00**	4.30	10.0%	**43.00**	4.30	5.0%	**21.50**
Pascale Constructions	3.80	10.0%	**38.00**	3.10	10.0%	**31.00**	4.10	10.0%	**41.00**	4.30	10.0%	**43.00**	4.40	5.0%	**22.00**
Sarah Constructions	3.90	10.0%	**39.00**	4.00	10.0%	**40.00**	4.40	10.0%	**44.00**	4.70	10.0%	**47.00**	4.50	5.0%	**22.50**

Combined Tender Assessment - Hectorville Sports Club Redevelopment Construction

CONFIDENTIAL

Date of Assessment: 1 October 2019

Names of Assessors: Andrian Wiguna, Walter Iasielo, Jagath Pathirana, DesignInc, Tulio Tagliaferi

	Procurement Selection Criteria - 6			Procurement Selection Criteria - 7			Procurement Selection Criteria - 8			Procurement Selection Criteria - 9			Procurement Selection Criteria - 10		
Criteria Description	**Time Performance (as proposed for project - likelihood of meeting it)**			**Management (Insurances& WHS System)**			**Management (Financial & Economic Stability)**			**Local (Products, Services & Contractors)**			**Price**		
Schedule References	**16**			**5 6**			**3**			**19**			**19**		
Criteria Weighting (%)	**5.0%**			**7.5%**			**7.5%**			**10.0%**			**25.0%**		
	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score	Average Point Score	Weighting	Weighted Score	Point Score	Weighting	Weighted Score
Contractor															
Blu Built Constructions	3.90	5.0%	**19.50**	4.50	7.5%	**33.75**	2.00	7.5%	**15.00**	4.00	10.0%	**40.00**	2.43	25.0%	**60.83**
Cook Building & Development	4.30	5.0%	**21.50**	4.50	7.5%	**33.75**	2.00	7.5%	**15.00**	4.00	10.0%	**40.00**	2.27	25.0%	**56.69**
G5 Special Projects	1.80	5.0%	**9.00**	4.50	7.5%	**33.75**	2.00	7.5%	**15.00**	4.00	10.0%	**40.00**	2.28	25.0%	**56.95**
Horizon Construction Services	2.10	5.0%	**10.50**	4.50	7.5%	**33.75**	4.00	7.5%	**30.00**	5.00	10.0%	**50.00**	2.95	25.0%	**73.75**
ICM Construction	3.60	5.0%	**18.00**	4.50	7.5%	**33.75**	4.00	7.5%	**30.00**	4.00	10.0%	**40.00**	2.40	25.0%	**60.01**
Mossop Construction & Interiors	3.50	5.0%	**17.50**	4.50	7.5%	**33.75**	1.00	7.5%	**7.50**	4.00	10.0%	**40.00**	2.31	25.0%	**57.66**
Pascale Constructions	4.20	5.0%	**21.00**	4.50	7.5%	**33.75**	3.00	7.5%	**22.50**	4.00	10.0%	**40.00**	2.56	25.0%	**63.96**
Sarah Constructions	4.60	5.0%	**23.00**	4.50	7.5%	**33.75**	3.00	7.5%	**22.50**	3.00	10.0%	**30.00**	2.81	25.0%	**70.14**

Contractor	Price	Total Score	Rank	Attend Site Briefing					10% penalty for non conforming for	
		100.0%		Y/N		Y/N	0.1		New Total Score	
Blu Built Constructions	$3,375,317	354.58	3	Y		Y	0.00		354.58	2
Cook Building & Development	$3,485,730	310.44	7	Y		Y	0.00		310.44	7
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Horizon Construction Services	$3,031,043	332.00	6	Y		Y	0.00		332.00	6
ICM Construction	$3,397,258	336.76	4	Y		Y	0.00		336.76	3
Mossop Construction & Interiors	$3,459,900	334.91	5	Y		Y	0.00		334.91	4
Pascale Constructions	$3,292,002	356.21	2	Y		Y	0.00		356.21	1
Sarah Constructions	$3,127,182	371.89	1	N		N	-37.19		334.71	5