

### **CM13.3. Ernest Grant Park Car Park, Playspace and Skatepark Contract No. 20/02632**

<b>DATE</b>	27 January 2022	<b>FIL REFERENCE</b>	FIL20/02632-02
<b>CONFIDENTIAL</b>	No		
<b>FURTHER ENQUIRIES</b>	Andrew Lawson City Projects	<b>PHONE</b>	6023 8111
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#### **Purpose of Report**

To recommend a preferred contractor for the construction of Ernest Grant Park Car Park, Playspace & Skatepark, through a qualitative and quantitative assessment.

#### **Background**

Ernest Grant Park is located on the corner of Thurgoona Drive and Bogong Street in Thurgoona. The area is a popular open space that is well utilised by the surrounding residential community and adjacent Thurgoona Public School. At present, the primary winter user group is Thurgoona Auskick, and the primary summer user group is junior and senior cricket. Other sporting clubs also use the area as a training facility.

The Ernest Grant Park Master Plan was developed in conjunction with key stakeholders and the wider community, with the Master Plan endorsed by Council on 27 April 2020 (attachment 1). The Master Plan identifies a range of improvements which will enhance the park and provide opportunities for all ages to be active. Extensive community consultation occurred during the preparation of the Master Plan, with the main purposes for visiting the park being recreation, exercise and to visit the playground. Over 75% of the community identified a new playspace as their top priority for improvements at the park.

The Albury Skate and BMX Strategy, which was adopted by Council at its meeting on 23 July 2018, confirmed that all existing skatepark facilities within Albury were nearing the end of their useful life and did not meet the recreational needs of the community. The recommendation was to not retain any elements of the existing skatepark facility at Ernest Grant once new facilities had been established. The skate elements integrated within this project are consistent with the Skate and BMX Strategy and assist in meeting the skating demand within the growing Thurgoona community.

The delivery of this project will see Stage 1 of the Ernest Grant Master Plan achieved with the scope of works for this tender including:

- The construction of a new car park to improve accessibility to the facilities within the Ernest Grant Park;
- The construction of a new skatepark and asphalt pump track; and
- The construction of a new playspace with a play tower, swings, rope course, see-saw, rain wheel, sand play table, shelter, and park furniture.

Tenders were invited for Contract No. 20/02632, Ernest Grant Park Car Park, Playspace & Skatepark, and advertised in the Border Mail, Sydney Morning Herald and on Tenderlink. Tenders closed at 12 noon on Tuesday 12 October 2021.

The contract duration is estimated at 20 weeks and will be completed in the 2022/23 financial year.

Council's budget allocation for the project is \$1,469,367.90 including GST and is split over 2021/2022 and 2022/2023 to facilitate the delivery of the project. The budget allocation is inclusive of \$300,000 of grant funding secured through Round 2 of the NSW Everyone Can Play Fund.

### **Tender Assessment**

At the close of tenders, submissions were received from the following companies:

- Hayley Constructions Pty Ltd (Yackandandah, VIC);
- Excell Gray Bruni Pty Ltd (Wodonga, VIC); and
- B.R Durham & Sons Pty Ltd (Mulgrave, NSW).

All tenders were evaluated in accordance with Council's Procurement Policy and Guidelines. The assessment panel for the tender comprised of Project Engineer - Vaisakh Harikumar; Team Leader Project Delivery - Isaac Greene; Sourcing Coordinator - Brooke Starkey; and Supervisor Parks - Mark Lee.

### **Conformity Check**

A conformity assessment was undertaken to ensure all submissions received were in accordance with the contract documentation and specification.

<b>Company</b>	<b>Pricing Details</b>	<b>Supporting Information</b>	<b>WHS Documentation</b>	<b>Comment</b>
Hayley Constructions Pty Ltd	✓	✓	✓	Conforming
Excell Gray Bruni Pty Ltd	✓	✓	✓	Conforming
B.R Durham & Sons Pty Ltd	X	X	X	Non-conforming

As indicated above, submissions from Hayley Constructions Pty Ltd and Excell Gray Bruni Pty Ltd were assessed as conforming tenders. The tender received from B.R Durham & Sons Pty Ltd was assessed as non-conforming and not further considered as it contained marketing material not relevant to the tender.

Excell Gray Bruni Pty Ltd is currently WHS registered with Council. Hayley Constructions Pty Ltd provided the necessary documentation to meet Council's WHS registration requirements.

## Qualitative Assessment

A qualitative assessment considered a range of issues including:

- past performance – including referee checks, relevant experience, and expertise in performing same or similar projects;
- methodology and program – project methodology and proposed program;
- capacity – current and future commitments and workload;
- capability – including availability of resources, equipment, and contract management capabilities; and
- benefit to local region – social and community benefit to the Albury/Wodonga region.

Company	Past Performance (30%)	Methodology & Program (30%)	Capacity (15%)	Capability (15%)	Local Benefit (10%)	Total (100%)
Hayley Constructions Pty Ltd	21	26	9	11	7	74
Excell Gray Bruni Pty Ltd	24	20	11	11	7	73

**Hayley Constructions Pty Ltd** is a locally owned company based in Yackandandah, VIC with experience in completing projects that specifically relate to the design and construction, or construction only of skateparks between \$100K through to \$600K.

Recent projects completed by Hayley Constructions Pty Ltd include the Walla Walla and Holbrook Skatepark (\$240K) for Greater Hume Council, the Cohuna Skatepark (\$600K) for Glannawarra Shire Council and the Yarram and Maffra Skatepark (\$400K) for Wellington Shire Council. Considering the above, whilst Hayley Constructions Pty Ltd is experienced in skatepark construction they have not previously completed a contract of this size and scope, presenting a minor risk to Council.

Hayley Constructions Pty Ltd has indicated that their current work commitments include Jerilderie and Darlington Point Skatepark project for Murrumbidgee Council (anticipated completion, early 2022) and the Eltham Skatepark Extension project for Nillumbik Shire Council (anticipated completion, early 2022).

Hayley Constructions Pty Ltd has provided an extensive list of reputable sub-contractors to undertake the specialised components of the project, in which they do not have the immediate expertise. The most notable being A P Delaney Pty Ltd to complete the car park works, one of the major components of the project. A P Delaney Pty Ltd has undertaken similar car park projects for Albury City Council including Lavington Sports Ground Car Park, the Albury Monument Redevelopment and Glenmorous Gardens Road Extension, all of which were completed to a very high standard.

Referee information indicated that Hayley Construction Pty Ltd delivers a very high-quality product, requires little supervision, completes projects in a timely manner and works in a collaborative manner.

Hayley Constructions Pty Ltd has provided a detailed methodology that explains all key construction activities and highlighted the various disciplines and construction requirements for the project. This provides confidence that the specialist elements within the project, which include the skatepark and pump track will be completed to a high standard and that the specific tolerances and workmanship outlined in the tender documentation will be achieved. They have also identified that the different major tasks can be undertaken consecutively (e.g. the car park and the playspace, skatepark and pump track).

Hayley Constructions Pty Ltd's construction program is for a five month duration, which is considered achievable and has a logical sequence of activities. This duration is in line with Council's estimated timeframe.

Hayley Constructions Pty Ltd has indicated that should they be awarded this tender, the majority of the materials, plant, equipment, and labour will be sourced from the local region. A majority of their proposed key subcontractors and suppliers are local and well respected in their respective fields. In addition to this, Hayley Constructions Pty Ltd has also outlined that they will work with Evans Asphalt to assist them in developing their skills in the creation of pump tracks and will contribute to the community through sporting club sponsorship in the local area.

Information provided to Council indicates that the business has the financial capacity to support the delivery of this project.

**Excell Gray Bruni Pty Ltd** is a locally based company (Wodonga) and has an extensive portfolio of completing civil construction projects. Excell Gray Bruni Pty Ltd's recent contracts are associated with civil infrastructure construction valued between \$500K and \$8M for both local government bodies and property developers in the private sector.

Excell Gray Bruni Pty Ltd has also previously delivered civil infrastructure projects for Council, most notably Kerr Road Reconstruction, Elizabeth Mitchell & Thurgoona Drive Intersection Realignment, Keene Street Road Reconstruction and the Les O'Brien and Lavington Sports Ground Terraced Concrete Seating. These projects were all undertaken to a high standard, whilst maintaining minimal disruption to the relevant stakeholders.

Although Excell Gray Bruni Pty Ltd has successfully completed many large projects to a high standard, their submission did not detail any previous experience relating to the delivery of skateparks and pump tracks. Excell Gray Bruni does, however, have a dedicated and experienced concreting crew which has completed various specialist concrete works such as the Les O'Brien and Lavington Sports Ground Terraced Seating for AlburyCity. Furthermore, Excell Gray Bruni Pty Ltd has also completed various concrete elements within recently completed landscape projects, such as the High Street Reconstruction in Wodonga, VIC. These past completed works provide confidence that Excell Gray Bruni Pty Ltd has the capability to undertake the skatepark and pump track elements within this project.

Excell Gray Bruni Pty Ltd indicated within their submission that their only current work commitment is the \$8M Albury Riverside Precinct Construction for Albury City Council, with an anticipated completion date of December 2022.

Referee information indicates that Excell Gray Bruni Pty Ltd delivers projects to a high standard, are reliable and are very accommodating with changes to the scope of works.

Excell Gray Bruni Pty Ltd submitted a brief methodology, outlining tasks at a high level only. Excell Gray Bruni's construction program is three months in duration, which appears short in comparison to Council's estimated timeframe for this project.

Excell Gray Bruni Pty Ltd has indicated that should they be awarded this tender, the majority of the materials, plant, equipment, and labour will be sourced from the local region. They also sponsor several local sporting groups and volunteer organisations.

Information provided to Council indicates that the business has the financial capacity to support the delivery of this project.

#### **Quantitative Assessment (100%**

The lump sum tender prices and ratings relative to the lowest price are tabulated below.

<b>Company</b>	<b>Estimated Contract Value (including GST)</b>	<b>Rating (100)</b>
Excell Gray Bruni Pty Ltd	\$ 1,611,262.84	100
Hayley Constructions Pty Ltd	\$ 1,887,249.25	85

The budget allocation for the project is \$1,469,367.90 including GST, with both submissions exceeding the allocated budget. The variation in budget can partially be attributed to rising material and construction costs that have increased significantly during the COVID-19 pandemic.

As detailed above, the submission from Excell Gray Bruni Pty Ltd was the most advantageous from a cost perspective, being \$276K (17%) more favourable than Hayley Constructions Pty Ltd. The shortfall in funding can be accommodated by adjusting the 2022/23 capital budget program.

#### **Risk**

- **Business Risk** – Financial risks are possible and are most likely to be associated with scope creep and delays due to the COVID-19 pandemic, or with latent conditions. Location of existing services, as well as environmental investigations and geotechnical investigations have been undertaken to reduce this risk. Due to the nature of the project this risk is considered low.

- **Corporate Risk** – It is acknowledged that there is the possibility of corporate risk to the AlburyCity image and brand. Primarily this may be because of delays to the construction timeline or significant cost discrepancies. However, the risk overall is considered low due to extensive investigations completed in the design phase.
- **WHS and Public Risk** – WHS risks due to the construction works will be controlled in accordance with AlburyCity procedures. The contractor will be WHS registered with AlburyCity and will be required to implement relevant Safe Work Method Statements and undergo safety inspections. Further, the contractor is required to submit COVID-19 safety plans, complete AlburyCity's COVID-19 declaration and abide by Federal and State Government Public Health Orders.
- **Environmental Risk** – A Review of Environmental Factors (REF) has been undertaken for this project to identify any environmental risks and suitable measures to mitigate them (attachment 2). As part of the REF, an Archaeological Assessment and Aboriginal Cultural Heritage Assessment were undertaken. Collectively, it was determined that all predicted environmental and cultural heritage impacts can be avoided, mitigated and/or managed such that the proposal would not lead to significant impacts. Due to the comprehensive environmental and archaeological investigation completed and the non-intrusive method of construction employed for the majority of the project, the risk at this time is considered low.
- **Delivery Program Risk** – Standard delivery program risks are possible, such as delays due to inclement weather, contractor delays and latent conditions. The current operating environment must also take into consideration the changing landscape that is impacted by the global pandemic COVID-19. The risk at this time is considered medium.

### Community Engagement

Extensive community engagement occurred during the development of the Ernest Grant Master Plan during 2019-20 with consultation undertaken with both internal and external stakeholders. The general community was also engaged through the 'Have Your Say' process, which received 209 submissions. The key results of this engagement are outlined below:

- over 90% of respondents were from the Thurgoona area;
- 56% of respondents visit Ernest Grant Park weekly, primarily with children aged 5 to 10 years old;
- the main purposes for visiting the park are for recreation/general exercise and to visit the playground;
- most people walk to the site; however, a large number still drive;
- over 75% identified a new playspace as their top priority for improvements to the park; and
- a range of other suggestions were provided and reviewed as part of the master planning process.

This information was then used by Playce Pty Ltd to inform the development of the draft Ernest Grant Master Plan (attachment 1). Following endorsement of the draft Ernest Grant Park Master Plan at the 28 October 2019 Council meeting, the draft Master Plan was placed on public exhibition which concluded on 6 December 2019, with subsequent final endorsement of the Master Plan by Council on 27 April 2020.

## Summary

The scoring for the qualitative and quantitative assessment is summarised in the following table:

Company	Quantitative	Qualitative
Hayley Constructions Pty Ltd	85	74
Excell Gray Bruni Pty Ltd	100	72

From the qualitative assessment, both Hayley Constructions Pty Ltd and Excell Gray Bruni Pty Ltd have the required management systems, resources, and availability to undertake this project. From a past performance perspective, Hayley Constructions Pty Ltd has direct experience designing and constructing skateparks; however, it must be noted that this element is only a small component of the entire project. In contrast, Excell Gray Bruni Pty Ltd has not demonstrated direct experience in skatepark and pump track elements; however, Excell Gray Bruni Pty Ltd's past performance demonstrates extensive capacity and capability in delivering large and complex civil infrastructure and landscape projects, which consist of specialist concrete elements to a high standard.

From a quantitative perspective the submission from Excell Gray Bruni Pty Ltd was assessed as being the most advantageous with their submission being \$276K (17%) more favourable than Haley Constructions Pty Ltd. Both submissions were considered to represent market value.

Considering the above, based on the qualitative and quantitative assessments, it is deemed that the submission from Excell Gray Bruni Pty Ltd provides the best value for Council to deliver this project at a cost of \$ 1,611,262.84.

## Conclusion

The Ernest Grant Master Plan identified a range of improvements, which would enhance the park and provide opportunities for a range of people of varying ages and abilities to be active. This project proposal will provide ample areas and components to encourage an active community of all ages and enable a variety of different skilled skate and BMX users to frequent the space daily.

The scope of works specifically includes the construction of a new car park, skatepark, pump track and playspace including the delivery and installation of associated drainage works, landscaping and earthworks. The car park construction aims to improve access to the facilities within Ernest Grant Park, and the play equipment, skatepark, and BMX track will provide purpose-built play equipment and recreational facilities.

Council invited tenders for Ernest Grant Park Car Park, Playspace & Skatepark and received two submissions.

A quantitative and qualitative assessment indicated that Excell Gray Bruni Pty Ltd was the most favourable submission. Their tendered price of \$1,611,262.84 including GST exceeds the budget allocation of \$1,469,367.90 including GST. The shortfall in funding can be accommodated by making the necessary adjustments in the 2022/23 capital budget.

### **Recommendation**

That Council:

- a. Accepts the tender from Excell Gray Bruni Pty Ltd for Contract No. 20/02632, the construction of the 'Ernest Grant Park Car Park, Playspace & Skatepark' for the lump sum amount of \$1,611,262.84 including GST; and
- b. Makes the necessary adjustments to the 2022/23 capital budget program to accommodate the shortfall in funding for the project.

### **Attachments**

1. Ernest Grant Park Master Plan (DOC20/36517).
2. Determined Review of Environmental Factors Report (DOC22/16944).