

### **CM13.4. Albury Regional Skate Park Facility Contract No 20/02646**

<b>DATE</b>	12 November 2020	<b>FIL REFERENCE</b>	FIL20/02646-02
<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 the Albury Regional Skate Park, through a qualitative and quantitative assessment.

#### **Background**

AlburyCity has three existing skate parks and one informal BMX jumps track all accessible to the community for general use. Albury Skate Park is the largest in area at approximately 1,172m<sup>2</sup> with Thurgoona around 350m<sup>2</sup> and West Albury 230m<sup>2</sup>. The Black Range BMX Track has a riding area of approximately 400m<sup>2</sup>. With these facilities constructed approximately 20 years ago and under the suspicion they have reached the end of their useful lives, Council engaged consultant Playce Pty Ltd. They were tasked with developing a Skate Park Strategy to inform Council's planning of skate park infrastructure for the future.

This Albury Skate and BMX Strategy, which was adopted by Council at its meeting on 23 July 2018, confirmed that all the existing skate park facilities were nearing the end of their useful life and did not meet the recreational needs of the community. Specifically, it was identified that they all had functional concerns and required significant maintenance with the ultimate recommendation being to not retain any elements of the existing infrastructure. The assessment further identified that AlburyCity's facilities were both smaller and older than other facilities provided by similar sized regional centres in both Victoria and NSW. Community consultation during this process also expressed a need for a new or upgraded larger facility, supported by a petition with over 1,000 signatures.

The key short-term recommendation from the Albury Skate and BMX Strategy was to develop a new regional skate park of at least 1,500m<sup>2</sup> at the existing Albury Skate Park site. This new facility would be a purpose-built sporting facility providing various components to suit different skill levels for skating, BMX and a number of other outdoor sporting activities.

The design for the new Albury Regional Skate Park Facility was developed collaboratively between Council and Playce Pty Ltd following ongoing substantial consultation with the local skate community. The primary method of this consultation with the local skate community was through a Skate Park Working Party organised by Council. This working party consisted of approximately ten members and covered a wide range of users such as skateboarders, BMX riders, scooter riders, etc.,

all with various experience levels. They have provided both input and ongoing consultation into the design since the commencement of the project in 2018.

The scope of works for this tender is for the construction of the Albury Regional Skate Park Facility and includes the following:

- demolition of the existing skate park;
- provision of a revised footpath network including new seating areas and associated landscaping;
- an extensive skate plaza area;
- two skate bowls with covered shelters (one for beginners and another for more advanced users);
- a pump track;
- an outdoor half-court basketball court and climbing wall; and
- a parkour area.

Tenders were invited for Contract No. 20/02646 'Albury Regional Skate Park' and advertised in the Border Mail, Sydney Morning Herald and on Tenderlink. Tenders closed at 12 noon on Tuesday 13 October 2020. The contract duration is estimated at 30 weeks and will be completed in the 2021/22 financial year.

Council's budget allocation for the project is \$2,592,132 including GST which includes \$636,511 of funding through Round 3 of the NSW Government's Stronger Country Communities Fund.

This budget allocation was informed by a cost plan developed by consultant Playce Pty Ltd in October of 2018 and was based on preliminary concept design documentation. Playce Pty Ltd provided a revised cost plan for the tender works in August of 2020 which was \$3,131,561.16 including GST. This revised cost plan was based on the construction design documentation (following substantial design development incorporating key site investigations such as geotechnical information and survey information amongst others). This revised cost plan was received after the 2020/21 budget cycle and therefore, it was always envisaged an additional budget allocation would be required to complete this project.

3D visualisations (i.e. renders) of the proposed Albury Regional Skate Park are *attached* for information.

### **Tender Assessment**

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

- Convic Pty Ltd (Richmond, VIC);
- Convic Pty Ltd – Alternative Tender (Richmond, VIC);
- Excell Gray Bruni Pty Ltd (Wodonga, VIC); and
- Precision Skate Parks (Yackandandah, VIC).

All tenders were evaluated in accordance with Council's Procurement Policy and Guidelines. The assessment panel for the tender comprised of Team Leader Project Delivery – Anthony Bisignano, Coordinator Procurement and Contract Management – Gerard Coyle, Project Portfolio Coordinator – Rob Sharpe and Senior Design Engineer – Josh McLinden.

### Conformity Check

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

Company	Pricing Details	Supporting Information	WHS Documentation	Comment
<b>Convic Pty Ltd – Conforming Tender</b>	Yes	Yes	Yes	Conforming
<b>Convic Pty Ltd – Alternative Tender</b>	Yes	Partial	Yes	Conforming
<b>Excell Gray Bruni Pty Ltd</b>	Yes	Yes	Yes	Conforming
<b>Precision Skate Parks Pty Ltd</b>	Yes	Yes	Yes	Conforming

As indicated above, all submissions were assessed as conforming tenders. Although only Excell Gray Bruni Pty Ltd are WHS registered with Council, the other tenderers provided the necessary documentation to demonstrate the ability to meet Council's WHS requirements.

Convic Pty Ltd provided an alternative tender proposing to change the design associated with the ground improvement works. The exact scope and work methodology are not detailed herein as it remains the intellectual property of Convic Pty Ltd. Following consultation with Council's design consultant, Playce Pty Ltd, this option was not considered as a viable alternative. Therefore the alternative tender submission from Convic Pty Ltd was not further considered for this contract.

### 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 (35%)	Methodology & Program (25%)	Capacity (20%)	Capability (10%)	Local Benefit (10%)	Total (100%)
Convic Pty Ltd	35	21	17	10	3	86
Precision Skate Parks Pty Ltd	28	23	17	9	8	85
Excell Gray Bruni Pty Ltd	14	13	15	4	8	54

**Convic Pty Ltd** is a company based in Melbourne (Richmond) and has a substantial portfolio of similar contracts for local government bodies. Their recent projects are all associated with either the design and construction, or simply construction, of skate parks between \$300K and \$3.3M.

Notable similar projects completed by Convic Pty Ltd include the \$2.5M Ryde Outdoor Youth Space completed for the City of Ryde, the \$3.0M Margaret River Youth Precinct completed for the Shire of Augusta-Margaret River, and the \$1.3M St Clair Youth Precinct completed for the City of Charles Sturt.

Their current work commitments include Crescent Skate Park for the City of Sydney (anticipated completion November 2020), Lake Cathie Skate Park for Port Macquarie Hastings (anticipated completion February 2021), Mandurah Foreshore Skate Park for the City of Mandurah (anticipated completion December 2020), Jurien Bay Skate Park for the Shire of Dandaragan (anticipated completion March 2021), Snake Valley for Pyrenees Shire Council (anticipated completion December 2020), Meadow Heights Skate Park for Hume City Council (anticipated completed November 2020) and Morton Road Skate Park for the City of Onkaparinga (anticipated completion March 2021).

Referee information indicated that Convic Pty Ltd deliver a quality product, use reputable subcontractors and suppliers, and are a pleasure to deal with. Council has no recent experience dealing with Convic Pty Ltd (i.e. any experience within the last ten years).

Council's consultant Playce Pty Ltd advised *"Convic Pty Ltd have built many of the largest skate parks across the country over that time and are consistently of a high quality...Lara Skate park was designed by Playce Pty Ltd and built by Convic Pty Ltd in 2015...the final outcome was of a high quality and we [Playce Pty Ltd] were not aware of any variations during the build."*

Convic Pty Ltd's proposed site boundary plan demonstrates a reasonable understanding of the site constraints, access points, and likely traffic control devices. The proposed works would possibly impact the JC King Park user groups. However, it is acknowledged that the plan is subject to change should Convic Pty Ltd be successful.

The importance of site security during construction is well understood. To minimise damage to the skate park during construction, Convic Pty Ltd propose to purposely leave key areas of the final base construction to the last stages of the project making it impossible for the public to skate the park prior to opening.

Convic Pty Ltd truly understands what is required in the construction of skate park elements. To achieve the tight tolerances outlined in the tender documentation, Convic Pty Ltd have outlined the key quality performance metrics it sets and measures against. They also appreciate the required meticulous approach to hand-finishing of concrete pours, combined with a skateboarder's appreciation of the lines and flow through the space, acknowledging only a recognised 'skate park' specialist who understands how the skate park is to be ridden can blend the concrete between skate park elements where there are no typical drawing specifications.

Although Convic Pty Ltd's construction program is long, being 10 months in duration, it is entirely reasonable, achievable and has a logical sequence of activities. The activities at the start and end of the project (i.e. mobilisation, site establishment, procurement, landscaping and handover to client) are considered very conservative in the duration.

Convic Pty Ltd has indicated that should they be awarded this tender, the majority of the materials, plant 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.

**Precision Skate Parks Pty Ltd** is a locally based company (Yackandandah) and have a large portfolio of similar contracts for local government bodies. Their recent projects are all associated with either the design and construction, or simply construction, of skate parks between \$150K through to \$1.5M.

Notable similar projects completed by Precision Skate Parks Pty Ltd include the \$1.2M Viaduct Park Skate Park completed for Tamworth Regional Council and the \$3.3M Endeavor Hills Skate Park delivered for the City of Casey (where they were a subcontractor to LJM Construction (Aust) Pty Ltd, with their component of the work being valued at \$1.5M). Considering this, Precision Skate Parks Pty Ltd have not previously completed a contract of this size before, and this presents a minor risk to Council should they be the successful tenderer.

Their only current work commitment is the Wollongbar Skate Park for Ballina Shire Council (anticipated completion December 2020).

Referee information indicated that Precision Skate Parks Pty Ltd deliver a high-quality product, use reputable subcontractors and suppliers, and are invested in their projects. Council has no recent experience dealing with Precision Skate Parks Pty Ltd (i.e. any experience within the last ten years).

Council's consultant Playce Pty Ltd advised *"Precision Skate Parks Pty Ltd have extensive skate park construction experience and have built a number of Playce Pty Ltd's projects. For example, Playford Alive Munno Parra Skatepark, Balnarring, Portland and most recently Yackandandah."*

Precision Skate Parks Pty Ltd's proposed site boundary plan demonstrates a sound understanding of the site constraints, access points and likely traffic control devices whilst acknowledging the needs of the JC King Park user groups.

The importance of site security during construction is well understood. To minimise damage to the skate park during construction, Precision Skate Parks Pty Ltd propose the skate park bowls and

connecting elements be poured last and will have a static guard onsite afterhours when skate elements are being poured.

Precision Skate Parks Pty Ltd understands the construction of skate park elements is a highly specialised field requiring well selected qualified employees, tools and materials to ensure a high-quality end product. To achieve the tight tolerances outlined in the tender documentation, Precision Skate Parks Pty Ltd have outlined the use of bespoke handmade tools, CNC rolled steel for concrete cutting and shaping, and custom-made laser cut steel guides. This is all supported by their integrated management system to manage quality.

Precision Skate Parks Pty Ltd's construction program is six months in duration and is entirely reasonable, achievable and has a logical sequence of activities. This duration is in line with Council's estimated timeframe.

Precision Skate Parks 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.

**Excell Gray Bruni Pty Ltd** is a locally based company (Wodonga). Their submission indicated no previous skate park construction experience. All of their recent contracts are associated with civil infrastructure construction valued between \$150K and \$4.5M for both local government bodies and property developers in the private sector.

A notable project completed by Excell Gray Bruni Pty Ltd outlined in their submission is the \$4.0M West Epping Park Play Space completed for the City of Parramatta. Although this project included a playspace, basketball court, barbecue and picnic facility shelter, elements which are present in this tender, it is noticeably absent of any skate park elements.

Their current work commitments include Kerr Road Reconstruction Stage 6, Thurgoona Drive/Elizabeth Mitchell Drive Intersection Realignment and Mate Street Beautification for Council (anticipated completion February 2021), the Tumut Hospital Redevelopment for Richard Crookes Construction (anticipated completion November 2020), Ettamogah Rise Stage 6 for Esler & Associates (anticipated completion December 2020), and Defect REFCL Projects for Stowe Australia (anticipated completion November 2020).

Referee information indicated that Excell Gray Bruni Pty Ltd deliver projects to a high standard, typically deliver on time, and are professional in how they manage their construction sites. Council has extensive experience with Excell Gray Bruni Pty Ltd on many civil infrastructure projects. Most notably with the Kerr Road Reconstruction and Wagga Road Beautification works where they have completed multiple stages respectively. These projects have been undertaken with a high level of service, a quality product being delivered, whilst maintaining minimal disruption to the relevant stakeholders.

Council's consultant Playce Pty Ltd advised *"Excell Gray Bruni Pty Ltd indicate no experience in skate park construction. Achieving the required concrete blends, smooth finish, and steelwork/coping placement are critical to the success, safety and usability of the facility. It is important to ensure the*

*contractor is aware of these requirements, and has proven experience in this field... With the information provided [in their submission] we would not recommend Excell Gray Bruni Pty Ltd are engaged for this project due to the specialist requirements for the success of a skate facility of this size."*

Excell Gray Bruni Pty Ltd's proposed site boundary plan demonstrates a sound understanding of the site constraints, access points, and likely traffic control requirements, whilst minimising the potential impact(s) on the JC King Park user groups.

The importance of site security during construction is well understood. To minimise damage to the skate park during construction, Excell Gray Bruni Pty Ltd propose to have a CCTV system monitoring the site to deter intruders using the newly constructed works prior to handover to Council.

Excell Gray Bruni Pty Ltd's submission does not sufficiently display an understanding of what is required in the construction of skate park elements to a high standard. Their submission indicates an appreciation of the specialist tools used in skate park construction. However, they have advised they intend to submit shop drawings to manage the quality of key skate park elements. As advised by the Skate Park Working Party *"regardless of the level of detail included in the plan and designs [including shop drawings], to guarantee quality construction, the builder [i.e. prospective tenderer] should also have a sound knowledge of how a skateboarder, scooter and/or bike rider will utilise the park and all of its features."* Excell Gray Bruni Pty Ltd and their nominated key subcontractor for concrete works, have not sufficiently demonstrated this knowledge within their submissions.

Excell Gray Bruni Pty Ltd's construction program is six months in duration and is entirely reasonable, achievable and has a logical sequence of activities. This duration is in line with Council's estimated timeframe.

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 a number of local sporting groups and volunteer organisations.

From the information provided, both Convic Pty Ltd and Precision Skate Parks Pty Ltd demonstrate the required management systems, experience, construction plant, resources and availability to provide AlburyCity with a quality product. More importantly, they both have a proven track record in the delivery of skate park construction which is a specialist field. As outlined by the Skate Park Working Party and Council's consultant, Playce Pty Ltd, *"achieving the required concrete blends, smooth finish and steelwork/coping placement are critical to the success, safety and usability of the facility."*

The tender assessment panel deemed Excell Gray Bruni Pty Ltd as poorly positioned to deliver the project as their submission did not indicate that they (or their proposed key subcontractors) had any experience in the construction of skate park infrastructure. This is reflected in their Past Performance, Methodology & Program, and Capability scores. Notwithstanding this, due to there being only three submissions for the tender and that Excell Gray Bruni have demonstrated the required management systems, construction plant, resources and availability to undertake the project they have been considered in the quantitative assessment. However, based on this qualitative assessment, engaging Excell Gray Bruni Pty Ltd presents a high risk to Council.

The tender assessment panel's assessment is supported by Council's consultant Playce Pty Ltd who advised "we [Playce Pty Ltd] believe that Convic Pty Ltd and Precision Skate Parks Pty Ltd will both provide a good quality construction finish and have plenty of experience in this field...Excell Gray Bruni Pty Ltd indicate no experience of skate park construction...we [Playce Pty Ltd] would not recommend Excell Gray Bruni Pty Ltd are engaged for this project due to the specialist requirements for the success of a skate facility of this size".

### Quantitative Assessment (100%)

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

Company	Lump Sum Price (including GST)	Rating (100)
Excell Gray Bruni Pty Ltd	\$3,326,371.40	100
Precision Skate Parks Pty Ltd	\$3,401,834.43	98
Convic Pty Ltd	\$3,865,775.64	86

The budget allocation for the project is \$2,592,132 including GST, with no submissions being within the allocated budget. As previously noted, Council received a revised cost estimate (August 2020) of approximately \$3.1M from Playce Pty Ltd for the project, which is consistent with the submissions received.

As detailed above, the submission from Excell Gray Bruni Pty Ltd was the most favourable from a cost perspective, being \$75K (2%) more favourable than Precision Skate Parks Pty Ltd and \$539K (16%) more favourable than Convic Pty Ltd.

### Risk

- **Business Risk** – Financial risks are possible, most likely associated with scope creep or with latent conditions associated with differing inground conditions than those anticipated. However, these risks have been minimised through a clearly defined scope of works, geotechnical investigations, and a solid ground improvement methodology that were included in the tender documentation. The Coronavirus (COVID-19) pandemic, and its impact on the construction and building industry is still evolving, and it is unknown at this time what this risk may be to Council.
- **Corporate Risk** – Corporate risks are possible with the existing Albury Skate Park to be demolished for the length of the construction. This means that any delays during construction will ultimately prevent the existing Albury Skate Park users and new users utilising the new facilities and may damage the AlburyCity brand.
- **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 safety inspections.

- **Environmental Risk** – The contractor will be required to submit Environmental Plans, addressing environment controls to be implemented; in particular, erosion and sediment controls, and air quality.
- **Delivery Program Risk** – Standard delivery program risks are possible, such as delays due to inclement weather, delays due to latent conditions and contractor-caused delays.

### Community Engagement

The Albury Regional Skate Park is identified in the Council endorsed Albury Skate and BMX Strategy, which included extensive stakeholder engagement and a public exhibition process. In addition, a Skate Park Working Party representing the local skate community have provided significant input into the design process. This design process also included public consultation in the form of a 'have your say' survey, a series of public workshops, and an interactive exhibition at the Retro Youth Café.

To keep the community informed of the construction process the project will be included in the Major Projects section of the website and updates through News from AlburyCity and via social media.

This project is relevant to a number of strategic plans such as Albury 2030 and the Two Cities One Community Strategic Plan as outlined below.

1. *Albury 2030:*

This project identifies with Albury 2030's theme of 'a caring community' and specifically, with outcome 3.4 'Albury offers a diverse and accessible range of facilities and activities for all ages'. Specifically, the delivery of this project promotes and encourages healthy lifestyles through development and efficient use of sporting, recreational, educational and cultural facilities and infrastructure.

2. *Two Cities One Community Strategic Plan:*

This project identifies with the Two Cities One Community Strategic Plan community aspiration of 'our community' and specifically, with outcome 3.3 'our community is healthy and has a strong sense of wellbeing'. The delivery of this project improves user experience at the Albury Skate Park. As a premier regional facility, users of Albury Skate Park will travel from both sides of the border in the local government areas of Albury City Council, City of Wodonga, Federation Council, Indigo Shire Council, Greater Hume Council and Towong Shire.

### Summary

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

Company	Quantitative	Qualitative
Precision Skate Parks Pty Ltd	98	85
Convic Pty Ltd	86	86
Excell Gray Bruni Pty Ltd	100	54

From the qualitative assessment, both Convic Pty Ltd and Precision Skate Parks Pty Ltd have the required management systems, experience, resources and availability to successfully undertake this project. The tender assessment panel, supported by commentary from Council's consultant Playce Pty Ltd, deemed Excell Gray Bruni Pty Ltd as poorly positioned to deliver the project. This presents a high risk to Council in achieving a high-quality product as their submission indicates no experience of skate park construction and/or the specialist requirements for the success of a skate facility of this size.

From a quantitative perspective the submission from Excell Gray Bruni Pty Ltd was assessed as being the most advantageous. The submission was between \$75K (2%) and \$539K (16%) more favourable than the other submissions. The submissions are considered to represent market value.

Considering the above, based on the qualitative and quantitative assessments, it is deemed that the submission from Precision Skate Parks Pty Ltd provides the best value for Council to deliver this project at a cost of \$3,401,834.43. The significant relevant experience detailed within their submission provides confidence that they have the specialist skills for a project of this type to provide a quality product.

It is proposed that the budget shortfall for the project be addressed through reallocation of \$1,100,000.00 including GST to the project from the Bungambrawatha Creek Outfall Restoration project. The delivery of the Bungambrawatha Creek Outfall Restoration project is subject to resolution of an unresolved Aboriginal land claim, with the resolution of such and the commencement of the project, at this stage, unlikely to occur in the 2020/21 year. This project will therefore be re-submitted for Council consideration in the 2021/22 Operational Plan. Additionally, Council has recently initiated a review of the Murray River Experience (MRE) documentation and it is deemed prudent to incorporate any initiatives identified in this review in the final outfall design where appropriate.

Reallocation of this funding to the Skate Park Project will provide a holistic budget allocation of \$3,692,132 including GST. This budget allocation is inclusive of all delivery costs, construction phase services and project management.

## **Conclusion**

Council invited tenders for 'Albury Regional Skate Park' and received four submissions from three tenderers, with all submissions being deemed conforming. An alternative submission from Convic Pty Ltd was provided but not further considered following consultation with the design consultant, Playce Pty Ltd.

Council's Skate and BMX Strategy confirmed suspicions that all AlburyCity existing skate park facilities do not meet the community's needs in skate park provision. Identified as having functional and condition issues, they are all smaller and older than other facilities provided for by similar sized regional centres in both Victoria and NSW. It also highlighted the community's appetite for a new or upgraded larger skate park facility through extensive community consultation.

The intent of the Albury Regional Skate Park is to provide a 1,500m<sup>2</sup> purpose-built sporting facility providing ample space and components to enable a variety of different skilled skate and BMX users to frequent the space on a daily basis.

The scope of works includes the demolition of the existing skate park; provision of a revised footpath network including new seating areas and associated landscaping; an extensive skate plaza area; two skate bowls with covered shelters (one for beginners and another for more advanced users); a pump track; an outdoor half-court basketball court and climbing wall; and a parkour area.

A quantitative and qualitative assessment indicated that Precision Skate Parks Pty Ltd was the most favourable submission. Their tendered price of \$3,401,834.43 is above the original budget allocation of \$2,592,132, however consistent with the revised estimate based on detailed design documentation.

It is proposed that the budget shortfall be addressed by reallocating \$1,100,000 to the project from the Bungambrawatha Creek Outfall Restoration project, which will be reconsidered when approvals are finalised and the MRE strategic review is completed.

### **Recommendation**

That Council:

- a. Accepts the tender from Precision Skate Parks Pty Ltd for Contract No. FIL20/02646, the construction of the 'Albury Regional Skate Park' for the lump sum amount of \$3,401,834.43 including GST; and
- b. Reallocates \$1,100,000.00 including GST from the Bungambrawatha Creek Outfall Restoration project to this project as part of the December quarterly budget review.

### **Attachments**

1. Albury Regional Skate Park 3D Visualisations (DOC20/226913).