

CM13.6. Thurgoona Drive/ Table Top Road Community Space Construction - Contract No 18/02425

DATE	6 November 2018	FIL REFERENCE	FIL18/02425
CONFIDENTIAL	No		
FURTHER ENQUIRIES	Simona Coad Community and Recreation	PHONE	02 6023 8154
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Purpose of Report

The purpose of the report is to:

- Inform Council of the consultation undertaken after the 29 October Council meeting, where Council resolved to defer consideration of the Thurgoona Drive Table Top Community Space Construction Contact No 18/02425 until the November 2018 Council Meeting to allow the General Manager to have discussions with the only tenderer for this project to discuss more desirable outcomes and
- Recommend a preferred tenderer for the construction of the Thurgoona Community space located on the corner of Thurgoona Drive and Table Top Road which includes construction of concrete pathways, erection of three shelters, installation of seating and other fixtures, tree planting and other associated landscaping, though a qualitative and quantitative assessment.

Background

The Thurgoona Wirlinga Precinct Structure Plan (TWSPS) identifies a Major Neighbourhood Centre at the north east corner of Thurgoona Drive and Table Top Road. Included in the indicative concepts for the Major Neighbourhood Centre was a community space. To facilitate this the 2018-20 four-year delivery program provides \$330,000 (inc GST) for the construction of this Thurgoona community space in year 2 (2019-20).

Earlier this year Council considered and determined a Development Application (DA 10.2017.35848.1) for the development of land directly adjacent to the corner of Table Top Road and Diamond Drive which included the area on which a community space was indicated. As part of the consideration of DA 10.2017.35848.1 the developer put forward a proposal to create a community space within the road reserve of Table Top Road and Thurgoona Drive. This proposal included a contribution by the developer towards these improvements and creation of the community space. This was endorsed by Council on 23 April 2018.

A Deed of Agreement was established between Council and the developer to facilitate this proposal and includes a contribution by the developer to the cost of this project. Under the Deed, the developer is required to pay 50% of the cost of the improvements and the works for this public space up to a maximum of \$100,000. This funding was required prior to commencement of construction on the

commercial site. Council has received and is holding these funds in trust for the maximum amount for the proposed works.

A concept plan for the community space was included with the Development Application and developed with initial advice and direction from Council. Following Council's endorsement of the Development Application, Council took over control of the project and the Parks and Recreation Team revised and made amendments to the concept design to ensure the community space would meet Council and community requirements. (Refer attachment 1 for the tender design which formed part of the tender documentation).

The design and documentation process was undertaken by Site Image Landscape Architects and tenders were placed on Tenderlink on 25 August 2018. Advertisements were placed in the Border Mail and Sydney Morning Herald on 25 August 2018.

The request for tender documents included landscaping, civil works, as well as a detailed specification. The scope of works involves:

- Preliminary site works and project management;
- Quality control, legislation compliance and documentation;
- Construction of concrete pathways;
- Erection of three shelters;
- Installation of seating and other fixtures including fencing;
- Tree planting and other associated landscaping.

Tenders closed on 25 September 2018 with a report presented at the 29 October 2018 Council meeting recommending a contractor to undertake the works.

At the 29 October 2018 Council Meeting the Thurgoona Community Action Group presented to the Council and outlined their objection to the construction of the Community Space at the Corner of Thurgoona Drive and Table Top Road.

Council was also presented a report recommending a contractor to undertake the works as identified in contract No 18/02425 (refer attachment 1). After consideration Council resolved to:

Defer consideration of this matter until the November 2018 Council Meeting to allow the General Manager to have discussions with the only tenderer for this project to discuss more desirable outcomes.

Prior to the 29 October Council Meeting, a meeting was held with Team Leader Parks and Recreation and the TCAG on 19 September 2018. This meeting was held during the open tender process. At this meeting, the TCAG outlined their concerns regarding the Table Top Road/Thurgoona Drive community space. A range of landscape elements were also discussed including cycleway alignment through the site, installation of bike racks, bins, and signage locations that complies with the Signs as Remote Supervision Policy. Attachment 2 provides a response to TCAG as follow up to this meeting.

As a result of this initial meeting with the TCAG a review of the tender designs was undertaken. Additional landscape elements were considered and included into an amended design. There were no changes made to the tender scope of works or the tender process as the additional items could be installed after the contract works were completed.

As a result of the October 29 Council resolution, discussions have occurred with the developer. The developer has verbally agreed to extend the commencement date by two months (commencement by 12 January 2019). The option to reallocate the contribution to an alternative site was also discussed with the developer. The developer was not in favour of reallocating the funds to another site, accordingly the funding would be lost.

A follow up meeting with the (TCAG) was held after the 29 October Council meeting. This meeting on 1 November 2018 discussed improvements to the tender design to provide more desirable outcomes for the Community Space. An amended community space design, resulting from the previous meeting, was presented to the group which included suggestions from the initial 19 September 2018 meeting. The group representatives reiterated their concerns regarding the space and their objection to the construction of this community space in the Thurgoona Drive/ Table Top Road corner location.

After further discussion at the 1 November 2018 meeting with the TCAG group provided the following items to consider for inclusion into the amended design. Councils response to these items is also included in the table below.

Items to be considered from the TCAG meeting	Officers response
Installation of a mural wall on the boundary of the fast food outlet site.	At present vegetation is identified on the exiting design. The plans include vegetation along the boundary which grow up to 3 metres tall. This would ultimately screen out the mural and is deemed not feasible.
Installation of notice board to inform the community of activities in the Thurgoona area.	This was considered however at this point in time it is not feasible. There a more appropriate methods of informing the Community of these activities.
Interpretive signage that provides information on the Thurgoona area including the threatened species/communities found in the area.	This element has merit. This will be considered as a future project.
Less concrete - only leaving the shared pathway through the site.	Reducing the hard surface will significantly impact the design intent of the project as a gathering space and is not supported.
Change the name from "Community Space" to something more suitable for the location.	The area is not formally named at this point in time. When works are complete a name will be allocated to this area.

Council staff then met with the only tenderer, Enviro Culture Services, on 2 November 2018 to discuss options that could be considered to provide "more desirable outcomes".

The following table outlines the items that were considered by Enviro Culture with officers' responses. Note that Enviro Culture reviewed the tender drawing not the amended designs.

Items to be considered from the Enviro Culture Services meeting	Officers response
Bicycle users would find navigating the paths layout difficult, and may come into conflict with other people using the area for quiet activity – we would suggest modification of the garden bed designs or a realignment of the internal path network to allow for a clear thoroughfare to connect with the existing footpaths/cycle paths already in place, and leave the inner area as a more passive space.	This was also identified by the TCAG representatives. The route has been considered by Councils Landscape Architect and Traffic Engineer. An appropriate alignment has been identified in the amended plan (refer attachment 3).
Include a drinking fountain near the seating and shelters would provide a more comfortable rest point for people who are jogging/walking/cycling. Including a dog drinking bowl as part of the unit would also increase the serviceability value of the unit.	A drinking fountain has been included in the amended plan (refer attachment 3).
Given that this park is in close proximity to the shopping centre and university, it is likely that people will use this park area to take lunch/breaks or meet for coffee etc. While amenities for a comfortable rest stop have been planned such as seating and shade structures, we noticed that there was no provision for bins to dispose of their litter. We would suggest allowing a Dual Bin system for somewhere within the space to encourage people to dispose of rubbish responsibly.	Bins have been included in the amended plans (refer attachment 3).
As Thurgoona is somewhat of a “green” suburb with an emphasis on native vegetation corridors and threatened species conservation, this position may be a good place to provide some interpretative signage outlining some of the conservation projects that are currently being undertaken (eg Sloanes Froglet habitat, provision of Squirrel Glider nest boxes). As people are moving through more slowly on foot or bicycle (in comparison to travel by car), or else are stopping for a time, they are more likely to read these signs and gain a better insight of the long term goals Council and community groups such as Landcare for example are trying	This element has merit and will be considered as a future project for this area.

to achieve.

As there were no changes to the tender scope of works the tender evaluation process is relevant and is outlined below.

Tender Evaluation

At the close of tenders on 23 September 2018, one tender submission was received from Enviro Culture Services.

The submission was evaluated in accordance with Council's Procurement Policy and Guidelines. The evaluation was undertaken by the Evaluation Panel consisting of Leanne Hunichen (Project Officer), Mark Lee (Project Officer) and Gerard Coyle (Procurement & Contract Management Coordinator). The three-stage process, conformity check followed by a qualitative and quantitative assessments, is outlined below.

Conformity Check

A conformity check was undertaken to ensure all submissions were in accordance with the tender documentation.

Tenderer	Pricing details	Supporting Information	WHS Compliance	Comments
Enviro Culture Services	✓	✓	✓	Fully Complies

As indicated above the Enviro Culture Services is deemed a conforming Tender.

Enviro Culture is a WHS registered contractor for AlburyCity.

Qualitative Assessment

The qualitative assessment was based on the following criteria:

- 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 the local region –social and community benefit to the Albury/Wodonga region.

Tenderer	Past performance (max 30)	Methodology & program (max 10)	Capacity (max 20)	Capability (max 30)	Local benefit (max 10)	Total (max 100)
Enviro Culture Services	24	10	16	24	8	82

Enviro Culture Services is a local business and have been established in Albury/Wodonga for just over 10 years. One hundred percent of their employees reside in Albury/Wodonga and use local sub-contractors. They have a proven history of experience, quality of work and ability to undertake a wide range of landscape construction and maintenance projects. Enviro Culture Services has extensive experience in the establishment of sub-division landscape, some including play spaces. Enviro Culture Services have also completed landscape construction projects for AlburyCity including Fairway Gardens Play Space.

The construction program outlined in the tender is within the expected timelines and they have the capabilities to complete the project.

It must be noted that Enviro Culture Services are being considered for the National Foresters Grove District Play Space Tender. If Enviro Culture Services is successful in both tenders it is still considered that they would have the capabilities to complete both projects in the allocated timeframes required.

Quantitative Assessment

Tenderer	Tendered Price (including GST)	Rating (max 100)
Enviro Culture Services	\$327,276.18	100

The Opinion of Probable Cost provided by Site Image Landscape Architects was \$395,253.10 (inc GST). This does not reflect the additional 6,733 small plants added to the project (estimated \$53,864). The tender price is lower than the Opinion of Probable Costs provided by Site Image.

Risk

- *Business Risk* – The developer of the adjacent commercial area is contributing to the construction of this project. The developer has an agreement with Council which identifies a commencement date (12 November 2018). The developer has verbally agreed to extend this date by two months with the new commencement date being 12 January 2019. The developer would not agree to transfer this funding to another space. The estimated cost for the additional items (bike racks, bins, drinking fountains and signage) to improve the area is \$53,000 (inc GST). It is proposed to add this to the \$220,000 (inc GST) recommended to be bought forward from year 2 in the four-year delivery program.
- *Corporate Risk* – The Thurgoona Community Action Group has voiced their objection to the project. Council staff have met with the group to discuss the designs. Most of the improvements have been included into the amended designs and can be constructed/installed outside this tender. This process demonstrates that Council is listening and attempting to address the concerns of the community group.
- *WHS and Public Risk* - A risk assessment has been completed for the project which documents the identified risks and current controls. All risks with current controls have been deemed acceptable to Council.

- *Delivery Program Risk* – At present, the funding for the project is included in year two of the four-year delivery program and no funding allocated in the 2018-19 budget. To ensure that the project can be constructed in the 2018-19 works program it is proposed to bring forward \$273,000 (inc GST) allocated in year 2 into this year's budget as part of a quarterly budget review. This funding in conjunction with the developer's contribution will enable the construction of the community space.

Community Engagement

This project was not identified for specific community engagement or consultation as part of the design phase. The initial concept design provided by the developer was included with documents and plans that were publicly notified and advertised with the Development Application No. 10.2017.35848.1.

The report prepared for Council's consideration on the Development Application included discussion around the provision and enhancement of this public space as well as direct reference to the initial concept plans and public domain works for the Community Space. Details on the public funding arrangements including developer and Council contributions were also included in the report. The Council meeting report and relevant attachments including the initial concept plan for the local park were available for review prior to the meeting.

Subsequent to this, and following release of the tender documentation, the Thurgoona Community Action Group (TCAG) have expressed their concerns about the project and the design. In response Council staff met with representatives of the TCAG to discuss the key issues and seek to resolve or address their concerns. With respect to the design, the following items will be installed at the conclusion of the contract works by AlburyCity staff.

- Provision of rubbish bins with the inclusion of this site in a longer-term approach to public place recycling; and
- The installation of bicycle racks

An additional meeting was held on 1 November 2018 with the TCAG following the Council meeting on 29 October 2018 where an amended design was provided for information and discussion purposes. Further amendments were undertaken on this plan (refer attachment 3 for the final version of the designs). It is noted that the additional items included in the final version will be undertaken by Council or Councils contractors separate to this tender.

Summary

Tenderer	Quantitative (\$) Assessment Score	Qualitative Assessment Score
Enviro Culture Services	100	82

Enviro Culture Services has demonstrated through the quantitative and qualitative evaluation process that they have the capabilities to complete the works within the time frames required and within the estimated project budget.

Options

1. Accept the tender from Enviro Culture Services for \$327,276.18. This is the preferred option as the price submitted is in line with the project estimate.
2. Do not accept the tenderer, and:
 - a. Readvertise the tender; or
 - b. Undertake a new design process for the Community Space; or
 - c. Include the design of a community space in the Thurgoona area as a strategic task in future work programs.

Not accepting a tenderer is not the preferred option as this will impact the delivery of the project and the loss of the developer contribution of \$100,000.

Conclusion

The Thurgoona Wirlinga Structure Plan identifies a Major Neighbourhood Centre at the corner of Thurgoona Drive and Table Top Road and includes the establishment of a community space. The four-year delivery program identified funding for the construction of the community space. An opportunity has arisen to bring the project forward which includes a developer contribution of up to \$100,000.

Council staff have been working with Site Image Landscape Architects to develop a landscape plan which will enhance this corner visually, enhance the local environment while creating a community space with shelters, seating and other landscaping. The new local park will also be part of a broader long-term connecting corridor between the two Major Neighbourhood Centres in the centre of Thurgoona, being the existing Thurgoona Plaza and the new Commercial centre around Diamond Drive.

Council invited tenders for the construction of this Thurgoona Community Space and at the close of tenders one submission was received by Enviro Culture Services for the lump sum of \$327,276.18 (inc GST).

At the Council meeting held on 29 October 2018, Council resolved to defer the consideration of Contract 18/02425 until the November Council meeting. Council staff met with representatives of the Thurgoona Community Action Group and the only tenderer to discuss more desirable outcomes for the Community Space. The Thurgoona Community Action Group reiterated their objection to the construction of this community space in this location however provided suggestions for considerations. As a result of these meetings, bike racks, bins, and regulatory signage are items included in the project. In addition, a drinking fountain will be installed at the site.

A meeting was held with the only tenderer (Enviro Culture) to discuss more desirable outcomes for the Community Space. The tenderer identified similar landscape elements as the TCAG however no significant changes to the current design were highlighted. As a result of the two meetings minor additions to the design will be undertaken outside this tender.

The additional cost for these improvements is \$53,000 (inc GST).

The assessment panel assessed the Enviro Culture Services tender submission and determined that they have the capabilities and experience to complete the project and aligns with the Opinion of Probable Costs provided by the Landscape Architect. It was deemed that the lump sum price of \$327,276.18 (inc GST) for the project is good value for money therefore, acceptance of this tender is duly recommended.

Recommendation

That Council:

- a. Accept the tender from Enviro Culture Services for Contract No 18/130303 and 18/130304 - Thurgoona Drive/Table Top Road Community Space for the lump sum amount of \$327,276.18 (including GST);
- b. Reallocate \$273,000 inc GST from year 2 in the four-year delivery program to the 2018-19 financial year as part of the next quarterly financial review.

Attachments

1. Thurgoona Community Space Landscape Plan – tender plans (DOC18/130303)
2. Letter to Thurgoona Community Action Group – responding to initial meeting (DOC18/146992)
3. Thurgoona Drive and Table Top Road Community Space – Amended plan (DOC18/165176)