

## 13.3 TVP/21/05 Etwell Street Revitalisation Project

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL - TV P 21-05 Evaluation Report dt 23 Jul 21 [<b>13.3.1</b> - 25 pages]</li><li>2. 2021-07-23 - Probity Certificate - TV P-21-05 [<b>13.3.2</b> - 2 pages] Probity Certificate – Town of Victoria Park - Evaluation Documents – Confidential Attachment</li></ol>

### Recommendation

That Council

1. Awards the contract associated with Tender TVP/15/06- East Victoria Park - Etwell Street Revitalisation Project to BOS Civil Pty Ltd trading as BOS Civil (ABN:16 618 643 477), with the terms and conditions as outlined in the contract, for the lump sum price of \$624,577.68 (Excluding GST).
2. Identifies \$70,000.00 (Excluding GST) to be expended during the term of the Contract to cover any potential eventualities associated with negotiated provisional sum costs.

### Purpose

To seek Council approval to accept the submission by BOS Civil Pty Ltd to carry out the Etwell Street Revitalisation project works. As the value of the contract exceeds \$250,000, the acceptance of the offer and subsequent award of any such contract is to be determined by Council.

### In brief

- TVP/21/05 was advertised in the West Australian newspaper on Wednesday 23 June 2021 and released via the tender link portal on the same day.
- The tender submission deadline closed at 2pm on Thursday 15 July.
- Suppliers were requested to provide a lump sum contract price.
- This project is 100% funded from external funding from the Federal Department of Infrastructure (Local Roads & Community Infrastructure Program Phase 2).
- Project duration is 16 weeks from commencement.
- Three (3) submissions were received. All were deemed compliant.
- An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by BOS Civil Pty Ltd and enters into a contract to carry out the required works.

### Background

1. Etwell Street Local Centre Revitalisation Project represents a collaborative design approach to urban design. Residents, business owners, landowners, Town of Victoria Park staff and Elected Members have worked together to develop a shared vision for the future of the Etwell Street Local Centre.
2. The Etwell Street Local Centre is currently restricted by the poor quality of the public realm and private built form. Expansive hardscape ground surfaces, inhospitable (and in some instances defensive)

buildings, a lack of trees and car prioritisation contribute to create an urban environment that is harsh, uninviting, and uncomfortable. Due to this environment the local community are not encouraged to stay within or frequently visit the centre. Without street life the businesses and private land use is symptomatically introverted further contributing to the poor experience.

## Compliance criteria

3. Tender submissions must comply with the advice provided under the compliance criteria, as indicated in Section 4.2 of the tender documents.
4. The Town's Senior Procurement Officers assessed all submissions for compliance against the compliance criteria set out in Section 4.2 of the tender documents.
5. All submissions were deemed compliant.

## Evaluation process

6. The evaluation was conducted as per the Evaluation Plan that was prepared and endorsed by the Evaluation Team before commencing the evaluation.
7. Tenders were assessed against the following Qualitative criteria:

<b>Relevant experience</b> i). Provide details of similar work undertaken <ul style="list-style-type: none"> <li>• <i>Project start and end dates</i></li> <li>• <i>Contract value</i></li> <li>• <i>Which personnel and sub-contractors were involved?</i></li> </ul> ii). Provide scope of the Tenderer's involvement including details of outcomes iii). Provide details of issues that arose during the project and how these were managed iv). Demonstrate competency and proven track record of achieving outcomes v). Provide Project reference sheet(s).	Weighting 15%
<b>Current capability</b> i). Resources schedules and availability to deliver project ii). Project Team structure – Names, functions, and departments iii). Key Personnel skills, experience and expertise and subcontractors iv). Organisations' current capacity and capability v). Plant, equipment, and materials proposed for use in delivering the contract	Weighting 30%
<b>Demonstrated understanding</b> i). Demonstrated understanding of scope of work ii). Demonstrated understanding of the required scope by identifying the key issues and risks associated with delivering the project. iii). Proposed delivery methodology to be completed on time iv). A works Programme/ Gantt chart to be provided.	Weighting 15%
<b>Price</b> i). Lump sum contract price. Tenderers to complete Pricing Schedule provided in Part 4 (Excel document)	Weighting 40%

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	This project is a pilot project for the town highlighting the benefits of a collaborative design process
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	A public tender process ensures integrity in the appointment of contracts

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Improving the public realm will provide a more comfortable and inviting experience for visitors to the centre and improve the likelihood of businesses 'coming out' onto the street and upgrading their shopfronts.
EC02 - A clean, safe and accessible place to visit.	Upgrading the Towns infrastructure ensures an aesthetically pleasing and clean area for the public to use

Environment	
Strategic outcome	Intended public value outcome or impact
EN07 - Increased vegetation and tree canopy.	The plan proposes the planting of canopy trees in the urban environment

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The project aims to create a place for community exchange, socialization, and activity
S02 - An informed and knowledgeable community.	By including community members in the design process, and ongoing communication with the project process they will gain an understanding of the Town's processes, strategies and policies that affect their place
S03 - An empowered community with a sense of pride, safety and belonging.	The collaborative design process will empower the local community and result in a sense of ownership for the future quality of their place

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advise and appointed a probity advisory to assist throughout the process
Elected Members	Three Elected Members participated in the Design Reference Group and contributed to design workshops. Project approach presented to Elected Members at a Future Planning Committee meeting.
Community Development	Safer Neighbourhoods Officer participated in the Design Reference Group
Place Planning	Manager Place Planning helped facilitate the workshops, Place Leader (Economic Development) participated in the Design Reference Group.
Urban Planning	Two Urban Planners helped facilitate the workshops and contributed to urban design development and workshop material presentation.
Engineering	Design Engineer participated in the Design Reference Group and contributed to urban design development and workshop material presentation.
Community Engagement	Contributed to the workshops as Facilitator.

External engagement	
Stakeholders	Residents, business owners; Elected Members; Western Power; Public Transport Authority
Period of engagement	A communications plan will re-engage with the previously involved stakeholders for the construction period and the immediate period leading up to contractor mobilisation
Methods of engagement	<ul style="list-style-type: none"> <li>• One-on-one meetings with impacted business owners</li> <li>• On site signage plan</li> <li>• Your Thoughts feedback site</li> <li>• Post card drop to nearby residents and landowners</li> <li>• Regular updates via the Towns digital channels on the project</li> <li>• Engagement with PTA and Western Power to align with current operations and UGP programming</li> <li>• Development of a traffic management plan to maintain access and sequencing of the works to mitigate impact on pedestrian, parking and bus operations</li> </ul>

## **Legal compliance**

[Section 3.57 of the \*Local Government Act 1995\*](#)

[Part 4, Division 2 of the \*Local Government \(Functions and General\) Regulations 1996\*](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Failing to meet the deadlines set under the funding commitment.	Possible	Possible	Medium	Low	Contact funding provider to seek early extension to deadlines for construction.
Financial	Failure to comply with financial requirements under the Act in relation to Procurement.	Moderate	Likely	Medium	Low	Go through a public tender or Western Australian Local Government Association (WALGA) Preferred Supplier Arrangement.
Environmental	Failure to comply with environmental requirements of the work.	Moderate	Possible	Medium	Low	Review Contractor's construction methodology, risk and controls prior to work starting.
Health and safety	Potential injuries from works.	Moderate	Possible	Medium	Low	OH&S Safety Analysis and Hazard reports to be reviewed prior to work starting.
Infrastructure/ ICT systems/ utilities	Failure to effectively manage project in collaboration with UGP project works.	Moderate	Possible	Medium	Medium	Liaison with Western power and Contractors on programmed works to avoid conflict.
Legislative compliance	Not applicable					
Reputation	Residential and business complaints during the works.	Moderate	Likely	Moderate	Low	Notify residents via the website social media and letter drop prior to works.

Service Delivery	Failure in completion of the Town's Capital Works Program.	Moderate	Significant	High	Medium	Appoint preferred Contractor for the works.
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## Financial implications

<b>Current budget impact</b>	<p>Council Delegation 1.1.16- Limits on Delegation to CEO requires all tenders exceeding \$250,000 to be by Council determination.</p> <p>This project is 100% funded from external funding from the Federal Department of Infrastructure (Local Roads &amp; Community Infrastructure Program Phase 2).</p>
<b>Future budget impact</b>	<p>The estimated contract value is \$624,577.68 (excluding GST).</p> <p>The Contractor provisional sum for Electrical and Lighting (third party, Western Power) allowed for is approximately \$50,000.</p> <p>The pre-tender Opinion of Probable Cost for this component is estimated as \$90,000.</p> <ul style="list-style-type: none"> <li>Identifies a further \$40,000 (excluding GST) to potentially be expended for this.</li> </ul> <p>Tenderers also alerted the Town to risks and potential costs associated with Latent Conditions (eg unsuitable or contaminated materials, unidentified inground services, discovery of failed in ground road pavement) excluded from the tender amount.</p> <ul style="list-style-type: none"> <li>Identifies \$30,000 (excluding GST) to be potentially expended during Contract term to cover any Latent Condition eventualities.</li> </ul> <p>This totals \$70,000 (excluding GST) to cover any potential eventualities associated with provisional sum costs. This will be included in the formal completion of the contract.</p>

## Relevant documents

[Council Policy 301 Purchasing](#)

## Analysis

8. Due to the pre-tender Opinion of Probable Cost (OPC) value of the tender being over \$1,000,000, an external probity advisory was formally engaged to provide probity oversight and compliance with relevant legislation and Town's Procurement policy requirements. A probity certificate is provided in attachment. The detailed evaluation report is also provided as a confidential attachment.
9. The assessment of the submissions was formally undertaken by a panel that included:
  - Principal Traffic and Design Coordinator
  - Acting Manager Infrastructure Operations
  - Strategic Projects Manager.
10. The Town received a total of three submissions, and all were deemed compliant.
11. An evaluation of submissions against the qualitative criteria and was conducted as per the Evaluation Plan.
12. Price assessment was carried out based on breakdown of Lump sum costs provided. Tenderers were requested to provide "Provisional costs" for the Electrical and Lighting scope.
13. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings shown below with 1 as the highest score.

Company	Ranking
BOS Civil Pty Ltd t/a BOS Civil	<b>1</b>
Environmental Industries Pty Ltd	2
West Coast Profilers Pty Ltd	3

14. Therefore, it is recommended that BOS Civil Pty Ltd be awarded the contract as it is considered the most advantageous to the Town.