



Ordinary Meeting of Council

SUPPLEMENTARY

AGENDA

26 July 2017

Commencing at 5.30pm

**Council Chambers
10 Majara Street, Bungendore**

On-site Inspections - Nil

S SUPPLEMENTARY REPORTS

- S.1 Tender Evaluation Report Design & Construct Wet Play - Q-One Aquatics.....3
S.2 Expression of Interest - Legal Services7

LIST OF ATTACHMENTS –

(Copies available from General Manager's Office on request)

Open Attachments

- Item 8.17 Draft Resourcing Strategy
Attachment 1 Draft Resourcing Strategy
- Item S.2 Expression of Interest - Legal Services
Attachment 1 EOI Assessment Summary (Under Separate Cover)

Closed Attachments

- Item S.1 Tender Evaluation Report Design & Construct Wet Play - Q-One Aquatics
Attachment 1 Tender Evaluation - Design and Construct Wet Play Q-One Aquatics (Under Separate Cover)

S.1 Tender Evaluation Report Design & Construct Wet Play - Q-One Aquatics (Ref: C17106335; Author: Richards/Sibbick)

Summary

Tenders were called for the design and construction of a wet play area at Q-One Aquatics Queanbeyan to replace the existing outdated toddler pool. Council has allocated \$450,000 from the Stronger Communities \$9M fund for this project.

Recommendation

That Council

- 1. Award Contract no. 22/2017 to Tenderer number 2**
 - 2. Approve the additional funds up to \$266,217 identified in this report to carry out the project**
 - 3. Allow a 14 day community consultation period to seek preferences on preferred design and that the decision on the selected design be delegated to the Interim General Manager.**
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Background

The former Queanbeyan City Council Delivery Program (2013-2017) included the "Creation of children's water playground and a children's pool at Aquatic Centre" to "create excellence in recreation and lifestyle opportunities." The Delivery Program noted that in delivering this project, Council would "provide increased activities for youth in Queanbeyan," and that the "playground will include a range of exciting features for children of all ages".

Funding of \$450,000 has been provided from the Stronger Communities Fund.

A Request for Tender was submitted to Tenderlink calling for tenders to design and construct a Wet Play Area at the Q-One Aquatic Centre. A large number of tender documents were downloaded from Tenderlink, however only two (2) tenders were received for this project. A Tender Evaluation Report is attached providing further details of the tenders received, the evaluation, and the supplier interest in this project.

Implications

Legal

The selection of this tenderer complies with:

1. The *Local Government Act 1993* (Section 55): Notable clauses:
 - Tendering threshold in the Regulations as sited by the Legislation
 - Any contract >\$150,000 including GST must go to public tender REG 163 (2)
 - Exemptions include any parties on the Prescribed Entity list REG 163 (1A):
 - Local Government Procurement Partnership
2. Queanbeyan-Palerang Regional Council (DRAFT) Procurement Policy
3. Queanbeyan-Palerang Regional Council Procurement Procedure Part 1 Governance (DRAFT)

S.1 Tender Evaluation Report Design & Construct Wet Play - Q-One Aquatics (Ref: C17106335; Author: Richards/Sibbick) (Continued)***Environmental***

The design and construction of this wet play area will not impact the local ecology or biodiversity. The wet play area will be replacing an existing pool structure at Q-One Aquatics. Any rectification work surrounding the project area will be carried out prior to project closures.

Consultation has occurred with Council's environmental services staff to ensure compliance with government health standards and regulations.

Sustainability

Consultation has occurred with Council's sustainability services staff to determine sustainability aspects that may be incorporated into this project. It has been determined that solar power may be implemented to power electrical components of this project. Funding for this however has not yet been determined.

The wet play area will be using a recycled water supply, similar to that used at the Queen Elizabeth II Park and will be treated hygienically, accordingly.

Asset

The wet play area will become a new asset for Council that will replace an existing asset, the Toddler Pool, to be removed prior to project commencement. The proposed cost of the new asset at this stage is \$711,285.00, including new pump shed and water play area with associated play structures and infrastructure. Tenderers were asked to provide two options, one with a shallow body of water and one without, i.e. zero depth wet play. Refer images below in this report, Figures 1 and 2.



Figure 1: Water Play design with shallow body of water

S.1 Tender Evaluation Report Design & Construct Wet Play - Q-One Aquatics (Ref: C17106335; Author: Richards/Sibbick) (Continued)



Figure 2: Water Play design without a body of water, i.e. zero depth wet play area

Social / Cultural

The Q-One Aquatic Centre is one of Queanbeyan's most popular public facilities with over 100,000 people using the Centre each year. As a Centre that strives to provide programs and services to the entire family unit, the children's wet play area will play a key role in providing a fun, safe and interactive water attraction for the region.

Economic

The current toddlers' pool attracts less than 100 patrons over the five month summer season, whilst still requiring a paid lifeguard to supervise. This project will not only see the inclusion of a modern wet play area but also serve as an attraction not only to residents and visitors of Queanbeyan but to the entire region. The space will not only attract new patrons, but will encourage new and old patrons to visit more often and for longer periods of time. This will have a positive impact on the Centre's viability and increase the opportunities for young locals to be employed in lifeguarding roles.

Engagement

Each tenderer was required to submit two designs; one with a zero depth wet play area that would be easier and more cost efficient in terms of operational management; the other that is combination zero depth, incorporating a shallow body of water for toddlers to learn to play in. It is proposed Council place the winning Tenderers two designs on public exhibition for a two week period, for the community to nominate their preferred option.

Financial

The original budget for this project is \$450,000 Ex GST from the Stronger Communities \$9M Grant fund. As the tenders received for this project were above this allocation, additional funds have been identified from other sources. They are Section 94 Aquatic Centre Reserves funding of: \$116,217.96; and deferred Capital Expenditure Project funds of \$150,000.

S.1 Tender Evaluation Report Design & Construct Wet Play - Q-One Aquatics (Ref: C17106335; Author: Richards/Sibbick) (Continued)

The funds identified total \$711,285, leaving a small contingency of \$4,932.96 available after tendered project costs are deducted.

A postponed \$150,000 deferred Capital Expenditure (project) will be identified in the September quarter review report to Council.

Program Code	Expense Type	Funding source	Amount
		Stronger Communities \$9M Grant	\$ 450,000
		Section 94 – Aquatic Centre Reserves	\$ 116,217
		Capital Expenditure Project(s) postponed from 2017/18 – 2018/19 FY, to be identified in the Quarter 1 Review	\$ 150,000
		TOTAL	\$ 711,285

Resources (including staff)

Staff of Council's Urban Landscapes and Recreation & Culture sections will be responsible for managing the contract and the project to implement a new wet play area at Q-One Aquatics.

Integrated Plan

The project was listed in the former Queanbeyan City Council 2013-2017 Delivery Program (Theme 3: Culture and Leisure, Key Direction 3.2. Create excellence in recreation and lifestyle opportunities.). The project forms part of the Stronger Communities Fund.

Conclusion

Both Tenderers for this project submitted well prepared and comprehensive tenders. Tenderer 2 however submitted a conforming tender that can be provided to the community for feedback on water depth options. Tenderer 2 has submitted an impressive wet play area design that complies to the brief of "providing a creative and innovative design that will be attractive to residents and visitors to Queanbeyan. It is therefore recommended that Tenderer 2 be awarded the contract for the design and construction of a wet play area at Q-One Aquatics, with the final determination subject to feedback form community consultation

Attachments

Attachment 1 Tender Evaluation - Design and Construct Wet Play Q-One Aquatics
(Under Separate Cover) - **CONFIDENTIAL**

S.2 Expression of Interest - Legal Services (Ref: C17112081; Author: Tegart/Warne)

Summary

Expressions of interest have been called for the provision of legal services for the next three years with an extension option. The process was undertaken by the Canberra Region Joint Organisation (CBRJO) on behalf of member Councils and prepared and assessed in accordance with procurement guidelines.

A list of legal firms is suggested to form the panel to provide a broad range of legal services that will meet the Council needs and it has been recommended that five firms be appointed.

Recommendation

- 1. That the Council appoint the nominated Legal Firms to its legal panel for a three (3) year period with two one (1) year option extensions and execute a contract of appointment.**
 - 2. That the Canberra Region Joint Organisation (CBRJO) be thanked for its assistance in undertaking the Expression of Interest for the region that the Council has utilised for this purpose.**
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Background

The Council has participated in an Expression of Interest (EOI) organised by the Canberra Region Joint Organisation (CBRJO) for legal services. Rather than each Council organising their own EOI, it has been done on a regional basis, with the decision then left to individual Council to implement their own appointments to their legal panel.

The CBRJO have co-ordinated the EOI process including advertising and documentation, evaluation process and models and the preparation of the contract. Their assistance has been much appreciated and freed Council staff to only need to consider the appointments to their legal panel.

In total 22 submissions were received, although some specifically only wanted to do legal work for individual nominated Councils rather than be available to all Councils in the CBRJO.

The salient features of the EOI are as follows:

Areas of expertise:

- Local Government Law
- Contract and Commercial Law
- Prosecutions for Offences
- Environmental and Planning Assessment Law
- Industrial and Employment Law
- Property Acquisitions.

The firms were requested to nominate the areas of law that they have the required expertise and wish to undertake instructions from Councils. In addition, the firms were requested to

S.2 Expression of Interest - Legal Services (Ref: C17112081; Author: Tegart/Warne) (Continued)

outline relevant experience, details of staff available for assignments and advice and any miscellaneous support provided to clients.

The firms were assessed on the following selection criteria:

- Relevant Experience with details of at least three recent engagements and an outline of the firm's general experience, structure, locations and broader organisational capacity.
- Staff qualifications and experience.
- Client focus and customer relationship management.
- Regional benefits that could be provided by the firm, including local employment.
- Additional resources and reference material that can be made available to clients. i.e. newsletters, seminars, training material etc.
- Pricing.

After careful analysis the selection panel has nominated five firms to be part of the Council's legal services panel. The appointment to the panel is for a three year term with an option to extend the contract for a further two (2) x one (1) year contract terms.

As part of the contract quarterly reporting to the Council on the status of legal matters will be required which will enable the production of the quarterly legal update.

The firms that submitted EOIs and the proposed panel is listed in the confidential attachment to the report.

One firm that is on the Council's current legal panel did not submit a proposal.

The Panel does not include any assistance that may be required from barristers or special counsel for litigation matters before the Court or where a specialist legal opinion is needed from an eminent member of the bar.

Implications

Depending upon circumstances, the Council's legal spend annually is in the \$400K - \$500k range. This amount will be depend upon the extent of litigation that the Council is engaged in and our success in recovering costs.

Program Code	Expense Type	Funding source	Amount
		Across all funds	\$ \$400-500k

Resources (including staff)

All sections of the organisation have the need to use legal expertise from time to time which is co-ordinated through the Legal and Risk branch.

S.2 Expression of Interest - Legal Services (Ref: C17112081; Author: Tegart/Warne)
(Continued)

Conclusion

This process has been a good one with the majority of the work involved in the EOI being undertaken by the CBRJO. It has been a beneficial experience and has yielded results that would be similar to that if the Council had undertaken the process individually.

It is considered that the Panel selected will satisfy the Council need for legal guidance and support moving forward.

Attachments

Attachment 1 EOI Assessment Summary (*Under Separate Cover*)