

7.13 Statutory Planning Heritage Advisor Contract

Abstract

This report seeks Council endorsement for the award of Contract No 2020/121, Statutory Planning Heritage Advisor - Consultancy Services. This contract will provide Council with constructive expert advice and guidance about heritage matters having regard to all Council's heritage policy and objectives, for an initial contract term of three years and with a possible extension of a two year period, for a maximum contract term of five years. This is a replacement for an existing contract which has reached the end of its maximum term.

Expenditure under this contract will be determined by annual budget allocations and the services required to be performed in any one year. The estimated annual cost of this contract for 2020-2021 is \$145,920 (excluding GST), which is covered by Council's budget. Because of the value of the contract, it was publicly advertised in accordance with the requirements of Section 186 of the *Local Government Act 1989*.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2) (a) and the definition of 'confidential information' in Section 3(1) of the *Local Government Act 2020*, as the information relates to contractual matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Officers' recommendation

That Council resolve to

1. To award Contract No. 2020/121, Statutory Planning Heritage Advisor - Consultancy Services, to Extent Heritage Pty Ltd (ACN 608 666 306), at their tendered Schedule of Rates for an initial contract term of three years, with a possible extension, at Council's discretion for a further two years to a maximum contract term of five years. The estimated contract cost for the maximum five year term is \$802,560 (including GST). The cost to Council after the return of GST Tax Input Credits is \$729,600.
2. To authorise the Director City Planning to execute the contract agreements with the above consultants.
3. To authorise the Director City Planning to negotiate extensions to the contract with the above consultants to the maximum five year contract term.
4. To note expenditure under this contract in 2020-21 is expected to be in accordance with Council's adopted budget, and expenditure in future years is expected to be in accordance with future budget parameters.

**Responsible director: Shiran Wickramasinghe
Director City Planning**

1. Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2020/121, Statutory Planning Heritage Advisor - Consultancy Services.

2. Policy implications and relevance to community plan and council plan

This procurement process has been carried out in accordance with the requirements of Council's Contracts and Tendering Probity Policy and Council's Procurement Policy.

This contract aligns with the following themes and strategies in the Boroondara Community Plan (2017-2027) and Council Plan (2017-2021):

- *Theme Four - "Neighbourhood Character and Heritage"*
 - **Strategic Objective 4:** Protect the heritage and respect the character of the City to maintain amenity and liveability whilst recognising the need for appropriate, well-designed development for future generations.
 - **Strategy 4.1-** Encourage the planning of well-designed new development that is appropriately located, and does not negatively impact on established residential streets and valued neighbourhood character, and
 - **Strategy 4.6 -** Engage with owners and developers to achieve a balance between development and protection of neighbourhood character, heritage and amenity.
- *Theme Seven- "Civic Leadership and Governance"*
 - **Strategic Objective 7:** Ensure that ethical, financial and socially responsible decision making reflect community needs and are based on principles of accountability, transparency, responsiveness and consultation.
 - **Strategy 7.2 -** Ensure transparent decision making through open governance processes, and
 - **Strategy 7.5 -** Ensure sound financial management while allocating resources to deliver strategic infrastructure and services that meet community need.

3. Background

Council requires a suitably experienced and qualified consultant for the provision of heritage advisory services to the Statutory Planning Department and the community in accordance with the requirements of the specification.

4. Invitation to tender

In accordance with Council's tendering procedures and Section 186 of the Local Government Act 1989, Council invited public tenders from suitably qualified and experienced organisations for the provision of heritage advisory services to the Statutory Planning Department and the community.

An Invitation to Tender was advertised in the local government tenders section of "The Age" newspaper on Saturday 20 June 2020 and on Council's website. The closing date for submissions was 4pm, Friday 17 July 2020.

In response to the advertisement, the following four tenders were received:

- Ecology and Heritage Partners Pty Ltd as trustee for EP Unit Trust;
- Extent Heritage Pty Ltd;
- Optimatum Pty Ltd trading as Miglic Macleod; and
- Samuel J Nichols (Sole Consultant).

5. Outline of key issues/options

The panel's assessment of tenders was based on a Compliance Evaluation, Qualitative Evaluation and Quantitative Evaluation (price).

All tenderers were considered to have passed the Compliance Evaluation stage, which included statutory compliance, insurances and financial soundness.

The Qualitative Evaluation was based on relevant experience, skills, experience and availability of appropriate company personnel, methodology and management for completing the service and timeframes for tasks. Two tenderers were considered to have met the minimum qualitative score. Of these, the panel was of the view Extent Heritage Pty Ltd has the most appropriate resources and skills to provide the heritage advisory service. The methodology provided is sound and timeframes for delivery satisfactory. The consultants nominated to provide the service have the ability to consult colleagues with a range of skills within the company. The company has relevant and applicable experience in providing heritage advisory services to local councils as well as demonstrated experience in negotiating appropriate heritage outcomes with private clients.

In regard to Quantitative Evaluation, Extent Heritage Pty Ltd provided the lower annual price of the two tenderers considered to have met the minimum qualitative score.

Further detail is contained in the tender evaluation report provided as **Confidential Attachment 1**.

6. Consultation/communication

The panel wrote to all listed heritage advisors inviting them to apply to consider the tender.

7. Financial and resource implications

Council's adopted budget for 2020/21 Statutory Planning Department - Scheme Control (Account Number 43200/53130) contains a total allocation of \$206,745 for consultants, including the expenditure on the Heritage Advisory service. The budget is used for a variety of consultancy services. The 2020/21 budget is sufficient to cover the cost of the service.

8. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requirement disclosure.

This tender process has been carried out in accordance with the requirements of Council's Contracts and Tendering Probity Policy and Council's Procurement Policy.

9. Social and environmental issues

The appointment of this contract will have a positive impact on the social and built form environment. The Heritage Advisor will provide a service that gives expert and constructive advice about planning permit applications and amendments that:

- Respect the City's heritage and urban character, while addressing current and future needs;
- Achieve Council objectives for enhancement of the City over the short and long term;
- Are innovative and contribute to the cultural, technical and physical enrichment of the City, without disregarding established practices and standards;
- Implement the Boroondara Planning Scheme including its heritage objectives and policy; and
- Provide practical solutions to facilitate development that respect its heritage context.

10. Evaluation and review

The tender evaluation report is provided as **Confidential Attachment 1**.

As a result of the tender evaluation, the tender evaluation panel recommends that Council award Contract No. 2020/121 Statutory Planning Heritage Advisor - Consultancy Services, to Extent Heritage Pty Ltd (ACN 608 666 306), at their tendered Schedule of Rates for an initial contract term of three years, with a possible extension, at Council's discretion for a further two years to a maximum contract term of five years.

The estimated contract cost for the maximum five year term is \$802,560 (including GST). The cost to Council after the return of GST Tax Input Credits is \$729,600.

Manager: Simon Mitchell, Manager Statutory Planning

Report officer: Cassandra Rea, Coordinator Statutory Planning