

## 7.4 Contract no 2021/3 - Freeway Golf Course - Turf Reconstruction Works

### Abstract

This report seeks Council endorsement for the award of Contract No. 2021/3, Freeway Golf Course - Turf Reconstruction Works. This Contract includes undertaking Turf Reconstruction Works at Freeway Golf Course, Balwyn North, in accordance with the Course Masterplan.

The total cost of this Contract is \$2,220,403 (including GST). The estimated cost to Council after return of GST Input Credits is \$2,018,548.

The contract works are expected to commence in September 2021 and be completed by November 2022.

Due 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. The information relates to private commercial information, being information provided by a business or commercial undertaking that if released, would unreasonably expose the business or commercial undertaking to disadvantage. 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:

1. Award Contract No. 2021/3, Freeway Golf Course - Turf Reconstruction Works, to SJM Turf and Civil Pty Ltd (ACN 624 750 018) for a total cost of \$2,220,403 (including GST). The estimated cost to Council after return of GST Input Credits is \$2,018,548.
2. Authorise the Director Places and Spaces to execute the Contract Document with the above Contractor.
3. Note that expenditure under this contract is in accordance with Council's 2020-21 Forecast, Budget 2021-22 and 2022-23 Foreshadowed budget and Long Term Financial Strategy.

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**Responsible director: Daniel Freer, Director Places and Spaces**

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## **1. Purpose**

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2021/3, Freeway Golf Course - Turf Reconstruction Works.

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

This Contract will assist in meeting the evolving needs of the local community and is consistent with the following theme and strategies in the Boroondara Community Plan (2017 - 27) and Council Plan (2017 - 21):

### **Theme 1 - Your Community, Services and Facilities**

**Strategy 1.1:** Plan, maintain and renew multipurpose facilities and sports precincts to meet broad, intergenerational needs of the community now and into the future.

**Strategy 1.3:** Deliver, facilitate and advocate for services and programs that promote health, wellbeing, safety and a sense of community.

**Strategy 1.6:** Create and maintain public areas, facilities, amenities, footpaths and spaces that are inviting, clean and appropriately lit to increase social connection and improve perceptions of safety.

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

## **3. Background**

In July 2020 Council and the North East Link Project (NELP) entered into a settlement agreement in response to Council withdrawing from the legal proceedings against NELP and the Victorian Government. Part of the settlement agreement provides Council with \$2,000,000 to complete the Freeway Golf Course (FGC) reconfiguration works required as a result of the NEL alignment.

At the Council Meeting held 26 April 2021, Council Officers presented a Council Report that sought resolutions from Council as to the preferred design and construction staging method for the reconfiguration of the FGC required as a result of the NEL alignment.

The key resolutions related to this Project were to:

- Adopt and endorse the Pacific Coast Design developed Freeway Golf Course design as the preferred course design.
- Adopt and endorse reconfiguration construction staging option B (single stage construction) as the preferred construction staging method.

Accordingly, Council sought a suitably qualified and experienced Contractor to implement the Course Masterplan by undertaking Turf Reconstruction Works at Freeway Golf Course, Balwyn North.

**Invitation to tender**

In accordance with Council's procurement procedures and Section 186 of the *Local Government Act 1989*, Council invited public tenders from suitably qualified and experienced organisations to implement the Course Masterplan by undertaking Turf Reconstruction Works at Freeway Golf Course, Balwyn North.

An Invitation to Tender was advertised in the local government tenders section of "The Age" on Saturday, 1 May 2021 and on Council's website. The closing date for submissions was 4:00pm, Friday 28 May 2021.

In response to the advertisement, Council received four submissions:

- DWE Pty Ltd **ACN** 137 201 122 **As Trustee For** DWE Trust **ABN** 19 247 168 159
- Global Turf Projects Pty Ltd **ACN** 608 443 670
- McMahons Pty Ltd **ACN** 077 932 444
- SJM Turf and Civil Pty Ltd **ACN** 624 750 018.

**4. Outline of key issues/options**

The specification has been developed to clearly identify the requirement that all works under this Contract are to be performed by an experienced Contractor with a clear understanding of safe work practices.

When re-designing the Freeway Golf Course, Pacific Coast Design included separate cost items in the tender documentation that were outside of the requirements resulting from the NEL impacts, however, given these items have been planned to be part of the ongoing capital renewal program at Freeway Golf Course they have been included in the tender documentation. The associated costs are included under 'other Project costs' under section 6 of this Council Report.

For the duration of the contract works, the Freeway Golf Course and Freeway Golf Pro Shop will be closed and Contract No. 2015/21, Management of Freeway Golf Pro Shop, will be suspended. Council Officers sought and received legal advice from Maddocks, and have worked with Gammon Golf Pty Ltd to reach an agreed position.

**5. Consultation/communication**

Earlier in 2021 a detailed public consultation was undertaken with a preferred golf course design to Council in April 2021 for endorsement. This design has been used in the tender process presented in this report.

Following this resolution of Council, officers continue to engage with the Camberwell Men's and Ladies Golf Clubs and the Harp Golf Club on; the impacts for the clubs, alternative solutions for golf play, amenity usage, ongoing communication on the works progress and the re-opening of the golf course in 2022.

**6. Financial and resource implications**

The budget is as follows:

2020-21 Full Year Forecast	\$2,000,000
2021-22 Adopted Budget	\$ 165,000
2022-23 Foreshadowed Budget	\$ 167,000
<b>Total Project budget</b>	<b>\$2,332,000</b>
Less expenditure & commitments to date	\$ 26,315
<b>Total available Project budget</b>	<b>\$2,305,685</b>

Proposed contract expenditure:

Base contract Project works*	\$1,621,529
Other project costs	\$ 684,156

**Total anticipated Project expenditure** **\$2,305,685**

\*Note: Renewal works to the value of \$329,072 are included under the base contract project works. These renewal works are funded directly by Council and not from the NELP funding.

## 7. 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 requiring disclosure.

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

## 8. Social and environmental issues

The impact of the North East Link Project works produces a challenging situation where as to ensure the continued success of Freeway Golf it is necessary to close the course. This however provides an opportunity for these works to be undertaken that will provide a long-lasting facility for golf play at the same time enhancing the environmental benefits that come with this work such as significant tree canopy increase which is planned to be approximately 2ha.

## 9. 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. 2021/3, Freeway Golf Course - Turf Reconstruction Works, to SJM Turf and Civil Pty Ltd (ACN 624 750 018) for a total cost of \$2,220,403 (including GST). The estimated cost to Council after return of GST Input Credits is \$2,018,548.

**Manager:** David Shepard, Manager Environmental Sustainability & Open Spaces

**Report officer:** Heath Crawford, Coordinator Turf Management