

7.4 Contract No. 2020/267, Victoria Park Kew - Regional Playground Construction

Abstract

This report seeks Council endorsement for the award of Contract No. 2020/267, Victoria Park Kew - Regional Playground Construction. This contract is for the renewal and upgrade of the playground at Victoria Park, Kew to a new regional facility consisting of playground structures, public amenities, a learn to skate area, senior exercise equipment and landscape works. These redevelopment works are expected to commence in February 2022 and be completed by end of June 2022.

The total cost of this contract is \$2,060,964.49 (ex GST) which is in accordance with Council's current adopted 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. The information in this attachment is deemed to be confidential 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 which, 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 for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

Officers' recommendation

That Council resolve:

1. To award Contract No. 2020/267, Victoria Park Kew - Regional Playground Construction, to Warrandale Industries Pty Ltd (ACN 005 238 479) for a total cost of \$2,267,060.94 (including GST). The cost to Council after the return of the GST Tax Input Credits is \$2,060,964.49.
2. To approve the allocation of a separate contingency, as set out in the attached confidential Appendix 1, and delegate authority to the Contract Superintendent to expend this contingency should it be required to ensure successful completion of the project.
3. Approve the reallocation of funds from Project No. 71866, Park Playground Replacement Program, to fund the \$31,780.94 shortfall for the Victoria Park Regional Playground.
4. To authorise the Chief Executive Officer to execute the contract agreement with the above contractor.

Responsible director: Phillip Storer, Chief Executive Officer

1. Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2020/267, Victoria Park Kew - Regional Playground Construction.

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

The Boroondara Community Plan (2021-2031) is structured around the following seven priority themes:

- Community Services and Facilities
- Parks and Green Spaces
- The Environment
- Neighbourhood Character and Heritage
- Moving Around
- Local Economy
- Leadership and Governance

The proposed works for Victoria Park Regional Playground align with the following themes and strategies in the Boroondara Community Plan (2021-2031):

Theme 1: Community, Services and Facilities

Strategy 1.4: Facilities and sports precincts encourage equal access through social planning, delivery, asset maintenance and renewal activities.

Theme 2: Parks and Green Spaces

Strategy 2.1: Parks and green spaces enable sport and recreation opportunities by maintaining and improving recreation spaces and equipment.

Strategy 2.5: Playgrounds are engaging and safe by improving shading and renewing and diversifying equipment.

The recommendations made in this report are consistent with the policy direction and actions within the following Council strategies:

- *The Boroondara Playground Development Strategy (2005):* which recommends a regional scale playground at Victoria Park.
- *Victoria Park Concept Master Plan (2007):* The Victoria Park Concept Master Plan identifies a regional playground.
- *Boroondara Sport and Recreation Strategy (2016):* The Boroondara Sport and Recreation Strategy identifies demand for a skate and BMX facility in the north of the municipality.
- *Boroondara Open Space Strategy:* The Victoria Park regional playground development is consistent with the following BOSS principles: accessible, adaptable, diverse, recreational, shared, and social.

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

3. Background

Council requires a suitably qualified company to undertake the proposed Regional Playground at Victoria Park in accordance with the requirements of the specification.

The Victoria Park regional playground combines three separate parts and shelter of the local northern playground in addition to the swing set to the northwest which are past their useful life into one larger regional playground. The playground is located within community parklands and amongst a fantastic tree population. The playground has been designed to celebrate the trees, existing bluestone play embankment and incorporates the community's most popular items.

Key features of the playground include an accessible path network, a nature play trail with sensory planting, some Ninja Warrior style play elements, a flying fox, trampolines, a spinner, slides, water play, sand play, a family friendly learn to scoot, skate and ride pump track, two fitness stations including a dedicated seniors fitness station and swings.

Additional Park infrastructure has also been included to support the park and regional playground including shade sails, improved picnic, and barbecue facilities, restrooms, accessible car parking bays and pathways.

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 organisations to tender on the construction of the Victoria Park Regional Playground. An Invitation to tender was advertised in the following locations; in the local government tenders section of The Age newspaper on Wednesday 18th August 2021, and on Council's website. The closing date for submissions was Wednesday 22nd September 2021 at 12pm.

In response to the advertisement, Council received 13 submissions:

- Ace Landscape Services Pty Ltd;
- Bild Greensfields Pty Ltd;
- Citywide Service Solutions Pty Ltd;
- Commercialscapes Pty Ltd;
- Glascott Landscape and Civil Pty Ltd;
- JMac Constructions Pty Ltd;
- Landstruct Landscape Constructions Pty Ltd;
- Naturform (Victoria) Pty Ltd;
- Planned Constructions Group Pty Ltd;
- PTA Landscapes Pty Ltd;
- Simpson Construction Company Pty Ltd;
- Warrandale Industries Pty Ltd; and
- Yellowstone Landscaping Pty Ltd.

4. Outline of key issues/options

The Victorian construction industry is emerging from a disruptive period which included various levels of restriction and shutdown as mandated by the State Government. The current outlook for the industry is more promising with stringent requirements in place for all staff and sub-contractors to be fully vaccinated before the commencement period of this contract.

Whilst there remains a potential Covid-related extension of time (EOT) risk to this project, it is unlikely to have significant consequences given the State Government Road Map that permits 100% of workers on site. Council has no other contractual penalty risk relating to Covid other than EOT.

Environmental reports undertaken as part of background reports to inform design and project costs, revealed minor soil contamination on site. To control this risk, a Provisional Sum allowance to remove 800 tonnes of contaminated soil is included within the total lump sum price. This volume is the upper limit calculated by the consultant engineers and landscape architects required to be removed from site. There is also the ability to retain some of the contaminated fill on site in accordance with EPA guidelines as part of the soil contamination risk management plan.

5. Consultation/communication

Community consultation was undertaken in November 2019 to help inform the new playground design with feedback from 220 people on preferred themes and favourite play items that helped inform the concept design. This consultation feedback was extremely positive.

In June 2020, a second round of consultation occurred to obtain feedback on the draft playground concept, with a further 257 people contributing feedback. This feedback was mixed with 51% (132n) indicating they liked or really liked the proposal, 37% (94n) that don't like the proposal and a further 10% (27 n) that skipped the question.

Officers reviewed and assessed all responses in detail and the following design amendments made in response to community feedback:

- landscaping elements in the 'Entry Precinct' partially removed and set back to create a consistent green band around the playground consisting of open grass and canopy trees for walkers, dog walkers and informal park play.
- the senior's fitness station be relocated south further toward the Croquet Club to leave the park area north of the bluestone embankment clear of playground related facilities.
- to support people with a disability to enjoy the regional facility, retain the restroom facilities inclusive of a 'Changing Places' cubicle and one standard accessible cubicle with the location slightly amended to allow for a consistent green band around the perimeter of the playground and move deeper into the reserve slightly further from residents. The request to remove the toilet was not able to be accommodated given the importance of facilities to support a regional playground and to meet DDA requirements. Further, Council officers have offered to meet with the objecting residents to plant additional canopy trees to provide a green buffer from their property.

- retain the family friendly 'learn to scoot/ skate/ride' area to as a key theme supported by broader community in stage 1 consultation.
- remove the second flying fox run to reduce overall footprint of the playground and increase green band near Adeney Avenue.
- retain the DDA car bays and bus parking bay to support access to the regional playground but decrease extent of paving.

In addition to external community consultation, internal consultation has been undertaken with the following Council departments:

- Family Youth and Recreation.
- Active Ageing.
- Civic Services.
- Procurement.
- Parks and Infrastructure.
- Traffic and Transport.
- Social Planning and Research.
- Environment and Open Space; and
- Arts and Culture.

Representatives from each department have been involved in this project throughout the design of the playground and will be involved in the ongoing evaluation and maintenance of the playground.

6. Financial and resource implications

Council's 2021-22 October amended budget contains a total allocation of \$2,587,821 for the construction of a regional playground at Victoria Park Kew, including \$300,000 State Government Grant under the Park Revitalisation Program. **Attachment 1**, as circulated in the confidential section of the report provides details confirming this contribution.

The project budget is as follows:

2019-20 Budget: Account No. 72836	\$ 128,709.00
2020-21 Budget: Account No. 72836	\$ 303,470.00
2021-22 October Amended Budget: Account No. 72836	\$2,287,821.00
State Government Grant - Park Revitalisation Program	<u>\$ 300,000.00</u>
Total Project Budget	\$3,020,000.00
Less 2019-20 – 20-21 Actuals	
Design Consultant fees, pre-ordered street Furniture and other preconstruction fees	\$ 432,179.00
2021-22 Commitments	
Current commitments	<u>\$ 52,541.00</u>
Total Available Budget for Construction	\$2,535,280.00
Proposed Project Expenditure:	
Construction Cost (Contract No 2020/267)	\$1,782,799.49
Provisional sum (Contract No. 2020/267)	\$ 278,165.00
Other project costs	<u>\$ 506,096.45</u>
Total Construction Cost	<u>\$2,567,060.94</u>
Budget Shortfall	\$ 31,780.94

The total project cost is in excess of the allocated project budget, and the budget shortfall of \$31,780.94 will be funded from Project No. 71866, Park Playground Replacement Program (PPRP). The PPRP for 2021/22 includes Central Gardens, Deepdene and Hilda Reserve Playgrounds. These projects have been evaluated and the \$31,780.94 can be accommodated within the program budget without impacting the design outcomes of other projects.

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 delivery of the Victoria Park Regional Playground will play a vital role in improving and maintaining the health and wellbeing of the broad Boroondara community and the environment of Victoria Park, Kew.

9. Evaluation and review

The tender evaluation report is provided as **Confidential Attachment 1**. The tender process was administered by the Senior Procurement Advisor who provided probity advice throughout the process.

As a result of the tender evaluation, the evaluation panel recommends that Council award Contract No. 2020/267, Victoria Park Kew - Regional Playground Construction to Warrandale Industries Pty Ltd (ACN 005 238 479) for a total cost of \$2,267,060.94 (including GST). The cost to Council after the return of the GST Tax Input Credits is \$2,060,964.49.

Manager: Christine White, Manager Capital Projects

Report officer: Cid Mariani, Coordinator Civil Projects