

17.1 Brighton Oval Complex – Redevelopment Contract Approval (Report No: 294/18)

Motion

C280818/1274

Recommendation – Exclusion of the Public – Section 90(3)(b and d) Order

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 294/18 Brighton Oval Complex – Redevelopment Contract Approval in confidence.
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 294/18 Brighton Oval Complex – Redevelopment Contract Approval on the following grounds:

- b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on persons with whom the Council is proposing to conduct business and would prejudice the commercial position of the Council in negotiation of the tender and contract.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information in that it would disclose commercial pricing information about a tender and would confer a commercial advantage on a third party.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the



information outweighs the benefit to it of disclosure of the information.

3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Brighton Oval Complex – Redevelopment Contract Approval (Report No: 294/18)

At its meeting on 10 July 2018, Council approved the calling of tenders for a Managing Contractor to manage the design and construction of the three (3) new clubrooms under the Brighton Oval Building Redevelopment. A Request for Tender was subsequently issued to four short-listed companies with tenders closing at 5.00pm on 10 August 2018.

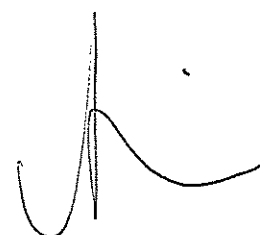
An evaluation panel was established which reviewed the four written tenders. A subsequent interview was conducted with the two preferred tenderers to assist with final selection. On the basis of the evaluation, Administration recommends that Cook Building be awarded the contract to undertake the role of Managing Contractor for the proposed Brighton Oval Building Redevelopment.

The contract price and delivery programs are aligned with the available budget (\$8.17m) over the two financial years (commencing in 2018/19). The RFT did not seek, and the tender did not provide, a price for the actual construction. Instead the RFT sought the price for the managing Contractor to undertake the detailed design and to manage the overall construction activities. A price for the actual construction will be negotiated with the contractor once the detailed design reaches the 30% design stage.

This paper provides details of the tender evaluation for the Managing Contractor, the recommendation to appoint Cook Building and summary of the contract approach, risk management, planning approval process and the project budget.

A range of processes are in place to ensure the direct construction costs remain within the budget target including negotiating a Guaranteed Maximum Price for construction of the three (3) buildings, a program of design and cost reviews and an open book partnership with the Managing Contractor to facilitate value engineering and resolution of design issues.

Note that the lighting replacement at the Lacrosse club is a separate project and not part of this recommended construction contract.



Motion

C280818/1275

That Council:

1. Authorise the Brighton Oval Building Redevelopment Project (including upgrading sports lighting to one (1) Lacrosse pitch) to proceed to construction based on a total project budget of \$8,170,000 subject to successful Development Approval;
2. Note the attached tender evaluation report for the Brighton Oval Building Redevelopment and award the Managing Contractor contract to Cook Building at a contract price of [REDACTED] (excl GST) comprising:
 - (a) Managing Contractor costs of [REDACTED] (excl GST)
 - (b) direct construction costs of [REDACTED] (excl GST)
3. Authorise the Chief Executive Officer to execute the contract with Cook Building for the delivery of Brighton Oval Building Redevelopment subject to any necessary minor amendments; and
4. Grant landlord consent to install the proposed lighting upgrade for the Lacrosse club, subject to satisfactory design and Development Approval.
5. That Administration bring the following matters to Council for approval:
 - 30%, 70% and 100% designs
 - Guaranteed maximum price
 - Any major variations or changes outside delegations (or 5% of project budget)

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried**Division called**

A division was called and the previous decision was set aside:

Those voting for: Councillors Aust, Bouchee, Bradshaw, Charlick, Clancy, Lonie, Patton, Smedley, Snewin and Yates (10)

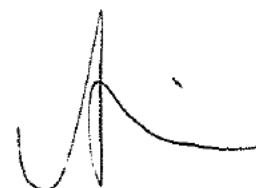
Those voting against: Nil (0)

Her Worship the Acting Mayor declared the motion

Carried**RETAIN IN CONFIDENCE - Section 91(7) Order**

C280818/1276

5. That having considered Agenda Item 17.1 Brighton Oval Complex – Redevelopment Contract Approval (Report No: 294/18) in confidence under section 90(2) and (3)(b and d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that:



- (a) the discussion, report, attachments, minutes, tender and contract documents be retained in confidence until execution of the contract and/or the Chief Executive Officer is authorised to release the documents when such release would no longer confer a commercial advantage and/or prejudice the commercial position of the person who supplied the information and that this order be reviewed every 12 months; and
- (b) the report, attachments, minutes, tender and/or contract documents be made available in confidence to the Audit Committee for review as necessary.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

CONFIRMED

Tuesday 11 September 2018


ACTING MAYOR

CONFIDENTIAL