

PLANNING AND ENVIRONMENT COMMITTEE	4
15 MARCH 2023	

## **CONTRACT 55321 - TOILET FACILITIES RENEWAL PROGRAM 2022/23 – PC23227 & PC23229**

Andrew Baxter | 50/1/7-01 | #7132610

### **RECOMMENDATION:**

That Council:

1. **Awards Contract 55321 – Toilet Facilities Renewal Program 2022/23 to Bama Projects Pty Ltd for the amount of \$1,286,581 excluding GST.**
2. **Approves the Project Launch Approvals for PC23227 and PC23229 with a combined Project Launch Budget of \$1,643,381 and an Approved End Date of 31 October 2023.**
3. **Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this project, subject to Council’s normal procurement policies and practices.**

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### **INTERESTED PARTIES:**

- Bama Projects Pty Ltd
- La Spina Construction Pty Ltd
- Richard Field Constructions Pty Ltd t/a Field Construct
- Schilling Group Pty Ltd t/a Mac Constructions

**Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive**

### **EXECUTIVE SUMMARY:**

It is proposed to construct one new public amenity and upgrade five additional public amenities to achieve Disability Discrimination Act (DDA) compliance. These amenities have been identified as high priority as they are aging facilities in need of significant upgrade and do not meet a satisfactory standard in terms of accessibility in accordance with Council’s endorsed Public Toilet Strategy 2022/32 (#6560279).

Rather than deliver the works as 6 discrete projects they have been packaged into one contract for delivery with the intent of providing a more attractive package of works on which multiple parties might tender competitively. In addition, the contract has been structured as a design and construct contract to achieve a more streamlined delivery where sections of work can proceed into construction progressively as they are designed, with the aim of achieving a reduced timeframe for the overall delivery of the 6 projects.

An invitation to submit tenders for the design and construct contract, 55321, was advertised on 13 December 2022 and tenders closed 2 February 2023. This allowed a reasonable timeframe for Contractors to prepare submissions over the Christmas shutdown period, with Council receiving four well-constructed submissions with the lowest being from Bama Projects Pty Ltd (Bama) at \$1,286,581.

The recommended tenderer, Bama, is a locally based, indigenous owned and operated company. Currently they maintain 75% Indigenous employment content, employ 45 persons and operate within an ISO and Federal Safety Commissioner (FSC) accredited management system. They have completed some work for Q-Build as well as maintenance contracts for Council.

Building works will commence in the 22/23 financial year and be completed in the latter half of 2023 with an Approved End Date of 31 October 2023 and a Project Launch Budget of \$1,643,381.

### **BACKGROUND:**

Council have endorsed the Public Toilet Strategy 2022-2032 which recommend key targets to ensure public toilet blocks are built and upgraded to a standard expected by the community. The Strategy adopted a target of reaching 80% DDA compliant facilities throughout Cairns. The projects proposed will contribute to Council's progress in achieving this target.

Five existing amenities of sound building condition will be reconfigured internally and refurbished to achieve unisex ambulant and all abilities accessible DDA compliant facilities. The improvements include fixture upgrades and general improvements such as replacing drummy tiles, replacement doors and hardware.

Refurbishing the existing buildings is the best way to reduce waste: this avoids approximately 500m<sup>3</sup> of demolition waste being sent to landfill, reduces costs, carbon emissions, social and environmental impacts associated with transport, landfill, recycling and the mining and manufacturing of new materials.

Following are the locations for the proposed upgrades:

1. **Glenoma Park, Brinsmead:** is increasingly becoming a well-used community event space. The upgrade works will include the provision of unisex DDA compliant ambulant and accessible toilet cubicles and the construction of a 100m long DDA compliant footpath/ramp to the amenity block as currently there is no path providing access from the car park or the park in general.
2. **Possum Park, Trinity Bach Esplanade:** located at the southern end of Vasey Esplanade within this busy foreshore area, the existing toilet block is not DDA compliant. The improvements will include the provision of unisex ambulant, standard and accessible toilet cubicles with a new DDA compliant access path and 4 car park bays.
3. **Vallance Park, Trinity Beach:** The toilet block is located at a key bus stop and is due for an internal refit which includes 2 ambulant, 2 standard and 1 unisex

accessible toilet cubicle. Non-compliant stepped thresholds and circulation spaces at the entry doors will be rectified as part of the package of works.

4. **Giangurra Esplanade, East Trinity:** Although a remote location, this foreshore is popular, and requests have been received from disability service providers enquiring if the toilet block can be upgraded to achieve DDA compliance. The existing partial roof will be replaced to provide full coverage to the facility and the existing two cubicles will be refurbished to provide unisex ambulant and accessible cubicles.
5. **Johnson Park, Gordonvale:** This block, which includes toilet/change room facilities to serve the adjacent sports areas, will be reconfigured so there is a unisex all-abilities accessible public toilet available during day-light hours. The rest of the internal building will be upgraded for use by sports user groups and field hirers.

New public toilet block (Project PC23229):

6. **The Lakes Park, Mt Sheridan:** This new facility is being built in response to community demand. The Lakes Park has recreational elements such as tennis court, half-court, playground and BBQs. The new toilet block will include a unisex, DDA compliant, ambulant and accessible cubicle in line with Council's standard toilet block design.

The project has been tendered as a Design and Construct Contract for a suitable Contractor to develop and produce detailed design drawings, obtain the necessary approvals and undertake the required construction works. This method of delivery will aid in the fast-track delivery of the project to ensure it is delivered within the 2023 calendar year. It involves considerable repetition of tasks and simplistic design with the packaging of the six facilities improving the economies of scale for contractors in this busy market and providing some contract administration efficiencies for Council.

#### **COMMENT:**

At closing of tenders on 2 February 2023, four submissions were received. The pricing across the tenders was close (within approximately a 10% range) which suggests the tender documentation was well detailed and enabled a good understanding of the scope of works. Where needed, additional clarifications were sought from tenderers which resulted in some small adjustments to their lump sum prices.

#### **Tender Evaluation Criteria**

All tenders were assessed by the Tender Assessment Panel based on the evaluation criteria and weightings nominated in the Invitation to Tender document as follows:

Criteria	Weighting (%)
Relevant Experience	15%
Key Personnel and Skills	15%
Resources and Management Systems	5%
Demonstrated Understanding and Methodology	15%
Business Profile (Local, Social & Sustainability)	10%
Value for Money	40%

The highest scoring tender was from Bama Projects Pty Ltd. This tender is considered to offer the best value for money to Council and suitably meets the requirements of the evaluation criteria with relevant experience, accredited management systems, understanding of the project as well as local staff and the intent to use local subcontractors.

All tenderers were considered capable of delivering the project satisfactorily with the decision made to recommend the award of the contract to the lowest priced tenderer.

### **OPTIONS:**

#### Options Considerations

The full project cost estimate of **\$1,643,381** is above the allocated allowance in the 2022/23 and 2023/24 adopted budgets of **\$1,221,000**.

#### **Option 1 (Recommended)**

1. Awards Contract 55321 – Toilet Facilities Renewal Program 2022/23 to Bama Projects Pty Ltd for the amount of \$1,286,581 excluding GST.
2. Approves the Project Launch Approvals for PC23227 and PC23229 with a combined Project Launch Budget of **\$1,643,381** and an Approved End Date of 31 October 2023.
3. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this project, subject to Council's normal procurement policies and practices.

#### **Option 2**

That Council go back to tenderers to negotiate a reduced lump sum price by reducing the number of toilets to be upgraded to only deliver those works that can be financed by the 2022/23 and 2023/24 budget allocations.

This is not recommended as the Option 1 tender price is considered value for money on a well-considered scope of work. The sites to be deferred will be required to be

constructed most likely in the following year at a likely higher cost with impacts on operations and reduced community benefits until the works are completed.

### **Option 3**

That no Contract is awarded at this time.

This is not recommended as the existing facilities need to be upgraded and Council has received a good spread of submissions from reputable contractors. Not proceeding at this time and retendering at some future point is unlikely to result in reduced tender prices and only delays the delivery of this priority project.

### **CONSIDERATIONS:**

#### Risk Management:

<b>Description of Risk</b>	<b>Impact of Risk</b>	<b>Proposed Solution</b>
Inclement Weather impact on project end date	Low	A wet weather contingency is included in the forecast end date of the project. Five facilities are refurbished internally and not affected by wet weather.
Latent conditions (including for contaminated soil)	Low	The Lakes Park greenfield site is considered low risk as no issues evident during the construction of the BBQ shelter nearby.
Contractor time delays	Low	To mitigate the risk of delays on completion of individual sites the project will be managed to limit the number of sites under construction at any one time.
Quality of materials, construction and workmanship	Low	Council's public toilet Strategy specifies fixtures and fittings which are long lasting and vandal resistant. The works will be well supervised to ensure the quality of delivery.
Asbestos Materials Encountered	Low	Johnson Park has been confirmed as containing asbestos ceiling sheeting however, the refurbishment requires minimal disturbance to the existing ceilings.

#### Council Finance and the Local Economy:

A portion of the allocated funding over 2022/23, 2023/24 and 2024/25 financial years of \$1,731,000 will need to be provided for this contract to enable the full scope of works to proceed at this time, noting that the budget amounts include LCRI 3 grant funding of \$331,036.

The proposed funding breakdown is as follows:

<b>PC23227</b>	<b>Previous Years</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>TOTAL</b>
<b>Allocated Budget</b>	\$0	\$850,000	\$371,000	\$510,000	\$1,731,000
<b>PLB</b>	\$0	\$370,000	\$1,273,381	-	\$1,643,381
<b>Variance</b>	\$0	\$480,000	-\$902,381	-	-\$87,619

While the lump sum tenders were higher than concept phase estimates, which provided for a total project cost of \$1,266,622, the Australian Bureau of Statistics confirm construction cost escalation has risen approx. 8% per year since 2020 and pricing pressures are contributed by upward trends in labour costs driven by strong volumes of housing, high demand in materials and contractors adding contingencies in bids to mitigate risks in the market. Residential construction costs in Queensland rose 5.8% in the 3<sup>rd</sup> quarter of 2022 alone and is the largest quarterly growth in over 20 years. The forecast cost escalation for 2022/23 is 6-8%.

The refurbishment of five existing facilities ensures approximately 500m<sup>3</sup> of demolished building materials is not sent to landfill and recycles the existing buildings as new improved facilities. This contributes to sustainable development for Council.

#### Community and Cultural Heritage:

Providing safe, clean and accessible public toilets at these locations, make a practical difference in encouraging visitors and residents to spend time at and enjoy the diverse public spaces and facilities provided as part of our urban infrastructure.

The refurbished public amenities will have a positive impact on the community and economy during construction and operations, creating and supporting jobs and local businesses and increased community partnerships.

#### Natural Environment:

The construction works will be monitored closely by Council's environmental officers to ensure disturbance to the natural environment is minimised.

The refurbishment of five existing facilities will create minimal impact on the surrounding environment with the exception of Glenoma Park's new 100m long footpath / ramp which includes rock stabilisation either side to ensure minimal erosion and or damage during flood events.

#### Corporate and Operational Plans:

This project aligns with Councils Corporate Plan Focus 3:

- Design for Liveability - Deliver valued suburban community infrastructure
- Community and Culture - Support a rich and diverse culture through accessible public facilities and community initiatives.

Statutory:

The following relevant statutory requirements have been satisfied.

- State Assessment and Referral Agency (SARA) Decision Notice received 6 January 2023 for Giangurra Esplanade, East Trinity improved footpath due to the facility being located within the Coastal Management District

The following relevant statutory requirements will be obtained by the successful Tenderer as part of the Design and Construct Contract:

- Form 29 - Building Act assessment for each facility.
- Form 21 - Final Certification for each facility.
- Form 17 Permit for Plumbing, drainage and on-site sewerage work as required

Policy:

The open tender process followed for the proposed procurement complies with Council's purchasing policy.

**CONSULTATION:**

Interested stakeholders have been identified and consulted throughout the design process to ensure the brief objectives are met and operational aspects meet requirements.

In addition, consultation with the community was also undertaken for the new Lakes Park facility to obtain their feedback prior to making decisions on the final sighting of the facility.

**ATTACHMENTS:**

Attachment 1 – Concept Design Drawings



Travis Mitchell  
Executive Manager Project Management Office



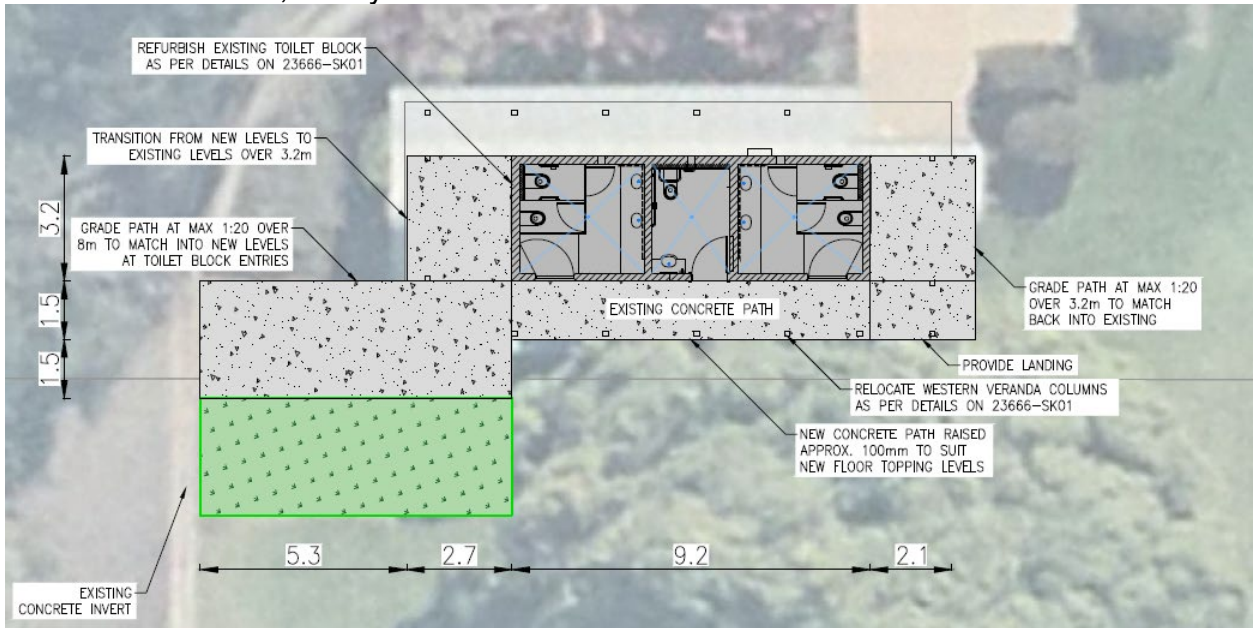
Sarah Stephen  
Associate Director Engineering Services



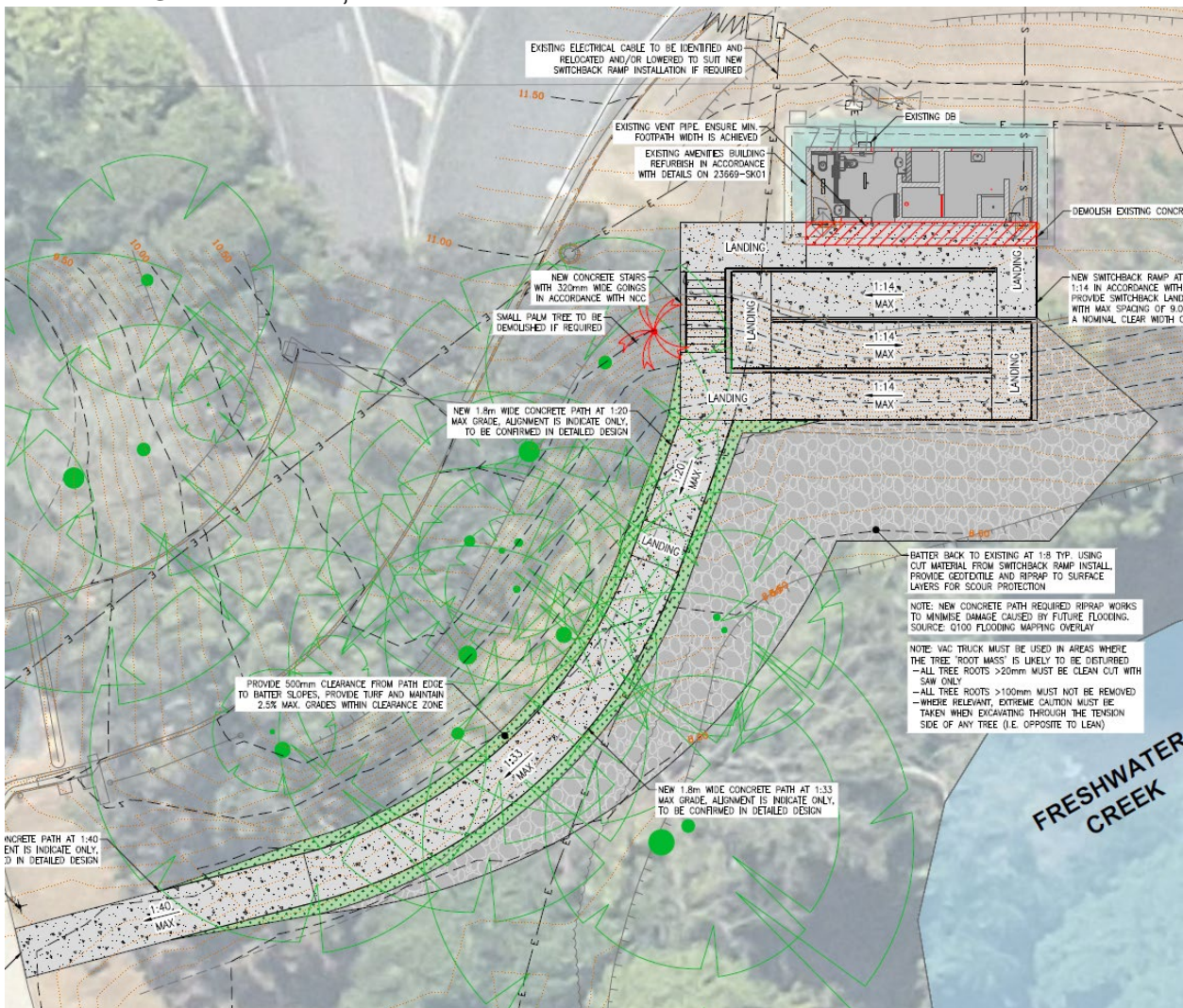
Mark Wuth  
Director Cairns Infrastructure & Assets

Attachment 1 – Overall Perspective views and Layouts

1. Vallance, Trinity Beach



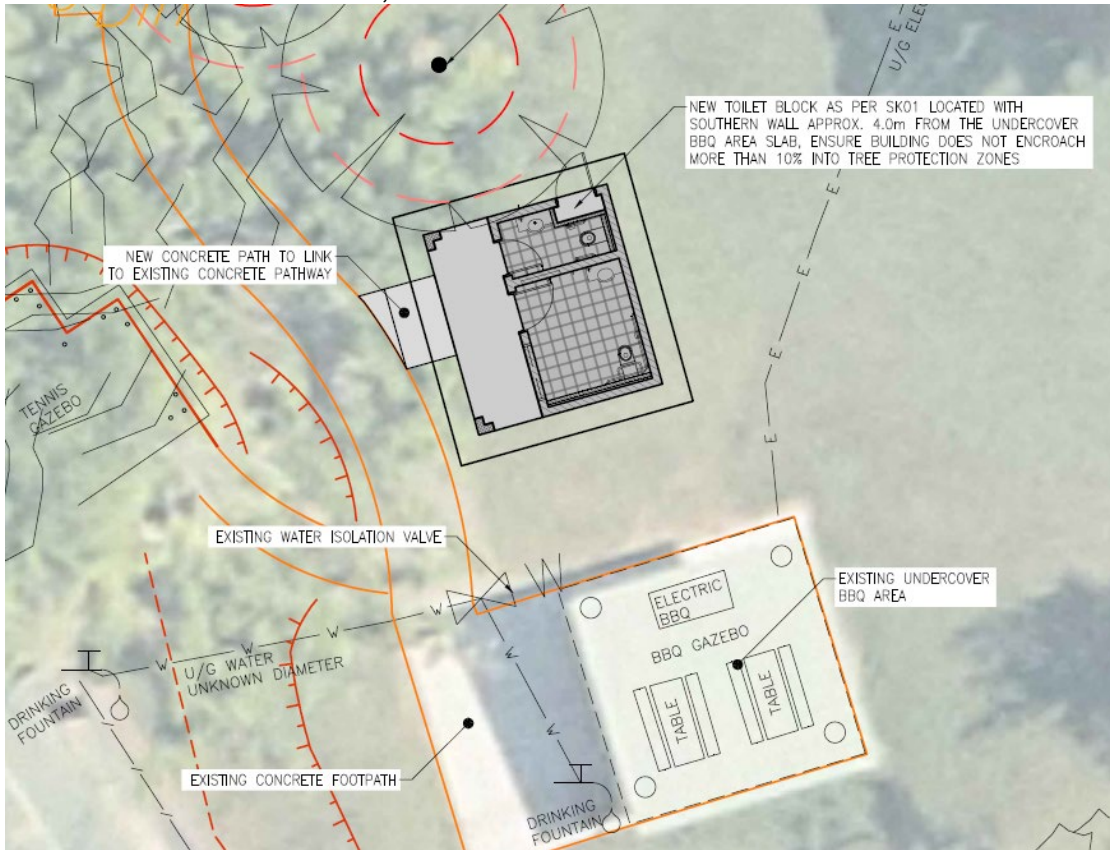
2. Glenoma Park, Brinsmead







5. The Lakes Park, Mount Sheridan



6. Johnson Park, Gordonvale

