

10.7. Rejecting all Tenderers for 8/2023 - Supply, Installation, Commissioning, and Maintenance of Gym Equipment

AUTHOR	Duncan Rennie, Manager Leisure and Aquatics
ENDORSED BY	Gary Parsons, Director Open Space and Infrastructure
ATTACHMENTS	Nil
CSP LINK	4. Our Social Vitality 4.1 North Sydney is connected, inclusive, healthy and safe

PURPOSE:

This report recommends the rejection of all tenders received for tender 8-2023 (*Supply, Installation, Commissioning and Maintenance of Gym Equipment*), the cancellation of this tender; with a potential to retender closer to the opening date of North Sydney Olympic Pool (NSOP).

EXECUTIVE SUMMARY:

- Tender 8/2023 closed on 14 November 2023, with five conforming submissions being received.
- The tender was evaluated with no single submission meeting the needs for the NSOP. A subsequent variation to the tender was approved by Council's Procurement Panel.
- The variation was not issued to the five suppliers due to the extension of the date for Practical Completion.
- Due to the Practical Completion date now being extended well into the 2024/25 financial year, it is recommended to reject all submission received and that the tender 8-2023 be cancelled.

RECOMMENDATION:

1.THAT Council reject all submissions for tender 8-2023 for the Supply, Installation, Commissioning and Maintenance of Gym Equipment for the North Sydney Olympic Pool;
2.THAT Council cancel the tender 8-2023 for the Supply, Installation, Commissioning and Maintenance of Gym Equipment for the North Sydney Olympic Pool; and
3.THAT Council note that a new tender for the supply, installation, commissioning, and maintenance of gym equipment be published closer to the completion date of the NSOP.

Background

On Tuesday 17 October 2024 tender 8/2023 for the *Supply, Installation, Commissioning and Maintenance of Gym Equipment (NSOP)* was advertised as a public open tender. The tender closed on 14 November 2023 with five conforming submissions being received, all providing information and pricing for an indicative list of equipment (Part A), a design and quote demonstrating each supplier's best use of the NSOP spaces (Part B), and a 5-year Preventative Maintenance Program (Part C).

The evaluation panel completed the review of all five submissions, with most equipment recommended by suppliers being identified as the same. However, it became apparent the ideal solution for NSOP comprised of a combination of equipment from different submissions, none of which appeared in a single tender submission from one supplier.

To source the optimal solution and range of equipment to best fit NSOP's needs, a tender variation outlining the exact equipment and quantities required, was approved by the Council's internal Procurement Panel. It was at this point that uncertainty in relation to the date of Practical Completion and handover to Council and therefore the variation was not issued.

Report

With extended delays surrounding the NSOP build now confirmed, it is recommended that all tender submissions for Tender 8/2023 are rejected and tender cancelled. The extended timeline for Practical Completion date now crosses into a new financial year, which would trigger price and logistical amendments to the original tender submissions.

It is now proposed to re-tender in the 2024/25 financial year. Council may also consider a tender that includes a lease option that would spread the financial burden across a 5-year period.

The acceptance or rejection of tenders can only be made by resolution of council, as section 377 of the *Local Government Act 1993* does not permit delegation of this task. A council should either accept the tender that appears most advantageous in the circumstances or decline to accept any of the tenders.

Financial Implications

Rejecting all tenderers and cancelling tender 8/2023 will result in no financial implications within the 2023/24 financial year.

Legislation

The legislative requirements or considerations relevant to this matter are addressed in section 377 of the *Local Government Act 1993* and Clause 178(3) of the Regulation.