

**Report to General Manager**Attachments:
Nil

SUBJECT: St Leonards Park Upgrade - Stage One - Miller Street Forecourt - Cancellation of Contract and Proposal to Enter into New Contract - Contract No. 6/2020

AUTHOR: David Banbury, Landscape Architect/Project Coordinator

ENDORSED BY: Rob Emerson, Director Open Space and Environmental Services

EXECUTIVE SUMMARY:

St Leonards Park is being upgraded in accordance with the St Leonards Park Landscape Master Plan, with works being staged over a number of years as funding permits. A contract (#6/2020) was entered into for Stage One Works, comprising the Miller St Forecourt / Fig Tree Lane entrance and works were due to start. During the pre-commencement phase the contractor advised they were in financial difficulties. The company (Contractor) was subsequently wound up by court order and Council's contract with them was cancelled. To undertake the St Leonards Park Stage One works it is necessary to enter into another contract. Negotiations have been held with the second-ranked tender from the tendering process for the above contract, with a view to entering into a contract, should Council resolve to do so. Details are contained in the Confidential Memorandum accompanying this report.

FINANCIAL IMPLICATIONS:

Funding is allocated in the current financial year (19/20) budget for St Leonards Park Master Plan implementation capital expenditure (budget number 7085.1781.145). In addition, funds will be required to be brought forward from the 2020/21 Financial Year capital allocation for St Leonards Park, as detailed in the accompanying Confidential Memorandum.

RECOMMENDATION:

- 1. THAT** Council accept the tender, as amended by negotiation per details in the Confidential Memorandum, of the second highest ranked Tenderer for Contract No. 6/2020 - St Leonards Park Stage One - Miller Street Forecourt.
- 2. THAT** the General Manager be authorised to take any necessary action to implement the decision including entering associated contracts.
- 2. THAT**, once Council has executed the Contract, information relating to the contract be published in Council's Register of Contracts as required by *Government Information (Public Access) Act 2009 - Part 3 Division 5 - Government Contracts With Private Sector*.
- 4. THAT** the necessary funding be brought forward from the 2020/21 Financial Year capital allocation for St Leonards Park to supplement the funding available in the current financial year.

LINK TO COMMUNITY STRATEGIC PLAN

Direction: 1. Our Living Environment

Outcome: 1.3 Quality urban greenspaces
1.4 Public open space and recreation facilities and services meet community needs

BACKGROUND

Council at its meeting of 26 August 2019 resolved to accept the tender of Design Landscapes Australia (DLA) for Tender No. 6/2020 for Miller Street Forecourt, St Leonards Park (refer Minute no. 247. OSE03). Subsequent to a contract being signed and progression of pre-commencement arrangements, Council officers were advised by DLA that they were in financial difficulties. After attempting a voluntary administration process, a court order was made for liquidation of the company on 14/01/2020. In accordance with contract provisions, their contract was formally cancelled by letter to the liquidators on 22/01/2020.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

Subsequent to the cancellation of the contract with DLA, Council officers entered into negotiation with the second ranked tenderer from Tender 6/2020, with a view to reaching a point whereby a contract could be entered into. A satisfactory agreement has been reached with the tenderer and it is recommended that Council enter into a contract. Refer to the Confidential Memorandum associated with this report for more information.

Financial Implications

Current Budget Year: Financial Year 2019/2020

Future Financial Years: Financial Year 2020/2021

Project Program

Anticipated Start: March 2020

Anticipated Completion: September 2020

Responsible Officer: David Banbury – Landscape Architect, Project Coordinator
