

TANK 3 AND TANK 5 AMENITIES CONSTRUCTION PC23221-02

50/9/27-01 | #7432038

RECOMMENDATION:

That Council:

1. **Awards Contract 2957 – Tank 3 and Tank 5 Amenities Construction to MyBuild Solutions Pty Ltd for a Lump Sum price of \$1,392,699 excluding GST.**
2. **Approves the Project Launch Approval for PC23221-02 with a Project Launch Budget of \$1,800,000 and an Approved End Date of 31 July 2025.**
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 contract, subject to Council’s normal procurement policies and practices.**

INTERESTED PARTIES:

Boscon Constructions Pty Ltd

MyBuild Solutions Pty Ltd

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

Tanks Arts Centre has been identified as an A-Class facility in the Public Toilet Strategy, so this project aims to provide visitors and guests with quality, modern amenities that complement the heritage aspects of this iconic performance and visual arts space.

The existing toilets at Tank 5 currently serve the entire precinct. With the increase in patrons over the years, the number of toilets at the Tanks Art Centre needs to be increased. The existing toilets are 20 years old and need to be replaced with ones that will comply with the current amenities standards and provide adequate numbers for the site.

It is proposed to replace the existing amenities block at Tank 5 with a new compliant one, which will also increase the number of female and male toilets, and construct a new amenities block at Tank 3, adding toilet facilities to better serve the patrons of Tanks 3 and 4.

A Request for Tender for a Principal Contractor was released to the open market to seek competitive tenders for the project. Council received two well-constructed submissions, with MyBuild Solutions Pty Ltd recommended for award of the contract at \$1,392,699 excluding GST.

The recommended tenderer, MyBuild Solutions, is locally based and has successfully completed works for Q-Build, Cairns Regional Council, and some commercial buildings.

Building works will be completed in the 2024/25 financial year with a Project Launch Budget of \$1,800,000 and an Approved End Date of 31 July 2025.

BACKGROUND:

The Tanks Arts Centre is an iconic heritage performance and visual arts space nestled in the Cairns Botanic Gardens. It has a 20-year history of presenting and developing extremely high-quality local, national, and international performances.

The amenities at Tank 5, which are currently used by patrons serving all three Tanks, are located at a significant distance from Tank 3, Tank 4, and the promenade.

Replacing the existing facility with additional female and male toilets and constructing a new facility at Tank 3 will increase the precinct's ability to handle the increased demand at the site and provide quality amenities.

Council invited tenders pursuant to section 228, 232 and 233 of the *Local Government Regulation 2012* (Qld).

The tender was advertised on 15 April 2024 and closed on 17 May 2023. Tenders were received from each of the tenderers identified below:

- a) Boscon Constructions Pty Ltd and
- b) MyBuild Solutions Pty Ltd

Tenders were checked for conformance against the requirements of the request for tender, and all of them were considered conforming.

In selecting the successful Tenderer, the evaluation panel had regard to the sound contracting principles in accordance with section 104 of the *Local Government Act 2009* (Qld). Each tender was assessed against the following assessment criteria:

- Experience and capability – 15%
- Key Personnel, Subcontractors and Suppliers– 10%
- Resources and management systems – 10%
- Understanding, Methodology and Program of Works – 15%
- Business Profile (Local, Social and Sustainability) – 10%
- Value for money – 40%

COMMENT:

Evaluating the tenders against the criteria resulted in MyBuild Solutions Pty Ltd being the highest-scoring tender. This tenderer is considered to offer value for money to Council and suitably meets the requirements of the evaluation criteria with relevant experience, management systems, understanding of the project, local staff, and use of local subcontractors.

OPTIONS:

Option 1: (Recommended)

That Council:

1. Awards Contract 2957 – Tank 3 and Tank 5 Amenities Construction to MyBuild Solutions Pty Ltd for a Lump Sum price of \$1,392,699 excluding GST.
2. Approves the Project Launch Approval for PC23221-02 with a Project Launch Budget of \$1,800,000 and an Approved End Date of 31 July 2025.
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 contract, subject to Council's normal procurement policies and practices.

Option 2:

That Council does not award the contract at this time.

CONSIDERATIONS:

Risk Management:

Description of Risk	Impact of the Risk	Proposed Mitigation
Inclement weather impact on project end date	Low	A wet weather contingency is included in the forecast end date of the project.
Disruption to events and public	Low	Work with the assets management team to coordinate the construction works around event dates. Some works may need to be undertaken outside of hours.
Variations during construction	Low	The superintendent's representative will closely monitor any variation requests to avoid any unnecessary additional expenses for the project. The Project Launch Budget has provided a contingency amount to cover latent conditions and required variations.

Council Finance and the Local Economy:

The Project Launch Budget amount of \$1,800,000 will enable the full scope of works to proceed. This total budget figure allows for all costs associated with the project including the survey, project management, design and construction supervision requirements.

	Prior Year	2023/24	2024/25	2025/26	TOTAL
Allocated Budget	\$47,012	\$159,688	\$1,200,000	-	\$1,406,700
PLB	\$47,012	\$130,000	\$1,522,988	\$100,000	\$1,800,000
Variance	-	\$29,688	(\$322,988)	(\$100,000)	(\$393,300)

The additional funding required is to be bought forward from a future year allocation for increased storage space at the Tanks, which can potentially be accommodated through rationalisation of existing spaces and the undertaking of other currently programmed storage works. Given this bring forward of funds, to balance the CAPEX program, \$300,000 will be deferred in the Buildings and Facilities renewal portfolio, and \$93,300 in the Transport renewal portfolio.

Community/Cultural Heritage and Natural Environment:

The development application for the project on a Queensland heritage place was referred to the State Assessment and Referral Agency (SARA).

SARA has assessed the proposed development against State Code 14: Queensland Heritage of the State Development Assessment Provisions and found the development complies with the relevant performance outcomes.

SARA issued their referral to the Planning Agency (Council), who has subsequently approved the development application.

Corporate and Operational Plans:

The project directly relates to the following goals and strategic objectives:

Corporate Plan Focus Four - Community and Culture:

- Promote Cairns as the arts and cultural capital of northern Australia.
- Provide spaces and programs for the well-being of the community.

Operational Plan 2023 - 2024, Focus Four

- Fostering a vibrant and healthy community where everyone feel they belong.

Strategy for Culture and Arts 2022

- World-class cultural facilities.

Statutory:

This tender process has been conducted in accordance with legislative requirements under the *Local Government Act 2009* and the *Local Government Regulation 2012*.

Policy:

The tender process was undertaken in accordance with Council's adopted Procurement Policy.

CONSULTATION:

Thorough stakeholder consultation was undertaken as part of the initial concept and detailed design.

Internal stakeholders included:

- Tank Precinct staff – Building location and functionality.
- Botanic Gardens Curator – Plant identification, removal, and landscaping design.
- Drainage Engineers - Site drainage and overflow design.
- Environmental Services - Development and Heritage approvals.
- Arborist – Tree identification and removal advice.
- Facilities Maintenance – On-going maintenance and preferred product advice.

External stakeholders:

- Total Project Group Architects – Client preferred architect/designer for heritage site.
- Botanic Gardens Volunteer Group – Landscape design and plant relocation.
- Department of Environment and Heritage – Approved proposed amenity building works.

ATTACHMENTS:

Attachment 1 – Images of the amenities designs.



Stephen Foster
Executive Manager Creative Life



Destry Puia
Director Lifestyle and Community

ATTACHMENT 1 – IMAGES OF THE AMENITIES DESIGNS



