

**1.4 TENDER FOR DETAILED DESIGN OF A MIXED USE MULTI-LEVEL CAR PARK,
MONTCLAIR AVENUE, GLEN WAVERLEY**
(CF2019147:CV)

Responsible Director: Ossie Martinz

RECOMMENDATION

That Council:

- 1) Awards the tender from Warren and Mahoney Architects Australia Pty Limited (ACN 607 221 198) for Contract No. 2019147 – Principal Consultancy for the detailed design of a mixed use multi-level carpark, 31-39 Montclair Avenue, Glen Waverley for the fixed lump sum amount of \$1,338,421 (incl. GST) with an additional allowance of \$133,841 (incl. GST) for contingencies.*
- 2) Authorises the Chief Executive Officer or her delegate to execute the Consultancy Agreement.*
- 3) Notes that the total budget for the Project for financial year 2019/2020 is \$2,120,000.00 (excl. GST) which includes the fixed lump sum and contingencies.*
- 4) Notes that there are two remaining development approvals that contain a planning permit condition to provide a cash in lieu car parking contribution prior to starting building works that are yet to commence construction, and as such there remains some uncertainty on the final car space numbers to be provided should these developments change or not proceed.*
- 5) Notes that the car park is being designed to its maximum allowable building envelope under the Glen Waverley Structure Plan and the proposed design will have flexibility to allow for modification based on the final car parking numbers by deleting levels and constructing only those that are required.*
- 6) Notes that due to changes that have resulted from the VCAT process for the proposed development at 50 Montclair Avenue, Glen Waverley, Council's obligation to provide car spaces under Parking Overlays 3 and 4 has reduced from approximately 539 (total 1,044) car spaces to approximately 499 (total 1,004) car spaces.*
- 7) Notes that Council has recently refused to grant an extension of time to a planning permit originally granted in 2011 for 65-67 Railway Parade, Glen Waverley. This permit included a requirement for a cash in lieu contribution of 130 car spaces. Should there be no VCAT appeal, or in the event of an appeal where VCAT does not approve an extension of time, the obligation to provide these 130 spaces would cease meaning that Council's obligation to provide car spaces would be further reduced to provide approximately 369 (total 874) car spaces under the parking overlays .*

INTRODUCTION

Council has conducted a tender for the detailed design of a mixed use multi-level car park at 31-39 Montclair Avenue, Glen Waverley (also known as Glendale West Car Park) (the Site).

The tender process has now been completed and this report seeks Council's approval to proceed to award Contract No. 2019147 to Warren and Mahoney Architects Australia Pty Limited (ACN 607 221 198) to prepare the detailed design of the project on the site and to provide construction stage support services.

BACKGROUND

For some time, Council has been considering its options to provide new parking spaces to meet its car parking obligations under Parking Precinct Plans 3 and 4 and identifying a location for the development of a multi-level car park within the Glen Waverley Activity Centre.

Resolutions from previous meetings affirmed Council's commitment towards the provision of car parking within a multi-level car park (including some commercial space) on the Council land known as the Glendale West Car Park by directing officers to commence preparation of concept designs.

During 2018, the development of concept design options (including community consultation) were completed and, at the time, the combined car parking obligations amounted to 1,044 car spaces as listed below:

Description	Spaces
PPP3	400
PPP4	139
On-site replacement	181
Glendale Street replacement	18
Glendale East Car Park (land sale)	98
Kingsway precinct upgrade	99
Euneva Car Park replacement	36
On-site activation (approx.)	73
Total	1,044

The outcome of community consultation and concept design options for 1,044 spaces was presented to Council at its meeting on 26 February 2019 and Council resolved, amongst other things, as follows:

"4. Resolves that it will separately consider what occurs on the portion of land where the possibility for affordable housing was identified. Council accepts in principle that this consideration would also include a possible sale of the portion of the land which would further offset the cost of constructing the multi deck carpark. In addition to the land being required to be subdivided at some point in the future should a sale be the preferred outcome, any decision to sell the land

would also be required to go through the statutory process under the Local Government Act which must include community consultation.

6. Resolves that the proposal for the new car park and commercial space proceed to detailed design stage and notes that officers will undertake a tender process for the detailed design of the multi-deck car park based on the MGS concept designs, and present a report to a future Council meeting on the outcome of the tender process.

7. Directs officers to commence the process for the relocation of the main sewer line that runs east-west through the subject land and the adjacent Glendale East car park."

The above resolutions provided officers with the direction and clarity to proceed with a tender for the detailed design for the development of the Site as a multi-level car park with commercial space.

Car parking obligations arising from contributions allocated under PPP3 and PPP4

A report to Council on 27 February 2018 provided an update on the decision of the Minister for Planning to refuse to approve the introduction of new parking overlays to the Glen Waverley and Oakleigh Activity Centres.

The report discussed:

- The Minister's decision with regards to the progress of Amendment C103 for Parking Overlay 3 and that although not approved, this Amendment was adopted by Council and sufficient payments have been made or development approvals issued for Parking Overlay 3 to be considered fully subscribed and t considered complete.
- The proposed new Parking Overlay 4 (Amendment C133 to the Monash Planning Scheme) was not approved by the Minister for Planning.

A subsequent report to Council in October 2018, provided updated information on contributions collected from Parking Overlay 3 and 4. The update included the following:

"

- *Council has now issued sufficient planning approvals under Parking Overlay 3 and 4 (noting that this is up to and not beyond the date of the Minister for Planning's decision, and Parking Overlay 4 has ceased short of the intended 400 car spaces it was intended to provide);*
- *The provision of a maximum 539 car spaces that are required to be provided under Parking Overlays 3 & 4 being 400 car spaces and 139 car spaces respectively."*

Given the above, and following a resolution of Council, the concept design for the car park that was completed in 2018 took into account the provision of the 539 car

spaces committed through approved planning permits issued under the parking overlays.

As at August 2019, the obligations under PPP3 and PPP4 stand at 499 car spaces, down from the original 539 car spaces due to changes during the VCAT process for the development at 50 Montclair Avenue, Glen Waverley. As a result of the VCAT process less car spaces are required to be provided under the final design.

Further, Council has recently refused to grant an extension of time to a planning permit originally granted in 2011 for 65-67 Railway Parade, Glen Waverley. This permit contained a requirement for a cash in lieu contribution of 130 car spaces. Should there be no VCAT appeal, or in the event of an appeal, that VCAT does not approve an extension of time, the obligation to provide these 130 car spaces would cease meaning that Council's obligation to provide car spaces would be further reduced to approximately 369 (total 874) car spaces. If there is a VCAT appeal, and VCAT determines to again extend the planning the 130 car spaces would need to be provided as part of the Parking Overlays and the car park project.

The status as to whether these car spaces are or are not to be included is still unknown as there is still the potential for a statutory process to commence (i.e. VCAT).

Should the 130 car spaces not be required to be provided, Council's obligation to provide car spaces under the Parking Overlays will drop further to 369 car spaces from 499 (or a total of 874) car spaces.

As there remains two "live" development approvals (as detailed above) that are required to provide car spaces under Parking Overlays 3 and 4 but have not yet commenced, there remains uncertainty as to the final car space numbers, until such time as the matters above are resolved and the developments commence.

THE TENDER

The Site

The Site is based on the concept designs prepared by MGS Architects and is shown shaded grey in image 1 below. It has an approximate area of 4,100m² which will be confirmed by survey during the detailed design process.



The Scope of Services

The tender for the detailed design included a Scope of Services for a Principal Consultant to assemble a project team to complete the following works:

“PHASE 1 –DETAILED DESIGN

Description: Detailed design for a mixed use multi-level car park development with retail and/or office uses at ground and podium level based on the MGS concept designs (September 2018).

Phase 1 is broken up into the following five stages for which a lump sum is required.

The Consultant must obtain a decision to proceed to the next stage/phase from the Principal.

Stage	Description
1	<i>Pre-planning investigations and return brief.</i>
2	<i>Sketch drawings and schematic design report.</i>
3	<i>Detailed design and documentation for a planning permit application.</i>
4	<i>Planning permit application (to be lodged and run by the Principal).</i>
5	<i>Preparation of construction drawings and tender specifications and advice to Evaluation Panel as required during the tender process.</i>

PHASE 2 – CONSTRUCTION

Description: Construction stage services.

The Consultant is to provide a lump sum for this service.”

Notification

Nine (9) pre-qualified suppliers from the Department of Treasury and Finance Construction Supplier Register (CSR) were invited to participate in a selective Tender for this project on 29 May 2019 and the tender closed on 24 June 2019.

Council use of the CSR list is approved by the Minister of Local Government under section 186(5) (c) of the Local Government Act 1989 and is therefore compliant with Councils' legislative requirements.

Tenders Received

Six (6) tender submissions were received by the appointed closing time.

No.	Tenderer
1	Craig Tan Architects Pty Ltd
2	MGS Architects Pty Ltd
3	Six Degrees Pty Ltd
4	MCR Pty Ltd (McBride Charles Ryan)
5	Warren and Mahoney Architects Australia Pty Limited
6	Cumulus Studio Victoria Pty Ltd

One (1) supplier did not download the tender documents.

Two (2) suppliers contacted Council to confirm they did not have capacity to complete the works so would not be responding to the tender.

Tender Conformance

All submissions were assessed for their compliance with the tender conditions including the contractual terms and conditions and the requirements of the response schedules.

One submission was deemed non-conforming on the basis that it did not provide details on the deviations requested from the Contract.

Tender Evaluation

The tender evaluation panel consisted of:

1. Director City Development
2. Director Infrastructure
3. Manager Property
4. Manager City Design
5. Manager Engineering
6. Acting Manager, Capital Works
7. Manager Strategic Procurement

All members of the evaluation panel signed Conflict of Interest and Confidentiality forms and no conflicts were raised.

As per Council's Procurement Policy, a legal review of the tender documents was conducted by Maddocks Lawyers.

The submissions were subjected to Council's standard compliance test. This test ensures that the tenders complied with the requirements of tendering.

Following tender clarifications, the price range of the tenders was \$1,225,310 - \$2,315,933 (inc GST).

All tenders were assessed in accordance with the evaluation criteria published in the tender documentation as follows:

Evaluation Criteria

Pass/Fail Assessment Criteria				Score
Statement of Compliance				Pass/Fail
Scope Requirements				Pass/Fail
Quality & OHS Systems				Pass/Fail
Insurance & Indemnity				Pass/Fail
Attendance at mandatory pre-tender meeting				Pass/Fail
KEY SELECTION CRITERIA	CRITERIA WEIGHTINGS	SUB WEIGHTINGS	SUB CRITERIA/RETURNABLE SCHEDULES LINK	
40% NON-PRICE CRITERIA	Capacity and Capability	20%	5%	Experience
		5%	Resources	
		5%	Risk Management	
		3%	Legal Compliance	
		2%	Performance and Innovation	
	Project Timelines	10%	4%	Start and Completion timeframe
			6%	Proposed Program
	Sustainability (Mandatory)	10%	4%	Environmental Sustainability
			3%	Local Sustainability
			3%	Social Sustainability
	PRICE (60%)	Price*	60%	60%

Two short-listed tenderers out of the six were selected on the following basis:

1. Based on the significant price differential, the bottom three tenderers were removed from further consideration. The evaluation panel considered that it was not possible for them to become preferred tenderers based on the weighted qualitative scores.

2. One tenderer was deemed non-conforming.

The two short-listed tenders were:

1. Craig Tan Architects Pty Ltd; and
2. Warren and Mahoney Architects Australia Pty Limited

The short-listed tenderers were sent a list of questions for clarification and invited to attend an interview and provide a presentation on their experience, skills and capacity to deliver the scope of services.

After reviewing questions and outcome of presentations, the evaluation panel was unanimous in its view that Warren and Mahoney Architects Australia Pty Limited had demonstrated a higher level of experience and capacity to deliver the scope of services than had Craig Tan Architects Pty Ltd.

The evaluation panel completed its evaluation (including the price and non-price evaluation criteria) which concluded that Warren and Mahoney Architects Australia Pty Limited had ranked in first place and as such, recommends Warren and Mahoney Architects Australia Pty Limited as representing the best overall outcome for Council.

Reference checking including financial checks were conducted on the preferred tenderer. The referees provided strong references regarding professionalism, experience and capacity to deliver and highly recommended the preferred tenderer for the contract.

The preferred tenderer passed the Corporate Scorecard financial check that indicated a strong financial capacity to undertake the contract. This result means the risk exposure to Council appears to be minimal for the contract in question, if the preferred tenderer is used.

FINANCIAL IMPLICATIONS

The capital budget 2019/2020 has made a provision of \$2,120,000 (excl. GST) for consultancies for the Project:

The above budget accommodates:

1. the tenderer's fixed lump sums;
2. providing for other consultancies required during the detailed design phase;
3. a 10% contingency to fund the likelihood of any additional work required;
4. remaining budget to progress the relocation of the sewer including detailed design.

Considerations

Sewer relocation

Resolution 7 of the report to Council on 26 February 2018 provided officers with the direction to *“commence the process for the relocation of the main sewer line that runs east-west through the subject land and the adjacent Glendale East car park.”*

Preliminary designs have been completed on the options to relocate the sewer and the construction methodology.

Further information will be presented to Council on the sewer relocation including quantity survey costs of the detailed design.

SUSTAINABILITY OUTCOMES

To support Council’s endeavour for sustainable outcomes, the evaluation included consideration to how the tenderer responded to various sustainability criteria. The responses from the preferred tenderer are shown below and are supportive of Council’s endeavours for sustainable outcomes.

Criteria	Summary of response from preferred tenderer
Sustainability	Initial thoughts on an approach to sustainability for this project: <ul style="list-style-type: none"> • Future-proofed design to enable alternative uses throughout the life of the structure. • Natural ventilation – consideration to façade. • Daylight penetration – higher floor to floor. • Energy efficient dimmable LED lighting. • Recycled concrete content. • Rainwater harvesting. • Vertical circulation – encourage use of stairs. • Integration of sustainable modes of transport. • Solar collection.
Environmental sustainability	Has an Environmental Management System that meets the requirements of ISO 14001:2015 – Environmental Management Systems. Meets the requirements of carboNZero certification having measured its greenhouse gas emissions in accordance with the requirements of ISO 14064-1:2006.
Local sustainability	Confirmed support to endeavour to source the majority of goods, services and materials from the City of Monash.
Social sustainability	Contributes free time (pro bono) to projects with communities they serve. Actively foster talent in the industry with students from Monash University’s Architecture Faculty.

CONCLUSION

That Council approves the recommendations contained within this report and awards the tender as recommended.