

1.6 TENDER FOR STATUTORY PLANNING VCAT ADVOCACY SERVICES (CF2020151: NS)

Responsible Director: Peter Panagakos

RECOMMENDATION*

That Council:

1. *Awards the tender to the following companies for the provision of Statutory Planning VCAT Advocacy Services, Contract No. 2020151 for a schedule of rates based contract with an estimated annual contract value of \$125,000 excluding GST and an estimated total contract value of \$670,000 over 5 years excluding GST, inclusive of all available extension options:*
 - *Kellock Town Planning Pty Ltd;*
 - *David De Giovanni Town Planning;*
 - *Gareth Gale Consulting Pty Ltd;*
 - *Currie & Brown (Australia) Pty Ltd; and*
 - *Peter English & Associates.*
2. *Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
3. *Notes that the contract will commence on 1 August 2020, with an initial term of three (3) years, with two (2) extension options of one (1) year each, and authorises the Chief Executive Officer to approve extension options subject to satisfactory performance.*

INTRODUCTION

Council has conducted a tender for Statutory Planning VCAT Advocacy Services. The contract is for an initial period of three (3) years, commencing 1 August 2020, with two (2) extension options of one (1) year each.

BACKGROUND

Council is seeking to appoint a panel to provide planning advocate services to represent the City of Monash at VCAT hearings.

The current panel contract, Contract No. 2015113 Planning Advocate to VCAT, with five (5) panel members has been in place for five (5) years, and expires on 31 July 2020.

Currently Monash officers perform the majority of the practice day hearings and compulsory conferences, and in April 2019, a Principal Planner Appeals Advisor was appointed to the Monash Planning Department to reduce reliance on the contract. External advisors however, are still required during periods of high demand and where there are multiple hearings on one day or at short notice. The implementation of the new Statutory Planning VCAT Advocacy Services contract will satisfy these requirements, in conjunction with representation by legal firms for more complex matters, under the existing Legal services contract.

The key tasks of the contract advocate include:

Attendance at the Planning Division of VCAT representing the City of Monash as Council's Planning Advocate; Preparation of written submissions; Identification and recommendation of additional requirements, information or expert evidence or assistance; Briefing, coordinating and managing expert witnesses; Negotiating consent outcomes; Preparing recommendations to Council on VCAT matters in respect of any Policy shortfalls, procedural failure or other issues that could improve Council Policy, the Monash Planning Scheme or Planning Section performance.

NOTIFICATION

A public notice was placed in The Age newspaper on Saturday 30 May 2020 and the tender closed on Friday 12 June 2020.

TENDERS RECEIVED

Fourteen (14) tender submissions were received by the appointed closing time. The tenders received are listed below:

- Andrew Crack & Associates Pty Ltd
- Currie & Brown (Australia) Pty Ltd
- David De Giovanni Town Planning
- Divergent Planning
- Gareth Gale Consulting Pty Ltd
- Glossop Town Planning
- Hall & Wilcox
- Hansen Partnership Pty Ltd
- Holding Redlich Lawyers & Consultants
- Kellock Town Planning Pty Ltd
- Maddocks
- Peter English & Associates
- Plans in Motion
- RCI Planning

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.

All tender submissions were deemed conforming.

TENDER EVALUATION

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

The tenderers were assessed in accordance with the evaluation criteria published in the tender documentation:

Pass/Fail Assessment Criteria	Score
Quality Systems (if applicable)	<i>Pass/Fail</i>
OHS	<i>Pass/Fail</i>
Mandatory Insurances (if applicable)	<i>Pass/Fail</i>

KEY SELECTION CRITERIA	CRITERIA WEIGHTINGS	SUB WEIGHTINGS	SUB CRITERIA/RETURNABLE SCHEDULES LINK	
40% NON-PRICE CRITERIA	Capacity and Capability	20%	Experience	
		8%	Resources	
		2%	Risk Management	
		3%	Legal Compliance	
		2%	Customer Service	
	Sustainability (Mandatory)	4%	Environmental Sustainability	
		1%	Local Sustainability	
		1%	Social Sustainability	
	PRICE (60%)	Price*	60%	60%

*Minimum 60% price weighting required unless Council approves otherwise.

DISCUSSION

The following information supports the evaluation panel's recommendations.

The panel confirms that no more than five (5) suppliers are required to satisfy Council's service needs. The final evaluation (including price and non-price evaluation criteria) ranked the following suppliers the highest:

1. Kellock Town Planning Pty Ltd
2. David De Giovanni Town Planning
3. Gareth Gale Consulting Pty Ltd
4. Currie & Brown (Australia) Pty Ltd
5. Peter English & Associates

As such, the evaluation panel recommends these suppliers as representing the best value outcome for Council.

FINANCIAL IMPLICATIONS

The initial contract is three (3) years with two (2) extensions of one (1) year each, subject to satisfactory performance. Based on the submitted Pricing Schedules, the estimated annual contract value for Contract 2020151 Statutory Planning VCAT Advocacy Services is \$125,000 and the estimated total contract value is \$670,000 over 5 years, allowing for all available extension options. Future spend under this Schedule of Rates contract is to be maintained within approved budgets.

SUSTAINABILITY OUTCOMES

To support Council's endeavour for sustainable outcomes, the following sustainability outcomes were identified:

1. **Environmental Sustainability:** many of the preferred tenderers demonstrated environmentally sustainable practices. Currie and Brown (Australia) Pty Ltd, David De Giovanni Town Planning, and Peter English & Associates predominantly use public transport to attend VCAT hearings. Most of the preferred tenderers committed to conducting business electronically with reduced reliance on paper and printing, and where printing was necessary, there was a commitment by some, including Kellock Town Planning Pty Ltd, to use recycled paper and ink cartridges. Currie and Brown (Australia) Pty Ltd are strong advocates of Environmentally Sustainable Development, and their offices are fully compliant with the relevant Environmental Standards, while David De Giovanni Town Planning has double glazed windows in his office.
2. **Local Sustainability:** As most of the preferred tenderers are based in home offices and none reside within the City of Monash, their ability to support local business is limited, but some committed to purchasing from local café's if they visit Monash.
3. **Social Sustainability:** Currie and Brown (Australia) Pty Ltd support various charities, including Concern Australia, Steps for Outreach and also employ young apprentices. David De Giovanni Town Planning supports The Bridge, an NDIS organisation that provides for disadvantaged and indigenous people.

CONCLUSION

That Council approves the recommendations contained within this report.