

0123 CONDITIONS OF TENDERING



**LEETON**  
SHIRE COUNCIL

**TENDER No LSC2019-109B**

**PROJECT MANAGEMENT/SUPERINTENDENT SERVICES**

for the

**ROXY THEATRE REDEVELOPMENT**

**VOLUME 1 of 3  
CONDITIONS OF TENDERING**



DATE: MAY/2019

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## 1 CONTRACT INFORMATION

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### 1.1 PREAMBLE

The Conditions of tendering have been prepared in conformance with AS4120-1994, which sets out the ethics and obligations of the Principal and Tenderers in the tendering process in the construction industry.

Tenderers and Principal shall comply with the requirements of AS4120-1994. In particular, attention is drawn to the obligations of Tenderers in preparing and submitting their Tender for this project.

Without limiting the above obligations:

- Tenderers shall not submit tenders without a firm intention to proceed.
- Tenderers must not engage in any form of collusive practice.
- Any Tenderer who directly or indirectly canvasses support from an elected member or servant of the Council will be disqualified.

In all request for tender documentation, words importing a gender include every gender.

### 1.2 PROJECT INFORMATION

The Roxy opened in the 1930's as a 700-seat cinema and has an important history for many community gatherings and other local institutions. However, it is a building of its time, with constraints impinging on its latent potential as both a focus for the next stages of Leeton's development and growth. The Roxy is the centrepiece of the Leeton CBD, and the current state of the asset and its lack of capacity to meet demand is placing a constraint on cultural participation, activity and civic amenity in central Leeton and the surrounding region.

Leeton Shire Council has been successful in receiving \$4.4M from the NSW Government Regional Cultural Fund for the revitalisation of the Roxy. The funding will specifically address functional limitations of the building due to its age and construction that currently restrict the Roxy to promote as both a cultural community focus for increased activity and a catalyst for the next stages of the town's cultural an economic development and growth.

Leeton Shire Council will manage the redevelopment of this important asset. The project requires construction related consulting services.

This tender is for Project Management/Superintendent services for the Roxy Redevelopment.

Project description: The complete project description, scope of work, specific site and project requirements are defined in VOLUME 2 – Technical specifications.

### 1.3 RELEVANT DOCUMENTS

Documents: Request for tender documents for this project include the following:

- VOLUME 1 – Conditions of tendering.
  - Conditions of contract -General conditions of contract (AS4122 General Conditions of Contract for Consultants, not included as part of the contract documentation. Copies are available from Standards Australia).
- VOLUME 2 – Technical specifications (Project Requirements).

- VOLUME 3 – Tender submission documents.

Additional documents: The following documents do not form part of the request for tender documents but are available as additional information to assist the Tenderer in the preparation of the tender:

- Marshall Day Technical Report
- Previous Conservation Management Plan
- Existing Conditions Drawings
- Engineering Report – Existing Conditions – Feb 2019

The Principal does not guarantee that the information contained in any of these documents is accurate or complete and the Tenderer must make their own assessment as to the validity of the information when preparing the tender.

#### 1.4 CONTRACTOR'S RESPONSIBILITY

Requirement: Ascertain all information relating to the services that may affect the progress or method of performing all services and are within the scope of this contract. Prepare for every contingency that may arise. It is further understood that just provision for these contingencies have been accounted for, implicitly or explicitly within the tender price submitted.

#### 1.5 COUNCIL'S CONTACT PERSON

General: Direct enquiries regarding this request for tender to:

Name:	Peter Keane	Phone:	(02) 6953 0984
Position:	Director Environment & Engineering	Email:	peterk@leeton.nsw.gov.au

#### 1.6 SITE INSPECTION AND BRIEFING MEETING

Tenderers may request a (non-mandatory) site inspection by telephoning Council's contact person.

## 2 TENDER LODGEMENT REQUIREMENTS

### 2.1 CLOSING TIME AND DATE

General: Submit tenders before the closing time and date for tenders. It is the Tenderer's responsibility to make sure the tender is lodged on time. Failure to meet these submission requirements may render the submission invalid.

Time:	4 PM
Date:	Friday 17 May 2019

### 2.2 ELECTRONIC LODGEMENT

General: Lodge tenders at (Electronic tender box). Allow sufficient time for tender lodgement including any time that may be required for problem analysis and resolution before the closing time.

Tender submission documents: Complete the tender submission questions (replicated in the forms provided by the Principal in VOLUME 3 – Tender submission) at the Electronic tender box.

Supporting material: Submit any supporting material with the relevant questions at the Electronic tender box.

### 2.3 MANUAL LODGEMENT

General: Submit tenders on the forms provided by the Principal in VOLUME 3 – Tender submission. Documents and are to be enclosed in a sealed envelope and the envelope marked legibly as follows and either:

Delivered by hand or by courier and placed in the Tender box clearly marked **TENDER NO LSC2019-109B:**

LEETON SHIRE COUNCIL  
23 – 25 CHELMSFORD PLACE  
LEETON NSW 2705

Or mailed to the Tender box addressed as follows clearly marked **TENDER NO LSC2019-109B::**  
Tender Box

LEETON SHIRE COUNCIL  
23 – 25 CHELMSFORD PLACE  
LEETON NSW 2705

### 2.4 TENDERS VIA EMAIL

General: Tenders submitted via email will not be considered under any circumstances.

### 2.5 LATE TENDERS

A posted tender which is received after the closing time and date will only be considered if the Tenderer can satisfy Council that the formal tender documents and all other requisite essential information were posted or lodged at a post office or other recognised delivery agency within a reasonable time to ensure delivery before the deadline for closing of tenders, and the Tenderer has taken all possible action to expedite delivery when notified of a late arrival.

Essential information means all information in the Tender form and all information which is required by the Conditions of tendering for submission with the Tender form.

### 2.6 TENDER VALIDITY PERIOD

Tenders will be valid for a period of 90 days from the tender closing date. In the event of the withdrawal of the tender before the expiration of this period, the Tenderer shall be liable for all costs, losses or damages suffered by the Principal by reason of that withdrawal.

### **3 TENDER SUBMISSION INFORMATION**

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#### **3.1 PRICES**

Unless otherwise documented, conform to the following:

- Express prices in Australian Dollars and exclusive of applicable tax, consumption tax or duties. Identify these taxes and duties separately.
- Do not vary prices according to the mode of payment.

#### **3.2 LUMP SUM CONTRACT**

The price submitted by the Tenderer is a lump sum price for the undertaking of the contract.

#### **3.3 SUPPORTING INFORMATION FROM TENDERERS**

Provide documentary evidence to demonstrate they have the necessary competence, resources, industrial relations, quality and safety management and financial capacity to carry out the Works.

#### **3.4 SUBCONSULTANTS**

Provide, in VOLUME 3 – Tender submission documents, the names and telephone numbers of the Tenderer's Subconsultants.

#### **3.5 ALTERNATIVE PROPOSALS**

Alternative proposals, which satisfy the Principal's basic commercial and performance objectives, technical and legal requirements, may be submitted as options but only in addition to a conforming tender.

All costs associated with the design and documentation of any alternative proposal shall be borne by the Tenderer.

#### **3.6 IN-HOUSE TENDER**

The Principal IS NOT WILLING to accept a Tender from Council's business unit.

## 4 TENDER ASSESSMENT

### 4.1 TENDER EVALUATION AND SELECTION

Evaluation, negotiation and selection of tenders shall be in conformance with the requirements of AS4120-1994.

The evaluation criteria is outlined below:

<p><b>Project Experience</b></p> <p>The experience of the consulting organisation/group in working with or on a project of this type and scale. Demonstrate key lessons learnt on comparable projects and how they may be applicable to this project.</p> <p>Demonstrate experience with government procedures. Relevant experiences may include: previous government projects, knowledge of government procedures and policies, the degree to which the firm's systems can meet government procedures, previous tendering experience.</p>
<p><b>Team/Management &amp; Resource Capacity</b></p> <p>The specific people to be engaged on the project; their experience (particularly in relation to the project mentioned for the above criterion), expertise and nominated tasks; how they will be managed and coordinated, and their accessibility to the client in terms of an appropriate balance of on-site and remote representation. Consideration has to be given to the consultant's recognition of their responsibility to the project process.</p> <p>Resources and Availability – The consultant's resource capability to perform services. Demonstrate availability and capacity of key personnel to enable appropriate service provision for the duration of the project.</p>
<p><b>Methodology/Approach &amp; Capacity to Value Add</b></p> <p>Demonstrate a sound understanding of the key issues and risks for the project. Identify critical activities and outputs. Articulate how activities will be sequenced to ensure that the desired project outcome is achieved. Effectively communicate key activities and steps to be performed and demonstrate how collaboration and lateral thinking between all parties will be achieved.</p> <p>Articulate how the offering can be augmented to add further value to the project deliverables.</p>
<p><b>Program / Response</b></p> <p>Demonstrate an awareness of the time constraints placed on the project and articulate the sequence of tasks and associated schedules necessary to achieve the predetermined timelines.</p>
<p><b>Design Quality &amp; Capacity to Value Add</b></p> <p>Demonstrated ability to design and deliver facilities that support efficient service delivery, are supportive of the needs of the various building occupants and visitors, contribute to the creation of a high quality environment and are efficient to operate and maintain.</p> <p>Demonstrated experience in delivery of an integrated design approach to ESD for comparable projects and capacity to add value.</p>
<p><b>Client Focus</b></p> <p>Demonstrate proposed engagement processes for multiple stakeholder groups and ability to elicit a cooperative and valuable contribution from the client.</p>

<p><b>Quality Assurance</b></p> <p>A demonstration that the consultant has processes in place to ensure that the required documents conform to the brief.</p> <p>The tender submission should address if the consultant's organisation has in place a quality management system; the nature of the quality management system; details of any other quality assurance procedures the consultant's organisation would put in place for the project.</p>
<p><b>Insurance</b></p> <p>Provide the information as indicated below on company's public liability and professional indemnity insurance arrangements.</p> <p style="padding-left: 40px;">Name of Insurer Policy Number(s) Expiry Date Limit of Liability.</p>
<p><b>Local Content</b></p> <p>Commitment to engagement or participation of local suppliers/supply chains, building local industry knowledge and skills and promoting services that utilise regional industry participation.</p>
<p><b>References</b></p> <p>Three referees should be provided as a minimum to support the submission in relation to the type of work/role envisaged.</p>
<p><b>Compliance</b></p> <p>Acknowledgement that the consultant is prepared to sign the Standard Contract.</p>
<p><b>Fee Inclusions</b></p> <p>Scope of services included in the fee proposal and the appropriateness of the quoted amount to enable optimum service provision for the client and value for money.</p>

The Principal is not bound to accept the lowest, or any tender.

The successful Tenderer, and the price which is accepted, shall be notified in writing to all Tenderers.

#### **4.2 POST TENDER SUBMISSIONS**

The Principal may call for post tender submissions from some or all tenderers in order to assist with the evaluation.

Such submissions will be confidential between the Principal and Tenderer.

The call for such submissions will not bind the Principal to proceed to accept a tender.

#### **4.3 COST OF TENDERING**

All costs associated with tender preparation and submission shall be borne by the Tenderer.

#### **4.4 CONTRACT COMMENCEMENT DATE**

The commencement of the Contract is nominated as the date of dispatch of the letter of acceptance of tender to the successful Tenderer. There shall be no Contract prior to the issue of a letter of acceptance.



## 5 ANNEXURES

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### 5.1 REFERENCED DOCUMENTS

The following documents are incorporated into this worksection by reference:

AS4122	1992	General conditions of contract
AS4120	1994	Code of Tendering