



**AGENDA FOR A MEETING OF THE TENDERS SUBCOMMITTEE TO BE HELD IN THE  
MANUKAU ROOM AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,  
HENDERSON, WAITAKERE, ON FRIDAY, 16 JULY 2010,  
COMMENCING AT 9.00 AM**

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**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFLICTS OF INTEREST	1
4	CONFIRMATION OF MINUTES	1
5	CONTRACT NO. NL08002ZD - NEW LYNN TRANSIT ORIENTED DEVELOPMENT - AMBRICO PLACE ACCESS LANE - APPROVAL TO AWARD	2
6	CONTRACT NO. SP07003C - TE ATATU PENINSULA COMMUNITY CENTRE AND LIBRARY REDEVELOPMENT: ARCHITECTURAL SERVICES - APPROVAL TO AWARD	6
7	CONTRACT NO. SP09005C - PROFESSIONAL SERVICES FOR WESTGATE CIVIC PROJECT-ARCHITECTURAL SERVICES - APPROVAL TO AWARD	12

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 CONFLICTS OF INTEREST**

The Council has acknowledged in its Code of Conduct that Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to check that no such conflicts arise in relation to any items on this agenda.



**4 CONFIRMATION OF MINUTES**

Meeting Minutes - 2 July 2010

**RECOMMENDATION**

It is recommended that the Tenders Subcommittee resolve to:

**Receive** the minutes of the meeting of the Tenders Subcommittee held on Friday, 2 July 2010, as circulated, and that they be taken as read and now be confirmed.



5 **CONTRACT NO. NL08002ZD - NEW LYNN TRANSIT ORIENTED DEVELOPMENT - AMBRICO PLACE ACCESS LANE - APPROVAL TO AWARD**

**GLOSSARY**

Dempsey Wood Civil Contractors Limited  
Auckland Transition Agency

(Dempsey Wood)  
(ATA)

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. NL08002ZD - New Lynn Transit Oriented Development - Ambrico Place Access Lane.

**RECOMMENDATIONS**

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. NL08002ZD - New Lynn Transit Oriented Development - Ambrico Place Access Lane - Approval to Award report.
2. **Approve** that the tender from Dempsey Wood Civil Contractors limited for Contract No. NL08002ZD - New Lynn Transit Oriented Development - Ambrico Place Access Lane in the sum of \$488,923.88 plus \$61,115.49 GST, totalling \$550,039.37 from 19 July 2010 to 22 October 2010 be accepted.
3. **Approve** that authority to enter into Contract No. NL08002ZD - New Lynn Transit Oriented Development - Ambrico Place Access Lane on behalf of the Council be delegated to the Acting Director: City Services.

**BACKGROUND**

1. The rail tracks at New Lynn used to bisect the roundabout at the intersection of Rankin Avenue, Clark Street and Totara Avenue. The project to double-track the rail line gave rise to potentially serious safety issues at this intersection and ONTRACK was able to secure funding from Central Government to construct a rail trench through the New Lynn Town Centre. The rail trench, which is now almost complete, will place two tracks about 8 metres below ground.
2. In conjunction with ONTRACK, the Council resolved to deliver an integrated transport network, comprising the construction of five bridges over the rail trench, road works, cycleways and walkways. In parallel with these works, the Auckland Regional Transport Authority is undertaking the construction of a train/bus interchange and an underground train station.
3. A key part of this new transport network is the creation of a bypass that will extend Clark Street beyond Rankin Avenue. The new road will veer north over the rail trench and meet Great North Road to the west of the current intersection between Great North Road and Totara Avenue.
4. Before work on the Clark Street extension can commence, two enabling works contracts in the vicinity of the New Lynn Town Centre need to be undertaken to create alternative access to properties that will be cut off as a result of the Clark Street works. Registrations of Interest were requested for both of those contracts.

5. At the meeting of the Tenders Subcommittee held on Friday, 23 April 2010, it was resolved as follows:

*“The Tenders Subcommittee resolved to:*

2. **Approve** that authority to invite tenders from the following four contractors for Contract No. NL08002ZD - New Lynn Transit Oriented Development - Enabling Works for Clark Street Extension - Part 1 be delegated to the Manager, Special Projects:
- Dempsey Wood Civil Contractors Limited;
  - Fulton Hogan Limited;
  - HEB Construction Limited; and
  - Hawkins Construction Limited.”

502/2010

### SCOPE OF WORK

6. The site is located at 8 Ambrico Place, New Lynn, and the works generally comprise of construction of concrete pavements and footpaths, but also include the following elements:
- earthworks;
  - removal of trees and relocation of one pohutukawa tree;
  - construction of asphalt pavements, including kerb and channel;
  - construction of a rain garden and other landscaping elements;
  - storm water drainage construction;
  - timber retaining wall construction;
  - lighting construction;
  - services relocation works and protection of utilities during construction;
  - liaison with stakeholders, including the Council and local residents;
  - temporary traffic management; and
  - site reinstatement.

### TENDERS RECEIVED

7. Tenders were invited from selected tenderers with four sets of documents being uplifted. Three tenders were received by the closing date of 22 June 2010. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Dempsey Wood Civil Contractors Limited	100B Hugo Johnstone Drive, Penrose	\$488,923.88
HEB Construction Limited	Firth Street, Drury	\$709,511.73
Fulton Hogan Limited	Reliable Way, Mt Wellington	\$674,446.53
Pre-tender contract estimate (based on most up-to-date tender rate)		\$721,532.00
Budget estimate		\$721,532.00

**Table 1 - Summary of Tender Prices**

## TAGS, ERRORS OR OMISSIONS

8. All of the tenderers omitted to include a minor item of work in their programmes. When requested, the tenderers clarified the amounts allowed for this item and confirmed their tender prices in writing.
9. There was a minor error in the summation of the tender price for Fulton Hogan Limited, but this did not affect the outcome of the evaluation and so was not investigated further.
10. There were no other tags, errors or omissions in the tenders.

## TENDER EVALUATION

11. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in the New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
12. The "two envelope process" as described in Section 2.7 of the above manual was followed. Under this method, only the first tender envelope is opened and the non-price attributes evaluated for all tenders before the second envelope containing the tender price is opened, and the tender prices duly included in the evaluation.
13. A summary of the evaluation results is shown in Table 2:

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skills	Resour.	Manage. Skills	Method.	Price	Total Weights
	<b>Weights</b>	2	2	2	2	2	20	70	100
Tenderer	Tender Sum	Grades							Index
Dempsey Wood Civil Contractors Limited	\$488,923.88	80	80	70	70	70	85	78	<b>79</b>
HEB Construction Limited	\$709,511.73	80	60	70	70	70	80	45	<b>54</b>
Fulton Hogan Limited	\$674,446.53	80	60	65	68	60	58	50	<b>53</b>
<b>Median Tender Price</b>	<b>\$674,446.53</b>								

**Table 2 - Summary of Tender Evaluation**

14. Scores for the non-price attributes were determined on the basis of information provided in each tender, on the information gathered from the referees nominated by the tenderers and on any recent Council experience with the tenderers.
15. The results of the tender evaluation as summarised in Table 2 shows that the tender submitted by Dempsey Wood Civil Contractors Limited (Dempsey Wood) achieved the highest index of 79. This tender is also the lowest priced tender.
16. Dempsey Wood is currently constructing the New Lynn Transit Oriented Development Stage 1 Clark Street works on behalf of the Council and is performing well.
17. The lowest tender is 32% below the pre-tender contract estimate. Dempsey Wood is already established and working in the immediate vicinity and can therefore offer considerable savings to the Council.

18. As part of Council's contracting process, "Quality, Health and Safety and Environmental compliance are not negotiable" - all contractors have had this focus clearly reinforced through the contract documents and this will be strongly reiterated at the subsequent pre-start meeting and imposed during the contract period.

### CREDIT CHECK

19. A credit check on Dempsey Wood dated 4 May 2010 revealed no adverse information.

### JOB COSTS

20.		<b>excl. GST</b>
	Tender sum - Dempsey Wood	\$488,923.88
	Contingency	\$ 48,900.00
	Other (Archaeologist)	\$ 5,000.00
		-----
	Total Job Cost	\$542,823.88

### SOURCE OF FUNDING

21. Source of funding is shown in Table 3 below:

Budget Description	Codes	Budget	Committed to other Projects	Allocation to this Project	Unallocated Balance	Potential Surplus (Subject to completion of New Lynn programme)
New Lynn Transit Oriented Development Project / Physical Works/Stage 2 & 3 Combined Construction/ Ambrico Lane Construction Contract	8AMTA-07-192/02/02/02/06	\$800,000.00	\$0.00	\$542,823.88	\$257,176.12	\$232,608.12
	<b>Total</b>			<b>\$542,823.88</b>		

**Table 3 - Source of Funding**

### IMPLEMENTATION ISSUES

22. As conditions of the agreements with the property owners and occupiers of 1B Rankin Avenue and 1C Rankin Avenue, the Council must liaise with the owners/occupiers regarding access arrangements before the contractor can undertake work on these properties.
23. As a condition of the resource consent, the Council must liaise with the New Zealand Historic Places Trust regarding the construction methodology before the contractor can undertake work near the Ambrico Kiln.

## AUCKLAND COUNCIL TRANSITION ISSUES

24. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 imposes restrictions on the Council's decision making capabilities in respect of section 31(4)(a). This subsection applies to a decision in respect of which the Auckland Transition Agency (ATA) has notified the existing local government organisation under section 20(1) in which it may review any existing local government organisation decisions during the transition period.
25. Approval for this decision is covered under funding cluster ATA 0099, which was approved by the ATA on 31 August 2009. No further confirmation is required from the ATA.

**Report prepared by:** Jacqui Robson, Principal Engineer, Special Projects.



## 6 CONTRACT NO. SP07003C - TE ATATU PENINSULA COMMUNITY CENTRE AND LIBRARY REDEVELOPMENT: ARCHITECTURAL SERVICES - APPROVAL TO AWARD

### EXECUTIVE SUMMARY

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. SP07003C - Te Atatu Peninsula Community Centre and Library Redevelopment: Architectural Services.

### RECOMMENDATIONS

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. SP07003C - Te Atatu Peninsula Community Centre and Library Redevelopment: Architectural Services - Approval to Award report.
2. **Approve** that the tender from Moller Architects Limited for Contract No. SP07003C - Te Atatu Peninsula Community Centre and Library Redevelopment: Architectural Services in the sum of \$479,060.00 plus \$59,882.50 GST, totalling \$538,942.50 from 31 July 2010 to 31 March 2011 be accepted.
3. **Approve** that authority to enter into Contract No. SP07003C - Te Atatu Peninsula Community Centre and Library Redevelopment: Architectural Services on behalf of the Council be delegated to the Group Manager: Project Services.
4. **Approve** that authority to award cumulative contract variations to Contract No. SP07003C - Te Atatu Peninsula Community Centre and Library Redevelopment: Architectural Services, up to the value of the contingency sum of \$48,000.00 plus GST on behalf of the Council be delegated to the Manager: Special Projects.

### BACKGROUND

1. The Council is committed to the strategic redevelopment of Te Atatu Peninsula Town Centre. This project represents the second stage of this long term objective, the first phase being the redevelopment of the adjacent Jack Pringle Park.

2. The redevelopment of Te Atatu Peninsula Community Centre and Library is also required because the existing facilities do not have the capacity to meet the current and future needs of the local and wider City population.
3. A concept design was chosen by the Infrastructure and Works Committee at their meeting on 3 December 2008, and it is now necessary to appoint architectural design services and supporting specialist consultants to review the concept design and complete the detailed design and consents phases of this project.
4. Funding for this project work was approved by the Council in the Annual Plan 2009/2010 and arrangements have been made to carry forward these funds to the 2010/2011 financial year.
5. The first phase of the tender process to engage architectural design services for this project involved an open invitation for registrations of interest which resulted in a short list of five architectural practices. The results of the registration of interest evaluation were reported to the Tenders Subcommittee at their meeting on 19 March 2010, where it was resolved as follows:

*“The Tenders Subcommittee resolved to:*

2. ***Approve** that authority to invite tenders from the following five consultants for Contract No. SP07003C - Architectural Services for Te Atatu Peninsula Community Centre and Library Redevelopment be delegated to the Group Manager: Project Services.”*

*317/2010*

## **SCOPE OF WORK**

6. The appointed architect will lead the design team responsible for delivering the required detailed design information and consents applications. All required specialist sub-consultants, with the exception of quantity surveying services, will be engaged by the appointed lead architect.
7. The scope of services to be provided by the appointed lead architect will involve the delivery of three key phases of the project:
  - Completion of the preliminary design phase, including review of the chosen concept design, site investigations, attendance at brief clarification workshops, production of a project specific methodology for achieving all desired outcomes within the available time and budget and production of a revised/updated concept design report;
  - Completion of the developed design phase, including production of all design information and supporting reports required to submit a complete resource consent application, production and presentation of a developed design report; and
  - Completion of the detailed design phase, including production of all detailed design information required to submit a complete building consent application and provide all supporting documentation required to invite tenders for the construction of the new facility.

## TENDERS RECEIVED

8. Tenders were invited from five selected architectural practices with five sets of documents being uplifted. Five tenders were received by the closing date of 10 June 2010. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Moller Architects Limited	3, Albert Street, Auckland, Central	\$479,060.00
Creative Spaces Limited	Corner of Parnell Rise and Augustus Terrace, Parnell, Auckland	\$524,204.00
Archoffice Limited	47a, Brown Street, Ponsonby, Auckland	\$621,635.00
Architectus Limited	3-13, Shortland Street, Auckland Central	\$750,715.00
Jasmax Limited	2, Marston Street, Parnell, Auckland	Disqualified
Pre-tender contract estimate		\$772,700.00

**Table 1 - Summary of Tender Prices**

## TAGS, ERRORS OR OMISSIONS

9. The tender submitted by Jasmax Limited contained no tags but, during tender clarifications, it was discovered that Jasmax Limited had not priced the complete scope of services in their tender submission. The scope of services under this contract required tenderers to engage, manage and pay for all specialist sub-consultants required to deliver the entire scope of works as described in the tender document. Jasmax Limited assumed incorrectly that their submission only needed to cover the architectural services described in the tender document. The matter was discussed with Jasmax Limited who stated that the tender documents were not clear but accepted that their tender submission was non-conforming. As a result of this non-conformance, the tender from Jasmax Limited was disqualified.
10. The tender from Moller Architects Limited contained two tags which were part of a sub-consultant's conditions of engagement. These tags were removed during tender clarifications.
11. The tender from Creative Spaces Limited contained an arithmetic error in the schedule of prices. These errors were subsequently amended without increasing the original tender sum submitted by Creative Spaces. Through tender clarifications, it was discovered that Creative Spaces Limited had not included the provision of a geotechnical survey, soil contamination report or topographical survey in their offer of service. As these were specific items of work requested in the tender document, Creative Spaces Limited was asked to include the omitted items of work without adjusting their price or withdraw their tender. Creative Spaces Limited opted to include the omitted items of work without increasing their price. The tender from Creative Spaces Limited also contained 10 tags which were part of a sub-consultant's conditions of engagement. These tags were removed following tender clarification.
12. The tender from Archoffice Limited contained eight tags, seven of which were part of the conditions of engagement proposed by a number of sub-consultants. All tags were removed following tender clarification. The tender from Archoffice Limited also excluded topographical survey work from their offer of service. Archoffice Limited was asked to include the omitted topographical survey work without adjusting their price or withdraw their tender. Archoffice Limited opted to include the omitted item of work without increasing their price.

13. The tender from Architectus Limited contained seven tags which were part of a sub-consultant's conditions of engagement. These tags were removed following tender clarifications. The tender from Architectus Limited also excluded geotechnical survey work from their offer of service. Architectus Limited opted to include the omitted item of work without increasing their price.

### TENDER EVALUATION

14. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in the New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
15. These procedures require that where the tender includes Provisional Sums (work valued by the Principal and placed within the Schedule of Prices) they are deducted from the Tender Sum prior to evaluating each tender.
16. In this contract the value of Provisional Sums is \$25,000.00.
17. A summary of the evaluation results is shown in Table 2 below:

Tender Evaluation	Attributes	Exper.	Track Record	Tech. Skill & Resources	Manag. Skill	Method.	Price	Contract Number SP07003C
	Weights	5	5	30	10	25	25	Total Weights
								100
Tenderer	Tender Sum							INDEX
Moller Architects	\$454,060.00	68	65	77	70	65	67	70
Archoffice	\$596,635.00	82	82	70	80	75	41	66
Creative Spaces	\$499,304.00	82	82	65	65	65	59	65
Architectus	\$725,715.00	90	70	60	75	65	18	54
Jasmax	Disqualified	78	83	35	55	55	Disqualified	Disqualified
<b>Med.n Tender Price</b>	<b>\$547,969.50</b>							

**Table 2 - Summary of Tender Evaluation**

18. As the tender from Jasmax Limited was disqualified, it has not been included in the evaluations.
19. Scores for the non-price attributes were determined on the basis of information provided in each tender, on the information gathered from the referees nominated by the tenderers and on any recent Council experience with the tenderers.
20. The tender submission from Moller Architects Limited provided comprehensive information on the specific architectural resources and sub-consultants who will be allocated to the project including their roles, technical skills and time allocation to this project. The technical resources offered by this tenderer appear to be adequate for this project. Information provided by Moller Architects Limited in respect to management skills and proposed methodology for this project appeared adequate to deliver the required scope of work but tended to be generic. Moller Architects Limited has worked on a number of similar Local Government projects which include the New Lynn Library.

21. Archoffice Limited provided comprehensive information in their submission on the specific architectural resources that will be allocated to the project including their roles, technical skills and time allocation. This information was also provided for one of the sub-consultants but other sub-consultant information was generic. The technical resources offered by this tenderer appear to be adequate for this project. Archoffice Limited included a detailed statement on their review of the concept design information attached to the tender documents and provided a useful methodology 'schematic' that summarised how they intended to deliver the project. Their tender also included detailed methodology statements on incorporating environmentally sustainable design into the project and how they intended to address crime prevention and injury prevention through design.
22. The tender from Creative Spaces Limited provided generic information about the architectural and sub-consultant resources available for this project but did not include specific information about who would be allocated to this project, or their time commitment to the project. The tenderer's total technical and administrative resources were also listed but no information was provided about their allocation to this project. Information provided by Creative Spaces Limited in respect of management skills appeared adequate to deliver the required scope of work. Creative Spaces Limited addressed the specific information requested in the tender for methodology but the information submitted was generic and did not fully address the specific details of this project that were provided in the tender documents.
23. Architectus Limited provided generic information regarding the architectural and sub-consultant resources available for this project but did not specifically state who would be allocated to this project, their individual roles or their time commitment to the project. Information provided on Architectus Limited's management skills was generally adequate. Architectus Limited's tender provided detailed information on their proposed methodology for incorporating environmentally sustainable design into the project and how they intended to manage communications but they did not provide a methodology for managing the inclusion of integrated artwork in the design process despite this information being specifically requested in the tender document.
24. The results of the tender evaluation as summarised in Table 2 shows that the tender submitted by Moller Architects Limited achieved the highest index of 70. This tender is also the lowest priced tender.
25. Moller Architects Limited has won numerous awards for architecture in New Zealand and was responsible for the design of the Sky Tower and Sky City Grand Hotel and Convention Centre. They have also recently been awarded the contract to design a new \$750 million parliament building in Oman.
26. Moller Architects Limited completed the New Lynn Library development for Waitakere City Council in the 2006/2007 financial year.
27. Moller Architects Limited and their proposed sub-consultants have the necessary expertise and resources to satisfactorily carry out the works.
28. The lowest tender is 38% below the pre-tender contract estimate. This margin could be attributed to the previous completion of the concept design under a separate contract coupled with the current economic climate.

29. As part of Council's contracting process "Quality, Health and Safety and Environmental compliance are not negotiable" - all contractors have had this focus clearly reinforced through the contract documents and this will be strongly reiterated at the subsequent pre-start meeting and imposed during the contract period.

### CREDIT CHECK

30. A credit check on Moller Architects Limited dated 22 June 2010 revealed no adverse information.

### JOB COSTS

31.		<b>excl. GST</b>
	Tender sum - Moller Architects Limited	\$479,060.00
	Contingency	\$ 48,000.00
		-----
	Total Job Cost	\$527,060.00

### SOURCE OF FUNDING

32. Source of funding is shown in Table 3 below:

Budget Description (from annual budget line item) 2009/2010 Financial Year	Codes	Budget	Committed to other projects	Allocation to this project	Unallocated balance	Potential surplus (subject to physical works tender process)
Te Atatu Peninsula Community Centre Redevelopment	8PLLE-09-004	\$2,125,963	\$1,598,903	\$527,060	\$0	\$293,640
	<b>Total</b>			<b>\$527,060</b>		

**Table 3 - Source of Funding**

### IMPLEMENTATION ISSUES

33. There are no implementation issues expected with this contract.

### AUCKLAND COUNCIL TRANSITION ISSUES

34. The decision making proposed in this report is not constrained by section 31 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, as it does not directly or because of its consequences: significantly prejudice the reorganisation, significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation, or have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.

**Report prepared by:** Steve Burris, Senior Engineer, Special Projects.



7 **CONTRACT NO. SP09005C - PROFESSIONAL SERVICES FOR WESTGATE CIVIC PROJECT - ARCHITECTURAL SERVICES - APPROVAL TO AWARD**

**GLOSSARY**

Northern Strategic Growth Area	(NorSGA)
New Zealand Retail Property Group	(NZRPG)
Infrastructure Funding Agreement	(IFA)
Auckland Transition Agency	(ATA)

**EXECUTIVE SUMMARY**

The purpose of this report is to seek approval from the Tenders Subcommittee to award Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services.

**RECOMMENDATIONS**

It is recommended that the Tenders Subcommittee resolve to:

1. **Receive** the Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services - Approval to Award report.
2. **Approve**, subject to resolution 7 below, that Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services be awarded to other than the lowest priced tender, as the Weighted Attributes Tender Evaluation Method requires the tendering authority to enter into a contract only with the tender that scores the highest overall index.
3. **Approve**, subject to resolution 7 below, that a satisfactory credit check, the tender from Warren and Mahoney Architects Limited for Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services in the sum of \$1,432,200.00 plus \$179,025.00 GST, totalling \$1,611,225.00 from 23 July 2010 to 30 April 2013 be accepted.
4. **Approve**, subject to resolution 7 below, that authority to enter into Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services on behalf of the Council be delegated to the Group Manager: Project Services.
5. **Approve**, subject to resolution 7 below, that authority to award cumulative contract variations to Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services, up to the value of the contingency sum of \$143,220.00 plus GST on behalf of the Council be delegated to the Manager: Special Projects.
6. **Approve**, subject to resolution 7 below, that authority to approve the concept design produced through the implementation of Contract No. SP09005C - Professional Services for Westgate Civic Project - Architectural Services, on behalf of the Council be delegated to the Chief Executive Officer, Waitakere City Council.
7. **Note** that a resolutions 2 - 6 above are subject to confirmation by the Auckland Transition Agency.

**BACKGROUND**

1. The Massey North Town Centre Special Area and Massey North Employment Special Area together encompass approximately 160 hectares of land to the north of Hobsonville Road. The area is bounded to the west by the existing State Highway 16, to the east by the new State Highway 16 alignment to Kumeu.

2. Massey North has long been identified as the third of Waitakere's significant sub-regional centres. Projected population growth has been outstripped, with growth at Westgate much stronger than anticipated by the Auckland Regional Growth Strategy.
3. The Massey North Urban Concept Plan area forms part of a wider project area within the Northern Strategic Growth Area (NorSGA) corridor. Through the northern and western sectors agreement, which sets the growth management framework for Rodney, Waitakere and North Shore, the Regional Growth Forum agreed in principle that Metropolitan Urban Limits be shifted north to the new State Highway 18 alignment.
4. There is now a need to undertake the detailed design of the new mixed-use 'main street' based Westgate Town Centre, which is the key component of the Massey North Town Centre Special Area. The proposed development is currently progressing through its planning phase. The project will revolve around an integrated design of the central public space, bus interchange and adjacent new library in the heart of the proposed new Westgate Town Centre. The land incorporating the two major precincts, namely Precinct A and B, within this new "green field" town centre are owned, planned and developed by New Zealand Retail Property Group (NZRPG), a private development company. The site of the proposed Westgate Town Centre, comprising an area of approximately 25 hectares will be located in Precinct A.
5. On 7 September 2009, the Finance and Operational Performance Committee resolved to agree to the Chief Executive Officer signing the Infrastructure Funding Agreement (IFA) with NZRPG (minute no. 1538/2009). The IFA sets out the Council's intent to purchase land for the Westgate Town Centre library site, town square and the key roading networks. The IFA with NZRPG also sets out the agreed design constraints for some elements of the project, such as the treatment of the town square and piazza (owned by NZRPG) and the shared space street environment.
6. The Auckland Transition Agency (ATA) confirmed the Council's decision to enter into an IFA with NZRPG (Decision ATA 0217) on 17 November 2009.
7. NZRPG have submitted a Comprehensive Development Plan application for Precinct A, which is currently being processed via a limited notification process. This application must be processed prior to the lodgement of a resource consent or subdivision application for specific construction activities within the precinct. A hearing to determine this application is likely to occur in July 2010.
8. The built form of the proposed development will be characterised by a fine grain, with a minimum two storey scale with the design of buildings and public spaces being of the highest quality. Streets and spaces focused on the pedestrian experience are considered to be a fundamental ingredient in the successful creation of this main street based town centre.
9. The design for the Westgate Town Centre library, town square, shared space and bus interchange elements will be undertaken by a suitably qualified and experienced design team constituting architecture, urban design, landscape architecture, environmentally sustainable design, resource planning, crime prevention through environmental design, injury prevention through environmental design and traffic engineering.
10. An independent quantity surveyor will be engaged by the Council under a separate contract for cost estimating and budget tracking purposes.

11. A 2-stage procurement process for the professional services, namely Registration of Interest followed by invited tenders has been adopted. Following the Registration of Interest process the Tenders Subcommittee approved a shortlist of five design teams with highest index scores at its meeting on 7 May 2010 where it was resolved to:

*“The Tenders Subcommittee resolved to:*

1. **Receive** the Contract No. SP09005A - Westgate Town Centre Library, Town Square, Shared Space and Bus Interchange - Professional Services - Registration of Interest report.
2. **Approve**, subject to resolution 3 below, that authority to invite tenders from the following five design teams for Contract No. SP09005A - Westgate Town Centre Library, Town Square, Shared Space and Bus Interchange - Professional Services - Registration of Interest be delegated to the Group Manager: Project Services:
  - Warren and Mahoney Architects Limited;
  - Architectus Bowes Clifford Thomson Limited;
  - Jasmx Limited;
  - Athfield Architects Limited; and
  - ASC Architects Limited.
3. **Note** that resolution 2 above is subject to confirmation by the Auckland Transition Agency.”

603/2010

12. The ATA confirmed the Council's decision to proceed with the invitation to tender (ATA Decision 0605) on 1 June 2010.

### SCOPE OF WORK

13. The appointed design team will provide professional services to design manage and assist the implementation of the various elements of the Westgate Civic Project. In brief the scope of services includes:
- Consultation with key stakeholders;
  - Design of a landmark library with a floor area of 3700m<sup>2</sup> located within a 1485m<sup>2</sup> site on the western edge of the town square;
  - Design of a multi-use, predominantly 'hard' town square of 1100m<sup>2</sup> area, located at the intersection of Tahī Drive and Waru Street (provisionally named streets);
  - Design of a privately owned (but open to the public) piazza located on the eastern side of Tahī Drive, opposite the intersection with Waru Street, to be designed as a single space integrated with the town square and shared space;
  - Design of a shared space street environment at the intersection of Tahī Drive and Waru Street;
  - Design of a bus interchange located on the northern and southern sides of Waru Street;
  - Collaborative liaison with the project quantity surveyor and sub-consultants throughout the concept design process;
  - Attendance at fortnightly progress meetings and presentation of design and cost updates;
  - Presentation of the three concept options to the Project Control Group, including the delivery of a comprehensive concept report incorporating cost estimates and planning reports;

- Attendance at a meeting of the full Council to present the three concept design options and respond to any technical questions;
- Attendance at any community workshops as required presenting the concept design options and addressing any questions on behalf of the Council; and
- Provision of the Engineer's Representative during implementation of physical works.

## TENDERS RECEIVED

14. Tenders were invited from five selected design teams with five sets of documents being uplifted. Four tenders were received by the closing date of 29 June 2010. These are summarised in Table 1 below:

TENDERER	REG OFFICE	TENDER PRICE (excl. GST)
Warren and Mahoney Architects Limited	201 Victoria Street West, Auckland	\$1,402,000.00
Jasmax Limited	2, Marston Street, Parnell, Auckland	\$1,529,845.00
Athfield Architects Limited	105 Amritsar Street, Wellington	\$1,838,440.00
Architectus Bowes Clifford Thomson Limited	3-13, Shortland Street, Auckland Central	\$1,871,661.00
Pre-tender contract estimate (based on most up-to-date tender rate)		\$1,400,000.00
Budget estimate		\$1,400,000.00

**Table 1 - Summary of Tender Prices**

## TAGS, ERRORS OR OMISSIONS

15. After the tenders were received, an error was noted in the Schedule of Prices Integrated Arts Design, Item 6.0, where the Provisional Sum was included at a value of \$250,000 opposed to the intended value of \$25,000.
16. Only Jasmax Limited and Architectus Bowes Clifford Thomson Limited had included the \$250,000 within their tender sum as discussed below and the tender price submitted by the other two tenderer did not include the \$250,000 within their tender sum.
17. Following clarifications with the tenderers the incorrect sum of \$250,000 against item 6.0 was deleted from the Schedule of Prices and replaced with a Provisional Sum of \$25,000. All four tenderers accepted this proposed methodology.

### **Warren and Mahoney Architects Limited**

18. The tender from Warren and Mahoney Architects Limited contained only one tag. The tag was removed during tender clarification.
19. The tender from Warren and Mahoney Architects Limited contained two arithmetic errors in the schedule of prices. These errors were subsequently amended.

### **Architectus Bowes Clifford Thomson Limited**

20. The tender from Architectus Bowes Clifford Thomson Limited contained 11 assumptions. During tender clarification these assumptions were removed.

- 21 The tender from Architectus Bowes Clifford Thomson Limited included the \$250,000 against the Schedule of Prices, Item 6.0, which was later deleted and replaced with the provisional sum of \$25,000 as discussed in paragraph 17 above. The amount of \$250,000 was deleted from the tender sum.

#### Athfield Architects Limited

22. In the tender submitted by Athfield Architects Limited a sum of \$50,000 was added against the Schedule of Prices, Item 6.0 but the tenderer did not include the \$250,000 within their tender sum. To allow for the replacement of Schedule of Prices, Item 6.0 with the provisional sum of \$25,000 as discussed in paragraph 17 above, this additional amount of \$50,000 was deleted from the tender sum.

#### Jasmax Limited

23. In the tender submitted by Jasmax Limited a sum of \$3,000 was added against the Schedule of Prices, Item 6.0 in addition to the \$250,000. To allow for the replacement of Schedule of Prices, Item 6.0 with the provisional sum of \$25,000 as discussed in paragraph 17 above, the total amount of \$253,000 was deleted from the tender sum.
24. As discussed in paragraphs 15 to 23 above, the final tender prices of all four tenderers were adjusted to allow an equal basis of comparison for evaluation purposes, as summarised in Table 2 below:

Warren and Mahoney Architects Limited		Jasmax Limited		Athfield Architects Limited		Architectus Bowes Clifford Thomson Limited	
Item	Price	Item	Price	Item	Price	Item	Price
Add Provisional Sum for Schedule of Prices Item 6.0.	\$25,000.00	Delete Schedule of Prices Item 6.0.	-\$253,000.00	Delete Schedule of Prices Item 6.0.	-\$50,000.00	Delete Schedule of Prices Item 6.0.	-\$250,000.00
Correction of arithmetic error	\$5,000.00	Add Provisional Sum for Schedule of Prices Item 6.0.	\$25,000.00	Add Provisional Sum for Schedule of Prices Item 6.0.	\$25,000.00	Add Provisional Sum for Schedule of Prices Item 6.0.	\$25,000.00
Total	\$30,000.00	Total	-\$228,000.00	Total	-\$25,000.00	Total	-\$225,000.00
<b>Adjusted Tender Sum</b>	<b>\$1,432,200.00</b>	<b>Adjusted Tender Sum</b>	<b>\$1,301,845.00</b>	<b>Adjusted Tender Sum</b>	<b>\$1,813,440.00</b>	<b>Adjusted Tender Sum</b>	<b>\$1,646,661.00</b>

**Table 2 - Summary of Tender Adjustments**

#### TENDER EVALUATION

25. In accordance with the conditions of tendering, tenders were evaluated in line with the Weighted Attribute Method contained in the New Zealand Transport Agency's "Competitive Pricing Procedures Manual".
26. These procedures require that where the tender includes Provisional Sums (work valued by the Principal and placed within the Schedule of Prices) they are deducted from the Tender Sum prior to evaluating each tender.
27. In this contract the value of Provisional Sums is \$25,000.

28. A summary of the evaluation results is shown in Table 3:

Tender Evaluation	Attributes	Project Appreciation	Initial Ideas	Tech. Skills	Presentation Interview	Method.	Price	Total Weights
	<b>Weights</b>	10	30	10	10	10	30	100
<b>Tenderer</b>	<b>Tender Sum</b>	<b>INDEX</b>						
Warren and Mahoney Architects Limited	\$1,407,200.00	85	88	78	85	82	48	<b>74</b>
Jasmax Limited	\$1,276,845.00	68	73	73	72	70	57	<b>67</b>
Architectus Bowes Clifford Thomson Limited	\$1,621,661.00	68	75	78	68	70	32	<b>61</b>
Athfield Architects Limited	\$1,788,440.00	76	75	80	73	80	20	<b>59</b>
<b>Engineer's Estimate</b>	<b>\$1,375,000.00</b>							

**Table 3 - Summary of Tender Evaluation**

29. The tender document for this contract specified the information required and the format of the tender submissions. This document also identified that as part of tender evaluation the tenderers must prepare and present a 20 minute presentation, followed by 20 minute interview to be held during the evaluation period at the Council's offices. The evaluation of these presentation and interviews was done by a panel of five Council officers representing various stakeholders.
30. The tender evaluation was carried out with the collaboration of three teams. Each team comprised of Council officers representing Library and Information Services, Urban Planning and Design, Parks Planning, Transport Strategy and Special Projects departments of the Council. The evaluation panel was chosen on the basis of their expertise, qualifications and knowledge of the project.
31. Scores for the non-price attributes were determined on the basis of information provided in each tender.
32. The results of the tender evaluation summarised in Table 3 show that the tender submitted by Warren and Mahoney Architects Limited achieved the highest overall score of 74. This tender is also the second lowest priced tender.
33. The project appreciation statements and initial ideas submitted by Warren and Mahoney Architects Limited within their tender document covered all key points with considerable creativity reflecting a very thorough understanding of all the critical aspects of the project. The documents submitted by Warren and Mahoney Architects Limited discussed how the various elements within the project will interact with each other and its significance to the overall design. The presentation by Warren and Mahoney Architects Limited was considered by the evaluation team to be of excellent standard.
34. The tender from Warren and Mahoney Architects Limited is approximately 2% above the pre-tender contract estimate.
35. As part of Council's contracting process "Quality, Health and Safety and Environmental compliance are not negotiable" - all contractors have had this focus clearly reinforced through the contract documents and this will be strongly reiterated at the subsequent pre-start meeting and imposed during the contract period.

## CREDIT CHECK

36. A credit check on Warren and Mahoney Architects Limited has been requested.

## JOB COSTS

37.		<b>excl. GST</b>
	Tender sum - (Warren and Mahoney Architects Limited)	\$1,432,200.00
	Contingency	\$ 143,220.00
		-----
	Total Job Cost	\$1,575,420.00

## SOURCE OF FUNDING

38. Source of funding is shown in Table 4 below:

Budget Description (from annual budget line item) Annual Plan 2010/2011	Codes	Budget	Committed to other projects	Allocation to this project	Unallocated balance	Potential surplus
Massey North Library	3LBSD-12-001	\$6,825,000.00	\$55,000.00	\$1,550,420.00	\$5,219,580.00	\$0.00
Massey North Arts Infrastructure	4PC-10-001	\$100,000.00	\$0.00	\$25,000.00	\$75,000.00	\$0.00
	<b>Total</b>	<b>\$6,925,000.00</b>	<b>\$55,000.00</b>	<b>\$1,575,420.00</b>	<b>\$5,294,580.00</b>	<b>\$0.00</b>

**Table 4 - Source of Funding**

## IMPLEMENTATION ISSUES

39. This report is seeking approval to appoint a designer to provide professional services for the Westgate Civic Project. Due to the establishment of the new Auckland Council on 1 November 2010 and associated staff reorganisation, it is the intent of the Council that through this contract the concept design of the project is completed and approved by the Council prior to 31 October 2010. The completion and approval of the concept design will allow a complete package of work to be handed to the new Auckland Council before proceeding with the detailed design and the implementation of the physical works.

## AUCKLAND COUNCIL TRANSITION ISSUES

40. The Local Government (Tamaki Makaurau Reorganisation) Act 2009 section 31(4)(b) imposes restrictions on Waitakere City Council's decision making capabilities in respect of a decision to adopt or amend a long-term council community plan or to adopt an annual plan.
41. The Auckland Transition Agency notified Council on 29 June 2009 that it approved the Long Term Council Community Plan 2009-2019, but issued a notice under section 20 and 31(1)b of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, that any decision with regards to the wider NorSGA region project required specific ATA confirmation prior to implementation.

**Report prepared by:** Saby Viridi, Senior Engineer, Special Projects.

