

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

a6 [GM-CM] Tender for Provision of Economic Development and Tourism Promotion Services – AC2010-073

ORIGIN:

Business and Economic Development

SUMMARY OF REPORT:

At its meeting on 16 March 2010 Council resolved to offer an extension to the existing contracts for both Tweed Tourism and Tweed Economic Development Corporation for a period of three (3) months to 30 September 2010. It was also resolved to tender for the provision of these services.

The tender specification was in separable parts comprising the following services:

- PART A1. Investigate and develop tourism product
- PART A2. Operate Tweed Heads and Murwillumbah Visitor Information Centres
- PART A3. Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities
- PART B1. Marketing and Promotion of Tweed for Business Investment
- PART B2. Demographic and Statistical Research for Business Investment

This report outlines the tender for the Provision of Economic Development and Tourism Promotion Services effective from 1 October 2010 for a four year term with a four year option. Recommendations have been formulated based on the Selection Criteria which is contained in the Tender Evaluation Report included in **CONFIDENTIAL ATTACHMENT 1**.

RECOMMENDATION:

That in relation to the tender AC2010-073 for Provision of Economic Development and Tourism Promotion Services Council:

1. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
 - i) declines all tenders for Part A1 (Investigate and develop tourism product), as although Tweed Tourism is the preferred tenderer for Part

A1, the price of the contract will be determined by the outcome of negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment);

- ii) enters into negotiations with Tweed Tourism for Part A1 (Investigate and develop tourism product), with a view to entering into a contract in relation to the subject matter as the contract price will be determined by the outcome of the negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment); and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract pricing structure for the delivery of services specified within Part A1 (Investigate and develop tourism product).
2. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), as although Tweed Tourism is the preferred tenderer for Part A2, the price of the contract will be determined by the outcome of negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment);
 - ii) enters into negotiations with Tweed Tourism for Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres) with a view to entering into a contract in relation to the subject matter as the contract price will be determined by the outcome of the negotiations in relation to Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment); and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract pricing structure for the delivery of services specified within Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres).
3. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities), as the only tender submission is outside the scope of works requested within the tender;

- ii) enters into negotiations with Tweed Tourism to undertake the required scope of works at an agreed price for Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) with a view to entering into a contract in relation to the subject matter of the tender as Tweed Tourism is the preferred tenderer for Parts A1 (Investigate and develop tourism product), and Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres) and as Part A3 best fits with Parts A1 and A2 it is appropriate that negotiations with Tweed Tourism proceed; and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract terms for the delivery of services within Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities).
4. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) declines all tenders for Part B1 (Marketing and Promotion of Tweed for Business Investment), as a preferred tenderer Tweed Economic Development Corporation (TEDC) has informed the Panel that their tender is not separable from Part B2 (Demographic and Statistical Research for Business Investment) without discussion and approval from their Board;
 - ii) enters into negotiations with Tweed Economic Development Corporation (TEDC) and Tweed Tourism for Part B1 (Marketing and Promotion of Tweed for Business Investment) with a view to entering into a contract in relation to the subject matter of the tender with one of the entities; as TEDC has informed the Panel that their tender was not separable from Part B2 (Demographic and Statistical Research for Business Investment) without discussion and approval from their Board and Tweed Tourism's tender is also a preferred tender and met all tender specifications; and
 - iii) the outcome of these negotiations be the subject of a further report to the August Council Meeting which will detail the final negotiated contract terms for the delivery of services specified within Part B1 (Marketing and Promotion of Tweed for Business Investment).
5. In accordance with Clause 178 of the Local Government (General) Regulation 2005:
- i) accepts the tender price of \$36,300 inclusive of GST from ID Consulting Pty Ltd for Part B2 (Demographic and Statistical Research for Business Investment);
 - ii) approves the purchase of an optional package of Forecast.id (as demonstrated in ID Consulting Pty Ltd presentation) for an additional price of \$22,000 inclusive of GST; and
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- iii) prior to entering into any tender contract with ID Consulting Pty Ltd that the General Manager reviews the company's level of public indemnity insurance to determine an appropriate level of risk exposure for Council.
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- 6. In accordance with Clause 178 of the Local Government (General) Regulation 2005 resolves not to invite fresh tenders as Council is of the opinion that negotiations with the preferred tenderer/s for separable parts A1 (Investigate and develop tourism product); A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and B1 (Marketing and Promotion of Tweed for Business Investment) should first be exhausted before considering entering into fresh tenders.

 - 7. In accordance with Section 377 of the Local Government Act 1993, delegate the General Manager to enter into negotiations for Part A1 (Investigate and develop tourism product), Part A2 (Operate Tweed Heads and Murwillumbah Visitor Information Centres), Part A3 (Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities) and Part B1 (Marketing and Promotion of Tweed for Business Investment).

 - 8. Executes all documents under the common seal of Council.

 - 9. Treats ATTACHMENTS 1, 2 and 3 as CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act, 1993, because they contain commercial information in relation to the tenders, the disclosure of which would be likely to prejudice the commercial position of the tenderers if it was provided. The information identifies the tenderers in relation to the tender price and the evaluation of the services offered by each tenderer. If disclosed, the information would be likely to prejudice the commercial position of the tenderer in terms of market competitiveness, by giving their competitors an advantage. Accordingly, disclosure of the information is not in the public interest.

REPORT:**Background**

Currently Council outsources the provision of Economic Development and Tourism Promotion Services through two (2) independent organisations, Tweed Economic Development Corporation (TEDC) and Tweed Tourism. Council holds a funding and performance agreement with both organisations. These contracts were to lapse after 30 June 2010.

At its meeting of 16 March 2010 Council resolved to offer an extension to the existing contracts for a period of three (3) months. These extended contracts will now expire on 30 September 2010.

Council engaged the University of Sydney Centre for Local Government to undertake a review of the provision of these services for Council. During this review it was identified that the Division of Local Government required Dubbo City Council to undertake a tender process prior to entering into a contract for the provision of economic development services as required by tendering provisions in Section 55 of the Local Government Act 1993.

On taking legal advice and reviewing the Centre for Local Government's report, Council on 16 March, resolved to go to tender for the provision of economic development and tourism promotion services.

Tender Process

A call for tenders was advertised on 25 May 2010. The tender closed in Council's tender box on Wednesday 23 June at 4pm. Five (5) tenders have been received for this tender as shown in the table below:

Tenderer	Part A1	Part A2	Part A3	Part B1	Part B2
ID Consulting Pty Ltd (Informed Decisions .id)					X
RPS				X	X
Southern Cross University	X			X	X
Tweed Economic Development Corporation				X	X
Tweed Tourism	X	X	X	X	X

Scope of Works

As part of the Centre for Local Government's review, a Council workshop was held on 23 February 2010. At this workshop the core areas of economic development and tourism promotion that Council intended to outsource were discussed. The outcomes of this workshop were presented to Council at its meeting on 16 March 2010. Below is a summary of the review of functions which were agreed to be outsourced as part of the tender process.

Summary of services and preferred method of delivery

Public tender to deliver the following services:

- Investigate and develop tourism product
- Marketing and promotion of Tweed for business investment
- Demographic and statistical research
- Operate Visitor Information Centres
- Prepare strategic tourism marketing and promotion plans (4 years)
- Detailed tourism marketing and promotion plan (1 year)
- Maintain and enhance tourism PR function.

Professional services contract to deliver the following projects:

- Health and ageing
- Telecommunications infrastructure
- Tweed agriculture and food production
- Other industry development initiatives
- Skills development.

In house Council function:

- Transport infrastructure
- Tweed Heads CBD revitalisation project
- Murwillumbah Master Plan
- Water infrastructure
- Employment generating lands.

With direction given by Council, the following Scope of Works was attached to the Request for Tender documents.

PART A. TOURISM PROMOTION
PART A1. Investigate and develop tourism product
<ul style="list-style-type: none"> • Within six (6) months from the date of contract undertake or commission research to identify new and existing tourism products suitable for development in the Tweed
<ul style="list-style-type: none"> • Present findings to Council
<ul style="list-style-type: none"> • Undertake or commission market research into shortlisted tourism products identified by Council
<ul style="list-style-type: none"> • Within twelve (12) months from the date of contract present a draft tourism product development strategy to council for endorsement
<ul style="list-style-type: none"> • Following endorsement of the strategy, proceed to develop identified and agreed tourism products.
PART A2. Operate Tweed Heads and Murwillumbah Visitor Information Centres
<ul style="list-style-type: none"> • On behalf of Council, provide visitor information services at current premises located at Murwillumbah and Tweed Heads so as to satisfy the requirements of the Visitor Information Centre (VIC) accreditation
<ul style="list-style-type: none"> • Contain VIC operational costs through using an appropriately trained workforce
<ul style="list-style-type: none"> • Provide an on-line booking system for accommodation bookings
<ul style="list-style-type: none"> • Co-operate with tourist operators in the Tweed to ensure tourism services are promoted through the VICs
<ul style="list-style-type: none"> • Produce on an annual basis an effective visitors information guide and relevant tourism information.

PART A3. Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities
<ul style="list-style-type: none"> • Within six (6) months from the date of contract prepare for Council's approval a four year Strategic and Marketing and Promotions Plan
<ul style="list-style-type: none"> • Within twelve (12) months from the date of contract prepare for Council's approval an annual Operational Marketing and Promotions Plan
<ul style="list-style-type: none"> • Develop and regularly maintain a contemporary, effective and efficient website providing current visitor information and services
<ul style="list-style-type: none"> • On Council's behalf, pursue closer links with other industry bodies and tourism providers, including but not limited to Northern Rivers Tourism, Tourism NSW, Tourism Australia, Ballina and Byron Shire Councils in the development of joint marketing and promotional activities
<ul style="list-style-type: none"> • Track and monitor the effectiveness of the promotional activities through editorial evaluation and other appropriate means.
PART B. ECONOMIC DEVELOPMENT
PART B1. Marketing and Promotion of Tweed for Business Investment
<ul style="list-style-type: none"> • Within six (6) months from the date of contract prepare for Council's approval, a marketing strategy to promote the Tweed with the objective of encouraging new businesses and ventures to the area and provision of assistance to the expansion of existing businesses in the Tweed
<ul style="list-style-type: none"> • Once approved, deliver the marketing strategy on behalf of Council.
PART B2. Demographic and Statistical Research for Business Investment
<ul style="list-style-type: none"> • Access and analyse current Census, ABS and other data as it becomes available and report on how the data affects economic development in the Tweed
<ul style="list-style-type: none"> • Monitor local, regional, national, and international demographic trends and statistics and report on the impact on economic development in the Tweed
<ul style="list-style-type: none"> • Provide other statistical analysis and information.

Table 1: Scope of Works AC2010-073

Tender Assessment Panel

Prior to Tenders being called a Tender Assessment Panel and a Tender Assessment Plan was established to carry out the assessment of the tenders. The objective of the tender evaluation process was to identify the tenders that offer best value for money for each of the items and combinations of items. The panel undertook the following objectives:

- Evaluate each portion of each tender in accordance with the evaluation plan
- Consider combinations of parts of work in accordance with the plan
- Comply with principles of probity and fairness to all tenderers
- Produce an evaluation report and recommendation for Council.

The Tender Evaluation Panel was comprised of the Economic and Corporate Planner (Tweed Shire Council), Senior Contracts Engineer (Tweed Shire Council), Director Technology and Corporate Services (Tweed Shire Council) and Director Corporate Development (Dubbo City Council).

The tenders were assessed by the Assessment Panel against the criteria set out in the Request for Tender document and the Tender Evaluation Plan. This assessment is the subject of the Confidential Attachment. The attachment is listed as CONFIDENTIAL in accordance with Section 10A(2) (d) of the Local Government Act 1993, as discussion of the information in open Council would disclose commercial information, may prejudice the commercial position of the person who supplied it. Accordingly, disclosure of the information is not in the public interest.

The submissions were scored against various prescribed criteria which attracted various weightings as follows:

Total Lump Sum Fee	40%
Level of Appropriate Resources	10%
Management methodology (proposed project administration, VIC leasing and operations, proposed delivery)	15%
Contractor personnel / teams	10%
Demonstrated capability to perform the services as specified	10%
Experience in undertaking similar projects	10%
Local knowledge	5%
Total non-price weighting	60%

A detailed assessment sheet which provides the Assessment Panel's scores for the above criteria and an overall score for each submission is shown in the confidential attachment to this report.

As a result of the competitiveness of the tenders received for Part B the Tender Assessment Panel decided to allow all tenderers to make a presentation. These presentations were kept brief and the Panel members requested clarification on specific details.

Below is a summary of the Tenders preferred for each part. A comprehensive summary comparing each of the tenderers strengths is presented in the attached confidential Tender Evaluation Report.

Part A1. Investigate and develop tourism product

Tweed Tourism's tender for Part A1 demonstrates a thorough management methodology and most importantly provided an example of their capabilities in the preparation of tourism product development strategies.

Their key personnel have demonstrated extensive experience and local knowledge as well as proven contacts and connections within the Tweed. Importantly the personnel nominated to undertake the works in Part A1 have relevant industry experience in several countries within the tourism sector as well as having held senior lecturing positions at universities and other tertiary institutions in relation to the development of tourism products. Tweed Tourism has a proven experience in providing similar types of projects as Part A1.

Part A2. Operate Tweed Heads and Murwillumbah Visitor Information Centres

Tweed Tourism was the only tenderer for Part A2. They have provided a competitive price with the opportunity for further discounts if Parts A1, A3 and/or B1 and B2 are also awarded to them. They have proven experience to undertake Part A2. Their submission met all aspects of the tender specification. Tweed Tourism are the preferred tenderer for Part A2. Due to Tweed Tourism's tendered tiered price structure which provides a discount of Parts A1 and A2 if A3 and/or B1 and B2 are also awarded to them, as well as the fact that their tender states that if Part B1 is awarded to them they would rebrand to Tweed Marketing, it is recommended that formal acceptance of the tender not proceed until negotiations with Parts A3 and B1 are finalised.

Part A3. Preparation and Delivery of Tourism Marketing and Promotion Strategies Plans and Related Public Relations Activities

Tweed Tourism, was the only tenderer for this section. They have proven experience with this type of project. The submitted tender exceeds the requested scope of works for this Part and therefore is in excess of Councils estimated budget expenditure.

It is the Panel's recommendation that the single tender received for Part A3 is declined and that Council enters into direct negotiations on the grounds that the tender has moved outside the scope of works and the tendered price is outside of all reasonable estimates to undertake the work. These negotiations would be with a view to entering into a contract to undertake the scope of works for Part A3 as Tweed Tourism is the preferred tenderer for Parts A1 and A2. As Part A3 best fits with Parts A1 and A2 it is appropriate that these negotiations to proceed.

Part B1. Marketing and Promotion of Tweed for Business Investment

There was considerable competition for this section. Tweed Economic Development Corporation (TEDC) and Tweed Tourism both ranked highly for this part. TEDC has a proven track record at undertaking investment attraction.

TEDC tender submission's strength and expertise lies with experience in marketing and promoting the Tweed for business activity.

Tweed Tourism's tender presented an option to undertake all aspects of tourism promotion and economic development in the Tweed. This would be achieved through a new structure which proposes to undertake aspects of the tender, from Parts A and B.

As the CEO of TEDC has stipulated in an email (refer Confidential Attachment 3) and during the presentation that their tender was not separable from Part B2 without discussion and approval from their Board, it is recommended that all tenders be declined and that negotiations be entered into with TEDC and Tweed Tourism with a view to entering a contract in relation to the subject matter with one of the entities.

Part B2. Demographic and Statistical Research for Business Investment

This report recommends ID Consulting Pty Ltd to undertake Part B2. Their tender submission is for a turn key web solution which would supply demographic and economic information through three core tools being:

- Profile.id: an online demographic profile
- Atlas.id: an online social atlas
- Economic.id: an online economic profile

Profile.id is a socio demographic profile for the Tweed community at the municipal level and for smaller communities within it. It presents data from the 1991, 1996, 2001 and 2006 ABS census. Their tender submission includes for up to 15 local areas.

Atlas.id is an online social atlas thematic maps to show a level of detail where specific groups of people live. It identifies concentrations of specific communities and highlights diversity within the Shire. It is a visually appealing method, presenting demographic and economic information. It comprises 64 maps covering all census topics and has the capacity to create customised maps. The maps are based on Microsoft's Bing interactive maps.

Economic.id is a profile of the economy of the local government area. It enables users to understand the local economy, it presents data for the local area from 10 sources, including census, national accounts, labour force, building approvals, CPI and retail business. The economic data also includes economic modelling and analysis based on input/output modelling undertaken by a nationally renowned economics firm REMPLAN. The tender includes the provision for two benchmarks. The staffing structure indicated gives an overview of the key staff within the organisation and recent projects that they have undertaken. The system is updated with new data as it becomes available. It presents a cost effective high level solution, however it is not able to be used for unique, one-off project assessments. These can be done on request by .id or by engaging another firm such as REMPLAN or other firms.

The economic data set also has specific data sets based on the agricultural industry including agricultural productions. .id are currently preparing a Tourism data set which will be released shortly.

Additional to the three data packages that were tendered .id also produce Forecast.id. This package was also demonstrated in their presentation. This package matches Council's land release supplies and localised forecasts against the State projections for the local area to determine a population projection and housing forecast which is rational and balanced. It is an additional \$22,000 inclusive of GST and is within the scope of works for Part B2 of this tender. The Panel believes that this module should also be considered.

The .id tender offers very good value for money for the delivery of this service in relation to the other tenderers. This is achieved through the innovative use of technology to provide their product. The tender panel have recommended that an additional package be included; Forecast.id which would cover 15 localities within the Shire and would increase the total cost to \$58,300 inclusive of GST.

Addendum

There is currently more than 190 councils Australia wide subscribing to their online profiles which cover more than 75% of the Australian population.

Probity

Prior to the commencement of the Tender process Council's General Manager engaged NSW Public Works to act as probity officer in respect to the tender. To ensure that all Councillors and senior staff associated with the process were fully aware of the requirements and responsibilities to maintain probity through the process a probity workshop was run on 13 May 2010.

As part of NSW Public Works input to the process they have conducted an audit of probity and conduct in respect of this tender. The probity report prepared by the Department will be tabled at the Council meeting.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Variation to the 2010/2011 adopted budget.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. **Confidential Attachment** – Tender Evaluation Panel Report AC2010-073 (ECM:19285576)
 2. **Confidential Attachment** – Probity Audit, Tender AC2010-073 - NSW Public Works To be tabled prior to the Council Meeting.
 3. **Confidential Attachment** - TEDC Response Request for Additional Information - Tender AC2010-073 (ECM:19267843)
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