

Dear Sir,

I am very concerned with the lowering of the practice standards under the present administration of your council. Especially the standards of tendering of projects and the quality of standards being required for public infrastructure.

Regarding the tender which was requested by your council for architectural Services on the Olympic pool project. When I was approached by your James O'Hara in march 2009, the first clarification I asked for was if only architects were being asked to tender on this project. The previous project tendered on was supposed to be only by architects and was awarded to a drafting Service! I was given the very definite reply that only local architects were being approached. On that basis I proceeded to provide a tender for this project. There is a considerable financial burden in providing a tender.

I also had several meetings with your James O'hara regarding the project. We were able to point out how far below cost your budget was and provided other usefull information. We then heard nothing for a considerable time as we were never given the courtesy of some form of notification as to the status of the tender, I phoned your James O'Hara and was informed Councils consultant engineer was doing the project on a hourly basis! He apologised and passed the buck to his superiors.

Just about every rule in the Australian Standard for Tendering has been broken, I wonder if council even has a copy of this document. If ever I am asked to provide another tender, I will be making sure the tender documents state in writing that only architects are to be involved.

The 2<sup>nd</sup> aspect is regarding the poor quality standards required for public infrastructure. In the past your council always used suitable design professionals for the design of the built environment. In Europe, only architects are allowed to design such public infrastructure and in NSW, only architects are allowed to sign off on design of high rise apartment buildings. Using a consulting engineer, usually used to approving stormwater and road designs, is akin to going to the butcher to have heart surgery, the result isn't likely to be good. Unfortunately this is evidenced by the current design produced by your Consulting engineer.

It is also a mockery of councils standards when vast amounts of concern and energy are spent on conserving the older buildings in town, as if old equates to good, and then allows a engineer to ruin a very important item of public infrastructure, if not a heritage item.

As Public money is being spent on this project, and in the name of transparency, could you please advise the amount of money already spent with your consulting engineer, and to what stage he has brought the project to. I will be interested to see how this compares with our tender. Also, it is probably not too late to make good on this project and allow an architect to rectify the design and finish the project.

Yours Faithfully

Richard van Dorp B.Arch NZ

Architect

Council's Response

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Councillors,

You will have seen Mr Van Dorp's correspondence plus the questions raised by Cr McKenna.

I have prepared a response to Mr Van Dorp which is attached.

Most of Cr McKenna's questions are answered in the response to Mr Van Dorp and the following provides some expansion.

1. It is important to note the difference between a tender, which has strict procedures and high probity standards, and Expressions of Interest (EOI) which are simply that and have no procedures other than courtesy and good manners (both optional). James O'Hara advises that he made this clear to both architects and stated 'please do not go to a lot of effort at this stage'.

2. Which leads to the second point, the amount of effort put into Mr Van Dorp's EOI. Our EOI brief document sought:

- expression of interest
- brief description of background in similar projects
- brief description of possible proposal and vision sketches of possible layout.

I have attached Mr Van Dorp's EOI dated 19 March 2009 and you can judge the effort involved. No sketches were submitted by any parties which suggests they all took heed of James' advice.

3. James had 2 meetings with Mr Van Dorp. The first to determine whether he was interested. The second, about 6 months later and a month after we appointed Mr McElroy, was to inform him he was unsuccessful. Hopefully without sounding too defensive, an EOI simply provides a list of interest parties - no obligations, no timetables. In this instance, the long delay in appointing was largely due to uncertainty about what we could afford and how we would pay for it due to the under-insurance. This was resolved to some degree when Council adopted its 09/10 budget in June with \$600k of loan funds for this project, followed by the good news some months later that the insurance company would pay up to \$922k based on Mr McElroy's preliminary design.

4. The battles that architects have waged against building designers and engineers stealing jobs that should be rightfully gifted only to architects is endless. Mr Van Dorp's fee proposal involved \$22,900 for his services (\$25k for project management not required) plus unspecified engineer and other consultants cost. In a later fax he provides a guestimate of \$40k for engineers. As expressed in the letter to Mr Van Dorp, we felt that the challenges were more engineering than architectural and this is borne out by his cost estimates for architectural design (\$22.9k) and engineering (\$40k).

Mr McElroy is working on an hourly rate and to date has completed architectural, slab structural and hydraulic plans at a cost of \$25k. It is likely his total costs will be about \$40k (i.e. Mr Van Dorp's engineering estimate), but will include architectural in that price. The decision to counteract James' original advice that only architects were being approached and to seek a price from (and appoint) Mr McElroy was mine.

Hope this is of assistance.

Rob Donges