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Larissa Bittencourt, Project Manager
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Via email: l.bittencourt@cairns.qld.gov.au
cc via email complaints@cairns.qld.gov.au

22 December 2021

Dear Larissa,

RE: Procurement concerns. Cairns Regional Council's request for quotation PC21206-06 Principal Design Consultant, Trinity Beach Community Hall.

The Queensland Chapter of the Australian Institute of Architects (RAIA) has been working with Hon Mick de Brenni, the Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, for the past eighteen months on better procurement practices for services throughout the state. We are undertaking a continuous review of services offers from around Queensland for presentation to the Minister's new procurement division. As part of this work, we have become aware of Cairns Regional Council's request for quotation for the above project which raises several concerns. Our concerns are as follows:

1. This is a project tender, not a design competition. The requirement for tenderers to submit a concept design as part of their submission places an unreasonable burden on tenderers to provide unpaid professional work.
2. The requirement for tenderers to provide a cost estimate places an additional unreasonable burden on tenderers to provide unpaid professional work.
3. The tender assessment criteria includes a costed concept design. It is not appropriate to do this in a project tender. It places reliance on the expertise of an internal council tender evaluation committee who may not be qualified to assess design quality, to properly assess and score complex issues. This also does not allow the submitting architects the opportunity to demonstrate their full understanding of the project brief, opportunities, and constraints.
4. A full submission is requested, including full design team subconsultant fees, in a tender time frame occurring over a period of traditional construction industry annual leave, and during a time of year with a high number of public holidays.

The combination of above circumstances puts your current request for quotation at odds with the following guidelines:

- *'Engaging and Managing Contractors and Consultants'*. (Queensland Government. Office of the Chief Advisor – Procurement)
- *'Invitation and Selection Process Consultant PQC'* (Queensland Public Works)
- *'Queensland Procurement Policy'* (Queensland Government) ¹
- *'Expressions of Interest and Requests for Tender for Architectural Services'* (RAIA) ²

- 'Optimising opportunities for local suppliers' (Queensland Government).³

The Institute of Architects is always happy to discuss ways of improving procurement practice, while not compromising ethics, in the interests of obtaining better outcomes for the public, local authorities and government agencies. There are many more resources, in addition to the guidelines above, to assist council in ethical procurement practices, and to help describe the differences between tenders and design competitions. We would be happy to engage further with Council to provide support in this regard.

We believe Council will have sufficient information to determine most suitable consultant for the project, without the applying a burden of unpaid professional design services from those tendering. Principal consultants typically invest many thousands of dollars in resources to prepare tender submissions, without the additional burden of providing unpaid professional design services. Council should be able to assess submissions for this project adequately on the following criteria:

- Value for money
- Experience and Technical Capacity
- Key personnel and skills and
- Price

We recommend Council issues an addendum removing the request for unpaid design and costing services as part of the Request for Quotation and replace it, if needed, with a requirement for tenderers to demonstrate their understanding of the project. We also recommend extending the tender period to account for the holiday season.

Regards,



Dr Michael Lavery FRAIA
Queensland Chapter President
Australian Institute of Architects

Cc

Belinda Allwood (RAIA Queensland Chapter Councillor)
Roger Mainwood (RAIA Queensland Chapter Councillor)
Gisela Jung (RAIA FNQ Committee Chair)



Footnotes

¹Queensland Procurement Policy (Principle 4: Leaders in Procurement Practice) states

4.2 *'Agencies will adopt a cost-effective market engagement strategy for a procurement, taking into account whole-of-government objectives and the activities of other government buyers in the market, to maximise procurement outcomes for the benefit of buyers and suppliers'*.

²This AIA document is based on extensive consultation at a national level with both government (at all levels) and industry clients to ensure that the policy brings value to the client. This includes recognising that paying for the professional services of the tenderer, recognised as best placed to provide the services, is in the best interests of the client and the public. (Refer AIA document "Research - Procurement of Architectural Services)

Link: https://www.architecture.com.au/archives/policy_campaigns/procurement

³Optimising opportunities for local suppliers. (p11, Queensland Government) 'Keep requested documentation to reasonable levels. Check documentation to ensure that the questions being asked give a fair and reasonable opportunity for all suppliers, including small and medium enterprises (SMEs)'.

Link: https://www.forgov.qld.gov.au/_data/assets/pdf_file/0021/184107/opportunitieslocalsuppliers.pdf