

Request for Expression of Interest

East Gippsland Shire Council invites Expressions of Interest for the following:

Project:	Lease of part of 55 Palmers Road Lakes Entrance for Grazing Purposes
Delivery:	Delivery by Person: Bairnsdale Corporate Centre 273 Main Street, Bairnsdale Delivery by Mail: PO Box 1618 Bairnsdale VIC 3875 Electronic Lodgement: feedback@egipps.vic.gov.au
Council Officer:	Submission Enquiries: Name: Lou Wigg Position: Senior Property Officer Phone: 5153 9500 Email: feedback@egipps.vic.gov.au Project Enquiries: Name: Lou Wigg Position: Senior Property Officer Phone: 5153 9500 Email: feedback@egipps.vic.gov.au

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1. INTRODUCTION

1.1 Background

East Gippsland Shire Council is responsible for the management of various properties throughout the Shire and acting in its capacity as land-owner and land-manager, invites Expressions of Interest for the occupation of part of the land at 55 Palmers Road Lakes Entrance, for a period of up to six years based on two three-year terms, subject to Council obtaining a planning permit for grazing purposes.

The Lease area is approximately 11 hectares in size and has been used previously for grazing purposes. A plan of the lease area is provided at Attachment B.

1.2 Proposed Timetable

The proposed timetable for this Expression of Interest process is outlined below:

Expression of Interest advertised	4 September 2019
Council will receive written enquiries until	25 September 2019
Expression of Interest Close	2 October 2019
Appointment of Lessee	By 30 November 2019
Commencement of Lease	As agreed

2. NATURE OF LEASE

2.1 Proposed Use

The Expression of Interest for the Lease of the identified land situated at 55 Palmers Road Lakes Entrance will be made available for grazing purposes subject to Council obtaining a planning permit for grazing purposes. Submitters should, however, ensure that they have read the Lease agreement document to ascertain the terms and conditions in which the proposed use may be undertaken as the Expression of Interest will be evidenced solely by the Lease agreement document.

2.2 Location of Occupation

The land available for lease is located at 55 Palmers Road Lakes Entrance with access being obtained from Palmers Road.

2.3 Extent of the Lease

The Lease will be for a period of up to six years, based on two three-year terms with the commencement of the Lease to be negotiated upon appointment of the successful submitter.

2.4 Briefing Sessions

No briefing sessions are scheduled for this Expression of Interest.

2.5 Documents

The documents making up the Expression of Interest are:

- Expression of Interest Document
- Lease Agreement

2.6 Addenda to Expression of Interest Documents

The Senior Property Officer may amend the Expression of Interest documents at any time before the closing date and issue such information as Addenda. All known submitters will receive the same information, in the interest of an open and transparent process.

Submitters may request in writing clarification of the Expression of Interest documents from the Senior Property Officer at any time as outlined in the proposed timetable above.

2.7 Submitter to make enquiries

Submitters are advised and expected to ascertain for themselves the actual extent and nature of the nominated use, as Council will not entertain any claim arising from a failure to do so.

2.8 Enquiries

All enquiries regarding the Expression of Interest process must be directed to the Senior Property Officer.

3. EXPRESSION OF INTEREST

3.1 Form of Expression of Interest

The expression of interest conditions together with Schedules 1, 2, 3, 4, 5, 6 and 7 when completed, will constitute an Expression of Interest.

3.2 Place to lodge Expression of Interest

An Expression of Interest may be submitted either by person, mail or through electronic lodgement. Submissions delivered by facsimile or verbally will not be considered.

Expressions of Interest should be labelled as follows and delivered to East Gippsland Shire Council's Corporate Centre, 273 Main Street, Bairnsdale, Victoria on or before the Close of the Expression of Interest period.

**Confidential Expression of Interest
Lease of part of land at 55 Palmers Road Lakes Entrance
East Gippsland Shire Council
PO Box 1618 (or 273 Main Street, Bairnsdale, if being hand delivered)
Bairnsdale Vic 3875**

Expressions of Interest submitted electronically can be lodged via feedback@egipps.vic.gov.au

Council accepts no responsibility for mailed, delivered or electronically lodged Expression of Interest not being received by the Close of Expression of Interest period.

3.3 Time for lodging Expression of Interest

The time and date by which Expression of Interest must be received is 12.00pm on 2 October 2019.

3.4 Number of Copies

Two copies of the original Expression of Interest must be lodged.

3.5 Late Expression of Interests

No late Expressions of Interest will be considered.

3.6 Council not bound to accept Expression of Interest

Council officers are not bound to accept any Expression of Interest.

3.7 Non-conforming Expression of Interest

Council officers reserve the right to accept or reject any non-conforming Expression of Interest.

3.8 Withdrawal of Expression of Interest

Expression of Interest may not be withdrawn within 60 days after Closing Time for submissions without the consent of Council.

4. FINANCIAL VIABILITY

It will be necessary for Council to assure itself as to the financial viability of the Submitter. Council officers may wish to investigate the financial viability of the Submitter. The Submitter must demonstrate their capacity to meet the financial obligations and sustain the required use over the period of the proposed agreement.

5. EVALUATION OF EXPRESSION OF INTEREST

5.1 *Expression of Interest Evaluation*

The evaluation panel will evaluate the Expression of Interest in accordance with the evaluation criteria set out in Attachment A.

The Lease of the premises will be awarded by applying the Best Value Principles as defined by Section 208B of the *Local Government Act 1989* and Council's Rental Policy for Council-Owned Land and Council-Managed Land. In applying these principles, Council officers will have regard to the report prepared by the evaluation panel and any other factors that it considers relevant.

Submitters are required to supply all information or documents specified in the Expression of Interest schedules. Submitters that do not complete all schedules may have their offer rejected.

In accordance with clause 3.7 the evaluation panel may, at its sole discretion, consider an Expression of Interest that is non-conforming if the submission satisfies the needs of Council and does not involve a breach of Council policy or legislative requirements.

The evaluation panel may also consider an Expression of Interest that fails to meet an evaluation criterion if the Submitter can satisfy the evaluation panel that the Submitter will achieve the required evaluation criterion standard within a mutually agreed time frame.

5.2 *Post Expression of Interest Submissions*

Council officers may require a submitter to personally discuss or provide additional information concerning its Expression of Interest before any submission is accepted.

If a Submitter fails to provide the additional information, or attend personally to discuss its Expression of Interest by the date and time stipulated by Council officers, its Expression of Interest may not be further considered.

5.3 *Rectification of Errors and Omissions*

Council officers reserve the right to:

- check an Expression of Interest for errors and omissions;
- by agreement with the Submitter, otherwise amend the Expression of Interest to remedy the effect of any errors or omissions.

5.4 *Competitive Neutrality*

Council will comply with the obligations of the Competitive Neutrality Policy Victoria September 2012.

6. ACCEPTANCE OF EXPRESSION OF INTEREST

The successful Submitter will be notified in writing of the acceptance of its Expression of Interest. The notification of the acceptance of an Expression of Interest will create an agreement between the parties based on the successful submission.

The successful Submitter must execute and return to Council the Lease Documents, as amended by the insertion of any details which the Submitter is required to include from the Expression of Interest.

7. PROBITY OF EXPRESSION OF INTEREST PROCESS

7.1 Statutory Declaration

A statutory declaration in the form of Schedule 7 must be made by a person authorised to make such a declaration on behalf of the Submitter and provided with the Expression of Interest.

7.2 Canvassing

Submitters must not approach, or request any other person to approach:

7.2.1 any member of Council's staff; or

7.2.2 any Councillors of the Council either individually or together,

to solicit support for their Expression of Interest or otherwise seek to influence the outcome of the Expression of Interest process.

The Expression of Interest of any Submitter that engages in conduct prohibited under clause 7.2 above and will not be considered by Council officers.

8. CODE OF TENDERING (EXPRESSION OF INTEREST)

In accordance with the general principles of the Victorian Local Government Best Practice Procurement Guidelines 2013, a copy of which is available upon request.

ATTACHMENT A

EVALUATION CRITERIA

In determining best value, Expressions of Interest will be assessed against the following evaluation criteria. The Submitter shall ensure that all schedules are fully completed to facilitate the assessment of these criteria by Council officers.

The evaluation panel will evaluate expressions of interest in accordance with evaluation criteria listed below:

Compliance and Qualitative Criteria

The compliance and qualitative criteria for this Expression of Interest are not necessarily listed in any order of importance and may or may not be weighted. In addition, Council officers may use material provided in response to one evaluation criterion to evaluate another criterion.

Expression of Interest Compliance

Includes consideration of the Submitter's ability to comply with the Lease Conditions and consideration of the acceptability or otherwise of any non-conformance of the Submitter's offer in accordance with clause 3.7.

Financial Soundness / Performance

The financial capacity of the Submitter to undertake the nominated use under the Lease and the financial sustainability of the submission offer will be considered.

Details of the financial capacity of the Submitter. This may be based on referee checks, and the sustainability of the nominated use under the Lease.

Demonstrated Experience, Management and Capacity

- ability to conduct the nominated use;
- demonstrated knowledge and experience of industry relating to stock grazing or an equivalent industry;
- information surrounding how the land is to be utilised to ensure it is managed in a proper manner;
- information on the type of stock to be grazed, how those stock will be contained to the leased area and any rotations planned;
- details of pasture improvement programs to be undertaken (if any);
- details of proposed provision of, maintenance and upgrading of fences surrounding and within the leased area;
- plan for how the Submitter intends to control vermin and noxious weeds effectively;
- provision of water for stock at the Premises;
- provide evidence of public liability insurance for not less than \$10 million or any greater amount requested by Council, to be held throughout the term of the lease; and
- any additional information considered relevant to the evaluation of the submission.

Rental

The annual rental figure proposed by the Submitter.

Other Information

Submitters shall provide any additional information considered relevant to the evaluation of their submission.

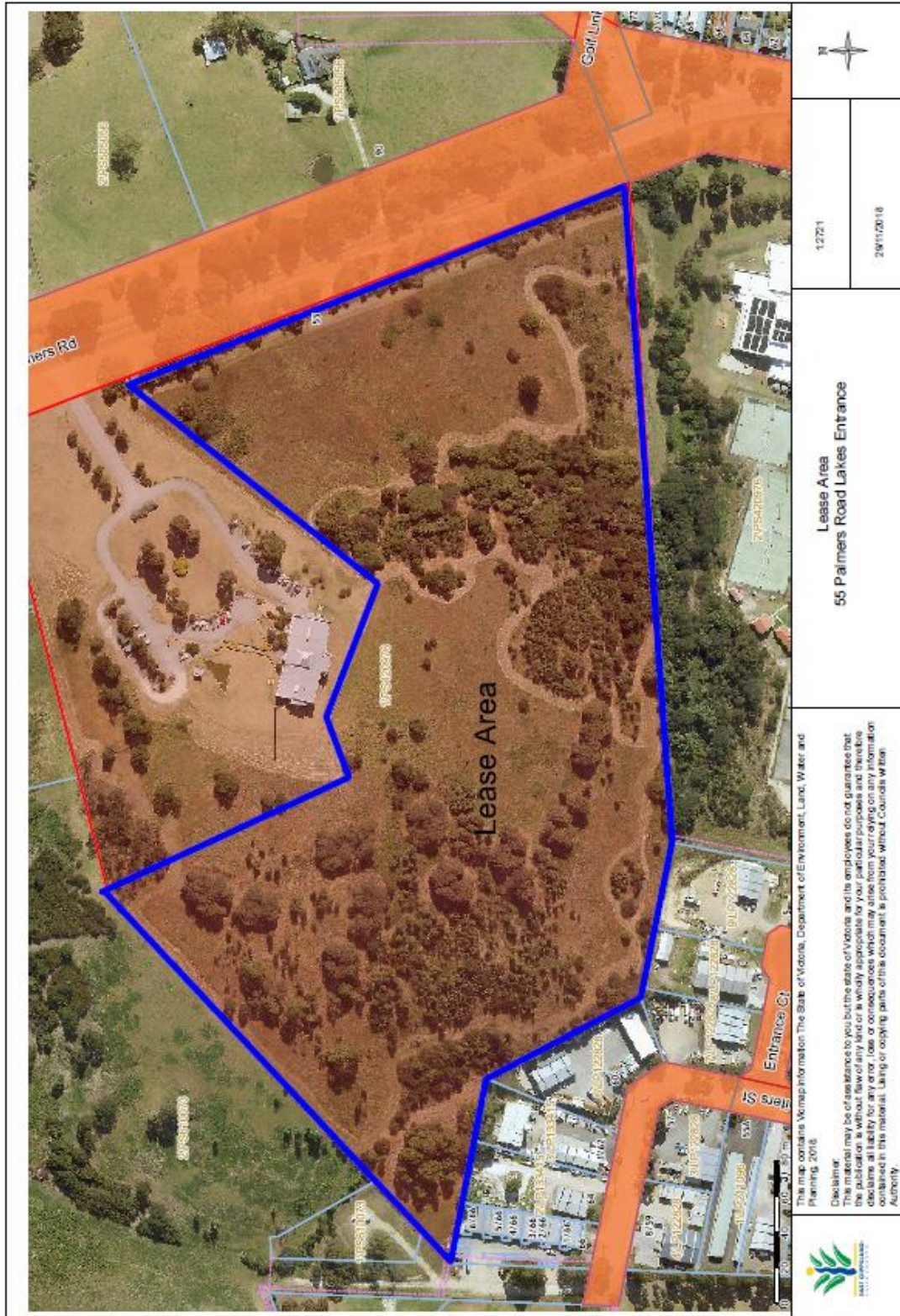
The underlying principle behind any selection process is seeking 'best value'. Best Value will be assessed based on the combined outcomes of the assessments of the qualitative criteria and proposed Lease rental.

In assessing 'Best Value' major factors to be considered include, the quality of the proposed service, the cost and risk profile of the submitter in terms of their demonstrated experience, capability to undertake the nominated use as described and community and economic benefit.

As such the successful Submitter will not necessarily be determined by the highest proposed rental.

ATTACHMENT B

LEASE AREA PLAN



SCHEDULE 2 – DETAILS OF SUBMITTER

Submitters are required to demonstrate their capacity to conduct the nominated use by supplying the following information.

This information and other data will be used to assist in the evaluation of Expression of Interests submitted. If necessary, an interview will be arranged between the Submitter and Council representatives to clarify details submitted. **Details provided by the Submitter will be treated as confidential.**

Submitter Name: _____

Registered Address: _____

Postal Address: _____

Telephone: _____

Facsimile Number: _____

Email: _____

Contact Person: _____

Business Identification

Type of Organisation (tick one box to indicate type of organisation)

- Individual
- Partnership
- Limited Liability Company
- Other

If a partnership (give full names and addresses of all Partners):

If a Company:

Registered and Trading Name of Company _____

Australian Company Number _____

Address of Registered Office _____

Date Incorporated _____

Details of Directors: *(Include full names, addresses, positions)*

History

Number of years / experience the submitter has had in farm management, stock grazing or equivalent experience the Submitter has had with the type of activity it would be conducting under this Lease:

SCHEDULE 3 – FINANCIAL VIABILITY

Submitters are required to demonstrate that they have the financial capacity to provide, over the term of the Lease, all the requirements specified in the Expression of Interest and Lease documents. Accordingly, all Submitters are to provide the following information to support their Submission.

Please answer only **PART A** and **PART B** of this schedule.

PART A

Respond to the following questions:

1. As sole trader, partner, company director, manager or secretary have you been either:
 - a) Declared bankrupt or compounded with, or entered a scheme of arrangement with creditors? Yes/No*
 - b) Engaged in the management of any company which has taken, or had instigated against it, any action resulting in the winding up of the company, being placed under management, or having a receiver/manager appointed? Yes/No*
 - c) Are there any significant events, matters or circumstances that have arisen since the end of the last financial reporting period that may significantly affect your performance on this Lease? Yes/No*
 - d) Are you aware of the existence of any breaches or defaults of any agreement, lease, order or award binding upon the Submitters' company? Yes/No*

If you have answered yes to any of the above please provide a full explanation on a separate sheet adopting the numbering system of this schedule attaching all the relevant details.

PART B

The information listed below will authorise East Gippsland Shire Council to seek information, if required, from the Submitter's principal bankers, accountants and/or business references.

Prior to the close of the Expression of Interest period Submitters may be required to inform their contact persons listed below to disclose to the Evaluation Panel representative information to confirm the Submitter is in a sound financial position and is capable of financing the nominated use.

	Name	Address	Point of Contact (Name and Ph no.)
BANK			
ACCOUNTANT			
BUSINESS REFERENCE			
BUSINESS REFERENCE			

SCHEDULE 4 – STATEMENT OF CONFORMANCE

The Submitter must signify whether its Expression of Interest is a Conforming or a Non-Conforming expression of interest by striking out below that which is not applicable.

This Expression of Interest is a ****Conforming / **Non-Conforming Expression of Interest.**

Should the expression of interest be a Non-Conforming Expression of Interest, the Submitter must list below all areas of non-conformance and the reasons for the non-conformance.

Area of Non-Conformance and Reason

NAME OF SUBMITTER: _____

SIGNATURE OF SUBMITTER: _____ DATE: _____

(or authorised representative)

SCHEDULE 5 – RECEIPT OF ADDENDA

The Submitter is to list below addenda that it received prior to the Closing Time for Expressions of Interest from the Council. The Submitter acknowledges that its Expression of Interest has been prepared having regard to these addenda.

Addenda No.	Brief Description (with page no., clause no. or schedule no.)	Date Received

NAME OF SUBMITTER: _____

SIGNATURE OF SUBMITTER: _____ DATE: _____

(or authorised representative)

SCHEDULE 6 – DEMONSTRATED EXPERIENCE, MANAGEMENT AND OPERATION PLAN FOR PROPOSED NOMINATED USE

Note to Submitters:

Care will need to be taken to identify all information that will be required to undertake a full evaluation in respect of this evaluation criterion and as per the Lease.

Submitters should provide responses that address the criteria set out in Attachment A of the Expression of Interest Conditions. It is recommended that Submitters address the evaluation criteria in separate sections of the narrative and that each section is labelled with the name of the criterion under discussion, to assist the evaluation panel in evaluating the merits of the submission.

Submissions received in other formats may be considered so long as they meet the conditions for participation and address all other evaluation criteria.

Submitters should supply a summary outlining details of the proposed nominated use. This summary should include but not be limited to the following items:

- ability to conduct the nominated use;
- demonstrated knowledge and experience of industry relating to stock grazing or an equivalent industry;
- information surrounding how the land is to be utilised to ensure it is managed in a proper manner;
- information on the type of stock to be grazed and any rotations planned;
- details of any pasture improvement programs to be undertaken (if any);
- details of proposed provision of, maintenance and upgrading of fences surrounding and within the leased area;
- plan for the means by which the submitter intends to control vermin and noxious weeds;
- provision of water for stock at the Premises;
- provide evidence of public liability insurance for not less than \$10 million or any greater amount requested by Council to be held throughout the term of the lease; and
- any additional information considered relevant to the evaluation of the submission.

NB. Any proposed nominated use must consider the existing users of the site.

NAME OF SUBMITTER: _____

SIGNATURE OF SUBMITTER: _____ DATE: _____

(or authorised representative)

SCHEDULE 7 – STATUTORY DECLARATION

I, _____

of _____

in the said State of Victoria do solemnly and sincerely declare THAT

1. (a) I am the Submitter and make this declaration on my own behalf, or
(b) I hold the position of _____ and am duly authorised by _____ (“the Submitter”) to make this declaration on its behalf. *(insert name of company, other body corporate, firm or individual)*
2. Neither the Submitter nor any of its servants or agents had any knowledge of the expression of interest price or proposed price of any other Submitter prior to submitting its expression of interest, nor any other person, company, firm or body corporate that proposed to submit an expression of interest for the Lease.
3. Neither the Submitter nor any of its servants or agents disclosed the Submitters expression of interest price to any other Submitter for the Lease prior to the close of the expression of interest for the Lease, nor any other person, company firm of body corporate that proposed to submit an expression of interest for the Lease, nor any person or organisation connected or associated with any other Submitter or prospective Submitter.
4. Neither the Submitter nor any of its servants or agents has disclosed any information to any other Submitter who has submitted an expression of interest for the Lease, nor any other person, company, firm or body corporate proposing to submit an expression of interest for the Lease, nor for the purpose of assisting any other person, company, firm or body corporate in the preparation of an expression of interest for the Lease.
5. The Submitter is genuinely competing for and intends to enter into the Lease as set out in the expression of interest documents.
6. Neither the Submitter nor any of its servants or agents has entered into any lease, agreement, arrangement or understanding that submitter for the Lease would include identical or similar conditions or qualifications in their expression of interest for the Lease.
7. Neither the Submitter nor any of its servants or agents has entered into any lease, agreement, arrangement or understanding other than as disclosed to the Corporation in the Expression of Interest to pay moneys or provide any other benefit or financial advantage to any trade association in respect of this Lease, apart from the normal amount (annual subscription, turnover or lease fee) imposed by that trade association.
8. Neither the Submitter nor any of its servants or agents has entered into any lease, agreement, arrangement, or understanding for the purpose or one of the purposes being that the successful Submitter for the Lease will pay any money to, or provide any other benefit or other financial advantage to any other Submitter who unsuccessfully provided an Expression of Interest for the Lease.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provision of an Act of the Parliament of Victoria rendering persons making a False Declaration punishable for wilful and corrupt perjury.

DECLARED at _____ in the State of Victoria this _____ day
of _____ 2019

Before me:

Signature: _____ Full Name: _____

Address: _____

Qualifications: _____

(Person entitled to witness a Statutory Declaration under Section 107A(1) of the Evidence Act 1958)