

Specifications

Expression of Interest

**To operate Mobile Business Services at Mangawhai Heads,
Alamar Crescent, North Avenue and Robert Street Reserves,
Mangawhai**

Closing Date: Friday 28 September 2018

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Part A

Background and Indicative Expression of Interest Programme

Part A – Background and Indicative Expression of Interest

Programme

1 Background

Mangawhai is an extremely popular summer holiday destination with visitor numbers continuing to increase annually. The Kaipara District Council provides a number of parks, reserves and facilities to cater for visitors to this area. The allowing of mobile business services to operate during the summer period at specified reserve locations is a recent Kaipara District Council initiative. As such, Expressions of Interest (EOI) to operate mobile business services are being sought for the upcoming summer period. The number of mobile business services permitted will be limited with no more than one of any type at each of the Reserves.

Consideration will be given to applications provided they are:

- Not competing directly with a similar service provider in the same location;
- Providing a quality customer service that is clean and tidy;
- Complements the reserves activities;
- Meets all regulatory requirements including but not limited to Council licences and permits to operate;
- Keeps the designated site free of litter and rubbish;
- Operates within the timeframes permitted;
- Stays within the permitted area allocated;
- Pays a market rent for the use of the Reserve; and
- Has no history of non-compliance with the above if they have previously operated a mobile business on Council reserves.

2 Aims and Objectives of Expression of Interest (EOI) Process

The aim is to identify viable options that will deliver good customer service, add value to the visitor experience, are in keeping with the objectives of the Mangawhai Coastal and Harbour Reserves Management Plan 2009 and provide the best return to the Kaipara district over the summer period.

Another important aim is to limit the impact mobile business service providers have on the limited space available during peak times for the public to use.

The EOI process is being undertaken on the basis set out in Part B of this document.

3 Indicative EOI Programme

The following is an indicative EOI programme that Kaipara District Council presently intends to follow. Kaipara District Council may modify the steps and/or dates at any time at its discretion including terminating the process.

Note that time has been allowed for parties/organisations to meet with Council staff to discuss the concession activity.

EOI Programme

Activity	Dates
Issue EOI	07/09/2018
Acknowledgment forms returned	14/09/2018
Meet with EOI participants for briefing, site visit and clarification of any questions (if requested)	21/09/2018
Closing date for service provider feedback/clarifications	28/09/2018
Closing date for receipt of EOI responses	01/10/2018
Evaluation period commences	02/10/2018
Preferred options identified (if any)	07/10/2018
Evaluation period concludes	12/10/2018
Participants advised of outcome	14/10/2018

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Part B

Expression of Interest Requirements

Part B – Expression of Interest Requirements

4 Value for money

Kaipara District Council is seeking EOIs that will deliver a good customer service, that can add value to the visitors experience and that provide the best return to the Kaipara District Council in terms of potential fees and charges payable for the granting of a mobile business service concession.

5 Acknowledgement

The participant is required to acknowledge receipt of this EOI and to agree to the basis upon which the EOI process is being undertaken by completing the acknowledgement form attached as Schedule 4, Part C to this EOI, and returning it to the address set out on the form prior to 4pm Monday 14 September 2018.

The participant will advise on the acknowledgement form the name and address of the person(s) authorised to communicate with Kaipara District Council on behalf of the participant in relation to this EOI. The participant acknowledges that Kaipara District Council shall not be obliged to deal with any person(s) other than the person(s) so authorised.

It is acknowledged that the number of mobile business services will be limited at Mangawhai Heads Alamar Crescent, North Avenue and Robert Street Reserves. Participants are required to have all other licences and permits pertaining to their operation prior to their EOI application.

Participant to inform themselves fully

Every EOI submission must be made on the basis that the participant acknowledges that:

- a) This EOI does not, and does not purport to, contain all the information that participants may need in making decisions about or relating to its EOI submission;
- b) Kaipara District Council is not responsible for any costs or expenses incurred by the participant or any other person in responding to or taking any other action in relation to this EOI;
- c) The summer season as it relates to this EOI is Saturday 20/10/ 2018 to Sunday 02 June 2019;
and
- d) The minimum fee for the use of a reserve is \$550 as per fees and charges included within the Kaipara District Council's Long Term Plan 2018/28.

The information provided in this EOI and the requirements and obligations detailed in the services are based on assumptions made by Kaipara District Council about future concession requirements, which may or may not prove correct in practice. Future services may vary significantly from current and historical services. The participant must make, and base, any EOI submission entirely on its own independent assessment of future concession service requirements and opportunities.

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Any information whatsoever provided by Kaipara District Council to participants has been provided to assist participants in preparing the EOI submission, and Kaipara District Council does not represent or warrant the completeness or accuracy of such information.

6 Communications, additional information and clarifications

All communications as to this EOI or requests for clarifications or further information should be directed to the EOI Administrator who is Kaipara District Council's authorised representative.

The EOI Administrator contact details are as follows:

John Burt

Property and Commercial Advisor

Kaipara District Council

Private Bag 1001

Dargaville 0340

Telephone: (09) 439 3123 Fax: (09) 439 6756 Email: Council@kaipara.govt.nz

- Requests for clarification or additional information must be made in writing and submitted to the EOI Administrator;
- No other Kaipara District Council employee, contractor or Kaipara District Council elected representative may be contacted concerning any aspect of this EOI process without the prior express written permission of the EOI Administrator;
- Unless expressly advised otherwise, no person other than the EOI Administrator has any authority to provide information to participants or answer questions in relation to the EOI process;
- Any instruction or information resulting from enquires by the participants may, at Kaipara District Council's absolute discretion, be issued in writing to all participants in the form of an explanatory notice which will then become part of the EOI documents;
- During the evaluation period, Kaipara District Council may request to meet with participants to clarify any point of their EOI submission or require further information;
- Whether any such meeting is called is at the sole discretion of Kaipara District Council;
- Participants agree not to raise any claims or allegations against Kaipara District Council that they have been disadvantaged by any lack of information provided to them, or any ambiguities in information provided to them as part of this EOI process;
- The information furnished in the EOI submission and during any interviews (if any) will be used in assessing the participant's suitability to participate in any subsequent process (if any is undertaken following the EOI process). Notwithstanding any other requirements of this EOI, Kaipara District Council may require the participant to submit additional information to allow further clarification of the participants EOI submission; and
- Should the participant fail to submit any of the information so required by the date and time stipulated by Kaipara District Council, the EOI submission may be rejected, without consideration or considered and rejected due to lateness.

7 Form of EOI Submission

Whilst the detailed structure of the EOI submission is not mandated, participants should submit their EOI submission as follows:

General

- Participants should use easy to read structure, fonts and formatting that assist the evaluators to align submissions to the EOI objectives and evaluation criteria;
- Participants should take time to understand how they can assist Kaipara District Council to meet its objectives for the procurement of concession operators and recommends effective use of an executive summary to illustrate their alignment to these objectives;
- Participants should include an Attributes Summary section demonstrating how their proposal aligns to the evaluation criteria; and
- Participants should include the duration of their concession and times/dates of operation.

Specific requirements:

- Contents page – maximum one A4 page;
- Executive summary – maximum two A4 pages;
- Company background and relevant experience – maximum two A4 pages plus appendices (if required);
- Options and recommendations – there is no limit to this section however Kaipara District Council expects this section to be no more than three A4 pages;
- Alignment to evaluation criteria – maximum three A4 pages;
- Participants must address the evaluation attributes described in Part B, clause 12 of this EOI;
- Participants must complete and return the acknowledgement and statement of departures;
- EOI submissions may not be submitted jointly by two or more organisations;
- The EOI submission must be signed by an authorised signatory or signatories, where there is more than one participant, of the participant; and
- The EOI submission must be signed by an authorised signatory of the participant.

8 Submission of EOI Submissions

EOI submissions will be accepted up until the closing date. EOI submissions must be submitted by delivery to Kaipara District Council.

The address for delivery is:

Kaipara District Council
42 Hokianga Road
Dargaville 0310

There will not be a public opening of EOI submissions.

All EOI submissions received by Kaipara District Council, including any subsequent clarification, will be retained (and may be subsequently destroyed) by Kaipara District Council.

Participants must submit the following copies:

- An original and one identical copy of any EOI submission in hard copy (paper) format; and
- Participants must also submit a PDF electronic version of a size and format suitable for email.

EOI submissions must be enclosed in a sealed envelope endorsed with the following:

- Expression of Interest for Mangawhai Heads business services;
- Kaipara District Council;
- Closing date **4.00pm Friday 14 September 2018**;
- Participants name(s), contact person details and address for communications; and
- EOI submissions sent by e-mail may be accepted.

9 Evaluation Methods and Attributes

Evaluation methods

Subject to these EOI Conditions, it is intended that EOIs shall be evaluated based on the requirements detailed in Part A. However, Council reserves the right to depart from this if considered necessary.

Participants must ensure that all information that they wish to have considered is included in their EOI submission.

10 Late Proposals

- Kaipara District Council reserves the right to consider late EOI submissions;
- Any EOI submission lodged after the closing date will be taken to be late;
- If an EOI submission is taken to be late, Kaipara District Council may, at its discretion, invite the participant to provide it with explanatory evidence as to the reasons for the delay;
- The decision to consider a late EOI submission or exclude it from consideration will generally be based on the circumstances surrounding the submission and the receipt of the late EOI submission; and
- An important issue for Kaipara District Council in this regard will be whether the participant is likely to have had an opportunity to obtain some unfair advantage from late submission.

11 Freedom of Information

Participants will be aware that the Local Government Official Information and Meetings Act 1987 (LGOIMA) gives members of the public rights to access official documents of Kaipara District Council. If a participant wishes to withhold any information provided as part of its EOI submission from the public it should clearly identify the areas not to be disclosed and identify the reasons for the withholding this information in terms of the LGOIMA.

12 Disclosure of Certain Information

Notwithstanding the above, the following information will be made publicly available:

- a) The names of the participants;
- b) Description of the services the participants are proposing to provide; and
- c) Details of the EOI process, and any changes to the process.

13 Important Notices and Basis of Participation

This EOI is issued by Kaipara District Council.

This EOI is not an offer to enter into a contract.

The dates given are indicative dates only and it may be necessary to change these from time to time to ensure a fair and robust process. Kaipara District Council will endeavour to keep the participants advised of any changes as promptly as possible.

Kaipara District Council reserves the right to:

- Change the EOI process (including proposed evaluation methodology) at any time;
- Terminate the EOI process at any time;
- Not progress this EOI process through to the negotiation of Concession Agreements;
- Waive any irregularities of informalities in the EOI process or in an EOI submission;
- Amend this EOI or any associated documents; and
- Accept or reject any EOI submission including tagged, non-conforming or alternative EOI submissions, and select any participant or other party (whether or not that party was involved in this EOI process) to proceed to the next phase, at its discretion.

The participant expressly agrees that:

- It did not use the improper assistance of Kaipara District Council employees or ex-employees, or information unlawfully obtained from Kaipara District Council in compiling its EOI submission;
- Any potential conflicts of interest have been fully disclosed in the EOI submission;
- It is responsible for all costs and expenses arising from or related to the preparation and lodgement of its EOI submission, any subsequent negotiation and other action or response in relation to this EOI;
- The granting of a concession does not negate the need to obtain a licence or permit to operate or any requirements under any other Act e.g. Resource Management Act, Building Act etcetera;
- No legal or other obligations shall arise between the participant and Kaipara District Council in relation to the conduct or outcome of the EOI process. It shall not have any rights against Kaipara District Council of any nature whatsoever arising from the EOI process and that accordingly, it shall not make any claim of any nature against Kaipara District Council (or any person associated with Kaipara District Council) any costs incurred in the EOI process or in respect of any lost expectation of profits;

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- Following the EOI process Kaipara District Council may issue a Request for Proposal (RFP) for its preferred options, enter into negotiations with a preferred participant or participants or conclude this EOI process without any further action; and
- No public announcements or statements to the media or disclosure of any information received as a consequence of, or relating to the EOI process, may be made without the prior written consent of Kaipara District Council.

Part C Schedule – Acknowledgement

Kaipara District Council

Expression of Interest (EOI) for Mobile Business Services at Mangawhai Heads Reserve and Alamar Crescent, North Avenue and Robert Street Reserves

Expression of Interest Acknowledgement Form

- We acknowledge receipt of your EOI dated:
- We acknowledge and agree to conform to the EOI process and accept the basis upon which Kaipara District Council is undertaking the EOI process as set out in the EOI.
- We nominate the following person(s) to communicate with Kaipara District Council on our behalf in relation to the EOI and our EOI Submission:

Name of person(s):	
Position of person(s):	
Firm:	
Address:	
Telephone number:	
Facsimile number:	
For and on behalf of	

.....

Authorised signatory

.....

.....

Name of firm and name of authorised signatory

Please return this Acknowledgement Form by 4pm Friday 14 September 2018

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Part D Schedule – Concession Licence