

Invercargill City Council

Expression of Interest

for

Purchase of Water-ski and Runabout Building, Sandy Point Domain and lease of the platform it sits on

for Recreation Purposes

December 2021

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# Section A – overview, EOI process and conditions

## Overview

### Scope of Expression of Interest (EOI)

* + - 1. This EOI is issued by Invercargill City Council (**Council**).
      2. The purpose of this Expression of Interest (**EOI**) is to invite interested parties to register their interest, by way of an expression of interest (**EOI**), to purchase the building and lease the platform it sits on at Water-ski and Runabout Area, Sandy Point Domain, Invercargill in a manner consistent with the Sandy Point Domain Management Plan: <https://icc.govt.nz/wp-content/uploads/2014/10/Sandy-Point-Domain-Management-Plan-July-2013.pdf>
      3. Scope of Building

Invercargill City Council currently owns the building (approximately 350m²). Facilities on the premise include toilets, changing rooms, kitchen, bar and power connection. Proposals should include future ideas and uses for the building and how it is recommended to be managed/ operated. The successful applicant will be required to also enter into a lease with Council for the building platform.



### Background

Council is now seeking Expressions of Interest from organisations (e.g. not for profit, charitable trust, incorporated society) with an interest in the purchase of the building and lease the platform it sits on as per the Sandy Point Domain Management Plan (2013). The Plan requires that the site be used for recreation purposes. Proposals should include future ideas and uses for the building and how it is recommended to be managed/ operated. Proposals should also be aligned with the Regional Spaces and Places Strategy.

* + - 1. The facility will be available following the announcement of the successful applicant and necessary lease requirements and cost are met. This will be 21 February 2022.
      2. Lease terms will be as per section [54(1)(b)](http://www.legislation.govt.nz/act/public/1977/0066/latest/whole.html#DLM444717) of the Reserves Act 1977.

### Possible outcomes

* + - 1. Following evaluation of the EOIs received, Council may:

invite short listed participants to respond to a closed tender or proposal;

issue an open tender or proposal;

enter negotiations with preferred participants(s);

conclude the process or awarding any contracts or leases;

include (at the Council’s entire discretion) any other party in any closed tender or proposals issued following the conclusion of this EOI process.

1.3.2 If no expressions of interest are recieved, Council will demolish the building.

### EOI documents

* + - 1. This EOI comprises:
         1. Section A - overview, EOI process and conditions
         2. Section B - information required
         3. Section C - the form of Expression of Interest

### How to use this document

* + - 1. Section A of this document provides background information, instructions and conditions for responding to this EOI. You need to read and understand this section. Your acknowledgement of these requirements and conditions is included in the EOI form in Section C.
      2. Section B of this document sets out the information required in your EOI.
      3. Section C sets out the Expression of Interest form to be completed and returned with your EOI.

### EOI not a tender document

* + - 1. This EOI is not a tender document and will not form part of any subsequent RFT or RFP process. However the information provided to Council as part of this process may be used

## EOI Process

### EOI timetable

* + - 1. The timetable for this EOI is:

|  |  |
| --- | --- |
| **Date** | **Activity** |
| 11 December 2021 | Issue of EOI |
| 17 December 2021 | Final date for clarification requests |
| 28 January 2022 | EOI submissions due |
| 2 -4 February 2022 | Presentations by participants (if required) |
| 16 February 2022 | Participants notified of decisions |

The timetable may be subject to change at the sole discretion of the Council. Participants will be notified of changes by the Council Contact Person. The dates following the EOI submissions due date are indicative only.

### Joint EOIs

* + - 1. Joint EOIs may be submitted. Where a joint EOI is submitted participants must provide full details of each party submitting the EOI and name one party as the single contact point for all communications with the participant relating to the EOI.

### Submission of EOIs

* + - 1. EOIs should be submitted on the EOI form set out in Section C.
      2. EOIs should be placed in a sealed envelope marked and addressed as follows:

“Expression of Interest for Purchase of Water-ski and Runabout Building and lease of the platform it sits on, Sandy Point Domain”

and have the participant’s name clearly identified on the outside of the envelope.

* + - 1. EOIs must be received by 5pm on 28 January 2022.
      2. EOIs must be either delivered to Invercargill City Council and placed in the tender box located at: Queens Park Office or emailed to parks.recreation@icc.govt.nz; ATTN: Manager - Parks and Recreation.
      3. EOIs forwarded by post or courier must be sent in sufficient time to allow the EOI to be placed in the tender box before the closing time. EOIs sent by mail or courier must be addressed to:

Caroline Rain – Manager - Parks and Recreation.

C/- Invercargill City Council, Queens Park Office, 216 Queens Drive, Private Bag 90104, INVERCARGILL 9840, NZ.

The Council will take every care to ensure such EOIs are placed in the tender box promptly. However, the Council will not be responsible or liable in any way for any failure to place the EOI in the tender box within time.

* + - 1. You should ensure that your EOI is delivered before the closing date and time. Council’s policy is not to consider late EOIs. However, Council does retain the right to consider late EOIs where there is no material prejudice to other participants.
      2. EOI submissions may be forwarded by delivery, post or by electronic mail. However, Council will have no responsibility or liability for any failure of submissions to be received by closing date or for any confidentiality consequences of such methods of submission provision.

### Communication between Council and participants

* + - 1. All communications with Council concerning this EOI or requests for clarification or further information should be directed to Cassie Horton (**Council Contact Person**), who is authorised to represent the Council in all matters regarding this EOI. The Council Contact Person can be contacted at:

[parks.recreation@icc.govt.nz](mailto:parks.recreation@icc.govt.nz) – ATTN: Cassie Horton; 03 219 9070.

### Additional information and clarification

* + - 1. Any requests for additional information or for clarification of this EOI should be forwarded in writing to the Council Contact Person. Any requests must be made prior the final date for clarification requests set out in clause 2.1.1.
      2. The Council will issue any clarification and/or change to this EOI by way of written amendment notice. A copy of each amendment notice will be emailed, mailed or delivered to each party uplifting this EOI. All amendment notices will become part of this EOI. Parties intending to submit an EOI should provide contact details to the Council Contact Person.
      3. Responses to requests for information or clarification that relate solely to a participant’s EOI may, at the Council’s discretion, be provided to the participant requesting the information or clarification only.
      4. The Council will not be bound by any statement, written or verbal, made by any person other than the Council Contact Person. The Council Contact Person (or any other person specifically authorised by the Council Contact Person) is the only person(s) authorised to make representations or explanations as to this EOI.

### Compliance with EOI requirements

* + - 1. Failure to comply with a material requirement of this EOI may result in your EOI being determined to be non-conforming which may, at the Council’s discretion, be rejected.

### Canvassing

* + - 1. Participants should not indirectly or directly contact, lobby or canvass any elected member, officer, employee or advisorof the Council other than the Council Contact Person(s) concerning any aspect of this EOI process. Non-compliance with this requirement may lead to disqualification of the EOI.

### Site inspections

* + - 1. You may arrange for a site inspection by giving the Council Contact Person at least three working days’ notice to make arrangements.

## General Conditions

### Rights reserved by Council

* + - 1. The Council reserves the right to:

vary this EOI. Any such variation once notified by way of written amendment notice, will become part of this EOI;

select participants based on their EOI and invite them to participate in a closed tender, proposal or other procurement process;

issue an open tender, proposal or other procurement process;

proceed to the next stage of the procurement process with modified descriptions of Services requirements, including innovations proposed to the Council, through this EOI process;

deal separately with any of the divisible elements of any proposal, received through this EOI process;

enter into discussions and/or negotiations with any one or more participants relating to matters dealt with in this EOI;

not to proceed to evaluation of EOI’s;

reject all EOI’s and not proceed to tender, proposal or negotiation;

limit or extend the list of potential participants beyond those who respond to this invitation;

seek clarification of any aspect or information provided in an EOI and to seek further information from any party;

waive any irregularities or informalities in this EOI process;

amend the closing date for submission of EOIs or any other date referred to or implied in this EOI;

suspend or cancel this EOI process in whole or in part and/or the overall process;

re-advertise the EOI;

consider or reject any alternative EOI, at the Council’s sole discretion; and/or

consider or reject any EOI that does not fully comply with this EOI, at the Council’s discretion.

The Council shall not be bound to give reasons for any decision made under this clause.

### Errors

* + - 1. The Council is under no obligation to check EOIs for errors.

### No warranties or representations re information provided by Council

* + - 1. The Council makes no representations and gives no warranties other than as set out in this EOI document.

### Confidentiality

* + - 1. This EOI and all other information supplied by the Council (or its advisers) in relation to this EOI is confidential and shall not be used other than for the purpose of preparing EOIs.
      2. All EOIs provided to the Council shall be retained by the Council and shall be treated as confidential by the Council. However the Council is subject to the Local Government Official Information and Meetings Act 1987. Information provided by participants may be required to be disclosed under that Act.

### Information complete and accurate

* + - 1. By submitting an EOI each participant warrants and represents to the Council:
         1. that all information provided by the participant to the Council or the Council Contact Person in or in relation to the participant’s EOI is complete and accurate in all material respects; and
         2. that the provision of that information to the Council and the use of it by the Council for the evaluation of the EOI and for the negotiation of any resulting contract, will not breach any third party intellectual property rights.

### EOI costs

* + - 1. Participants must pay their own costs of preparing and submitting EOIs, including (without limitation):
         1. Any communications or negotiations with the Council;
         2. Any meetings or interviews with the Council and
         3. Any site inspections.

### Governing law

* + - 1. This EOI is governed by New Zealand law. The New Zealand courts and legal system have exclusive jurisdiction as to all matters relating to this EOI.

### Liability limitation

* + - 1. Other than the acknowledgements, warranties and representations of the participant set out in these EOI documents, included in its EOI or implied by the submission of its EOI as set out in these EOI documents, no contract or other legal obligations shall arise between the Council and any participant out of or in relation to this EOI process. The Council and its agents or advisors will not be liable in contract or tort or in other way for any direct or indirect damage, loss or cost incurred by any participant or other person in respect of this EOI process*.*

## Evaluation of Expressions of Interest

### Evaluation criteria

* + - 1. EOIs will be evaluated against the Council’s requirements as set out in this EOI document.
      2. Each EOI received will be evaluated as to its merits with respect to but not limited to the following:
         1. Alignment with requirements of the Sandy Point Domain Management Plan (2013).
         2. Alignment with Regional Spaces and Places Strategy.
         3. Demonstrated ability to operate and maintain recreation facility.
         4. Demonstrated community need.
         5. Maximising the use of the facility (partnerships between organisations to achieve this, is encouraged).
         6. Financial sustainability to support lease and any required enhancements
         7. Strength of proposed future use.

### Clarification

* + - 1. During EOI evaluation, you may be contacted by the Council Contact Person in order to clarify any aspect of your EOI. These requests should be responded to promptly. The Council reserves the right not to consider an EOI where clarifying information is not promptly provided.

### Alternative EOIs

* + - 1. Alternative EOIs may be considered or rejected by the Council in the Council’s entire discretion.

### Referees and Council’s knowledge

* + - 1. The Council is not obliged to contact referees provided by participants and may seek further information on any issue from sources other than the referees provided. The Council may also take into account knowledge of a participant it already has.

## EOI outcomes

### Communication of EOI outcomes

* + - 1. Participants will be notified in writing of the outcomes of this EOI.

### Shortlisting and tendering

* + - 1. Where there is a decision to invite shortlisted participants to respond to a closed tender or proposals, the selected participants will be notified and provided the tender or proposals proceeds, will receive tender or proposal documents in due course. The unsuccessful participants will be advised that their EOI was not successful.

### Shortlisting and negotiation

* + - 1. Where there is a decision to shortlist and proceed to negotiation directly from this EOI process:
         1. the shortlisted participant(s) will be notified that they have been selected to enter into negotiations with Council and the expected time frame for negotiations.
         2. other participants may be notified either that:

their EOIs have been unsuccessful, or

their EOI has not been rejected but they have not been selected for negotiations at that stage. Such participants may be invited to enter into negotiations if negotiations with higher ranking participants are not successful.

* + - 1. Any failure to reach agreement between the Council and any selected participant may result in a re-evaluation of other participants. Contract negotiation may then commence with the participant(s) selected from this re-evaluation.
      2. Any negotiations shall be on the basis that neither party shall be bound unless and until the contract documents are executed.

### Preferred participant

* + - 1. Should the Council advise any participant that its EOI is the ‘top ranking’ or preferred EOI, such advice does not:
         1. constitute an acceptance by the Council of that EOI or create a contract;
         2. constitute an award of the contract to that participant; or
         3. imply or create an obligation on the Council to enter into or continue negotiations with or award the contract to such participant.
      2. The Council may discontinue negotiations with any ‘top ranked’ or preferred participant at any time.

### Post evaluation de-brief

* + - 1. Participants may request a post-evaluation debrief meeting with a Council representative to discuss their EOI submission. The purpose of such debrief is to provide helpful feedback on the participant’s EOI to assist the participant to improve subsequent submissions. Any such meeting will not cover details of competing EOIs or the basis of specific evaluation for any EOI, will be informal, on a without prejudice basis and non minuted.

# Section B – Information required

**Part 1 - Information Required**

**1.1 Instructions**

This Section sets out the information required in your EOI. Please provide all information requested.

Please complete the form of Expression of Interest set out in Section C.

EOIs should be structured and include the information as set out in this Section. (**Please follow the same order and paragraph numbering**.) Where an information requirement is not relevant to your EOI then indicate ‘N/A’ or ‘Not Applicable’ against that item. If the information requirement invites you to comment and you do not choose to, then indicate ‘No Comment’ against that item.

A word version of this Section is available for use by participants. Note the existing text in the form should not be changed and that non-identified changes will be disregarded. Use of the electronic version is strongly recommended.

**1.2 Information required**

Please provide the information covering the following:

1. Structure of organisation (i.e. organisation, partnership, sole use, charitable trust, incorporated society).
2. What you intend to do to provide for improvement (or demolition)/regular maintenance to the building (and time frames for completion).
3. Health and Safety competence.
4. An outline of your proposed use of the facility (multi/shared use will be favoured).
5. Confirmation that you have financial resources to occupy the site for up to 5 year duration.
6. Time sought for stabilisation, rehabilitation, development and adaptive reuse.
7. Site improvement plan (if applicable).
8. Public good offered.Section C – Expression of Interest Form

To: Invercargill City Council

We attach our expression of interest (**EOI**) for the purchase of Sandy Point Water-ski and Runabout Building and lease the platform it sits on in accordance with your Expression of Interest dated Saturday 11 December, 2021.

The party (ies) submitting this EOI is/are:

..........................................................................................................

...........................................................................................................

We acknowledge receipt of amendment notices numbered [ ] to [ ].

Our contact details for this EOI are:

|  |  |  |  |
| --- | --- | --- | --- |
| Name of the party submitting Expression of Interest | |  | |
| Contract person |  | Phone (DDI): |  |
| Mobile: |  | Email: |  |
| Postal Address: |  | Courier Address: |  |

Dated [20 ]

Signed by )

[ ] )

for and on behalf of the party submitting the Expression of Interest)