



# **EXPRESSION OF INTEREST**

**E074/2020**

**for**

## **Business Modelling Consultancy for Council Operated Aquatic Facilities**

For further information please contact:

**NAME:** Peter Watling  
**TITLE:** Strategic Sports and Recreation Co-ordinator  
**ADDRESS:** Tamworth Regional Council  
PO Box 555  
TAMWORTH NSW 2340  
**TELEPHONE:** (02) 6767 5030 or 0429 384 561  
**FACSIMILE:** (02) 6767 5499  
**E-MAIL:** [trc@tamworth.nsw.gov.au](mailto:trc@tamworth.nsw.gov.au)

**Closing Date: 4 February 2020**

## Table of Contents

A.	REQUEST FOR EXPRESSION OF INTEREST .....	3
B.	PROPOSAL .....	3
C.	CONDITIONS OF SUBMITTING AN EXPRESSION OF INTEREST.....	4
	1. INTERPRETATION.....	4
	2. INTERESTED PARTY STATUS.....	5
	3. INTERESTED PARTY TO INFORM ITSELF .....	5
	4. EXPRESSION OF INTEREST .....	5
	5. GENERAL CONDITIONS OF CONTRACT .....	5
	6. ACKNOWLEDGEMENT BY INTERESTED PARTY .....	5
	7. CONFIDENTIALITY .....	6
	8. COLLUSIVE EXPRESSIONS OF INTEREST .....	6
	9. LEVIES AND TAXES .....	6
	10. SUBMISSION PROCEDURE .....	7
	10.1. Requirements .....	7
	10.2 Expression of Interest Box Lodgement .....	7
	10.3 Acceptance of Non-conforming Expressions of Interest.....	7
	11. OPENING OF EXPRESSIONS OF INTEREST .....	7
	12. ASSESSMENT AND ACCEPTANCE .....	7
	13. PRE – EXPRESSION OF INTEREST MEETING .....	8
	14. ACCEPTANCE / REJECTION OF EXPRESSION OF INTEREST .....	8
	15. LODGEMENT .....	8
D.	FURTHER INFORMATION AND INSPECTIONS.....	9
	1. COMMUNICATIONS RELATING TO THIS EXPRESSION OF INTEREST INVITATION.....	9
	2. SITE INSPECTIONS.....	9
	EXPRESSION OF INTEREST MANDATORY INFORMATION .....	13

## **A. REQUEST FOR EXPRESSION OF INTEREST**

Council invites interested parties to lodge an expression of interest for business modelling consultancy for Council operated aquatic facilities.

Tamworth Regional Council is exploring management options for the future operation of its six regional public aquatic facilities. Currently the six public aquatic facilities are owned and managed in-house by Council, utilising both permanent and seasonal casual staff.

The aquatic facilities are located as follows:

- Tamworth City Olympic Pool – 50 metre outdoor main pool plus toddler pool (asset is 80 years old)
- Tamworth South and West Memorial Pool – 50 metre outdoor pool (heated) plus water slide plus 15 metre program pool and toddlers pool (asset is 50 years old)
- Kootingal Pool – 25 metre outdoor pool and toddlers pool (asset is 50 years old)
- Nundle 25 metre outdoor pool and baby pool (asset is 50 years old)
- Manilla 50 metre outdoor pool and toddlers pool (asset is 50 years old)
- Barraba 33 metre outdoor pool and baby pool (main asset is 50 years old) and water slide (plus 12.5 metre indoor heated therapy/public pool – all season (21 years old)

The six facilities are open to the public from mid October to mid April each year.

Council is currently developing plans to provide a major indoor and all-year aquatic and leisure centre in Tamworth. This would involve the decommissioning of the two city-based pools in the future. The likely timeframe for this development is five to seven years, subject to obtaining State and Federal Government funding. It is likely that the four village-based pools would continue indefinitely. The city-based pools would continue to operate until the new indoor aquatic and leisure centre is constructed and fully operational.

## **B. PROPOSAL**

Council is seeking expressions of interest that will encompass:

- Project Scope which will include the following aspects:
  - methodology;
  - review of current Tamworth Regional Council aquatic facilities and operating performance;
  - development of operating financial and management business models;
  - alternate management options with start up / transition aspects identified;
  - current aquatic industry trends and relevance to older community pool infrastructure;
  - draft and final report milestones and recommendations for Council consideration;
  - risk minimisation considerations (costs / staff / asset improvement and operational needs); and

- opportunities for aquatic management investment and long-term lease opportunities.

The request for expressions of interest has been issued in the context of Council ensuring that the proposed use of the area is consistent with Council's vision for the development of the Tamworth region as a major and vibrant regional centre.

The expression of interest form is attached at **APPENDIX A**.

Before lodging an expression of interest, interested parties are invited to discuss their concepts and proposals, and seek additional information. Peter Watling, Strategic Sports and Recreation Co-ordinator, can be contacted on (02) 6767 5030, 0429 384 561 or [trc@tamworth.nsw.gov.au](mailto:trc@tamworth.nsw.gov.au).

## **C. CONDITIONS OF SUBMITTING AN EXPRESSION OF INTEREST**

### **1. INTERPRETATION**

In these "Conditions of Submitting an expression of interest" and elsewhere, except where the context requires otherwise:

**"Closing Date"** means the last date for the lodgement of an expression of interest being 11.00am AEDT on 4 February 2020

**"Council"** means Tamworth Regional Council and includes its authorised delegates;

**"Day"** means business day, that is not Saturday or Sunday or a public holiday for the Council's employees;

**"Expression of Interest"** means lodgement of a detailed proposal or concept with respect to the Business Modelling Consultancy for Council operated aquatic facilities containing all requested information and documentation, with a view towards subsequently entering into negotiations with Council (refer to clause 4 of these conditions);

**"Interested Party"** means the person or entity lodging an expression of interest;

**"Person"** includes an individual, a corporation or a body politic;

**"Expression of Interest document"** includes all of the following:

- (i) the request for expressions of interest document in its entirety including:
  - a) information for interested parties; and
  - b) conditions of submitting an expression of interest;
- (ii) expression of interest form submitted by interested party;
- (iii) the Information supplied by interested parties; and
- (iv) any further written information supplied as an addendum to this request for expression of interest document.

In these conditions, unless the contrary intention appears, words importing a gender include any other gender and words in the singular include the plural and vice versa.

## **2. INTERESTED PARTY STATUS**

It is Council's practice to negotiate and contract only with persons having appropriate financial resources, insurances and legal status.

If the interested party is a Trust or a Trustee of a Trust, then a full copy of the trust deed may be requested by Council for inspection.

It is also Council's practice to deal with entities that have an Australian Business Number (ABN) and are registered for GST.

## **3. INTERESTED PARTY TO INFORM ITSELF**

The interested party shall bear all costs or expenses incurred by it in preparing and lodging an expression of interest. Council recommends that you obtain independent financial and legal advice regarding the expression of interest document. In addition, no costs, expenses, losses, damages, allowances or payments will be paid to the interested party as a result of you neglecting to have examined or obtaining appropriate professional advice and/or carrying out your own due diligence. The interested party should make itself familiar with:

- a) all parts of this expression of interest document;
- b) all information made available and/or all information obtainable in relation to the land by the making of reasonable enquiries;
- c) the site and its surroundings including the location of all existing public utility services and the availability of services (where relevant to the project); and
- d) satisfied itself as to the correctness and sufficiency of its expression of interest.

## **4. EXPRESSION OF INTEREST**

The lodgement of an expression of interest by an interested party in accordance with these "Conditions of Submitting an Expression of Interest" will constitute an offer to enter into negotiations with Council with a view towards exploring and developing a proposal that may subsequently be proposed to Council for formal approval for the management options for Council aquatic facilities.

The expression of interest lodged by an interested party will remain open for Council to consider and commence negotiations with an interested party until 180 days from the closing date.

## **5. GENERAL CONDITIONS OF CONTRACT**

The general conditions of any subsequent Lease (if any) will be developed by negotiation between the parties.

## **6. ACKNOWLEDGEMENT BY INTERESTED PARTY**

The interested party acknowledges and agrees that:

- a) it does not rely upon any verbal agreement or other conduct whatsoever by or on behalf of Council amending these "Conditions of Submitting an Expression of Interest";

- b) Council will not be liable for any cost whatsoever incurred in preparing and submitting the expression of interest;
- c) None of those “Conditions of Submitting an Expression Of Interest” will be waived, discharged, varied, amended, modified or released except by written notification by Council;
- d) It shall be responsible for any interpretation, deduction and conclusion made from the information made available and accepts full responsibility for any such interpretation, deduction and conclusions;
- e) It does not rely in making its expression of interest upon any warranty or representation made by or on behalf of Council except as are expressly provided in the expression of interest Documents and has relied entirely upon its own enquiries, professional advice and inspections.

## **7. CONFIDENTIALITY**

Any information disclosed or obtained from either Council or the interested party about this expression of interest must be kept strictly confidential except in the situations where disclosure is:

- a) necessary in the process of assessing expressions of interest, or where Council discloses all or part to any of its advisers and consultants or where Council publishes in its business papers, details of the expression of interest as may be required and permitted by law;
- b) under compulsion of law or it is already public knowledge; or
- c) with the written consent of Council.

## **8. COLLUSIVE EXPRESSIONS OF INTEREST**

Any participation in or condoning of a collusive activity by an interested party shall lead to the immediate disqualification of the interested party or of all interested parties involved. Any interested party involved may be barred from lodging an expression of interest or tender for any further contracts with Council. A collusive activity includes but is not limited to:

- a) any agreement as to who should be the successful interested party;
- b) any agreement for the payment of money or a reward or benefit for unsuccessful interested parties by the successful interested party;
- c) any agreement or collaboration of interested parties to fix prices, rates of payment or conditions of contract;
- d) the submission of a “cover expression of interest”, being an expression of interest submitted as genuine but which has been deliberately prepared in order not to win the right to negotiate.

## **9. LEVIES AND TAXES**

The interested party shall:

- a) provide its ABN and documented evidence of its registration for GST; and
- b) specify whether any price offered is inclusive or exclusive of GST (Goods and Services Tax).

## 10. SUBMISSION PROCEDURE

### 10.1. Requirements

An expression of interest must be in writing. It must contain the documents, information and details required including the expression of interest form, filled out and properly signed. It must be lodged in the expression of interest box using one of the methods described in this clause, on or prior to the closing date.

### 10.2 Expression of Interest Box Lodgement

The expression of interest shall be:

- a) posted to the address of the Council shown in the expression of interest document so that it is received not later than the closing date for expressions of interest; or
- b) placed in the expression of interest box located at the address of the Council shown in this document not later than the closing date; or
- c) emailed to [trc@tamworth.nsw.gov.au](mailto:trc@tamworth.nsw.gov.au)

**Note: Under no circumstances are expression of interest documents to be emailed to Council staff.**

The expression of interest including all its parts must be placed and delivered in a sealed envelope **clearly displaying the expression of interest number and the project title.**

Council will only consider a late expression of interest (received after the closing date) where the interested party is able to verify that the expression of interest document was posted or lodged at a post office or other recognised delivery agency in sufficient time to enable the document to have been received by Council before the closing date in the ordinary course of business.

### 10.3 Acceptance of Non-Conforming Expressions of Interest

Council reserves the right to waive compliance with a formality requirement for making a submission at the sole discretion of Council.

## 11. OPENING OF EXPRESSIONS OF INTEREST

Council will not open expressions of interest until immediately after the closing date.

## 12. ASSESSMENT AND ACCEPTANCE

- a) Expressions of interest will be assessed on their merits.
- b) Once submitted, an expression of interest may be varied to provide further information by way of explanation or clarification or to correct a mistake or anomaly.
- c) Council reserves the right to contact an interested party to seek clarification and further information regarding any aspect of an expression of interest prior to making a decision.

- d) Council will advise the successful interested party and/or interested parties in writing by posting a notice seeking to enter into further discussions and negotiations with a view towards developing a proposal which may subsequently be submitted to Council for a decision.
- e) Council reserves the right to enter into discussions with more than one interested party and to discontinue negotiations with an interested party at any time.
- f) Council may request an interested party to make a presentation which explains their proposal for the use of the land.
- g) Council may not enter into any Lease of the land as a result of the expression of interest process.

### **13. PRE - EXPRESSION OF INTEREST MEETING**

If an interested party requires it a pre-expression of interest meeting will be held on a date, time and place to be nominated. A Council officer will be available at that time to answer any interested party's queries regarding the request for expression of interest. Inspection of the six aquatic facilities can be arranged with the Tamworth Regional Council contact person.

### **14. ACCEPTANCE / REJECTION OF EXPRESSION OF INTEREST**

Council has the right at its sole discretion to explore and to reject any expression of interest or may discontinue negotiations with an interested party after it has been requested to enter into negotiations.

### **15. LODGEMENT**

An interested party may lodge more than one proposal or concept in response to this request for lodgement of an expression of interest.

## **D. FURTHER INFORMATION AND INSPECTIONS**

### **1. COMMUNICATIONS RELATING TO THIS EXPRESSION OF INTEREST INVITATION**

The principal Council contact relating to this **expression of interest** process is:

Peter Watling  
Strategic Sports and Recreation Co-ordinator  
Telephone: (02) 6767 5030 or 0429 384 561  
Email: [trc@tamworth.nsw.gov.au](mailto:trc@tamworth.nsw.gov.au)

### **2. SITE INSPECTIONS**

Site inspection of the six aquatic facilities can be arranged by contacting Peter Watling on (02) 6767 5030 or 0429 384 561.

## **APPENDIX A**

### **EXPRESSION OF INTEREST FORM**

**E074/2020**



**OR**

The Common Seal of ) .....  
..... ) **Print Name of authorised person**  
was affixed by the Authority of the Board in the )  
presence of: ) .....  
..... ) **Signature**  
)  
) .....  
) **Position Held**  
)  
) .....  
**Date**

c) Executed by authority under Power of ) .....  
attorney by: ) **Print Name**  
..... )  
for and on behalf of: ) .....  
..... ) **Signature**  
)  
) .....  
) **Title**  
)  
) .....  
**Date**

## **SCHEDULE 1**

### **EXPRESSION OF INTEREST MANDATORY INFORMATION**

**Please attach written responses to each of the following mandatory points.**

1. Project methodology and milestones/timelines
2. Project budget (itemised) and expected payment schedule
3. Project team details and similar aquatic strategy and project experience and outcomes;
4. Contractor insurance and Quality Assurance details
5. Special terms and conditions of Contractor
6. Contactable relevant referees.