



# RESPONSE SCHEDULES

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Expression of Interest- Malanda Falls Caravan Park

CONTRACT NO.: T-TRC2023 -11



This document is based on a template which forms part of the Far North Queensland Regional Organisation of Councils standard procurement suites produced in collaboration with Helix Legal.

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## **Notice to Respondent: Collection, Use and Disclosure of Information**

### **1. Information Privacy**

1.1 The Principal collects personal information and non-personal information in the EOI so that it can properly conduct the procurement process and otherwise carry out its functions as a local government authority. The Principal is authorised to collect this information under the Local Government Act 2009 (Qld) (**LGA**) and the Local Government Regulation 2012 (Qld). The information in the Respondent's EOI will be accessible by employees of the Principal and third party personnel engaged to assist the Principal in conducting the procurement process or otherwise carrying out the functions of the Principal. Information in the EOI may also be disclosed in accordance with the Procurement Process Conditions and as required by law, including the Local Government Regulation 2012 (Qld) (**LGR**) and the Right to Information Act 2009 (Qld) (**the RTI Act**) as described below.

### **2. Publication and display of relevant details under Local Government Regulation**

2.1 The LGR provides that the Principal must, as soon as possible after entering into a contractual arrangement worth \$200,000 or more (exclusive of GST) publish relevant details of the contract (including the person with whom the Principal has entered into the contractual arrangement, the value of the contractual arrangement and the purpose of the contractual arrangement) on the Principal's website and display relevant details of the contract in a conspicuous place in the Principal's office. The relevant details must be published or displayed in this manner for a period of at least 12 months.

2.2 The Principal may also be required to make documentation and information contained in, or provided by the Respondent in connection with, an EOI (including documentation and information identified by the Respondent as confidential) publicly available where that documentation or information is:

- (a) discussed in a local government meeting (as that term is defined in the LGA (**Local Government Meeting**));
- (b) included in a report or other document that:
  - (i) relates to an item on the agenda for a Local Government Meeting and is made available to councillors or committee members for the purposes of the meeting;
  - (ii) is directly relevant to a matter considered or voted on at a Local Government Meeting; or
  - (iii) is presented at a Local Government Meeting for the consideration or information of the local government or committee; or
- (c) otherwise required to be disclosed pursuant to a provision of the LGA or the LGR.

### **3. Disclosure under Right to Information Act**

3.1 The RTI Act provides members of the public with a legally enforceable right to access documents held by Queensland Government agencies (including the Principal). The RTI Act requires that documents be disclosed upon request, unless the documents are exempt or on balance, disclosure is contrary to public interest. Information or documentation contained in or provided by a Respondent in connection with an EOI is potentially subject to disclosure to third parties, including documentation and information identified by the Respondent as confidential. Any application for disclosure will be assessed in accordance with the terms of the RTI Act.

3.2 Notwithstanding any other provision of the EOI Documents or an EOI, if a tender is accepted, the Principal may publish on a Queensland Government website or by any other means, contract information including:

- (a) the name and address of the Principal and the successful Respondent;
- (b) a description of the goods and/or services to be provided or works to be carried out pursuant to the contract;
- (c) the date of award of the contract (including the relevant stages if the contract involves more than one stage);
- (d) the contract value (including the value for each stage if the contract involves more than one stage and advice as to whether any non-price criteria were used in the evaluation of EOIs);
- (e) the procurement method used; and
- (f) for contracts with a value over \$10 million, the contract, or summary information in respect of the contract, between the Principal and the Respondent.

# EOI Overview and Checklist

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The Respondent is to attach this checklist and all of the documents and information stated in the table below, to its EOI. An EOI which does not include this checklist and all of the information below may be treated as a non-conforming EOI. Terms which are capitalised but not defined in these Response Schedules have the meaning assigned to them in the written request for expression of interest documents which were issued or made available to the Respondent with these Response Schedules.

Item	Included – Yes ✓	Included – No X
<b>EOI Form</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule A – Respondent Details, Conflict of Interest and Legal Matters</b>	<input type="checkbox"/>	<input type="checkbox"/>
Schedule A1 – Respondent Details	<input type="checkbox"/>	<input type="checkbox"/>
Schedule A2 – Respondent’s Representative	<input type="checkbox"/>	<input type="checkbox"/>
Schedule A3 – Conflict of Interest	<input type="checkbox"/>	<input type="checkbox"/>
Schedule A4 – Legal Matters	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule B – Financial Details and Solvency</b>	<input type="checkbox"/>	<input type="checkbox"/>
Schedule B1 – Financial Details of	<input type="checkbox"/>	<input type="checkbox"/>
Schedule B2 – Solvency of Respondent	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule C – Insurances</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule D – Business Profile (Local, Social and Sustainability)</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule E – Experience and Technical Capacity</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule F – Maintenance and Upgrade</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Schedule G – Commercial</b>	<input type="checkbox"/>	<input type="checkbox"/>

# EOI Form

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Tender: Request for Expressions of Interest – Malanda Falls Caravan Park – T-TRC2023-11

1. [RESPONDENT TO INSERT CORRECT LEGAL ENTITY OF RESPONDENT] lodges an EOI for the provision of interested party to enter into a long-term lease agreement for the on-going operation of Malanda Falls Caravan Park, for a period of up to 30 years in accordance with the EOI Documents, incorporating:

(a) the Request for Expressions of Interest; and

(b) the following Addenda:

[RESPONDENT TO INSERT ADDENDUM NO. AND NAME]
[RESPONDENT TO INSERT ADDENDUM NO. AND NAME]
[RESPONDENT TO INSERT ADDENDUM NO. AND NAME]

3. The Respondent acknowledges that it has read and understood the EOI Documents and in particular all of its obligations under, warranties given or to be given in, and representations made or to be made in the EOI Documents or any part of them.

Signed for and on behalf of the Respondent by:

Name: [RESPONDENT TO INSERT NAME OF SIGNATORY] \_\_\_\_\_

Position: [RESPONDENT TO INSERT POSITION OF SIGNATORY] \_\_\_\_\_

Signature: [RESPONDENT TO SIGN] \_\_\_\_\_

Date: [RESPONDENT TO INSERT DATE] \_\_\_\_\_

who warrants that they are duly authorised to sign for and on behalf of [RESPONDENT TO INSERT NAME OF RESPONDENT]

*Note: The EOI Form is to be signed for and on behalf of the Respondent by a person or persons having full authority to bind the Respondent for the purposes of the EOI and evidence of such authority must be provided on request.*

# Schedule A – Respondent Details, Conflict of Interest and Legal Matters

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## Schedule A1 – Respondent Details

Name of Respondent:

Head Office Address:

Local Branch Office Address:

ABN or ACN:

Trading As:

QBCC Licence No. (if applicable):

QBCC Licence Category (if applicable):

Telephone Number:

Name of Directors:

Name of Manager:

Name of Secretary:

Name of Parent Company:

Names of Subsidiary and Associated Companies:

Is the Respondent acting as a trustee of a Trust?

Name and Details of Respondent's Trust\*

Trust Name:

Names and addresses of all of beneficiaries:

\* **Note:** The Respondent is to include a copy of the trust deed, tick if attached: Yes  No

## Schedule A2 – Respondent’s Representative

Please identify the person who will be the Respondent’s representative during the Procurement Process.

Name of Representative:

Office Number:

Mobile Number:

Email address:

Postal Address:

## Schedule A3 – Conflict of Interest

Will any actual or potential conflict of interest in the performance of the Respondent’s obligations exist if the Respondent is ultimately engaged to carry out the whole or part of the Scope during the Term, or are any such conflicts of interest likely to arise during the life of the contract? Yes  No

If Yes, please provide details of any actual or potential conflict of interest and the way in which any conflict will be dealt with below:

[Click once and start typing]

## Schedule A4 – Legal Matters

Please provide details of any significant outstanding legal matters affecting the Respondent or any significant legal disputes involving the Respondent settled or determined in the last three (3) years.

Nature of legal matter	Status of legal matter	Date resolved (if resolved)

**Note:** This is a mandatory schedule. If there are no legal matters to note please indicate “Not Applicable”.

# Schedule B – Financial Details and Solvency

## Schedule B1 – Financial Details of Respondent

The Respondent must provide the details below. The Respondent must verify the responses noted in this Schedule by providing further supporting documentation if and when requested by the Principal.

Item	Last 3 financial years ending June 30:		
	2019/2020	2021/2022	2022/2023
1. Turnover (revenue) including contract receipts			
2. Direct expenses			
3. Gross profit			
4. Operating expenses			
5. Net profit			
6. Current Assets <ul style="list-style-type: none"> <li>- Cash</li> <li>- Trade debtors</li> <li>- Inventory</li> <li>- Other</li> </ul>			
7. Current liabilities <ul style="list-style-type: none"> <li>- Trade creditors</li> <li>- Provisions: <ul style="list-style-type: none"> <li>i. Employee entitlements</li> <li>ii. Income tax</li> </ul> </li> <li>- Other</li> </ul>			
8. Working capital (Item 6 minus 7)			
9. Non-current assets <ul style="list-style-type: none"> <li>- Loans</li> <li>- Investments</li> <li>- Property, plant and equipment</li> </ul>			
10. Non-current liabilities <ul style="list-style-type: none"> <li>- Loans</li> <li>- Creditors</li> <li>- Provisions</li> <li>- Other</li> </ul>			
11. Net assets (Item 8 plus Item 9 minus Item 10)			
12. Shareholders/proprietors funds <ul style="list-style-type: none"> <li>- Share capital</li> <li>- Reserves</li> <li>- Accumulated profits/losses</li> </ul>			

Item	Last 3 financial years ending June 30:		
	2019/2020	2021/2022	2022/2023
(Total of Item 11 should equal total of Item 12)			



## Schedule B2 – Solvency of Respondent

Item	Tick Yes or No
1. Is the Respondent currently, or has the Respondent at any time in the last 5 years been, unable to pay its debts as and when they become due and payable?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Is a liquidator or provisional liquidator currently appointed in respect of the Respondent or has one been appointed in respect of the Respondent in the last 5 years?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Is, or at any time in the last 5 years has, a controller, manager, trustee, receiver, receiver and manager, administrator or similar officer been appointed to the Respondent or any asset of the Respondent?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. In the last 5 years, has any application (not being an application stayed, withdrawn or dismissed within 14 days) been made to a court for an order, or has an order been made, a meeting convened or a resolution passed, for the purpose of: <ul style="list-style-type: none"> <li>- appointing a person referred to in paragraphs 2 or 3;</li> <li>- winding up or de-registering a party; or</li> <li>- proposing or implementing a scheme of arrangement</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. In the last 5 years has any application (not being an application stayed, withdrawn or dismissed within 14 days) been made to a court for an order, or has an order been made, a meeting is convened, a resolution is passed or any negotiations commenced, for the purpose of implementing or agreeing: <ul style="list-style-type: none"> <li>- a moratorium of debts of any party;</li> <li>- any other assignment, composition or arrangement (formal or informal) with a party's creditors; or</li> <li>- any similar proceeding or arrangement by which the assets of a party are subjected conditionally or unconditionally to the control of that party's creditors or a trustee,</li> <li>- or any agreement or other arrangement of the type referred to in this paragraph 5 been ordered, declared or agreed.</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>

# Schedule C – Insurances

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The Respondent is to provide details of the following insurances and attach certificates of insurance for the following:

## **WORKERS COMPENSATION**

Policy Number:

Expiry Date:

## **PUBLIC AND PRODUCT LIABILITY**

The Principal to be noted as an interested party on the policy.

Insurance Company:

Policy Number:

Expiry Date:

Indemnified amount for any one occurrence:

Any Limit of Indemnity:

## **PROFESSIONAL INDEMNITY (if the Scope includes design work)**

Insurance Company:

Policy Number:

Expiry Date:

Indemnified amount for any one occurrence:

Any Limit of Indemnity:

## **THIRD PARTY AND COMPREHENSIVE MOTOR VEHICLE INSURANCE (for each vehicle used by the Respondent in performing its obligations in connection with the Tender) (if required by the Scope)**

Insurance Company:

Policy Number:

Expiry Date:

## **PLANT AND EQUIPMENT INSURANCE (for each item of plant used by the Tenderer in performing its obligations in connection with the Tender) (if required by the Scope)**

Insurance Company:

Policy Number:

Expiry Date:

## Schedule D – Business Profile (Local, Social and Sustainability)

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The Respondent is to provide the following information

- Locality of Respondent or service facility;
- Knowledge of the region and the operation of the Principal; and
- Describe any social benefits provided to the local community if your company was awarded the contract.

## Schedule E – Experience and Technical Capacity

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Provide details of the provision of goods and/or services similar to those identified in the Scope currently underway by the Respondent:

Project Name	Scope Performed Relevant to this Tender	Amount of Contract (\$AUD)	Start Date	Anticipated Completion Date
		\$		
		\$		
		\$		

Please provide details of the provision of goods and/or services similar to those identified in the Scope by the Respondent in the last 5 years:

Project Name	Scope Performed Relevant to this Tender	Amount of Contract (\$AUD)	Client Name and Contact Details
		\$	
		\$	
		\$	

## Schedule F – Maintenance and Upgrade

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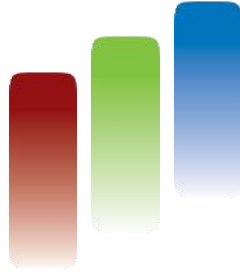
The Respondent is to provide the following information;

- Proposed plan to undertake maintenance of site; and
- Proposed plan for improvements of the Site.

## Schedule G – Commercial

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The Respondent is to provide the commercial viability of the proposal as demonstrated by the proponent's business case.



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