

Bombala Livestock Yards

Expression of Interest | Rosemeath Road, Bombala

Contents

1	Background	3
1.1	Maintenance	3
2	EOI Process	3
3	Submission Requirements	4
4	Expression of Interest Terms and Conditions	4
4.1	General Conditions	4
4.1.1	Reservations	4
4.1.2	Use and Ownership of Responses	5
4.1.3	Disclosure	6

1 Background

Snowy Monaro Regional Council (SMRC) is seeking expressions of interest from interested parties that have the capacity and capability to enter a lease to operate the Bombala livestock yards (the yards) and associated infrastructure.

The yards are located at Rosemeath Road, Bombala and have been operating for more than 30 years as a livestock sale facility and livestock holding yards.

The yards constitute the following:

- Situated on 5.8 hectares
- Three holding paddocks and multiple smaller pens capable of holding sheep and cattle
- Loading ramps
- Truck wash
- Truck parking
- Public amenities – attached to the Council operated pound
- One shed split into three sheds - Rotary, Lions and motorcycle clubs
- A detached shed and small grassed area belonging to Council's Maintenance team
- Council operated pound

1.1 Maintenance

The yards are currently underutilised. As a result, there has been a reduction in general maintenance and care, leading to a facility that is not up to standard.

Maintenance issues include:

- Damaged and broken pens
- Safety issues for animals in the chute
- Driveway and access issues
- General issues such as rubbish being left unattended

SMRC considers that the lease of the yards will address the strategic direction of meeting the current and future needs of the agricultural community, by improving the quality and usage of the yards, particularly the generation of revenue to contribute to the repair and maintenance of the yards and associated infrastructure.

Key stakeholders include local farmers and transport companies. A successful lessee will be expected to maintain and operate the yards for all stakeholders to use for transportation of cattle and sheep throughout our region.

A lease will be structured to require the lessee to upgrade the saleyards to the minimum standards necessary and to undertake ongoing maintenance.

2 EOI Process

- EOI advertised on **Friday 27 January 2023**
- Interested parties to register via email to Simone.Ward@snowymonaro.nsw.gov.au to obtain a copy of EOI document
- On-site inspection to be held at **9am Friday 3 February 2023**
Attendance to be registered by email to Simone.Ward@snowymonaro.nsw.gov.au no later than **9am Thursday 2 February 2023**
- Questions of clarification to be submitted no later than **4pm Friday 10 February 2023**

- Questions of clarification to be answered no later than **4pm Wednesday 15 February 2023**
- EOI responses to be submitted prior to **12pm Wednesday 22 February 2023** to Simone.Ward@snowymonaro.nsw.gov.au

3 Submission Requirements

SMRC invites experienced parties to submit a response to this EOI.

Responses must address each of the following criteria.

1. Describing the operational model that you are proposing that would best deliver services to the Bombala community and surrounds as well as providing the opportunity for you to run a business.
 - a. The yards must stay open to stakeholders for the duration of the lease agreement.
2. Whether you express an interest to include operation of the truck wash in the lease agreement. A condition of this is that existing users will retain access to the truck wash.
3. Any upgrades that will be undertaken and commitment to undertake ongoing maintenance.
4. Indicative, non-binding financial offer.

4 Expression of Interest Terms and Conditions

4.1 General Conditions

1. Responses must comply with the requirements set out in this EOI and the conditions set out below. Responses which do not comply with the requirements of this EOI may be considered or set aside at SMRC's sole discretion.
2. In submitting a response, Respondents are deemed to have:
 - Examined the EOI and any other information made available to the Respondents for the purpose of registering a response
 - Examined all information relevant to risks, contingencies and other matters affecting or potentially affecting their response and which is obtainable by making reasonable enquiries
 - Examined statutory requirements and satisfied themselves that they are not participating in any anti-competitive, collusive, deceptive or misleading practices in structuring and submitting their response
 - Satisfied themselves as to the correctness and sufficiency of their response.
3. In their responses, Respondents must provide proof of their legal status.

4.1.1 Reservations

1. This EOI has been prepared for information purposes only. It does not constitute an offer. Other than the Respondent's acceptance of these terms, it does not, nor is it intended to, create any legal rights or obligations.
2. This document does not, and does not purport to contain all of the information that a Respondent requires to consider the assets and decide to submit a response. Each recipient of this document acknowledges and agrees that it should make its own enquiries and seek its own advice in connection with the Assets and this EOI opportunity.

3. SMRC reserves the right to withdraw, modify, suspend, terminate, delay or accelerate at any time, the selection process and/or Terms and Conditions set out in this EOI, to issue addenda, or to elect not to proceed with a lease agreement. SMRC will not be liable for any loss suffered by any Respondent as a result of such withdrawal, modification, suspension, termination, delay or acceleration.
4. SMRC is not bound to accept or select any responses. SMRC reserves the right to accept responses in relation to some and not all of the scope of activity described, or appoint to the Shortlist one, more than one or no organisation on the basis of the responses received in its absolute discretion. SMRC reserves the right to consider any response regardless of whether it conforms with this EOI, to advertise further EOIs, and to negotiate with any party outside this EOI.
5. SMRC reserves the right to invite any other interested parties to submit responses for consideration, shortlist any number of interested parties which it deems appropriate, deal with different parties on different bases; deal exclusively with one or more interested parties at any time and negotiate with any one or more parties at any one time.
6. SMRC reserves the right to engage a third party to assess a Respondent's financial, technical, planning and other resource capability.
7. SMRC reserves the right to seek clarification or further information in relation to any response.
8. To the extent permitted by law, neither SMRC nor its employees or consultants shall be liable to any Respondent or any other person under the law of contract, tort (including negligence), the principles of restitution or unjust enrichment or otherwise for any loss, expense, damage or other liability which may arise from or be incurred or suffered as a result of or anything contained in (or omitted from) the information provided in this EOI.
9. SMRC makes no representation or warranty as to the significance, adequacy, accuracy, currency, reliability or completeness of any information provided in this EOI.
10. SMRC will not be liable under any circumstances to pay or reimburse any costs or expenses incurred by any Respondent in preparing and submitting a response or in negotiating with SMRC in relation to their response.

4.1.2 Use and Ownership of Responses

Ownership of Responses

1. All responses and any accompanying documentation submitted in response to this EOI, and all intellectual property in those materials, become the property of SMRC. If a response includes or incorporates pre-existing material in which the Respondent or a third party owns the intellectual property, the Respondent grants a licence to SMRC to use such intellectual property.

Ownership of Information

1. All information, reports or data provided to Respondents by SMRC is owned by SMRC. Respondents shall not, without written approval of SMRC, use the information other than in the development of their EOI response.

Use of Responses

1. In submitting a response to this EOI, each Respondent acknowledges and agrees that SMRC may use the response for the following purposes:
 - To assess all responses that are received by SMRC, in accordance with this EOI;

- To prepare an invitation for selected Respondents to make a proposal in relation to the matters outlined in this EOI, including on the basis of more detailed specifications or criteria, and/or;
- To seek further information or clarification from a Respondent as to any particular matter addressed in the Respondent's response.

4.1.3 Disclosure

1. SMRC reserves the right to publish or disclose the names of successful and/or unsuccessful Respondents and to publish or disclose the terms of any contract entered into, subject to any information SMRC agrees to keep confidential.
2. Each Respondent by submission of their response is deemed to have licensed SMRC to reproduce the whole, or any portion, of their response for the purposes of enabling SMRC to review the response, and determining SMRC's final requirements for any future procurement process.

Responses will be treated as confidential by SMRC. SMRC will not disclose response contents and information, except:

- As required by law
- For the purpose of investigations by the Australian Competition and Consumer Commission or other government authorities having relevant jurisdiction
- To external consultants and advisors of SMRC engaged to assist with the project
- To other government departments or agencies in connection with the subject matter of the responses
- General information from Respondents required to be disclosed by government policy.