

SOUTH MELBOURNE MARKET

Expression of Interest (EOI)

Larder Stall Licensing Opportunity

1. Stall 2-3 South Melbourne Market.

Key Information

Subject stall	1. Stall 2-3
Proposed Licence and business types sought	1. South Melbourne Market. 1.1. Licence period: Up to 3 years 1.2. Larder Offer
Closing date	11 March 2018
Lodgement	South Melbourne Market Office 322-326 Coventry Street, South Melbourne, Victoria, 3205 or email: Ceyda.sami@portphillip.vic.gov.au
Enquiries	Ceyda Sami, Licensing Officer, SMM E: Ceyda.sami@portphillip.vic.gov.au

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1. Definitions

In this Expression of Interest, the following terms have the meanings indicated, unless inconsistent with the context:

Expression of Interest or **EOI** is this document, which invites submissions of Registrations for the licence of various stalls, available at the South Melbourne Market.

Council means Port Phillip City Council

SMM means South Melbourne Market

SMMC means South Melbourne Market Committee

Stall means the various stalls subject to this EOI.

Registration is a response to and in accordance with this EOI registering an interest to license the stall.

Respondent is a company, business, organisation or individual that submits a registration of an Expression of Interest.

2. Purpose

SMM is seeking submissions to license Stall 2-3 in the Deli Aisle for a Larder business. Businesses must source local produce.

The SMM's specific objectives with respect to this EOI are as follows:

- To obtain the best commercial outcome for the SMM, whilst aligning with the SMM Mix Policy (commercial-in-confidence). The SMM values diversity, demographic relevance, local content, uniqueness and independence.
- To ensure that a quality range of affordable, sustainable and ethical products are available to the public.
- Sale by negotiation with Stallholder.

3. Proposed Licence

General terms and conditions of the proposed licence will include the following;

- Those terms and conditions prescribed in the SMM Licence, including any special conditions sought by the Market.
- A requirement for the licensee to provide goods and/or services at affordable prices.

Following the completion of the EOI process, SMM Management will make a recommendation to the SMMC for review, and ultimate approval. If the SMMC decide the registrations do not meet the Market's requirements then a public EOI may be conducted.

4. Background

Stall details:

4.1. Stall 2-3

Item	Details
Stall Address	Stall 2-3 Deli Aisle, South Melbourne Market
Land Status	Crown Land. Council is the appointed Committee of Management under the provisions of the Crown Land (Reserves) Act 1978 and by further delegation to the SMMC, as a Special Committee of Council, pursuant to s.86 of the Local Government Act 1989.
Availability	May 2018
Available Licence Term	Up to 3 years
Permitted Uses	<ul style="list-style-type: none">• Larder• Butter, Flour, Egg, Milk, Sugar, Australian Spices and Baking / cooking products• Locally sourced produce
Estimated Outgoings	The Licensee will be required to pay any metered charges for utilities such as gas, water and electricity where applicable. The licensee will also be required to pay annual public liability and monthly pest control.
Fixtures and Fittings	Nil
Proposed Form of Agreement	SMM Licence

5. Expression of Interest

5.1. EOI

This EOI will;

- describe the conditions under which the EOI will be run;
- advise respondents of the information required for their response to be considered; and
- enable an assessment of registrations.

5.2. Lodgement of Registration

The registration must contain the documents, information and details required by the EOI or sufficient of them in substance to enable the SMMC (in its sole discretion) to evaluate the registration in accordance with the expressed requirements. The SMMC may consider a registration that does not meet these requirements as being non-compliant and reject the registration.

The respondent shall submit an original and two copies of the Registration, which includes schedules and response forms completely filled in and signed, together with any other documents necessary to make the Registration complete. Registrations shall be enclosed in an envelope prominently marked – “Larder stall EOI 2018” to be lodged at

South Melbourne Market
322-326 Coventry Street,
South Melbourne, Victoria, 3205

Alternatively, registrations may be received by email at: ceyda.sami@portphillip.vic.gov.au

Registrations must be lodged on or before:

- **11 March 2018**

SMM has no obligation to consider any registration lodged after the closing time stated above. Such Registrations may be declared invalid and returned to the respondent.

5.3. Enquiries

All enquiries in relation to this EOI and Registration should be made to:

Ceyda Sami
Licensing Officer
South Melbourne Market
City of Port Phillip
E: Ceyda.sami@portphillip.vic.gov.au

5.4. EOI Rules

The EOI is, and shall remain, the property of SMM. It may only be used for the purpose of preparing a registration.

Respondents agree that:

- they will have no claim against SMMC, SMM, Council or any officer, employee or adviser of SMMC, SMM, Council or any of them with respect to the exercise of, or failure to exercise, any right under this EOI.
- all registrations and any accompanying documents become the property of SMMC and/or SMM.
- SMMC and/or SMM may use, retain and copy the information contained in the registrations for the purposes of evaluation of registrations, short listing of respondents, the development of any resultant Licence, any review and further development of the process, or in any response to a claim raised by a respondent about or concerning the EOI process.
- all documents provided by the respondent will be held in confidence so far as the law permits.
- they will keep confidential any information received from or about SMM and/or Council that is classified as "Commercial-in-Confidence" as a result of or in connection with its response to the EOI.

- they will not make any false or misleading claims or statements in relation to their registration.
- they will provide, at their cost, all reasonable assistance to SMMC and/or SMM in the conduct of any security, probity and/or financial investigation SMMC and/or SMM conducts.
- they will submit the consents required by SMMC and /or SMM for the purpose of undertaking security, probity and/or financial investigations.
- a director or authorised officer will make and include with its registration a declaration in the form set out in Schedule 2.

Respondents and their officers, employees, agents and advisers must not:

- engage in any collusive tendering, anti-competitive conduct or any other similar conduct that contravenes any laws, with any other respondent or any other person in relation to the preparation or lodgement of their registration.
- communicate with, nor solicit information related to this EOI process from employees of SMM, Council, ex-employees of SMM, Council and/or contractors or ex-contractors of the SMM, and/or Council or with the utilisation of information unlawfully obtained from the SMM and/or Council.
- breach any applicable laws or SMM and/or Council policies regarding inducements in connection with the preparation of their registration.

5.5. South Melbourne Market Rights

SMM reserves the right to:

- reject any registration or to exclude any respondent from the process after evaluation of the registration.
- amend this EOI upon giving respondents written notice of an amendment.
- vary or extend any time or date in this EOI for all or any respondent or other persons, at any time and for such period as SMMC in its absolute discretion considers appropriate.
- suspend or vary the EOI process or any part of it.
- terminate further participation in the EOI process by any respondent for any reason, regardless of whether the EOI submitted conforms with the requirements of the EOI.
- call for a new EOI.
- add to, alter, delete or exclude any required services to be provided or terms and conditions of the proposed Licence.

- publish the names of respondent(s) (whether successful or unsuccessful).
- allow or not allow a related body corporate to take over a registration in substitution for the original respondent.
- perform such security, probity and/or financial investigations and procedures as SMMC, at its absolute discretion, may determine are necessary in relation to each respondent, its partners, associates, subcontractors or related entities including consortium members and their officers or employees.

5.6. Evaluation Criteria

Respondents are to provide the information and documents specified in the Schedules. If a registration does not include all of the information and documents required by the EOI as specified, it may be deemed non-compliant with the EOI and may be rejected.

EOI's will be assessed against the following criteria:

- Ability to pay the licence fees as prescribed.
- The SMM places a high value on products and services that are: locally sourced or designed, unique, offer best practice, provide value for money and represent excellence. Proposed products and/or services should inherently embody these principles.
- The managerial, technical and financial capacity of the respondent to fulfil all contractual obligations proposed.
- Capital investment; encompassing proposed fit out, staffing levels, advertising, marketing and social media.
- Prior experience owning and /or operating a related business.
- The most successful market stalls are those staffed by their owners. Respondents proposing to staff their stall or have managers with equity in the business will be given preference over those who do not plan to work at the stall.
- Sale by negotiation with Stallholder.

6. Information to be provided

The information provided by the respondent in response to these EOI data requests will form the basis of the EOI evaluation. It is the respondent's responsibility to provide sufficient information in the EOI by the closing date to demonstrate to the SMMC that they have the financial, organisational and technical capability, viability and stability to meet the requirements detailed.

Schedule 1 – Details of the Respondent

1. Personal details:

Contact name	
Trading or Business name	

If a company, registered office and principle place of business	
ACN	
ABN	
Telephone number	
Email address	
Postal address	
Is the respondent an individual, partnership, company limited by shares or other form of body corporate?	
If a partnership, provide names and addresses of all partners:	
How many years has the respondent been in business?	
Describe how licensing the stall (s) will complement your current and future business operations.	

2. Provide two referees who can verify your business ability or commercial leasing and/or licensing track record.

Referee Name	Contact Details	Context

3. List banks or other financial institutions from which references may be obtained.

Name of Bank / Financial Institution	Contact Person and details

4. A brief business plan, vision statement. Your new ideas for a revitalised or re-imagined business and stall is our main interest, accordingly, please include any other supporting material that will convey your concepts.
5. Stall design. As floor plan, an elevation and materials board will be required (as a minimum).

Schedule 2 – Financial Offer

The party/parties (delete whichever is not applicable) specified below hereby submit to license the Stall on the following basis:

Licence Period	
Up to 3 years	

Stall number and fees	Licence Fees P.A. to 30 June 2018 inc GST	
Licence fee (per annum inclusive of GST)	Stall 2-3: 33.1m ² Approx	\$48,933.72 inc GST

Description of goods to be sold

Name and address of respondent:

DATED / / 2018

Authorised Representative:

I, (Insert Authorised Representative's name), the authorised representative (of the company identified above if applicable), hereby register an interest in submitting an EOI for the proposed licence of stall 2-3 SMM from the Port Phillip City Council (Council) and declare that the information contained herein is true and correct.

I have read, understood and agree to the conditions of registration and the associated material contained in this Expression of Interest.

I understand that the Expression of Interest is not an offer on the part of the Council nor does it create any obligation on the part of Council, the South Melbourne Market or the South Melbourne Market Committee, to enter in to a commercial or other relationship with any respondent.

Officers of, and advisers to, Council are authorised to seek information from any of the institutions or persons and any other persons deemed necessary to evaluate the respondent's financial status and ability to provide the Services.

Signed Date

Attachment 1 – Plans

