

RESPONSE SCHEDULES

Operating the Flinders Discovery Centre Kiosk

CONTRACT NO.: 103.2022.13

|  |
| --- |
| ***Notice to Tenderer: Collection, Use and Disclosure of Information**** 1. ***Information Privacy***
		1. *The Principal collects personal information and non-personal information in the Tender 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)(****LGR****). The information in the Tenderer’s Tender 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 Tender may also be disclosed in accordance with the Procurement Process Conditions and as required by law, including the 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***
		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. *The Principal may also be required to make documentation and information contained in, or provided by the Tenderer in connection with, a Tender (including documentation and information identified by the Tenderer as confidential) publicly available where that documentation or information is:*
			1. *discussed in a local government meeting (as that term is defined in the LGA (****Local Government Meeting****));*
			2. *included in a report or other document that:*
				1. *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;*
				2. *is directly relevant to a matter considered or voted on at a Local Government Meeting; or*
				3. *is presented at a Local Government Meeting for the consideration or information of the local government or committee; or*
			3. *otherwise required to be disclosed pursuant to a provision of the LGA or the LGR.*
	3. **Disclosure under Right to Information Act**
		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 Tenderer in connection with a Tender is potentially subject to disclosure to third parties, including documentation and information identified by the Tenderer as confidential. Any application for disclosure will be assessed in accordance with the terms of the RTI Act.*
		2. *Notwithstanding any other provision of the Tender Documents or a Tender, if a Tender is accepted, the Principal may publish on a Queensland Government website or by any other means, contract information including:*
			1. *the name and address of the Principal and the successful Tenderer;*
			2. *a description of the goods and/or services to be provided or works to be carried out pursuant to the contract;*
			3. *the date of award of the contract (including the relevant stages if the contract involves more than one stage);*
			4. *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 Tenders);*
			5. *the procurement method used; and*
			6. *for contracts with a value over $10 million, the contract, or summary information in respect of the contract, between the Principal and the Tenderer.*
 |

# Tender Overview and Checklist

The Tenderer is to attach this checklist and all of the documents and information stated in the table below, to its Tender. A Tender which does not include this checklist and all of the information below may be treated as a Non-Conforming Tender. Terms which are capitalised but not defined in these Response Schedules have the meaning assigned to them in the written request for tender documents which were issued or made available to the Tenderer with these Response Schedules.

| **Item** | **Included – Yes ü** | **Included – No X** |
| --- | --- | --- |
| **Tender Form** | [ ]  | [ ]  |
| **Schedule A – Tenderer Details, Conflict of Interest and Legal Matters** | [ ]  | [ ]  |
| Schedule A1 – Tenderer Details | [ ]  | [ ]  |
| Schedule A2 – Tenderer’s Representative | [ ]  | [ ]  |
| Schedule A3 – Conflict of Interest | [ ]  | [ ]  |
| Schedule A4 – Legal Matters | [ ]  | [ ]  |
| **Schedule B – Financial Details and Solvency** | [ ]  | [ ]  |
| Schedule B1 – Financial Details of Tenderer | [ ]  | [ ]  |
| Schedule B2 – Solvency of Tenderer | [ ]  | [ ]  |
| **Schedule C – Insurances** | [ ]  | [ ]  |
| **Schedule D– Rent** | [ ]  | [ ]  |
| **Schedule E – Business Proposal** | [ ]  | [ ]  |
| **Schedule F – Key Personnel** | [ ]  | [ ]  |
| **Schedule G – Management Systems** | [ ]  | [ ]  |
| Schedule G1 – Work Health and Safety | [ ]  | [ ]  |
| **Schedule H – Local Employment Generation** | [ ]  | [ ]  |
| **Schedule I – Statement of Departures** | [ ]  | [ ]  |

#

# Tender Form

Tender: Operating the Flinders Discovery Centre Kiosk

[TENDERER TO INSERT CORRECT LEGAL ENTITY OF TENDERER]:

1. lodges a Tender to perform the Works in accordance with the Tender Documents, incorporating:

(a) the Request for Tender; and

(b) the following Addenda:

|  |
| --- |
| [TENDERER TO INSERT ADDENDUM NO. AND NAME] |
| [TENDERER TO INSERT ADDENDUM NO. AND NAME] |
| [TENDERER TO INSERT ADDENDUM NO. AND NAME] |

for the sum of:

price in figures (excluding GST): $[TENDERER TO COMPLETE]

GST in figures: $[TENDERER TO COMPLETE]

price in figures (including GST): $[TENDERER TO COMPLETE]

('the Price' is defined as the proposed price (rent) the Tenderer intends to pay for operations of the kiosk on the Flinders Discovery Centre premises);

2. agrees that it will commence operations within [TENDERER TO INSERT NUMBER OF CALENDAR DAYS OR WEEKS] of the date of acceptance of Tender;

3. acknowledges that it has read and understood the Tender 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 Tender Documents or any part of them; and

4. acknowledges that this Tender remains valid and open for acceptance until the end of the Tender Validity Period.

Signed for and on behalf of the Tenderer by:

|  |  |
| --- | --- |
| Name: | [TENDERER TO INSERT NAME OF SIGNATORY] |
| Position: | [TENDERER TO INSERT POSITION OF SIGNATORY]  |
| Signature: | [TENDERER TO SIGN]  |
| Date: | [TENDERER TO INSERT DATE]  |

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

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

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

## Schedule A1 – Tenderer Details

|  |  |
| --- | --- |
| Name of Tenderer: |       |
| Head Office Address: |       |
| Local Branch Office Address:  |       |
| ABN or ACN: |       |
| Trading As: |       |
| QBCC Contractor’s Licence No: |       |
| QBCC Licence Category: |       |
| Telephone Number: |       |
| Name of Directors: |       |
| Name of Manager: |       |
| Name of Secretary: |       |
| Name of Parent Company: |       |
| Names of Subsidiary and Associated Companies:  |       |
| Is the Tenderer acting as a trustee of a Trust?  |       |
| Name and Details of Tenderer’s Trust**\*** |       |
| Trust Name:  |       |
| Names and addresses of all of beneficiaries:  |       |
| ***\* Note:*** *The Tenderer is to include a copy of the trust deed, tick if attached:* Yes [ ]  No [ ]  |

## Schedule A2 – Tenderer’s Representative

Please identify the person who will be the Tenderer’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 Tenderer’s obligations under the Contract exist if the Tenderer is awarded the contract, 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 Tenderer or any significant legal disputes involving the Tenderer 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 Tenderer

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

If tenderer has not operated their own business, please supply evidence of how the venture will be financially supported.

| Item | Last financial years ending 30 June 2022 |
| --- | --- |
| **2021/2022** |
| 1. Turnover (revenue) including contract receipts |       |
| 2. Direct expenses |       |
| 3. Gross profit |       |
| 4. Operating expenses |       |
| 5. Net profit |       |
| 6. Current Assets - Cash - Trade debtors - Inventory - Other |       |
| 7. Current liabilities - Trade creditors - Provisions: i. Employee entitlements ii. Income tax - Other  |       |
| 8. Working capital (Item 6 minus Item 7) |       |
| 9. Non-current assets - Loans - Investments - Property, plant and equipment |       |
| 10. Non-current liabilities - Loans - Creditors - Provisions - Other |       |
| 11. Net assets (Item 8 plus Item 9 minus Item 10) |       |
| 12. Shareholders/proprietors funds - Share capital - Reserves - Accumulated profits/losses |       |
| **(Total of Item 11 should equal total of Item 12)** |  |

##

## Schedule B2 – Solvency of Tenderer

|  |  |
| --- | --- |
| **Item** | **Tick Yes or No** |
| 1. Is the Tenderer currently, or has the Tenderer at any time in the last 5 years been, unable to pay its debts as and when they become due and payable?
 | Yes [ ]  No [ ]  |
| 1. Is a liquidator or provisional liquidator currently appointed in respect of the Tenderer or has one been appointed in respect of the Tenderer in the last 5 years?
 | Yes [ ]  No [ ]  |
| 1. 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 Tenderer or any asset of the Tenderer?
 | Yes [ ]  No [ ]  |
| 1. 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:
* appointing a person referred to in paragraphs 2 or 3;
* winding up or de-registering a party; or
* proposing or implementing a scheme of arrangement.
 | Yes [ ]  No [ ]  |
| 1. 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:
* a moratorium of debts of any party;
* any other assignment, composition or arrangement (formal or informal) with a party’s creditors; or
* 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,
* or any agreement or other arrangement of the type referred to in this paragraph 5 been ordered, declared or agreed.
 | Yes [ ]  No [ ]  |

# Schedule C – Insurances

The Contract describes the insurance requirements for the project. The Tenderer is to provide details of its insurances and attach certificates of insurance for the following:

**WORKERS COMPENSATION**

Policy Number:

Expiry Date:

**PUBLIC 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 required under the Contract)**

Insurance Company:

Policy Number:

Expiry Date:

Indemnified amount for any one occurrence:

Any Limit of Indemnity:

**CONTRACT WORKS INSURANCE**

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:

# Schedule D – Rent

Rental offer of Operating the Flinders Discovery Centre Kiosk / Café on a per annum basis.

[Click once and start typing]

# Schedule E – Business Proposal

The Tenderer is to provide the following information:

Provide details of the following:

(a) Flinders Discovery Centre Kiosk business proposal outlining dining / menu offer;

[Click once and start typing]

(b) Target customer market and identified need for the business;

[Click once and start typing]

(c) How the proposed business serves customer needs;

[Click once and start typing]

(d) minimum term of the operation of the Kiosk/Cafe;

[Click once and start typing]

(e) proposed business model demonstrating cash flow and financial sustainability;

[Click once and start typing]

(f) work procedures and staffing levels; and

[Click once and start typing]

(g) compliance with a formal instrument of agreement for the operation of a Kiosk/Café in the facility.

[Click once and start typing]

# Schedule F – Key Personnel

## Schedule F1 – Key Personnel

The Tenderer is to provide the following in relation to its key personnel for the operation of the Flinders Discovery Centre Kiosk / Café:

(a) Details of key personnel and their roles/functions, experience and capability in the performance of similar scope. List demonstrated experience and ability to respond to problems and performance issues. This is required for the following key personnel:

□ Tenderer’s Representative; and

[Click once and start typing]

□ The operator of the Flinders Discovery Centre Kiosk / Café (if not the Tenderer’s Representative).

[Click once and start typing]

(b) Curriculum Vitae (one page CVs) of key personnel including listing previous experience in performing similar scope, role undertaken, qualifications/certifications held, and memberships of any professional or business associations;

[Click once and start typing]

(c) Details of organisational structure for the Scope to be undertaken;

[Click once and start typing]

(d) Details of alternative staff and their experience and capability in the performance of the Scope should any of the proposed key personnel not be available to undertake the Scope;

[Click once and start typing]

(e) Details of plant, equipment and materials to deliver the Scope. List contingency measures /back up of resources for plant, equipment and materials; and

[Click once and start typing]

(f) Details of a minimum of two (2) referees that will be available to be interviewed in relation to the capacity and capabilities of the operator of the business.

[Click once and start typing]

# Schedule G – Management Systems

# Schedule G1 – Work Health and Safety

The Tenderer must verify the responses noted in this Schedule by providing with its Tender copies of relevant policies, procedures, certificates etc. that provides evidence of their ability and capacity to effectively manage their WHS responsibilities for the contract.

| **Item** | **Tick Yes or No** |
| --- | --- |
| 1. Does your business or organisation have third party certification for work health and safety, e.g. to AS/NZS 4801 or other? | Yes [ ]  No [ ]  |
| If Yes, by whom:      Certificate Number:      *(Attach a copy of your Accreditation Certificate)*  |
| 2. Does your business or organisation have a random drug and alcohol Policy?*(Attach a copy of your Policy)* | Yes [ ]  No [ ]  |
| **IF TENDERER HAS ANSWERED 'YES' TO QUESTIONS 1 AND 2, TENDERER IS NOT REQUIRED TO COMPLETE QUESTIONS 3 TO 9.** |
| 3. Does the Tenderer have an internal work health and safety management system or plan (**not** third party certified)?*(If yes, attach evidence such as a copy of the manual)* | Yes [ ]  No [ ]  |
| 4. Does your business or organisation have documented safe work methods statements (SWMS) and other procedures for all identified high-risk work? | Yes [ ]  No [ ]  |
| 5. Does your business or organisation have appropriate systems and/or documented procedures for reporting of incidents and hazards? | Yes [ ]  No [ ]  |
| 6. Is there a person appointed to look after health and safety in the workplace? | Yes [ ]  No [ ]  |
| If Yes, state person’s name and position: Name:      Position:       |
| 7. Are all employees aware of their obligations for personal protective equipment (PPE)? | Yes [ ]  No [ ]  |
| 8. Does your business or organisation have current and appropriate qualifications, licences to undertake each task? | Yes [ ]  No [ ]  |
| 9. Does your business or organisation undertake appropriate on site induction and training relevant to each task? | Yes [ ]  No [ ]  |
| 7. Are all employees aware of their obligations for personal protective equipment (PPE)? | Yes [ ]  No [ ]  |
| 8. Does your business or organisation have current and appropriate qualifications, licences to undertake each task? | Yes [ ]  No [ ]  |
| 9. Does your business or organisation undertake appropriate on site induction and training relevant to each task? | Yes [ ]  No [ ]  |

| **Workplace Health and Safety Record**  | **Tick Yes or No** |
| --- | --- |
| 1. Has your business or organisation been issued any improvement, infringement or prohibition notices by any workplace health and safety regulator in the past two years? | Yes [ ]  No [ ]  |
| 2. Has your business or organisation been prosecuted by any workplace health and safety regulator in the past 5 years.  | Yes [ ]  No [ ]  |
| 3. Have any of the directors of your business or organisation or the Key Personnel listed in Schedule I1 been prosecuted by any workplace health and safety regulator in the past 5 years. | Yes [ ]  No [ ]  |
| 4. Is your business or organisation currently the subject of an investigation by any workplace health and safety regulator as a result of the occurance of a notifiable incident or has your business or organisation been investigated by any workplace health and safety regulator in the past 5 years? | Yes [ ]  No [ ]  |
| 5. Are any of the directors of your business or organisation or the Key Personnel listed in Schedule I1 currently the subject of an investigation by any workplace health and safety regulator as a result of the occurance of a notifiable incident or have any of them been investigated by any workplace health and safety regulator in the past 5 years? | Yes [ ]  No [ ]  |
| 6. In the last five years, have any fatalities occurred on a site where your business or organisation was the head contractor? | Yes [ ]  No [ ]  |

# Schedule H – Local Employment Generation

The Tenderer is to provide with its Tender a statement of its proposed arrangements or methods to ensure Local Employment Generation and benefits to the Local Economy.

[Click once and start typing]

# Schedule I – Statement of Departures

The Tenderer shall give details of any proposed amendments, qualifications or departures to:

* The Scope; and/or
* The terms of any formal agreement (as the case may be) included or referenced in the Tender Documents including:

1. the amendment, qualification or departure proposed;

2. the reason for proposing the change; and

3. the effect on the Tenderer's rates, prices or sums if the amendment, qualification or departure is accepted.

The Tenderer's Tender is subject to the following amendments, qualifications or departures:

| **Part, Clause or Item** | **Amendments, Qualifications or Departure** | **Reduction or increase in rates prices or sums ($AUD) if amendment, qualification or departure is accepted.\*** |
| --- | --- | --- |
|       |       | [IDENTIFY RATE, SUM OR PRICE] | [INSERT 'REDUCTION', 'INCREASE' OR 'NO CHANGE'] | $      |
|       |       | [IDENTIFY RATE, SUM OR PRICE] | [INSERT 'REDUCTION', 'INCREASE' OR 'NO CHANGE'] | $      |
|       |       | [IDENTIFY RATE, SUM OR PRICE] | [INSERT 'REDUCTION', 'INCREASE' OR 'NO CHANGE'] | $      |
|       |       | [IDENTIFY RATE, SUM OR PRICE] | [INSERT 'REDUCTION', 'INCREASE' OR 'NO CHANGE'] | $      |
|       |       | [IDENTIFY RATE, SUM OR PRICE] | [INSERT 'REDUCTION', 'INCREASE' OR 'NO CHANGE'] | $      |

***Note:*** *If nothing stated, the Tenderer warrants that the amendment, qualification or departure will have no effect on the Price.*

***\*\* Note:*** *delete whichever is not applicable*